



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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# DÁIL ÉIREANN

*Dé Céadaoin, 28 Meán Fómhair 2016*

*Wednesday, 28 September 2016*

Chuaigh an Ceann Comhairle i gceannas ar 12 p.m.

*Paidir.*

*Prayer.*

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## Leaders' Questions

**Deputy Micheál Martin:** In yesterday's *Irish Independent*, there was the revelation of the Minister for Jobs, Enterprise and Innovation, Deputy Mary Mitchell O'Connor, proposing that there would be a special 30% tax rate for Irish graduates abroad who would be returning to Ireland. Her spokesman has essentially confirmed as much in his comments this morning in response to the story. It beggars belief that such a proposal could be put forward by the Minister for Jobs, Enterprise and Innovation given the discriminatory nature of the proposal itself. In essence, anybody who stayed with it in Ireland, committed to a house, mortgage, is a graduate and stayed the pace here will be paying up to a 50% marginal rate of tax on salaries of more than €33,500, whereas somebody coming back will only be paying an effective rate of 30%. Obviously, the Government could not restrict that solely to Irish graduates. Presumably, it would apply to European graduates. That would mean that Europeans would be on a 30% tax rate at the same IT desk or place of employment as the person who graduated, worked and stayed in Ireland, who would be on about 50%.

Can the Taoiseach confirm that the proposal is not going to proceed? It makes absolutely no sense. It is very discriminatory. It refers to anyone earning more than €75,000. Clearly, construction workers and others on similar earnings need not apply. The proposal is discriminatory in that respect also. Does the Taoiseach accept that such a measure would be discriminatory and unfair and will he confirm that it will not be realised in the forthcoming budget?

As one graduate said to me yesterday, people on the Government side and other sources have been questioning calls for investment in education and child care. This type of investment is the most effective way of dealing with medium and long-term issues with a skilled workforce. We need to invest in these areas rather than having resources spent in such a discriminatory manner, with dubious outcomes in terms of the objective. In other words, it would make far greater sense to allocate resources to third level education to prevent the decline in world rankings that is occurring and to give additional supports to child care providers and the child care sector, which is labouring under great strain. Many graduates in the child care sector earn close to the minimum wage and are in dire straits. This is a question of priorities and the Minister needs to sort out our priorities in that regard.

**The Taoiseach:** The matter the Deputy raises, were it to be dealt with, would be one in

respect of a budgetary position and no decisions have been made in-----

**Deputy Micheál Martin:** Sorry.

**The Taoiseach:** The question Deputy Michéal Martin raises is one that would be dealt with as part of the budget and financial implications. I confirm that no decisions have been made about any of these matters. We want to present a budget that is as fair as possible. More than 2 million are working, which is the highest number since about 2009. That is important and while the economy is improving, it still has a long way to go. In terms of fairness, it is important that we introduced paternity leave, which has been applicable since September, and a second free preschool year is in operation for everybody. Emigrants are coming home and it is important therefore that we deal with the supply of housing and provide people with opportunities to secure good housing at affordable prices.

People have correctly raised the question of the difference in financial treatment for Garda recruits, young nurses, teachers and so on. These matters are all being ironed out and many proposals are being made in the context of the budget. I confirm that the figures have not changed, with approximately €1 billion available, which will be split two to one between public services and taxation issues. No decisions have been made by Cabinet.

Emigrants are returning from America, Australia and other countries because they see opportunities. What we want to do is continue to have the country recognised as an attractive location for investment. We are number one in the world for skilled labour and we have climbed nine places in terms of competitiveness. We still have a long way to go in providing educational facilities to give everybody the best opportunity. The Deputy raised this issue yesterday and obviously it has implications further down the line at second level and in primary school.

The Deputy raised the issue of different rates of taxation applying. This issue had not been considered by Cabinet. Every Minister and Department puts forward a view. Specialists with very specific skills have returned to Ireland over the years and this has always been important for particular kinds of industry. The Deputy raised a budgetary matter and I can confirm that no decisions have been made by Cabinet or presented by Ministers at this stage.

**Deputy Micheál Martin:** In fairness to the Taoiseach, he has developed a skill, well-honed over the years, for answering questions that he has not been asked. It is accepted that the Minister for Jobs, Enterprise and Innovation, Deputy Mary Mitchell O'Connor, has made this proposal. Nobody, including the Taoiseach, is denying that and the Minister's spokesperson essentially confirmed it this morning. The question is whether the Taoiseach believes such a proposal is fair. Does he not accept that it is discriminatory in respect of people who graduated here and work here?

The Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, is nodding. Can he enlighten the House on something?

There is considerable anger that such an out of touch proposal could get to the stage where a Minister announces it to all intents and purposes, believes it to be a fantastic idea and does not think through its legality or discriminatory nature. Many Irish graduates are asking who came up with this bananas idea and are making the point that anyone who stayed in Ireland would effectively be punished by such a proposal – they would effectively be punished because they hung around.

**An Ceann Comhairle:** Thank you, Deputy.

**Deputy Micheál Martin:** Does the Taoiseach accept that such a proposal as I have described is unfair and discriminatory to Irish graduates here in Ireland – yes or no?

**The Taoiseach:** Yes, I do. If somebody comes back from London to work in-----

**Deputy Brendan Howlin:** That is the end of poor Mary then.

**Deputy Dara Calleary:** We can sit down so.

**Deputy Timmy Dooley:** Maybe Boxer is in the key position to take over. If he is not careful, he could be the Minister before the night is out.

**The Taoiseach:** If somebody has been away in London, New York or America and comes back and is working in the same facility as somebody else, and is paying a different rate of tax simply because they have come back, I would regard that as being unfair and discriminatory, of course. Back in 2010, the Government which Deputy Micheál Martin belonged to abolished the incremental credit for the 36-week clinical placements undertaken by fourth year student nurses. That was discriminatory and unfair, but that was because of economic pressure at the time. We are now trying to adjust that, and the Minister met with them yesterday.

I see all kinds of proposals being put forward now.

**Deputy Micheál Martin:** It cannot be all kinds of everything.

**The Taoiseach:** What we want to do with the limited resources we have, being in a better position, is to do it with a sense of fairness. If we deal with one element of social protection and we do not deal with another, is that discriminatory or is that fair? We do not have the resources to deal with all the claims that are coming in, so what we have to do is try to be as fair as possible with what we have.

**Deputy Gerry Adams:** The programme for Government states that “people with disabilities should be supported in maximising their potential, by removing barriers which impact on access to services, education, work or health care”. That is the rhetoric; the reality is different. In 2011 the Taoiseach said disability supports would not be cut but then Fine Gael and the Labour Party, like Fianna Fáil before them, savagely cut those supports.

In my constituency of Louth-East Meath, the impact of these cuts is evident, particularly for the 5,000 citizens there with an intellectual disability. I have raised the WALK PEER project in the House many times. It enables young people with a disability to access opportunities in mainstream education, training and employment within their communities. WALK PEER was one of 14 disability activation schemes jointly funded by the Department of Social Protection and the European Social Fund. The Government withdrew funding in a move that makes no sense whatsoever. Only one project has survived, the one in Louth, which has only recently been awarded temporary funding until Christmas after lobbying by parents, carers and the young people themselves.

This project undertakes fantastic work in fostering vital links between young citizens and employers, educators and the wider community. The programme is fully in line with the Government strategy as set out in the Disability Act 2004, the national disability strategy 2015-20, the EPSEN Act and the comprehensive employment strategy for people with disabilities.

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WALK PEER would cost €300,000 annually, spread over six Departments. It makes economic sense given there are almost 600,000 people living with a disability in this State, over half of whom are of working age and many of whom want a pathway to employment. WALK PEER provides that pathway.

The comprehensive employment strategy for people with disabilities has been on a shelf for ten years, with no funding allocated to it. A committee set up a year ago to examine the benefits and future of disability activation schemes so far has not issued a report, which is hardly surprising as it has only met twice. Budget 2017 will present an opportunity to correct some of the injustices. The question is what steps will the Government take in it to address the urgent need to provide real support for citizens with disabilities and their families and carers.

**The Taoiseach:** As the Deputy is aware, that fine Minister of State, Deputy Finian McGrath, is dealing with those who suffer the challenges posed by a disability. He sits at the Cabinet table and is doing a fine job. He has a very extensive budget to deal with disability issues which are a real priority. The question of providing additional finances for 2017 is being considered as part of the Estimates process. We no longer have European funding for this area. The Minister of State was allocated a further €31 million this year for respite care and residential services and school leavers. He allocated €100,000 or €150,000 to the WALK PEER group in the early part of the summer. He has met the group and others on a constant basis and is very much in tune with the needs of those who suffer a disability. He is not shy about making his voice heard at the Cabinet on these matters. Everybody, including the Minister of State, supports that priority.

**Deputy Gerry Adams:** The Taoiseach did not answer the question. Deputy Finian McGrath might be a very fine Minister of State, although there is not much competition for that post.

**Deputy Michael Creed:** There is a bit of competition from behind the Deputy's back.

**Deputy Gerry Adams:** People with disabilities are real people with real potential and it is only fair that they should have the same rights as everyone else. That is how we should evaluate society and the Proclamation of the Republic of 1916 is clear on the matter. It addresses itself to Irish men and Irish women. It does not include the words "except if you have a disability". One of the participants in the WALK PEER project is a young woman who recently gained a place in college and is flourishing. A young man wants to be an usher in Leinster House. He is currently employed part time in the Westcourt Hotel in Drogheda. The manager told us that the entire staff had changed their attitude to people with disabilities as a result. A young woman who was suicidal is now training to be a make-up artist. Her mother told us at a briefing here how she had intervened as her daughter tried to take her own life. She is now a different person. Why does the Government not underpin this work?

**An Ceann Comhairle:** I thank the Deputy.

**Deputy Gerry Adams:** Ní bheidh mé ach nóiméad, a Cheann Comhairle. These citizens and their families have a right to the modest support represented by the €300,000 provided across six Departments. I met the Minister of State, Deputy Finian McGrath, to discuss the issue yesterday. I wish him well, but in my view, if he cannot obtain funding for this project, he should resign from the Government. This is about fairness. He did not do it a moment ago, but will the Taoiseach commit to the budget showing fairness to citizens with disabilities, their families and carers?

**The Taoiseach:** I note that the Deputy said they were “real people”. I do not think he expects the Government to deal with virtual people, as it were. He went on to say, rightly, that people with disabilities made their way into mainstream work and contributed to their communities in their lives and careers and the Government recognises this. It is evident every day in every parish and community that people with intellectual and physical challenges make their way, play their part and contribute, as we would expect them to do. They want to be recognised and have every right to be as citizens of the State.

**Deputy Mary Lou McDonald:** Answer the question.

**Deputy Aengus Ó Snodaigh:** Sign the convention.

**The Taoiseach:** The Minister of State, Deputy Finian McGrath, sought funding and has been granted an extra €31 million to deal with the many challenges people with disabilities have to contend with. That happens every day. I am sure he will look at the project to which Deputy Gerry Adams referred. An extra €31 million was allocated by the Government for respite care and residential services and school leavers to deal with these issues. They were articulated by the Minister of State, Deputy Finian McGrath, in very graphic form in much the same way as Deputy Adams talks about people making their way into employment and contributing to their careers and lives. We support that. Despite the shortage of resources, there is a significant amount of money going into meeting the challenges of disabled people, which we will continue.

**Deputy Brendan Howlin:** Over the last couple of years, as the Taoiseach will remember, we started work to restore the Christmas bonus to families in receipt of social welfare payments. As he knows, these payments are incredibly important, particularly at Christmas time, to some of the lowest-income households in the country, for example, a pensioner on €230 per week. It meant having an extra €173 last year to look after Christmas. For a jobseeker on a very modest €188, it made the difference for a Christmas of having an additional €141 in his or her pocket. Earlier this year, the Minister, Deputy Leo Varadkar, announced publicly that he intended to seek Government support for a full payment this year. As the Taoiseach will recall, last year we paid 75%. I assume that it remains the case that the Government intends to make this full payment, but we are now approaching the end of September. It would be helpful for those families and those people planning their future and their Christmas and what they might be able to afford to do if the Taoiseach would confirm that the Christmas bonus will be paid this year. My question is therefore a simple one: will the Government pay the Christmas bonus this year, and if so, will it be a full weekly payment?

**The Taoiseach:** I recall one of the first or second budgets we discussed in rooms not too far from here a number of years ago.

**Deputy Pat Casey:** A long time ago.

**The Taoiseach:** A long time ago.

**Deputy Billy Kelleher:** That was when you were friends.

**The Taoiseach:** The question was whether to cut the different rates of social welfare because there was not any money for anything.

**Deputy Brendan Howlin:** We resisted that.

**The Taoiseach:** The former Minister and Tánaiste, Deputy Burton, had to contend with all

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the difficulties of that. Deputy Howlin knows better than most in this House the challenge facing the Minister, in this case, Deputy Paschal Donohoe. While we hear claims from-----

**Deputy Joan Burton:** It seems to be a “No”.

**The Taoiseach:** -----Deputy O’Dea or others for particular payments in the social welfare area-----

**Deputy Billy Kelleher:** Suggestions.

**The Taoiseach:** -----these are increasing in number every day. All I can say-----

**Deputy Billy Kelleher:** A helpful suggestion.

**The Taoiseach:** -----is that no decision has been made about any of these, although I hear them being spoken about. However, as far as I recall, I do not think there was any provision made in the Estimates for 2016 for the full payment of the Christmas bonus, and I think the Deputy was in charge of that Department at the time. This is one among a number of issues that must be considered. We will try to be as fair as possible with the resources that are available to the two Ministers. I thank Deputy Howlin for raising this. I know of its importance to pensioners and senior citizens. Obviously-----

*(Interruptions).*

**The Taoiseach:** -----I cannot confirm what the final decision of Cabinet will be. That will not be evident until the discussions with the different Ministers and their counterparts are concluded.

**Deputy Brendan Howlin:** The Taoiseach is correct. There is never, within the budgetary process, a provision for the Christmas bonus. It has always been, from its inception, paid by way of Supplementary Estimate. That was the way it was paid for last year and that is the way it has been paid for since we restored it. We brought in a Supplementary Estimate, the Taoiseach will recall, and negotiated for €197 million last year. Since then, the Social Insurance Fund has been in surplus. It would be a decent thing to do to signal to people that the Christmas bonus will be provided in order not to have anybody anxious about it now. My concern is that while the Minister for Social Protection has rightly said that a full restoration is a desirable objective that he will pursue, the Minister for Public Expenditure told the budget scrutiny committee last week that there will be no further Supplementary Estimates.

**Deputy Billy Kelleher:** However, he is not going for the leadership; the Minister, Deputy Varadkar, is going for the leadership.

**Deputy Brendan Howlin:** This is a real point of anxiety for the most vulnerable people in the country. The Taoiseach can allay that anxiety by telling us there will be a Supplementary Estimate. It has nothing to do with next year’s budget and nothing to do with the budgetary process because the payment will be made in this calendar year and accrue on this year’s accounts. That is how it works, as the Taoiseach knows. Under the new European rules it is not possible to pay money this year and have it accrue to next year. Therefore, it is accruable to this year’s accounting system. I ask the Taoiseach to give the reassurance to the most vulnerable people in the country that the Christmas bonus will be paid in full this year.

**The Taoiseach:** The Deputy is aware that it is not possible to have any further Supplemen-

tary Estimates. It will cost €200 million.

**Deputy Brendan Howlin:** One can take it in.

**The Taoiseach:** Let me repeat that an announcement will be made about all these matters on budget day by the Ministers here in the House.

**Deputy Thomas Pringle:** Over the past four years, I have highlighted the effect the Government's social protection cuts have been having on workers in rural areas, but this has always fallen on deaf ears. Maybe I, like many on this side of the House, have been highlighting the problem from the wrong perspective. We have been concerned about the effects cuts have had on workers and their families as their incomes have been reduced. However, in order to get the Government's attention should we be looking at the corporate welfare issue? The recent Apple tax debacle has shown that corporate welfare is something the Government really cares about.

The only option for many people in rural areas of Donegal is seasonal and short-time work. It means they depend on social welfare to help them to keep their families above the poverty line when no work is available. Crucially - no doubt the Government will understand this - the cuts it has implemented also have a direct impact on ability of employers to have an available workforce when they need them. In the fishing, textile and tourism industries, employers depend on social welfare to keep workers available when there is no work for them.

The Government's cuts have targeted not just workers but also employers. Since 2012 it has cut the length of time during which under-employed workers can get jobseeker's benefit to six and nine months. It has stopped workers getting jobseeker's benefit when they are in short-time work. It has slashed the income disregards and farm assist, and has refused part-time farmers, who earn less than €90 a week from farming, jobseeker's benefit when they are laid off from work. That this has drastically reduced the income of workers who cannot get alternative employment does not seem to concern the Government but perhaps the fact that it affects employers is of concern to it.

In the north west last week IBEC highlighted that employers cannot rely on the availability of workers when they need them because of these cuts. Will this make the Government look again at the cuts it has implemented? Reversing the cuts to the duration of job seeker's benefit, farm assist disregards and increasing the income limit from subsidiary employment would cost around €65 million nationally. This measure would assist employers by helping workers to be able to survive periods when there is no work thus making them available for work when the next fishing or tourism season comes around. The Government has refused to help workers. Perhaps it will help employers in rural areas in the coming budget by reversing these cuts.

**The Taoiseach:** The focus of the previous Government and this one is to help workers and employers. We now have over 2 million people at work. We have evolved from having a national action plan for jobs to having eight regional action plans for jobs. They deal with specific areas such as those raised by the Deputy in terms of infrastructure, quality of water, communications, roads, power and so on. Employment is increasing.

We have set up the Low Pay Commission to take a structured and objective look at the minimum wage. The previous Government increased the minimum wage on two occasions and significant numbers of people have been taken out of the tax bracket altogether. The opportunity has been taken to focus on helping employers as well. We adjusted employers' PRSI in granting an increase in the minimum wage.

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These are matters for the budget. They will all be reflected upon in the next week to ten days. Issues affecting employers, to make it more attractive and easier to employ people, and for workers will be announced on budget day.

**Deputy Thomas Pringle:** The Taoiseach has missed the point in his answer, which might be deliberate. The issue is not with the minimum wage or employers' PRSI. The issue is that in many rural areas across the country and not only in Donegal the only work available is seasonal work or part-time work for two or three days a week. As a result of the cuts implemented by Government not only do families not have sufficient income to survive but employers cannot be sure they will have workers available to them when business picks up again because of the seasonal nature of that work. The people about whom I am speaking would love to be working full-time but in rural Ireland there is no full-time work. The Action Plan for Jobs, cuts to employers PRSI and so on will not create full-time work for those workers. What they need is the security of a welfare net to enable them to remain in their communities, live in rural Ireland and be available for work. All these people would take up full-time employment if they could get it but the employers do not provide it because the nature of the business does not allow for it.

As a result of the Government's cuts, people cannot remain in rural Ireland and are therefore not available for work when business picks up again. This is an easy matter to resolve. It is also impacting on employers, which I have been highlighting for a number of years would happen. What we need is a response from the Taoiseach that assists workers and employers. This proposal requires serious consideration.

**The Taoiseach:** I disagree with Deputy Pringle. This morning, I opened the Connect16 Ireland conference in the RDS. This involves 800 buyers from all over Ireland and abroad looking at how business can be expanded in the country. The Deputy forgets that the Government reduced VAT for the hospitality sector from 13.5% to 9%. Donegal is a case in point where people have moved from seasonal work to full-time work. I note the comments today of the owner of Sandhouse Hotel to the effect that he knows at least ten students who worked in his hotel and put themselves through university through seasonal employment. The Deputy decries that.

The effort and the impact of Government is focused on creating employment and getting people out of unemployment, out of poverty and into the world of work. Obviously, seasonal workers are entitled to apply for and avail of jobseeker's allowance during the off-season. While it is not a benefit consistently available to them, they are entitled to it. While the Deputy might decry the regional activities of the Action Plan for Jobs, they do make an impact in his area. The Deputy forgets the success of the concept of the Wild Atlantic Way, which is so important in his county. The Deputy may laugh at it-----

**Deputy Thomas Pringle:** I am not laughing.

**The Taoiseach:** -----but in terms of seasonal employment in Donegal, it has added greatly to the operation. This morning, I met the operators of Ballyliffin Golf Club, which is a serious contender for the hosting of an Irish Open, which will draw thousands into the area and provide spin-off opportunities for those in that region. As infrastructure improves so too will the attractiveness for investment for employment, both seasonal and full-time.

In regard to the Deputy's statement that his proposal would cost €65 million I reiterate that is a matter for the budget. I remind him that seasonal workers are entitled to apply for job-

seeker's allowance.

**An Ceann Comhairle:** It would be useful if Members paid close attention to the clock.

Before moving on to the next item, I would like to clarify for Members that the matters that may be raised under the heading, Questions on Proposed Legislation, are as follows: business on the Order Paper; the taking of business which has been promised, including legislation promised either within or outside the Dail; the making of secondary legislation; arrangements for sittings and when Bills or other documents on the Order Paper needed in the House will be circulated. The time allocated in this regard is 15 minutes, with Deputies allocated one minute to ask one question.

### **Questions on Promised Legislation**

**Deputy Micheál Martin:** As the Taoiseach will be aware, many businesses remain under significant pressure, particularly in the cities and towns across the country. Commercial rates are a significant burden on businesses. They are also an outdated model in terms of garnering revenue for county and city councils. In the era of the Internet, it is particularly noteworthy that it is people with fixed buildings that are paying for all of the services in a given area, *vis-à-vis* the online developments that have taken place. To a large extent, there is a significant discriminatory element attached to commercial rates in that a smaller pool of people are now expected to pay them. The programme for Government contains a commitment to implement the Valuation Act so we can get a sustainable commercial rates base for employers and new start-ups in particular. That is what the programme for Government specifies. Will the Taoiseach confirm implementation of the Valuation Act has commenced? When will it be completed? Does the Government have further plans for change?

**The Taoiseach:** I did not catch Deputy Michéal Martin's question.

**Deputy Micheál Martin:** It was about the Valuation Act and the programme for Government commitment to implement it so efficient local authorities can adopt a commercial rates policy that helps sustain existing businesses and encourages new start-ups. I know it is a weighty document and there is a lot in it.

**The Taoiseach:** We have a rates Bill, which will modernise commercial rates in local authorities. I will advise Deputy Michéal Martin of the progress being made on it. It is not on the immediate priority list published yesterday.

**Deputy Gerry Adams:** My question is on the health (transport support) Bill. The Taoiseach will recall the legislation is intended to provide for a scheme to make individual payments towards transport costs for citizens with severe disabilities. Almost three years ago, the Taoiseach scrapped the motorised transport grant and mobility allowance. Interestingly enough, this came on the back of it being found to be discriminatory and in breach of various equality protocols because certain people were not allowed onto it. Rather than opening it up for those people, the Government scrapped it entirely. While temporary arrangements were made for approximately 5,000 citizens, no disabled citizens have had access to any transport scheme since then. I have raised this many times. The Taoiseach promises a new scheme all the time. The Tánaiste told us the heads of the Bill would be published in July but they were not. Will the Taoiseach tell us when the heads of the Bill will be published and when he expects the health

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(transport support) Bill to be introduced in the Dáil?

**The Taoiseach:** I can confirm to Deputy Adams that the heads will be published in this session and it will go for pre-legislative scrutiny to the appropriate committee in this session.

**Deputy Brendan Howlin:** The previous Government established an independent review mechanism to deal with various allegations of Garda misconduct. The overview report was published last July and in five of the 320 cases, the expert panel considered that an inquiry was required and the Minister accepted this. When will we see the terms of reference for these five recommended inquiries, including the allegations made by the former CEO of ISME, Mr. Frank Mulcahy?

**The Taoiseach:** I cannot answer the detail of the question for Deputy Howlin but I will advise him. I will speak to the Minister for Justice and Equality. The report was accepted by the Minister and there was a recommendation for five further actions to be taken. I will advise Deputy Howlin and the House on this.

**Deputy Michael Healy-Rae:** The programme for Government states, in anticipation of Moneypoint coming to the end of its operating life in its current configuration, that national dialogue on climate change will identify as soon as possible the most suitable replacement low carbon generation technology. What plan or strategy, if any, has been thought up for Moneypoint and will a report or statement be issued in the near future?

**The Taoiseach:** Not in the near future. The Minister for Communications, Climate Change and Environment is going to either Brussels or Paris this week to discuss climate change.

**Deputy Micheál Martin:** He is in Paris.

**The Taoiseach:** There is also an extraordinary meeting on Friday to give consent for Europe to sign the Paris agreement in Marrakesh in November. There have not been any detailed propositions brought forward or considered by the Government in respect of Moneypoint. I will advise Deputy Healy-Rae.

**Deputy Martin Kenny:** As the Government is aware, page 114 of the programme for Government states the Government will prioritise strategic investment to support modernisation of the greyhound and horse racing sector. In recent days we have had a lot of turmoil, and yesterday evening the Minister appeared before the Joint Oireachtas Committee on Agriculture, Food and the Marine to discuss this. Two issues are coming to the fore on this. The board of Horse Racing Ireland, supposedly because of a mix-up, inadvertently misled the Minister. There is also the issue that a business case was put forward-----

**An Ceann Comhairle:** I am sorry Deputy Kenny, I do not think this is a matter-----

**Deputy Martin Kenny:** It goes to the very heart of the issue of new government and new politics.

**An Ceann Comhairle:** We are dealing here with promised legislation.

**Deputy Martin Kenny:** Yes, we are dealing with promised legislation and the programme for Government. I have raised the issue on the back of this.

**An Ceann Comhairle:** About what element of the programme of Government is the Dep-

uty talking?

**Deputy Martin Kenny:** A business case was supposed to be brought forward. It was revealed to us yesterday evening that there was no business case and that the business case was simply a letter from the chairperson of HRI to-----

**An Ceann Comhairle:** We all know that.

**Deputy Martin Kenny:** There is no business case. Does the Taoiseach concur that his two Ministers were misled and that they have agreed to the appointment of the CEO of HRI for a third term which, apart from the huge salary the man in question will receive, is in breach of Government guidelines?

**The Taoiseach:** The Minister for Agriculture, Food and the Marine dealt with this issue at some length before the Oireachtas joint committee yesterday.

**Deputy Willie O'Dea:** On promised legislation, the first item on page 24 of the legislative programme is the public health (sale of tobacco) Bill. It states the heads of the Bill are being drafted. What is the timescale for publication?

Second-----

**An Ceann Comhairle:** The Deputy can only ask one question.

**Deputy Willie O'Dea:** It is a continuum. There is a commitment in the programme for Government to set up a special court to deal with cases of mortgage arrears. When will it be established? The link is tenuous.

**The Taoiseach:** The heads of the public health (sale of tobacco) Bill are being drafted. I will advise the Deputy of the position on the question of mortgages.

**Deputy Willie O'Dea:** What about my first question?

**The Taoiseach:** The heads of the Bill are being worked on and I will advise the Deputy of the position.

**Deputy Danny Healy-Rae:** With regard to the programme for Government and the upcoming budget, I ask the Taoiseach and the Government not to raise the excise duty and VAT on diesel-----

**An Ceann Comhairle:** The Deputy cannot raise that matter on the Order of Business. It is not related to promised legislation.

**Deputy Michael Healy-Rae:** It is important.

**An Ceann Comhairle:** I know that it is important, but the Deputy cannot raise it.

**Deputy Danny Healy-Rae:** Working people and transport services cannot take any more and if the Government parties do it, it will hurt every man and woman in the country. I ask them not to do so.

**An Ceann Comhairle:** The point has been made and the Taoiseach has heard the Deputy, but he cannot answer the question.

**Deputy Michael Healy-Rae:** We would like it if he could.

**Deputy John Curran:** Yesterday, the Chief Whip published the legislative programme for the autumn session. A total of 25 Bills are due to be published. A total of 21 Bills are before the Dáil and the Seanad. Approximately five and a half hours is available on the schedule this week to debate legislation. This session will be 12 weeks long and rather than go through each Bill, I refer to the fact that 46 bills have either been or are due to be published. While I accept that the Taoiseach may not be able to reply to the question now, will he identify the priority list of Bills that he intends to have passed this session?

**The Taoiseach:** Clearly, that is a valid question. There is a request before the Chief Whip from the Business Committee for an additional two hours to be granted on Thursdays. That request is being considered. However, this is part of the new politics and the agenda is, in part, determined by the Business Committee which is chaired by the Ceann Comhairle. It is not for me to determine the agenda for the Government and I cannot speak about the contributions Deputies and parties may wish to make as part of the legislative programme and about how long or frequent they might be. I expect all of the Bills we have set out to be published this session. On the ones before the Dáil, committees and so on, it is a matter for Members to decide how they wish to contribute. We have had discussions in the past about not enough time being granted and the debates on Bills being guillotined towards the end of a session. That will not happen now. This is part of the new deliberations under the arrangements brought forward by the House, which I support.

**Deputy John Curran:** Will the Taoiseach publish a priority list of Bills that he intends to have passed within the time constraints?

**The Taoiseach:** As far as the Chief Whip and the Government are concerned, we will publish and present what we think should be priorities as our part of the agenda. Obviously, the Business Committee will deal with the rest.

**Deputy John Curran:** I thank the Taoiseach.

**Deputy Michael Moynihan:** I asked a question prior to the summer recess about automatic entitlement to a medical card for cancer patients who were terminally ill. The Taoiseach said there was no such automatic entitlement. It now transpires that the HSE has agreed to automatic entitlement for prisoners on release. How is that organised? Before the summer, the Taoiseach told me there was no automatic entitlement so has there been a change to the legislation? If there are proposed changes to the legislation there should be automatic entitlement for people who suffer from terminal illness.

**The Taoiseach:** The Minister is pursuing legislation for the granting of medical cards to those children who are in receipt of domiciliary care allowances. A person released from prison will not, I presume, be in gainful employment any more than a person who loses a job and becomes unemployed. I also presume that income levels relating to eligibility for medical cards would apply.

**Deputy Mick Barry:** I understand legislation is promised by the end of the year to provide protections for workers on insecure, low-hour contracts but, given that a publicly-subsidised State-owned public transport company, namely, Bus Éireann, is looking at introducing a low-hour and low-pay regime for those workers in its expressway service, scandalously lowering the terms and conditions of hundreds of workers, can the Taoiseach inform the Dáil as to wheth-

er this legislation could be brought forward urgently, and as a priority, in the coming weeks?

**The Taoiseach:** The Government has set out the list of legislation for publication this session and it is being worked on. I will advise the Deputy on the state of preparation in respect of the legislation he mentions.

**Deputy Pearse Doherty:** Can the Taoiseach inform the House as to when he expects we will debate the terms of reference of the statutory commission of investigation into NAMA surrounding the Project Eagle sale and other activities?

The country is currently dealing with the increasing costs of car insurance, with a 40% increase this year on top of a 30% increase last year. Everybody agrees there needs to be more transparency in terms of claims for personal injuries, so can the Taoiseach explain how the requirement by the Courts Service to set up a personal injuries register in 2004 has still not happened? The Minister said that it was because it does not have the IT facilities at this point in time. Twelve years later, this has still not been done yet this is one of the things people believe could reduce the cost of insurance. Can the Taoiseach give a commitment that it will happen without delay?

**The Taoiseach:** I have received submissions from the different parties following the meeting I had with the leaders of the different groups in respect of Project Eagle on the decision to hold an appropriate investigation in this House. I expect to meet with the leaders again next week and to put forward the best option we have from all the submissions we received. We will try to get consensus on the most appropriate and effective commission and one which will actually work. The Minister of State, Deputy Eoghan Murphy, is working on the area of insurance and he expects to bring propositions back for a Government decision and consideration before Christmas. I will see to it that Deputy Doherty is advised directly on the current status of the register that was supposed to be introduced in 2004.

**An Ceann Comhairle:** I ask the four remaining Deputies to be very quick as we are actually out of time.

**Deputy Declan Breathnach:** As part of the programme for partnership Government dealing with Northern Ireland, North-South co-operation and EU supports, on page 142, paragraph 4e, the Government promised to work with the Northern Ireland Executive to agree and implement cross-Border projects with the benefit of EU funding through INTERREG and the PEACE programme. At the meeting of the Joint Committee on the Implementation of the Good Friday Agreement yesterday evening, the Northern Ireland Minister for Finance, Máirtín Ó Muilleoir, informed us that the £120 million of INTERREG VA funding has been approved through the steering committee. He further informed us that Northern Ireland had matched this funding but stated that the projects would not receive a letter of offer until the authorities in the Republic also matched it. Bearing in mind that the steering committee last met on 27 July, can the Taoiseach inform this House when this funding will be made available from our side as it is pending for various projects around the country?

**The Taoiseach:** This is another reason we need an all-island conversation about the relationship between ourselves and Northern Ireland and this will be a matter for consideration at the North-South Ministerial Council to be held on 18 November. The Government has made available moneys for the A5 and we support the development of the Narrow Water bridge project.

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**Deputy Joan Burton:** When does the Government propose to bring forward the legislation relating to the right of people who have been adopted in Ireland to trace their birth families, which was published during the term of the previous Government? The Minister for Children and Youth Affairs indicated at the start of this Government's term that she would soon do so. What progress, if any, has been made on it?

**The Taoiseach:** Deputy Burton is correct. The Minister can confirm that this is well advanced. It is on the Government's priority list of legislation and it will be processed as quickly as possible. I will advise Deputy Burton of the progress on it.

**Deputy Thomas Byrne:** I refer to the universities (amendment) Bill, which deals with staffing issues in universities. The staff to student ratio has reached record levels in this country and is affecting the reputation of our universities abroad. In addition, a professor told me this week that he has to teach 470 first year students in a lecture hall that is built to accommodate 450 people. It is unacceptable if that situation continues. I hope that the legislation, and the funding that is required, will deal with that. It is not sustainable.

**The Taoiseach:** Deputy Martin raised the question of third level funding in both the short and medium term arising from the Cassells report. I am aware of students who attend lecture halls with more than the figure mentioned by the Deputy. There are over 500 in some of the lecture halls, depending on the faculty and the subject being studied, as Deputy Thomas Byrne is well aware.

**Deputy Thomas Byrne:** That does not make it right. It is unacceptable.

**The Taoiseach:** The question of the short term is a matter for discussion between the Minister for Education and Skills, Deputy Bruton, and the Minister for Public Expenditure and Reform, Deputy Donohoe. The Minister has set out his view on the Cassells report, and discussions will have to be held on the medium and longer term.

**Deputy Carol Nolan:** Ba mhaith liom ceist a chur ar an Taoiseach faoin Bhille um fhoréigean baile. The enactment of the domestic violence Bill is an important step in the Government's long overdue ratification of the Istanbul Convention and the Council of Europe Convention on preventing and combatting violence against women and domestic violence. In July, after a long delay, the Minister for Justice and Equality published the heads and general scheme of the new domestic violence Bill. Can the Taoiseach say when he expects that Bill to be published and when the criminal justice (victims of crime) Bill, which aims to strengthen the rights of victims of crime and is linked to this issue, will be published?

**The Taoiseach:** Deirtear liom go mbeidh an chéad Bhille a d'ardaigh an Teachta liom - an Bhille um fhoréigean baile - foilsithe ag deireadh an tseisiúin seo. The second Bill mentioned by the Deputy, the criminal justice (victims of crime) Bill, should be published earlier in the session. Both are deemed to be a priority.

## **Ceisteanna - Questions**

### **Programme for Government Implementation**

1. **Deputy Micheál Martin** asked the Taoiseach if there are understandings rather than actual agreements with any particular Independent Deputies. [27013/16]

**The Taoiseach:** There are no understandings of the nature suggested by the Deputy with any particular Independent Deputies. The programme for a partnership Government sets out the agreement between the parties and Deputies who are participating in or supporting the Government. There was one issue that occurred in the meantime beyond what is already published. That was a letter which issued in respect of a matter in Waterford to the Minister of State, Deputy Halligan. That letter was also published. There are no other understandings with any Deputy.

**Deputy Micheál Martin:** I appreciate the Taoiseach's reply. With regard to the Minister of State, Deputy Halligan, and the letter issued to him, he clearly believes that was a clear breach of the understanding he had arrived at with the Minister for Housing, Planning, Community and Local Government, Deputy Coveney, and others at the time. The Minister of State, Deputy Halligan, is clear that the Minister for Finance, Deputy Noonan, and the Minister for Housing, Planning, Community and Local Government, Deputy Coveney, told him that this was a done deal, that the catheterization laboratory would be provided on a 24/7 basis and that it would happen. I can almost hear the words from the Minister for Finance, Deputy Michael Noonan, that the review will be just a formality. I can almost hear him saying gently to the Minister of State, Deputy John Halligan, not to worry, it is a formality and it will be all looked after. The Minister of State genuinely believes he was taken to the cleaners on this and misled. The Minister, Deputy Coveney, told the Minister of State, who was at the time just a Deputy, not to worry and that if he did not do it, it was going to do it. Therefore, Fine Gael said it was going to build the second cath lab. That relates to the quality of the understanding the Taoiseach arrived at and the agreement with the Minister of State, Deputy Halligan. The latter has been very clear that he believes the agreement was breached. He feels he was told in good faith that there would be a cath lab in Waterford. He has now been told that will not happen.

The Taoiseach, in fairness, denied there was any understanding with Independent Deputy Michael Lowry. He will recall the announcement of the modular building for South Tipperary General Hospital by Deputy Michael Lowry in July. As the Taoiseach will have noted, there was a big headline at the time: "Bitter words fly between Tipperary TDs over Lowry announcement on South Tipp General Hospital". The Deputy announced there were plans for a 40-patient modular patient hotel to ease overcrowding at the facility, along with 22 new jobs. The Taoiseach said there was no deal, written or otherwise. A newspaper article from 6 July states, "Mr Lowry's support for the minority Government has been the subject of much debate and the matter was the subject of a debate in the Dáil yesterday." That was the last time this was dealt with. In the aftermath, Deputy Lowry clarified his position by saying he never had a deal with the Government but, rather, an understanding with Fine Gael, and that he was very happy with it. The newspaper article states:

I never said there was a deal, but I do have an understanding with the Government. I made representations in relation to the crisis at Clonmel hospital and I was very happy with the responses of the minister and the HSE.

At that stage, it seemed that Deputy Lowry was getting far more out of it than the Minister of State, Deputy Halligan. Deputy Lowry stated that he did not have a deal but he had an understanding with the Government and he was happy with that understanding. He is very clear he has an understanding with Fine Gael. Elsewhere, he is quoted as having said his support for the Government would pay dividends for his constituency. Is he telling the truth? Can the Taoiseach enlighten the Dáil on what the understanding with Deputy Lowry might be, particularly in terms of South Tipperary General Hospital, Clonmel?

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The Taoiseach is correct in saying that, in the confidence and supply arrangement, there was a written commitment that all deals would be published. In fairness, all the commitments made with the Independent Alliance are in the programme. Some are now arguing those commitments have not been fulfilled, as in the case in Waterford. Nonetheless, Deputy Lowry is adamant and sticking to the line that he has an understanding with Fine Gael and expects it to yield benefits in his constituency. Could the Taoiseach give his views on what the Deputy is saying? Even in the aftermath of the Taoiseach's comments to the Dáil, Deputy Lowry has said all this. The Taoiseach has robustly denied it in the Dáil but the Deputy is saying that while it is not a written deal, it is an understanding. That suggests an informal agreement with Deputy Lowry that may be to his advantage electorally and politically in the constituency. Could the Taoiseach comment on that? Is it the case or is the Deputy just fibbing?

**The Taoiseach:** On the first matter the Deputy mentioned, the position is very clear. The letter was quite clear in respect of an independent analysis of the requirement and the needs of the people of the south east in so far as a second cath lab in Waterford was concerned. It was agreed that a person of stature and independence would examine that. A consultant, Dr. Herity, did an outstanding job based on the clarity of his finding. Within that finding, his view was that there should be extra hours approved for use of the cath lab, the premises should be improved, extra staff should be appointed and further money should be spent on it.

*1 o'clock*

The Minister is quite happy to do that.

In respect of the reference to shifting some facilities out of Waterford, the Minister was not agreeable to that. The Government has responded very clearly to the findings of the independent consultant and will do what he has outlined. If he had outlined something else, the Government would have complied with that. There was a clinical analysis by a professional, independent person, and I respect that completely.

In so far as the second matter is concerned, I am not sure whether the Minister for Health met the Deputy who Deputy Michéal Martin mentioned, namely, Deputy Lowry, and a number of doctors about Clonmel hospital. I think he did that out of normal courtesy for any Deputy and provided an opportunity to meet with medical personnel.

These days, if one passes somebody in a corridor, one has had a meeting. Even a courteous meeting can become an understanding or an intention. Let me confirm for Deputy Martin that he heard one side of the situation. Deputy Lowry has been an Independent Deputy in the House for a number of years. I appreciate that he has supported the Government in terms of his record. There are no understandings with any Deputy on the part of Fine Gael or the Government. I do not have any information to the contrary. Any Deputy from the Fianna Fáil Party or any other party can meet the Minister of State, Deputy Finian McGrath, for instance-----

**Minister of State at the Department of Health (Deputy Finian McGrath):** I meet colleagues all the time.

**The Taoiseach:** -----about projects in wherever and have a good discussion. Does that become an understanding, intention or something following which a decision is made?

In so far as anything that has been published, that is why I referred to the letter in respect of the Minister of State, Deputy Halligan. If a meeting between a Minister, Deputy and a number

of doctors becomes an understanding, I cannot deal with all of these matters in so far as they concern any Deputy.

**Deputy Micheál Martin:** I thank the Taoiseach for his reply. When we refer to Deputy Lowry and he talks about understandings, we know what he is talking about - it is an inside track, in terms of getting things done. The Taoiseach said clearly that Deputy Lowry does not have an inside track and, essentially, without the Taoiseach actually saying it, it is being suggested that Deputy Lowry is fibbing and not telling it as it is. He does not have the kind of deal or understanding that he has let on he has with the Government. That is essentially what the Taoiseach is saying. He is dismissing his assertion that he has such an understanding.

When Deputy Lowry talks about an understanding with the Fine Gael Party and Ministers, he is not talking about walking along a corridor. Let us not be naive, we all know full well what he means by those words. In the aftermath of the last Dáil discussions, he was emphatic when he said he did not have a deal but rather an understanding with the Government and is happy with that. That is not passing along a corridor and the Taoiseach should not dismiss it as such.

I refer to the comments of the Taoiseach on the Minister of State, Deputy Halligan, and the deal on the catheterization laboratory, on which he feels he was shortchanged. It is worth pointing out that I understand why he feels he might have been shortchanged. We need to remember that clinicians were involved in the configuration report. They recommended splitting the service, whereby Kilkenny and Wexford would go to Dublin and Waterford would be attached to Cork. That was an unprecedented proposal, because Waterford was always the centrepiece of the south east. In the configuration report there was an expectation that there would be a second catheterization laboratory, but the reality is that what was recommended by clinicians in the report was not implemented. The commitments made to Waterford in the context of the configurational report were not fulfilled.

I accept that the Minister of State, Deputy Halligan, did a deal in good faith, but he has a case. In the heat of the discussions there is no doubt he was promised this would happen and that the review would be just a formality. If one read the configuration report, one would find that the likelihood was that the recommendations would be followed through. I accept the advice of different clinicians and specialties in terms of the commentary, but nonetheless there is a sense that Waterford was shortchanged by the configurations and that the commitments made in the configuration report were not fulfilled. Clinicians outside, not in, Waterford have said this to me. They believe that part of the issue is the degree to which the service in Waterford was not given the level of support it was promised in the original configuration report and recommendations which led to the break up of the south-east model and the attachment of services in Wexford and Kilkenny to St. James's Hospital and services in Waterford to services in Cork. That is why the Minister of State with responsibility for training and skills, Deputy John Halligan, was of the view that Fine Gael had broken his deal and that the Ministers, Deputies Simon Coveney and Michael Noonan, had not fulfilled their side of the agreement reached with him.

**Deputy Gerry Adams:** I was reflecting on what the Taoiseach had said during the general election that he would not be dependent on support from any Independent. I am also reminded of what Deputy Micheál Martin said that his main objective in the general election was to make sure Deputy Enda Kenny would not be returned as Taoiseach and that Fine Gael would be put out of office. In the spirit of Deputy Micheál Martin's question, will the Taoiseach explain the understandings and agreements reached between the Government and Fianna Fáil, as a result of which we have seen these huge U-turns? The Government has done an U-turn on NAMA, bin

charges, zero-hour contracts, Irish Water and the Moore Street project. Perhaps the Taoiseach might indicate, in the spirit of transparency, what other understandings to which he has come with Fianna Fáil.

**Deputy Joan Burton:** Will the Taoiseach set out the situation in the Government on votes on social issues among members of the Cabinet? I am referencing the position on the eighth amendment to the Constitution which, as the Taoiseach knows, is a source of great concern to people throughout the State. Has he devised a new doctrine or a change in the concept of collective Cabinet responsibility? Has it been agreed in principle that on social issues and perhaps economic issues independent members of the Government may, in fact, make a choice on whether they will vote with or against the Government? It is a fundamental principle of our democracy in the context of new politics. The Constitution implies that there is collective Cabinet responsibility. If the Taoiseach has developed a different understanding of the principle of collective Cabinet responsibility to allow Ministers a free vote, for example, in upcoming votes in the Dáil on social issues, especially the eighth amendment to the Constitution, does this imply that there will be this freedom in the course of the debate on the budget, social welfare legislation and economic issues?

