



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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# DÁIL ÉIREANN

*Dé Máirt, 26 Eanáir 2016*

*Tuesday, 26 January 2016*

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

*Paidir.*

*Prayer.*

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## Ceisteanna - Questions

### Priority Questions

#### Army Barracks Closures

48. **Deputy Seán Ó Fearghaíl** asked the Minister for Defence the status of the disposal of lands at Magee Barracks in County Kildare; and if he will make a statement on the matter. [3005/16]

**Deputy Seán Ó Fearghaíl:** I begin by welcoming a group of students from Enniskillen in the Visitors Gallery, the only group of second level students in the Six Counties who are studying the Irish political system. I am sure all Members join me in welcoming them to the House.

My question relates to Magee Barracks in Kildare, a matter we have discussed on a number of occasions in the past. This is probably the last occasion on which we will have an opportunity to engage on matters relating to the Minister's brief, but the "For Sale" signs have gone up so I seek an update from the Minister.

**Minister for Defence (Deputy Simon Coveney):** I also welcome our guests from Enniskillen. We are delighted to have them here. Hopefully, they will be part of the Irish political system in the not too distant future, and certainly in their lifetimes.

I am aware of the Deputy's interest in this issue. Given the times we are living in, I understand why he is seeking an update, so I will outline my understanding of what is happening. Arrangements have been made to dispose of the remaining approximately 50 acres of the Magee Barracks site by public auction on 11 February this year. An auctioneer has been appointed to manage this disposal on behalf of the Department. Given the strategic location of the barracks

site, the sale and development of the site is very important to the long-term development and prosperity of Kildare town. Part of the original site has already been redeveloped to provide a new school for the community and I understand that local development plans for the site have made provision for a wide-ranging use of the site, including substantial community amenities, thereby ensuring that the local community will benefit directly from the sale. Deputy Martin Heydon and I met a number of people in the town who were concerned about the future of the site. We had a long discussion about its disposal. I understand that there was an idea that we would give a segment of the land for community use, but there was no real plan or understanding as to who would manage that and pay for it and as to why one would separate out ten acres and then sell the rest. The best use of the site involves ensuring it is sold as an entire lot in the context of a local development plan as agreed by the local authority in order that we get a co-ordinated and balanced development in the heart of Kildare town which adds to it. Given the dereliction of the site in recent years, it is now time to move on to ensure there is a positive new chapter for Kildare in terms of the use of these 50 acres. I am glad we are able to help to move that process forward.

**Deputy Seán Ó Fearghail:** I agree with the Minister that it is certainly time to move on. We want to see the site developed to the benefit of the local community. That needs to be emphasised. While I am enthusiastic about the development of the site, I have one simple question to put to the Minister. Will he honour the commitment that was given by successive predecessors of his since 1998 that ten acres or the value thereof would be given to the local community? That was a written commitment made at the time of closure by the then Minister, Michael Smith. It was supported by successive Ministers until the Minister's immediate predecessor, Deputy Alan Shatter, took over. During the term of this Government, the Department of Defence has refused to concede the commitment that was made in writing to the community of ten acres or the value thereof. I ask the Minister one last time to please honour the commitment the State made to the community in Kildare.

**Deputy Simon Coveney:** With respect, the Deputy is rewriting history. We went way beyond the offer of ten acres. We offered the entire site to Kildare County Council free of charge to do with it whatever it wished for the community as well as a housing project. I would ask the Deputy who is looking for ten acres in terms of taking ownership, paying for the running of it and ensuring the development of a proper amenity area or parkland or whatever the community may want. Surely the sensible approach is to ensure any developer who wants to develop the site pays for that. That is the whole point of having a local area plan. Where one has a local area plan for the 50 acre site, setting aside ten acres and having a different management and financing structure for them will lead to a very unco-ordinated development of the site. I have thought about this. We are not looking to make a lot of money. We are looking to ensure this is developed in a way that is consistent with what the community wants, which is determined by the local area plan of Kildare County Council. Nobody has come to me in recent times looking for anything different, apart from a political ask of "Give us ten acres", or offering a context for or proposal around the request.

**Deputy Seán Ó Fearghail:** The reality is that this was never an ask. It was an offer made by the Department of Defence and included in all the documentation that existed around the development of the site until the Minister's Government took over. It was an offer. If we are talking about being disingenuous, it is disingenuous to say the site was offered in its entirety to the local authority. It was only offered in its entirety provided that the local authority could undertake a social housing development on the site, which was not the appropriate development

for the entirety of the site. Nor was it something that the local authority had the money to do. It is patently ridiculous to suggest that the purchaser of the site should give ten acres to the community as well as meet all the other requirements that would be placed on the developer under the local area plan, when it was the Department of Defence, on behalf of the State, that made the offer in the first instance.

**Deputy Simon Coveney:** It is necessary to read the facts into the record again. On 1 July 2003, the then Government decided that the former Magee Barracks in Kildare town would be among the State lands released to Kildare County Council for inclusion in the Sustaining Progress affordable housing initiative. On foot of this Government decision, Kildare County Council prepared a local area plan for the site that encompassed a range of uses, including community use. Following discussions between the Department, the council and the then Department of the Environment, Heritage and Local Government, and in accordance with the terms of the housing initiative, it was agreed that the entire site would be transferred to the council. A final contract for transfer was issued to Kildare County Council in January 2009. However, the council advised the Department that it no longer wished to take possession of the property. In September 2011, the Department, in response to a request from the council seeking submissions for the proposed local area plan for Kildare town, advised the council of the intention to sell the site. The Department sought to hand over the entire site lock, stock and barrel.

**Deputy Seán Ó Feargháil:** Subject to conditions with which the council could not comply.

**An Leas-Cheann Comhairle:** Please. We are out of time.

**Deputy Simon Coveney:** The council decided, for understandable reasons, that it could not afford to take on that project.

**Deputy Seán Ó Feargháil:** Yes.

**Deputy Simon Coveney:** Kildare County Council has agreed a local area plan for the site. We will put it out to tender and invite developers to develop the plan for the 50 acres.

**An Leas-Cheann Comhairle:** Thank you, Minister.

**Deputy Simon Coveney:** No one has come to me looking for ten acres.

**An Leas-Cheann Comhairle:** I must move on to the next question, because we have spent a long time on this matter. I join in the welcome to our visitors in the Visitors Gallery. I hope they enjoy the proceedings.

**Deputy Seán Crowe:** I would like to do the same. Fáilte.

### **Naval Service Operations**

49. **Deputy Seán Crowe** asked the Minister for Defence if he will send a naval vessel to the Mediterranean to replace the LE Samuel Beckett, which returned home on 17 December 2015. [2950/16]

**Deputy Seán Crowe:** Three Naval Service ships - *LE Eithne*, *LE Niamh* and *LE Samuel Beckett* - rescued 8,631 refugees from the Mediterranean last year. They have been rightly praised by all sides of the House. I reiterate our gratitude to those brave men and women.

While fewer people may be trying to cross the Mediterranean at this time of year, the sea is more dangerous and naval ships are needed on patrol. A total of 113 refugees have drowned in the Mediterranean since 1 January. Is Ireland going to send another ship to the Mediterranean and, if so, when?

**Deputy Simon Coveney:** The answer is “Yes”. If I am the Minister for Defence in a few weeks’ time after the election, I intend to put it to the Government that we should send a vessel to the Mediterranean for another rotation. The vessels were on eight or nine-week rotations last year. To be honest, when we decided last May to send a ship, it raised many eyebrows. People wondered whether we had the capacity to do it. The Naval Service was given three weeks in which to prepare the *LE Eithne* to go to the Mediterranean. During the three rotations, the three ships did a phenomenal job and rescued more than 8,600 people, many of whom would not be alive today were it not for the Naval Service, supported by the Defence Forces as a whole.

As the Minister for Defence, I am proud of the professionalism and compassion of our Defence Forces, be they on peacekeeping missions in Lebanon, Golan or elsewhere. However, last year was a real test for the Naval Service in particular, which had never before been asked to perform a mission that was anything like as complex as this one. Not only did the service perform extraordinarily well, but there is a strong demand for it to return. I expect that we will do so. Obviously, there are knock-on consequences in terms of managing patrolling hours and so on in our own jurisdiction. I anticipate that, following the election, one of the first decisions of the new Government will be to send one of the Irish vessels back to the Mediterranean to pick up where they left off in December, working on a bilateral basis with Italy.

**Deputy Seán Crowe:** I welcome the Minister’s reply. There was some expectation that the number travelling across the sea would drop off. Certainly, there has been a drop but people are still in desperate circumstances trying to cross to what they believe to be the safety of Europe. Some European countries are bickering and fighting and some right-wing politicians are stoking up racism and sectarian hatred. One EU country is talking in terms of a public auction of refugees’ valuables seized by police, and there are moves by the European Union to seal its borders. One hundred and thirteen people have died in the Mediterranean since January. On Friday alone, 45 people, including 17 children, died after a boat sank near two Greek islands. We have a moral responsibility to go to the region.

We know that between 3,000 and 4,000 people are still arriving daily at Greek islands from Turkey. Has there been a request for assistance from the Greek Government or, in particular, the Italian Government, which we are working alongside in providing naval service support?

**Deputy Simon Coveney:** I spoke to my counterpart in Italy at the last Council of Ministers meeting, which was before Christmas - in December, I believe, although I stand to be corrected. I asked her very directly about this. We made a decision after the rotation of *LE Samuel Beckett* that we would take a break, assess the effectiveness of the mission and determine how we could improve. That was the prudent approach because it was the first time we had ever been involved in such a mission. We went way beyond what we believed we would have to do when we made the commitment in May. I said we should take a break and assess the complexity of what we had been doing so that if we went back, we could do better. The advice was that this was a good time to take a break because the numbers attempting to cross the Mediterranean are certainly lower now than in the spring or summer. That has proven to be the case although it has not stopped the tragedy in terms of the number of people drowning, although many of the drownings have taken place off Greek Islands as opposed to between Libya and Italy. The

direct answer to the Deputy's question is that I believe Italy would welcome an Irish vessel to work in partnership with it again. There was no direct request for that but there was certainly an indication that the Italian authorities would like to see that happen and would appreciate it. We intend to follow through on that, as I said.

**Deputy Seán Crowe:** The European Union needs to show solidarity with Greece and Italy. They are completely overwhelmed. The statistics I have suggest 35,000 people made the sea crossing from Turkey to Greece this month alone, which represents a 20-fold increase over this time last year. Ireland needs to show solidarity by supporting the rescue missions and relocating refugees fleeing the war zone. The idea of shutting down borders will not stop the problem.

We are looking for leadership. I welcome the fact that this is a priority for the Government, including the Minister. Members right across this House share the view that we need to have a naval presence in the region. It is a question of solidarity and saving lives. The reality of the mission was that it was saving lives. The absence of such a mission will mean more and more people will die.

**Deputy Simon Coveney:** It is important to put this into context. Various Deputies have raised these issues, and they are right to raise them. There are much bigger political decisions that need to be made in order to find medium and long-term solutions to mass migration from north Africa and the Middle East towards what migrants perceive to be the safety of the European Union. That is understandable considering where many of the refugees are coming from. Approximately 800,000 people, equivalent to almost the entire population of Munster, are waiting on the shores of the Mediterranean to cross from Libya into Europe. The figure is somewhat lower than last year but it is still substantial. The problem is not going away and Europe collectively needs to show more solidarity and place a greater focus on finding solutions to the mass movement of people. We simply cannot accommodate indefinitely all of those who are entering the European Union. We must show solidarity with countries at the coalface of the migration problem, as they are dealing with the trauma, misery and human rights consequences of what is taking place. In the meantime, rescue capacity is required. The Naval Service engaged effectively in rescue operations last year and I would like those operations to continue this year while we seek wider political solutions.

## **Overseas Missions**

50. **Deputy Clare Daly** asked the Minister for Defence if he will review the deployment of Irish troops to the Golan Heights, given that Israel has indicated that it intends to claim oil found in the Golan Heights as its own, in contravention of international law, and the ongoing failure of the United Nations Disengagement Observer Force mission to achieve the goals laid out in United Nations Security Council Resolution 242. [2951/16]

**Deputy Clare Daly:** I am disappointed to note that the Minister believes he will get his job back, because I had my eye on it. I also know Deputy Wallace is pretty hopeful of getting the justice portfolio - one never knows.

This is an important question, which asks the Minister to review the deployment of Defence Forces personnel to the Golan Heights. Given the failure of the United Nations Disengagement Observer Force, UNDOF, mission, which is more than 40 years old, and the virtual annexation of Syrian territory by the Israelis, it is not appropriate to deploy Irish peacekeeping personnel

on this mission, as they could do much better work in other areas.

**Deputy Simon Coveney:** It will not surprise the Deputy to hear that I do not agree with her view. I have been to occupied Golan twice to meet our troops, who have been involved in a highly complex and important mission in recent years. The United Nations Disengagement Observer Force, UNDOF, was a very stable mission until a few years ago. I take my lead from what the United Nations is seeking collectively in Golan, as opposed to what individuals may be seeking.

The UNDOF mission was established in 1974 by the United Nations Security Council following the agreed disengagement of Israeli and Syrian forces in the Golan Heights in May 1974. UNDOF was established to maintain the ceasefire between Israel and Syria, supervise the disengagement of Israeli and Syrian forces and supervise the areas of separation and limitation, as provided for in the May 1974 agreement on disengagement. Since 1974, the mandate of UNDOF has been renewed every six months, most recently in June 2015 when it was renewed until 30 June 2016 under United Nations Security Council Resolution 2257.

A contingent of the Permanent Defence Force, comprising 131 personnel, has been deployed to UNDOF on the Golan Heights since 2013, while eight other Defence Forces personnel are deployed in UNDOF headquarters, including the Deputy Force Commander, Brigadier General Anthony Hanlon, who is doing a very good job on the mission.

On the broader issue, UNDOF should not be used by anyone to make a political point. Its purpose is to keep two countries apart and it has been successful in achieving this objective. The mission faces serious challenges arising from the extremely complex civil war in Syria. The fighting can be observed from a number of the outposts manned by UNDOF personnel. The United Nations would be seriously concerned if the Irish contingent were to pull out of UNDOF because it is an effective and core part of the mission. Our troops are doing worthwhile work of which we should be proud. We should support them, as opposed to undermining what they are trying to do.

**Deputy Clare Daly:** If the two sides wanted to attack each other, the Irish troops in the middle would not put a stop to the fighting.

**Deputy Simon Coveney:** They play a supervisory role.

**Deputy Clare Daly:** As some good Israeli journalists have pointed out, the presence of United Nations forces in Golan is helping to perpetuate Israeli occupation of the area and has made the world accustomed to the diplomatic *status quo*. Not only have the Israelis annexed the Golan Heights, but they have also authorised multinational corporations, including some that are sponsored by Dick Cheney, to drill for oil. They have made it clear that their intention is to keep the proceeds of that. There have been multiple news reports in the Israeli press recently. They have taken the view that Israel is not returning the Golan Heights to Syria and that since the neighbouring war continues to rage, they can make that a reality for everyone else. Basically, they are using the crisis in Syria to further economic and illegal settlement interests there, while we are allowing it to happen.

**Deputy Simon Coveney:** In the most recent report on the United Nations Disengagement Observer Force, the UN Secretary General stated that the continued presence of UNDOF in the area remains essential. Moreover, Israel and the Syrian Arab Republic have stated their continued commitment to the disengagement of forces agreement and to the presence of UNDOF.

UNDOF is implementing its mandate and continues to engage with the parties on practical arrangements to allow the force to continue to maintain the ceasefire from the Israeli occupied side of the Golan Heights. In other words, our troops are there as a stabilising influence. I suspect Deputy Daly has been to the Middle East because she is interested in these things. She will be aware that this region is on fire at the moment.

**Deputy Clare Daly:** Exactly.

**Deputy Simon Coveney:** We are there to try to bring some calm and international observation to a region that has an extraordinarily difficult conflict to overcome. The idea that removing the UNDOF mission from the stabilising role it is playing in the Golan Heights does not make sense. The area is no longer a flashpoint between Israel and Syria, for the moment anyway. The idea that we would reduce or remove that stabilising factor for some political reason or to make a statement would be highly irresponsible and we are not going to do it.

**Deputy Clare Daly:** As the Minister has said, the region is on fire. The reality is that the role the troops are playing there is not one of a stabilising influence. In fact, as Ed Horgan put it in a good article in the press recently, they are being used as human shields to protect the Israeli illegal annexation of the Syrian Golan Heights. It is as simple as that.

There are other points around the world where they could play an active peacekeeping role. That is not the role they are playing in that region at the moment. The Minister has acknowledged the fact it is not an area of conflict between the two powers in that territory.

The Israelis have invested vast sums of money in illegal settlements in the area. I imagine the Minister is aware that last year Mr. Netanyahu tried to get the American Administration to think differently with regard to the annexation and to recognise that territory formally as Israel. Even the Americans could not do it at this stage. Anyway, that is the intention and that is what is going on there.

Our troops are there when they could be in Darfur, Congo or South Sudan, for example. Let us remember that this UNDOF mission has been in place for 40 years. We could hardly call it a success. Its intention was to get a withdrawal from that area and not to annexe territory, which is what is going on there now.

**Deputy Simon Coveney:** That was not it. Its intention was to ensure that hostilities did not begin again between Syria and Israel, and it has been successful.

**Deputy Clare Daly:** It was for a negotiated settlement.

**Deputy Simon Coveney:** This was about recognising and enforcing a disengagement agreement and treaty.

**Deputy Clare Daly:** It was also about a negotiated settlement.

**Deputy Simon Coveney:** No, it was about enforcing a disengagement agreement. It was a relatively stable mission until some years ago. The success of the mission has been to keep two warring parties apart, and it has worked. What has made it a far more complex mission in recent years has been the civil war in Syria.

I am sorry but Deputy Daly's accusations about human shields simply do not stand up given what happened the summer before last, when UN troops were kidnapped and shot at. The judg-

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ment or decision is whether we listen to the United Nations Secretary General, who is asking us to stay and continue to be a stabilising factor in the region, listen to the countries on either side, both of which want UNDOF to stay in place as a stabilising factor, or listen to Deputy Daly. I know where I will take my lead from.

**An Leas-Cheann Comhairle:** I ask Members please to watch the clock when they are asking questions.

### Departmental Projects

51. **Deputy Seán Ó Fearghaíl** asked the Minister for Defence the status of the development of a new institute for peace support and leadership training at the Curragh in County Kildare. [3006/16]

**Deputy Seán Ó Fearghaíl:** The proposal to establish an institute for peace support and leadership training at the Curragh campus is one of a number of very positive proposals included in the Minister's White Paper on Defence. This question seeks to give the Minister the opportunity to indicate to the House to what extent that proposal is being moved forward and the type of timescales that exist for the delivery of this important new piece of infrastructure.

**Deputy Simon Coveney:** I thank all Deputies for welcoming this initiative. I do not think there has been any criticism of the idea. The idea is essentially based on trying to build on Ireland's international reputation as a very effective peacekeeping nation that can offer and share training capacity to help in the broad efforts around making peacekeeping, peace enforcement and peace management more effective. It is not solely about a military response; it is also about diplomatic responses, education and understanding international humanitarian law and its consequences for conflict management, post-conflict management and so on.

It also involves things like gender-based violence, where Ireland can develop niche capacity internationally and help others to build capacity. Out of all of the recommendations in the White Paper, I am probably more excited about the establishment of a peace and leadership institute than anything else. We will spend a lot of money on the project, and have already committed about €10 million to it in the capital programme. I would like very significant donations, from various sources, for the project, something on which we are already making good progress.

I do not want to rush the project in order to try to launch something before an election or whatever. The Department has almost finalised a very detailed report on the next steps for the peace and leadership institute. We will set up an implementation working group, comprising some very experienced people that are balanced between national and international in their outlook. This will not be a western institution working on its own. It will, I hope, ensure that we have inputs from different parts of the world, whether Christian, Islamic, European, African or Middle Eastern, so that there is genuine input in terms of an international peace and leadership training institute in Ireland on neutral ground, if one wants to call it that.

So far, the engagement has involved universities at home and abroad. We have spoken to university presidents and leaders in terms of getting universities to be part of the overall project. It is progressing well. It will be very exciting for Kildare.

**Deputy Seán Ó Fearghaíl:** I share the enthusiasm of the Minister. That is why we included

a proposal such as this in our White Paper submission some years ago. We should perhaps acknowledge the role His Highness, the Aga Khan, has played in inspiring a number of people to support this type of initiative. When the Minister came to the Curragh last year to launch the consultation process on the development of the racecourse, I was struck by the fact that His Highness had been involved in that particular initiative as well.

The equine and military developments could complement each other. As we see those two positive developments move forward, it highlights the need to see some sort of management structure or management agency put in place to examine the needs of the Curragh plains in a holistic manner. The institute for peace is a wonderful initiative. I commend the Minister on what he is doing. I hope whoever is in his seat after the election moves forward with the project.

**Deputy Simon Coveney:** My intention is to make sure that this happens before I leave so it is in a process of delivery, as opposed to a decision having to be made about it after the election. Any future Minister can make any decisions he or she wants to.

The Deputy mentioned His Highness, the Aga Khan. I travelled to Paris recently to talk to him about this project. To say he was very interested would be an understatement. In terms of playing a supportive role, obviously this is a project for Ireland and the Irish Government to take forward, and he understands that. He was very supportive of the concept, found it intriguing and wanted to be supportive in any way he could be. He has many contacts, particularly in the Islamic and Muslim world and, from a university perspective, this could offer real insight into ensuring it is a genuinely international institute as opposed to just being Irish.

On the Curragh as a whole, as the Deputy knows, we are setting up a forum on the management of the Curragh plains. This area in Kildare will see some very exciting changes in the coming years. We will see a €60 million or €70 million redevelopment of the Curragh racecourse. We will see a significant peace and leadership institute, which will be a big landmark in the Curragh as well as being a very successful institute. We will see more co-ordination in the management of the Curragh plains.

**Deputy Seán Ó Fearghail:** In respect of the institute itself, when one considers from a training point of view that at any given time the UN deploys approximately 100,000 personnel throughout the world, it gives an indication of the demand that can exist for the type of training that can be provided in a centre of excellence such as that which we need to see developed in this location. I agree with the Minister that it is by ensuring the participation of international agencies and experts, and by ensuring that the qualifications that emerge from such a centre have widespread acceptance, recognition and certification from the appropriate third level institutions, that we can guarantee the success of the initiative. It would be very good for Ireland's reputation and would build on our success in international diplomacy and peacekeeping. It can be entirely good for the local and national economy.

**Deputy Simon Coveney:** The idea is that the Defence Forces would provide a platform, similar to a university campus, which would be safe and secure and would allow people to stay for relatively short-term courses, to be provided by universities from various parts of the world which have real expertise in various areas. Whether one is a diplomat, working for an NGO or an officer in a defence force somewhere, one could come to Ireland to the peace and leadership institute and get a certificate from a top university in some part of Africa, the US, Europe or the Middle East. What is important is to get the model right and have the right universities engaging early so that they are part of the design of the institute. This is not simply about training

soldiers for better peacekeeping, although that will be part of it; it is also about going far beyond the military to look at more effective approaches politically, and supporting peace processes to make them more effective.

### **Defence Forces Medicinal Products**

52. **Deputy Clare Daly** asked the Minister for Defence further to Parliamentary Question No. 69 of 24 November 2015, if he is concerned that Lariam is a third-line drug for the US military in sub-Saharan Africa and is only issued for personnel who are unable to receive either of the other anti-malarial regimens; that its issue is accompanied by a wallet card containing current safety information from that country's Food and Drug Administration indicating the possibility that the neurological side effects may persist or become permanent; and, given this, why, as noted in his reply to Parliamentary Question No. 12 of 14 January 2015, the malaria chemoprophylactic agent of choice of the Irish Defence Forces for use in sub-Saharan Africa continues to be Lariam. [2952/16]

**Deputy Clare Daly:** This follows on from a number of parliamentary questions from Deputies and the Minister's meeting with individuals in the campaign for action on Lariam. It is in light of the fact that the rest of the world is moving and rowing back on the use of Lariam. We know it has been completely abandoned in the UK, and in the United States it is only used in the defence forces as the third choice and only if the other options are not suitable - it is very much a last resort. Why, against all international best practice, does the Minister state that it is still the policy of the Irish Defence Forces to prescribe Lariam as the first drug of choice?

**Deputy Simon Coveney:** We do not prescribe Lariam as the first drug of choice. We look at a region and we take the best possible medical advice on the most appropriate drug for the region, depending on how long people will stay and the strain of malaria in the region. It is also not true to say that the UK and the US have abandoned Lariam. They have not.

**Deputy Clare Daly:** I did not say that.

**Deputy Simon Coveney:** They do use Lariam, but only in certain circumstances. They have screening processes and information processing to ensure they do everything they can to manage the risk regarding the use of Lariam. We are trying to do the same. I had a very good meeting with the group advocating for a change in policy on the use of Lariam. As the Deputy would expect, it was a very emotive meeting as well as a very blunt one. The group has sent me in writing a series of questions. I am having my Department and the Defence Forces look at those questions in detail to try to get responses to them. I have a working group, which is made up of international and Irish experts, to make recommendations to me as to the best course of action on Lariam. It would be irresponsible of me to make decisions in advance of getting that up-to-date report, which we had hoped to get by the end of January. The group has asked for more time and we will give them that, but - I have said this to the Deputy before and I hope she will take me at my word on it - I have an open mind about trying to do what is best. I am not going to make decisions about Lariam on the basis of court cases or anything like that. My only issue here is to do what is best for Irish soldiers who are serving in areas where malaria is a problem. There are, effectively, three malaria drugs, as far as I am aware. The medical advice that is available to me and to the Defence Forces will determine what drug is prescribed for the Defence Forces personnel going to different regions. If the expert group----

**An Leas-Cheann Comhairle:** I will come back to the Minister. I have to go back to Deputy Daly.

**Deputy Simon Coveney:** If the expert group recommends that we change policy, I will be first to make it happen.

**An Leas-Cheann Comhairle:** I call Deputy Daly.

**Deputy Clare Daly:** The problem is that best national and international practice - the Minister never quoted the source for his advice - would tell the Minister that Lariam should be a last resort. I did not say the Americans did not use it: I specifically said it was a last resort after the other two.

**Deputy Simon Coveney:** No, the Deputy said they had abandoned it.

**Deputy Clare Daly:** I talked about Britain. We are talking about sub-Saharan Africa. That is where we are talking about. The Irish Defence Forces' policy is to prefer Lariam. I am only talking about sub-Saharan Africa. The United States army does not have that policy and it is not the case that Lariam is the most suitable drug for that area. That is the Minister's stated policy and it is against best practice. The people who met the Minister want to know why that is the policy, given that the manufacturers of Lariam themselves say that it should only be taken after very serious analysis of a person's predisposition or with a very clear warning. That is the only circumstance in which it is allowed in the rare examples in America. Why do we have a different view of that process in Ireland? We are exposing people to danger because it is not just about whether people have a predisposition or prior problems. The Minister cannot say with certainty that there has been an individual assessment of every member of the Defence Forces who was given Lariam and that is the only basis upon which the manufacturer says it should be given because of the undisputed dangers linked with that problem. I hear what the Minister is saying, that he does not have a fixed view, but we have been hearing that and meanwhile Lariam continues to be prescribed, albeit in smaller doses. I will come back to the Minister with a question on that.

**Deputy Simon Coveney:** We do not have large numbers of Defence Forces personnel in sub-Saharan Africa at the moment, but that is not the point. The point is that if the recommendation is that Lariam is the most appropriate drug for a region to which we are sending Defence Forces personnel, then of course there is a screening process. I have had long and detailed meetings with the Defence Forces and the Department of Defence on this issue to get an understanding of those screening processes in terms of ensuring that people are suitable for taking Lariam to protect themselves against malaria. That is as it is at the moment. If the expert working group we have asked to report to us on this comes back and makes suggestions, we will listen to them.

The so-called international best practice Deputy Daly is talking about does not reflect medical best practice on the basis of what we are currently making decisions on, given the advice I have and the Irish Defence Forces policy on the use of anti-malarial medication, which is in line with the current Health Products Regulatory Authority approved summary of product characteristics. That is basically a technical way of saying it is consistent with the medical advice related to those products. We will continue to try to do what is in the best interests of our Defence Forces personnel. If the working group recommends something different, I will be the first to make the change immediately. However, I must wait until I get that report rather than making

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a change on the basis of what some other country somewhere else is doing.

**An Leas-Cheann Comhairle:** I must call Deputy Clare Daly. I will come back to the Minister.

**Deputy Simon Coveney:** The reason we have a working group is to be able to make detailed recommendations on which we can act.

**Deputy Clare Daly:** The Minister has acknowledged that the working group has not issued its findings and there has not been a change in policy. He might explain to me then how, in one of two parliamentary questions that I put to him recently, he told me that the overwhelming majority of personnel in sub-Saharan Africa were prescribed Lariam between 2010 and 2015 but when I asked the question specifically about 2015, I was told that 25% of Defence Forces personnel were not prescribed Lariam. That is clearly a differential. It means fewer personnel are being prescribed Lariam now than were in recent years in that region which I welcome. If the policy is unchanged, will the Minister explain the discrepancies in the number of personnel who were being prescribed the drug?

The Minister failed to answer how there can be an assurance that every personnel member had an individual assessment when the evidence that has been given to him in some instances would state the opposite, that their files were not assessed, they were not asked the appropriate questions and they were not given the proper warnings.

**Deputy Simon Coveney:** I can only answer from the evidence that I have seen, which is that the current screening process is a robust one and that individual soldiers, before they go, must fill out individual forms in relation to Lariam.

It was quite a different situation when we had many more troops in sub-Saharan Africa because we had troops on rotation, perhaps every six months. In recent years, we may well be sending troops for a shorter period. The numbers are much lower. For example, when I visited Mali last year and took anti-malarial medication, I was only there for two days and Lariam was not the appropriate drug. I had been to sub-Saharan Africa for a longer period and I took Lariam. Depending on how long a person stays, some drugs are taken daily while some are taken weekly. Therefore, one manages risk differently.

I will repeat this because of the meeting I had with families who feel that they have been seriously affected by Lariam. I take this issue most seriously and I have a lot of sympathy for those who are struggling.

**An Leas-Cheann Comhairle:** I must go now to the next question. We are way over time. I call Deputy Troy for the next question.

**Deputy Simon Coveney:** We will make changes, but on the basis of expert advice.

## Other Questions

### Army Barracks Closures

53. **Deputy Robert Troy** asked the Minister for Defence the concrete steps he has taken to secure an alternative use for Columb Barracks in Mullingar in County Westmeath; and if he will

make a statement on the matter. [2739/16]

**An Leas-Cheann Comhairle:** I apologise to Deputy Troy that he was waiting a long time.

**Deputy Robert Troy:** That is okay, a Leas-Cheann Comhairle. I welcome the opportunity to get to this question but the second question will not be answered because the Government could not be bothered to turn up and have a quorum in order that Question Time could start on time. It is simply not good enough.

On this question, in November 2011, the Government, with the support of the Labour Party, decided to close Columb Barracks, Mullingar. The following March, 170 members of the 4th Field Artillery moved from Mullingar to Athlone with a loss of €8 million to €10 million to the local economy. Since then, little or nothing has been done by the Government to source an alternative use for this barracks. Perhaps the Minister could update me on his future plans for the use of this barracks.

**Deputy Simon Coveney:** Following the closure of Columb Barracks, my Department wrote to Departments and other public bodies inviting them to express any interest in the property with a view to its disposal by the Department. No such interest was expressed at that time. My officials also met local representatives and officials from Westmeath County Council to discuss the future of the barracks.

As the Deputy will be aware, my Department was approached by the Westmeath GAA county board for the use of the barracks as a training centre. Parts of the barracks in Mullingar are used by the county board on a short-term lease. The former barracks is also used by An Garda Síochána and Customs and Excise for training purposes. A number of other local groups, including the Irish United Nations Veterans Association, IUNVA, the Order of Malta and the Midland Youth Services, have also been allocated units in the barracks. My Department has also received numerous requests from other community groups wishing to avail of accommodation within the barracks. While the Department supports the ongoing use of the barracks by the local community, the financial and administrative burden resulting from the retention of the barracks cannot be sustained, given that the barracks is no longer required for military purposes.

Officials from the Department are scheduled to meet the CEO of Westmeath County Council this week to discuss the long-term future plans for the barracks. They would also be happy to discuss, with any interested groups, any proposals they may have for the possible purchase and future development of the site for the benefit of the local community. This is in keeping with the Department's policy to dispose of surplus property no longer required for military purposes. We have spoken to all the stakeholders and, with them, we are trying to develop a plan which is in the interests of the local community and other interested groups in the area.

**Deputy Robert Troy:** It is disgraceful that, four years on, the Minister is trying to develop a plan. From what the Minister has told me, during the past four years his Department has written to the various State agencies and received some correspondence. Were it not for the proactive engagement of Westmeath GAA, the retired UN veterans and Midlands Regional Youth Service, nothing would be happening in the barracks.

**Deputy Simon Coveney:** It is part of the process. The Deputy should stop playing politics.

**Deputy Robert Troy:** Where is the strategic plan for the long-term sustainable use of the barracks? The Minister does not have one. If he does, perhaps he could share it with us. Four

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years after the barracks closed, the Minister has no long-term strategic plan for the use of the barracks. If I am wrong, the Minister may correct me. We made a proposal to the Minister to create a national headquarters for the Reserve Defence Force in the barracks. He dismissed it, although it had the support of some of my constituency colleagues. In Mullingar, we are spending €30,000 per annum to rent private accommodation for the Reserve Defence Force while half our barracks remains unused.

