



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Máirt, 22 Samhain 2016

Tuesday, 22 November 2016

Chuaigh an Ceann Comhairle i gceannas ar 2 p.m.

Paidir.

Prayer.

Leaders' Questions

Deputy Micheál Martin: I wish to raise with the Taoiseach the behaviour of the Minister for Transport, Tourism and Sport, Deputy Shane Ross, in relation to a number of key issues. His remarks on the Judiciary have been unacceptable. He is utilising his position as a Minister to undermine and attack the judicial pillar in a politically populist way. In short, he does not have respect for the judicial pillar which is so central to our democracy. He has made very inaccurate comments about the Judiciary and the attitude of judges to the reform of the judicial sector. The Chief Justice had to come out publicly and make the point that the Judiciary had been seeking reform of the appointment of judges based on merit for quite some time, including by way of making a submission in 2014 and joining in a European declaration in 2012. The Minister, Deputy Ross, has been very cavalier, untruthful and disingenuous on the judges. It may play well, but it is not right for a Minister to use his ministerial platform to engage in such behaviour.

Added to above is the failure to fill up to 34 vacancies on State boards under his remit as Minister. These include the Road Safety Authority, Irish Rail, Dublin Bus, the Dublin Airport Authority, Transport Infrastructure Ireland, Fáilte Ireland and Sport Ireland, all of which are operating with depleted numbers simply because the Minister is refusing to appoint people. He has made various ridiculous comments to the effect that he cannot be expected to make decisions with so many names coming at him. I put it to the Taoiseach that there is a system in place on foot of the last Government's reforms, which is called the Public Appointments Service. It selects people to go forward for nomination by respective Ministers. There are two vacancies in the Road Safety Authority, which is a very important authority. In the past decade we have made great progress in improving road safety, irrespective of who appointed who to boards. The authority needs more resources and so on and can make even further progress.

Ministers cannot go on solo runs on their own. The Minister has a responsibility under the collective Cabinet responsibility system to operate the rules as they currently apply, either in the appointment of judges or people to State boards. No Minister can set himself or herself up

as a mini dictator and say no judges will be appointed unless he or she gets his or her way and that no one will be appointed to State boards within his or her remit unless he or she gets his or her way on the issue of reform. There are areas in which no one else has sought additional reform at this time.

Has the Taoiseach called in the Minister to inform him of his ministerial responsibilities? I am serious about this. The Minister needs to be spoken to because, in keeping within the principle of collective Cabinet responsibility, he has to operate the legal frameworks as they apply in the appointment of judges and the filling of vacant State board positions until they are changed. Will the Taoiseach speak to him about these issues? Does he think the Minister is right in his approach so far in the appointment of judges and his failure to fill vacancies on State boards?

The Taoiseach: I answered this question last week. The Constitution is very clear on the appointment of judges and members of the Judiciary. I made the point that the comments of the Minister, Deputy Shane Ross, on judges and the oath they took were personal and did not reflect the view of the Government. I spoke to him about the matter.

The programme for Government 2016, as the Deputy knows, contains a commitment to significant reform of the judicial appointments process to make it transparent, fair and credible. The Department of Justice and Equality has undertaken extensive work on a judicial appointments Bill, including seeking all necessary legal advice. Serious changes are involved, underpinning the Judicial Appointments Advisory Board, including the appointment of a lay chairperson, having a lay majority and a limitation of the number of candidates for posts to be filled by the Government. The Bill involves complex legal and constitutional questions on which detailed advice is necessary in order to proceed to finalising the general scheme of a new judicial appointments commission Bill. As the House is aware, the drafting, publication and enactment of the Bill cannot be completed overnight, especially in the current political context. It is the intention of the Tánaiste to submit legislative proposals to the Government in the next couple of weeks. Second Stage of a Private Members' Bill was passed on 26 October. The Bill was not opposed on the basis that the Tánaiste would very shortly bring forward a Government Bill on the matter.

Attention has been drawn to the increasing backlog in the new Court of Appeal and the stated requirement for additional judges to be available to the court. There is a preference in government for no further appointments being made until the new legislation is in place. There are existing vacancies in the courts and undoubtedly there will be more in the future. The requirements of the administration of justice will, of course, be taken into account by the Government on a continuous basis. There is no doubt that there is a necessity to legislate as quickly as possible for a judicial council and the Government is prioritising the Bill for publication in this session. It is firmly of the view that it is necessary to put in place a structure to deal with the allegations of judicial misconduct which fall below the level of what might warrant invoking Article 35.4 of the Constitution. It is also firmly of the view that it is necessary to provide a platform for the promotion of excellence and high standards of conduct by judges. As well as providing for the establishment of a judicial council and board that will promote excellence and high standards of conduct by judges, the proposed Bill will aim to provide a means by which allegations of judicial misconduct may be investigated by a judicial conduct committee. That model will provide for lay membership of the judicial conduct committee which will be an important and key element of the Bill.

On having a register of interests, an issue to which the Deputy has referred, the proposed

judicial council Bill will provide for the establishment of a judicial conduct committee which will consider all of these matters. The Bill is expected to be published very shortly and the Minister will bring it before the House.

Deputy Micheál Martin: The Taoiseach did not mention in his reply the vacancies to State boards.

The Taoiseach: I will come to that in my supplementary answer. The boss man is here.

Deputy Micheál Martin: I asked the Taoiseach a basic question on vacancies to State boards, which was if he had spoken to the Minister about them, but he flatly ignored the question and refused to reply to it. On judicial appointments, the Taoiseach has announced a new departure today. In the past he said there was no such edict in terms of appointing judges, or failing to appoint judges. It seems the Taoiseach met the Minister for Transport, Tourism and Sport, Deputy Shane Ross, on the matter and the Taoiseach blinked, because he is now using new language to the effect that the Government has a preference now that it would not appoint any new judges until the new legislation is enacted in a couple of months' time. It is the combined behaviour of the Minister, Deputy Ross, including what he has said about the Judiciary, that I put to the Taoiseach. We have the separation of powers, but the Minister has in a cavalier way gone out to undermine it and the Taoiseach knows it. The Minister is doing it because he thinks it is popular and a nice message, but he is a Minister and he should not be doing it. The Legislature owes some respect to the judicial pillar and vice versa.

An Ceann Comhairle: Deputy Martin's time is up.

Deputy Micheál Martin: Does the Taoiseach agree with the Minister's refusal to appoint people to State boards, including the Road Safety Authority and the others I mentioned? Has the Taoiseach spoken to the Minister on the need and his obligation to do so? Has the Taoiseach spoken to him about his collective Cabinet responsibility and how he should appoint people in accordance with the framework that has been laid down by the Government?

Deputy Mattie McGrath: Jobs for the boys.

The Taoiseach: There is no blinking here. I answered Deputy Martin's questions on this before. There is a vacancy on the Supreme Court, but the Chief Justice has not requested it be filled. There is no vacancy on the Court of Appeal. I think there are two or three vacancies between the Circuit Court and the District Court.

Deputy Micheál Martin: There are three at Circuit Court level.

The Taoiseach: That is true. Obviously-----

Deputy Micheál Martin: Obviously they will not be filled.

The Taoiseach: Obviously, the preference of Government is to proceed with the Judicial Council Bill. Deputy Martin mentioned State boards. What happens now is that people apply online to the Public Appointments Service. Ministers of the day do not know who applies.

Deputy Micheál Martin: We know that.

Deputy Timmy Dooley: They might encourage a few people.

The Taoiseach: The purpose of the Public Appointments Service is to determine if people

are qualified and eligible to serve on particular boards. It is important for Deputy Martin to bear in mind that the Minister sets down the criteria required by him or her for service on those State boards so that the Public Appointments Service can see whether the applicants meet those criteria.

Deputy Robert Troy: He should be able to pick a person.

Deputy Micheál Martin: I do not need to realise that. It is the Minister, Deputy Shane Ross, who needs to realise it.

The Taoiseach: Long before Deputy Martin's time, it was a matter of just filling lists as they were received.

Deputy Robert Troy: There are 36 vacancies that are not being filled.

The Taoiseach: It was normally done during the intermediate stage-----

Deputy Micheál Martin: Deal with the issue of the Minister, Deputy Ross.

The Taoiseach: -----between a Government going out and a Government coming in. In any event, I understand that the Minister, Deputy Ross, is now looking at the issue of the number of applicants who have been deemed to be eligible and qualified for the different State boards under his remit. The conditions and criteria for those are set down by individual Ministers. That is where the authority lies to set out the criteria and qualifications that are necessary.

Deputy Micheál Martin: Will the Taoiseach explain why they have not been filled?

(Interruptions).

An Ceann Comhairle: I call Deputy Gerry Adams.

Deputy Gerry Adams: I am wondering if Fianna Fáil has lost confidence in the Taoiseach's Government-----

The Taoiseach: Not at all.

Deputy Gerry Adams: -----or is it just in the Aire, Deputy Ross. One would not know.

Deputy Billy Kelleher: I have lost confidence in Deputy Adams.

Deputy Gerry Adams: Fine Gael and the Labour Party introduced water charges during the lifetime of the last Government, despite their opposition to it before they were in government. Water charges were, of course, Fianna Fáil's idea, but that Government soon made it its own. It paid consultants €86 million and awarded bonuses of almost 20% to senior management and it threatened to reduce citizens' water supplies to a trickle if they did not pay. After the last election, Fine Gael and Fianna Fáil ignored the reality that a majority of Deputies were elected to abolish water charges.

Deputy Billy Kelleher: Sinn Féin ran away. Sinn Féin ran away for four months.

Deputy Gerry Adams: Instead of the Taoiseach allowing the Dáil to decide the issue, he and Teachta Martin kicked the can down the road. In June, the Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, published the draft terms of reference for the so-called expert commission on water charges. He said he would not expect or ac-

cept any amendments to the draft. We then had the debacle surrounding the appointment of the former Senator Joe O'Toole as its chairperson. He took aim at those of us who were part of the campaign to scrap unjust charges and described us as completely and utterly wrong. He went on to say, "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." If the Taoiseach and the Fianna Fáil leader had allowed the Oireachtas to deal with the issue, water charges would be long gone.

Last weekend, the comedy of errors continued when the Fianna Fáil leader said he did not envisage a return of water charges, Fine Gael criticised him for doing so and the Fianna Fáil spokesperson, Teachta Barry Cowen, then said something completely different and refused to rule out a return of charges. To top it all, the Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, declared, without any consultation with the Dáil, that Senator Pádraig Ó Céidigh would be appointed Chairman of the yet to be established Oireachtas committee on water. I have nothing against Seanadóir Ó Ceidigh. Tá meas agam air, go háirithe ar an obair ar son chúis na Gaeilge atá déanta aige. However, the issue is that the Minister has no authority to appoint the chairperson of an Oireachtas committee as such appointments are a matter for the Dáil. To intervene, as the Minister did, and to seek to appoint a Chair is a serious departure from normal Oireachtas procedure. Will the Taoiseach indicate whether he agreed this appointment with the Fianna Fáil leader at the meeting they are reported to have held last week? Will he commit to following normal procedure and have the Chair of the committee, once established, decided by its members without interference from the Minister?

The Taoiseach: My, my, how the Deputy's memory has faded. I remember him saying he would pay his water charges. I also remember Sinn Féin being very responsible and saying it would make the necessary contributions. Then when it heard the sound of marching feet out in Tallaght it decided to reverse engines. Far be it for Deputy Adams to say the Fine Gael Party and Fianna Fáil Party are out of line here.

The Fine Gael Party had a very clear view on water charges all along. We wanted a national utility, a fair contribution regime and a metering process to adjudicate on that. However, in order to make the Government work, we sat down with the Fianna Fáil Party and put in place a very clear, deliberative process to deal with the question of water. This was to be done in three stages. First, an expert commission was to be appointed to look at the entire range of issues completely objectively over a period of six months and report by the end of November. Second, a special Oireachtas committee was to be set up to consider the commission's report, which it will do. Third, we were to have a vote in the Oireachtas within a month of the special Oireachtas committee completing its consideration of the report. That vote is due to take place at the end of March 2017.

As this was a deliberative process between the two parties and part of the confidence and supply arrangement and agreement between the Fine Gael Party and Fianna Fáil Party, it is obviously necessary to have somebody who is competent, objective and capable of chairing deliberations on a complex issue such as this as Chairman of the Oireachtas committee. An Seanadóir Ó Céidigh is an outstanding person, a businessman who is used to seeing clearly through complex issues and making decisions. I am sure he will fulfil his remit in this regard in a very clear, objective and fulfilling way. In that sense, the Minister and his opposite number in the Fianna Fáil Party discussed who would be appropriate to chair the committee. This arose from the deliberative process between the Fine Gael and Fianna Fáil parties established as part

of the confidence and supply arrangement.

The committee will have 20 members, 16 of whom will be Deputies and four of whom will be Senators. The 16 Deputies will include five Government, four Fianna Fáil and two Sinn Féin Deputies and one Deputy each from the Labour Party, the Anti-Austerity Alliance and People Before Profit, the Rural Alliance, Independents 4 Change and the Green Party-Social Democrats group. While the committee is larger than what we are accustomed to, the intention is to try to achieve as broad a consensus as possible on this important issue. The number of members reflects the aim of everyone to ensure that every party and group is involved in the deliberations. That is the position.

Deputy Gerry Adams: The Taoiseach has confirmed what I suspected, namely, that this appointment was the result of deliberations between the Government and the Fianna Fáil Party. What about the Dáil? Has everything been reduced to the supply and confidence arrangement, which was all about getting Fianna Fáil off the hook on this issue and getting Fine Gael back into power? The expert commission was nothing other than a fig leaf to do just that. In three separate sections in its manifesto, Fianna Fáil gave clear commitments to scrap water charges and Irish Water. The Taoiseach and the Fianna Fáil leader do not admit to that. Instead, they call it new politics. It is all about expediency. The fact is the Minister, no matter about whatever arrangement he has with Fianna Fáil, stepped entirely beyond his remit when he announced this appointment to the chair of this committee. I have asked the Taoiseach a hundred times over the past six years will he stop this comedy of errors and simply establish the fact that water charges need to be scrapped. That is what Sinn Féin has done in the North and is what the Taoiseach should do here. He should put an end to this perpetual ongoing farce and scrap the water charges.

The Taoiseach: Sinn Féin here supported water charges very much.

Deputy Dessie Ellis: No, we did not.

Deputies: We never did.

The Taoiseach: Deputy Gerry Adams himself is on record, as a good citizen, saying he will pay his water charges. He then reversed engines for his own reasons.

Deputy Gerry Adams asks about the House's involvement in this matter. The expert commission's report will be sent to the specific Oireachtas committee on dealing with this matter. This was discussed at the Dáil Business Committee on 17 November. The Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, has been in touch with all of the parties since. It is intended to move motions in the Dáil and the Seanad this week to establish the all-party committee on the funding of domestic public water services, as well as to receive, to consider and to make recommendations to the Oireachtas on the commission's report. The Dáil and the Seanad have to approve the special Oireachtas committee. That takes into account everybody's wishes.

The broad make-up of the committee was discussed on 17 November. The Minister has been in touch with all of the different parties. Everybody will have the opportunity to have their say. Seanadóir Pádraig Ó Céidigh will chair this committee in a really objective and professional manner. I will point out to Deputy Gerry Adams that this is the commission's report, not a Government report. It is going straight to a special all-party committee to investigate.

Deputy Catherine Connolly: Last week in an interview with “Morning Ireland”, Dr. Fergal Hickey pointed out that 300 to 350 people die every single year as a result of having been placed on hospital trolleys. He referred to the excessive mortality rate because of the warehousing of people on trolleys. He said the system was sending out a message that the abnormal has become normal. He said the system has been run down consistently since 1997 and a shortage of beds kills people.

The previous day, on Wednesday, less than a week ago, 528 people could not get a hospital bed and there were 545 delayed discharges from hospitals. Dr. Fergal Hickey suspected the figure was greater. Remember, he pointed out, it is only November and winter comes every year, although it seems to take each Government by surprise. Leaving an over-75 year old patient on a hospital trolley for more than 12 hours leads to a longer stay in hospital, a number of medical complications and a much less likely chance of going home. Dr. Fergal Hickey said between 50 and 60 people are regularly on trolleys in Galway and Limerick hospitals.

In that context, the nurses are planning to go on strike because of intolerable conditions. University Hospital Galway is, supposedly, a centre of excellence, serving a region of 1 million people but it has only one MRI scanner. It has extraordinary lists for outpatients. The clinical director has said the hospital is not fit for purpose. This is the same hospital that the Taoiseach could not find time to visit on his two recent visits to Galway. Instead, he visited a private establishment. Prior to the general election, he visited the hospital’s accident and emergency department, as did the leader of Fianna Fáil, and said it was not fit for purpose.

The accident and emergency department, a report on which was never published, is simply a symptom of a malfunctioning system. A review is under way at University Hospital Galway into an amputation performed in a general ward recently. It has just completed a review of approximately 200 patients that raises most serious concerns over the surgery carried out. Patients died in two cases and most serious concerns were raised regarding four. It is stated that in two cases of the four that caused great concern, the course of action by the surgeon led to the need for further surgery and caused untold suffering and hastened and the demise of both patients. There are references to a lack of care, a lack of basic care, and a lack of follow-up care. The system is malfunctioning because it is being constantly run down. I ask the Taoiseach not to waffle to me. He should please hear what I am saying and tell me he will visit the hospital, unplanned, as a matter of urgency and that he will take immediate action on operational issues concerning resources and the need for a new hospital, for which the clinical director has asked at a meeting of an Oireachtas committee last week and last year.

The Taoiseach: It is unacceptable to have on trolleys the number of patients about which the Deputy spoke. This has been a recurring issue in this House on so many occasions over the past two decades. It is not acceptable that this happens. It is because of the system that has evolved over the years and the attempts over many years to rectify the position. This morning, 22 November, there were 18 on trolleys at 8 a.m. in Galway University Hospital.

Deputy Billy Kelleher: There were 54 in Cork.

The Taoiseach: Our Lady of Lourdes Hospital, Drogheda, had 19, and the national total was 421, which is unacceptable. In response to a question on this a week ago, I stated there were no trolleys in Beaumont Hospital on the day. This was a particular advance on the position that always applied in that Beaumont. Today in Wexford, there are three. This is a case where a new emergency department has been put in place.

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The Deputy asked me not to waffle to her. I will not but I do not like to answer questions on when I will visit the hospital. I will visit University Hospital Galway but I will not tell anybody when I do so. I would be very happy to do that.

Deputy Micheál Martin: He has to tell somebody, surely.

The Taoiseach: Every time I announce a visit to a hospital, I always hear it alleged that patients were moved out or on so they could not be seen. That is not waffle. I will visit Galway hospital and do so in my own time when I choose to do so. I will be very happy to engage with the nurses and the staff.

A number of significant projects have been completed at University Hospital Galway in recent years. These include the clinical research facility, the upgrade to the maternity unit and the cystic fibrosis outpatient department, which was completed in 2014 and is now operational. Thirty additional beds were opened in early 2016 as part of the Minister's winter initiative for 2015-16.

The Programme for a Partnership Government states a new emergency department for University Hospital Galway is currently being designed with a view to funding for construction being provided as part of the 2017 capital plan review. As it stands and as the Deputy is well aware, a number of design plans have been completed and they are at the cost-benefit analysis stage in the HSE. The Minister will visit the hospital shortly and further update staff and the management.

Construction of a 75-bed clinical ward block, with additional capacity, is under way. This project will provide 75 single *en suite* bedrooms, including six isolation rooms, which will result in a significant improvement in bed quality and infection control within University Hospital Galway. The projected date for the completion of construction is the end of this month, 2016, followed by commissioning and equipping. The Department understands that once this development is completed, it will enable other wards at University Hospital Galway to be closed for refurbishment, and approval is being sought to keep one of the old wards open in an escalation capacity for approximately 30 beds to support hospital activity this winter. That is being considered by the HSE as part of the service plan estimates for 2017 and also as part of its winter planning submission.

The Deputy says there is a need for a new hospital. The population of Galway and the region, which now caters for the greater expanded region, is an issue that certainly warrants consideration for the time ahead. It seems as if some people imagine, or some people perceive, that one can provide a new hospital overnight. Such is not the case.

Deputy Catherine Connolly: I despair, but I do not have the luxury of giving in to it because I have a voice in this Chamber. The Taoiseach is presiding over the deaths of people. I do not know whether he heard a single word that I said. Galway has been operating on code black, which is the highest emergency code, for months. A full capacity protocol is in operation due to overcrowding. The accident and emergency situation is a symptom.

I have not asked for a new hospital. The clinical director has asked for a new hospital to be planned. I do not know whether the Taoiseach heard me say that an audit was conducted regarding an amputation on a ward and that 198 surgical patient cases had been reviewed. The review covered January 2013 to November 2014, but we only heard about it in 2016. Unfortunately, I know about it intimately.

I will repeat what I said. The Taoiseach might do me the courtesy of hearing what I say, stepping out of his bland rhetoric and apologising to those who have suffered or died. Let me repeat-----

An Ceann Comhairle: I thank the Deputy.

Deputy Catherine Connolly: I am sorry, a Cheann Comhairle, but this is my last point. The review covered four cases in particular and, separately, 30 other cases. Of the four, two caused great concern. In each, the course of action taken by the surgeon led to the need for further surgery, caused untold suffering and hastened the demise of the patient. There are many other cases in the hospital, which has only one MRI machine, yet the Taoiseach does not apologise.

An Ceann Comhairle: I thank the Deputy, but she must conclude.

The Taoiseach: I have every empathy with people who are pressurised in patient situations in every hospital. These issues have arisen not just in University Hospital Galway, but in other locations around the country from time to time. Deputy Connolly is well aware of this. Obviously, as somebody who has been a visitor to Galway on many occasions to see patients there in different stages of distress, one would like to think that we were in a position to have facilities that would provide the very best level of attention for everybody at all times, and that is the reason there is also work under way on the construction of the acute mental health department, on the radiation oncology project, which is under way, on the blood and tissue laboratory, which is at design stage, on the replacement of a cath lab, on the appointment of a design team to work on the accommodation reconfiguration and on the replacement of the current CT radiotherapy and radiology facilities.

Yes, I visited the Bon Secours Hospital in Galway the other day. I was there five years ago also. The process of building the new cath lab is well under way, and I think that is going to provide extra facilities for Galway and for patients who need them.

I will visit the hospital.

Deputy Catherine Connolly: The Taoiseach did not visit it. He said that he did not have the time. He had time to go to the private hospital.

An Ceann Comhairle: Deputy, please.

The Taoiseach: I empathise completely-----

Deputy Catherine Connolly: You are an absolute disgrace.

An Ceann Comhairle: Deputy, that is not in order.

The Taoiseach: I empathise completely with the points that the Deputy makes and I have heard other people call for the provision of a new hospital-----

Deputy Catherine Connolly: The clinical director of the hospital-----

The Taoiseach: -----to be located on the Merlin Park site, but obviously there are serious pressures in University Hospital Galway.

An Ceann Comhairle: The Taoiseach must conclude.

The Taoiseach: Many of these are being addressed and I hope that those improvements will bring about a better situation for people who have to undergo treatment in University Hospital Galway. Of course, I offer my condolences, no more than anyone else would, for people who unfortunately die in hospital, as happens all over the country.

Deputy Róisín Shortall: Around this time last year, the then Government introduced the Residential Tenancies (Amendment) Bill to much fanfare. Among its provisions, rent certainty measures were introduced on 4 December 2015. They were not perfect by any means, but they were something. Their effect was that landlords could not increase rents for a two-year period.

However, there was a retrospective element to this measure. For tenancies that were in existence in December 2014, the clock started ticking from then. Those tenants had protection for a two-year period but the two years are up next week on 3 December. If rent certainty measures are not extended urgently for those very tenants many more families will face massive hikes in their rent, particularly in the case of property controlled by the institutional landlords and by vulture funds. The longer we go without an extension, the more tenants will be affected and the numbers will increase week by week and month by month. It is inevitable that the crisis in homelessness will become even more acute if the Government does not act urgently. Even with the limited controls rents generally went up by about 12% in the past year and they are forecast to go up by at least the same amount in the coming year. Those families who lose their rent certainty next week and in the coming weeks will likely face huge rent hikes in excess of 20%. The Taoiseach needs to act urgently on this matter. For those families whose rent protection expires on 3 December, next week, he must extend their rent freeze to prevent them facing huge hikes in their rent, which will inevitably lead to many more families facing homelessness.

Does the Taoiseach realise that a couple of nights ago, on a very cold winter night, there were 210 people sleeping rough in the Dublin area alone? Those shameful numbers are set to increase exponentially from next week on unless he takes urgent action. Will the Taoiseach act now to prevent the situation becoming even worse? If he does not, it is inevitable that we will see more families on our streets in the coming weeks and months.

The Taoiseach: I am aware of the figure Deputy Shortall mentioned of homeless people on the streets. It is to be welcomed that an extra 200 beds are now being provided, which brings the total number of beds available in Dublin city to approximately 1,800. It is a short-term measure dealing with the supply issue. As part of the Housing Action Plan the Minister for Housing, Planning, Community and Local Government, Deputy Coveney, has already set out the five pillars and the money to back them by which the question of supply is being dealt with. Clearly, the issue Deputy Shortall raised about rent certainty coming to an end is a matter of concern to the Minister. I have already said that he will very shortly bring before the House a comprehensive rental strategy dealing with rents, the opportunity to have longer leases in respect of tenanted dwellings whereby people can rent for a longer period and a number of other measures that he hopes to bring before the House.

I was not aware the rent certainty issue raised by Deputy Shortall is fading out on 3 December. I will bring that immediately to the attention of the Minister.

Deputy Róisín Shortall: It is extraordinary that the Taoiseach was not aware of that, or that his Cabinet colleagues were not aware of it and were not planning action to avoid a greater catastrophe in terms of the homelessness situation. The Taoiseach needs to act urgently in the coming days to address the matter.

Last week it was reported in *The Irish Times* that David Ehrlich of the IRES Real Estate Investment Trust, REIT, made the following comments in talking about the Irish rental situation. He said, “It’s a great market” and “We’ve never seen rental increases like this in any jurisdiction that we’re aware of”. He went on to say, “I truly feel badly for the Irish people”. Of course he is answerable to the REIT’s investors not to the tenants that are in his properties. The Government is making assumptions based on a functional market when it is in fact a completely abnormal market, and it is abnormally good for investors like IRES REIT.

An Ceann Comhairle: I thank Deputy Shortall.

Deputy Róisín Shortall: We are told a comprehensive strategy is due to be introduced for the rental market. We do not know when that will happen but it will not come quickly enough to address the imminent dangers renters will face from next week. The Taoiseach must commit to addressing this looming problem for so many families in the coming weeks and months. Will he give such a commitment?

The Taoiseach: I have already given the Deputy a commitment. Sometimes when you tell the truth here, you are also pilloried for it. I said I would bring the matter to the attention of the Minister forthwith. I have made the point to the Deputy that part of the Minister’s action plan is the provision of 1,500 rapid build units and 1,600 vacant units sourced by the Housing Agency, as well as providing for an expanded number of housing assistance payment, HAP, homeless tenancies - 550 this year and 1,200 in 2017.

(Interruptions).

The Taoiseach: I heard the Deputy. I said I would bring the matter to the attention to the Minister forthwith and that means immediately. I said the Minister intended to bring a comprehensive rental strategy to the House within a very short period and I am quite sure this will be a part of it. We have pointed to the extra emergency beds that are being made available which will bring the number up to 1,800 in the city. I gave the same count as the Deputy gave the other night. Obviously, we would like to think that this year, no more than last year, unless somebody wants to be on the streets, he or she will have a roof over his or her head and a bed in which to survive.

(Interruptions).

The Taoiseach: There are some people who do not want to come off the street, as the Deputy is well aware. She has mentioned the need for certainty for those tenants for whom the rent freeze will come to an end on 3 December. I will bring the matter to the attention of the Minister directly after I leave the Chamber.

An Ceann Comhairle: I note that we have run over time on Leaders’ Questions. Perhaps tomorrow we might have more regard to the time allowed.

Order of Business

An Ceann Comhairle: I call on the rapporteur for the Business Committee, Deputy Mattie McGrath, to announce the Order of Business for the week and make the proposals regarding the arrangements for the taking of that business.

Deputy Mattie McGrath: Today's business shall be No. 7, motion re Joint Committee on Public Petitions, to be taken without debate; No. 8, motion re leave to introduce Supplementary Estimates, to be taken without debate; No. 9, motion re referral of Supplementary Estimates to select committee, to be taken without debate, subject to leave to introduce being given; No. 10, motion re Financial Resolution for Health Insurance (Amendment) Bill 2016, to be taken without debate; and No. 14, Finance Bill 2016 - Order for Report Stage and Report and Final Stages. Private Members' Business shall be No. 23, Local Government Reform (Amendment) (Directly Elected Mayor of Dublin) Bill 2016 - Second Stage, introduced by Fianna Fáil.

Tomorrow's business shall be No. 14, Finance Bill 2016 - Report and Final Stages (re-summed); and No. 15, Social Welfare Bill 2016 - Order for Report Stage and Report and Final Stages. Private Members' Business shall be No. 24, Local Government (Mayor and Regional Authority of Dublin) Bill 2016 - Second Stage, introduced by the Social Democrat-Green Party group.

Thursday's business shall be No. 15, Social Welfare Bill 2016 - Order for Report Stage and Report and Final Stages; No. 10a, motion re leave to introduce Supplementary Estimates, to be taken without debate; and No. 10b, motion re referral of Supplementary Estimates to select committee, to be taken without debate, subject to leave to introduce being given. Second Stage of No. 25, Thirty-fifth Amendment of the Constitution (Neutrality) Bill 2016, will be debated in the evening slot.

In relation to today's business, there are two proposals. It is proposed that:

(1) the motions re Joint Committee on Public Petitions, leave to introduce Supplementary Estimates and, subject to leave to introduce being given, referral of Supplementary Estimates to select committee and Financial Resolution for the Health Insurance (Amendment) Bill 2016 will be taken without debate and that any division demanded thereon shall be taken immediately; and

(2) Second Stage of the Local Government Reform (Amendment) (Directly Elected Mayor of Dublin) Bill 2016 shall be brought to a conclusion, if not previously concluded, at 10 p.m.

In relation to tomorrow's business, there are two proposals. It is proposed that:

(1) The Dáil shall sit at 10 a.m. and adjourn at 10 p.m. or at the conclusion of Report and Final Stages of the Finance Bill 2016, whichever is the later; and

(2) Second Stage of the Local Government (Mayor and Regional Authority of Dublin) Bill 2016 shall be brought to a conclusion, if not previously concluded, at 6.30 p.m.

In relation to Thursday's business there are four proposals. It is proposed that:

(1) the Dáil shall sit at 10 a.m., and sit later than 7.48 p.m. if the proceedings on the Social Welfare Bill 2016 have not concluded by 3.30 p.m.;

(2) if at 3.30 p.m., Report and Final Stages of the Social Welfare Bill 2016 have not concluded, the proceedings on the Bill shall not be adjourned, but shall continue until their conclusion, and Oral Questions to the Minister for Public Expenditure and Reform shall then be taken;

(3) motions re leave to introduce Supplementary Estimates and, subject to leave to introduce being given, referral of Supplementary Estimates to select committee shall be taken without debate and any division demanded thereon shall be taken immediately; and

(4) any division demanded, which would normally take place in the weekly division time on Thursday, 24 November, shall be deferred to the weekly division time on Thursday, 1 December.

An Ceann Comhairle: There are three proposals to put to the House today. Is the proposal for dealing with today's business agreed to? Agreed. Is the proposal for dealing with Wednesday's business agreed to? Agreed. Is the proposal for dealing with Thursday's business agreed to? Agreed.

Deputy Micheál Martin: Under proposed legislation, given the severe pressures on accident and emergency departments across the country, in quite a number of them major incident protocols have been put in place, elective operations have been cancelled and the situation is very severe indeed. The Minister for Health indicated on 19 October he expected that the letter of determination regarding the HSE's service plan would be issued from his Department in the week following 19 October and that the HSE would submit its draft plan. When can we expect to see the Health Service Executive's service plan? When will it be available to Members of this House? Rather than just noting it, will the Taoiseach agree to allocate time to debate the health service plan in this House, particularly in the context of a very worrying and worsening situation in accident and emergency departments across the country? It is very difficult on the ground at the moment and we need an urgent debate on it. When will the HSE's service plan be published?

The Taoiseach: The Deputy will be aware that the HSE submits the proposed plan to the Minister and he has 21 days to consider that, bring it to Government and send it back to the HSE for implementation. It has not yet come to Government for approval. I will confirm the time to the Deputy as to when that process will play out. I have no objection to the matter being debated in the Dáil when the Government signs off on the programme.

Deputy Gerry Adams: Tá ceist agam faoi the Children First Act. On Friday *The Irish Times* published a letter from Barnardos, the Children's Rights Alliance and the Irish Society for the Prevention of Cruelty to Children, expressing concern over Government delays in the commencement of the Children First Act. The Act was enacted this time last year, but only three sections of it have commenced. These groups, which are on the front line in protecting and defending the rights of children, claim that as a result of the Government's inaction, children do not have sufficient legal protection when it comes to their safety. The most recent date given for full commencement is February 2018, more than two years after enactment. I ask that the Government recommit to the safety and security of children as a priority. The Act needs to be implemented in full. Will the Taoiseach commit to an earlier timeframe for the full implementation of the Children First Act?

The Taoiseach: The legislation has been put through the House and, as the Deputy said, three sections of the Act have been implemented. I saw the letter to which he referred. I do not have from the Minister for Children and Youth Affairs a more detailed timeline for implementation. This morning the Government approved publication of the Adoption (Information and Tracing) Bill which took quite a lot of time to draft. We had discussions with Tusla some time ago about the necessary care of children. I will advise the Deputy of the timescale the Minister

is considering and see if it might be possible for it to be accelerated, either for sections or the greater part of it.

Deputy Gerry Adams: Gabhaim buíochas leis an Taoiseach.

Deputy Brendan Howlin: I want to ask the Taoiseach about the Domestic Violence (Amendment) Bill, the pre-legislative scrutiny of which took place more than one year ago in September 2015. In particular, I wish to ask about the ratification of the Council of Europe convention - the Istanbul Convention - on combating violence against women and domestic violence. The convention has been ratified by 22 member states of the Council of Europe, by almost all of the progressive states. Will the Taoiseach indicate when Ireland will ratify the convention and when the legislation will be brought before the House?

The Taoiseach: It is a priority for this session. I will check to see if the Bill is due for publication this session. It includes, obviously, references to the signing of the Istanbul Convention. I will advise the Deputy of the position.

Deputy Brendan Howlin: I thank the Taoiseach.

Deputy Mattie McGrath: I refer to the section of the programme for Government which suggests there will be better and improved children's health services. Are there proposals to deal with the chronic delays in accessing ear, nose and throat, ENT, services? The waiting lists for such services are over four years long in my constituency of Tipperary. Surely the Taoiseach and the Minister for Health must accept that this is not in any way acceptable and that it is scandalous. When does the Taoiseach think he might employ additional ENT consultants and specialists to alleviate the problem and stop the damage being done to young people's health, especially those with hearing issues? I am sure he accepts that it is a crisis.

The Taoiseach: The Deputy knows that there is a process in place for the appointment of specialists to work in this as in every other area. I am not aware of the details of applications from Clonmel or anywhere else in these specialties.

Deputy Mattie McGrath: The waiting list is four years long.

The Taoiseach: I will have the Minister for Health confirm the position through engagement with the HSE.

Deputy Mattie McGrath: The Taoiseach knows what the position is.

Deputy Eamon Ryan: The Technological Universities Bill which was introduced over one year ago proposed the amalgamation of the Dublin Institute of Technology, the Institute of Technology Tallaght and the Institute of Technology Blanchardstown. Will the Taoiseach indicate when it is intended to advance the Bill to allow for the co-ordination of the various colleges?

The Taoiseach: The Bill has reached Committee Stage. Obviously, it is a matter of it being put through the process here.

Deputy Anne Rabbitte: Last night a constituent of mine, Mr. Davy Glennon, appeared on the "Claire Byrne Live" show and made a powerful presentation on gambling. In 2013 a commitment was made by the Government to draft legislation to deal with the matter. Some 40 months on I wonder when the Bill will be brought before the House.

The Taoiseach: It is a very complicated issue and the Bill will not be brought forward during this session. The Deputy is aware of how things are with regard to digitisation and how gambling takes place. Work has continued on the Bill for quite some time, but it will not be brought forward during this session. I will advise Deputy Rabbitte of its progress.

Deputy Willie O’Dea: Four weeks ago I raised with the Taoiseach the question of the tenant purchase scheme and how it discriminated against those in receipt of social welfare payments. He promised that he would write to me to give me his views on the matter. I am sure he did write to me and as the letter is probably lost in the post, will he send it again?

The Taoiseach: I will have to chase up that matter. I know that the Deputy opens his post at all times. I will have to see whether anything was committed to paper for him.

Deputy Micheál Martin: The Minister for Finance, Deputy Michael Noonan, knows.

The Taoiseach: If it has not, I will have it renewed for the Deputy.

Deputy Bernard J. Durkan: The criminal justice (legal aid) Bill is promised legislation. I ask the Taoiseach the extent to which the Bill has been drafted and when it might be ready to come before the House.

The Taoiseach: That is a while away. Quite a deal of work must be done on it. It will not appear this session.

Deputy Shane Cassells: In the legislative programme there is continued reference to the geothermal energy development Bill, which has been there for quite some time. In October 2013 a major sustainable energy conference was held in my home town of Navan, attended by the then Minister, Pat Rabbitte, and plans for a revolutionary multi-million euro geothermal energy project for the town was brought forward by investors, the local chamber and local stakeholders, with the afterlife of Tara Mines uppermost in their minds, considering 700 people are employed there and it is a constant source of worry. When is this likely to be advanced?

The Taoiseach: For Deputy Cassells’s information the Minerals Development Bill is before the Houses at present and the intention is once this is cleared we will bring in the geothermal Bill. I can advise him on the state of preparation for this. This is the sequential order which apparently is what needs to be done here.

Deputy John Brassil: Under the programme for Government and our commitment to support and strengthen our badly ailing agriculture industry, I ask the Taoiseach to call on the Minister for Finance to immediately request the Chairman of the Revenue Commissioners to come before the Oireachtas finance committee and explain the out of the blue recent tax demand on farmers in Kerry for Kerry Group patronage shares. This very questionable tax demand will put many farmers out of business.