**Deputy Seán Haughey:** I am not sure if there is an understanding or agreement, but there is a commitment in the programme for Government to provide a new emergency department in Beaumont Hospital. The Minister of State with responsibility for disability issues, Deputy Finian McGrath, was particularly active on the issue during the negotiations on A Programme for a Partnership Government. I want to know if that commitment is on track because Beaumont Hospital is 30 years old, there has been no investment in it and there is a crisis every winter in its emergency department, at the height of which there could be 50 patients on trolleys at any one time. A new emergency department is badly needed. The programme for Government states planning will take place towards the end of 2016 with a view to providing funding next year. I hope the Minister of State, working closely with Deputies in Dublin Bay North, will ensure the facility is provided once and for all.

**An Ceann Comhairle:** I remind the Taoiseach that we are out of time; will he, therefore, please give a brief synopsis?

**The Taoiseach:** On the issue raised by Deputy Micheál Martin, the South Tipperary General Hospital management team identified the most immediate priority actions to support the emergency department, including providing for pilot or temporary on-site acute bed capacity through a patient hotel solution, subject to the procurement process, the planning, development and implementation of the frail elderly pathway and the extension of the provision of community intervention team services. I assume that the meeting that took place between the Minister and the doctors was about this matter. Obviously, it was subject to the procurement process and planning.

**Deputy Micheál Martin:** If management was doing it, why was there only one Deputy with the Minister?

**An Ceann Comhairle:** We are badly over time.

**The Taoiseach:** I do not know. I cannot answer that question.

**Deputy Micheál Martin:** Does the Taoiseach understand the point I am making? If management had already agreed to it, what was the Deputy doing there with the Minister?

**The Taoiseach:** I have advised Ministers that when they meet representatives from constituencies, they should meet the whole lot, not discriminate and treat them in a fair way.

**Deputy Micheál Martin:** Not too many have observed that advice in the past five years.

**The Taoiseach:** I thank the Deputy.

**Deputy Bernard J. Durkan:** Or in the five years before that.

**The Taoiseach:** To reply to Deputy Gerry Adams's question, the confidence and supply agreement with Fianna Fáil has been published. In essence, it is to facilitate the passage of three budgets and have a review at the end of 2018 as part of a five-year programme. It is like some of the documents in which the Deputy's party might have been involved during the years.

To respond to Deputy Joan Burton's question, the principle of collective Cabinet responsibility has not been and will not be changed. It has always applied and applies now. When the matter is referred back to the Dáil from the citizen assembly and recommendations are made-

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**Deputy Micheál Martin:** It will not apply.

**The Taoiseach:** -----everybody will vote in accordance with his or her conscience.

**Deputy Joan Burton:** Therefore, conscience has now been divorced from the principle of collective Cabinet responsibility?

**The Taoiseach:** No. I have already made this clear-----

**Deputy Joan Burton:** That is a major constitutional development.

**The Taoiseach:** The principle of collective Cabinet responsibility has not changed.

**Deputy Micheál Martin:** It happened in the 1970s.

**The Taoiseach:** On the question of having a free vote in the Dáil on a social matter of such divisiveness as the eight amendment and what it might mean, everybody will have the opportunity to vote in accordance with his or her own conscience. That is the way it should be.

**Deputy Joan Burton:** What is Government policy then?

**The Taoiseach:** On the matter of Beaumont Hospital, the project is included in the programme for Government. We will commence the design of a new emergency department later this year, with a view to funding for construction being provided as part of the 2017 capital plan review. I know that there is pressure is on Beaumont Hospital on a cyclical basis. We will see to it that this objective in the programme for Government is followed through.

**Deputy Micheál Martin:** Therefore, Finian has got a better deal than John Halligan.

**An Ceann Comhairle:** Tá breis is trí nóiméad sa bhreis caite ar an gceist seo. Táimid ag bogadh ar aghaidh.

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## Taoiseach's Meetings and Engagements

2. **Deputy Gerry Adams** asked the Taoiseach if he will report on his meeting with President Francois Hollande in July 2016. [27031/16]

**The Taoiseach:** President Hollande's visit to Dublin on 21 July had initially been planned as a full State visit, but it was curtailed following the devastating attack in Nice on Bastille Day in which 84 people were brutally murdered. In the circumstances, his visit was limited to three elements: our meeting at Government Buildings, his meeting with President Higgins at Áras an Uachtaráin and interaction with some members of the French community in Ireland at Dublin Castle.

At our meeting, I was accompanied by the Tánaiste and Minister for Justice and Equality, the Minister for Foreign Affairs and Trade and the Minister of State with responsibility for European affairs, the EU digital single market and data protection. President Hollande was accompanied by Mr. Harlem Désir, the French Minister for European affairs. In opening the meeting I reiterated the sympathy and solidarity of the Irish people with the people of France in the wake of the horrendous attack in Nice and the other recent terrorist attacks in France. President Hollande briefed the meeting on the security situation and his government's response. We agreed on the urgent need to accelerate ongoing work on a range of EU counter-terrorism and security actions, including promoting close and effective co-operation between police and security services. The surest way to assert and protect Europe's fundamental values is to refuse to bow to terrorism and its assault on these values.

We discussed the EU-UK relationship, the renewal of the European Union, economic issues, external relations and counter-terrorism measures. In dealing with the future relationship between the European Union and the United Kingdom we agreed that maintaining the closest possible partnership was key, based on a balance of rights and obligations, including in respect of the four freedoms. Our two countries are the United Kingdom's nearest neighbours and each has unique concerns to be addressed in future negotiations. President Hollande acknowledged Ireland's special position in the maintenance of the Good Friday Agreement and as a country with a land border with the United Kingdom. We noted the economic progress made nationally and in the euro area generally but also the risks ahead, including as a result of the outcome of the UK referendum. We reaffirmed our shared commitment to the European Union as the essential framework for peace, prosperity and security in Europe. The confidence of citizens in the European project needs to be renewed. This can best be achieved through an improved functioning of the European Union and the faster and better delivery of practical results in areas of priority which should be the focus of European action. They include internal and external security, growth and investment in order to create jobs, fighting unemployment and strengthening our economies. It is vital that the difficult challenges facing young Europeans are addressed through ambitious programmes.

On global issues, President Hollande outlined progress made on the French initiative aimed at injecting new momentum into the Middle East peace process, an initiative in which Ireland has been participating in a situation which has now changed seriously for the worse. We also spoke about the security situation in the Sahel. President Hollande welcomed Ireland's increase in its contribution to the EU training mission in Mali.

I also took a moment to congratulate President Hollande on the huge success of Euro 2016 and thank the mayor of Paris for acknowledging the Irish supporters who were such a feature of

the competition and the celebrations.

**Deputy Gerry Adams:** Given the horrific attack in Nice the week before, it was good that that visit went ahead, even if it was slimmed down, and that the Taoiseach was able to express our solidarity with the President and people of France.

We cannot be blasé about the deteriorating situation in the Middle East. It is very important that we argue for proper humanitarian approaches and peace processes across all of that region.

I wish to concentrate on our own situation. It is clear that President Hollande supports the Government's objectives in negotiations to minimise the impact of Brexit on the peace process, the common travel area and so on. The Taoiseach has said he raised with the French President concerns, concerns echoed by him, about the potential adverse impact on the Good Friday Agreement. I noted yesterday that the Taoiseach had given an example of where he had pointed out to the British Secretary of State for Northern Ireland, James Brokenshire, MP, that the Government had, rightly - in a modest way I was supportive of this - given information at the inquest into the Kingsmill massacre. The Taoiseach commended this to Mr. Brokenshire as an example the British Government should follow, but it did not follow it. As I said to the Taoiseach yesterday, it is blocking funding to deal with legacy issues for the victims of British terrorism. The Ballymurphy families, whom the Taoiseach, the leader of Fianna Fáil and others may have met, walked out of a meeting. Therefore, the Taoiseach's plea to Mr. Brokenshire and good sense approach did not work. Mr. Brokenshire totally ignored what the Taoiseach had said to him. In his discussions with President Hollande I wonder if the Taoiseach gave such examples.

We talk about our unique relationship with the British Government. There are many unique issues of common interest to us and the people of that island. However, on this issue, the Government is in breach of a huge number of its obligations under international treaties for which it has equal responsibility. I have said to the Taoiseach many times that we need to use our influence with friends abroad to ensure the British will live up to their obligations on all of these issues.

To return to the question I raised yesterday, to which the Taoiseach has still not given me a satisfactory answer, it is of key importance that the Government recognise, accept, advocate for and promote the vote people in the North have. If the Government does not do this within the international forum, who will? Nobody else will. The Deputy First Minister will and Sinn Féin might be able to do it in a limited way. However, Deputy Enda Kenny is the Taoiseach. He has to be very clear in saying to President Hollande and others that the people of the North voted to remain within the European Union and that the Government recognises, supports and is advocating for this because it also shares that position. If the Taoiseach is not clear on the issue, as on all other issues, the British will weasel their way out of it and it will be the people of this island who will pick up the pieces afterwards.

**The Taoiseach:** I explained to President Hollande that the European Union had strongly supported the peace process, as a result of which the guns had been taken off the streets and communities were getting on with their business. President Hollande understands that and Europe still supports the peace process. I did not go into detail with President Hollande about our decision to supply to the coroner's inquest whatever material existed here on Garda files arising from the Kingsmill massacre and I did not mention the Ballymurphy case or the details of any other atrocities. However, I mentioned that issue to the Secretary of State, Mr. Brokenshire, as

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an example of how the fresh start, particularly in respect of legacy issues, could be commenced to deal with it. If the theory behind the fresh start were to apply in practice, somebody with a real grievance, for example, a person on either side who lost a family member during the Troubles, should have access, through an independent person, to all of the information about the case. The question is whether this approach will apply because it has clearly not applied to date. I spoke to the Secretary of State in the context of the previous Government's decision to supply whatever information we have to the coroner.

I accept that the result of the vote on Brexit was that the people of Northern Ireland, by majority, voted to stay in the European Union. I will articulate this point at the discussions that take place at European Council level. I do not suppose I am expected to articulate the same point on behalf of the people of Scotland who also voted to stay in the EU.

**Deputy Gerry Adams:** No.

**The Taoiseach:** As this is the island of Ireland and we have a land border with Northern Ireland that will become an external EU border, I will articulate that people in Northern Ireland voted to stay in the EU. Given the particular relationship we have with Northern Ireland, it is important that this voice is heard. This is another reason for having an all-island conversation about where all this is headed and what implications Brexit may have along the line.

**Deputy Gerry Adams:** I very much welcome the Taoiseach's clear commitment to advocate for the people of the North in respect of the vote to remain in the European Union. Such advocacy will be very welcome. Having so clearly set out his commitment in this regard, we now need an all-party discussion on Brexit among the leaders and the forum must meet as soon as possible. I thank the Taoiseach for his reply.

**An Ceann Comhairle:** Does the Taoiseach wish to make any closing remarks?

**The Taoiseach:** People made their decision in a vote and I respect that.

## EU Summits

3. **Deputy Gerry Adams** asked the Taoiseach if he will report on the EU summit in Bratislava. [27032/16]

4. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on the recent EU summit in Bratislava. [27127/16]

5. **Deputy Joan Burton** asked the Taoiseach the outcomes he achieved at the recent meeting of the EU Heads of Government in Bratislava. [27227/16]

**The Taoiseach:** I propose to take Questions Nos. 3 to 5, inclusive, together.

The Bratislava summit on 16 September was part of the process of political reflection launched at the meeting of 27 Heads of State and Government, together with President Tusk and President Juncker, that took place on 29 June after the European Council. The objective of the summit was to hold a broad debate on the key challenges and priorities for the European Union. A declaration was issued, along with a short work programme or roadmap, as set out by President Tusk, President Juncker and the Slovak Presidency. Discussions covered migration;

internal security; external security and defence; and economic and social development, including youth. I acknowledged the strong concerns our partners have on migration and security and assured them that Ireland will continue to contribute to the response to the migration crisis. I also stated we would engage in the further development of the Common Security and Defence Policy in support of international peace and security, as provided for in the EU treaties. I highlighted the priority that Ireland and many EU partners attach to economic issues, in particular the Single Market and digital single market, jobs, investment and trade, and noted that we need a balanced approach to the debate about the future of Europe.

There was also a short discussion and agreement at the summit on the question of ratification of the Paris climate change agreement. The European Union should be in a position to sign up to the agreement in Marrakesh in November without prejudice to the position of any member state concluding its own detailed responses to the individual country proposals.

There was no discussion of the United Kingdom's decision to leave the European Union, other than a report from President Tusk of his meeting with the British Prime Minister, Ms Theresa May, and a reaffirmation of the agreed principles that there can be no negotiations until the UK triggers Article 50, and that access to the Single Market requires acceptance of all four freedoms. In my discussions with other leaders, however, I reminded them again of Ireland's specific concerns on this issue, particularly in relation to Northern Ireland, North-South relations, the common travel area and bilateral trade.

It was agreed at Bratislava that the process of reflection on the future of Europe should continue at the October and December European Council meetings. Another meeting of the 27 member states will take place in Malta in early 2017 before the process concludes in March to coincide with the 60th anniversary of the Treaty of Rome.

**Deputy Gerry Adams:** Prior to the Bratislava summit, the French and German foreign Ministers called for a new European security contract and there was talk about establishing a European military headquarters and increased co-operation on military spending by EU states. After the summit, the German Chancellor and President of France claimed their plans for further defence co-operation had been well received and they would elaborate on the issue over the next few months. Will the Taoiseach provide some clarity on the French and German proposals? Will he assure the Dáil that no decisions will be taken and no agreements entered into by the Government that would in any way undermine our positive position of neutrality?

It is Sinn Féin's intention to introduce a Bill shortly which would insert the principle of neutrality in the Constitution. Will the Taoiseach indicate what will be the Government's attitude to such legislation? I would like to think it would support such a measure.

On the issue of refugees, I again commend the actions of the Naval Service in the Mediterranean and note that the *LE James Joyce* rescued more than 1,000 people in recent weeks. However, 3,498 people have drowned in the Mediterranean this year, which is unimaginable. These events take place day in, day out before the eyes of the global community, in particular the European elites. Refugees, many of whom are children, are enduring terrible conditions in the camps.

I note the Government co-chaired a UN summit on refugees at which the Tánaiste admitted - she could do little else - that the Government had been slow in meeting its commitments to resettle Syrian migrants. Of the 4,000 Syrian refugees we committed to accept, fewer than

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1,000 have been resettled. We also have the scandal of people being incarcerated in direct provision centres, which has been ongoing under successive Governments. The International Rescue Committee called on Ireland to accept 1,223 refugees per annum for the next five years. Will the Taoiseach indicate how many refugees the Government expects to be resettled in the next 12 months and when the State will reach its target?

On the issue of Palestine, the Government has failed to act on the Oireachtas decision to recognise the State of Palestine. I have raised this issue with the Taoiseach month in, month out for a long time and he dodges the issue time and again. Recognition could be achieved by a simple declaration. Will the Taoiseach state clearly that the Government will recognise the State of Palestine, which must not be contingent on negotiations? Palestine either has the right to statehood or it does not. My request is similar to asking someone to recognise the right of the Irish people to nationhood, which is above and beyond negotiation. The Palestinians have the same right and I ask the Taoiseach to be very clear on the issue and not to dodge it. Ireland must assume the leadership role people in the region want us to take, as opposed to shedding the crocodile tears we see week in, week out while the position in Palestine deteriorates.

**Deputy Richard Boyd Barrett:** The Taoiseach may be aware that in ancient Roman mythology and religion, Janus was a god with two faces, in other words, two people in one. I suggest to the Taoiseach that when it comes to his attitude towards EU announcements, people could be forgiven for believing we have two different taoisigh or two taoisigh in one body. When it comes to the European Union telling us we should collect €13 billion in unpaid taxes from a tax evading company, Apple, the Taoiseach is the patriotic firebrand and eurocritic who is standing up for the nation and telling the EU not to interfere with the right of the Irish people to decide their own policies. However, when it comes to the EU telling us we must accept a regressive, unpopular, unwanted austerity tax in the form of water charges, he suddenly becomes a little puppy dog who rolls over in the most servile fashion and tells us we must obey every single diktat that comes from the EU, regardless of the fact the people of this country have clearly given their verdict on water charges and do not want them.

I want the Taoiseach to explain these two different taoisigh and these two utterly different attitudes to the EU. When it comes to standing up for ordinary working people and, indeed, democracy on an issue like water charges, he says that, no, we just have to do what the EU tells us-----

**An Ceann Comhairle:** Deputy, you are going beyond the confines of the question.

**Deputy Richard Boyd Barrett:** I am not.

**An Ceann Comhairle:** I doubt water charges was an issue on the agenda at Bratislava. Your question concerns a report on what transpired at Bratislava.

**Deputy Richard Boyd Barrett:** I would say the Apple ruling was a very explicit reason for the meeting in Bratislava, as were the reasons why Britain had left and why there was widespread disillusionment with the EU. I put it to the Taoiseach that widespread disillusion flows precisely from these double standards that seem to characterise our approach to the EU and its policies on a whole range of issues. People are utterly bemused by these double standards and, very specifically, by the Taoiseach's double standards. I ask very seriously how the Taoiseach explains these two absolutely contrasting approaches to the EU. Would the real Taoiseach please stand up?

**Deputy Joan Burton:** When I, as Tánaiste, had the honour to work with the Taoiseach, he and I reached a widely publicised agreement that Ireland would accept 4,000 migrants over a period of time in the context of people fleeing the humanitarian crisis in Syria and other areas. If he recalls, we spoke specifically about prioritising the situation of families with children in camps in countries like Lebanon, Jordan and Turkey, which are close to Syria. We spoke about the situation of unaccompanied minors who are in various different countries and at significant risk in terms of what may happen to them. We spoke also about family reunification in regard to people who would be settled here but who would have other family members - possibly spouses, children and siblings - in other jurisdictions and who would wish to join their family member who had been settled here. All of this was based on well-established practice in humanitarian aid situations.

I know the Taoiseach is genuinely concerned about this. What is the possible explanation for the number accepted and processed so far by Ireland being so poor? Was there detailed discussion at the Bratislava meeting of the obstacles involved? This is not just a matter for Ireland but, obviously, given we are discussing it here in the Irish Parliament, what are the bottlenecks in regard to Ireland taking what Irish people in communities right around the country have genuinely agreed to? While we know this is a very difficult issue in other countries, Irish people have been genuinely welcoming. We have some of the best international humanitarian relief organisations in the world, as well as many people throughout the health service who are ready to volunteer and to go to help when called on under very long-standing arrangements. Will the Taoiseach give us a rational explanation of the problem and what discussions he has had with his fellows Heads of State and Government?

There were discussions in regard to the views of some countries of the 27 around potential higher levels of military co-operation post-Brexit. As the Taoiseach of a proudly neutral country, was Deputy Kenny part of those discussions? Were those discussions just among the like-minded countries or general to all 27 member states? We know the British were not present because of the Brexit vote-----

**An Ceann Comhairle:** Excuse me. As there is only a short time remaining, I call the Taoiseach to respond.

**The Taoiseach:** Let me confirm for Deputy Adams that there will be no change in our situation in so far as neutrality is concerned. We participate in European common security and defence issues within the European treaties and the constraints upon us. We have always contributed in that sense and there will be no movement in that regard.

Deputies Adams and Burton referred to refugees, which I will deal with shortly.

**Deputy Gerry Adams:** I mentioned the recognition of Palestine.

**The Taoiseach:** I will come back to the Deputy on that. I met Prime Minister Netanyahu some time ago and said to him I would like to go to Israel and Palestine. He said he would be very happy to welcome me to do both. If I get the opportunity, I would like to do that.

**Deputy Richard Boyd Barrett:** Would the Taoiseach go to Gaza?

**The Taoiseach:** I hope the gods the Deputy mentioned are with us on Saturday when we take the field against the Dubs.

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Deputy Boyd Barrett talked about patriotic firebrands, and I like the way the Deputy articulates his views here. We defend our right in respect of our competence on corporate tax. It is written into the European treaties that this is a national competence and we will stand up for ourselves in that regard, irrespective of any comment from Europe or European commentators. It is enshrined in the European treaties and we defend and will always defend it.

**Deputy Ruth Coppinger:** He defends the corporations.

**The Taoiseach:** The issue of state aid is a matter for the Commission. We believe Commissioner Vestager made a major mistake here, and we appeal this on the basis of getting legal clarification from the European courts on this matter.

I would also say to Deputy Boyd Barrett that we have always had a philosophy in Ireland of paying for what we get. I do know how he can assume that one should not make a contribution for water that is treated.

**Deputy Richard Boyd Barrett:** We do. Who pays for it? It is not somebody from outer space.

**The Taoiseach:** In this city, there was less than a 2% tolerance for years but it is now 15%. I believe very strongly in the issue of having a national utility for the procurement and provision of water services. I believe very strongly in conservation measures, which can only come through measuring, which comes through metering.

**Deputy Ruth Coppinger:** The Taoiseach is in a minority. It does not matter what he thinks.

**The Taoiseach:** If Deputies do not appreciate the scale of the wars that will happen in time about water, they should reflect on some of those gods. I believe there has to be a fair and affordable contribution for the water we use.

**Deputy Richard Boyd Barrett:** So it is not a national competence for us to decide how we pay for water.

**The Taoiseach:** In respect of-----

**An Ceann Comhairle:** Could we have order please? We have exceeded the time.

**The Taoiseach:** Could I have 30 seconds to conclude?

**An Ceann Comhairle:** Okay.

**The Taoiseach:** The Minister of State, Deputy Stanton, will deal with questions in respect of refugees later this afternoon. We did say we would take 4,000 refugees from resettlement programmes, which is from outside the EU, and relocation programmes, which is from inside the EU. A total of 486 refugees have arrived out of a commitment of 520 for resettlement here. In the relocation category the commitment is 2,622 and only 69 have arrived. It is the same problem with other countries. Sixty-nine have relocated in total from Greece, of which 33 are children, with the latest arrivals on 8 September. A further 40 have been assessed and are cleared for arrival. Arrangements for their travel to the State are currently being made. Ireland has indicated to Italy that we have 20 places immediately available for relocation from Italy. Progress has stalled due to delays relating to the implementation of security assessments. It is not the Minister's fault and not ours. We have places and the ability to take people but the

problem has been at the other end.

**Deputy Joan Burton:** In the Taoiseach's view, whose fault is it?

**Deputy Ruth Coppinger:** Whose end?

**The Taoiseach:** Between 2012 and 2015, we allocated €42 million for Syrian aid. The Minister will deal with those issues in greater detail on Question Time.

**Deputy Joan Burton:** The question is to the Taoiseach.

### **Road Traffic Bill 2016 [Seanad]: Second Stage (Resumed)**

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

**An Ceann Comhairle:** Deputy Broughan had the floor. There are 17 minutes remaining in this slot. I understand he is sharing time with Deputy Pringle. Is that correct?

**Deputy Thomas P. Broughan:** Yes.

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

**Deputy Thomas P. Broughan:** I wish to make a couple of points to the Minister on the Bill as there are some important issues that it does not address. I refer specifically to section 19, which relates to the amendment of section 78A of the principal Act, namely, to ensure the motor insurance industry gives both clarity and full information details to An Garda Síochána on driver insurance policies. The details specified include the name and address of the policyholder; the period of cover; any limitations as to the use of a vehicle; the persons or the classes of persons insured; the vehicle itself and the names of any driver or the class of driver who is covered under the policy. It has been put to me by the PARC road safety organisation that the Minister should also have included the driving licence number of the policyholder and the named drivers. In view of the appalling increase in insurance, more and more young people are being put on policies as named drivers. I urge the Minister to look again at section 19.

It is intended to commence the amended provisions, of which the Bill is virtually entirely composed, when necessary administrative supports have been agreed with the insurance industry and put in place. It is expected that more robust and targeted enforcement of uninsured driving can take place. It is very important that the full details of the driver linked to the licence specified in that section of the legislation.

It is a cause of much frustration among people who are very committed to road safety that licence numbers of those disqualified in court are not accurately recorded and forwarded quickly enough by the courts to the Road Safety Authority, within days of conviction, as is the procedure in Northern Ireland. Currently, it seems to take the Courts Service three months to forward the information to the RSA. The identification of disqualified drivers is a significant problem if they decide to continue to drive. According to data received by the PARC organisation, a total of 96% of drivers disqualified in court do not surrender their licences to the RSA via the post office box number in Cork. Is that something the Minister could address? I accept that issues relating to the Courts Service and enforcement by An Garda Síochána are the responsibility of the Minister's colleague, the Minister for Justice and Equality, Deputy Frances Fitzgerald, but

they are matters that must be urgently addressed.

In one of the first Question Time appearances of the Minister he said the Department is committed to the consolidation of the Road Traffic Acts. It is striking how much of the Bill is virtually composed of a series of amendments to the Act of 2010 and all the Acts going back to 1961. Surely, the promised consolidation must be put out to tender without delay. Could it not be considered in stages, while giving priority to drink and drug driving, penalty points, driving licences and disqualification? The Minister's predecessor, Deputy Paschal Donohoe, replied to a parliamentary question a year and a half ago that the work will commence this year, which was 2015. Could the Minister comment on the matter in his reply? One could ask what is a reasonable amount of time to allow for the consolidation to be completed. Part of the problem in terms of adequate enforcement is due to the complexity of traffic law.

Another outstanding problem which has already been raised with both the Departments of Transport, Tourism and Sport and Justice and Equality, is the wording on the summonses for the Garda to prosecute drivers who fail to present their licence in court. As the Minister is aware, Judge Marie Keane dismissed all 21 cases taken by the Garda in November 2015 for this offence due to the wording not appearing on the summonses as well. She ruled that the summonses were "fundamentally flawed", because a person who comes before the court is entitled to know the consequences that flow from not having produced his or her licence. What has the Minister or his colleague, the Minister for Justice and Equality, done to correct the wording on the summonses so the Garda can begin to prosecute again?

Recommendation 2.10 of the 2014 Garda Inspectorate Report is that a system would be introduced immediately to ensure that all penalty points are endorsed on driving licences. A parliamentary question I tabled in 2013 revealed that only 40% of defendants convicted of penalty point offences had their licence numbers recorded. Although the inspectorate considered that was an urgent matter in February 2014, another question I tabled in April 2016 revealed that more than half of those convicted in court for speeding offences in the past 27 months did not have points applied to their licence. What solutions, if any, has the Criminal Justice Working Group arrived at, and what has been the contribution of the Department of Transport, Tourism and Sport in that regard?

Late last year I was informed by the Tánaiste and Minister for Justice and Equality, Deputy Frances Fitzgerald, that the Courts Service has advised that there is no project under way to electronically record the non-production of a licence in court, yet we know that the manual recording of licence numbers does not happen most of the time. Figures supplied to me by way of reply to parliamentary questions showed that in the case of drink driving convictions and disqualifications between January 2013 and March 2015, just 20% of licence numbers were recorded and in the case of speeding convictions just 42% of licence numbers were recorded. What is the Minister's intention in that regard?

What progress has been made on the proposed master licence record project, an initiative to link driver licence details with vehicle registration details which was to cost just over €4 million and take three years to implement? I asked the Minister's predecessor, Deputy Donohoe, about the matter as well.

A further issue concerning the application of road safety laws is the continuing use of the court poor box for penalty point offences. A reply I received in April 2016 to a parliamentary question revealed that almost 2,000 drivers avoided points in that way over a 27-month period.

That was despite a High Court judgment by Mr. Justice Gerard Hogan in February 2014 which confirmed that section 55 of the Road Traffic Act 2010 precluded District Court judges from allowing offenders to make donations to the poor box to avoid incurring points for road traffic offences. That is another reason for the judicial council Bill to be introduced as quickly as possible.

I understand that a future project is to be introduced to furnish the Garda with roadside IT devices. Will they be similar to the devices used by the PSNI which are linked to an accessible central database? Has the Minister asked his officials to examine the potential use of the new driving licence which could be used to electronically record penalty point convictions and disqualification?

I welcome the general thrust of the Bill and I am pleased it is before the House. It will be another step on the way to making the roads that bit safer. I urge the Minister to consider the points I have made on the amendments. One of the difficulties with road traffic law is that very close interaction is required with the Department of Justice and Equality. There are many examples of where there is one line Department but in the road traffic area the Department of Transport, Tourism and Sport must liaise closely with the Department of Justice and Equality and they must speak with a united voice. The Minister for Transport, Tourism and Sport, Deputy Ross, has responsibility for road safety and the Road Safety Authority. I urge him to follow up on those issues.

**Deputy Thomas Pringle:** The legislation sets out the enactment of the so-called Jake's law on speed limits in housing estates, drug driving and also the mutual recognition of offences across the Border in the Six Counties. I will concentrate mainly on my county of Donegal and some of the very serious issues we have faced in recent years.

While a significant hike in the number of road deaths this year is being experienced in Cork, according to the Road Safety Authority, Donegal is consistently found to have one of the highest road fatality rates in the country and it is still above the average. The statistics clearly show that the last two years have seen a continuation of the trend, with Donegal having a higher than average road death rate. The last comprehensive study of the subject conducted by the Road Safety Authority in 2013 revealed that Donegal had the third highest fatality rate in the country. It's rate of 81 deaths per million population was twice the national average of 41. What has been remarkable during the years is the large number of multiple fatalities in single accidents, which has also made the county stand out. The research also found that while there had been a reduction of 41% in the number of road deaths in County Donegal between 2007 and 2013, it still lagged behind the rate of decrease nationally.

Speeding drivers are cited as being a particular problem in the county, with excessive speed deemed to have been a factor in 8.4% of all collisions between 2008 and 2012, a higher proportion than anywhere else in the country. An RSA report concluded that most speed-related crashes in the county occurred on regional roads in 80 km/h zones or national roads such as the N13. It is safe to say we have a problem with antisocial driving, of which speeding is an aspect. The most common profile of an antisocial driver is a young male who has consumed alcohol. However, if one looks closely at the causes of young men engaging in dangerous driving, there is a connection between antisocial driving and marginalisation. The persistent marginalisation experienced by young people can contribute to the actions of the mainly young men who engage in antisocial driving. I can safely say this is an aspect of the high rates of road collisions in County Donegal and the number of young men found on roads driving dangerously. This

connection must be looked at and considered alongside the Bill. The fact that young men compel themselves to engage in dangerous activity, use a car as a dangerous experiment, disregard safety mechanisms such as the wearing of seat belts and abuse substances while driving tells us a lot about the value system young men have. Clearly, the value they put on their own lives and those of others is very little and a consequence of the lack of engagement with society as a whole. Marginalisation severs a person's relationship with society and creates a deep sense of worthlessness which leads to this disengagement.

I will talk a little about an innovative programme devised to address the causes of antisocial driving in County Donegal. It is called the Pro-Social Drivers Programme, a road safety initiative which was started in 2012 by a group of volunteers and which seeks to improve the driving behaviour of some of the higher risk groups of drivers. Candidates for the course are initially identified through the courts system and the legal system and commit to completing a course consisting of four three-hour lectures and classes. It has been found that it is personal factors that are the main causes of riskier behaviour in driving. For this reason there is a focus within the course on social responsibility, emotional control, driving under the influence and the consequences of antisocial driving behaviour. Those involved with the programme even work with reputable international experts in the areas of criminal recidivism and driver rehabilitation to further develop the course and advise on overall content and delivery. Pro-Social Ireland won the 2015 Social Entrepreneurs Ireland impact award for its work on the Pro-Social Drivers Programme and has also been honoured with an award from the Irish Road Victims Association for its work in road danger reduction. Programmes such as this are successful because they believe in rehabilitation, working with those who have previously engaged in dangerous driving. The programme has been so successful that it is being rolled out in some of the Border counties, which is important. We should look at rolling it out across the country. I think there are extremely low - practically zero - recidivism rates for participants in the course. Figures I saw late last year showed that out of more than 100 participants not one had appeared back before the courts for any driving offence. That is very important.

We need to look also at the greater context and consider the fact that there has been a reduction in the number of gardaí in the traffic corps. The number posted to it dropped by 5% in the 18 months to May this year. There were 711 officers assigned to it in May compared to 749 at the end of 2014. The RSA has repeatedly called in recent years for the Garda traffic corps to be strengthened in order to deter dangerous driving. The decrease is due to continuous budget cuts imposed on An Garda Síochána. The budget to be announced in October must seriously redress this issue and reverse the trend.

This week the Donegal road safety plan for the period 2016 to 2021 was launched. I welcome the report which was a collaborative effort by the Donegal road safety working group, an inter-agency group consisting of Donegal County Council, Transport Infrastructure Ireland, An Garda Síochána, the Road Safety Authority, Donegal Youth Service, Donegal Education and Training Board, the Pro-Social Drivers Programme and the National Ambulance Service. I hope this collaborative effort will help to reduce the number deaths on roads in the county, with similar efforts being made across the country.

On the larger and more complex nature of social exclusion and marginalisation, we need a targeted effort and greater political will to invest in programmes such as the Pro-Social Drivers Programme and repeat its success across a number of fronts. There have been many reports carried out on the marginalisation of men in Border counties. It is well established that young men suffer from marginalisation in rural counties, particularly along the Border. The Irish Cen-

tral Border Area Network produced a report in 2008 entitled, Men's Health in Ireland, which referenced the issues affecting socially isolated men in rural communities - educational disadvantage, social isolation, weak employment opportunities and a lack of access to health care. It clearly stipulated the strategies needed to target this specific cohort. However, austerity has exacerbated the problem further and prevented vital projects from reaching out to more young men at risk.

Although the Bill addresses the policing elements of road safety, provides for the mechanics of how they can be implemented and increases offences and their reporting, they all happen after the fact. We should target the young people who feel marginalised and provide a programme for them to build their sense of social responsibility and take them back into society in order that they will not feel they are outside it. They should not view driving and the way they behave in cars fatalistically. If they offend, they should expect something to happen as a consequence. They should have a sense of their own value and the value they have in society. That would go a long way towards addressing many of the road safety issues that need to be dealt with.

**An Ceann Comhairle:** The contributors for the Rural Alliance are Deputies Michael Healy-Rae, Michael Harty and Danny Healy-Rae. Are the Deputies sharing time?

**Deputy Michael Harty:** I will start, if that is okay.

**Deputy Danny Healy-Rae:** I am sorry, a Cheann Comhairle, we are not members of the Rural Alliance but of the Rural Independent Group.

**An Ceann Comhairle:** *Mea maxima culpa.* I am very sorry.

**Deputy Michael Harty:** I thank the Ceann Comhairle for allowing me to contribute to the debate. The Road Traffic Bill provides for a number of reforms which are worthy of support. They include the introduction of a new offence of being in charge of a vehicle while under the influence of certain drugs, including cannabis, cocaine and heroin. The Bill also provides for preliminary testing of oral fluids for drugs by gardaí at the roadside or in Garda stations. It is also welcome that the Bill will give effect to the agreement with the United Kingdom on the mutual recognition of driver disqualifications which was signed in October 2015.

Additionally, the Bill creates a new option for local authorities to impose a speed limit of 20 km/h in built-up areas, in addition to existing possible speed limits of 50, 40 and 30 km/h. A speed of 20 km/h is very slow and while I am sure there may be good and valid reasons for introducing such a restriction, it would be a pointless exercise if it could not be enforced. For the most part, a 20 km/h restriction will depend for its success on the civic spirit of drivers rather than hard-pressed gardaí who are overstretched. If a new law is not enforced, it is brought into disrepute and ignored by the public. Of course, we need new laws to meet changing societal needs and situations, but they should obviously be in the public good, sensible and enforceable. The 20 km/h restriction has the capacity to be honoured more in the breach than the observance. How and where it will be applied needs to be considered carefully.

On the other side of the coin, communities that want to reduce speed limits under existing legislation find that the system is intensely bureaucratic, time-consuming and generally fails to answer an urgent need. I will give the House an example from my constituency. There is a beautiful but a potentially dangerous road in the Burren between Corkscrew Hill and Ballyvaughan. I am sure it is a road with which Deputy Eamon Ryan is very familiar as he has spent a lot of time on his holidays in north Clare. It is a beautiful, scenic road along which people

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stop to take photographs across the Burren and Galway Bay.

*2 o'clock*

Residents and community interests have been campaigning to have the 100 km/h speed limit on this section of the N67 reduced in the interests of safety. The situation is very serious and there are reports of injuries to pedestrians walking from Burren College of Art into Ballyvaughan from local beds and breakfasts and there are numerous traffic accidents on this road. It is not a new story; public representatives at national and local levels have campaigned on this issue in the past.

Despite extensive support from the AA, the Garda and the Road Safety Authority and the speed limit review initiated in 2013, the statutory speed limit on the N67 stands at 100 km/h. I have driven on this road on many occasions and it is impossible to drive at 100 km/h. One cannot exceed 60 km/h for safety reasons and yet the 100 km/h signs remain.

This road carries a huge amount of traffic, as it is a main access route from the Burren to the Wild Atlantic Way, coming from Lisdoonvarna down into Ballyvaughan. Hundreds of accidents have taken place over the 5 km stretch north of Ballyvaughan and this will continue unless the speed limit is changed. I fail to understand why the TII and Clare County Council are reluctant to act promptly in spite of the knowledge that the infrastructure has barely carried the existing volume of traffic in the past.

This section of the road has brought an increased volume of traffic since the very successful introduction of the Wild Atlantic Way. It is the main access route to the Wild Atlantic Way from Ballyvaughan. Officials in Clare County Council agree that a 100 km/h speed limit along this section of the N67 is not realistic and that the route is not reasonably driveable at this speed. However, the process of endeavouring to effect speed limit change is complex and convoluted and can take up to two years to complete in accordance with procedures set out in the guidelines for setting and managing speed limits.

I understand that a process is under way at present with a view to development of a countywide speed limit scheme to facilitate speed limit change where deemed appropriate. The process involves developing a draft scheme, consulting with the Garda, consulting with elected local authority members and in particular consulting with the general public.

Transport Infrastructure Ireland is a key consultee for national roads. In fact, Transport Infrastructure Ireland is currently carrying out its own assessment of speed limits on the national route network. I understand there is movement in the Corkscrew Hill, Ballyvaughan case. The public consultation element of the process will be advertised in the local press later this year. Ultimately, a reduction in the speed limit will have to be approved by the elected members of Clare County Council. Pending the completion of this process, is it possible to introduce a temporary reduction of speed to 60 km/h on this road, as I do not believe there is any disagreement on the need to reduce the speed limit? The current system to effect speed limit change is too long and too inefficient; it costs money in terms of officials' time and ultimately does not meet the citizens' needs in a timely fashion. I urge the Minister to examine this area with a view to accelerating the process.

**Deputy Danny Healy-Rae:** I am glad to get the opportunity to raise a number of points about safety on our roads. I hope some of the things I will mention will be considered in the Road Traffic Bill we are discussing.

Safety on our roads has been compromised by a number of things, including the lack of proper speed limits. I highlight the example of the N22 going into Killarney. For several years, we have raised this issue with Kerry County Council and have asked that the speed limit be reduced going through Glenflesk where the people go to Mass at 7 o'clock. On a winter's evening it is very dangerous. They park at the side of the road and have to cross to the church but the maximum speed limit applies here. For years we have been asking for this to be reduced, as it is in Lissarda, County Cork, over the hill from us. It is the same N22 road. The request has fallen on deaf ears. The people of Kerry are entitled to the same treatment and their lives are as important as those of the people in Cork.

The same applies at Lissivigeen where the speed limit is reduced to 60 km/h just to go through the roundabout. After going through the roundabout the speed limit again increases to the maximum 100 km/h for about 900 m. In between there is a junction where many people have been badly hurt and maimed going up to Coolcaslagh. I was there one night when people were cutting the roof off a car and the young man inside was as pale as the sheet of paper in my hand. He said to me, "Danny, can you get me out of here?" I have not forgotten that yet. All it takes is to have the sign changed. I was not alone in raising this in Kerry County Council. If we are to talk about enhancing safety on our roads, these are the kinds of issues the RSA should be considering.

A number of years ago the speed limit on local roads was changed to 80 km/h. On some of these roads a driver can do no more than 25 km/h or 30 km/h - that is the ambient speed. However, it gives the right to someone to go mad and drive up to 80 km/h on these roads. People are terrified trying to access the roads from their homes. In some cases children are just inside the walls scared of their lives. These roads need to be assessed with a view to applying proper speed limits.

We also need to recognise the increased volume of traffic. We are talking about safety. Approaching Killarney, there are about six junctions, including one at Woodlands Road and one at the top of the Lewis Road where there have been many crashes with people badly hurt. No recognition has been given to any elected representative who raised this previously. Lewis Road on the bypass is a newly constructed road - constructed in the past 20 years. There is another one at the Madam's Hill. They are all on the national primary road. At Farranfore village people turn left for Dingle - the whole world is going that way - and that is also a very dangerous route. We asked for a mini-roundabout to make that safe until the bypass is built but no one is listening.

I have another issue with the bodies regulating lorries and buses on our roads. I understand we have four of them. First, there is the CVRT and the Department that deals with that. We all agree that vehicles must be in a proper condition to go on the road. In case it might be mentioned later, let me say that I own buses and lorries but I am not talking for myself. I am talking about all the bus operators and hauliers. For the CVRT to test a lorry or a bus here, it costs €330 but it only costs £90 in Britain or the North of Ireland. That anomaly should be addressed to give fair play to Irish operators. It costs €114 for an agricultural jeep in Ireland but only £31 in Britain or the North of Ireland.

Along with the CVRT, we have to deal with the RSA. A lorry driver could have his lorry tested one day and go out on the road. Two days later the RSA might stop him for whatever it might find and could put him off the road for a week or a month even though the lorry has passed the district CVRT and complied with everything. Another agency, the Freight Transport

Association, FTA, a UK body, can do the same. One operator told me that the FTA told him he was required to keep a hammer in the vehicle to break the glass in an emergency. His PSV officer told him he was not required to keep a hammer in the vehicle as that was only required under English law. The level of over-regulation and cross-regulation in this area is hurting operators.

Another serious issue is the overgrowth of hedges and bushes on our roads. This is dangerous to people using our local roads, in terms of their almost having their eyes picked out, and it is the cause of many serious accidents on other roads. Last winter, I was driving behind a lorry that knocked a branch off a tree which landed on the road in front of my car. If that branch had hit a school bus it could have forced the bus driver off the road and resulted in children being injured or killed. Drivers are being exposed to great danger on our roads. According to environmentalists we cannot cut hedges at a particular time of the year even though that is the time of year they most need to be cut. As I said on many occasions in Kerry County Council Chamber birds are not so foolish as to make their nests outside a ditch on a busy road or on the branch of a tree overhanging the road because if they did they would be blown to smithereens or their feathers would be blown all over the road leaving them naked. The birds are not that foolish. The cutting of hedges, bushes and trees should be permitted all year round for the safety of the people. While the level of regulation on drivers and vehicles is ever increasing our roads are not safe. I hope I am getting the message across to the Minister.

There is an unfairness in terms of the way in which the law regarding the cutting of bushes and hedges is being interpreted. I have been travelling to and from Dublin for many years. The hedges and bushes on our motorways are cut at least twice a year. Not even a briar is allowed to grow on the motorways but local authorities are not even permitted to issue letters to landowners in relation to the cutting of hedges and bushes on local roads until 1 September, which is ridiculous because at that time of the year the leaves, briars and so on disintegrate. At the time when hedges and bushes most need to be cut they are not being cut. I am asking the Minister to raise this issue with the Road Safety Authority, RSA, and to ensure that something is done about it. We are still awaiting promised legislation in this regard. At a meeting two years ago of Kerry County Council we were told that the Minister would be introducing legislation that would provide for an increase in the permitted cutting time by one month. That has not happened. It is important our roads are safe all year round.

In some areas, foresters - I am not speaking specifically about Coillte - are permitted to plant to the edge of a road. That should no longer be permissible. No tree should be within falling distance of a road. Falling trees can kill people as, sadly, has happened in Kerry, leaving a young woman and her children without a husband and father. We must prevent this happening. As I understand it, in France no bush or tree is allowed to be planted within falling distance of the road. I am asking the Minister to review the law in this area, which is unfair on the people travelling our roads.

The volume of traffic on our roads is ever-increasing. If an assessment in that regard is not carried out our roads will become clogged up and unsafe. We need to invest in our roads. There is 4,000 km of road in Kerry. Many of those roads were built two centuries ago. Listry Bridge in Kerry was built 260 years ago. It is located on the main artery between Killarney and Dingle. The Minister will be aware of the large volume of traffic that passes over that bridge every day during the summer. The bridge can be accessed by only one vehicle at a time such that if a driver who is not familiar with the bridge progresses across the bridge while another vehicle is coming in the other direction there could be a crash. There have been several crashes on that bridge. Many of our bridges were built in the 1800s and only some of them have been

upgraded slightly since then. Given the volume of traffic on our roads it is important the safety of our roads into the future is addressed.

**Deputy Michael Healy-Rae:** I welcome the opportunity to speak on this Bill. I am not yet used to seeing Deputy Ross on the Government benches. However, I wish him every good luck in his endeavours.

There are some elements of this Bill that are very welcome, including the change with regard to the speed limit in housing estates. As a Deputy who spends a lot of time meeting people in housing estates who have problems I know first hand the dangers in which young children put themselves. I welcome the proposed reduction in the speed limit in housing estates. If it helps save the life of even one young child it will be great. If this Bill results in the saving of the life of one young boy or girl this debate will have been worthwhile.

In regard to drugs, what is proposed in the Bill is a welcome development. Up to now, the Garda Síochána has not had the wherewithal to deal with this issue properly because of a lack of necessary legislation. I hope what is provided for in this Bill will be of assistance. The regularisation of provisions around traffic offences between North and South is also welcome. They are the positive elements of this Bill. Deputy Danny Healy-Rae highlighted road safety issues that are of concern and need to be discussed during the course of this debate.

