Dé Céadaoin, 30 Samhain 2016
Wednesday, 30 November 2016
Chuaigh an Ceann Comhairle i gceannas ar 12 p.m.

Paidir.
Prayer.

Leaders’ Questions

Deputy Micheál Martin: On 19 October last, I raised the need to give access to the Orkambi drug to cystic fibrosis, CF, patients. I pointed out that we have the highest number of people per head of population with cystic fibrosis. We should be in the vanguard in terms of research and new drug technologies. Since I last raised this matter, I met Jillian McNulty who has CF and who has been on Orkambi for three years and three months. It is worthwhile to meet her and hear first hand of the dramatic and transformative impact Orkambi has had on her life. One can look at all the statistics and so forth, but one should also meet a person concerned. There is one stunning statistic. In the past two and a half years, Jillian has been in hospital for only ten weeks and that was due to the swine influenza. Before she went on Orkambi, she was in hospital for eight to nine months every year. That is her testimony to me. She has met one of the lead researchers in Washington. This drug has been 20 years in the pipeline and billions have been spent on bringing it to fruition.

There has been an attempt in recent times to talk down the effectiveness of the drug. That is wrong. The leak last week to The Sunday Business Post has been described by Cystic Fibrosis Ireland as a heartless and disgraceful form of communication by the Health Service Executive, HSE, to people with CF. It was disgraceful and heartless but it is also part of an agenda that appears to be about talking down the effectiveness of the drug. If it was so ineffective, why would the HSE spend 25 to 26 weeks negotiating with the company? I do not deny that there are issues with the cost. However, let us accept that this drug has an impact and is effective in terms of lung function, weight gain, quality of life and independence. Jillian McNulty said that to me but there is no need to take my word or her word on the matter. Cystic Fibrosis Ireland, in its open letter to the Minister, makes that point and it is very disappointed by the degree to which the acknowledged international research is in many ways being dismissed by the HSE and others. It also references Professor Stuart Elborn of Royal Brompton Hospital, a leading facility for the treatment of CF, in this regard. The research to which I refer points to the extraordinary impact the drug is having and how exciting it is, not just in the short term but also for its long-term impact on the condition.
Will the Government intervene to ensure that this drug is made available? Will it also ensure that there will be no more talking down the effectiveness of the drug for people with CF?

**Minister for Education and Skills (Deputy Richard Bruton):** I thank the Deputy for raising this question. It is an issue of considerable concern, particularly for sufferers. The Minister for Health, Deputy Harris, has made it clear that he wishes to make progress on this issue. There is no attempt by the Government to talk down the benefits of this. Indeed, other Ministers have met families directly affected and are very aware of the concerns. However, approval of a drug of this nature has been taken out of the political process, as the Deputy knows. We have decided, as an Oireachtas, that this would be decided based on the medical evidence and we have appointed those who are experts on this. As the Deputy rightly said in his comments, both the effectiveness and the cost must be considered. The National Centre for Pharmoeconomics, NCPE, which has expertise in this area, has been clear that it views that this company is not approaching this in the proper way and is not showing sufficient concern for patients’ needs in the approach it is taking to the pricing of this particular product. There have been intense discussions between the Health Service Executive and the company to seek to get agreement.

It is should be noted that none of the other Governments that have sought to find agreement have been able to reach one. Canada, Australia and other countries have not been able to reach agreement with this company and the Minister for Health has taken the step of aligning himself with those other countries in order that we can form a group together to get a proper and decent outcome for patients suffering from this condition, some of whom can significantly benefit from this product, of that there is no doubt. The Minister, Deputy Harris, is acutely aware of the position and is not only continuing to press the work that is done here but is seeking to get co-operation from across other Governments and Ministers for health who are in a similar position seeking to get a good outcome for their patients. The product has to be brought within an affordable level. The NCPE has to be in a position to show that this treatment will be effective at the price at which the drug is being provided. That work is being pursued very intensively. The Minister has taken the unusual step of seeking to get a coalition of other Governments to approach this company in a concerted way in order that we can get assurance that this product, which has hugely beneficial effects for some sufferers of cystic fibrosis, can be made available. I assure the Deputy that everything will be done but it will be done within the legal provision that we have all agreed in this House.

**Deputy Micheál Martin:** I do not accept the Minister’s response in its entirety. Up to very recently the Department of Public Expenditure and Reform demanded the right to sanction any new drugs and the Minister for Health had to go before the Cabinet. That was the position. I know that to be the case up to very recently, even up to the time the new cancer drug pembrolizumab came along. Professor Stuart Elborn has said:

Long-term follow-up data has indicated that this treatment can prevent disease progression.

Initially, we were able to show that you can make people a bit better. Now we’re seeing exciting and reassuring long-term improvement.

We hope it will lead to a further rethink about the long-term benefits.

I am really excited ... [about] the therapy and also the pipeline of other powerful drugs that could get us closer to a cure.
We have the highest number of cystic fibrosis patients per capita in the world. We should be leading this in terms of new technologies and clinical trials and engaging with the industry, not in a reactive mode. Jillian McNulty has said to me that she is convinced that she would not be here without this drug. That is her assessment of the situation. I take that seriously. There is a lot of medical evidence that has not come to the fore and there has been an attempt to talk it down. I believe the context of the discussions would change if there was an acceptance that this drug was effective and was an impactful therapy for people with cystic fibrosis. I am glad the Minister has at least confirmed that much today.

An Ceann Comhairle: The Deputy’s time is up.

Deputy Micheál Martin: We should be under no illusion that the leak last Sunday was to send a message that this was not going to happen. That is what the leak to The Sunday Business Post was about.

Deputy Finian McGrath: That is not true.

Deputy Micheál Martin: The decision was taken. That is why it was leaked. We need to reverse that and get to the front line-----

An Ceann Comhairle: Thank you, Deputy.

Deputy Micheál Martin: -----and be in the vanguard of new technologies. I apologise, a Cheann Comhairle, and I thank you.

Deputy Richard Bruton: I can assure the Deputy that the Minister is absolutely at the front line-----

Deputy Finian McGrath: Yes.

Deputy Richard Bruton: -----but the difficulty has been that the technology assessment has shown that at the price being demanded for the drug, it is not medically cost effective. That has been found to be the case not only in Ireland but in Australia, Canada, England and Scotland. All those countries are having difficulty with this company in getting a reasonable pricing of the product. That has been confirmed by the technical work done here. The Minister is, therefore, taking the lead as, quite rightly, the Deputy has asked him to do. He is seeking to build a coalition between those bodies in order that countries can work together to try to reach a sensible outcome. The countries in question have not been able to approve it under their reimbursement codes either in light of the high price being charged. They all recognise its benefits but they have not been able to approve it. That is what we need to get from this company.

Deputy Mary Lou McDonald: Yesterday evening, we received the long-awaited report of the commission on the future of water charges. I welcome aspects of the report, particularly the call for constitutional protection to keep our water services in public ownership. Sinn Féin has long argued for that. I also welcome the commission’s recognition that the best way to pay for general domestic water usage is through general taxation. Sinn Féin has long argued that case also. The report rightly recommends fair treatment for those on group water schemes and those who paid the Government’s water charge. In Sinn Féin’s view, this means no domestic charges for those on such schemes or those with their own water sources and involves refunding those who paid the Government’s water charges to date but - and this is a big “but” - we do not support the commission’s proposal for a charge on so-called excessive use. This, in real-
ity, is simply a rehash of the original Fianna Fáil-Green Party proposal devised in 2009 and it would inevitably lead to the introduction of across-the-board water charges in the future. A low charge now to soften the blow before hiking charges in the future is how the story goes and that is not acceptable. Given Fine Gael’s and, indeed, Fianna Fáil’s track record on water charges, how could anyone trust them not to increase water charges in the future? The Minister’s colleague, the Minister for Housing, Planning, Community and Local Government said as much this morning. He stated, “No water charges for the moment”.

Having flip flopped from one position to another more times than I care to remember, we learned this morning that Fianna Fáil is proposing to introduce a super-tax of combined water charges and property tax. A super-tax from super-Fianna Fáil. Sinn Féin is committed to scrapping both. In any event, the report acknowledges that determining what is excessive water usage would be extremely difficult to calculate. It is also highly likely that the cost of administering and enforcing such a scheme would be greater than the revenue that might be realised. Let us be clear that citizens have demanded no water charges through the front door or through the back door.

In light of the Minister for Housing, Planning, Community and Local Government’s statement this morning, is it the Government’s intention to pursue those who did not or who could not pay water charges? If so, will this be done through the courts, the Revenue or deductions from social welfare payments? Will the Government act to enshrine water services in public ownership? Will the Minister commit today to a referendum being held in respect of this matter in the future?

**Deputy Richard Bruton:** I thank all those who have been involved in drawing up this report. It is a useful piece of work done under the chairmanship of Mr. Kevin Duffy and it shows that a great deal of expertise was brought to bear on the issue. The report allows us to have a genuine conversation about the future of water. The Deputy has selectively picked parts that she likes and chosen to ignore others. What we now have to do in the political environment that exists is use the committee that has been established, and on which Sinn Féin is represented, to tease out the issues that have been highlighted. How do we ensure that genuine people who did their civic duty are treated equally and not put at a disadvantage in respect of this matter? We equally must examine how we might deal with the fact that there is in the legislation an absolute assurance that no change in ownership can occur without a plebiscite. We have to decide whether we need to go further than that. The Deputy has expressed her view, but I am certainly content to wait for the committee to tease out this matter. The commission has also made it clear that it believes the polluter pays principle, which is at the heart of a great deal of thinking about the use of water, would be met by making normal usage free. That would be decided by an independent regulator, not the Government. Where people are using manifestly excessive amounts of water, that would be paid for. There is a large element of fairness in that.

Much of the discussion during the general election campaign focused on the need to bring about greater fairness and to ensure that our economic success would be used in a fairer way. Making sure that we use resources in a fair way has been at the heart of the thinking of the new Government. The commission has pointed the way to some elements of how water should be dealt with in a fair way. These elements include the principle of the polluter pays. They also include ensuring that no person who did his or her civic duty and paid up will be left at a disadvantage. They further include, as the Deputy rightly says, that those who are involved in group schemes and other schemes will not be placed at a disadvantage. That is very valuable food for thought.
I am content to work within the committee. Fine Gael members will work with others on the committee to find a sensible route forward for a resource that is immensely important to our social and economic progress and which needs an investment in the near term of €5.5 billion and in the longer term, according to Irish Water, one of €13 billion. We need to have a sustainable approach. It will not be achieved by individual parties grandstanding and saying they are going to stand on this ground and not consider any other opportunities or options. We have to behave in accordance with the way we were elected. We are legislators. We have to deliberate on what has been provided to us as expert opinion and draw conclusions collectively. That is what I look forward to doing.

**Deputy Mary Lou McDonald:** We can agree on the point that we should behave in accordance with how we were elected. The majority of Deputies in this Dáil were elected on the basis of the abolition of water charges. That is a statement of fact. The Government does not need a commission, a committee or a long, elaborate process of reflection to understand that reality. That is what the majority of Deputies, including this crowd here in Fianna Fáil, were elected to do.

Committee or no committee, the Minister for Housing, Planning, Community and Local Government, Deputy Coveney, was quite clear in saying that those who have not paid will be pursued. I want to know what that means. Does that mean that this matter will go through the courts? Will the Government use the Revenue Commissioners? Will it deduct money from people’s social welfare payments? I will enlighten colleagues that this is not a matter which those affected will be happy to leave in abeyance or about which they will just wait and see. Lots of people paid this charge because the Government browbeat and bullied them into it. Many did not pay because they simply will not pay as a matter of principle. Lots more did not pay because they could not pay. Those people need to know today whether it is the intention of the Government, as enunciated by the Minister, Deputy Coveney, to pursue them through the courts, by means of the efforts of the Revenue Commissioners or via their welfare payments. Will the Minister, Deputy Bruton, please make a clear statement on the matter?

**Deputy Richard Bruton:** It is nonsense to suggest that people were elected on any one issue. People were elected because of concerns across a range of issues. They wanted to see people getting back to work. They wanted those on welfare who had not received increases for eight years to receive such increases. This Government is providing a response in respect of many of the issues that were raised during the election campaign. We all recognise that we did not get a majority. No one got a majority and we have to work together to develop fair solutions. This Government is delivering fair solutions for welfare recipients who had not received an increase for eight years, for people who are getting back to work and for investment in education, particularly in the context of disadvantage and in the area of special education. We are providing solutions.

**Deputy Mary Lou McDonald:** How is the Government pursuing water charges?

**Deputy Richard Bruton:** We have to sit down——

**Deputy Mary Lou McDonald:** How is the Government pursuing water charges?

**Deputy Richard Bruton:** As Deputies elected to this House, we have to deliberate on this decision. We have to reach our own decisions. We are not pre-empting that. We all have our views.
Deputy Mary Lou McDonald: The Minister for Housing, Planning, Community and Local Government, Deputy Coveney, just said-----

Deputy Richard Bruton: We all have our views. Sinn Féin set out its red-line issues. We need to sit down at the committee that has been appointed for the purpose of-----

Deputy Mary Lou McDonald: The Minister is not answering the question.

Deputy Richard Bruton: The committee will be well chaired and we will reach a conclusion.

An Ceann Comhairle: I thank the Minister. Deputy Brendan Howlin, please.

Deputy Simon Coveney: The Deputy fails to understand the process.

Deputy Mary Lou McDonald: I understand the process perfectly.

An Ceann Comhairle: Can we have silence please? Deputy Howlin.

Deputy Brendan Howlin: As Deputy McDonald has indicated, Members received the report of the commission on water last evening. The very first recommendation of the expert commission concerns the public ownership of the water infrastructure. It states that as part of the overall approach to settling the issue addressed in the report, the expert commission recommends that the adoption of a suitable constitutional provision on public ownership of water services be more fully addressed by the Oireachtas committee as part of its deliberations. The Dáil has already passed a Bill on Second Stage to achieve this objective. We are told that the Government was briefed this week on the complexities that would arise if water was the only utility network given constitutional protection. The Labour Party has published a referendum Bill that protects all our networks, including gas and electricity. It avoids a repetition of the disaster of the sale of the telecommunications network some years ago.

Whether those of us in the House like it, there is a real distrust of politicians on this issue. There is a real fear that whatever laws we pass – the Minister has indicated that we have already enacted laws to protect it as a public utility – we need to go beyond that now to reassure people and to assuage real fears. While the detail will be addressed more fully by the committee, as the Minister has said, the report makes clear that the principle of public ownership must be enshrined in the Constitution. Yesterday, before the report was even published, we saw reports of Cabinet briefings against a referendum.