Deputy Michael Moynihan: This issue has erupted regarding Kerry Group shares. It is widely known in the agriculture industry how farmers dealt with Kerry Group. Recently, 400 farmers have been given notice from the Revenue Commissioners of tax demands going back three, four or five years. These tax demands are imposed on farmers who have had a desperately difficult year. It is widely known they will not be able to meet their commitments. The Revenue Commissioners have come down with a very heavy hand on the agricultural industry, and the Minister and the Government should take a proactive approach to it because it is absolutely

unacceptable that Revenue is going after farmers in a way that makes no sense whatsoever.

An Ceann Comhairle: I appreciate the importance of the issue being raised, but there is neither promised legislation nor programme for Government-----

Deputy Michael Healy-Rae: Sorry Ceann Comhairle but there is because I studied it earlier. This is going completely against the programme for Government with regard to supporting agriculture. A total of 400 farmers received a letter, what is called an aspect query. I do not know whether the Taoiseach has ever received one of these, but I know what they are. They received an aspect query from the Revenue Commissioners with respect to Kerry Group shares received under the patronage arrangement. In case the Taoiseach does not know what this is, a milk supplier receives a patronage share for milk supplied. These farmers were of the belief this was not additional trading income to their families so it was not accounted for. Now they are being told they must pay tax on it at a time when our dairy sector and our agricultural sector in general is on its knees. Only yesterday 400 of these farmers received this letter at a critical time.

I am very sorry our legendary Minister for Finance, for whom I have great respect as the Taoiseach knows, is not in the Chamber because I would like him to answer this question. I would like him to come back to us and tell us what in the name of God the Revenue Commissioners are doing writing to 400 farmers out of the blue. It is ridiculous and it is wrong. I ask the Taoiseach to please look into it.

The Taoiseach: The Minister is currently preparing for Report Stage of the Finance Bill. I point out to the Deputies that while the query is valid, the Minister for Agriculture, Food and the Marine does not control, and nor does the Minister for Finance control, the Revenue Commissioners who are completely independent.

Deputy Mattie McGrath: Somebody needs to.

Deputy Michael Healy-Rae: Somebody would want to control them.

The Taoiseach: As the Deputies are aware, the Minister for Agriculture, Food and the Marine is acutely aware of the difficulties being experienced by farmers, as is the Minister for Finance. This is why, for instance, in the budget there were a number of measures for farmers, including and because of this year in particular for grain farmers, a gap year built into the system to allow for some relief for people who have not been able to get any grain out at all because of the inclement weather and the condition of the fields.

3 o'clock

I am quite sure the committee is in correspondence with the Revenue Commissioners.

Deputy Mattie McGrath: They need support.

The Taoiseach: I will bring the matter to the attention of the Minister for Finance, but he does not direct the Revenue Commissioners to do or not to do something.

Deputy Michael Harty: In the primary care section of A Programme for a Partnership Government there is a commitment to enter into contract negotiations with general practitioners. General practice is under serious threat because of the workload involved and manpower issues coming down the line. While there is a commitment to the urgent negotiation of a new flexible

contract, there seems to be complacency about it. There was a promise before the summer that the contract would be ready to start in September and then in October, but we are at the end of November and nothing has happened. Will the Taoiseach comment?

The Taoiseach: Deputy Harty and others have made very valid contributions on the requirement for a new contract regime with GPs. The Minister for Health is very interested in it as he sees the opportunity for GPs to do much more work in primary care centres or their surgeries. It was his intention to have started the process of negotiating a new contract and he is anxious that it happen as quickly as possible. I will remind him of the Deputy's comments.

Deputy Kevin O'Keeffe: Major flood relief works were undertaken in north Cork in the towns of Fermoy and Mallow and, having been tried and tested in the past 12 months, these defence works have worked successfully, but many householders and businesses have since seen their insurance renewal applications refused and the list is getting longer. When will the promised legislation to deal with this problem be brought before the House? It is very hard for businesses to operate on a daily basis knowing that, should other issues arise, they will have no cover.

The Taoiseach: The flooding of the past few years has been mentioned on a number of occasions by many Deputies and the Minister of State at the Department of Finance, Deputy Eoghan Murphy, has been looking into the issue of rising insurance costs. The problem is exacerbated by defences that are demountable. I know of cases in which people had insurance cover before the defences were put up, but it has since been refused. Discussions have been held with insurance companies about the matter. I remind the Deputy that €1 billion is on the table for a programme to deal with flood defences which I am glad have been successful in Fermoy and Mallow. A huge operation is to go ahead in Cork where the Minister of State at the Department of Public Expenditure and Reform, Deputy Seán Canney, was yesterday. I visited Craughwell, County Galway, yesterday. It was badly flooded last year and active work is being undertaken by the OPW and engineering firms which will take three years to complete. I will find out what the position is on legislation. We have had this issue before with insurance companies and need to follow up on it.

Deputy Martin Kenny: There is a commitment in the programme for Government to deal with the waiting lists in many HSE services across the country, particularly for orthodontic services for young teenagers. In my constituency of Sligo-Leitrim there is a waiting list of over two years and, in some cases, three years, for young teenagers awaiting orthodontic services. Many young teenagers will finish secondary school and go on to third level before they will be called to receive treatment. I ask the Taoiseach for an assurance that a review will take place, that additional services will be put in place and that whatever needs to be done will be done to speed up the process. Families are at their wits' end. Up to a couple of months ago a family with a member on a waiting list for a certain length of time could have availed of private orthodontic services and been compensated later, but I understand this service has been withdrawn, leaving many families in the lurch. As youngsters attending college have a lot of expenses, this is a crisis, particularly in County Sligo.

The Taoiseach: Young teenagers can become very self-conscious of these matters and it causes some of them a great deal of stress and personal pressures. It is not the only place where there are waiting lists for orthodontics. It is a very specialised operation. Sometimes dentists may say that it may have to develop a little more before they could operate.

Deputy Martin Kenny: I understand that. I am not referring to those cases.

The Taoiseach: We will see what the response will be in terms of the waiting lists across that belt in general.

Deputy Eugene Murphy: On proposed legislation, a number of constituencies are concerned about where the Government stands on the issue of wind farms. With respect to proposed legislation, the Government has promised that this would be announced and that there would be a debate on it. Can the Taoiseach give me any indication today as to when such legislation might come forward? A number of people from different constituencies have spoken to me about wind farms. Their issue is the distance a turbine can be from a residence, which, legally, currently is about 600 m or 700 m. Most people, as the Taoiseach probably knows, want that distance moved back to 1,000 m or 1,500 m. Is this legislation that has been promised ready? When will it come before the Dáil? The Taoiseach might be able to give a clear answer on that today.

The Taoiseach: The Minister for Communications, Climate Action and Environment, Deputy Naughten, is dealing with the Minister for Housing, Planning, Community and Local Government, Deputy Coveney, in this regard. Some of the guidelines that were mentioned previously would mean that we would not be able to have any contribution from wind to energy creation in the country. If the Deputy considers the targets set for the reduction of emissions between 2020 and 2030, the country faces enormous challenges to meet those. Wind energy would be a particular contributor to that, but the targets set for 2020 originally were grossly unrealistic and that presents a real challenge for the country. I will advise the Deputy as to the progress being made between the two Ministers. I understand they are discussing this and, hopefully, a compromise that is acceptable and effective can be worked out.

Joint Committee on Public Petitions: Motion

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty): I move:

That the papers of the Joint sub-Committee on Public Petitions of the 31st Dáil, insofar as those papers are, or relate to, public petitions addressed to the Houses of the Oireachtas which were not closed on the dissolution of the 31st Dáil, be referred to the Joint Committee on Public Petitions.

Question put and agreed to.

Supplementary Estimates for Public Services 2016: Leave to Introduce

Minister for Public Expenditure and Reform (Deputy Paschal Donohoe): I move:

That leave be given by the Dáil to introduce the following Supplementary Estimates for the service of the year ending on the 31st day of December, 2016:—

Vote 20 — Garda Síochána (*Supplementary Estimate*).

Vote 22 — Courts Service (*Supplementary Estimate*).

Vote 26 — Education and Skills (*Supplementary Estimate*).

Vote 28 — Foreign Affairs and Trade (*Supplementary Estimate*).

Vote 30 — Agriculture, Food and the Marine (*Supplementary Estimate*).

Vote 31 — Transport, Tourism and Sport (*Supplementary Estimate*).

Vote 35 — Army Pensions (*Supplementary Estimate*).

Vote 36 — Defence (*Supplementary Estimate*).

Question put and agreed to.

Supplementary Estimates for Public Services 2016: Referral to Select Committee

Minister for Public Expenditure and Reform (Deputy Paschal Donohoe): I move:

That, subject to leave being given to introduce the following Supplementary Estimates for the service of the year ending on 31st December, 2016, the Supplementary Estimates be referred to the following Select Committees, as appropriate, pursuant to Standing Orders 84A(3)(c) and 182(3), which shall report back to the Dáil by no later than 8th December:-

Vote 20 — Garda Síochána (*Supplementary Estimate*) — Select Committee on Justice and Equality.

Vote 22 — Courts Service (*Supplementary Estimate*) — Select Committee on Justice and Equality.

Vote 26 — Education and Skills (*Supplementary Estimate*) — Select Committee on Education and Skills.

Vote 28 — Foreign Affairs and Trade (*Supplementary Estimate*) — Select Committee on Foreign Affairs and Trade, and Defence.

Vote 30 — Agriculture, Food and the Marine (*Supplementary Estimate*) — Select Committee on Agriculture, Food and the Marine.

Vote 31 — Transport, Tourism and Sport (*Supplementary Estimate*) — Select Committee on Transport, Tourism and Sport.

Vote 35 — Army Pensions (*Supplementary Estimate*) — Select Committee on Foreign Affairs and Trade, and Defence.

Vote 36 — Defence (*Supplementary Estimate*) — Select Committee on Foreign Affairs and Trade, and Defence.

Question put and agreed to.

Health Insurance (Amendment) Bill 2016: Financial Resolution

Minister for Public Expenditure and Reform (Deputy Paschal Donohoe): I move:

THAT Section 125A of the Stamp Duties Consolidation Act 1999 (No. 31 of 1999) be amended to provide for the specified rate of stamp duty in respect of an insured person in respect of relevant contracts renewed or entered into on or after 1 January 2017 and on or before 31 March 2017 and on or after 1 April 2017 in the manner and to the extent specified in the Act giving effect to this Resolution.

Question put and agreed to.

Ceisteanna - Questions

Northern Ireland

1. **Deputy Brendan Howlin** asked the Taoiseach if he will consider providing a weekly update to Dáil Éireann on progress on planning, policy and Ireland's position on Brexit, whether oral or written. [34744/16]

2. **Deputy Joan Burton** asked the Taoiseach the contact he has had with First Minister for Northern Ireland, Arlene Foster, regarding the implications of the United Kingdom's decision to leave the European Union. [34890/16]

3. **Deputy Eamon Ryan** asked the Taoiseach if he will request that the Northern Ireland Executive establish the north south consultative forum at the next meeting of the north south ministerial council. [35214/16]

4. **Deputy Mick Barry** asked the Taoiseach if he will report on his recent meeting with the First Minister of Northern Ireland, Arlene Foster. [36004/16]

5. **Deputy Micheál Martin** asked the Taoiseach the details of his meeting on 16 November 2016 with First Minister Foster; the issues that were discussed; and the actions that are to be taken following the meeting. [36007/16]

6. **Deputy Micheál Martin** asked the Taoiseach the details of his meeting with First Minister Foster on 16 November 2016 and their discussions on the Brexit upheaval and the competition between north and south in attracting foreign direct investment; and if Northern Ireland was seeking special status in the EU. [36008/16]

7. **Deputy Gerry Adams** asked the Taoiseach if he will report on his meeting with the First and Deputy First Ministers and on the North South Ministerial Council meeting held on 18 November 2016. [36012/16]

8. **Deputy Eamon Ryan** asked the Taoiseach if he will report on his recent meeting regarding the UK exit from the EU with the First Minister of Northern Ireland, Arlene Foster. [36046/16]

9. **Deputy Brendan Howlin** asked the Taoiseach if he will report on the North South Minis-

terial Council on 18 November 2016; and the issues raised and any decisions made. [36327/16]

The Taoiseach: I propose to take Questions Nos. 1 to 9, inclusive, together.

I met First Minister Arlene Foster at the Remembrance Sunday events in Enniskillen on 13 November and met her again in Government Buildings on 15 November and at the North-South Ministerial Council, NSMC, in Armagh on 18 November. At the meeting in Government Buildings, the First Minister and I had a business-like discussion about how we could work together to handle the very many issues that Brexit will create for both jurisdictions. On Friday, 18 November, I attended the 23rd plenary meeting of the NSMC in Armagh. Prior to the plenary meeting, the Minister for Foreign Affairs and Trade and I had a short bilateral with the First Minister and the deputy First Minister.

At the plenary meeting, the NSMC had a comprehensive discussion on the implications of Brexit for both jurisdictions. It is clear from the meeting that there is a lot of common ground between the Irish Government and the Northern Ireland Executive on areas like trade and the economy, the peace process and the common travel area. We agreed that a number of senior officials from the Executive office of Northern Ireland, the Department of the Taoiseach and the Department of Foreign Affairs and Trade will meet regularly to review developments, serving as a high level working group on Brexit issues. We agreed a set of common principles to guide our further work in this area. The meeting also discussed the overall economic picture North and South, including business, trade and employment, a report on infrastructure commitments in the Fresh Start agreement, the north-west gateway initiative and the joint North-South bid to host the 2023 Rugby World Cup. We agreed to continue our discussions through the NSMC and bilaterally as required. The Government is committed to progressing our work to ensure the best possible outcome for Ireland and Northern Ireland from the future Brexit negotiations. The council also agreed that the next NSMC plenary meeting would be brought forward and held in the first quarter of 2017.

The Government has established the all-island civic dialogue as an important element in its preparations to meet the broad range of challenges posed by Brexit. In particular, the dialogue provides a forum for civic society groups from both parts of the island to participate in a highly consultative process along with political representatives from across the political spectrum. As indicated at the end of the initial civic dialogue event on 2 November at the Royal Hospital Kilmainham, a series of civic dialogue events on a sectoral basis are to take place.

I stated in the House on 8 November that I have no objection in principle to having regular sessions on Brexit-related issues subject to the agreement of the House Business Committee which is responsible for the scheduling of Dáil business. The Deputy should raise this issue in the first instance with the committee for further discussion. In any event, I will continue to update Members of the House on Brexit-related issues through a wide range of methods, including weekly responses to parliamentary questions and to Leaders' Questions, regular briefings for party leaders, statements to the House before and after European Council meetings and statements to the House as required. If Members feel there is a need for a weekly ten to 15 minute session and the Business Committee recommends it, I will not object.

An Ceann Comhairle: There are five Members to reply and there are 11 minutes. Members will need to be reasonably brief if we are to get a reply.

Deputy Brendan Howlin: I will be very brief on my three points. To pick up the last point

first, it is imperative to have some lively, real-time debate and a reporting mechanism on what is happening. I suggested this last time. It would be useful to have a dedicated electronic newsletter on a weekly basis prepared by the Government for circulation to all Members updating us on all ministerial and official discussions of the week, any papers or discussion documents which have been circulated, any policy developments and any advance or change in thinking among member states or within the United Kingdom and its component parts to which we should be alerted. We could then make a decision on a week-by-week basis as to whether we should have a debate on those matters depending on how substantive they are. Certainly, we should have a debate periodically on the content of that update. I propose that the Government prepares that on whatever suitable day to give us a weekly update. We could then follow what is happening in real time.

I have two other brief questions. On the North-South plenary and the overall economic picture North and South, I remember the discussions very well over the five years. However, there is a new urgency about Brexit. As such, is there any progress on a mechanism to have an agreed approach North and South on the Brexit debate? Clearly, the initiative of an all-Ireland forum has excluded by its own choice the DUP, which is an extremely important political voice in the North. It seems to me that it is imperative to have Ireland and the issues of Ireland to the forefront both within the formulation before it is actually published of the British negotiating stance and in the response from the 27, which will directly involve Ireland. If we do not have some input into the British negotiating stance before it is formally laid out in Brussels on the triggering of Article 50 of the Lisbon treaty, it will be too late to mend our hand. We need to have a mechanism North-South to have the interest of Ireland impact on the British negotiating position.

Deputy Joan Burton: The Taoiseach has just referred to principles in relation to Brexit. It would be very helpful to everybody in the House if he were to set out these principles. How many principles are there and has the Taoiseach or the Department of Foreign Affairs and Trade identified them, working with officials? It is urgent that they be set out. Are the principles about procedures or do they relate to the strategic issues in play in relation to the Republic, Northern Ireland and the whole of the island, respectively? While there are issues, strategies and, perhaps, principles we share in common, there are also areas in which there are strategic differences and in which we come from different spaces. Following from what Deputy Howlin has suggested, could the Taoiseach afford the House the courtesy of publishing the principles and setting them out as he sees them?

From looking at UK newspapers, it appears that a lot of the issues and, perhaps, principles will be dealt with at various legal levels. I would like to know if the Taoiseach has gathered together various constitutional legal experts with a view to advising on different potential scenarios and outcomes. A lot of people and, particularly, businesses, are very worried that we are in a kind of truce situation in which we are dancing around issues rather than really dealing with them. Not all of that is under our own control. In one particular area, however, the Taoiseach has a very important role. As leader of the Government, he is a member of the EU's innermost Councils at which the policy the rest of the EU will take towards Brexit will be determined. In that regard, I ask the Taoiseach if he can share that with people in Ireland.

We see a hard Brexit coming from some, a soft Brexit coming from other EU Heads of State and Presidents and now references to a normal Brexit are appearing. As the exit of a country has never happened before, I am not so sure what "normal Brexit" means. We have all these phrases being tossed around and I am sure lots of diplomats are working out what they mean.

We are hearing different messages from the EU and the Taoiseach is our representative on some of the topmost Councils. We hear, for instance, that the President of the European Parliament, Mr. Schultz, may be resigning or retiring. We hear that if he goes, Mr. Juncker will go. I would not shed any tears if Mr. Juncker were to decide to up sticks and leave, but clearly as he is part of the inner circle of the EPP, as is the Taoiseach, the Taoiseach might share his thoughts on who he thinks will be negotiating for the EU and be the key strategy makers and leaders.

An Ceann Comhairle: He will not get to share many thoughts if we do not conclude. I call Deputy Eamon Ryan.

Deputy Micheál Martin: Can we go into the next section? I think 15 minutes was allocated.

Deputy Eamon Ryan: That would make sense.

An Ceann Comhairle: Are people amenable to adding the time from the next 14 questions to the time for these nine questions? We might defer the third group of questions and take Questions Nos. 1 to 23, inclusive. We would be doing well there. We will take another 15 minutes for this and then we will have 15 minutes for Questions Nos. 10 to 23, inclusive. I ask everyone to try to be a bit briefer. Is that agreed? Agreed.

Deputy Eamon Ryan: It is important to do that. This is one of the spaces where we get time to debate this in public and it is important to use it. We need to look forward by a year and consider various different scenarios in terms of how things will unfold. However, when I do that, I see nothing but the worst possible news for the North, in particular. In terms of the effect of Brexit and the process, the North will be worst affected because its percentage of trade across the Border is far higher than anywhere else. It will be affected if any border is imposed. It will lose out if, as the UK Prime Minister said yesterday, the corporation tax is reduced to 15%. Any comparative advantage it thought it might have in a low-tax system to try to attract investment will be gone.

I see nothing in the negotiating process other than a very long five to ten year mess in terms of talk around trade agreements. One of our concerns is how a Northern economy will find it very difficult in that environment.

We need the Department of the Taoiseach and the Government to start doing scenario planning around what Brexit might mean and considering the possibility that it would lead to a change in constitutional arrangements. We might have to consider very seriously an all-island constitutional approach and a more united Ireland.

In order for us to have an informed debate on that issue, I ask the Department of the Taoiseach to start working out the cost implications and opportunities that will be available for the State. I know we are at the end of the constitutional process. It would first of all require a series of opinion polls to show that the people of the North are interested in such a process. The Secretary of State would have to sign up to the holding of a Northern referendum before we could have any referendum. It behoves us to treat that possibility seriously and to be open, honest and clear with each other on the costs and opportunities in moving towards a united Ireland. The alternative for the North under Brexit is looking increasingly grave.

Deputy Micheál Martin: The First Minister has thus far shown little acknowledgement of the view of the majority of the people of Northern Ireland who voted for the United Kingdom to

remain within the European Union. It is fair to say that the Taoiseach probably mishandled the matter during the summer. The First Minister's dismissal of those who fear Brexit as remoaners was a bad signal.

That said, the Taoiseach has said that the recent discussion in the North-South Ministerial Council was the best ever. A cynic might say that it had to be, given what went before it. Could he indicate to the House the specific outcome of the North-South Ministerial Council discussions? Has he agreed to carry out a joint assessment of the impact of Brexit, in particular on the Border region? It would be very useful if the Executive and Government could agree a joint assessment of the impact.

Did the Taoiseach discuss the acknowledgement of the Northern Ireland Office in the Agnew and others case in the High Court in Belfast? It is an important case. The Northern Ireland Office essentially argued that the Belfast Agreement and the Northern Ireland Act 1998 are in no way impacted by the decision of the United Kingdom to leave the European Union. The argument was that the European context for the peace settlement is essentially irrelevant. It was also claimed that the Northern Ireland Assembly has fewer rights in regard to legislative consent than the other devolved Governments.

It is a reasonable reading of London's position on this case to say that it reserves the right to act unilaterally in regard to Northern Ireland. I would be interested in hearing the position of the Government, as co-guarantor of the Good Friday Agreement, on the importance of the European Union provisions in that Agreement. Does the Taoiseach accept that residents of Northern Ireland must continue to have recourse to the European Convention on Human Rights, no matter what happens. It is a very important consideration. Would it be possible for the Government to publish a legal analysis of the position of the United Kingdom in regard to this?

In the overall context, the Economic and Social Research Institute, ESRI, and the Department of Finance published a very good study last week on the likely impact of different Brexit scenarios on Ireland. The core finding was there was near complete consensus that Brexit will have a very significant negative impact on the United Kingdom. This is not a view held solely by economists here, but also by those across Europe. This will have a further significant negative impact on Ireland. Various calculations have been carried out on soft and hard Brexit that show 2% could be added to the unemployment figures, there could be a decrease in public revenues and a significant decline in national incomes over time in Ireland.

The study also stated that Northern Ireland would be hit harder than any other region. It all adds up to a dramatic threat to our economic future. By any yardstick, this is the greatest structural change to how our economic model operates in 45 years. There is no question about that. We entered into the EU Single Market with Britain, and it will now exit. It is already happening in the context of the decline in sterling.

I get the sense that the country has not yet seized the significance of what is happening. I genuinely feel that the budget was a missed opportunity in terms of making the public aware that Brexit will have an immediate impact and that we need to put funding aside. I suspect there are things we will have to do in order to stabilise jobs in Irish-owned companies which have tight margins in terms of exporting to the UK. We have to do something regarding VAT rates. We should put it to the European Union that state aid rules may have to be amended in order to cover the transition phase governing our economy as Britain leaves the European Union.

It is an unprecedented scenario. It is almost akin to accession treaties through which countries join the European Union. Within those treaties, countries are given transition phases in order to adjust to the new realities.

Have we put it to the European Union that we need room and it will have to consider supporting our position and the island in general? Where stands the argument around Northern Ireland having a special status that straddles the European Union and Republic of Ireland while at the same time being part of the United Kingdom?

Deputy Gerry Adams: Many of the issues being discussed are a direct consequence of the partition of the island. We have to deal with the reality of that, but the only solution is the reunification of the people and island. There is a constitutional obligation on the Government to develop a strategy to achieve that. The stance of the two main parties is that they want a united Ireland but not yet. I do not see why not. Why can we not develop a strategy?

Sinn Féin has published a discussion document and I will ensure it is sent to every Member of the Oireachtas, MLA, MP and MEP. I look forward to people's comments on the suggestions we put forward.

The posturing of the First Minister, Arlene Foster, is evidence of many of the difficulties arising from the outworking of Brexit. The last North-South Ministerial Council agreed that the two Governments would work together to ensure that the benefits of North-South co-operation would be fully recognised in any arrangement which emerges as regards the future relationship of the UK with the European Union, a very important commitment on which we need to build. That protection can best be achieved by the North being designated as having a special status within the European Union. It cannot be achieved by the North being outside the European Union. That would also be contrary to the declared wishes of the people of the North during the referendum.

Did the North-South Ministerial Council discussions cover the introduction of measures to support businesses on both sides of the Border which are suffering in the face of continuing currency fluctuations? I note the Irish Farmers Association, IFA, has reported that beef exports to Britain have dropped by 13%. Has the Government considered those issues?

A previous North-South Ministerial Council meeting agreed on an audit to identify the possible impacts, risks, opportunities and contingencies in all sectors in the period preceding and following the withdrawal of Britain from the EU. Will the Taoiseach provide the House with an update on its progress?

There is a huge challenge in terms of the PEACE and INTERREG programmes. This is a big concern in Border communities, including in my constituency of Louth. We also expected that the North-South Ministerial Council would discuss other capital projects such as the A5, the Narrow Water Bridge and so on. I understand that the British Secretary of State's arrogant claim that Lough Foyle is under the jurisdiction of the British Government was also discussed. Will the Taoiseach make it clear to the House and to the Secretary of State, Mr. Brokenshire, that Lough Foyle and, for that matter, Carlingford Lough are not under British jurisdiction?

Deputy Mick Barry: I am keen to hear from the Taoiseach whether he discussed the issue of corporation tax and corporation tax rates on this island with the First Minister, Arlene Foster, and, for that matter, the deputy First Minister, Martin McGuinness. With the support of all the parties in the Executive, the Northern Ireland Assembly has, under the Fresh Start agreement,

been granted by Westminster the right to reduce its corporation tax, with the proviso that any reduction has to be matched with corresponding reductions in public expenditure. One could argue that the targeted reduction in public service numbers of 20,000 agreed by the Executive parties forms a major part of this expenditure reduction. A quarter of the target - 5,000 public servants - has already been taken out of the system, with resultant strains on public services. Have the Taoiseach and the First Minister been given pause for thought by a number of external events that glaringly place a question mark over the strategy of low corporation tax as a route to economic development?

To be specific, the UK Prime Minister, Theresa May, has been flagging for some time that corporation tax would be reduced across the UK and yesterday confirmed her objective that, tied in with Brexit, it would have the lowest corporation tax in the G20. The announcement by Donald Trump of a reduction in corporation tax to 15% is well documented. Last week, the Prime Minister of Hungary, Viktor Orbán, announced that it would be reducing corporation tax to 9%. The multinationals must be laughing all the way to the bank at this carry-on, but for the people on the island of Ireland it is not a laughing matter. This is a race to the bottom that cannot be won. The very attempt to win it comes at a massive cost to society in terms of revenues forgone that could have been spent on public services and public service workers. A different strategy is needed that is based on State investment in job creation. Did the Taoiseach discuss the future of corporation tax rates on this island and the futility of this race to the bottom with the First Minister?

The Taoiseach: Deputy Howlin asked the first question. He stated that we should have a lively, real-time debate in the House and suggested that a regular e-letter to Members of the Houses and others might be appropriate. I do not object to that. He suggested it could set out policy papers, decisions and upcoming events, etc. We should discuss whether it would happen on a Monday or a Friday, but it is certainly a valid suggestion. Whether Members of the House want ten or 15 minutes or otherwise in terms of leader briefings and so on, I am quite happy to provide that, as it moves along.

Deputy Brendan Howlin: Could we initiate it then?

Deputy Micheál Martin: Is it every week?

The Taoiseach: We could have a shot at it and see if we could prepare an e-letter that is relevant and factual and that is not left at home every week, if the House knows what I mean, because Members do not have time to read all these things.

Deputy Howlin mentioned the DUP. I met the First Minister, Arlene Foster, three times in the space of one week. We want to continue the formal discussions through the North-South Ministerial Council. On the issues that were raised at the meeting in Armagh, every Minister had been in contact with his or her counterpart and they all spoke at the meeting in respect of those discussions and the issues that concern their Departments. As the Deputy is well aware, many of these issues are completely intertwined North and South. This is particularly so in the agrifood sector where there is movement in both directions across the Border. There are also significant numbers of people crossing the Border every day for work. These issues were discussed and Ministers will continue to meet and discuss the issues with their counterparts regularly. We agreed that there will be another meeting of the North-South Ministerial Council before Article 50 is triggered by the British Prime Minister. The First Minister and the deputy First Minister are working towards an agreed set of objectives arising from the letter they wrote

after the July meeting to the Prime Minister which set out their priorities in respect of there being no return to a hard Border, access to labour and other matters which are of concern to us here as well.

Deputy Joan Burton spoke about dancing around the issues. We are clear on some things, but we are not clear on others. The first thing we are clear on is that the Prime Minister stated that she would move Article 50 before the end of March. The second is that the Irish and British Governments agree that there should be no return to a hard Border. The third is that the Irish and British Governments agree that there should not be a diminution of any of the benefits of the common travel area. This has been in place, in both countries' interests, since the 1920s, when we were outside and inside the European Union. Now a different situation arises, but we are both very much in agreement on the issue.

However, we do not know what the future holds for the British Government. Tomorrow, the Chancellor of the Exchequer, Philip Hammond, will present his autumn statement. There is an exceptional deficit. I have noted the comments of the Prime Minister in respect of a reduction in corporate tax. I have also noted her comments in respect of a £2 billion allocation for research and innovation. These issues are of concern to us. It is clear that we must not rest on our laurels in respect of the third level sector and research and innovation. We must focus on continuing to be relentlessly competitive because that is what keeps the country up in the higher echelons, which is where we need to be. Until we are clear on these matters, is it a case of borders being protected or is it a case of access to the Single Market and, as a consequence, the movement of people? European leaders have said that they are not negotiating on the issue, that it is not possible to cherry-pick and that there will not be approval for access to the market without the free movement of people.

On who will be negotiating, the European Commission appointed former Commissioner, Michel Barnier, as the lead negotiator. I had a good meeting with him when he was here. He made it perfectly clear that his role was not to make decisions, but to engage with all the European countries and the British. He has set up a task force and we have a member on it. Officials are in Brussels today for a detailed analysis of what is happening. From our point of view, we will have an accurate flow of information about the issues that are being raised, which will be of interest to everyone here. Mr. Barnier made clear that his job is not to make decisions, but to negotiate and discuss. This will only happen after Article 50 is triggered. It is the European Council - the elected political leaders - that will oversee the decisions to be made.

Deputy Eamon Ryan noted that this was a worse case scenario for Northern Ireland. There are many reasons to be careful about that fact. When we look at the Common Agricultural Policy and its contribution to Northern Ireland, will the British taxpayers be asked to make up the difference when it is no longer contributing? Will they make it up in whole or in part? Will there be more or less? We have to plan for the future.

The issue of a united Ireland was also raised. People North and South voted on the Good Friday Agreement and people down here voted to remove Articles 2 and 3 of the Constitution. When the negotiations start, unlike Scotland, which was told that if it left and subsequently sought to rejoin the European Union it would have to go through the application process again, in the same way as East Germany was absorbed into West Germany, we need to have language which recognises what people voted for in the Good Friday Agreement and successive agreements, including the dropping of the territorial claim in Articles 2 and 3. If, as a consequence of the Good Friday Agreement, people North and South were to indicate at some point in

future that we should have a united Ireland, the language of the negotiations should cater for that. After Britain removes itself from the European Union, we should not have a situation in which Northern Ireland, having expressed a wish to join the European Union as part of a united Ireland, would have to go through the whole process of reapplying and renegotiating EU membership.

An Leas-Cheann Comhairle: The Taoiseach exceeded his time by two minutes.

The Taoiseach: Deputy Micheál Martin asked a number of important questions.

An Leas-Cheann Comhairle: Unless we come to some arrangement, we will have to move on to Questions Nos. 10 to 23, inclusive, for which only 15 minutes remain.

Deputy Micheál Martin: In that case, let us move on.

An Leas-Cheann Comhairle: Deputy Martin is happy to move to the next set of questions.

The Taoiseach: I can send the Deputy a response to the questions he raised.

Deputy Micheál Martin: I asked a series of questions. I ask the Taoiseach to have someone identify where the blanks were in his response and provide the appropriate answers.

Deputy Gerry Adams: I also asked several questions which were not answered.

Deputy Mick Barry: I would appreciate a written response to my questions.

The Taoiseach: Deputy Barry raised an issue he has raised on previous occasions. Corporate taxes are a matter for each individual country.

An Leas-Cheann Comhairle: Everybody is prepared to facilitate the proposal to move to the next set of questions, including Deputy Adams who also asked some questions. Fifteen minutes are available to discuss Questions Nos. 10 to 23, inclusive and eight Deputies tabled questions in this group. I suggest that following the Taoiseach's initial response, they ask a brief supplementary question and the Taoiseach can then reply. If Deputies are not brief, others will not receive a response.

Deputy Ruth Coppinger: Will we each have a few minutes to ask supplementary questions?

An Leas-Cheann Comhairle: No, Deputies will have approximately one minute each to ask a supplementary question. Otherwise the Taoiseach will not have time to reply because we must conclude after 15 minutes.

Deputy Ruth Coppinger: One minute each is not much.

An Leas-Cheann Comhairle: We will see what happens.

US Presidential Election

10. **Deputy Ruth Coppinger** asked the Taoiseach if he has made contact with the President-elect of the United States of America. [34861/16]

11. **Deputy Mick Barry** asked the Taoiseach if he has made contact with the President-elect of the United States of America. [34863/16]

12. **Deputy Micheál Martin** asked the Taoiseach his plans to amend the Government's strategy on the undocumented Irish in the United States of America following the election of Donald Trump and the President-elect's publicly stated views on immigration. [34866/16]

13. **Deputy Joan Burton** asked the Taoiseach the contact he has had with the office of the President-elect of the United States of America, Donald J. Trump; and the implications of his election for the future of US-Ireland relations. [34888/16]

14. **Deputy Micheál Martin** asked the Taoiseach the details of and issues discussed in his telephone conversation with President-elect Donald Trump. [35161/16]

15. **Deputy Bríd Smith** asked the Taoiseach the detail of the discussions he had with the President-elect of the United States of America, Mr. Donald Trump. [35188/16]

16. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on his conversation with the US President-elect, Mr. Donald Trump. [35196/16]

17. **Deputy Gerry Adams** asked the Taoiseach if he has had any contact with President-elect Donald Trump following his election victory. [35215/16]

18. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his telephone call with President-elect Donald Trump. [35219/16]

19. **Deputy Micheál Martin** asked the Taoiseach his plans regarding the Government's strategy on the undocumented Irish in the United States of America and the rate of corporation tax, which may impact on Ireland's ability to attract foreign direct investment in the future, following the election of Donald Trump. [35164/16]

20. **Deputy Bríd Smith** asked the Taoiseach the details of his conversation with President-elect Trump; and his plans to visit the White House on St. Patrick's Day. [35977/16]

21. **Deputy Micheál Martin** asked the Taoiseach if he discussed the future relationship between the USA and Russia with President-elect Trump in his recent telephone call. [36131/16]

22. **Deputy Eamon Ryan** asked the Taoiseach if, during his recent conversation with US President-elect Donald Trump, there was any discussion of the Paris Agreement or climate change. [36342/16]

23. **Deputy Micheál Martin** asked the Taoiseach the details of his conversation with President-elect Trump; and if TTIP was discussed. [36009/16]

The Taoiseach: I propose to take Questions Nos. 10 to 23, inclusive, together.

I am expected to answer all the Deputies' valid questions in 30 seconds.

As I reported to the House, I wrote to President-elect Trump and Vice President-elect Pence on Wednesday, 9 November, offering my congratulations on their success in the US elections. Following those letters, on the night of Wednesday, 9 November, I spoke by telephone with President-elect Trump. During the course of our ten minute conversation, I congratulated Mr. Trump on his electoral success and we both committed to working together to the mutual ben-

efit of Ireland and the United States. Reflecting on the long and tough electoral campaign that took place, I welcomed the conciliatory messages contained in the President-elect's victory speech, noting that a united, inclusive and tolerant America is good for the rest of the world too.

In discussing the importance we place on continuing the strong relationship between Ireland and the United States, President-elect Trump and I spoke about the long-standing tradition of political engagement by Taoisigh in Washington each St. Patrick's Day. Mr. Trump confirmed that he intends to continue that tradition and I look forward to seeing him in the White House for St. Patrick's Day 2017.

President-elect Trump commended Ireland's recent economic progress and noted that he looks forward to doing business with Ireland. I assured him that the Government will work closely with his Administration when it is appointed. I spoke of the real value of US investment in Ireland and noted that this is largely due to the quality of our young people. I also mentioned that approximately 100,000 US citizens are employed in Irish-owned companies across 50 US states.

Last Friday, 18 November, I had a telephone conversation with Vice President-elect Mike Pence. It was a warm and friendly exchange, during which I congratulated him on his election and we discussed the US-Irish economic relationship. He displayed a good understanding of Ireland and Irish-American issues. Vice President-elect Pence has Irish roots. He fondly recalled his visit to Ireland in 2013 and said he looks forward to a further visit to Ireland.

I raised the matter of the undocumented Irish in the United States with both the President-elect and the Vice President-elect. Achieving relief for undocumented Irish migrants in the US and protecting and supporting the peace process will remain priority issues for the Government, in particular the Minister for Foreign Affairs and Trade and our embassy in Washington as well as our consulates in the United States. We will also continue to focus on deepening and strengthening our economic, trade and investment links with the United States.

Neither conversation encompassed any other specific policy issues. It would be premature to attempt to anticipate or comment at this early stage on President-elect Trump's specific policy priorities or our potential responses to these.

We are all acutely conscious of the particular responsibility of the United States for leadership and engagement across the globe in our endeavours to address shared challenges. The Government will continue to work constructively and productively to ensure that our bilateral relations will continue to prosper during the next four years, and we look forward to working closely with our new colleagues in the White House. In the meantime, the Government will continue to engage actively with the Administration of President Obama until he completes his term on 20 January 2017.

Deputy Ruth Coppinger: I am sure people will sleep soundly in their beds in the knowledge that the custom of presenting the US President with a bowl of shamrock on St. Patrick's Day is set to continue. Everyone was extremely worried about this. I am not sure if the presentation will move from the White House to Trump Tower but perhaps the Taoiseach has some news on that.

On a more serious note, people have noted the swift U-turn the Taoiseach has made in terms of his attitude to the President-elect. Whereas last year, the Taoiseach described Mr. Trump as dangerous and a racist, he now says Mr. Trump is willing to heal wounds. Donald Trump is not

willing to heal wounds; he is opening wounds. We see this with the appointment of people such as Steve Bannon, a far-right, anti-Semitic white supremacist who is also a misogynist. We also see it with the appointment of Mike Flynn, who is anti-Muslim and Senator Jeff Sessions, only the second person in the United States to be rejected as a federal judge on account of racism. How are these appointments healing wounds?