I would like to speak to the Minister about the issue of regulation. We were all supportive of the introduction of speeding vans because we felt they would help save lives. Speeding vans were never about revenue raising. Unfortunately, that is what is happening in terms of the placement of speeding vans. This is wrong, unfair and crooked. I will give examples. On the day of the Kerry-Dublin match people returning home on entering County Kerry to get to their houses had to pass five or six speeding vans. These vans were specifically located in areas along the route that would be accessed by the large volume of people returning home from the match, on which routes the speed limit has already been significantly reduced. This meant that a person driving the route at a speed of 65 km/h on his or her way home incurred penalty points. That was never the purpose of the speeding vans. They were to create an awareness among people to slow down. I know that the Minister's response will be that if people adhere strictly to the speed limits they have nothing to fear. In an ideal world that is correct. None of us wants to see any person lose his or her life and we are sorry for people who have lost their lives on our roads, of which, unfortunately, there have been thousands over the years. For me, this is treating people in an unfair manner. Another operation was organised last week to target people travelling to and from the National Ploughing Championship. The way in which these strategies are being devised is in my opinion mean-spirited. I am not speaking about people doing 120 km/h in a 100 km/h zone but people very marginally over the speed limit in a reduced speed limit area. This is where they targeted large volumes of people going to the ploughing championships.

Is the Minister aware that officers from the National Transport Authority targeted buses on one of the days of the National Ploughing Championships? They boarded the buses and asked for the route licence, which buses are obliged to have in many cases. Many people did not have them because it takes three weeks to get a licence from the NTA. Some of the bus operators were only notified several days in advance that they had a run and they did not have time to get a licence. If the NTA is going to be so strict, it should devise a system whereby the person applying for a licence can get it by return in an e-mail on the day or within 24 hours. People out for hire or out for reward may not get notice of a job or a trip. I thought this was mean-spirited.

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Of course we want to increase safety on our roads but at the same time we do not want to treat honest to God people as if they were criminals. People for hire and for reward, such as those operating buses, face over-regulation, and my brother touched on this point earlier. Only those operating buses really realise what is happening. Of course all our buses must be up to a standard and the safety of passengers is of paramount concern but these people are honest-to-God people. Their buses pass the tests they are supposed to pass. At the same time, a bus could pass a test today and next week someone else from a different authority could come into the yard to do another examination. If it is good enough to be passed by one authority, we do not need somebody else to check up on the work. It is crazy. It treats these honest-to-God bus operators and people with lorries as though they are criminals. The Minister knows very well that people in the private sector trying to create a job for themselves or jobs for their neighbours, whether in trucks or buses, have had a hard stand for the past five years, particularly during the crisis. These people soldiered diligently. They sacrificed their own families and money to try to stay in business. I hate to see these people being picked on and victimised in the way they are at present. I meet them all the time and I am continuously told by people doing school runs that what is happening to them is outrageous.

Another insane and ageist law is that people over 70 years of age who want to drive children to school for hire or for reward, or get employment if their neighbour has a bus and they have the relevant licences, cannot do so. I know many people who are over 70 whose minds are perfectly alert and whose bodies are perfect and they would love to do a school run. They would be good people for the safety of the children and they would be very responsible. They are barred from doing it. At the same time, there is no problem in the world with them going from one end of the country to the next with a group of people provided they are not school children. What genius in what Department thinks this is a proper rule? It is crazy beyond belief. We have people over 70 who are debarred. A school run could be a nice occupation for a retired person who would drive the local children to school but they cannot do so if they are over 70. We are not supposed to be ageist. We are supposed to treat people with respect and dignity. What is happening is very wrong and has been bothering me for a long time. I would love to see it changed.

My brother raised other issues to do with safety but he left out one item, which is the number of accidents caused on a daily basis by deer roaming onto the roads late at night and early in the morning. I know of a number of people who have been seriously injured and of a number of accidents because where I am from the deer population has soared in recent years. If people hit a deer and their vehicle is damaged or the driver or passengers are injured and they go to the National Parks and Wildlife Service because the deer came from land under its control, it will tell them it has nothing to do with it. At the same time, this is the body which, if an honest-to-God person goes out at night with a gun and goes shooting a deer, will tell the person he or she cannot do it. Will it make up its mind? If it is responsible for the deer it is responsible for them and if it is not it is not, in which case it is our business what we do with them.

In the past I have called for a 70% cull of the deer population in Ireland. One might think this is a lot but it is very factual and correct. If we are to go back to the figure we should have in Ireland, we should lose 70% of our present deer population because it is outrageous. Farmers are being affected. Their fences are being broken and their grass is being eaten and it is all because of this problem spiralling out of control. The number of people who get seriously injured because of deer roaming onto the roads is enormous. I am aware of one case where two people lost their lives and it was put down to the fact there were deer on the road and they

swerved to avoid them and unfortunately lost their lives. Something must be done to address this very serious situation.

To return to the positive elements of the Bill, it is to be welcomed in how it deals with a number of problems we have had. I ask the Minister, whom I wish well with his portfolio, to listen to the common-sense approach we are taking to the debate and some of the issues we have raised. I know he is very diligent about his work and he might be able to use his position to deal with the problems we have brought to his attention. I thank him very much for being here.

**Deputy Catherine Murphy:** I will share time with Deputies Eamon Ryan and Seamus Healy.

The main purpose of the Bill is to improve safety on our roads, which is something everyone, not only in the House but generally, wants to see. There are ways this can be done. One thing we cannot do is pay lip service or give the impression that something is being done or that it is more limited than people will expect when legislation such as this is passed. We must consider the practical application of the law as well as law itself.

If one has a view on drink driving, one must have a view on drug driving because it is about impairment and putting people at risk. It is right that we legislate for it. I note a number of drugs are listed in the legislation, including cannabis, cocaine and heroin. There is an exemption for people with prescriptions for medical cannabis. While the initiative is very welcome, a myriad of other substances exist, such as crystal meth, and I ask the Minister whether the device being purchased to detect these drugs will be suitable for testing other types of drugs or is it specific to the drugs listed? Will it be capable of detecting other drugs if they are added to the list? How will other drugs be added?

I have concerns about the practicality of enforcing the law at a time when there is much concern about budgets for the Garda. The explanatory memorandum, for example, states the devices to test for the presence of drugs are significantly more expensive than those used to test for alcohol. It cost 16 cent to test for alcohol but it costs €15 to test for drugs.

Only 150 of these units will be deployed. What is the methodology for rolling them out? There is a drugs problem in every part of the country and it is worse in some places than others. Will enforcement be carried out exclusively in some areas with no enforcement in others? What is the strategy behind this? Will the Garda be given an increased allocation in the budget to purchase more of these units and to expand enforcement? While I wholeheartedly believe this should be done, cost appears to be a factor in rolling out this measure. The Government could give the impression that something is being done while the reality is that significantly less will be done in practice than people expect.

The practicality of enforcement of the 20 km/h speed limit will be a big issue. The legislation offers local authorities the opportunity to introduce this speed limit on housing estates, if they so wish. I spent years on a local authority and there will be huge demand to have this included in by-laws. By-laws will also have to be amended and there will be a great deal of red tape in addition to erecting signs. However, when it comes down to it, enforcement will be the big issue. The perception will be that local authorities have a responsibility to enforce the speed limit but the Garda traffic corps will be the ones who will be responsible and this will add to their workload. There will be high demand and high expectation and people will be disappointed when enforcement falls short. While I understand the origin of the speed limit and the

motivation behind its introduction, more work needs to be done. This speed limit has to be effective in practice and not in theory if it is to mean something.

The size of the Garda traffic corps has been reduced in recent years and with road fatalities increasing, there is potential to stretch its resources thinner. Was a regulatory impact assessment carried out into the additional resources that will be required? Is the Government up for providing them?

I am a fan of self-enforcement and design changes on housing estates. Estates can be designed in such a way as to make it difficult for motorists to drive at speed. Older estates have not benefitted from this but, for example, self-enforcing measures such as traffic calming could be used. This is not necessarily about ramps; chicanes and planting could be used. That needs to be encouraged and greater investment is needed to reduce road speeds. The greatest offenders in respect of driving through estates at speed are the residents themselves in most cases.

I have had concerns about the deployment of the Garda traffic corps and GATSO vans for a long time. Given the limited resources available, they must be put to the best use. GATSO vans are supposed to be deployed at accident blackspots. The RSA plots on a map each fatality and serious injury resulting in someone being taken to hospital. Significant information is, therefore, available regarding accident blackspots. Injuries and fatalities are well documented. The safest roads are segregated, for example, dual carriageways. The Naas Road has three lanes on both sides with a hard shoulder, yet GATSO vans are frequently deployed along it. Some years ago, I conducted an analysis. I obtained documentation but I cannot remember the source. All the speeding fines were listed by road. I spent several days going through it because I wondered was it my imagination or were GATSO vans being inappropriately deployed. Some of the safest roads had the highest numbers of fines. I made the point at the time that this was like shooting fish in a barrel and that this was income generation rather than a road safety exercise. The Garda maintains the reason these roads are safe is the high level of enforcement but I would encourage the RSA to repeat this exercise and to examine hotspots, for example, where more than 100 speeding fines are issued. These hotspots should be matched against accident rates. Are limited road safety resources being deployed inappropriately? The maximum return is being generated in income but not in road safety terms. The RSA would be the appropriate body to examine this.

The enforcement of the 20 km/h speed limit has the potential to create a significant new demand on local authorities. It is not a question of just putting signs up. They have to undertake a detailed process to make or amend by-laws in order that the speed limit will be legally enforceable and motorists can be fined. There could be huge disappointment regarding enforcement. A commitment has to be made to enforcement in addition to providing money.

**Deputy Eamon Ryan:** Various Members have referred to their own constituencies to give examples in the context of the speeding issue and I would like to concentrate on the Minister's constituency rather than my own because we both know it well. According to the Minister's public relations and the media, he occasionally takes the 44 bus home to Enniskerry. Let us take an imaginary journey on that route through Dublin Bay South to the border at the Dodder River. I refer to the estates on both sides as we progress. Whitebeam Road, a residential estate, is on the left. Most people drive through it at 20 mph because there are ramps throughout, which slow motorists down to that speed. St. Columbanus's Road is on the right and it has tank traps for ramps. They probably reduce speeds to 20 km/h. At this stage, after Farrenboley estate, one is almost in the country. I grew up in Frankfort Park and everyone played on the street.

The street was dominated by children and not by cars in the 1960s and 1970s. I know exactly how these streets worked before the car became dominant and how they could work again. I ask the Minister to think of Highfield, Sweetmount and the streets around them. No one will suggest that Barton Road East should have a 20 km/h speed limit. Should it be 30 km/h or 50 km/h? Does the Minister agree that the Ludford and Ailesbury estates, and every estate one passes between here and Enniskerry, are suited to being 20 km/h home zones? Does he think that is an appropriate speed for every one of the estates I have mentioned? Can the Minister nod if I am right?

**Deputy Shane Ross:** Welcome back, Deputy.

**Deputy Eamon Ryan:** I know the Minister's constituency and its estates very well. Years ago I was a transport campaigner and was brought to Holland to see all the latest cycling facilities. The most interesting things we saw were *woonerf* estates, in which the whole street was designed to be safe for all users. In these residential streets, 20 km/h is the standard default speed and every one of the streets I have mentioned would be perfect as *woonerfs*. It is an idea that has taken off across the world. In the United States some 400 cities are going with what they call "complete streets". In England they are known as "home zones" and that is what we should call them because that is what we have to design them for.

This legislation has to look to the future and we have to think about where we are going. As an example, what is the most car-based city one could imagine? I would say it is Indianapolis, on account of the Indianapolis 500, but where is Indianapolis going? The mayor of Indianapolis said recently that growing its workforce and attracting new talent required Indianapolis to do everything possible to make the city a place where people can easily walk to amenities in their neighbourhoods and can bike and drive to and from work, and a place where people want to call "home". I am being very local and very south Dublin but our city is great at attracting investment and all the estates I have mentioned would be perfect homes for people who worked in the centre of Dublin and in Sandyford and Cherrywood. This is a successful city but if we are to compete with Montreal, Auckland, Indianapolis and cities around the world as well as Amsterdam and Freiburg, we have to start thinking this way and start planning our streets with a view to creating communities.

I was very disappointed to read in the Minister's speech that 20 km/h would be the exception and would be at the discretion of local authorities. I would much prefer a 20 km/h limit for all the estates in the Minister's own south Dublin constituency. His constituency is mainly estates that are perfect to be created as home zones. Why not tell that to South Dublin County Council? It will be different in south Kerry but in south Dublin and in Dún Laoghaire-Rathdown, which are all home estates, let us make it the default option. Let us start taking out the ramps as they are not needed if we start designing the streets as complete streets. It will not cost a fortune and it will cost less in lives lost. It will cost less because we will not have to put ramps in. Big, fancy, expensive solutions are not needed. I know these streets and grew up in them without cars and we do not have to do that much to retrofit them to where they were. I grew up walking from Frankfort Park into Dundrum village and by doing this work we will create strong villages and centres around it. It is all doable with a bit of vision and by putting the pedestrian, the child and the cyclist first. We cannot do that if the car goes faster than the bike. Our streets are perfect for this so let us do it. Let us take the Bill but we should not make the 20 km/h the exception; it should be the rule in suburban areas. It is different in a country area but suburbs are made to be homes so we should be much more ambitious to make the changes that are possible by introducing this legislation.

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There are three main provisions, one of which is a technical provision around international co-operation, which makes a lot of sense. The second main provision, for drug testing, also makes a lot of sense. In my 50 years in south Dublin I have never seen a policeman stop and apply the five impairment tests such as checking one's pupils, asking a person to walk with one foot in the air for eight seconds or the finger-to-the-nose test. It has never been done. It is dangerous to drive stoned and the saliva test makes sense as marijuana stays in one's system for some 30 days and the test will pick it up within 12 hours, which is the time during which it affects driving capability. It is a sane and rational approach to improving driver safety.

I cannot miss this opportunity to raise a local issue. I raised it in the Select Committee on Budgetary Oversight with the Minister for Public Expenditure and Reform, Deputy Paschal Donohoe, and there was a lot of media commentary on it. Our budget for safety and for cycling and walking is not enough. The Minister recently had to pull investments in the Dodder greenway and Tolka greenway, which would have been a perfect investment in a Dublin setting itself for the future. From the Columbanus and Ludford estates one would have been able to cycle all the way down the greenway to work and home again, safely.

The Dublin cycling campaign held a protest last week and there is another one next Monday and this issue will be going to the Minister's office because it is absolutely unacceptable. We say that our policy is for 10% of all our trips to be by bike but less than 1% of the transport budget goes on walking and cycling. We can pass legislation on the speed limit but Deputy Catherine Murphy is right that, unless we switch to a tenfold increase in the budget for walking and cycling, we cannot be regarded as serious about this. We will fall behind and will fail to realise the potential of this city. I am talking about Dublin but it is the same in Cork, Galway and Limerick, although they are wetter. Dublin is flat and is a perfect cycling city but we will never get there by spending less than 1% of our transport budget on walking and cycling. Let us get the budget right, as well as the 20 km/h zone, and let us apply the latter as the default system rather than the exception to the rule.

**Deputy Seamus Healy:** I welcome the opportunity to speak on the Road Traffic Bill 2016 and I welcome most of its provisions. The purpose of the legislation is to improve safety on our roads and reduce fatalities and injuries to road users by introducing several measures. They are the detection of drug driving via mandatory testing; the creation of new offences for driving or being in charge of a vehicle under the influence of specified drugs; the lowering of the speed limit in estates to 20 km/h, which I will come back to; and the agreement between Ireland and the United Kingdom on mutual recognition of driving disqualifications, which is very welcome.

I congratulate the road safety organisation, Promoting Awareness, Responsibility and Care on our Roads, PARC, which was established in 2006 by Susan Gray, who lost her husband in a road traffic accident in Inishowen in County Donegal. The group comprises people who have been affected by road traffic accidents and has been campaigning since 2006 on various road safety issues. It supports families of road traffic victims and has been involved in a series of very successful campaigns, including the mandatory testing of drivers involved in fatal and serious collisions, which was introduced in June 2011. They were also involved in the campaign to test unconscious and incapacitated drivers in fatal and serious collisions and the law was changed in that regard in November 2014. They published a booklet called Finding Your Way, for families affected by road traffic accidents, which is widely available to all stakeholders, including gardaí, and is updated on a regular basis. I acknowledge the work done by that organisation, particularly by Susan Grey who founded it, and the work of the people working with it throughout the country. They include Mr. Alec Lee from Clonmel in my constituency. I

should also mention the good work that Deputy Broughan has been doing in conjunction with PARC for a number of years.

The Minister should have bitten the bullet on the housing estate issue and made the 20 kp/h speed limit mandatory. Young Jake Brennan died at six years of age following a road traffic accident in a housing estate. His family have been campaigning for some time for the introduction of mandatory 20 km/h speed limits. The opportunity to do that in this Bill has been lost. The current position is that local authorities have the option to introduce a speed limit of 30 km/h. The Minister has reduced that to 20 km/h in this legislation but the record of local authorities on the 30 km/h limit is woeful. In fact, few, if any, changes in that regard have come through local authorities over the years. This option has been available to them since 2014 and the guidelines were updated and reintroduced in 2015 but it is all on the basis of it being an option and encouraging local authorities to do it or recommending that it be done. However, it has not happened in the case of the 30 km/h limit and I am certain there will be no hunger to do it, certainly at local authority official level, in the case of the 20 kp/h limit. There is still time for the Minister to change that provision in the Bill and to make the 20 km/h limit mandatory. As mentioned by Deputies Eamon Ryan and Catherine Murphy, the redesign of estates and of traffic within estates together with a mandatory 20 km/h limit would be hugely advantageous for residents, their families and particularly for cyclists and pedestrians. I hope that during the progress of the Bill through the Oireachtas the Minister might take the view that this provision should be made mandatory.

There is another issue relating to road safety worth mentioning, although it is not mentioned in the Bill. I raise it particularly in the context of my constituency of Tipperary. It is the repair, maintenance and standard of roads in the country. The woeful standard and the lack of repair give rise to potholed roads, with the roads almost undermined, difficult to travel and in many cases causing serious difficulties in vehicles. There can also be road traffic accidents as a result of the condition of the roads. This issue must be addressed urgently. It is a question of funding and resourcing local authorities to enable them to maintain and upgrade the roads.

The Minister has been in Tipperary and visited Tipperary County Council in Clonmel on 28 July. The situation in Tipperary is quite clear. Even though there was a Minister and a Minister of State from Tipperary in the previous Government, the county fell behind significantly with regard to roads funding. The ratings for the various road categories in Tipperary compare very unfavourably with the national mean. For example, local primary roads are 5% less than the mean, local secondary roads are 11% less than the mean and local tertiary roads are a full 17% less than the national mean. The reason is that the roads grants profile for Tipperary from 2007 to 2015 has been one of continuous reductions. In 2007, the regional and local grants amounted to €608 million while in 2015 they were down to €294 million. The amount was more than halved in that period. Various other grants show similar reductions. For example, regional and local road grants for restoration and improvement went down from €13.6 million in 2007 to €8.6 million in 2016 while regional and local road grants for restoration and maintenance went down from €4.7 million in 2007 to €2.4 million in 2016. In fairness to Tipperary County Council, it increased the resources from the county to provide for roads by almost €1 million over that period. There is a huge need for additional funding for roads in County Tipperary. The Minister has been made aware of the situation and I hope that in the forthcoming budget he will be in a position to increase the road grants for the county significantly to ensure that the standard and maintenance of roads in the county are at a reasonable level.

I should mention the N24 national primary road which runs through Tipperary. As I told the

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Minister in Clonmel, it is a significant economic and social corridor for the area but it is also a very dangerous road. There have been significant road traffic collisions on the road, many of them sadly fatal. Promises and commitments have been made to provide bypasses for both Tipperary town, where the traffic comes right through its centre, and Carrick-on-Suir. I ask the Minister to address that matter as well.

**Deputy Colm Brophy:** I welcome the opportunity to speak on this Bill. I wish to discuss a number of issues but there is a limited amount of time to do so before the Topical Issue debate.

First, I welcome the overall thrust of the Bill, particularly with regard to the ability to change and adjust speed limits. I come from the local authority background of South Dublin County Council which is a very proactive local authority in examining, reviewing and enforcing speed limit adjustments in the area, contrary to what some Deputies might think. I am not in favour, therefore, of a mandatory limit being introduced. If we believe in local government, local democracy and devolved decision-making, one of the key areas in which we should facilitate that is in allowing our local public representatives, who live within the community and have first-hand knowledge of what the impact of adjusting speed limits would be, to continue to be the primary deciders. Having a national mandatory 20 km/h area is not the right solution and I believe it would be almost impossible to define it. However, if we allow that power to remain with the local authorities, we are effectively saying that they can introduce this regulation on a case-by-case and estate-by-estate basis.

*3 o'clock*

I would particularly like that to happen. In my contribution later, I would like to discuss how, when we introduce a speed limit of 20 km/h, we determine the area and the limit. That is the key point in regard to mandatory limits and local authorities.

If I have time, I will refer to one of the points that arise concerning the introduction of 20 km/h speed limits. Regardless of the speed limit, I would certainly not support the removal of speed ramps or any such infrastructure from residential areas. I do not believe local communities would support that. As a public representative, I have never received requests to remove speed ramps when they have been put in. The vast majority of local communities I represent have campaigned for very many years to try to reduce speeding within residential estates. I grew up in an estate with 700 houses. It had many long roads and there was a real fear of speeding. When we could get an occasional speed ramp or introduce a traffic-calming measure, it was always welcomed.

One of the main reasons I favour traffic-calming measures, which is related to one of the problems with the introduction of a 20 km/h speed limit in housing estates, is that it is very difficult to enforce an effective regime for checking for speeding. I have learned this from my conversations with members of An Garda Síochána. Given the distances required, it is not often possible to record a car's speed in the types of housing estates where one would want to introduce a 20 km/h speed limit.

Debate adjourned.

## **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 21 and the name of the Member in each case: (1) Deputy Tony McLoughlin - the views of the Minister for Justice and Equality on health and safety concerns with regard to the Sligo-Leitrim Garda divisional headquarters; (2) Deputy Catherine Connolly - a serious incident (details supplied) at a centre of excellence hospital; (3) Deputy Pearse Doherty - ní mór don Aire níos mó cuidiú airgid a chur ar fáil mar chuid den scéim na gcúntoirí teanga i bhfainaise na gciorraithe a bhí déanta le dornán beag blianta anuas agus na scoileanna breise atá ag glacadh páirt ann; (4) Deputy Bernard J. Durkan - to address the issue of delays with the development of the town centre in Naas; (5) Deputies Michael Fitzmaurice and Anne Rabbitte - the difficulties for grain and cereal farmers due to inclement weather; (6) Deputy Brendan Griffin - the ongoing situation in Aleppo; (7) Deputies David Cullinane and Mary Butler - to ask the Minister for Health his views on the independent clinical review of cardiac services at University Hospital Waterford; (8) Deputy Alan Farrell - the need for the Minister for Children and Youth Affairs to examine child care costs to support families; (9) Deputy Éamon Ó Cuív - an phráinn atá ann go gcuirfear síneadh leis an gconradh den aer-sheirbhís go dtí na hOileáin Árann, Contae na Gaillimhe, go dtí go mbeidh conrathóir nua in áit faoin gcóras tairiscintí poiblí atá ar bun faoi láthair ó tharla go dtiocfaidh deireadh leis an gconradh reatha ar 1 Deireadh Fómhair 2016; (10) Deputy Martin Heydon - the need for a GP training programme in County Kildare; (11) Deputy Seán Haughey - the provision of a new emergency department in Beaumont Hospital, Dublin 9, as outlined in An Agreed Programme for a Partnership Government; (12) Deputies Thomas Broughan, Róisín Shortall, Joan Collins and Billy Kelleher - the need to ensure monetary recognition for the 36-week nursing and midwifery internship from 2011 onwards; (13) Deputy Brian Stanley - the need to retain services at Midland Regional Hospital, Portlaoise; (14) Deputy Danny Healy-Rae - the urgent need to carry out an assessment of Listry Bridge on the R563 with a view to providing funding either to widen it or build a new bridge; (15) Deputies Clare Daly and Mick Wallace - to discuss the refugee resettlement programme in Ireland; (16) Deputy Sean Fleming - the position on the use of staffless libraries as part of the Open Library initiative; (17) Deputy Robert Troy - the need to discuss progress on Coosnan National School, Athlone; (18) Deputies Martin Ferris and John Brassil - to clarify the position regarding St. Mary of the Angels, Beaufort, County Kerry; (19) Deputies Ruth Coppinger and Joan Burton - the position in relation to building work at St. Mochta's national school, Clonsilla; (20) Deputy Mick Barry - the emerging dispute between workers and management at Bus Éireann; (21) Deputies Brendan Smith and Declan Breathnach - the need to clarify the level of funding and when it will be provided for PEACE IV and INTERREG commitments, and to clarify that the programmes will be implemented in full, as already agreed between the Irish and British Governments and the EU Commission; (22) Deputy Richard Boyd Barrett - the issue of funding for home help; and (24) Deputy Maurice Quinlivan - the Minister's views on the delay with opening the new accident and emergency department at University Hospital Limerick, Dooradoyle.

The matters raised by Deputies Sean Fleming, Michael Fitzmaurice and Anne Rabbitte, David Cullinane and Mary Butler, and Tony McLaughlin have been selected for discussion.

## **Topical Issue Debate**

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## Library Services

**Deputy Sean Fleming:** I wish to raise a very important issue that will affect every county in due course. It concerns an initiative by the Department of Housing, Planning, Community and Local Government called the Open Library service. Essentially, the Department is providing funding to local authorities for opening libraries in cities and towns throughout the country on the basis that there would be no staff in those libraries during certain hours.

On the face of it, the Department is saying it is a good initiative because the openings hours are late in the evening or early in the morning, thereby affording some people an opportunity to get to a library who might not otherwise have one. Pilot schemes were carried out in Offaly and Sligo. The pilot scheme has been reviewed and it is now intended to roll out the service throughout the country. It was to commence in a number of counties between now and Christmas.

The elected members of Laois County Council voted unanimously last Monday, two days ago, to postpone or reject the initiative, which was intended to be commenced in Portarlington in the next couple of weeks. It has been postponed.

Library users and staff whom I met stated the pilot report is deeply flawed. It is important that people know this. To use a phrase, there is a bit of bribery involved on the part of the Department and local authority senior staff to have the system rolled out. There is €2.3 million available for it. A recommendation of the scheme is that all newly developed and refurbished libraries under the library capital investment programme should be required to incorporate Open Library capability and should be required to provide the Open Library services from first opening or reopening of a refurbished building, as appropriate. In other words, if one is not willing to go this route, one will get no money for a new library or an upgraded library. This is a scandalous approach by central Government to democratically elected county councils throughout the country. People will be shocked to know that this is written into the conditions.

A number of people have concerns about libraries being open after hours when there are no staff available. The first point that obviously springs to everybody's mind is that of anti-social behaviour. It is not that there would be a lot of it but there is a fear of it. The programme has already commenced in countries such as Denmark and the United Kingdom as part of cost-cutting and staff-reduction measures. In those areas, it has been noticed that 90% of users after hours are men. What woman wants to go into a locked library at 9.30 p.m. on a winter's night not knowing who is coming in the door behind her? While there might be CCTV cameras, there is no live monitoring. If an incident happened, one could look at the CCTV footage the next day, but that would be a little too late.

Furthermore, the survey showed that the majority of people in other countries who attended the out-of-hours service with no staff were between 18 and 35. I refer to the younger, enabled people who are good with IT and know how to work the computer systems in the library. Older people, many women and many others would not want to go. There are many factors that should be taken into account before this programme is rolled out. They have not been addressed at all in the review of the pilot projects. The pilot projects review is flawed and it is not a basis for rolling out the programme any further.

It goes without saying that it is the thin edge of the wedge for staff. The initiative will lead to staff not being replaced in due course. There are no staff reductions as part of this problem

today but it means that one will be told in a rural area that while the library will be open, there will be no staff present in the afternoon. On it will go. We are now in a set of circumstances in which the local authorities will be another set of faceless institutions, such as the banks. One will do one's business with a machine and go out the door, with nobody wanting to talk to you. We have had cutbacks in post offices, Garda stations, banks and the councils. The Department should not be making cuts affecting our libraries.

**Minister of State at the Department of Housing, Planning, Community and Local Government (Deputy Damien English):** I am thankful for the opportunity to engage in this discussion and bring some clarity to the matter. I am disappointed with the way the initiative has been portrayed in some places but I understand information can take off in that way. I attended the launch of the initiative in July with a Fianna Fáil colleague of the Deputy from Tullamore, the new mayor or chairperson. There was great excitement because it is a very positive initiative. All would have regarded it as that.

I appreciate that the Deputy is raising genuine concerns and is not alone in that regard. I have heard from other sources also that this is a negative story but, in fact, we should be celebrating it as a positive one. My comments in this regard are genuine.

My Department, in collaboration with interested local authorities, is extending the initial pilot phase of Open Library. It is for those who are interested; it is not forced on anybody. There was a competition and libraries were asked whether they wanted to participate. The initiative is under Opportunities for All, the national library strategy for the period 2013 to 2017. The extended pilot phase will see the Open Library service trialled in some 20 participating branches from January 2017. There is actually considerable competition. Trim, Navan and other places in my county wanted to participate. Trim got the service and it was very positive. People want this.

The aim is to gather further learning and develop a model that may be rolled out on a mainstream basis in the longer term. The purpose of the Open Library service is to increase access to library services by extending opening hours to library members during unstaffed hours while continuing to have regular staffed periods for the ongoing delivery of library services. It is a question of increased access and opening hours, at night and weekends. Even on Christmas Day, if one wants to go to the library one has the option. This was not the case before now.

Everyone agrees that it is always best to have staff present when possible. The number of staff is not being reduced. The new service is an extra service that has been welcomed. It is quite common in other countries. It is quite common to have libraries that may be accessed by a PIN card in educational institutes.

When implemented, participating branches will be open from 8 a.m. to 10 p.m. seven days per week. Access will be available to members aged 16 and over who sign up for the service. In addition to the traditional book-lending service, the services available will include study facilities, meeting rooms, Wi-Fi access and printing. Meeting rooms will be available for community use. In some places, our libraries are the centre of the community and are very important. It is a case of trying to make the services and meeting rooms usable after hours in addition to normal hours.

Staffing levels and staffed hours will not be reduced as a result of the service, either in the short term or long term. The service will operate only outside the normal staffed hours, which

are set out in the Department's public library standards and benchmarks document.

We are extending the pilot given the success of the initial trial of the service in Tullamore, Banagher and Tubbercurry. Feedback from users in these branches has been very positive to date. The service continues to operate in these locations with the full support of staff.

There were a couple of hundred people at the launch of the event. I met numerous people, both staff and users, who were very happy with the service. They have nothing negative to say about it. I am surprised that we are only getting a negative view today.

The open library service has attracted a considerable number of new users and is particularly popular with leaving certificate students, who make use of the increased availability of study facilities, and community and other groups, which have access to community facilities that would not otherwise be available. Use of the library on Sundays, bank holidays and over Christmas, when libraries would traditionally have been closed, has also been very popular.

In short, the service provides access to a broad range of library services which users may not otherwise have had access to. It is an expansion, rather than a contraction, of the service. I am confident that the extended pilot scheme will prove to be equally popular and will be fully supported by staff in the participating branches.

The public library service is the heartbeat of many communities. The Government is committed to enhancing and developing the service, first in ensuring appropriate levels of professional staff in our libraries and guaranteed staff hours, second in range of services provided and finally in ensuring access to libraries for as many individuals and communities as possible.

I again thank staff involved in the library service throughout the country. They have embraced change in many areas of what they do. This is one initiative but many others have been rolled out and staff have tried to increase the numbers attending our libraries. They provide an excellent service, including a range of services for enterprises and businesses.

**Deputy Sean Fleming:** I thank the Minister of State and appreciate that he has taken the time to reply to this matter today. I agree with some of what he said. There are benefits to the initiative but I do not think people considered the possible difficulties. Any assessment of a pilot scheme should consider the benefits and downsides, and the downsides were not considered in this process.

This new initiative will contribute to isolation. People who are alone at home on their laptops can now access the library service without speaking to anybody and work in isolation. That is not good for people. This initiative excludes a lot of people who need assistance. Many people who visit libraries during staff hours need to speak to somebody in order to find out where they can find something or go to work, or are not familiar with the system. This service is for those who are IT literate, know how to work the systems and have their library membership card and PINs to gain access. All the older people who do not have such abilities will not be able to use the service. It is for a narrow coterie of people. We need to consider the number of people who will be isolated from using the new service before we satisfy those who will use it and like it. Many people will not be able to avail of the service.

I want to provide the Minister of State with the timescale for the pilot study review. A sample overview of the daily structure states that at 8 a.m. lock releases operated on a timer on the doors of buildings and equipment will be powered up, lighting will come on and alarm sensors

will be turned off. The staff will come in two hours later. At 5 p.m. or 7 p.m. staff will leave, having checked that no windows or doors were left open. At 9.40 p.m. loudspeakers will alert those in a building that it is time to leave and at 9.50 p.m. loudspeakers will alert people to the fact that PCs, printers and user equipment will be turned off. At 10 p.m. lights will be lowered, doors will be locked and all remaining equipment will be powered off. What about somebody who is in the toilet? He or she will be locked in for the night. What about antisocial behaviour in the toilets where there will be no CCTV cameras?

Staff are concerned that instead of doing their daily work when they come in, they would have to spend time reviewing the CCTV footage from the previous night to see whether anything happened and tidying up because they will not know who has been there the previous night. Many people may have a bad experience as a result of staffless libraries. That might put people off using libraries.

**Deputy Damien English:** It is weird to claim that we are isolating people by increasing service hours. Nobody is being isolated or missing out. In fact, we are increasing the opening hours of libraries. If people use the service and have concerns that need to be addressed or require help from staff, that may give us the evidence we need to have more staff working increased hours. I see that as a positive.

To claim that these changes are a cutback or will add to isolation is a strange way to approach this. People feeding the Deputy information may have a different agenda. All the staff involved in the three pilot cases did not raise these concerns. Everything went quite smoothly and any concerns were dealt with. Reports are available. It was a positive experience.

One would have to scrape the barrel to make this out to be a negative experience. I am surprised that people are finding negative elements to these changes. The library service is aware of all concerns and they will be addressed. Nothing dramatic happened over the three years of the pilot scheme. Many services operate in this way.

This is increasing the availability of library services. It is a positive initiative and using our assets more. I cannot understand how people can see anything negative in these changes. There are other concerns about libraries but they are a different matter. People may use this agenda to fight a different battle, which is a shame and spoils a positive new story. People want some good news stories.

The Deputy asked about the conditions pertaining to future libraries. They will be in a position to be able to avail of the scheme. Decisions may be made at a local level as to whether to provide the service but if libraries are being built or upgraded, it would make sense that they are ready for the scheme. We genuinely see this as a positive enhancement of services rather than a negative initiative. I am disappointed that the Deputy is taking this view.

### **Garda Accommodation**

**Deputy Tony McLoughlin:** I thank the Minister of State. This is a very important issue for the people of Sligo, the gardaí who work in this station day and night and me, as a public representative who was elected to represent my constituency. This issue is so serious that I felt I must raise it at the highest level in order to try to seek urgent action so that the situation in Sligo can be alleviated. On this basis, I ask the Minister of State to advise me on the plans, if any,

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the Garda has in place to address the current unsafe and outdated working environment in the Sligo-Leitrim Garda regional headquarters in Sligo town. I express to the Minister of State my fears and concerns about the serious health and safety failures in the building and highlight the urgent need to address them. Last month he will have received from me a copy of a report produced by consulting engineers Michael Reilly and Associates which had been commissioned by the Garda Representative Association, GRA, earlier this year to evaluate the overall health and safety problems at the Garda station. Quite simply, the findings made in the report are shocking and raise several issues of serious concern which must and can be addressed from today if there is the will to do so.

The Minister of State will be aware that the report identifies serious health and safety issues which include rodent infestation, ventilation problems, poor heating and dampness, limited and inadequate toilet and shower facilities, leaking toilets, failures in building compliance and fire safety, as well as in HSE health and safety procedures and requirements, hazardous safety issues, cramped public space, limited and outdated cell accommodation and inadequate canteen facilities, a lack of interviewing rooms and the fact that there are no garage facilities and poor office accommodation. The report states, "The existing facility is far too small, outdated, not fit for purpose and constitutes a totally unacceptable hazard on a number of acute levels from a health and safety perspective alone". In reading the report it is clear to me that gardaí in Sligo are not being given the tools and resources required to do their job effectively. However, there is action which could be taken to help to alleviate the problems in the short term. The report identifies the moving of the regional office at the station and the assistant commissioner's office, which would give some relief and would in the short term address the current overcrowding problem in the regional office that occupies 30% of the facility. This action should be considered by the Minister of State, the OPW and the Garda as a matter of urgency.

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** On behalf of the Tánaiste and Minister for Justice and Equality who, unfortunately, cannot be in the Chamber for this debate, I thank the Deputy for raising this very important matter. The Tánaiste is aware that a number of significant fire and health and safety issues have been identified in Sligo Garda station and believes the necessary remedial action should be taken without delay to rectify the situation. The Deputy will appreciate that the Office of Public Works has primary responsibility for the provision and maintenance of Garda accommodation and works closely with the Garda authorities in this regard. In that context, I understand the Garda authorities have made the Office of Public Works aware of the situation with a view to ensuring remedial action will be taken.

The Deputy will be aware of the significant efforts being made by the Government to enhance the working environment generally for members of An Garda Síochána and the major investment committed to under the capital plan for the period 2016 to 2021 to upgrade Garda premises, the Garda fleet and Garda ICT infrastructure. A Programme for a Partnership Government also commits the Government to increasing the strength of An Garda Síochána to ensure a strong and visible police presence in the community. In summary, the Government is committed to continuing the accelerated recruitment programme with a view to increasing Garda numbers to 15,000, doubling the Garda Reserve and increasing further civilianisation to free up more gardaí to focus on front-line policing services.

The programme also recognises that members of An Garda Síochána must have the modern technology and other resources, including fit-for-purpose buildings, necessary to do their job and notes that the capital plan for the period 2016 to 2021 secured resources in this regard. In

October 2015 the Tánaiste announced, in conjunction with the Minister of State at the Office of Public Works, details of An Garda Síochána's building and refurbishment programme for the period 2016 to 2021 which includes over €80 million of Exchequer funding as part of the Government's capital plan for the period 2016 to 2021, as well as a major public private partnership project which will include the delivery of a new Garda station in Sligo. Unfortunately, as the Tánaiste recently advised the Deputy, negotiations on the acquisition by the Office of Public Works of a site originally identified for the purpose of providing the proposed new station in Sligo did not proceed to a successful conclusion and efforts will now be made to identify an alternative site for acquisition in order that the development can proceed.

The projects comprehended by the building and refurbishment programme are in addition to the major projects under way, including the three Garda divisional headquarters which are under construction in Galway, Wexford town and Kevin Street in Dublin, at a total cost of €100 million, and which are scheduled for completion in late 2017 and early 2018. This major investment underlines the Government's commitment to the provision of a modern working environment for gardaí, as well as fit-for-purpose facilities for visitors, victims and suspects.

I now return to the situation in Sligo. In the short run the solution lies in addressing the particular issues that have arisen at the existing station and, in the long-run, the construction of a new state-of-the-art regional headquarters in Sligo. I assure the Deputy the Tánaiste will do everything in her power to support both An Garda Síochána and the Office of Public Works in delivering solutions to both issues.

**Deputy Tony McLoughlin:** I thank the Minister of State for his report. I have one or two questions to pose to him. Is he aware that gardaí in Sligo have given notice of their intention to vacate the dangerous building on 6 October? I have met the GRA and many gardaí who are operating from the station in Sligo on a daily basis and they have serious concerns. They have also notified what needs to be done in the short term. Perhaps the Minister of State might indicate the plans in place to relocate gardaí in Sligo to temporary accommodation until work on the new building is complete? I know that he has announced the provision of a new regional Garda station in Sligo. There are some hiccups, but this issue will have to be addressed by the Office of Public Works in the short term and in very quick time. It is vitally important that a site be identified for the regional headquarters of the Sligo-Leitrim division and that we move ahead with the development and building of this facility. I hope that in the short term I will get other responses to allay my concerns. I am speaking on behalf of many of the gardaí who use the facility in Sligo. There are many other issues of which the Minister of State is well aware because I gave the Minister a copy of the report on Sligo Garda station and the divisional headquarters for Sligo-Leitrim on Pearse Road which was asked for by the GRA. It is important that this issue be addressed in the short term. In the context of the announcement made on the new development, perhaps the Minister of State might like to respond.

**Deputy David Stanton:** I again thank the Deputy for raising this very important matter. The Tánaiste looks forward to the issues raised about the Garda station in Sligo being resolved as soon as possible by the Office of Public Works, in conjunction with Garda management. She also looks forward to the building of the new station in the town, construction of which should proceed at an early date. She will do everything in her power to support An Garda Síochána and the Office of Public Works in delivering solutions to both issues. The Government is fully committed to proceeding with its major investment programme that aims to provide new Garda stations and modernise older stations at key locations across the State, thus ensuring a safe, modern working environment for gardaí, as well as fit-for-purpose facilities for visitors, victims

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and suspects. This investment has been designed to ensure we will have a 21st century network of fit-for-purpose Garda stations which is critical in delivering an effective policing service and tackling crime. I will bring the Deputy's concerns to the attention of the Tánaiste this evening and relate to her what he has said.

**Deputy Tony McLoughlin:** I thank my colleagues for accommodating me.

**An Leas-Cheann Comhairle:** The Deputy also accommodated the House in that we did not have Ministers present.

### **Hospital Services**

**Deputy David Cullinane:** I know that the Minister for Health has said he cannot be here, which is unfortunate, given the issue raised. The Minister of State, Deputy Helen McEntee, will know that this is a very important issue for the people of the south east. There was big disappointment when the Herity report was published and the favourable recommendation for which people were hoping for did not materialise. Five of the six Oireachtas Members for Waterford have sought a meeting with the Minister for Health and hospital consultants. To date, the Minister has not responded, despite the fact that the request was made two weeks ago. He has acknowledged receipt of the letter, but he has yet not agreed to a meeting and is not here to take the motion, which is unfortunate.

The Minister has said over and over again in his response to the media when questioned on this issue that he will accept the recommendations made in the Herity report. I am someone who passionately believes health care should only be provided based on clinical and medical need. There are questions the Minister has to answer. The HSE and the Department both describe UHW as the regional hospital for the south east. They outline the regional services that the hospital provides, the first of which is the cardiology service. They say the service covers not part of the south east, but the entire region.

The Higgins report recommended a reconfiguration of hospital services in the south east and elsewhere. A clear assurance was given in that report to the people of the south east that UHW would continue to be the provider of invasive cardiology services for the population of the entire region. How did a report commissioned to look into expanding services not have in its terms of reference that the hospital was the regional provider of cardiology services? Why did it use as a basis for its findings an effective population of just more than half that of the south east region? This is what is upsetting hospital consultants in Waterford, clinicians, us as Oireachtas Members from across the region and the people who came out onto the streets last week. We need to hear from the Minister for Health whether he believes that UHW is the regional hospital that provides regional cardiology services. If he does, the logic of that is that he cannot accept the conclusions of the Herity report.

**Deputy Mary Butler:** I have submitted this Topical Issue matter in a bid to ask the Minister for Health directly to meet with cardio consultants at UHW who dispute the findings of the recent Herity report. The Minister indicated straightaway that he was accepting the findings of the report. However, there is a clear view in Waterford that a second opinion is required and that the Minister should listen to it. Consultant cardiologist Dr. Patrick Owens said that lives were at stake as the method used to determine the catchment for the laboratory was wrong. Dr. Owens went on to say that the issue should be revisited by the Government in consultation

with local consultants and Dr. Herity. The consultants believe the review is flawed and they completely reject the findings of the report. The consultants pointed out that the report wrongly based its estimate of the catchment population for cardiac services in the south east on patient flows in the unit to Waterford. It did not take into account the constraints on capacity. They believe its recommendations were invalid because of this. Dr. Rob Landers also criticised the clinical review that suggests another catheterization laboratory is not needed at UHW and said that the south east of the country is uniquely disadvantaged when it comes to cardiac care. This is not parish pump politics.

This issue is overwhelmingly one of clinical safety for the people of Waterford and the south east. The Minister for Health says that he will not deviate from the report's recommendation. When a consultant says that a report the Minister is committed to implementing is flawed and that the Minister's decision could compromise clinical safety and that patients will die, and when the Minister says that he does not have a duty to meet with the consultants in Waterford, do they not at least deserve to be heard? I have already written to the Minister on behalf of the Oireachtas Members of Waterford and on behalf of the consultants. We are still awaiting a reply.

**Minister of State at the Department of Health (Deputy Helen McEntee):** The Minister for Health, Deputy Simon Harris, is unable to be here today due to a pre-arranged meeting which could not be rescheduled. He sends his apologies.

The Minister received the report on the independent clinical review of the need for provision of a second catheterization laboratory at UHW on foot of the programme for Government commitment. The report was completed by Dr. Niall Herity, a highly-respected Belfast-based cardiologist. It is a comprehensive report which reflects the fact that Dr. Herity consulted widely and met with all of the key stakeholders, including the management and staff of both UHW and Cork University Hospital. Dr. Herity's calculation of the catchment population for the UHW catheterization laboratory has been challenged since publication of the review.