**Deputy Simon Coveney:** The problem is that the Deputy is trying to turn this into a political football. The Deputy should know, although he probably does not, that the approach towards the Reserve Defence Force has changed. We now have a one force strategy whereby the reserves train with Permanent Defence Force personnel so they can work with them should they be required to do so rather than having them operate in a separate structure and training separately from the Permanent Defence Force. It did not make sense to establish a training centre for the Reserve Defence Force when we want reservists training in active barracks to ensure they are integrated into the Permanent Defence Force in terms of functionality, use, training and professionalism.

We are the Department of Defence. Our job is to ensure the defence infrastructure of the country is right. If we have a barracks that is no longer in use for defence and military purposes, we need to work with all the stakeholders to find sustainable uses for it. However, we must work with local authorities to ensure it is consistent with what they are looking for locally, and this is happening.

**Deputy Robert Troy:** The Minister said I was playing politics. It was a political decision by his Government to close the barracks over four years ago. Since then, precious little has happened. The Minister said he wrote to the various stakeholders. During the past four years, how many times have the Minister or his officials met the CEO of Westmeath County Council regarding the potential future use of the barracks?

The Minister has talked about a policy of having the Reserve Defence Force training with the Permanent Defence Force. The Permanent Defence Force is not training in a warehouse in Clonmore Industrial Estate, where the Department is paying €30,000 per annum for the Reserve Defence Force training in Mullingar. The Government is wasting €30,000 paying a private landlord while some of the barracks remains unused.

After four years, what analysis, research or audit has been carried out on the future use of the barracks? As I asked at the beginning, have the Minister, his party or the Government prepared a sustainable plan for the long-term use of the barracks? The Minister has not answered my question.

*3 o'clock*

**Deputy Simon Coveney:** The Deputy can keep asking the same question if he wants, but he will get the same answer. If this barracks of approximately 24 acres is to be developed, a partnership will be needed to find sustainable and good community uses for it. That is why we have been working to accommodate the GAA, the Garda Síochána, Westmeath County Council and other groups, including voluntary groups, in the short term. Ultimately, the local authority in the area needs to engage in planning and zoning to ensure the future use of this barracks is consistent with other things that are happening in the environment. I am not-----

**Deputy Robert Troy:** How many meetings has the Minister had with Westmeath County Council?

**Deputy Simon Coveney:** The Deputy seems to want the Department of Defence to go away and come back with some kind of super plan in isolation.

**Deputy Robert Troy:** After four years, how much engagement has the Minister had with the local authority?

**Deputy Simon Coveney:** We have-----

**An Leas-Cheann Comhairle:** We have to go on to the next question.

**Deputy Simon Coveney:** There is ongoing engagement with Westmeath County Council on the best use of this barracks.

**Deputy Robert Troy:** I ask the Minister to quantify that.

**Deputy Simon Coveney:** I do not have the exact number to hand.

**Deputy Robert Troy:** How many meetings have taken place after four years?

**Deputy Simon Coveney:** An initiative needs to come from the county council and the Department of Defence to ensure there is active community use and benefit coming from the barracks.

**Deputy Robert Troy:** It is not happening.

**Deputy Simon Coveney:** That process is very much under way.

### **Defence Forces Deployment**

54. **Deputy Seán Crowe** asked the Minister for Defence the precise role the Defence Forces played in supporting civil society groups as they responded to the recent floods which devastated many homes and communities. [2788/16]

**Deputy Seán Crowe:** We all witnessed the scenes of utter devastation caused by the recent floods and the stress that families went through at that time. There has been a succession of floods and major incidents of this nature in recent years. I do not think there was any criticism of the Defence Forces themselves, although some people suggested that there were delays in bringing the Defence Forces into the process. Is it the case that there were some delays? I have tabled this question to establish what role the Defence Forces played in supporting civil society and communities.

**Deputy Simon Coveney:** I thank the Deputy for the question. In accordance with the framework for major emergency management, primary responsibility for responding to severe weather events, such as the recent storms and subsequent flooding, rests with the three designated principal response agencies: the relevant local authority, the Garda Síochána and the HSE. In accordance with agreed arrangements, all the available resources of the Defence Forces are made available on request to support the principal response agencies. At national level, the Department of Defence and the Defence Forces are represented on the Government task force

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on emergency planning. This ensures the fullest co-ordination and co-operation in the event of an emergency. The major emergency plans that have been deployed by local and regional authorities identify the procedures for requesting assistance from the Defence Forces. The role of the Defence Forces in these circumstances depends on the nature of the incident and the type of assistance requested. In November 2015, each local authority was reminded of the range of capabilities the Defence Forces can bring to emergency responses. They were also advised of the local call-out arrangements. The call-out procedure provides for contact with the Defence Forces 24 hours a day, 365 days a year. During the recent period of severe weather from 4 December 2015, the Defence Forces responded positively to all requests for support received from all three principal response agencies. Most requests were received from local authorities, in line with their central role in the flood response. The extent of the support provided was considerable. The Defence Forces were deployed to multiple locations in counties Donegal, Sligo, Mayo, Galway, Kerry, Clare, Kilkenny, Wexford, Offaly, Tipperary, Westmeath, Limerick, Roscommon and Cork.

**An Leas-Cheann Comhairle:** I will come back to the Minister.

**Deputy Simon Coveney:** I will come back with the actual number of members of the Defence Forces who were out.

**Deputy Seán Crowe:** Okay.

**Deputy Simon Coveney:** It was significant. Well over 3,000 members of the Defence Forces were deployed.

**Deputy Seán Crowe:** It is important to reiterate our gratitude for the work of the members of the Defence Forces who came out in extremely bad conditions. Everyone has spoken about the fantastic role they played. Some families experienced delays in the use of Defence Forces resources. I do not know if the Minister experienced that. I remember watching the Minister on television one night where a family said they had been manning the pumps for a number of days and were at their wits end. The Minister responded by saying that no one should be in that situation and that supports existed. Does the Minister, Deputy Coveney, find that, in his position as Minister, there has been a delay over the years during different emergencies? I am not only talking about the last one. What can we learn from that? Is some sort of analysis done after these floods? We know there is a flood expected as a result of Storm Jonas, which is coming down the track. I am trying to tease out with the Minister what we have done and what we can do better in the future.

**Deputy Simon Coveney:** That is a very reasonable question. By 22 January 2016, which was last Friday, a total of 3,122 members of the Defence Forces had been deployed. In addition, 517 Defence Force vehicles, including ten helicopters, have been provided to support these works. This was a major response by any standards. If we are learning lessons - there are always lessons to be learned from the kind of experiences we have had over the past two or three months - I would like to see local authorities calling for assistance from the Defence Forces earlier. There were thousands of local authority workers out manning pumps and helping people to get water out of their premises. One of the lessons learned is that we have significant capacity in the Defence Forces that is available to be deployed quickly and early. It should not be seen as an admission of defeat by a local authority to work with significant Defence Force capacity earlier in a crisis. The local authorities, on the whole, did a really good job given the extent of the flooding. One of the lessons, from my perspective, is that local authorities should feel free

to seek assistance from the significant capabilities of the Defence Forces earlier in a flood situation. That would have been helpful but it still would not have solved all the problems.

**Deputy Seán Crowe:** I do not want to make political capital out of the hardship of so many families whose lives were destroyed, in many cases by losing what they had worked all their lives for, but I am concerned about the delay. I had some experience of this in my local authority a number of years ago where there seemed to be reluctance on the part of the county manager to address delays. There is an emergency management framework and the Department of Defence is not part of that framework. Would that be a way forward? Civil powers such as the Garda Síochána, the local authority and the HSE are included, yet the Minister's Department is not at the table. The Minister has those extra resources that could be used and perhaps that is something to consider. We are running out of time before the next election but the Minister might address the issue with his Cabinet colleagues. Perhaps we should discuss it in the House when we come back - look at this whole area, learn from what we have done wrong in the past and try to start doing things differently in the future.

**Deputy Simon Coveney:** We did things differently this time. Most balanced observers would say the level of co-ordination across Government, both locally and nationally, in the context of this flooding was better than we have ever seen before. I would say it was significantly better than we have ever seen before. The task force on emergency planning in Government is chaired by me as Minister of Defence. The Department of Defence is very much involved in the planning and discussion. The co-ordination of an emergency response when it is needed is the responsibility of the Department of the Environment, Community and Local Government, but very much in partnership with other Departments. County managers - chief executive officers as they are now called - should feel free to ask earlier for assistance on the ground from the Defence Forces rather than putting their staff under huge pressure trying to respond to difficult conditions like we have seen from various storms. I would not like to give the impression that I do not think the response was good; the response was much better than we have seen before but we can always learn lessons and try to do better the next time. In that context I think we should have a debate on this when a new Government is in place to see how we can improve.

### **Defence Forces Medicinal Products**

55. **Deputy Seán Crowe** asked the Minister for Defence if he is aware of the ongoing British inquiry into the prescribing of Lariam by the British Ministry of Defence to its military personnel; if he is further aware of compelling medical evidence that has been presented to the inquiry regarding the possible dangers of Lariam; and if he will use any of this presented evidence as part of his own review into the prescribing of Lariam to members of the Defence Forces. [2786/16]

**Deputy Seán Crowe:** This question was asked earlier in connection to Lariam. There are significant concerns from Members on all sides of the House on the use of this drug. Has the Minister been following the public hearings in the House of Commons on the prescribing of Lariam by the British Ministry for Defence to its own personnel? The Minister established a review and new evidence was given at the inquiry. Will this evidence form part of the inquiry of the group from which he hopes to get a response shortly?

**Deputy Simon Coveney:** I am more than aware of the ongoing British inquiry into the prescribing of Lariam by the British Ministry of Defence to its military personnel, to which the

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Deputy refers. Of course, we are going to watch what comes out of that but we also have to ensure we look at our own systems, whether in having a screening process or in ensuring we follow the best medical advice on prescribing the appropriate drug for the appropriate region and the appropriate strain of malaria. We try to manage risk as best we can when our Defence Forces personnel are going abroad, particularly on missions to sub-Saharan Africa. We have been doing this from the point of view of a screening process but we also have, separate to all that, a working group made up of international experts and they advise the Irish Government on the use of Lariam and all the issues around that, which understandably have been raised by people who have concerns. We will get an updated report from that working group in the coming weeks, and as soon as I have that, we will act on it. We have asked the group to look at international best practice and what is happening elsewhere, and to do this in a way that is non-political but purely about the safety of our Defence Forces personnel when they are abroad. That is my only motivation. I have heard many stories and met many people who have concerns and we will try to make decisions on the basis of good, sound advice when we get it. It is difficult for me to make decisions before the updated advice comes back to me, even though some people seem to expect me to do so.

**Deputy Seán Crowe:** The Minister said a serious analysis was done of what happens before soldiers are prescribed Lariam. He might elaborate on how this is done within Army structures. He said the review was supposed to arrive at the end of January but that they now have extra time. Does he expect it to be done before the election or will it be on the long finger for the next Administration?

**Deputy Simon Coveney:** We were hoping to have this report by the end of January and I responded to that effect in November when Deputy Clare Daly raised the issue, something she has done repeatedly. The group has asked for a bit more time, which I am happy to give them because I want sound advice here. If they need more time they will get it. I cannot give the Deputy an exact date as to when we will get that advice back but I certainly hope it will be in the first quarter of this year. I spoke about looking at procedures in the Department. When issues are raised with me on the subject of Lariam, I go back to my Department and ask them to help me understand why people are concerned in this regard, what the issues are and how we screen people before we prescribe the drugs. Lariam is not suitable for some people, so I ask how we ensure those people are not prescribed Lariam and do not go to certain missions that may be in a malaria zone but go instead to another mission that does not have malaria, such as Lebanon or the Golan Heights. The issue for me is around risk management and taking the best medical advice possible. The debate around Lariam is a very emotive one. I am more than aware of that and that is why I want to make sound decisions based on legal advice from respected experts whom we have asked to look at the issue. I hope to have that back within weeks. If not, I hope to have it within a couple of months.

### **Topical Issue Matters**

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Billy Timmins - improving the conditions at the accident and emergency department at St. Vincent's Hospital, Dublin 4; (2) Deputy Robert Dowds - weight restrictions at Kennelsfort Road in Clondalkin, Dublin 22; (3) Deputy Michelle Mulherin - an application to the European Commission for up to 90% funding for capital works at Ireland West Airport Knock; (4) Deputy Peadar Tóibín - the murder of three members of the O'Dowd family, and the allegations that these murders were carried out by members of the British security forces;

(5) Deputy Joe Costello - the delays in construction at Gaelscoil Bharra in Cabra in Dublin 7; (6) Deputy Dessie Ellis - the property tax rate for residents of Longboat Quay in Dublin 2; (7) Deputy John Browne - the plans for developing Rosslare Port in County Wexford; (8) Deputy Michael Moynihan - wholesale prices in the energy market; (9) Deputy Michael McGrath - the issuing of a foreign carrier permit to Norwegian Airlines by the Department of Transportation in the United States of America in relation to a transatlantic service from Cork Airport; (10) Deputy Maureen O'Sullivan - the delays in construction at Gaelscoil Bharra in Cabra in Dublin 7; (11) Deputy Clare Daly - the Clonmel coroner's decision to issue a death certificate for an unborn baby; (12) Deputy Mary Lou McDonald - the delays in construction at Gaelscoil Bharra in Cabra in Dublin 7; (13) Deputy Mick Wallace - the use of Shannon Airport by the military of the United States of America; and (14) Deputy Charlie McConalogue - restoration of the income disregard for calculating farm assist payments, including a review process.

The matters raised by Deputies Michelle Mulherin, Robert Dowds, Charlie McConalogue and Dessie Ellis have been selected for discussion.

### **Leaders' Questions**

**Deputy Micheál Martin:** Our health service is under enormous pressure. Health care staff, nurses and doctors are literally at the end of their tether trying to keep things together and patients are suffering. Irrespective of what hospital one visits throughout the country - I was in Drogheda last week - one gets a clear illustration of this. Waiting lists for routine operations are spiralling out of control and have been for some years now. Waiting times are lengthening all the time and targets are being breached. Despite the fact the Government changed the goalposts to make such times and targets more manageable, they are getting worse. The Government undermined the National Treatment Purchase Fund which had been working very effectively to deal with elective surgeries and routine operations before it came into office.

Our emergency departments simply cannot cope. Talking to people in and outside of the hospital in Drogheda where I was last week, this was the number one topic of conversation. Waiting times for minor operations and CT scans are now the worst in Europe and the same is true of waiting times for emergency departments. There are 517 patients on trolleys in emergency departments today and operations are being cancelled in these hospitals as a result. Whether it is the Mater hospital, Beaumont Hospital or Cork University Hospital, they are under enormous pressure.

Most damning of all is that the Taoiseach and the Minister deliberately left the hospitals of this country short of at least €100 million in the health service plan. This is acknowledged by the HSE on page 90 of the 2016 service plan where it states there is a funding shortfall of €100 million. It had been €150 million but some cash management shaved off €50 million on a once-off basis, leaving €100 million of a shortfall. It uses the chilling phrase that one of the options which it can consider includes "aligning activity levels to the funding". That means cuts in capacity in our acute hospitals for 2016. It means fewer operations and more overcrowding in emergency departments, fewer discharges and so on. It is incredible that the Taoiseach and the Minister would have approved of this plan, knowing in advance it has left the hospitals short of €100 million. Why did the Taoiseach deliberately approve this plan knowing that, at a minimum, it leaves our hospitals short of €100 million for 2016?

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**The Taoiseach:** I thank Deputy Martin for his question. He actually makes the case as to why it is critical that we are able to continue to grow the economy to deal with all these issues. A total of €13.6 billion has been allocated for health this year. I have no intention of returning to a situation where endless money was thrown at a health system without reform and effective spend for the taxpayer and particularly for patients and securing the best outcome for patients.

**Deputy Micheál Martin:** The Taoiseach is going to leave them on trolleys.

**The Taoiseach:** I have said on many occasions that the position is not satisfactory in a number of areas, where elderly people are waiting on trolleys for a very long time or where incidents arise in overcrowded hospitals that should not arise. That is all the more reason that the impact of the spend that is in place should be examined and how capacity can be increased in an effective way to deal with the patients. While capacity is up by 5% this year, so too is the number of visits and calls to accident and emergency units.

The Deputy is aware that 1,000 beds were taken out of the system. There are 750 more nurses and 300 more consultants and doctors employed since 2011. There is an increase of €800 million in the spend for this year. I was talking to the Minister this morning. An increasing number of patients, both adults and children, are presenting with flu-like symptoms. The Health Protection Surveillance Centre has reported that influenza-like illness rates for the second week of 2016 are equivalent to the rates reported in mid-February last year and that influenza is expected to circulate for a number of weeks. There are 250,000 unused vaccines available at present. People aged over 65 years and people who are vulnerable or who work in the health service should avail of the opportunity to get the flu jab - the Deputy may shake his head if he thinks it is funny - and attend their local pharmacist or GP where it will be made available to them. There has been an increase of over 10% in the level of attendance by people over 65 years of age.

I also pointed out to the Deputy on the previous occasion he raised this matter that in December 2014, the Minister for Health convened the emergency department task force to ensure that where overcrowding began to occur in accident and emergency units, it would be addressed in a proper, integrated and system-wide way by the hospital groups dealing with the issue in the various hospitals. In April 2015, the HSE published the emergency department task force action plan with a range of actions that were time defined, such as getting the best out of the space available in hospitals and community capacity and developing internal extra capability and processes to deal with this. In addition, a sum of €170 million was allocated for that.

As Deputy Martin knows, without effective reform one can always say there is never enough money. He knows the process that applies here. When a budget is struck and agreed by the Cabinet, the HSE submits its programme to the Minister of the day. The Minister has 21 days to respond and either accepts it or makes amendments to it. Naturally, the HSE, in addressing the scale of the challenges, will always seek the maximum amount it can get. As I said, €13.6 billion has been allocated for this year, which is €800 million more than last year. Capacity is up by 5% but the increased number of attendances obviously creates pressures in accident and emergency units. This goes back to the point that to deal with these matters in a long-term way, the community and primary care system must be looked at as well as the capacity in hospitals, including the employment of consultants, doctors, nurses and other medical personnel down the line, and one must have the resources to be able to meet that.

**Deputy Micheál Martin:** The Taoiseach has great difficulty answering the question he was

asked. Why did the Cabinet approve a plan that leaves acute hospitals short by €100 million? Pages 90 and 91 of the health service plan clearly lay out the position. Page 90 outlines the impact of demographics on hospitals and how demand for acute hospital services continues to increase. Demographic changes will see the population increase by 1% in 2016, an increase of 32,000 people. The over-65 age group is expected to increase by 3.1% or 19,400 people. This is setting the scene for its revelation that it is €100 million short. It is a €100 million shortfall before the plan even starts. The plan goes on to outline the implications of that on page 91, that is, providing inpatient services and inpatient activity at 2015 levels. This is at the start of 2016. It means real trouble ahead for hospitals in 2016. There will be no Supplementary Estimates, in accordance with EU rules. The Government had to allocate €666 million at the end of last year to cover a funding shortfall.

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

**Deputy Micheál Martin:** There were three fraudulent budgets for health over three years. The Government has now deliberately approved a budget that is €100 million short for acute hospitals. That will mean more overcrowding in hospitals, longer waiting times and higher waiting lists in 2016. The Taoiseach is not facing up to the reality that he is consistently underfunding health. He cannot come to the House and talk about the need for reform, because he promised reform for five years under the name of universal health insurance and ditched it at the 11th hour. The five-point plan has become a three-step plan because the Dutch model has been dropped unceremoniously from the Taoiseach's platform. He is afraid even to talk about health in public. All people will hear about for the next while is the strength of the economy.

**An Ceann Comhairle:** The Deputy is way over time.

**Deputy Micheál Martin:** There is an onus to tell the truth to patients and the people. The HSE has laid out the position quite candidly in the health service plan. That was presented to the Taoiseach. Why did he decide to approve of it knowing it leaves the hospitals short of €100 million? Will he give a precise and specific answer? Why did he decide to leave the HSE €100 million short at the start of the year knowing it will cause incredible problems for 2016?

**Deputy Finian McGrath:** He is not so good at the sums.

**The Taoiseach:** Deputy Martin is well aware of the position from his experience in that Department and having served as a member of a Government. In this case, an extra €800 million was allocated by the Government to the HSE and the Department of Health, and responsibility resides in the Department of Health for that Vote. The HSE, in having more effective management, would be expected to deal with that. Obviously, improvements have been made with the money. The hospital groups were established, which is an important move towards having trusts which will examine the groups of hospitals and what they can specialise in for the future. There are 46 more primary care centres than existed in 2011. They are valuable with regard to people not being required to go to hospital for minor injuries. Families have free GP access for people over 70 years and children under six years of age. The next step is to extend that to children under 12 years. Since 2011, there are 300 additional consultants and since January last year there are 750 more nurses and 250 non-consultant hospital doctors, NCHDs. Mental health funding has been tripled and a suicide prevention strategy has been published to reduce the incidence of suicide, please God by 10% by 2020. We have also stabilised the private health insurance market which was facing collapse in 2011 and 2012.

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**Deputy Finian McGrath:** Take a trip out to Beaumont Hospital.

**The Taoiseach:** I wish to make a final point. It is something I noted and I will put it to the Deputy again. In 2004, in respect of accident and emergency overcrowding, the Deputy said: “I think it’s going to need sustained investment on the nursing home side. It also requires the development of home care packages ... because of the funding constraints of the last three years we haven’t really been in a position to develop such a programme.”

**Deputy Timmy Dooley:** That was 12 years ago.

**The Taoiseach:** The year 2004 was a boom time-----

**Deputy Micheál Martin:** Fair deal.

**The Taoiseach:** -----when the Deputy had the same old way - fire money at it and hope it will work.

**An Ceann Comhairle:** The Taoiseach is way over time.

**Deputy Micheál Martin:** The fair deal came in after that.

**Deputy Patrick O’Donovan:** It is amnesia.

**The Taoiseach:** Giving €800 million without reform is no good. We must have a developing economy and in a planned way deal with the structures of community care and home packages-----

**Deputy Robert Troy:** The Taoiseach cut them.

**The Taoiseach:** It is absolutely necessary then to deal effectively with the interests of the patients by employing medical personnel such as nurses, doctors and consultants and have the capacity to deal with that.

**Deputy Micheál Martin:** It is chaotic, and the Taoiseach knows it.

**Deputy Gerry Adams:** The Minister for the Environment, Community and Local Government, Deputy Alan Kelly, has today re-announced, as he is fond of doing, that the Government is to deliver 1,000 new social housing units. That would be a very welcome development if it were true. However, a recent report by the Simon Community shows that 95% of rental properties cannot be afforded by citizens dependent on State rental supports. We have been listening to the same announcements from the Taoiseach, the Minister, Deputy Alan Kelly, and others for years. The Government promised that a minimum of 1,000 new social houses would be built in 2015. While that would have been welcome, even though it is a paltry number, relatively speaking, given the gravity and depth of the housing crisis, the target is not going to be met. Instead, the latest figures provided by the Department of the Environment, Community and Local Government show that a mere 28 local authority houses were constructed in the first nine months of 2015. That is 28 homes when children are growing up in hotel rooms, more than 5,000 citizens are in homeless accommodation, including 600 children, and more than 100,000 applicants are on waiting lists for local authority housing, including 5,000 in my constituency. Let us be straight about this. It is the policy of the Government not to build social and affordable housing. The Government’s record is clear. Social housing construction has declined by 1,600% since 2011, its first year in office. Nevertheless, it could find €64 billion to pump into

banks. Why does the Taoiseach not explain as he leaves office why he did not spend even a fraction of these billions to construct the homes that are so badly needed by citizens?

**The Taoiseach:** Deputy Adams has been on before about raising the rent supplement on private accommodation. I have said to him on many occasions that the challenge here is to deal with the supply of houses. There are not enough houses available for the people who need them. To tinker around with the edges of that will not do anything to increase supply for people who badly need those houses.

**Deputy Jonathan O'Brien:** It would get people out of hotels in the short term.

**The Taoiseach:** Deputy Adams knows that. The Government has responded in a number of ways as I have pointed out to the Deputy before, including by providing proper accommodation for people in units that were neglected, closed up or uninhabitable, significant numbers of which have been brought back into use and allocated to families. The social housing strategy for 2020 sets out clear and measurable targets to increase the supply of social housing to meet the housing needs of all householders on the social housing list. The intention and the objective is to deliver 110,000 units through current and capital funding streams between now and 2020 to 2021. In regard to putting together a strong house building programme, the Government has put €3 billion of taxpayers' money towards the social housing strategy out to 2021. In 2015, 13,000 units were delivered across all the social housing programmes, representing an 86% increase on the 7,000 units delivered in 2014. That is because of the total collapse of the construction sector over a number of years, of which Deputy Adams is very well aware. The target for this year is to deliver 17,000 units.

In the period 2011 to 2014, 26,000 new social housing units were delivered for families and people who needed them. The Deputy is aware of the housing assistance programme and the tenancy supplementary scheme, which has helped another 10,000 people to stay in the houses they have been in. The Government has sanctioned 400 additional local authority posts to help build capacity in order that local authorities can get back to building houses. In that sense, we have also introduced a new one-stage approval process for projects up to €2 million in value involving up to 15 new houses. Ordinarily, new housing construction projects go through a very extensive multi-stage approval process. This new opportunity allows for a much faster delivery between concept and construction. The Government has also worked closely with the representative bodies for the approved housing bodies sector, the Irish Council for Social Housing, the National Association of Building Co-Operatives, SHS oversight and so on. We have also approved the first bundle of public private partnership projects to deliver 500 units at six sites in the greater Dublin area. These are all elements of the challenge. There are quite a number of sites nationally at which work is going on at this very moment to deliver 926 social housing units, some of them in Deputy Adams's own constituency. I see from the list that most counties and areas are covered and construction is actually under way now. We need to get back to a point where local authorities use direct build methods to build these houses. The Government has provided them with the money, targets and facilities to get on and do that. I hope that will build up very strongly during the course of 2016.

**Deputy Gerry Adams:** My question was about building. The fact is that in the first nine months of 2015, only 28 local authority houses were built. Sin é. That is the truth of it. The buzzword or weasel word the Taoiseach used was "delivery". He spoke about delivering. He said there was a need to build houses by 2020 and 2021 while on his watch now tens of thousands of families are in need of a home. As we sit here in the Chamber, there are children

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spending their formative years in homeless accommodation. They need social housing, not the Minister, Deputy Kelly, polishing his legacy at yet another press conference. They do not need serial announcements. The Government is all about the optics. It is all about spin and talking tough. The Taoiseach will remember his posturing at the meeting with the insurance industry in the aftermath of the recent flooding. He said he wanted them back within a week with what they were going to do, but those families still do not have insurance. That meeting was all about spin. There was no delivery.

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

**Deputy Gerry Adams:** The scale of the Government's failure to deliver on this and other issues is stark. Instead of announcing the same plans over and over again, the Government must acknowledge that there has been a decline in the construction of social housing in every consecutive year since it has been in office. That is chaos upon chaos for the families involved. There are more than 100,000 applicants, which is more than would fill Croke Park, waiting for the Taoiseach's Government to provide them with homes. Is that what the Taoiseach means by stability?

**The Taoiseach:** I reject the Deputy's assertion that calling together the major insurance companies was either posturing or spin.

**Deputy Gerry Adams:** Where is the report?

**The Taoiseach:** I have already given the Deputy the figures in respect of the Government's response to put money on the table, to give directions and targets to every local authority and to say "Get on with it". We have already pointed out that more than 2,000-----

*(Interruptions).*

**Deputy Róisín Shortall:** Pathetic. You are pathetic. How many houses have been built?

**An Ceann Comhairle:** Please, let us hear the answer.

**The Taoiseach:** I thank Deputy Mac Lochlainn.

**Deputy Pádraig Mac Lochlainn:** It is the same language: "Get on with it".

**The Taoiseach:** Maybe they have a different way in Donegal. The position is that 2,000 houses and apartment units that were closed up and uninhabitable have been handed over recently to families and people who are now off the housing list. The housing assistance programme has helped 6,000, and 5,800 have been helped directly to stay in their accommodation by virtue of increasing the rent subsidy for them on an individual basis through the Department of Social Protection. Perhaps Deputy Adams does not want to recognise that.

**Deputy Gerry Adams:** So there is no crisis.

**The Taoiseach:** The fact is the Government has set out €3 billion in its programme for social housing directly between here and 2021-----

**Deputy Gerry Adams:** That is no use to people now.

**The Taoiseach:** -----and has expedited the opportunity for local authority projects of fewer than 15 houses with a faster process to get to construction.

**Deputy Róisín Shortall:** How many houses were built last year?

**The Taoiseach:** That is in everybody's interest. As was said before, it is not a situation where one wants to condone children living in hotel accommodation or in bed and breakfasts, but the fact of the matter is that the entire construction sector had collapsed completely and we were dealing with 7,000 units a year for a country that would need 20,000 to 25,000.

**Deputy Róisín Shortall:** Five years now.

**The Taoiseach:** I am glad to say that it is coming back very strongly at the moment. Hopefully, 2016 will meet the target of 17,000 social housing units provided directly by local authorities-----

**Deputy Seán Crowe:** Twenty-eight last year.

**The Taoiseach:** -----for people who actually need them.

**Deputy Gerry Adams:** Twenty-eight houses last year.

**Deputy Róisín Shortall:** How many last year?

**The Taoiseach:** In respect of the Deputy's comment about spin and posturing, I think it was important to call in all of the insurance industries. They have written back and there are still some questions-----

**Deputy Gerry Adams:** Dear John letters.

**The Taoiseach:** Maybe the Deputy has it already himself. I do not know. He had information before that I did not have so maybe I should not comment, but they did reply, Deputy Adams. There is a great deal of work to be followed through from what they have said. The Deputy will be aware that the Department of Finance is carrying out an analysis of all the different models of insurance in locations where there is no insurance in other countries, the question of demountable defences here and where there are full-time flood defences in place. In addition, there is the fact that the insurance companies have pointed out some of the statistics for cover, on which there remains to be some further work done. That letter has been received by us. It was considered by Government today and I assure the Deputy it will be followed through in a very realistic fashion by having further consultation with the companies in regard to people who cannot get insurance.

**Deputy Róisín Shortall:** How many houses last year?

**Deputy Maureen O'Sullivan:** On 1 January in Dublin Castle, there was an impressive flag-raising ceremony to start the 100th anniversary of the Easter Rising. An amazing array of launches and events is being held not just in Ireland, but also abroad, by a wide number of organisations. A number of restorations are ongoing, for example, Kilmainham court and Pearse's cottage.

It appears to me and others that this and previous Governments would have preferred it had the men and women involved been airlifted from the GPO to Richmond Barracks and Kilmainham Gaol, thereby bypassing Moore Street. However, they did not bypass it and it is part of the evacuation route. It was also witness to a number of events not just involving the leaders in Nos. 14-17 Moore Street, but the ordinary men and women who took part as well as citizens

in Dublin.

Shaffrey Associates conducted a wider assessment of the 1916 battlefield as part of the ministerial consent to carry out work. I will cite parts of that assessment. The block exactly matches the terrace into which the majority of the GPO garrison escaped. The activities relating to the 1916 Rising that took place on Moore Street happened throughout the entire street, on adjacent lanes and within many of the buildings. The assessment specifically mentions buildings other than Nos. 14-17. Furthermore, Article 1 of the Venice Charter states: "The concept of a historic monument embraces not only the single architectural work but also the urban or rural setting." Article 6 states: "Wherever the traditional setting exists, it must be kept. No new construction, demolition or modification which would alter the relations of mass and colour must be allowed." To me, this means that the fabric of Moore Street and its area must be retained.

If one walked into Kilmainham Gaol or Pearse's cottage or if one went to Brú na Bóinne, one would immediately get a sense of what it was like to have been there at the time in question. This is what we could have at Moore Street. Last week or the week before, the Taoiseach launched a virtual reality tour of Easter 1916. I do not want that to form part of what we will do for Moore Street when we have the opportunity to retain the authenticity of Moore Street now. Westport House was withdrawn from NAMA. Under section 4.1.1 of the NAMA Act, that was possible for legitimate reasons in the public interest.

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

**Deputy Maureen O'Sullivan:** The Government had the power to designate Nos. 14-17 Moore Street as a national monument. Why was this designation not extended to the rest of the terrace? Why has the Taoiseach abandoned what he called the "laneways of history" and why are we leaving it to a vulture capitalist to look after the rest of the battlefield site?

**Deputy Finian McGrath:** Hear, hear.

**The Taoiseach:** I thank the Deputy. I looked at this myself quite a number of years ago. To put it mildly, the condition of the street and of the buildings on either side of what is a national monument was simply disgraceful. I have listened to all of the rows about the national monument, about what should or should not be done about it. For that reason, the Government purchased the national monument.

**Deputy Gerry Adams:** Only a bit of it.

**The Taoiseach:** This has dragged on for many years with so many different variations, given the fact that Dublin City Council, as the planning authority, has responsibility regarding applications that come before it for planning permission both in respect of Moore Street and the lanes of history at the back of O'Connell Street and so on.