With regard to developments in the United States, I have heard journalists and others argue that people should not protest because it is not democratic to do so and Mr. Trump has been elected. The right to protest is part of democracy. Minorities in the United States, whether black people, women or immigrants, are not stupid. Since the election of Donald Trump, racist attacks have increased more than 600 fold. In the week or two since Mr. Trump's election, the number of racist attacks has equated to the number normally recorded in six months. I salute those who are sending Mr. Trump a message that they will not take this lying down.

On Vice President-elect Mike Pence, the Taoiseach sent a gushing tweet over the weekend in which he said Mr. Pence certainly knows Ireland and the issues that matter to Irish people. Last year, Irish people turned out in droves for the same sex marriage referendum. Vice President-elect Pence is bitterly opposed to same sex marriage and has argued, for example, that resources should be provided for conversion therapy to assist those seeking to change their sexual behaviour. How is that in accordance with the views of Irish people?

An Leas-Cheann Comhairle: A Teachta, le do thoil, beidh an t-am rite agus ní bheidh seans ag daoine eile atá ag iarraidh.

Deputy Ruth Coppinger: Given the extra time provided for the previous questions, I would like to contribute for a couple of minutes.

An Leas-Cheann Comhairle: My role is to implement the orders of the House. The discussion must conclude when the time provided for this group of questions elapses. The eight Deputies who tabled questions would like responses.

Deputy Ruth Coppinger: I ask for 30 seconds to conclude given that we did not argue when more time was provided for the previous group of questions.

While I accept that the Taoiseach must go through the motions of formally greeting the election of world leaders, does he have to do so in such a gushing manner? Last week, the cast of a soap opera treated Donald Trump in the way he should be treated. Rather than sending Mr. Trump a message that he hopes he will respect gay rights, minority rights and immigrant rights, the Taoiseach has been sending a message that he is dying to meet him.

Deputy Micheál Martin: My question asks the Taoiseach what are his plans to amend the Government's strategy on the undocumented Irish in the United States following the election of Donald Trump and remarks made by Mr. Trump yesterday about looking at every single visa in terms of the degree to which it may undermine American workers' rights. The position is becoming serious for the undocumented Irish in the US in terms of how they are feeling about all of this. President Obama relaxed the position for the undocumented and gave some certainty to those who had been living with undocumented status in the United States for more than 20 years and, in particular, their families. President Obama recognised, for example, that the sons and daughters of the undocumented in the US had particular rights. It seems President-elect Trump is anxious to roll back these rights. We need to take a fresh look at how we will approach this issue in the light of President-elect Trump's agenda. People may lampoon the

bowl of shamrock, but it is not about that; the bowl of shamrock is symbolic. The substance of the week in which St. Patrick's Day falls in the United States is important for Ireland. It is important for the maintenance of Irish jobs and in the promotion of tourism, Irish food products and agriculture. Representatives of very few countries get the opportunity to meet the democratically elected President of the United States, irrespective of one's views and so on, that we get through the deep historical connection between Irish emigrants, the diaspora, the people and the Government because of St. Patrick's Day. It is a gilt-edged opportunity. However, we do so on the basis articulated by the German Chancellor, Angela Merkel, in the aftermath of President-elect Trump's election. She made the point eloquently when she said German-US relations would continue on the basis of the same values and ideals which had always informed the relationship. In other words, Chancellor Merkel was not resiling from any of her deeply held values and principles on how society should be organised. I am in a similar vein. I hold steadfast to the principles enunciated before and after the presidential election which I will continue to pursue. I recognise democracy and the decisions taken by an electorate, even if I have my own views and opinions on it.

The undocumented Irish are of immediate concern to us. When he spoke to the President-elect, did the Taoiseach refer to the presence in Ireland of multinationals, which has been a cornerstone of Irish industrial policy for the past 40 odd years and yielded thousands of jobs? The President-elect and the American Government are entitled to do what they want with tax rates. However, we do not want to see a hostile attitude towards American companies based in Ireland, given their investment and the jobs they have created here. We need to highlight that issue.

An Leas-Cheann Comhairle: Before I call Deputy Joan Burton, it looks as if the Taoiseach will not have time to reply as the 15 minutes will soon be up and there is an order of the House. He might think about how he might reply in written format.

Deputy Joan Burton: What ethical framework is the Taoiseach applying to his dealings with President-elect Trump? President-elect Trump has expressed reprehensible views about people from Mexico, whether they are living in Mexico or have transferred to the United States. He has expressed appalling views about women and his approach to them. He has advocated jailing his opponent in the recent presidential election. In foreign affairs Ireland has always sought to operate in difficult circumstances, as no doubt these are. We are all aware that the man is a significant business owner in the west, which is not to be disregarded either. As the leader of the Government, will the Taoiseach set out the framework and the ethics he is applying to how he is approaching President-elect Donald J. Trump? Without a doubt, in his first two weeks as President-elect, he has made an extraordinary number of pronouncements which could certainly influence the future of the world as we know it, as well as the approach to many issues, from tearing up trade deals to reintroducing an emphasis on investment and employment. Some are measures we would support but his views on people of colour and race are reprehensible. His views on women are also shocking.

An Leas-Cheann Comhairle: The Deputy is way beyond time.

Deputy Joan Burton: Does the Taoiseach have an ethical framework which he proposes to use in dealing with President-elect Trump and addressing our interests?

Deputy Bríd Smith: The Taoiseach said he had had a conversation with President-elect Trump and welcomed the conciliatory messages which had come from him after he was elected.

Does the Taoiseach have any concern about the appointments he has made, many of which have been mentioned here? There are appointees who come from the far right, who are homophobic, warmongering and express everything that is negative in undermining the gains which have been made globally and in American society in dealing with race equality, equality for women and homophobia? In the Roman Empire Caligula wanted to appoint his favourite horse as a consul. I suspect that if Donald Trump were to say tomorrow that he wanted to appoint his horse to office, the Taoiseach would probably still warmly welcome it and greet him in Washington on St. Patrick's Day.

The Taoiseach: That is an outrageous remark.

Deputy Bríd Smith: Is there any level of degradation to which Donald Trump's appointments might go where the Taoiseach might say that is enough and that he will not bring the bowl of shamrock to Washington next March? Donald Trump has filled his Cabinet and surrounded himself with the chief executive officers of JP Morgan, Goldman Sachs and Cerberus which is at the heart of a scandal with NAMA in this country. This is not a man who is a friend of working people. Instead, he represents the 1% who are creating gross inequalities, both in America and across the planet, as well as attacking public services and the conditions for working people, while reversing the gains made.

Deputy Gerry Adams: I disagree profoundly with Mr. Trump and Mr. Pence. However, we just have to accept the fact that they were elected. They are the President-elect and the Vice President-elect.

Deputy Brendan Howlin: And the last.

Deputy Gerry Adams: We will probably have opportunities to voice our concerns about them in the time ahead and, I hope, not about their actions. My question is relatively straightforward and is about the undocumented Irish. I was in New York for two days last week and the undocumented Irish working on building sites, in pubs and in restaurants there are genuinely concerned they will hear a knock on the door and be raced out of the place. I have commended the Taoiseach in the past and know that he has raised this issue consistently. I understand he might be travelling to the USA next week. If so, I recommend he meet as many Irish-American organisations as is possible in that time and raises their concerns directly.

An Leas-Cheann Comhairle: Unfortunately, that brings us to the end of Question Time. It is very clear that there are 45 minutes allocated for Question Time. An internal arrangement was made within the 45 minutes. That arrangement has now elapsed.

Deputy Micheál Martin: It has not.

An Leas-Cheann Comhairle: It has by almost one minute. I will, however, give the Taoiseach one minute in which to reply.

The Taoiseach: I just want to make one point. There were some comments made here which, if left unanswered, would find their own way of becoming headlines and they are not true. I deliberately spoke to Vice President-elect Pence about the undocumented Irish.

Deputy Brendan Howlin: A Leas-Cheann Comhairle, one cannot exclude Members from raising their questions and then allow a response.

An Leas-Cheann Comhairle: I am afraid that I cannot allow this, unless the House comes

to an arrangement.

Deputy Brendan Howlin: We should extend the time allocated.

Deputy Bríd Smith: The Taoiseach can write to us.

The Taoiseach: Deputy Micheál Martin raised a valid point which needs to be answered. Vice President-elect Pence said-----

An Leas-Cheann Comhairle: May I interrupt the Taoiseach for one minute?

The Taoiseach: You may.

An Leas-Cheann Comhairle: It is Government time on which we are infringing. Is the Taoiseach prepared to give some Government time to allow Deputies Brendan Howlin and Eamon Ryan to raise their questions?

Deputy Ruth Coppinger: Give us 15 minutes and we will all be happy.

Deputy Micheál Martin: No, we do not need 15 minutes.

An Leas-Cheann Comhairle: May we have ten minutes of Government time?

The Taoiseach: You may.

An Leas-Cheann Comhairle: Is that agreed? Agreed.

Deputy Brendan Howlin: All Members are hearing at first hand from undocumented Irish-Americans about real anxieties. I take it that the Taoiseach received no advice from either the President-elect or the Vice President-elect on whom he should appoint as our ambassador to the United States?

The Taoiseach: Certainly not.

Deputy Brendan Howlin: Apparently, that is the territory they are in. In response, the Taoiseach said he had raised the issue of the undocumented Irish with both the President-elect and the Vice President-elect. I did not hear him say what response he had received. The only response we have heard in the past 48 hours has set out President-elect Trump's 100-day strategy.

4 o'clock

That really has driven more fear into the hearts of undocumented Irish Americans. Mr. Trump has talked about forensically examining every visa to determine whether it will have an impact on American workers. That is basically a recipe for saying there will be no more visas. There are two fear points. First, those who are in the United States fear they will be summarily arrested and removed because Mr. Trump is talking about deporting 3 million people. This is an incredible number. Second, those who have a prospect of getting a visa now fear this avenue will be closed off. I will be interested in hearing not only that the Taoiseach raised this but also the concrete response he got.

Deputy Eamon Ryan: I am looking forward to the Taoiseach's response. He said outrageous remarks were made. I am interested to hear what he says in that regard. Does he accept that this is a difficult issue for all sides of the House? We could, as Deputy Adams said, just accept that the candidates got elected and move on.

Deputy Gerry Adams: I did not say that.

Deputy Eamon Ryan: The other day, after the Taoiseach's telephone call with Vice President-elect Pence, various gay friends of mine were straight on to me asking how the Taoiseach could receive a telephone call and not raise or stand up for gay rights with someone who, as stated, argued gay marriage would bring about the collapse of society. For example, the Vice President-elect has advocated state funding for conversion therapy to turn LGBT people straight. There is a balancing act between being diplomatic and standing up for certain values, rather than just normalising positions that are beyond the pale. I am interested in hearing the Taoiseach's view on this. I would like the Taoiseach to consider the example of gay rights, which he will rightly say the previous Government championed. We all introduced marriage equality. How can we protect the fundamental principles we now hold in a diplomatic way?

The Taoiseach: Deputy Coppinger raised the question of the shamrock. Deputy Martin has answered this very well. It has been symbolic of the links between this country and the United States for very many years. It has nothing to do with the shamrock itself but the link-----

Deputy Ruth Coppinger: The bulk of my questions were not about the shamrock.

The Taoiseach: -----established between the two countries over very many years and one we are very glad to see will be retained in the time ahead. Vice President-elect Pence was very strongly in favour of continuing in his role in the same way as Vice President Biden over recent years.

Deputy Ruth Coppinger: Did the Taoiseach discuss the marriage equality referendum?

The Taoiseach: Out of all this comes the recognition that politics matters, including in respect of Brexit and the American presidential election. The decision has been made. It has been made by the electorate of the United States. It went to the ballot box and elected Vice President-elect Pence and President-elect Trump. Politicians the world over have to deal with the consequences of whatever Administration emerges from that, as I have said in this House before. That Administration is not in place yet and decisions have not been taken. I note that when Japanese Prime Minister Abe met President-elect Trump, he said that he was a person he could work with in the interest of Japanese-American relations. President Obama himself, despite the campaign he carried out for candidate Hillary Clinton, said it is now accepted in America that there is a transition period and that one should allow for an orderly transition to a new Administration. The same was said by Hillary Clinton herself. She said it is time for America to move on and that the decision has been made by the people. The Administration is in the process of being appointed.

We stand up for our own rights by our own actions. Deputy Eamon Ryan made the point that arising from the first ever citizens' convention, we had a referendum on gay marriage and equality of rights. I was very happy to support it. It was a wonderful period of exultation and excitement among Irish people at home and among the Irish diaspora abroad.

I spoke deliberately to Vice President-elect Pence. It is important to acknowledge that he knows from his own roots, since his ancestors travelled through Ellis Island into the United States, what this actually means. I put it to him that there was concern about Irish people who live in America, who may be married to an American, pay their social security payments and work in the interest of the American economy. The point he made to me was that the comments made by President-elect Trump were, in the first instance, in respect of border security and

that, second, his priority was in connection with the undocumented with criminal records or criminal intent. On that spectrum, this is where we need to work with the Administration to be appointed. Vice President-elect Pence was very clear about the priorities in respect of security of borders and those undocumented who have criminal records. He did not go beyond that.

Deputy Brendan Howlin: Three million of them.

Deputy Bríd Smith: Thirteen million was the figure.

The Taoiseach: It is a point on which we must now work with the Speaker of the House, who has strong Leinster roots. I will be talking to the Speaker of the House in due course.

I mentioned multinationals to the President-elect and made the point that, over many years, America invested in Ireland because of its strong legal base, its English-speaking population, its access to the European Union and its static corporate tax rate, which was our business under the European treaties. I made the point to him that the real reason American investment is taking place here and has grown substantially over the years is the quality of the education system and of the young people emerging under that market. I made the point to him that it is now at a stage when Irish-owned firms employ almost 100,000 US citizens across the 50 US states.

Deputy Burton should note that we must work with the US Administration when it is appointed. This is politics. We will not lose any of our ethical standards or values in this country. Why should we? We do not have control over the American system, nor does it have control over ours. In politics, however, one has to make decisions that are in the best interest of the people of our country and the economies of our countries. Obviously, we are prepared to work on that.

Deputy Bríd Smith should note that the comments made by the President-elect were conciliatory. Deputy Howlin mentioned the real anxiety among the undocumented. I have said to him what the Vice President-elect said to me about the priorities of the President-elect. I intend to follow through on that, obviously. I note today that the President-elect's 100-day strategy, published in *The New York Times*, sets out the areas where he can act unilaterally as President, where he will require congressional support to act if he follows through on various measures, and the areas where there might be a need for other interventions, be they administrative, bureaucratic or otherwise, in respect of the priorities he has set out.

Deputy Ryan has left the Chamber. We stand up by our own actions. The new US Administration has not taken up office yet and decisions have not been made. Obviously, we now have to have our own connections with a Republican party that controls both the Congress and Senate, in addition to connections with the American political system in general. These are all issues on which, from a political perspective, we need to be able to continue to work with the United States, as other countries will and must do. In that sense, it is an international challenge. We have a number of these facing us now. When the President-elect takes up office on 20 January, we will see the shape of the Administration and its views. Our personnel, diplomatic relations and business connections with the United States will be important in the sense of continuing to build on where we want to be.

In respect of Caligula and his horse, they are long gone.

An Ceann Comhairle: I thank all the Members for their co-operation. It was an important issue.

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 29A and the name of the Member in each case: (1) Deputy John Curran - to address the treatment of non-TUI members in a college (details supplied); (2) Deputy Mattie McGrath - to review the criteria for consultation on Government-sponsored forums; (3) Deputy Danny Healy-Rae - to address the delay in the removal of cattle with TB from farms; (4) Deputy Joan Burton - concerns about the distribution of resources for children labelled with emotional and behavioural conditions; (5) Deputy Bobby Aylward - publication of the school transport review; (6) Deputies Brendan Griffin and Anne Rabbitte - inclusion of the Orkambi and Kalydeco drugs in the long-term illness scheme; (7) Deputy Thomas Pringle - the impact of the Barlow judgment on fishing by Northern Ireland vessels in Irish waters; (8) Deputies Margaret Murphy O'Mahony, Caoimhghín Ó Caoláin and Gino Kenny - delays in HSE assessments of children's needs under the Disability Act; (9) Deputy Jonathan O'Brien - housing for survivors of the Carrickmines fire; (10) Deputy Maureen O'Sullivan - issues on the West Bank and the role of Ireland and the European Union; (11) Deputy Catherine Murphy - the concerns of the Charities Regulator about certain matters in the charities sector; (12) Deputy John Brassil - retention of the Tralee-Dublin rail service; (13) Deputy Marc MacSharry - to ensure the post office at Ballygawley, County Sligo, remains open; (14) Deputies Clare Daly and Mick Wallace - use of private e-mail accounts for official business by members of An Garda Síochána; (15) Deputy Aindrias Moynihan - a new primary school for Ballincollig due in 2017; (16) Deputy David Cullinane - concerns about capacity at University Hospital Waterford and outsourcing to Cork; (17) Deputy Martin Heydon - to address the need for improved youth services in County Kildare; (18) Deputy Jackie Cahill - the delay in the roll-out of lower cost financial support to assist farmers; (19) Deputy Niall Collins - superbug infections at University Hospital Limerick; (20) Deputy Paul Murphy - the ongoing detention of Mr. Ibrahim Halawa in Egypt; (21) Deputy Mick Barry - the sale of property by Dublin City Council to investment firms; (22) Deputy Eugene Murphy - the need for a safety review of the N5 route from Tarmonbarry to Ballaghaderreen; (23) Deputy Brid Smith - the establishment of an all-party committee on water services; (24) Deputy John Brady - the waste intake at Ballynagran landfill, County Wicklow; (25) Deputy Donnchadh Ó Laoghaire - standards at Mercy University Hospital, Cork, and the recent HIQA audit; and (26) Deputy Billy Kelleher - the provision of the two new vaccines for meningitis B and rotavirus.

The matters raised by Deputies Mattie McGrath, Joan Burton, John Curran and John Brady have been selected for discussion.

Ceisteanna - Questions (Resumed)

Priority Questions

JobPath Implementation

43. **Deputy Willie O'Dea** asked the Minister for Social Protection if his attention has been drawn to the criticisms being levelled at JobPath; if so, the way he plans to address these criti-

cisms; and if he will make a statement on the matter. [36085/16]

Deputy Willie O’Dea: I am raising this question because of the large volume of complaints that not only I am receiving but also other colleagues on all sides of the House about the operation of the JobPath scheme.

Minister for Social Protection (Deputy Leo Varadkar): JobPath is a relatively new approach whereby the Department has procured additional resources under contract to enable us to provide high-quality case managed employment support services for people who are long-term unemployed. JobPath supplements the internal case management capacity of the Department’s Intreo service and the local employment service. In the past year this additional capacity has enabled the Department to provide an intensive employment support and advisory service for some 60,000 long-term unemployed persons who would otherwise not have received such a service owing to Intreo’s capacity limitations. While some observers have raised questions about the use of contractors to procure this additional capacity, the number of complaints from participants has been relatively low. To date, we have received only 145 complaints. This is 0.2% of the total number of people who have engaged with the service. The majority of the complaints were about people’s initial reluctance to engage with the service having been unemployed for some time. All complaints are taken seriously and have been resolved or are in the process of being resolved, where possible.

Other issues that have been raised with my Department concern such matters as people wanting to take part in community employment, CE, schemes in preference to JobPath, the application of reduced payment rates to people who refuse to participate in the service and data security. All of these issues are being resolved. For example, a protocol is now in place to enable people to take up CE placements rather than commence on JobPath where a placement is available to them. The rules for the application of reduced payment rates are identical to those that apply in the case of all other activation services and any decision on reduced payment rates is taken by officials of my Department and never by the JobPath service providers.

As is the case with other contractors such as post offices, branch offices and CE scheme sponsors, the JobPath service providers may only use jobseekers’ data for the purposes of delivering the services contracted by my Department. Both providers are registered with the Office of the Data Protection Commissioner and subject to the provisions of data protection legislation.

On service quality generally, the contract provides for the delivery of a specified standard of service. Payments to contractors are contingent on the providers satisfying inspectors from my Department that they are meeting this service standard. In addition, the providers must attain a satisfactory customer rating in independent customer satisfaction research.

While the contract is at an early stage of implementation, feedback to date has been positive and initial indications in terms of employment outcomes are encouraging.

Deputy Willie O’Dea: We all agree that activation is essential, but we disagree on whether jobseekers might be coerced into unsuitable or inappropriate employment. It must be recognised that people who have been out of the workforce for a long time often have issues that make it difficult for them to re-enter it.

I am staggered by the Minister’s reference to there only being 145 complaints. With as much certainty as I can have short of counting, I have received that many complaints from

different parts of the country. A woman from County Wicklow rang me last night. She was obviously in distress because of her initial interaction with JobPath. I have received complaints from people in my constituency who were invited into a relatively small room and while sitting cheek by jowl with their neighbours - it is a small city - asked questions about whether they had a new suit of clothes for interviews, whether they had ever committed a crime and whether they intended to commit a crime in the future. Who dreamed up these questions? Last June the Minister told me that the Department intended to commission customer satisfaction surveys. Has this been done and have the surveys been conducted? If so, what was the outcome? As the Minister will be aware, a number of studies of JobBridge have been conducted. When will there be a study of JobPath?

Deputy Leo Varadkar: The complaints process is as follows: a person initially makes a complaint to the service provider and if he or she is not happy with the outcome, he or she can make a further complaint to my Department. That is the number of 145 to which I referred. It is possible that many of those who have contacted the Deputy have not made a complaint to the Department or JobPath, but they can do so, if they wish. If they are not happy with how things go, they can also complain to the Ombudsman.

The independent customer satisfaction survey is under way and we expect results before the end of the year. As the Deputy will be aware, if the providers fail to secure a score of three or more on a scale of one to five, the payments made to the contractors will be reduced by up to 15%. There is a penalty for providers should they perform poorly in the customer satisfaction survey.

The condition to be met to receive jobseeker's allowance is that a person must be actively seeking full-time work. It may not necessarily be the job he or she wants, but it is a requirement that a person take up employment, if he or she can. If he or she does not wish to do so, he or she can sign off.

Deputy Willie O'Dea: We must avoid going down the punitive road. Time will not permit me to read all of the e-mails, letters and other correspondence I have received on this issue, but a person from the Minister's constituency e-mailed me after finding the JobPath experience humiliating, stressful and demoralising. I have received a number of other e-mails. One person's connection with JobPath had accentuated their anxiety owing to the behaviour of some of the staff. Another person stated no benefit or job opportunities had been presented since they were coerced into attending Turas Nua. Yet another person told me about receiving advice from staff who had received a paltry three months of training and many of whom did not have a background in human resources. Perhaps this explains the reason the number of complaints is so small. Some 90% of the people who have complained to me have begged me to keep their names out of it because they felt threatened. That is sinister. I can meet the Minister and show him some of the e-mails I have received. The people who sent them did not want their names to be mentioned because they feared retaliation. That is unacceptable.

Deputy Leo Varadkar: I am unsure what the Deputy means by "retaliation". If people are concerned that their payments will be reduced, that cannot be done. Neither of the JobPath providers has the authority to do so. It can only be done by my officials. Sometimes people who attend social welfare offices and Intreo centres have complaints. This may be down to personal interactions, for example, how they have been treated by individual staff members, or their interpretation of what was said to them. However, personal questions sometimes require to be asked in one-to-one engagements. Asking someone whether he or she has a suit in order that

he or she can appear well at an interview is reasonable. Some of the questions people might be asked in interviews are also asked in-----

Deputy Willie O’Dea: Surely not in front of their neighbours.

Deputy Leo Varadkar: I appreciate that. That may be an issue particular to the office involved, for example, and may be due to its size. That is the type of complaint - about the quality of the service provided, respecting people’s privacy and so on - that we want to hear because we might be able to act and make improvements to the office, etc.

Child Maintenance Payments

44. **Deputy John Brady** asked the Minister for Social Protection the reason his Department places the responsibility for seeking child maintenance payments on lone parents on the termination of the one-parent family payment; and if he will make a statement on the matter. [36229/16]

Deputy John Brady: This is one of the few countries that does not have statutory maintenance agencies. Custodial parents are forced to seek maintenance payments through a combative court system. They are also responsible for pursuing the non-payment of maintenance payments.

Deputy Leo Varadkar: The Family Law Acts are within the remit of the Department of Justice and Equality. They place a legal obligation on parents to maintain their children, regardless of whether they are the parents in receipt of welfare payments. In cases where the family unit has broken down, these obligations continue to apply and the relevant maintenance payments can be arranged either directly or through supports such as the Family Mediation Service, the Legal Aid Board and the courts. The arrangement of maintenance payments is, therefore, a civil matter between both parents, regardless of whether either of them is in receipt of a social welfare payment. In most cases, they are not.

In order to be eligible for a social welfare payment, an individual must satisfy the contingencies and criteria of the relevant scheme. Needless to say, eligibility for the one-parent family payment and the jobseeker’s transitional payment requires the applicant to be parenting alone. The seeking maintenance condition ensures that both of these schemes remain targeted exclusively at people who are parenting alone and therefore most in need of support.

In the vast majority of one-parent family payment and jobseeker’s transitional payment cases where maintenance is in payment, lone parents are successful in arranging maintenance themselves or under the family law provisions. The liability to maintain family provisions, contained in the social welfare legislation, is separate to, and does not negate or supersede parents’ obligations under family law. Currently, contribution assessments can only be carried out where the one-parent family payment is in payment and that does not extend to other social welfare payments.

The Department is currently reviewing the liability to maintain family provisions. The options include extending the liability to maintain family provisions to jobseeker’s transitional and possibly other social welfare payments, or removing the requirement altogether. This is a very complex issue, and any changes would require significant legislative and operational

changes potentially to family law as well as to social welfare law. Any legislative changes will be brought before the joint Oireachtas committee for pre-legislative scrutiny.

Deputy John Brady: I think the Minister would agree that the current situation for lone parents when it comes to child maintenance is bizarre but he is doing nothing to address it. A condition of receiving the one-parent family payment is that the recipient is obliged to seek maintenance from the other parent. After the changes to the one-parent family payment back in July 2015, the Department wrote to the non-custodial parents advising them that they were no longer obliged to pay maintenance unless there was a court order in place. Lone parents are now forced to take out court orders to try to seek child maintenance or else they are at risk of losing their payment. Courts will not issue summonses for maintenance unless the custodial parent has a current address for the non-custodial parent, and that is not always known. The lone parent's address is provided on a court order, therefore giving the non-custodial parent the details. I am sure the Minister is aware that in some circumstances that could put the lone parent in danger, especially if that was a previously abusive relationship. Once a court order is issued the Department assesses court order maintenance as a means, regardless of whether it is paid or not. That is absolute madness. Lone parents are trapped and they must seek maintenance to receive payment or risk penalties.

An Leas-Cheann Comhairle: Gabhaim buíochas leis an Teachta.

Deputy John Brady: They are worse off seeking it as it is taken into account as means regardless of whether the maintenance is paid or not.

An Leas-Cheann Comhairle: Tá an Teachta thar am.

Deputy John Brady: Could I just ask the Minister this question?

An Leas-Cheann Comhairle: Yes.

Deputy John Brady: Will the Minister stop leaving it up to the lone parents and seek to set up a child maintenance system?

Deputy Leo Varadkar: With respect, I think the Deputy is getting a few things mixed up. Many lone parents are not in receipt of social welfare payments. This is primarily a matter of family law and under family law, regardless of anything to do with social welfare, people have an obligation to provide for maintenance of their children. That is a civil matter between the two parents concerned. What the Department can do, if the person is on the one-parent family payment - and only the one-parent family payment - is seek a determination order. For example, if a lone parent is in receipt of a disability payment or some other payment it was never the case that the Department could seek a determination. I have a copy of the letter that is issued to partners and it does not say what Deputy Brady said. I will try to dig it out and read it out because the information the Deputy has been given on the contents of the letter is not fully accurate. I wish to make it very clear that it is the Department's policy never to request a lone parent to contact an abusive partner and seek maintenance. We have heard a claim from one representative organisation that this was done and we have asked for information in that case, or in any similar case, in order that we can see whether that was the case but it has not provided the information yet.

An Leas-Cheann Comhairle: Gabhaim buíochas leis an Aire. Deputy Brady can ask his final supplementary question.

Deputy Leo Varadkar: If that is the case it was done mistakenly and we want to know.

Deputy John Brady: I have also seen the letter that was sent out. I wish to give the Minister a couple of examples. I know he loves to use examples from the North as a means to attack Sinn Féin so I wish to give him one example of how child maintenance works there and perhaps he could look at that and use it in the future. The Child Maintenance Service in the North sorts out child maintenance for lone parents. The service finds the non-custodial parent, works out how much maintenance is to be paid, arranges the payment to the lone parent and reviews the payment amount annually. If the non-custodial parent fails to make a maintenance payment he or she can be fined up to £300 for non-payment. The service can make contact with the employer who is obliged to provide details so that the payment can be taken from the employee's wages or, alternatively, it can be taken from benefits.

An Leas-Cheann Comhairle: Gabhaim buíochas leis an Teachta.

Deputy John Brady: The service will initiate court action as a very last resort.

An Leas-Cheann Comhairle: Gabhaim buíochas leis an Teachta.

Deputy John Brady: The Minister needs to look at this issue. It is not enough to say it is a civil matter between two parents.

An Leas-Cheann Comhairle: I call on the Minister, Deputy Varadkar.

Deputy John Brady: Why did the Department send out a letter saying that the non-custodial parent has no responsibility for the child once he or she reaches the age of seven?

An Leas-Cheann Comhairle: I must ask the Deputy to conclude.

Deputy John Brady: The Minister needs to tackle this issue instead of cutting lone parents means.

An Leas-Cheann Comhairle: If we prolong the time for questions in this manner then others will lose out at the end.

Deputy Leo Varadkar: Any of those things are principally matters of family law. I am no expert in the UK system but at one stage there was a child support agency, a government agency that would, for want of a better term, go after fathers and get the money from them. If we were to make a decision to go down that road it would be a point of family law it would not be something that would be exclusive to social protection.

I am sorry that I cannot find the letter because I did ask for a copy of the letter that is sent out to the other parent in such cases. I have just found it. It says:

As Mr. or Mrs. X is no longer receiving a one-parent family payment, your liability to pay the contribution assessed by the Department has ended. You should be aware however that this does not in any way affect any other maintenance arrangement, private or otherwise, that you may have in place with Mr. or Mrs. X and this should remain in place.

So if anyone has informed Deputy Brady that a letter issues from my Department saying that such fathers no longer have any liability they have misinformed him and he should be sceptical of what they say to him in future.

Deputy John Brady: Why was the letter sent out in the first place?

Pension Provisions

45. **Deputy Willie O’Dea** asked the Minister for Social Protection if he will address the anomaly in the calculation of the contributory pension which tends to disadvantage those who took time out of the workforce to care for children or relatives; and if he will make a statement on the matter. [36086/16]

Deputy Willie O’Dea: This problem has been well ventilated. We are all aware of the unfairness in the contributory old age pension system whereby people who have paid fewer contributions can often get a higher pension than people who have paid a greater number of contributions. We discussed the issue last week on Committee Stage of the Social Welfare Bill and we will be discussing it again tomorrow. I just want to find out how far the Minister has advanced with the study he is carrying out on the matter in his Department.

Deputy Leo Varadkar: Expenditure on pensions, at approximately €7 billion, is the largest block of expenditure in my Department, representing some 35% of its expenditure. Demographic change alone increases this by about €200 million a year. Maintaining the rate of the State pension is critical to protecting older people from poverty. Entitlement levels are calculated by means of a yearly average calculation, where the total contributions paid or credited are divided by the number of years of the working life. Payment rates are banded so, for example, someone with a yearly average of 48 contributions will qualify for a full pension, whereas someone with a yearly average of 20 will qualify for a pension at 85% of the full rate. The homemaker’s scheme was introduced in 1994 to make qualification easier for those who took time out of the workforce for caring duties. It allows up to 20 such years, in the period since its introduction, to be disregarded when their record is being averaged for pension purposes.

The cost of extending the homemaker’s scheme to allow people to avail of the full 20 years currently allowed under the scheme, encompassing periods prior to 1994, is estimated at a potential cost some €290 million in 2017. The cost of any such backdating would have to be borne by existing PRSI contributors, that is, working people aged under 66 and their employers - by increasing PRSI.

Where someone does not qualify for a full rate contributory pension, they may qualify for an alternative payment. If his or her spouse has a contributory pension, he or she may qualify for an increase for a qualified adult amounting to 90% of a full-rate pension, which by default is paid directly to them. Alternatively, he or she may qualify for a means-tested State pension, which amounts up to 95% of the maximum contributory rate.

It is planned that a total contributions approach will replace the yearly average approach from around 2020, and the position of homemakers will be carefully considered in the context of that reform. Officials from my Department are currently working on the detailed development of the total contributions approach with a view to making proposals for consideration in the first half of next year.

Deputy Willie O’Dea: As the Minister said, the system already disregards time spent working in the home since April 1994 for the purposes of calculating the yearly average contributions. The problem arises in respect of people who took time out before 1994. Does the figure

of €290 million refer to the cost of back dating to the very beginning? If he is moving to a total contributions approach, is it inevitable that there will be losers as well as winners? I can envisage a situation where under a total contributions approach, a person who had been paying for the past ten years and who has paid 520 contributions could find their pension considerably reduced. Of course, it would be a fairer system but we are anxious to ensure that there are as few losers as possible. If the Minister is looking at a total contributions approach, where does that leave the question of credits and what will happen in respect of the homemaker's scheme as it exists at the moment? Will there be some recognition of time spent in the home in a total contributions system?

Deputy Leo Varadkar: The figure of €290 million is the maximum amount estimated so that would be the case if we took existing pensioners and recalculated what they might be entitled to under a new set of rules. There would almost certainly be demands to do that. The rules could be changed prospectively but I think those who are already retired would want the rules changed for them as well. The Deputy is right in saying that any significant change to the rules does result in winners and losers. Even a change that makes it fairer would result in winners and losers. One could spend hundreds of millions of euro to make sure there are no losers at the pension end but, of course, that must then be paid for by existing PRSI contributors today. Working men and women, working fathers and mothers of today and their employers would have to foot the bill of anything that resulted from the change because of the way the social insurance system works, which is PRSI in and PRSI out. One thing that is under consideration, and the Deputy will see this when we are ready to produce the document, is replacing the homemaker's disregard with a homemaker's credit so one would count the number of years spent in the home looking after children or a sick relative as a credit.

Deputy Willie O'Dea: As the Minister will be aware, since the abolition of the retirement pension, people aged 65 and over who have been compulsorily retired have to apply for job-seeker's allowance initially for one year. I believe it will be two years when the pension age reaches 67. First, the amount is lower. Second, it has given rise to obvious difficulties. I know the same criteria do not apply. The test as to whether someone is actively seeking employment once they are over 65 is not as rigid. I raised this question with the previous Government and was told that an interdepartmental committee was looking at this to see if there was some way to solve it. Can the Minister give us any update on the deliberations of that committee?

Deputy Leo Varadkar: There is no compulsory retirement age in Ireland so there is no law saying that anyone has to retire at a particular age. However, for some people, their contracts with their employers require that they retire at 65. Many, though not all, of those people are public servants. The interdepartmental group has already produced its report, which was published some months ago before the summer recess but, in my view, it was unsatisfactory in terms of providing an actual solution to this issue. My strong view is that at the very least for public employees, those who are now required to retire at 65 should not be required to do so. We should bring the age up to 66 and 67 in 2021. I have conveyed that view to the Minister for Public Expenditure and Reform and it is under discussion between the two of us. We cannot interfere in the contracts between private citizens and their private employers but I would have thought that at the very least for our employees in the public sector, we should make that change.

Social Welfare Benefits Eligibility

46. **Deputy Michael Harty** asked the Minister for Social Protection if he will consider a change in application of the rules for those in receipt of social protection payments who work a limited number of hours per day, in particular breaking the working week into hours rather than days when calculating reduced social protection payments. [36335/16]

Deputy Michael Harty: I ask the Minister to consider a change in application of the rules for those in receipt of social protection payments who work a limited numbers of hours per day, in particular breaking the working week into hours rather than days when calculating reduced social protection payments for hours worked during the week.

Deputy Leo Varadkar: Both the jobseeker's benefit and the jobseeker's allowance schemes provide significant support to individuals so that they can work up to three days a week and still retain access to a reduced jobseeker's payment. As of the end of September, there were approximately 59,000 jobseekers casually employed in this way.

Any changes to the current criteria, such as moving to an hours-based system could result in significant numbers of additional individuals qualifying for a payment with substantial associated cost implications for the Exchequer. There could also be a significant reduction in the number of people eligible if the number of hours allowed was set at a particular level. The current days-based system can provide significant income supports to jobseekers who are casually employed. While it is not commonly known, an individual can earn a little over €19,300 per year and still retain a small jobseeker's allowance payment while an individual with a qualified adult can earn up to €33,300 if they are both working and still claim jobseeker's allowance.

If there was a change from a days-based to an hours-based system, the design would have to take account of earnings. Furthermore, if an hours-based system were introduced, existing casual jobseekers could lose out if their current hours worked over three days exceeded the new hours threshold thereby creating a disincentive to work longer. In addition to the two jobseeker's schemes, my Department's main in-work support is the family income supplement, FIS, which targets families with children on low incomes and who work at least 19 hours per week. The payment effectively preserves the incentive to take up or remain in employment in circumstances where the employee might only be marginally better off than if she or he was claiming other social welfare payments.

Where a long-term unemployed jobseeker is offered employment of more than three days but less than 24 hours a week, they may be eligible for the part-time job incentive scheme. Under this scheme, they can receive a weekly payment of €119 per week if they are single or €193.90 if they have an adult dependent. The combination of jobseeker's schemes, FIS and the part-time job incentive scheme provides considerable income support for individuals who have part-time employment by allowing them retain access to a social welfare payment.

Deputy Michael Harty: This question particularly relates to caring agencies which supply home care services and packages. Those caring agencies have difficulty in accessing staff to supply those services. It has been brought to my attention that if you take a notional week as 40 hours and a carer was allowed to work two hours per day for five days a week, rather than losing their payments for the five days, they would lose their payments for the ten hours. In other words, they would get three-quarters of their social welfare benefits and still be allowed to work as carers supplying an essential service to the community looking after people in their

own communities. Making it easier for agencies to find carers would give those being cared for access to somebody they would know from their locality, allow carers to have greater self-esteem and contribute to society.