In his report, Dr. Herity rightly points out that it would be a mistake to assume that the catchment area of UHW is represented by every resident in Waterford and its surrounding counties. Dr. Herity therefore determined the effective catchment population by looking at regional patient flow data and combining this with 2016 census data in regard to the population of Waterford and surrounding counties. Dr. Herity has provided robust evidence that a second cardiac catheterization laboratory at UHW is not justified. However, he recommends increasing the number of weekly sessions currently provided, along with the requisite additional staffing for the increase in sessions, in order to address waiting times and to provide improved access. He also recommends that new specialist equipment be provided to improve contingency for radiological equipment failure during a procedure. The Minister is happy to provide the additional resources necessary to implement these recommendations and as such significantly improve services for patients at UHW. This investment will be reflected in the HSE national service plan for 2017.

During this period of investment and enhancement of services, the situation will be closely monitored. A further independent clinical review will be carried out in early 2017 to assess the impact that these improvements have had on the volume of patients attending the catheterization laboratory in UHW. Dr. Herity has recommended that the UHW catheterization laboratory should operate as an elective laboratory which provides all specialised cardiac services except interventional treatment for patients who are having heart attacks. Dr. Herity has also recom-

mended that the current 9 to 5 provision of these services should cease to allow the hospital to focus on the much larger volume of planned catheterization laboratory work. The Minister has to be certain that any change to how a service is delivered will result in improved services for the patients using it. Therefore he has asked the Department to address the implications of this recommendation by undertaking a national review of all primary percutaneous coronary intervention, PCI, services with the aim of ensuring that as many patients as possible have access on a 24-7 basis to safe and sustainable emergency interventions following a heart attack. It is expected this review will be completed by the end of July 2017. The Minister intends to visit UHW in the coming weeks and will take the opportunity to speak with staff and management on a broad range of issues.

**Deputy David Cullinane:** The response of the Minister of State is extraordinary. I know it is coming from the Minister for Health himself. The response says that Dr. Herity rightly points out that it would be a mistake to assume that the catchment area of UHW is represented by every resident in Waterford and its surrounding counties and goes on to say that he therefore determined the effective catchment population by looking at regional patient flow data. How does that sit with official HSE and Department policy that UHW is the regional hospital for the south east? Has policy changed? Is the Minister for Health now saying that UHW is no longer a regional hospital and is some sort of glorified general hospital? If one logs on to the HSE website or Googles UHW one will find that UHW is a regional hospital providing regional services, including cardiology. Was Dr. Higgins lied to when a commitment was given that the Government would continue to provide invasive cardiology services to the people of the south east? Were the people of the south east lied to? Were hospital consultants lied to? That is how it seems to me when I read this response that says he was right to “assume”. Why should he assume? It is either policy or it is not. He has no right to assume. Nobody has a right to assume. It should have been based on medical, clinical need and existing policy. In my view, the existing policy is that UHW is a regional hospital. The Minister needs to explain to the people of the south east whether that policy has changed.

**Deputy Mary Butler:** In Waterford city last Saturday, in excess of 2,000 people marched in miserable weather of wind and rain to voice their anger and dismay at the lack of 24-7 cardiology cover in Waterford. The Minister for Health, Deputy Harris, has consistently stated that he was accepting the Herity report because it was an independent clinical report. I need the Minister to answer the following question. A note was prepared by the HSE’s acute hospital policy unit 3. This note was given to Dr. Herity and it referred to the growing public and political pressure in the Waterford region to build and staff an additional catheterization laboratory at the hospital and to expand the existing services to 24-7. The note states: “However, it has been the view of the Department that providing additional facilities and extending PPCI (angioplasty) services, in a geographical area which does not have the population base to justify such a service, would be wasteful of very limited resources”. The Minister tells us that this was an independent clinical review. In my opinion, this is gross interference by the HSE.

**Deputy Helen McEntee:** I reiterate that the Minister for Health, Deputy Harris, has to be certain that any changes to service will deliver the results that will improve services for the patients using them. The fact that the Minister has indicated that he intends to visit UHW in the coming weeks and meet with these organisations will give the Deputies an opportunity to raise many of the questions they have asked here and go into them in more detail.

*Dáil Éireann*  
**Cereal Sector**

**An Leas-Cheann Comhairle:** I am informed that the Minister may arrive in two minutes. Deputies Anne Rabbitte and Michael Fitzmaurice have been waiting for a long time. I propose that we suspend proceedings if the Minister has not arrived in two minutes.

**Deputy Anne Rabbitte:** I ask that it be noted in the Official Report that the Minister did not arrive at the appropriate time and that Deputy Fitzmaurice and I were left waiting. It is 3.40 p.m. and all the other matters have been discussed.

**An Leas-Cheann Comhairle:** The Minister has arrived. Deputies are not happy because this Topical Issue should have been discussed 24 minutes ago. I understand there was some breakdown in communication. The Minister will have an opportunity to explain in a moment.

**Deputy Michael Fitzmaurice:** I thank the Minister for coming to the House; it is better late than never. As he will be aware from media reports and photographs, conditions in the west are ferocious for farmers trying to cut corn. The problem affects west Cork, from where the Minister comes, south County Wexford, and all the western counties from County Kerry as far as the Leas-Cheann Comhairle's area of County Donegal. Parts of counties Offaly and Longford are also affected. I visited one of the affected areas at the weekend with some Members of the European Parliament. It is possible to pull crops out of the ground by their roots. People involved in farming will understand me when I say the ground is "scalded". Moisture levels are so high that the gearboxes of combine harvesters are being broken when farmers try to transfer grain from the bins of the harvester to their trailers. Crops have also been destroyed.

I met members of the Irish Farmers Association last Saturday. The IFA is asking people to contact Teagasc to ensure we get the figures involved. Family farmers, especially in the west, are being wiped out. They have spent between €400 and €500 per acre on inputs. Some of them are renting land and they are experiencing total devastation. I have seen farmers crying because they do not know what will happen next. I have contacted MEPs about the issue. I ask the Minister to work with MEPs to ensure an Irish or European fund or a combination of the two is established to provide assistance. Something must be done for the affected farmers.

In some parts of County Leitrim, silage has not been cut yet. People will not believe this given the drought experienced in other areas. In addition, prices have fallen to an all-time low. I ask the Minister to extend the slurry season and establish immediately, as opposed to in six months' time, a fund for tillage farmers whose livelihoods are being lost.

**Deputy Anne Rabbitte:** The Minister's absence for 24 minutes has been noted and recorded. While we can all run late, to say I am disappointed is to put it mildly.

The Fianna Fáil Party has called on the Government to establish a crisis fund for farmland badly damaged by recent weather. Such a fund would be one element in the effort to address problems being experienced by tillage farmers.

As Deputy Fitzmaurice noted, this is not a local issue affecting east County Galway but a problem that extends from counties Cork and Kerry north to County Donegal. Tillage farmers have been in crisis since 2013. Silence is condolence. The farmers in question are facing their banks and suppliers because crops have not been harvested and they face a cash crisis.

As Deputy Fitzmaurice very ably explained, crops cannot be salvaged or delivered to mer-

chants. The price paid to farmers for their crops is substantially lower than the cost of production. The position is not sustainable. Without a dramatic increase in cereal prices, the problem is unlikely to be resolved. Will the Government support Fianna Fáil's proposal to establish an emergency fund? Will it establish a national tillage forum, as called for by the farmers' organisations, made up of industry representatives, farmers and other stakeholders, with the task of finding solutions for those who are in crisis?

The Minister is best positioned to address this problem. He visited the ploughing championships last week and has spoken to representatives of the various farming organisations. The tillage sector is one of the few sectors that believes its voice has not been heard. The beef and dairy sectors have been looked after but the tillage sector cannot access the €11 million in matching funding announced recently. What hope does it have?

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** I apologise to the House for my delayed arrival. The Department experienced a technical glitch and we were unaware that this matter had been selected for discussion until 15 minutes ago.

I acknowledge the case made by Deputies Michael Fitzmaurice and Anne Rabbitte. I am aware of the issue they raise, which affects counties along the western seaboard from Malin Head to Mizen Head, although it is not confined to the west. I have met leaders of farming organisations both nationally and locally. I visited County Donegal on Monday where I met farm leaders from counties Donegal, Leitrim and Sligo who conveyed to me in a practical and an effective manner the reality on the ground for tillage farmers. The sector's difficulty with the weather has been compounded by low prices, which has been a problem for several successive years. Unfortunately, these problems have also coincided with a series of bumper harvests globally. Factors such as the lifting of the export ban on Russian agricultural products have resulted in a flood of produce on the market, which is driving down prices. In that context, I and my colleague, the Minister of State, Deputy Andrew Doyle, are acutely aware of the difficulties associated with this issue.

As a consequence, we decided some weeks back to convene on 6 October, in conjunction with all of the stakeholders in the tillage sector, a round table in my Department to discuss all of the issues associated with this matter. Rather than I being prescriptive in advance of that stakeholders' meeting, and we have done considerable work in the Department in looking at the issues around this matter, I did not want the forum to be the Department telling the industry what to do but to be a real round table, where we could hear and listen to the concerns of the industry.

Unfortunately, these are not just immediate difficulties associated with the weather but, in many respects, they are more structural than that. There are the challenges caused by multiple years of low prices compounded by this year's weather and I accept that, for many involved in the industry, this is a tipping point. As I said, the stakeholder round table will take place on 6 October.

I also appreciate the points made in respect of the cash crisis in the sector at present. Since 6 May I have put considerable emphasis on the pillar banks and how they are engaging with the farming community, not just on the tillage side but also in the dairy and beef sectors, given the difficulties all sectors are currently facing. I have asked the CEOs of the pillar banks to engage in forbearance in respect of the financial liabilities of the industry because, in the longer term, all of these sectors have a viable future. We got a good hearing from the pillar banks. I am also conscious of the associated issue of the cost of working finance to the industry generally and

the tillage sector specifically.

In the context of the €500 million rescue package that was announced by the Commission, we are currently engaged in deliberations and consultations with farm organisations as how best to distribute that aid which, as Deputy Rabbitte said, is a scheme that currently excludes the tillage sector under the terms of the deal approved by the Commission. We are examining what alternatives we might be in a position to deliver. I am very conscious of the issue. As I said, I have convened a stakeholders' forum for 6 October and I hope something positive can emerge from that.

My apologies to the House for the delay. No slight was intended to either Deputy and I am sure they will take that at face value. I did not realise Deputy Rabbitte was watching the clock so critically, but I tried to contact both Deputies and managed to convey my apologies to Deputy Fitzmaurice.

**Deputy Michael Fitzmaurice:** The apology is accepted. The one thing we have to realise is that while we can have a forum to talk about tillage prices and the grain price, which I welcome, those people who have cut their grain have something to give a merchant to pay for concentrates, fertiliser and seed they got during the year, but others have nothing to send in to the mill because they cannot cut it. This is a section of people who need to be sorted now. The price of grain is fine for those who have something. However, this problem has moved on from battling for a better price for grain to having no grain, or to having it in the ground but not being able to cut it, or not knowing what to do with it because it is rotting at the buds.

There is another side nobody is talking about. While we can get grain in from Europe if we are in trouble with supply, we cannot get straw because we will not bring straw in from France or elsewhere to throw under cattle because it would not make economic sense. I ask the Minister to deal with that section of people immediately. I agree with the Minister in regard to the forum, where we can look at the price of grain and the bigger problem. I also ask the Minister to address the slurry crisis because farmers are panicking.

**Deputy Anne Rabbitte:** To follow on from Deputy Fitzmaurice, there is a crisis and people are panicking. It was welcome that the Minister of State, Deputy McEntee, was in the House because the farmers' wives are panicking and they are worried about what they are about to head into for the winter, given they feel their husbands are bottling it all up. A few weeks ago on *www.thatsfarming.com*, Claire and John Daly from Kilconnell in east Galway put up a fabulous video on which Claire spoke from the heart. These are farmers who have inherited farms and there is a huge burden on them to deliver and to pay the bills. They are under pressure and the wives are worrying about the long winters the farmers are facing into. The whole mental health aspect and rural isolation is coming into play in a big way. That is why I welcome the fact the Minister of State, Deputy McEntee, was present. This is what the family is worried about, and there is also a crisis in terms of family friendly farms. They are worried about the banks and the merchants but they are also worried about their health.

**Deputy Michael Creed:** To deal with the latter point, one of the points I made to the farm organisation leaders in the north west on Monday evening last was that there are things the State can do and we are open to exploring all of those issues. However, people would not thank me much if I went in with the prescription ahead of having met the people directly representing those at the coal face of the current difficulty.

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One of the points I made to the farm organisations in respect of things the State and others can do was in respect of mental health issues. I appreciate that if anyone is facing financial difficulties in an industry that is primarily practised in isolation inside the farm gate, there is generally a reluctance - among men in particular - to put their hand up and say they are facing a particular difficulty. There is a role the farm organisation members can deliver, as an outreach opportunity, to their neighbours and friends in these difficulties. It does not take an enormous amount of local knowledge to be able to identify those in current difficulty. I accept this goes beyond the tillage sector and applies to some areas where cattle have been kept in, particularly on heavy ground where rainfall has been quite high for June, July and August. Farm organisations can do that well.

In my Department, through its knowledge transfer groups, which reach some 28,000 farmers, I have always made the point that one of the great values of those schemes is not just in respect of the knowledge they impart to the group, which is facilitated by Teagasc or private advisers, but also the social outlet they give. That type of assistance and outreach is something the State cannot replicate but it is critically important. I encourage the good neighbourliness that is alive and well in rural Ireland in this regard.

I take Deputy Fitzmaurice's point about the current difficulties. As I said, we agreed some weeks back with the farm organisations to convene this forum, and it was decided for 6 October because it would give an opportunity to have a full overview of the harvest situation by that date. I appreciate that, almost since the date we decided to convene this, the weather has been rather inclement, with the exception perhaps of the past 48 hours. Nonetheless, it will give us an opportunity to discuss the bigger picture in regard to the situation on the ground. Given the weather, I appreciate we are looking at sprouting, high moisture content and a difficulty in baling straw.

On the broader fodder issue, I do not think it is an issue of not having sufficient fodder nationally, as was the case a number of years ago, but that we do not have the fodder in the right geographical locations. This is something my Department has knowledge of in respect of its previous involvement. I want to go into that forum with an open mind, to talk to all of the parties and see where we go after that. I thank both Deputies for raising the issue.

**Deputy Aindrias Moynihan:** I wish to be associated with the issues and concerns my colleagues have raised.

**An Leas-Cheann Comhairle:** You may wish to do so, but I cannot accommodate you.

### **Message from Select Committee**

**An Leas-Cheann Comhairle:** The Select Committee on Transport, Tourism and Sport has completed its consideration of the National Tourism Development Authority (Amendment) Bill 2015 and has made no amendments thereto.

*Sitting suspended at 4 p.m. and resumed at 4.30 p.m.*

**Water Charges: Motion [Private Members]**

**Deputy Eoin Ó Broin:** I move:

“That Dáil Éireann calls on the Government to abolish household water charges and fund investment in water and sanitation infrastructure through progressive taxation.”

Here we are again. It is a little like Groundhog Day. A majority of voters want water charges scrapped. A majority of Deputies in this House also want water charges scrapped and yet the Government’s discredited water charges regime continues to limp on. What is it about the 32nd Dáil that it cannot seem to make any real decisions? Is this the face of the new politics that everyone keeps talking about?

Two weeks ago, tens of thousands of people marched through Dublin under the Right2Water banner. The demonstration was a timely reminder to the Government that the issue of water charges has not gone away. The Minister, Deputy Coveney’s desperate attempt to take the heat out of the issue clearly has not worked. How could it have? Contrary to the fine words in the Minister’s counter-motion, there is no deliberative process on the future of water charges. Last July the Minister, Deputy Coveney, told the Dáil that he wanted to have a reasoned and mature debate on the issue. Unfortunately, what he has given us is a carefully choreographed charade. The terms of reference of the so-called independent commission are restrictive and leading. They exclude any significant examination of the structure and ownership of water services. Neither is the commission tasked to consider substantively issues of water poverty and sustainability.

Constructive proposals from my office to broaden the terms of reference were rejected by the Minister. I was told that as Fine Gael and Fianna Fáil had already agreed to the terms of reference, they could not be changed. Then came the Joe O’Toole debacle. The former chairperson of the commission let the cat out of the bag. He told us that the commission was a “political exercise”. He said, “People voted a certain way, Leinster House is not prepared to grasp that particular nettle, so we have to find a solution that will have enough sugar on it to make the medicine go down easily.” In return for telling people that the outcome of the commission was pre-determined, he was shown the door, although not by the Minister, Deputy Coveney, but by his effective co-Minister in these matters, Deputy Cowen. To add insult to injury, the commission quietly launched its call for submissions at the height of the holiday season, giving people only four short weeks to make submissions. Was it hoping that the response would be underwhelming? The commission also abandoned an earlier promise to hold public hearings. One wonders whether the commission is scared of what the public might tell it.

This is not a deliberative process. It is a rigged commission, with no real public input, working to a pre-determined outcome. How is that reasoned and mature? The commission will now do its work and forward its recommendations to the Government. A special Oireachtas committee will be formed to consider the recommendations and at some stage early next year the Dáil will be asked to vote on the recommendation of the committee. What an incredible waste of time and money.

We have been debating these issues since the introduction of water charges in 1994 and their abolition in 1997. We have been debating them since the Fianna Fáil Water Services Bill in 2003, the Water Services Act in 2008 and the Fianna Fáil and Green Party programme for Government in 2007 to 2008. We have spent an enormous amount of time debating the issue

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since 2010. All of the political parties have clear, stated positions on the issue. They are on the record. Let us stop pretending that there is a need for further debate. Let us put an end to the circus, grasp the nettle and scrap this unjust tax for good.

The Right2Water demonstration of two weeks ago was also a reminder to Fianna Fáil that people want that party to put its words into action, to honour its election pledges and to vote for scrapping this unjust charge. Only one Fianna Fáil Deputy is present in the Chamber but Fianna Fáil Deputies have their chance this week. If they want people to trust that their latest position on water charges is the final one, then they should support our motion. I appreciate that many Fianna Fáil backbenchers may be a little confused with their own party's position on the matter. That is understandable given the somersaults they have had to perform recently. After all, Fianna Fáil has been trying to introduce water charges since 2003. It was a Fianna Fáil Government that signed up to water charges in 2010. Deputy Micheál Martin was in the Government that sought to introduce a charge of up to €500 a year. A few years later it was the same Fianna Fáil which said that it now wanted water charges to be suspended, not abolished mind you, just deferred for a few years, presumably until the heat was taken out of the issue and Fianna Fáil was back in government. Now, under enormous pressure from the Right2Water movement on the streets and in this Dáil, Fianna Fáil has finally come around to our way of thinking. The party now wants the outright abolition of the charge. I say to Deputy Cowen that I am glad he has finally seen the error of his ways. I have his Right2Water membership form here for him to sign. He is more than welcome to march shoulder to shoulder with the rest of us at the next Right2Water demonstration. All he needs to do is to put his promises into action and vote with the Right2Water Deputies on this motion. If he does not, how can anybody trust Deputy Cowen on water? If people cannot trust him on water then how can they trust him on anything else? The problem is that he cannot vote for the motion because Deputy Micheál Martin will not let him.

Apparently, tabling a Private Members' motion to pressurise the Government into action is nothing short of a political stunt. Was the Fianna Fáil motion on motor car insurance a stunt? What about the motion on funding for the arts or last night's motion on pharmacy fees? The purpose of the Opposition tabling motions such as the one before the House is to put the Government under pressure, to force it to act and to make it respect the democratic will of the people. However, we all know the truth. Fianna Fáil's refusal to support our motion is for one reason and one reason only - to keep the party's options open. Deputy Micheál Martin's grubby little deal that put the Taoiseach, Deputy Enda Kenny, back in office is not about new politics. It is not about stability. It is all about buying time until the moment is right to bring down the Government. It is old-school, dishonest and cynical Fianna Fáil politics at its very worst, and I have no doubt that people will see through this and judge it accordingly.

The cause of the crisis in our water system is not the absence of water charges but the unwillingness of successive Governments led by Fianna Fáil and Fine Gael to commit significant long-term investment to the upgrading of our water and sanitation system. Delaying a decision on abolition of water charges prolongs this crisis, so here is the alternative: let us scrap the charges, let us bring water services fully into public ownership and let us commit to a ten-year plan of capital investment through general taxation to bring our water and sanitation system into the 21st century. That is what a majority of the electorate wants and that is what a majority of Deputies in this House says it wants. Let us get on and do it.

**Acting Chairman (Deputy Declan Breathnach):** There are four other speakers from Sinn Féin to contribute. The next listed is Deputy Peadar Tóibín. He is not here. I call Deputy

Denise Mitchell. I remind Deputies that between them they have slightly less than 12 minutes.

**Deputy Denise Mitchell:** Some Members of this House need reminding that the people have marched in their tens of thousands against water charges and have resisted the installation of water meters outside their homes and on their streets and that most Members of this House were elected by the people on the back of manifestos calling for the abolition of water charges. The Right2Water movement demonstrates the widespread resistance to water charges. It is still there and is as strong as ever. Its demands are clear and are representative of the people. Sinn Féin has made our position clear. We have called for the abolition of water charges. However, other Members in this House should adhere to the will of the people and the promises they made and make their position clear.

It would, at this point, take some research to track the wild turning in Fianna Fáil's position on water charges. It certainly has been a journey for the party. First, when in Government it committed to introducing water charges. Prior to the last general election it said it would abolish the charges but then we had suspension. Yet Fianna Fáil made a submission to the expert commission calling for the abolition of the charges. However, now - wait for it - Fianna Fáil does not rule out supporting the reintroduction of domestic water charges in the future. Credit where it is due, at least the party is consistent in its manoeuvring and flip-flopping on the issue. The authority rests with this House to act now, listen to the people and abolish domestic water charges.

**Deputy John Brady:** In July of this year I was contacted by a constituent of mine in Wicklow who resides in east Carlow about a water leak outside her home. This lady had reported the leak to Irish Water on 8 June. It was then referred to the county council, which subsequently referred it to Irish Water, which referred it back to the council, which then referred it to Irish Water again for it to be put on a list. Yesterday marked the 16th week since the leak was reported. Finally, Irish Water wrote to say that the leak has been investigated and that it now needs a road opening licence to deal with it. It only took Irish Water 16 weeks to investigate this one leak. This certainly was not the case when local authorities had the responsibility over our water services. A conservative estimate would show that two litres of water have been leaking every single minute, which equates to over 200,000 litres of water leaked, which would fill over five swimming pools. That is what was being lost over the course of those 16 weeks. Irish Water employs approximately 4,000 staff. Maybe it was not able to deal with this due to staff shortages, but I question that. Therefore, not only is the Government of Fine Gael and Fianna Fáil standing over a utility that is wasting money with huge consultancy fees and the installation of water meters, but it is also responsible for wasting water, something that Irish Water was allegedly set up to save. Fine Gael and Fianna Fáil are coming together to prolong the tenure of a utility that, in Fianna Fáil's own words, "has been a complete failure" and "a quango that simply is not working".

Fianna Fáil has misled the electorate. It is for water charges then it is against them. It calls for their abolition then their suspension. It is opposed to them but now it is preparing to vote with the Government to oppose this motion. It is a complete farce. Fianna Fáil is a complete farce. The only thing that is clear in the Fianna Fáil water charges debacle is that it was dishonest with the electorate when seeking votes in the last election, a very cynical manoeuvre. We have only to read its election manifesto to see this. Instead of spending the millions of euro on setting up Irish Water along with the almost €100 million spent on consultancy fees, this money could and should have gone to investment in the betterment and improvement of our water infrastructure and water quality for people.

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Water charges and Irish Water have been universally discredited and rejected by the electorate. It is time now to stop wasting water and money. It is time to abolish Irish Water and water charges. I call on Fianna Fáil Deputies to do the right thing and the honourable thing, if it understands the meaning of that word, to vote for this motion and to abolish the charges once and for all.

**Deputy Louise O'Reilly:** Deputy Cowen should cross the floor and thank Teachta Ó Broin for giving him the opportunity to clarify Fianna Fáil's position because it has had more positions than the Kama Sutra on this issue. We are in dire need of clarification, and happily, Sinn Féin is in a position this evening to provide Fianna Fáil with an opportunity to send a clear message to people who voted to oppose water charges. In case Teachta Cowen is under any illusions, people can tell the difference between abolition and suspension. They want water charges gone but they also want to see a commitment from Fianna Fáil in this regard. They want to see that it will stand with them, with the tens and hundreds of thousands of people who have protested, because Irish people do not now support water charges. They will never support water charges and not when Fianna Fáil feels the time is right. They will not support water charges, so why does Teachta Cowen not stand with the people this evening and encourage his colleagues to do likewise?

**Deputy Gerry Adams:** I commend Teachta Louise O'Reilly for that line. I am sorry I did not think of it myself. Fianna Fáil and the Kama Sutra - the mind boggles.

**Acting Chairman (Deputy Declan Breathnach):** I hope Deputy Adams's teddy bear is ruled out of it.

**Deputy Barry Cowen:** We know who our partners are.

**Deputy Gerry Adams:** My teddy bears are-----

**Deputy Eoin Ó Broin:** There is still passion in politics.

**Deputy Gerry Adams:** My teddy bears are virgins, a Chathaoirligh.

Tá mé buíoch as an deis labhairt ar an rún atá os comhair na Dála um thrathnóna. Tugaim mo chuid tacaíochta dó. Ba mhaith liom mo bhuíochas a ghabháil leis an 34 Teachta eile atá tar éis an rún a shíniú. Unlike - I suppose this will become a mantra here - Fianna Fáil's ever-shifting policy positions, this motion is very straightforward. It calls on the Government to accept the fact that the farce of household water charging is over and to fund investment in water and sanitation infrastructure through progressive taxation. As a result of its latest policy U-turn a fortnight ago, Fianna Fáil is now supposedly in favour of such a position. An Teachta Cowen should clarify its position once and for all. It is also now supposedly in favour of establishing a statutory investigation into the sale of NAMA's Project Eagle. It is a case of a U-turn a day keeps the voters at bay.

This evening, despite its position, it has somehow concocted a rationale that says, "We're in favour of abolishing water charges but we're also in favour of Enda Kenny and Fine Gael in government because we haven't enough votes ourselves to be in government, so we won't vote to end water charges, especially if the motion is a Sinn Féin motion."

Of course it is not the first time Fianna Fáil has done this in the past six months since concocting an arrangement with Fine Gael. It has voted against its own stated policy and election

manifesto positions. It can be called political manoeuvring or double speak but it should not be called new politics. It is vintage Fianna Fáil politics and cute-hoorism. It is all about the Soldiers of Destiny, the party and the lust for power. Water charges were Fianna Fáil's child from the beginning. We all know that, as does Deputy Micheál Martin, which is why he has moved to the Sinn Féin position on this and on other issues.

The fact is that there is a necessity to scrap water charges without delay. That is the only way to end this debacle and the only way that Irish Water will be dealt with. That fact must be accepted.

Tá mé buíoch as an seans caint faoi seo inniu. Molaim an rún agus iarraim ar achan Teachta, go háirithe Teachtaí Fhianna Fáil, tacú leis.

**Deputy Aengus Ó Snodaigh:** Measaim go bhfuil sé tábhachtach go bhfuil an rún seo os comhair na Dála inniu toisc na hathruithe atá tar éis teacht ar an staid a ghlac Fianna Fáil go dtí seo maidir le táillí uisce. Tá daoine eile tar éis é sin a lua cheana féin. Ní hamháin go bhfuilimid ag lorg fáil réidh leis na táillí uisce; táimid ag lorg go mbeadh ar aon Rialtas amach anseo infheistiú ceart a dhéanamh ionas go mbeadh córas uisce agus córas séarachais ceart againn. Sin córas nua-aimseartha ar a féidir linn brath air. Níl sé sin ag tarlú faoi láthair. Níor tharla sé faoi na Rialtais a bhí againn le tamall maith de bhlianta agus ó fuair Fianna Fáil réidh leis na rátaí in 1977. Sin an uair a thosaigh an fhadhb mhór i gcúrsaí airgeadais nó maoinithe na n-údarás áitiúil. Caithfidh muid bheith dáiríre faoi seo. Caithfidhimid ní hamháin fáil réidh le táillí uisce; caithfidh na húdaráis áitiúla a mhaoiniú chomh maith.

**Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney):** I move amendment No. 1:

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

“supports:

— the comprehensive deliberative process currently underway following the recent Confidence and Supply Arrangement for a Fine Gael-led Government which includes:

— the ongoing work of the Expert Commission on Domestic Public Water Services, including its recent public consultation, with a view to producing recommendations by the end of November 2016;

— future consideration of the recommendations of the Expert Commission on Domestic Public Water Services by a special Oireachtas Committee, which will endeavour to make its own recommendations by the end of February 2017; and

— a decision of the Oireachtas on the future funding model for the delivery of domestic water and wastewater services by Irish Water by the end of March 2017; and

— the establishment on a statutory basis of an expert advisory body, as provided for in the Confidence and Supply Arrangement for a Fine Gael-led Government, to improve public confidence in Irish Water by advising on measures to improve the transparency and accountability of the utility, and to give quarterly reports to an Oireachtas Committee on its performance in relation to its 2014-2021 business plan.”

I thank Deputy O'Reilly for not bringing Fine Gael into the Kama Sutra analogy.

**Deputy Louise O'Reilly:** Not yet.

**Deputy Simon Coveney:** Whatever about Fianna Fáil, if she had included Fianna Fáil and Fine Gael in that analogy, it might have been a bit disturbing.

**Deputy Eoin Ó Broin:** There is plenty of time yet.

**Deputy Simon Coveney:** On the subject of flip-flopping, the Sinn Féin position has not exactly been consistent on water charges either until it got exposed from its left flank and decided to change its position. That is the reality.

**Deputy John Brady:** We have opposed the water charges.

**Deputy Simon Coveney:** When my party and Fianna Fáil published our agreement on facilitating a minority Fine Gael-led Government, we made clear our commitment to providing the space for a comprehensive nine-month deliberative process to be undertaken on how we will fund domestic water services into the future. We are now three months into this deliberative process and I welcome the opportunity Sinn Féin and others have provided this House to contribute further to the debate. On numerous occasions I have stated my commitment and that of my Government colleagues to having a calm, considered and rational debate, where experts' considered views are put before the Oireachtas. That will be completed over the next six months or so.

On 29 June, I announced details of an expert commission to examine the future funding of domestic water services. It comprises international and national experts in the areas of environmental policy; water utility consumer affairs; utility regulation; group water schemes; environmental law; and water sustainability. Headed by a former chairperson of the Labour Court, Kevin Duffy, its remit is to produce recommendations on the future funding of domestic water and wastewater services and improvements in water quality. It will take into account: proposals on how the national utility, Irish Water, would be able to borrow to invest in infrastructure; the need to encourage water conservation; Ireland's domestic and international environmental standards and obligations; the role of the regulator; and submissions from interested parties.

The commission placed a call for public submissions between 5 August and 9 September. I thank all those who used the opportunity to put their views and positions to the commission during this period. To ensure the commission's complete independence from Government, the Institute of Public Administration is providing the secretariat for the expert group.

The commission is due to produce its recommendations by the end of November, at which point the Oireachtas will have established a special Oireachtas committee on the funding of domestic water services. It will debate the commission's recommendations and endeavour to make its own recommendations. The committee's work is expected to take no more than three months to complete.

After that period, both Houses of the Oireachtas will, within a one-month period, consider and vote on the Oireachtas committee's recommendations. I expect the Oireachtas, therefore, to make a final decision on water charges by the end of March. Irrespective of that decision, it will be a collective Oireachtas decision, based on the knowledge that all pertinent issues have been examined fully and deliberated on during the nine-month process. Throughout this deliberative period, which should conclude by the end of March, domestic water charges remain suspended, as was agreed.

We will have a serious choice to make at that point. Funding of water and wastewater infrastructure and day-to-day operation of our public water services can be achieved in one of three ways: it can be funded directly and fully by the users of such water services and infrastructure; it can be funded through a mixture of contributions from service users and central taxation; or it can be funded completely through the Exchequer and general taxation.

I do not want to pre-empt the expert commission's recommendations. However, I reiterate my belief in the user-pays principle. Those who use water services and infrastructure should make a direct contribution to funding the cost of those services. That makes sense on many levels. Without such a contribution we end the link between usage and funding. In consequence the 15% to 20% of the population who pay for water services directly, be they owners of private wells or members of group water schemes, end up paying a disproportionate amount of the cost of others' services.

The Sinn Féin motion before us this evening calls for infrastructure to be funded through progressive taxation. What is progressive about making those with private wells or in group water schemes pay twice - once for their own water and once for somebody else's? What is progressive about removing the link between water usage and paying for it, or indeed removing the incentive to conserve water and treat it as the valuable natural resource that it is? A progressive approach can be maintained by protecting lower-income households against a disproportionate burden from water charges but eliminating any direct contribution to funding water services will not progress our public water system in terms of conservation or responsible use. Many of those on the other side of the House understand that and accept there are points that need to be teased out in that area.

Last October, Irish Water published its business plan, which outlined its plan to invest €5.5 billion in infrastructure between 2014 and 2021. This funding is required to achieve key objectives such as: eliminating the risk of drinking water contamination for the 846,000 people on 117 deficient public water supplies currently; lifting all current boil water notices which affect over 20,000 people on 19 supplies as I speak; ending the discharge of untreated wastewater into rivers, lakes and coasts at over 40 urban locations, thus threatening public health and the environment; reducing leakage from 49% to 38% so that Irish Water can save 180 million litres of water every day, an issue already raised by one of the Opposition Deputies; and significantly increasing water and wastewater capacity to support social and economic development, including the 15% spare capacity needed in this city.

*5 o'clock*

In making our decision early next year on the future funding of domestic water services we will need to consider whether central taxation can address the legacy issues that abound in the public water infrastructure and improve services for a growing population and economy. This model has failed in the past. That is the reality. The model to which Sinn Féin wants to return did not work. That is the reason we are trying to change it and a new funding model and utility were established under the previous Government. The decision we will make cannot be one that will work only in times of fiscal recovery; it must continue to deliver and enable us to invest in water services in times of difficulty also. We will be voting on a long-term funding model. Members must be cognisant that if we are to fund water infrastructure and services through central taxation, the delivery of new major water and wastewater plants such as those in the eastern and midlands region and the lower Cork Harbour projects will be contingent on their relative preference over other essential projects in health, education, transport, policing and other areas.

I do not think that would provide the certainty we need in water supply into the future.

I could not be any clearer on the importance and the implications of the decision we will make next year. It should not be rushed. Our hand should not be forced by political opportunism similar to what is happening by way of this motion. I ask the House to afford the expert commission and the special Oireachtas committee the further six months required to put the facts before the Oireachtas prior to a final decision being taken by all of us. That decision will impact on the provision of secure, clean water supplies for a growing population for generations to come. It will have a major bearing on the water supply capacity in a growing economy which is sustaining well over 200,000 jobs in water-intensive industries such as ICT, bio-tech and ag-rifood. These are the growth sectors that are looking to Ireland as a water secure economy in a world in which water is scarce. When I was Minister for Agriculture, Food and the Marine, it was made crystal clear to me at conference after conference that few countries in the world did not have predicted water security issues. Ireland is top of the list. What we are planning for is a system based on how we pay for domestic water supplies, water treatment and wastewater management. I do not think we should do this in the context of a political opportunity to try to embarrass or undermine another political party's position. We should do it with all of the facts available to us. We should listen to experts who know what they are talking about.

**Acting Chairman (Deputy Declan Breathnach):** The next speaker is Deputy Barry Cowen who I understand is sharing time with Deputy Éamon Ó Cuív.

**Deputy Barry Cowen:** On the U-turn and Kama Sutra references made by a Sinn Féin contributor, I recall Deputy Eoin Ó Broin recommending the establishment of a commission to examine the issue of water charges. Now that we have such a commission, Sinn Féin wants it to be abolished. I also recall that the view of Sinn Féin was that there be no refund for those who had paid water charges under the failed regime introduced by the previous Government. Now that there is no possibility that they will be refunded, it wants them to be refunded. When the same failed regime was brought into force by the previous Government, Sinn Féin members individually said they would pay their water charges. They are now saying they will not pay them. I refer the Deputy who referred to U-turns and the Kama Sutra to Houdini and contortionists in considering Sinn Féin's stance on this issue.

I acknowledge, as any democrat in the House would, the right of Sinn Féin to table motions. It is its prerogative to decide what form such motions might take or how its aims might be met in bringing forward such motions. I do not want to go over old ground in considering how and why we find ourselves at this juncture and the juncture at which we found ourselves following the general election in February and had to consider the people's verdict on the failed water regime introduced by the previous Government, although many other things contributed to that result. Suffice it to say the general election produced an inconclusive result in so far as there was no clear majority or preference by the people of a particular Taoiseach or Government. Some of us in this House took our responsibilities thereafter quite seriously, while others did not. Having failed to achieve the requisite number of Members elected by the people to allow Deputy Micheál Martin to lead the Government, Fianna Fáil sought on three occasions to have him elected as leader of the Government but without success. As republicans and democrats, we recognise that decision. As I said, Fianna Fáil took its responsibilities seriously and sought to give credit to the electorate by allowing a Government to be formed on the basis of the result of the general election. As inconclusive or convoluted as it might have been, it was important that the decision of the people be respected.

Having failed to achieve its objective to lead the Government, Fianna Fáil saw fit to facilitate the formation of a Government which would have to deal with many pressing issues, some of which were more pressing than the issue about which we are speaking, including housing, health, education, regional development, job creation in the regions, policing and so on. As I said, others saw fit not to entertain the prospect of entering that process, rather they would have foisted another election on the people. Perhaps that is what they want to do now. I am firmly of the view, as I was then, that the people do not want another election. They want a Government and to see results in dealing with various issues. That requires us to be focus driven, interested in seeking resolutions and results and achieving particular aims, thereby giving value to the votes cast in our favour and that of others. To allow that process to reach a conclusion, it was obvious from Fianna Fáil's perspective that it had to negotiate and compromise with Fine Gael which had a completely opposing view to that of Fianna Fáil on water services. We had to allow a pathway to be put in place to deal with that issue in order that a Government and the Dáil would be able to deal with other pressing issues such as the fairer delivery of public services and having a two to one split in favour of public services in the context of taxation cuts, despite what the outgoing Government had sought to do in its efforts to seek the approval of the electorate. One cannot engage in a negotiating process and expect to reach a conclusion and still have the same position at the end of it. God knows, Sinn Féin, above everybody else, should know this, given the pathway it has travelled in another jurisdiction on the island.

Fianna Fáil's supports the Government's amendment to the motion as proposed by the previous speaker, the Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, which seeks the support of the Dáil for the ongoing work of the expert commission on domestic public water services, including its recent public consultation process, with a view to producing recommendations by the end of November. Nothing has changed in that regard. Fianna Fáil also supports the future consideration of the recommendations of the expert commission on domestic water charges by a special Oireachtas committee which will endeavour to make its own recommendations by the end of February. We continue to support and honour our commitment in that regard also. Ultimately, a decision of the Oireachtas on the future funding model for the delivery of domestic water and wastewater services will be made by the end of March 2017. Fine Gael, as leader of the Government, has committed to sponsoring the legislation agreed to by the Oireachtas after it goes through a full and thorough process that will analyse all options and ask the Dáil to make a decision.

That is how the issue will be dealt with. As I stated, parallel to this we can move forward with a Government that can make recommendations to deal with the housing crisis and in the upcoming budget for how public services should be funded in the forthcoming year, with a different direction and shape and in a different manner from the way in which they were dealt with by the previous Administration. This is the commitment we gave and to which we signed up. This is the value we gave to the votes of those who voted in our favour. We want to honour and continue to honour this commitment.

I will vote against Sinn Féin's motion which has no legal basis, just as I voted against a previous motion immediately after the general election. If we had not entered into the negotiations and allowed ourselves to be in a position to seek the support of the rest of the parliamentary party to facilitate the formation of a Government, there is no doubt that Sinn Féin and others would still have brought forward these motions, but a Government would not have been able to function and we would have had to go to the country again. Perhaps we might be in the same position as Spain, having gone through a process in the past nine or ten months without a gov-

ernment. That is not what the people wanted.

**Deputy Aengus Ó Snodaigh:** Or maybe not.

**Deputy Barry Cowen:** Perhaps not, but I assure the Deputy that, if he checks with them, the public do not want an election at this stage.

**Deputy Aengus Ó Snodaigh:** They do not want you.

**Deputy Barry Cowen:** I stand over the commitment given to the people. I recognise the decision they made, convoluted as it was. As well as we did, we did not win the election. Nobody won it. There was no clear majority, but the House made a decision thereafter to put in place a Government to deal with many issues, including water service provision.

**Deputy John Brady:** You made the decision to put the Government in place.

**Deputy Barry Cowen:** My party and I stand over this. That is the commitment we gave to the public and we will stand before them again and ask for their deliberation and to accept the consequences, irrespective of what they may be. We will have achieved some result and given value to their votes, something Sinn Féin cannot say about the motion it has put before the House today.

*(Interruptions).*

**Acting Chairman (Deputy Declan Breathnach):** I ask Deputies to, please, allow Deputy Barry Cowen to speak without interruption.

**Deputy Aengus Ó Snodaigh:** He is encouraging us.

**Deputy Barry Cowen:** I come back to the point I made. It is the prerogative of Sinn Féin to bring forward whatever motion it sees fit, based on the support it has received, the commitment it has made or its understanding of how the democratic process works in this House. It has come back out from under its rock because it went under a rock when a Government needed to be formed and there were real decisions to be made and a real interpretation of the result the people handed to the Dáil. It is now back out from under that rock and more luck to it. It can play its games, have its time in the sun and perform stunts.

**Deputy Martin Ferris:** You came out of the Galway tent.

**Deputy Barry Cowen:** We will clear the stage for it, no problem. It can strut its stuff and flatter to deceive because that is all it has ever done. I have never seen anything else and would expect nothing less from it.

**Deputy Dessie Ellis:** The Deputy could get a job in the circus as an acrobat.

**Deputy Michael Moynihan:** I thank my colleagues, in particular Deputy Barry Cowen for his thoughtful discussion of the matter. When the Government was formed, it was complex and took many hours of negotiations. A process was put in place to deal with Irish Water. We can have motion upon motion, but we must wait for the outcome of the deliberations of the groups appointed to be brought back to the floor of the Dáil and the Oireachtas committee to discuss the matter.

In all of the debates about it a matter that has been raised constantly with regard to the

provision of a water supply for each house is that of communities connected to a public water supply that is not fit for human consumption. We must be very clear on the water supply being provided. The vast quantity is top class, but there are communities which do not have access to a quality water supply. This is an issue in Ballydesmond on the Cork and Kerry border. It has been raised on numerous occasions and I recently attended a public meeting about it. There is a commitment to try to have it connected to a proper water supply. Somebody building a house in the region is sent an enormous bill to have it connected to a water supply which is not fit for human consumption. When the local authorities had responsibility for providing a connection to public water supplies, we could debate issues with them. The bills Irish Water sends to people building one-off houses are obscene and must be challenged. They are expected to pay €14,000, €15,000 or perhaps more to connect to a water supply. If they are connecting to a supply that is not adequate or appropriate, they should not be charged. Ballydesmond in north Cork is a case in point. This is an issue for discussion in any debate on the future of Irish Water. It must be ensured the company cannot produce a product that is not fit for human consumption and expect people to pay an enormous fee to connect their houses to the system.

I have no doubt that we need time to see what the expert commission will state and consider what will be brought before the Oireachtas committee. We will then need time to bring forward proposals and debate them in the House. We can have motion after motion in the House every week, but a process is in place and we must let the commission report before we move forward.

**Deputy Jan O’Sullivan:** Whether it is Groundhog day or the Kama Sutra, it has none of the excitement of the Kama Sutra.

**Deputy Seán Crowe:** I will take the Deputy’s word for it.

**Deputy Jan O’Sullivan:** It has more of the absurdity of a Samuel Beckett play than anything else. It is “Waiting for Godot” and we are all taking the same positions in part two. We had exactly the same debate on 23 May on a motion tabled by more or less the same people. On that occasion there was an amendment tabled by Fianna Fáil and in this case there is an amendment tabled by the Government. Everyone is taking exactly the same position, apart from Fianna Fáil which has moved a little in its place on the stage. It is a total waste of time. We were elected to conduct business, but we do not even have an audience. The media are not even present to listen to what we have to say because we are all saying the same thing as we said on 23 May.

**Deputy John Brady:** The Labour Party-----

**Deputy Jan O’Sullivan:** We are saying the same thing.

**Deputy John Brady:** We gave you a chance.

**Deputy Jan O’Sullivan:** Obviously, the Minister was not going to change his position. Sinn Féin stated it was in the House to put pressure on the Government, but the Minister has made his position clear.

**Deputy Aengus Ó Snodaigh:** He is part of the Government.

**Deputy Jan O’Sullivan:** He is passing everything to a commission with the support of Fianna Fáil. It is all contrived and has been deferred to some time next March. Everybody is playing the same game and it is getting us nowhere. We could have used the time much more

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effectively in the debate. I will say pretty much what I said the last time. There is one difference in this debate - the wording of the Sinn Féin motion which calls on the Government to abolish household water charges and fund investment in water and sanitation infrastructure through progressive taxation. That means the taxpayer.