Will the Government support the idea of a referendum to keep our water infrastructure in public ownership? A Bill has already passed the House to that effect. If so, will the Government give a guarantee to the House that the resulting referendum will take place during 2017? Will the Government publish and provide to the committee now established the briefings and advices given to it in respect of such a referendum in order that the committee can carry out its work properly informed?

Deputy Richard Bruton: I thank Deputy Howlin for raising this matter. It is worth restating one point. While I fully acknowledge the public disquiet, section 2(1) of the Water Services Act 2014 provides that there will be no change in the status of Irish Water without a majority of votes cast in a plebiscite in favour of the proposal. We already have legal provision in place, as Deputy Howlin knows.
The Deputy’s party has brought forward Private Members’ legislation. As he is aware, we have not opposed it and we are open to discuss it. However, this has to be done in the usual way, whereby we evaluate the potential impact of any such legislation and ensure that the decisions we take are robust for the future. Certainly, I am of the view that, as a State, we need to protect our core networks and ensure they are available and managed in the interest of the State. We have seen the mistakes made in other jurisdictions, as well as our own, whereby such decisions were not taken with due caution. A Bill put forward in this area on the back of the recommendations will have to be seriously considered by the committee in the first instance. Then, on foot of the committee report, which, I understand, will come within three months, we will be able to make decisions about where we go from there in terms of a potential referendum.

We ought not to seek to pre-empt the work of the committee that we have appointed. It has valuable work to do. We must acknowledge that those responsible have found the legislative assurance we provided to be insufficient. That is what they found in public opinion and the Oireachtas has to take account of that. I am sure it will do so in the committee.

**Deputy Brendan Howlin:** I welcome this acknowledgement. The Labour Party supported the Water Services Act that gave the plebiscite guarantee, but, to be blunt, it is not good enough. People want further assurance and want to hold it in their own hands. That is why we need a constitutional referendum. I welcome the views of the Minister in this regard. Let us agree across the House that we will do that. That would be one thing off the agenda.

A second issue arises in respect of those law-abiding citizens who have paid the charges. The matter was pursued by Deputy McDonald, but to no clear view. Anyone who believes that people are going to be pursued and that Irish Water is going to get that money now is being fanciful. It is absolutely a requirement, if charges are not to be imposed, that they are not imposed on anybody. I, therefore, want an assurance from the Minister that the Government will ensure that those law-abiding taxpayers who, for whatever reason, paid their water charges in good faith will have all the moneys they paid fully reimbursed in order to achieve what the commission has recommended, that is, that citizens who paid should not be treated less favourably than those who did not.

**Deputy Richard Bruton:** We must consider in the committee how the issue of fairness for those who have respected their civic duty and paid a tax that was duly charged and duly underpinned by law is to be dealt with. However, I will not make a decision to commit money today to the repayment of charges. As a former Minister for Public Expenditure and Reform, the Deputy would be the first to criticise me if I were to rise as a Minister to make commitments of payment to the Opposition without first giving the Dáil an opportunity to deliberate on this and arrive at the consensus approach. The commission has done very valuable work in showing elements of fairness that must be respected: the fair treatment of those who paid their water charges, the fair treatment of those who have paid for water for years through water schemes, group schemes and so on, and fairness in the sense that if some people use water excessively and plainly waste a resource that is very costly to produce, the general taxpayer should not have to carry the cost of that behaviour. Important issues of fairness must, therefore, be teased out by the committee, and we look forward to that.
Deputy Richard Boyd Barrett: I would like briefly to welcome the political students of Sallynoggin College of Further Education who have come to the Dáil today.

Deputy Brendan Howlin: All politics is local.

Deputy Richard Boyd Barrett: I suspect young people interested in politics hope to get from political representatives clarity and clear principles on important issues. I suggest to the Minister that when it comes to this so-called expert commission on water, what we are getting from this Government and Fianna Fáil is a monumental political fudge designed to save the blushes of Fine Gael and most particularly Fianna Fáil and leave the door open for the future reintroduction of water charges on the basis of this so-called excessive water charge. For the past two years, in unprecedented numbers, the people of this country, who have been assaulted with austerity and injustice, have taken to the streets and said they do not want household water charges - full stop. The one useful aspect of the commission’s report is the confirmation of something we and the people on the streets have been saying, that Ireland does not have a problem of excessive household usage. In fact, we use 20% less water per household than Britain does, which has had charges and meters for many years. There is, therefore, no excuse or justification on the basis of water conservation for water charges. Irish people are conscientious in their use of household water. It is agriculture and industry that use the vast bulk of water, not households.

Deputy Mattie McGrath: They pay for it too.

(Interruptions).

An Ceann Comhairle: Order.

Deputy Regina Doherty: They already pay.

(Interruptions).

An Ceann Comhairle: Order for Deputy Boyd Barrett.

Deputy Richard Boyd Barrett: Does this Government understand a simple thing called democracy and the will of the people, who have said they do not want domestic water charges? Does it understand that there is now no justification for domestic water charges? Does Fianna Fáil understand that people do not want water charges rolled up into another regressive tax by linking them with property tax? I do not know if Bertie Ahern suggested that idea to Fianna Fáil, but if he did, Fianna Fáil would want to think very seriously about rehabilitating him.

Deputy Finian McGrath: Bertie is back.

Deputy Richard Boyd Barrett: There is a clear mandate for this Dáil.

Deputy Mattie McGrath: Back again.

Deputy Richard Boyd Barrett: When will the Government stop the delay and obfuscation and simply accept the democratic will and mandate of the people to get rid of household water charges, establish the right to water as a human right and pay for the urgently needed investment in our water infrastructure and conservation through progressive taxation?

An Ceann Comhairle: Thank you, Deputy.
Deputy Richard Boyd Barrett: It should make companies like Cerberus, the property vultures and other corporate vultures pay their taxes instead of consistently screwing ordinary householders.

Deputy Richard Bruton: First, I welcome the students from Sallynoggin.

Deputy Finian McGrath: Hear, hear.

Deputy Richard Bruton: This is the assembly where people deliberate, sift the evidence and draw conclusions after careful consideration. Unfortunately, Deputy Boyd Barrett tends to reach his conclusions without looking at any of the evidence.

Deputy Micheál Martin: One must be careful with the evidence.

Deputy Richard Bruton: This is a very valuable document providing evidence for us. It deals with issues raised, such as the nature of the right that might be there for water and the best system for charging. Interestingly, it is recognised that the best system for managing the issue would be volumetric metering, although it is recognised that the political realities are such that we must have acceptance for whatever form of charging is introduced. The report points out the road on which acceptance would be built. It would be built on principles of fairness, one of which is that people who use water excessively could not expect the general taxpayer to pay for that behaviour. Equally, it is indicated that people with group and other schemes should be treated equally.

Deputy Mattie McGrath: Private wells.

Deputy Richard Bruton: It is indicated that people paid in good faith, with more than 60% of people doing so, recognising their civic duty. Not everybody decided they would not pay a legally established charge. The report indicates those people should be treated equally and fairly.

There is much food for discussion and as we evolve a system that will deal with a water network that needs €5.5 billion and which is immensely important to our ambition to attract new employment and provide a social underpinning to our growing communities and new areas, we must recognise it is an important asset. We must deliberate on the expert input that has been provided. The Deputy tends to draw his conclusions by looking into his own heart and deciding what is best.

Deputy Mattie McGrath: Does he have a heart?

Deputy Richard Bruton: We must deliberate over the evidence in a mature way. That is what I look forward to doing.

Deputy Regina Doherty: Hear, hear.

Deputy Richard Bruton: That is the nature of democracy. It is not just those who shout loudest or protest who make determinations. It is the elected people, on a balanced basis, sifting the evidence and making decisions for our community in the best long-term interest of the country.

Deputy Mary Lou McDonald: For many Deputies, it is why they were elected.

Deputy Richard Boyd Barrett: Please do not insult the intelligence of the people who took...
to the streets over the past two years.

**Deputy John Deasy:** What about those who did not take to the streets?

**Deputy Richard Boyd Barrett:** The difference is they did their research a long time ago.

**Deputy Simon Coveney:** Did they?

**Deputy Richard Boyd Barrett:** The Government never produced any research to back up false claims that these charges would somehow reduce household water usage and they were necessary to do so. I just quoted real research, facts and comparisons that have been confirmed by the water commission. We relayed them to the Government two years ago. We use 20% less water per household than Britain, which has water charges. Therefore, such charges do not reduce water usage. It is a simple fact arising from comparison. I suggest the Minister does his research.

Will the Government now accept the will and intelligence of the people who have taken to the streets? They want conservation as much as the Minister.

**Deputy John Deasy:** That is a hell of a-----

**Deputy Richard Boyd Barrett:** If the Government wants an incentive for further conservation, why does it not introduce an actual conservation grant?

**Deputy John Deasy:** That is some future. If that is the premise there will be some future.

**An Ceann Comhairle:** Deputy Deasy, please.

**Deputy Richard Boyd Barrett:** That grant should encourage people to put in water-saving devices. It has never done that. The Government is spoofing when it argues that it wants water conservation. It actually wants to impose a regressive and unfair tax on householders and the people will not be conned.

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

**Deputy Richard Boyd Barrett:** If the Minister does not know, the people will be on the streets in February again if the Government does not accept their will and intelligence in this matter.

**Deputy Michael Creed:** The Deputy will not accept anything.

**Deputy Richard Bruton:** This is a valuable report. We are setting up a committee. The Deputy is involved in the committee, so he will have ample opportunity to air his views.

**Deputy Brendan Howlin:** He is open-minded.

**Deputy Richard Bruton:** The report shows that metering has reduced leakage. It shows that it has worked. The report endorses the idea of setting up a national utility and removing the responsibility from the local authorities. It endorses the value of moving away from the old approach. It supports the polluter pays principle, which provides that people who use water excessively should pay for such usage and that the general taxpayer who pays for most of the normal usage should not pay for excessive usage.

**Deputy Richard Boyd Barrett:** There is no excessive usage.
Deputy Richard Bruton: The report endorses many valuable principles. Like every other Deputy who is a member of the committee, Deputy Boyd Barrett will be able to tease this out and come back to the Oireachtas so that we can make final decisions. That is the way the people of Sallnoggin would expect us to behave as elected representatives who have a duty to make decisions that are based on the long-term ability of this country to fund a water system that meets the needs of our citizens. We hope that will happen through this process.

Questions on Promised Legislation

Deputy Micheál Martin: The programme for Government contains a commitment to “establish an independent patient advocacy service”, clarifies that the Government considers “Open Disclosure as an essential component of patient safety” and refers to “the recommendations of the Madden Commission on Patient Safety”. The Minister may have seen the reports about a whistleblower in Limerick who has made serious allegations about superbug infections that have caused deaths, but without this being reflected on death certificates. The whistleblower in question, who has spoken to Deputy Niall Collins, alerted HIQA about this matter as long ago as 2014. Unfortunately, she feels she has been isolated, bullied and harassed by hospital management since these issues were raised and these serious allegations were made. If patients have died as a result of infections and this information has been withheld from the coroner, there needs to be an independent investigation. Will the Minister indicate to me when the patient advocacy service will be established? Can he confirm that the whistleblower’s allegations will be independently investigated and that the whistleblower will get the supports required under the relevant legislation in this area?

Minister for Education and Skills (Deputy Richard Bruton): I understand that the disclosure mentioned by the Deputy is being investigated by the Minister for Health. As Deputy Howlin will confirm, very serious obligations arise when people are informed about matters of this nature. It would be totally unlawful if someone were “isolated, bullied and harassed” in the manner indicated by Deputy Martin. It would be in breach of the law. I am not in a position to comment on the case in question. I will have to come back to the Deputy on the establishment of the patient advocacy service because I do not have those details to hand.

Deputy Micheál Martin: There is a long paragraph on the establishment of the service in the programme for Government, but that might not mean anything.

Deputy Mary Lou McDonald: Ba mhaith liom ceist a chur ar an Aire faoin Bhille um fhoréigean baile. I would like to ask the Minister about the consolidated domestic violence Bill. The report of the Femicide Watch project, Behind Closed Doors, revealed last week that 209 women and 16 children were killed by men, most of whom were either the current or former partners of the women or the fathers of the children, between 1996 and 2016. As we know, domestic violence is a life and death issue for those who suffer it every day of every week. As many as 4,000 women and children are being accommodated on a yearly basis in emergency refuge accommodation. Like other Members of the Dáil, I have raised this issue consistently. Frankly, we are fed up of listening to platitudes about supporting the victims of domestic violence. The consolidated domestic violence Bill has still not been published. The absence of any firm Government commitment to increase funding for domestic violence refuges, step-down accommodation and other support services is extremely worrying. The Department of Housing, Planning, Community and Local Government does not include the number of adults and
children in Tusla domestic violence refuges in its monthly homeless reports. Will the Minister give the House a commitment that all relevant data will be collected and included in the departmental monthly homeless figures? When will the consolidated domestic violence Bill be published?

Deputy Richard Bruton: I understand it is hoped that the Bill will be published before Christmas. It is on the priority list. I will refer the wider issue of how people who are in emergency accommodation as a result of domestic violence are accounted for in data collection to the Ministers responsible because I do not have an answer.

Deputy Brendan Howlin: What is the status of the promised legislation to combat online bullying and harassment? The Minister will be aware of the report of the Law Reform Commission on harmful communications and digital safety. As Minister for Education and Skills, he is in a particular position to understand how damaging this whole issue is for young people in particular. The Law Reform Commission recommended the establishment of an online regulator - a digital safety commissioner. When will we see draft legislation in this regard? Is it a priority to deal with the whole area of harassment and online bullying?

Deputy Richard Bruton: I am not aware that specific promised legislation has been committed to on that, although I will get back to the Deputy. On the wider issue, I am acutely aware of online bullying as a source of particular distress. In the Department, we are reviewing our well-being programmes and our anti-bullying guidelines to make sure we properly use the resources available to maximum effect and that we have robust anti-bullying strategies in place.

Deputy Bríd Smith: I want to ask about the Planning and Development (Amendment) Bill 2016. We will be debating another aspect of planning and development tomorrow but this Bill relates to the recommendations from the Mahon tribunal. In recommendation No. 9, Mahon recommends that there is a requirement to identify relevant political donations when making planning applications. This is a very urgent issue. We spent €150 million from the coffers of this State on the Mahon tribunal. All of the other amendments to this Bill facilitate developers but this one gives effect to the outcome of the Mahon tribunal, which led to very serious accusations against many politicians.