Deputy Leo Varadkar: We definitely have a problem here and it will take between now and possibly the next budget to figure out a solution. Employers contact me all the time saying that they have staff and would like staff to work more hours but staff will not work more hours because of the way the social welfare rules work and because they would lose their payments. At the same time, there are people earning €19,300 per year and couples earning up to €33,000 who are claiming jobseeker's allowance. I do not think that is right either. There are lots of people working for salaries lower than that who do not qualify for jobseeker's allowance. We need to look at the rules between now and the next budget and see how we can get them right but as with any change to rules, you will have issues. If we did what Deputy Harty suggested, huge numbers of people who do not qualify for jobseeker's allowance would qualify for it and that would come with an unsustainable cost to the State. One thing that is not well known enough is the part-time job incentive scheme. Under this scheme, a long-term unemployed person who takes up part-time employment for less than 24 hours per week - it does not matter on which day they do it - can qualify for a weekly payment. Only 460 people in the State currently avail of that and it is hours based not days based. I think the uptake is low because people and employers do not know about it.

Jobseeker's Allowance

47. **Deputy Eamon Ryan** asked the Minister for Social Protection if his attention has been drawn to the increase in the numbers of young persons being refused access to social protection benefit since the introduction of the JobPath programme; his views on whether this is a result of changes in Government policy or the method of implementation of this policy; and if he will make a statement on the matter. [36329/16]

Deputy Eamon Ryan: Why has there been an increase in the number of penalty strikes in regard to young people on the JobPath programme who for varying reasons are being described as not meeting their obligations or not trying sufficiently hard to look for work and therefore are in danger of losing some of their social welfare benefits and some of their dole payments? The total number applying was 2,409 in 2015, 3,211 in 2015 and in the first six months of this year, under the Government's new JobPath programme, it was 2,253, a very significant increase. Why has that increase taken place? Does it come from policy? Is it because we are now outsourcing the assessment of that? What is the reason for the significant increase?

Deputy Leo Varadkar: Only people who are long-term in receipt of a jobseeker's payment are referred to JobPath. Accordingly, someone who has been refused access to a jobseeker's payment by definition cannot be referred to JobPath.

In order to qualify for a jobseeker's payment, a person must meet certain conditions, including that they are unemployed and are available for, capable of and genuinely seeking full-time work. People who satisfy these conditions and others relating, for example, to means, residency and social insurance contributions will qualify in the first instance for the payment of a jobseeker's income support.

In addition to providing this income support, the Department also provides employment

services and supports to unemployed jobseekers and expects jobseekers, who are in receipt of a payment, to engage with these services in order to improve their prospects of securing employment and achieving financial self-sufficiency.

This approach is in line with the principle of rights and responsibilities whereby an unemployed jobseeker has a right to receive income and employment supports from the State, but also has a responsibility to engage with those State services if requested to do so. All jobseekers acknowledge this responsibility in writing when they claim a jobseeker's payment.

Failure of a jobseeker to engage, without good cause, with the Department's services can have consequences for the jobseeker's payments. Legislation provides that a Department deciding officer, and only a Department deciding officer, can apply a reduced payment in certain circumstances.

It is important to note that the decision rules and process for application of a reduced rate of payment are the same across all the Department's services - Intreo, LES and JobPath. In addition contracted providers cannot apply a reduced rate of payment. They can only refer the case for consideration by a Department deciding officer who makes the decision. The process includes written and verbal warnings, and an opportunity for the jobseeker to re-engage with the services prior to the application of a reduced payment.

Currently a total of 1,282 jobseekers are in receipt of a reduced rate of payment. This represents less than 1% of all people on the live register.

An Leas-Cheann Comhairle: I interrupt the Minister to say that the balance-----

Deputy Leo Varadkar: I might just take 30 seconds because I am about to give the Deputy the answer. I am sorry I did not give the answer in the first part.

To date 60,000 jobseekers on the live register have engaged with JobPath. Of these, 499 are on a reduced rate, of whom only 96 are under 25 years of age. Again these figures are under 1% of the people engaged with JobPath.

Given these relatively low levels of reduced payment rates, one cannot draw any meaningful conclusions as to whether engagement with the JobPath service results in a higher rate of penalty application.

To the extent that the data can be interpreted, it would suggest that engagement with JobPath does not increase the likelihood of the payment being reduced than somebody who engaged with Intreo or the LES. This is to be expected as there has been no policy change with regard to the implementation of reduced rates of payment.

An Leas-Cheann Comhairle: Leniency, but 30 seconds rather than a minute.

Deputy Eamon Ryan: I do not know if the Minister has ever been on the dole.

Deputy Leo Varadkar: I have not.

Deputy Eamon Ryan: I was in my early 20s.

Deputy Leo Varadkar: I thought the Deputy said the Dáil for a second.

Deputy Eamon Ryan: The Minister has been in the Dáil all right, but he has not been on

the dole. Those who have been on the dole might advocate a different approach. I was on the dole in my early 20s and people find themselves on the dole for a variety of reasons. Simply penalising them for not getting back to work straightaway does not reflect the reality of what it is like to be on the dole. I did not think it was appropriate to cut the dole payment down to €100 - I think that was excessive. It is unfortunate that the young people on the dole did not get the same increase in social welfare that older people got in the recent budget.

More importantly, regarding this question, for some reason the number of young people being hit because they are not complying is increasing. It is not compassionate and does not reflect the reality of the lives of young people. Those on the dole need a bit of help and support, and do not need to be penalised further, as we are doing according to the figures I see.

Deputy Leo Varadkar: Somebody who had previously been working and making contributions, in the first instance, should be entitled to jobseeker's benefit, which cannot be cut. That is a legal entitlement for six to nine months depending on the person's length of contributions. Only jobseeker's allowance can be reduced. The penalty rates are being used more frequently than they were in the past. That is not related to JobPath. They are being used more frequently in general by Intreo, LES and JobPath. The Deputy should bear in mind that only Department deciding officers can apply reduced rates. It cannot be done by the JobPath providers or LES. We anticipate about 10,000 penalty rates will be applied this year.

Deputy Eamon Ryan: There are many different reasons. I read the answer to a previous parliamentary question in which the Minister stated that, for example, we do not treat artists differently. For many people engaged in artistic or other community work, it may not suit them at that particular time. It may be right for them to take the dole, maintain a certain bit of freedom and flexibility because it is precarious and they move backwards and forwards. We need to show flexibility across the range of schemes we have.

There are other instances. It is difficult for people on the dole who lose their confidence and cannot ask the question as to what they are doing. I return to the central point I wish to make.

An Leas-Cheann Comhairle: No, Deputy-----

Deputy Eamon Ryan: Setting up a penalising system for people in those circumstances or one that is increasingly penalising them is not the right approach.

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

Deputy Eamon Ryan: We are better off trying to support and encourage them back to work, but not force them back to work.

Deputy Leo Varadkar: I reiterate what I said earlier. One of the conditions of jobseeker's allowance is to be actively seeking full-time employment. Other people, who go out to work and pay their taxes, expect those taxes to be used to support people who need that support and are genuinely seeking work. People who have particular difficulties can apply for other payments, including illness payments. On 17 November, 1,282 jobseekers out of approximately 200,000 people on the live register were on a penalty rate. It is not 10% or 5%. Only 1% or 2% of people are on penalty rates. There will always be 1% or 2% who might not engage and not for legitimate reasons the Deputy suggested.

Dáil Éireann
Other Questions

One-Parent Family Payment

48. **Deputy Willie O’Dea** asked the Minister for Social Protection if he will conduct a review into the changes introduced to the one-parent family payment in view of the findings of a report (details supplied) on lone parents and activation; and if he will make a statement on the matter. [35935/16]

Deputy Willie O’Dea: There is widespread agreement that the new system for dealing with single parents is not working. We had a discussion on Committee Stage of the Social Welfare Bill. A number of parties from all sides of the House tabled amendments to require the Minister to conduct a review of this situation. I have tabled this parliamentary question to keep this matter to the forefront.

Deputy Leo Varadkar: I discussed the reforms to the one parent-family payment with the select committee on Committee Stage of the Social Welfare Bill last week, as the Deputy mentioned.

We are still at an early stage of the implementation of the reforms to the one-parent family payment. It will take several years before the full impact of the reforms can be assessed. This is because many lone parents, on foot of the changes, are taking up education, training or employment-support programmes, which will take time for them to complete and move into the workforce.

However, I listened carefully to the issues raised by the Deputy and other members of the select committee as part of last week’s debate. I agreed that I would commission a report on the changes to the one-parent family payment. I will be introducing an amendment on Report Stage this week to that effect, writing it into the legislation as Deputies requested. The report will examine the financial and societal effects of the changes taking into account poverty rates and welfare dependency of those impacted by the reforms.

Dr. Millar’s report is on activation measures for lone parents and does not purport to be an analysis of the lone parent reforms.

Given the title, it was my Department’s expectation that the report would provide detail on the design of specific activation programmes that would help lone parents and also help us to develop further activation measures for these customers. That the report does not include such information is a lost opportunity.

The research commenced in January 2015 and, therefore, takes no account of the final phase of the one-parent family payment reforms in July 2015, or improvements targeted at lone parents in the 2016 budget, which resulted in lone parents benefitting more favourably than the average household. The research commenced in January 2015 and therefore takes no account of the final phase of the one-parent family payment reforms in July 2015, or improvements targeted at lone parents in the 2016 budget which resulted in lone parents benefitting more favourably than the average household. Budget 2017 also includes a number of measures that result in further gains for lone parents, including an increase in the weekly payment, more incentives to enter education and the ability to retain more income that is earned.

Deputy Willie O’Dea: The Minister has been critical of the Millar report but is he aware of the concrete suggestions put forward by Dr. Millar to alleviate some of the problems that arise from the changed system? What does the Minister think of those proposals? They appear to be eminently sensible to me. Is the Minister concerned that the organisations representing single parents have advised large swathes of lone parents who are currently in the workforce that when the back to work family dividend comes to an end later this year - it is a two year scheme with 100% in one year and 50% in the second year - they should sign off the family income supplement and sign back on to the jobseeker’s transition payment? This means they would go from a work related benefit back to a jobseeker’s payment. Does that not indicate that the reforms are achieving the opposite to what was intended with regard to activation?

Deputy Leo Varadkar: We will have to see what people do. The back to work family dividend ended in July for some people and we have not seen a significant increase in people going from FIS to jobseeker’s transition. I believe it was ended in July for some people but maybe it was a reduction rather than people losing the payment altogether. The back to work family dividend becomes tapered down at different points. We know that some 3,000 people have moved from one parent family payments to FIS, which is moving in the right direction. There has been much commentary on this and I will give one small example of some of the changes that have occurred in the last two years, on foot of the measures contained in budgets 2016 and 2017. A lone parent on the jobseeker’s transition payment who works 15 hours at the national minimum wage will see an increase in their overall income of €16 per week, from approximately €334 in 2016 to €350 in 2017. Since 2015 this lone parent has seen an increase of almost €44 per week, or €2,300 per annum, between take home pay and State support. Inevitably the focus is going to be on people who have lost income but it is important to bear in mind that many people are much where they were and actually a substantial number are better off.

Deputy Willie O’Dea: Maybe it is just me, but all the people who come to see me are complaining that they have lost income. Nobody is coming to me saying they have actually increased their income. I suspect that if one looks at the figures we will find that many of the lone parents who manage to increase their income did so because they took up more employment. There are many lone parents who are not in a position to take up more employment simply because they either cannot get it or they cannot do it because of their child rearing responsibilities. We look forward to the report the Minister is commissioning. Will he indicate when it will be available within the Department?

Deputy Leo Varadkar: It is not just the Deputy. This goes back to my theme that when any reform or change produces winners or losers, it is of course those people who lose out who will come to Deputies’ offices - for all the obvious reasons - and not those who have benefitted or who are better off. That is inevitable when one makes any reform.

We are working on the amendment for Report Stage of the Social Welfare Bill 2016. It is going to be an independent report, not done in-house by my Department, so it will have to go through the tender process. We will put the timelines into the Report Stage amendment. Ideally we would like to have it done before June 2017 so that it can inform decisions made for the next budget. I do not have exact timelines but that is the intention. The only thing that might go against us in that regard is that if it is going to be an independent report it has to be externally sourced and we must go through a public tender system for that.

Dáil Éireann
Jobs Initiative

49. **Deputy John Brady** asked the Minister for Social Protection if he will provide a full list of the companies that were removed from, or initially prevented from participating on, the Job-Bridge scheme when it was in place; and if he will make a statement on the matter. [36023/16]

Deputy John Brady: I thank the Leas-Cheann Comhairle. There is no doubt that the Job-Bridge scheme was a disaster. If one was not of this opinion initially then the report conducted by the Minister's own Department would quickly change it. I welcomed the end to the Job-Bridge scheme when it was announced. At the time there were a number of companies that were removed from the scheme. Will the Minister provide details and name the actual companies that were removed?

Deputy Leo Varadkar: All JobBridge participants are entitled to a quality work experience and every reasonable effort is made to minimise the risk of exploitation of the scheme by host organisations. All complaints are taken seriously, fully investigated and appropriate action taken in any cases of non-compliance. In addition to responding to complaints, the Department operates a robust monitoring regime and has conducted over 13,000 on-site inspections. The evidence from these inspections is that the vast majority of host organisations are fully compliant with the terms and conditions of the scheme. In fact, of more than 19,000 host organisations that have participated in JobBridge, a total of 86 have been suspended from participating in the scheme. The level of misuse of the scheme is therefore much lower than is popularly thought and this position has been confirmed by the recent Indecon study.

Nevertheless, I acknowledge the public interest in disclosing the names of organisations that breached the conditions of the scheme. There are, however, restrictions and difficulties associated with such publication as the scheme administrative rather than a statute based scheme, like for example taxation. Taking account of the fact that, on its inception, host organisations were not notified that their names might be published, the Department was concerned at the consequences of disclosing information that could result in a material financial loss or prejudice to the position of a host organisation in the conduct of its business. The Department is aware, for example, of instances where bona fide host organisations had their premises picketed and of one employer whose business was subject to denial of service attacks by anti-JobBridge protesters.

In addition, naming and shaming requires a high standard of investigation. In this regard the Department has had to take account of recent decisions of the Information Commissioner in line with the Freedom of Information Act and a ruling from the Information Commissioner which issued on the 2 October 2015. In line with this ruling the Department cannot release the names of companies suspended from use of the scheme as the decisions to suspend host organisations were taken on an administrative basis by individual inspectors and the host organisations had no recourse to a review or appeal of the decision.

In light of the Information Commissioner's ruling, new procedures were put in place in April 2016 which enable the names of errant host organisations investigated since that time to be published. Accordingly the Department can, and will in future, name organisations that are banned from participating in JobBridge or its successor, although this point is somewhat moot given that the JobBridge scheme is now closed to new entrants. I will, however, ensure that this issue is considered in finalising the design of any new work experience programme that I institute to replace JobBridge.

22 November 2016

Deputy John Brady: The Minister's own Department internal report on the JobBridge scheme highlighted high risk concerns. These were the same concerns that Sinn Féin Deputies, and especially my colleague Deputy Ó Snodaigh, had raised continually from the outset of the JobBridge scheme being introduced in 2011. The Department's own auditors had expressed concerns over a lack of initial validation of the employers' eligibility and whether the use of interns could lead to a possible displacement of real jobs. The report also noted that no checks whatsoever were carried out on the redundancy payments issued by companies who hired interns which could mean that some companies may have laid off workers, the positions being filled by interns. The auditors questioned the accuracy of data supplied by so called host organisations, specifically with regard to the number of staff that the companies claimed to employ.

An Leas-Cheann Comhairle: I thank the Deputy.

Deputy John Brady: The Minister, Deputy Varadkar likes to refer to the Indecon report when I raise questions about JobBridge.

An Leas-Cheann Comhairle: I thank the Deputy.

Deputy John Brady: One of Indecon's key findings in that survey was that nearly 30% of employers using the JobBridge scheme said that they could have taken on a person in fully paid employment.

An Leas-Cheann Comhairle: The Deputy has exceeded his time.

Deputy John Brady: I urge the Minister to release the details. He said there are 86 companies that had been removed.

An Leas-Cheann Comhairle: Deputy.

Deputy John Brady: I urge him to release-----

An Leas-Cheann Comhairle: The Deputy will have to respect the rights of other Members.

Deputy John Brady: -----those details.

Deputy Leo Varadkar: I would not have any difficulty releasing the information other than the fact that the ruling of the Office of the Information Commissioner ties our hands in that regard. From April onwards, if there were any abuses that required publication then I would not have any difficulty doing that. I am sure, however, that the Deputy is not actually advising me, in this House, to disregard a ruling on data protection by the Office of the Information Commissioner. I hope that is not what he is seriously asking me to do. A previous Minister got into a lot of trouble for doing that sort of thing on "Prime Time" and I am certainly not going to do it.

5 o'clock

It is important to say the internal audit report is available on the Department's website. The team did not find any evidence of employers acting to abuse the scheme. All of the managers' responses were accepted by the internal auditor and the internal audit committee is responding adequately to the issues raised in the initial report.

Deputy John Brady: The Minister gave the number of 86 companies and we know that the Indecon report raised serious concerns which were not acted on at that stage. I imagine the number is far higher than 86. When we look at the type of jobs being advertised, a well-known

company which I will not name advertised for a sandwich artist. A deli assistant position was advertised as a sandwich artist position. The company hired many people using JobBridge and essentially it was free labour. The Minister has outlined his intention to bring forward JobBridge 2.0. My concern is that the 86 companies - I imagine the number is far higher - will be allowed to take part in the next scheme. Will all of the companies which abused and exploited the predominantly young people on JobBridge be allowed to sign up to JobBridge 2.0? We still have not seen the detail of the Minister's replacement scheme. Will he outline it?

Deputy Leo Varadkar: The Deputy has not seen it because there is ongoing public consultation on it. We have received Sinn Féin's proposals for a new work experience scheme. Something I learned in going around the Intreo offices around the country, including the one in Arklow in the Deputy's constituency, was that among the really strong supporters of JobBridge were the case officers.

Deputy John Brady: And the employers.

Deputy Leo Varadkar: They are not employers; they are civil servants in the Department. They have huge experience with people who they were trying to get into employment and who had no work experience. A total of 70% or 80% of the jobs are in the private sector, in SMEs.

Deputy John Brady: What work experience does someone need to have to make a sandwich - a half an hour's training?

Deputy Leo Varadkar: Perhaps the Deputy might think working in a restaurant or cafe is beneath people, but as somebody who worked in a restaurant and a shop, I do not think it is.

Deputy John Brady: It certainly is not beneath them, but they should be paid.

An Leas-Cheann Comhairle: The Minister to continue, without interruption, otherwise we will move on.

Deputy Leo Varadkar: I do not think it is beneath people. The evidence and advice I receive from case officers working with people who are trying to get a job - perhaps they are trying to get a job in a cafe or a restaurant; good for them if they do - is that if a person has on his or her CV real work experience with a small employer, an SME, it is valuable and makes it easier for him or her to get a job than it is for somebody who has no work experience with a real employer.

Pension Provisions

50. **Deputy Thomas Byrne** asked the Minister for Social Protection to outline his plans to end the inequality of treatment of women in the contributory pension system. [35975/16]

Deputy Thomas Byrne: I am delighted to be able to raise this issue. Deputy Willie O'Dea earlier got to the nub of this issue which Deputy Fiona O'Loughlin raised last week as a Topical Issue. It is hugely important and given that so many Deputies are raising it, I implore the Minister to look into it and do something about it.

Deputy Leo Varadkar: The rate of payment of a State contributory pension to a person is related to the number of contributions made by the person during the years into the Social In-

urance Fund. There is also a widow's contributory pension which is generally paid at the full contributory pension rate. The exact same rules apply to women as men. Entitlement levels are calculated by means of a yearly average calculation, where the total contributions made or credited are divided by the number of years of the working life. Payment rates are banded. For example, someone with a yearly average of 48 contributions will qualify for a full State pension, whereas someone with a yearly average of 20 will qualify at 85% of the full rate. More generous conditions apply to widows' pensions.

The homemaker's scheme was introduced in 1994 to make State contributory pension qualification easier for those who had taken time out of the workforce for caring duties. It allows up to 20 such years, in the period since its introduction, to be disregarded when a record is being averaged for pension purposes.

Where people do not qualify for a full rate contributory pension, they may qualify for an alternative payment. If their spouse has a contributory pension, they may qualify for an increase for a qualified adult amounting up to 90% of a full rate pension which by default is paid directly to them. Alternatively, they may qualify for a means-tested State non-contributory pension which amounts to up to 95% of the maximum contributory rate.

It is planned that a total contributions approach will replace the yearly average approach from around 2020 and the position of homemakers will be carefully considered in the context of that reform. Officials of my Department are working on the detailed development of the new total contributions approach, with a view to making proposals for consideration available to the joint Oireachtas committee in the first quarter of next year. I hope this clarifies the matter for the Deputy.

Deputy Thomas Byrne: A change was made by the previous Government whereby the minimum number of contributions rose from 260 to 500. This had a devastating impact. As far as I can see, it is always women who are affected and there are no men in the category, certainly none who has come to my office. Typically when we look at the PRSI records of women, they have a contribution record which started sometime in their teens. They probably started working before they started to make contributions. In the case of my mother, she started work at 13 years of age. I am not saying she is affected by this because she is not, but she started work at 13 years and many women are in the same boat. The contributions tapered off in their early to mid-20s when they got married and had to leave the workforce. We have a provision in the Constitution - everybody laughs at how outdated it is - which recognises the work of women in the home, but here is an instance where we should be looking at the Constitution and stating the women in question left the workforce, in some case because they were forced to do so, to work in the home which the Constitution praised and supported, yet they find when they reach pension age having worked from a very young age that they lose out big time. Men have not suffered in the same way.

Deputy Leo Varadkar: The Deputy has spoken about three aspects of the issue. People have to have made a minimum number of contributions to receive a contributory pension. This means that during the entire course of their working lives they must have worked for ten years, or 520 weeks. Out of the entire course of a normal working life of perhaps 40 to 45 years, someone must have worked at least ten years and there are no proposals to change this requirement. The second issue is that of averaging, which is a different aspect, on which I take the Deputy's point. We are trying to develop a solution which is moving away from when people made their contributions to the total number they made throughout their working lives. The

third issue is that people were forced to leave the workforce. We must bear in mind that most of the people in question, in fact, almost all of them, were public servants pre-1995 who never made contributions, or made reduced contributions which did not entitle them to a State contributory pension. Even if they had not been forced to leave work and never got married - even if they were men - they would not now be entitled to a State contributory pension because public servants pre-1995 paid stamp at a different rate which did not give them any entitlement to receive the State contributory pension. That is still the case.

Deputy Thomas Byrne: I do not know whether the Minister is deliberately not listening or not understanding the point. When I say they were forced to leave the workforce, I am not referring to the marriage bar in the case of public servants. I am referring to women who, by the rules of society or the expectations of married women at the time, were forced to leave the workforce. They left and their contribution records stopped. The Minister raised the issue of averaging issue and I am glad to see that it will be looked at. The minimum number of contributions was changed during the term of the previous Government from five to ten years contributions. This has had a devastating impact on women and I am not speaking about civil or public servants who, by and large, have their own pensions. The women in question would do anything to receive the State pension of €230 a week, but they simply cannot receive it. In some cases, they may have land with a paper value, but it has no practical value for them and they do not qualify for a non-contributory pension. This is very much a women's issue and one of fairness. The women in question will have to be looked at. Many of them have just passed pension age because these rules were introduced in 2013, while others are approaching it. It affects a certain cohort of women who are in the older age bracket and who are being adversely affected.

Deputy Leo Varadkar: The requirement to have 520 contributions affects many men and women. If we think about it, I do not believe a requirement to have made during the course of one's entire working life contributions for ten years is unreasonable. People, men and women, who worked for 40 years might have a difficulty with somebody who worked for only ten receiving the same pension as them.

Deputy Thomas Byrne: It was only changed three years ago.

Deputy Brendan Griffin: I raised a similar question in which I included self-employed persons and returned emigrants, as well as women. I would welcome a review to try to bring about a fairer system. I have a case in my constituency of a person who worked for two summers as a 16 and 17 year old, emigrated for 20 years and is now a victim of a very harsh averaging system. There are similar situations for self-employed people whose contributions are not being recognised so it would be welcome to review the situation. I know a lot of expense is associated with this and the Minister's reply to my last parliamentary question suggested it would take between €200 million and €300 million to address all the cases.

Acting Chairman (Deputy Eugene Murphy): Does the Minister want to make a short reply?

Deputy Leo Varadkar: It is difficult to make a short reply to these issues as they are so complicated. The Deputy's points are noted. We are trying to look at all the anomalies and are hoping to put something before the committee in this regard. We are looking to provide the costs and options for solutions in each case. Whereas a lot of people lose out from the averaging system, a lot also benefit and somebody who only took up work for the first time in their 50s and paid ten years' contributions would be entitled to a full pension, and there are a lot of

them around.

Rural Social Scheme

51. **Deputy Tom Neville** asked the Minister for Social Protection the status of the expansion of the rural social scheme following budget 2017; the way the extra places will be spread throughout the country; when this will take place; the funding that is being put forward for the scheme in 2017; and if he will make a statement on the matter. [35718/16]

Deputy Leo Varadkar: As part of the social welfare budget package for 2017, I announced a €5 increase in the weekly rate of payment for rural social scheme participants from March, and an additional 500 places on the scheme. This will increase the overall number to 3,100. The level of funding allocated to the scheme for 2017 will increase to €47.6 million.

Deputies on all sides of the House are fully aware of the positive benefits derived from schemes like the rural social scheme. While communities benefit from the skills and talents of local farmers and fishermen, participants also have the opportunity to improve existing skills, or develop new skills, while performing valuable work in their local communities. Community groups have benefitted from the many projects undertaken through the scheme with minimal cost to the Exchequer. The scheme has also played an important role in sustaining rural communities.

A request for expressions of interest in the additional places was recently sent to all rural social scheme implementing bodies which administer the scheme on behalf of the Department. My Department intends allocating these places as early as possible in 2017, taking into account a number of factors. These include the number of places already allocated, the demand for places in particular areas, work opportunities available and the numbers of farmers and fishermen and women in receipt of income support.

It is not possible at this stage to give the exact locations as to where these additional places will be allocated. In order to qualify, all new entrants to the scheme will have to be over 25 years of age and, in addition, a six-year overall participation limit on the scheme will be introduced. This will ensure that there will be a throughput of places available and it will align the rural social scheme with other employment programmes.

Deputy Tom Neville: I welcome the Minister's statement on the expressions of interest and extra allocations in 2017. In my own constituency there has been a lot of good work done on this, particularly in my own parish of Kilfinny and in Grange, Knockaderry, Adare Templeglantine, Ballyhahill, Mountcollins, Newcastle West and Killeaney, for GAA clubs, soccer clubs and housing developments. It is important that the Department makes its decision on the allocations as quickly as possible because, given the positive outcomes there have been so far, we want to get moving on it.

A previous question asked about work experience and I have my own experience of that, having done the student scheme back in the 1990s in which I worked 200 hours for £600. It was extremely positive and it gave me great experience as a young student, which I later used to get jobs in the hospitality industry. The first thing a person is asked when they walk into a sandwich bar or a pub is if they have experience. It is important that experience is provided for these people, no matter what the field because skills can be transferred to other situations.

Deputy Leo Varadkar: In Limerick there are 73 participants in the rural social scheme and 163 on farm assist who could become eligible for the rural social scheme. Two development companies in Limerick participate in the rural social scheme, namely, West Limerick Resources and Ballyhoura Development and both have requested an expansion of their schemes. They will certainly be considered as favourably as possible when we make the allocations in the new year.

Deputy Tom Neville: I thank the Minister again. It would be very much appreciated if he could move it on as quickly as possible in 2017.

Deputy Michael Moynihan: There is some indication from the groups that the criteria for the scheme will be changed. A person on farm assist who qualified for the rural social scheme would stay on that scheme for a number of years but now it seems there is a cap of three years, after which people have to break of three years before returning to it. It is almost like a CE scheme and this could be detrimental to the future of the rural social scheme. Does the Department have plans to put a cap on the rural social scheme? Have the Minister and the Department thought through the consequences of this? The rural social scheme will run out of participants in this case. Is it the aim to dissolve the scheme in the long term?

Deputy Leo Varadkar: No, the aim is to retain and expand the scheme in the long term. There are 500 additional places for 2017 and requests have come in for 1,000 additional places. If things go well in 2017 I anticipate looking for a further allocation to increase the rural social scheme in 2018. There will, however, be a six-year limit for new entrants as we want some turnover within the scheme, rather than people being on it for life, and we want other people from the community to have the opportunity to take part, just as is now the case with CE.

Questions Nos. 52 and 58 replied to with Written Answers.

JobPath Implementation

53. **Deputy Thomas P. Broughan** asked the Minister for Social Protection the requirement for newly qualified teachers to engage with a company (details supplied) as part of JobPath in training and activities not related to teaching; and if he will make a statement on the matter. [35720/16]

Deputy Thomas P. Broughan: I have brought JobPath to the Minister's attention previously and earlier today we had a discussion on its operation and the fact that people are selected by the Department on a random basis, with people in our area being sent to Seetec. A specific problem has arisen in the case of second-level teachers, although others are also affected. They are required to pursue JobPath training activation but effectively are casual workers doing substitute work in different schools, including preparatory work. They also have to be available for work at literally a day's notice.

Deputy Leo Varadkar: The key objective of activation policy and labour market initiatives is to assist jobseekers to secure work and achieve financial self-sufficiency. Ideally, this will be in the preferred profession or field of work of the unemployed jobseeker but this cannot always be the case. In particular, people who have been unemployed for a long period of time should be open to preparing for and taking up employment in occupations or sectors outside of their preferred field of work. This applies to people from all backgrounds, trades and professions.

All the jobseekers referred to JobPath have been registered as unemployed and have had a live claim for a period of at least 12 months. On referral to a JobPath service provider they are assigned a personal employment adviser who works with them to identify potential employment opportunities and support them in overcoming any barriers to employment. This may include, depending on the individual, the provision of training in job search and interview skills, or indeed in certain vocational skills.

In addition JobPath service providers will tailor their approach to accommodate and support people, such as teachers, who can secure part-time or short-notice substitution work. Accordingly participation in JobPath should not hinder people from taking the steps necessary to secure work in their chosen field. In addition participants on JobPath who secure employment continue to receive support for at least three months and up to 12 months while in employment. During this period the JobPath service providers actively support people to move onto another job if such a move provides a better outcome for them. It should be noted that the fees paid to JobPath service providers are dependent on sustained employment outcomes.

Given this payment model, the suitability of employment for the jobseeker is a key factor in ensuring that jobs are sustained. If people are not placed in suitable jobs they will not stay in them and, therefore, JobPath service providers will not get paid. There is therefore an inbuilt incentive in the contract model to encourage the service providers to find the best fit between the jobseekers' skills and the aspirations and employment opportunities to which they are directed.

Deputy Thomas P. Broughan: Why did the Minister not seek to agree a protocol with the different professions where people are in casual employment as part of their training, in this case perhaps through the INTO, the ASTI and the TUI trade unions? The Minister in one of his press releases referred to 60,000 people participating in the JobPath programme. Its purpose is to target the long-term unemployed. It does not seem to refer to newly qualified teachers or people who were beginning the process of apprenticeship, effectively, in teaching and going on to become full-time teachers.

I thank the Minister for the replies he sent me on that but some of them appear to be contradictory in that he said there is no restriction on unemployed teachers taking up short-notice substitution, yet he also stated that jobseeker's payment is conditional on the person seeking employment and being willing to take up suitable employment. However, with the very nature of teaching in terms of the preparatory work and these casual workers being on-call to go into class to do the 300 hours for second level qualification, JobPath makes it almost impossible for them. The Minister mentioned that it is a rewards-based system for Seetec, for the private company. That makes it extremely difficult for young professionals in training.

Deputy Leo Varadkar: I would like to see a situation whereby a teacher is not on jobseeker's allowance. I know there are reasons that is the case. Some relate to pay while others relate to the fact that there are irregular hours depending on the subjects a person teaches and so on. I am hoping we will get to the point sooner rather than later where there are more permanent contracts and better pay for teachers and where this issue would not arise in the first place.

The provider informs us it is willing to offer engagement and appointment times in the early evening, which would be after school hours and, obviously, that should not be a problem for teacher to do his or her engagement at 4 p.m., 5 p.m. or 5.30 p.m. as the case may be. I am not sure how many teachers have been referred to JobPath. I will check that and if it is a significant number I will certainly give consideration to the Deputy's suggestion that some protocol be ar-

ranged with respect to teachers and their unions.

Deputy Thomas P. Broughan: I welcome the Minister's comments. It is striking he does not have direct information on that, and I know that from the replies he sent me. Certainly with Seetec, there seems to be an impetus to drag people in and place them at all costs. The system Seetec is operating is the one it operated in the north of the United Kingdom for a number of years. Clearly, in terms of young teachers taking up employment, it seems to be particularly jarring. I would welcome if the Minister would provide that information and if he would organise to discuss it with the relevant professional bodies and trade unions to ensure young trainee teachers who are in the position of being casual workers depending on substitution work will not be put in this very difficult position.

Acting Chairman (Deputy Eugene Murphy): I thank the Deputy for his co-operation. The Minister has a final minute to reply.

Deputy Leo Varadkar: That is okay.

Acting Chairman (Deputy Eugene Murphy): Okay. We will move on to the next question.

Social Welfare Code

54. **Deputy Willie Penrose** asked the Minister for Social Protection his plans to carry out a study on the way the social protection system can better protect widows and widowers. [36034/16]

Deputy Willie Penrose: There has been a major deficit in the social protection system with respect to widows and widowers under the age of 66 and the vulnerable circumstances they find themselves in. We need to show maximum compassion to those people, especially widows or widowers with children. Perhaps it is time to review the role of system, particularly with a view to extending the household benefits package to those people at that time.

Deputy Leo Varadkar: Widow's, widower's or surviving civil partner's contributory pension is a weekly payment to the husband, wife or civil partner of a deceased person. Unlike other social insurance schemes, entitlement is based on either the claimant's or the deceased partner's social insurance contributions. Virtually all social insurance contributions count towards this pension, including contributions paid by the self-employed and by pre-1995 public servants. The payment lasts as long as the claimant does not remarry or is not cohabiting. If someone is divorced but would have become entitled to such a pension had they remarried, they still keep their entitlement to the pension.

A claimant may also qualify for an increase for a qualified child and the pension is payable regardless of other income.

Where a person does not qualify for widow's, widower's or surviving civil partner's contributory pension and is under 66 years of age, they may apply for the non-contributory pension. This is a payment for widows, widowers or surviving civil partners who do not have dependent children.

Surviving spouses and civil partners who have qualified children are also eligible for a

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widowed parent grant of €6,000. Recipients of widow's, widower's or surviving civil partner's contributory and non-contributory pensions who are full-time carers can also qualify for payment of the half-rate carer's allowance. I want particularly to acknowledge the role of Deputy Penrose in progressing that initiative in years gone by and, particularly, when he was the chairperson of the then social welfare committee.

I consider overall that the protections for widows and widowers under the current social protection system are very good. My Department will keep the position under review and is open to any proposals the Deputy might make. Recipients of these pensions will benefit next week from the 85% Christmas bonus and next year from the €5 per week increase in the maximum personal rates of payment. I hope this clarifies the matter for the Deputy.

Deputy Willie Penrose: I thank the Minister for his reply. Those increases are acknowledged and they are a help to people, and I acknowledge the Minister's role in that regard. He will appreciate the vulnerable circumstances of a family when the main breadwinner has been lost, especially in the period to when children are of school-going age. Perhaps he might review the household benefits package with a view to extending it to that cohort of people. It is not a tremendously large group and we hope it remains small and that people enjoy good health but sudden deaths and accidents can occur.

Regarding non-contributory pensions, is it not the position that widows who have children do not get the child benefit portion in that regard? Is that not an anomaly that needs to be addressed? A person in receipt of a non-contributory widow's pension does not get the child benefit portion. That forces her into the jobseeker's allowance payment or, alternatively, into the one-parent family payment, in respect of which there may be restrictions and that also has to be reviewed. That is an anomaly that we could iron out. The Minister might examine those two areas. I appreciate addressing this will take time and that it has to be done within the budget.

Deputy Leo Varadkar: I will have to check whether a person in receipt of the non-contributory widow's pension does not receive the increase for a qualified child. It seems incorrect so I will check it.

Deputy Willie Penrose: I believe I am correct.

Deputy Willie O'Dea: I think the Deputy is correct.

Deputy Leo Varadkar: Deputy Penrose might be right.

Deputy Willie Penrose: I was shocked that I was correct about that. I, like the Minister, thought it was the other way around.

Deputy Leo Varadkar: That would seem anomalous. I will definitely have that checked out.

Another entitlement that a widow, widower or surviving partner can receive is the fuel allowance, which is a payment of €22.50 for six months of the year. In terms of the household benefits package, it is probably a little more complicated. It would depend on age, means testing and so on. If we were to do something simple, it might be the increase in the grant for children immediately after bereavement. I noted an article in the *Daily Mail* recently, written by somebody in receipt of the widow's pension who was disputing the fact that she should be entitled to it, because, as the Deputy knows, one can have it in addition to one's income. That is

one of the reasons people pay pay-related social insurance, PRSI. They pay it in the knowledge that should something happen to them and they die their widow, widower or civil partner will have the security of an income and be able to earn income in addition to that.

Deputy Willie Penrose: I thank the Minister for his response and he has pointed out some aspects. I am not clear on this but Deputy O’Dea seems to be very clear on it. I was shocked about this and it only came to my attention recently. That would be an anomalous position and it would compel people into other forms of social welfare which may not suit their circumstances. If a person is compelled into jobseeker’s allowance, they would have to be available for employment but the person might have two or three children and be rearing them alone at that time. That aspect could be examined. I appreciate the Minister cannot over-extend with respect to the household benefits package and that means testing would be required but perhaps it might be extended to this group for a limited period of two or three years to get people over the hump after losing a partner. Not everyone can go out to work and maintain an income, but the Minister could curtail that in terms of someone who had an income along with the widow’s or widower’s pension as he or she would not be entitled to the household benefit. Those with no other source of income could be dealt with under the means-tested situation, even if just for a two or three year period.

Deputy Leo Varadkar: Clearly I am not in a position to make those changes now with the Estimates being done. However, I will take the suggestions the Deputy makes under consideration for inclusion in the next budget package.