In respect of the centenary commemorations for 2016, the Government decided to purchase this for a sum of €4 million and to restore this building in a proper, authentic and time-of-the-period fashion. As I understand it, the maps and other documents show clearly that buildings on either side were either non-existent or in a state of collapse before the Rising took place in 1916. The Deputy is right that this was the centre of the end of the evacuation process from the side door of the GPO, in that the several hundred who evacuated the building were not in a position to go up Moore Street because of gunfire from the top of the Rotunda.

Deputy Maureen O’Sullivan knows that what the Government wants to do for the people here and for posterity is to take the buildings where the surrender was commissioned and preserve them as a national monument in respect of one of the first small countries to strike out for independence, politically and economically, at the start of the 20th century, but the Government does not own all of the streets and the buildings on either side of Nos. 14-17. The Government does own these buildings and the intention is to have these restored in a proper and fitting fashion. It is not just a case of the vulture capitalists, venture capitalists or capitalists doing what they like in respect of the remainder of the surrounding area. The responsibility for planning and for approval of that lies initially with Dublin City Council and beyond that, if there is an objection, with An Bord Pleanála, and that is independent of the process of government.

I thought it appropriate, to be honest with the Deputy, that, given what was happening and what was not happening, and nothing was happening, it was right that the Government should purchase this in the interests of the people, preserving it as a lasting exhibition centre and an authentic recreation of what was there in 1916 when those who led the Rising in the GPO said, “Let us decide to burrow through the houses to Nos. 14-17”, from where the order was given for Nurse O’Farrell to take the note in respect of surrender.

**Deputy Maureen O’Sullivan:** It is not just this Government, but successive ones. When this Government did the right thing with part of the terrace, why could it not have gone further and done the right thing with the whole area? We also had this exchange in 2014, when the Taoiseach told me that commemorative events had to be inclusive, sensitive and appropriate.

I will go back two weeks on the subject of Nos. 14-17. The occupation should never have happened, but what occurred that Monday was disrespectful, undignified and insensitive to what happened in Nos. 14-17. It was cloak-and-dagger stuff and no conservation expert was on hand to oversee the work. Someone happened to arrive along and heard workers using claw hammers. I mean no disrespect to the workers, but they did not know where they were, what they were doing or the significance of the building.

The reports contain many mistakes. In one conservation report, No. 18’s facade was singled out as being pre-1916. In another, this was omitted. Once something is destroyed, it is gone forever. There are examples of this.

So far, the taxpayer has paid €9 million: €4 million to buy and €5 million designated for Nos. 14-17. Whose plan are we following? It does not appear to be the State’s plan, but the plan that was drawn up by the same failed property developer that wanted to build over, under and around the national monument.

I have just been at a meeting in city hall with the Moore Street forum. Dublin City Council was represented. It claims that the Minister has responsibility but the Taoiseach claims that Dublin City Council has responsibility. A motion was passed by Dublin City Council on 11 January. That motion must be taken into consideration by the Government. Since the Government is passing it in one way and Dublin City Council in another, there is a need for all the stakeholders to come together at the same time so these matters can be addressed. The Government must take the lead on this. Time is very much running out.

**The Taoiseach:** I agree with Deputy Maureen O’Sullivan that this has dragged on for years and years and that there was never an agreed solution to the issue. That is why I believed it appropriate that the Government should acquire Nos. 14 to 17 for the Irish public, including

the diaspora. That is why a purchase price was agreed and a sum was provided for the proper restoration of the building.

What I should do for the Deputy is to arrange for her to meet the experts from the Office of Public Works who showed me the plans for what they intend to do with the buildings, in a sensitive manner, internally and externally. As somebody who has an interest in the place, the Deputy should understand this. It is not the case that people who were passing by were suddenly working on Nos. 14 to 17. The work is based on a very specific and sensitive plan. There are some elements inside the buildings that are genuinely authentic and that can be restored or reproduced to give a feeling for the colours and materials that were evident in the houses. There are other elements that are not in this category. I can arrange the meeting for the Deputy so that she may see for herself the professionalism of the proposal. Perhaps she does not agree with me. Believe me, it is not a case of a subcontractor moving in and saying he believes we should do this or that. The proposal is based on a very sophisticated and detailed analysis of the work to be carried out on Nos. 14 to 17. The evidence will also be produced for the Deputy in respect of the buildings on either side. Effectively, she is claiming the State should have purchased all of Moore Street up as far as the Rotunda-----

**Deputy Gerry Adams:** Yes.

**The Taoiseach:** -----where The O’Rahilly was killed and so on. Obviously, the State purchased the central portion for the people. Interminably, over the years, Dublin City Council has had rows about this. Deputy Adams’s own party was no great help, if I might say so, in the middle of all those discussions. Dublin City Council has a responsibility. If it wishes to set out a planning process or a plan and design that will retain the “lanes of history,” as they are called, that is its responsibility. It has the authority to do that. The State, on behalf of the people, is now spending up to €9 million on the purchase, restoration, renovation and presentation of Nos. 14 to 17 in a proper and fitting manner. I will arrange the meeting for Deputy Maureen O’Sullivan.

**Deputy Gerry Adams:** A shopping mall.

### **Ceisteanna - Questions (Resumed)**

#### **Taoiseach’s Meetings and Engagements**

1. **Deputy Gerry Adams** asked the Taoiseach if he will report on the European Union leaders’ summit in Brussels in Belgium in mid-October 2015; and if he will make a statement on the matter. [42208/15]

2. **Deputy Gerry Adams** asked the Taoiseach when he last met with the German Chancellor, Dr. Angela Merkel; and if he will make a statement on the matter. [42225/15]

3. **Deputy Micheál Martin** asked the Taoiseach if he had any bilateral meetings at the European Union Council meeting on 29 November 2015; and if he will make a statement on the matter. [43474/15]

4. **Deputy Micheál Martin** asked the Taoiseach if he made a contribution at the European

Union Council meeting on 29 November 2015; and if he will make a statement on the matter. [43475/15]

5. **Deputy Micheál Martin** asked the Taoiseach the status of the European Union Council meeting on 30 November 2015, including discussions on the €3 billion plan for Turkey, the easing of visa restrictions, the status of Turkey's application to join the European Union, border security, the migrant situation, and the shooting of a Russian aircraft; and if he will make a statement on the matter. [43506/15]

6. **Deputy Gerry Adams** asked the Taoiseach who within the Government has responsibility for preparing the Government's political, economic and policy arguments against British Government proposals on European Union membership; and if he will make a statement on the matter. [44676/15]

7. **Deputy Micheál Martin** asked the Taoiseach his contributions at the European Union Council meeting on 17 December 2015; and if he will make a statement on the matter. [1823/16]

8. **Deputy Micheál Martin** asked the Taoiseach the agreed actions that are to be taken on European Union immigration, following the meeting of the European Union Council on 17 December 2015; and if he will make a statement on the matter. [1824/16]

9. **Deputy Micheál Martin** asked the Taoiseach if he spoke with the Chancellor of Germany, Dr. Angela Merkel, at the European Union Council meeting on 17 December 2015; if he discussed retrospective debt for Ireland with her, or with any other European Union leader; and if he will make a statement on the matter. [1825/16]

10. **Deputy Richard Boyd Barrett** asked the Taoiseach to report on the European Union Council meetings he attended in December 2015; and if he will make a statement on the matter. [1935/16]

11. **Deputy Micheál Martin** asked the Taoiseach if he has attended a meeting on the number of migrants that Ireland will receive from Syria and other war-torn countries; and if he will make a statement on the matter. [1959/16]

12. **Deputy Joe Higgins** asked the Taoiseach if he had meetings with the Chancellor of Germany, Dr. Angela Merkel; and if he will make a statement on the matter. [2801/16]

13. **Deputy Joe Higgins** asked the Taoiseach to report on meetings regarding the refugee crisis and Ireland's commitment to aid during the European Union Council in December 2015; and if he will make a statement on the matter. [2802/16]

14. **Deputy Joe Higgins** asked the Taoiseach to report on the recent European Union Council meetings he attended. [2803/16]

**The Taoiseach:** I reported to the House on 20 October on the detail on the outcome of the European Council meeting of 15 October. That meeting dealt with several issues of importance to the Union, with a particular focus on the complex challenge of migration. Also discussed at the meeting were the report of the five presidents, Completing Europe's Economic and Monetary Union, and the UK plans for a referendum on its EU membership, and it was agreed in both instances to return to the issues in December. The French President, François Hollande, made a presentation in advance of the global Conference of Parties on climate change in Paris, and the European Council noted the publication of the international and independent report into

the downing of flight MH17 over Ukraine.

On Sunday, 29 November, EU Heads of State and Government held a meeting with the Prime Minister of Turkey. Co-operation with Turkey is central to the European Union's overall approach to tackling the migration crisis, and the meeting agreed a joint statement along with the European Union-Turkey joint action plan which had been negotiated by the European Commission over the previous weeks. The statement noted the European Union's agreement to provide an initial contribution of €3 billion over two years in support of the 2.2 million Syrian refugees in Turkey. Member states including Ireland will contribute to this fund once the final arrangements have been agreed.

The statement also committed to strengthening relations between the European Union and Turkey, addressing common challenges through more structured, high-level dialogue and re-energising the accession process, on which the European Commission published its annual report on 10 November. The issues of visa liberalisation for Turkish citizens and border security, both of which are mentioned in the statement, are for Schengen member states to consider in the first instance. The action plan is intended to further support refugees and their host communities in Turkey and to strengthen co-operation in preventing irregular migration. Both the European Union and Turkey have set out their intentions under the plan, which includes financial support, resettling of refugees from Turkey to the European Union, law enforcement co-operation on smuggling, joint return operations, an improved legal framework, and compulsory registration and integration measures.

It is important to emphasise that the commitments made by Turkey and the European Union in the joint action plan will have to be fulfilled. Progress on this is being very carefully monitored and will be reviewed by the European Council in due course.

The shooting down of the Russian aircraft was not discussed at the European Council meeting in November.

I had no scheduled bilateral meetings in the margins of the meeting of European Union Heads of State and Government with the Turkish Prime Minister on 29 November, although I did, of course, have informal exchanges with a number of colleagues.

I last met Chancellor Merkel at the December European Council meeting. While I engaged with the Chancellor in the course of the Council meeting, we did not have a formal bilateral meeting. I did not raise retroactive recapitalisation of the Irish banks with her or with other counterparts at that meeting. I last held a formal bilateral meeting with Chancellor Merkel during my visit to Berlin on 3 July 2014, following her own visit to Dublin in March 2014.

The British Government's proposals for EU membership were discussed most recently at the December European Council. This provided a welcome opportunity to have a collective discussion of the issue with all 28 EU Heads of State and Government and the Presidents of the EU institutions, framed by the earlier exchange of letters between the UK Prime Minister, David Cameron, and the President of the European Council, Donald Tusk. At that meeting, Mr. Cameron opened the discussion by outlining the four broad areas where he is seeking change and by explaining the complex domestic politics around the issue in the United Kingdom. I intervened in strong terms in the subsequent discussion to present the Irish point of view, which is, of course, well known to this House and in the United Kingdom and other member states. I spoke about the importance of the issue to Ireland, given the uniquely close political, social,

economic and cultural ties between our countries. I also emphasised the significance of UK membership to the European Union as a whole and I stressed the importance of working together to find a mutually acceptable solution.

Regarding the proposals themselves, Ireland is supportive of moves aimed at delivering more for our citizens. We share the United Kingdom's enthusiasm for sustained effort under the "competitiveness" heading. The issues here are the drivers of long-term prosperity for the citizens of the European Union. Under the "economic governance" and "sovereignty" headings, although the details of the proposals remain to be clarified, we can also see where solutions might lie.

In the immigration and free movement area, we can more than likely support the proposals, subject to the details, in regard to addressing fraud and abuse and changing the way in which child benefit is paid abroad. The idea of limiting access to in-work benefits is more difficult, and there is opposition to the proposal in its current form. However, I am hopeful that, with willingness and determination, a workable solution in this area can also be found.

With regard to the debate itself, I was encouraged by the substantive and very constructive exchange of views about the four categories of reform proposed by Mr. Cameron, including the difficulties. There can be little doubt that this is a challenging and sensitive issue, but the atmosphere at the European Council meeting was very positive and there was willingness to find a way forward.

Prime Minister Cameron, while not withdrawing his proposition about limiting access to in-work benefits, signalled his openness to alternative ideas that would have the same effect. We agreed, therefore, to work closely together in the period ahead, with a view to reaching agreement on a package of measures at the February European Council meeting. While the legal form and implications of the final package remain to be teased out, I welcome the fact that the Prime Minister is not pressing for early treaty change. We now await the emergence of detailed proposals from President Tusk, which are expected in early February. These will allow all member states to develop further their responses under each of the four headings and participate in intensive and collective preparatory work at senior official level leading up to the next European Council meeting, which I understand will take place on 11 February. The aim is to secure an agreement that is acceptable to all of us and will allow the Prime Minister to recommend and campaign vigorously for a vote to remain in the European Union.

I met Prime Minister Cameron again in London yesterday and we had a further excellent discussion about the state of play. He updated me on his recent contacts with colleagues and I confirmed our strong support for a positive result.

*4 o'clock*

This issue has implications for all parts of Government policy. The whole of government has, therefore, been engaged in tracking the development of the debate and framing our contribution to the negotiations that are under way. The Minister for Foreign Affairs and Trade and the Minister of State with responsibility for European affairs have particular responsibilities in this respect, as do other Ministers in relevant sectors, supported by officials across Departments.

In addition to the United Kingdom's relationship with the European Union, the ongoing

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migration and refugee crisis was the main item of discussion at the December European Council. Heads of State and Government took stock of what has been done so far and looked at further shaping and implementing a comprehensive EU approach. There was consensus that, while important agreements were reached over the course of 2015 to establish a comprehensive response to the crisis, implementation of the measures, notably as regards the so-called hot-spots, relocation and returns, has been far too slow. The European Council agreed that member states and the EU institutions must work together urgently to address these deficiencies in the system. Work on this is being progressed by the Presidency, the European Commission and the High Representative, who will report on progress at the February meeting of the European Council. Regrettably, however, in the month since the December European Council, the position has not improved and the urgent need for progress is more marked than ever. Building on earlier conferences and summits, the European Council also emphasised the importance of working with regional partners in the western Balkans and Africa.

Ireland has consistently called for an approach which addresses the root causes as well as the humanitarian challenges at European level. As I observed at the December meeting of the European Council, our immediate priority is to implement the resettlement and relocation proposals under which we have offered to accept 4,000 asylum seekers and refugees. In this context 176 Syrian refugees have already arrived in Ireland under the resettlement programme, with an additional 120 refugees due to arrive soon. While progress on relocation has been much slower, I am pleased that the first group of Syrian asylum seekers - a family of ten - arrived here recently under the relocation framework.

Our decision to opt into the relocation and resettlement programme last year was in addition to the substantial additional financial support Ireland has provided towards assisting those affected by the Syrian crisis, the World Food Programme, to which we have agreed to double our allocation in the years ahead, and the Emergency Trust Fund for Africa, as well as the support provided by the Naval Service to humanitarian search and rescue operations in the Mediterranean, of which Deputies are well aware.

The migration crisis will be a major ongoing challenge for the foreseeable future. I hope real progress will be made in the coming weeks and I look forward to discussing developments again with the other Heads of Government at the February European Council meeting.

As I noted, much of the Council's time was spent on addressing the migration and refugee crisis and the EU-UK negotiations. However, a number of other agenda items were also discussed. Most notably, the European Council considered actions in the fight against terrorism, building on the decisions taken at its February meeting and in light of the appalling attacks in Paris and elsewhere.

As outlined in my detailed statement to the House last week, there was also discussion of international developments, including the position in Syria, Ukraine and Libya, respectively, and a number of economic and financial issues, taking stock of discussions on the five presidents' report on economic and monetary union and developments in the Single Market following publication of the new strategy. Energy union and a forward-looking climate policy were discussed, following the very successful COP21 summit in Paris last year.

**An Ceann Comhairle:** I call Deputy Jonathan O'Brien who is substituting for Deputy Gerry Adams.

**Deputy Jonathan O'Brien:** As this is my first time substituting, I will need some guidance on timing and so forth.

**An Ceann Comhairle:** It is Question Time, which means Deputies should put questions. The Deputy should be as brief as possible.

**Deputy Jonathan O'Brien:** I will take a leaf out of Deputy Martin's book.

The Taoiseach raised a number of points which I would like to discuss. I refer first to the proposed referendum on a British withdrawal from the European Union, also known as Brexit. Following the Taoiseach's meeting with Prime Minister Cameron yesterday, he expressed the view that all of Britain's demands for reform of the EU could be solved and referred to a number of these demands in his response. The next meeting of the European Council will take place on 18 and 19 February. The December European Council set itself the explicit objective of securing an agreement on mutually satisfactory solutions. The British Prime Minister indicated previously that he hoped to reach a deal on Britain's membership of the EU next month, which would clear the way for a referendum as early as this summer. However, in his remarks yesterday, Mr. Cameron seemed less sure of this.

It is not necessary for me to outline the consequences of a British exit from the European Union for Ireland, especially the North. For eight decades, we have had a physical border between the two States and an economic, social, cultural and political border which has been the source of enormous dislocation and, at times, conflict. The Good Friday Agreement transformed the position, however, and the physical Border has become all but invisible. Nevertheless, much work remains to be done on the economic and political barriers between the Twenty-six Counties and Six Counties. Any move towards Brexit would be a retrograde step as it would create the potential for a return to border controls, which would have a highly detrimental impact on the economy of the Border counties. The adverse effects of a Brexit on the all-Ireland bodies established as part of the Good Friday Agreement also need to be taken into consideration.

The outcome of the UK referendum on EU membership should not determine the fate of the North in respect of these matters. Has the Taoiseach sought an assurance from the British Government that the outcome of the referendum in the North alone will determine the relationship between this State and the Six Counties? The Taoiseach referred to some of the areas on which he believes compromise could be reached. Will he elaborate on these matters?

The Taoiseach also referred to the refugee crisis and indicated that the discussions at the European Council meetings in Brussels in October, November and December, respectively, were very much focused on the issue of refugees. I take this opportunity to commend the work of the Naval Service, which successfully rescued a staggering 8,631 people during its humanitarian operations in the Mediterranean Sea in 2015. The extraordinary loss of life as refugees flee violence, war and poverty in the Middle East and north Africa has shocked and saddened all of us. Last year, 3,770 men, women and children died trying to cross the Mediterranean. We also saw the images of the three-year-old child on a Turkish beach. I acknowledge the tremendous work that the naval vessels carried out. There are no naval vessels in the region at the moment. Traditionally, the winter months see fewer refugees trying to make the dangerous journey. Unfortunately, some are still trying to make that journey. At least 43 people, including 17 children, drowned only last Friday when their boat collapsed off the Greek islands. According to the International Organization for Migration, over 100 refugees have drowned since the start

of the year. That is more than the combined totals for January 2014 and 2015. It is estimated that almost 37,000 have arrived in Italy and Greece since the beginning of the year. There is no doubt we are seeing an unprecedented growth in the number of refugees trying to cross the Mediterranean. Are there any plans? When is it planned to send Irish naval vessels back out on humanitarian missions? I wish to come back in later, a Cheann Comhairle, because I have some other questions, but I know Deputy Martin is keen to get in.

**The Taoiseach:** I thank Deputy O'Brien for his questions. With regard to the Brexit business, I never understood why the title is as it is because British exit is not a positive term, if I can put it that way. It is actually a choice being made by the British electorate. I have heard some comments from the MP, Mr. Dodds, and the Northern Ireland First Minister, Ms Arlene Foster, with regard to comments I made in London yesterday. I am very much aware that the decision is one for the British electorate, for those in Northern Ireland, Scotland, England and Wales. However, it is not the same as the referendum on independence in Scotland because this country has an interest in it. It is a critical decision to be made by the British electorate in respect of the European Union, Britain and Ireland in the context of our relations with Northern Ireland. Deputy O'Brien has pointed out some of these details.

Far be it from me to try to direct the British electorate or the electorate of the United Kingdom as to what way they should vote; it is their choice and their decision. However, it is important to note that there are significant numbers of Irish citizens living in Britain. Owing to the common travel area, many of them have been there for many years. Therefore, we have an interest in this. It is also important to note that €1 billion in trade is conducted across the Irish Sea every week. Britain is the biggest purchaser of food from Ireland, as we are of their produce. Many other issues arise from a common travel area. While we cannot direct the electorate on what to do when they go to vote, it is important that we set out how critical is this issue. I repeat that it is not for me to direct the British electorate, but it is important to state the importance of the decision to be made. People should be properly and fully informed.

Deputy O'Brien pointed out a number of issues about cross-Border bodies and so on. For instance, we agreed fully that the Chancellor of the Exchequer should give the Northern Ireland Executive the right to reduce corporation tax rate in Northern Ireland to something approaching or the same as the corporate tax rate here. That would make the economic entity of Ireland, from a foreign direct investment point of view, an island attraction in its own right.

To be honest, following the discussion I had with the Prime Minister, Mr. Cameron, yesterday, I am unsure whether it will be possible to conclude this set of agreements at the February meeting. There is progress to be made on all of the four issues. Progress can be made and I believe the matter can be concluded successfully. The UK Prime Minister has made it clear that it is his call regarding when he chooses to have a referendum. He said that if the deal is not clear enough or strong enough, he has time and can wait until some time before the end of 2017 to have a referendum.

The European Council is where leaders discuss concessions, changes or reforms. We all support the Single Market, the digital market, getting rid of red tape in administration and the development of trade links with TTIP and other locations throughout the world where opportunities exist. It is important that all of Europe would benefit from the changes and reforms that are being made here. It is not a case of saying that we have considered all of this and we give particular concessions to any leader around the table. We are members of the European Union. I would like Britain to continue to remain a strong and central member of that because of the

power and the opportunity that comes from having 500 million people in a trading bloc with enormous potential.

I cannot say to Deputy O'Brien that it will be finished by the February meeting. Mr. Tusk, the President of the Council, will circulate his paper next week. It will deal with the discussions that have taken place following the December meeting, at which the UK Prime Minister, Mr. Cameron, tabled his four baskets, as it were, the issues of sovereignty, competitiveness, welfare and so on. In the meantime, we will continue to discuss the issue with colleagues in Brussels and Britain to see what progress might be made.

This is connected with the migration issue as well. Let us suppose the current numbers were to continue and the UK held a referendum on continued British membership of the Union in June or July. That is the time of year when numbers would be heaviest, if migration continued across the Mediterranean. It is a matter for the British Prime Minister when he wants to call the referendum.

The refugee crisis is taking up practically all the time at the meetings. It is a really complicated and serious issue now. We get reports from the EU High Representative, Ms Mogherini. Some 1.2 million people have gone into south Lebanon, 25% of the Lebanese population is now Syrian and 1.2 million are in Jordan. The Prime Minister held a special event for the King of Jordan in respect of the camps there. The Union responded with a €3 billion initial fund in respect of Turkey, which has a little over 2 million refugees. Obviously, the numbers are exceptionally difficult to pin down.

A great deal of work needs to be done from a European point of view on these hotspots in respect of registration and what we do if people turn up to the hotspots where people are registered and identified. Are they to stay there in camps that the countries concerned provide? Are they to dissipate throughout the countries of the Schengen area? These are extraordinary challenges. Yet, as Deputy O'Brien has pointed out, when we see the pictures of grossly overladen and overloaded dinghies, ribs and other craft, we can see for ourselves the scale of what is involved. Let us imagine all of Connacht and all those right down through Munster to Cork walking to Dublin and trying to cross the Irish Sea in rickety boats or whatever. It is a human movement of enormous consequences.

At the Holocaust commemorations which the Ceann Comhairle attended on Sunday, there were examples involving the *MS St. Louis* in 1938. The vessel went to America with 900 passengers who assumed they would be given visa entry but they were not. They had to come back again on another boat that went to Turkey and over 700 died. So many years on we have replications in some ways of what happened then.

**Deputy Jonathan O'Brien:** I asked about the role of the Naval Service.

**The Taoiseach:** The Minister for Defence, Deputy Coveney, has already said that it would be his intention to send a naval boat again. They rescued more than 8,500 men, women and children, and I think that gesture was appreciated by European leaders. If it is a case of making arrangements for that to happen, the Minister will do that.

**Deputy Micheál Martin:** I thank the Taoiseach. He took 14 questions on the European Union together. In his reply he said he had not raised the issue of retrospective recapitalisation with German Chancellor, Angela Merkel, at the European Council, despite the fact that in 2012 he and the then Tánaiste, Deputy Eamon Gilmore, were very clear that a game-changer

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of a meeting had occurred and that retrospective recapitalisation would apply to Ireland. At the time, the Minister for Finance, Deputy Noonan, and the Minister for Public Expenditure and Reform, Deputy Howlin, claimed they could get up to €6 billion back for Ireland through retrospective recapitalisation. Given that the Taoiseach did not raise the issue with Chancellor Merkel or at the Council meeting, is that the final confirmation that the issue is off the table as far as the Government is concerned? Is it the case that the Government is no longer seeking a retrospective recapitalisation deal in respect of Ireland's bank debt? Can he confirm that in a later reply to me?

With regard to the refugee crisis, it is accepted that the vast majority of refugees are leaving war-torn Syria and other locations because of conflict and war and because they want to seek a better life. I refer to the strengthening of relationships between Turkey and the European Union, notwithstanding the curbs on press freedom and the emergence of a more authoritarian regime in Turkey. What is the state of play in regard to the relationship between Turkey and the European Union in terms of its long-running application for membership, and the nature of the agreements that have been arrived at on the refugee crisis?

Does the Taoiseach accept that the most effective way of dealing with the refugee crisis in the short term, apart from dealing with the source of the conflict in Syria and resolving the issues there, is to provide substantial resources to the refugee camps? The Taoiseach mentioned the major camps in Lebanon, Turkey and Jordan. Improving the quality of life for those in the camps in terms of education, work and so on could potentially stem the flow of migration to Europe. Nothing is available to assist in improving the quality of life for people in those camps.

The Taoiseach said the refugee crisis had dominated the Council meetings. The recent rapes of and attacks on women in Cologne caused a lot of concern and distress. Was the issue raised at the meeting? Did the Taoiseach have any briefing on this and the potential implications for the process of integration and fully teasing out and evaluating the immigration crisis as it hits Europe? There are many far-reaching issues.

I refer to the proposed referendum on whether Britain should remain within the European Union. The Taoiseach used a wonderful phrase, on which I commend the civil servants involved. He said the Irish point of view was well known in terms of the importance of the issue and the significance of Britain. I am not so sure it is well known, and I do not think the precise or specific details of the Government's view on the specific proposals that the British Government is putting on the table have ever been spelt out. In his reply, the Taoiseach referred to competitiveness, governance and sovereignty, immigration and free movement, welfare, in-work benefits and so on. What exactly is the British Government seeking in terms of welfare proposals? Is it solely concerned about welfare fraud? Is it looking for different rates of welfare to apply in host countries or for the welfare rates in one's own country to apply if one migrates to another EU country? I refer to EU citizens. What are the proposals around free movement across the European Union? The Taoiseach mentioned that in-work benefits would prove to be a difficult issue to resolve. Can he outline what exactly the British Government is looking for in that area? What are the potential implications for Irish citizens working across the European Union if the British Government gets its way on that? Can the Taoiseach outline specifically what it is looking for?

Can the Taoiseach indicate specifically whether the British Government is seeking an accommodation for the City of London in terms of eurozone policy and access to the decision-making process within the eurozone area? Is it seeking an input into decisions that the eurozone

would quite properly take for the eurozone area? The Taoiseach referred to his meeting with the British Prime Minister yesterday. Did he discuss the issue with him?

The Taoiseach said the Irish Government was in broad agreement with the British Government on competitiveness. Have labour laws, labour market flexibilities and workers' rights featured in his discussions with the British Prime Minister, or is the British Government raising those issues on the agenda of the European Council and seeking changes to existing labour market rules and regulations? That is probably enough for the Taoiseach to be getting on with at this stage.

I note the Taoiseach's comment that the legal form of the agreement is to fall short of treaty change, which in itself has implications for what is ultimately agreed. Notwithstanding the comments of Nigel Dodds, MP, and others, we are members of the European Union and therefore have every right to be involved in discussions when an existing member of the Union seeks to change the rules in order to maintain its membership. We want Britain to remain part of the European Union; it is in our best interests and that of the European Union. It is rather regrettable that Northern public representatives, in a very old-style way, seek to suggest that we be excluded from any discussions on the issue. I hope there will be some reflection on that from those protagonists.

**The Taoiseach:** I thank Deputy Martin. I answered his question on whether I had discussed retrospective recapitalisation. The answer was that I did not.

**Deputy Micheál Martin:** Does that mean the issue will not be raised again?

**The Taoiseach:** The Deputy has raised this issue on many previous occasions and I have made the point that it is a testament to the resilience of the Irish people and the continued support of our EU partners that this country has returned to a position in which it is able to borrow money in a sustainable way and is not blocked from the markets that we were able to access previously. Having delivered on all of the commitments and exceeded targets over the three years of the programme, it was and remains a key priority of the Government to ease the bank burden on Irish taxpayers and clean up our banks as we make our way to economic recovery. In that sense, banks have been recapitalised and restructured. IBRC was liquidated and the promissory notes replaced with long-term bonds in order to dramatically reduce our market funding requirements. Interest rate reductions on our loans were achieved, not just here but in other places. Agreement was reached with our eurozone partners for the repayment of our EFSM and ESF loans to be extended by seven years. Those steps have had the effect of stabilising our financial system and reversing the outflows of deposits and other funds that have crippled this economy for quite a number of years.

As regards recapitalisation, the European Stability Mechanism, ESM, a direct recapitalisation instrument, was agreed in principle in 2012. There is a limit of €60 billion on the total amount of ESM resources available for direct recapitalisation of institutions. Should the ESM use its direct recapitalisation instrument, it would, as a rule, acquire common shares in the beneficiary institution. Circumstances have improved dramatically since then, and the ESM is not the only option open to us to recover the money provided to recapitalise our banks. Investors are now willing to support Irish banks again and the market value of our investments has improved accordingly.

**Deputy Micheál Martin:** They were always there. What I am speaking about is separate

from those.

**The Taoiseach:** As I pointed out, and as the Minister for Finance has indicated, we expect to get all that money back for the taxpayer over the next period.

**Deputy Micheál Martin:** That was always the case.

**The Taoiseach:** The option was there and the option is still there. The Government's overall objective regarding the State's investment is to maximise the return for the Irish taxpayer over time. In line with this objective, the Department of Finance has worked with AIB, where €20.8 billion was invested, on reconfiguring the capital structure. The Minister for Finance is working with the banks and the advisers to lay out a path that will see a return of cash to the State from AIB investments over time. This plan was approved by the Single Supervisory Mechanism last November, and following approval at AIB's EGM a first payment of €1.64 billion was made to the State on 17 December. This is only the start of the process, although it is an essential first step on the road to recovering value for the taxpayer.

Regarding the Bank of Ireland investments, Deputy Martin is aware we have already made a net positive cash return from our investment in and our support for the bank, while we continue to hold, on behalf of the people, a valuable equity investment. The position was we had only one option.

**Deputy Micheál Martin:** No, that is not true.

**The Taoiseach:** As the situation began to improve, we had two, and we expect to get all the money back.

**Deputy Micheál Martin:** That is not true.

**The Taoiseach:** It is true, and Deputy Martin knows it.

**An Ceann Comhairle:** Through the Chair, please.

**Deputy Micheál Martin:** AIB and Bank of Ireland were always going to be realised. I am talking about the debt outside of that.

**The Taoiseach:** It is true.

**An Ceann Comhairle:** I will call Deputy Martin back in.

**The Taoiseach:** There was €64 billion, €32 billion of which is gone, on Deputy Martin's back, down the black hole.

**Deputy Micheál Martin:** We are talking about the retrospective debt outside of AIB and Bank of Ireland, which the Taoiseach said he would get back.

**An Ceann Comhairle:** I ask the Deputy to please respect the Chair.

**Deputy Micheál Martin:** I am sorry. The Taoiseach never answers the question he is asked.

**The Taoiseach:** The Deputy raised a number of important issues about Turkey. Clearly, the European Union and Turkey must work together. The joint action plan agreed on 29 November is designed to assist Turkey in providing for refugees in its own territory and to prevent uncontrolled migration from there to the European Union. We are committed to working with Turkey

on the €3 billion fund for supporting refugees from Syria based there. Implementation of this will be critical. Insufficient progress has been made and there is no question about this. When we spoke to other countries, Jordan and Lebanon stated they also need support. They raised a valid point on the camps. Some of them are enormous, as the Deputy is aware, and children's education, maternity facilities, hygiene facilities, food and nutrition are enormously complicated. We have no sense of the scale of what is happening in those camps.

There have been some positive moves since 29 November. The Deputy mentioned pre-accession. Chapter 17 of the accession negotiations is about economic and monetary policy, and this has been opened with Turkey. The participation of the Turkish Foreign Minister in a good discussion with EU Foreign Ministers at the December Foreign Affairs Council was the start of this. Frans Timmermans, First Vice-President of the Commission, recently met the Turkish Ministers of Foreign Affairs, European Affairs and Justice to emphasise the need to speed up implementation of the joint action plan. Vice-President Mogherini and Commissioner Hahn also met the Turkish side, where the same need for implementation was underlined. Further close monitoring of this will be critical. As the Deputy understands, these are complicated discussions.