I note with interest and with very grave trepidation that we may see the return of Bertie Ahern. We need to shore up legislation quickly to ensure, before these benches are filled with Bertie Ahern, Ray Burke and possibly even P. Flynn-----

Deputy Eugene Murphy: He might come back.

Deputy Bríd Smith: -----that we have the relevant legislation in place that will curtail the brown envelope brigade of both Fianna Fáil and Fine Gael, and their historical legacy.

Deputy Shane Cassells: Bertie Ahern brought peace to this country. The Deputy might remember that.

An Ceann Comhairle: Order. Deputy Smith’s time is up.

Deputy Bríd Smith: Mahon makes that one recommendation. We need to act on it because €150 million of the State’s money was spent on getting this recommendation from Mahon and it has not seen the light of day.

Deputy Shane Cassells: We are talking about a former Taoiseach.
An Ceann Comhairle: Deputy Smith should resume her seat. The time is up.

Deputy Brid Smith: Can we please have it see the light of day before the others return to these Chambers?

An Ceann Comhairle: The time is up. I call the Minister.

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty): I find myself now, for the second week in a row, having to ask the AAA-PBP to withdraw the statements it has just made about Fianna Fáil and Fine Gael, and also to remember there is a time-honoured tradition in this House that we do not talk about people who are not here to defend themselves. The Deputy might do it in her neck of the woods but we do not do it around here.

An Ceann Comhairle: It is a political charge. I call the Minister.

Deputy Brid Smith: I will not be withdrawing that statement. It is a statement of fact.

Deputy Richard Bruton: That legislation is already in the Seanad.

Deputy Richard Boyd Barrett: It is only because of the trepidation that we feel.

An Ceann Comhairle: Order, please. I call Deputy Mattie McGrath.

Deputy Brid Smith: I am very anxious. I am just expressing my anxiety.

Deputy Mattie McGrath: I will try not to make Deputy Smith anxious. I wish to raise concerns around the Courts Bill 2016, which proposes to have eviction and repossession cases returned to the Circuit Court, where we know they have failed. The Circuit Court is not fit for purpose and many cases are dealt with by county registrars with no experience in the Judiciary.

The nonsense has been put around by many barristers in the Law Library and, indeed, by some of them in this House, that this will save families extra money. It is total nonsense and is not true. We have to be very careful. Some 8,000 cases have now been held up or have collapsed. The Courts Bill, which intends to change that, cannot be backdated in order to prosecute all of those people. There are 200,000 empty properties due to the banks and evictions. We are looking in the wrong place with the housing crisis. We need to look at what is happening with the banks and the courts. This new Bill needs to be amended.

Deputy Richard Bruton: That Bill is already on Committee Stage so there will be an opportunity for the Deputy to contribute.

Deputy Eamon Ryan: I want to ask about the progression of the legislative and other measures in the national sexual health strategy which was introduced by the Minister, Deputy Varadkar. Tomorrow is world AIDS day. We are now in the middle of a HIV crisis in this country, and the HIV rate is higher than at any time in the 1980s or 1990s. Among men who have sex with men, the rate is 10.6 per 100,000 whereas the EU average is only 6.3 per 100,000. Does the Government want to advance the recommendations from the community and other groups that pre-exposure prophylaxis be made available generally to halt the rate of increase in infection? This has been done in other jurisdictions. Will the Government be able to fund the Know Now rapid HIV testing system which the gay community wants to use to help address this crisis? Why is there a delay in implementing the health strategy in the face of the HIV crisis?

Deputy Richard Bruton: This year we have provided for an increase of €900 million in 14
the health budget. That will be devoted to implementing the national health strategy. Everyone is aware of the serious increase in HIV incidence. I have no doubt that will be one of the areas to which that money is devoted. This is a strategy for several years and funding for it will be provided in the future as it has been this year. It does not require specific legislation.

Deputy Joan Collins: I understand that a memorandum went to Cabinet yesterday about an Opposition Bill, the thirty-fifth amendment of the Constitution (Irish Water to be retained in public ownership) Bill, which relates to our water supply. Given that we are supposed to have new politics, will the Minister send that memorandum to me, as the proposer of the Bill, and to the Oireachtas Joint Committee on Housing, Planning, Community and Local Government, which will be discussing it?

Deputy Richard Bruton: Is this an Opposition Bill on a referendum in respect of-----

Deputy Joan Collins: It is the thirty-fifth amendment of the constitution (Irish Water to be retained in public ownership) Bill.

Deputy Richard Bruton: We have just established a committee to evaluate that. The matter is coming forward for the committee to consider. I am sure the Bill will be considered in the context of the committee’s work.

Deputy Joan Collins: Will the memorandum be sent to the proposer of the Bill? This is supposed to be new politics.

Deputy Eamon Ryan: On a point of order, my understanding was that the order from the Oireachtas did not include that the committee consider the prospect of holding a referendum as part of its work. It is exclusively to consider the financing arrangements. Will the Minister check that out, particularly as I think this should be included in the work of the committee?

An Ceann Comhairle: The points have been made and the Minister will come back to both Deputies on that matter.

Deputy Brendan Howlin: He should come back to all of us.

Deputy Joan Collins: Can I have a copy of the memorandum that went to Cabinet yesterday?

An Ceann Comhairle: The Minister will communicate with the Deputies.

Deputy Danny Healy-Rae: People are waiting for up to two years for cataract procedures at Cork University Hospital. Can the Minister for Health operate the Sligo model in Cork University Hospital because the people of Kerry are disenfranchised and have to wait much too long? They will be blind for Christmas and for the next two years if these procedures are not rolled out.

Deputy Richard Bruton: It is for the hospitals to develop models and to draw on examples of successful practice. The Minister is providing €900 million extra in the health service funding. Under the confidence-and-supply agreement with Fianna Fáil, the National Treatment Purchase Fund approach will be reintroduced. This will allow patients who are waiting considerable periods to get access to treatment on a private basis.

Deputy Lisa Chambers: The national maternity strategy - one of the various commit-
ments relating to improving our health service in the programme for Government - launched earlier this year. This was followed by a report on midwifery numbers which suggested that in order to implement the report, we have to move to a midwife-to-birth ratio of 1:29.5. The latter would require the appointment of an additional 450 midwives. Next Monday, strike action will be initiated at Mayo University Hospital. The midwives there will be going on strike for an hour to begin with, followed by a work-to-rule because of the severe shortage of midwives, ongoing clinical risk to mothers and babies and what they say are unworkable working conditions. Given that strike action is pending within the week and that it will continue, when is the Minister for Health going to hire the additional midwives required under the strategy, which the Government launched, and in the report following that? A total of 450 midwives are required.

**Deputy Richard Bruton:** It is very clear that the Government is committed to increasing the number of midwives in the service and has already been doing so steadily. The level is the highest ever, even though the birthrate is now falling. There is a recognition that the ratio of midwives to new births needs to be increased. Of course, there are issues in the context of rolling it out, recruitment and so on. There is a trajectory regarding increasing recruitment in that area. There have been some difficulties in recruitment but there is a clear commitment to expand.

**Deputy Tony McLoughlin:** Will the Minister update the Dáil on the progress of the geothermal energy Bill?

**Deputy Brendan Howlin:** It is hotting up.

**Deputy Richard Bruton:** The drafting is under way and I am sure that we can get a full report for the Deputy.

**Deputy Éamon Ó Cuív:** I bhfianaise go bhfuil i gceist ag an bhfarántóir atá ag soláthar seirbhísí go dtí na hoileáin Árann an tseirbhís a stopadh tráthnóna, an bhfuil i gceist ag an Rialtas reachtaíocht éigeandála a thabhairt isteach le déanamh cinnte go mbeidh seirbhís agus bealach isteach agus amach as na hoileáin ag pobal Árann ó mhaidín amáraich ar aghaidh?

**Deputy Richard Bruton:** I will have to get the Minister of State, Deputy Kyne, to respond to the Deputy because I do not know what is involved in dealing with that issue, which I know has come up in terms of getting service. I will ask the Minister of State to respond to the Deputy.

**Deputy Brendan Griffin:** In the context of health Bills, I welcome that the issue of Orkambi was raised in the House. I want to know why, when I raised the matter in the House last Thursday, information that was seemingly available to a journalist at the time was not conveyed to the Dáil. It is quite a serious matter that Department officials would not see fit to inform a Minister of the situation as it was at the time. This is far too serious a matter on which to keep the Dáil in the dark. Surely the primacy of the Dáil should be recognised. It is a gross offence to this Dáil if information exists but is not passed to Deputies when they raise matters of importance, such as the issue of Orkambi. It is something that I would not like to see repeated.

**An Ceann Comhairle:** If the Deputy raises that matter with me arising out of a response to a Topical Issue, we will have the matter investigated for him. Does the Minister wish to say anything?

**Deputy Richard Bruton:** Obviously, in any deliberative process, information will not be released until a decision is taken by a Minister. I do not know what the precise circumstances
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were and, therefore, I would not like to try to comment on it.

Deputy Joe Carey: What is the status of the family court Bill?

Deputy Richard Bruton: The heads are expected at the end of this year.

Business of Dáil

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

That, notwithstanding anything in Standing Order 154, the instruction to the committee in respect of the Courts Bill 2016 shall be taken today, without debate, immediately after Questions on Proposed Legislation, and any division shall be taken immediately.

Question put and agreed to.

Courts Bill 2016: Instruction to Committee

Minister for Education and Skills (Deputy Richard Bruton): I move:

That, pursuant to Standing Order 154, it be an instruction to the Select Committee on Justice and Equality that, in its consideration of the Courts Bill 2016, it has power to make provisions:

(a) to amend the Eighth Schedule to the Courts (Supplemental Provisions) Act 1961 to provide for the extension of the term of office of a person who has been appointed to be a Taxing-Master;

(b) to amend the Eighth Schedule to the Courts (Supplemental Provisions) Act 1961 to provide for the procedure to be adopted in a case in which a function falling to be performed by a person who has been appointed to be a Taxing-Master has not, on the occasion of his or her vacating office, been fully performed;

(c) to amend the Legal Services Regulation Act 2015 to provide that the Government may appoint the Chief Legal Costs Adjudicator and such number of Legal Cost Adjudicators as they determine; and

(d) to change the title of the Bill to take account of these provisions.

Deputy Alan Kelly: Sorry, Ceann Comhairle. I understood I was introducing the-----

An Ceann Comhairle: The Deputy will be doing so in just a second. We have not forgotten about him.

Deputy Eugene Murphy: The Deputy should take his time.

Deputy Alan Kelly: Okay.

Question put and agreed to.
Deputy Thomas Pringle: I move:

That leave be granted to introduce a Bill entitled an Act to amend the National Treasury Management Agency (Amendment) Act 2014 instructing the Agency to divest the Ireland Strategic Investment Fund, currently under the remit of the Agency, of its assets in fossil fuel companies within five years of the commencement of this Act to precipitate a timely decarbonisation process in line with Ireland’s climate change commitments under Article 2 of the Paris Agreement.

We are coming up to the first anniversary of the signing of the Paris Agreement, which called for a global response to the threat of climate change in the context of sustainable development and efforts to eradicate poverty. Climate change must be fought on multiple fronts. One such front, as outlined in Article 2 of the Paris Agreement, relates to ensuring that finance flows are consistent with the pathway towards low greenhouse gas emissions and climate-resilient development. My Bill seeks to ensure that Ireland’s financial flows are consistent with action on climate change.

It instructs the National Treasury Management Agency, NTMA, to divest public money managed by the Ireland Strategic Investment Fund, ISIF, from fossil fuel companies. Currently, Ireland invests €133 million of taxpayers’ money in global fossil fuel companies through the ISIF. Under the Bill, this money will be withdrawn over five years and the ISIF will be banned from future investments in the fossil fuel industry. Ireland must face up to the disproportionate role of fossil fuel companies in causing climate change. It is urgent that we participate in the global phasing out of fossil fuel exploration, extraction and combustion in a timely manner in order that we can meet the commitments set out in the Paris Agreement.

This is not just ethical financing; it is also responsible financing. Recent research commissioned by Trócaire shows that getting out of the fossil fuel industry makes financial sense for the ISIF as fossil fuel investments are becoming increasingly risky. Expert analysis shows that the fund lost €22 million last year and approximately €100 million over the past three years by investing money in the fossil fuel industry rather than in companies working for climate solutions.

Next week we will be discussing the Government’s draft mitigation plan so it is timely to discuss fossil fuel divestment. I remind the Government of the overwhelming public support for this move. More than 10,000 people have signed Trócaire’s petition over recent months which calls on the Government to stop investing in the fossil fuel industry, and 25 organisations and networks throughout the country have made a formal submission to the Government on the issue. Support is also growing internationally for divestment. More than 600 institutions globally, including major universities such as the University of Glasgow and Stanford University in the US and major cities such as Berlin, Copenhagen, Stuttgart, Oslo and Sydney, have divested their funds from fossil fuel companies. The Amalgamated Bank in the US is the first bank to announce divestment of all its fossil fuel assets, and many insurance companies are also offloading fossil fuel investments.

Ireland has taken similar moves before. In response to global calls, the Cluster Munitions and Anti-Personnel Mines Act 2008 was introduced, preventing the ISIF from investing in 19 companies on the basis of their work on cluster munitions. We would be the first State to divest...
its public money from fossil fuel companies and lead on the issue of climate change. I thank Trócaire for its hard work on this Bill and its public campaign on fossil fuel divestment. I look forward to working with everyone in the House as the Bill progresses through the Oireachtas.

**An Ceann Comhairle:** Is the Bill opposed?

**Minister of State at the Department of the Taoiseach (Deputy Regina Doherty):** No.

Question put and agreed to.

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

**Deputy Thomas Pringle:** I move: “That the Bill be taken in Private Members’ time.”

Question put and agreed to.

**An Ceann Comhairle:** The debate is hereby adjourned. The Bill will be taken on the next day in which Private Members’ business is to be taken in accordance with Standing Order 147(4).

**Intoxicating Liquor (Breweries and Distilleries) Bill 2016: First Stage**

**Deputy Alan Kelly:** I move:

That leave be granted to introduce a Bill entitled an Act to provide for the grant of a licence authorising the sale of intoxicating liquor to visitors at breweries and distilleries and similar premises, and to provide for related matters.