Social Welfare Appeals

55. **Deputy Mick Wallace** asked the Minister for Social Protection his plans to reform the social protection appeals system, in view of the almost 60% appeal success rate in 2015 which was highlighted as a concern by the UN; if he will publish the results of all appeals made through this office; and if he will make a statement on the matter. [36053/16]

Deputy Mick Wallace: The country rapporteur for the UN Committee on Economic, Social and Cultural Rights commented in June 2015 that Ireland continued to take austerity measures and to focus on cutting the budget and that rates of poverty, including food poverty, and youth unemployment had increased. At the same UN committee, concern was expressed at the high number of initial social welfare decisions which were overturned at the appeal stage. The UN committee recommended that appeals be decided in a consistent and transparent manner and that the appropriate training be provided to decision makers at first instance. Will the Minister consider introducing reforms to the appeals process and do so soon?

Deputy Leo Varadkar: I acknowledge that the Deputy is correct to say that after the period of recession and economic crisis, poverty and youth unemployment increased. They have also been falling in recent years as a consequence of the recovery. In fact, youth unemployment has pretty much halved in the last couple of years. I am sure it was an omission, but the Deputy did not quite acknowledge that.

Over 1.7 million new claims were processed in 2015, 85% of which were awarded. The number and outcome of appeals finalised must be considered in this context. Of the 25,406 appeals finalised in 2015, 58.8%, or 14,946, were successful. However, this does not mean that the initial decision was incorrect. An appellant may submit additional information which

allows the Department to revise its decision without involving an appeals officer. Of favourable appeal decisions in 2015, 35%, or 5,200, resulted from revised decisions. Where decisions remain unchanged, the appeal proceeds to an appeals officer who will accept evidence at all stages of the process and this may impact on the decision. The appeals officer may also gain insights at oral hearing into the appellant's circumstances which lead to a favourable outcome. The appeals officer's role is to examine entitlement as if for the first time, not to check that the original decision was valid. The officer looks at cases afresh. Given the degree of subjectivity in some scheme criteria, it is reasonable that a second decision maker might make a different decision to the first.

The publication of appeal decisions would be a vast undertaking requiring the allocation of significant resources. This would undoubtedly have a knock-on effect on how long it would take to process appeals. In 2011, the courts found, given the significant costs and questionable benefits involved, that there was no duty on the appeals office to publish a database of decisions. However, the chief appeals officer publishes a sample of decisions in her annual report to clarify the process by which appeals are determined.

Deputy Mick Wallace: I accept partially the Minister's first point. Unemployment has fallen in many areas, especially in Dublin where the Minister comes from. In places like Wexford and certain black spots, however, we are still in the dark ages and things are very difficult.

The processing time for appeals and their high success rate highlights that there is definitely something wrong. The Minister has probably seen that free legal advice centres, FLAC, has pointed out that the fact that decisions on social welfare appeals are not routinely published means people appealing decisions are forced to work in an information vacuum and are unclear as to how cases are decided. FLAC also points out that people cannot access free legal aid for advice and assistance in what can be a complicated process. Am I right to say that the average waiting time for an appeal is approximately 20 weeks? Deputies from all over the country are forever putting in questions about this. I believe it is over 1,000 questions a year at a cost of €200 a go, which means that over €200,000 is being spent in that area alone. While the Minister says changing things is expensive, not changing them is also expensive.

Deputy Leo Varadkar: I have always been a bit sceptical about that €200 per answer thing, but I take the Deputy's point. I wondered myself when I was appointed to this office why appeals were so successful. If appeals are successful 58% to 60% of the time, it indicates on first pass that something is wrong. However, it seems one of the major reasons there is such a high rate of success in appeals is that we allow new information to be presented on appeal. That is what produces the high success rate. In other countries, for example Britain, one cannot put new information in. That is one change we could make. The concern the chief appeals officer has about publishing all of the decisions is that it would create a great increase in delays on foot of the additional burden that would be incurred.

In regard to unemployment and the south east, I have good news for the Deputy, which I am sure he will wish to tweet out right away. According to the quarterly household survey figures published today, the number of people employed in the south east has gone up in the last year from 207,000 to 215,000 while the number of people who are unemployed has gone down from 28,500 to 24,900. The south east is increasing jobs, unemployment is falling and great economic progress is being made there. I hope there will be much more.

Deputy Mick Wallace: The Minister will be sorry to hear that most of the young people

have left the county and gone to a different country. I do not know if the Minister has seen the film “I, Daniel Blake”. Has he seen it?

Deputy Leo Varadkar: I have, yes.

Deputy Mick Wallace: It depicts individuals in England who were trying to access what they were already entitled to. Is this an aspect of the system in Ireland? I do not know myself what the truth is, but is there a deliberate attempt to make it as difficult as possible for some people to access what they are entitled to or is the problem that people are not as well trained in this area as they should be?

Deputy Willie O’Dea: Of the 60% that succeed on appeal, what percentage refers to reviews? A review is done by the deciding officer. It does not actually go to the appeals officer. In reality, how many appeals are successful which go to an appeals officer? Does the Minister have any plans to put the appeals office on a statutory footing?

Deputy Leo Varadkar: I have no plans at this stage to put it on a statutory footing. I am told that 35% of favourable appeal decisions result from revised decisions rather than having gone to an appeals officer. The figure of 58.8% is very misleading for that reason

I have seen “I, Daniel Blake”, which is a great movie and I recommend that people go and see it.

Deputy Mattie McGrath: The Minister has plenty of time on his hands.

Deputy Leo Varadkar: I am thinking of putting on a screening for my senior officials. I might suggest that the movie comes from a particular perspective and that somebody could do a movie about some of our other customers which would be a very different story. I can guarantee it.

Acting Chairman (Deputy Eugene Murphy): We are not going into the movies now.

Deputy Leo Varadkar: I could do a great movie about some of our customers. Certainly, our policy is to ensure that people get the benefits and assistance to which they are entitled. However, we do that in a context where a lot of people are trying to collect benefits and allowances to which they are not entitled.

Acting Chairman (Deputy Eugene Murphy): I am very anxious to get to the Minister’s party colleague and we are eating into his time on the final question. There is an awful lot of discussion about films in this Chamber.

Deputy Leo Varadkar: It is relevant. The film is about social welfare. It is worth watching.

Deputy Mattie McGrath: Is there no censorship?

Question No. 56 replied to with Written Answers.

Registration of Births

57. **Deputy Brendan Griffin** asked the Minister for Social Protection if his Department has assessed the impact on youth poverty of the lower rates for unemployment allowance; if so, the findings of such an assessment; and if he will make a statement on the matter. [35711/16]

Deputy Brendan Griffin: I thought for a second I would have to go “Back to the Future” to get this question in. I acknowledge the Minister’s swift work upon assuming office in dealing with the issue of the grossly insensitive practice of the State charging people to register stillborn children. Further to the changes already introduced, I ask if this can be extended to children who pass away shortly after birth in relation to the registration of both the birth and the death.

Deputy Leo Varadkar: In July of this year, I introduced regulations which provided that no fee would be incurred where parents request a certificate in respect of a stillborn child. At the time, I told Deputy Griffin that I would examine the cost of certificates to parents registering the birth and death of a baby on the same day. I gave an undertaking in the House that I would at the earliest opportunity make regulations reducing the fee payable in the case of a baby’s death. In the meantime, I have considered how best this can be done and have now decided that the simplest approach would be to waive the fee for certificates for the simultaneous registration of the birth and death where the baby dies within its first year of life. I also propose to extend this to the registration of the death of a baby within that period.

The HSE has responsibility for the day-to-day running of the Civil Registration Service and any revenue raised from fees for certificates is used to fund the service. I am mindful of the impact on revenue. However, in this case the amounts involved are very small. I have consulted with my colleague, the Minister for Health, Deputy Simon Harris and I am happy to confirm he concurs with me on this matter. I can assure the Deputy that I am very conscious of the distress the death of a baby causes to a family and my intention is to alleviate any additional distress which may arise during the registration process to parents who have lost a baby. Now having agreement on this matter, I intend to introduce the necessary regulations in the coming weeks.

Deputy Brendan Griffin: I thank the Minister. I very much appreciate his response and thank him for acting so swiftly. I raised this matter in the previous Dáil. Unfortunately, action was not taken. The Minister has shown that it was possible to address this issue.

It represented a gross insensitivity on behalf of the State for people who were faced in their darkest hour with having to pay money in addition to the misery they were going through. As the Minister said, this does not generate massive revenue for the State, but he has decided to do the right thing. I again thank him for his efforts in addressing this matter. As he said, it is something that will not cause any further distress and offence to people in their time of pain.

Deputy Leo Varadkar: I thank Deputy Griffin for bringing this matter to my attention some months ago, on foot of which I abolished the fee to register a stillbirth. I will now abolish the fee to register the death of a child in the first year. I want to acknowledge in particular my colleague, the Minister for Health, Deputy Simon Harris, for being so quick to approve and agree this change.

Written Answers are published on the Oireachtas website.

Dáil Éireann
Topical Issue Debate

Citizens Assembly

Deputy Mattie McGrath: I thank the Office of the Ceann Comhairle for selecting this matter.

With respect to Government-sponsored forums, there is a clear and important need for the highest measures of impartiality and independence to be observed if we wish to avoid the charge that such forums are merely proxy vehicles designed to implement Government policies. I have a particular concern about what is perhaps the most important Government-sponsored forum that is currently deliberating, namely the so-called Citizens Assembly.

There are mounting concerns about the composition of the expert panel and the robustness of the selection methodology that was employed by the Red C polling company. The published details on the membership of the Citizens Assembly reveal that no fewer than 11 counties in the State do not have a single representative in the deliberations of the assembly. Citizens from counties Tipperary, Leitrim, Cavan, Louth, Sligo, Longford, Offaly, Kilkenny, Carlow, Waterford and Kerry are entirely absent, which cannot be accepted. In light of this information, the pretence that the assembly is a remotely democratic process cannot be maintained. It is being asked to deliberate on and recommend profound changes to the Constitution of the nation that will affect all of us, born and unborn, for generations to come. Yet, counties with a combined population of at least 970,000 people have not one representative.

From the outset serious questions have been raised about the integrity of this absurd process which has been established as a parallel legislative body to the Oireachtas. This is deeply concerning in its own right, and I have made my views known about this several times. There is an imperative to question the validity of the entire process and the robustness of the polling methodology that was employed to select members by Red C. Why, for instance, despite Red C specifically reminding people who were polled that active campaigners on either side of the issues were to be excluded, was at least one high-profile social media campaigner for repeal selected? The person has now been removed.

I have total faith in Ms Justice Laffoy. Unfortunately, of the five people chosen as expert advisers, two have previously stated positions that raise serious questions about their suitability. They were appointed by the Government - the Minister might tell me by whom. In 2000 Dr. Declan Keane, when he was master of Holles Street, gave evidence before an Oireachtas all-party committee on the Constitution. In the course of his testimony he expressed dissatisfaction that abortions for fatal abnormalities could not be performed in Irish hospitals. Since the question of whether the Constitution should be amended to allow for abortions for so-called fatal fetal abnormalities is one of the key issues on which the assembly will be called to give its opinion, it is surely inappropriate that one of the supposedly impartial experts should be someone with a clearly stated position on one side of this controversial question.

Even more problematic than Dr. Keane, however, is the presence of Professor Deirdre Madden from University College Cork. She has a long record on a range of issues related to human life and dignity. Professor Madden joined the commission on human reproduction set up by the former Minister, Deputy Micheál Martin. The commission issued its controversial report

in 2005 and recommended that destructive research on human embryos should be permitted. Prominent among Professor Madden's activities and particularly relevant is her membership of the expert group established by the Department of Health to study the options available to comply with rulings of the European Court of human rights on the cases of A, B and C v. Ireland. Not one of the options endorsed by this group excluded abortion.

Some 900,000 people have been excluded from the process. We now find that the expert group is not fit for purpose. I have great faith in Ms Justice Laffoy being able to deal with the assembly. She will rely heavily on so-called eminent people to advise her. If they have this record, how did they get through the ropes? How are they allowed in? Serious questions need to be answered by the Government.

Acting Chairman (Deputy Eugene Murphy): I remind Members that we cannot allow charges to be made in the House against people who are not here.

Minister for Public Expenditure and Reform (Deputy Paschal Donohoe): I thank Deputy McGrath for raising this matter.

The text that will be circulated to him deals with the general issue of consultation on Government-sponsored forums. The Deputy raised a specific matter, namely the Citizens' Assembly and its role in the consideration of matters such as the status of the Eighth amendment of the Constitution. As opposed to giving the Deputy a text that does not address his question, I will do my best to answer his points. I, on behalf of the Government, will then come back to him imminently with an answer to the issues he has raised.

Deputy McGrath recognised the impartiality and expertise of the chairperson of the assembly, Ms Justice Laffoy. He was at pains to recognise her ability and impartiality to do good work on behalf of the State.

The Deputy raised two issues. The first is his concern about the expert advisers that are open to the body and the second is the selection criteria that led to the appointment of the assembly. On the latter, it is my understanding that the Department of the Taoiseach, which oversees the body, used selection criteria that came up with a group of people who are representative of the country overall. The reason that may have led to some counties being excluded is that, as I understand it, the role of members of the assembly is not to represent the views of their communities or counties. Rather, it is to represent their own views. The selection criteria, as I understand it, used by Red C tried to come up with a group of people whose body of opinion would reflect where Ireland is at the moment rather than a group of people who represented the geographical distribution of population across our country. However, I will double-check the point and revert to the Deputy with an answer from the Department of the Taoiseach on the matter.

On the composition of the group of expert advisers available to the assembly, a difficulty that Ms Justice Laffoy and the organisers of the assembly may well face is that the number of people in the country who have expertise in the area is, I imagine, limited. If these people have built up expertise in the area, at some point in their professional careers they will either have been involved in the issue or had an opinion on it. Given the scale of the country, it would be difficult to establish a group of advisers who have been involved in what is a very important matter but have never expressed an opinion on it. However, I am confident that those who are being employed by the State to advise the assembly will be able to give impartial views on the

matter.

Ultimately this is an assembly which will in no way challenge the democratic workings of this House. The assembly will produce a report that will be brought before the Oireachtas to be considered by it and which may then lead to a vote by the people. Even if the Deputy's worst fears were to materialise, although I do not believe that they will, this is only one part of an entire process which, at each stage, will involve either the Oireachtas or the direct expression of the views of the people.

Deputy Mattie McGrath: I accept the Minister will revert to me on the specific issues, but I am disappointed with his reply. He stated that the Department of the Taoiseach set up this group of advisers. Last week I asked the Taoiseach if he was satisfied with this five-member group and he said he was. I have read into the record pertinent reasons demonstrating how two of them are totally unsuitable for the role.

The Minister stated that the assembly would represent where Ireland is at at the moment. I do not wish to be in any way disrespectful to the Minister, who is a Dublin-based Deputy, but, sadly, he is mistaken if he thinks disallowing 11 counties from having any representative is a fair representation of Ireland. To me, that is downright insulting. It is pedantic and silly of the Minister to say it. How could he? What about the good people of Tipperary, Kerry, the mid west and the south? These people vote and are actively involved in the political system. Do we want to turn off the tap on them? We cannot do that. I put it to the Minister that the Taoiseach has not answered the question. I have the greatest respect for Ms Justice Laffoy, who has a hard job to do, as well as those who have been selected for the assembly. However, we cannot have a flawed selection process that left 11 counties with no representation, including my county of Tipperary.

The Minister said that there are not many people in Ireland with the relevant experience and influence. How well the two of several who had experience were picked. Prominent and particularly relevant among Professor Madden's activity is-----

Acting Chairman (Deputy Eugene Murphy): Deputy-----

Deputy Mattie McGrath: -----her membership of the expert group set up by the Department of Health to study options available to comply with a ruling of the European Court of Human Rights in the A, B and C case. How lucky it was her.

Acting Chairman (Deputy Eugene Murphy): Will the Deputy listen to the Chair?

Deputy Mattie McGrath: I will, of course.

Acting Chairman (Deputy Eugene Murphy): Do not refer to people who are not in the Chamber.

Deputy Mattie McGrath: I accept that, but they are on the-----

Acting Chairman (Deputy Eugene Murphy): Please, I am only asking the Deputy to be careful. He has only a few seconds left.

Deputy Mattie McGrath: I accept that, but the Acting Chairman took up some of my time so he might allow me to get it back.

Deputy Paschal Donohoe: Very little of it.

Deputy Mattie McGrath: How come these two people with their track records could be chosen? Let us be fair. The wool is not being pulled over anyone's eyes. This five-member group cannot go ahead in this construct nor can an assembly that disallows 11 counties. I will be fair and objective with anyone and let people represent the country, but it is not possible when 11 counties are left out. There are also question marks-----

Acting Chairman (Deputy Eugene Murphy): No more questions.

Deputy Mattie McGrath: -----over the RED C polling company and how it carried this out. Did it contact enough people? Did it contact people in Tipperary and those other counties?

Deputy Paschal Donohoe: I did my best to respond to the specific matters raised by Deputy McGrath, because I felt he was due an answer on the issues he raised about the assembly. As I stated, I will now ensure that the Deputy receives a response on the specific issue raised, as opposed to the general matter of the criteria for consultation on Government-sponsored fora, which was the subject matter of this Topical Issue. There needs to be a presumption of good faith on the part of both sides of the debate.

Deputy Mattie McGrath: Have fair ground rules so.

Deputy Paschal Donohoe: With respect, I do not think it is fair to say that because the Deputy has a concern about the process it is automatically, to use the Deputy's phrase, "a flawed one".

Deputy Mattie McGrath: It is flawed.

Deputy Paschal Donohoe: My understanding is that this process was to select a group of people that would be representative of our country overall. The Deputy has raised the fair point on the exclusion of particular counties from the panel.

Deputy Mattie McGrath: Eleven of them.

Deputy Paschal Donohoe: Yes; I heard the Deputy. I will raise the matter with the Department overseeing the process and will ask it to respond directly to the Deputy on the point. As I stated earlier, I believe this process can work. The reason for a process such as this one is that we have seen how it worked on other matters.

Deputy Mattie McGrath: It is a bad combination. The Government cannot do that.

Deputy Paschal Donohoe: The Deputy comes into this House seeking a debate on the matter and I am delighted to answer his questions, but every time I give an answer that Deputy McGrath is not happy with-----

Deputy Mattie McGrath: The Minister has not answered my question.

Deputy Paschal Donohoe: -----he challenges it.

Deputy Mattie McGrath: Cá bhfuil an freagra?

Deputy Paschal Donohoe: I wanted to respond to the Deputy on the matters he has raised in a reasonable way and I have done so. I will also-----

Acting Chairman (Deputy Eugene Murphy): The Minister has given a commitment to revert to the Deputy.

Deputy Paschal Donohoe: I will ensure the Deputy receives an answer in respect of those matters on which I cannot give an answer now.

Special Educational Needs

Deputy Joan Burton: I thank the Minister for Education and Skills for attending personally to take this Topical Issue.

I was very disturbed to read in the media recently an amount of commentary that was largely headed “Diagnosis for Dollars”. It referred to a practice in the United States of various diagnostics professionals being used to identify disorders or disabilities in children so that, consequently, the children would be labelled as having limited capacity. Equally, my heart went out to the parents of children with a range of behavioural disorders. These parents often have a difficult time in dealing with a child who may need care and attention that is more than the norm for other children of the same age. In this discussion, we should be careful not to add to the hurt of parents and those working in schools where particular children may be identified as being in need of additional help at various times in their school lives. The chief executive officer of the National Council for Special Education was reported as having commented that parents with more resources could seek a private diagnosis and thereby get access to resources over and above what they might otherwise be entitled to.

The disorders that are being cited are largely behavioural or neuro-behavioural disorders. The reality is that medical science is only gradually broadening our knowledge and understanding of these disorders, how they affect the life of the child and the family, how parents can help the child and how it may impact on the child’s education, particularly in the early years.

6 o’clock

Early identification and mechanisms to assist the child may result in significantly better outcomes for him or her. Members may have heard a recent BBC Radio 4 broadcast by the well known British performer, comedian and impersonator, Rory Bremner, in which he discussed the extent to which the ADHD was misunderstood. If left undiagnosed, it can have very serious negative consequences for individuals. However, the use of modern therapies and the provision of structures to assist the child, whether at school or at home, can lead to very positive outcomes.

I ask the Minister to outline his proposals to respond to the review of special educational needs in order that the special educational needs of all children will be dealt with in the best way possible.

Minister for Education and Skills (Deputy Richard Bruton): I thank the Deputy for the considered way in which she raised this complex issue. We must deal sensitively with the genuine worries of parents about how their children’s needs will be catered for in the education system.

My Department employs approximately 12,500 resource and learning support teachers who are allocated annually to mainstream schools. This is a significant investment, one which in-

creased throughout the difficult period we endured, which is as it should be. Approximately 7,500 of these teachers are allocated annually by the National Council for Special Education, NCSE, in response to applications from schools in respect of children with diagnosed conditions, including emotional behaviour disturbance and severe emotional behaviour disturbance. The remaining posts are allocated using the general allocation model.

The Deputy raises the concern that the current model is no longer fit for purpose because it is over-reliant on diagnosis. This was the view adopted by one of my predecessors in the Department, the former Minister, Ruairi Quinn, who requested that the NCSE review the model. The review which has been published found a number of defects in the current model, including the danger that diagnosis is occurring simply for resource allocation purposes. The Deputy alluded to this danger. Other defects identified include the long delay in some cases in accessing diagnostic assessments and differences in accessing resources, which mean that people who have much money can access assessments.

For these reasons, the NCSE recommended changes in the current model. We have acted on this advice and taken steps to address the concerns raised about the current model by developing a new model for allocating teaching supports. Once implemented, this model will remove the need for a diagnosis of disability to ground the allocation of resources and will focus primarily on the educational needs of the relevant cohort of children.

As the Deputy will be aware, we have piloted the new model in 47 schools. In the budget funding was provided to roll out the model nationwide, starting in September 2017. I am optimistic that this change will provide assurance for parents who have been unable to access the diagnostic route that their child will be identified early and have his or her educational needs assessed and that the assignment of resources to schools will be based on educational needs. The allocation will be provided across the school and reflect a more holistic approach to the needs of children. This will mean that children will not have labels attached to them that may not be necessary and are certainly not perfectly connected to the educational needs we are trying to address.

Deputy Joan Burton: The Minister has provided a little clarification. When I was first elected to the Dáil at the end of 1992, I was invited to visit a centre in my constituency which had many children with different levels of intellectual disability who ranged in age from young primary school children to children aged approximately 14 years. In those days many children with intellectual disabilities were grouped together and, as the Minister may recall, experts vigorously disagreed on whether, apart from full-blown cases of the condition, autism was a real diagnosis.

The Minister must be exceptionally careful when it comes to behavioural disorders. All children go through phases of development, strength, growth and difficulty. Where parents experience consistent difficulties with a child, despite their best efforts and good advice from family and friends, it is understandable they may seek a degree of expert advice on how best to influence their child's development and growth in a positive way. We should not lose sight of this.

Dealing with these conditions in school is also a developmental issue. I outlined an experience I had had in 1992, when there was little opportunity to get a proper diagnosis for children on the autism spectrum. The position has obviously changed.

Acting Chairman (Deputy Eugene Murphy): The Deputy must be brief. She is way over time.

Deputy Joan Burton: As Minister for Social Protection in the previous Government, I had a close connection with this issue in that many parents applied for the domiciliary care allowance. The test in dealing with such applications was to ascertain the level of care and attention their child required over and above the normal level of good quality care and attention required. I strongly recommend that the Department of Education and Skills keep this in mind when implementing the changes to which the Minister referred.

Deputy Richard Bruton: I assure the Deputy that there will be no sense in which the value of expert assistance or referrals will be downgraded. These factors will continue to be valued in the assessment. However, we will remove the requirement to have a diagnosis carried out to identify that a child has an educational need and in calculating what that need will be. We will ensure each child is supported. The current system which dates from 1993 takes a rigid input and output approach, with a diagnosis on one side and resources on the other. It does not focus specifically on educational needs and takes a very limited approach. The new model will focus much more on educational need and how schools can best cope with it. Parents will not be advised against obtaining referrals and referrals will be examined. However, they will not be the primary or only basis on which to deal with a child with a special need. While we will remove the requirement to have an assessment made, this should not prevent parents, the National Educational Psychological Service or another entity from taking the view that an assessment would help in an individual case.

Industrial Disputes

Deputy John Curran: I sought to raise this issue with the Minister a number of weeks ago. However, such is the nature of the Topical Issues debate that it has taken some time for it to come up for discussion in the House. I did not remove the matter from the agenda because, having corresponded with the Minister and the Department and spoken to those who raised it with me, I noted a level of dissatisfaction with the manner in which the individuals in question were being treated. One could argue that if they wanted to have a collective voice, they should join a trade union. However, some of them made a conscientious decision not to join a trade union and were happy not to be union members. Their concern is the manner in which they are treated by the Department.

While I am not going to identify a particular school, I want to look at one particular person. The manner in which he has related his story to me clearly outlines the nature of the issue. He is a teacher in a designated community college under the auspices of the Dublin and Dún Laoghaire Education and Training Board. The board is his employer and, in accordance with the Education and Training Boards Act 2013, comes under the auspices of the Department. The school in which the gentleman in question works was founded in 1984 by a then VEC as a designated community college on a greenfield site. Since its inception, teachers at the school who have sought to join a trade union have been represented only by the Teachers Union of Ireland, TUI. In the school's history there has never been a teacher who has been represented by the Association of Secondary Teachers of Ireland, ASTI. This, apparently, is quite common in designated community colleges, even though the ASTI has negotiating rights in such colleges. In non-designated community colleges, only the TUI has negotiating rights.

The TUI has agreed to accept the Lansdowne Road public service agreement, but the ASTI has chosen to reject it. As a result, according to the Department, teachers who are members of the ASTI are subject to the financial emergency measures in the public interest, FEMPI, legislation. However, in order to apply FEMPI legislation penalties to ASTI members, the Department must be able to distinguish between them and other teachers. Even though it has the information on which teachers are members of the ASTI for payroll purposes to enable union dues to be deducted at source, under data protection legislation, it cannot use this information to identify members of the ASTI for the purpose of applying the FEMPI legislation. Accordingly, it has taken another route. It has decided to ask teachers who are members of the TUI to identify themselves to it or the education and training boards, whichever is relevant to the type of school involved, in order that the benefits of the Lansdowne Road agreement can be applied to them because the TUI has accepted the agreement. Accordingly, any teacher who does not indicate he or she is a member of the TUI will be, according to the Department, treated as not subscribing to the terms and conditions of the Lansdowne Road agreement and will, therefore, face the penalties of the FEMPI legislation. However, currently there are teachers in designated community colleges who are not and never have been members of any trade union. By the measure being taken by the Department, teachers who are not members of a trade union and, therefore, cannot indicate that they are members of the TUI will now face penalties under the FEMPI legislation. In other words, teachers in designated community colleges who conscientiously and continuously chose not to join a trade union will be subject to financial penalties as a result. That is the crux of the problem.

In the particular school every teacher is a member of the TUI, bar a handful who are non-union members who are not being afforded the opportunity because of the manner set out by the Department in Circular 0045/2016 which the Minister has indicated to me in correspondence. No matter how I look at this, there is an inequity and unfairness. Those who have chosen not to join any union are prepared to carry out all duties expected of them, but they do not have an opportunity to express this view to the Department.

Deputy Richard Bruton: I understand the Deputy's frustration. However, one must go back to how collective agreements are put together. It is the norm in industrial relations practice in the public service that the decision of the trade union recognised as holding representative rights for a particular grade or sector will determine the position for all relevant staff in that grade or sector. This context does not allow for acceptance or rejection of collective agreements by staff on an individual basis. There are sound reasons for this approach. The Lansdowne Road agreement is a collective agreement between the Government and the public services committee of the Irish Congress of Trade Unions and applies to members of affiliate unions. Allowing for acceptance or rejection of collective agreements by staff on an individual basis would not be consistent with the collective approach taken to public service pay agreements to date. In addition, it could also give rise to issues in the negotiation of change and industrial relations agreements on an individual basis with every public servant. It would also give rise to the converse question of whether individual union members would be allowed to opt out of agreements reached by their union.

To explain this in layman's terms, essentially the way the system works is that schools are defined in different sectors. In the schools described by the Deputy there are mixed schools in which both the ASTI and the TUI have negotiating rights. The FEMPI legislation provides that the benefits of a collective agreement will apply to those who have signed up to it. In this instance, the ASTI took action to take itself outside the agreement by not working to the 33-hour

measure. The FEMPI legislation provides that the TUI members who are party to a collective agreement will receive the benefits of it. Those in sectors in which there are joint negotiating rights do not receive such benefits.

In the instance described by the Deputy the ASTI does not have a member in the school. If it did, using the Deputy's logic, we would be changing the rule because of the ASTI suddenly having a member and would have to apply different rules. Another way of looking at it is that if one is in a dispute and rewards are going to people who are not party to it, one could be accused of encouraging people to leave unions to gain the benefits of agreements negotiated by others to which they were not party. There is a long-standing approach to this issue. As it is an element of industrial relations, this approach is part of the way in which one has to deal fairly with those who enter in good faith into collective agreements to negotiate on behalf of their members.

That is the best explanation I can offer. It makes absolute sense in managing industrial relations in a stable environment to work in this way.

Deputy John Curran: The Minister has not given me a definitive position on how those teachers who are non-union members can go about exercising their rights. There is clearly a pathway for those in the TUI to identify themselves to the Department. The problem is that there is dual recognition of unions in the particular school. The assumption, therefore, is that non-union members are receiving the ASTI treatment in the sense that there is no procedure for them which is facilitated by the circular. That is the crux of the problem. Those teachers who are non-union members have worked the 33 hours and are doing everything their TUI colleagues are doing. The reason I chose this specific school is there are no ASTI members in it. Every teacher in the school is a member of the TUI, apart from a handful of individuals. They are not in dispute, but they have no method by which to advance their case. The Department's circular does not facilitate them in making a claim. They are prepared to do the work, but they are being discriminated against because of the default position taken in the circular. That is the crux of the problem. How will they represent themselves to the Department? How will they gain from the benefits TUI members have received, given that they are doing exactly the same work? I cannot see equality in the system. I acknowledge that from an industrial relations point of view, it is complex. However, I have not seen a clear opportunity for these individuals to advance their individual cases.

Deputy Richard Bruton: People join trade unions to negotiate collective agreements. In this instance, a union, the TUI, entered into negotiations with the Government and reached an agreement. As a result, benefits have followed. Another union chose not to enter into such negotiations and withdrew from various commitments. It does not have the benefit of the collective agreements. Those who have not made a decision to be party to collective agreements-----

Deputy John Curran: They have not made the decision not to be either.

Deputy Richard Bruton: There is freedom of association and people have a perfect right not to join a trade union. If the TUI negotiates a deal for its members, it is a collective agreement with that union. In this instance, we would be quite happy to negotiate what we have agreed with the TUI with others, but we are in circumstances in which we have not reached such an agreement and I hope we can reach agreement. Those who have not been party to the negotiations organised by the TUI which resulted in benefits do not have access to those benefits. The only way we can do this is on a sectoral basis. If those concerned were in a union in which the TUI had exclusive negotiating rights, it would not arise, but they are in the sector in

which there are two trade unions that have negotiating rights recognised. We can confer benefits only on those who have entered into the collective agreements. If we were to do otherwise and try to foster non-membership, we could be accused of trying to break unions. That would be hostile to the collective approach the Minister for Public Expenditure and Reform, Deputy Paschal Donohoe, and others have articulated as the one we want to use to resolve issues. Not using it would undermine the value of an agreement such as the Lansdowne Road agreement, whereby people would have a more *à la carte* view of it. That is the reasoning. I can understand the Deputy's frustration because it took me a long time to gain an understanding of why circumstances are as they are. I can understand why and have to admit, having gained that understanding, that I cannot offer to change it. It is integral to the way in which we negotiate collectively with public service unions.

Waste Management

Deputy John Brady: Last Friday evening an email was circulated by the chief executive officer of Wicklow County Council to county councillors and the five Deputies for County Wicklow informing them of a decision that had already been made and signed off on. It will mean that the waste intake at the Ballynagran landfill site in County Wicklow will be increased to 190,000 tonnes. That represents an additional 40,000 tonnes above the maximum allowed under the planning conditions set out in the Environmental Protection Agency, EPA, waste licence. The EPA has agreed to this change and I am sure the Minister signed off on it also. The EPA has granted technical amendments to the licence for the Ballynagran landfill site. This has come about because the landfill site at Drehid, County Kildare has exceeded its annual EPA licence capacity. Clearly, this emergency was seen coming, but there was a failure to put in place any plan to deal with it. County Wicklow will now become the dumping ground of the State because of this failure. Was the Minister aware of the emergency arising in County Kildare? If so, when exactly was he made aware of it? Who contacted him and when was he first contacted?

We know that the Ballynagran landfill site is already rated by the EPA as the worst dump in the State. Is the Minister aware of this fact? In 2013 the EPA received over 140 official complaints about the Ballynagran landfill site, the highest number of complaints associated with any landfill site in the State at that stage. In total, there were 500. This year a substantial number of official complaints have been lodged with the EPA. A community liaison committee was established under a planning condition such was the concern and opposition to the dump when it was first planned a number of years ago. That committee was not consulted during the decision-making process. In fact, there was no consultation whatsoever with the community or elected representatives. This decision has been railroaded through with no consultation whatsoever. Is the Minister aware of the ongoing concerns surrounding the Ballynagran landfill site and the additional intake of 40,000 tonnes?

I drove to the site yesterday evening and noted in driving by that the smell was totally unbearable. At this time of the year, winter, one can imagine what it is like for locals living there 365 days a year. Is the Minister aware that a family have been forced out of their own home because of the odours? They were forced out of their home last December and have been unable to return to it for nearly a full year. Is the Minister aware of the potential legal cases and the legal cases that have been filed against the Ballynagran landfill site? Owing to the sheer lack of planning and absolute incompetence, emergency legislation was rammed through over the heads of the community, in the process ignoring their legitimate concerns. That was totally

wrong and avoidable.

In its correspondence Wicklow County Council seems to be reliant on the view that the Poolbeg site will potentially open at some point next year. However, this gives little or no comfort to the locals living in the vicinity of the Ballynagran landfill site. These are serious questions and I urge the Minister to answer them for the people of County Wicklow, particularly those who must live in Ballynagran daily, even without the additional 40,000 tonnes of waste that will be taken into the landfill site.

Minister for Communications, Climate Action and Environment (Deputy Denis Naughten): I thank the Deputy for raising this issue with me.

Waste management planning is the responsibility of local authorities under Part II of the Waste Management Act 1996. I am precluded under section 60(3) of that Act from the exercise of any power or control in the performance by a local authority in particular circumstances of a statutory function vested in it under the Act. To answer the Deputy's question, I did not sign off on anything.

The big issue is that of waste capacity nationally. Waste capacity developments, including any potential pinch point and the coming on stream of additional capacity, are kept under constant review by the three regional waste management planning offices in consultation with the industry, waste regulatory bodies and my Department. On 11 November 2016 the three waste management planning offices circulated a communication to all local authorities advising of a serious and urgent problem with regard to waste operators' lack of access to outlets for the disposal of residual and related waste in the period up to 31 December 2016. The shortfall in the availability of municipal residual waste disposal and treatment capacity is due to a number of issues, including the recent closure to all third parties of the largest landfill site in the country, at Drehid, County Kildare. The shortfall in capacity at the end of this year can be attributed to a very significant reduction in the amount of waste exported in 2016 compared to previous years. In the course of the last week there have been extensive discussions between the various regulatory authorities in seeking solutions to address the difficulties. Such discussions have included the Environmental Protection Agency, the County and City Management Association, the regional waste management planning offices and the local authorities.

To prevent or limit potential environmental pollution, Meath and Wicklow County councils have activated the available landfill site capacity at Knockharley and Ballynagran under section 56 of the Waste Management Act 1996. Dublin City Council, as lead authority for the eastern and midlands regional waste management planning office, has also invoked this legislative provision which gives a local authority broad powers to take measures in order to prevent or limit environmental pollution. The Environmental Protection Agency, on foot of applications received, granted technical amendments to the licences for both facilities which provide for the additional intake of waste between now and year end. These actions were necessitated by a serious and urgent scenario that was unfolding. It was, however, a temporary measure, as other waste facilities will become available at the start of January and later in 2017.

My primary concern was to avoid circumstances where waste went uncollected, given the associated public health and environmental risks. Throughout this process I have been kept fully apprised of the discussions and decisions of the relevant regulatory authorities.

Deputy John Brady: I thank the Minister for reading that, but it did not answer even one

of my questions. There are legitimate concerns. I outlined the number of official complaints made to the EPA. The Minister stated he did not sign off on this, but I asked him whether he was aware of the pending emergency. Will he consider the matter? The volume of concerns facing the people of County Wicklow is significant. Will the Minister intervene? A family have been forced out of their home and unable to return for more than a year. There are pending legal cases because of the difficulties at Ballynagran. There was a fire at the site in 2015. In correspondence, the CEO stated it was understood that the Drehid landfill site would be in a position to resume accepting waste from 1 January. However, there is no guarantee that the landfill site will be available come 1 January. Some 190,000 tonnes of waste are going into the landfill site.

There are major concerns. I asked the Minister a specific question, namely, whether he had been made aware of the pending emergency. Will he intervene? It is not good enough that County Wicklow is expected to deal with an emergency that has been flagged for months. This e-mail was sent out at 4.30 p.m., 4.45 p.m. or whatever time on a Friday and no public representatives were consulted, least of all the liaison committee that was put in place as part of the planning process. This issue has been foisted on an entire county. What has the Minister done? Is he abdicating his responsibility? If not, he should intervene personally. County Wicklow cannot become a dumping ground because of the State's failure to deal with this so-called emergency. That would be unacceptable.

Deputy Denis Naughten: The main part of Ireland's problem is that we have insufficient landfill sites to meet our needs. The Poolbeg incinerator that will come on stream next year will help to alleviate that problem. We must also encourage people to reduce the amount of waste that they produce and segregate waste-----

Deputy John Brady: Deal with this issue, please.

Deputy Denis Naughten: -----in order that less waste will go into landfill sites.

There has been a series of crises with landfill site capacity during my term as Minister as well as during the terms of Deputies Simon Coveney and Alan Kelly. We have been working on the relevant issues with the three waste management planning offices in order to address the crises as they have arisen. That is part of the problem.