The internal situation in Turkey is of a serious nature. The conflict between the Turkish Government and the Kurdistan Workers' Party restarted in July 2015, with 180 civilians killed in violence since then. There are clearly human rights concerns. Ireland strongly condemns the horrific suicide terrorist attacks which took place, the twin suicide bombings in Ankara on 10 October, which killed 102 people, and in Istanbul on 12 January, which killed ten people, including eight German tourists. The latest Commission progress report on the EU accession process noted a number of concerns, including with regard to significant shortcomings affecting the independence of the judiciary, freedom of assembly and freedom of expression, and we continue to raise these concerns, including most recently at the Council meeting in December. We and our European partners will continue this dialogue with Turkey.

We did not have a detailed briefing on the incidents of sexual assault and abuse in Cologne, but they were of a very serious nature. I discussed this with the Minister-President of Bavaria, Mr. Seehofer, when I had occasion to meet him in recent weeks. This is regarded as a very serious issue in Germany, and the police authorities there are on a very clear alert.

In respect of the issues raised about the UK Prime Minister and the case being put for the referendum, as I said to Deputy O'Brien, the paper in response has not yet been circulated by President Tusk. It is due early next week. We will see the detail of how he intends to respond and what input the European Commission might have. At the December meeting, President Juncker stated the Commission had views on a number of the elements attached to the four issues and he would like to make an input.

The fundamental question is not about the restructuring of freedom of movement, although there are concerns about the Schengen Agreement and whether countries are in a position to police their borders, and the issue of the Dublin Convention is being reviewed in regard to where people might be sent back if they are to be sent back for whatever reason. This is an issue that is of some concern at present to countries. In regard to the issue of welfare, in Britain there appears to be a very strong view among people that for persons to draw benefit or benefit in work, they should make a contribution before they draw to make that a workable situation. This is a central issue that comes up very often in Britain, and it is an issue that is of concern to the Prime Minister. He has said on a number of occasions that he would like to see a number of options

he has tabled being considered and that an outcome could be agreed on this. I do not know the detail of this yet because I assume President Tusk will respond to this in his paper.

There will be very strong objections to any restriction on the free movement of people, and the opportunity to move from place to place comes with the Internal Market. In our case in Ireland, the common travel area between here and Britain and Northern Ireland allows for ease of doing business, commerce, trade and other activities. I believe the issue regarding the eurozone and other countries in the European Union which are not members of the eurozone is one that can be resolved. There are two currencies. In Britain there is sterling, we have the euro and there are various currencies in other countries outside the eurozone. This is an issue that can be resolved.

With regard to the Deputy's final comments, we have been very forthright about being as open and generous as Fianna Fáil was to the Northern Ireland Executive and Assembly. We have had joint trade missions to Singapore. We had personnel from Northern Ireland in Brussels during our Presidency in order that they would be fully informed on the advantages of what might be going through regarding the Common Agricultural Policy or Cohesion Fund money. In this regard, the practical arrangements on which we have worked so hard to get cross-Border activities in a range of sectors are ones on which we can build for the future. The referendum is a matter for the electorate in Northern Ireland, Scotland, Wales and England, but we are all members of the European Union. Yesterday, when I spoke to more than 120 or 130 people in McCann FitzGerald in London, I made it perfectly clear that we have a real interest in this because the decision is so critical. McCann FitzGerald is one of the big Irish law firms and has been established in London for 30 years. These people are Irish citizens who will vote in the referendum. They understand the parallel, in that when we had to vote on the fiscal stability treaty people voted 60:40 in favour of the euro, the eurozone and the European Union. Essentially, it is a matter for those who go to vote in the United Kingdom to make their choice. We want to see Britain remain a central and strong member of the Union in the time ahead. It is of interest to Britain, it is of interest to Europe and it is certainly of interest to Ireland and Northern Ireland.

**Deputy Richard Boyd Barrett:** Much as the Government wishes to trumpet its success, stability and the so-called turnaround of the economy, the issue of the odious debt heaped on the back of this country and its citizens, the terrible cost that has imposed on our economy and people and the threat it represents to the economy continues to return. Has the Taoiseach read the most recent report from the European Commission, which points to the risks of our very high debt levels which it says are high in the medium term and are very sensitive to any significant shocks in economic growth? Such shocks are, of course, being widely predicted. Has the Taoiseach read the European Commission's report? It is extremely concerned about our debt and our vulnerability to economic shocks. I just came from the finance committee, where Philip Lane, the Governor of the Central Bank, made precisely the same point as the European Commission is making. He said, when asked about the growth projections of this Government and the so-called "fiscal space", that we need to have a "we may be wrong" scenario. Those were his words. He talked in particular about the problem of our high level of debt and the risk that poses to us if we are wrong. Given the gathering clouds of possible international recession, are we not pursuing a very dangerous strategy, given our high levels of debt?

That brings me to the last, linked question. This morning, the European Court of Auditors produced a report on the European Commission's handling of the Irish bailout. It is a very damning report because it says the European Commission got it badly wrong. It was charged

with monitoring and giving warnings if there were problems in terms of people's budgets. The report quotes, for example, the very misguided and utterly wrong judgment of the European Commission in March 2008, when it said of the Irish economy, "the risks attached to the budgetary projections are broadly neutral for 2008". My God, did they get that wrong. The report from the auditors goes on to say the European Commission estimated the country's budgets to be much stronger than they turned out to be, and so on. They all said the European Commission was extremely bad at keeping records. They said there was no proper record-keeping of the post-crash programme teams, that there was no proper oversight of those programme teams and that alternative scenarios were not properly looked at in terms of burden-sharing on debt.

This is the point and the question. What the auditors are now confirming is something that some of us have been saying since the very beginning, namely, that the EU itself was very significantly responsible for the failures that led to the crash and that it should have shared the burden. The Taoiseach promised before the last election that he would make it share the burden. He promised that we would burn the bondholders and that there would be burden-sharing. Now we have the European Court of Auditors saying Europe was asleep at the wheel months before the crash was about to hit and engulf the economy. Is this not the time, on the back of this report, to go back to our friends in Europe and say-----

**An Ceann Comhairle:** Will you stick to the questions that are on the Order Paper?

**Deputy Richard Boyd Barrett:** It is.

**An Ceann Comhairle:** We cannot have a general discussion here. This is not one of the questions on the Order Paper.

**Deputy Richard Boyd Barrett:** The previous discussions have all been very general.

**An Ceann Comhairle:** Deputy Martin has seven questions and-----

**Deputy Richard Boyd Barrett:** I have two.

**An Ceann Comhairle:** Deputy O'Brien has two. You have one question.

**Deputy Richard Boyd Barrett:** Two.

**An Ceann Comhairle:** Sorry, Deputy, you have one, Question No. 10, which is to do with the report on the European Council meetings.

**Deputy Richard Boyd Barrett:** Yes, absolutely.

**An Ceann Comhairle:** This is an entirely separate subject from anything on the Order Paper.

**Deputy Richard Boyd Barrett:** It is not; it is about the European Council meetings and whether-----

**An Ceann Comhairle:** No, it has nothing to do with the recent report-----

**Deputy Richard Boyd Barrett:** It absolutely does. From the European Commission-----

**An Ceann Comhairle:** Would you finish up, please? I want to try to get the others back in.

**Deputy Richard Boyd Barrett:** You did not cut anybody else off.

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**An Ceann Comhairle:** No, because you have only one question, Deputy. Would you stick to the questions on the Order Paper? That is my job.

**Deputy Richard Boyd Barrett:** Everybody else ranged across four or five subjects-----

**An Ceann Comhairle:** They did not.

**Deputy Richard Boyd Barrett:** They did.

**An Ceann Comhairle:** I am very careful about-----

**Deputy Richard Boyd Barrett:** -----from the Brexit to the European economy to the refugee crisis, and so on. Given this report, is the Taoiseach going to go back to the European Council and say now we have a European body itself saying that Europe was significantly responsible for failing to recognise the warning signals, which it was supposed to be monitoring, and that the programme management of the bailout may have been fundamentally flawed, should we now ask for debt writedown, given the vulnerability of our economy to debt and to shocks to the economy?

Finally, and very briefly, did the Taoiseach raise with Prime Minister Cameron and President Hollande, in the face of this disastrous refugee crisis, the absolute folly and immorality of bombing Syria and making the situation worse and, in the case of Britain, its culpability for creating the conditions for the refugee crisis through the previous bombing of Iraq and the disastrous consequences that has had? As well as dealing with the-----

**An Ceann Comhairle:** Sorry, Deputy-----

**Deputy Richard Boyd Barrett:** -----human tragedy of millions of displaced people, should we not be calling out the utter folly and immorality of responding to this terrible crisis by bombing the countries that have been so devastated?

**An Ceann Comhairle:** Deputy Martin, would you like to put your supplementary question? We will then hear from Deputy O'Brien.

**Deputy Micheál Martin:** In Question No. 9 I asked the Taoiseach whether he had spoken to Chancellor Merkel at the European Council meeting and whether he had discussed retrospective debt forgiveness for Ireland with her or with any other European leader. He said he did not. In his reply, he is now saying that the investment in AIB and Bank of Ireland and so on, which the previous Government made, was effective. It was always understood that the retrospective debt forgiveness was outside of those; it was in respect of losses in other banks. In 2012, when the game changer meeting was announced with Mario Monti and the then Commissioner and so on, it was understood that the option of selling AIB and Bank of Ireland was always there. The non-recoupable debt that was entered into was always the key point. The Taoiseach promised to burn the bondholders. The former Tánaiste did it in more graphic terms when he said it was "Frankfurt's way or Labour's way". We know Jean-Claude Trichet said a bomb would go off and that it would be in Dublin that it would go off. He said that to the Minister for Finance, Deputy Noonan. The Minister confirmed that to the banking inquiry. The European Union's position that banks must not be allowed to fail, after Lehmann's, and that the bondholders must not be burned was, therefore, very clear. That was made clear to the previous Government and to this Government.

On the debt issue, there was a decision in 2012 by the European Council. We were led to

believe by the Taoiseach and the former Tánaiste that this was a game changer of a decision, which would lead to a retrospective debt deal. The Ministers, Deputies Noonan and Howlin, had a press conference about it and said we could expect about €6 billion. We cannot dress it up or camouflage all of that by identifying AIB as the new route. That was always there as a route. Bank of Ireland was always there as a route, before any mention of a game changer. Is it now the Government's position that it is no longer seeking a retrospective debt deal? I just want a simple yes or no response to that.

**An Ceann Comhairle:** I call on Deputy O'Brien.

**Deputy Jonathan O'Brien:** Given the lack of time, I will let the Taoiseach respond to the questions.

**The Taoiseach:** Deputy Boyd Barrett asked about the European Court of Auditors report and the Commission's response. This is 120 pages long and obviously it will require some reading. Certainly, there was no self-criticism of the Commission's actions in the financial assistance programme. At the same time, the Court of Auditors noted specifically the unprecedented nature and extent of the financial crisis. In that context, it stated that the assistance programmes were mostly soundly based and that the Commission's capacities for dealing with the programmes improved over time. We were first out of that gap, as Deputy Martin will be well aware. It is fine and true to say that was always there in terms of the banks, but when the banks were deemed to be worthless one had no other option but to ask, "How will we be able to recoup what the Irish taxpayer put into this?" That is why €60 billion was put aside as an option under that facility. As the Deputy will be aware, matters have moved on strongly since then.

**Deputy Micheál Martin:** So the Taoiseach is not seeking it.

**The Taoiseach:** I cannot see it being pursued now. It would require unanimity from around the table. The reflection of other countries on the progress made by Ireland, being the fastest growing economy for the past two years with our deficit to be wiped out by 2017-2018 and our debt falling towards European norms, puts us in a very different position from where we were only a few years ago.

Deputy Boyd Barrett asked about the fiscal space. That is the sum of money that is available up to 2021. It is the amount of money the Department of Finance estimates will be available for expenditure increases and tax reductions in each budget. That is based, as Deputy Boyd Barrett will be aware, on an assessment of Ireland's compliance with the benchmarks that have been set for expenditure. It is a very important figure because, in the absence of measures to offset this, expenditure and tax commitments must be accommodated within the available fiscal space.

At budget time, the Department of Finance estimated that there would be gross fiscal space over the next five budgets of €10.9 billion. In addition, the Department set out that if a decision is taken not to index the tax system, as was the case in 2016, an additional €2 billion in fiscal space would be available. That means that if one introduces a tax and raises money from it, one is entitled to spend that money. If the tax system is not indexed, that is counted, if one likes, as a tax which amounts to approximately €2 billion.

**Deputy Micheál Martin:** It was €8.9 billion. The Department of Finance stated it was €8.9 billion.

**The Taoiseach:** However, one must remember that is the total amount of money that is

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available and it has to accommodate the cost each year of decisions taken by the Government, including the public capital plan-----

**Deputy Richard Boyd Barrett:** It is based on growth projections.

**The Taoiseach:** -----and the Lansdowne Road agreement. In addition, the Department of Public Expenditure and Reform estimates that an average of €400 million of that fiscal space in each year - €2 billion over the next five budgets - is required to meet demographic and other costs that will arise. Taking those factors into account, the net fiscal space that was estimated at budget time was €8.6 billion. In line with the fiscal rules, the European Commission updates each member state's minimum medium-term objectives every three years and the updated medium-term objective to cover the period 2017-2019 is expected in the next week or two. Given the decline in the Irish debt ratio and other factors, it is likely that the minimum medium-term objective proposed by the Commission for Ireland might be slightly less stringent than was previously the case. The Department of Finance has estimated that a structural deficit of -0.5% of GDP rather than the current 0% of GDP is more likely but we will have to await the outcome of all those technical discussions as to what that actually will be. While there are many moving parts to it, a decision to adopt a less stringent medium-term objective would add an estimated €1.5 billion to the indicative fiscal space in total over the period 2017 to 2021 and that would increase the gross fiscal space from €10.9 billion to approximately €12.5 billion and the net fiscal space from €8.6 billion to €10 billion, all other things being equal. The Minister for Finance will spell out further details of that when he is given the updated review by the European Commission.

**Deputy Micheál Martin:** That is getting ready for the manifesto.

*Written Answers follow Adjournment.*

### **Order of Business**

**The Taoiseach:** It is proposed to take No. 13, motion re referral to joint committee of proposed approval by Dáil Éireann of the National Cultural Institutions Act 1997 (section 44) (Variation of Indemnity Amount) Order 2016; No. 13a, Criminal Justice (Spent Convictions) Bill 2012 [Seanad] – motion to instruct the committee; No. 13b, Criminal Justice (Spent Convictions) Bill 2012 [Seanad] - Financial Resolution; and No. 33, Technological Universities Bill 2015 - Order for Report, Report and Final Stages. It is proposed, notwithstanding anything in Standing Orders, that in the event a division is in progress at the time fixed for taking Private Members' business, the Dáil shall sit later than 9 p.m. tonight and shall adjourn on the adjournment of Private Members' business, which shall be No. 215, motion re social housing, and shall, if not previously concluded, adjourn after 90 minutes; and Nos. 13, 13a and 13b shall be decided without debate.

Tomorrow's business after Oral Questions shall be No. 33, Technological Universities Bill 2015 - Report and Final Stages (Resumed); No. 34 - Criminal Justice (Spent Convictions) Bill 2012 [Seanad] - Order for Report, Report and Final Stages; and No. 1, Medical Practitioners (Amendment) Bill 2014 [Seanad] - Second Stage.

**An Ceann Comhairle:** There are two 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 Nos. 13, 13a and 13b, agreed to? Agreed.

**Deputy Micheál Martin:** Potentially, we are heading into perhaps the last week of this House. The date has been in the Taoiseach's head for quite a long time. I merely want to commend the Taoiseach and the Government on their capacity for self-assessment. The prospect of the chapter in the programme for Government dealing with fairness, in particular, in dealing with the health service, will rank as probably the greatest act of political fiction ever written. It is tremendous stuff.

**Deputy Bernard J. Durkan:** Deputy Martin should know all about that.

**Deputy Micheál Martin:** Five years ago, the following was stated in the programme for Government:

This Government will introduce Universal Health Insurance with equal access to care for all. Under this system there will be no discrimination between patients on the grounds of income or insurance status. The two-tier system of unequal access to hospital care will end.

The Universal Health Insurance system will be designed according to the European principle of social solidarity: access will be according to need and payment will be according to ability to pay. The principle of social solidarity will underpin all relevant legislation.

As a statutory system of health insurance, guaranteed by the State, the Universal Health Insurance system will not be subject to European or national competition law.

This Government will act speedily to reduce costs in the delivery of both public and private health care and in the administration of the health care system.

I will not read out the entire chapter on the health service but it goes on. The Government promised legislation for universal primary care under legislation to be called the universal primary care Act. Are the heads of the Bill available? It was to be brought in. The claimants of drugs on the long-term illness scheme, at a cost of €17 million, was to be introduced. It read very well.

**Deputy Damien English:** I did not think the Deputy read reports.

*5 o'clock*

**Deputy Micheál Martin:** It states:

A system of Universal Health Insurance (UHI) will be introduced by 2016, with the legislative and organisational groundwork for the system complete within this Government's term of office. UHI will provide guaranteed access to care for all in public and private hospitals on the same basis as the privately-insured have now.

There is another full page on the universal health insurance Act, which is promised in the programme for Government, and on how hospitals and clinics will participate in supplying care under UHI, and so on. On the third page about UHI it states, "Under UHI public hospitals will no longer be managed by the HSE."

**An Ceann Comhairle:** Where are we going?

**Deputy Bernard J. Durkan:** We are rambling.

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**An Ceann Comhairle:** This is on promised legislation.

**Deputy Peter Mathews:** It is the programme for Government.

**Deputy Micheál Martin:** It is a fair point, a Cheann Comhairle. This is all promised legislation, which never arrived.

**Deputy Robert Troy:** It never came, like many of the Government's promises.

**Deputy Bernard J. Durkan:** The Deputy's Government promised it ten years ago.

**An Ceann Comhairle:** I do not need your assistance thank you, Deputy Durkan.

**Deputy Bernard J. Durkan:** I apologise. I just cannot bear this nonsense.

**Deputy Micheál Martin:** Would the Taoiseach agree that it is a great work of fiction and that none of the legislation has arrived?

**Deputy Bernard J. Durkan:** The Deputy is very familiar with fiction.

**Deputy Micheál Martin:** For five years, I have been asking for these Acts periodically. Up to approximately three months ago, the Taoiseach kept saying there were delays but they were coming. Only in the past three months has the Minister for Health, Deputy Varadkar, ditched the entire chapter on universal health insurance. Will the Taoiseach confirm that he misled the people on it five years ago and that it has been a spectacular failure of implementation? Can he confirm that it belongs, and has always belonged, to the realm of fantasy in terms of political commitments and promises and creates serious doubt about any commitments he makes in health or any other area? What the Taoiseach said about health did not materialise.

**Deputy Bernard J. Durkan:** The Deputy should know about that.

**Deputy Micheál Martin:** No research or homework was put into the universal health insurance project.

**Deputy Paul Kehoe:** This is like a Second Stage speech.

**Deputy Micheál Martin:** We were told it would happen. The pathways are detailed on the fifth page, starting with the enactment of the legislative basis for UHI. It did not happen, and I do not know why. Maybe the Taoiseach can give some indication. Can he confirm that it is unlikely to happen, given that we are, potentially, in the last week of the Dáil?

The Taoiseach attempted to introduce self assessment for the junior certificate. There was much objection by teachers. In the Taoiseach's self assessment of his record, he gave himself 93%. I begin to understand why the teachers have concerns about self assessment.

**An Ceann Comhairle:** Where are we going?

**Deputy Micheál Martin:** If all our schools had a similar pattern of self assessment, it would reduce our education system to ridicule. I have a far greater understanding of teachers' concerns about self assessment, given the Taoiseach and Tánaiste's self assessments.

Can the Taoiseach indicate how the report of the banking inquiry will be laid before the House and the arrangements for statements?

*(Interruptions).*

**Deputy Micheál Martin:** I always like to facilitate the Chief Whip in briefing the Taoiseach.

**Deputy Bernard J. Durkan:** The Deputy is so nice.

**Deputy Micheál Martin:** He is a decent guy. Regarding taxation-----

**An Ceann Comhairle:** You are getting a great run. There are other Deputies here.

**Deputy Micheál Martin:** I appreciate it. I am nearly finished. Can the Taoiseach clarify when the taxation and certain other matters (international mutual assistance) Bill will be published and whether it will allow for an extension of the maximum period of four years over which a taxpayer can reclaim any amounts he or she has overpaid to the Revenue?

**The Taoiseach:** The Deputy read out sections of the programme for Government. I have been upfront about it. There are areas on which we have not been able to deliver, including universal health insurance. The Deputy asked why. Given the total collapse of the economy, there were no resources to drive any of the programmes to the extent one would wish. The Dutch health insurance system was not appropriate in Ireland's case, and we always made this point. The Minister has made it very clear that we have not been able to introduce universal health insurance, but the priority remains to introduce universal health care, which will be paid for by an insurance scheme. It will be introduced at the end of the lifetime of the next Administration.

**Deputy Micheál Martin:** It is hardly credible that the Taoiseach would say that.

**The Taoiseach:** It is not hard to credit. At that stage, there will be a universal health care system based on primary and community care and home care packages and on an increased capacity to invest in hospitals, medical personnel such as consultants, doctors and nurses, and other public services such as the Garda. Templemore was closed for some reason, which the Deputy might explain some time.

**Deputy Robert Troy:** Why did the Government leave it closed for three and a half years?

**The Taoiseach:** These are all reasons it is critical the momentum of growth pattern the country is on must be kept up to provide the resources to invest in all those public services. I will come back to the Deputy on the tax issue he raised.

The Chief Whip will move a motion tomorrow for the publication of the report of the banking inquiry. On Thursday morning, there will be an opportunity to debate it here, starting with contributions from the Chairman of the inquiry, Deputy Ciarán Lynch, and the members of the inquiry. They have laboured long and hard during the past 12 months in dealing with various elements of the inquiry.

**Deputy Jonathan O'Brien:** Between the two political speeches, I thought for a moment the election campaign had already started. I wish to ask about the health information Bill and the patient safety licensing Bill.

**Deputy Micheál Martin:** They have ditched those Bills too.

**Deputy Jonathan O'Brien:** I know they have. Last year, at a meeting of the health committee, the Minister gave a commitment that he would bring forward a Bill which would in-

clude a duty of candour and a policy of open disclosure for doctors and other health professionals. It was in response to countless distressing examples of families having to go to court and force health professionals to reveal the facts when mistakes in treatment had occurred. In recent weeks, the Minister has decided it will not happen, and said that to legislate in this way would be counterproductive. I do not know what made him change his mind. Maybe the Taoiseach can shed some light on why the Bill will not be published.

The Taoiseach has reported that the monitoring of journalists' phones is a matter of grave concern. The review the Minister has ordered under the Communications (Retention of Data) Act will apply only to journalists. Would the Taoiseach agree, given the number of requests for monitoring, that it is a bigger issue than just journalists? Would he consider that the review should be broadened to include other members of society?

**The Taoiseach:** Work is proceeding on the health information Bill. It is not in the priority list and will not be published before the Dáil ends its duty. The Minister had intended to introduce a particular kind of Bill on open disclosure. This will not go ahead in the manner he first envisaged.

Regarding the review, the Government made a decision that a former Chief Justice should examine the application and operation of the law in this case. When the allegations were made that GSOC had been bugged, people were very strongly of the opinion that GSOC should be given a full range of powers and investigative facilities. However, when the recent incident came to light, they changed their tune and said we had to consider the question of the law. I would say that this is not a simple matter. The question of the use, retention and retrieval of data is one that has other implications in terms of terrorist activities and relations between different countries and between companies and countries. For now, the Government has made a clear decision that a former Chief Justice should review the operation of the law as it applies at the moment to members of the journalistic profession and report to the Minister for Justice and Equality inside three months. I think that is appropriate and warranted.

**Deputy Billy Timmins:** The Taoiseach will be aware that the Heritage Bill 2016 is in the Seanad this week. Could he give us an assurance that this small but important Bill, which deals with canals and wildlife, will be dealt with in this Chamber before the dissolution of the Dáil? If it could be taken next Tuesday, my understanding is that there would be agreement right across the House on its contents.

**The Taoiseach:** Obviously, I do not speak for the illustrious Members of the Upper House. I cannot say how long they might wish to spend on the Committee Stage debate on the Heritage Bill 2016. After that debate, the Bill will be considered on Report Stage in the Seanad before coming back here. It is like a telescope beginning to shorten. I cannot guarantee Deputy Timmins that the Bill will be dealt with finally and fully before this House rises.

**Deputy Robert Troy:** The Taoiseach and my party leader spoke earlier about the programme for Government in the context of health. The programme for Government talks about giving "equal access to [health] for all" our citizens. I do not know whether the Taoiseach is aware that one citizen in Ireland suffers from Degos disease. Just 40 or 50 people in the world suffer from it. Does the Taoiseach think it is right or proper that a woman from my constituency has been refused access to a life-saving drug due to its cost?

**An Ceann Comhairle:** Hold it a second now, Deputy.

**Deputy Robert Troy:** Does the Taoiseach think this is right and proper? Does he think it is a fair reflection of his time in Government? The programme for Government promised equal access to our health services. I ask the Taoiseach quite sincerely to look into this individual case.

**An Ceann Comhairle:** The Deputy knows he cannot raise this matter on the Order of Business.

**Deputy Robert Troy:** I am raising it in the context of the programme for Government.

**An Ceann Comhairle:** If the Deputy tables it as a Topical Issue, I will consider it favourably.

**Deputy Robert Troy:** I appreciate that, a Cheann Comhairle, but we are talking about a very serious issue.

**An Ceann Comhairle:** The Deputy knows I cannot have people raising issues that are outside what is allowed.

**Deputy Robert Troy:** Just one person in the whole of the island of Ireland suffers from this disease.

**An Ceann Comhairle:** I appreciate its importance and I would be only too pleased to consider the Deputy's request.

**Deputy Robert Troy:** Thank you, a Cheann Comhairle. I ask for your indulgence while I raise a second issue. The flooding in Athlone-----

**An Ceann Comhairle:** Hold on a second now, Deputy, please.

**Deputy Robert Troy:** The Taoiseach-----

**An Ceann Comhairle:** This is the Order of Business. The Deputy should ask about promised legislation.

**Deputy Robert Troy:** We are in the dying days of this Government. The Taoiseach went to Athlone.

**An Ceann Comhairle:** That is fine.

**Deputy Robert Troy:** He made a promise to the people of the Carrick O'Brien and Golden Island areas that-----

**An Ceann Comhairle:** The Deputy should take it up privately with the Taoiseach.

**Deputy Robert Troy:** -----the compensation package that had been introduced would be expanded to include those who are not eligible for rates.

**An Ceann Comhairle:** I ask the Deputy to adhere to the instructions of the Chair.

**Deputy Robert Troy:** Four weeks later, nothing has happened.

**An Ceann Comhairle:** Okay. I think the Deputy has made his point now.

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**Deputy Robert Troy:** The people whose businesses were flooded continue to have no access to funding.

**An Ceann Comhairle:** I ask the Deputy to resume his seat.

**Deputy Robert Troy:** The Taoiseach met them at first hand. He promised he would listen to their concerns.

**An Ceann Comhairle:** Would the Deputy listen to me for a minute?

**Deputy Robert Troy:** He promised he would come back to them. Four weeks later, he has not done so.

**An Ceann Comhairle:** The Deputy is showing total disrespect to the Chair.

**Deputy Robert Troy:** I apologise, a Cheann Comhairle.

**An Ceann Comhairle:** The Deputy knows quite well-----

**Deputy Robert Troy:** I have always shown the height of respect to the Chair in my five years as a Member of this House.

**An Ceann Comhairle:** -----what he can and cannot raise.

**Deputy Robert Troy:** It is a pity the Taoiseach would not show the same respect to the people of Athlone.

**Deputy Frank Feighan:** Come on.

**An Ceann Comhairle:** I know it is an important issue. I know all that, but this is the Order of Business.

**Deputy Robert Troy:** I accept that, a Cheann Comhairle. I would appreciate it if the Taoiseach would at least acknowledge what I have raised here today.

**An Ceann Comhairle:** No. The Taoiseach has to-----

**Deputy Robert Troy:** I ask him fulfil his promise to the people of Athlone by extending the scheme as promised.

**An Ceann Comhairle:** Excuse me, Deputy. The Taoiseach is subject to the same Standing Orders as you are. Please resume your seat. You have made your point. I call Deputy Mathews on promised legislation.

**Deputy Peter Mathews:** Am I right in saying I may also refer to the programme for Government?

**Deputy Paul Kehoe:** No.

**An Ceann Comhairle:** To which programme for Government does Deputy Mathews refer?

**Deputy Peter Mathews:** I refer to the programme for Government which is now ending.

**An Ceann Comhairle:** Is he speaking about the next one?

**Deputy Peter Mathews:** No. It is now in its last week.

**An Ceann Comhairle:** If it is to do with promised legislation, it is in order.

**Deputy Peter Mathews:** Deputy Martin justifiably said that this is a moment for a bit of self-reflection.

**An Ceann Comhairle:** No. We do not have reflection on the Order of Business, as far as I am concerned.

**Deputy Peter Mathews:** For God's sake.

**An Ceann Comhairle:** This is about promised legislation.

**Deputy Peter Mathews:** A Cheann Comhairle, please.

**An Ceann Comhairle:** Ask your question, please.

**Deputy Peter Mathews:** Okay. The Government promised that there would be "burden-sharing" on the losses of the private banking sector. That was a promise in the programme for Government.

**An Ceann Comhairle:** It is not a promise on the Order of Business. We have been through this before

**Deputy Peter Mathews:** A Cheann Comhairle, my patience is at its wits' end.

**An Ceann Comhairle:** Just stick with it, thank you.

**Deputy Peter Mathews:** I feel that I am being bullied at this stage.

**An Ceann Comhairle:** You are not being bullied.

**Deputy Peter Mathews:** I do, and I am saying the word advisedly. Please allow me to contribute.

**An Ceann Comhairle:** You had better not accuse the Chair of bullying.

**Deputy Peter Mathews:** I have been here when there were 11 Members in the House, plus the Taoiseach, plus yourself.

**An Ceann Comhairle:** Excuse me, Deputy.

**Deputy Peter Mathews:** I had my hand up for ten minutes.

**An Ceann Comhairle:** You have been at this for the last number of years, never mind today.

**Deputy Peter Mathews:** For God's sake.

**An Ceann Comhairle:** I have told you consistently that-----

**Deputy Peter Mathews:** I care for the people of this country.

**An Ceann Comhairle:** -----there are certain things you can raise on the Order of Business.

**Deputy Peter Mathews:** They have been served by a Government with a massive majority

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for five years.

**Deputy Robert Troy:** They have not been served. They have been ill served.

**An Ceann Comhairle:** Deputy Mathews, you will be taking another walk if you are not careful. Now make up your mind. You either stick-----

**Deputy Peter Mathews:** Would you please stop bullying me? I am asking you to stop bullying me.

**Deputy Paul Kehoe:** Oh my God.

**An Ceann Comhairle:** I am not bullying you. I am not bullying you.

**Deputy Peter Mathews:** You are. This is the programme for Government.

**An Ceann Comhairle:** Deputy, I ask you to withdraw that remark.

**Deputy Peter Mathews:** I am not withdrawing the remark.

**An Ceann Comhairle:** Well then, leave the House, please.

**Deputy Peter Mathews:** I will.

**An Ceann Comhairle:** Thank you.

**Deputy Peter Mathews:** I think it is a shame.

**An Ceann Comhairle:** Thank you. Leave the House. I am not taking that abuse from you any more.

**Deputy Peter Mathews:** Taoiseach, I think you should stand up and stop this nonsense.

**An Ceann Comhairle:** Would you please leave the House?

**Deputy Paul Kehoe:** You will be missed, Peter.

**Deputy Peter Mathews:** I do. It is disgraceful behaviour.

**Deputy Paul Kehoe:** You will be missed.

**Deputy Peter Mathews:** There is one week to go.

*Deputy Peter Mathews withdrew from the Chamber.*

**An Ceann Comhairle:** I call Deputy Feighan.

**Deputy Frank Feighan:** On promised legislation, I wonder when the national monuments Bill will come before the House. Our national heritage needs to be protected and regulated. As certain structures and sites in this country are of national importance and are certainly worthy of State protection, the national monuments Bill should come before the House sooner rather than later.

**The Taoiseach:** There is still some work to be done on that Bill. I will report progress to Deputy Feighan on where the officials are with it at the moment.

**National Cultural Institutions Act 1997 (Section 44) (Variation of Indemnity Amount) Order 2016: Referral to Joint Committee**

**Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe):** I move:

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

National Cultural Institutions Act 1997 (section 44) (Variation of Indemnity Amount) Order 2016,

copies of which have been laid in draft form before Dáil Éireann on 22 January 2016, be referred to the Joint Committee on Environment, Culture and the Gaeltacht, in accordance with Standing Order 82A(4)(j), which, not later than 28 January 2016, 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.

**Criminal Justice (Spent Convictions) Bill 2012: Instruction to Committee**

**Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe):** I move:

That, pursuant to Standing Order 131(2), it be an instruction to the committee to which the Spent Convictions Bill 2012 may be recommitted in respect of certain amendments, that it has power to make provision in the Bill:

(a) to amend the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 to provide that certain criminal convictions will not be disclosed by the Garda Vetting Bureau; and

(b) to amend the Garda Síochána Act 2005 to make a provision enabling the charging of fees for certain categories of vetting;

and for consequential amendments, including the commencement of the Bill and amendment of the Long Title to reflect the content of the Bill.

Question put and agreed to.