I note the smile on the face of the Ceann Comhairle. This is a very important Bill and is critical for a growing industry in Ireland. The Bill deals with an anomaly concerning craft brewers and distillers who are not allowed to sell their own produce on their own sites.

Craft brewing and distilling is a growing industry which currently employs approximately 1,000 people directly and indirectly. There are craft brewers and distillers in every county in the country. Many of these distillers and brewers wish to open visitor centres to attract more customers for their product. Unfortunately, however, if one visits such a centre at the moment, one cannot purchase the actual product. Imagine taking a tour of a vineyard in Italy, Spain or France but not being able to purchase a bottle of wine there. It is, frankly, ridiculous. The Bill deals with this anomaly and allows brewers and distillers to sell only their own produce on site. This is critical. They cannot sell anything that has been re-labelled or produced elsewhere. They can only sell what is produced on that site. They will be allowed to sell their produce from 10 a.m. until 6 p.m.

Fáilte Ireland, where I worked once upon a time, has stated that the craft brewing and distilling industry has enormous potential to increase tourism. The turnover in craft brewing has grown exponentially in recent years. In fact, there has been an 11 fold increase in the past five years alone.

*I o’clock*
The potential volume of people who could be employed if we made this legislative change is huge because with tourists coming to this country and from throughout the country to visit these sites, awareness of brands such as Irish brands of whiskey from 100 years ago that became so popular around the world will increase and more people will purchase them. As a consequence, if this Bill is introduced, we will see a direct financial gain for many sectors. For example, in terms of the construction industry, a number of growers are planning to build new visitor centres. There will be gains in the distribution area, the transport sector, the agricultural sector - the Minister for Agriculture, Food and the Marine is in the Chamber - in terms of the growth of crops, in sales and in the production area where there will be more people employed. In totality, we will have an industry that will be able to go from strength to strength.

I visited the White Gypsy Brewery in my constituency and while there I discovered that a number of craft brewer enthusiasts who had visited the brewery were shocked that they could not purchase the produce at the end of their short tour. As a result, working with the independent craft brewers of Ireland and meeting some of the craft distillers, we came around to drafting this legislation to deal with that anomaly. It will create significant growth in the industry and allow it to multiply in serious numbers the volume of people who will be employed across a range of sectors. Fáilte Ireland has indicated that it will create a new tourism product surrounding this area.

This is important legislation. I ask Members across the House and across the political spectrum to support this Bill. The brewers would appreciate it if the Bill could be passed through the House swiftly because of their plans to grow the industry. I ask the Government to accept and support this Bill so that we can get it passed quickly by the House. The brewers will be launching the Bill this day week and I ask anyone who is available to support it. All the brewers will be in touch with all their local Deputies asking them to support this legislation in the coming days and weeks.

An Ceann Comhairle: Is the Bill opposed?

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty): No.

Question put and agreed to.

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

Deputy Alan Kelly: I move: “That the Bill be taken in Private Members’ time.”

Question put and agreed to.

An Ceann Comhairle: In accordance with Standing Order 147(4), the Bill will be taken on the next day on which Private Members’ business is to be taken.

Flood Insurance Bill 2016: Motion to Discharge Order for Referral to Select Committee

An Ceann Comhairle: I understand it is proposed now to discharge the order made yesterday referring the Flood Insurance Bill 2016 to the Select Committee on Housing, Planning,
Community and Local Government and to refer it instead to the Select Committee on Finance, Public Expenditure and Reform, and Taoiseach.

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

That the motion to refer the Flood Insurance Bill 2016 to the Select Committee on Housing, Planning, Community and Local Government be discharged.

Question put and agreed to.

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**Flood Insurance Bill 2016: Referral to Select Committee**

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

That the Bill be referred to the Select Committee on Finance, Public Expenditure and Reform, and Taoiseach pursuant to Standing Orders 84A(3)(a) and 141.

Question put and agreed to.

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**Topical Issue Matters**

**An Ceann 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 Jonathan O’Brien - the housing situation for survivors of the Carrickmines fire; (2) Deputy Tony McLoughlin - the future of the Sligo-Dublin rail service; (3) Deputy Joan Collins - the closure of the Rialto post office; (4) Deputy Peter Burke - staffing arrangements at the North Westmeath Hospice; (5) Deputies Brendan Griffin and Billy Kelleher - gynaecological services delays at Cork University Maternity Hospital; (6) Deputies John Lahart, Jim O’Callaghan and John Curran - funding for Our Lady’s Hospice, Harold’s Cross and Blackrock; (7) Deputy David Cullinane - concerns about capacity at University Hospital Waterford and outsourcing to Cork; (8) Deputy Eugene Murphy - the need for a safety review of the N5 from Termonbarry to Ballaghadareen; (9) Deputy Dessie Ellis - the need for a primary health care centre in Finglas; (10) Deputy Catherine Murphy - access to radiological facilities and theatre availability in Temple Street hospital; (11) Deputy Thomas Byrne - use of surplus Department of Education and Skills land in County Meath; (12) Deputy Tom Neville - workplace discrimination of our more mature employees; (13) Deputy Frank O’Rourke - problems with the centralised tender for book supplies to public libraries; (14) Deputy Lisa Chambers - pending industrial action in Mayo university hospital; (15) Deputy Colm Brophy - the vacant needs assessment officer post in Dublin south west; (16) Deputy Martin Heydon - the need for improved youth services in County Kildare; (17) Deputy Shane Cassells - the completion of phase two of the Navan to Dublin rail line; (18) Deputy Jackie Cahill - the Department of Agriculture, Food and the Marine low cost loan scheme for farming families; (19) Deputy Dara Calleary - concerns over home help hours availability in County Mayo; (20) Deputies Clare Daly and Mick Wallace - the tax paid in 2015 by Cerberus on its profitable Irish activities; (21) Deputy Mattie McGrath - the delays in accessing ear, nose and throat services for children in County Tipperary; (22) Deputy Peadar Tóibín - the need to review imbalance in allocation of regional development resources; and (23) Deputy Anne Rabbitte - safety concerns at Tusla child care centres.
The matters raised by Deputies Jonathan O’Brien, Peadar Tóibín, Martin Heydon and Shane Cassells have been selected for discussion.

Ceisteanna - Questions

Priority Questions

Rural Development Programme

1. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the reason only half of the 2016 RDP budget has been spent in the year to 14 November 2016; when outstanding payments will issue to farmers; and if he will make a statement on the matter. [37784/16]

**Deputy Charlie McConalogue**: My question is to ask the Minister the reason only half of the rural development programme budget for 2016 had been spent by 14 November and when standing payments will be issued to farmers.

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed)**: The timing of payments under rural development programme, RDP, schemes is governed by EU regulation and while the norm is that payments issue between 1 December and 30 June of the following year for area based schemes, an advance of up to 75% can be made before 1 December with the balance issuing after all inspections have been initiated. For 2015 and 2016, the Commission moved from a 75% advance and allowed member states to pay up to 85%. To comply with regulatory and audit requirements, a full suite of checks must be carried out on all payment claims and this work cannot commence until after 15 May, the closing date for submission of the basic payment scheme application.

For many of the rural development programme schemes, 2016 is the first full year of payment and 2016 payments for a number of the schemes are scheduled to issue in December. The current position for each of the schemes in the RDP in respect of 2016 payments is as follows. For the areas of natural constraint, ANC, scheme, payments are made annually to some 96,000 farmers. For 2016, the allocation is €202 million, and we are on schedule to pay this full allocation by year end. In 2015, some €207 million was paid under the scheme.

Processing of the ANC scheme payments commenced on schedule during the third week in September with almost 65,000 applicants being paid a total of €140.9 million. To date, over 87,000 applicants have been paid a total of €188 million. In addition, over €10 million has been paid this year in respect of the 2015 scheme year.

As is normal at this stage of the year, a number of applicants have not yet fulfilled the scheme eligibility requirements regarding stocking density but will do so, it is to be hoped, before the end of the year. Payments under the beef data and genomics programme are calculated on the basis of the number of calved cows in 2014 and the eligible hectares of forage land declared on the 2014 single payment scheme application. Payments amounting to €44 million have now been made to almost 24,000 farmers of which €29 million was paid to almost 16,000
farmers in December 2015.

Payments in respect of 2016 scheme year will commence in December. There is an allocation of some €52 million in 2016 and it is expected to spend that allocation.

Under the RDP, knowledge transfer groups have been set up across six sectors – beef, dairy, sheep, tillage, equine and poultry. These groups will build on the success of the previous discussion groups, with the addition of one-to-one time between farmer and adviser to develop a farm improvement plan, FIP.

Each farmer receives €750 per annum per group - €375 in respect of a second group, if a farmer joins two groups.

*Additional information not given on the floor of the House*

Each facilitator receives €500 per farmer per annum, an average of €7,500 to €8,500 per group. Almost 20,000 farmers have now been approved in knowledge transfer, KT, groups which began in June 2016. No payments are due to issue until the end of year one, that is, in quarter three of 2017.

The 2016 budgeted allocation for TAMS is €35.8 million. To date 4,965 approvals have issued across the initial four tranches of the TAMS II schemes. Payment is made when the approved works have been completed. Expenditure to 14 November is just under €5 million and payment claims continue to be submitted and approved on an ongoing basis.

The REPS 2016 allocation is €4.2 million and expenditure to 14 November 2016 is €2.5 million. Projected further spend to end of year is €1 million. It is expected that outstanding REPS payments will be made in the first week of December. These will almost exclusively be payments for supplementary measures which are made one year in arrears. The bulk of REPS participants exited the scheme at the end of 2014 with less than 850 remaining in the scheme to the end of 2015.

The agri-environment options scheme, AEOS, 2016 allocation is €38.4 million and expenditure to 14 November is €15.1 million, with a projected further spend of €21 million before year end.

Under the green low carbon agri-environment scheme, GLAS, over €17 million has issued in respect of the 2015 scheme year. The total active population in GLAS so far is some 37,400 and payments in respect of the 2016 scheme year, the first full year of the scheme, are scheduled to commence before the end of the year. Payment can only issue to participants who pass all the required validations. The total budget for GLAS in 2016 is €142 million and it is expected to spend that allocation.

With regard to the organic farming scheme, the 2016 budget allocation is €12 million and payments to 14 November are valued at €2.6 million, with an expected spend for the full year of €10 million.

In 2016, some €500,000 was voted for the collaborative farming scheme, that is, 200 cases at the maximum of €2,500. To date, €219,000, involving 170 cases, has been paid and it is anticipated that a further €110,000, involving a further 70 cases, will be paid before year end. All amounts claimed were well under the maximum allowable, hence the greater number of cases paid.
Deputy Charlie McConalogue: I thank the Minister for his response. As the Minister pointed out to me in a response to a parliamentary question I received on 14 November, up until that point in time only 52% of all rural development programme funding for 2016 had been paid out to farmers. The Minister knows as well as I do the enormous pressure that agriculture has been under this year, across nearly all sectors. There are significant cash-flow pressures. It has been a difficult year for dairy and a difficult year for sheep, and an exceptionally difficult year for the tillage sector, and, indeed, for beef. It is unacceptable that expenditure from that budget is backloaded to the end of the year when every effort should be made to bring as much of it forward. This can be done within the rules and regulations under which the Department must operate.

In relation GLAS, the Department has been slow in ensuring that the scheme was up and running so that full-year payments could issue to farmers. However, in relation to the overall budget which is €256 million for 2016, can the Minister give a guarantee that the budget will be spent in full this year and, if not, what will the funding be allocated towards instead?

Deputy Michael Creed: I am slow to give guarantees that I cannot stand over, but it is the ambition in the Department to pay every farmer who has entitlement and we have made adequate budgetary provision in that regard. Some of the remainder of my reply dealt with payments under REPS, which is a previous rural development plan, which shows that these schemes do not fit neatly into five-year boxes. Some spill over into the new Rural Development Programme 2015-2020. For example, later in December, it is anticipated that €142 million will be paid out in respect of 37,400 GLAS applicants.

One specific area we have flagged where we have provided substantial funding for approved applicants is under TAMS. The Department recognises, however, that 2016 was a difficult year in respect of on-farm investment and many farmers may have made a prudent decision, because of cash-flow difficulties, not to invest. That is entirely understandable. However, we have attempted to communicate with all farmers in an effort to encourage drawdown of the funds that we have provided under the budget. I assure Members and farmers that substantial funds are provided for under the rural development programme. There is €601 million for 2017, the highest provision ever. It is our ambition to pay every farmer who has an entitlement, subject to the statutory audits and checks that are part of every scheme.

Deputy Charlie McConalogue: As the Minister knows, the rural development programme is an essential part of agricultural income, funding and cashflow for farmers. The Minister indicated that many of the GLAS payments will be made in December. With regard to the beef data genomics programme, as of mid-November just over 50% of the €52 million budget for this year had been paid to farmers. Can the Minister update me on the position and give an assurance on those payments? When will farmers get them? Will the Minister also give an assurance that the budget will be spent this year? The uptake under the targeted agricultural modernisation schemes, TAMS, has been smaller this year. In respect of the €256 million budget for the rural development programme overall, it is crucial that what is allocated each year is spent each year. The Minister indicated that, as far as he is concerned, there can be follow-on from one CAP programme to the next. However, under the GLAS scheme there are specific allocations committed to by the Government for the duration of the CAP and also for each year. It is crucial that this is delivered on and that it ends up in farmers’ pockets and is not withheld by the Department, particularly considering the enormous income pressures on farmers.

Deputy Michael Creed: I assure the Deputy that the Department has no interest in with-
holding payment to any farmer, but there are issues regarding eligibility. Under areas of natural constraint, ANC, payments, for example, it may be the case that farmers might meet the eligibility requirements in the latter days of December, and they have the latitude to do that in respect of matters such as stocking density. That is why in 2016 we paid €15 million in ANC payments for 2015. I am sure the Deputy is not suggesting that when somebody meets the criteria for eligibility in the latter days of the year they should not be paid. The scheme does not lend itself to 1 January and 31 December deadlines, so we operate with some latitude at either end.

I will give the figures for the beef data genomics programme. Payments under that programme are calculated on the basis of the number of calved cows in 2014 and eligible hectares of forage land declared under the 2014 single payment application. Payments amounting to €44 million have now been made to almost 24,000 farmers, of which €29 million was paid to almost 16,000 farmers in December 2015. Payments in respect of the 2016 scheme will commence in December. There is an allocation of €52 million and it is expected to spend all of that allocation.