Concerning the Deputy's question, the Drehid landfill site will open on 1 January and will take waste from that time. There is no issue in that regard. It will have a licensed capacity of 360,000 tonnes in 2017. A landfill site in New Inn in County Galway that had gone into receivership-----

Deputy John Brady: What about the concerns of the-----

Deputy Denis Naughten: -----will become fully operational next year and the Poolbeg incinerator will come on stream next year.

Deputy John Brady: What about the immediate problem? There was no consultation.

Deputy Denis Naughten: There is an ongoing problem in trying to manage a difficult issue. Legally, I cannot intervene. I am precluded from doing so under the law. However, I have taken note of the Deputy's points and will follow up on them.

Finance Bill 2016: Order for Report Stage

Minister of State at the Department of Finance (Deputy Eoghan Murphy): I move: “That Report Stage be taken now.”

Question put and agreed to.

Finance Bill 2016: Report Stage

Deputy Paul Murphy: I move amendment No. 1:

In page 5, between lines 14 and 15, to insert the following:

“CHAPTER 2

A Millionaire’s Tax on Wealth

Study on Introduction of a Millionaire’s Tax on Wealth

2. The Minister for Finance is to order a study to be carried out on introducing a millionaire’s tax on net assets exceeding €1 million and is to report to the Dáil within six months of the enactment of this Act on the findings of the study.”.

A core demand of the AAA-PBP and a key part of our budget statement is the idea of a millionaire’s tax. This is a tax on net assets worth in excess of €1 million. Based on our figures, which come from the Central Bank’s report on total wealth and the CSO report, we estimate that a 2% millionaire’s tax could raise €2.92 billion. This is more than enough to fund full public pay restoration and pay equality for all. The Minister of State may have a problem with our figures, and that is fine, because that is the point in calling for a study.

The rich got substantially richer during the crisis. The bottom 50% of people control less than 5% of total wealth in the economy and the amount of wealth held by the top 10% has increased substantially. We are proposing a study on introducing a proper wealth tax on the top 5% of the population, those with net assets exceeding €1 million in value. That the Government would even oppose such a study illustrates how it represents the richest in our society and is not interested in taxing the massive wealth created.

Deputy Pearse Doherty: I support the amendment. I hope to hear from the Department tomorrow on the tax policy conference, the data for wealth concentration that we were told would be presented there and how that process could take us closer to considering a comprehensive wealth tax on net assets worth more than €1 million, which is a proposal that Sinn Féin outlined in a Bill that I published a number of years ago. It had certain exclusions and differs from Deputy Paul Murphy’s broader suggestion.

Given the fact that some data will be presented tomorrow at the tax policy conference, having a report in six months’ time is a reasonable request. It would allow us to have a debate based on available factual data. In his usual way, the Minister for Finance, Deputy Michael Noonan, made remarks on Committee Stage nearly a fortnight ago to the effect that we had somehow dropped the wealth tax. In every alternative budget that I have proposed, we have argued that the Government should introduce a net wealth tax. Not only have we done so, but we have

published the legislation that would allow for it.

One area I will not go into in terms of the Government-Opposition argument every year is what we can achieve and how much money we can bring in from such a wealth tax. That is the type of data we need tomorrow to inform us about where wealth is concentrated and if we were to apply a wealth tax what suggestions or estimates the Department would have on a particular type of wealth tax. I acknowledge that wealth tax is like income tax. It all depends on what rates are involved and what exclusions apply. There are many models. One has been proposed by the Irish Congress of Trade Unions and others by other think tanks. We in Sinn Féin have put our idea into black and white in the form of proposed legislation. That was in order to spark a debate, but there is a need for it to go to another level in terms of a report by the Department, and in my view for it to do so within a six-month timeframe is a reasonable request.

Deputy Michael McGrath: From my party's point of view, if the Finance Bill were to be amended to make provision for such a report to be prepared it would send a very negative and indeed damaging signal in terms of investment in Ireland. It must be stated we have already very high capital tax rates in Ireland of 33% on capital gains tax and capital acquisitions tax. We have relatively high income tax rates in this country and we have a local property tax also. We must bear in mind the mobility that now exists in regard to investment and assets and while I am sure the intention of the amendment is to look at persons who are tax resident in Ireland and examine, irrespective of where their assets are located, how they would fall within the net of this wealth tax, from my point of view it is very much about having an environment in Ireland that is pro-investment.

Many of the people who are fortunate enough to be millionaires in net terms are the very same people who choose Ireland as the place to invest. They are the employers in many cases and they run very successful businesses, which is to be commended. Everyone should pay their fair share of tax, but to have a tax which in itself is designed to deliberately target net assets which have already been taxed through income tax and capital gains tax would not send out the right signal for Ireland and for that reason we oppose the amendment.

Minister of State at the Department of Finance (Deputy Eoghan Murphy): I thank the Deputies. The Government has no plans to introduce a wealth tax, although all taxes and potential taxation options are, of course, constantly reviewed.

Wealth can be taxed in a variety of ways, some of which are already in place in Ireland. Capital gains tax, CGT, and capital acquisitions tax, CAT, are, in effect, taxes on wealth, as they are levied on an individual or company on the disposal of an asset in the case of CGT, or the acquisition of an asset through gift or inheritance, in the case of CAT. Deposit interest retention tax, DIRT, with similar taxes on the income from financial investments is charged at 41%, with some limited exemptions. It is intended to reduce the level of DIRT to 33% over a four-year period in this Finance Bill. There is a stamp duty levy on the transfer of shares which yielded €424 million in 2015. The local property tax, which was introduced in 2013, is a tax based on the market value of residential properties. The domicile levy introduced in budget 2010 also constitutes a form of wealth tax. It is aimed at high wealth individuals with a substantial connection to Ireland, whether they are tax resident or not, to ensure they make a tax contribution to this country in a year of at least €200,000. In 2014, a total of 12 individuals paid the levy yielding €1,986,858.

Comprehensive data for household wealth in Ireland, including assets and liabilities, were

published for the first time in 2015 by the CSO. These data have been collected across the entire eurozone according to a standardised methodology. These data indicate that wealth inequality in Ireland for 2013, as measured by the Gini coefficient, is lower than the eurozone average. The results also show that wealth is less concentrated at the top of the distribution here than the eurozone average. Central Bank analysis of the data also indicates that while wealth inequality has increased since 2011, it is actually lower than in 2006, the earliest period for which data are available. It should be noted that the data gathered by the CSO as part of the household finance and consumption survey, HFCS, were not collected for the purposes of calculating the potential yield from a wealth tax, but to collect general information on the financial situation and behaviour of households.

As part of the joint research programme agreed between my Department and the Economic and Social Research Institute, ESRI, covering macroeconomic and taxation issues, a research project involving detailed analysis of household wealth distribution and taxation has been undertaken. This research project, based on the HFCS published by the CSO, is nearing completion and the results are to be presented at the annual tax policy conference hosted by my Department, to which Deputy Pearse Doherty alluded. This year's conference is being held in Dublin Castle tomorrow, 23 November. I expect that all interested parties will attend this conference and engage in the debate.

The Department of Finance will monitor and consider any additional information and data that come to light and will continue to examine potential taxation sources on an ongoing basis. There is no doubt in my mind that there would be significant difficulties in determining the base, the types of assets to be included, the potential yield and more importantly broad acceptance for such a tax from the wider public. As the Deputies will appreciate, it is easy to propose the introduction of new taxes but it is often more difficult to achieve wider acceptance for the introduction and operation of such taxes.

Given that research on wealth tax is being carried out by my Department and the ESRI, I do not consider that it is necessary or appropriate to have another parallel stream of work as suggested by the Deputies in terms of the preparation of an additional report. Therefore I do not propose to accept this amendment.

Deputy Paul Murphy: Deputy Michael McGrath summed it up in terms of the approach of the Government - Fianna Fáil and Fine Gael - by saying we want to have an environment that is pro-investment and that it would send the wrong signals to even have a study about a millionaire's tax. In effect, what is contained in that statement is the core strategy of the establishment political parties in this country economically, which is about a strategy of being "pro-investment" and providing a corporate tax haven. The problem is that even since this Finance Bill debate has started, the prospects for that strategy have worsened dramatically. They had worsened already because of Brexit, which lessens the space for the Government to have such an approach inside the European Union, as it creates competition from Britain which is already clear and then there was the victory of Mr. Trump. What is going to happen with Mr. Trump and Apple, the repatriation of companies and everything else? That model is finished whether one chooses to accept it.

The reason the Government does not want to carry out a study and to provide more figures on this is it would be devastating. Let us look at the figures from the Central Bank and the CSO so far. They indicate that in the top 5%, 90,000 households have a collective net wealth of €236 billion. If one takes €1 million per household off to make it a net figure, one still has

€146 billion in net assets exceeding €1 million held by the top 5%. That is an enormous amount of wealth held by a very small section of the population. The question is whether that wealth could be put to better use in the interests of society and the economy as a whole and create an environment that is absolutely pro-investment but a core factor of that is the question of public investment. There is more than enough money there to give full pay restoration to public sector workers and to eliminate the shocking pay inequality that is still evident.

Deputy Pearse Doherty: We are not going to see eye to eye on this issue but investors know that if we put this measure into the Finance Bill it will not scare the horses. They know the political make-up of this Dáil. They know that Fianna Fáil will protect the wealthy at all costs, and indeed their partners in government will do the same. Therefore, as long as the two main parties carve up power in the State it is unlikely that we will see a wealth tax, which was applied here previously. There was one in the early 1970s and it was abolished due to the cost of collection. It was a time when people did not make payments by electronic means and it was not possible to gather information in the way it is today.

There are wealth taxes in other jurisdictions. There are different ways to introduce and structure a wealth tax. From my point of view a wealth tax should do two things. First, it should either bring in additional revenue to the State or, second, it should lead to behavioural changes within the State. That is why in our legislation we had excluded investment in private trading companies and business assets that led to employment generation from the calculation of the wealth tax. I agree with Deputy Michael McGrath that if people who have wealth invest it into businesses in this State then of course they should not be taxed again. What we want to do is make sure the wealth is being used for productive means, and if it is not, it should be taxed for the benefit of individuals within the State. Therefore, a tax can do two things. It can collect revenue or lead to behavioural change. If a wealth tax did not bring in anything but made sure non-active wealth in the State was channelled into enterprise, business and investment in the State that would be a win in itself. That is the type of model we have outlined in our explanatory note and the legislation we published a number of years ago.

Deputy Michael McGrath: I reject the slur Deputy Pearse Doherty threw across the floor about our motivation and that we are there to protect the wealthy at all costs. I remind the Deputy and his colleagues in Sinn Féin that far more ordinary people vote for Fianna Fáil than for his party. That is the reality. We, as a party, represent all sections of society. If one looks at the opinion poll data, which has been quite consistent, we are the party with the best spread of representation in terms of support across the social strata. That is not the case for no reason. It is because people see that we stand for a fair and decent society but we regard ourselves as being a party that is pro-enterprise and that wants to create an environment where investment is facilitated, supported and rewarded.

We can have the over-and-back all we want but on the substance of it, to my way of thinking, the net wealth that is there in Ireland is already net of tax. Income is taxed, income in respect of investments is taxed and assets are generally built up through after-tax income; therefore, to come forward with another tax which is fundamentally about taxing assets that have been generated through after-tax income is not fair and does not send out the right signal. I reiterate our position on it.

Deputy Eoghan Murphy: There are already a number of taxes on sources of wealth, as I outlined in my initial contribution. If we did not have an environment that was pro-investment, people would not invest. That is how the Government plays its role in trying to create jobs for

our citizens. In response to Deputy Paul Murphy, Ireland is not a tax haven. Nobody knows the future but it is precisely because of the uncertainty we have at the moment that we do what we can to protect the investments that are here and to encourage future investments. I reiterate that work has already been done in this general area and a conference tomorrow will speak to that. I encourage Deputies to attend.

Deputy Paul Murphy: I restate that we are only looking for a study. I agree with the point made by Deputy Pearse Doherty. If Fianna Fáil was to change its mind and we were to pass this amendment so that there was a study on this, I do not think there would be a run on the banks tomorrow morning. It gets to the heart of the difference in politics in this country. There are those who are happy to load austerity taxes on working people, one of them being the so-called property tax or family home tax. This tax was dressed up and the left was told: “There you go, there’s a wealth tax but sure you are opposed to it.” When we come with a proposal for an actual wealth, a wealth tax on millionaires, there is not even acceptance of the idea of a study of it.

There are wealth taxes in Europe; therefore, it is not as outlandish as the Minister of State and Fianna Fáil would like to suggest. It is the idea that at a time when workers are still suffering from austerity, etc., those who have the most should be taxed in terms of the massive wealth that has accumulated over the course of the crisis. In respect of Ireland being a tax haven, the mantra is that we are definitely not a tax haven but I re-emphasise the point, which will be a theme throughout this debate, that the walls are closing in on that strategy. Another example is what happened in Hungary over the weekend. I think Hungary is talking about going for a 9% corporation tax rate. Obviously, that relates to discussions we will have about corporation tax but it illustrates the point that the fortunate set of circumstances for the establishment in this country that led to the Celtic tiger are now ending and the opposite will be the case in terms of a difficult international scenario. It points precisely to the need for a fundamentally different model - a socialist industrial policy. Part of that is a serious approach to progressive taxation of wealth, profits and high incomes and using them to transform the economy in a socialist and green direction.

7 o’clock

Amendment put:

The Dáil divided: Tá, 26; Staon, 0; Níl, 91.		
Tá	Staon	Níl
Barry, Mick.		Aylward, Bobby.
Broughan, Thomas P.		Bailey, Maria.
Burton, Joan.		Barrett, Seán.
Collins, Joan.		Brassil, John.
Cullinane, David.		Breen, Pat.
Daly, Clare.		Brophy, Colm.
Doherty, Pearse.		Browne, James.
Ellis, Dessie.		Bruton, Richard.
Healy, Seamus.		Burke, Peter.
Kelly, Alan.		Butler, Mary.
Kenny, Gino.		Byrne, Catherine.
Mitchell, Denise.		Byrne, Thomas.

The Dáil divided: Tá, 26; Staon, 0; Níl, 91.		
Tá	Staon	Níl
Munster, Imelda.		Cahill, Jackie.
Murphy, Paul.		Canney, Seán.
Ó Broin, Eoin.		Cannon, Ciarán.
Ó Laoghaire, Donnchadh.		Carey, Joe.
Ó Snodaigh, Aengus.		Casey, Pat.
O'Brien, Jonathan.		Cassells, Shane.
O'Sullivan, Jan.		Chambers, Jack.
O'Sullivan, Maureen.		Chambers, Lisa.
Pringle, Thomas.		Collins, Michael.
Ryan, Eamon.		Collins, Niall.
Sherlock, Sean.		Corcoran Kennedy, Marcella.
Smith, Bríd.		Coveney, Simon.
Stanley, Brian.		Cowen, Barry.
Wallace, Mick.		Creed, Michael.
		Curran, John.
		D'Arcy, Michael.
		Daly, Jim.
		Deasy, John.
		Deering, Pat.
		Doherty, Regina.
		Donnelly, Stephen S.
		Donohoe, Paschal.
		Dooley, Timmy.
		Doyle, Andrew.
		Durkan, Bernard J.
		English, Damien.
		Farrell, Alan.
		Fitzgerald, Frances.
		Fitzpatrick, Peter.
		Fleming, Sean.
		Griffin, Brendan.
		Halligan, John.
		Harris, Simon.
		Haughey, Seán.
		Heydon, Martin.
		Humphreys, Heather.
		Kelleher, Billy.
		Kenny, Enda.
		Kyne, Seán.

Dáil Éireann

The Dáil divided: Tá, 26; Staon, 0; Níl, 91.		
Tá	Staon	Níl
		Lahart, John.
		Lawless, James.
		Lowry, Michael.
		MacSharry, Marc.
		McConalogue, Charlie.
		McEntee, Helen.
		McGrath, Finian.
		McGrath, Mattie.
		McGrath, Michael.
		McHugh, Joe.
		McLoughlin, Tony.
		Madigan, Josepha.
		Martin, Micheál.
		Mitchell O'Connor, Mary.
		Moran, Kevin Boxer.
		Moynihan, Aindrias.
		Moynihan, Michael.
		Murphy O'Mahony, Margaret.
		Murphy, Eoghan.
		Murphy, Eugene.
		Naughten, Denis.
		Naughton, Hildegarde.
		Neville, Tom.
		Noonan, Michael.
		O'Callaghan, Jim.
		O'Connell, Kate.
		O'Donovan, Patrick.
		O'Dowd, Fergus.
		O'Keefe, Kevin.
		O'Rourke, Frank.
		Phelan, John Paul.
		Rabbitte, Anne.
		Ring, Michael.
		Rock, Noel.
		Ross, Shane.
		Smith, Brendan.
		Stanton, David.
		Troy, Robert.
		Varadkar, Leo.

The Dáil divided: Tá, 26; Staon, 0; Níl, 91.		
Tá	Staon	Níl
		Zappone, Katherine.

Tellers: Tá, Deputies Paul Murphy and Mick Barry; Níl, Deputies Regina Doherty and Tony McLoughlin.

Amendment declared lost.

Deputy Paul Murphy: I move amendment No. 2:

In page 5, between lines 16 and 17, to insert the following:

“2. The Minister for Finance is to order a study to be carried out into the impact of USC on ensuring a socially just distribution of income and is to report to the Dáil within six months of the enactment of this Act on the findings of the study.”.

It has been put about that the universal social charge, USC, is a progressive tax and that those on the left should be in favour of the USC charge. The purpose of this amendment is for a study to see the facts of this. In reality, for us the USC is a tax hated by many workers who see it, correctly, as something that was introduced in the context of the crisis and the bank bailout. We oppose the USC, are for the abolition of the USC and want to replace it with a new high income social charge which would apply the current marginal rates of USC on income over €90,000 which, according to the Minister for Finance, Deputy Michael Noonan, would raise €750 million, together with the introduction of new higher marginal rates of income tax on income over €100,000 with a number of bands - €100,000 to €140,000 at 50%, €140,000 to €180,000 at 55%, €180,000 to €250,000 at 60% and €250,000 plus at 65%. This would be a progressive tax system which we believe would mean taking the vast majority of workers completely out of the USC. We request a study of the impact of USC on the distribution of income.

Minister for Finance (Deputy Michael Noonan): Deputies will be aware that this amendment was put forward on Committee Stage and, while it was not discussed, relevant points were touched on in relation to the discussions we had around the USC. The Deputies’ request refers to a report specifically relating to the impact of the USC on a socially just income distribution. However, an analysis of the impact of one taxation measure in isolation would be misleading. The taxation and welfare systems work in tandem to redistribute income between individuals in society and it is, therefore, appropriate to consider the system as a whole, rather than on an item-by-item basis. It is unclear from the text of the amendment proposed by the Deputies what specifically the term “socially just distribution of income” would encompass. The Deputies will be aware of the term Gini coefficient, which is the most commonly used summary measure of income inequality. It is a measure of the distribution of income, ranging from zero, which represents a situation where all households have an equal income, to 1, where one household has all national income. A common method of analysing the distributional impact of taxation measures is to compare the change in Gini coefficient between market incomes and disposable incomes, being, respectively, income before and after the redistribution of income through the taxation and social welfare systems.

The latest data from the OECD for 2013 shows that Ireland had the largest absolute reduction in the Gini coefficient between market and disposable income for the OECD countries for which data are available. A reduction in the Gini coefficient means that the distribution

of income has become more equal. The Irish tax and welfare systems combined reduced the initial market Gini coefficient from 0.58 to a disposable income Gini of 0.31. The report also shows that more than one quarter of the reduction was attributable to the tax system, a proportion exceeded in only seven other OECD countries. The data also indicate that the absolute reduction in Ireland's Gini coefficient due to the welfare system was the largest in the OECD. It shows that, compared to other countries, the Irish tax system is strongly progressive and that the tax and welfare systems combined contribute substantially to the redistribution of income and to the reduction of income inequality. When looked at over a slightly longer time period and taking a more limited sample of countries for which data are available, it is evident that Ireland's tax system has consistently reduced the Gini coefficient, meaning that it has increased the equality of income distribution to a greater extent than is the case with tax systems in other OECD countries. Of interest is the finding that, both for Ireland and the OECD as a whole, the absolute contribution of the tax system to reducing market income inequality has been increasing since 2004.

With regard to reports, the Deputies will be aware that my Department has published a large volume of material this year, including the income tax reform plan which provided detailed information on the distribution of the USC, with an analysis of many other aspects of the income tax system. Taking these factors into account, I am not minded to expend resources on the production of the report requested by Deputies Paul Murphy and Richard Boyd Barrett and, therefore, I cannot accept the proposed amendment.

Deputy Joan Burton: The Labour Party has proposed a standing commission on taxation. Many of the amendments to the Finance Bill 2016 recommend various studies. I am sure the Minister is aware that the reason for these proposed amendments is that it is extremely difficult to get information on a regular basis from the Department of Finance with regard to the different elements of the tax system, some of which are very complex and others on which the data may have been collected some years in arrears. Having information on the tax system is critically important particularly at a time when Ireland is facing so many challenges from Brexit and from a new political leadership in the United States of America. We would serve ourselves well to have a standing tax commission. In many ways frustration is the reason that the Minister is facing so many proposals for studies. As the Minister knows, it is not possible to amend a Finance Bill with regard to its measures in case they represent a charge, positive or negative, on the Exchequer. That is the how the legal structure of the House works in dealing with Bills.

When the ESRI issued the original papers on the USC, it described it as a universal social contribution as opposed to a universal social charge. Therefore, with the idea of a universal social contribution came the idea that in return people would receive something of value for their contribution, either in services or payments by the State at points when they might need them. Of all the glaring anomalies in the system, the biggest in the longer term is that we have so many people who are inadequately provided for in terms of pensions. If, in fact, the Minister was open to having a standing tax commission or individual studies, as unsatisfactory as I suspect many of them would turn out to be, we could look at how we could use existing payments in the tax system to fund in what will be an increasingly challenging time for the system not just the State retirement pension, whether contributory or non-contributory, but adequate pensions.

When Minister for Social Protection I left in place a template. We were not able to reach agreement with our partners in government, despite long discussions. The Minister should not dismiss an examination of the USC if we are to resolve the issue of what various apocalyptic articles in the newspapers describe as the pensions bombshell or the pensions hole and if we

want people to be able to retire on an income approaching somewhere near 50% of their earned income while in work, given that a decreasing number of employers, particularly in the private sector, are providing for well funded pension schemes, together with their employees' contributions. While the Minister may be rejecting it now, as a society, we need to think about pension provision. We have people in all sorts of family arrangement. In some cases, people will be able to work for all of their working lives, while in others, many women and fathers may have to forgo working for significant periods of time to provide care and attention for their children or elderly relatives. While the Minister may say "no" now, it indicates a serious lack of foresight not to look at this issue and the way in which we can provide pensions for people.

During the course of office of the previous Government, many lower paid workers were taken out of the USC net and the impact of the USC was reduced significantly for lower paid workers. That was good. I know that not everyone in the House agreed with it, but in further reform of the USC how it could be used to contribute to necessary area should be looked at. Others might well make a case that some of the money should be devoted to, for instance, health services, similar to the old health contribution made through the parallel PRSI system, but it would be wrong to pass by any consideration or examination of the USC. Without a doubt, it has been a heavy lifter in raising significant amounts of tax in the State. Therefore, the things people want, whether it be health, education and social services or investment, could be wholly or partially funded from USC revenue.

When the debate on the Finance Bill is over, I would like to return to an examination of the USC to see what we could do in a positive way, particularly to provide for pensions in the future which we will all need. We will need significantly in excess of the current level of the State retirement pension. Make no mistake about it, many people at work and, for instance, in rural Ireland, unless they are in public service jobs, may be earning a low income. They may be self-employed or employed in an SME. These employers and those who are self-employed are not generally in a position to make the type of pension provision made in the public service through contributions made by the Government and employees or which larger private sector firms used to make for pension entitlements.

Deputy Pearse Doherty: The amendment asks that we look at a study of the USC. It speaks about a socially just distribution of income. The key issue is that there be a study of USC. For whatever reason - I have my own views - some political parties have adopted the position that the USC should be abolished. Fine Gael has a very clear view that it should be abolished, to be replaced by some charge for higher earners. Fianna Fáil's version of the same policy is to abolish it for 90% of income earners in the State. The Labour Party's policy is to abolish it for a little less than 90%. What the Minister has done in the budget, which is underpinned by the Finance Bill, is a wake-up call for us all, without all of the other alarm bells ringing, including the concentration on corporation tax, the threats posed by Brexit which include a hard border and tariffs, the fact that there is an uncertain future for certain trade elements because of Donald Trump's election and because of other measures he could introduce that would impact on investment taking place in the State.

There is the idea that we continue, in Finance Bill after Finance Bill, stripping away - under this Bill the cost will be €390 million in a full year - USC income and not put down on paper what the benefits are, if any, in terms of what the USC provides for, it being a progressive tax and how it catches all of the income of many people, in particular high net worth individuals who are able to use the income tax code to reduce their tax liability. That needs to be put down on paper. The idea that Fine Gael want to abolish the USC 100%, supported by Fianna Fáil

which wants to go 90% of the way, in the process eroding what is one of the most sustainable bases in the tax code, is not acceptable.

Whatever the reason for producing a report - I agree with the amendment - we need the information in black and white. We need the Department to do this. Obviously, the Minister has the authority to do it, but it is not prudent to decide to strip away €5.4 billion in annual income to be achieved by 2021 without it being underpinned by a departmental report on the potential consequences and effects and indicating whether it would be the socially just and right thing to do.

Deputy Paul Murphy: The Government's policy for a period of years has been to provide for reductions in the USC. The biggest benefits of the reductions, in the way the Government has provided for them, have gone to those earning more than €70,000. It has been part of reframing by the Government and Fianna Fáil what a middle income earner is, when the reality is that 93% of workers earn less than €70,000. The Government states there is less income inequality here than in other countries but comparing the overall share of income in the 1980s with what it is now shows that the top 10% have increased their share from 42% to 54%, including throughout the course of the crisis.

A myth is repeatedly stated, to the point where it becomes accepted as fact, in the shape of the idea that we have a very progressive tax system. This claim is based simply on the income tax code which is the progressive element of the tax system. As for the tax system in the round, including both indirect and direct taxes, a study conducted by Micheál Collins of the Nevin Institute found that the top 10% and the bottom 10% paid the same portion of their income in tax. Those who are less well off make most of their contribution through indirect taxation, while those who are better off make it in direct taxes. We are simply requesting a study, as having information enables us to make policy decisions, but the Government does not even want us to have that information.

Deputy Michael Noonan: I appreciate the difficulty Opposition Deputies have in framing amendments that will be considered to be in order, the device of looking for a report on a particular topic being the way around it. I do not object to this, but one never knows on this side of the House whether an amendment is being tabled to seek an opportunity to debate a topic or whether its objective is actually to seek a report. I have no problem with producing reports and we have had a series of them. A report on farming in the agrifood sector led to many tax reforms, while a report on the marine and fishing industries led to many reforms in that area. We had a report on corporation tax in 2014 and on budget day I announced that we would have another report because of the changes that had taken place in the corporation tax code as a result of the OECD's agenda. Mr. Seamus Coffey is in charge of that report.

Many of the issues raised by Deputy Pearse Doherty such as US exemptions, the tax basis and distributions are dealt with in the income tax reform plan published in July this year and there is not a lot we do not know about the USC. We know the rates, the categories and tranches of income to which the rates apply, the yield for each year and the estimated yield up to 2021, all of which information has been published. We know that, post-budget 2017, the top 1% of income earners who are earning over €200,000 will pay 24% of total USC and income tax revenue; the top 6%, those earning over €100,000, will pay 49% of total USC and income tax revenue; the top 26%, those earning over €50,000, will pay 83% of total USC and income tax revenue. There is not an awful lot we could learn from a further report on the USC, but there is validity in what Deputy Joan Burton said about the use to which any tranche of income tax or

USC revenue could be put and this issue could be examined.

I agree that there is a need to address the absence of universal pensions and that there are glaring gaps in social provision, although it would not be the Department of Finance that would take the lead role in that regard but the Department of Social Protection, in which Deputy Joan Burton was Minister for five years and which Department has a lot of information on how pension provisions would apply. We can come back to this issue again, but I am not committing to producing a full report. I would, however, welcome a debate on pension provisions and where the resources could be found.

Amendment put and declared lost.

An Leas-Cheann Comhairle: Amendment No. 3 is not relevant to the provisions of the Bill as read a Second Time and must be ruled out of order in accordance with Standing Orders.

Amendment No. 3 not moved.

Deputy Michael Noonan: I move amendment No. 4:

In page 6, between lines 18 and 19, to insert the following:

“Exemption in respect of certain expense payments for resident relevant directors

3. The Principal Act is amended by inserting the following section after section 195C:

“Exemption in respect of certain expense payments for resident relevant directors

195D. (1) In this section—

‘civil servant’ has the meaning assigned to it by the Civil Service Regulation Act 1956;

‘company’ has the same meaning as it has in section 4;

‘director’ has the same meaning as it has in section 770;

‘relevant director’, in relation to a company, means a person holding office as a non-executive director of that company—

(a) who is resident in the State, and

(b) whose annualised amount of the emoluments from the office for the year of assessment 2017 and for each subsequent year in which the person is a relevant director of the company, other than payments to which this section applies, does not exceed €5,000;

‘relevant meeting’ means a meeting in the State attended by a relevant director in his or her capacity as a director for the purposes of the conduct of the affairs of the company;

‘travel’ means travel by car, motorcycle, taxi, bus, rail or aircraft.

(2) This section applies to payments made by a company to or on behalf of a

relevant director of that company in respect of expenses of travel and subsistence incurred by the relevant director, on and from 1 January 2017, solely for the purpose of the attendance by him or her at a relevant meeting.

(3) So much of a payment to which this section applies, as does not exceed the upper of any relevant rate or rates laid down from time to time by the Minister for Public Expenditure and Reform in relation to the payment of expenses of travel and subsistence of a civil servant, shall be exempt from income tax and shall not be reckoned in computing income for the purposes of the Income Tax Acts.”.”.

Section 114 of the Taxes Consolidation Act 1997 provides for a tax deduction in respect of expenses of travel which are necessarily incurred in the performance of the duties of an office or employment. In the case of an executive director or employee, this means that expenses of travel incurred in travelling from his or her normal place of work to attend board meetings will generally qualify for a tax deduction and an employer may pay or reimburse such expenses free of tax. However, in the case of a director who has no executive or other duties within a company, this means that expenses incurred in travelling to attend board meetings in the State did not previously qualify for a tax deduction.

In the Finance Act 2015 I provided for an exemption from tax in respect of such expenses for non-resident, non-executive directors. However, the case has been made for this exemption to be extended to include resident non-executive directors. As I stated on Committee Stage, I undertook to examine the position for this cohort of individuals. I am now introducing an amendment to exempt payments made to resident non-executive directors in respect of expenses of travel and subsistence incurred in attending board meetings in the State. To take account of concerns aired by Deputies on Committee Stage about the proposal to exempt such payments where directors are in receipt of large fees, I am limiting the scope of the exemption to directors whose annualised income from the office does not exceed €5,000. It will also only apply to meetings held in the State and it will only apply to amounts up to the Civil Service approved rates for mileage and subsistence.

Deputy Michael McGrath moved an amendment on Committee Stage and while I have not taken it totally on board, I have incorporated its spirit in this amendment. Other Deputies raised issues around whether excessive tax breaks might be given. That is why I have provided for two caps. I think this meets the consensus on Committee Stage.

Deputy Michael McGrath: I welcome the amendment. I raised this issue on Committee Stage. In the previous Finance Bill the issue was dealt with for non-resident non-executive directors who were given an exemption from taxation in respect of the reimbursement of expenses but a different regime continued to apply to Irish resident non-executive directors. It is important to be clear that we are talking about the reimbursement of expenses incurred in attending board meetings. We are not talking about people making a profit. I could not understand the logic in somebody being taxed on expenses incurred in travelling to board meetings.

The Minister has provided for a number of appropriate conditions, namely, a €5,000 limit and a stipulation that the amounts be in line with Civil Service rates. My intention in putting forward the amendment on Committee Stage was not to facilitate high rollers earning €70,000 or €80,000 in non-executive fees as members of the board of an Irish PLC, as some suggested. The Minister has made an appropriate change which I support and which sends a positive message to those who are prepared to lend their expertise to small and medium-sized enterprises,

in particular. That is in keeping with the spirit of what I proposed on Committee Stage. I also make the point that there are many types of organisations that are incorporated as a company, as a body corporate. We are talking not only about for-profit businesses; this measure will also be of benefit to a wide range of organisations that are incorporated and rely, in many instances, on *pro bono* expertise provided by people who bring considerable experience to board membership. This is a positive change, one that I can support.

Deputy Pearse Doherty: On Committee Stage in dealing with Deputy Michael McGrath's original amendment I highlighted the many provisions which would have allowed high rollers to benefit from it. The origins of this measure lie in an institute, one of the members of which sat on multiple boards and was paid substantial fees. To pick up on Deputy Michael McGrath's point, the reality is that the expenses of many PAYE workers are taxed. That is the key point. What we are doing here is different. While I am not satisfied with the introduction of the amendment, I recognise that it is at least limited in its scope with respect to what was originally contained in the Bill in two key respects. There will be a €5,000 threshold, while the amounts paid will be in line with what is laid down by the Minister for Public Expenditure and Reform. I welcome that part of the amendment.

Deputy Stephen S. Donnelly: I welcome the amendment. A point was raised about non-executives who worked for charities and non-profit organisations and it is particularly welcome that the amendment appears to help them.

I have a question about the so-called high rollers, whatever number they constitute. In the case of a non-executive director of a company who earns any amount above €5,000 - let us say he or she earns €20,000 a year in that role - who has to travel to attend a board meeting in Cork and is put up in a hotel, I understand he or she will be taxed on the cost of staying in the hotel. If a civil servant who earns €80,000 or €100,000 has to attend a meeting in Cork, he or she will also have the cost of staying in the hotel paid, but he or she will not be taxed. Will the Minister explain the rationale behind this measure? I want to welcome what he has done, but I am still unclear as to the reason the amount of money one is paid by a company impacts on the principle. If someone is doing something for his or her business, be it helping a charity or working for a business, and there are legitimate business costs incurred, be it travel expenses or the cost of staying in a hotel or having dinner, in principle, why is the Minister keeping him or her within the provision? Perhaps there is a reason for it which I do not see it, but I still think it violates the principle, in that if it is a legitimate cost and there is no gain to the person, he or she should not incur a liability. The Minister might explain why that is the case.

Deputy Michael Noonan: I will deal first with the Deputy's question about charities and non-commercial boards. An exemption already applies in such cases under section 195A of the Taxes Consolidation Act 1997. That section exempts from tax the reimbursement of expenses of travel and subsistence to certain members of non-commercial bodies in both the public and private sector in respect of attendance at meetings of such bodies. "A member" means a person holding office as a member of that body who has no other duties in relation to that body. To qualify for the exemption, a member's annualised emoluments, excluding the expenses to which section 195A applies, from the body must not exceed €24,000 per annum in the case of the chairperson and €14,000 in the case of other members. The exemption covers expenses up to the Civil Service rate. "A non-commercial body" means a body organised solely for purposes other than profit, that, in fact, operates other than for profit, the activities generated income of which is used by the body to assist it in achieving its purpose and it does not distribute, or otherwise, make available any of its income for the personal benefit of any officer or employee

or member or connected person other than as wages, salaries, fees or honorariums for services rendered. The gap was really for non-executive directors because others were getting tax relief, as were non-resident non-executive directors.

I have material on Civil Service rates. The Deputy's precise point was that civil or public service rates would not be subject to tax. Is that the point the Deputy was making?

Deputy Stephen S. Donnelly: My question was about the principle, with which I am struggling. I understand that in the amendment the Minister has capped the total amount at €5,000 for anyone in a non-executive role. If a person, regardless of what he or she earns from his or her non-executive role, breaches the cap included in the amendment, such costs are taxed. In the case of a person who has to travel to attend a meeting and has to pay €70 or €100 for his or her hotel room for the night, which cost is paid for by his or her company, meaning that there is no gain for him or her as it is a legitimate work expense, I understand he or she is taxed on that sum. I do not understand why it would ever become taxable income. That is my question. Why would the Minister insert a cap?

Deputy Joan Burton: Does the Minister have a likely costing for this measure in the first three years? That might clarify some of the issues involved.

Deputy Michael Noonan: The reason I am including the cap is that I am not quite sure what the overall cost might be. I am also responding to the points made by Deputy Pearse Doherty and others that it should not provide for a bonanza for non-executive directors who were non-executive directors in a variety of boards and whose directors' fees and expenses could amount to very significant sums of money which would not be taxed. That was the consideration behind it.

I would not object to revisiting this provision next year when we receive some data from the Revenue Commissioners on how it is working out. It is something new. I do not know how many people are non-executive directors, how many of them travel distances and how many of them are required to stay overnight in attending board meetings; therefore, I am proceeding cautiously. The Civil Service rates cannot be exceeded. It is a measure to prevent possible abuse. That is what the note I have been handed states, but that does not tell Deputy Donnelly an awful lot more than he already knows.

Amendment put and declared carried.

Deputy Pearse Doherty: I move amendment No. 5:

In page 6, to delete lines 21 and 22 and substitute the following:

“(a) in paragraph (a), by substituting “€1,100” for “€550”, and

(b) in paragraph (b), by substituting “€1,100” for “€550”.”.

We dealt with this matter on Committee Stage. The Government is moving in the right direction in terms of equalisation between PAYE and the self-employed tax credits. It went one third of the way in addressing the issue last year in introducing a tax credit of €550 for the self-employed. It was clear that this would happen in a three-year period. In our alternative budget we argued that the second phase should take place this year, which would have meant that the tax credit would have been increased to €1,100. Unfortunately, the Government has not gone that far and has instead increased the figure to €950. Therefore, the amendment proposes to

provide for the entire second stage instalment in the three-stage approach to ensure equalisation for the self-employed and PAYE workers.

Deputy Michael Noonan: If we were to increase it by one third each year, the amount would be €550 each year. The reason I brought the figure back to €400 this year is twofold. First, there are very limited resources available. As the Deputy knows, we had to spread thinly what we had available in the budget for tax reductions or anything to do with tax. As well as this, there was a fairness test, something I always like to apply to budgets. When I looked at the income distribution for PAYE workers who were getting €7 or €8 a week in USC reductions and then for self-employed persons who were getting an increase in the earned income credit, as well as availing of USC reductions, there was a very wide discrepancy in the benefit per week for a self-employed person as against that for a PAYE worker. As such, I had two reasons for it.