**Criminal Justice (Spent Convictions) Bill 2012: Financial Resolution**

**The Taoiseach:** I move:

That provision be made in the Act giving effect to this Resolution for the amendment of the Garda Síochána Act 2005 (No. 20 of 2005), in the manner and to the extent specified in that Act, to provide for the charging of such fees for vetting services as may be prescribed by the Minister for Justice and Equality under the Garda Síochána Act 2005.

Question put and agreed to.

## Topical Issue Debate

### Airport Development Projects

**Deputy Michelle Mulherin:** I am raising the application that is being made to the European Commission for up to 90% funding for capital works at Ireland West Airport Knock. I want to know whether a special case has been made in that regard and about the timeframe involved. Thankfully, those involved with the airport are developing new transatlantic flights and trying to open that market. For that reason, they need capital investment immediately. The apron and the runway need to be extended to cater for the traffic at the airport. All of this needs to be done to put the airport on a self-financing footing. The airport is of strategic importance because it serves the west and north-west regions and caters for approximately 700,000 passengers each year. In recent years, the authorities at the airport have been explaining the case for the expansion of the airport so that it can grow further. Passenger numbers have been maintained at 700,000. The airport would need to have more than 1 million passengers in order to become self-financing. It wants to grow. It is always on the look-out for more business. It is very dynamic and efficient.

The west is the only region in the country that is not serviced by motorways, high-speed trains, or developed cargo and passenger deep-water ports. It is a peripheral region in Ireland and in Europe. Ireland West Airport Knock is not like any other regional airport. Most of the other regional airports, with the exception of Donegal Airport, are located in the shadows of the State airports - Cork Airport, Shannon Airport and Dublin Airport. Above all, with pride we know and declare that Ireland West Airport Knock is the people's airport and, in this regard, is a different creature from any of the other airports in the State. It is very dear to the people of the west of Ireland, who have personally invested a lot in it. The airport is run by a not-for-profit trust which was asked some time ago to take responsibility for running the airport while stimulating enterprise and jobs. It has a very broad remit. Its broad objective is to bring economic activity and growth into the region. To tell the truth, the region would be lost without the airport. It is key to our future development. More than two and half years ago, a joint study group involving Ireland West Airport Knock and the Department of Transport, Tourism and Sport completed its in-depth review of the strategic options for the airport. In terms of capital investment, a commitment was given to Knock that 90% funding would be made available for it to carry out these crucial works. It does not want to look for money from the State forever; it wants to be self-financing after 2024. On that occasion last summer, we were told that the regional airports programme had been approved by the European Commission. That is very welcome, but it will only give Knock 75% funding when it needs 90% funding. We were told at that juncture that a further business case would have to be made for Knock. As I have outlined before, this investment is critical to the growth and development of the airport and its future sustainability. I would like to know what progress has been made, because time is of the essence.

I welcome the €600,000 OPEX funding that was announced before Christmas. This will help Knock balance its books for last year and cover operational losses for the year; its operational losses will remain until it can become self-financing. I will briefly restate that Ireland West Airport Knock should not have to compete with other regional airports for funding from

the same pot. Knock is in an entirely different league and needs to be recognised. I also suggest that in our national aviation policy, Knock should be given recognition for its strategic importance and should not be treated the same as other regional airports, because it is most definitely not the same.

**Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean Sherlock):** I am taking this Topical Issue on behalf of the Minister for Transport, Tourism and Sport, Deputy Paschal Donohoe, who apologises for being unable to attend this afternoon.

The Exchequer provides funding supports to the four regional airports in Donegal, Kerry, Waterford and Knock under the regional airports programme operated by the Department of Transport, Tourism and Sport. Over the past decade, Knock has received almost €21 million in Exchequer support in operational and capital grants under the OPEX and CAPEX funding schemes administered by the Department.

In August last year, the European Commission gave its approval for the Department's new regional airports programme, which takes account of the recommendations of the Knock study group and the subsequent decision by Government to continue funding supports to the four regional airports. That decision recognised that the regional airports should be given the opportunity beyond 2014 to grow to a viable, self-sustaining position, particularly considering the contribution that they make to their respective regional and local economies. This was also acknowledged in the new national aviation policy that was published last August. The Deputy will be aware that, under new EU state aid guidelines of 2014, the maximum level of aid permissible for capital projects at airports with fewer than 1 million passengers per annum is 75%. The EU guidelines recognise, however, that airports in this category may face difficulties in sourcing the balance of at least 25%. Subject to a case-by-case assessment, an aid rate in excess of 75% may be justified in exceptional circumstances. In such a scenario, the Commission has indicated that a business case justifying any proposed higher aid rate would have to be approved by it and must be able to demonstrate the airport's inability to proceed with the proposed investment at the 75% aid rate. Under a new aspect of the regional airports programme called the public policy remit, all of the regional airports, including Knock, are eligible for grant assistance up to 90% towards the cost of capital investments in the areas of safety and security. There is also a PPR scheme which assists with grants of up to 100% of the operational costs of the airports in these two areas. Last year, under the first year of the new programme, Knock received almost €1.2 million in grant supports from the Department and the latter has already begun engaging again with all four airports on their future requirements for capital grant assistance.

The Minister is, of course, aware that Knock has indicated that it will require a higher grant rate than the maximum 75% permitted under the EU guidelines for certain major capital projects that are planned at the airport over the coming years. The ongoing engagement with Knock continues to address this issue, as well as the funding available to the airport under the new PPR schemes.

**Deputy Michelle Mulherin:** I am a bit shocked by the Minister of State's response. I cannot believe the Department has not made an application for 90% funding for Knock airport at this stage. A commitment was made two and a half years ago under the Ireland West Airport Knock-Department of Transport, Tourism and Sport study group, chaired by Deputy John O'Mahony, to give 90% funding. Last August, I was somewhat disappointed when we were told that the funding was actually 75% on approval of the regional airports programme by the European Commission with the opportunity to make a special case to seek 90%. I am

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now told that the conversation is ongoing. There is an idea that the ongoing engagement with Knock continues to address this issue, but it is not being addressed. This is two and a half years down the line. Last summer we were told that a 90% application was required, and the board at Knock airport is ready, willing and able to do whatever is required, including bending over backwards, to get such an application before the Commission.

What is going on in the Department of Transport, Tourism and Sport? I can never seem to get any answers. I have submitted parliamentary questions and freedom of information requests to find out what communication there has been between the Department and the Commission on Knock. It seems there has been very little. I am sad to say that the Minister of State has given another standard-issue answer. Knock is being treated like every other regional airport, but it is not the same. I mean no disrespect to every other regional airport in the country. Ours is the only region that does not have another State airport. It seems to me that this has been going against Knock in terms of its treatment by the Department and has been happening since its inception or conception, whatever one wants to call it. Will the report and agreement signed up to by the Department be honoured? The Department signed up to the 90% at the time. It can say that the European Commission stipulated that 75% could be paid for capital works.

**Deputy Sean Sherlock:** I note the points the Deputy has made. I do not have an answer to that question, but I am sure departmental officials and the Minister's staff are watching proceedings and I am sure the Deputy will approach the Minister directly on this issue. For the purpose of replying, I will reiterate that I do not think it is a case of ruling out the possibility of 90% funding. I do not think that was explicitly stated in the answer I gave. I will read again from the answer:

The Minister is, of course, aware that Knock has indicated that it will require a higher grant rate than the maximum 75% permitted under the EU guidelines for certain major capital projects that are planned at the airport over the coming years. The ongoing engagement with Knock continues to address this issue, as well as the funding available to the airport under the new PPR schemes.

In my interpretation of the answer, that does not necessarily rule out the possibility of the potential for 90% funding. I do not have a-----

**Deputy Michelle Mulherin:** The Minister of State is correct. They have known for the past two and a half to three years that 90% funding is required but they are not doing anything about it.

### **Traffic Management**

**An Leas-Cheann Comhairle:** Topical Issue No. 2 is on weight restrictions at Kennelsfort Road in Clondalkin in Dublin 22. Deputy Robert Dowds will speak for four minutes.

**Deputy Robert Dowds:** First of all, I will correct the Leas-Cheann Comhairle. I am talking about Palmerstown, Dublin 20, and not Clondalkin.

**An Leas-Cheann Comhairle:** I am only reading what is in front of me.

**Deputy Robert Dowds:** The Leas-Cheann Comhairle has been given factually incorrect information.

I raise this issue in frustration. The residents of Kennelsfort Road and the surrounding roads in Palmerstown have been fighting this issue for a long time and in more appropriate assemblies than this one. I am raising this for them because of their extreme frustration. The residents there want a 3.5 tonne weight restriction limit imposed on the above cell group of roads for the following reasons. First, all the roads concerned are residential roads not suited to large heavy vehicles. Some are on a hill, especially Kennelsfort Road, which adds to the noise made by large vehicles. Second, a significant number of trucks come off the R148, which becomes the N4 west of the M50, on to Kennelsfort Road in particular. However, the other roads need to be included in the restriction area, because if it only applied to Kennelsfort Road, truck drivers might use the other roads as an alternative and come in off the area called "The Oval." Third, a 3.5 tonne restriction limit would be in line with the 3.5 tonne restriction limit on Ballyfermot Road, Dublin 10, which is, in reality, a continuation of Kennelsfort Road. The only difference is that Ballyfermot Road is in the Dublin City Council area, as opposed to Kennelsfort Road which is under the domain of South Dublin County Council. Fourth, currently Kennelsfort Road has a 7.5 tonne restriction limit which is widely ignored. A 3.5 tonne restriction limit would respect the residential nature of the area. There is one industrial estate up this road but this can be accessed by non-residential roads, such as off the N4 at Liffey Valley shopping centre, along the Fonthill and Coldcut Roads. There are also industrial estates and a prison between Palmerstown and Clondalkin, which are often accessed from Kennelsfort Road. These can also be accessed from the same Liffey Valley N4 exit.

I am raising this because of the extreme frustration of residents at the failure to make progress. For example, in July 2015, South Dublin County Council overwhelmingly adopted a motion in favour of a 3.5 tonne restriction limit at this point. In spite of that, officialdom stands in the way. Officials in South Dublin County Council show no inclination to be of assistance. In addition, Mr. Kieran Kenny, assistant Garda Commissioner, in a letter to one of the residents on 6 January 2016, stated that the 7.5 tonne restriction limit should remain. Even back as far as 1995, a motion calling for a 3.5 tonne restriction limit was passed by South Dublin County Council. Since that time there have been EU directives on noise and trucks. Can the Minister ensure that those directives are not being broken on Kennelsfort Road and the surrounding cell roads in Palmerstown?

Also, it would seem from a parliamentary question I asked that there are no, or almost no, convictions of truck drivers who break the current 7.5 tonne restriction ban. The roads in question were built in the 1950s and 1960s, before the time when traffic calming was considered necessary. What Palmerstown residents have to put up with would not be inflicted on residents in more modern estates. Can the Minister of State please ask the senior Minister to deal with these issues? Otherwise, the residents will be left in continuous frustration.

**Deputy Sean Sherlock:** I am taking this issue on behalf of the Minister for Transport, Tourism and Sport, Deputy Paschal Donohoe. I understand that Deputy Dowds has been very proactive on this issue for quite some time and I thank him for raising the matter.

I understand that the background to this issue arises from the concerns of local residents living in the immediate area in relation to the use of surrounding residential roads by heavy goods vehicles and their wish to see a 3.5 tonne vehicle weight restriction applied to Kennelsfort Road for traffic management purposes. While I cannot comment on the specifics of any weight restriction currently applying to the Kennelsfort Road, decisions in respect of the application of such weight restrictions are entirely a matter for the relevant local authority. In this instance, and based on the intervention of Deputy Dowds, that would appear to be South Dublin County

Council, though my script states it is Dublin City Council. The Minister does not have any role to play in such decisions.

However, should South Dublin County Council decide to apply such a weight restriction on Kennelsfort Road, this would be indicated by the use of the appropriate vehicle weight limit sign. The legislative basis underpinning the erection of such regulatory signage is provided for under road traffic legislation with which all local authorities must comply. Also, further details relating to regulatory vehicle weights signage are set out for local authorities in the Department of Transport, Tourism and Sport's 2010 traffic signs manual.

The Road Traffic (Signs) (Amendment) Regulations 2012, SI 331 of 2012, and the Road Traffic (Traffic and Parking) (Amendment) (No. 2) Regulations 2012, SI 332 of 2012, provide the legislative basis for weight restrictions on vehicles entering a road and associated signage. Relevant signage in this regard includes regulatory upright sign RUS 015, which is used in traffic management and road safety issues such as prohibiting heavy vehicles from using residential roads, and RUS 053, which is used in cases of entry restrictions relating to the structural integrity of the road network, including bridges. Sign RUS 015, giving maximum design gross vehicle weight, is used at the entrance of a road and provides that drivers of vehicles whose design gross vehicle weight exceeds the weight specified on the sign are prohibited from proceeding beyond that point except where it is necessary for a vehicle to gain access to, or egress from, premises accessible only from that road. RUS 053 indicates that the driver of a vehicle exceeding the design gross vehicle weight displayed on the sign shall not proceed beyond it. There are no exceptions to this regulation. The entry restrictions associated with traffic signs RUS 015 and RUS 053 apply to all vehicles, including buses, which exceed the design gross vehicle weight specified on either sign. Any decision by a local authority to apply such restrictions would have to take account of whether the road in question is used as part of a bus route.

In conclusion, individual local authorities are best placed to assess the particular local vehicle weight requirements, based on either road safety or traffic management grounds, which should apply to a particular individual road. However, as previously mentioned, if such weight limit controls are applied, local authorities must erect signage that is in full compliance with regulations. The enforcement of road traffic regulations governing vehicle weight limits on any particular public road is a matter for An Garda Síochána.

**Deputy Robert Dowds:** As expected, I am very frustrated by the reply. I only raised this in the House because of the ignoring of democratically made decisions of South Dublin County Council by a combination of the roads department and gardaí. What are the people of this area to do to have their democratically decided issue addressed? I ask the Minister of State to ask the Minister to write to the Garda and South Dublin County Council to ask them to re-examine the issue in light of the decisions made by the county council itself with a view to trying to meet the needs of the local community in Palmerstown. Do trucks have to show signage giving their laden weight limit at all times? I would appreciate a written reply to these questions.

I asked a couple of questions in my opening address. One was about EU directives on noise and trucks. Can the Minister assure us that those directives are not being broken on Kennelsfort Road and the surrounding cell roads in Palmerstown?

I really do not know what to say to the residents. They have had this issue democratically decided on at least two occasions by the local county council, yet they are left with no real change. If there was ever anything to encourage people to get out and march on the street, it is

a situation in which a democratic decision is ignored.

A Leas-Cheann Comhairle, this is probably the last time I will speak in this Chamber, so I wish to make a couple of comments. First, I thank you and the Ceann Comhairle for your courtesy over the years. I also thank the Dáil staff, who invariably have been kind to me and anybody I brought to the building. I thank the electorate of Dublin Mid-West for electing me and the Labour Party for nominating me. My next comment is somewhat partisan, but I thank the Labour Party and Fine Gael Government for helping to turn this country around. I hope that if it succeeds in being re-elected it will address the issues that still require urgent action, particularly housing and health.

**Deputy Sean Sherlock:** How do I respond with a negative after that? The Deputy has raised some questions which are on the record of the House. I will endeavour to speak directly to the Minister, Deputy Donohoe, about the specific questions posed. I hope officials in the Minister's Department are listening to this and that they will reply directly to the Deputy. However, I assure the Deputy that I will raise this directly with the Minister, who is currently in the Seanad dealing with the Road Traffic Bill.

I acknowledge the great work of Deputy Dowds and the fastidious and meticulous way in which he has always dealt with issues relating to his constituents. We all hope we will be back in the House. Deputy Dowds has made an outstanding contribution to this House and to the Parliamentary Labour Party. We wish him the best on his next path in life, whatever pathway that is.

**An Leas-Cheann Comhairle:** I wish to add my support to what has been said.

**Deputy Robert Dowds:** The same to you, a Leas-Cheann Comhairle. You are standing down after a much longer period in the House.

**An Leas-Cheann Comhairle:** Thank you. I call Deputy McConalogue on the next Topical Issue.

### **Farm Assist Scheme Eligibility**

**Deputy Charlie McConalogue:** At the outset, I join the Minister of State, Deputy Sherlock, in wishing Deputy Dowds well in his retirement. I was honoured to serve with him on the Joint Committee on Education and Social Protection. He was a fine member of that committee, on which he brought to bear his experience in the education sector. Indeed, he also brought his experience in life and in the community to bear in terms of his role in, and contribution to, the Dáil. He will be a loss to the Parliament. We come from different perspectives politically and challenged each other at times, but he has been an exceptional parliamentarian and I wish well with whatever he does next. Likewise, a Leas-Cheann Comhairle, I wish you well after a very distinguished career in the Houses of the Oireachtas. I and the Minister of State at the Department of Social Protection, Deputy Kevin Humphreys, will be hoping to have more opportunities to address the House in the future. However, none of us knows whether that will be the case, and we will be battling hard over the weeks ahead.

I thank the Ceann Comhairle's office for selecting this Topical Issue and I thank the Minister of State, Deputy Kevin Humphreys, for coming to the House to respond to it. I will address the

issue of farm assist from two perspectives. The first relates to the impact the Government has had through implementing several cuts to farm assist payments over the past three or four years, most notably through the removal of the income disregard. When this Government took office, 70% of what a farmer earns was calculated for the purposes of assessing means for a farm assist payment. Over two years the Government removed that income disregard. Now, every euro a farm family earns is deducted directly from their farm assist payment, thus removing any incentive for production and to work hard. Despite the approach taken by the Government, farm families across the country continue to work hard, because that is their ethic and tradition. They are proud to be hard-working farm families. I represent a part of the country that has a higher number of people on farm assist than probably any other part of the country. There are 1,500 farm families in County Donegal availing of farm assist out of 10,000 nationally. I have seen grown men and women sit across a table from me in very distressed states. They are proud people who have worked hard all their lives but have seen their farm assist payment cut as a result of the changes the Government has introduced, thus putting their families in a situation of penury in which they are wondering how they can continue to operate their family farms.

Alongside this, over recent weeks the approach of the Government has led many farm families to believe that the Government does not want them to continue to operate as farm families and to be assisted in doing that. That approach can be seen in the review forms that have been issued over the last couple of weeks to many farm families in Donegal. Every year review forms have been issued to farm families which basically ask them if there has been a change in their circumstances and, if so, advising them to notify the Department. On this occasion the families have received comprehensive forms asking them to outline all income for the last year. It is a periodic review that is akin to a total review. I worked hard with a number of families to appeal reductions in their farm assist payments in recent months. Having succeeded with those appeals, over the last period of time they have once again received another review form. In this review form they are asked to indicate all income for the previous year, but they are not asked for their expenditure. At the bottom of each page it is stated in big, bold print that the penalty for a false statement is a fine or imprisonment or both. In addition, it is stated at the top of the form that the form must be returned with all documentation within 14 days as otherwise the payment will cease. These farm families feel they are being harassed by the Government and that the Government does not want them to continue availing of the farm assist payment. Will the Minister ensure that all of the farm families who have received these forms will be allowed appropriate time to return the documentation that is sought from them, as much of it will take time to collect? Second, will the Minister acknowledge that these farm families must be supported and reverse the very damaging cuts that have been implemented by the Government?

**Minister of State at the Department of Social Protection (Deputy Kevin Humphreys):** I do not wish to be too early in wishing you, a Leas-Cheann Comhairle, the very best, as I believe the election is not to be held until the spring. I am still working out what the interpretation of the Irish spring is, but the daffodils are up in my garden so perhaps the spring is very close. However, I do not wish to make light of the issue the Deputy raises as it is very important.

This Government supports farming families. The farm assist scheme provides support for farmers on low incomes and is similar to the jobseeker's allowance scheme. Farm assist recipients retain the advantages of the jobseeker's allowance scheme such as the retention of secondary benefits and access to activation programmes. The 2016 Revised Estimates for the Department provide for expenditure of almost €85 million on the farm assist scheme, with approximately 8,800 individuals receiving a weekly payment under the scheme.

Changes introduced in the budgets of 2012 and 2013 brought farm assist into closer alignment with the jobseeker's allowance scheme's treatment of self-employed persons. However, it should be noted that farm assist customers continue to receive more beneficial treatment than other self-employed persons as payments received under the agri-environment options scheme or special area of conservation schemes are assessed separately from other farm income. With regard to this income, the first €2,540 is disregarded, then 50% of the balance and related expenses are disregarded, with the balance being assessed as means. The assessment of means for the purpose of qualifying for farm assist is designed to reflect the actual net income and looks at gross income, less any expenses necessarily incurred, from farming. Income and expenditure figures for the preceding year are generally used as an indicator of the expected position in the following year. However, account is taken of any exceptional circumstances so as to ensure that the assessment accurately reflects the current situation. I outline in the formal written reply items with regard to the recent flooding, humanitarian grounds and the emergency fodder scheme.

The farm assist scheme must be kept under ongoing review by my officials from a policy and administration point of view. It is important to note that the farm assist scheme remains a flexible payment and that any farmer experiencing lower levels of income or cashflow issues, due, for example, to the recent bad weather, may ask his or her local Intreo office to review the level of means applying to his or her claim. The Deputy mentioned in particular the forms for review of the payment and the provision of an appropriate period to allow people to fill in the forms. As the Deputy has raised it with me, I will look at the forms and see if it is necessary to extend the time for review. I will talk to my officials tomorrow about that to see exactly where we are.

**Deputy Charlie McConalogue:** It is exceptionally important that the Minister of State talk to the Tánaiste about the deadline being imposed on farmers for the return of the forms. For example, they are being asked for the first time for a total list of all livestock sold and bought over the last year, bank statements for the last 12 months and also final subsidy tallies from the Department of Agriculture, Food and the Marine, which do not come out until February. Naturally, many farmers have been left feeling they have been asked to do something with which it will be extremely difficult to comply. That is on top of the fact that they feel they are constantly getting a message from the Government that it would prefer if they were not availing of the farm assist scheme, which it would like to remove entirely.

As I pointed out, the removal of the income disregard with the change from 70% to 100% has meant that many farm families struggle now to make a living of any description on the family farm. They have to work day in and day out. In some cases, they have to work 50 or 60 hours per week in order to make an income, only to have every euro they make deducted from their social welfare payments, payments that would bring them up to what they would get on unemployment assistance if they were not making any income on the farm at all. It is a scandalous cut that the Government has introduced and its impact is that 41% of farm families have experienced a reduction in their farm assist payments. The cut must be reversed. I ask the Minister of State to go back and discuss it with his Department. It is certainly a commitment my party is making. It is something on which the Department must carry out an impact assessment. Simply put, the Government and, in particular, the Tánaiste do not realise the impact of this cut on so many families.

I thank the Ceann Comhairle for selecting this issue and I urge the Minister of State to ensure that all families who have received application forms are written to and given appropriate

time to allow them to respond.

**Deputy Kevin Humphreys:** I thank the Deputy. The Revised Estimate makes clear the Government's commitment. It commits €85 million to the farm assist scheme, which is significant. The record of the Government in assisting and supporting farmers right across the country is second to none. As we move from recession to recovery, there is an opportunity to review how we can support communities nationally. On the particular issue of the forms, the deadline and the onerousness of the burden of accessing the information, I will speak to my officials tomorrow to determine exactly how difficult it is to comply. I will have that discussion with them tomorrow.

### **Property Tax Rate**

**Deputy Dessie Ellis:** After much campaigning on the plight of the residents of Longboat Quay, it was thought that they had at least achieved some respite when the Revenue Commissioners wrote to them accepting valuations in the lowest band for their local property tax, or LPT, liability. Last week, however, they were shocked to receive letters from Revenue reversing this decision. Can the Minister for Finance explain why? At the core of the issue are families and individuals who have done nothing wrong but find themselves living in homes that are dangerous. The fact is that the homes are valueless at this point in time. The Revenue Commissioners appeared to have seen sense and adopted a sensible, humane approach by reducing the LPT to the lowest level. Frankly, it was obscene that these families were asked to pay anything, but the Revenue Commissioners at least showed some willingness to use common sense and the flexibility permitted to them to reduce the band. However, the bureaucratic wheels turned and a second letter was sent only this week to the residents.

The language in that letter is shocking. According to it, the letter of 20 November "incorrectly indicated that the declared valuation for your property could be reduced and I wish to apologise for any inconvenience caused". This bureaucratic reply does not address the issue at hand. It is unfair to ask these families or those in similarly affected complexes, such as Riverwalk Court, to pay the local property tax, LPT. To tell them that their bills would be reduced was a welcome step, but that has been taken away by the Revenue letter. This incompetence is stunning.

Leaving all of that aside, we must address the core issue, that is, why people who have been through so much are still being asked to pay a tax that is clearly not set at the value of their homes. There are probably only a few days left in which to fix this problem if the Minister insists that it is a legal issue. Will he confirm that, due to the cynical postponement of the next valuation date for LPT, the residents are stuck in their current band for a further three years? Can the Longboat Quay complex or other addresses be added to the list of estates that are exempt from LPT?

After much campaigning last year on the residents' plight, we have come to this. That they are being asked to pay the full LPT is mad. There should be exemptions in such cases. Previously, there were exemptions. At first, the residents were given the indication that exceptions would be made, but it now appears that this leeway has been reversed. Will the Minister explain the reasons?

**Minister for Finance (Deputy Michael Noonan):** I thank Deputy Ellis for raising this is-

sue. The introduction of the LPT formed part of a broader approach to the taxation of property that aims to replace some of the revenues from transaction-based taxes, which proved to be an unstable source of Government revenue, with an annual recurring property tax, which international experience had shown to be a stable source of funding. Stability needs to be at the core of our public finances now and in the years ahead. LPT enables us to achieve the goal of stability in a way that does not directly impact on employment. From the start of its term, the Government has been unwavering in its determination to do everything in its power to protect and support the creation of jobs. Job creation has been the Government's top priority. The LPT, which is a tax on assets rather than employment, will not adversely affect job creation.

The Government decided that the LPT should be centred on the principles of equity, transparency and simplicity and that a universal liability should apply to all owners of residential property with a limited number of exceptions. Limiting the exceptions available allows the rate to be kept to a minimum for those liable persons who do not qualify for an exemption. Deputies will appreciate that reliefs and exemptions have costs that must be paid for and their introduction must be considered only where there is a clear economic and social policy that needs to be addressed. Even with the limited number of exemptions available under the legislation, I understand that exemptions were claimed in respect of some 42,000 properties for the 2014 LPT. The Finance (Local Property Tax) Act 2012, as amended, provides that any property that is in use as, or that is suitable for use as, a dwelling house is subject to LPT.

The current valuation period is 1 May 2013 until 31 October 2019. The period was recently extended from 31 October 2016 on foot of legislative amendment via the Finance (Local Property Tax) (Amendment) Act 2015. This amendment was introduced to give property owners certainty in regard to valuations and to remove concerns that LPT liabilities could rise significantly, particularly in urban areas, as the property market recovered.

The 1 May 2013 declared valuation of any residential property is not affected by subsequent repairs or improvements made to a property or by any increase or decrease in property prices that might occur over the course of the valuation period. The LPT due for any residential property is based on the market value at 1 May 2013. Where structural defects are detected two years later, as happened in the Longboat Quay complex, they may affect the current valuation of the properties. However, they do not change the valuation retrospectively. Therefore, there is no basis in law to reduce the valuation during the LPT valuation period.

I understand that, due to the error to which the Deputy referred, a small number of property owners in the Longboat Quay complex received letters from Revenue indicating that a reduction in valuation was possible. On discovering the error, Revenue immediately wrote to the persons involved apologising for the incorrect information.

**Deputy Dessie Ellis:** I accept that the LPT was set in May 2013, but that valuation was high and many of the residents in Longboat Quay did not fully understand the problems or know what was about to happen. A large number of them are in a serious situation, have needed to spend money and are going through the inconvenience caused by what has happened at the estate, but the Minister is sticking by the mantra that the LPT is virtually set in stone. Previously, however, there were exemptions. At one stage, for example, houses that were in NAMA or had not been properly taken in charge were exempted. There is a precedent. It would be a small gesture if we were to make exemptions in cases like this one. Simply being told that a letter was issued in error has been a blow to the residents, who believed that there was some hope of

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relief. Turning around now is very unfair to them.

Come 2019, when the property tax is valued at a new rate, there will be a major change for everyone, not just those in Longboat Quay, because of rising values in the city. This issue will have to be addressed. Previously, the Minister stated that he would consider it when it arose, but that assumed he would be in power. This issue will affect many people because their valuations will be at higher rates than is the case currently.

**Deputy Michael Noonan:** I will give the Deputy further information. Revenue incorrectly replied to a small number of property owners in the Longboat Quay complex confirming that a reduction in valuation was possible. This was an error and the letter should not have been issued. Revenue only realised the error when further letters were received from a large number of residents of the complex seeking similar treatment. On discovering the error, Revenue immediately wrote to the original persons involved apologising for the incorrect information. Revenue also wrote to the other property owners who were seeking similar reductions to confirm that the valuations could not be reduced. Revenue has confirmed that, as standard practice where an error is made or taxpayers are inadvertently provided with incorrect information, contact is made with all affected parties as soon as the mistake comes to light to apologise in the first instance and to ensure the correct information is quickly provided and clarified as necessary.

### **Technological Universities Bill 2015: Order for Report Stage**

**Minister for Education and Skills (Deputy Jan O’Sullivan):** I move: “That Report Stage be taken now.”

Question put and agreed to.

### **Technological Universities Bill 2015: Report Stage**

**An Leas-Cheann Comhairle:** Amendment No. 1 arises out of committee proceedings. Amendments Nos. 1, 2, and 4 to 6, inclusive, are related and may be discussed together.

**Deputy Jonathan O’Brien:** I move amendment No. 1:

In page 9, between lines 28 and 29, to insert the following:

“ “academics” means tenured officers of the institute;”.

I thank the Minister, Deputy Jan O’Sullivan, and her officials for the briefing we received last week. It was certainly very helpful to us. As a result of the consultation, we will withdraw during the course of this debate some of the amendments we have submitted. I thank the Minister for ensuring there was no guillotine imposed on the Bill. We asked for this on Committee Stage.

Amendments Nos. 1, 2, 4, 5 and 6 are just technical amendments to better clarify who and what is intended by certain definitions in the Bill as a result of other amendments we have proposed.

**Minister for Education and Skills (Deputy Jan O’Sullivan):** I thank Deputy O’Brien

for his comments. My officials did brief Opposition members. I met some members of the Teachers' Union of Ireland, TUI, who expressed concerns to me. We had met them before that also. I have a number of amendments tabled that I hope address some of the issues raised by the two Opposition Deputies here in the Chamber, Deputies Jonathan O'Brien and Maureen O'Sullivan. We have no intention of restricting this debate in either the Dáil or the Seanad. It is very important legislation and we want to ensure there is sufficient parliamentary time to debate the issues.

As I outlined on Committee Stage, amendments Nos. 1, 2, 5 and 6 would insert definitions for words that are not used in the Bill, nor in any of the amendments put forward by the Deputy. For that reason, they are unnecessary. Amendment No. 4 would insert a limited definition for the word "programme", a word that is used in the Bill. However, the extensive definition of the term "programme of education and training" is referred to in the Bill by reference to that set out in the Qualifications and Quality Assurance (Education and Training) Act 2012. Introducing an additional definition of the word "programme" would, therefore, introduce uncertainty. That is the reason I cannot accept the amendments.

Amendment put and declared lost.

**Deputy Jonathan O'Brien:** I move amendment No. 2:

In page 10, between lines 9 and 10, to insert the following:

“ “Department” means academic unit within a school of the institute;”.

Amendment put and declared lost.

**An Leas-Cheann Comhairle:** Amendments Nos. 3, 18, and 60 to 79, inclusive, are related. Amendments Nos. 61 to 79, inclusive, are physical alternatives to amendment No. 60. Amendments Nos. 3, 18, and 60 to 79, inclusive, are to be discussed together.

**Deputy Jonathan O'Brien:** I move amendment No. 3:

In page 11, to delete lines 8 to 15.

As I am sure the Minister is aware, these amendments would remove all references to the term "merged" or "merged institutions" from the Bill. I know she will argue in her rebuttal that this would defeat the whole purpose of the Bill, but I ask her to hear me out. As she is aware, we are in favour of the introduction of technological universities, but not in the way she is proposing and the way the Department has brought forward this legislation. As she said in her opening contribution, this is very complex legislation. Despite her claim that there has been ongoing engagement with the trade unions and staff on this, I do not believe, having spoken to members of the TUI, that this is the case. The TUI has informed me that it has had three meetings in the past year with the Department and that it was very clear at those meetings that they were briefings rather than engagements. In the TUI's opinion, none of the significant concerns raised has been taken on board.

In the absence of an allocation of proper funding for the merger process, it is difficult to regard this Bill as anything other than the bandying about of the word "university." Many staff members feel it is just a smoke screen for rationalisation, which would have severe detrimental effects not only on staff but also on students in terms of both access to third level education and the quality of service therein. That there is no guarantee that the technological university

designation will be conferred on a merged institute of technology entity, and that the provisions of the Bill apply to both merged and non-merged institutes of technology and technological universities, is of concern.

We still have concerns over the potential consequences of the Bill, given the current crisis owing to under-funding, under-staffing and precarious employment in the institutions, which we believe has still not been addressed. Between 2008 and 2015, funding for the sector was cut by a massive 35%, or nearly €190 million. Over the same period, lecturer numbers fell by almost 10%, or by 535, while student numbers rose by a staggering 32%, or in excess of 21,000. There is no guarantee that the mergers, if they were to proceed, would not result in a reduced number of courses.