Basic Payment Scheme Administration

2. **Deputy Martin Kenny** asked the Minister for Agriculture, Food and the Marine his plans for the restoration of the national reserve for entitlements under the basic payments scheme for farmers, with particular reference to new entrants to farming, returning emigrants, farmers under 40 years of age who were not farming in reference years and old young farmers. [37869/16]

**Deputy Martin Kenny:** Will the Minister outline his plans for the restoration of a national reserve for entitlements under the basic payment scheme, with particular reference to new entrants to farming, returning emigrants and what is generally termed the forgotten farmers? While there are a small number of them throughout the country, it is a very serious issue that must be dealt with. This year there is no national reserve. Is there a plan for one next year?

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** The national reserve measure of the basic payment scheme provides for an allocation of entitlements to eligible applicants. EU regulations governing the national reserve provide that the two mandatory categories of “young farmer” and “new entrant to farming” must receive priority access to the reserve. A young farmer is defined as a farmer aged no more than 40 years of age in the year when they first submit an application under the basic payment scheme and who commenced their farming activity no more than five years prior to submitting that application. A new entrant to farming is defined as a farmer who commenced their agricultural activity during the previous two years and did not have any agricultural activity in their own name and at their own risk in the five years preceding the start of the current agricultural activity.

Returning emigrants who meet the eligibility criteria for applicants under the national reserve will be eligible to submit an application for an allocation of entitlements. The terms and conditions applicable to all categories under the national reserve require applicants to have a gross off-farm income of €40,000 or less in either of the two tax years prior to the year in which the application is made to the national reserve. All national reserve applicants must also comply with requirements in terms of an agricultural education qualification at Further Education and Training Awards Council, FETAC, level 6 or equivalent.

The regulations governing the operation of the national reserve also include an optional pro-
vision whereby member states may use the national reserve to allocate new entitlements or give a top-up on the value of existing entitlements for persons who suffer from a “specific disadvantage”. Support for such categories can only be considered once the two mandatory categories of young farmer and new entrant have been catered for. Decisions regarding the eligibility of farmers under the specific disadvantage category of the national reserve require the approval of the European Commission.

Following my Department’s consultation with the European Commission, the then Minister announced in March 2015 that the group commonly known as old young farmers, who established their holding between 1 January 2008 and 31 December 2009, and who, due to the time-frame of setting up their holding, did not benefit from either the installation aid or the young farmer category of the national reserve, could be considered as a “group suffering from specific disadvantage”. Following approval by the European Commission, this group was eligible to apply under the national reserve measure of the 2015 basic payment scheme. Some 280 applicants were successful under the old young farmer category of the 2015 national reserve. Therefore the old young farmer group has already been catered for under the 2015 national reserve.

Additional information not given on the floor of the House

The group commonly known as the forgotten farmer group comprises farmers aged under 40 who established their holdings prior to 2008 and who hold no entitlements or low value entitlements. Preliminary analysis carried out by my Department shows there are 3,900 farmers in this category. An estimation of the cost of increasing the value of existing entitlements to the national average for these 3,900 farmers stands at in excess of €12 million. A Programme for a Partnership Government contains a commitment to further pursue the category of forgotten farmers at EU level.

In 2015, the national reserve fund was based on a 3% cut to the basic payment scheme financial ceiling and provided €24 million in funding which was the maximum financing rate available under the relevant EU regulations. There was no national reserve in 2016 as all available funding had been utilised under the 2015 scheme. To provide for a national reserve in 2017, funding is required to replenish the reserve. EU regulations governing the scheme provide that funding for the replenishment of the national reserve may be obtained by means of surrender of entitlements that remain unused by farmers for two consecutive years and by clawback derived following the sale of entitlements without land. It is envisaged that funding derived from these two sources in 2017 will be very limited. The regulations also provide for the option of applying a linear cut to all farmers’ entitlements to fund the national reserve. Decisions on the national reserve for 2017 will be considered once the position on potential funding has been established.

Consultation between departmental officials and the direct payments advisory committee, comprising members of the main farming organisations, agricultural education and farm advisory bodies, takes place annually as part of the decision-making process for the national reserve.

Deputy Martin Kenny: The issue is not being dealt with. The Minister has set out the terms and conditions of it, but is there a reserve in place? Clearly, there is not and that is the issue we must discuss. A certain amount of money that will be unspent in various categories will come back to the Department and I cannot understand why there is a reluctance to put that to one side. If we are committed to the agriculture sector, we must look at getting new and young farmers in place who will have entitlements. At present, entitlements are not available to them.
Will the Minister give a commitment to put the money to one side for the amount of entitlements that would be required? It is not a huge amount, given the number of people throughout the country who need to get this sorted. Will the Minister put that in place now to ensure either returning emigrants or people starting out in farming can have a future? This is really about ensuring they have a future.

Deputy Michael Creed: I have dealt with the returning emigrants and the group known as old young farmers. The specific group where we have a difficulty and on which we are trying to progress is the forgotten farmer. The Department estimates there are approximately 3,800 or 3,900 such farmers. The issue here, and the Deputy hit the nail on the head, is that there is no reserve at present. Entitlements flow into the reserve in a couple of ways. Clawback on leases and unused entitlements for two years go into the reserve. At present, there is practically nil in the reserve fund.

There is another option available to put entitlements into the reserve and perhaps the Deputy will give his views on it. It is to top slice everybody’s payment. In 2016, for understandable reasons given that it was a very difficult year, all farming organisations, with the exception of Macra na Feirme, said it could not happen. The Deputy might indicate his support for top slicing or cutting everybody’s application by 2%, 3% or the required amount to give to applicants under the categories should the forgotten farmers be eligible, and there is an issue with getting that category of disadvantaged farmers over the line in respect of European Commission approval. However, if we get them over the line, the question is how we create an entitlement. I cannot just divvy out the little that might be available. I am obliged under the regulations to give them the equivalent of the national average. That can only realistically be done by top slicing. Perhaps the Deputy might indicate his support for that.

Deputy Martin Kenny: That is fair enough. We understand that and that it has been a difficult year for farmers. However, rather than top slicing everybody, my suggestion, which I believe would be acceptable to most people, is that we consider the top end. For example, almost 300 farmers in the country receive in excess of €100,000. If the Minister were to top slice them by 5% or 6%, it would create a pool of money amounting to €2 million to €3 million. Approximately 2,000 farmers receive more than €50,000. If the Minister were to top slice them by 2%, it would create approximately €3 million. That is the small amount of money required for this. Perhaps Members across the House should consider it. I do not believe it is something that the vast majority of Members or, indeed, the vast majority of people in the farming organisations could oppose. We are talking about taking it from the very top and putting it into the bottom where it is needed. I believe we should try to find a consensus on doing something of that nature. It will not take a great deal of money. All it requires is the will and the agreement. Of course, there will be pressure from the farming organisations who will be looking after the guys at the top, but we must look after the people who are starting off. They are the future, and this is about creating something for the future.

Deputy Michael Creed: I will give a quick summation of the mathematics involved. The Deputy has offered a suggestion for €5 million. The cost of dealing with the 3,900 farmers, as estimated by the Department, is €12 million, so there is €7 million to find. We are still not making enough from the Deputy’s proposal, which is targeting some but not all.

Deputy Martin Kenny: My calculation is on the back of an envelope, but it must be assessed.
**Deputy Michael Creed**: To be fair, I cannot proceed on the basis of the back of an envelope, nor can I proceed in breach of EU regulations. The first hurdle I have to clear, and I do not want to underestimate the challenge we face, is to get EU approval to include this category. If we secure them as an approved category, eligible to draw from the reserve, we have to consider how we would create a reserve that would be able to meet the requirements to give all eligible applicants the benefit of a national average payment from the reserve. They are not easy challenges to overcome but the first one that must be cleared is the one at EU level.

**GLAS Issues**

3. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the status of the total participation levels and expected payment levels for farmers under the green low-carbon agri-environment scheme; if all allocated funds will be spent on the programme; and if he will make a statement on the matter. [37785/16]

**Deputy Charlie McConalogue**: My question asks the Minister to give the latest update on total participation levels and expected payment levels for farmers under the green, low-carbon, agri-environment scheme, GLAS. It also asks whether the Minister expects the allocated funds to be spent in full and, if not, if he will indicate what any underspend will be directed towards?

**Deputy Michael Creed**: The first two tranches of GLAS resulted in almost 38,000 farmers being approved into the scheme in its first year of implementation. This represents an unprecedented level of participation in the first year of an agri-environment scheme in Ireland. This scheme is providing support to Irish farmers to deliver environmental benefits and public goods which will enhance Ireland’s agriculture sustainability credentials into the future.

This scheme is playing a critical role in enhancing Ireland’s efforts to deliver sustainable agricultural production. The scheme provides support to Irish farmers aimed at enhancement of biodiversity, water quality and mitigation of future impacts of climate change while allowing Irish farmers to improve their agricultural productivity and practices in a sustainable manner. It is critical that we protect the Irish countryside for the benefit of all, and GLAS provides support to Irish producers to do this while enhancing their ability to deliver sustainable food production, which is making a critical contribution to growth in the Irish economy.

In launching the third tranche of GLAS, I was fully aware of the need to maximise participation in the scheme, in particular to maximise the participation of farmers with the most important environmental assets and farmers who can deliver the actions with greatest impact environmentally. Given the interest in the scheme to date, I am confident that the third tranche will result in participation levels meeting expectations and result in all the funding provided for in Ireland’s Rural Development Programme 2014-2020 being used. It is clear given the interest in the third tranche to date that the overall target participation level for the scheme of at least 50,000 farmers can be met. This will mean that by 2017, 50,000 farmers will be fully participating in GLAS, delivering benefits which will enhance the Irish environment for many years to come.

Selection into the scheme will depend on the level of applications received and the available funding, so I would again urge farmers, in consultation with their advisers, to select the most environmentally impactful actions on their applications as this will increase their chances of selection into the scheme. The same criteria for priority access to the scheme as applied in
previous tranches will be applied to GLAS 3.

I reiterate that given the projected level of participation in the scheme, all available European funds and matching funds over the rural development plan programming period will be fully utilised.

**Deputy Charlie McConalogue:** My question also asked the Minister to indicate the average projected payment levels but he did not refer to those in his response. Those are important in terms of whether the total spend, as projected, will be met. I have a concern about that, and the figures show that we are on course for GLAS to have a significant underspend between now and the end of the rural development programme in 2020.

The Minister, as well as his predecessor, and his Department have been too slow in getting the scheme up and running. As indicated in my first priority question, the vast majority of farmers who have applied for GLAS have not had a full year’s payment yet, despite the fact the CAP programme has been up and running for more than two years at this stage.

My information from a reply to a previous parliamentary question is that the average spend was €4,600. If that were to continue and if the number of participants was to reach 50,000 capacity, there would be at least a €20 million overspend for the remainder of the scheme on top of the underspend on it so far. I want the Minister to clarify the average spend. Will the €1.45 billion committed to by the previous Minister, Deputy Coveney, be spent in full by the end of 2020, and if not, on what will the money be spent?

**Deputy Michael Creed:** I have already indicated *ad nauseam* in the Chamber that the record of the Department of Agriculture, Food and the Marine on previous rural development programmes and on this one is to spend every penny that has been allocated. As I said in reply to the Deputy’s first parliamentary question, the schemes do not lend themselves to 1 January to 31 December absolutist deadlines. That is why we are still paying some rural environment protection scheme, REPS, and agri-environment options scheme, AEOS, payments because they spill over. The proof of that is that farmers are in the process of applying for inclusion under GLAS 3 and their five-year entitlement will run beyond 2020.

The Deputy is correct, and he has asked this question again, that the average payments under GLAS 1 and GLAS 2 is €4,600. The scheme is currently open for new applicants. The ambition is to reach 50,000 new applicants and that will ensure the commitment to spend under the RDP GLAS will be met.

**Deputy Charlie McConalogue:** Let me be clear on this, the Minister and his predecessor have breached their commitment to farmers to spend €1.45 billion on GLAS by the end of 2020. That is what the Minister committed to and that is what he is backing away from. The net outcome of that is that farmers and farm families will not benefit from that income because it will not be spent by 2020 and will be kicked out until after that. The reason for that is that the Minister was slow in getting the GLAS off the ground and also, because the requirements to participate in it are very restrictive, the average payment is less than what was projected. The result is that farm families are not getting what the Minister committed to. If there is to be an underspend in GLAS by the end of 2020, which clearly there will be, I remind the Minister that his Government committed to spending €1.45 billion on this programme by the end of 2020, not later than that. My position is that this has to be spent within this rural development programme. How much of that funding will not be spent by the end of the programme? I ask the
Minister for an absolute commitment that if that funding is not spent by then, it will be allocated to RDP schemes within that timeframe?

**Deputy Michael Creed**: I ask the Deputy, in the context of his question, to reflect on why it is that we are paying REPS and AEOS payments now.

**Deputy Charlie McConalogue**: Why is the Minister not paying GLAS payments? He is not paying them because he was too slow to get the scheme up and running.

**Deputy Andrew Doyle**: That is the way it works. The Deputy should know that.

**Deputy Michael Creed**: The Deputy’s suggestion, with which I totally disagree, is that new entrants to the GLAS now would only get three years payment.

**Deputy Charlie McConalogue**: No. It is certainly not.

**Deputy Michael Creed**: We are committed to paying them for five years. The Deputy has to accept that once the RDP funding was secured, we had to submit a rural development plan to Brussels and it had to approve it. Once we got approval, we had to invite applications and payments GLAS payments began in late 2015. Then it was opened up to new applicants. The number that will ultimately benefit from this is 50,000. However, this will not fall neatly into the boxes that the Deputy seems to be dictating and it has never done so, nor has it ever done so in REPS and AEOS. The Deputy’s suggestion would mean that new applicants to the scheme now would have only three years’ entitlements. That is surely unfair.

**Agrifood Sector**

4. **Deputy Willie Penrose** asked the Minister for Agriculture, Food and the Marine his views on whether farmers should be encouraged to expand production substantially in order to meet the €19 billion target of Food Wise 2025 when uncertainty reigns due to Brexit, trade deals and the general imbalance in supply and demand in world markets which would suggest that extra output will further reduce prices, undermine viability and risks leading farmers into further debt; and if he will make a statement on the matter. [37787/16]

**Deputy Willie Penrose**: The result of the Brexit referendum on 23 June has clearly created an environment of uncertainty as to how our relationship with the UK will change in the coming years. Food Wise 2025 highlights the ambitious targets of the food and drinks sector with a target of €19 billion in exports to be achieved by 2025. That requires a growth of €8 billion over the next nine years and there will probably be numerous trade deals as result of Britain entering trade deals with international partners such as Australia, New Zealand, North America and Mercosur. All those issues have to be addressed. Are we going to sleepwalk into a scenario where we overproduce which would have an impact on prices or is the Minister developing a plan to ensure we do not arrive in that situation?