Deputy Pearse Doherty: I can appreciate that, but when we talk about equalisation, at its core is the word “equality”. If we believe there should be equalisation, we need to believe there is inequality at the heart of the system at this time. When the Minister is addressing an inequality, he should not pit one person against another. While I take his point about how it looks on a spreadsheet, this is about having equality for the self-employed. On Committee Stage, we talked about the challenges facing those who were self-employed and I am sure the issue will come up again. We have talked about the fact that they cannot rely on some State supports when things do not go their way, they fall ill or their companies do not work out in the way they had intended. The Minister has talked about there being limited resources, an issue about which we can have a debate. We can talk about all of the different tax cuts and which are the most appropriate or beneficial, but I ask the Minister to address the cost of increasing the figure from €950 as proposed by the Government to €1,100 as proposed in the amendment.

Deputy Michael McGrath: There is general agreement across the House that there should be equal tax treatment for the self-employed. An important start was made last year and a further step has been taken this year. Obviously, from our point of view, we would have liked to have seen the figure brought up to two thirds in accordance with the three-year plan laid out the previous year. As such, I ask the Minister if it remains the policy objective of the Government to provide the full €1,650 credit for the self-employed in a three-year period. Budget 2018 represents part three of that instalment. It is important to welcome, allied with this increase in the earned-income tax credit, the partial extension of social protection benefits by way of invalidity pension and the dental and optical benefit scheme to the self-employed. That is an important breakthrough because it is something about which we have all heard from self-employed persons many times. Deputy Pearse Doherty alluded to it. While it is only a start in accessing vital social welfare supports, it should be acknowledged and welcomed. My key question is about whether the policy objective within the three-year timeframe remains in place.

Deputy Joan Burton: I was a strong supporter of the previous Government’s move to extend the PAYE income tax credit to the self-employed. I do not particularly know why there was a move from the implied but perhaps unstated policy of providing for equal relief in each of the three years. I suspect it might have had a lot to do with some of the arithmetic for the budget and the need to make savings, or shavings, in relatively small amounts as the bill increased, not least for Fianna Fáil’s part of the budget, but also for that part of the budget pertaining to other members of the Government. I want it to be clear that one of the reasons I am so strongly in favour of the extension of the income tax credit to self-employed persons is that there are a lot of people in the system who we should acknowledge are self-employed but not by choice. They are self-employed as a result of the employment practices of their employers. We have

talked about things to discuss on another day. There are young people in their 20s who do not mind being contractors because it does not seem as if the day will come when they will need a pension. By the time they are in their 30s, however, and have family responsibilities, it might be very difficult to be self-employed, particularly on a low wage and because of the lack of protections.

There is bogus self-employment to a great extent. I asked the Minister about this before and was told that a further review was being carried out by the Revenue Commissioners in conjunction with the Department of Social Protection of bogus self-employment in the Irish system. We are all familiar with people on bikes in Dublin city with “Deliveroo” printed on a box on their backs. While we do not really have data in Ireland, it is apparent from information from the United Kingdom that the people making these deliveries may be earning well below the minimum wage. While they may be very happy to have part-time work because they are students, for that reason we need to be very aware of the changes in work patterns which are taking people out of traditional employment. Their terms and conditions are very much those of employees, but they are ending up as self-employed persons on low wages, perhaps below the minimum wage. Consequently, their social welfare entitlements are important. They include an entitlement to pensions, maternity and paternity leave and other social protections. There will be an extension of these entitlements next year, but the people concerned do not have an entitlement to unemployment benefit or assistance in the event that they lose their self-employment because, of course, they are not employed. This is an issue with which we have to grapple.

I suspect this provision has more to do with the budgetary arithmetic than some big policy decision in the Department and that the money simply was not available. However, I hope the Minister will commit to completing the reform process next year and prioritising it. He said before that the report on bogus self-employment and the work being done by the Revenue Commissioners and the Department of Social Protection and others would be published quite soon. Does he have further information on the date it will be available?

An Leas-Cheann Comhairle: It is the Minister’s final reply. I ask him to bear in mind that the debate is to be adjourned at 8 p.m.

Deputy Michael Noonan: Deputy Pearse Doherty’s amendment would cost an additional €12 million to implement in 2017 and €22 million in a full year.

To answer Deputy Michael McGrath’s query, the commitment in A Programme for a Partnership Government is to increase the earned income credit to €1,650 by 2018 as part of a Government objective to provide a supportive environment for entrepreneurs and the self-employed. I have never argued on the basis that this is a measure to promote equality between self-employed persons and those in the PAYE system because the systems under which each group is taxed are different. I have argued on the basis of fairness. I thought it had become unfair that there was an allowance for PAYE workers of €1,650 which was not available to the self-employed. It is an issue of fairness rather than inequality. However, the commitment in the programme for Government remains and has not been amended in any way.

Amendment put:

The Dáil divided: Tá, 30; Staon, 33; Níl, 54.		
Tá	Staon	Níl
Barry, Mick.	Aylward, Bobby.	Bailey, Maria.
Broughan, Thomas P.	Brassil, John.	Barrett, Seán.
Burton, Joan.	Browne, James.	Breen, Pat.
Collins, Joan.	Butler, Mary.	Brophy, Colm.
Collins, Michael.	Byrne, Thomas.	Bruton, Richard.
Connolly, Catherine.	Cahill, Jackie.	Burke, Peter.
Daly, Clare.	Casey, Pat.	Byrne, Catherine.
Doherty, Pearse.	Cassells, Shane.	Canney, Seán.
Donnelly, Stephen S.	Chambers, Jack.	Cannon, Ciarán.
Ellis, Dessie.	Chambers, Lisa.	Carey, Joe.
Ferris, Martin.	Cowen, Barry.	Corcoran Kennedy, Marcella.
Funchion, Kathleen.	Curran, John.	Coveney, Simon.
Healy, Seamus.	Gallagher, Pat The Cope.	Creed, Michael.
Kelly, Alan.	Harty, Michael.	D'Arcy, Michael.
Kenny, Gino.	Haughey, Seán.	Daly, Jim.
Martin, Catherine.	Kelleher, Billy.	Deasy, John.
Mitchell, Denise.	Lahart, John.	Deering, Pat.
Munster, Imelda.	Lawless, James.	Doherty, Regina.
Murphy, Paul.	MacSharry, Marc.	Donohoe, Paschal.
Ó Broin, Eoin.	McConalogue, Charlie.	Doyle, Andrew.
Ó Caoláin, Caoimhghín.	McGrath, Michael.	Durkan, Bernard J.
Ó Laoghaire, Donnchadh.	McGuinness, John.	English, Damien.
Ó Snodaigh, Aengus.	Martin, Micheál.	Farrell, Alan.
O'Sullivan, Jan.	Moynihan, Aindrias.	Fitzgerald, Frances.
O'Sullivan, Maureen.	Moynihan, Michael.	Fitzpatrick, Peter.
Pringle, Thomas.	Murphy O'Mahony, Margaret.	Flanagan, Charles.
Ryan, Eamon.	Murphy, Eugene.	Griffin, Brendan.
Sherlock, Sean.	O'Callaghan, Jim.	Halligan, John.
Smith, Bríd.	O'Keeffe, Kevin.	Harris, Simon.
Wallace, Mick.	O'Rourke, Frank.	Heydon, Martin.
	Rabbitte, Anne.	Humphreys, Heather.
	Smith, Brendan.	Kyne, Seán.
	Troy, Robert.	Lowry, Michael.
		McEntee, Helen.
		McGrath, Finian.
		McHugh, Joe.
		McLoughlin, Tony.
		Madigan, Josepha.

The Dáil divided: Tá, 30; Staon, 33; Níl, 54.		
Tá	Staon	Níl
		Mitchell O'Connor, Mary.
		Moran, Kevin Boxer.
		Murphy, Eoghan.
		Naughten, Denis.
		Naughton, Hildegarde.
		Neville, Tom.
		Noonan, Michael.
		O'Connell, Kate.
		O'Donovan, Patrick.
		O'Dowd, Fergus.
		Ring, Michael.
		Rock, Noel.
		Ross, Shane.
		Stanton, David.
		Varadkar, Leo.
		Zappone, Katherine.

Tellers: Tá, Deputies Pearse Doherty and Aengus Ó Snodaigh; Níl, Deputies Regina Doherty and Tony McLoughlin.

Amendment declared lost.

Debate adjourned.

Message from Select Committee

An Ceann Comhairle: The Select Committee on Jobs, Enterprise and Innovation has completed its consideration of the Companies (Accounting) Bill 2016 and has made amendments thereto.

Local Government Reform (Amendment) (Directly Elected Mayor of Dublin) Bill 2016: Second Stage [Private Members]

Deputy John Lahart: I move: "That the Bill be now read a Second Time"

I am sharing time with Deputy Shane Cassells. I welcome the opportunity to go into more detail on the Bill. I thank the Minister of State for being present. The idea of a mayor for Dublin goes back to the time of the former Minister and Deputy, Mr. Noel Dempsey. In 2001 or 2002, it resurfaced in the context of the Fianna Fáil-Green Party coalition. There was a commitment in my party's manifesto in the run-in to the last general election to seek to hold a plebiscite on the matter. As I made clear when I introduced it on First Stage, the Bill is clear and concise. It provides for the holding of a plebiscite, which is a vote of all eligible voters, in the four administrative counties of Dublin that would decide whether legislation should be brought

forward to provide for the establishment of an office of a directly-elected mayor who would be chairperson and leader of an authority or other body for the Dublin metropolitan area.

Our timeline is set out clearly. The proposed plebiscite is to be held no later than May 2018 and the Minister, no less than six months prior to that date and following a period of public consultation, is to cause a copy of the proposals setting out the powers and responsibility of the directly-elected mayor to be laid before both Houses of the Oireachtas. Such proposals must be approved by both Houses before being put before the people of Dublin. If the plebiscite is passed, elections for a directly-elected mayor would be held in conjunction with the local and European elections in 2019.

At present, there are four Dublin local authorities, namely, Fingal County Council, South Dublin County Council, Dublin City Council and Dún Laoghaire-Rathdown County Council. This entails four chief executive officers and four mayors or cathaoirigh. While it was proper that they were set up when Dublin was split into four local authorities in the mid-1990s, these authorities were established to compete with each other. They have competed quite effectively and each of the three regions have well-established county towns. However, they were not set up to co-operate or to collaborate. This needs to change. Although we are seeking that broader powers be afforded to the mayor, if Dubliners, in deciding to vote for a directly-elected mayor, gave that directly-elected mayor just one power - that to co-ordinate the functions of the four local authorities - it would be a good day's work.

This is the only proposal to come before the House in the context of a directly-elected mayor for Dublin that gives all of Dublin's citizens and stakeholders a direct say in the matter. We believe that holding a plebiscite avoids an accusation of creating just another layer of bureaucracy in the city because, ultimately, Dublin's citizens may decide to reject the idea of a directly-elected mayor. If they decide positively and elect to do so, then they are assenting to the structures that are required to make that mayor effective.

Our proposal does not seek to impose one particular view or model or set of functions or structures or architecture in respect of the mayor. We live in a world that is being convulsed by extremes on the left and the right and we are hypersensitive to the need to enable all Dubliners to have a full say and not to feel that a directly-elected mayor is an idea of politicians or one that is championed by the media, business interests etc. As I stated in an interview this morning, this is an idea that must appeal to people if they live in Fettercairn, Blanchardstown, Dalkey or Balbriggan. It must have something in it to ensure it appeals to every part of the county.

One of the most dispiriting interviews I have heard in recent weeks and months was one given by the founder or co-ordinator of the Web Summit, Paddy Cosgrave, at the weekend when he stated Dublin did not have the capacity to host the summit and its 53,000 delegates. There may be politics involved in that statement and it does not interest me in that regard. On the other hand, the IRFU is competing to ensure the Rugby World Cup will be hosted in Ireland, including Dublin, in 2023. The IRFU believes the country has the capacity to host 400,000 people from abroad. Notwithstanding the good news this represents, the downside is that from an event management and conference hosting point of view, Dublin does not compete with other international city regions.

We had the debacle around cancelled Garth Brooks concerts a few years ago. The capital did not have one boss who could make a decision and bring in people. Regardless of people's taste in music, Dublin business people, from street traders to hoteliers, were denied significant

income, not to speak of the pleasure of the performance. If I recall correctly, Garth Brooks was to give three performances in Croke Park, each of which would have been attended by 80,000 fans. It is mind boggling that this opportunity was allowed to slip through our fingers.

We also have initiatives such as the dublinbikes scheme and Dublin greenways. The National Transport Authority is a statutory body that can make decisions about these initiatives without any democratic accountability. Bikes are not an add-on luxury in the daily lives of Dublin but a fundamental and essential part of transport in the city.

I applauded the Taoiseach's decision to spend considerable time on the Dublin north inner city task force. This is not the type of thing a Taoiseach needs to spend time on. This is the job of a directly elected Dublin mayor, which is not to say it is not worthy of the attention of the Taoiseach. I do not want to be misunderstood in that regard. However, as the elected Prime Minister, the Taoiseach has national responsibilities.

I will outline some of the functions we would like to be considered as part of our proposal for a directly elected mayor of Dublin. The capital must start to position itself to compete with other international cities of similar size, most of which have directly elected mayors, with all of them at least having mayors with executive functions. This function would be to ensure the capital develops economically.

On transport, at a political level, it will be necessary to establish another Dublin transportation agency and this time it should be chaired by a directly elected mayor. The Dublin housing task force, which is dominated by officials, needs to have a political force driving it. This function could also deal with issues such as delivery, land availability and approving and reviewing the accommodation of homeless persons strategy for the Dublin region.

Five of the top eight information technology companies in the world are headquartered in the capital. Despite this, Dublin is not considered to be a smart city internationally. We have an opportunity to enable the city to gain a competitive advantage over other cities. We need a directly elected mayor who would drive the willingness to use Dublin as a test bed for innovation. We should use the technology companies to assist us in modelling, for example, improvements in the transport infrastructure. One can drive through Dublin city and county with ease when schools are closed. With the right technology, surely someone could harness the available data and information to produce a model that could assist us in this regard. South Dublin County Council, my local authority, only monitors traffic entering and leaving the council area. To the best of my knowledge, there is no monitoring or harnessing of data for the entire county.

On arts and culture, a parliament of the arts should meet annually in Dublin. This should serve as a forum to give a voice to everyone in the arts, culture and heritage and could also be chaired by a directly elected mayor. This body could drive policy for arts and culture in the city.

Dublin has a specific responsibility in the area of climate change. We can develop the various areas as we go along, but a directly elected mayor could have a function in this area by being a champion for action on climate change. This would appeal in particular to a younger generation in the capital and make politics relevant to them.

The merits of a directly elected mayor include the leadership role he or she would assume in the city. There would be one voice, go-to person and identifiable champion of the city. This person would be the symbolic head in terms of meeting business leaders and attracting foreign direct investment. A particular advantage would be the accountability involved. An elected

mayor would be democratically accountable in a way the four chief executive officers of the four Dublin local authorities are not accountable.

As a former member of South Dublin County Council for almost 20 years, I am aware of the concerns of some members of the four Dublin local authorities. However, I do not foresee a directly elected mayor of Dublin leading to any diminution of the powers and role of councillors on the four Dublin local authorities. On the contrary, the legislation provides an opportunity to enhance their role and give them additional powers. It also raises the possibility of producing ideas for having a different form of mayor or cathaoirleach for the four Dublin local authorities should they so decide.

I am grateful for the opportunity to introduce the Bill on Second Stage.

Deputy Shane Cassells: As the Fianna Fáil Party spokesperson on local government, I am pleased to have an opportunity to speak in support of Deputy Lahart's Bill. The legislation is a major step forward in advocating real local democracy as opposed to the narrow stranglehold of executive control that exists in Dublin and elsewhere. We should all be committed to breaking the shackles the Custom House holds over democratically elected members in local government.

The Minister of State, Deputy English, and I were elected to our local authority on the same weekend in 1999, which seems a long time ago. He has a deep commitment to local government, an area in which I spent a little more time than he did, and to ensuring it is strengthened rather than diminished.

From its inception, Deputy Lahart's proposal has been people orientated because it will facilitate a plebiscite on establishing an office of directly elected mayor. If approved by the people of Dublin, the proposal will strengthen the legitimacy and authenticity of the office when it is established.

During my time as a journalist, I interviewed several senior Dublin City Council economic officers, whose role was to promote the capital city as a destination for foreign investment, notably in the United States, Mexico and further afield. The need to have a mayor who is more than a figurehead is all the more pressing because publicly elected members and officials who travel from abroad to Dublin cannot get their heads around the fact that they are meeting a mayor who does not have executive powers. Instead, they must talk shop to the chief executive of the council and the role of the mayor is nothing more than to hold hands.

The proposed plebiscite is not prescriptive in terms of what powers a new mayor would have. These would be worked out through a discussion consequent on the proposal being passed. The shift in attitude that would be created by virtue of taking the first step of holding a plebiscite would be a significant advance in this discussion and would, I hope, result in a realisation of the goal of establishing an office of a directly elected mayor of Dublin.

While city and county managers are all exemplary professionals in their own right, the current system has not been established through a democratic process. Anyone who has served in local government will know the constraints that apply under this system and the frustration it causes. A mayor for the whole of Dublin would have an immediate public resonance with the capital's citizens who would elect the mayor and whom the mayor would serve. By virtue of being elected, the mayor would have an immediate bond with the city's citizens. In times of strife and joy in the city and at times when a firm hand of leadership is required, people would

look to their first citizen rather than a chief executive who is not in the public eye and had not been democratically elected. In this Republic, we have mayors who have fine gold chains but no power at their command. From the get-go, their office is undermined by their lack of authority. In Dublin, the waters are further muddied by virtue of the fact there are four mayors rather than one central figure.

This Bill gives us a chance to create a pilot project, which, if successful, could hopefully be extended to all parts of the country in time. Crucially, it could lead to a seismic shift in how governance happens at local level. It would create a real sense of public transparency that the buck actually stops with somebody the people elected. Deputy Lahart referred to the very public controversy that engulfed the holding of a concert in Croke Park several years ago. On that occasion, the sheer lack of a central leadership figure was the one aspect that stood out. Instead, people came in from all sides trying to pull the threads together. That is one example of where a democratically-elected mayor could act as a standard bearer for all involved.

Aside from anything else, the people of Dublin across the four local authority areas deserve one figure who can speak for them while potentially creating a collaborative policy framework for all of Dublin in transport, economic policy and tourism. This would be good for all parts of our capital. Critically, this is a significant move in the support of democratically-elected local authority members whose role over the decades in local government has been diminished by the removal of some matters from local authorities' remit. Local authorities should be the first port of call for the delivery of services on the ground. The degree of central government control, exerted by the Department, over local authorities is unreal. We have the most centralised system of government in the whole of western Europe. It is depressing.

The last item of local government reform by the then Minister, Phil Hogan, only diminished the role of councillors even further. It was not an enhancement. Despite whatever spin people want to put on it, the removal of town councils from urban areas left them bereft of the statutory financial powers that gave them real clout and an ability to focus on specific projects in our ever-growing urban areas without having to go through an overarching body. As the Minister of State, Deputy English, knows, as we come from the same town, the lack of financial separation away from an overarching body has created a scenario where we cannot spend specific resources or generate funds to target the social issues relating to urbanisation.

We need to see the move of power back to elected local authority members. The plebiscite proposed by Deputy Lahart is a major substantive and symbolic step in setting out that path. There is no better place for it to start than in our capital city. This Bill will set the standard and encourage local authorities in our other major cities to have directly-elected mayors.

I commend Deputy Lahart on all the work he has done and I hope the Bill will be successful.

An Ceann Comhairle: I call on the Minister of State, Deputy Damien English, who is sharing time with Deputy Alan Farrell.

Minister of State at the Department of Housing, Planning, Community and Local Government (Deputy Damien English): I move amendment No. 1:

To delete all words after "That" and substitute the following:

"the Bill be deemed to be read a Second Time on 30 June, 2017, to allow for implementation of the commitment in the Programme for a Partnership Government to con-

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sider directly elected mayors in cities as part of wider potential local government reform measures. The Programme provides that, having consulted widely with all relevant stakeholders, the Minister will, by mid-2017, prepare a report on such measures for Government and for the Oireachtas.”.

I am pleased to participate in this debate, which comes at a time when the Minister for Housing, Planning, Community and Local Government, Deputy Coveney, is advancing a process which will help inform and steer future reform of our local government structures. Any discussion that contributes to this process is welcome. We had this debate recently in the Seanad with Senator Kevin Humphreys. This is a welcome debate brought forward by Deputy Lahart. We had a similar debate several weeks ago about Airbnb. These are important issues which affect not just the cities but also growth centres such as our own in Navan, County Meath. We want to strengthen local government.

The programme for a partnership Government sets out several commitments on “the next wave of local government reform”. This involves a report to the Government and the Oireachtas by mid-2017 on potential measures to boost local government leadership and accountability, as well as ensuring local government structures and responsibilities strengthen local democracy. The programme also references some specific issues to be considered, including the directly-elected mayor concept.

I agree with Deputy Shane Cassells on the need to strengthen the position and powers of local authority members, having been on my local authority for a time. Our officials based in the Custom House are working with local authority members and executives to build a strong relationship. In our stakeholder meetings and our meetings with local authorities across the country, we are keeping channels of communication open and strengthening working relationships. Part of that has to be strengthening local government. Key decision makers and directors of office are local authority members.

Work on foot of the programme commitment has commenced in the Department, with the aim of building on the measures in the Local Government Reform Act 2014. In the coming months, particular attention will be given by the Department to: measures to enhance leadership and accountability in local government, including: directly-elected mayors; action to widen and strengthen the role of local government, especially through devolution of functions from central to local level; measures to reinforce the effectiveness of the 2014 reforms to the local government system, such as the new municipal district structures, in light of a recent operational review; and consideration of issues around the establishment of town councils.

I understand and appreciate the intention behind the Bill, which seeks to put in place a process that will allow the electorate the opportunity to consider the establishment of a directly-elected mayor for Dublin. A consultation process would first be undertaken leading to proposals being presented to the Dáil and Seanad later in 2017 that would then require a positive resolution of both Houses before being put for decision in a plebiscite of the Dublin electorate to be held no later than May 2018. Provided the envisaged plebiscite is successful, the mayoral election would then be held in conjunction with the 2019 local elections. This is broadly consistent with commitments in the Government’s programme to consider directly-elected mayors and further devolution of powers to local authorities.

The Bill before the House does not set out the range of functions that would be devolved to the directly-elected mayor. Neither does it set out how the establishment of such an office

would affect existing local government arrangements and boundaries. There is also no reference to cost. However, the Bill does provide for a process whereby issues would be debated and decided upon by both Houses prior to a plebiscite being held. The process set out in the Bill is in some ways similar to the process legislated for by the previous Government under the Local Government Reform Act 2014, which also provided for a plebiscite of the Dublin electorate for the establishment of a directly-elected mayor for Dublin. However, this was contingent on securing the support of a majority of the elected members of each the four Dublin local authorities and, in this regard, it was ultimately unsuccessful.

Some concerns expressed about the previous proposal concerned the range of functions which could be assigned to a directly-elected mayor. How would these be prioritised by the mayor? There was uncertainty over how a directly-elected mayor would be held to account and the interface with the local authorities. This Bill provides that the powers and responsibilities to be assigned to a directly-elected mayor will be determined by the Houses. We must work to agree on a clear and fully developed proposal on how an office for a directly-elected mayor will function and operate in practice.

Departments and State agencies with responsibility for key public service functions that could be assigned to a directly-elected mayor must be actively involved in this process. Key stakeholders from the business, retail and tourism sectors, as well as the general public, should also have the opportunity to have an input. Deputy Lahart also has this in mind in the context of his legislation. The aim should be to have a broad, inclusive consultation process that allows robust proposals to be brought before the Houses for consideration within the framework of the commitments set out in the Government's programme. The Government is open to considering all workable proposals that will contribute to this process. We must also recognise the complexity of undertaking an ambitious reform of local government arrangements in Dublin. The functions and responsibilities of a directly elected mayor could potentially be very broad in scope and require consequential change in public services in areas such as housing, transport, tourism, heritage and enterprise. The amendment we are putting forward will allow for the commitment in the programme for Government to consider directly elected mayors in cities to be implemented by mid-2017 and provides the appropriate context for advancing to consideration of legislation on this matter. I thank Deputy Lahart for bringing forward this Bill and I look forward to the future work in this area.

Deputy Alan Farrell: I thank Deputy Lahart for bringing forward this Bill. Critical to this debate is the amendment the Minister of State has tabled. It gives us an opportunity not only to tease out the specifics of the role we would like the directly elected mayor to have but also to ensure we are not just talking about Dublin. As a former mayor of Fingal, whose local authority was responsible for derailing the directly elected mayor process two years ago, I believe the rationale given by the councillors in the chamber on the day in question was very well thought out. The councillors' concerns included concern over the diminution of their responsibility. That is a perfectly understandable position for them to adopt. I would not like to see a directly elected mayor introduced in the city and county of Dublin to the detriment of the role and responsibility of local authority members.

I welcome the comments by Deputies Lahart and Cassells in so far as they outlined some of the portfolio increases they would like to see provided to local authority members and the office of mayor. In line with those broad brush strokes of agreement in A Programme for a Partnership Government, there has to be consideration of the devolution of responsibility across a number of areas that are not currently under the remit of local authorities. I refer to devolution

of responsibility by certain Departments. If we want a truly effective head of local government for our area, he or she must be elected and not be a public servant, with the greatest of respect to our current county and city managers. I have a great relationship with my local CEO, who has really brought life to the CEO's office in Fingal. We must also bear in mind the improved responsibility of councillors.

Let us be honest about the fact that, as Members of this House, we are only too aware of what happens when one puts a chain around the neck of a councillor. He or she starts having notions or aspiring to get into this office.

Deputy John Lahart: Did Deputy Farrell?

Deputy Alan Farrell: Indeed. That is probably true.

The truth is that we have to resource mayors properly and give them the responsibility and - dare I say it, unpopularly perhaps - the remuneration to ensure they have a full-time job that keeps them engaged with their local community and that they can make a career out of it. Let us be honest about the fact that, across all sides of the House, we recognise that councillors are dreadfully underpaid for a role that really should be much larger than it currently is. The only way of improving that role is to give more responsibility to the officeholders involved.

With regard to the executive powers, the change of role of the current mayor and the proper accountability of that officeholder are critical to the success or failure of this project. I echo the comments of Deputy Cassells, who used the term "pilot project". That is an incredibly important element of this debate. It is a pilot project. I am 100% supportive of it if we get it right in terms of the devolution of responsibility to the officeholder but I would very much like to see the project rolled out across the country. I would like to see included our existing local authorities and certain cities — Galway, Cork and Limerick, perhaps. I want to ensure this is rolled out across the country because I do not want to see a figurehead with executive responsibility in the cities only to the detriment of our counties. My party learned an awful lot from the last general election about the view of our rural population on what the Government is doing. If we bring in an urban mayor to the detriment of, or without including, rural local authorities across the State, the people will not thank us for it. I commend Deputy Lahart and others on the Bill and the Minister of State on the amendment. I support both on this occasion.

Deputy Eoin Ó Broin: I am sharing time with Deputy Aengus Ó Snodaigh.

I thank Deputy Lahart for introducing this Bill. Sinn Féin will be happily supporting it today and on later Stages. We always start these debates by saying we have one of the most centralised local government systems in Europe, as is the case. It is very often the case that politicians lament over-centralisation when in opposition but when they get into government their willingness to devolve power from central government Departments or State agencies to local government seems to evaporate. While we often bemoan the power of city and county managers, and now chief executives, we must realise they have that power because the Government has vested it in them and has decided against real devolution of power to elected members.

Sinn Féin has long been of the view that directly elected mayors should be an integral part of local government reform. I refer to real local government reform through devolving powers and functions downwards. It is on that basis that we are happy to support Deputy Lahart's Bill.

As somebody who, like other Deputies, participated in former Minister Phil Hogan's con-

sultation, as it was called, I noted that one of the great difficulties we all had was that we were debating in a vacuum. We were being asked as local councillors whether we supported the proposition of holding a plebiscite on a directly elected mayor without having any idea what powers would be devolved to such an institution. I always believed that was a particularly unfair responsibility to give to councillors. In South Dublin County Council, we set out our stall regarding what we believed would be an appropriate way to run such an office. On that basis, we voted in favour of holding the plebiscite but we could not completely understand why councillors in Fingal took a contrary view.

In real terms, it is the responsibility of those people arguing for a directly elected mayor to outline what powers they believe such an office should have. One of the merits of the Bill we are debating is that it would allow for that public consultation. People would then know, as a result of a decision of the Oireachtas, what powers would be vested in the office before the plebiscite would be held.

When people talk about directly elected mayors, we hear a lot of rhetoric that there would be a go-to person, a champion or a such person. We need to keep in mind that there is not much public appetite for more politicians or political institutions. Sinn Féin's view is that such an office should have a very limited number of very clear and powerful executive functions, in the first instance so people understand the function of a directly elected mayor rather than a local authority or central government. The second objective would be to give the office and holder of the office a real opportunity to show what added value they can bring to the life of the city. Of course, if they could show, in respect of public transport, tourism or otherwise, that they could do a good job and add value, there could then be a process for rolling devolution as public trust and confidence grew.

There should be no sucking away of powers from local authorities up to such an office. If there is to be a directly elected mayor, power needs to be devolved downwards from central government and State agencies to the office. With that power and those functions, staff and resources need to follow. There would not be much public appetite at this stage for the creation of a new layer of political administration and additional budgets. If one were to make a directly elected mayor responsible for public transport, there would simply be no reason staff and funds from the relevant agencies and Departments could not be moved into the new office so it could fulfil its functions.

It is important to ensure that, if there is such an office, the holder and his or her staff are properly held to account. Very clearly, there is a need for some form of regional assembly, probably appointed in the first instance from the four Dublin local authorities, to hold the officeholder fully to account. One could do that in a relatively cost-neutral way that would also enable the four Dublin local authorities to feel they have a voice and some say in shaping the overall functioning of the office.

The Government amendment is not necessary. The way in which Deputy Lahart has time-lined the Bill is such that it fits quite neatly with the work the Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, and his Department will be doing. I presume members of the Joint Committee on Housing, Planning, Community and Local Government will be examining this and bringing their findings back to the Dáil. Most people believe that the citizens of the city and county of Dublin should have their say on whether this office is created and the kinds of power, responsibility and budget that would go with it. On this basis, we are happy to support the Bill and see it through before having the debate with

stakeholders that is suggested in the Bill.

Deputy Aengus Ó Snodaigh: Is rud maith é go bhfuil an Bille seo os ár gcomhair agus tiocfaidh mé ar ais go dtí an méid atá sa Bhille níos déanaí.

When we discuss local government and its powers, we must sometimes consider why it does not have the powers that we wish it to have. Since the foundation of the State, there has been a continuous emasculation of local government's power. Consider the 1920s, a period to which I often refer. When the State was founded, it encountered major problems with a number of councils. They had strong powers at the time, some of which were inherited from the British Administration, which seemed to have more respect for local authorities in some ways than the new State did. Since then, there has been a diminution of their powers.

Last year, I read about the man who was meant to be the first Sinn Féin mayor of Dublin, Mr. Tom Kelly. He was recovering from a stint in jail in England and was unable to take up the position to which he had been nominated and elected. A chapter in the book told of a move by the State against the then Dublin Corporation during Mr. Kelly's time in local government due to an argument between the councillors and the officials. The State was not too happy with their independence or how they reflected it.

Since then, there has been a continued erosion of local government's powers. Far too often, central government has been willing to centralise those powers. For example, it vested in itself or some quango or other the power to raise funds locally. I was young at the time, but one of the major shifts in local government came in 1977 when Fianna Fáil promised to remove rates. Local authorities have been dependent on central government ever since. This is so despite the imposition of property tax on households, given that property tax is not redistributed to them in full. This is especially the case in Dublin.

The period in question also saw a creeping privatisation of local authorities' services. Directly delivered services were removed from them because Governments, in particular recent ones, danced to the tune of the European Commission or the champions of supposed small government. This saw local governments being reduced. Under the previous Government, some town councils disappeared altogether. These moves by Government have been to the detriment of local authorities and everyone in Ireland.

The co-ordination of planning seemed to disappear because powers were removed from councillors and handed to unelected officials who were previously called city or council managers but to whom some genius has now thought to give a new title with a view to running local government like a business. I am sorry, but officials are supposed to be running a council, not a business. It is not all for profit, but some officials seem to believe that a council can be run for profit, or at least in a company-like way. It is a public service, so there is a difference in attitude.

I agree with the proposal. It is a good one, and we should try to ensure proper co-ordination of services in this city and county. Four councils working at odds with one another has been to our detriment. There should be joined-up thinking. For example, there are proposals to give responsibility for Dublin tourism to a directly elected mayor. In transport, taxis were deregulated. They used to be under the remit of the councils. Dublin city and county represent one quarter of the State's population. That is huge, yet there is no proper co-ordination because the four councils sometimes find that difficult. If some services or powers were centralised in a mayor who was directly elected and, hence, directly accountable to the electorate for the delivery of

those services, it would be good. Such a figurehead could co-ordinate or help to co-ordinate the four authorities on other issues over which he or she did not have power. The mayor could pull people together in order to strategise with a view towards the city's future population growth, planning, locating industry, the green belt and the environment. We should be considering these issues.

Ní siombail amháin atá uainn sa mhéara seo. Táimid ag iarraidh go mbeadh cumhacht ag an méara agus an buiséad chun na pleananna atá muide ag caint faoi a chur chun cinn. Nílimid ag iarraidh go dtiocfadh an buiséad sin ó na comhairlí áitiúla atá ann faoi láthair ach go dtiocfadh sé ón gciste lárnach agus ón Rialtas agus go mbeidh cumhachtaí an athuir ag an gcathair chun airgead a thuilleamh. Níl an cumhacht sin go hiomlán ann faoi láthair. Caithfimid cur leis na cumhachtaí atá ag na húdaráis áitiúla. B'fhéidir go bhféadfaimis é sin a dhéanamh trí mhéara tofa má tá cumhachtaí ann maidir le pleanáil réigiúnda, postanna agus an timpeallacht. Ar dtús báire, áfach, bheadh an méara ag díriú ar chúrsaí iompair agus eacnamaíochta, an turasóireacht, cúrsaí dramhaíola sa chathair agus mar sin de.

Is cúí é go bhfuilimid ag déanamh cinnte go mbeidh an reachtaíocht curtha chun cinn agus gur féidir linn tuilleadh plé - agus plé cuibheasach domhain - a dhéanamh air agus go bhfuilimid á bhogadh ar aghaidh seachas á chur ar athló mar atá molta ag an Rialtas.

Deputy Jan O'Sullivan: The Labour Party will support on Second Stage the two Bills being presented to the Dáil this week regarding a directly elected mayor of Dublin. Both Bills have good elements. Ideally, some of them should be pulled together on Committee Stage. Will we ever get to Committee Stage though? The Government's amendment seems to be the default position, in that everything gets pushed at least six months down the road before it is addressed. All parties want there to at least be discussion and progress on this topic.

The Labour Party proposed a similar Bill to Fianna Fáil's, in that the people of Dublin should be entitled to vote on whether there should be such a role as the mayor of the greater Dublin area. The Fianna Fáil Bill is drafted to enable such a plebiscite, but it is without details as to what functions the mayor would have. In a way, we are debating something without knowing exactly what that role would be. On the other hand, the Green Party Bill outlines in detail what those functions would be under the Waste Management Act 1996, the Planning and Development Act 2000 and the Local Government Act 2001. The Green Party tried to introduce such legislation while in government with Fianna Fáil, but agreement could not be reached. In conjunction with the functions and powers of the mayor, there would be a regional authority of Dublin and a Dublin regional development board under the Green Party's current Bill.

9 o'clock

We are debating the Fianna Fáil Bill today but we must look at the two Bills together. They both advocate the preparation of a regional plan as one of the functions of the directly-elected mayor in consultation with the various Dublin regional authorities.

The Green Party Bill gives us a good basis on which to discuss what a directly-elected mayor would do, what his or her functions might be. Previous speakers talked about some of the possible functions. There is scope for much debate and discussion on what exactly a directly-elected mayor would do. I support the Green Party's suggestion that if it is good for Dublin then why should it not be good for Cork, Limerick, Galway, Waterford and Kilkenny and perhaps other places as well for the benefit of citizens. There are elements of both Bills

that are definitely worth considering and discussing. However, the Green Party Bill does not provide for a plebiscite on the issue and we are in favour of such a plebiscite.

In considering what such an arrangement might look like in operation we have the example of London where we have had mayors on both sides of the political divide in Ken Livingstone and Boris Johnson. However there are lots of other models as well. I attended a conference on sustainable cities a couple of years ago and I was sitting beside the mayor of Vancouver. Vancouver is just one example of a city where there has been good leadership in terms of making it a very pleasant place to live and work. I do not know if anyone present has been to Vancouver but it is one of those cities that has pretty much everything in terms of what one would want living in a big city. Perhaps there are reasons for that such as wealth or other factors but there are other examples as well that should be considered in terms of what a directly-elected mayor might do for the city of Dublin and similarly what directly-elected mayors might do for other cities in this country.

I also favour more executive powers for councillors. I was chair of a twinning committee for a number of years. I am sure many Members have been involved in twinning committees, in particular with towns and cities in Brittany. I am going back some time but at the time the mayor and senior councillors in Brittany had responsibility for budgets. There was a councillor in charge of the transport budget and another was in charge of the housing budget and they had to make decisions. One of the problems with the Irish system is that councillors can rail against all kinds of things and say one should build more houses but when houses are being built in their own area they very often object. If councillors had more responsibility for budgets then we would have more responsible decision making from them, which is very much needed.

The debate must be viewed in a broader context. Consultation has begun on a replacement for the national spatial strategy and we recently debated the Planning and Development (Amendment) Bill in the Dáil, which provides for that replacement, to be known as the national planning framework and it will be put on a statutory footing. The sustainable development of Dublin, and all of our cities, has to be part of the overall national planning for a balanced country where communities, urban and rural, can flourish.

With a projected population growth of half a million people over the next 20 years, we need to prepare now for the housing, transportation, environmental and social space in which people can have fulfilling lives. Allowing the citizens of our capital city to decide on who should lead the development of Dublin is a positive step to strengthen local democracy in the shaping of the future.

It is important to consider the broader context. The Minister referred to that in his speech in terms of the establishment of town councils again. The Labour Party acknowledges that the abolition of town councils has left a vacuum that needs to be filled. The old system was haphazard in terms of where there was, or was not, a town council. My county of Limerick, in spite of having a number of large towns such as Kilmallock, Abbeysfeale, Newcastlewest and others, had no town council whereas other very small towns around the country had town councils. We propose that all medium-sized towns should have directly-elected councils with dedicated budgets. We do not advocate going back to the old system exactly but there needs to be a system of local democracy at town level.