As a result of the massive cuts in funding, the resulting loss of lecturers and the staggering increase in the number of students, many institutes are just keeping their heads above water. The intention to effect such considerable additional change without appropriate resourcing in an era of significantly damaging cutbacks to the sector is, at best, ill-advised. We believe the requirement that institutes of technology must merge before they can apply for technological university status is more related to a programme of rationalisation than to any academic considerations based on the various missions, values and ethos of particular institutes.

Those mergers that are envisaged must be appropriately funded, and the regional mission, including multiple programmes, which is central to the institute of technology ethos, must be retained. Institutes have a proven track record of excellence in programme development and content, in addition to a significant commitment to regional equality and equity of access. They provide multiple programmes from National Framework of Qualifications level 6 to level 10, ranging from apprenticeships to doctorates. The mission of the sector is distinct, with a strong focus on meeting local and regional needs.

A rationalisation agenda will lead to a dramatic reduction in the provision of some of the programmes, in my opinion and that of many of the academics. There are serious justified concerns about a risk of geographical inequity in respect of access to higher education as a result of this Bill. Towns and communities with an existing institute that is being coerced or forced to merge under the requirements of the Bill have real cause to worry. As matters stand, an invaluable part of a local economy may effectively be downgraded or asset-stripped as a result of this Bill. Throughout the whole process, there has been in some institutes a consistent failure to properly consult the real experts, the academic staff.

The Bill, despite the changes and additions the Minister has proposed regarding the social and cultural objectives, is still excessively focused on the concerns of business and enterprise. It would be a grave mistake to prioritise the short-term needs of employers over the long-term needs of students and society. An appropriate balance is required.

I am concerned about the threat the Bill poses to national collective bargaining and the terms and conditions of staff members. Other concerns related to the Bill include the weakening of staff and local representation on governing bodies and the weakening of the academic voice. That is the reasoning behind the amendments we have proposed.

**Deputy Maureen O'Sullivan:** I thank the Minister for the engagement and extensive discussion on Committee Stage and the follow-up meeting with officials, as promised by her. It was good that some of the points we made on Committee Stage were taken on board for Report

Stage, but there are still major concerns. I was outside tonight at the protest organised by the Teachers' Union of Ireland and there is clearly a great deal of anger, frustration and concern among its members. The common denominator that I noted was the assumption they had made, based on the Minister's statement that this was complex legislation, that adequate time would be provided to examine its complexities. They did not expect the Minister to rush the Bill.

The introduction of technological universities is a good and positive idea in principle and one to which no one objects. However, the concerns of TUI members have not been addressed. The union does not regard the briefings provided by the Minister as engagement. The concerns it expressed have not been taken on board.

On the amendment, the text, as it stands, requires colleges to merge before they can apply for technological university status. What will happen in the case of institutes of technology that merge but whose application for technological university status is subsequently rejected? What are the implications for merged colleges in such a scenario?

**Deputy Charlie McConalogue:** The Fianna Fáil Party supports the idea of introducing technological universities. The discussion of the Bill in the Select Sub-Committee on Education and Skills was very useful and the engagement on the part of the Department was good. There is no rationale for the decision to rush the Bill in recent weeks. The Minister did not engage in any real consultation in advance of Committee Stage and Report Stage.

Academics and staff in various institutes of technology are concerned about the contents of the Bill and the impact some of the proposals will have, specifically the requirement that mergers must take place in advance of approval being given for technological university status. This issue must be revisited. Mergers should not be a prerequisite for technological university status being granted, especially as there is no guaranteed outcome for institutions that proceed with a merger. Naturally, the institutes of technology have genuine and well-founded concerns about what the merger process may mean for their individual identities and ability to continue to serve their local regions, as they have done so well until now.

Since their development, the regional technical colleges and, subsequently, the institutes of technology have played a major role in their regions in seeking to ensure participation in education as well as integration with the local business community. They have done so by serving the needs of the local economy and the educational needs of the communities they serve. There are genuine concerns that this function will be eroded by the merger process required of institutes of technology seeking to advance to technological university status and that mergers will create a gravitational pull towards the centre.

For these reasons, the Minister must further consult trade unions and institutes of technology staff on her proposal. I have grave concerns about the approach she has adopted and oppose the requirement that institutes of technology merge in advance of a decision being made on applications to become a technological university.

**Deputy Jan O'Sullivan:** I will address the various points raised by Deputies. With regard to the issue of time, the Second Stage debate was not guillotined and we had a long and good debate on Committee Stage. We also left sufficient time between Committee Stage and Report Stage to allow a significant number of amendments to be submitted by Opposition Deputies and a smaller number to be submitted by me in response to the concerns expressed on Committee Stage. The Report Stage debate will not be guillotined either. As the schedule for the

week indicates, we will have time to discuss the Bill today, tomorrow morning and on Thursday morning. If we do not conclude the debate, so be it. We have provided considerable parliamentary time for the debate, nor do I intend to rush the Bill in the Seanad should it reach the Upper House. I do not know what will be the arrangements in the Seanad as they will depend on what happens in this House in the near future. I want to ensure we have sufficient time to debate the issues and I hope that will be the case.

As Deputies will be aware, the national strategy for higher education for the period until 2030 recommended significant reforms to position the institutes of technology sector to meet national strategic objectives. In particular, the strategy recommended consolidation in the sector and a pathway of evolution for consolidated institutes of technology, should they so wish, to allow them to demonstrate significant progress against robust performance criteria and to apply to become technological universities. I stress again that there is no obligation on institutes of technology to take this route. The Bill, in providing that applications for technological university status can be made only by merged institutes of technology, simply reflects this long-standing policy.

The technological university process is not a rebranding process for the institutes of technology sector. We will continue to have institutes of technology after groups of institutes proceed to technological university status. We very much value the institutes of technology and are offering an opportunity, should institutions so wish, to start on the path of becoming technology universities. Each group will be given an indication, when it moves from stage of the process to the next, as to whether it is on the right path to ensure it is aware of what bar it must reach to become a technological university. Technological university status can be achieved only by merged institutes of technology. This policy has been in place for some time and was included in the criteria from the outset.

The technological university process will require a step change in the performance of the institutes in question in order that they can meet the robust performance criteria, details of which have been in the public domain since 2012. By merging, institutes of technology can achieve greater scale and an increased capacity to provide the quality of education and research which will allow the new institutions to provide an exceptional service to their students and the regions in which they are situated and to compete at an international level. They must reach bars that have been set with regard to research, quality of teaching and so forth if they are to be granted technological university status.

For the reasons I have outlined I cannot support amendments Nos. 3, 18 and 60 to 79, inclusive, in so far as they provide that applications for technological university status can be made by unmerged institutes of technology. It has been clear since 2012 that mergers would be part of the conditions.

On the issue of institutes of technology merging and then somehow failing to achieve technological university status, the Bill provides that this is a possibility. This returns me to the earlier point that this proposal is not simply a rebranding exercise. What is being created through designation as a technological university is a new type of university in Ireland. To gain credibility nationally and internationally, the bar that has been set must be achieved. The objective criteria for redesignation as a technological university, which are set out in section 38, were first published in 2012 and the consortiums concerned have had ample opportunity to assess their progress against these criteria. The Dublin and Munster consortiums have both been positively assessed by an international expert panel as being on a clear trajectory to meet

the criteria. I expect, therefore, that any consortium seeking to merge under the Bill would assess current performance and develop its own trajectory to achieve the level required by the technological university criteria before it applies to merge. As such, institutes of technology which have not yet proceeded to that point should ensure they are comfortable with the criteria they must achieve. These have been set out in respect of every step of the process. That is the purpose of providing this information. Reference has been made to the argument that the merging of institutes of technology is simply a ruse to allow for rationalisation and cost saving. That is absolutely not the case.

I wish to touch on the issue of geographical equality or inequality raised by Deputy O'Brien. Merged institutes will be multi-campus entities which will continue to provide a broad range of programmes of education and training in each of their campuses. Indeed, by creating institutions of greater scale and strength, high-quality multi-campus technological universities will be able to bring greater social and economic benefits to their respective regions.

I have had discussions with TUI representatives as well as public representatives in areas where there are merging institutions. Like Deputy O'Brien, they have raised the point around certain young people from a given area. For example, perhaps no one from the family has gone on to higher education, yet these people may have done so because there was an institute of technology in their local area. I am very conscious of that and I have no wish to put anything in the way of people in those areas to prevent them from continuing to look at their campus as their campus in their community. There is no intention to water that down in any way. The regional focus of the technological universities is clearly set out in the Bill. In particular, section 22 sets out the overall functions of a technological university.

Amendment No. 60, proposed by Deputy O'Brien, seeks additional amendments to the criteria over and above the deletion of the word "merged". Firstly, the amendment includes a reference to "community development organisations" and "learners" in the proposed section 38(1)(k)(iv). This criterion reflects the function of a technological university to develop programmes with the involvement of business, enterprise, the professions and other related stakeholders, which is part of the distinctive mission of a technological university. This is specifically about the programmes. We will be addressing the issues of community later, but this particular subsection is about the programmes they are developing. Similarly, the proposal to delete subsection (2)(b) from the criteria, which relates to this involvement, would go against the mission of a technological university. The amendment also seeks to amend the same subsection and include a reference to programmes being developed in a time and place to suit their needs. I note that the functions of a technological university at section 22(1)(b) provide that technological universities will provide programmes that reflect the needs of citizens and other stakeholders in the region in which the campuses of the technological university are located as well as facilitating learning by flexible means. Having given this issue careful consideration, I believe that the existing provision addresses the concerns raised by Deputy O'Brien, and I cannot support amendment No. 60 for that reason.

**An Leas-Cheann Comhairle:** This is Report Stage and therefore each Member can speak twice. As the proposer, Deputy O'Brien can speak three times. It is now time for your second contribution, Deputy.

**Deputy Jonathan O'Brien:** The Minister said at the outset that the policy was one of consolidation of institutes and, I presume, the provision of higher education. However, by bringing in this Bill the Minister is going from a two-tier system involving universities and institutes of

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technology to a three-tier system involving universities, technological universities and institutes of technology that will not be part of the process, such as the institute in the Minister's constituency. That institute has decided to opt out and remain as an IOT, yet it will be governed by many of the issues relevant to this Bill.

The Minister said that the Bill would allow technological universities to operate on a greater scale and allow them the capacity to compete at an international level. In itself, that may be the case, but the organisations cannot compete at an international level or operate with a greater scale and capacity unless they have the resources to match. We can merge institutes, but unless we actually put the funding in place to enable them to increase their capacity and operate at a greater scale, then I do not believe the policy can work. In my opening contribution I went through the cuts to the sector. Funding was cut by €190 million over seven years. There was a reduction in the number of staff by almost 6% and a reduction of 20,000 students. We can only imagine the additional resource implications for a merged institute with no guarantee of obtaining technological university status.

The Minister said this was not a rebranding exercise. However, the question being asked is whether it is an exercise in rationalisation. I have not heard any convincing argument from the Minister to the effect that this is not simply about rationalisation.

The Minister referred to the Munster technological university consortium. I am familiar with the MTU consortium. There are major issues around the process in this case. If the Bill passes in its current form, we could end up with a merged institute applying for technological university status while still having industrial relations disputes involving members of staff. There is industrial action on the way in the Cork and Kerry case. To the best of my knowledge and on the basis of my discussions with members of the TUI in Cork and Kerry, there has been a significant lack of meaningful consultation and engagement. Those involved are seriously disappointed with the level of consultation provided. Despite the Minister's engagements with the TUI at a national level, those involved believe the process has involved providing information rather than actually listening to most of their concerns.

I made reference to multi-campus organisations and set out the fears among some communities that assets may be stripped. I do not believe the Minister's answer on the suggestion that the merged institutes of technology would be multi-campus organisations. Let us consider the Cork and Kerry example. A new entity could retain many of the assets and the buildings in Tralee as well as Cork. However, there is an issue with the criteria for the duplication of courses. To the best of my recollection, there is a specific reference to the effect that the duplication of courses should be eradicated. Let us consider a scenario whereby someone from Cork is currently able to access a course in Cork Institute of Technology. Then, when the merged institutes form a technological university, what happens if that particular course is also being provided in Tralee Institute of Technology? Under this Bill, there would be an argument to the effect that the new entity would have to do away with at least one of those courses in one of the campuses. We could have a situation whereby someone who is currently able to access a course in Cork may no longer be able to access that course and would have to travel to Tralee or *vice versa*. The multi-campus argument does not add up in respect of the point about the provision of courses. That is one of the reasons for the concerns around the reduction in the number of courses.

I have tabled amendment No. 60 because we are proposing to remove the word "merged" or "merger" and, therefore, we would need entirely new eligibility criteria. This is what we have

provided in our amendment. We have set out new eligibility criteria based on the requirement for institutes to have merged before they can obtain technological university status. It is not simply about tinkering with one or two subsections; it is about creating altogether new criteria.

The Minister will argue that we cannot make such a change at this stage because the criteria have been laid out and some of the proposed technological universities are so far down the line that it would be unfair on them to change the criteria in mid-stream. I imagine that is the Minister's opinion. However, if the criteria are flawed, they are flawed. Whether the necessary changes take place mid-stream or at the beginning, we need to get the criteria right, and I do not believe the Minister has got the criteria right in this regard.

**Deputy Maureen O'Sullivan:** We agree on the value of the institutes of technology. From my life before coming to the House, I know very well about the great work that has been done. My dealings were with DIT, Blanchardstown, Tallaght and Dundalk. The ladder system and progression routes were valuable. Someone could progress from a certain level right up to PhD level through the institutes of technology. Their connections with PLC colleges were invaluable.

The concerns are that those IOTs that do not merge will be at a disadvantage. As Deputy O'Brien said, certain colleges offer the same courses. If a particular college no longer offers a course it means that students will have to move from one campus to another, which undermines the regional basis of IOTs. It also creates a funding issue and affects SUSI grants. Students in Cork IT may not receive a grant that would enable them to attend Tralee IT and stay there because of the grant situation.

There is another issue regarding those working on PhDs. Doing a PhD requires considerable finances and time. I do not think that issue has been taken into account. If an institution meets the criteria, why can it not apply for technological university status in its own right? I know this refers to the criteria, but where was that issue in the discussions?

**Deputy Charlie McConalogue:** The Minister has so far failed to answer a key question. How can she ensure that when there is a requirement on IOTs to merge that part of their achievements, namely, increasing participation levels within their regions, will not be eroded by the consolidation of courses? It is a real concern of those in the regions and individual institutes of technology. When they see the structure of the Bill and the erosion of local input into their IOTs within the wider merged technological universities, there is inevitable concern that courses will be consolidated away from local campuses and, as a result, there will be a reduction in the participation levels of local students, something into which great inroads have been made in recent years. I ask the Minister to address this issue.

**Deputy Jan O'Sullivan:** I will try to address some of the issues raised. I refer to the general point on access. On the concern that the number of students who currently attend institutes of technologies in the region might decline or that students would be less encouraged to do so, I wish to categorically state that is not the intention of the Bill. In fact, the Department is planning for consistent increases in the number of students that will attend higher and further education over the next decade. It is policy to provide those options. Obviously, it is also policy to provide other options, such as apprenticeships and so on, but that choice should be available to students.

In my previous contribution I said we committed, as per section 22 of the Bill, to retaining

the regional element. Merging institutions does not mean the focus on individual campuses will be in any way diminished. Separate individual campuses will be retained in the merged institutions with, I expect, increased numbers of students for individual campuses, whether they are individual IOTs that remain separate or are merged and subsequently become technological universities in conjunction with other institutions.

I repeat what I said. It would not be fair to change the criteria mid-stream, when it was clear to anybody who was involved in, or stayed out, of the process that mergers were one of the criteria. It remains one of the criteria and, therefore, we cannot say that an IOT does not need to merge in order to meet the criteria. It is one of the criteria that was very clearly explained at the time; it was not hidden.

We have already provided extra resources this year to facilitate the process. There is no intention of using this as a way to cut down on the resources available to the sector. There were some resource elements to the process, but they mainly involved ensuring there was proper consultation. For example, the institutes in the Munster region have agreed to free up four trade union representatives on a full-time basis. There is a problem with that because I understand the TUI does not trust the process. We have asked the institutions to free up the staff members concerned and they have agreed. The Department, the Higher Education Authority and I have reiterated time and again to the institutions concerned that they need to consult properly with their staff, academic and otherwise. We will reiterate the point if there is some doubt that is not actually happening.

Deputy O'Sullivan referred to SUSI. We will address the issue. She suggested students would not receive the non-adjacent rate if, for example, they lived in Cork and attended Tralee because they were adjacent to the Cork campus. That issue will be dealt with by SUSI to ensure that if the campuses in which students' courses are situated are far away enough from their homes to qualify under the current system for the non-adjacent rate that they will qualify for the correct rate. I would not want any students to be disadvantaged in that way.

**Deputy Jonathan O'Brien:** We will not reach agreement on this. That is the reality of Government and Opposition. Genuine concerns have not been addressed and that has led to a situation whereby industrial action is taking place, such as those involved in the Munster technological university proposal. Trade union members feel they have not been listened to or consulted properly. Ultimately, these are the people that will be asked to deliver the high-quality education the Minister stated will be the result of merging institutes to form technological universities.

The Minister has not addressed the issue of the duplication of courses. From reading the documentation, I understand that one of the objectives is to remove course duplication. If the Minister said today that is not the case, perhaps she could be clearer. My understanding is that it is one of the major concern. For instance, if Tralee and Cork both provide the same course and are merged into a technological university, specific campuses would focus on specific areas. Tralee might focus on catering, food and beverage courses and Cork might focus more on metalwork and engineering. Therefore, the courses which are currently provided in both institutes would be eradicated.

We would end up with campuses focusing on particular areas of excellence or expertise. If that is the case, the issue raised by Deputy O'Sullivan, namely, SUSI grants and the ability of students to travel comes into play. Those living in Cork can do practically every course they

want in CIT, but under a merged entity, that is, a technological university, there is no guarantee that will remain the case. They may have to travel.

Amendment put:

<i>The Dáil divided: Tá, 17; Níl, 30.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Aylward, Bobby.</i>	<i>Carey, Joe.</i>
<i>Colreavy, Michael.</i>	<i>Collins, Áine.</i>
<i>Cowen, Barry.</i>	<i>Conaghan, Michael.</i>
<i>Ellis, Dessie.</i>	<i>Daly, Jim.</i>
<i>Healy, Seamus.</i>	<i>Deasy, John.</i>
<i>Keaveney, Colm.</i>	<i>Dowds, Robert.</i>
<i>Kirk, Seamus.</i>	<i>Durkan, Bernard J.</i>
<i>McConalogue, Charlie.</i>	<i>Farrell, Alan.</i>
<i>McGrath, Finian.</i>	<i>Feighan, Frank.</i>
<i>McGrath, Michael.</i>	<i>Hannigan, Dominic.</i>
<i>McLellan, Sandra.</i>	<i>Harrington, Noel.</i>
<i>Murphy, Catherine.</i>	<i>Keating, Derek.</i>
<i>Ó Caoláin, Caoimhghín.</i>	<i>Kehoe, Paul.</i>
<i>O'Brien, Jonathan.</i>	<i>Kelly, Alan.</i>
<i>O'Sullivan, Maureen.</i>	<i>Kenny, Seán.</i>
<i>Troy, Robert.</i>	<i>Lawlor, Anthony.</i>
<i>Wallace, Mick.</i>	<i>Lyons, John.</i>
	<i>McCarthy, Michael.</i>
	<i>McGinley, Dinny.</i>
	<i>Mulherin, Michelle.</i>
	<i>Neville, Dan.</i>
	<i>Noonan, Michael.</i>
	<i>O'Donnell, Kieran.</i>
	<i>O'Donovan, Patrick.</i>
	<i>O'Sullivan, Jan.</i>
	<i>Rabbitte, Pat.</i>
	<i>Ryan, Brendan.</i>
	<i>Sherlock, Sean.</i>
	<i>Stagg, Emmet.</i>
	<i>Stanton, David.</i>

Tellers: Tá, Deputies Jonathan O'Brien and Charlie McConalogue; Níl, Deputies Paul Kehoe and Emmet Stagg.

Amendment declared lost.

**Deputy Jonathan O'Brien:** I move amendment No. 4:

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In page 11, between lines 21 and 22, to insert the following:

“ “Programme” means a recognised course of study;”.

Amendment put and declared lost.

**Deputy Jonathan O’Brien:** I move amendment No. 5:

In page 11, between lines 25 and 26, to insert the following:

“ “Researchers” means tenured officers of the institute;”.

Amendment put and declared lost.

**Deputy Jonathan O’Brien:** I move amendment No. 6:

In page 11, between lines 25 and 26, to insert the following:

“ “School” means organised grouping of academic units within the institute;”.

Amendment put and declared lost.

**Deputy Jonathan O’Brien:** I move amendment No. 7:

In page 12, to delete lines 3 to 7 and substitute the following:

“ “student”, in relation to an institute, or technological university, means a person registered as a student by the institute or technological university or a full-time officer of the Students’ Union who was first elected to his or her office while he or she was a registered student by the institute or technological university;”.

This is just a technical amendment. As a result of the removal of the word “merged”, we put in a new section to reflect that.

**Deputy Jan O’Sullivan:** My amendment No. 8 is grouped with Deputy O’Brien’s. Can I speak to my amendment?

**Acting Chairman (Deputy Robert Troy):** Yes, amendments Nos. 7 and 8 may be discussed together.

*7 o’clock*

**Deputy Jan O’Sullivan:** Deputy O’Brien raised this issue during discussion on Committee Stage, so I considered what he had said and following further discussion I also met the student union representatives. I propose amendment No. 8, which will have the effect of deleting “or appointed” from the definition of student set out in section 2, in line with Deputy O’Brien’s proposed amendment. I think we are in agreement on that.

**Deputy Jonathan O’Brien:** Yes, we are in agreement. I will withdraw my amendment.

Amendment, by leave, withdrawn.

**Deputy Jan O’Sullivan:** I move amendment No. 8:

In page 12, line 5, to delete “or appointed”.

Amendment agreed to.

**Acting Chairman (Deputy Robert Troy):** Amendments Nos. 9, 36 to 39, inclusive, 84, 86, 87, 98, and 109 are related and may be discussed together, by agreement.

**Deputy Jonathan O’Brien:** I move amendment No. 9:

In page 12, between lines 12 and 13, to insert the following:

““Trade Union” means a registered representative body with a negotiation licence.”.

This is something we discussed on Committee Stage and which we discussed with the officials. The Minister has taken on board some of our concerns in respect of it, particularly around the trade union side of it. Her amendment No. 37 is designed to include all trade unions and we are very happy to support that.

Amendment No. 9 relates to trade unions. Amendment No. 36 mandates consultation with trade unions. Amendment No. 37 removes the term “staff association”. I know we discussed this with the Minister’s officials before Report Stage and one of the reasons we were given for this being a common phrase in legislation was that trade unions do not cater for college presidents. However, having done a bit of research, I am aware that a number of college presidents are currently members of trade unions. That means the rationale for having staff associations, based on the fact that college presidents would not be members of trade unions, is counter-productive when we know some of them are members of trade unions. We will be pushing this amendment to remove the term “staff associations”. Amendments Nos. 84, 87 and 98 are designed to exclude the term “staff associations” and to protect the terms and conditions of teaching staff in the new technological universities.

**Deputy Jan O’Sullivan:** As discussed on Committee Stage, Deputy O’Brien’s amendments Nos. 9, 38, 84, 87, 98 and 109 all relate either to the definition of trade union or use of the term “staff association”. In all such cases, the standard wording used can be found in a wide range of similar legislation. Recent examples include the County Enterprise Boards (Dissolution) Act 2014, the Industrial Development (Forfás Dissolution) Act 2014 and the Education and Training Boards Act 2013. The proposed amendments would have the effect of varying the standard wording and for that reason I cannot support them.

To be clear, the use of the term “trade union or staff association” in the Bill does not in any way undermine the position of the trade unions, which represent the staff of the institutions concerned. Rather, it is included to ensure that all relevant staff interests are consulted, where appropriate. While I understand that there are currently no staff associations within the institute of technology sector, that is not to say there will not be in future. The Bill should reflect this possibility. With regard to amendments Nos. 36 and 39 put forward by Deputy O’Brien, these relate to the establishment of dispute resolution procedures by technological universities. Amendment No. 36 would remove from that section the standard reference to staff associations as well as trade unions. It also unnecessarily distinguishes between the dispute resolution procedures that would apply to staff and those that would apply to students. Amendment No.

39, in providing that the method of publication of those procedures must be jointly agreed with the parties concerned, goes further than is necessary. Institutes of technology and universities currently make those procedures available both in hard copy and electronically. This would also be the case for technological universities. For these reasons, I cannot support amendments Nos. 36 and 39.

However, following the discussion of this matter on Committee Stage, I propose amendment No. 37. This amendment makes absolutely clear that a technological university will be required to consult with all trade unions and staff associations representing its staff when developing its dispute resolution procedures.

With regard to amendment No. 86, proposed by Deputies Paul Murphy, Ruth Coppinger and Joe Higgins, I repeat that the proposed amendment would alter standard wording that is found in a wide range of similar legislation. Furthermore, the sole outcome of this amendment would be to remove any flexibility available to a trade union to enter a revised collective agreement in relation to remuneration. For both reasons, I cannot support this amendment.

**Deputy Jonathan O'Brien:** The fact that the phrase “staff association” is used in other legislation is not a good enough reason for it to be used in the Bill. As the Minister stated, none of the institutes currently have staff associations and there are a number of college presidents who are members of trade unions. The staff association could be used to undermine trade union representation. That is one of the concerns I have. In my opinion, it is anti-worker. The provision should be removed. As I stated, if I had my way, I would probably remove it from other legislation as well. Just because it is in previous legislation, it does not mean it is right.

In relation to consultation with trade unions around disputes, we also included the issue of students. If there is a dispute with a student, the student union should be recognised as a party to that dispute. That is the basis of that amendment.

**Deputy Jan O'Sullivan:** The latter is included. Certainly, my interpretation is that it is already catered for.

**Deputy Jonathan O'Brien:** Where?

**Deputy Jan O'Sullivan:** In the section of the Bill that talks about the rights of students unions, which we discussed earlier on.

With regard to the use of the term “staff association,” this legislation is for the future, and even if there are not any staff associations now, we do not want to preclude them, if there were any in the future, from being covered under the Bill. As I stated, the term is used in a pile of other Acts. This is not to say that we want somehow or other to turn trade unions into staff associations. It is simply to cater for possibilities that could arise in the future, even if they do not exist at present in this sector.

**Deputy Jonathan O'Brien:** I would argue that members of staff should be represented by trade unions and that by creating the option of staff associations, we are providing that they may not be represented by trade unions in the future. As the Minister stated, such associations do not exist within the institutes currently. We should not be encouraging them to exist in the future by making provision in legislation which would allow them to be created within the sector.

Amendment put and declared lost.

**Acting Chairman (Deputy Robert Troy):** Amendment No. 10, in the names of Deputies Maureen O’Sullivan, Jonathan O’Brien and Charlie McConalogue, arises out of committee proceedings.

**Deputy Jonathan O’Brien:** I move amendment No. 10:

In page 12, line 14, after “section” to insert “7, 10,”.

Section 3 states “Where an order under *section 18, 46 or 53* is proposed to be made, a draft of the order shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving of the draft has been passed by each such House.” We propose to include sections 7 and 10, which is, the dissolutions of the Institute of Technology, Blanchardstown and Institute of Technology, Tallaght and of the Cork Institute of Technology and Institute of Technology, Tralee, respectively, in the order process. Those should be included. The draft order for their dissolutions should be laid before each House and the order should not be made until a resolution approving that draft order has been passed by both Houses.

**Deputy Jan O’Sullivan:** Section 3 provides that an order of the Minister to merge institutes of technology under section 18, to establish a technological university under section 46 or to incorporate an institute of technology into a technological university under section 53 shall require a positive resolution of each House of the Oireachtas before it can be made by the Minister. Because those sections give the Minister broad authority to merge institutions which are not specifically identified in the Bill, this requirement ensures that the Oireachtas cannot be found to have delegated excessive powers to the Minister in that regard. Obviously, the other two groups are specifically referred to in the Bill. Sections 7 and 10 provide for the making of orders by the Minister to give effect to the mergers in Dublin and Munster. In both of those cases, the Oireachtas, in passing this Bill, will have specifically identified these institutes of technologies involved and, therefore, will have simply delegated to the Minister the power to implement the mergers it has identified. Therefore, it cannot be argued that the Minister has been given excessive authority by the Oireachtas, and there would be no need for the Houses of the Oireachtas to approve the orders in those cases. It is really to distinguish between those that are specifically mentioned in the Bill - that is, the Munster and Dublin mergers - and the ones that are not specifically mentioned in the Bill, which are presumably the other two regions that have currently indicated their interest, as well as other regions in the future.

**Deputy Jonathan O’Brien:** I understand the reasoning for not including sections 7 and 10, because they are already in progress. We have amendments that will deal with sections 7 and 10, which we can discuss later. I believe that in the interest of consistency, these sections should be included in the orders which will be laid before the House. These are separate sections within the Bill and we will deal with them when we get to them. The amendment stands.

Amendment put and declared lost.

**Acting Chairman (Deputy Robert Troy):** Amendment No. 11, in the names of Deputies Paul Murphy, Ruth Coppinger, Joe Higgins and Jonathan O’Brien, arises out of committee proceedings. Amendments Nos. 11 to 17, inclusive, are related and may be discussed together.

**Deputy Jonathan O’Brien:** I move amendment No. 11:

In page 13, to delete lines 30 to 35.

This relates to what we have just discussed - that is, the provision for merging the institutes. Under the legislation, a draft order would be laid before the Houses, as the Minister explained, and it would be voted on by both the Dáil and Seanad before the resolution could be approved.

We include this amendment because we do not want to see a situation arise in relation to section 7, which relates to the merger of the Institute of Technology, Blanchardstown and the Institute of Technology, Tallaght, and to the merger in Munster, that of the IOTs in Tralee and Cork, which is currently in progress, particularly given that the merger involving Cork is the subject of industrial action. As part of this grouping, Deputies Maureen O'Sullivan, McConalogue and I have tabled amendment No. 16, which states:

In page 14, line 20, after “*subsection (2)*” to insert the following:

“, which order shall be made following application from the governing bodies and presidents of each of the constituent colleges and said application shall include a statement that the terms of the merger have been agreed with the staff trade unions”.

We propose that before the order comes to the Minister's desk, there would have to be agreement at governing body level with the staff and the trade unions, and at that point a request can be made for technological university status. If we do not put that in, we could have a situation in which a request is made even if there are still industrial relations disputes or issues within the proposed merger, and the Minister would have the power to place the order before the Houses.

Before an order arrives on the Minister's desk, there should be agreement by all parties, namely, the governing bodies, presidents, staff and trade unions.

**Deputy Michael McGrath:** I support the amendment. I met staff representatives at Cork Institute of Technology, who are very angry. There has been an abject failure to bring the staff along through the process. This is reflected in the overwhelming rejection in the TUI ballot. They are deeply disappointed with what they regard as a significant shift from the heads of the Bill to the detail of it, which we are discussing on Report Stage.

There are serious concerns about many issues with which the Minister is familiar, such as pension entitlements, terms and conditions of employment and security in terms of the provision of certain programmes at a regional level. The concerns are not just about the impact on individual staff members but about the impact on the quality of the education the institutes of technology can provide. There has been a failure to bring the staff and their union along at a management level. They are very concerned that the Bill will be rushed through with very serious ramifications for them personally and for the students to whom they provide a service.

Even at this late stage, I ask the Minister to desist from pushing it through. I am sure she is receiving this feedback directly through her Labour Party representatives, from the TUI nationally and at a local level. It is not the way to do business. We are heading for very serious industrial strife, which is unnecessary. In my experience from talking to the staff members concerned, while they are not against the principle of a technological university, the way it is being done flies in the face of co-operation and the spirit with which these fundamental structural changes to third level education are normally introduced. It is not the way to do it, and I ask the Minister to rethink it.

**Deputy Maureen O'Sullivan:** There is no doubt about the anger outside tonight from representatives of the TUI. Their anger relates to the conditions of service, which we will discuss

in a later amendment. It comes back to the respect for the staff trade unions. There seems to be more concern to include staff associations, of which we have none, to allow them to make an appearance at some stage, than respect for the established trade unions which have been representing their members' interests.

The unions must be included because of another aspect regarding staff. Earlier, we discussed the movement of students. Staff may have to move from one college to another. There is a bigger picture around conditions of service. The main concern is that staff are not bringing their existing conditions of service with them into the merger. There will be an escalation of action unless this is addressed.

**Deputy Jan O'Sullivan:** As I said earlier, I have no intention of rushing the Bill through. We have given it full time on all Stages so far and have had very good engagement at the committee. We have three scheduled time slots in the Dáil this week. If we have not finished it by then, we have not finished it. I am not rushing it through.

Last night, I met representatives of staff in Cork. They have serious concerns. I was aware of it in previous meetings with the TUI. We are trying to address the concerns we can address and make as much progress as we can in the Dáil. Although I do not know what will happen in the Seanad or what the arrangements are, I do not intend to rush it through either House.