**Deputy John Brady:** Taxpayers are already paying for it twice.

**Deputy Jan O'Sullivan:** The people involved are on the average industrial wage and include nurses and bus drivers, as well as those who already pay for water from their own wells or group supplies. I address this to Fianna Fáil also. These are the people Sinn Féin is asking to pay for the excessive use of water by the rich and careless. It does not matter how much water someone uses, it will be paid for through progressive taxation by income taxpayers. This is not a left-wing position to take, although Sinn Féin describes itself as a left-wing party.

**Deputy Aengus Ó Snodaigh:** Progressive taxation means that the rich pay more.

**Deputy Simon Coveney:** The rich pay for everything.

**Acting Chairman (Deputy Declan Breathnach):** I ask Members to, please, show respect to Deputy Jan O'Sullivan.

**Deputy Jan O'Sullivan:** I say the same to AAA-PBP Members. It is not a left-wing position to take that everything should be paid for through income tax-----

**Deputy Eoin Ó Broin:** It was Labour Party policy in 2009.

**Deputy Jan O'Sullivan:** -----by the person who gets up and does a day's work and is part of a progressive taxation system. People start paying at the high rate of tax on a relatively low income. They are the ones Sinn Féin is asking to pay for the excessive use of water. I reiterate our position. Whether it is popular - we lost a lot of seats in the general election - it is our position-----

**Deputy John Brady:** Does that not tell the Deputy anything?

**Deputy Jan O'Sullivan:** We believe there should be a reasonable allowance to meet every household's needs, taking into account the needs of someone such a person with a disability or children. Above that, people should pay for the excessive use of water. I will stand up and say this again if Sinn Féin tables another motion in a few months.

The Minister is correct that there is a desperate need to invest in our water infrastructure. I was at a meeting recently at which social progress indicators were discussed. Ireland does well in respect of such indicators in a variety of areas but our water infrastructure and the fact that our rivers and lakes are being polluted and there are leaks all over the place is pulling us down. I also had an interesting experience recently on my own estate when Irish Water came in to replace lead connections on shared services. The local Sinn Féin councillor came along and asked the workers also to replace the connections that were not for shared services and I agreed with him. There was a recognition that Irish Water is taking positive action, particularly in Limerick where lead is being removed from pipes.

**Deputy Dessie Ellis:** That was being done before Irish Water.

**Acting Chairman (Deputy Declan Breathnach):** Deputy Jan O'Sullivan without inter-

ruption.

**Deputy Simon Coveney:** That is positive.

**Deputy Jan O’Sullivan:** We should recognise that positive things are being done because we have a desperate water infrastructure. That needs to be addressed and we need to be honest about it.

It is becoming clearer that Sinn Féin and the Anti-Austerity Alliance want general income taxpayers to pay for water. At least they are acknowledging that it has to be paid for one way or the other. If it is paid for that way, water services will be in competition with the construction of houses for people who are homeless, the education system, child care and everything else that needs to be paid for.

**Deputy John Brady:** The Deputy should read our pre-budget submission to see how we will manage that.

**Deputy Martin Ferris:** It is the same as motor tax.

**Deputy Barry Cowen:** They are currently.

**Deputy Jan O’Sullivan:** Let us have a little honesty about this issue. Water is not free. It falls out of the sky free but it is not free by the time it reaches people’s taps and is ready to drink. That needs to be acknowledged.

We will oppose the Government amendment and we will oppose the motion if it comes to a vote but I presume it will not because the amendment will win with Fianna Fáil supporting the Government. We do not believe in playing games. Shoving the issue off into the middle distance is not the way to address something about which we need to have an honest debate. I have put our position but I would have much preferred if the scarce time available after a long break was spent on issues on which we can make a difference. No one has said anything that I was unable to predict before I came into the Chamber and I have no doubt those who will contribute after me will say exactly what I expect them to say as well. I do not welcome this debate but I welcome the opportunity to put my party’s position.

**Deputy Paul Murphy:** I wish to share time with Deputy Bríd Smith.

Mass movements are very powerful things. The impact of the huge demonstrations and the 73% non-payment is reflected in the Chamber. It is reflected in the hokey cokey of Fianna Fáil - for water charges, for suspension, for abolition, for suspension again and for abolition again, but it is going to vote against abolition. The bluster from Fianna Fáil today did not address that basic contradiction that people will see through. This can also be seen in Sinn Féin’s position. Two years ago, this was not a red line issue, then it was a red line issue but leading Deputies were paying. Then they were not paying but not calling for non-payment. I welcome that at the last demonstration the Sinn Féin speaker seemed to call for non-payment. There are no bills now but those changes are welcome and they reflect the fact that movements drive change. It is precisely for that reason that movements strike fear into the 1% and the political establishment. It is not just that we have had a mass movement of civil disobedience against water charges; we have had a successful mass movement of civil disobedience against water charges because it shows that the 1% can be beaten and it gives people confidence.

That fear is the reason for the political policing and the repression that we have seen to cut

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across the right of people to protest and to say to them, "This far and no further". Over 200 people have been arrested for anti-water meter protests. Four people were jailed for three weeks for going within 20 metres of water meter installation. A spying operation against anti-water charges activists was run, called Operation Mizen, led by the Garda Commissioner's husband. However, right now, there is the most serious attack on the right to protest yet - a vindictive prosecution of a 17 year old young man over the protests at Jobstown two years ago, an attempt to redefine peaceful protest as false imprisonment. Let us be clear. There is no allegation whatsoever of violence against him. There are no public order charges levelled against him. He is only charged with false imprisonment.

**Deputy Jan O'Sullivan:** A Chathaoirligh, on a point of order-----

**Acting Chairman (Deputy Declan Breathnach):** Deputy Jan O'Sullivan, I asked the other Members not to interrupt. Deputy Paul Murphy has the floor.

**Deputy Jan O'Sullivan:** There is a separation - this matter is before the courts. The Chair needs to be aware of that.

**Deputy Paul Murphy:** I will not speak about anything that has not been reported in the media.

The allegations against him, as reported in the media, are the following: that he may have said into a megaphone at one stage, "Joanie in your ivory tower, this is called people power"; that he walked around; that he sat down and encouraged others to sit down-----

**Deputy Jan O'Sullivan:** This is not in order.

**Deputy Paul Murphy:** -----that he waved his arms-----

**Acting Chairman (Deputy Declan Breathnach):** Deputy Murphy, will you please address the amendment?

**Deputy Paul Murphy:** I will of course. That he filmed Deputy Joan Burton and said, "Talk to us, Joan". That is it. He was protesting, not kidnapping.

**Acting Chairman (Deputy Declan Breathnach):** You are now going out of the bounds-----

**Deputy Paul Murphy:** I am not; I am speaking about the water charges protest.

**Acting Chairman (Deputy Declan Breathnach):** I ask you to resume your seat and I will call Deputy Bríd Smith.

**Deputy Paul Murphy:** I am not going to resume my seat. What is being attempted here was described by a barrister yesterday as "a recipe for totalitarianism".

**Acting Chairman (Deputy Declan Breathnach):** I am asking you to respect-----

**Deputy Paul Murphy:** No, no, I am not going beyond the bounds. We are clearly talking about water charges and the mass movement against water charges and the vindictive prosecution of a 17 year old young man-----

**Acting Chairman (Deputy Declan Breathnach):** You are now bringing other issues into the debate.

**Deputy Paul Murphy:** -----for exercising his right to protest. This is absolutely in order. Deputy Cowen spent his time talking about the programme for Government and about how Fianna Fáil had to form a Government, which had nothing to do with water charges.

**Acting Chairman (Deputy Declan Breathnach):** Deputy Murphy, resume your seat.

**Deputy Paul Murphy:** I will continue to speak.

**Acting Chairman (Deputy Declan Breathnach):** I am telling you now to resume your seat.

**Deputy Paul Murphy:** I am going to continue to speak. I am talking about the water charges.

**Acting Chairman (Deputy Declan Breathnach):** I am calling you for the last time to resume your seat if you are not going to stick to the debate, otherwise I will suspend the House.

**Deputy Paul Murphy:** I will stick to the debate.

**Acting Chairman (Deputy Declan Breathnach):** Well then stick to the debate or I will call Deputy Bríd Smith.

**Deputy Paul Murphy:** What is happening as a result of the massive movement against water charges is an attempt to criminalise protest. In general terms, if sitting down or slow marching is false imprisonment, then striking workers who stop strike breaking vehicles are guilty of false imprisonment-----

**Deputy Jan O’Sullivan:** The Deputy is entirely out of order.

**Deputy Paul Murphy:** -----so too are anti-war protestors who stage a sit-down protests, so too are pro-choice protestors who have a slow march. It is, as a barrister said yesterday, “a recipe for totalitarianism”.

The young man in question had someone give a moving speech for him a few weeks ago. He finished with a quote from Martin Luther King: “Injustice anywhere is a threat to justice everywhere”.

**Deputy Jan O’Sullivan:** I am not standing for this. The Chair must control the Chamber.

**Deputy Paul Murphy:** Injustice against anyone is a threat to justice for everyone. People need to take a stand against it.

**Acting Chairman (Deputy Declan Breathnach):** Deputy Murphy, in future I ask you to respect the House. I do not think you have respected the House today, or showed any respect for other Members. Deputy Smith has three minutes.

**Deputy Paul Murphy:** I do not intend to disrespect the House at all.

**Deputy Bríd Smith:** In my colleague’s defence, he did not say anything that is not in today’s media. People can read it or hear it from somebody directly involved. I am happy with what he said.

**Acting Chairman (Deputy Declan Breathnach):** I remind the Deputy that Members are expected to stick to the motion.

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**Deputy Bríd Smith:** Indeed they are and I am going to stick to the motion.

**Acting Chairman (Deputy Declan Breathnach):** The issue raised by Deputy Murphy is not part of the motion or the amendment. Deputy Smith's time is moving on.

**Deputy Bríd Smith:** I will take 30 seconds back from the Chair.

The question of democracy goes to the heart of the debate. I reiterate what has been said in the House many times. More than 90 Members were elected on the promise of the abolition of water charges. To my left - physically but not politically - is the party that did the biggest S-turn in history. It is against water charges, then it is for water charges. I refer back to the late Brian Lenihan's final budget speech in which he announced that there would be a full recovery of cost provision for water services through water charges and he intended to prepare proposals for implementation as appropriate with a view to starting the charge in 2012-13. Then the party announced in its election manifesto in February of this year that it was prepared to scrap water charges. They then announced they were prepared to delay the charges before going with the Government to suspend them. The word, "suspension", never appeared in any of their manifestos, speeches or other documents.

I want to address some of my comments to the Labour Party. We all held think tanks before we returned to the Dáil and there were various sessions. The Labour Party session was among the most interesting because both councillor Rebecca Moynihan and Deputy Brendan Howlin, the leader of the party, admitted that they had made a mistake on water. I see that Deputy Jan O'Sullivan has left the Chamber. If the Labour Party made a mistake on water, are its Members going to rectify that today in the eyes of the public by supporting this motion for the abolition of water charges? The mistake they made was to bring in the principle of charging for it.

To my left and right, physically and politically, a sham of democracy is taking place. Both Fianna Fáil and the Labour Party are dancing around this issue and it is about time they lived up to what democracy entails. At the moment they are doing a Pat Rabbitte, in promising what they want the electorate to hear but then, when they get into power, reversing that promise. Pat Rabbittism will go down in history for that and today we have Fianna Fáilism and Labourism, which is literally lying to the people and then implementing strategies and spending money on legal cases and on policing in communities to the point of oppression. That has to end and this is an opportunity for both those parties to own up and tell the truth to people. Otherwise the meaning of this House, and of democracy, will be lost in the pile of crap that is being bandied around in connection with what is a most unpopular move. They should take the Apple tax and take tax from the rich. Then they would not have the problem of having to tax nurses and teachers further.

**Acting Chairman (Deputy Declan Breathnach):** I remind Members that the debate should be relevant to the terms of the motion and any amendments.

**Deputy Bríd Smith:** That is relevant.

**Acting Chairman (Deputy Declan Breathnach):** Before coming to the Chair this evening, I contemplated asking Members to respect one another in this debate and I do so now. Members should not cross-talk but should give others the time allocated to them. I call on Deputies Joan Collins, Thomas Pringle and Catherine Connolly, who have a total of eight minutes.

**Deputy Joan Collins:** I support this simple Private Members' motion that clearly reads,

“That Dáil Éireann calls on the Government to abolish household water charges and fund investment in water and sanitation infrastructure through progressive taxation.” It is signed by myself, by Sinn Féin Members and by Independents 4 Change Members so it is a broad motion. Fianna Fáil’s role in this issue has to be put on the record. In 2010, Fianna Fáil agreed charges as part of the troika deal. At the recent election in February, its election material clearly stated that it would abolish Irish Water and water charges. It did not promise suspension with loads of sugar on it in the form of a commission. Its submission proposes to abolish water charges but with a provision whereby Irish Water could be brought back again in the future, along with water charges. It states that Irish water can fix problems in the meantime.

Where is Fianna Fáil on this? It is typical of supporting the Government on one hand while, on the other, leading in opposition. There is nothing new in its politics of being all things to all people. It tries to rob the clothes of the left but has no problems discarding them as soon as it deems it necessary to show its true colours as the party of the elite and the establishment. Fianna Fáil states it will not support the motion because it means nothing and that its Members will vote on the issue when it comes through the commission and the committee process as there will be legislation at that point. However, they could support it to indicate the party’s intent.

I hope the Labour Party and Fianna Fáil will support a Bill which will be introduced to the Dáil in the next couple of weeks. The Thirty-fifth Amendment of the Constitution (Water in Public Ownership) (No. 2) Bill 2016 is to amend Article 28 of the Constitution to make the Government collectively responsible for the protection, management and maintenance of the public water system and to ensure, in the public interest, that this resource remains in public ownership. All Members of the House have said they support keeping water in public ownership so I assume they will all vote for the legislation when it comes to the Dáil.

**Deputy Thomas Pringle:** I fully support the motion and I signed it. We could do the country a service and save a lot of money by ending the work of the so-called “expert group” right now if Fianna Fáil Members were to vote the way they say they intend to vote to abolish water charges once and for all. We all know what the expert group is going to say. It will say that water charges should be maintained. It will be interesting, then, to see the twisting and turning by Fianna Fáil over that debate. I imagine the debate on the commission’s report will be delayed and delayed, possibly until after the next general election. Fianna Fáil will avoid making the decision until it is in government and then it will do another U-turn to bring water charges back in again.

We have got to this stage because of a mass boycott of payment of water charges, not because of mass opposition to water charges. The boycott has made Irish Water unworkable and the Right2Water campaign has shown that there is huge opposition to it, with hundreds of thousands of people taking to the streets on more than eight occasions. Fianna Fáil will have set up its focus groups, done its surveys and will have seen that opposition to water charges is still there and that is why it has made a submission calling for charges to be abolished. The campaign is as strong as it has ever been when one looks at the crowds that took to the streets in Dublin last Saturday week to keep the pressure on for the abolition of charges. However, we need more than that. It is reported in the newspapers today that the Greek Government voted last night to privatise water in Greece and ultimately the aim of Fine Gael, of Fianna Fáil and of the European Commission is to ensure water and public utilities are privatised in the future. That is why a hugely expensive investment and metering programme is taking place across the country through Irish Water.

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Deputy Jan O’Sullivan said earlier on that Irish Water came in to replace shared services in her estate that had lead connections but it only replaced the shared services. Why was that? It was because it could not charge or bill people on shared services. Irish Water did not care about the people with lead connections who had individual services because it can bill them.

**Acting Chairman (Deputy Declan Breathnach):** The Deputy is eating into Deputy Catherine Connolly’s time.

**Deputy Thomas Pringle:** I fully support this motion but we need a referendum to be held and the relevant Bill to come through this House to make sure water stays in public ownership because that is the only thing that will ultimately protect the citizens of this country.

**Deputy Catherine Connolly:** I recently saw “Waiting for Godot” and I do not remember such excitement.

**Acting Chairman (Deputy Declan Breathnach):** On the motion, Deputy.

**Deputy Catherine Connolly:** This is on the motion. I certainly do not remember such a dramatic exit of a member from the stage and certainly not one with the words, “I am leaving now because I did not hear what I was expecting to hear.” This is notwithstanding the fact that the Deputy in question knew exactly what we were all going to say, so it is dramatic on every level.

I welcome this motion and I proudly put my name to it. It is not just a Sinn Féin motion but is the motion of a number of Deputies in the Chamber and it reflects the will of the electorate that put us in here on the promise that we would abolish water charges. This is not because we do not want to conserve water. The Minister has left the Chamber - I know he is busy - but he has repeatedly made the point that we need to pay to conserve water. I fundamentally reject that, not just from an ideological position but from my experience in Galway city. I have said before in the Chamber that Galway led the country on recycling rates and showed everybody how it was done. However, the mantra that the people have to pay was repeated to us by various city managers and by Fine Gael and Fianna Fáil. We proved what a fallacy that was and in a pilot project, we reached 70% recycling rates over a six-week period.

I am proudly green and proudly on the left. I believe in conserving water but I also believe in the goodness of people who want to conserve. These people do not need to be punished in order for them to do that. I also believe we pay taxes proudly and when I was knocking on doors, I was not asked once to reduce taxes. The people asked for services instead and I promised nobody that I would be a voice for reducing taxes. The basis of any civilised society are essential services and water is the first of those. We must pay for water and we pay for it, through our taxes. The next service is health and then housing and education.

I take exception to the level of debate from Deputy Cowen - unfortunately, he is not here at present - when he spoke of the convoluted decision of the people. It was not convoluted. They did not believe Fianna Fáil or Fine Gael and gave neither party a majority. That is why they put a selection of people in the Dáil to stand proudly for them and say, “Yes, we want to pay taxes and we want basic services in return”. I proudly support this motion and also the motion that will be tabled by Independents 4 Change to amend the Constitution to prevent any privatisation of our basic services.

**Deputy Michael Harty:** The water charges issue has been debated more often than any

other issue since the Thirty-second Dáil met on 10 March and it has generated the most passion, this evening being no exception. This is because it has been identified as a fault line between Fianna Fáil and Sinn Féin and between Fianna Fáil and Fine Gael. Fianna Fáil's change in its position since the election from suspension to abolition of charges is encouraging this fault line. This change, if it is the decision of the Dáil next year, means that there is no incentive to conserve water, which is an important and essential natural resource.

This resource must be respected. We are blessed that we do not have a shortage of water. It must be treated and delivered to our tap or our toilet. There is a cost in producing safe water and upgrading and maintaining the infrastructure. We must use water wisely and seriously and we must stop using it as a political football. We must look at this issue as an essential service and decide if it has a value. The UN says that water is a human right and that we should all have access to water. We must balance this human right with the cost. A compromise must be reached. We should give everybody an adequate supply of water free of charge. We should meter water usage so it can be measured and we should charge for excessive use. Undoubtedly, this will encourage conservation.

We must also encourage water collection for non-essential use. In the construction of new housing, and there will be a great deal of construction in the next number of years, we must incorporate water conservation or water harvesting infrastructure in houses so the householders can collect the water that comes from the sky and use it for non-essential use. That is how to conserve water.

Irish Water was not established properly and it did not have a positive public relations promotion. Mistakes were made but that should not mean we throw the baby out with the bath water. We should be debating health, waiting lists and trolley queues. I believe people who are homeless would give their right arm to have a house and pay water charges rather than languish in a hotel or bed and breakfast accommodation or sleep on the street. Clean water delivered to one's home should be respected and conserved and paid for if excessively used. It should remain in public ownership.

**Deputy Danny Healy-Rae:** This is a very contentious issue. Like everybody else, I would love to have free water and for everyone to have free water. However, it appears that this motion is designed to give one section of the people free water. What concessions will be given to people in rural Ireland who have their own water pumps and septic tanks and to farmers and business people who have been paying for water for years? They have been paying to get public water. What will happen to them? Will they get free water?

There is a cost to providing water. I should have said at the outset that people could construe that I have a conflict interest on this matter because my father, uncle, myself and my son have been repairing water pipes at different times for the past 60 years or so. If everybody is going to receive free water, that is fine. The question is how it will be paid for. People in rural Ireland who have septic tanks had to jump a high bar to be allowed to install the septic tank and then they had to pay up to €14,000 or €15,000 to install it. They must also keep it maintained. It is fine to say that we must clear up the sewage on Dalkey strand when somebody is not paying for it. As I speak, there are inspectors from Kerry County Council inspecting septic tanks to ensure they are in order. That happens in every county. The people who own the tanks will have to repair them if they are not in order. Will those people get assistance to maintain their septic tanks? Will people whose home will not be attached to a public sewerage scheme get money to install a free septic tank?

We must be fair about it. People in rural Ireland will have to be looked after as well. These are people who have paid to install water pumps. They must keep them going even though they give a lot of trouble. Perhaps they can avail of gravity flow but that costs money as well. These people provide water for themselves but they must pay for it. It is galling to think that those people, in some way under the name of taxation, will have to pay for another section of the community to have free water and free sewerage. I cannot see that as fair. Furthermore, what about all the young fellows who are working and have no house, water or septic tank? They are paying rent and paying for other things but they do not have a house or property of their own. These are hard working people. Are they going to be taxed more to fund free water? That question must be answered.

Regardless of the party involved, and the parties are fighting among themselves about words, the fact is that it costs money to provide water. If it is not going to be paid by some people who are using it, who will pay for it and how much extra will they have to pay to ensure that other people will have free water? I want free water as much as anybody else. I would take it as well. I use a great deal of water. In fact, I am robbed by water. Any Members who are farmers will know what happens with water troughs. They leak and one might not see it because one was not down in that field. In the meantime, a fortune in water has gone down the drain unused and we still must pay for it.

There is much talk about abolishing water charges. What should and must be done is to provide a waiver system for people who just cannot pay. There should be a system in place for those people to ensure they are not put under duress and tormented by bills if they cannot pay. They might be disabled people or people who do not have the wherewithal, even if they are not getting social welfare. I urge Members to consider what I have said because it is a very serious matter. The water does not come from the sky into the pipes. It costs money to replace and extend pipes and to treat the water. Where will the money come from? Members talk about general taxation and progressive taxation. That is money out of the pocket of some fellow who is working. The working people will take no more. The working man is paying enough and if Members try to shove it on him, he will have parties here in Dublin that they will not forget.

**Deputy Catherine Murphy:** I am sure that the irony that we are once again discussing domestic water charges has not escaped us. This issue has a long history and it is worthwhile to remind ourselves of it. A former Deputy, Dick Spring, introduced water charges in 1983. The then Minister for the Environment in the rainbow coalition Government, Deputy Brendan Howlin, abolished those charges in 1996. At the time, Deputy Howlin pointed to a KPMG report he had commissioned which stated that the installation of water meters would be unproductive, inefficient and simply not worthwhile given that the revenue to be generated would be unlikely to cover the costs of metering. Indeed, in 1996, Deputy Howlin introduced a new regime which would see local authorities retaining all proceeds from the motor tax fund, which would go into the local government fund and would allow the local authorities to manage and maintain water infrastructure and other services.

When people took to the streets and said “No” on this occasion, there was a myriad of reasons. One was that they felt they had paid for this service already through the fund that was designated for local authorities. However, there was more. From the outset, it was clear to anyone who cared to listen that the resistance to water charges was not simply about paying for water. It was really the straw that broke the proverbial camel’s back for people who had already endured the property tax, pension levy, universal social charge and wage cuts. They had absorbed the banking debt and had seen bondholders paid. They were seeing the companies that got the

metering contracts gain at their expense. Essentially, that is where the Siteserv controversy intersected. People were rightly concerned about the awarding of those metering contracts. They became aware that the local government fund had been wiped out, with a considerable amount of it going to Irish Water and the rest going into the Government coffers. They were being taken for fools in all this. This has always been about more than water. The Government and Fianna Fáil need to understand that it was always about more than water.

**Deputy Eamon Ryan:** The position of the Green Party on water has been clear and consistent over the years. First, we believe there is a right to water, and that is paramount above everything else. Water is not a commercial product; it is vital for life. We recommend a referendum to ensure the water supply is forever within public, rather than private, ownership, recognising the right to water. We believe we should go further and provide a basic allowance to ensure every citizen has access to water for his or her basic needs, including washing, care and food. There should be a charge for usage above the basic amount because we believe in the very simple principle that monitoring and measuring water usage and putting a price on it not only raises revenue that helps to create the water services we need but also, and more important, stops us wasting what is a precious resource. In the end, that will save more money. It is a more intelligent economic system. Not having any price means there is a real risk of wasting water, as we do in this country. We must not waste water anymore because, as we know, Dublin is very close to a shortage. Across the country in our polluted water and wastewater systems, especially where the water and wastewater plants are integrated, there is a fundamental problem that requires massive investment. While we can pay for some of this through general taxation, relying exclusively on general taxation would mean we would lose out on the savings we would make from pushing conservation.

We believe that if we are to value something, we must measure it. We do not believe it would make sense to throw away the metering system we have installed. It would be a waste of money. We require a fundamental change with regard to the environment and our use of natural resources. We must measure and monitor consumption and take it seriously.

Last but not least, we need to move towards a river-based management system whereby we manage our use of natural resources with an eye to nature and how it works. That system, whereby we go right from the mountaintop to the sea, must account for flood management. We must consider this system because of the carbon and climate change effects. We must start engaging in land management and using our natural resources in a clever way involving long-term thinking. Part of this involves putting a price on water so it will not be wasted and so we will know what is happening to our entire system. That has been our position from the very start and one we presented in detail to the commission last week in our submission. We look forward to talking to other parties, with their various views, about what should be done next.

**Deputy Seamus Healy:** I will be supporting this motion, indeed, I have signed it. People power strikes fear into the heart of the establishment. That is what has been happening over recent years through the Right2Water and Right2Change protests. Hundreds of thousands of people have protested locally and nationally over two years. They have brought about circumstances in which three out of every four people are refusing to pay water charges. Water charges are an austerity tax and represent double taxation.

At every hands turn, the establishment was expecting the movement would go away. It has not gone away. Last Saturday week, the marching of tens of thousands of people in Dublin sent a very strong message to the establishment, the Government and Fianna Fáil that we want

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abolition, not suspension. We want Irish Water abolished and a referendum to enshrine public ownership of water into the Constitution. Privatisation is the objective of the Government, as it was of the previous Government. It is the objective of Fine Gael, Fianna Fáil and the Labour Party and it has to be stopped. The agenda has been driven nationally and from Europe. We are now in a position in which a majority in this House is for the abolition of water charges. We should abolish them now, and do so through this motion this evening.

As I stated, the water tax is an austerity tax and is double taxation. It is particularly difficult for ordinary people, those on low incomes and those on social welfare payments. The majority who say they are opposed to water charges have an opportunity to vote in favour of this motion, which has been tabled by Sinn Féin and many Independent Deputies.

**Deputy Jonathan O'Brien:** I am sharing my time with Deputies Caoimhghín Ó Caoláin and Dessie Ellis.

I listened last week to Deputy Barry Cowen's party leader on local radio in Cork. The only reason he gave for not supporting the motion was that it was a stunt. He could not come up with any other reason for not supporting it. This is amazing because, as my colleague Deputy Eoin Ó Broin pointed out, the very purpose of Private Members' time is putting forward Private Members' business. The vast majority of the business is in the form of motions and some is in the form of legislation. We voted on those motions for one purpose, and one purpose only, namely, to express the will of this House. None of us is naive enough to believe that by passing this motion, it will be the end of the matter. However, it certainly sent out a very clear message to people outside this Chamber, the tens of thousands who marched two weeks ago in opposition to water charges, that Members are listening to them and can be trusted on this issue.

The reality, however, is that Fianna Fáil cannot be trusted on this issue. If Deputy Barry Cowen disagrees with that and is telling us his position for the commission is now the final position of Fianna Fáil, there is no reason he cannot support the motion before us tonight. This is because it is in line with his party's own stated position. I do not know how he will explain this to people when he decides to vote against it tomorrow. What is the reason for voting against it? Fianna Fáil's party leader having said on local radio in Cork that the motion is a political stunt will not wash with the people. The party has a very easy decision to make: it must either support its own stated position, as articulated to the commission, or not. If not, it cannot blame people for not trusting it on this issue.

**Deputy Caoimhghín Ó Caoláin:** On 17 September, it was estimated that between 15,000 and 20,000 people, or up to tens of thousands, gathered in Dublin for the Right2Water demonstration. It was a very impressive mobilisation. People took a stand by their attendance, a stand I believe will help ensure an end to this ill thought-out effort to impose a tax on a basic human right, the right to water. Aside from the numerous public demonstrations held across the country, the recent election saw a majority of Deputies elected who ran on a platform in opposition to water charges.

*6 o'clock*

This has sent a clear message to this Government that people are not accepting the introduction of water charges. The democratically expressed will of the people must be respected.

Regarding some earlier comments, let me make one thing absolutely clear. I am the longest serving member of my party in this Chamber and, as an elected representative, in this State,

let me say that Sinn Féin has been a consistent voice in opposition to water charges through all my years of political activism. Never ever did it falter.

The flip-flopping of Fianna Fáil on this issue must be embarrassing for some of its number. One week it says it supports the abolition of domestic water charges but the next week it votes against a motion calling on water charges to be abolished. In recent weeks, Fianna Fáil has announced a policy of permanently abolishing water charges and funding Ireland's water system from general taxation again. What exactly is its policy?

It is not so much about me and my colleagues posing this question during this debate. It is a real question among vast swathes of public opinion today. Today, Fianna Fáil has an opportunity to clarify its position on this matter. It should vote in favour of the motion and show its support for the abolition of water charges. If it votes against the motion, it will show its uncertainty on this issue and the possibility of its continuing to support its retention.

I appeal to Fianna Fáil to end the mixed messages and ask that there be no more confusion. Today, all Members have an opportunity to vote against this hated tax and I urge all Deputies who are genuinely opposed to water charges to vote in favour of the proposition. To do otherwise would be to continue the disgraceful politics of speaking out of both sides of one's mouth on a given issue. Let us have clarity and be sure where every Deputy stands on this issue. The electorate deserves to know.

**Deputy Dessie Ellis:** This Private Members' debate is a chance for a good proportion of elected representatives in the House to vote on whether to fulfil one of their election promises. This motion could be the last chance to abolish water charges before Fianna Fáil decides it has spent enough time swinging on the fence and brings down the Government. This motion echoes the call from the majority of our constituents. It calls on the Government to abolish household water charges and fund investment in water and sanitation infrastructure through progressive taxation, as has always been the case. This is an issue that brought tens of thousands of people out onto the streets in protest. The large crowds of people on the streets over the past two years have one clear and loud demand, namely, to abolish this unjust tax and not kick it down the road with the commission.

The fact is that an expert water commission agreed between Fianna Fáil and Fine Gael will not deliver on this issue. The commission's outcome has already been determined. The Government should stop this pretence of democracy and the show trials, where a 15 year old boy has been dragged before the courts on trumped up and spurious charges. Today, the Government must accept that last February, the majority of people voted to scrap water charges and abolish Irish Water. It is time to honour that decision.

The privatisation agenda that drove the setting up of Irish Water has only succeeded in placing an extra financial burden on working people, families and pensioners. They have endured bin chargers, the household tax, the increasing cost of house and car insurance, the high price of rent on homes and, on top of all that, water charges. This is about more than having to pay for a utility. Rather, it is about allowing people to survive in their daily lives. This charge was conceived by Fianna Fáil and brought to life amid quangos and incompetence by the Labour Party and Fine Gael Government.

The response to these charges has been one of mass protest and resistance. Fianna Fáil is, as usual, trying to position itself on both sides of the issue. If I was a cynical man, I would say it

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is biding time and postponing any decision until it can contrive to bring down the Government. We are in the position today where Fianna Fáil supports the abolition of water charges but will not support the motion to abolish them. What hypocrisy.

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Damien English):** We are having the same discussion over and over again but we will have to repeat the same points for a few more months until we have a final vote on this issue for once and for all. I have heard umpteen times that people voted to abolish water charges. That is not factually true. I cannot say that they did not but those in opposition cannot keep saying it because it is not true.

**Deputy Dessie Ellis:** That is because-----

**Deputy Damien English:** I deal in facts. There is no point in kidding ourselves. People did not say “No” to Irish Water. Rather, they raised many issues on the doors and voted for Sinn Féin for many reasons - I am not sure what they were but they did vote. Let us call a spade a spade. There is no point in saying Irish Water is the main issue.

It is important that we have another discussion. Many of the issues around water have been rehashed again today and we are debating the same issues, whether they are true or false. Most important is that we all agree on the importance of funding our public water services. Everyone talks about the right to water, free water and everything else but the discussion is about treated water. This is not water that falls from the sky or comes from elsewhere but rather treated water that costs the guts of €1 billion a year to treat and pump to everyone’s house. This is also about waste water and sewage, treatment of which incurs a high cost.

Deputy Danny Healy-Rae referred to people living in rural Ireland. They face high costs in terms of installing wells, biocycles and septic tanks at the start of the planning process, maintaining them and so on. They pay those costs over a long period. If we are going to have a discussion, we need to address that issue. People facing high costs would love to be able to pay a couple of hundred euro per year to have everything dealt with and not worry about water. They do not have that choice but they, like everybody else, pay tax. If we are to be fair, we need to address that issue in debates. As I have said before, I accept that people have different issues regarding water and that is fair enough. However, let us have a factual debate and tease out all of the different bits and pieces.

Deputy Catherine Murphy touched on the core of the issue when she said this was never really just about water. She is probably right. The timing of the introduction of water charges coincided with many other issues. One could not have chosen a worse time to introduce any kind of water charges, no matter where one stood on the issue. Everyone was under pressure and had bills and concerns. There was a genuine fear on the part of many people who went on protests and campaigned against water charges that bills would increase and perhaps would be €1,000. I totally accept that there were genuine fears. If water charges are to be implemented, there will have to be caps. Others went on protest marches for different reasons. There was a lot more to it than water. In the process that was set out over the past couple of months and which will continue until March 2017, we will have a conversation about water.

In this motion, Sinn Féin is focusing on water but the overall debate should now involve a conversation about the provision of water. We need to discuss whether we charge, how much we charge and so on. We should make an informed decision in the House on that topic alone

next March, April or whenever the issue comes up for debate. We should not bring in all of the other reasons people in the House campaigned against Irish Water. Those reasons involved politics as opposed to ideology.

I accept that some in Sinn Féin have a genuine belief, as opposed to a seeing it as a political issue, but many others in the House have used this issue for political purposes. That is wrong. At the end of the debate, next March or April, every person in the House should make an informed decision on water, including conservation, delivery and wastewater, and vote on that. It is so important and we have a duty to vote for the right reasons and focus the debate on the core issue.

We all want greater investment in modern water infrastructure and an improved public treated water system. Everyone acknowledges there are problems with the lack of a joined-up approach under the old local authority management system, some of which only came to light since Irish Water has taken over. All sides of the House want public ownership of our water services and the infrastructure through which it is delivered. It was said again today that we need to have a referendum on the privatisation of water. It cannot be privatised without the Irish public having a vote on the issue. It is not an issue. It is factually wrong to say water can be privatised or sold off tomorrow. It cannot be.

If any future Government wanted to privatise water, such a proposal would have to go through the Seanad and the Dáil and to the Irish people for a vote. That is the law. If we need to go further in clarifying that, that is fair enough. People should not be telling lies. Irish Water cannot be privatised tomorrow unless the Government goes to the public and they vote for it.

**Deputy Dessie Ellis:** It can be.

**Deputy Damien English:** I again ask Sinn Féin to deal in facts. I have acknowledged that Sinn Féin Deputies have opinions but I ask them to deal with facts.

**Deputy Dessie Ellis:** What the Minister of State has said is not factual.

**Deputy Damien English:** It is also not factual when the Deputy said that it can be privatised. It cannot be privatised without the Irish public deciding it that way. It is written in law, it is there. As I said in the previous debate on this issue, let us focus on the goals that we do agree with and work constructively to chart a path towards an efficient and effective provision and funding for water services.

We believe the Sinn Féin motion is premature because we have a process in place and this debate will happen in the months ahead also. In fairness the party does speak about having to fund water services from taxation, so it is not hiding the fact that the money has to come from somewhere. However, I would like Sinn Féin to outline where the money would come from and what services would not be funded instead. Sinn Féin could let us know if it wants to fund a school, a hospital or footpaths and it should let us know its thinking in that regard.

**Deputy Dessie Ellis:** Taxation.

**Deputy Damien English:** That is fine, I am asking where it wants to take the money from. If it is not too much trouble, maybe it will point it out at some stage. Or it may want to wait two weeks until the budget. It might outline its thoughts on that as well.

**Deputy Eoin Ó Broin:** I will send the Minister of State an e-mail.

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**Deputy Damien English:** Good, thank you, I will make sure I get it.

**An Leas-Cheann Comhairle:** There will be no exchanges across the floor of the House.

**Deputy Damien English:** It is much more fun when we have a discussion.

*(Interruptions)*

**Deputy Damien English:** All countries, including Ireland, need to act sustainably in managing, protecting and providing this fundamental natural resource. We all agree on that. We need to be fully cognisant of these challenges as part of the debate on future water services funding. This is why we need to focus the debate purely on water in the months ahead and not people's own personal agendas. Behind the concept of water charges is the principle of establishing a link between the use of an environmentally precious resource and funding the environmental and economic cost of accessing and supplying it to our businesses, our communities and our homes. Without a link between use and funding through user charges, many citizens' awareness of incurring these costs is greatly diminished, not all citizens but certainly some. If one speaks to people in schools, they do not realise that it is costing almost €1 billion per year to treat and provide water. They do not always realise that. When one walks around housing estates, one can see people washing their cars with water that is as expensive as Ballygowan. They do not fully realise the connection there and that is why a link to a charge of some sort, allowing for plenty of free use and so on, will show there is a consequence to wasting water. It must be understood that not everyone else has as much water as we do in Ireland and that this is a problem in many other countries. There is an economic desire to save water also because we must spend a lot of money in order to develop the capacity to treat the water. If we can stop the leakage and wastage of water, we would need spend a lot less to treat it in the first place. That is an important point because apart from doing the right thing, public money could be saved.

In parallel to the deliberative process outlined by my colleague the Minister, Deputy Coveney, the Government recognises that public confidence in Irish Water needs to increase, which is putting it mildly. I think we can all agree on that. This will take time. During the Seanad debate I said, and I will say it again - I know I am not talking to the audience who do not want to listen to me on this point - that in the months ahead, when we are going to make a decision about Irish Water and vote on this, members of the public or those in this House actually read the business case behind the concept and have an opinion on what we are trying to do here. Not everyone here has done that. I accept that some Members may have read it but not all have done so. There was always going to be an initial cost for the first seven or eight years but over time it was going to pay back its costs. Look at the business case and look at the reports on how Irish Water is doing its job and ask if it is making a success of it. I accept that people do not like it. I am not asking that people like it or love it but I am asking them to look at the facts and the business case to see if it adds up before they make a final decision on this in the months ahead. I know Members have decided how they are going to vote tonight but I am referring to the months ahead.

It will take time to get people to accept Irish Water but in my view, it will be done, not only through the utility's work, but also through regular public information, analysis and scrutiny of the utility's performance and reports on its work. In this context, the Government's confidence and supply arrangement with Fianna Fáil contains a commitment to improving the transparency and accountability of Irish Water. Once established, the advisory body, which is mentioned in our amendment to the motion, will publish advice to the Government and give quarterly reports

to an Oireachtas committee on Irish Water's performance in implementing its business plan for 2014-21. The advice will pay particular regard to cost reduction and efficiency improvements; procurement, remuneration and staffing policies; infrastructure delivery and leakage reductions; improvements in water quality, including the elimination of boil water notices; and responsiveness to the needs of communities and enterprise.

As I have said before in response to questions from colleagues in this House and in the Seanad, Irish Water has to engage with Members, regardless of political background. If Members have questions or concerns on local or national issues, the information should come forward. If I am being told in debates that local authorities are waiting for information or guidance then that should not happen and it is not on. Everybody has to up their game around information on Irish Water. The work of the external advisory body will, I believe, contribute to raising awareness of Irish Water's significant progress to date in improving and upgrading the deficient public treated water system. Last year the utility ensured that some 22,000 people saw an end to their long-term boil water notices. It removed the threat of contamination from four drinking water supplies that supply 220,000 people and replaced over 500 km of leaking pipeline. Irish Water continued to increase the spare water supply capacity in Dublin, from the low base of 2% which it inherited to almost 10%, closer to the standard in European capital cities of 15%. This also puts the city in a better place to win and create more jobs in the future and to sustain our tourism market. The utility also notified customers with probable lead piping, identified through the domestic metering programme of the dangers, with 34,000 households notified to date. The €408 million it invested last year in core infrastructure is a 19% increase on 2014 and contributed to the delivery of new water and wastewater treatment plants, all of which will help make water supplies more secure and increase our capacity in terms of wastewater treatment.

**An Leas-Cheann Comhairle:** I must ask the Minister of State to conclude.

**Deputy Damien English:** I was going to talk about the leakage again-----

**An Leas-Cheann Comhairle:** I am obliged to call the speaker at ten minutes before the end of the debate so I want to give an opportunity to the Members.

**Deputy Damien English:** I have only about ten seconds left.

**An Leas-Cheann Comhairle:** The Minister of State's time is up.

**Deputy Dessie Ellis:** Just when Deputy English was in full flow.

**An Leas-Cheann Comhairle:** There are four Members wishing to contribute. I understand that Deputies Quinlivan, Cullinane, Munster and McDonald are sharing time. I ask the Deputies to ensure they do not exceed the eight minutes allowed to allow Deputy Ó Broin the opportunity to come in ten minutes before the end.

**Deputy Eoin Ó Broin:** I will not speak at the end of the debate.

**An Leas-Cheann Comhairle:** Okay. We will start with Deputy Quinlivan.

**Deputy Maurice Quinlivan:** It is unbelievable to think that almost six months into the current Government we are still debating this issue. Once again the political system and its ruling elite continue to blatantly ignore the fact that ordinary people are absolutely opposed to the introduction of water charges and that they intend to fight them to the very end. It is not good enough for Fianna Fáil to come into the House today to abstain or vote against this motion.

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There is absolutely no reason why water charges have not been abolished before now other than by political game playing and attempts by Fianna Fáil to capture the issue for its own selfish motives.

The bottom line is that Fianna Fáil want to get as much political capital out of this issue as possible. Its sly approach to the issue is there for all to see. For example, on 13 September, its submission to the expert commission backed the abolition of water charges. However, on 19 September, the party announced it would not back the Sinn Féin motion to scrap water charges. By 21 September, Fianna Fáil said it would not rule out supporting the reintroduction of domestic water charges. This series of dizzying U-turns is classic Fianna Fail politicking - say everything but do nothing and all at the same time. The fact is that Fianna Fáil does not have a position on water charges and it is playing to all sides on the issue. It acknowledged as much in its submission to the commission, which the party described as not its permanent position. All of this floundering back and forth also shows that Fianna Fáil has no clear policy position on this issue and that the function of policy is, above all else, to gain party political advantage at the expense of everything else. Questions to do with what type of society we want, issues of inequality, public service provision, etc., are all subordinate to the task of getting Fianna Fáil back into power. Surely this is straight out of the Haughey-Bertie Ahern school of politics, where Deputy Micheál Martin learned his craft.

**Deputy David Cullinane:** Both Fianna Fáil and Fine Gael have a lot in common, as we know. They have more in common than what divides them. One of the things they have in common is an uncanny ability to sow confusion when in fact the issue is very clear. The Minister of State said earlier that we cannot say with certainty that a majority of people in the last election voted for the abolition of water charges-----

**Deputy Damien English:** Only.

**Deputy David Cullinane:** However, what can be said for certain is that a majority of Deputies who were elected to this Chamber, to the Thirty-second Dáil, were voted in on the basis of a clear policy position to scrap water charges or abolish them. A minority, including the party of the Minister of State, Deputy English, and the Labour Party, did not receive a majority because of their views on water charges and a range of other issues. That much is clear. The Minister of State says he accepts the sincerity of Sinn Féin on the issue and he knows and understands that at least we are honest about our position that we are opposed to water charges. The Minister of State says some people use this for political gain or reasons of political expediency. He is right, but he is talking about his coalition partners in Fianna Fáil. Its Deputies are the very ones who have used this for political gain. It is the party that has done more U-turns on this issue than every other party in the State. That is what it has done.

We need to understand what all of this was about in the first place, why we are at the point we are at and Fianna Fáil cannot bring itself, not once but twice, to support a motion which agrees with its so-called publicly stated policy. When Fine Gael and Fianna Fáil were trying to tie the knot a number of months ago and held meetings in Trinity College Dublin, one of the stumbling blocks was water charges. In an attempt to make sure there would be no pre-nuptial agreement, they agreed to set up a commission to get both parties off the hook. Everybody can see that, as it is both clear and transparent. That was the gap between the two parties, if there was a gap. We know that Fine Gael is absolutely supportive of water charges and absolutely against them being scrapped. What we do not know for certain is Fianna Fáil's position. My view is that it was looking for cover for its position on water charges which conveniently was

provided by the commission. That is what this is about. If Fianna Fáil is honest, wants to stick to its public conviction and position that it is absolutely opposed to water charges, if it has finally come around to Sinn Féin's view and done a 180-degree turn that water charges should be abolished and that water should be paid for through general taxation, what is stopping it from supporting the motion? It states the only thing that is stopping it is the commission, which proves the point I made. Fianna Fáil is waiting for the commission to give it the out it is looking for. That is what this is about.

The people expect us to deliver and do what we were elected to do. Those who put their X and the numbers 1 and 2 on ballot papers to vote "Yes" on range of issues, including this one, expect us to implement the will of the people. It is very clear that, on this issue, their will is that water charges should go. When are they going to go? The people could be given a clear signal today that water charges will go if the majority of those who say they are opposed to them support the motion. That is what I appeal to Fianna Fáil to do.