**Deputy Michael Creed**: Ireland is a small, open economy that exports the vast bulk of its main agricultural commodities. Therefore, producer prices here are largely determined by commodity prices on world markets rather than by production levels within Ireland. We have seen significant commodity price volatility on world markets over recent years. However, there are measures in place to help Irish farmers through these periods.
Direct payments estimated by Teagasc at more than €17,000 per farm in 2015 provide a valuable source of farm income support and act as a hedge against price volatility. Food Wise 2025, the new ten-year strategy for the agricultural food sector, identifies opportunities and challenges facing the sector and provides an enabling strategy that will allow the sector to grow and prosper. Food Wise 2025 includes more than 400 specific recommendations spread across the cross-cutting themes of sustainability, innovation, human capital, market development and competitiveness. As well as specific sectoral recommendations, Food Wise 2025 is not just about expanding production. I believe that moving up the value chain, where possible, in terms of the types of products sold and how they are produced is also an important hedge against volatility. In light of the UK vote to leave the EU, Brexit has been included as a standard item on the agenda of each meeting of the Food Wise high-level implementation committee. It is clear that driving the implementation of the Food Wise recommendations, particularly those relating to market development, competitiveness and innovation, will assume even greater importance in the light of the decision.

The UK’s decision to leave the EU reinforces the need to develop as many outlets for our agrifood exports as possible to minimise our dependence on any one market. Indeed, this principle of market development is a key component of Food Wise. We have been very active in recent years in efforts to diversify markets, and in aiming to respond to consumer demands in emerging markets. In September, I was in south east Asia with the Minister of State, Deputy Doyle, and I led a trade mission to China, Vietnam, Singapore and South Korea. I have also recently been to Morocco and Algeria looking at dairy and beef situation, particularly in respect of live exports of cattle.

Since taking up office, one of my priorities has been to address the impact of the sustained period of lower commodity prices on farmers. In that regard, we introduced a low-cost finance option in the budget and reformed the tax code to deal with farmers opting out of five-year income averaging in a particularly bad year. We are committed to further initiatives in this area. I have also increased funding under the rural development programme.

**Deputy Willie Penrose:** The UK is Ireland’s largest customer for food and drink. Exports were valued at €4.4 billion in 2015. The UK takes approximately 40% of our food and drink exports. There has been strong growth in non-EU markets in recent years but the UK remains our main market, with the value of this trade increasing by more than €1 billion. Clearly, Brexit will have an important impact on targets. There should be a review of Food Wise 2025 in order that we do not sleepwalk farmers and ourselves into incurring additional capital investment to achieve targets, which could result in loss-making scenarios. In other words, the head would not be worth a wash. I accept that the Minister is not a soothsayer but surely it must be the essence of prudence to review matters by way of evaluating alternative scenarios that might emerge in order that the farming public might be fully advised. There will not be many agreements made. Under CAP, Ireland gets €1.2 billion and Brexit will have a huge impact on this. I have been on about this for a long time. What countries will fill the €10 billion hole in the CAP budget when the UK leaves? We had better be straight with farmers and say that Brexit will have an impact on CAP payments now. The Minister should not fiddle around and pretend that something will not happen when it is clear that it will happen.

**Deputy Michael Creed:** The Deputy’s argument seems to be predicated on the fact that the UK decision to leave the EU means we will lose a market for 43% of our exports. It will undoubtedly be challenged and this is why, for example, I have visited the UK twice to meet major multiples that buy substantial volumes of our exports. I will meet Andrea Leadsom, my
UK counterpart, tomorrow to indicate that we are open for business and that, notwithstanding the challenges we face in the context of Brexit and the immediate adverse impact of currency fluctuation for Irish producers, we will not walk away from the market we understand best.

Food Wise 2025 is not the Department’s blueprint; it is the industry’s blueprint for itself. There is a high-level implementation committee and the Brexit decision has been placed on the agenda for every one of its meetings. We are, therefore, not burying our heads in the sand. Part of our strategy is to copperfasten our foothold in the UK market and part is to examine other market opportunities. There is no silver bullet or single policy option. Farmers are prudent. They will make the appropriate investment decisions themselves based on what they perceive to be the macro circumstances in which they operate.

Deputy Willie Penrose: Britain is only 60% self-sufficient and, of course, there will be a market. Given our linguistic and cultural links, our good products, including Origin Green, and sustainability, we will penetrate that market. However, let us face reality. A 1% weakening in sterling equates to a 0.7% decrease in exports to the UK. There is an 11% differential with sterling today but it was almost 50% at one stage. We must factor this in. Bord Bia and the other agencies are involved but has the Department adopted a co-ordinated approach to point out the scenarios to farmers? This decision will take five years or more to implement. When this is all over, farmers will be whinging and crying and saying “We were not informed”. I want them to be informed as soon as the Minister finds it possible to do so. I acknowledge that he does not have a silver bullet and is not a soothsayer but, in so far as he can, he should outline a number of scenarios to ensure they are fully alert.

Deputy Michael Creed: We have taken a number of initiatives, one of which was to establish a stakeholders forum. Farming organisations, those involved in the processing sector and the fisheries community are all inside the tent informing our deliberations on this matter. This is an unprecedented challenge. We are not all knowing and that is why we need to engage in the consultation process to give every one of those legitimate stakeholders a voice in order that we are better informed to feed from the forum into the dedicated Brexit unit in the Department, which is scoping out all the scenarios that might emerge, ranging from the worst-case, hard Brexit scenario to what we would prefer, which is as close to the status quo as possible. There are conflicting voices off stage. Some are arguing for a hard Brexit “to teach them a lesson”, while others want us to end up as close to the status quo as possible. We do not know and, as the Deputy said, I am not a soothsayer in terms of envisaging where this will end up. There will be many more twists and turns and who knows whether they will be in the House of Commons, the British Supreme Court or anywhere else. We are adamant that we will listen to the voice of the industry and be informed regarding what we should do in that context.

Legislative Measures

5. Deputy Pat The Cope Gallagher asked the Minister for Agriculture, Food and the Marine if he is proposing to introduce emergency legislation to rectify the non-constitutionality of the arrangements agreed in view of the recent Supreme Court judgment relating to the Voisinage arrangements as part of the London Fisheries Convention 1964; if so, the timeframe for introducing such legislation; and if he will make a statement on the matter. [37786/16]

Deputy Pat The Cope Gallagher: In light of the Supreme Court decision relating to the Voisinage agreement facilitating boats registered in Northern Ireland with an opportunity to fish
within the 0 to 6 nautical mile zone, what steps does the Minister propose to take to give a legal base to the London Fisheries Convention 1964?

**Deputy Michael Creed:** The recent Supreme Court judgment, to which the Deputy refers, relates to fishing activities by Northern Ireland vessels within the territorial waters of the State. The judgment arose from an appeal taken by a number of Irish mussel seed fishermen against the findings of the High Court.

The Supreme Court issued its judgment on 27 October, finding that fishing by Northern Ireland vessels within the 0 to 6 nautical mile zone of the territorial waters of the State, which relies on the Voisinage arrangements, is not permitted by law.

The background to this issue relates to arrangements which have long been in existence to provide access for fishing. The London Fisheries Convention 1964 allowed that each coastal state could assert exclusive fishing rights within 6 nautical miles from its baselines under Article 2. It also provided, under Article 9, for contracting parties to allow fishermen from another coastal state, who had habitually fished within that belt, to continue to do so through Voisinage arrangements.

On this basis, pre-existing reciprocal arrangements were reaffirmed at the time by means of an exchange of letters between the UK-Northern Ireland and Ireland in the 1960s, which allowed for vessels from Northern Ireland to fish within Ireland’s 6 nautical mile zone and *vice versa*. The Common Fisheries Policy provides for the continuation of such neighbourhood arrangements, specifically within Article 5 of Regulation 1380/2013.

It is important to note that the Supreme Court did not find that the Voisinage arrangements were unlawful but that, as it stands, there is insufficient provision for them in domestic law. Fishing activities that have a legal basis are not affected such as those reliant on the access arrangements to Ireland’s 6 to 12 nautical mile zone set out in Regulation (EU) No. 1380/2013 of the European Parliament and of the Council.

The Government is aware of the development, and the Attorney General’s office is examining the Supreme Court judgment. My Department remains in close contact with the Department of Agriculture, Environment and Rural Affairs, DAERA, in Northern Ireland on this issue, and officials from both departments met last Friday to discuss it.

To address the issues raised by the judgment, I have asked my officials to proceed with the process of advancing the heads of a legislative amendment Bill to bring to Government. The Bill would address the immediate issue of providing sufficient legal provision for Northern Irish vessels to resume the reciprocal fishing access of the Voisinage arrangements.

**Deputy Pat The Cope Gallagher:** I thank the Minister for the pragmatic approach he has taken. Lest one thinks that I am not representing Donegal and I am anxious to attract more vessels registered elsewhere to fish in the 0 to 6 nautical mile zone, a number of Donegal-owned vessels registered outside the Republic have traditionally fished in this zone. We often talk about the good relationship between the North and the South. It is important to roll back the clock to the early 1960s. This is a result of a visit by former Taoiseach Seán Lemass when he met Captain Terence O’Neill who was the Prime Minister in the North at the time and they made this arrangement. Further to that, as the Minister stated, there was an exchange of letters culminating in this arrangement. The Minister has our full support on this side of the House with a view to ensuring the legislation, which is being prepared, comes to the House and is
enacted.

**Deputy Michael Creed:** I appreciate this is an issue for which all sides of the House are anxious to find a legislative fix as quickly as possible. That is also the objective within my Department. I have had considerable contact with my Northern Ireland equivalent, Michelle McIlveen, and obviously this is causing some concern to fishermen in Northern Ireland. It is my ambition to get us to a situation as quickly as possible where arrangements that existed prior to 27 October are reinstated but are done in a fashion that has a legislative framework around them. I will be taking a memo to Government very shortly on that matter and I hope that soon thereafter I will be in a position to introduce what will be a relatively minor amendment to fisheries legislation to facilitate this issue on a stand-alone basis.

**Deputy Pat The Cope Gallagher:** I bring to the attention of the Minister that the intention at all times was that the vessels would be under 75 ft. If it were open ended, large vessels registered in Northern Ireland could fish in the zero to six nautical mile zone where vessels registered in the Republic of Ireland cannot fish. It is important that the length of the vessel is taken into consideration. Will the Minister make me aware of the number of vessels that have traditionally fished there, including the number registered in Northern Ireland or the Donegal-owned vessels that are registered in England or Scotland? Custom and practice should be taken into consideration as well.

**Deputy Michael Creed:** I am not sure if I have the numbers the Deputy requires but I will ask my Department to inquire into the matter of the number of fishing vessels involved. My intention is to get to a situation where the *status quo ante* prevails.

**Deputy Pat The Cope Gallagher:** On the 75 ft. vessels.

**Deputy Michael Creed:** On the length of the vessels. If that was the situation previously, it will be the situation that will be provided for.

**Deputy Pat The Cope Gallagher:** If it was not, perhaps the Minister will think about it because otherwise it will be an anomaly.

**Other Questions**

**Forestry Sector**

6. **Deputy Richard Boyd Barrett** asked the Minister for Agriculture, Food and the Marine his views on whether farmers engaged in forestry may be harvesting trees too early based on market considerations rather than best forestry practice; and if he will make a statement on the matter. [37726/16]

**Deputy Richard Boyd Barrett:** The Woodland League has informed me it is aware of information and evidence to suggest that farmers and others involved in forestry are cutting down trees too early, at 25 years rather than 35 to 50 years, which is best forestry practice. They are doing so because of market and price considerations rather than best forestry practice. This has very serious implications for our hopes and those of the Government that forestry will play an important role in carbon sequestration.
Minister of State at the Department of Agriculture, Food and the Marine (Deputy Andrew Doyle): The age at which it is best to harvest a forest depends on many things, including volume production, the risk of wind blow, sawmill requirements regarding log sizes and current market prices. Forest owners may wish to fell early, delay felling or in some cases not fell at all for their own reasons. The Department and Teagasc provide guidance to landowners on the timing of harvesting their plantations. What is of utmost importance for the Department is to ensure, through the felling licence system, that the felling and replanting is carried out in a manner that accords with sustainable forest management principles.

Rotation length is defined as the length of time between planting the trees and clear felling the final forest. There are many factors that impact on the rotation length such as species, site productivity, thinning regime, market requirements and site constraints. In addition, forests located in exposed areas may suffer from the effects of windblow resulting in the earlier harvesting of plantations. In 2014, Storm Darwin blew down more than 8,000 hectares of forest in the country.

Until recently, the majority of clear felling and replanting has been concentrated in the public estate. A significant portion of the private forest estate, particularly conifers, that were afforested in the 1980s and the early 1990s are now approaching a stage where forest owners are considering the best time to fell. In some cases forests will be thinned and in other cases clear felled, depending on the site’s particular characteristics. Conifer species typically have rotations between 30 and 40 years of age, with broadleaved crops taking much longer, in some cases more than 100 years. Decisions made to clear fell crops are based on a variety of different reasons and to a large extent depend on the size of trees that the market will take. We have seen very productive stands of conifers growing to sizes suitable for sawmilling in less than 30 years.

The general principle of rotation length is to provide the optimum return to the grower, consistent with the principle of sustainable forest management. In some cases, the need to replace unproductive trees with a more productive crop or the early clear felling of trees susceptible to windblow may lead to a crop being felled earlier.

In February 2016, my Department invited tenders to assess the impact of forest felling age on overall financial return. The purpose of this work is to provide information to make growers and foresters aware of the possible impact of felling age on overall financial return. The results of this work will be made available in the coming weeks on the Department’s website through a new interactive tool that allows forest owners and managers to assess the optimum felling age of their forest. The provision of this information will inform forest owners and managers on the appropriate felling age with a view to maximising the return on their investment and remaining consistent with the principle of sustainable forest management. It is vital that landowners have a positive experience from their forestry investments and that revenue from the first rotation facilitates reforestation to continue the forest cycle.