Chapter 3 of Part 2 provides a general mechanism for the merging of consortiums of institutes of technology to form new institutions of greater scale, which includes assessment by an expert panel of their application to merge. In 2014, consortiums in Dublin and Munster were assessed by an international expert panel and found to be on a clear trajectory to meet the very robust performance and quality criteria that had been set down for merging institutes which wished to apply for the new technological university status. Therefore, the Dublin and Munster consortiums have already completed the stage of the process set down in Chapter 3 of Part 2 and are working towards a full merger in the near future.

To repeat a point I made on Committee Stage, the mergers in Dublin and Munster provided for in the Bill are not forced mergers. Each of the consortiums has, of its own accord, decided to come together to work towards achieving technological university status. The purpose of Chapters 1 and 2 of Part 2 is to reflect the reality of these consortiums, that they have been proceeding along this path for some time, and to ensure they are not required to go back to square one and be reassessed by an expert panel. This is why I cannot support amendments Nos. 11, 14, 15 and 17.

Regarding amendments Nos. 12, 13 and 16, the Deputy is asking that we give the trade unions a veto on the proposed merger. Providing a veto on the proposed merger for anybody would not be in the best interests of everybody involved, including staff, students and the citizens in the wider region who are also to be served by the technological universities.

On the broader issue of consultation with staff, I have repeatedly stated that good communication between the leadership of any institute of technology entering into a merger and the staff and students of the IOT is vital so that a shared vision and understanding of the new institutions can be developed. The HEA and my Department have conveyed this message from the outset of the process. I have spoken about it here before. We have facilitated staff to be given the time to get involved on behalf of the TUI and other representatives of other people working in the institutions. We want such engagement and I will, if necessary, repeat it to the

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institutes concerned that it is to be real engagement, not what some people appear to think is not real engagement. This is my intention and we have allocated resources to ensure it can happen.

**Deputy Jonathan O'Brien:** In the Munster region, the Cork and Kerry case, the merger is very far down the line and they are meeting all the criteria. The Minister mentioned the expert panel report which found they are on course. However, the very people who are being asked to deliver the high quality education in a technological university are in dispute. They have no faith in the process and they feel excluded from it. While the Minister may say the governing bodies and institutes should consult the academic staff, in reality they are not engaging constructively. This is the major issue.

While the Minister may say the amendments would give a veto to the trade unions, I say they would ensure there is full co-operation from all stakeholders in the project before an application is made for technological university status. Although the Minister may say it is not a good idea to give vetoes to any one particular organisation, we had no problem giving vetoes to banks regarding personal insolvency. We cannot have it both ways.

The purpose of the amendments is to ensure the Minister cannot make an order for designation as a technological university until all the stakeholders are in agreement. It is a very fair and rational proposal. If the Minister proceeds with a proposal that would allow one group of stakeholders to make an application while another group of stakeholders feels completely isolated from the process and not part of it, she will be heading for serious industrial strife.

Debate adjourned.

### **Social Housing: Motion [Private Members]**

**Deputy Barry Cowen:** I move:

That Dáil Éireann:

notes that there are over 1,600 children and up to 780 families in emergency accommodation;

accepts that families and children being placed in hotel rooms rather than proper accommodation is totally unacceptable;

further accepts that due to lack of action the number of people on the social housing list has been allowed to rise to 130,000;

agrees that there is a national housing crisis;

notes that the National Asset Management Agency, NAMA, has been given responsibility to build 20,000 houses on behalf of the State;

condemns the Government for only allocating 10% of this stock for social housing as this falls way short of adequately dealing with the social housing crisis; and

calls on the Government to utilise the social dividend section of NAMA and to sign an order to direct it to provide 50% of these 20,000 houses as social houses.

I propose to share time with Deputies Keaveney, Troy and McConalogue.

**Acting Chairman (Deputy Robert Troy):** Is that agreed? Agreed.

**Deputy Barry Cowen:** Should I wait for the Minister, Deputy Kelly?

**Deputy Jan O'Sullivan:** No. He is in the Seanad at the moment. I am filling in for him until he comes to this Chamber, if that is all right.

**Deputy Barry Cowen:** Okay. Five years ago, Fine Gael and the Labour Party came into Government with a massive majority. They promised a softer and easier way to continue to close the gap between Government revenue and expenditure. Decent people voted for them. Even some decent Fianna Fáil people chose to lend their votes to them. Five years on, 800 families are homeless and 1,600 children live in emergency accommodation. Since last January, an average of 80 families have been entering homelessness each month. There are 130,000 applicants on the waiting list. Some 350,000 people need a house they can call their home. This represents an increase of an amazing 45% since 2013. Young couples have been shut out of the housing market as the banks, aided by a Government-backed bank veto, have ramped up repossessions. That is what we have from five years of Fine Gael-Labour Party Government. It is not what decent people expected or bargained for when they chose to lend their votes to that combination, but unfortunately it is what they got.

Regardless of the criticism that is labelled at this Government, and this applies in other areas as well as in housing, it holds itself unaccountable for its five years in office. It is seeking to blame Fianna Fáil in a rerun of the 2011 general election. I wish to state clearly and unequivocally that the decisions taken by this Government had nothing to do with Fianna Fáil and everything to do with the Labour Party's incompetence and Fine Gael's hidden ideological agenda. It was this Government's choice to build 300 social housing units per year, which contrasts with the 3,600 units that were built each year by the previous Government. It was this Government's choice to halve the developers' social housing obligation. It was this Government's choice to bring in a host of extra building costs and thereby hold back house construction. It was this Government's choice to step back and let the banks run the show. It was this Government's choice to allow the banks a veto over people in mortgage distress. This Government can take full ownership of this crisis. People can consider that fact when they go to the polls.

Today we heard the Government's eighth big announcement regarding its social housing strategy, which started two years ago when it said €3 billion would be set aside to provide 110,000 units by 2021. Since then, ten local authorities have failed to build a single house. The Government has failed miserably and abysmally to meet its own targets, even against a backdrop of the recovery and a 6% economic growth rate. We are told we need to keep the recovery going, but I suggest we need to spread the recovery around the country to meet the needs of all the people. Fine Gael wants to please just 30% of the electorate. The Labour Party has been given a pat on the head and been told to paddle its own canoe, which would be grand if it could do so. The Government has failed to take the simplest measures sought by my party and by those who are at the coalface, including Deputies from all sides of the House, councillors from throughout the country and stakeholders such as the Simon Community, Focus Ireland and the Peter McVerry Trust. They have sought an increase in rent supplement and a stay in mortgage repossessions. The failure to introduce such measures shows how completely headless and adrift the Government has been. There should be no mistake about the fact that its inaction has forced and is forcing people out of their own homes and into homelessness every day.

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This crisis, unlike the recovery, is countrywide. The dysfunction in the private rental market is a direct result of the Government's inaction and its incompetence in making decisions. Its members are commentators rather than decision-makers. While they commented, fumbled and fooled around in advance of the production of their rent certainty measures, we saw the largest increase in rents in more than ten years. The Simon Community has told us today that 95% of people in rental accommodation cannot afford the very accommodation in which they find themselves. How will the Government, having refused to heed our warnings, respond to the facts that have been laid on the table today by the Simon Community? Even though the Government has assigned two Ministers and two Ministers of State to this area, its response to the housing crisis which it has been engulfed by over the past five years has been incompetent, unco-ordinated and lacklustre. A new yardstick for its incompetence emerged in recent months when we learned that it is spending €191,000 per unit on the 500 temporary modular homes that are being developed. This amounts to €95.5 million. While this has been going on, the Government has allowed NAMA to sell completed permanent homes to vulture funds for €100,000 a unit. This means €50 million is being wasted while the Government fails in its attempt to provide permanent homes through its expenditure. Would this happen in a fair society? Would it form part of a fair recovery, or a recovery for all? Does the Government expect decent people to vote to keep that kind of madness going on? I should hope not.

When the Taoiseach addressed the Fine Gael Ard-Fheis, and by extension the nation, last Saturday night, he did not think it worthwhile to mention housing. As I said earlier, those who are in dire need are not in his or his party's equation for re-election. They are not in the 30% target audience he believes will get him across the line. The Government, in its dying days, is trying to throw a few dice by making announcements around the country. I was contacted this evening by my local newspaper and informed that some €3 million has been set aside for 18 homes in Tullamore. I am sure those homes formed part of the initial package that was announced by the Government two years ago when it said it would provide a total of 300 new units - newly built or otherwise - to meet the demand that exists in County Offaly and in many other counties throughout the country. Again, the Government is reannouncing what was announced two years ago to much fanfare. While I welcome any developments that may take place, I emphasise that this proposal will do little for the 2,024 people who are on the housing list in the county today. It will do as little for them as the construction of eight units over the past five years did for them.

Housing was mentioned by the Minister for Finance, Deputy Noonan, in the budget. He said he was directing NAMA to build 20,000 units, but with no provision for social housing. He said "the Minister for Public Expenditure and Reform and the Minister for the Environment, Community and Local Government will deal very effectively with the question of social housing". How effectively have they dealt with the announcement that was made in the budget? They have dealt with it so effectively that they have used legislation to direct NAMA to ensure 2,000 of the units mentioned by the Minister for Finance on budget day, or just 10% of the total, will be social housing units. We call on all those here to support what we say - it should be a 50-50 split. There should be 10,000 social housing units. When that question was put to the Taoiseach last week, he asked where the €2 billion would come from to provide it. When he was asked on Sunday on "The Week in Politics", he asked where the €3 billion would come from to provide it. His maths increased the figure by €1 billion in those few days. He failed to acknowledge that those costs can be recouped, that the expenditure that will be incurred has a value and that there was always provision within the NAMA legislation for a social dividend to be made available to the State. We are reliably informed that up to €2 billion of a surplus

will be available to the State when NAMA ceases to be. Apart from that fact about the funding, the costs can be recouped in rent and by virtue of tenant purchase schemes in the future. The cost could be recouped by opening the market for funding to bodies such as credit unions which have €2 billion - not through their own choice - on deposit in the pillar banks. Does the Minister agree that it would be better used to assist and revitalise communities and spread the recovery, which it would undoubtedly do by funding such developments? It would also ensure the potential for those same credit unions to survive into the future considering the Government rebuked them and their members' efforts in what they sought before Christmas. The Minister signed some of the recommendations which will have great detrimental prospects for credit unions around the country. That is something that the public and the communities in which they reside will have to be reminded of when they make a decision as to who they think should take hold of and spread the recovery.

The Taoiseach tried to rubbish our proposal in the two answers he gave when confronted with these questions. I do not believe he understands the potential that exists within NAMA to make a dent into the severe crisis. He and his Government have failed abysmally and miserably over the last five years on the provision of housing. He has tried to lay the blame on the preceding Government despite the fact he has been in Government for five years. The damning housing figures are rising and have been rising constantly since he came into office. That has been laid before the House on several occasions. During the last five years, this issue has featured most prominently in Private Members' debates. Unfortunately, it is one of the main reasons why this Government will not meet with the approval it expects from the electorate because it has failed abysmally. It has left an awful curse on many aspects of society throughout the country, in particular on the huge waiting lists that exist in each local authority - no progress has been made on the matter.

I commend the motion to the House and ask all Members to consider seriously supporting it especially those on the opposite side of the House who will have to admit that this has been one of their greatest failures since coming into office.

**Deputy Jan O'Sullivan:** I think we know why; we know the legacy we took over.

**Deputy Colm Keaveney:** At around 3 o'clock today, I received a copy of the supplementary Order Paper on which the motion I speak on appeared. There were two suggested amendments on it, the first from Deputy Dessie Ellis which contained a constructive contribution to the debate. The second was from the Minister of the Environment, Community and Local Government, Deputy Alan Kelly, which tried to make some claim to be visionary but quickly collapsed into mendacious mediocrity - all noise and no substance. It has become a habit at this stage from that quarter. We are used to the Government's approach on matters involving inequalities or people being driven from the centre to the periphery of society. They are a common theme of this Government. The Minister's written counter motion could have been written in a matter of seconds. We also have no doubt that we could have written the same script. In its pattern of speech, the Government continues to blame the previous Government. In the past 24 hours, we have heard several Government Ministers and Deputies attempt to do so. The people might have hoped that now, in the twilight of its five years in office, the Government might take a scintilla of responsibility for the consequences of its own choices in Government.

**Deputy Jan O'Sullivan:** We do, but we do not take responsibility for what the last Government did.

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**Deputy Colm Keaveney:** The Minister, Deputy O’Sullivan, was Minister of State with responsibility for housing and planning for four of those years. It is a shameful legacy. It is in contrast with the attempt to claim all credit for implementing the recovery initiated by the late Brian Lenihan. This Government - Fine Gael lite - has created a situation in which rental prices have now risen beyond the reach of many working families. It has failed, despite being consistently offered opportunities by this party, to remove the veto on the bank resolution and mortgage arrears. In my home town of Tuam there are dozens of local authority houses lying vacant because of the want of funding from the Minister, Deputy Alan Kelly’s Department. There are hundreds of houses across the west looking for new tenants who are crying out for a home. The Minister has managed to cap the spending on the refurbishment of such homes at €30,000, which has resulted in Galway County Council being left with no option but to board up those houses and leave them vacant. Neighbourhoods in Tuam, Gort, Athenry and Loughrea have been dotted with many of these houses; they have been broken into, looted and have become a source of anti-social behaviour. These have become unpleasant communities to live in because of this Government’s failure to address adequately the under-funding from local authorities to renew those houses. Having such homes vacant also means there are no longer houses for people who have been waiting for years and the social housing waiting lists continue to grow. In my home town there is a family with three children who are now in their fourth month living in a hotel.

**Deputy Jan O’Sullivan:** Over the past number of years we have allocated money for vacant properties.

**Deputy Colm Keaveney:** Four months living in a hotel. There is a couple who have slept in a turf shed under the Minister’s watch for the last six months-----

**Deputy Jan O’Sullivan:** We have allocated significant money for vacant houses to the local authorities.

**Deputy Colm Keaveney:** -----waiting to be housed. That is the Government’s legacy. The Government has left council staff in a hopeless situation, unable to offer houses and with no option but to direct people towards the private rental accommodation market.

**Deputy Jan O’Sullivan:** The Deputy should look at Fingal County Council.

**Deputy Colm Keaveney:** However, there is no supply in that area. The Government has secured a ceiling of supports, which the Tánaiste stubbornly refuses to move, contrary to the advice of all the experts in that area and organisations working on the front line of homeless people in this country. The Labour Party turned its back on the homeless and vulnerable. The Tánaiste who styles herself and her party as social democrats seems to think the primary purpose of rent is to support the rental market. She sees it as a market tool rather than a tool to secure-----

**Deputy Jan O’Sullivan:** That is absolute rubbish.

**Deputy Colm Keaveney:** -----a roof over the head of a child who will sleep in a turf shed.

**Deputy Jan O’Sullivan:** The Deputy knows better than that.

**Deputy Colm Keaveney:** That is the Government’s legacy. Its intransigence is fuelled by the ethos of its senior party in Government. The Labour Party has become Fine Gael blue lite.

**Deputy Jan O’Sullivan:** Does the Deputy take any responsibility for what his party did in the past?

**Deputy Colm Keaveney:** The homeless statistics make for grim reading. Over 700 families and over 1,500 children are now living in emergency accommodation. Alongside them are over 6,000 individuals, many of whom have been waiting years in emergency accommodation. The Minister, Deputy Alan Kelly, boasts about his spending on homelessness during his tenure as Minister. This money is not being spent on keeping people in their homes or providing additional social housing. It has been spent on emergency accommodation. Why happily spend €300 per night to keep a family in a hotel but continue to cap the rent supplement? That is the choice the Government has made. Some families have been placed in hotels, many for significant lengths of time, at a far greater weekly cost than that of putting them up in a private rental home. Rather than raising the ceiling or housing them, the Minister, Deputy Kelly, and his party leader, for some ideological reason, precariously want to leave children in emergency accommodation.

This might be my last comment in the 31st Dáil. The subject of this debate touches on the fundamental principle of why people are in politics. I believed, and have always believed, that politics should be about securing a welfare and a community and establishing a threshold of decency below which nobody should fall. Politics should involve a continual process of bringing people from the periphery into the centre, to give them a chance of equality so that all have a fair chance. Everyone should have the opportunity in life to take whatever talent they have to the very top, in a worthy ethos and with a preference in education. They should be able to have ambition and will. People should get on with their lives and be able to enjoy the fruits of their labour and I wish to give a voice to those who contribute most to secure the social goals to which I have referred.

The subject of this debate is important to every single person in this House.

**Deputy Jan O’Sullivan:** I am sure those motives are present right across this Chamber, across all parties.

**Deputy Colm Keaveney:** It is appalling that the Minister smirks at homelessness. How dare she? Shame on her for smirking about 1,500 children. Smirk away at those children in emergency accommodation tonight.

**Deputy Jan O’Sullivan:** I am absolutely not smirking.

**Deputy Colm Keaveney:** Shame on the Labour Party and shame on the Minister. Without a home, there is no threshold of decency. Without homes, people are left on the streets. Without homes people are left sleeping in sheds. Without homes, people are sleeping on the streets of Dublin tonight.

**Deputy Jan O’Sullivan:** That is why we are addressing the situation.

**Deputy Colm Keaveney:** Shame on the Minister. Let that be her legacy. She remembers very well the 1,500 children as she bounces on the doors in the next couple of weeks. Shame on her and let the Irish citizen remember her legacy when she was Minister with responsibility for housing.

**Deputy Jan O’Sullivan:** The Deputy has a very short memory.

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**Deputy Colm Keaveney:** She was Minister for housing and she made those children suffer. Smile away, Minister. Smile at those children and their welfare and the difficulties she has left for them.

**Deputy Jan O'Sullivan:** I am smiling at you, Deputy.

**Deputy Colm Keaveney:** She has abandoned them. She has abandoned the Irish people. She has turned her back on them-----

**Deputy Jan O'Sullivan:** No, I am just an ordinary human being.

**Deputy Colm Keaveney:** -----and she is the architect because she was there and she must have somersaulted with some happiness when she got her senior promotion and abandoned her portfolio because she takes no responsibility, in the dying days of this Government, because she is part of the most arrogant Government, which turned its back on the most vulnerable people. She sits here sniggering.

**Deputy Jan O'Sullivan:** I am not sniggering.

**Deputy Colm Keaveney:** She is. She sniggers at children in emergency accommodation. This will be her legacy - her snigger as 1,500 children are abandoned by the Labour Party, by Fine Gael lite.

**Deputy Jan O'Sullivan:** I am not sniggering at children. I am just smiling at the Deputy's hyperbole.

**Deputy Colm Keaveney:** Remember, that will be her lasting legacy.

**Deputy Robert Troy:** The Minister is an honourable lady-----

**Deputy Jan O'Sullivan:** I take you seriously, Deputy.

**Deputy Robert Troy:** -----and it is a sad reflection on the Minister with responsibility for this area, the deputy party leader of the Labour Party, that he did not come in to listen.

**Deputy Jan O'Sullivan:** He is in the Seanad.

**Deputy Robert Troy:** This is the premier body. This is the House to which he bears his responsibility.

**Deputy Jan O'Sullivan:** They are taking statements.

**Deputy Robert Troy:** It is a sad reflection that neither he nor the Minister with special responsibility for housing, Deputy Paudie Coffey, is in the House to listen to this important debate. This housing crisis is crippling many families in Ireland today.

**Acting Chairman (Deputy Robert Dowds):** I ask the Deputy to address his remarks to the Chair and the Minister to refrain from interruption.

**Deputy Robert Troy:** Since 2012, there has been a fivefold increase in the number of families with children in emergency homeless accommodation. Currently, 1,600 children are living in emergency accommodation. In 2013, some 20 families were becoming homeless in Dublin every month. In the past few months, this has more than tripled to over 80 families every month. These are families with no history of homelessness and they have never been homeless

before. There are approximately ten homeless families with children for every 100,000 people in Ireland. By comparison, there are only three homeless families for every 100,000 people in England. How does that bear out on the international stage? That is a damning indictment of this Government's policies.

This is not a legacy issue. This is the policy the Government which the Minister has been part of has pursued in the past number of years. It is not just the members of the Opposition who are saying this or the various NGOs working in this area. Two international committees have been highly critical of the Government and its handling of this issue. Last year, the UN committee on economic and social rights was highly critical of the Government for its failure to provide adequate housing for vulnerable families, especially vulnerable children. This committee actually referenced the housing crisis and the huge number of families in emergency accommodation. Earlier this year, the Minister for Children and Youth Affairs, Deputy James Reilly, was before the UN committee on the rights of the child. We should remember the referendum for which we all so vigorously campaigned to enshrine the rights of our children in our Constitution, three years ago. Where is that referendum today when we are talking about the rights of the child? Where is that referendum when we are talking about the basic fundamental right of all our children to have a roof over their head, a place to call their home? Tonight, 1,600 children do not have a place to call their home. Earlier this week the committee to which I referred, while it has not issued its report yet, was highly critical of the Government's response to this issue.

The Minister for Children and Youth Affairs, Deputy James Reilly, seems to have had a change of tone in his response to the issue of homeless children and the responsibility of the Department of Children and Youth Affairs, because I have questioned him in past years and months as to what role his Department played to ensure our children had a roof over their head. He said:

Policy responsibility for homelessness in so far as it extends to my Department relates to children under 18 and any child welfare and protection concerns that may arise in the context of the Child Care Act 1991. Young people who are homeless, either singly or as part of a family unit, and not falling within this category, are the responsibility of the Department of the Environment, Community and Local Government, and local authorities.

Shame on the Minister for Children and Youth Affairs. That is not a champion of children's rights sitting around the Cabinet table. As a country we are clearly in breach of Article 24 of the UN Convention on the Rights of the Child, which states there is a right to the enjoyment of the highest standard of health for a child. I do not believe children living in one room of a hotel with no access to adequate facilities or services is the highest attainable standard of health. The right of housing is a gateway to so many other rights. It is the right to an adequate education, it is the right to adequate health care and many other rights to which children are entitled under international law.

Homeless children are missing many of their life chances. All of us only have one childhood. This Government is depriving children of their childhood. A total of 1,600 children are being deprived of their childhood by being subjected to living in temporary and, in some instances, substandard accommodation. They will not meet their educational potential.

A stigma is attached to children who are living in temporary accommodation. Children who are in emergency temporary accommodation who continue to attend the same school, although

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often that is not possible, cannot invite their friends to come around after school and play in their house. They do not have a house to which they can bring a friend. They cannot retain a certain connection with their families because, in some instances, they are removed from their families. What type of stigma is that to attach to children today? Also, the issue of children living in emergency accommodation raises profound child protection issues. This country has a sorry tradition with regard to child protection issues. It ill behoves this Government to leave children in a vulnerable situation. Not only is it leaving children in a vulnerable situation from a child protection perspective, but it is also leaving the State in a vulnerable position should people choose later in life to sue the State for leaving them in such a vulnerable situation.

A number of days ago there was a report on the front page of *The Irish Times* about a social worker who was working with a homeless family living in emergency accommodation. The social worker's proposal was to separate that family because the family was living in substandard temporary accommodation. Due to this State's failure to provide adequate housing we have a situation in which social workers are proposing to separate families. That is the legacy of this Government with regard to homelessness and the 1,600 children who are homeless.

The Government has an opportunity, with this motion, to change the path on which it is travelling. A total of 20,000 houses are due to become available from the National Asset Management Agency, NAMA. The Government should accept this motion and have a 50:50 split, at a minimum, ensuring that 10,000 of those houses go to social housing. We can therefore try to address the social housing waiting list, which the Government has allowed to explode in the last five years. The Government should also review its current position regarding void houses. There are 3,000 local authority houses lying idle. It should not be the case that in every instance in which more than €30,000 is required to make a house habitable it must go from the local authority to the Department of the Environment, Community and Local Government to receive approval. That delays the process, and the longer one delays the process the longer there will be 1,600 children in emergency accommodation.

*8 o'clock*

What will the situation be when the tourism season starts? Where will those children stay? Many hotels will no longer wish to provide emergency accommodation when they can get more money in the tourism industry. I support the motion and I commend Deputy Cowen on its introduction.

**Deputy Charlie McConalogue:** I support the motion proposed by my party colleague, Deputy Cowen. It is an unfortunate reflection on the performance of this Government that as we are going through what is probably the last week of this Dáil, we must address this issue-----

**Deputy Bernard J. Durkan:** Do not count your chickens.

**Deputy Alan Kelly:** I did not sign an order.

**Deputy Charlie McConalogue:** The sooner the better. As I said, it is an unfortunate reflection on the Government that we must address this issue as we head to an election and that the Government has allowed this crisis to develop under its watch over the last five years. Five years ago, the Government was not behind the door in terms of reminding everybody that there was an over-supply of housing. The current Minister and his colleagues were not shy about

pointing to the mistakes that led to that over-supply. Meanwhile, they were so intent on scoring political points they allowed a situation to develop under their watch in which a real shortage of accommodation and homes began to appear in many urban centres. Indeed, we are beginning to see that situation spread across the country.

Over the last year and a half to two years, homelessness has spread from affecting those who were traditionally on the street to affecting many families of parents and young children who have been unable to find accommodation, increasing numbers of whom find themselves in emergency accommodation. That problem has started to spread from the larger cities to towns and villages across the country. I see it in County Donegal, where the supply of housing in many towns and villages has become so tight that it is difficult for families to find accommodation within their local areas. As a result, rents are starting to increase. Unless real, constructive measures are put in place, what is happening in a chronic manner in the large cities at present will start to happen in towns and villages across the country. People will not be able to find accommodation, as many will be priced out of being able to afford the rent.

While this has developed, there has been an unacceptable refusal by the Minister to increase the rent supplement thresholds to allow families to secure or compete for accommodation. Those who have to avail of rent supplement were used as a market tool. On several occasions, the Minister for Social Protection, as well as the Minister for the Environment, Community and Local Government, held the line that they would not increase rent supplement limits because it would lead to rent increases in the market. They indicated that retaining the current level of rent supplement, and having people suffer as result because they could not get accommodation, would somehow hold the market down. However, it meant that families depending on rent supplement and who found themselves out of their homes simply were unable to get a house they could afford. Even today, there is no move from the Government to address that issue with rent supplement. In Dublin, this has led to 677 families being in emergency or temporary accommodation across the city. The number is 744 nationally.

Since February 2012, there has been a fivefold increase in the number of families who have had to avail of emergency accommodation. When Focus Ireland set up an action team in 2012, an average of eight new families were presenting as homeless in Dublin each month. This subsequently rose to 40 families per month in 2014 and up to 70 per month during the first half of 2015. The problem has spread from Dublin to other parts of the country, particularly Limerick, Cork, Kilkenny and Waterford. Meanwhile, the response from the Government has been totally inadequate and the situation has been exacerbated.

The Minister seeks to claim that this is somehow a legacy issue. Indeed, he makes repeated misleading statements regarding how the Government's investment in housing-----

**Deputy Alan Kelly:** Misleading?

**Deputy Charlie McConalogue:** -----compares to that of the previous Administration. I will clarify the record. Under Fianna Fáil, from 2007 to 2010, 14,500 new social housing units were built, which equates to an average of 107 units per local authority per year. In contrast, what we have seen under the Minister's Government from 2011 to 2014 is 1,252 new units, which is an average of nine units per local authority per year. To put that in perspective, 130,000 households are on the social housing waiting lists while only 102 social housing units were built by local authorities in 2014. The average number of social housing units completed in 2014 was just three per local authority. Meanwhile and as the Government has failed to act,

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matters have gone from an acute shortage to a full-blown crisis. There was a failure under the previous Minister of State, Deputy Jan O'Sullivan, and that has continued since the Minister has taken over responsibility. I commend the motion to the House.

**Minister for the Environment, Community and Local Government (Deputy Alan Kelly):** I move amendment No. 2:

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

“recognises the high priority which the Government has afforded to increasing housing supply, through its Construction 2020 Strategy and its Social Housing Strategy 2020;

acknowledges the demand for social housing as demonstrated by the approximately 90,000 households on the social housing waiting list, at the last full and comprehensive assessment in 2013;

welcomes the commitment to undertake a summary of social housing assessments on an annual basis from 2016 onwards, to ensure up to date and comprehensive data on housing need is available on an ongoing basis;

recalls the vision outlined in the Social Housing Strategy 2020, that every household will have access to secure, good quality housing suited to their needs at an affordable price in a sustainable community;

acknowledges the Government's ongoing commitment to deliver on that vision and in particular welcomes the progress to date including, *inter alia*, the:

— delivery of over 13,000 new social housing units in the first year of the Social Housing Strategy 2020, an increase of 86% year-on-year;

— commitment of €2.9 billion in capital funding for the Social Housing Strategy out to 2021 under the Government's six year capital investment framework, Building on Recovery: Infrastructure and Capital Investment 2016-2021, with an associated delivery target of 17,000 units for 2016;

— approval to date of 200 projects that will deliver 5,350 new social housing units, to be constructed by local authorities and approved housing bodies, and delivered under the public private partnership programme;

— progress made in bringing local authority dwellings back into productive use, with 5,000 delivered over the two-year period 2014-15, resulting in a marked fall in the number of vacant social houses;

— roll-out of the housing assistance payment, HAP, scheme to all categories of households in 18 local authority areas, with approximately 6,800 households having been supported by HAP since commencement of the scheme in September 2014; and

— introduction of enhanced powers for local authorities to counter antisocial behaviour in their estates which will help to create and maintain stronger, sustainable communities;

acknowledges the other measures introduced in 2015, that complement the focused, target driven approach of the Social Housing Strategy 2020, such as:

— the rental sector reforms introduced to give greater protection to tenants and landlords ensuring that, in 2016, most tenants will not see their rent increase;

— the amendments made to Part V of the Planning and Development Acts, under the Urban Regeneration and Housing Act 2015, which means the focus of Part V will be on the delivery of completed social housing units; and

— the enactment of the Planning and Development (Amendment) Act 2015, which strengthens the status of aspects of planning guidelines issued to local authorities on planning matters to ensure their consistent application, particularly in relation to apartment standard guidelines; and streamlines the process for the making of modifications to strategic development zone planning schemes;

notes, with respect to the National Asset Management Agency, NAMA, that:

— the Government has enabled and facilitated NAMA in playing an important role in the delivery of housing supply generally and social housing in particular;

— this work has to be carried out in a manner consistent with the legislation governing the operation of NAMA;

— 2,000 houses and apartments have been delivered to local authorities and approved housing bodies for social housing use by end of December 2015;

— the Department of the Environment, Community and Local Government, the Housing Agency, local authorities and approved housing bodies continue to work closely with NAMA to ensure that its commitments on social housing are delivered;

— as indicated in budget 2016, in line with its governing legislation, NAMA is aiming to fund the delivery of 20,000 residential units before the end of 2020, of which it is estimated that 90% will be in the greater Dublin area and that about 75% of the units will be houses, mainly starter houses; and

— NAMA will have to meet all of its statutory Part V obligations in accordance with the legislative provisions;

acknowledges that the solution to homelessness is multi-faceted, and in that context welcomes the whole-of-Government approach to dealing with the complexity of the situation, involving all key State agencies concerned, including the Departments of the Environment, Community and Local Government; Social Protection; Health; Children and Youth Affairs; the Health Service Executive; Tusla, the Child and Family Agency; the Irish Prison Service; and local authorities;

notes that a range of measures are being implemented by Government to address homelessness, including focusing on preventative approaches wherever possible and mobilising the necessary supports to mitigate the issues associated with an increasing volume of homeless families accommodated in inappropriate commercial hotel arrangements;

welcomes:

— the increase in funding for homeless services to €70 million, announced in

budget 2016;

— with regard to the homeless housing assistance payment, HAP, pilot, the increase in flexibility in relation to rent limits from 20% above rent supplement levels to 50% above rent supplement levels announced in budget 2016, which will be of significant assistance to homeless families in Dublin moving out of emergency accommodation into longer term housing; and

— the initiative to utilise rapid housing delivery as a way of significantly improving emergency accommodation and decreasing the reliance on hotel accommodation, with 500 new units to be delivered through this method in the Dublin region in 2016;

and further notes:

— the excellent work being done through the Department of Social Protection tenancy sustainment initiatives, with approximately 4,500 tenancies protected under these initiatives in 2015 and over 6,000 since their commencement in 2014; and

— the vital role undertaken by non-governmental organisations, NGOs, working with homeless persons and seeks their continued engagement with Government Departments and agencies in addressing the challenges involved.”

In the first instance, I thank the Deputies opposite for raising the issues of housing and homelessness, which are critical issues at the top of my agenda, and for the contributions of the speakers tonight in highlighting the challenges we all face. There is no silver bullet to deal with this extremely complex area. I thank them for once again affording me the opportunity to restate the Government’s commitment to tackling these significant challenges head-on in the manner I will outline in the course of my contribution. Tonight’s debate also presents me with an opportunity to outline the Government’s achievements to date under both Construction 2020 and the social housing strategy. I thank Deputy Barry Cowen and his colleagues for affording me that opportunity.

The Government is committed to getting housing right and dealing with the ongoing legacy of the collapse of the property sector under colleagues opposite in Fianna Fáil. That means continuing the work to enable every household in Ireland have access to secure good quality housing suited to their needs at an affordable price in a sustainable community. We have prioritised the economy and employment to great success. There are more than 135,000 additional people at work today compared to four years ago when the first Action Plan for Jobs was launched in 2012. To sustain this recovery and to remain competitive in attracting inward investment, we must all accept that we need to build, deliver and create more homes. That is to be done in urban centres as well as in rural areas given that the growth in the economy is spreading to all quarters of the country. I have had 1,250 jobs announced in my own constituency in Tipperary in the very recent past. One thing is for sure, I will not oversee a situation where we return to an unsustainable property bubble such as the one which contributed to the problems of the residential market in Ireland today, which does not operate at equilibrium with demand far outstripping supply.