**Deputy Imelda Munster:** Here we are again, being presented with another opportunity to do what we promised the people we would do: abolish water charges. We know where Fine Gael stands on the issue; it is in favour of water charges. We also know where the Labour Party stands. It, too, is in favour of forcing people to pay for water. What we do not know is where Fianna Fáil stands on the issue. We thought we knew where it stood on it for the simple reason that on page 38 of its election manifesto it clearly stated in black and white that it would abolish water charges. It was as clear as day. However, it keeps changing its mind, or does it? I would like to say it is flip-flopping, but I believe it is something far more cynical. Fianna Fáil continuously insults the intelligence of the people in the most blatant way. It thinks it can take them for fools. Its cynical doublespeak in the past few weeks brings politics to a new low.

Just a few weeks ago, Fianna Fáil submitted a submission to the commission stating it backed the abolition of water charges. A couple of days later, it stated it would not support a Sinn Féin motion for the abolition of water charges, a motion that was calling for precisely what it had stated it would do. A couple of days later it stated it would not rule out the reintroduction of domestic water charges. I could call on its leader to hang his head in shame but the reality is that he has no shame. We are giving Fianna Fáil an opportunity to try to redeem itself, if possible, and prove me wrong. I call on it to end its cynical doublespeak, stop taking the people for fools and support the motion to abolish water charges because that is what it promised the people it would do. Tonight it can redeem itself by supporting the motion and doing the right thing because that is what it stated it would do. In the name of God, it must stop conning the people because it is fooling nobody.

**An Leas-Cheann Comhairle:** I call Deputy Mary Lou McDonald. She has seven minutes.

**Deputy Mary Lou McDonald:** I thought for one second that I only had one minute and nine seconds. I would have had to speak very quickly.

**Deputy Damien English:** I could give the Deputy lessons.

**Deputy Mary Lou McDonald:** From listening to the debate, this path has been well trodden. We have heard all of the arguments why it is unacceptable to the majority that people should pay for domestic water supplies a second time. The Minister of State is right that nothing is free. Yes, things have to be paid for. Those of us in elected office need to identify from where the moneys will come. That is entirely reasonable and it has been said 100 times. As has

been reflected on, people have come out onto the streets repeatedly in their tens of thousands to make it clear that charging for domestic water supplies is a bridge too far. Sometimes people talk about those who will not pay. There are many people who, as a matter of principle, will not pay water charges. However, there is a far bigger proportion who simply cannot pay. I know them, as must the Minister of State, because they live in our communities and constituencies.

Today there is very much a sense of *dejà vu*. The Government is holding fast to the position of Fine Gael of imposing domestic water charges. One presumes the Independents in government go along with this line. Despite conceding the fact that Irish Water and domestic water charges were an unholy mess and a disaster, it seems the Labour Party, too, is sticking to its position of imposing domestic water charges. Fianna Fáil, on the other hand, flip flops. The question has been asked: where does it stand? What is its policy? I believe its position is actually very clear. It has a policy of prevarication, delay and deception. That is where it stands on the issue. For anyone who was in any doubt before today, let there be no doubt now. The motion is very straightforward. It simply states Dáil Éireann resolves to abolish domestic water charges and fund water and sanitation services through progressive general taxation. There is nothing ambiguous or unclear about it; it is as clear as water.

**Deputy Declan Breathnach:** Muddy water.

**Deputy Mary Lou McDonald:** Yet those on the Fianna Fáil benches pursue their policy of prevarication, delay and, ultimately, deception. I do not believe they intend to see through on their promise to abolish water charges. Those on the Government and Fianna Fáil benches need to understand that those who proposed the introduction of domestic water charges have lost the argument. I heard Deputy Barry Cowen, in a volcano of bluster, talk about why the people had voted one way or the other in the general election and the outcome of that contest. What is absolutely clear is that a majority of those elected to the Dáil were elected on a platform of abolition of water charges. The question is whether they will actually make good that promise. That is what this debate is all about. It is about whether those of us who said to the tens of thousands of people and more that we would see to it that these unfair charges, a form of double taxation, would be lifted are as good as our word.

Sinn Féin, in tabling this motion, is demonstrating categorically its commitment to this policy. We said to the people that we would see to it that water charges were abolished and this motion is about making that happen. Similarly, the other Deputies who signed the motion are being true to the commitment they gave. When called out on its promise, the Fianna Fáil Party had done what it always does, namely, prevaricate, delay and attempt to deceive. Perhaps it will remember that this is not a game and that when its members knocked on doors and gave a commitment on water charges, people took it at its word. That may not mean much to Fianna Fáil but I suggest it should. It certainly meant something to people when they went to the polling stations and, more important, it means a great deal to people as they plan their households budgets and water services and consider how they will get by from day to day.

I heard the Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, waxing lyrical earlier about his desire to create a water secure economy. I did not hear him refer to a water secure society. I never hear any of the Government Deputies speak about old age pensioners for whom the water debate is about the water to boil a kettle, have a bath or cook dinner. That is where this debate is and it is what they all miss.

Those who advanced a case for water charges lost the argument. It is now time they ac-

cepted that and while they may not like to do so, that is their problem because the democratic wishes of the people have been expressed and the democratic promises of elected representatives have been made. This evening's debate will divide those who are as good as their word from those for whom their word means nothing. It will divide those of us who listen to people and are in touch with their everyday experiences from those who live in ivory towers. It is as simple as that.

Anyone who opposes domestic water charges has the opportunity to express that opposition democratically and through a vote. Anyone who does not support the motion does not support the abolition of water charges. That is what this debate boils down to.

I congratulate everybody who has held firm on this issue against all the odds and in the face of the great and good, the experts and the naysayers. The ordinary people said, "You are not doing this". The Government will abolish water charges now or later. It should be clear that this must mean abolition and not suspension.

Amendment put.

**An Leas-Cheann Comhairle:** The division is postponed until the weekly division time tomorrow, Thursday, 21 July, in accordance with Standing Order 70(2).

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

### **Priority Questions**

#### **Garda Investigations**

11. **Deputy Jim O'Callaghan** asked the Tánaiste and Minister for Justice and Equality if she will consider putting in place an independent investigation into allegations made against An Garda Síochána in respect of the death of a person (details supplied) and for an independent investigation into allegations made by another person (details supplied). [27624/16]

**Deputy Jim O'Callaghan:** The question relates to a request to establish independent investigations into two matters, namely, the death of Shane O'Farrell and the circumstances pertaining to Ms Cynthia Owen and allegations she has made. Both of these cases will be known to the Minister who has communicated with me and the O'Farrell family in respect of the former case. The family is coming near to the end of the road in terms of seeking satisfaction. The case against an accused person was dismissed but outstanding issues of concern to the family remain. In my opinion, these issues merit further investigation.

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** The background to the two cases referred to in the Deputy's question are truly tragic and both are deserving of our sympathy and understanding. It is worth pointing out that both cases were considered under the independent review mechanism established recently to review certain allegations of Garda misconduct or inadequacies, if any, in the investigation of certain allegations. A panel consisting of two senior and five junior counsel was established for this purpose. The counsel

appointed to the panel were nominated by the Attorney General and were all selected on the basis of their experience of the criminal justice system. Very experienced senior and junior counsel examined the cases.

In the first case, the recommendation made by counsel was that I take no further action. A letter setting out the outcome and recommendation, and the reasons for these, was issued to the complainant last December. My predecessor referred aspects of this particular case to the Garda Síochána Ombudsman Commission, GSOC, and that investigation has not concluded. A civil action has also been initiated against the State. I will await the completion of these processes and examine their outcomes. At that point, I will consider whether and what further options, if any, are open to me.

In the second case, the recommendation made by counsel was also that I should take no further action. This has been made known to the complainant. The Deputy will recall that the case was the subject of a review by Mr. Patrick Gageby, senior counsel, who was asked by the then Minister for Justice, Equality and Law Reform, Senator Michael McDowell, to examine the case. Arising from his detailed analysis of the case, Mr. Gageby advised the then Minister and Government against establishing any further inquiry. Following receipt of Mr Gageby's report by the then Minister, the legal representatives of the person concerned were given access to it. Following consultation with them, it was decided not to publish the report. Notwithstanding this, I referred the case to the independent review mechanism, which had access to Mr. Gageby's report. As I stated, the independent review mechanism panel recommended that I take no further action in the case.

In summary, I would like the outstanding processes in respect of the first case, namely, the civil case against the State and me, to be completed. As I outlined, there has already been an inquiry in the second case.

**Deputy Jim O'Callaghan:** In respect of the Shane O'Farrell case, I am conscious that the Minister has met the O'Farrell family and that her predecessor met the family in April 2014. On foot of the latter meeting, it was agreed that GSOC would carry out an investigation into the matter. While the family welcomed the investigation at the time, two years and five months have passed and there does not seem to be a report from GSOC forthcoming.

The chairperson of the Garda Síochána Ombudsman Commission appeared before the Joint Committee on Justice and Equality last week. While I could not raise specific cases with her, I asked her what was the position in respect of the delay in GSOC investigations. One of the interesting points made at the meeting was that GSOC has very little sanction in terms of trying to compel the Garda to provide answers or information. The O'Farrell family are being told an inquiry is ongoing in GSOC but they have been given no indication as to when it will conclude. It is highly unsatisfactory for the family to be told they are being given an inquiry, only to have the inquiry drag on without any definite end date.

In the second case, I have not had an opportunity to read the report of Mr. Gageby and I do not know whether the allegations made are true and I do not stand over them. However, the respected solicitor acting on behalf of Ms Owen has indicated that this is a matter of ongoing concern and he has raised the matter with me.

**Deputy Frances Fitzgerald:** The annual report from GSOC for last year demonstrates very clearly that 96% of all requests made to the Garda for information from GSOC were given to it

within the 30-day period. There was a small percentage where there was a longer timeframe but we have established protocols and there has been an improved relationship between GSOC and the Garda in terms of compliance. I welcome that and I would add that we expect full compliance in a timely way.

While I understand the Deputy's concern, the GSOC inquiry is underway and there will be a conclusion. I believe the Deputy will understand that, given the civic action against the State and the GSOC inquiry are not concluded, I need to see the outcome of both of those processes and then consider the position. I have said I am willing to do it in the first case the Deputy has raised. Let us see the outcome of both of those examinations and then decide whether there should be further action at that point.

**Deputy Jim O'Callaghan:** An inquiry into the Shane O'Farrell matter should not be an inquiry that would last two and a half years. From having spoken to the family, I know there are many broad issues they refer to, which is understandable. However, when we get to the core of the allegation that is being made, it rests primarily on two points. First, on the day that young Shane was killed, the car was stopped by a member of An Garda Síochána and was allowed to go on, despite the fact there was no tax on the vehicle and it was not roadworthy. The second and more serious allegation is that the accused, who was subsequently acquitted of serious charges but who did plead guilty to failing to stop at the scene of an accident, was previously on bail in respect of offences and it appears this was not adequately recorded by the Garda on the Pulse system. This may have had an impact in a subsequent court case where the accused was before the court but the judge was not apprised of this relevant information.

I know the Minister is concerned and I appreciate her comments in this respect. If the GSOC report comes back, I will be holding her to what I believe should be an agreement that the family deserves an inquiry if the GSOC report indicates there are further matters that merit investigation.

**Deputy Frances Fitzgerald:** With regard to the timeframe, the Department received an update from GSOC in July 2016. In that latest update, GSOC stated that the investigation was at an advanced stage and arrangements were being put in place to meet with some gardaí who have yet to be interviewed. I very much hope, as Deputy O'Callaghan does, that this work can be concluded very soon. I have met the family, who have been through terrible trauma with the loss of their son in the circumstances the Deputy has outlined. They will have access to the GSOC report and recommendations as soon as possible.

### **Sentencing Policy**

12. **Deputy Jim O'Callaghan** asked the Tánaiste and Minister for Justice and Equality her plans for updating and strengthening the sentences that can be imposed on persons convicted of possession of firearms with intent to injure and-or kill; and if she will make a statement on the matter. [27625/16]

**Deputy Jim O'Callaghan:** The reason I put down this question about firearms is that, a number of months ago, Deputy Declan Breathnach introduced me to a postmistress from a post office in County Louth who had been through an extremely harrowing experience when she was subjected to a raid on the post office, not once, but twice. I am sure the Minister will agree that offences which are committed with the use of firearms are astonishingly serious. They are

distinguished from other criminal offences where individuals on the spur of the moment may not involve themselves in a premeditated act, although they involve themselves in criminality nonetheless. We need to have greater codification and increased sentences in respect of the possession of firearms.

**Deputy Frances Fitzgerald:** There are very severe penalties in place for firearm offences under the Firearms Acts 1925 to 2009. A person possessing a firearm with intent to endanger life is liable to a minimum of ten years imprisonment and up to a maximum of life imprisonment and a fine at the discretion of the court. The court has some discretion in applying these minimum sentences in the case of a first offence, depending on the circumstances concerned, but not in the case of a second or subsequent offence. This and other mandatory minimum sentences for firearms offences were introduced on foot of concerns regarding the impact this type of offence had on society, on individuals and on communities.

I want to put on record that much progress has made in tackling gun crime in Ireland and the statistics are as follows. The number of offences relating to the possession and discharge of a firearm fell by 52%, from 745 in 2005 to 356 in 2015, while incidents of assault, burglary, robbery and murder involving a firearm are down 28%, from 455 to 329. Of course, if one is the person being assaulted in this way, one case is one too many, which I accept. However, the sentencing regime is quite tough and I am not sure there is scope for any further strengthening, although I am happy to consider any specific suggestions the Deputy may have.

Gun crime must be tackled aggressively by An Garda Síochána and this is being done through a range of targeted and intelligence-based operations, which often disrupt incidents and ensure we detect and prosecute those involved.

**Deputy Jim O'Callaghan:** The Minister is correct to state there are certain offences associated with firearms which carry very serious sentences, such as the ones she has identified. However, there are other offences which do not carry the same sentence, such as reckless discharge of a firearm or possession of a firearm or ammunition in suspicious circumstances. We need to have a codified and consistent approach to offences with the use of firearms.

As I mentioned at the outset, when somebody gets involved with possession of a firearm for the purpose of illegal activity, there is no doubt but that the person is going to be involved in predetermined criminal activity. We need to send out a message that the use of firearms in criminal activity is an offence which carries very special and serious penalties. It is for that reason we should look again at this issue. It is not just the Minister's responsibility to introduce new laws, which is something any member of the House can do. However, I believe the other offences in association with the use of a firearm need to be strengthened so, for example, persons who are holding onto a firearm or minding a firearm, or using a firearm for activities which they may not think are going to result in the death of an individual, are aware there are very serious criminal sanctions. It is simply unacceptable for people in this society to have firearms for illegal activity. We do not want to find ourselves in a situation where it becomes acceptable over time. We need to stamp down on it promptly.

**Deputy Frances Fitzgerald:** The House might be interested to know that a High Court judgment of 9 May 2016, with which I am sure the Deputy is familiar, upheld the constitutionality of the mandatory minimum sentence provisions for repeat firearm offences. Mr. Justice Twomey adjudicated it is within the rights of the Oireachtas to make such provisions, having regard to public safety and the protection of citizens. He also made reference to the fact the

Garda Síochána is a unarmed force and that strong legal provision for firearms offences acts as a deterrent. Indeed, in regard to some of the particular issues the Deputy has raised, section 27A of the Firearms Act 1964 provides for mandatory minimum sentences of at least five years, with the possibility of up to 14 years for those convicted of possession of a firearm in suspicious circumstances. Under section 27B of the 1964 Act, it is also an offence to carry a firearm with criminal intent, and that also attracts a minimum sentence of five years, with a possible maximum sentence of 14 years.

Therefore, if some codification is needed, or if there are any issues the Deputy would like to forward to me in this regard, I will certainly ask the Department to examine them. However, I am satisfied there are strong sentencing deterrents available for people who would carry firearms in this jurisdiction. The reduction in offences shows that people are getting that message but it is an ongoing issue.

### **Crime Data**

13. **Deputy Ruth Coppinger** asked the Tánaiste and Minister for Justice and Equality if she will support the commissioning of another report so that there is an accurate picture of the current position of sexual abuse and violence and domestic violence given it has been more than 14 years since the Sexual Assault and Violence in Ireland, SAVI, report; and if she will make a statement on the matter. [27436/16]

**Deputy Ruth Coppinger:** My question relates to the commissioning of another SAVI, Sexual Assault and Violence in Ireland, report. It is 14 years since the previous one was done. It was considered landmark research at the time and was carried out by the Royal College of Surgeons in Ireland and the Rape Crisis Centre in conjunction with two Departments. We now need to update the position and find out if there has been any change in the prevalence of sexual abuse and violence and domestic violence.

**Deputy Frances Fitzgerald:** We have not had a second SAVI report but the overall cost of a second report has been investigated. I held meetings with the researchers who were involved in the original SAVI report. The cost would be approximately €1 million, although that would be subject to tender. The previous SAVI report cost more than €600,000. It is a question of whether we can find the funding of €1 million for the project. We continue to investigate the feasibility of doing it from a financial point of view, taking into account the resource implications and a funding stream that might be able to support such work. As a Minister, I am very keen on research-based interventions. However, we must strike a balance between funding front-line services which so badly require funding and providing money for research.

A number of other research streams are available to us. For example, in March 2014 the European Union Agency for Fundamental Rights launched the results of the largest ever violence against women survey in the EU. That contained details of the prevalence of various types of domestic violence by a partner experienced by those women surveyed who were resident in Ireland. I am sure Deputy Coppinger is familiar with the report. The numbers of citizens who are exposed to either domestic or sexual violence is disturbing. It is very important to know the prevalence of such violence. In the crime categories the CSO published today, sexual offences have increased by 13%, from 2,162 to 2,442, an increase of 280 in that category.

We also have information coming from the rape crisis centres in their annual reports. It

is a question of identifying the data that are most useful and needed. Cosc is an organisation that deals with abuse and violence and its data committee is actively working with a variety of criminal justice agencies to try to agree on a gold standard approach.

**Deputy Ruth Coppinger:** I already saw a reply the Minister made to another Deputy which referred to the cost of €1 million for such a report. I am amazed that the lack of €1 million is considered a deterrent and barrier to carrying out vital research over three years. It is not just to see if things have changed. It is also to see what has been the experience of women and others who have suffered domestic violence in the courts and with the Garda. We know there is significant under-reporting of the issue.

In terms of the argument concerning research versus front-line delivery, how can we tackle a problem if we do not know the extent of it? Moreover, I believe we need to advertise the fact throughout society that violence against women in any shape or form is unacceptable. That is not the current culture in society. In light of the recent murder-suicide case, which is the ultimate act of domestic violence and is not perhaps recognised as such by the media and society, it is all the more important that the issue would be investigated by the Department.

**Deputy Frances Fitzgerald:** The only piece of research on murder-suicide cases shows there have been 19 such incidents in the period from 2000 to 2013. According to CSO figures, during that period there were 6,033 deaths recorded as suicide.

In response to the point Deputy Coppinger made about communicating with the wider public, we have just launched a €6 million investment programme over six years, the first three years of which will focus on domestic violence and the second three years on sexual violence. The target is to ensure that people are aware of the kind of actions they can take to interrupt both domestic and sexual violence. The information campaign will start in November. I fully agree with Deputy Coppinger that we need to ensure the entire community works to interrupt acts of domestic and sexual violence and takes action.

**Deputy Ruth Coppinger:** In the previous SAVI report, there were some findings that bear out a need for further research. A total of 42% of women and 28% of men reported some form of sexual abuse in their lifetime. A third of women had some level of sexual abuse in childhood. A total of 23% of perpetrators of abuse against women were partners and ex-partners whereas the figure for male victims is 1%. We have a serious issue with violence against women in this society and culture. Unfortunately, it seems there is still serious underfunding. We are told we are in a recovery situation. The Government has just turned down the possibility of billions of euro in tax collection from one of the largest multinationals on the planet and it beggars belief to turn around and say €1 million cannot be found to do the report.

The Minister is aware of the Women's Aid report as she attended its launch. Two issues must be addressed by the Department, namely, stalking, which is experienced by a significant number of women when they break up a relationship, and now we know about the online dangers of same and, second, quite incredibly, the fact one cannot get an emergency barring order outside of office hours or a barring order if one is not in a cohabiting relationship involving a child. It is incredible that we still do not cater for women who have an unmarried relationship but do not have a child. That is something Women's Aid has raised as a pressing issue.

**Deputy Frances Fitzgerald:** Following the launch of the Women's Aid report, I attended a meeting between the Courts Service and Women's Aid, which I organised in order to discuss

the range of issues raised in the report about the state of the family court services and the need to improve them but, equally, there were other issues. Some of the issues Deputy Coppinger raised will be addressed in the sexual offences Bill, which will be debated in the Dáil next week. The Law Reform Commission has addressed some of the other points the Deputy made. We will examine the Law Reform Commission report as a matter of urgency because there are offences relating to online harassment and stalking and we need to update the legislation in regard to them.

I have an open mind on the commissioning of a second SAVI report. If the money can be found, I will ensure it is done. I appreciate the value of all-island reports looking at the prevalence of issues such as this as they can guide interventions. I will work hard to ensure the money can be found.

### **Garda Síochána Ombudsman Commission**

14. **Deputy Mick Wallace** asked the Tánaiste and Minister for Justice and Equality the steps she proposes to take in view of the call from the Garda Síochána Ombudsman Commission, GSOC, for urgent legislative change to enable it to carry out functions appropriately; and if she will make a statement on the matter. [27626/16]

**Deputy Mick Wallace:** Last week at the justice committee, Judge Mary Ellen Ring expressed her frustration at GSOC's lack of power to hold An Garda Síochána to account. We warned the Minister about that when we debated the legislation. The minimal changes introduced ensured that GSOC as a body was designed to fail, which is the current situation. Gardaí are not co-operating. They are withholding information and documents when it suits them. What is the Minister going to do about it?

**Deputy Frances Fitzgerald:** I do not agree with the Deputy's analysis of GSOC. The GSOC report from 2015 indicated that it had received full responses to 93.6% of requests within the time limit of 30 days, with only 6.4% unfulfilled at 30 days. That represents a significant improvement in compliance with the protocols over 2013 and 2014. The average time taken to receive a compliant response was 22 days in 2015. There has been a huge improvement in the provision of data that need to be given by the Garda Síochána to GSOC. I can only encourage the Garda to improve on the 22 day timeline and to encourage and request the Garda Síochána to make sure there is 100% compliance.

Having said that, the Government appointed Judge Mary Ellen Ring just one year ago.

*7 o'clock*

She is an excellent chairperson of GSOC. As the Deputy said, she spoke in front of the justice committee last week. I will certainly take what she had to say into account. I will meet her to discuss the details of further changes to the legislation that she has said she feels would be worth considering.

GSOC is getting on with a lot of work in the meantime, dealing with many complaints, managing them well and dealing with victims who have come forward. Its work is extremely important. As I said, An Garda Síochána has made considerable improvements in the rate of compliance and with regard to the timeframe. That is what is important. In general, the chair-

person of GSOC called for changes to Part 4 of the Garda Síochána Act, which deals with the investigation of complaints, and referred to minor service issues that she felt should be managed by Garda line management, and I certainly agree with her about that. Those issues should be dealt with from a management perspective, as opposed to the disciplinary procedures by which they are dealt at present. I have had several discussions about changing that because it would make the procedures far more efficient if we got to that point.

**Deputy Mick Wallace:** The chairperson did not paint the same rosy picture that the Minister has painted. Sadly, by way of a couple of examples, GSOC has waited two years on documents from the whistleblowers, Nicky Kehoe and Keith Harrison, after asking for them. The documents in respect of one of them have eventually arrived. The Garda Commissioner says in public that she supports whistleblowers. I ask the Minister what has the Garda Commissioner done to demonstrate her support for whistleblowers. Has she telephoned them? Has she written to them? Has she met them? They do not feel her support. They do not think that she has any appetite for what they have to say. We all must agree at this stage that whistleblowers are the key. If it were not for Maurice McCabe and John Wilson, we probably still would not even have a Policing Authority, even if it is not as independent as we would like it to be. We would not even be here without whistleblowers and still they are not getting the respect they are due.

**Deputy Frances Fitzgerald:** As I have said in the House previously, robust procedures are increasingly being put in place within An Garda Síochána to make sure that the concerns raised by Garda whistleblowers are dealt with appropriately and the Deputy has heard the Garda Commissioner herself talk about them. We have passed the Protected Disclosures Act, which is a very robust statutory framework within which workers, including members of An Garda Síochána, can raise concerns regarding potential wrongdoing. I believe that GSOC has the necessary independence and powers to carry out any investigation that is needed or that arises but the legislation does provide a comprehensive suite of employment and other protections to whistleblowers who are penalised by their employer or suffer a detriment from a third party on account of raising concerns. We know the change in the culture of any organisation takes time, but there is clearly an obligation to put in place the best supports for whistleblowers so that people feel confident about coming forward, that there are procedures in place and that they will not feel further penalised because of the action that they have taken. The Deputy knows that An Garda Síochána is also working with Transparency Ireland to look at various procedures and that it has clearer mechanisms in place now to support whistleblowers than were there previously.

**Deputy Mick Wallace:** Judge Mary Ellen Ring also made the point that the protected disclosures system is not working as well as she would like it to work. The Minister should take a look at what she said. I am not making it up. She talked about GSOC not having the teeth to do what it would like to do. We said the same about the Policing Authority. Today Josephine Feehily was before the justice committee. Given that the Policing Authority has been considering the O'Higgins report, one of its earlier jobs, which raised serious concerns about the role the Garda Commissioner played in her efforts to undermine the credibility of Maurice McCabe, I asked Ms Feehily what she was doing about it. If Maurice McCabe had not taped that meeting in Mullingar, he would have been thrown under the bus. Does the Minister know what Ms Feehily said? She said it was outside of her remit and that it was up to the Minister. If the Minister fails to hold the Garda Commissioner to account, there is a great fear that the Minister could go the same way as a former Minister for Justice and Equality, because she cannot ignore what is in the O'Higgins report. Sadly, the Policing Authority, which we knew did not have enough teeth, does not have the authority to hold the Commissioner to account, but the Minister does.

Will she do so?

**Deputy Frances Fitzgerald:** What this Government and the last Government have done is put in place a new Policing Authority with an important role in this country to hold the police to account in a public way. It has started that work, as the country knows, and it is getting on with it. It is examining a whole range of issues regarding the management of the Garda Síochána and having ongoing private and public discussions with the Garda on a range of important issues. That is the biggest reform to the Garda Síochána that this country has seen, so I do not accept the Deputy's description once again. We see major change regarding the role of GSOC, the Garda Inspectorate and the Policing Authority. Implementing the various recommendations is what is important, as well as making sure that the many recommendations - I think there are more than 1,000 at this stage - from the various reports that have been carried out into An Garda Síochána are continued. We are making sure that An Garda Síochána has the resources and that that is what it is doing from a management perspective.

*Question No. 15 replied to with Written Answers.*

### **Garda Reserve**

16. **Deputy Eugene Murphy** asked the Tánaiste and Minister for Justice and Equality the number of Garda reservists in the Roscommon-Longford Garda division. [27414/16]

**Deputy Frances Fitzgerald:** Has the Leas-Cheann Comhairle skipped Question No. 15?

**An Leas-Cheann Comhairle:** We are on Question No. 16.

**Deputy Frances Fitzgerald:** The programme for a partnership Government includes a commitment to double the Garda Reserve to act in a supportive role, undertaking local patrols and crime reduction measures. The Reserve members have undergone training in many of the skills required to be effective full-time members of An Garda Síochána. Indeed, many have now applied to be members of the Garda. Quite a number were successful in the last recruitment so we want to build on the very real commitment which they have made. The Garda Síochána has set up a Garda Reserve management office with a superintendent in charge of it, and it is currently undertaking an audit of all the experience and skills of reserves which, when completed, will assist Garda management in considering the future role to be played by the reserve. It has started work on the new recruitment plan and there will be 300 extra reserves recruited next year, and I am pleased to announce that in the House this evening. We will continue that annually to bring the Reserve up from its current strength of 789 members to 2,000.

To get to the reply to the Deputy's question, regarding the Roscommon-Longford Garda division I am informed by the Commissioner that as of 31 August 2016, there were 11 reserves assigned to that division. It is the Garda Commissioner who is responsible for the distribution of resources, and I as Minister have no direct role in that.

**Deputy Eugene Murphy:** I thank the Minister for her reply. It is good to hear the announcement of that figure going up to 300. We on this side of the House might have had a little say in that. It is significant. However, I want to go back to the main point here. As I said to the Minister, 11 reservists in the Roscommon-Longford district is the second lowest in the country and that is down seven from 18 in 2014. I acknowledge what the Minister has said to

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us but there has been very little done with the Garda Reserve. I am looking here at the Garda Inspectorate report Changing Policing in Ireland, which was published before last Christmas. It pointed out that despite receiving considerable training, reserves are not consistently or strategically utilised for operational purposes. Furthermore, the inspectorate pointed out there was no identified champion for the reserve programme within the Garda.

Given the huge drop in the number of reservists over the past two years, it is important to have somebody within the Garda to take on that role and deal with it. The reservists have an important role to play. We often see members of the Garda Síochána trying to help out communities at different events - a major festival, a funeral or whatever. The role of the reservists in helping out members of the Garda Síochána, who have much more important things to do, is very important.

**An Leas-Cheann Comhairle:** I thank the Deputy.

**Deputy Eugene Murphy:** The Garda Modernisation and Renewal Programme 2016-2021 published last month pledges to continue-----

**An Leas-Cheann Comhairle:** The Deputy has spoken for a minute and a half.

**Deputy Eugene Murphy:** The Minister knows where I am coming from.

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

**Deputy Eugene Murphy:** I welcome the announcement here,-----

**An Leas-Cheann Comhairle:** I call the Tánaiste.

**Deputy Eugene Murphy:** -----but we need to do more and be serious about the reserve.

**An Leas-Cheann Comhairle:** The Deputy will have another opportunity, but I will have to cut half a minute from his time.

**Deputy Frances Fitzgerald:** Following the inspectorate reports we have seen this new approach by An Garda Síochána to extend the powers of the reserve. A superintendent has been appointed and I have met him to discuss the audit that is being carried out. I agree with the Deputy that it is extremely important to double the numbers of the reserves, as we intend to do. We have more reserves now than we had, for example, in 2008, but there has been a reduction from the peak. Some 160 serving reserves successfully applied to become trainee gardaí. We will now have a particular stream for reservists in the new Garda recruitment drive, which closes tomorrow. We see a future role. There will be that recruitment and the doubling in numbers, as agreed in the programme for Government.

**Deputy Eugene Murphy:** I am sure the Tánaiste agrees we need a dynamic approach to the issue. As she and I have said, the reserves will become extremely important in assisting An Garda Síochána in the years ahead. It is a good system. I welcome what the Tánaiste has said this evening. I ask her to ensure this project gets full attention.

**Deputy Frances Fitzgerald:** The audit is expected to be completed early in the new year. It is expected that the recruitment of the 300 extra reserves will begin in the middle of the year and that will be accelerated in the following years to ensure we double the number. It is an important role. Some people want to do it as a role in itself but others see it as a route into An

Garda Síochána. Now that we have a particular stream, people will be encouraged to join. I hope all Deputies will ensure that their constituents are aware of this recruitment. Tomorrow is the final date for the new recruitment to An Garda Síochána.

### **UK Referendum on EU Membership**

17. **Deputy Fiona O'Loughlin** asked the Tánaiste and Minister for Justice and Equality if she will report on her recent meeting with the UK Secretary of State for Exiting the European Union; and if she will make a statement on the matter. [27388/16]

**Deputy Fiona O'Loughlin:** My question relates to the Tánaiste's recent meeting with the UK Secretary of State for Exiting the European Union. For all of us the preservation of the common travel area between Ireland and the UK, which has existed since the foundation of the State, is vital given the benefits that accrue from it. That there are 300 formal Border crossing points and many more informal ones indicates the scale and complexity of the issue. Was this raised during her meeting and will she make a statement on the matter?

**Deputy Frances Fitzgerald:** This is a critical in the new scenario we face where the UK voted to leave the EU. Of course enormous issues arise from that, not least the consequences for the common travel area. I spent a good part of today in Enniskillen at a North-South conference on organised crime. I met the Northern Ireland, Minister for Justice, Ms Sugden, MLA, and we discussed in detail the implications of the Brexit vote for North-South relations, for east-west relations and for the common travel area. Both of us are involved in carrying out audits within our Departments of the areas that will be impacted. For example, in Northern Ireland, 18 pieces of legislation on civil and family matters will be impacted by Brexit where the domestic and the international legislation will have to be examined and the need for change identified in detail.

We had a detailed discussion in the meeting with the Secretary of State, Mr. David Davis, MP, on his recent visit here. We looked at the common travel area, police and judicial co-operation, North-South security co-operation, and data sharing and judicial co-operation on civil matters. Given that the relations at a political and policing level have never been as good, North and South, this is a very good basis. Thanks to the work of people from Deputy O'Loughlin's party and my party on the peace process over the years, the relationships are very good. It is a very good foundation for us to deal with these complex issues.

Everybody has made it clear that we want to see the common travel area maintained. We have yet to discuss in detail precisely how that will be done. Of course, we will now be the border for the EU. We will have North-South and east-west discussions as well as, of course, discussions with Ministers from other EU member states. My Department and other Departments have to work through a huge amount of detail. The Taoiseach has established a Brexit committee to deal with this.

**Deputy Fiona O'Loughlin:** I acknowledge, as the Tánaiste said, the good relationship between the PSNI, the Garda and between the relevant Departments. While the British Government has made positive statements that there will be no return to a hard Border, the UK's desire to limit immigration may certainly create difficulties in that regard. If the UK wishes to prevent immigration to the UK through the Republic, there is a very real possibility that it would need to introduce passport control on Border routes. If EU nationals no longer have the same free-

movement rights in both countries, the land Border between the Republic and Northern Ireland could become a weak point in the UK's ability to control EU immigration. How confident is the Tánaiste that the British Government is genuinely committed to the common travel area? To what extent is it a priority for it?

**Deputy Frances Fitzgerald:** Any statements made to date by the UK make it clear that it wishes to maintain the common travel area. The common travel area arrangements do not just cover travel without a passport, but also cover, for example, the right of a citizen of the country concerned to travel and work or go to a university. It is the job of the Government to ensure that our EU partners understand the particular issue relating to Northern Ireland, the Border and, of course, the peace process, which has to be maintained - nothing should be seen as a threat to that.

The Deputy rightly raises the issue of immigration matters and travel across the islands. In our meeting with the Secretary of State, Mr. David Davis, MP, the Minister, Deputy Flanagan, and I both reiterated the importance of maintaining the common travel area. Detailed issues need to be addressed. The UK Government is at an early point in identifying its approaches. Article 50 has not yet been triggered and probably will not be until January or February. There will be considerable detailed work to ensure there is no return to the so-called hard Border. That is certainly our position on the island of Ireland.

**Deputy Fiona O'Loughlin:** I agree that we all have a role to play in dealing with our partner countries in the EU to ensure that they have a positive say in terms of our relationship with, particularly, Northern Ireland. However, what Brexit means in practice remains unclear. The signals are that there is very strong pressure for a hard Brexit. Next week the Brexit hardliners are likely to ramp this up further at the Tory Party conference. The UK trade Secretary, Dr. Liam Fox, MP, has made it clear that he wants to see Britain outside the customs union. I am interested in hearing the Tánaiste's view on how a withdrawal from the customs union can be compatible with an invisible Border.

**Deputy Frances Fitzgerald:** Various statements have been made, including that to which Deputy O'Loughlin refers, in regard to the customs union but it is not the stated position of the UK Government at this point. The common travel area is central to the relationships across these islands. There is no question of that, with very clear benefits enjoyed by both communities. That arrangement is valued equally, North and South. It will be a priority for both Administrations to ensure its benefits are retained in the years to come in the context of the new relationship. That is the position the Irish Government will be taking, no doubt supported by Fianna Fáil. I cannot pretend to the House that Brexit will not pose very complex challenges; it will but we have to do all that we can to reduce any potential adverse affects for all the people of the island.

Even at this point, there are a number of areas on which work is continuing, including the recent signing into law of a new statutory instrument to enable the UK to collect advance passenger information in respect of flights from Ireland to the UK. There is a huge increase in co-operation across a whole range of areas, particularly in regard to advance passenger information and immigration issues such as sham marriages and those who would illegally enter this country, their visas having expired in the UK. There are many areas in respect of which co-operation is ongoing between both countries.

*Dáil Éireann*  
**Community Policing**

18. **Deputy Jackie Cahill** asked the Tánaiste and Minister for Justice and Equality her plans to increase the number of community gardaí in the Tipperary Garda division. [27400/16]

**Deputy Jackie Cahill:** What are the Minister's plans to increase the number of community gardaí in the Tipperary Garda division? In the five years from 2011 to 2016 the number of community gardaí in Tipperary has decreased by 26%. Unfortunately, in the last number of years Tipperary has been receiving unwanted attention in regard to the level of crime in the county. Approximately 12 months ago, a public meeting on the issue was attended by almost 2,000 people. The role of the community garda cannot be overstated. A 26% decrease in community garda numbers is alarming.

**Deputy Frances Fitzgerald:** The latest date for which figures are readily available, which is 31 August 2016, indicate that there were 780 community gardaí assigned to Garda divisions throughout the country, 74 of which were assigned to the Tipperary division. It is the case - the Garda Commissioner makes this point continuously - that all gardaí have a role to play in addressing community policing issues as and when the need arises. I support that. It is true that community policing involves far more than a single unit within An Garda Síochána. The Garda Síochána strategic plan for this year sets as a priority the further development of community policing. I agree with the Deputy that this is an issue at the heart of An Garda Síochána in rural and urban areas. It is recognised that every community has its own concerns and that the Garda need to respond in that regard. In terms of the Garda Síochána modernising programme 2016 to 2021 the focus is on supporting and developing the community policing ethos.

In terms of recruitment, the plan is to increase Garda numbers to 15,000 and to double the Garda reserve. Subject to the budget, new civilians will be recruited into An Garda Síochána next year so that we can provide An Garda Síochána with the type of civilian expertise it needs and thus enable the release of gardaí to front-line duties. We are in the process of finalising this process in regard to gardaí engaged in immigration duties at the airport so that they are free to do more focused work. Taking account of the projected requirements, reaching a strength of 15,000 members will require an additional 3,200 new gardaí to be recruited on a phased basis over the next four years, in addition to the 1,200 that have already been taken into the college. The Garda Commissioner will be in a position to ensure that areas such as the Deputy's will have more gardaí in the time ahead as we double the amount of civilians in the system, recruit new gardaí and double the reserve.

**Deputy Jackie Cahill:** The Garda Inspectorate 2014 crime investigation report identified issues that raised questions about the real value placed on community policing in the Garda Síochána and in regard to the inconsistency of approach to community garda. There are a couple of points I would like to make in that regard. The percentage of gardaí engaged in administrative and non-operational duties is noteworthy, with more gardaí in some administrative non-operational posts than in community policing units. Some districts have reduced the number of gardaí in community policing and others have removed all full-time community gardaí. Some community gardaí see their role as community engagement and not enforcement while others are investigating the full range of criminal offences, suggesting there is a lack of clarity in the role of a community garda. The role of community gardaí in regard to urban and rural crime cannot be over-estimated. The amount of information that can be gathered by a community garda in the prevention and solving of crimes cannot be underestimated. The 2014 crime inves-

tigation report raises questions in respect of which I would like to hear the Tánaiste's response.

**Deputy Frances Fitzgerald:** We are committed to prioritising community crime prevention schemes. Last week, at the National Ploughing Championships, I announced a double of funding for the community alert programme to €350,000. That funding will go directly to local groups. This is a tangible expression of our commitment to supporting the partnership approach. Communities have a big role to play, as does business. We have seen some terrific initiatives around the country. The Garda are working with local businesses and taxi firms to ensure there is a whole of community approach to reducing crime. Investment in An Garda Síochána is also being increased, including the provision this year of additional funding for the installation of more CCTV cameras around the country, which is also a good preventative tool.

In terms of community policing, as every Deputy here is aware, the Garda engages with a wide range of local groups, including informal community groups and the joint policing committees. There is in excess of 3,700 neighbourhood watch and community alert groups in place. There is good local involvement by our police in many areas. This will improve as Garda numbers increase and more civilians are recruited to deal with the issue of gardaí doing tasks inappropriate to them.

**Deputy Jackie Cahill:** I thank the Tánaiste for her response. As I said earlier, there has been huge focus on the level of organised crime in Tipperary. Thankfully, the Garda Síochána has in the recent past cracked some of those criminal gangs and it is hoped this will lead to convictions. The closure of rural Garda stations enforces the need for community garda. I welcome the Tánaiste's comments. As I said, the number of community gardaí in the Tipperary division has been reduced significantly. We would welcome priority in future allocations to try to rectify that situation.

**Deputy Frances Fitzgerald:** We did have an economic crisis. Templemore College was closed. Thankfully, with the economic situation improved it has been re-opened and we can invest further in the type of resources the Garda Síochána need. We have seen the success of Operation Thor. The 26% success rate in that regard was officially confirmed in the CSO figures released today. As the Deputy has acknowledged, locally, criminal gangs are being apprehended and rural crime levels have decreased. There is no question of that. This is the result of focused policing, over-time provision and a greater focus on burglaries. We should see the impact of the new legislation in this area in our courts in the coming months. Consecutive sentences will be imposed on burglars, which is a very big deterrent. We are committed to ongoing work to make communities such as the Deputy's safer.

*Question No. 19 replied to with Written Answers.*

## **Garda Reserve**

20. **Deputy Jackie Cahill** asked the Tánaiste and Minister for Justice and Equality the number of Garda reservists in the Tipperary Garda division. [27401/16]

**Deputy Jackie Cahill:** Deputy Eugene Murphy asked a very similar question and the Minister gave a detailed answer. I want to focus on the drop in the number of Garda reservists. From 2014 to this year, the number has dropped by 30% from 42 to 26, which is alarming. The Minister gave a detailed response on the future role of Garda reservists but I would like to focus

on the drop in the number in our division.

**Deputy Frances Fitzgerald:** I confirm that 25 reservists are assigned to the division in the Deputy's area. The allocation of reservists is an operational decision by the Commissioner. One of the initiatives being examined in the review of the role of the reservists is the possibility of recruiting locally rather than centrally. This may well be very worthwhile in terms of local interest and people can be encouraged to apply.

As I stated to Deputy Cahill's colleague, we are going to double the number. This will start from the middle of next year. The number has been depleted in part because the Public Appointment Service was focusing as a priority on recruiting members of An Garda Síochána. We now have a focus very much back on doubling the reserve as we have the commitment in the programme for Government. The review is ongoing. The Garda Commissioner has announced the extension of some powers for the Garda reservists. We must ensure that in the first instance Garda reservists are doing work which is helpful to An Garda Síochána, that they are getting job satisfaction and that the work adds to the safety of local communities. The review of the job description is timely given that recruitment will start next year and the Reserve will be doubled. It can only benefit communities, such as the Deputy's, when we will have an increased number of reservists available to be deployed throughout the country.

**Deputy Jackie Cahill:** The Garda Inspectorate report on changing policing policy in Ireland published just before Christmas pointed out that despite receiving considerable training, reservists are not consistently or strategically used for operational purposes. I welcome the Minister's comments that attempts are being made to improve this. Recruiting reservists locally would be a good initiative and would make the reservists more focused on their area. Recruitment is key. The number in our division is not satisfactory. I respect the Minister's remark that it is outside her brief but I would like her to highlight the drop in the number. A 38% drop over the period in time is significant. I thank the Minister for her comments. She gave a very good briefing to Deputy Eugene Murphy earlier on what she will do.

**Deputy Frances Fitzgerald:** We must ensure the roles are properly outlined and consistent. In recent years, the Garda Commissioner has conferred further powers on members of the Garda Reserve under the Criminal Justice Public Order Act 1994 and the Road Traffic Act 1961. She also decided they should carry out more duties, including serving summonses and issuing fixed charge penalty notices where offences are detected. In my experience of meeting reservists, they are very enthusiastic and interested. Some want to go on to be members of An Garda Síochána and others do it because they want to make a contribution to the community. They are particularly interested in being members of the reserve but not full-time members of An Garda Síochána. There is much potential for voluntary action by people interested in policing. With the new recruitment, the audit being done and an examination of the training that is best, we will see the progress Deputy Cahill and his colleagues have outlined they would like to see.

## **Refugee Resettlement Programme**

21. **Deputy Thomas Pringle** asked the Tánaiste and Minister for Justice and Equality if she will explain the low number with regard to the refugee resettlement programme and provide details on the additional steps Ireland is taking to ensure it meets its commitment to take in 4,000 refugees by the end of 2017, given that Ireland has to date only taken in just over 300 refugees; and if she will make a statement on the matter. [27439/16]

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**Deputy Thomas Pringle:** This question relates to the commitment we have made to take in 4,000 refugees by the end of 2017. The nub of the problem is to see where are the problems and delays regarding living up to our international commitments. There certainly seems to be a feeling the Government is not too sorry to see the delays and that there has been a very slow uptake.

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** I acknowledge the Deputy's interest in this area and thank him for his question. The Irish refugee protection programme was established by in September 2015 as a direct result of the humanitarian crisis that developed in southern Europe as a consequence of mass migration from areas of conflict. Under the programme, the Government has pledged to accept a total of 4,000 persons into the State by the end of 2017 through a combination of relocation from Italy and Greece and resettlement from Jordan and Lebanon.