Deputy Richard Boyd Barrett: The Minister of State’s reply is extremely worrying. He repeats again and again about the market, prices, financial return and so on. I am not saying those things are unimportant but there was not a single mention of the role of forestry in dealing with climate change and to act as a sink for carbon. The Government has signed the Paris Agreement. It has made commitments and rhetorical references to the important, substantial role forestry will play in all of this, yet what we hear is that, for market reasons, trees are being cut down too young. That is what I am hearing. The Minister of State is reinforcing that market conditions are determining this. Best forestry practice is that trees grow for 35 to 50 years. If
we do not, as the Council for Forest Research and Development, COFORD, suggested, have a minimum of 10,000 additional hectares of forestry a year, and currently we are at 6,000 hectares, our forest estate will be a net emitter of carbon dioxide rather than a sink. If trees are being cut down early, as they are, for market reasons, our forest estate will not be playing the role it urgently needs to play in carbon sequestration.

**Deputy Andrew Doyle:** I am a little bit mystified. The Department has €112 million a year committed to 2020 on an afforestation programme that seeks to go from 6,500 hectares, which is the correct figure, to 8,390 hectares. I do not know why that was the figure picked but that is the figure picked per annum. We hope, through certain measures, to be able to get to 7,000 hectares in the next 12 months. If the Deputy takes the current market situation, the impact of the Brexit decision on sterling has meant that prices into the UK, which is our biggest customer, have dropped by 20%. This has had a knock-on effect on the wood for standing timber for certain processors of 20% of the market price. Coupled with the fact that people can import timber from Scotland at a more competitive rate, there is no real commercial incentive to clear fell early. If the Deputy was up to speed with the current trends-----

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

**Deputy Andrew Doyle:** I am sorry.

**An Leas-Cheann Comhairle:** I will give the Minister of State a minute.

**Deputy Andrew Doyle:** If Deputy Boyd Barrett was up to speed with the current trends in research, climate change and efficiency, he would know that new developments in conifers allow us to produce varieties and species of conifer that can be rotated in 30 odd years and then replanted.

**An Leas-Cheann Comhairle:** Minister of State, I have been more than fair to you.

**Deputy Andrew Doyle:** It is important that the felling licence provision which includes a replanting obligation is maintained.

**An Leas-Cheann Comhairle:** Minister of State, I gave you a minute the first time and then half a minute. We have to try to be disciplined to give everyone an opportunity.

**Deputy Eugene Murphy:** Can I come in?

**An Leas-Cheann Comhairle:** We are dealing with Other Questions.

**Deputy Eugene Murphy:** I will be very brief.

**Deputy Richard Boyd Barrett:** Do I get another question?

**An Leas-Cheann Comhairle:** It will be a short one.

**Deputy Eugene Murphy:** If I had my way-----

**An Leas-Cheann Comhairle:** Hold on. Standing Orders state that during Priority Questions only the person who tables the question can ask a supplementary question. During Other Questions, other Members may make a request.

**Deputy Richard Boyd Barrett:** I get a supplementary question as well. Is that correct?
An Leas-Cheann Comhairle: Yes.

Deputy Eugene Murphy: I will be brief and I appreciate everyone’s co-operation. I have a background in horticulture. If I had my way, many of those conifer trees would not be grown.

An Leas-Cheann Comhairle: A question, please.

Deputy Eugene Murphy: Many of these are pollutants. Anyone who looks at what comes down major drains from forests can see the goo and the green algae. It is shocking. My part of the country includes Roscommon and Galway. Deputy Kenny has spoken about something similar in Leitrim. We are being encouraged left, right and centre to promote forestry.

An Leas-Cheann Comhairle: A question, please.

Deputy Eugene Murphy: It will devastate our communities. I am a realist. I know some of the land is only fit for forestry. However, people involved in forestry are buying up good land. Our area is going to become no-go land.

An Leas-Cheann Comhairle: A question, please.

Deputy Eugene Murphy: What is the response of the Minister of State to the case I am making in terms of controlling this type of forestry, especially in the west and north west of the country?

An Leas-Cheann Comhairle: The Minister of State can deal with both questions.

Deputy Richard Boyd Barrett: Moving to 8,000 ha still leaves us 2,000 ha short of what COFORD, the forestry research authority, has stated is the absolute minimum necessary for us to have real afforestation and for our forestry estate to be an effective carbon sink.

The Brexit problem simply highlights the need for diversification away from single species and so on. That we are vulnerable in that area too-----

An Leas-Cheann Comhairle: A question, please.

Deputy Richard Boyd Barrett: Is there any consideration that market conditions are leading to us failing to deliver on our afforestation programme and its role in carbon mitigation?

An Leas-Cheann Comhairle: The Minister of State can take both questions.

Deputy Andrew Doyle: I have two divergent views before me.

Deputy Martin Kenny: There are three.

Deputy Andrew Doyle: Indeed, there is a third view. There is much misinformation coming from both sides. I come from the county that has the highest percentage of forest coverage. It has not destroyed our community. We have large tracts of land planted for many years. It has sustained a rural economy.

Every plantation felled has to be replanted. That is an obligation. We have an afforestation programme.

Deputy Richard Boyd Barrett: What about new planting?
Deputy Andrew Doyle: I do not know where Deputy Boyd Barrett is getting his figures. I will go back and check it with COFORD. As far as I am concerned, we have 11% cover in the country. Our target is to get to 18%. Let us consider the facts and figures behind the specifics in Roscommon and in Leitrim in particular. Last year, 82% of all plantations were undertaken by private owners. No companies were investing. There are reasons behind that, although that is not something I want to get into today. There is extensive misinformation. However, I will invite anyone to my part of the world to see the positive impact on the local economy that afforestation has had. We have 17.7% cover, the highest in the country.

Bovine Disease Controls

7. Deputy Clare Daly asked the Minister for Agriculture, Food and the Marine further to Parliamentary Question No. 41 of 27 October 2016 when it is likely that the data necessary to deploy a badger vaccination strategy in an effective and sustainable manner will be available; his views on the delays to date in rolling out such a scheme; and if he will make a statement on the matter. [37692/16]

Deputy Clare Daly: Badgers, as we know, are a protected species, yet the Department annually culls 6,000 of them in a practice which the Irish Wildlife Trust has described as inhumane and barbaric. The trust has cited many instances of lactating females being culled while their cubs are left to starve underground.

We have long been promised a vaccination programme as an alternative. What is going on? When will it be implemented?

Deputy Michael Creed: As I mentioned in my response to Parliamentary Question No. 41 on 27 October, it is my Department’s intention to deploy a full badger vaccination strategy as soon as robust scientific evidence becomes available that demonstrates such a programme is practicable and will deliver an outcome equivalent to the existing wildlife programme. In this context, my Department is involved in a range of research activities with a view to progressing the development of a vaccination system for badgers.

While research has demonstrated that oral vaccination of badgers in a captive environment with the bacillus calmette–guérin vaccine generates high levels of protective immunity against challenge with bovine tuberculosis, field trials are being undertaken by my Department to determine whether vaccination is also effective in the field. A vaccine trial in Kilkenny has been completed and results are expected to be published in 2017. In addition, trials are being conducted in six separate locations throughout the country, involving the vaccination by intramuscular injection of several hundred badgers over three to four years and continual monitoring of the badger population to assess the impact of the vaccine on the incidence of disease in the cattle population. The outcome of these field trials will eventually determine whether the vaccination of badgers delivers an outcome equivalent to the current badger removal strategy. These projects are due to conclude in 2018.

It is also the case that no TB vaccine is currently licensed for anything other than humans in Ireland and any new preparation for badgers would have to be licensed under EU medicines legislation. My Department is collaborating with UCD and the Department for Environment, Food and Rural Affairs in the United Kingdom in carrying out the research needed to prepare a dossier for submission to the licensing authorities in Ireland and the UK for authorisation of
a licence for an oral vaccine for badgers. In addition, research is being carried out in Ireland and in the United Kingdom on suitable bait delivery methods for an oral vaccine to ensure that, when such a vaccine is licensed, an effective delivery method is available.

There is no delay in rolling out a vaccination programme. There is currently no vaccine licensed for badgers and my Department is engaged in several research projects with a view to submitting a dossier to the licensing authorities for a licence for an oral vaccine. In addition, my Department is conducting trials to determine whether vaccination is as effective as badger culling in reducing the incidence of TB in cattle and to identify suitable vaccine bait delivery methods. My Department is hopeful that this research will be successful and that a vaccination strategy will be a significant element of the national TB control programme. I emphasise that our ultimate objective is to incorporate badger vaccination into the TB eradication programme when data are available to ensure that it can be incorporated into the programme in an optimally effective and sustainable manner.

**Deputy Clare Daly:** Rabies was eliminated from European foxes using baited vaccine many years ago. The idea that we have been discussing a vaccination programme for badgers for 25 years is quite shocking. The Minister’s reply to the effect that it will take us a further two years before we see any progress in this direction is most worrying. This is against the backdrop of firm information to the effect that the badger population and its sustainability are under threat because of the practices in which we have been engaging.

The studies conducted by the Department cover 5% of Ireland’s farmland, not a vast area. Meanwhile, the UK has spent over a decade culling badgers. Scientists in the UK have done a gold standard study over ten years. One conclusion of the study was that culling made no meaningful contribution to the control of bovine TB in Britain. Moreover, the study concluded that badger infection follows rather than leads TB infections in cattle.

There is no conclusive evidence that badgers are responsible. If anything, the information is contradictory. While TB has fallen, it is very much linked to other measures as well. We need to look at the sustainability of the badger population. I appeal to the Minister to ensure that we do everything possible to move in the direction that everyone says we need to go.

**Deputy Michael Creed:** There is another side to this debate to which Deputy Daly is blind-sided. It relates to the extraordinary hardship that a TB outbreak brings to the farming community. I know this because I represent the people affected in my constituency. When a dairy, beef or suckler herd is wiped out by TB, farmers, in conjunction with the Department, are most keen to find out whether it was an issue relating to contiguous herds or whether the source was elsewhere. Often, the finger is pointed conclusively at badger sets.

We are not operating in isolation on this matter. We are working with the UK authorities to find out the most effective way to deal with this. We are cognisant of the legislation that gives badgers protected status. However, in the order of priority, I believe the livelihood of farmers and their herds take precedence. We are doing everything possible to work to a situation whereby we can implement a vaccination programme. However, there is no vaccine. I suspect the evidence quoted by Deputy Daly to the effect that there is no link between badgers and TB is not shared by the UK authorities. In fact, I believe there is considerable evidence to the contrary.

2 o’clock

**Deputy Clare Daly:** I am very concerned about the livelihood of farmers and would love
to see the eradication of TB and welcome the fact that it has declined. The points I make are scientific and backed up by research. The evidence shows that TB has declined for a number of reasons. For example, evidence from a 2015 survey by University College Dublin and indeed members of the Minister’s Department describes very clearly instances in which a decline in cattle infection appeared to be directly correlated to badger culling, absolutely, but there were other examples where culling appeared to have little or no effect. In 2011, the Minister’s Department found considerable, but not conclusive, evidence of this situation. The matters raised in the UK studies to which I referred come directly from the mouth of the vet who led the study. He said:

Badger culling can make no meaningful contribution to [cattle] control in Britain. Indeed some policies under consideration are likely to make matters worse rather than better.

They are his words. This is a scientific argument. The Minister’s Department already agrees that we need to move to vaccination. I argue that should be done, moving mountains to do it as quickly as possible, because the badger population does not have the luxury of waiting.

**Deputy Michael Creed:** There is no stakeholder in this that wants to see a resolution more quickly than the farming community. My Department is not in the slipstream of this either: we are in the vanguard in driving it. However, we must have a rational, scientific basis on which to proceed. In the interim, where badger issues associated with TB outbreaks in particular areas are identified - the Department investigates each individual case and tries to identify its causes - the culling, which is part of the eradication programme at present, will continue. It is our preference to arrive at a scientific rationale for a vaccination programme and a method of administering a practical and effective oral vaccination programme. It would not be money well spent to proceed on any basis other than a rational one. There is a bigger picture to be borne in mind, namely, the enormous hardship associated with TB breakdown. Simply to turn our back on the culling programme while we await the optimum solution would be unwise.

**Beef Exports**

8. **Deputy Willie Penrose** asked the Minister for Agriculture, Food and the Marine his views as to whether enough new markets can be attained which pay a viable price to Irish farmers to replace lost customers in Europe in view of a European Commission impact analysis of future trade deals suggesting a potential increase in beef exports to Europe of up to 356,000 tonnes; and if he will make a statement on the matter. [37562/16]

**Deputy Willie Penrose:** There is a host of market opportunities for the beef industry. It is clear that we are in favour of free trade because we export more than 90% of our beef. Otherwise we would be in an awful scenario. However, we must be cognisant of our defensive agreements in that regard and in the context of other competing agreements, especially European free trade agreements, and of Brexit. It looks as if the Transatlantic Trade and Investment Partnership, TTIP, is dead anyhow with the advent of President-elect Trump. The Comprehensive Economic and Trade Agreement, CETA, with Canada and other world trade options and agreements also must be considered. Mercosur should probably be considered as well. These are all challenges, particularly for the beef sector. I am anxious that these be addressed by the Department.

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** As an export-
ing country, accessing new markets is crucial to the long-term sustainability of our agrifood sector, especially in the beef sector. For beef exports, 2015 was a very successful year. According to the CSO, overall exports of beef totalled some €2.2 billion that year. Beef exports to the end of September 2016 are running at €1.65 billion.

Third-country markets are an increasingly important alternative outlet for the beef industry. My Department works very closely with the Department of Foreign Affairs and Trade, Bord Bia, the industry and the European Commission on a wide range of market access issues to secure additional markets and maintain and enhance the existing markets. I am acutely aware of the need to develop new and alternative markets, given the changing global demographics and emerging economies in Asia and elsewhere. This is a crucial component of the Food Wise 2025 strategy and has been given an added impetus by the outcome of the UK referendum on Brexit.

In this context, and as I alluded to earlier, the Minister of State, Deputy Doyle, and I led successful trade missions to China, Vietnam, South Korea and Singapore. These missions resulted in positive progress on the next steps in gaining beef market access to China, South Korea and Vietnam, including, *inter alia*, a commitment by the Chinese officials in the General Administration of Quality Supervision, Inspection and Quarantine, AQSIQ, to expedite consideration of a technical inspection report from their visit to Ireland earlier this year as well as the submission of detailed beef questionnaires to the relevant authorities in South Korea and Vietnam. Earlier this month, I led a trade mission to Morocco, and my officials also travelled to Algeria, with a focus on live cattle exports. Live cattle exports to Turkey also commenced in September following our recent approval to export live cattle there.