The Government is still dealing with the consequences of the disastrous handling of the property sector by Fianna Fáil and will be for some time. It is still dealing with the legacy of the Galway tent. Unlike the previous speaker stated, it is the people of this country who were misled and who are still collectively dealing with the consequences as a society. The motion

tabled this evening oversimplifies the situation, which is putting it kindly. Anyone who has been dealing with the homelessness situation will know that at one glance that this is a lazy motion. It has all the hallmarks of being the work of people in Fianna Fáil who simply do not understand the first thing about dealing with homelessness or housing. Homelessness is complex and I am on the record as stating directly that emergency hotel accommodation should be only a short-term solution. I will outline shortly how we are taking a whole-of-Government and inter-agency approach to dealing with the issue of homelessness. Amazingly, the motion as worded demonstrates a misunderstanding or perhaps a wilful ignorance of NAMA's mandate, function and general property rights. I will elaborate on that point also shortly.

The roots of the current situation lie in the decision of the Fianna Fáil Government to abandon the construction of social housing units and to depend almost exclusively on rent supplement to provide social housing. That is something anyone with an understanding of housing economics will know suited their friends in the Galway tent. The privatisation of social housing was the single biggest mistake and the single greatest reason we are discussing this topic tonight. We are now trying to rectify those mistakes collectively. Through the Social Housing Strategy 2020, which was published in November 2014, my Department has returned the State to its central role in the provision of social housing by resuming a building programme on a significant and incrementally increasing scale, putting in place financially sustainable mechanisms to meet current and future demand for social housing supports and ensuring value for money for the taxpayer while respecting, to the greatest extent possible, the preferences of individual households. The strategy sets out a range of diverse options and provides for new schemes to ensure a greater number of people benefit from the delivery of social housing. It also provides for strengthening the capacity of our local authorities and approved housing bodies to deliver homes for those who need them.

Last year was the first full year of implementation of the Government's social housing strategy. The growing economy has placed significant pressures on both our public and private systems of housing. Economic growth creates demand for housing and there is no silver bullet or miracle answer to this. However, we have moved from the sprawling, empty, unfinished estates of the collapse, which we had to clean up, to a situation where housing accommodation demand is increasing. That demand is not being met by adequate supply at present and I am determined to address that situation. I am not underestimating the challenges we face. They are enormous. With the economy so dependent on construction when it collapsed, the local authority housing system had no capacity to respond. I do not think for one second that what we have achieved so far means the job is done, but what can be said is that the public housing recovery is happening at a quicker pace than the private housing recovery. We have made a strong start by putting in place a targeted action plan out to 2020 under the social housing strategy. That requires an investment of €4 billion out to 2020, almost €3 billion of which has been committed under the Government's capital plan. Funding is now approved and sites have been selected for the construction of more than 5,000 new social homes in the next few years.

The motion tabled here tonight states yet again that 130,000 people are on the social housing list. The 2013 summary of social housing assessments identified approximately 90,000 households nationally who qualified as being in need of social housing supports.

**Deputy Barry Cowen:** That is three years old.

**Deputy Alan Kelly:** These results are the most up-to-date and reliable figures currently available. The 2013 figure is, of course, subject to ongoing fluctuation due to households being

allocated housing and new households applying for housing support. The claim that the 2013 figures have since increased to a figure of 130,000 on the basis of information obtained from current local authority files is flawed. Basic mathematics show this. It does not compare like with like, apples with apples or oranges with oranges. It does not even consider the number of local authority lists that some tenants are on.

**Deputy Barry Cowen:** What is the variance?

**Deputy Alan Kelly:** I recognise that we need up to date and comprehensive data on housing need on an ongoing basis. In order to ensure that we have these data, the social housing strategy includes a commitment to undertake housing assessments on an annual basis from 2016 onwards. This is necessary and every Deputy should accept that it will be helpful. In the meantime, throwing figures based on a flawed method is to play politics and be unhelpful, and is being done for the wrong reasons.

We are working to house everyone, including all households identified as being in housing need. We have made provision to deliver the required 90,000 social housing solutions, with flexibility for future growth in demand. We have got off to a good start in 2015 by meeting the needs of 13,000 households on the waiting list, but that is just the start. It represents an 86% increase on 2014, but I want to see that increase to 17,000 in 2016, to which end I have put in place funding.

For those Deputies who are genuinely interested in housing, this afternoon I published a report on social housing output in 2015. I encourage the only two Deputies who remain opposite to read it.

**Deputy Barry Cowen:** There were discrepancies in a response that the Minister gave to a parliamentary question last week.

**Deputy Alan Kelly:** In 2015, we increased Exchequer funding for social housing by more than a quarter over the previous year's level to €800 million. As a result of our new, focused approach last year, we achieved a marked fall in the number of vacant social houses to as low as 1% in Dublin city and some 2,700 units were completed. We introduced legislation giving local authorities enhanced powers to counter anti-social behaviour in their estates, which will help to build and maintain sustainable communities. We championed home ownership for the social housing tenant with the introduction of a new tenant purchase scheme. The roll-out of the housing assistance payment, HAP, scheme to all categories of households in 18 local authority areas continued apace, with approximately 6,700 households supported by HAP since its commencement in September 2014. We are actively managing local authority land that is suitable for social housing. This will play a vital role in meeting the need for new homes. We introduced new Part V provisions to guarantee the delivery of social housing from developments of nine units or more. We are not returning to the old days of taking the few bob and using them on everything except for what they were meant.

When a housing crisis happens, the lucky ones have the support, resilience and resources to get back on their feet. Undoubtedly, being homeless impacts on every aspect of a person's life. One person without a home is one too many. I do not underestimate the challenges that homelessness presents. Of course, this is not always the case. Having nowhere to live is sometimes not the only challenge that homeless people face. Many have poor health or drug or alcohol addiction. For these people, I have tried to make a real difference. That is why I am pleased

that the number of people sleeping rough in Dublin fell by 46% in 2015.

The trauma of families becoming homeless and the uncertainty of temporary accommodation cause them damage. Local authorities, the Department of Social Protection and homelessness agencies do a great deal to try to prevent homelessness occurring and ensure that families get help before descending into crisis. However, it is growing more difficult for them to find the right kind of housing. With demand increasing for private rented homes, local authorities and tenants alike are facing tough competition for the right housing at affordable prices. I am keen to work with all stakeholders on exploring how we can increase the supply of long-term and well-managed rented accommodation. The Government is providing the tools and funding to build more of the right homes and support people in them. However, this is a joint endeavour. The solution to homelessness requires input from all.

Homelessness is the most acute symptom of the dysfunction in the housing market. Restoration of a properly functioning housing market is vital to eliminating the scourge of homelessness. This is why we have put a comprehensive strategy in place that will significantly increase the provision of social housing over the next five years. Our Construction 2020 strategy complements the social housing strategy with a range of measures that are intended to achieve a significant resumption of private sector house building. In addition, we have put in place substantial measures to reduce the burden on tenants in the private rental sector with a view to eliminating the number of people being pushed into homelessness by the economic force of spiralling rents, thus easing pressure on the demand side. The Government has reformed the private rental sector to give greater protection to tenants and landlords, ensuring that most tenants will not face a rent increase in 2016. I commend the Department of Social Protection's tenancy sustainment initiatives, which enabled thousands of households to remain in their own homes in 2015. Some 2,000 people exited homelessness last year. A 24% increase in the number of people exiting homelessness in Dublin was also recorded and rough sleeping reduced by approximately 46%.

Regarding the protection of renters and Fianna Fáil's position on the issue, the Government announced in September, and the Oireachtas has since passed, measures for significantly increased protections for renters, including two-year minimum rent review periods. Fianna Fáil's policy on this matter was to limit rent increases to 10%. That proposal was actually weaker than what was already in place, namely, that rents could only be set in accordance with market rates. Fianna Fáil's proposed policy on protecting renters and those vulnerable to homelessness was weaker than what was already in place.

**Deputy Barry Cowen:** Not true.

**Deputy Alan Kelly:** It was certainly far weaker than what the Government delivered in December.

**Deputy Barry Cowen:** The Government was fumbling and fooling for 12 months.

**Deputy Alan Kelly:** Our approach to tackling homelessness has been handled in a holistic manner with a focus on prevention wherever possible. In 2015, our policies were designed to increase local authority flexibility, test innovative new approaches and provide strategic support to front-line staff in delivering services. I have increased funding for homeless services to €70 million for 2016. This will ensure continued progress towards the target of ending involuntary long-term homelessness and the need to sleep rough.

In 2016, I intend to build on the good start achieved under the social housing strategy by delivering a further 17,000 units across all social housing programmes; putting in place a pilot affordable rental scheme for those on low incomes through securing a long-term increase in the supply of affordable properties to meet the needs of those households that would otherwise struggle to make rental payments under current market conditions; using rapid housing delivery techniques as a way of significantly improving emergency accommodation and decreasing the reliance on hotel accommodation, a method that will deliver 500 units; continuing the roll-out of HAP to more local authority areas; continuing to implement the measures set out in the social housing strategy and Construction 2020 across the Government; and introducing choice-based letting allocations in all local authorities to improve the service offering and deal with the high refusal rate in some areas, an issue of which we are all aware. By building the capacity of local authorities now, my aim is to see them build 10,000 homes per year by 2020. This is why my Department approved an additional 420 staff for local authorities in 2015.

Until the full benefit of the decisions we have implemented is seen, there will be too many people on the housing list and too many struggling in homelessness or in danger of falling into it. We are committed to maintaining the momentum that we achieved in 2015 and to building on the progress made so far. It is a difficult challenge to tackle, but we have made a good start in delivering 13,000 new social housing sets of keys to people last year. We are utilising all avenues available to the State to do this, including via NAMA.

The motion calls on the Government to direct NAMA to provide for social housing purposes 50% of the 20,000 houses that it will build. This displays a fundamental lack of understanding, or perhaps a more sinister wilful ignorance, of NAMA's mandate, function and general property rights. I am shocked that some of the same Deputies who worked so hard to put together the NAMA Act have tabled a proposal that shows a fundamental misunderstanding of that very Act and the work of NAMA. Deputy Cowen knows it. The essential issue that has been ignored is that NAMA does not own the land or property securing the loans of its debtors; it owns the loans. While NAMA has some additional powers provided under the Act, its role is that of a lender whose loans are secured by assets controlled by its debtors, much like a bank but not a property owner. When a NAMA debtor sells a property, it is in order to generate the greatest proceeds to repay as much of the debt to NAMA as possible. Under section 10 of the NAMA Act, NAMA is mandated to act in a commercial manner in order to obtain the best financial return for the State. Fianna Fáil and everyone else know this. Practically speaking, this provision means that NAMA is mandated to secure the highest repayment from its debtors on these loans. NAMA and its debtors are generally aligned in this regard. Each seeks to generate the maximum proceeds available from the sale of security in repayment of NAMA loans. NAMA debtors are legally entitled to maximise the value of the assets securing their borrowings to maximise the repayment of their debts. Any decision or action taken by NAMA that reduced the proceeds available to a debtor from the sale of an asset and, as a result, reduced the amount that debtor was able to repay to NAMA, would be a breach of property rights, would deviate from NAMA's mandate and would undoubtedly be subject to legal challenges.

Residential development funded by NAMA is delivered by NAMA's debtors and receivers who are subject to the same planning requirements as all other applicants in the planning process, including Part V. The suggestion that the Part V requirement could be applied at a higher rate for NAMA debtors than for the rest of the market would be commercially discriminatory and simply would not withstand legal challenge. It is important to point out that NAMA had facilitated the delivery of 2,000 units for social housing through the NARPS special purpose

vehicle. As I have said before, the Government is trying to right the wrongs of a dysfunctional property sector. The social housing supply problem is a subset of the wider supply problem in the property market.

In addition to important measures being implemented under the social housing strategy with regard to increasing social housing supply, it is by substantially increasing housing supply more generally, particularly in large urban areas, that we can deliver a sustainable solution to the current housing crisis. This we are addressing through such measures as those set out in Construction 2020. Increasing the level of housing output will increase the affordability of housing. I hope everyone understands that. In turn, it will have a positive effect – a knock-on effect – on our ability to provide social housing. A shortage of supply is at the heart of the current challenges in the housing sector, and the Government is addressing this on a number of fronts. A number of important measures have been taken already and they are aimed at improving housing viability and increasing supply.

The Urban Regeneration and Housing Act 2015, which commenced in September 2015, introduced a number of reforms regarding, *inter alia*, Part V of the Planning and Development Act, the retrospective application of reduced development contributions, and the introduction of a vacant site levy. These measures were introduced to incentivise the development of vacant and underutilised sites for housing and regeneration purposes. Together these legislative provisions are aimed at putting in place structural reforms of planning and land development processes that will support an increase in the output of housing to meet the needs of everyone. Given that these measures will take time to affect supply fully, the Government agreed a comprehensive suite of shorter-term measures to improve the operation of the private rental sector and stimulate increased housing supply, as set out in Stabilising Rents, Boosting Supply.

In December last year, I enacted two major Bills to put the key elements of Stabilising Rents, Boosting Supply on a statutory footing. The first is the Planning and Development (Amendment) Act 2015, which strengthens the status of aspects of planning guidelines issued to local authorities on planning matters to ensure their consistent application, especially relating to apartment standard guidelines. It also streamlines the process for the making of modifications to strategic development zone planning schemes. The second is the Residential Tenancies (Amendment) Act 2015, which provides for an increase in the rent review period from one to two years. The third comprises increased notice periods for rent reviews and greater protections for both tenants and landlords. There are also a suite of other measures. These measures will bring much-needed stability to the rental sector pending the coming on stream of the supply of new housing throughout the country.

Cognisant of the difficulty faced by some households in accessing the housing market, an affordable rental pilot scheme was announced as part of budget 2016, with €10 million being made available to fund a pilot in 2016. This will be an ongoing annual commitment to secure a long-term increase in the supply of affordable properties. The pilot scheme is expected to work on the basis of tenants paying the majority of the rental cost from their own resources, with the State helping to meet the shortfall. It is intended that the scheme would be made available to employed low to moderate income households. Details of the scheme are being finalised in my Department and will be announced very soon.

The supply measures set out in Stabilising Rents, Boosting Supply are designed to kick-start increased provision of housing at affordable prices in key urban areas given the current dearth of supply which is impacting upon rent levels, homelessness and competitiveness. My Depart-

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ment estimates we need approximately 8,000 residential units in Dublin to meet increasing demand. In 2015, only 2,700 were delivered by the private sector.

It is within this context, of all hands on deck to increase the supply of housing, that I welcome that NAMA expects to be in a position to fund the construction of up to 20,000 new residential units on lands securing its loans, predominantly located in Dublin and the surrounding conurbation, thereby taking in the neighbouring counties of Wicklow, Kildare and Meath, over the next five years, with approximately 75% of the units expected to be starter homes. NAMA continues to play an important role in the delivery of social housing, having delivered 2,000 houses and apartments to local authorities and approved housing bodies for social housing use. NAMA will continue to work with my Department, the Housing Agency, local authorities and approved housing bodies to ensure its commitments on social housing are delivered.

The Government has deployed every mechanism available to it to address the dysfunction in the housing development sector, signalling very clearly that, on the one hand, land hoarding will be addressed, while also responding to industry calls to tackle viability in the short term. The construction sector must and will ensure it is acting sensibly and responsibly, especially in regard to matters such as the price being paid for development land. The Central Bank's macro-prudential lending criteria are frequently criticised as one of the key reasons supply is not forthcoming. While I broadly agree with the Central Bank's rules, I have said that I believe they need to be tweaked. There appears to be a sense in the construction sector that it should not budge when it comes to land and construction costs and that it expects alternatively that continuing under-supply will force the Government or, more precisely, the Central Bank to relent on mortgage lending rules. This will not happen. This would bring us back to the past when there was flexibility on lending which led ultimately to a spiral of land and property speculation and our economic collapse. The previous Government knows all about that.

The current Government has listened to the calls on measures to reduce cost, enhance viability and enable supply. Now, in return, there must be realism regarding the operation of the land market and development costs. I very much hope that, as the financial institutions continue with their asset management and disposal functions, they ensure sites move into the control of people seriously interested in development and housing supply rather than value increases based on property speculation. If the development sector fails to act sensibly, the Government will be determined to ensure the vacant site levy will be operated vigorously and comprehensively.

I am glad to have had the opportunity once more to address the House on these very important and sensitive issues, which are paramount to me, every other Member and everybody living in the State. This country is dealing with what was left behind after Fianna Fáil's 14 years in government. Its legacy was a property bubble that contributed to an economic crisis, which in turn led to massively reduced budgets for key social services, such as housing. The country is also dealing with the abandonment of social housing construction by Fianna Fáil, which has thoroughly compounded the problem of finding homes for those most in need. Unsustainable oversupply in the completely wrong locations was replaced with minimal supply and pent-up demand, putting great pressure on the private rental sector.

The Government has set out its plans of action under Construction 2020 and the social housing strategies. Housing will take some time to get right. In the meantime, we have to protect the most vulnerable. We are reaping the rewards of our action-driven approach to increasing supply, with the social housing needs of 13,000 households being met in 2015 and an expecta-

tion that the needs of a further 17,000 households will be met in 2016.

The Government's comprehensive response, as I outlined, is a cross-government approach. All stakeholders - local authorities, various agencies, approved housing bodies and the National Asset Management Agency, NAMA - have a part to play. Our policy response to the housing challenges deals with all the key segments of the housing system and includes vital immediate, short, and medium to long-term objectives, which must and will be met. This will take time, which is the reason the strategy will be in place until 2020. Those who claim there is a silver bullet are telling a pack of lies.

By their nature, it will take years to deliver the houses we need. However, the Government has put in place the structure needed to deliver these units. In the past year, 13,000 sets of keys have been given to families as a result of the social housing strategy we launched. I am determined that this work will continue and the State will deliver the units that are needed in the years ahead.

**Deputy Dessie Ellis:** Our amendment No. 1 states:

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

"notes that:

- there are more than 1,600 children and up to 780 families in emergency accommodation;

- placing families and children in hotel rooms rather than proper accommodation is totally unacceptable;

- the Government failure to build significant social housing has led to the number of people on the social housing list rising to 130,000;

- 95% of rent supplement tenants cannot afford market rents which have risen every quarter that this Government has been in office; and

- according to the Department of the Environment, Community and Local Government, only 28 council houses were built in the first nine months of 2015;

agrees that there is a national housing crisis;

notes that the National Asset Management Agency, NAMA, has been given responsibility to build 20,000 houses on behalf of the State;

condemns the Government for:

- gutting Part V of the Planning and Development Act 2000 which allows developers to only provide 10% of units for social housing which includes leasing as an alternative;

- cutting funding for local authority housing construction to just €11.33 million by the third quarter of 2015, representing an 80% cut over the lifetime of the Government; and

- refusing to tackle unaffordable rents and only seeking to delay rent increases for

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an extra 12 months; and

calls on the Government to:

- utilise the social dividend section of NAMA and to sign an order to direct it to provide 50% of these 20,000 houses as social houses;
- strengthen Part V of the Planning and Development Act 2000 to demand 20% social and affordable housing from new developments and remove the opt out clause allowing developers to offer properties for lease;
- introduce rent controls tying rent rates to inflation and empower local authorities in conjunction with the Private Residential Tenancies Board, PRTB, to set local standard rates;
- increase rent supplement rates; and
- increase funding to local authorities for the construction of real social housing.”

I am glad to have an opportunity to again raise the issue of housing and homelessness. It is particularly important given that we, as members of political parties and movements, will soon go before the people in an election in which we will propose our different plans for how the next Government should operate and what its priorities should be. There is no doubt that housing is an issue of the utmost importance. Sinn Féin believes this view is shared by members of the public who in recent months voiced great dissatisfaction with the current crisis. More recently, the media have also played a part in raising the issue, although they ignored the crisis as it was developing, preferring instead to take Government spin at face value. Sinn Féin has, thankfully, been to the fore in skewering the spin that has been so carefully crafted by the Government.

The Government is clearly more interested in appearing to be doing something than tackling the issue. We have all heard the Minister repeatedly announce the same money in different press releases and pronouncements. We know these pronouncements are spin because we are on the ground in our communities. We also know that, too often, the houses the Government claims to be delivering are not new homes but new transfers from the rent supplement scheme to the housing assistance payment or rental accommodation schemes. Far too often, they are simply smoke and mirrors or the work of other bodies such as voluntary housing organisations.

For this Government, delivering housing is slang for more subsidisation of the private market without any real increase in the social housing stock. The Government makes claims that it is spending billions of euro when local authorities now receive 80% less funding for housing construction than they did before Fine Gael and the Labour Party took office. Less social housing has been built in the lifetime of this Government than in a single year under most previous Governments. Between January and September 2015, local authorities built just 28 social housing units, not because they did not want to build but because the Government has starved them of funding for five years. At the same time, it has lumped a property tax onto existing social housing and a site tax on land on which local authorities could build if they were to receive the necessary funding. The reason local authorities did not build social housing was that the Government did not deliver the funding it promised. It even removed the ability of councils to buy housing from developers at cost price. It did so by gutting Part V and allowing developers who have been bailed out by citizens to opt out of their responsibilities and offer properties for lease. Under these lease arrangements, the Government will pay the costs of refurbishing

private properties some years from now when the houses revert to the developers who will have made a handsome sum in rent in the intervening period.

Housing and those in need of it are clearly not a priority for the Government. Claims that it will become a priority in one month or one year are utter nonsense. The Government's priority in housing is to line the pockets of developers and protect the precious market from any interference that would require it to function in a way that meets the needs of members of the public.

On budget day last year, the Government announced that the National Asset Management Agency would build 20,000 homes for sale and claimed these homes would be affordable. The Minister later made clear that this announcement was meaningless when he estimated that the homes in question would cost not more than €300,000. These will hardly be affordable homes. Worse again, it is planned that these houses will be starter homes, a term which, in the dictionary of Government spin, means cramped at best. It is little wonder that the Minister set minimum standards for apartment size which would not allow sufficient space to accommodate the rooms required.

**Deputy Alan Kelly:** That is not true.

**Deputy Dessie Ellis:** The 20,000 homes were heralded almost as if they were part of a misleadingly titled social housing strategy.

**Deputy Alan Kelly:** The Deputy should read the document.

**Deputy Dessie Ellis:** These homes are not intended to be social housing or part of any defined affordable housing scheme.

**Deputy Alan Kelly:** The Deputy should stop taking information from the media. He should do his own analysis.

**Deputy Dessie Ellis:** The plan is simply for the National Asset Management Agency to be supported in building housing to profit bailed-out developers. Given the way in which NAMA has operated, these properties could easily be snapped up by a major real estate investment trust, REIT, at a cheap price in order that the public can be screwed even more. In the past five years, we were told again and again that NAMA would deliver thousands of social housing units. The Taoiseach even claimed there would be 4,000 such units during the local elections. Thus far, only 2,000 units have been delivered, primarily through social leasing, rather than as social housing stock. NAMA cares as much about social housing as the Government does.

While I welcome the sentiments underpinning the Fianna Fáil Party motion, it is strange that the party which created the National Asset Management Agency with such weak reference to a social dividend is calling on NAMA to deliver 10,000 social housing units. No one is fooled by this posturing. Fianna Fáil created the property bubble which caused the housing crisis in the first instance. It also started the privatisation of social housing long before Fine Gael and the Labour Party had an opportunity to make matters even worse.

The Sinn Féin amendment includes a number of other points that are essential for tackling the current crisis. These include measures to address unaffordable rents. Last year, the Government failed miserably to do this when it introduced a pathetic delay in rent reviews. This delay resulted in most people renting properties having their rents increased by exorbitant amounts in November and early December.

**Deputy Alan Kelly:** That is incorrect. The Deputy should show me the analysis.

**Deputy Dessie Ellis:** The Minister knows well it is true. His friends in Fine Gael overruled him on the issue. With such puny housing construction figures, tenants can expect equally exorbitant rent increases when their next rent review takes place.

Rent controls and certainty are the only solution to the housing emergency, which should have been tackled in 2013 at the latest. Allowing the Private Residential Tenancies Board, PRTB, and local authorities to set a local standard rate and tying future rent increases to inflation, which has not been above 5% in recent memory, would bring real security to tenants. Instead, 95% of people on rent supplement are unable to meet the demands of the private rental market. This is a systemic problem which cannot be dealt with by well-meaning housing bodies on a case-by-case basis.

Regulating rent would allow for an increase in rent supplement that would not result in higher rents. The Labour Party has the shameful record of having cut rent supplement not once but twice in this Government's term, thereby putting families out on the street.

Sinn Féin wants major investment in the construction of social housing. The Government has only earmarked €312 million for council construction as part of the first phase of its housing strategy. It is clear that very little of this money has been delivered. In September 2015, only €11 million had been provided to local authorities for housing construction in the preceding nine months. A government that cared about housing the people who need homes would spend less time moving money from one Department to another and pretending it was new money and more time focusing on using this money and the associated fiscal space to build social housing through the councils, as well as providing affordable housing and rents at cost. A government that cared about providing housing to people who need it would spend less time moving money from one Department to another, pretending it was new money, and more time focusing on using that money and the associated fiscal space to build social housing through the councils, as well as providing affordable housing and rentals.

If the Government really wanted to address the housing crisis, it would support the Sinn Féin motion and act on its proposals. The solution is clear: we need to build social and affordable housing. We need to regulate rents and keep rent supplement recipients in their homes. If we continue to subsidise the private market without regulating it, if we continue to deny the State's responsibility to build housing, if we continue to treat rent supplement recipients at risk of losing their homes as exceptions rather than the rule, then we will get nowhere. If we continue as we have, then we have accepted that children will be raised in hotel rooms and hostels in this so-called republic in 2016. I do not accept that and neither will the people.

The Government promised to end homelessness in 2016. The Minister should remember the promise made by the former Minister of State at the Department of the Environment, Community and Local Government, Deputy Jan O'Sullivan. At the time I argued that it was impossible, but she plainly said it would be ended in 2016. It is ironic that since that promise, homelessness has been at its highest, with some 73 new families per month reporting as homeless. Moreover, there are at least 130,000 applicants on the waiting list and 5,000 people are homeless. According to other sources, there are more people who are not being taken into account in the homeless figures, particularly foreign nationals. There are 1,500 men, women and children in bed and breakfast accommodation. That is the real scandal.

**Deputy Sandra McLellan:** I intend to speak on the amendment tabled by my colleague, Deputy Ellis, rather than the Fianna Fáil motion, although I support the overarching theme of that proposal and I welcome the opportunity to speak on this important issue.

The basis of this motion is to highlight the need for social housing and to address the homelessness crisis. The crisis, which is a damning legacy of the Government, has brought about the decimation of the working class left in its wake. This issue has been raised time and again until we and the media have become blue in the face. However, the Government seems to be ideologically opposed to dealing with the crisis or to admitting that we have a housing crisis in this State.

We have been told on numerous occasions that this Government is doing its best. Evidently, the best of this Government is simply not good enough. No serious effort has been made to stem this tide. Day after day goes by with ever-increasing numbers. Evictions occur daily and there is little concern about the fallout for those involved. Families are living in circumstances with unknown and limited security. Children travel across cities to get to school, returning only to their cramped accommodation in the evenings. This is not an environment conducive to normal day-to-day living, let alone the development of a child and his or her education. Adults, where they are lucky enough to have emergency accommodation, are subjected to a multitude of difficulties in their attempts to balance family life while dealing with the stress of the crisis they find themselves in.

I watched the “Prime Time” documentary entitled “My Homeless Family” last Monday night, and it caused my blood to boil. We now have people who are classed as working homeless in Ireland. It is almost unfathomable, yet this Government is running for re-election on the mantra of making work pay. I am in full agreement that work should pay, yet we have people grafting daily for hard-earned money while living in emergency accommodation. They try to maintain something close to a normal family life as much as possible while holding on to their jobs. This is unbelievable, yet it is true.

The figures from the Department of the Environment, Community and Local Government suggest that 28 council houses were built in the first nine months of 2015. This is indicative of the attitude of this Government towards our most vulnerable. The crisis has been ongoing and has been highlighted for a number of years. With the run-in to the election, it has suddenly become an issue for this Government. It is a pity the Government did not proactively intervene earlier in the Dáil term. In the upcoming election the voters will have a choice. They can choose to re-elect this Government. However, that comes with a price. They should be prepared for five more years during which the voices of the most vulnerable will go unheard. This crisis will be allowed to fester. How long more can citizens sit back and allow this to happen? I for one hope this crisis can be addressed before we lose another human being on the streets of our towns and cities.

The issue of unaffordable rents must be met head-on. The fact that 95% of those in receipt of rent supplement are unable to afford market rents must be addressed. The fact that 1,600 children reside in emergency accommodation is nothing short of a national scandal. No one is saying the fix can happen overnight. It is systemic. The problem is that the broken cogs within the system are not being replaced or repaired.

In recent days I have become concerned by the erection of barriers outside an Office of Public Works building in Dublin 1. According to many people, they were erected to prevent

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homeless people from sleeping outside the building. This falls under the remit of the Department of Social Protection, which is primarily responsible for those who may find themselves homeless. The director of Inner City Helping Homeless, Anthony Flynn, has been quoted as saying that this is a most unsympathetic way of dealing with the homelessness crisis. He said it was a not-on-my-doorstep attitude, and we certainly condemn it. The Department has shown a real lack of consideration and empathy. I am keen to hear the Department's reasons for it. This is symbolic of the attitudes of those in power and it is certainly not the way to deal with the crisis. In fact, it is counterproductive. I hope this issue can be resolved as soon as possible. We are judged on how we treat our most vulnerable, and rightly so. Those in government should take a long hard look at themselves and the perspective through which they see our homelessness crisis.

**Deputy Maureen O'Sullivan:** Many foreign national people who are seeking to access housing are being passed on to a different office, the new communities unit in the Department of Social Protection. If the homelessness figures do not include those foreign national people on the homeless list, then the numbers are being understated. There are concerns about this significant understatement of the figures because these people are not being included. Apart from the human and humanitarian aspect, there are also implications with regard to funding and resources. It has proved remarkably difficult in this House and at Dublin City Council level to get accurate figures on the problem.

Another point came to my attention recently. People are being recommended to a housing association for social housing by the local authority. I am perfectly in agreement with all of this. However, there are people who are being recommended to housing associations who are not suitable, mainly because they are in active addiction. If such a person got a particular flat or apartment, he or she could cause absolute havoc in the area. This means some of these flats and apartments are being left idle for long periods. Those in active addiction need a different type of housing with supports.

I am in touch with people on the housing list who are not on the homeless list but who are in private rented accommodation. They have been on the list for eight, nine, ten or 11 years. They could have availed of some of the units that housing associations have, accommodation that is going to people from the homeless list instead. However, people on the homeless list who are not suitable at a particular time are being nominated instead for the accommodation.

We know that rent is the key. I agree with not giving additional rent to landlords who are abusing the system by increasing rents simply because they can. Often, they do this for sub-standard accommodation. I have met constituents who are privately renting who have problems with their accommodation, such as a leak, a broken radiator, heating problems or cases in which the accommodation is in need of decoration, but who are in fear of asking the landlord in case there is a rent increase or even eviction. There is no security of tenure in those cases. The efforts on rent certainty backfired because we saw more increases and the numbers are increasing every day. The legislation should have come in earlier and should have been backdated or operational from an earlier date. Why was the figure 10% rather than 20% in view of the crisis? We need to see action on the commitment of €2.9 billion.

**Deputy John Halligan:** We should listen to what Peter McVerry said. He called the housing and homelessness crises a perfect storm. He said it was a threefold problem involving private accommodation-----

**Deputy Alan Kelly:** It is true; he said that.

*9 o'clock*

**Deputy John Halligan:** He was talking about private houses, private rented houses and social housing. He said there was a combination of a crisis in each of the three sections. Last week I was astonished when I asked for figures for my city, Waterford. I am not being parochial, but I was taken aback when I was told that there was a 60%-----

**Deputy Alan Kelly:** You are.

**Deputy John Halligan:** I have already said this. I have examined the situation around the country and was shocked by what I found. What I am saying is nothing new. There has been a 60% increase in Waterford, where up to 504 people are homeless. Last week I made the point on radio and television stations that 37 people came to my office between Monday and Wednesday the week before last and 17 were homeless. We analysed their situation.

I would not overly criticise the Minister. He has compassion and does not want people to be homeless. The situation in Waterford is replicated around the country. A mother with one child receives a payment of €475. One could not rent an apartment in Waterford for €475, never mind a two-bedroom house. More and more single mothers are becoming homeless, something that has been acknowledged by the Society of St. Vincent de Paul, the Samaritans and other groups, because they do not have the money to pay for rental accommodation.

There is an argument that if one increases rent allowance everything else will go up in price. The amount of money people are given is not sustainable, based on the fact that houses cannot be supplied immediately for them. They have no choice but to go into rental accommodation. We have to make rental accommodation affordable or increase payments under the HAP scheme. I know the situation is difficult and there is no easy fix, but we have to decide on doing one or the other.

A significant majority of the current homeless population are single mothers. They receive a payment of €475 and may have to wait for a deposit. One should try to rent a two-bedroom house or apartment anywhere in the country for €475. It is just not happening.

Debate adjourned.

The Dáil adjourned at 9.05 p.m. until 9.30 a.m. on Wednesday, 27 January 2016.