Under the resettlement part of the programme, 520 refugees are to be resettled in Ireland by the end of this year. To date, 486 refugees have been admitted to the State. Sufficient cases have already been selected during a mission to Lebanon earlier this year to ensure the remaining refugees in this quota of 520 will be taken in by the end of 2016 ahead of schedule. In addition, the Government recently announced it is extending the resettlement programme to take in a further 250 refugees from Lebanon in 2017.

Under relocation, Ireland has to date taken in 69 Syrians from Greece, mostly families. A further 40 people have been assessed and cleared for arrival and arrangements for their travel to the State are being made. Last week, officials interviewed a group of 63 people in Athens who, once cleared for travel, are expected to arrive in October. It is estimated that by the end of 2016, Ireland will have accepted at least 360 people under relocation. The intention thereafter is to sustain the pace of intakes throughout 2017 at the levels required to allow Ireland to meet its commitments within the timeframes.

As regards the well-documented delays, the Minister is on record as stating that the pace of arrivals during previous months has been a lot slower than she or I would have liked. The delays have been experienced by the majority of participating states, not just Ireland, and are due to issues outside of our control. They include issues such as inadequate resources and administration on the ground in Greece, technical issues regarding security assessments in Italy and a reluctance on the part of migrants to apply for asylum in hotspots, which is a pre-requisite for entering the relocation programme.

The Government has been concerned at the slow pace of intake. In June this year, a team of officials travelled to Athens to help Greek authorities to identify ways of addressing administrative obstacles and to devise a more ambitious schedule for relocations from Greek hotspots to Ireland. Irish officials also helped to develop and deliver information sessions for potential relocation applicants aimed at encouraging them to take up places on offer in Ireland rather than remaining in limbo as unregistered migrants. More recently, I spoke with colleagues from Italy and an official travelled to Italy to address the delays there. Following this, we expect these issues will change.

**Deputy Thomas Pringle:** I thank the Minister of State for his response and I look forward to reading the full reply. It seems there are problems on the ground in the hotspots, particularly in Italy where the Italians do not want gardaí on their territory. Potentially, there could be police from 27 member states operating in the territory and this might be the cause of some of the

problem. What personnel do we have on the ground in the hotspots? What can be done to speed up the agreements? Surely, if the Italians can do the processing work the gardaí would do, we could live with this and the Italians could stand for it also. I may have further questions later.

**Deputy David Stanton:** The issue with the Italians was technical and related to member states conducting, as the Deputy has said, security assessments of groups being allocated to them under relocation. National security is a competency that remains the sole reserve of each individual member state and Ireland already has arrangements in place to allow Garda detectives to travel to Greece to interview people assigned to Ireland. Unlike Greece, however, as the Deputy has said, Italy, for various reasons, had a difficulty with allowing police officers from member states carry out this function on Italian soil. Following recent diplomatic efforts by me and Irish officials, a compromise has been tabled which is likely to resolve the matter to the satisfaction of all member states. Carrying out security assessments on large groups of refugees arriving in the State is common practice and has been taking place under Ireland's resettlement programme for many years. The Government gave a commitment to the public when establishing the programme that security assessments would be carried out on asylum seekers. The awful events in Aleppo this week remind us of the terrible suffering that has been inflicted on the people of Syria. I call on all sides, as I am sure all Members will, to work towards an end to this horrendous conflict which has resulted in loss of life and homes for many Syrians.

**Acting Chairman (Deputy Eugene Murphy):** I promised Deputy Wallace that he could make a short contribution. I call Deputy Pringle first.

**Deputy Thomas Pringle:** I have a quick question and I will then be happy to give way to my colleague. I presume the figure of 4,000 relates to both relocation and resettlement. If the difficulties continue in Italy, would it be possible to speed up the resettlement number to compensate for the ones that cannot be taken in through relocation?

**Deputy Mick Wallace:** Last April, both Deputy Clare Daly and I raised the issue of unaccompanied minors in Calais. We pleaded with the Minister for Foreign Affairs and Trade to send officials to Calais and Dunkirk to process some of the people there and to see if it was possible to take some in. This would not have cost the State a penny given Irish families were prepared to take them in. I promised to take one myself. We contacted Tusla and we were promised a meeting to talk about how the process for resettlement of unaccompanied minors would work. There was no meeting, no replies to e-mails and no understanding of how to move forward.

There are 1,000 unaccompanied minors in Calais at the moment. The camp will be flattened before the end of October. The French admit they only have facilities for approximately 260 of these minors. Will the Government please consider taking in unaccompanied minors and sending officials there to process them? An Irishwoman, Karen Moynihan, is on the ground there working with the refugee youth service. She is a brilliant individual who has done a number of reports. The Minister of State could communicate with her. The last time the camp was cleared, 129 kids disappeared. It will be worse this time. Surely we can do something.

**Acting Chairman (Deputy Eugene Murphy):** I thank the Deputy. I appreciate his comments.

**Deputy David Stanton:** The decision on expanding the resettlement programme has been made. By the end of this year, we will have reached our commitment of 520 refugees. The

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Minister recently announced that we will take another 260 refugees from Lebanon in 2017. We are, therefore, expanding the programme.

On the Calais issue, I acknowledge the Deputy's interest in this and the work he has done. Persons who are currently in another member state, including those in the camps in Calais, and who are in need of international protection are entitled to make an application for asylum in that country should they wish to do so. It also needs to be borne in mind that a defining characteristic of the people in Calais has been their strong desire to go to the UK as their ultimate destination and that is unlikely to change. France to date has been facilitating the UK's desire to control its borders by preventing crossings at Calais. Moreover, President Hollande, recognising the situation in Calais is, as the Deputy said, both intolerable and sustainable, has signalled in the past few days his intention to disband the camp and have its occupants dispersed to accommodation centres throughout France, a move that should be broadly welcomed by all. In the circumstances, any unilateral initiative from Ireland regarding the situation in France at this juncture would be wholly inappropriate.

**Acting Chairman (Deputy Eugene Murphy):** I acknowledge we went over time on that question but I appreciate everybody's co-operation.

### **Garda Deployment**

22. **Deputy Thomas Byrne** asked the Tánaiste and Minister for Justice and Equality if she is satisfied that sufficient resources are available to meet the needs of the policing of County Meath. [27217/16]

**Deputy Thomas Byrne:** Are Garda resources in County Meath sufficient? I am sure the Minister and the entire House will join me in recognising the sacrifices members of An Garda Síochána have made in the north east. A number have been outrageously murdered while a number others have been injured in County Meath recently while detecting crime.

**Deputy Frances Fitzgerald:** I can only join with the Deputy in acknowledging both the loss of life of gardaí undertaking their duties, including Garda Golden in recent months. I was in Templemore earlier this week when the Scott medal was given to Caroline, the wife of Detective Garda Adrian Donohoe who lost his life.

The number of gardaí assigned to any one place is an operational matter for the Garda Commissioner. There has been a great deal of discussion about making sure that we do not do what was always done previously in allocating gardaí and assign them to where the crime trends are showing an increase in future. The allocation of gardaí should be matched to the demands of an area.

According to the latest figures for the Meath Garda division, there were 289 gardaí with 23 reserves and 25 civilians. Where appropriate, the work of local gardaí is supported by a number of Garda national units. While I have outlined the allocation of gardaí in the county, I would like to be clear that local gardaí are often backed up by the National Bureau of Criminal Investigation, the Garda National Economic Crime Bureau and the Garda National Drugs and Organised Crime Bureau. I expect that as Garda recruitment accelerates next year, when we hopefully will take in approximately 800 new recruits into Templemore to bring the force's strength to 15,000, more civilians are recruited and the reserve is doubled, the impact will be felt in all areas. The

decision to assign gardaí to a particular area is up to the Garda Commissioner.

**Acting Chairman (Deputy Eugene Murphy):** As Members will have noticed, the clock has crashed and, therefore, it is back to school for me. I warn everybody that I am able to count. Deputy Byrne has one minute.

**Deputy Thomas Byrne:** The problem in County Meath is the population continues to increase and Garda numbers have not kept pace. There is also a significant motorway network traversing the county, which lends itself to burglaries. There are spates of burglaries in particular areas. Over a year ago, it was Duleek, then Donore, Stamullen and, most recently, the Kiltake-Moynalvey area where gardaí were injured during a spate of burglaries. The burglars were using the motorway but they are also aware of the lack of a Garda presence in large areas because of the lack of numbers. It is not the fault of gardaí.

The other issue is there is a large number of towns in other counties, which border Meath, and the gardaí stationed in them ordinarily cannot serve our county. I refer to Kingscourt, Drogheda, Balbriggan, Maynooth and Kilcock. In general, these gardaí cannot enter the county even though they are stationed on the edge of the county. In some cases, one can walk across the street in these towns into the county. That has to be addressed. People in these areas feel vulnerable. Somebody living outside Kilcock has to look to Ashbourne or even Layton for a Garda presence.

**Deputy Frances Fitzgerald:** Everybody is concerned about his or her own area and will make a case for it, which I appreciate, but the allocation of gardaí, particularly the 534 newly attested gardaí, is important. A total of 19 of them have been deployed in the Meath division. As recruitment is accelerated following the reopening of Templemore College, the areas where the need is greatest will benefit. Clearly, that is a decision for the Commissioner. She has to consider the particular needs of individual areas when allocating new gardaí.

I take the Deputy's point regarding access to motorways for criminal gangs and their mobility but we must ensure the Garda can match that. A total of €64 million has been invested in Garda vehicles, which is important. It is also important to update technology to enable quick reaction by the force.

**Acting Chairman (Deputy Eugene Murphy):** I am trying to accommodate a number of Members. I ask Members to help their colleagues but sticking to their time.

**Deputy Thomas Byrne:** I thank the Minister. Will she ask the Garda authorities to seriously examine this geographical issue, which is detrimental to County Meath at the moment? There are many towns on our border. If one walks up the street in Kilcock, one crosses into County Meath. It is a similar story in Drogheda while Balbriggan and Kingscourt are only over the road. The gardaí stationed in those towns cannot enter our county and people must look to stations much further away. That is instilling a lack of confidence among the public in the Garda's service. They wonder why a garda from down the road cannot come to deal with their crime and why they have to contact a station in a town much further way, which they never visit. That is something which will have to be addressed and at which the gardaí will have to look. This was done for the joint policing committees, JLCs, but all these towns used to serve these areas. When the JPCs came in, this had to be done on a county boundary basis. We should not be doing Garda administration on the basis of what the JPCs are but on the basis of what is best for detecting crime on the ground.

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**Deputy Frances Fitzgerald:** The issue of divisions and operational responsibility is one the Garda is currently examining. I ask the Deputy to write to me on the points he has made and I will bring them to the attention of the Commissioner. I will get some information for him on the new approaches that are being recommended on divisional operational responsibilities, which I think address the point he is making about gardaí not being able to move between certain areas.

### **Regeneration Projects Status**

23. **Deputy Jack Chambers** asked the Tánaiste and Minister for Justice and Equality the role her Department is playing in the north-east inner city initiative. [27422/16]

**Deputy Jack Chambers:** I ask the Minister about the exact role her Department has played in what was a welcome announcement of a north-east inner city initiative, which is something with which we all have sympathy. Any community that has been ravaged by the murderous feud we have seen over the past number of months would need the support of this House. What exactly has her Department done in the past number of months?

**Deputy Frances Fitzgerald:** As the Deputy is aware, arising from discussions with community representatives from Dublin north-east inner city involving the Taoiseach, myself and other Ministers, a ministerial task force, chaired by the Taoiseach, has been established with a focus on the economic and social regeneration of the area. Mr. Kieran Mulvey has been appointed to prepare a report to inform the work of the task force and he is engaging with a wide range of local stakeholders in this regard. He will attend the crime forum being held today or tomorrow.

The ministerial task force is considering a very broad range of issues and my Department will play a full role in supporting that work, including in relation to community policing in the area and the provision of Garda resources. The Deputy will be aware of the Garda resources currently being made available following a number of shocking gun murders in the early part of this year and a series of policing and legislative measures has been put in place. Recruitment has been made to the armed support unit, which attracted huge interest from members of An Garda Síochána. Training has begun and people have been identified so there is very significant extra Garda resources and my Department has been involved with the Garda Commissioner to ensure we have the policing and legislative framework we need. We passed legislation in this House recently to support the work of the Criminal Assets Bureau and that will play out in the work the gardaí do in this area.

The current set of initiatives in the north-east inner city are aimed at improving the quality of life for local communities and effective community policing is an important part of that, as is engagement between local gardaí and the people they serve. It is obvious from the meetings I have attended in the north-east inner city what the relationship is between the community and the local police - it is extremely good. Every leader in the community said the same thing but criminal gangs are intent on revenge and retaliation and are very demanding on the resources we need to interrupt that cycle.

**Deputy Jack Chambers:** I agree that effective community policing is a key facet in addressing this problem but it is important to look at the figures. In 2014, there were 79 Garda reservists in the Dublin north-central area and now there are 52, according to the Department's

own figures. There were 148 community gardaí in 2011 and 135 in 2015 but there are now 112 in 2016 and this is an area that has been particularly ravaged by murderous crime. There has been a haemorrhaging of effective community policing so what has been done to replace the permanent community policing positions that were removed in the past number of years? It is important we recognise the great work of the gardaí and I welcome what the Minister and the Commissioner have done to allocate additional overtime because that has helped. What is the Minister doing to ensure there are permanent replacements for community gardaí in these communities and others which have seen a haemorrhaging of people on the ground in recent times?

**Deputy Frances Fitzgerald:** The country went through a disastrous period in terms of the economy and recruitment to Templemore was stopped by the previous Government. We have reopened Templemore but one cannot magic up figures overnight. One has to recruit and to invest. We are making sure recruits are going through Templemore now and that will be accelerated with a commitment in the programme for Government for 15,000 recruits. In any area of the country, if one stops recruitment, there will be nobody to replace people who retire and there will be a decrease in numbers but we are now seeing an increase and that will be welcomed by everybody in this House. We can do that because we have an improved economic situation and a more stable economy so that we can invest in the area of justice.

When I was Minister with responsibility for children we cut budgets, unfortunately, but there has been a complete turnaround in that respect with further investment in public services. In the upcoming budget, we will do the same by investing more in services again. That will mean areas like the north inner city, and other areas the Deputy's colleagues have been discussing tonight, will get more resources and will see an improvement in services. We have been able to make investments not just in people but in resources, such as more than €200 million in IT, and that will make sure the problems in the north inner city, about which the Deputy has talked tonight, can be targeted with more resources.

**Deputy Jack Chambers:** I accept that there were economic difficulties but the figures speak for themselves. There were 67 reservists in 2015 but there are now 52 in 2016. It is important as part of the inner city initiative that the Minister ensures there is a community gain in terms of community gardaí but this has not been formally assured in the public announcements. We have seen welcome initiatives in the shape of sports facilities, housing and regeneration but it is important the Minister incorporates a formal announcement around additional permanent community gardaí as part of the package of measures and that this is recognised as part of the solution rather than it being announced in a haphazard way in a year's time when there will be different figures from the gardaí. However, much of what the Minister is doing in the north inner city is positive.

**Deputy Frances Fitzgerald:** The north inner city is saturated with police at present. They are involved in patrols, in community policing, in preventative work and intelligence work. If he was to add up the hours of overtime that have been given to the north inner city, the Deputy would appreciate that it is a very substantial figure. Hopefully, we will move on from this situation as the threat recedes and as we deal with these criminal gangs when they are arrested and prosecuted. The Deputy made the point that permanent community policing in the north inner city is where we want to be, with normal community policing and normal Garda attention as opposed to the very intensive policing which is needed at present.

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## **Garda Recruitment**

24. **Deputy Robert Troy** asked the Tánaiste and Minister for Justice and Equality when the Westmeath Garda division will have additional gardaí; and if she will make a statement on the matter. [27384/16]

**Deputy Frances Fitzgerald:** I have been informed that the number of gardaí assigned to the Westmeath Garda division on 31 August 2016, the latest date for which figures are readily available, was 248 with 17 reservists and 20 civilians. As I have said in response to a number of questions put tonight on Garda reservists and community policing, the work of gardaí and reservists is supported, where appropriate, by the specialist units of An Garda Síochána, whether for criminal investigations, fraud investigations or drugs investigations. We want a very strong and visible police presence and support for Garda vehicles and investment in improved facilities, such as Garda stations that need upgrading, are part of a commitment to an effective police force that is fit for the 21st century and can ensure people are safe.

*8 o'clock*

The accelerated recruitment is key to that. I will not repeat what I said earlier because the Deputy was present. Clearly, as we recruit more gardaí, reservists and civilians next year, I hope that every area will experience increases in the numbers and that we will start returning to the higher numbers that were in place previously. However, it is also about reform and more efficient policing.

**Deputy Robert Troy:** Last week the local newspaper reported, on foot of a national report, that there are now situations where gardaí are searching houses in Kinnegad. Criminal gangs that are linked to “Fat” Freddie Thompson and gangs operating in Dublin are relocating to the midlands. They are coming into peaceful communities and causing disruption. The Minister spoke about accelerated recruitment for the Garda. I ask that these additional gardaí not be located exclusively in the capital city or other large urban areas. They are also needed in the rural and provincial towns around Ireland.

Finally, I wish to make a point about some of the replies from the Minister relating to Garda figures for personnel attached to particular stations. The figures are inaccurate. It might not be the Minister but certainly somebody is trying to manipulate the figures. In the case of Kinnegad, they say there are five gardaí there. There is not. There is no sergeant and there are only two operational gardaí.

**Acting Chairman (Deputy Eugene Murphy):** We must move ahead, Deputy.

**Deputy Robert Troy:** They say there are four gardaí attached to Killucan Garda station. There is not. There is one operational garda there. The problem is that specialised gardaí are being attached to local stations to manipulate the figures.

**Acting Chairman (Deputy Eugene Murphy):** I am sure the Deputy can hear me. We must move on.

**Deputy Robert Troy:** That is not on and is not fair. Perhaps the Minister would look into this and refer back to me.

**Acting Chairman (Deputy Eugene Murphy):** The Minister will refer back to the Deputy.

Under the order of the House I must proceed to the next business.

**Deputy Frances Fitzgerald:** There is no manipulation. The Deputy can send me the details and I will follow up on it.

**Acting Chairman (Deputy Eugene Murphy):** I apologise to the Members who have been here for a long time waiting for their questions, such as Deputies Declan Breathnach and John Curran, but we have run out of time.

*Written Answers are published on the Oireachtas website.*

### **Road Traffic Bill 2016 [Seanad]: Second Stage (Resumed)**

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

**Acting Chairman (Deputy Eugene Murphy):** Deputy Colm Brophy was in possession.

**Deputy Colm Brophy:** Before the debate adjourned I spoke about my key view that, in welcoming the Bill, I support the concept that the final decision making on the introduction of speed limits for an area should be vested in the members of the local authority. It is devolving decision making down to the level which is most accurate and beneficial for making such a decision. There is an aspect to the introduction of a 20 km/h speed limit in residential areas which we could explore. I do not know if it is possible but I would certainly recommend it. There are a number of problems with parking in residential areas, including long-term, persistent or illegal parking near to junctions and corners of roads. It is an incredible contributing factor, particularly to accidents involving young children, when vehicles are parked in that way. When children are emerging from their houses or drives, be they walking, on bicycles or whatever, there is the potential for them to emerge directly out into the line of the car. Slowing the speed of cars is a welcome contribution, but in areas which have been designated as 20 km/h areas we should consider introducing additional controls to address that issue. I am not advocating for a curtailment of people’s right to park outside their house - everybody has that right - but with regard to parking that is deliberately done in an illegal way, such as on a bend or at the entrance to an estate. If it is a 20 km/h area, we are recognising that it is a high risk area which deserves special attention so we should examine vehicle parking in the area.

The other aspect to that, in the context of fixed notices being issued, is the placing of notices on such vehicles in a way that is visible and acts as a deterrent. It is something the Garda has not been doing for many years so even when people are persistently breaking the law, others driving by do not see that what is taking place has a cost to it and that a fine is being issued. If we are trying to adjust people’s behaviour and the manner in which they break the law by parking illegally, a visible deterrent by means of a notice attached to a vehicle works extremely well. I conclude with that point.

**Deputy Anne Rabbitte:** Like my colleagues, I welcome the Bill. One aspect of it that I wish to discuss is the provision relating to road safety measures and speed limits, as the previous speaker has discussed. I come from a council background and I understand the origin of this provision in Jake’s law. I have read a great deal about it. We were seeking to have the 20 km/h limit established in residential areas. However, the establishment of it and working with the council, which is something the Minister might examine, is quite cumbersome.

The installation of traffic calming measures such as speed ramps, roundabouts and chicanes is quite difficult for local authorities due to low manpower, costs and so forth. It took us more than 18 months to introduce traffic calming in four housing estates in Portumna. It is still not properly introduced. In certain estates we sought to have speed ramps installed. Councils are quite wary about introducing speed ramps because of liability. If water lodges on one side of the ramp and causes flooding or if it freezes, there is a liability involved. People appear to walk away from it when, in fact, we should be considering the health and safety of the residents living in the area. The 20 km/h is incredibly welcome in the estates in which it has been introduced and has gone a long way towards addressing the issue but it has not gone the extra distance to address the health and safety issue and the comfort of parents in the homes. They are looking for speed ramps or chicanes, something to slow traffic down. They are not saying they need them all over the estate but definitely at the entrance or even half way through it to ensure that drivers are aware that children are at play.

I should thank the Minister because Deputy Cannon announced this evening that a traffic calming measure will be installed on the N65 in Portumna. It is something I have canvassed the Minister about for the last number of months and it is welcome. However, the 20 km/h speed limit must also be established near schools and crèches, not just in estates. We must look at the areas that are densely populated by young people, because they are the people who need protection and their parents need comforting. On a wet morning outside schools one sees people driving up as close as possible to the school. We need signage and ramps and the speed limits to be reduced. I differ with one of the Deputies who said earlier that the council enforces this. The Garda enforces all of this. That is the reason it must be made law. The Garda cannot do anything until the law is passed. Its hands are tied. One can ring the gardaí as many times as one wishes but there is nothing for them to enforce. The quicker it is introduced, the better.

Where are we going in the context of unfinished estates? Many have not been taken in charge. Have we a plan for such estates? For every one that is taken in charge, there is another that is not. It is a significant problem because council staff do not come down the front road of unfinished estates at all. The estates are populated and the residents are very worried. In an unfinished estate, one cannot even get a 20 km/h speed limit sign put up. Is there any way we can consider the position regarding unfinished estates across the board, particularly we are examining health and safety? For what it is worth, the section of the Bill on speed limits is fantastic but it will only serve half the community if it does not account for the people in unfinished estates.

We must consider the location of nursing homes and facilities for the aged and those with disabilities. Bearing built-up residential areas in mind, have the councils the manpower to deliver what we desire? Perhaps it is better if it comes from a Department, Transport Infrastructure Ireland or another body that could assist the councils with delivery. I fear this could left to sit for a long period. However, there are people who have been seeking for it to be addressed for quite some time. There are people living on stretches of roads where motorists drive far too quickly. I refer to the outskirts of towns where developments have taken place. Motorists drive at 80 km/h through these areas although there are people living on either side of the road. This is not acceptable.

I hope that when the legislation is passed, there will be funding for the delivery of the signs and the implementation of traffic-calming measures. It would be useful if we could work with local councils on delivery to the estates that have not been taken in charge. Then we would have heeded Jake's law, which was the real requirement at the very beginning, and there would be very many happy parents.

I suggest that if we are introducing traffic-calming infrastructure in estates, it does not have to be set in stone. One can buy a rumble strip for €175 and have it installed. It can be taken up again. It is not about preventing people from entering an estate but about getting them to slow down and change their approach.

**Deputy Dessie Ellis:** I am sharing time with Deputy McDonald.

This Bill is a welcome addition to the work of the House because it tidies up a number of issues that have long been outstanding. These issues have been raised by Sinn Féin and others for many years. I wish to speak primarily about the provision relating to driving under the influence of drugs but I would first like to address the mutual recognition of driving disqualifications between Ireland and Britain. The inclusion of this in the Bill is to address the British Government's opting out of the jurisdiction of the Court of Justice of the European Union, CJEU, so the mutual recognition of disqualifications can continue. We should have expanded on this mutual recognition, especially in regard to the all-Ireland economy, as there is a raft of issues in respect of which consistency between the North and South is very important. Such issues include speed limits, signage, penalty points, haulage laws and other safety measures. This harmonisation is not only essential but simply common sense. It would make our roads safer and go part of the way towards easing financial insecurity for commercial, private and regulatory bodies in a post-Brexit Ireland.

With regard to road safety, I welcome the idea of drug tests and the plans outlined by the Ministers. I have a few questions on the mechanics of drug testing. It is very evident when someone who has consumed alcohol is over the limit. One can see the physical effects of some drugs very easily but this is not the case with certain other substances. Some do not stay in a person's system for very long.

In reply to a question I asked during a debate on the general scheme of the Road Traffic Bill 2015 at a meeting of the Joint Committee on Transport and Communications, Professor Denis Cusack stated on behalf of the Medical Bureau of Road Safety that this is a complex area because drugs fall into different classes. He referred to sedative-like, hallucinogen-like and stimulant-like drugs. These are different family types. The active components of some remain in the body only for short periods while others can last much longer. Therefore, each must be taken on its own merit. Is this why we have classified in this Bill only a number of drugs to be tested? The study stated that the most common drugs for which Irish drivers test positive are cannabis and benzodiazepines, known as "benzos". This Bill stipulates the three in respect of which people will be tested, namely, cannabis, heroin and cocaine, but there are other dangerous drugs. English police can test for drugs such as lorazepam, methadone, morphine, methamphetamine and others. The Minister has not included these. There might be little evidence for people driving under the influence of these drugs but if their classification saved one life, it would be worth considering. Could the Minister examine this in light of what we are attempting to do?

We can pass the best laws and have all the legislative power available to prosecute wrongdoers but, in the absence of proper resources, the law can be ignored. The problem arises in policing. Our roads are not just safer because of a system of penalty points or laws but because of the diligent and dedicated work of the Garda, which is tasked with ensuring the laws are obeyed on the road every day. It is difficult to see how the Garda can implement these laws when its resources and supports have been savagely cut by the Government. We are seeing stations close or shut their doors earlier and there are cuts across the board to the operational capacity of the

Garda. This seriously draws into question whether these laws can be fully enforced, despite the Garda's best efforts. Therefore, it is important that the drive for road safety does not just stop when this Bill is passed; it should be in the Government's thinking when allocating resources to the Garda.

Jake's law, in respect of which Deputy McDonald and I introduced a Bill a short time ago, was shot down by the Minister's predecessor. I am glad the current Minister has taken on board and is allowing local authorities the option of imposing 20 km/h speed limits in housing estates. That is a victory for common sense. I praise Jake's mother for the work she has done on pushing this. She was a Trojan worker in getting this message across. Her work was very worthwhile.

A key to stopping illegal dumping is sanctions on driving licences. We need to examine this because everyone needs a licence. People are driving around in cars and vans and dumping all sorts of stuff. If the Minister gets an opportunity to consider this aspect, he might do so.

**Deputy Mary Lou McDonald:** I warmly welcome the introduction of this legislation. In particular, I welcome the provision allowing for the creation of a new special speed limit of 20 km/h. Last year, I, along with Deputy Ellis, introduced the Road Traffic (Amendment) Bill, known as Jake's law. It was introduced in memory of Jake Brennan, who was knocked down outside his home in Kilkenny on 12 June 2014. Six year old Jake died tragically in his mother's arms on the street where he grew up and where he should have been safe. This tragedy led his family to embark on a campaign to reduce speed limits in estates and residential areas. The family did not want any other family to go through a parent's worst living nightmare. It is a nightmare they live to this day. The family's resolute determination and perseverance, and particularly that of Jake's mother, Roseann, who went so far as to participate in a three-night sleep-out outside the Dáil, were an inspiration and the driving force behind the legislation we introduced. I would like to believe the family is the driving force and inspiration for the provision on speed limits in the Minister's legislation. I warmly welcome that provision.

When we introduced Jake's law initially, the then Minister for Transport, Tourism and Sport, Deputy Donohoe, accepted the principle of our proposal for a mandatory speed limit of 20 km/h in residential areas. However, it was his view that this limit should be optional, leaving the determination of speed limits in estates in residential areas to local authorities and councillors.

That is where the problem lies. It is a problem to leave it to the discretion of local authorities. It is much less likely that the 20 km/h speed limit will be imposed if it is viewed as discretionary and more so if our local authorities do not have the resources or funding available to allow them to put in place signage for those lower speed limits. It is imperative that sufficient funding is made available to local authorities to ensure that they simply cannot set aside their discretion because of financial constraints.

I reflect on the fact that €2 million was previously made available for local authorities to implement the 30 km/h speed limit and much more will be required if the 20km/h limit is to be imposed and observed. My fear is that having done the right thing, this provision, as it stands in the Bill, is in danger of becoming a toothless tiger. I ask the Minister to reflect on that.

Unfortunately, Jake was not the only child to lose his or her life or be injured close to his or her home on the streets where he or she played. For example, 262 children under the age of 14 lost their lives on roads in the years between 1997 and 2012. In the same period, 1,115

children were seriously injured. Some 57% of child injuries occurred in built-up areas. I hear the message around vulnerable citizens generally and the point is very well made. My focus, in particular in Jake's law, was firmly fixed on our child citizens.

It is fair to say that the new speed limit, apart from saving children's lives, would have ecological benefits. It would result in less noise pollution and greater fuel efficiency. We do not want any other child to become a statistic and I do not suggest for a moment that any of us would regard any fatality, much less the loss of a child, as a statistic, but that is why the 20 km/h speed limit is so essential in residential areas and estates. It should be the mandatory speed limit in housing estates, public or private, across the land.

Roseanne campaigned for change. While the provision as it now stands is welcome, it does not fully represent the change that she and her family campaigned for or offer the protection for residents or children in housing estates that it would otherwise offer if lower limits were mandatory rather than discretionary. Roseanne campaigned for change so that no other family would go through the heartbreak she went through and through which she still lives.

Our housing estates where our children are growing up should be places where they can play safely, kick a ball about and run to their friends' houses without fear. Lower speed limits, in conjunction with proper traffic calming measures, will make our housing estates safer environments for our precious children. It is basic logic that the lower the speed, the greater chance a child has of surviving an accident. I dread the prospect of revisiting this issue in the future after another tragedy. We do not want a version of Jake's law. Rather, in order to keep our children safe we now need a mandatory speed limit applicable to housing estates, and it should be 20 km/h.

Every night on social media, Roseanne Brennan posts a message to her son Jake. I am sure at this stage all of us are on social media. If we want to look in to the soul and importance of this issue, we should read those posts because they say more, and say it far more eloquently, than any of us in the Chamber could. I have just received a text message - that is probably prohibited under some rule or other in the House - from Roseanne Brennan. She has expressed her great happiness that this provision is contained in the Bill. I think I can speak for her, when I urge the Minister, not just on our behalf but also on her behalf, to take this to the next level. When Jake's law is recalled, it might be recalled that the Minister, Deputy Ross, was the Cabinet Member who ensured that it became the safety protection measure that it is meant to be.

**Acting Chairman (Deputy Eugene Murphy):** The Minister has received a nice little compliment. I am sure he will like that. Deputies Tom Neville, Fergus O'Dowd and Peter Fitzpatrick are sharing time.

**Deputy Tom Neville:** I want to echo the sentiments of many speakers on the issue of speed limits in housing estates. It is an issue which has arisen through the years. In my time as a member of Limerick city and county council, we considered rolling out programmes in council housing estates, but the issue broadened over the course of the boom to private estates. It is a major problem.

I want to highlight an issue in my area where, because of what is going on, there may be no people. I refer to Croagh in County Limerick. The Foynes-Limerick motorway, which is welcome, is being built and will bypass the town. For some reason TII, in conjunction with Limerick city and county council, is bypassing the town rather than building a spur road to the

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village. It will sound the death knell for the village. We have had public meetings and have received submissions but that has fallen on deaf ears. The village has a state-of-the-art school of music, a garden centre, shops, pubs, school and a substantial nursing home.

Money has been allocated for the Foynes-Limerick motorway route. I have heard reports that the cost of building a spur road to Croagh would be too great. However, in the initial documents Croagh was left out and the scheme included Askeaton, Rathkeale and Adare, which were to be junctions on the new route corridor. On behalf of the people of Croagh and the surrounding area, I want to take this opportunity to speak to the TII. I never seem to get the chance to speak to it directly, even as a councillor. This may be a parish pump matter but it is the system. I cannot speak to representatives of TII. We are looking for a spear spur road for Croagh. It is required.

A short-sighted approach to the southern ring-road in Limerick was taken a number of years ago, where in Ballysimon an intersection, which was not a spaghetti junction, was built and millions of euro had to be spent afterwards to install traffic lights. The junction has been a mishmash since. Some forward thinking is needed. I am taking this opportunity to speak on behalf of the people of Croagh. A spur road should be built and it should not be bypassed and left behind. It is a registered village and it should remain so.

**Deputy Fergus O'Dowd:** This is a very important Bill which is welcomed by everybody in the House. Unfortunately, the figures speak for themselves. On this date last year, the number of people killed on our roads was 118, but today the figure stands at 138. So far this year, there have been 20 more road deaths than last year. One individual is an appalling statistic but those figures clearly show that we need to do a lot more to prevent deaths and this Bill will significantly address issues, in particular drug driving, substance abuse and lower speed limits in residential areas.

The Road Safety Authority should be praised for its campaign and the significance of its input. I met its representatives recently about a different matter and urge them to communicate with all Members of the Oireachtas on the reasons why more people are dying on our roads and what we need to do about it on a cross-party basis. One of the key issues is speed and people driving recklessly. There are problems with drivers driving with abandon, driving without due care and attention and so forth.

I will now turn to another problem. I bet that my colleague, Deputy Peter Fitzpatrick, and I will agree on at least one thing. Tonight when he is driving home, he will be passed by a car breaking the speed limit and which will have a Northern Ireland registration. That happens to me every day and every night when I am on the M1. This is a really serious problem. It is very significant that in the South nine out of ten drivers driving at much faster speeds than they ought to have a Northern Ireland registered car. No doubt that is probably reciprocated by southern-registered drivers who drive in the North. There is still a difficulty with regard to speeding offences in the South if one is driving a northern-registered car. Perhaps the Minister will follow this up if I submit a parliamentary question. It is not acceptable, it is highly dangerous behaviour and it is not good enough.

I wish to bring to the Minister's attention the roadside sale of cars. I am sure it will be the second thing that Deputy Fitzpatrick and I will agree on. In his town and in mine, we find a significant number of cars for sale at the side of the road, maybe near a supermarket or on a roundabout, with "for sale" signs on them. People are selling these cars in a commercial

manner. Sometimes at weekends, I see seven or eight cars in a row with “for sale” signs and advertising an 086 or 087 phone number. I have called them to find out more about these cars and I generally end up talking to some guy in Dublin, or who has a Dublin accent. I ask about the standards the cars meet, road safety certificates and road tests, etc. We need to be more proactive with regard to the roadside sale of cars when we do not know who is selling them and there is no control over the practice. Many of these cars may, in fact, have been crashed. It is a serious and significant issue.

I will now turn to the question of speed limits. I agree with Louth County Council’s recent decision to enforce the 30 km/h speed limit in 44 housing estates in the county. When that information went online, people were obviously very happy that their estates were included but other estates could not understand why they were not included. I propose that there could be a default position. In estates, and I am defining estates as an area separate from a main road or a through road, the speed limit should, by default, be 20 km/h, full stop. That should be our national law. People also raise the issue of speed limits near schools with me. No matter where a school is located, there should be significantly reduced speed limits for at least 1 km on either side of the school, depending on the road type. I know rural schools can be on a road with a speed limit of 80 km/h or 100 km/h but we need to define clearly the significant need to reduce speeds adjacent to schools.

Questions must be asked about what the councils are doing about this situation. They tell me there is going to be a speed limit in a housing estate and there is a lovely map so we know where the speed limit signs are going to go. However, what is going to happen after they go up? We need enforcement but we know the gardaí do not have the time to go into every single housing estate in the country. Other speakers also addressed the need for other engineering solutions to speeding cars in housing estates. Deputy Rabbitte referred to chicanes and the narrowing of roads to make it more difficult for people to drive through at speed. The Deputy made a very good point that a rumble strip costs €175. I would like to say that to my county council engineer who needs to know that. I do not see any rumble strips in any of our housing estates right now. Let us get real. Perhaps, as part of the Minister’s initiative and being the great and good Minister that he knows he is, he could bring in the local authorities’ county managers. He was well used to addressing them through the medium of print. I respectfully suggest that he brings them in for discussions, with their chief road engineers or whoever the appropriate and significant player is in the county council, to see what is being done and what aid the local authorities need. It amazes me when council officials tell me they want to install speed ramps but they do not have any money. I do not know where the money is going because every household is now paying their property tax. Local authorities are not getting value for money. The taxpayer who is paying is not getting value for money from our county councils and a significant dose of realism needs to be injected by the Ministers, whomever they may be.

One of the problems we suffer as Members of the Dáil and the Seanad is that we cannot attend county council meetings. The reality is that councils are not doing their job and are saying that they do not have the resources but I believe they have the resources. This is not acceptable. My Facebook page has 45 comments from people in a number of housing estates, all saying the same thing. They want enforcement and they want it now. I very much welcome this legislation but it is very important the Minister engages - it may be something he is already doing or has just not done yet - with the local authorities about this very important issue and pushes them. If local authorities need extra funding, or if they want to buy 10,000 rumble strips at €175 each, then let us provide them and put them into the housing estates. It is not acceptable that

Deputy Rabbitte and I do not see the strips anywhere.

**Acting Chairman (Deputy Eugene Murphy):** I thank Deputy O’Dowd. Now from one Louth man to another. I call on Deputy Peter Fitzpatrick. You are both doing well for the “wee county”.

**Deputy Robert Troy:** And they are very united.

**Deputy Fergus O’Dowd:** Yes, and close to each other.

**Deputy Peter Fitzpatrick:** I welcome the opportunity to speak in this debate. I very much welcome this Bill and the changes it proposes to legislation. Despite the differences that exist in this House, one thing on which we all agree is that the safety of road users has to be a priority. I have no doubt that each and every one of us has been affected at some stage as a result of a road traffic accident. Since 1997 the trend has been towards lower numbers of deaths on the roads but I am worried that in recent years, we have seen the trend rise. This is worrying and we must look at it in greater detail. We must find out what is the cause of the rise in road deaths in recent years. This year alone the number of road deaths stands at 138 while the number of road deaths for the same period last year was 115. As a member of the Joint Committee on Transport, Tourism and Sport, I have consistently raised the issue of the poor state of the road networks.

I especially want to raise the issue of the state of the local roads and laneways. For the last two years, Louth County Council has had a policy of not repairing local roads. This is a mistake and I would urge Louth County Council to reconsider this policy. The poor state of the roads is a factor in least some road traffic accidents. There is no point in having a state-of-the-art car with all the safety features if the roads on which it travels are in a poor state. An immediate solution to this problem would be for the local county council to reactivate the community involvement scheme. I brought this to the Minister’s attention at the Joint Committee on Transport, Tourism and Sport meeting last week. In the past, the schemes have proven very successful in keeping local roads maintained and have received great support from local people. I call on the Minister to urge local councils to make these schemes available as soon as possible.

Coming from a Border area, this legislation is particularly relevant. In Dundalk and surrounding areas, a large percentage of the road users are actually drivers and cars from Northern Ireland. While I fully accept that the vast majority of these road users are law abiding and respect our rules of the road, there are, unfortunately, a small minority who do not have any respect for the rules of the road. This legislation will once and for all tackle the age-old problem of Northern Ireland drivers who up to now did not have to abide by the rules of the road while driving south of the Border. The current situation is that a driver who is disqualified in the EU member state which issued their licence is then automatically barred from driving abroad due to the fact that they do not have a valid licence. However, if a driver from one EU member state is disqualified from driving in another member state, the ban will only apply in the country that imposes the ban. For example, a driver from Northern Ireland who is disqualified from driving in the Republic of Ireland can still hold a valid licence for Northern Ireland. Despite many difficulties, I am pleased that, along with the UK authorities, we have negotiated a new bilateral agreement which is outside of the EU convention and was signed in October 2015. The agreement will not be affected by the UK’s decision to leave the EU. It will take effect once this legislation is passed. We will then have a situation whereby Irish drivers who are disqualified in the UK will also be disqualified here and UK licence holders who are disqualified here will

also be disqualified in the UK.

I would also like to say a few words in regard to the new proposed special speed limit of 20 km/h. I am in support of it and also support the fact that the local authorities will be given the powers to implement it. I would also like to put on record the efforts of the Jake's Legacy campaign which has been instrumental in advocating reduced speed limits in housing estates.

I welcome this comprehensive legislation. There is no doubt that the drug-driving provisions will tackle the ever increasing problem of people driving while under the influence of drugs. The new option of the 20 km/h speed limit will make our built-up areas and housing estates a safer place. I look forward to seeing the reduced speed limit applied to many areas in Dundalk, including Lennonstown Manor. The residents there have been very active in their quest to reduce speed limits and I have no doubt they will be delighted with this new legislation.

I am also delighted to see that drivers from both Northern Ireland and the Republic will finally be bound by the law of both jurisdictions and that it will now be enforceable. This has been a particular problem in the border areas, including Dundalk. Finally, I welcome the fact that we will now start to address the question of written-off vehicles and introduce a proper system of recording when a vehicle is written off.

**Acting Chairman (Deputy Eugene Murphy):** There are no more speakers offering. Before I hand over to the Minister, I have to say that, since I came in this evening, the constructive debate that is taking place is good to see and watch. I thank all Members for their contributions and the way they were made. The Minister must be smiling with all of the compliments he has received over the past two hours or so. This is clearly a very important issue for all Members and I am sure that the Minister has taken into account the many contributions that have been made from every side of the House. I now ask the Minister to address the House and the various comments that have been made.

**Deputy Robert Troy:** I hope the bus strike is resolved or the compliments might turn into you-know-what.

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** They have been flying already, especially from the direction of Deputy Troy. I cannot expect the same response.

I thank the Acting Chairman for what he had to say and I must say that in a former life, not so long ago, if I had seen unanimity around the Chamber as I have seen here in the last two days, I would have been very suspicious and probably would have taken a completely different point of view. Therefore, it is an uncomfortable position to be in to be introducing legislation which has received such applause.

This was obviously not originally my own legislation. I inherited a great deal of it, though not all. It has been a long time coming. Nevertheless, I believe it has been improved in the last few weeks and months and I hope that it will have an early passage to the Statute Book.

There is one note of discord that I might raise. It is not discord from what is being said but it is something I should point out. Although this measure has been so warmly welcomed, and it is wonderful that it has been, there is no room for complacency in addressing the underlying problem. We do not want to now begin to bask in that warmth and suggest that everything is all right. Everything is not all right. All speakers, particularly Deputy O'Dowd who reiterated it just now, pointed out that the trend in road deaths is in going in the wrong direction and has

been, bar last year, since 2013 and 2014. They were bad years, 2015 was a good year and this year has been a chronically bad year. We have cause for worry, not for complacency. This Bill, if we are honest about it, was formulated and introduced at a time before we saw the bad trend of this year. We cannot indulge in any sort of self-praise or complacency.

Indeed, there is probably room for criticism, not just of ourselves as politicians, but for the State agencies and the Road Safety Authority, and room for examination of those bodies that are responsible for road safety in this country to ask how we have gone so wrong. In my speech introducing the Bill to the House, I asked the question of whether we have succeeded - I do not believe we have - in addressing the problem of drunken driving at this stage. Far from, the trend is upwards in those terms. The trend is also upwards in the number of young people getting involved in drunken driving. That is a matter of great concern. However, I hope the Bill will address those problems and reduce the figures because we do not know how many people are dying as a result of drug-driving at the moment.

That is something I ought to say before I respond to what has been said by all speakers yesterday and today, most of which has been in support of the Bill. I reiterate what the Acting Chairman has said in that all have been very constructive. As I said before, we will consider very carefully any suggested amendments. Some will not work for obvious reasons. However, I know that the spirit in which the amendments were suggested is a serious one and we will take them in the spirit in which they were given. As I said at the outset, road traffic legislation is a matter on which there is broad agreement on our goal, which is ultimately the safety of all road users. At the same time, I welcome the fact that there have been many and varied contributions and I would like to emphasise once again that I am happy to consider the issues raised.

Deputy Troy asked if I would confirm the Government's commitment to road safety, both as a matter of law and in terms of resourcing. I am happy to confirm that we are committed to road safety, as I believe all Governments have been and will be. There is surely no higher duty of a Government than the safety of its citizens. In terms of resources, I cannot comment at this stage on the forthcoming budget, but I can say that I agree that proper resourcing in a number of areas is essential to promoting safety on our roads. Deputy Troy, along with Deputies Munster, Broughan and Pringle raised in particular the numbers of the Garda traffic corps. The Garda, as we all know, was subject to a bar on recruitment for some time during the austerity years and the effects of this are still being felt. We are in the fortunate position, as the economy improves and revenues increase, that Garda recruitment has recommenced and this should benefit all areas of law enforcement, including road traffic law. For more specific details, I would refer Deputies to my colleague, the Minister for Justice and Equality.