The two Bills under discussion this week give us, the elected representatives of the people, the opportunity to lead debate on democratic reform but we must ensure that people and com-

munities get an opportunity to participate fully in that debate. If we have learned anything from the Brexit referendum in Britain and the American presidential election it is that people need to feel they are part of the decision-making process and that they are not having decisions imposed on them.

Some of the Members from Dublin talked about the difficulty with the various Dublin local authorities and concerns from Fingal that Dublin City Council might be trying to take over the show, as it were. I had some doubts about the amalgamation of the city and county local authorities in Limerick a couple of years ago because it was not just a case of expanding the city boundaries but of taking in the entire county. However, overall it has had a good effect on the city in so far as we do not have this unnatural boundary where one suddenly goes from the city into the county even though, in effect, it is the greater city area. It has allowed for more co-ordination of planning and services and it has given a sense of the place as being a more broader conurbation, a city that can go places. There is a renewed confidence in Limerick now. That is not due only to the fact that the city and county have merged but that is part of it. From that perspective, I suggest that the fear that Dublin city would dominate and that the outer fringes would be ignored if there is a directly-elected mayor with overall responsibility for the entire Dublin region is unfounded. That has not been the case in Limerick and in fact we have seen some really good developments in what was in the county but is now in the suburbs. I just wanted to refer to that at this point in the debate as well. I hope the Bill will get to Committee Stage where we will refine the two proposals that are before us this week and have something really positive for Dublin and other cities.

Deputy Bríd Smith: I wish to question the Bill before us without being insulting to either Fianna Fáil or the Green Party but I do not understand the point of either Bill. I have tried to read the Green Party Bill, which is very elaborate. The Fianna Fáil Bill is easier to read but both Bills seem to be putting the cart before the horse. As somebody who has just spent seven years in a local authority I argue that we should reform local authorities first before even thinking about a plebiscite or the election of a mayor.

The reason I say that is that if one looks at the history of the role of local authorities and locally elected councillors it has radically changed in recent decades. When one talks about engaging local people and making them feel like they have a say in their city or in what goes on in their community then one is fooling people. People like me and others have run in local elections over the years. We successfully got elected on the basis of manifestos where we promised to do something about housing, waste management, libraries and planning, which are the issues that concern people in their local communities. We addressed these issues, as people who were willing to put ourselves before the people and to represent them, but when we got elected to a local authority we found we were toothless on the most important issues. Local authorities used to play a very serious role in the provision of social housing, a role that meant they directly employed thousands of workers to both build and maintain a large stock of social housing. That is now gone from the powers of local councillors. The provision of housing is an executive function and ultimately what is called the CEO – I will come back to the language in a moment – formerly known as the manager, makes the decisions in that regard. Local councillors no longer have any power over the issues of bins, street cleaning, waste management or incineration, a very important issue in the cities of Dublin and Cork. This is ironic when it was Noel Dempsey of Fianna Fáil who brought in an amendment to the Waste Management Act 1996 to give complete power to the manager or to make it an executive function. It has led to a really farcical situation where, during the seven years I spent on Dublin City Council,

we voted by a majority three times to reject incineration in Poolbeg. This happened recently in Cork City Council where the majority of councillors voted to reject an incinerator in Ringaskiddy. Despite that, the appointed and well-paid managers, who are unelected, fly in the face of what the councillors, who are elected by people, want for their cities and impose their own will. The same was true of the privatisation of the bin service, which was a real tragedy. We saw it recently with the row about all of the companies, which are literally cartels rather than competitive services, fixing prices for green bins. It became a big issue in this Dáil and it has become a big issue in terms of the cost and failure of waste management in our cities. There are many issues. I do not have time to go into them now but the privatisation of waste management has failed our cities and towns.

Water has been taken from us and hived off to Irish Water. Deciding on the provision of water used to be the responsibility of local authority councillors with a very limited budget and without serious capital investment from the Government, which is one of the central planks of our argument against the water charges. Again, an unelected manager was imposing his will on this issue.

We never had a say over transport, planning and housing. Various tribunals, including the Mahon tribunal, had to take powers from the councillors because of the brown envelope brigade and the historic legacy of both conservative parties, Fianna Fáil and Fine Gael. Planning democracy was removed from locally elected councillors. We are now faced with big landbanks such as those around Malahide, Finglas and Cherry Orchard. The Minister sets up a housing land initiative and tells councils they must put out for expressions of interest from developers in these lands. When a local councillor asks the manager about the interest in these lands, whether any social housing will be built on them and whether any of the voluntary housing agencies have expressed an interest, they are told nothing because it is a matter of commercial sensitivity. This also leads on to a lack of input from councillors with regard to things like rapid build being imposed on the people of Curlew Road in Drimnagh and the people of Cherry Orchard without any consultation and Carman's Hall being taken over from the community in the Liberties without any consultation. I was the chairperson of the local Traveller area accommodation committee for five years. Having spent months developing a Traveller accommodation programme, we then discovered through a report in *The Irish Times* that the funding for Traveller accommodation was not drawn down not just by the local authority but by many local authorities throughout the country on the basis of anti-social behaviour. Since when did we penalise entire communities for the anti-social behaviour of a few within their community? We only do it to Travellers. We are left in this very frustrating position of not being told anything and having no power to override the manager on it.

In respect of management, I referred to the fact these individuals are very highly paid and are not elected. I think 50% of councillors have to endorse them. They do not even have to get the 75% that is required to overturn a decision they may make that councillors want to challenge. However, they play a very important role because they are now called chief executive officer, CEO. The language says it all. Our cities, towns and local authorities are being turned into management committees for commercial purposes. When it is stripped down, there is very little, if any, role for a local councillor in the provision of housing, planning, water, waste management and other services like libraries. They will be turning on Christmas lights in all the constituencies in the next week, they will feel great about it and some of them will wear the chain of office of mayor, but it is so frustrating to be there. Two years ago, one of our councillors, Tina McVeigh, got a motion passed that Dublin City Council would set up a directory of

derelict buildings to look at the possibility of either buying or pulling some of them back in for the provision of housing. Zilch was done about it. Last Monday, another one of our councillors, John Lyons, got a motion passed to oppose staffless libraries. The city manager, Owen Keegan, immediately came out with a statement that they will be a wonderful thing and that we will see the introduction of staffless libraries. Where does that leave democracy?

We are putting the cart before the horse. The question of local democracy is a fundamental one. A series of Acts or amendments to Acts imposed by Fianna Fáil, Fine Gael and the Labour Party over the years have meant that there has been a serious erosion and hollowing out of the role of locally elected councillors. Unless we deal with that in the first instance and straight away, what is the point of electing a mayor? All we will be doing is giving serious powers to somebody who will oversee the running of the city, with powers all to themselves and without having a board of directors that have some say in the running of this company. The CEO will be replaced by a mayor. That in itself sounds democratic but we really need to start from the bottom up and rebuild local democracy and give councillors a say. That is why they get elected - not to turn on Christmas tree lights but to do something serious about the provision of services and the maintenance of a real life in a city instead of turning it into a city of cafés, clubs and cobblestones that will attract foreign direct investment as an alternative to a real living city for ordinary decent people.

Deputy Maureen O'Sullivan: I was elected to this House in June 2009. Some time after that, a Bill similar to this one in that it was about a directly elected Lord Mayor for Dublin was Government business when the Green Party was in coalition with Fianna Fáil. It reached quite an advanced stage at that point before everything fell apart. Ag an bpointe seo, admháim go dtacaím leis an ngnó anocht agus amárach mar beidh seans ag muintir Bhaile Átha Cliath vótáil i gcomhair méara. Overall, I am in favour of the main thrust of both Bills. In a sense, it is difficult to separate them. Even though there are differences between what is proposed tonight and what is proposed tomorrow, the basic premise of both is an opportunity for a directly elected Lord Mayor or Mayor of Dublin. There is enough common ground between the two to come to a consensus. When Deputy Eamon Ryan moved his Bill, he said he was looking forward to working with others in the Dáil and Seanad to make this a reality.

Fianna Fáil is looking for a plebiscite in 2018 to give voters in Dublin an opportunity to give their views on whether this should be a reality with the vote probably being held in 2019. I note the Government's amendment, which also fits in as part of overall local government reform measures because it allows for consultation with relevant stakeholders with a report by mid-2017. That could lead into the Fianna Fáil motion. There may not be a need for a plebiscite depending on what that report indicates. The 2018 plebiscite in the Fianna Fáil motion gives people the opportunity to decide if they would like the idea to be progressed whereas I believe the Green Party is saying that this could be a reality for 2019.

It is difficult to talk about tonight's business in isolation from tomorrow. I am looking at what I see as positive in respect of the issue itself between the two. I know we go back to the 13th century when a charter was granted for the office of Lord Mayor. It seems that at that stage, mayors did have real powers albeit some that involved the use of violence. There are four authorities in Dublin - Dublin City Council, Fingal County Council, South Dublin County Council and Dún Laoghaire-Rathdown County Council. While Dublin is the capital with a population of some 1.3 million, it is incredible that we have four local authorities and four mayors even though only one has the title of Lord Mayor, which I know is problematic for some people as a relic of British power. It is probably not quite a relic of British imperialism

as Great Britain had not really embarked on its empire building at that stage, only its immediate neighbours. If changes were introduced, I would favour the word “mayor” as opposed to putting “lord” in front of it. There are three mayors and one Lord Mayor in Dublin. We know their roles are, in the main, symbolic. They attend functions, perform openings, make speeches at events and attend and organise conferences depending on their personal area of interest. The interest of the current Lord Mayor of Dublin was in organising a conference on crime in the city. I acknowledge the work of a previous Ardmhéar, Críona Ní Dhálaigh, regarding the historic Moore Street battlefield site.

The Lord Mayor of Dublin gets a “161-D-1” car, can live in the Mansion House if he or she chooses, gets to jaunt in the lovely carriage on St. Patrick’s Day, gets to host events, for example, when Dublin wins the All-Ireland Football Championship, or when we have various individuals, groups or teams returning to Ireland via Dublin after some sporting, cultural or literary event or competition. Yesterday, I attended an event at which the current Lord Mayor launched the International Dublin Literary Awards. The Lord Mayor also chairs the monthly meetings of the council. I am sure the mayors in the other three authorities perform similar roles. The common denominator is that it is very much the same and it is very much symbolic. How much of a difference are they making to the life of Dubliners and the city of Dublin? If the Lord Mayor was not there and was not carrying out those events as Lord Mayor or mayor, while the communities are delighted to see them coming out, life will go on and someone else could perform those roles.

The job of the mayor or Lord Mayor is in the gift of the political party or political grouping in that authority, which is not good enough for the voters in the Dublin area or for voters anywhere. We need to take the opportunity that is being given tonight and tomorrow and with the Government amendment to bring about change that will make a difference. We think of the mayors in London and New York as examples of authoritative figures with the power to make a difference. One of those is the recent C40 initiative from the Paris climate change agreement. Many mayors in European cities are taking a very proactive role on this because they want to achieve the goals set in Paris and they can do that because they have the power to do so. Many European cities have directly-elected mayors with power and influence.

At this stage as power lies with the unelected officials, there are questions regarding accountability. I do not say that a directly-elected mayor will solve all the problems of Dublin, but it makes much more sense than our people in predominantly symbolic roles that have been used as bargaining tools within each council in the gift of the political party or grouping taking it in turn over the course of the life of that authority.

Part of tomorrow’s debate will centre on establishing a regional authority for Dublin. The details in that Bill are very clear and manageable. If we get it right in Dublin, it will be a template for Cork, Galway, Waterford and Limerick. Getting it right means clear areas of responsibility, such as planning, waste management, housing, transport and infrastructure, and tourism, with a practical realistic budget with a fixed term and the necessary staff and advisers.

It also means having somebody who has a vision for Dublin, and that vision for Dublin has to fit into the vision for Ireland. It needs to be a vision that is fit not just for the following one or two terms of office, but takes cognisance of the fact that whatever decisions are being made will have an effect on generations to come.

I know directly-elected mayors could also feed into populism, given that a mayor would

have to keep an eye on re-election. However, with fixed terms and fixed time limits for being a mayor, it could be solved. My preference would be for one fixed term of five years and then not being eligible for re-election for another five; or a three-year fixed term with an ability to stand for re-election directly after, but then a gap before being allowed to stand again.

A directly-elected mayor also means greater democracy and accountability. It could make a real difference in the areas of housing, planning, tourism and transport, where some disastrous decisions have been made in the past. It is about better co-ordination, better planning and forward planning.

I support the principle of directly-elected mayors along with either the report, as the Government amendment suggests, or the plebiscite, as Fianna Fáil suggests, or both. Both of them will feed into the Green Party's proposal - I note that Deputy Eamon Ryan said it is capable of being amended. Overall, having the opportunity to vote for such a mayor will be better for democracy, and better for those communities that feel disengaged and disillusioned. We know about low voter turnout, which we see particularly in areas of Dublin. This could perhaps get people more engaged in the process. We also have a few years to ensure everything is right for it.

Deputy Eamon Ryan: I am very proud to be able to speak on the Bill. I think I have a slight obligation to explain what is going on politically - although to be honest, I am not sure what is going on politically. Perhaps in the explaining we could get a bit of clarity.

As I said in introducing our Bill, I would be quite happy to insert the provisions of the Fianna Fáil Bill into our Bill. As Deputy Maureen O'Sullivan has suggested, it would fit reasonably well. Our party has always believed in consultation and the idea of a plebiscite makes a certain amount of sense, so we would quite happily support that.

There is more going on. To a certain extent there is a three-way play going on. It is very good to see the Minister, Deputy Coveney, here. He is suggesting that we could do a bit of consultation before the consultation mentioned in the Fianna Fáil Bill, before putting the question to the people. I have no objection to that. The nature of politics here at the moment is that we should be working with each other. It is not necessarily new politics, but rather could be described as politics of pause for thought.

When I was thinking about the detail of whether we should have a lord mayor or just a mayor, I was thinking that poor old Lord Miriam was outside at the bottom of the steps earlier today and they had the smelling salts out trying to revive her, she was in such a state. She has to write about what is going on here and she said, "For God's sake, will you give us a story. Where's the fight?" I said to her, "Listen, there's a fight going on between ourselves and Fianna Fáil at the moment on what in God's name we're going to do with this whole Bill and process." I found myself appearing on the "Drivetime" programme with Deputy Lahart. We were like two boxers shaping up - seconds out, round two - and it turned into a ballet, where we were both swinging, but not exactly landing and not even trying to land against each other because I think we do not fundamentally disagree on the idea of having to have a mayor. That is not much of an explanation of the politics of what is going on.

I look forward to the debate on the details of our Bill tomorrow, and maybe we can hear from the Minister, Deputy Coveney, on how his proposed consultation might work. We deserve to hear that as part of the pre-consultation to the consultation to the plebiscite to - please God -

the landing 16 years after Noel Dempsey first put out the idea. We have been consulting in real detail with all parties over the years, which is why we presented a very detailed Bill.

I offer a few thoughts on the nature of consultation. We should be honest and recognise that consultation on political process stuff is not easy. As soon as I leave here tonight, I will head to the Tara Towers Hotel to attend a public meeting about the Merrion Gates. I assure Deputies that the hall will be packed and that everyone will have a view on the specifics of the traffic management arrangements and how it affects local housing. If I put up a notice next week that we were thinking of having a consultation on what sorts of executive powers a mayor might have versus the current system, or whether a regional authority should have 15 or 30 members, we all know that it would not exactly lead to a full hall. There would be some political anoraks there, but it is not an easy thing to consult about. I would be interested to hear from Fianna Fáil as to how it believes the consultation might work.

I would also be interested to know how a plebiscite might work. My instinct is that one of the ways we could get this over the line and make it happen is by having an answer to journalists' questions when they put the microphones up and ask how much it will cost, and being able to say we can do this in a way without implying a cost. That is one question I have on a plebiscite. Holding a full referendum plebiscite is reasonably expensive. Is there a way of doing this without such expense? That is one of the concerns people have. I would be interested to get the detail of how the plebiscite will work. Those details are not particularly covered in the Bill as I read it. It would be useful to get those sorts of details.

This is the main point I have to make tonight and I look forward to hearing the Minister's response. If we are going to go through this consultation process, this is a good time for such consultation. I am all for consultation and involving the public as much as we can. We have a little bit of time as the election date in 2019 is not straight ahead. We must be careful to not just use it as a prevarication period but we have a little bit of time. If we have this opportunity, my instinct is that consultation should also look at how we get a directly elected mayor for Cork, Galway, Limerick, Waterford and Kilkenny. I pick those places specifically because I believe that we need to get our cities right in terms of where we go from here. That is not to run down the importance of more rural councils or other councils around the State but there are very particular problems in our cities in transport, housing, planning and economic development. These are problems that are specific to cities and we need to get to the understanding that is self-evident and true, that the success of Dublin as a city depends on, and is helped by, the success of Cork as a city and *vice versa*. It is not a case of Dublin versus Cork, Cork versus Limerick, Galway versus Waterford or any other possible combination. We are competing internationally in a globalised economy that even Donald Trump cannot totally reverse. The economic competition is occurring between cities. If one of Ireland's cities is strong the others can be strong too. Let us use the opportunity to get a directly elected mayor for Cork. I have my views on how it could be done. I would be happy to engage in a consultation process to try to share those views so that come June - if the Minister's timeline is set for June in terms of having it all ready to go - we could have a proposal ready for Cork, Galway, Waterford, Limerick and Kilkenny in that timeframe.

On a process around consultation, which is the central point to the Bill, I would be interested to hear the Minister's views on the following idea. To a certain extent we are going to go out with the national planning framework and also do a consultation process around the very same reasons we need a directly elected mayor such as the sense of long-term vision as to where housing is placed, how we develop our transport system, how we see our cities going green,

how we develop green spaces and the big vision thinking. In this moment of politics we need to pause for thought. The national planning framework should be centre stage in all our work here. If we do not get this right, when we turn on the tap of capital expenditure, which will turn on - according to the Minister for Finance in any presentations I have seen - in 2019-2020. This is why we have just one or two years in which to think about this. We already have some ideas as to where the funding should go for transport, housing and other infrastructure investments. This is not something where we wait for 2019 and then wait for some smart, directly elected mayor to come along and say: "I have an idea to develop the centre of the city rather than the outskirts." We need to start answering some of those processes now. I say that we should integrate the consultation into the bigger, more important fundamental questions that we must ask around how we see our cities develop to 2040 so that for once we start doing proper long-term investment planning.

I do not know if the Ceann Comhairle was there when Mr. Derry Gray, the president of the Dublin Chamber of Commerce said at a recent dinner that team Dublin needs to get together. They all recognise that we are lousy at this at the moment and we have let our cities down. We have a great city but we have not served the people well with the disjointed lack of long-term co-ordinated thinking in planning and transport. I want an elected mayor so there would be an actual office and we could say: "That is your job, pull everyone together and make sure it happens." That call from the business community is not insignificant. I stand up for every community regarding the need for a directly elected mayor as it is also a social project, but the business community knows where the economy is going in this city. The business community knows that our economic development is in peril and it is due, more than anything else, to the lack of long-term thinking, investment, and good planning in housing, transport and other infrastructure. If we get that in place our city, and indeed Cork, Galway, Waterford, Limerick and Kilkenny can thrive. Let us do that as part of the consultation on a directly elected mayor rather than just going out and asking people if it should be a regional authority of 15 or of 30. That will not inspire people and we need to inspire people with something slightly bigger and something slightly more.

An Ceann Comhairle: I thank Deputy Ryan. With all that talk about ballet I am grateful that at least he was not pirouetting on the plinth, as has been suggested previously.

Deputy John Curran: I welcome the opportunity to contribute to the debate, particularly to comment on the specific proposals put forward by Deputy Lahart. I am very pleased that it is not overly prescriptive and that we are entering a period of consultation in determining what should be the roles and functions of a directly elected mayor. That is a worthwhile exercise. I listened to Deputy Ryan's contribution and his concern around having a meeting and who might turn up and so forth. There are two elements to doing a consultation. Obviously there is a public element to which anybody should have an opportunity to contribute. It is also important to engage with the stakeholders who would subsequently be responsible for delivery of services. There needs to be a structure to the consultation process and that is a matter for the Minister. It is really important that it develops and that the Members of the House and those outside it have a contribution to make. If they do then the plebiscite is more meaningful to them. Sometimes when there is a mixed group, such as the group in this House, one is told that it will never come to a consensus, and while I previously might have held that view I do not subscribe to it now. Deputy Maureen O'Sullivan has sat on a committee with Members of all parties and none and produced a housing report. By and large there was a lot of consensus because we did not come in to the committee with our own particular ideas, we listened to the expert witnesses and we

formed opinions based on the evidence that was presented in front of us. I would like to think that the consultation process for this new directly elected mayor would develop in that way.

While I speak enthusiastically about a directly elected mayor I want it on the record that I very much favour the retention of the four local authorities, and their input, as we have them. I remember when we had a Dublin county council and people were doing development plans for a great area rather than for the smaller areas we now have. The current system is much more meaningful. Councillors are engaged in their own counties with populations of maybe 250,000 and are involved in their local area committees for the development of local development plans at a level where people know what is going on. It is meaningful and we do not have a situation where a person from Balbriggan, for example, is talking about issues in Clondalkin or Lucan, or where a person from Clondalkin and Lucan is talking about developments on the other side of the city. It is much more tangible and real. During this process I do not want to lose what we have gained in recent years since the establishment of the four Dublin local authorities. It has been very beneficial.

That being said, I am acutely conscious that the population of Dublin is due to grow by around 600,000 in the 30 year period up to 2050. That is very substantial growth and if it is to be accommodated in a serious and meaningful way and if we are not to be constantly chasing infrastructure and facilities, then it must be planned and managed on a county-wide basis. For example, a decade ago there was a proposal to have a metro west project. It was a good idea then and most people subscribed to it, but we know that due to the economic situation it could not be delivered. It is more worrying that while the metro north project continues, the metro west project as a vision for Dublin is no longer included in plans for capital investment. I am not talking about capital investment this year or next year. Deputy Ryan is right. We need a vision for five, ten and 20 years. That type of infrastructure requires that type of planning. If a city is to grow by 600,000 people in a 30 year period it needs a co-ordinated approach to economic activity, location of industry, the roles of industry and education, the locations of centres of excellence based around third level institutions, transport and housing. All of these need to be dealt with on a co-ordinated Dublin wide basis, not on the basis of local authorities competing with each other. There must be a vision for a greater Dublin area. Other European cities have directly elected mayors. It is not the directly elected mayor *per se*, it is the role and responsibilities that go with the position that are key to this. The consultation process will be crucial in that regard. Deputy Ryan is right, and I believe that Dublin - as a capital city - is not competing with Cork and Waterford. We are competing with other European capital cities and we need to have a vision that will make people want to live here, invest here and work here and that we will provide a capital city that will equal any of our European counterparts. The purpose and function of having a directly elected mayor and the office that will go with the position is to co-ordinate across housing, transport and all the key areas on a county wide basis and not to overrun and overrule the work being done by local authorities in their capacities. There will have to be a balancing of the powers of a new mayor with the existing powers of the four local authorities. I am conscious that I have gone over time so I will conclude and allow time to Deputy Chambers.

Deputy Jack Chambers: I acknowledge the work done by my colleague, Deputy John Lohart, in preparing this legislation. As Deputies Eamon Ryan and Curran said, we can all work on this together as a collective. The benefit of the legislation versus what the Green Party has presented is that it is not overly prescriptive. It is important to have a broad and wide public consultation process with stakeholders, the public and councillors to see what powers they want

devolved and what powers of many of the agencies of the State could potentially be in the remit of a directly elected mayor.

One of the four Dublin local authorities is in my area, which borders two others. The chief executives work extremely well together. On housing, for example, Paul Reid, the CEO of Fingal County Council, has done phenomenal work and is an excellent chief executive. It is not about robbing the powers of councillors or the executive branch of local authorities, but trying to give an impetus to proper policy making and providing an overarching and co-ordinated approach to selling Dublin at home and abroad. We lack this. While the Lord Mayor does excellent work, and we also have mayors in the four local authorities, there is no proper co-ordination on policy or on making Dublin attractive as an international city *vis-à-vis* other competitor cities. It is important we do not pitch this proposal, as was mentioned previously, against other areas and regions of the country which require attention and investment.

On a basic point from my experience, parts of Dublin 15 are in Dublin City Council, others are in Fingal County Council and South Dublin County Council borders the Liffey side. When I tried to present an idea on the extension of the Dublin bike scheme, I was met with a bureaucratic wall. I was told it was a Dublin City Council initiative and it would be very difficult to extend it to other suburban areas outside the city council area. If we had a mayor who took policy on a physical activity such as cycling, cut the red tape between the local authorities and drove an overarching cross local authority strategy, it would work positively to the benefit of citizens throughout Dublin.

Taking the web summit as an example, we heard about more red tape and difficulties on transport, policing and trying to make Dublin a proper product for various companies and investors who want to come here and set up something. We saw how Lisbon was a much easier place to establish such a large summit. If we look at some of the international examples of policing, such as what Giuliani did in New York by taking a zero tolerance approach to crime, there are many areas with potential regarding the possibilities for the devolution of powers. A directly elected mayor could show leadership and a process of accountability to the people. Many people complain to us. At the weekend, someone with a shop in the north inner city which has been burgled, robbed and smashed a number of times complained to me that despite interactions with gardaí, the person feels there is not a proper policing presence. There is no co-ordinator in our city to look at policing and other areas of responsibility. This legislation provides an open process of public consultation, which would incorporate some of the ideas of the Green Party and others, but would put forward a model that is accountable to the House and would be agreed by the Oireachtas. This is an important democratic threshold in the legislation. The Minister could not grant whatever executive powers he or she sees fit. It is up to the Oireachtas to decide, and subsequently there will be a directly elected mayor, hopefully in 2019. It would provide a great impetus for Dublin as a city. I hope it can be progressed positively through the Stages in the House. I thank my colleague, Deputy Lahart, for the work he has done.

Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney): I thank Deputy Lahart in particular, who had the courtesy to contact me before introducing the legislation to the Dáil. He has already engaged in a very genuine way in trying to ensure this actually happens, rather than simply having a political debate on it. To be fair, Deputy Ryan is in the same class. From my perspective, we will do something significant in this area. I am committed to having a serious consultation process with a view to trying to bring forward actual proposals by the middle of next year. This is our commitment in the programme for Government. This is not a consultation pre-consultation pre-plebiscite. This is ensuring

that if we do this, we do it properly.

I know that while there have been attempts in the past to introduce legislation for a plebiscite and to introduce a directly elected mayor for Dublin, the view is the legislation introduced then, which is very similar to what Deputy Ryan proposes to introduce tomorrow evening, would need some alterations and changes and more consideration before we could support it. This has nothing to do with new politics; it is simply that I would like to get this right. What Deputy Chambers said is true also. We need to consult with local representatives in Dublin and with existing mayors and chief executives.

Dublin is a huge driver not just of its own metropolitan area in terms of economic development, opportunities and revenue raising, but of the country in terms of Ireland's economy. We will be opening a public process to develop a new national planning framework by the middle of next year, which will envisage what Ireland should look like, if we plan for it properly, by 2040. An extra 1 million people will be living in Ireland by then. Certainly 40%, if not 50%, of them will live in and around the Dublin metropolitan area. Dublin Chamber of Commerce has a vision 2050 project for Dublin in terms of what it should look like, how people will move around, how we can plan for this and how we can prepare for it.

If we look at the challenge, the national planning framework will have to accommodate population growth in other parts of the country. The biggest element of it will be a new cities strategy for Ireland, whereby cities can be regional drivers in various parts of Ireland, whether it is Cork, Waterford, Limerick, Galway, Kilkenny or elsewhere. We are speaking about planning for an expanding growing country in a way that takes on many of the other challenges we must face, whether they are climate change, finding jobs and creating jobs for people or having a balanced and sustainable economic growth model that does not result in thousands of Irish people having to leave the country to find work or having huge immigration issues as the economy accelerates out of recession. This has been the type of management we have seen in Ireland linked to property and unsustainable economic models, and this is what we need to change.

Part of the process, in my view, is co-ordinated leadership at city level in Ireland, Dublin being the obvious and most important example. At present, I am working with a very dedicated team of executives in the four local authorities in Dublin, and a very committed series of councils, on homelessness and housing. Within six weeks, Dublin City Council will have planned for, provided for and constructed an extra 210 emergency beds for homeless people this winter in high quality new units. We have had to use emergency powers to be able to make this happen quickly. It will be done by 9 December. On nights like tonight, with the temperatures we are experiencing, we would do well to remind ourselves of the challenges we all face.

The idea that we would not seek to have more co-ordination and more leadership coming from a single office representing the entire Dublin metropolitan area would be failing in our duties to look in a more ambitious way at how we can plan for the future. This is not to undermine existing structures or existing councils. I am talking about a co-ordination role where an individual who holds the office understands his or her city in an intimate way. It will be a person who has been directly elected by the people, giving him or her a mandate to represent the city at home and abroad in a proactive, enthusiastic and, perhaps, idealistic but certainly positive way. This is something from which Dublin would benefit significantly. Mayors in other cities in other parts of Europe have become key figures in attracting interest and investment, have enhanced reputations and tried to lead cities in a new direction, whether through design, a financial services sector or whatever else. They can come up with a specific plan to solve

key problems that we are perhaps struggling with at present because of a lack of co-ordination, social housing being an obvious example. That can only be a good thing.

We are proposing amendments - both this evening and tomorrow evening - in which we ask both Fianna Fáil and the Green Party to ensure that in the next six months we work intensively together and engage in consultation in order to get a new structure that we can put to the people in a plebiscite. We will set out what we think will work for Dublin and we may bring forward similar proposals, if it makes sense to do so, for Cork, Limerick, Galway and Waterford. Should we have a political figurehead for Dublin, our capital city, who has real power? Does the Government have the capacity to devolve power from, say, the Department of Transport, Tourism and Sport or the Department of Housing, Planning, Community and Local Government to a new office that can help focus - on a daily basis - on improving the quality of life across this city of over 1 million people? My job is to operate nationally but also to work with councils to co-ordinate a response on many of the issues in respect of which citizens across this city want the political system to provide solutions.

In the past 20 years I have witnessed a steady decline in respect for politics and in the way people look at the political system. We need to act collectively to change that. One of the ways we can do so is by inviting people to choose a champion for their city and giving that person powers. We can then get to work to ensure that this person, who is currently answerable to existing councils, will also have real powers to engage and co-ordinate responses that are more appropriate at a local level for a city like Dublin rather than, for example, trying to do things through this Chamber.

Let us try to design a system that can work and get the endorsement of the people for that. If we do that, it will be a success. If we try to outmanoeuvre each other and make it party political by seeing who can have the cleverest idea around a mayor for Dublin, we will probably fail in our efforts. Who knows how long this Government will last? It will probably not last a full term and this is one of the things I would like to get done. I want to work on this issue with a politician, Deputy Lahart, I consider to be quite sincere and with Deputy Eamon Ryan and the Green Party. I am sure the other political parties will want to work on this as well, judging by what we have heard this evening. I will focus the resources of my Department on trying to get this right in the next six months or so. Hopefully, we will come back with a joint proposal that we can put to the people of Dublin in a plebiscite and we can get their endorsement for setting up the office so that everybody will know what they are voting for and it can all take effect in 2019, when the next local government elections are due to take place.

I appeal to people to work with me on that. My motivation is to get this right for a capital city that will be the largest English-speaking city in the European Union, and the only English-speaking capital, in the not-too-distant future. A mayor or Lord Mayor, directly elected by the people and with real power rather than being a figurehead, would enhance the way Dublin is managed and functions. Members have a commitment to do that in a genuine way and I hope they will work with me on it.

Deputy John Lahart: I thank those from all parties who contributed to what has been a discussion, not a debate. Everybody had constructive things to say. We all come into public service for different reasons. I look at Dublin as a Dubliner and, like many of my colleagues, I served as a local authority member for a number of years. I see the efficacy of the work of the four Dublin local authorities. However, one would really have to have no sight not to see the deficits and the challenges that face Dublin as a region.

This is not about Dublin competing with the rest of the country but about situating it in the context of other city regions. The Minister said that Dublin is the only English-language city in a post-Brexit scenario and that there is a market out there for English-language international education. We are behind the curve on this. This is not a political point. We could be the centre of English-language education, a market of billions, but we developed a reputation for rogue colleges in the past four or five years.

I have a lot of time for Deputy Eamon Ryan going back over a long period but I feel that, like a traditional politician, he believes there is a bit of competition here. However, I only want what he and the Minister want and I do not care how it happens. It is a privilege to have been able to introduce this plebiscite Bill. I think Dubliners ought to be able to have a say and I take the Minister at his word and accept his sincerity on the timeline. I do not think the amendment affects the timeline and if he can give a commitment that he can deliver it within that timeline, then we will be on schedule for delivering a plebiscite around the same time.

Deputy Simon Coveney: Make sure there is no general election in the meantime.

Deputy John Lahart: We have been working very hard and we have played our part in that. Nobody here envisages a diminished role for councillors or councils. In fact, everybody agrees that we should enhance their roles. I accept that point about business people coming to Ireland but I do not want to get hung up on business people. Business drives a lot of things in Dublin but there is a danger that those involved in it can be seen as an elite. There has been a real reaction to elites globally and to people who presume to know what is best for everybody else. This has to have reach into communities at every social and socioeconomic level. Brexit creates an urgency about some of the issues that have been mentioned.

Some Members spoke of how the chief executives of the four Dublin local authorities have had great powers conferred on them but I remember when chief executives and former county managers had such powers because politicians could not make the difficult decisions.

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They would not make the difficult choices. The particular instance involving the former Minister, Noel Dempsey, was a clear example of that.

Deputy Ó Broin mentioned the London model, where the mayor started off with a modest range of powers, which were then increased. That is what they did in London and Westminster, on two occasions since its mayoral inauguration, has conferred additional powers on the mayor of London. I thank the Sinn Féin contributors, including Deputy Ó Snodaigh. When the former Minister, now Commissioner, Phil Hogan, put forward his proposals, we were given a very tight timeline, and that is best forgotten about.

I agree with Deputy Jan O'Sullivan that we should not only focus on the London model. We should not be slavish about the models we examine but we can borrow some elements from them. She mentioned the Vancouver model. I have a nephew who lives there. It is a beautiful city and I have visited it, but it has a colossal drugs problem. It is not all light and sunshine there either.

The most disadvantaged areas in Ireland still remain in Dublin. Dublin has the largest population and the biggest contribution to gross domestic product comes from Dublin. Dublin is a city of international stature and standing and it is matter of building on that.

I remember during the first phase of the former Minister, Phil Hogan's consultation being met by a man from the community in Tallaght who attended a public consultation meeting and who was against the idea of having a directly elected mayor for this city. This reinforces the point of keeping our existing local authority structure with their cathaoirligh or mayors because he said that he liked to know who his mayor is and to have access to the mayor. It is important for many communities that its members can drop into County Hall in Tallaght, Swords or Dún Laoghaire and meet their politicians face to face. He felt that if there was a directly elected mayor for the city such access would become remote but that with the powers and functions of a directly elected mayor the city would be completely different.

As for the Minister's written response, I accept my Bill is devoid of detail. This measure could not happen if he was a Minister in a Government with a whopping overall majority. It could simply be swatted away or he could come up with proposals that he wants and run them through with a coach and four without amendment. What I put forward was very deliberate. I will be talking about Deputy Eamon Ryan's Bill tomorrow night, as the Green Party is introducing a Bill. I see a few gaps in it and I will be pointing them out not in a negative way but to explain where I am coming from in proposing a plebiscite and conferring all the powers on the Minister's office because, theoretically, his office has all the facilities and resources of State at its disposal in terms of preparing legislation. That would then be brought before this House and because this is a minority Government, the Minister cannot ram it through. What could be more democratic than if the Minister were to present a raft of proposals for a directly elected mayor and all the other Deputies would get to debate them, propose meaningful changes and impact on them positively if they see fit? That is from where I was coming on that. I agree there is some good technical architecture in the Green Party's Bill but I will leave it until tomorrow evening's debate to talk about that.

Before the Minister spoke, the June deadline could have given the impression of a desire on his part to drag this out but I take him at his word. I have much admiration for him as a public servant and his family has a long history of public service, so I am taking him at his word and will not look for any written agreement on that.

My colleague, Deputy Jack Chambers, spoke about there being no co-ordination around policy and issues in that regard. There are mayoral models abroad. There is not only the London model. Alain Juppé is trying to make a come-back, in seeking to be the next President of France, on the back of a really successful period as mayor of Bordeaux, having transformed that city. Copenhagen, which, in a very healthy way reviews how it does democracy on a pretty regular cycle, is an impressive city to visit and from which to draw. I do not suggest that we would be slavish about following the London model because that city is on a much bigger scale than Dublin but we should cast our eyes in terms of research and planning, as has Dublin Chamber of Commerce, which has spent quite some time in Copenhagen examining its model and how long the authorities there plan ahead. One of the most significant things it learned is that when a city has a plan for 30 years, 40 years or 50 years and when it is seen to implement aspects of it, investment follows quite quickly because investors can see these guys and girls know what they are about, have an A-to-Z plan and will follow it through in good times and bad times. The investors then want to invest in that and want to help them make it happen.

I will finish on the headbanger argument. Many colleagues and people say that only a headbanger, a populist or a celebrity will get the position of mayor of Dublin. This again comes back to one of the purposes behind my non-prescriptive approach. As the Minister emphasised, when people go to a plebiscite on this issue and if they pass it, they will know what functions

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and powers are at the disposal of a mayor. There will be no mayoral candidate who will be able to say he or she can take on the world and will do this and will do that. The voters of Dublin, who are smart people, will say these are the powers the mayor has and will ask him or her how do they propose to make that happen. One of the weaknesses in Deputy Ryan's Bill is that on election, a mayor would have four or five months to come up with a plan, whereas I would hope that the plan begins on day one and if the mayor is elected we would know what powers he or she has and what plans he or she has to implement. There would be an expectation on the day following the mayor's election that he or she would just go on and do it. I thank the Ceann Comhairle for give me the additional time. That is what would prevent the headbanger argument from winning out because the people would know what to expect from their mayor.

An Ceann Comhairle: I thank Deputies on all sides of the House.

Amendment agreed to.

Motion, as amended, put and agreed to.

The Dáil adjourned at 10.10 p.m. until 10 a.m. on 23 November 2016.