Resourcing for roads was also mentioned by Deputies Cullinane and Troy. Capital funding for roads infrastructure is not, strictly speaking, a part of road traffic legislation but, as both Deputies rightly emphasised, it is an essential part of road safety. Ireland has just under 100,000 km of road in its network and the maintenance and improvement of national, regional and local roads places a substantial financial burden on local authorities and on the Exchequer. Given the state of the national finances, the focus has had to be on maintenance and renewal rather than major new improvement schemes.

The transport element of the capital plan published in September 2015 is based on a gradual build-up in capital funding for the road network from the current relatively low base towards the levels needed to support maintenance and improvement works. Funding for maintenance will continue to be tight for the coming years, with a significant increase from 2020. Under

a decision by the previous Government, €96 million is provided in 2016 for repairs and preventative works arising from severe weather damage on the road network, of which €8 million has been allocated to national roads. The core of the Bill is undoubtedly the collection of measures to deal with drug driving and Deputies have, understandably, raised several points of interest. Deputies Robert Troy and Catherine Murphy suggested the list of drugs addressed in the proposals for the new offence - in essence, cannabis, cocaine and heroin - is small. They are correct that a vast range of substances can have an impairing effect on drivers. The three substances were chosen after detailed consultation with the Medical Bureau of Road Safety, MBRS, on the basis that they are the most commonly detected illicit substances in specimens tested by the bureau. The legislation represents a new step, one which places these drugs on the same level as alcohol in the sense that being over a certain limit will, in itself, be an offence.

With regard to the roll-out of drug testing devices, I advise Deputy Catherine Murphy that this is a national programme, which will be implemented by the Garda. It is proposed that a drug testing device be available in each of the 86 Garda stations which currently hold an evidential breath testing instrument. In addition, 50 devices will be made available to mobile units nationwide and the number of devices required will be kept under review with the Garda after the devices have been rolled out. The cost of the devices will be borne by the MBRS from its voted allocation.

I acknowledge that drug testing is expensive relative to alcohol testing. Therefore, although mandatory drug testing is envisaged at a mandatory intoxicant testing checkpoint, unlike at a mandatory alcohol testing checkpoint, not all drivers may be asked to provide a drug test sample at a mandatory intoxicant testing checkpoint as this would not be practical or cost effective. We should also be mindful that alcohol tests only test for the presence of one drug, namely, alcohol, whereas the drug testing device tests for four classes of drugs, namely, cannabis, cocaine, benzodiazepines and opiates.

There is also a capacity to add additional drugs to the devices for testing. With regard to Deputy Murphy's question regarding testing for what is known as crystal meth, although it cannot be tested for at the roadside, I understand the Medical Bureau of Bureau Safety can test for methamphetamine in the blood and urine samples sent to the bureau for confirmatory tests by the Garda.

Concerns were raised by Deputy Frank O'Rourke about the possible impact of the new proposals on people who are taking prescription medications. Deputy Troy asked about the misuse of legally prescribed drugs and Deputy Gino Kenny suggested the new law would criminalise people for having drugs in their system. In answer to both of these points, I propose to clarify exactly what the law does and does not do. First, it is already an offence under the Road Traffic Act 2010 to drive while under the influence of an intoxicant to such an extent as to be incapable of controlling a vehicle. An intoxicant in this case can be legal or illegal, prescribed or non-prescribed. Second, the new offence of driving with the presence of cannabis, cocaine or heroin above a specified level is exactly like the offence we have for alcohol. It does not have any impact on prescription drugs except in the case of Sativex where, as I indicated in my opening speech, there will be a medical exemption from the new offence. Third and perhaps most important, road traffic legislation is about safety. When it comes to intoxicants this means that road traffic legislation is about what affects driving, irrespective of whether the substances are legal.

What these points mean is that the new legislation will not have an impact on prescribed

drugs. As ever with medication, if someone is prescribed medication, he or she should take it but if he or she suffers side effects which could impair driving, he or she should wait until these effects pass before getting behind the wheel of a vehicle. A person who is impaired due to legally available drugs, irrespective of whether they have been prescribed, is already liable to prosecution under existing road traffic legislation.

We are not aiming to criminalise people but acting to try to improve road safety. While I look forward to seeing the detail of the amendments Deputy Gino Kenny stated he would propose, it sounds very much as if the three tier approach he suggested is what we are doing. We already have an offence of being under the influence of intoxicants to the point of incapacity and we are introducing an offence of being over a certain level of three of the most common drugs found by the MBRS when analysing specimens sent to the bureau for testing by the Garda. It will not be an offence to be under that level. In any case, I will be happy to discuss this matter further with Deputy Gino Kenny as the Bill progresses. Deputy Gino Kenny may wish to note that oral fluid drug testing is a screening test only. The screening system will detect recent cannabis use for up to approximately six hours. In the case of a positive roadside result the driver will be arrested and have an evidential blood sample taken in the Garda station.

On a specific point, Deputy Troy stated the underlying basis for the drug driving proposals in the Bill was a report dating from 16 years ago. In fact, the starting point was a report by the MBRS which was published in 2012 and there have been ongoing discussions with the MBRS and the Garda during the preparation of the Bill. I am, therefore, satisfied that the proposals are based on a more up-to-date understanding of the issues.

Deputy Tommy Broughan questioned the length of time it has taken for us to introduce roadside drug testing. I am advised that DRUID, a multinational European project commenced in 2006, reported in Cologne in 2011 that it was still the case that there had not been a satisfactory preliminary drug screening device developed and available at that time. Australia was using an earlier and more limited technology which was not applicable here. Following on from DRUID, the MBRS report of 2012 recommended the implementation of roadside testing. The then Minister accepted this recommendation and there followed drawing up of specification, tendering, testing and procurement for the preliminary drug testing device. This process was completed in 2014 and is ready to be implemented once this legislation has been enacted.

Deputy Lawless asked where we stand with clamping legislation. The Vehicle Clamping Act was passed in 2015 and when it is commenced it will be the function of the National Transport Authority to regulate clamping activities wherever they take place. The authority requires a period to make and prepare the necessary regulations provided for under the Act, as well as to ensure appropriate training and administrative supports are in place to allow for commencement of regulatory activities. This necessary preparatory work is well under way.

Deputies Troy and Cullinane raised the issue of distracted driving, in particular distractions due to mobile telephones and other electronic devices. When the Bill was initially proposed the general scheme included a number of measures on this issue, which I gather were withdrawn before the legislation was published. There is no question that driver distraction is a highly significant factor in causing collisions and there is general agreement that this is an area where the law needs to be strengthened. I understand the reason it was not included in the Bill, as published by my predecessor, was that it is a very complex area and it was necessary to proceed with certain matters, particularly drug driving and mutual recognition issues. Further work is being done in this area, which I agree will have to be addressed at some future point when we

are ready to agree on a way forward, and to provide legislation which is both practicable and enforceable. I gather Deputy Troy may propose amendments in this area. I look forward to seeing his proposals and to discussing them with him in due course.

There were some interesting contributions on the question of written-off vehicles. As I indicated, I will make proposals on this matter on Committee Stage. In the meantime, if Deputies have specific suggestions on this issue, I will be pleased to meet with them for further discussion. I am happy to take guidance on the issue if anyone is interested in offering me advice.

I will say a few words about review of speed limits, an issue raised by Deputies Michael Harty and Imelda Munster. At the time of the issuing of my Department's updated guidelines for setting and managing speed limits to local authorities to assist them in their statutory responsibilities relating to the application of special speed limits, local authorities were requested to review and update all speed limits in their administrative areas in accordance with these guidelines. This process is ongoing. In the case of national roads, local authorities were requested to undertake this review in conjunction with Transport Infrastructure Ireland. The primary purpose of the review is to improve the consistency of the application of speed limits nationwide so as to contribute to a reduction in speeding, which is a key cause of road collisions and fatalities.

Deputy Broughan stressed the importance of the third payment option for fixed charges. I agree that this option should be implemented as soon as possible. Implementation will require amendments to road traffic legislation, which I will introduce on Committee Stage of this Bill, and amendments to justice legislation. The relevant justice legislation is being progressed by my colleague, the Minister for Justice and Equality.

*9 o'clock*

In the meantime, work is well advanced between the Garda and the Courts Service on developing and testing the necessary IT supports for the third payment option. I think it is only fair to add a reminder that what we are preparing for is not only the commencement of the third payment option but the commencement of all of Part 3 of the 2010 Act, which will set the entire fixed-charge system on a new basis. I look forward to seeing this come into effect once the Bill and the associated justice legislation have been passed.

Many of the issues raised by Deputy Broughan are being addressed through the work of the criminal justice working group on the fixed-charge processing system, which my Department co-chairs with the Department of Justice and Equality. The group was established as a result of a recommendation in the Garda Síochána Inspectorate report, *The Fixed Charge Processing System - A 21st Century Strategy*, to the effect that a system be introduced to ensure that all penalty points be endorsed on driving licences. The working group has recommended that association of certain vehicle and driver database components of the national vehicle and driver file system was among solutions which would assist with the more efficient operation of the fixed-charge processing system and optimum allocation of penalty points. The necessary association of these database components is being dealt with by my Department through a master licence record project. The project is expected to take three years to complete at a cost of €4 million.

Deputy Broughan raised the issue of consolidating our road traffic legislation and what the timescale might be in that regard. The Bill before the House is the current priority as far as legislation is concerned. After it is passed, we will begin examining the process of consolidation in what will be a very large project. This will, as a first step, involve a scoping exercise to

estimate what is necessary, how much time will be required and what resources will need to be allocated to the project given, as the Deputy is aware, that the legislation in this area has become extremely complex. Consolidation will require more than passage of the legislation as it currently stands in a single Act. It will entail careful review of the legislation being consolidated in order to identify points where it can be clarified, simplified and improved. A project of this kind will require time and resources, and is expected to take a number of years to complete, as, for example, has been the case with the Companies Acts and the Finance Acts previously.

The provisions in the Bill which deal with mutual recognition of driving disqualifications have rightly attracted attention. This is an important measure which will help to keep dangerous drivers off our roads. Having listened to the debate, there are some points I would like to clarify. The agreement with the UK on mutual recognition of driving disqualifications applies to disqualifications in court, not to disqualification due to reaching the limit on penalty points. In an ideal world, it would involve both. However, mutual recognition of penalty points is a rather different and more difficult issue. While the mutual recognition of penalty points has been identified as an important area for co-operation in road safety between ourselves and Northern Ireland, it is an enormously difficult one on which to deliver as there is no agreed international framework dealing with the recognition of penalty points for driving offences. No other European countries have a working system of mutual recognition of penalty points in place between them. Much good work was done by officials from both sides since 2013 but significant issues remain to be resolved. While the work will continue, I do not think we can expect to see mutual recognition of penalty points with the North for some time to come.

There is also the question of whether mutual recognition of driving disqualifications could be arranged with other countries besides the UK. The unfortunate failure of the now defunct 1998 EU Convention on Driving Disqualifications, which I described in my opening speech in this debate, illustrates just how hard it is to reach satisfactory agreements in this area. The relationship we have with UK is unique, given both the land border we share and the numbers of drivers from each jurisdiction who drive in the other jurisdiction. It was certainly right to pursue agreement with the UK as a priority. There is no other case nearly so urgent in this area. The revocation of the EU convention means that, for the time being at least, a convenient framework for arranging mutual recognition of driving disqualifications between Ireland and any other country is no longer in place.

The question of hedge cutting was raised by Deputy Danny Healy-Rae. This is an issue with obvious road safety implications because in some cases hedges are obscuring essential road signs or forcing pedestrians to the edge of footpaths or onto roads. The responsibility for hedge cutting rests with local authorities. I am not personally acquainted with many members of Kerry County Council but I know a few of the Healy-Raes and I suspect Deputy Danny Healy-Rae may have some friends there. I understand my predecessor wrote to all local authorities reminding them of their responsibility in this area and its importance to road safety. I would be happy to do so again.

Deputies Catherine Murphy and Michael Healy-Rae asked about safety camera vans for speed detection. First, the management of the GoSafe contractor and the deployment of safety cameras is a matter for the Garda. What I would like to advise the two Deputies is that the safety camera system has been hugely successful and has saved many lives in this country. A report by the department of economics in Trinity bears this out and shows that 23 lives are saved and 40 serious crashes are prevented each year as a result of safety camera operations. It also clearly highlights that, contrary to popular belief, safety cameras in this country are not a cash

cow for the State. The operational costs of running safety cameras are more than double the income in fines that they generate. However, safety cameras save lives in a cost-effective way and the continued expansion of the safety camera programme is a worthwhile objective. It is also worth stating that independent research shows that the majority of people in this country support the use of safety cameras to reduce the number of speed-related deaths and injuries.

It is also important to stress that speed limits are not guidelines or targets that must be reached and that people cannot adopt an *à la carte* attitude towards the rules of the road, particularly those relating to such limits. Contrary to Deputy Michael Healy-Rae's comments that drivers are being done for driving a few kilometres over the speed limit, the facts published by the Garda simply do not support this opinion. According to Garda statistics, the vast majority of detections, 80%, were made in respect of vehicles being driven at speeds between 10 km/h and 29 km/h above the posted limit and 11% of detections were for speeds in excess of 30 km/h above the limit. Just 9% of detections were made in respect of vehicles being driven at speeds between 1 km/h and 9 km/h above the posted limit, which, in a 50 km/h or 60 km/h zone, is the difference between life and death for a cyclist or pedestrian if hit by a car.

Deputy Eamon Ryan asked about the level of funding for cycling and other sustainable travel initiatives. While it is not strictly a road traffic matter, I am happy to comment. Some €23.5 million has been allotted for greenways in the past five years. Separately, under other programmes, including the sustainable transport measures grants programme and the regional cities programme, there has been funding for cycling projects in the greater Dublin area and the regional cities. This year, the NTA is receiving €23.2 million for sustainable transport measures grants and €13.5 million for regional cities, much of which is going towards cycling infrastructure.

I was struck by many of the other proposals and suggestions from colleagues. I was delighted to hear Deputies Ellis and McDonald refer to their own Bill, which they introduced here previously, and by the fact it has been incorporated in the legislation before us. It is right that I should say it proves there are some good things about Sinn Féin, and those should be acknowledged as much by this side of the House as Sinn Féin Deputies should acknowledge there are some good things about the Bill. I thank them for the contribution they have made, which was obviously influential in the drafting of this Bill.

I also want to thank Deputy Rabbitte for her contribution on the limits. While there has been general, and almost uncritical, applause for the 20 km/h limits in housing estates, it is worthwhile looking carefully at her point that it took 18 months to introduce those limits and also that they are highly dependent on further funding, so this is not a panacea without further follow-up. I thank her for that and I will bear it in mind when we come to Committee Stage.

Road safety depends on a great many factors and the legislation to address it is an ever-evolving response to those factors and to changing circumstances. The Bill will represent a major step forward in addressing the dangers associated with people driving under the influence of drugs. It will also improve safety through creating an option of a 20 km/h speed limit in built-up areas and through providing the basis for mutual recognition of driving disqualifications between Ireland and the UK.

I also wish to emphasise again, as I did in my opening statement, the need for individual personal responsibility. Each driver is responsible for his or her behaviour when he or she gets behind the wheel. Drivers are also responsible for deciding not to get behind the wheel if they

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are not in a fit state to drive. As with so much else in road traffic legislation, I hope, in particular, the drug driving measures I am introducing will highlight dangers and discourage dangerous behaviour. We are not, ultimately, interested in convicting people for driving offences; we would much prefer if people acted responsibly and did not commit the offences in the first place. That said, it does not in any sense reduce or remove the responsibility of the Oireachtas or State agencies to curtail the sort of behaviour we are condemning in the Bill.

Before I conclude, I take the opportunity to remind Deputies that next Monday marks the beginning of Irish Road Safety Awareness Week. Motorcycle safety, tyre safety, driving for work and vulnerable road-user safety are the focus of this year's Irish road safety week which will see a week of activities taking place nationwide from Monday, 3 October to Sunday, 9 October. We and the RSA urge all road users to play their part and to redouble their efforts so that we might reverse the road fatality trend which we have unfortunately seen so far this year. I look forward to engaging with Deputies during the further Stages of this Bill as it passes through the Oireachtas, and I also look forward to its expeditious and effective implementation. Once again, I thank the House for the opportunity to present this Bill and for the valuable and interesting contributions made by every Member.

Question put and agreed to.

### **Road Traffic Bill 2016 [Seanad]: Referral to Select Committee**

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** I move:

That the Bill be referred to the Select Committee on Transport, Tourism and Sport pursuant to Standing Orders 84A(3)(a) and 149(1).

Question put and agreed to.

### **Planning and Development (Amendment) Bill 2016: Order for Second Stage**

Bill entitled an Act to amend and extend the Planning and Development Acts 2000 to 2015 and for that purpose to establish an office, to be known as the Office of the Planning Regulator, to evaluate and carry out assessments relating to planning matters and provide observations and recommendations in relation to those matters, to conduct reviews and examinations and to conduct education and training programmes and research in relation to planning matters; to provide for the organisation and staffing of that Office; to provide for a National Planning Framework; to provide for certain planning and development requirements to be taken into account by Irish Water; to make miscellaneous and consequential amendments to the Planning and Development Act 2000 and to various other Acts in so far as they relate to planning and development and to provide for connected matters.

**Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney):** I move: "That Second Stage be taken now."

Question put and agreed to.

## **Planning and Development (Amendment) Bill 2016: Second Stage**

**Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney):** I move: “That the Bill be now read a Second Time.”

The main background to the important Planning and Development (Amendment) Bill 2016 is the Final Report of the Tribunal of Inquiry into Certain Planning Matters and Payments, otherwise known as the Mahon tribunal, which was published on 22 March 2012. The Bill is therefore primarily intended to give legislative effect to the planning-related recommendations of the tribunal report, providing for the establishment of a new independent Office of the Planning Regulator; the statutory underpinning of the proposed new national planning framework as a successor to the 2002 national spatial strategy; and other updates to the Planning and Development Act 2000 that are necessary to deliver greater transparency, efficiency and integrity in the planning system, including giving legislative effect to all further planning-related recommendations of the Mahon tribunal report.

As outlined, the main overarching objective of the Bill is to provide for the establishment of a new independent Office of the Planning Regulator, OPR, as it will become known, whose key functions will be to evaluate and assess local authority development plans, variations to development plans and local area plans during their preparation, including proposals relating to land zonings; to make statutory observations and recommendations on the content of such plans and strategies as appropriate to the relevant local authorities and regional assemblies, with a view to ensuring that the plans or strategies set out an overall strategy for the proper planning and development of the area concerned which is consistent with national and regional policies; to undertake reviews of the organisation and systems and procedures used by planning authorities and An Bord Pleanála in the performance of their functions under the planning Acts; and to undertake research and conduct programmes of education and training, including for elected members and officials of planning authorities, to underpin the principles of proper planning and sustainable development.

The core key function of the OPR, namely, evaluating and assessing local plans and regional strategies, will also enable the OPR to make recommendation to the Minister in relation to exercising the pre-existing ministerial direction powers under the planning Act to ensure that a plan or strategy sets out an overall strategy for proper planning and sustainable development for the area concerned.

The establishment of this new office to oversee the development plan process and the planning system generally will add another layer of sophistication to the institutional arrangements within the planning system with a view to ensuring that the overall integrity of the system is preserved and where possible enhanced. In this regard, it is important that we learn from past well-reported experiences in the planning system, which gave rise to the establishment of the Mahon tribunal in the first place, and that we endeavour to ensure that they are not repeated in the future.

A properly functioning planning system is critical to the ongoing development of all parts of the country and to ensure that development takes place in accordance with the principles of proper planning and sustainable development, namely, that development takes place in the right locations, in the right way and at the right time to meet the needs of our people while also simultaneously protecting the many qualities of the natural and built environment. That is the primary purpose of the planning system and it is important that the highest standards are applied

by and adhered to at all times by all parties engaged in the planning system including planning authorities, public bodies, the construction and development sector, professional practitioners, private interests and the general public in the interests of the overall common good.

A well-functioning planning system which responds to the needs and demands of society will also be critical to setting the proper planning basis for many of the actions in the Rebuilding Ireland plan, the Government's recently published comprehensive action plan on housing and homelessness. The planning system impacts on many aspects of our daily lives and therefore we need to ensure that it operates in the manner intended so that it can deliver quality in planning outcomes. The proposed establishment of the OPR, as recommended by the Mahon, tribunal, represents a fundamental reform to the planning system and that is why I regard this as an important Bill.

As I have indicated, the Bill also provides for the establishment of a legislatively defined approach to the development of a successor strategy to the 2002 national spatial strategy, to be known as the national planning framework, NPF. It might become known as something else when we launch it but that is what it is called for the moment. Specific provision is made in this regard on the procedures to be followed in the development of a new framework, including public consultation and participation in the process, for periodic review of the framework every six years and for obtaining Oireachtas approval of the NPF or any revised framework prior to its adoption.

The Bill contains 15 sections and 4 Parts in total and together with four Schedules sets out the necessary provisions to give effect to these measures and related matters. I will now turn to the sections and Parts of the Bill in more detail. Part 1, sections 1 to 3, contains standard provisions dealing with such matters as the Short Title, commencement, interpretation, and provision for expenses.

Part 2, comprising section 4, provides for an extensive amendment to the Planning and Development Act 2000, as amended, by inserting a new Part II B therein to provide for the establishment of the OPR. This is the most significant part of the Bill. This new Part, comprising the insertion of new sections 31K to 31AX into the Act of 2000, contains four chapters which provide for preliminary and general OPR matters, the arrangements relating to the establishment, organisation and staffing of the OPR, the powers relating to the evaluation and assessment of plans and strategies by the OPR and the review of the performance of planning authorities, including An Bord Pleanála, by the OPR.

As Part 2 of the Bill relating to the establishment of the OPR is quite extensive, I will spend some time outlining what it proposes.

The new chapter I of the OPR provisions, Preliminary and General Matters, comprises just one section, section 31K to provide for definitions of terms used in this Part.

Chapter II, relating to the establishment, organisation and staffing of the OPR, includes new sections 31L to 31AL, inclusive. Rather than going through the sections individually which primarily relate to standard organisational and operational-type issues normally associated with statutory bodies and which are quite detailed and complex, I will instead give a summary of them. They include provision for the chief executive of the office to be known as the planning regulator who shall be a corporation sole and responsible for the performance of the functions and the administration and business of the office and the functions to be performed by the OPR.

As mentioned, its key functions will be to evaluate and assess development plans and strategies and make statutory observations and recommendations on them; to conduct research on planning matters, including research at the request of the Minister; and arrange education and training programmes in planning. Further provision is made for reviewing the performance of An Bord Pleanála and planning authorities and overseeing the delivery of effective planning services to the public by planning authorities; making observations, as it considers appropriate, to the Minister on planning legislation, planning guidelines or ministerial directions; and the assignment of additional functions as may be specified by way of ministerial order, subject to the consent of the Minister for Public Expenditure and Reform.

Chapter II further provides for the independence of the OPR in the carrying out of its functions and the authorisation of staff to perform such functions; the OPR having to have regard to Government policies and objectives, as well as other specified matters, in the performance of its functions; the review of the organisation and the systems and procedures used by the OPR in the performance of its own functions; and the appointment and term of office of the planning regulator, with any such appointment to be approved by the Government on the nomination of the Minister. In this regard, it is proposed that the planning regulator be appointed for a term of up to five years which can only be renewed once.

Further provision is made for the appointment of up to three directors to assist the planning regulator in the performance of its functions; the appointment of staff and the remuneration of such staff; the ceasing of the position held by the planning regulator or a member of his or her staff where they are nominated, elected or co-opted as a Member of the Oireachtas, a planning authority or the European Parliament; the making of a superannuation scheme in respect of the planning regulator and the staff of the OPR; the prohibition of the disclosure by staff, without consent, of information on the work of the OPR; the non-liability of the planning regulator, a former regulator or a present or former member of staff for damages arising from the performance of their functions, unless shown to have been done in bad faith; the payment of grants by the Minister to the OPR out of moneys provided by the Oireachtas for the purpose of meeting its expenses; the keeping of accounts and the auditing of the accounts of the OPR; the preparation by the OPR of an annual report on the performance of its functions and principal activities, also providing that the planning regulator may be called before the relevant Oireachtas committee to account for matters relating to such annual reports; the Minister providing services, premises, equipment and other resources, as necessary, for the OPR to perform its functions; the charging by the OPR of fees in respect of reasonable costs arising in the provision or undertaking of any training and research programme; and the adoption of a code of conduct by the OPR to be followed by the planning regulator and its staff.

As indicated, the Chapter II provisions relate primarily relate to organisational and operational-type issues.

Moving to Chapter III, on the evaluation and assessment of development plans and regional strategies by the OPR, the chapter includes new sections 31AM to 31AR, inclusive. Section 31AM provides for the OPR to evaluate and assess development plans and variations to development plans at all statutory stages of the plan-making process to ensure the development plans and regional strategies, as made, address relevant legislative and policy requirements. In this regard, the section provides that the OPR will submit observations or recommendations on draft plans and strategies to the relevant planning authority and submit copies to the Minister. The chief executive's subsequent report on proposed development plans and variations to development plans for the elected members will summarise the issues and recommendations raised by

the OPR and be published on the Internet. A planning authority will subsequently notify the OPR where it has made or varied the plan. Where the plan has been made in such a manner as to be inconsistent with any OPR observation or recommendation, the planning authority shall state the reasons. Where the OPR is subsequently of the opinion that the plan, as made or varied, does not set out an overall strategy for the proper planning and sustainable development of the area or region concerned, the OPR shall recommend the use of a ministerial direction to ensure the plan or variation sets out an overall strategy for proper planning and sustainable development and shall submit a draft direction to the Minister for issue to the planning authority concerned. As Deputies know, that is a role the Minister takes on. A copy of the notice submitted to the Minister shall be made available on the website of the OPR.

Section 31AN provides for consequential provisions whereby the Minister either agrees or disagrees with the notice or recommendations from the OPR. Where the Minister agrees with the recommendation of the OPR on a plan or strategy, he or she will issue the draft direction under section 31 of the Act to the relevant local authority and regional assembly and the Bill sets out the detailed procedures that ensue. Where the Minister does not agree with the recommendation of the regulator, he or she, in turn, will be required to explain the reasons for such disagreement, lay the reasons for such disagreement before the Houses of the Oireachtas and publish them on the Department's website, all in the interests of increased transparency in the local authority development plan process generally.

Sections 31AO to 31AR, inclusive, provide for similar detailed procedures relating to the evaluation and assessment of local area plans and regional spatial and economic strategies.

The new Chapter IV on the review of planning functions includes new sections 31AS to 31AX, inclusive. Section 31AS provides that the OPR, where it considers it necessary to do so, may conduct a review of the planning authority or An Bord Pleanála in respect of the systems and procedures used in the performance of their functions and may, on foot of such a review, recommend that the Minister issue section 28 guidelines, a section 29 policy directive or a directive under section 255(2) to the authority concerned. Alternatively, it may, on foot of such a review, recommend the appointment of a commissioner under section 255(4) of the Act to take over the functions of the planning authority concerned.

Supplementary to section 31AS, section 31AT empowers the Minister to request the OPR to undertake a review of the organisation and the systems and procedures used by a planning authority in the performance of its functions where the Minister is of the opinion that a planning authority may not be carrying out its functions in accordance with the Act; is not operating in compliance with guidelines, directives and any other direction issued; may be applying inappropriate standards of administrative practice or otherwise acting contrary to fair or sound administration; may be applying systemic discrimination in the conduct of its functions; may be operating in a manner whereby there is impropriety or risk of corruption in the conduct of its functions; or may be operating in a manner whereby there are serious diseconomies or inefficiencies in the conduct of its functions.

Sections 31AU to 31AX, inclusive, outline the procedures to be followed by the OPR in the examination of complaints made by a person to it on a planning matter, including, where considered warranted, referral of the matter and any related document to one or more of the Ombudsman, the Standards in Public Office Commission, An Garda Síochána or such other State authorities, as may be prescribed. These sections further require that information, records or documents be made available to the OPR, or to an authorised person appointed by him, as

part of any review or examination; that a planning authority or the board and its staff comply with any requests for information and records and that they co-operate with the OPR in this regard; and that any person who obstructs or impedes or refuses to comply with a request of the OPR or an authorised person commits an offence and shall be liable, on summary conviction, to specified penalties.

Part 3 provides for a number of miscellaneous and consequential amendments to the Planning and Development Act 2000, as amended, primarily relating to the development of a national planning framework and addressing other Mahon tribunal planning-related recommendations, including providing for a legislative basis for the development of a national planning framework, NPF, as a successor to the national spatial strategy; that the broad objectives of the NPF will be to establish an overarching national plan for the Government in the strategic planning of urban and rural areas to secure balanced regional development, and to secure the co-ordination of regional spatial and economic strategies, and city and county development plans; that the NPF shall be adopted for a period of between ten and 20 years and be reviewed every six years; that national strategic development requirements shall be identified in the framework; that public consultation shall be undertaken with regional assemblies, local authorities, An Bord Pleanála, prescribed bodies and the Northern Ireland Department for Regional Development in the development of the framework - all of that is already happening I am glad to say; that the framework shall be subject to the provisions of relevant EU environmental directives; and that the Government shall submit the draft of a revised or new framework for the approval of the Oireachtas before it is published and shall have regard to any resolution of the Oireachtas in the finalisation of the NPF.

As I mentioned, the other provisions in Part 3 largely emanate from a combination of all the remaining Mahon tribunal planning-related recommendations as well as specific actions required to be completed under the previous Government's Construction 2020 strategy. These include enhanced transparency in the planning process requiring the publication of submissions on local area plans and development plans as well as the chief executive's report on such submissions on the website of the relevant planning authority; the forwarding of any proposed grants of planning permission which would contravene materially a development plan or a local area plan to the relevant regional assembly for observations; the removal of an overlap between development contributions for water infrastructure being paid for through the planning permission conditions to local authorities and the separate collection of water infrastructure costs by Irish Water from developers under the provisions of the Water Services Act 2014; the provision of legislative underpinning to facilitate the introduction of e-planning, electronic planning, regarding the online submission of planning applications, appeals and associated fees; requiring planning authorities to provide data and-or information for databases or national planning systems as may be specified by the Minister, for example, *www.myplan.ie*, the Department's public information website on development plans, local area plans, etc.; and provision for the payment of reduced or no fees, rather than the current €20 fee, by elected members when making submissions on planning applications and the noting of such representations on the relevant planning file.

The final part of the Bill, Part 4, contains just one section, section 15, which amends section 33 of the Water Services (No. 2) Act 2013 to provide that Irish Water, in preparing a water services strategic plan or capital investment plan shall have regard to proper planning and sustainable development in line with any development plans made under the Planning Act, in particular with the core strategies of such development plans. This amendment is primarily

intended to ensure that water services infrastructure will be provided where it is needed in accordance with the provisions of local development plans and core strategies. The remainder of the Bill comprises a number of Schedules for the purpose of making a series of miscellaneous and consequential amendments to the planning Act arising from the provisions in the preceding parts of the Bill. I would like to signal to the House that I will bring forward a number of amendments on Committee Stage, primarily relating to improving and streamlining the procedures in connection with the taking in charge of housing estates by local authorities, as well as possibly some other miscellaneous revisions to the planning Act which my Department is still examining and reviewing.

I have outlined in some detail the main purpose and provisions of the Bill. I hope all sides of the House will agree the Bill is aimed at delivering a number of fundamental, important and necessary revisions to the Planning and Development Act 2000 arising from the final report of the Mahon tribunal. In particular, as I have already indicated, the establishment of the independent office of the planning regulator will introduce a further institutional layer of sophistication and oversight to the planning system. The establishment of this new office, to take over the function of evaluating and assessing local development plans and regional strategies, to generally oversee the operation of the planning system and to conduct reviews of its operation where considered necessary, is aimed at ensuring that the mistakes of the past are not repeated in the future and that the planning system is operated in an open, transparent and impartial manner in the interests of the common good.

The planning system is integral to the ongoing sustainable and economic development of our country and it is consequently important, if not imperative, to ensure that we have a fit-for-purpose and modern planning system to underpin future development, that we have the highest standards in terms of applying a planning system, that we maintain those high standards in the role that public representatives play in that system and that we do not undermine the integrity of the broader system in any way. I look forward to hearing what colleagues have to say. I have made a detailed contribution and I do not expect Members to take it all in straightaway. We will have an opportunity on Committee Stage to go through the Bill line by line. It remains very loyal to the recommendations of the Mahon tribunal, which is exactly what we should be doing. Colleagues might look to add appropriate amendments to the legislation and we will try to be constructive in that regard.

**An Leas-Cheann Comhairle:** I understand Deputy Cowen is sharing time with Deputies O'Rourke and Ó Cuív.

**Deputy Barry Cowen:** Fianna Fáil supports the passage of the Bill to Committee Stage. As has been said, the main purpose is to give effect to one of the core planning-reform recommendations of the Mahon tribunal, that being the establishment of an independent office of planning regulator to oversee and assess decision making and the process in planning authorities.

In the short life of this Government and during the previous one, we have continually applied pressure to implement as many of the Mahon tribunal recommendations as possible. We are committed to drawing from the lessons of the Mahon tribunal in improving transparency, consistency and good decision making throughout the planning system. It is vital that we continue to put in place the legal and institutional framework to prevent the planning abuses that the Mahon tribunal uncovered.

We believe the Bill strikes an appropriate balance in giving the new OPR independence in

its role, evaluating local and regional development plans while maintaining some democratic control over the body by the Minister and the Oireachtas. However, we have a number of concerns over some of the Bill's key provisions, which require further scrutiny and amendment. I welcome the Minister's commitment regarding the process on Committee and Remaining Stages.

There are some large omissions of key Mahon tribunal recommendations for improving transparency in planning, including the disclosure of political donations by planning applicants and the noting of all submissions by political representatives on planning applications. Some of the OPR's functions and powers prescribed by the Bill may not make it an effective overseer of the national planning strategy. For instance, it is given no role in overseeing executive transport planning agencies, including Transport Infrastructure Ireland. One of the rationales given by the Mahon tribunal for the establishment of the OPR is to achieve greater integration between land use planning such as local authority zoning decisions and strategic transport planning. It is disappointing, therefore, that it is not given any role in overseeing the development or implementation of plans by the NTA or TII. Third, we are concerned that the limitation of the OPR powers as prescribed by the Bill may render it somewhat toothless as an anti-corruption watchdog in the planning process. We have serious reservations about placing the successor to the national spatial strategy, namely, the Government's yet undrafted national planning framework, on a statutory footing given it does not yet exist.

The Minister set out the central purpose of the Bill, which we all acknowledge and note. The Minister also outlined the functions being given to the office of the planning regulator under this Bill. I wish to return to the issue of whether the body will be sufficiently independent. I note that bodies such as the Irish Planning Institute have criticised this legislation on the basis that the OPR will not be fully independent of the Minister as the office can only make recommendations on local development plans. It cannot of its own authority strike down plans or variations to plans. The new office will not have the power to force local authorities to change their rules to comply with national spatial policy on land use planning or zoning decisions such as the national spatial strategy or the regional planning guidelines. As I said earlier, we believe that the legislation strikes an appropriate balance between having an independent planning watchdog and the maintenance of democratic control and accountability over planning authorities.

The input of the Government and the elected representatives is also important and must be seen to be so. The new office will be independent of the Department of Housing, Planning, Community and Local Government in its day-to-day operations but it will be formally subject to the Minister of the day. It will examine and report on the content of development plans, including zoning practices of local authorities, and make recommendations to the Minister. In reality, the new OPR will take over the powers that currently rest with the Department to recommend that the Minister strike down particular proposals in draft local development plans. The key difference is that if the Minister disagrees with notice from the OPR, he or she must state his or her reasons, lay them before the Houses of the Oireachtas and make the stated reasons available on the Department's website.

Some commentators have criticised the OPR on the following grounds, including that it will merely advise the Minister that it thinks there is a problem with a particular plan or decision and that all decisions will rest with the Minister which, according to one commentator, is very much within the party political arena. Fianna Fáil believes that criticism is misplaced. There should be a balance between the independence of the watchdog and the right to have democratic

accountability in the planning process.

In regard to the oversight of the OPR not extending to transport planning, it is appropriate that we expand further on that point during this Second Stage debate on the Bill. As I said, Fianna Fáil is concerned that the oversight function does not extend to transport planning. Some would say strangely absent from the prescribed functions of the OPR is the role of overseeing, assessing and evaluating the plans and strategies of the multiple executive agencies involved in transport services and infrastructural planning, including the NTA and TII. The oversight functions of the OPR appear to be strictly confined to evaluating land use planning by local authorities. It does not have a direct role in overseeing high level strategies developed by the NTA or TII in transport. Both those bodies must, for example, have regard to the national spatial strategy and its successor, the national planning framework which, as I said, is not yet in place, as well as regional planning guidelines and other master planning documents such as the national development plan.

The Bill does not give the OPR any responsibility of direct oversight of the NTA or TII or any role in the assessment and evaluation of their transport and planning strategies. While it is true that both bodies are bound statutorily to have regard to higher level master plans such as the national spatial strategy or regional planning guidelines, very often there is a lack of coherence or even disagreement, whether perceived or real, between the local authority development plans and regional transport strategies developed by the NTA and TII. An example in this regard is the greater Dublin area transport strategy, in respect of which local authorities and representatives in Wicklow, Kildare and Meath voiced concerns that the NTA was setting the rules on spatial planning without due consideration to their regional and county development plans.

One of the rationales given by the Mahon tribunal for the establishment of the OPR is to try to ensure a better level of integration between land use planning such as local authority zoning decisions and strategic transport planning. It is disappointing, therefore, that the new OPR is not given any role in overseeing the development or implementation of plans by the NTA or TII. It would appear from the Bill that the role of the OPR will be to secure coherence or agreement on the part of county development plans and local area plans with regional transport plans developed by the NTA and TII.

On omissions, there are a number of omissions that were recommended by the Mahon tribunal which, in its opinion, would improve transparency and planning, notwithstanding what is included in the Bill. These include the issue of an independent appointments board to appoint members to the National Transport Authority. This recommendation is not to be implemented by the Government and it would appear it is not included. According to the previous Government the reason for this is that the NTA has a remit beyond planning. The board of the NTA comprises ministerial representatives who do not have a quasi-judicial role in the way that members of An Bord Pleanála do, for example, and it is important, therefore, that the chairperson and members of the board should both be fully qualified individuals, be in tune with the Government's transport policy and be willing to respect ministerial policy directions. This would be best achieved by allowing an independent appointments board to select the members, with the Minister for Transport, Tourism and Sport continuing to make those appointments. It is incumbent on the current Minister for Transport, Tourism and Sport, Deputy Ross, to state whether he is in agreement with that reasoning.

The Mahon tribunal also recommended that members of regional authorities, now regional assemblies, should be directly elected. I know that when the assemblies were put in place,

that was not the practice and so I do not expect that to be provided for in this Bill. The Mahon tribunal also recommended that where elected members intend to grant planning permission in material contravention of the development plan, they should be required to give advance notice of one month of this intention to the relevant regional authority and to the Minister and be required to invite and consider submissions from those parties on same. This is not considered to be legitimately included in the Bill despite, as I said, it being a key recommendation of the Mahon tribunal to increase transparency in planning.

I mentioned earlier that Fianna Fáil is concerned that the OPR may be somewhat toothless as an anti-corruption watchdog. Specifically, the Bill provides that the office shall not exercise any of its functions in any particular case with which a planning authority or board is either involved or could be involved. This provision could render the OPR toothless as an anti-corruption watchdog. In the case of suggested criminal wrongdoing, it is right and necessary that the OPR passes cases on to the Garda Síochána. However, there is no good reason that a body that is to be the pre-eminent expert on planning matters in the country should not have the power to investigate alleged or suspected planning law misdemeanours or infringements in specific instances.

I wish to comment briefly on resourcing and capacity concerns. If the office of the planning regulator, OPR, is to be as effective as we want it to be, it will have to have the capacity to undertake its primary mandate to oversee planning authority decisions and investigate systematic complaints in a timely fashion. While it is welcome that under the Bill, individuals may make direct complaints to the new office, which will be submitted to a preliminary examination, this raises the spectre that the office will be bogged down with a large volume of individual complaints. This has clearly been the case with other bodies as we have seen, and from which I hope I have learned, including such bodies as the PRTB, which is now the RTB. Since its inception, it has been unable to fulfil its role in resolving individual disputes in a timely fashion. At present, tenants and landlords face lengthy delays for any dispute resolution from the RTB because of the lack of resources and staff as well as the absence of a clear dispute resolution mechanism. This makes it somewhat ineffective as a body and unable to carry out its primary mandate.

It must be recognised there is a risk that by giving the OPR the responsibility to receive direct complaints relating to individual planning applications, it could become ineffectual at performing its central purpose, which is the systematic oversight of the planning authorities, decision-making and the broad implementation of national planning policy and regional guidelines. The additional responsibility to investigate direct complaints must be matched with adequate resources, adequate staffing and adequate administration capacity at the new body.

Regarding its oversight of planning administration, one of the central functions of the new planning regulator will be to ensure a more consistent approach is taken in the handling of planning applications throughout local authorities. It is very important to help ensure a relatively consistent approach to planning proposals is taken throughout planning authorities. Consistency and the interpretation of development plan policies is essential if public confidence in the planning system is to be maintained, although decisions on individual applications will vary in light of the land use considerations that apply.

I wish to leave time for my colleague, Deputy O'Rourke, as he wishes to make some points to the Minister on many aspects of the Bill. We are committed to supporting the Bill on Second Stage and, as the Minister stated, teasing out some aspects of it, with the expressed wish of

amending the legislation to provide greater transparency and accountability to ensure the basic recommendations and, if possible, other recommendations not included in the original Bill can be undertaken by the Minister as he brings the Bill through the House.

**Deputy Frank O'Rourke:** I welcome the opportunity to speak on the Bill. I do not intend to go into the issues dealt with by the Minister and my colleague, Deputy Cowen, but I would like to raise a number of issues with regard to the planning process. I hope to get the co-operation of the Minister and the Department to deal with them and that they can be included in or perhaps dealt with in the Bill if the Minister feels they are not adequately dealt with already. The issues I wish to discuss are the extension of existing planning permissions, developing infrastructure in line with the development of zoned houses where permission has been granted and permeability, which exists through departmental guidelines and which is a priority for the NTA regarding access between sites.

With regard to existing planning permissions, my information is that for various reasons we know about, over recent years developments of 100 houses or fewer, which are typical in my constituency and in many other constituencies, are very slow to progress and be completed. Some of these estates might be 25% or 30% finished. As there are perhaps six months left in the planning permission, the developer or builder must look for an extension of time. My feedback from various developers and construction companies is that local authorities ask them to resubmit full detailed designs and layouts on sites which have gone through a full planning process, which could have taken 18 months or two years and included an appeal to a third party, An Bord Pleanála.

In an interview on television yesterday, the Minister was very supportive of trying to assist and promote in a very measured way the development of houses to try to deal with the housing crisis. I am speaking about land already zoned for development which has gone through the rigour of the planning process and obtained planning permission. This is a real problem because where 25 or 30 houses are built but the development will not be completed in the life of the planning permission, people are being asked to resubmit full designs and new layouts as if it were a new application. If this were to happen, and we hope it does not, it could delay the completion of the sites for a further two years, which would cause all sorts of complications and difficulties in the current crisis.

**Deputy Simon Coveney:** We are dealing with this issue in the housing Bill, which will run parallel with this one. We are looking at it.

**Deputy Frank O'Rourke:** This is an issue throughout the country. The housing crisis is particularly bad in a number of counties at present. This is why we need to see how this can be dealt with to facilitate and promote the building of housing to assist with the crisis.

With regard to the delivery of infrastructure, those developing a number of sites in my constituency, in Galway and in other places, which have planning permission, are being told they cannot start construction until 2020. These people are willing and able to start to build, which would help to deal with the crisis. This is absolutely outrageous and unacceptable. While various utilities identify issues, solutions can be delivered in a number of ways. The Government could borrow money through NAMA or the local authorities at very low interest rates to help deliver the required infrastructure. It could be done through public-private partnership. It could also be done by conditioning the developer to deliver the improved infrastructure or through levies.

Most sites where construction is starting will take two to three years to finish. Rather than stopping the development and stopping houses being constructed to deal with the existing issue, the upgrade of the infrastructure should be delivered as the construction of the housing estate is being delivered. This does not happen. There is no thinking outside of the box in this regard. A number of people have raised this issue with me in recent months. It is a real problem. People are willing to start to construct properties. They are told they can build them but that they cannot connect to the services for three years. People cannot make such an investment because they need to sell the house to be able to build the next one. The issue is particularly with regard to wastewater services. In some cases, the upgrade can involve an increase in the number of pumps, an interconnector or a slight increase in the infrastructure feeding into a mains service. These all have easy enough solutions when we speak about them here but if we empower, instruct or assist local authorities to be the vehicle to make this happen, then more development can happen quicker to deal with the issue. At present, development is being held back and withdrawn. This is a huge problem as we speak.

Another issue with regard to infrastructure is roads. In areas such as Clane and Maynooth in Kildare North, there are sites which cannot be considered for building because they lack ring-road infrastructure. In my area of Celbridge, part of the town is gridlocked because of a lack of adequate bridge infrastructure. These are real issues and problems which cause delays in the delivery of housing that is already approved.

Another issue is permeability between estates. We have guidelines from the Department and it is a priority for the National Transport Authority, and we can see why this is the case. It needs to be examined because it causes anti-social behaviour and many difficulties and problems. When local authorities take charge of estates where permeability was included in the approval of planning permission, they must extinguish it. It is a difficulty. These are the areas I wished to raise with the Minister.

Debate adjourned.

The Dáil adjourned at 10 p.m. until 12 noon on Thursday, 29 September 2016.