Planning for trade missions during 2017 has now commenced and beef market access will be a key component of any such missions. Furthermore, my Department is in the process of reviewing its approach to market access and the resources allocated therein in accordance with new and emerging challenges and priorities such as Brexit and the potential for increased beef imports to the European Union.

As a small open economy, Ireland supports trade liberalisation and recognises the benefits of trade agreements with third countries. However, such agreements must be balanced and must serve our offensive and defensive interests. I welcome the Commission’s cumulative assessment of the economic impact of future trade agreements on the EU agricultural sector, which was recently presented to all member states. It reinforces Ireland’s position regarding the beef industry and is a salutary reminder of the need for great caution in our approach to the issue of beef tariff rate quotas. This is an issue we and other member states have raised consistently and the study findings very clearly confirm the basis for these concerns. I also believe that the study findings must be taken into account in the approach to current and future negotiations on free trade agreements.

**Deputy Willie Penrose:** I thank the Minister for his response. We all must salute the excellent work of Bord Bia in this regard. It has employed about 20 additional personnel, some even after the recent Brexit scenario. Will the Minister provide additional resources to Bord Bia to ensure that it can be helped to penetrate the high quality markets that will now be extremely important and to accentuate Origin Green and the quality and sustainability of beef? In that context, is the Minister concerned about the possible impact of the Mercosur agreement, particularly regarding Brazilian beef and so on and the impact that it would have on the British market in the context of lower prices? In 2006, over 100,000 tonnes of beef imports to the UK came from South America. The equivalent figure in 2015 was just 30,000 tonnes. Brazilian
beef made up 9% of beef imports to the UK in 2015; in 2006, the equivalent figure was 20%. This shows the potential knock-on impact this agreement would have on beef farmers in Ireland.

**Deputy Michael Creed:** I am extremely concerned about the fact that a post-Brexit scenario, in which the UK can unilaterally conduct its own trade negotiations, could lead to the UK doing a deal with the Mercosur countries or other countries in respect of imports of a range of commodities, including beef, which could have the impact of undermining our position on UK supermarket shelves. One of the messages on which we wanted to reassure our trading partners in the UK in particular was our commitment to the highest standards of safe, sustainable, traceable food. That commitment is undiminished by the fact that we may go in separate directions after the Brexit negotiations. This brings into sharp focus the points the Deputy raised about Mercosur.

Regarding additional resources for Bord Bia, in the budget this year there is provision for a significantly increased budget for Bord Bia. I am acutely conscious of the challenges it faces, in particular the immediate challenges in the context of the sterling differential, which has put Irish exporters in a very difficult situation. Nowhere has this become more manifest than in the mushroom and wider horticulture sectors. This informed my deliberations in the context of the budget as to what resources each organisation should get.

I take this opportunity to commend the outgoing CEO of Bord Bia, Aidan Cotter, who has led the organisation in sterling fashion since his appointment, and to wish the incoming CEO, Tara McCarthy, all the best in her appointment in what is a very challenging environment for the agrifood sector.

**Deputy Willie Penrose:** I join the Minister in wishing Aidan Cotter well. He has served for over three decades. He was an excellent CEO and very knowledgeable. We should consider not only Mercosur, but also the Commonwealth agreements and Canadian agreements that will come forward. There is a whole host of agreements. Is it not the case that we need to put in place people who will be in a position to deal with all these agreements?

Regarding live exports, is the Minister concerned about recent developments in the calf trade and so on in his home county? I noticed there was a particular reluctance or disengagement regarding trade in Cork. What impact would that have on the provision of alternative opportunities or competition? We know the way factories behave. If they get a small glut at all, there is only one place they point to, namely, farmers’ pockets, to rob and plunder them while the factories continue on their merry-go-round in the absence of competition.

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

**Deputy Michael Creed:** Yes, I am concerned about the matters the Deputy raises. With the expansion of the dairy herd, one of the critical elements in putting a floor and competitive edge in the market is the live export section. In particular, it is about getting Friesian bull calves out of the country early. The withdrawal of Cork Co-operative Marts from that process is a worry. I confess I have spoken directly with its representatives and their view is that this is a market opportunity that will be taken up by others. I hope that is the case and others in that space should be looking at where the trade opportunity was and how they might fill the vacuum created by that departure. In particular, I welcome the recent announcement that there will be live exports to Libya starting shortly, which is important.
Deputy Mick Wallace asked the Minister for Agriculture, Food and the Marine his views on the recent figures released by the Environmental Protection Agency, which indicate that Ireland’s agriculture emissions increased by 1.5% in 2015, largely due to a 7.7% increase in dairy cow numbers; and if he will make a statement on the matter. [37567/16]

Deputy Mick Wallace: This is a different perspective on the beef industry. Red meat is one of the most unsustainable sources of protein on earth and the Government’s policy seems to ignore that. Increased consumption of red meat is a threat to global food security and according to the peer-reviewed journal, Science, at least 4 billion people could be fed with the crops we currently devote to fattening livestock. The production of a single kilogram of beef is equal to 24 kg of wheat in terms of effort, water, fertiliser, greenhouse gases and cropland needed that goes into its production. Are there any long-term plans to help farmers move towards a more sustainable position in terms of food production?

Deputy Michael Creed: There will always be a demand for protein and the Deputy’s bias against red meat-----

Deputy Mick Wallace: I love red meat.

Deputy Michael Creed: That is not reflected either in the Deputy’s introduction to this question or the previous questions he has asked of my Department.

The recent figures that the Deputy refers to are provisional greenhouse gas emissions figures for 2015. Although they indicate a 1.5% increase in agriculture emissions, these figures include an additional category of emissions that were not included in previous inventories. The figures indicate an increase in dairy cows but they also demonstrate a decrease in other cattle, and this is in line with expectations where it is envisaged there will be reorientation of the national herd towards dairy. It is also worth noting that milk production increased 13.2%, which indicates a decrease in emissions intensity of production. This reflects national plans to expand milk production under Food Wise 2025 following the removal of milk quotas in 2015.

Any increase in emissions is a concern but I point out that Irish agriculture has made significant progress in improving efficiency. We have been driving down emissions intensity and in 2013 the emissions intensity per calorie of food output reduced by approximately 14% relative to 2005 and overall absolute emissions remain 2.7% below 2005 levels. We have introduced a range of measures in our rural development plan to make Irish farming even more environmentally sustainable.

We will continue our efforts to ensure the sector can grow, prosper and meet the increasing world demand for food in a sustainable manner. I am committed to maintaining our ambition to move towards carbon neutrality in the agriculture and land use sector, including forestry, which does not compromise capacity for sustainable food production.

Deputy Mick Wallace: The Minister’s argument ignores the fact that rearing cattle for beef is, in itself, a destructive practice. It is like arguing we should burn coal, peat or oil in an efficient way while ignoring the fact that we must stop burning fossil fuels if we are interested in protecting the environment. Research from Bard College in New York indicates that beef’s environmental impact dwarfs that of other meat, including chicken and pork. It uses 28 times more land and 11 times more water than those other meats. Increases in meat consumption in
rich countries in recent decades has led to spikes in the price of grain used for animal feed, as well as leading to widespread deforestation and pressure on agricultural land. It has also contributed to the obesity epidemic.

   The Minister’s claim that we can produce beef more sustainably than other countries is true but the fact remains that we are heading in the wrong direction. The production of beef is more strongly linked to emissions than anything else in the agricultural sector. We seem to be going off a cliff at this stage. The Minister has indicated we are increasing the dairy herd and reducing the beef stock but there would be no milk without calves. Is it not true that we are bound to have more calves if we are to have more milk?

   Deputy Michael Creed: The logic of the Deputy’s position is that we should dismantle what is among the most carbon-efficient producers of food, be it in dairy or beef. He is saying we should dismantle our system in favour of substituting our industry with imports with a far bigger carbon footprint per unit of production. As sure as night follows day, if we dismantled our beef or dairy industry, it would not change the dietary habits of the population and we would then have to import food produced at a far bigger carbon footprint. The global population is predicted to grow substantially and the challenge is to feed those people in the most carbon-efficient fashion possible. Per unit of dairy production, we are perhaps the most efficient globally and in the European Union, we are the fifth most efficient producer of beef. Could we do more or should we do more? Certainly, and that is why we have programmes like beef data and genomics, which address matters of food conversion, herd fertility and other elements to reduce our carbon footprint. On the other hand the green low carbon agri-environment scheme, GLAS, is also about reducing our carbon footprint. We have been very innovative in the area, including using the carbon navigator. We are doing all the right things. Although we will need to do more, it is disrespectful to the industry to undermine it in such a public fashion when it has shown a commitment to addressing the issue in real and practical ways.

   Deputy Mick Wallace: I have never suggested we dismantle the industry but I am saying we should manage it a little better. It is a great industry and I am not saying otherwise. We are nonetheless heading in a direction where, currently, we are probably overproducing. I can guarantee the Minister that the beef price will be lower this time next year because of increasing numbers.

   An Taisce stated recently that the increases in beef and dairy volume and exports are undercutting food security and promoting overconsumption both in the European Union and international markets, where increased overconsumption has and will continue to intensify climate change. It argues that unless the agricultural sector makes significant strides to change the direction of its actions, the agrifood industry in Ireland will continue down a path of unsustainability to meet short-term economic gains at the cost of long-term issues like environmental degradation, climate change and the continuation of the negative cycle of poor food security. I do not for one minute underestimate the role of agriculture in Ireland, how good are our farmers or the quality of food we produce. Nevertheless, we are ignoring the elephant in the room and if we go in this direction, we will not address the challenges of climate change in Ireland.

   Deputy Michael Creed: The Deputy wants us all eating muesli or tofu. We must reward the people who are the most carbon-efficient producers of food. The Deputy must accept we cannot be prescriptive about people’s dietary habits. If people want to eat red meat, they should have it from the most carbon-efficient producers of red meat.
Deputy Clare Daly: The Minister’s colleague, the Minister for Health, may have a different view.

Deputy Michael Creed: They should have dairy produce from the most carbon-efficient producers of dairy products. As the Deputy points the finger at Irish agriculture, the alternative is that in undermining its credentials from a sustainability perspective - we should remember it is a grass-based production system, which is the most sustainable type - he undermines the commitment to doing more by arguing that Irish agriculture is not up to meeting the challenges. We have done much and we recognise we must do more. Equally, we would like some acknowledgement for the steps taken so far.

Deputy Mick Wallace: The Minister is ignoring my points.

Horticulture Sector

10. Deputy Willie Penrose asked the Minister for Agriculture, Food and the Marine the action which has been taken to support the Irish mushroom industry in light of Brexit; his future plans in this regard; and if he will make a statement on the matter. [37566/16]

Deputy Willie Penrose: One of the first casualties of the UK’s June decision on Brexit and the consequential fluctuation in sterling was the mushroom industry. At least four significant farms have gone to the wall and more will follow. More than 90% of our mushrooms are exported to Britain and it behoves us all to design an appropriate scheme of help for the producers at this critical juncture for the industry.

Deputy Andrew Doyle: I am keenly aware of the challenge that the mushroom sector is experiencing in the aftermath of the British referendum decision to exit the European Union. In particular, in light of the recent fluctuations in currency, I am focused on working with the industry to meet these difficulties in the months and years ahead. A payment of just under €1.57 million was made to one of our mushroom producer organisations in October. The budget for 2017 underpins my Department’s efforts through strategic investment in key areas, such as its agencies and the agrifood sector. As part of the budget, additional funding of €700,000 has been secured for capital investments in the commercial horticulture sector. This will increase the budget for this scheme to €5 million next year. The horticulture sector will also have access to the €150 million low-interest cashflow loan support that was announced last month in the budget. This will provide access to highly flexible loans for up to six years for amounts up to €150,000 at an interest rate of 2.95%.

The impact of the devaluation of sterling on mushroom producers and grower margins is a problem that has developed over a short space of time. Grower production of this highly perishable product must be well aligned with demand. The mushroom sector is at particular risk because of its high dependency on the UK market. I am monitoring closely the situation with regard to sterling volatility. The Minister has established a dedicated unit in the Department to consider the direct impact of Brexit on the industry. There has been a modest reversal in the decreasing sterling exchange rate, with sterling now holding at approximately 85p to the euro. The Department and the various State agencies, particularly Bord Bia, Teagasc and Enterprise Ireland, are working closely with the industry to provide the necessary support and assistance. Bord Bia is actively supporting this sector in the areas of market intelligence, UK consumer research and quality assurance. It recently held a currency and negotiation workshop that was
specifically targeted at the sector. I understand this was well received by the mushroom industry.

Additional information not given on the floor of the House

Bord Bia is running a marketing intensification programme that aims to provide targeted marketing supports to companies with high dependency on UK markets. Grant supports will be prioritised to assist companies in strengthening their position in that market and in their efforts to identify new markets. In the coming weeks, I will continue to meet senior executives from the UK retailers to highlight the obstacles producers are facing. I understand that representatives of our growers have received a more positive reaction from their UK multiple customers in recent weeks as they have sought to make the case for fair and reasonable returns for their produce from the marketplace.

I draw attention to the support being provided to the industry through national and EU schemes. Under the 2007-13 national development plan, the Department implemented the scheme of investment aid for the development of the commercial horticulture sector. During this period, the Department paid out €4,039,629 in grant payments to mushroom growers. This supported €10.1 million in investment. To ensure ongoing support for the sector, my Department extended the horticulture investment aid scheme under EU sanction to run until 31 December 2019. In 2014 and 2015, a total of €1,635,190 in grant aid was paid to mushroom growers. This supported investment of €4.1 million by those growers. Under the 2016 horticulture investment aid scheme, my Department issued approvals of €1.33 million in aid to growers in the mushroom sector, supporting €3.3 million in proposed investment. I will provide a commitment to ensure payments under this scheme are made as early as possible to try to alleviate financial pressures growers are facing. The EU producer organisation scheme is a vital support for mushroom growers. Approximately 65% of Irish growers are in a producer organisation at present. This scheme is an important mechanism that allows growers to achieve greater bargaining power in the marketplace by becoming part of a larger supply base. A total of €39.8 million was paid to mushroom producer organisations as part of the producer organisation scheme between 2005 and 2015.

Deputy Willie Penrose: While the establishment of the cashflow support agricultural loan scheme is welcome, I suggest it is a kind of patchwork solution. More concrete measures are needed. The grant payments that were mentioned by the Minister of State are always delayed. It is incredible. Grant payments to the mushroom industry always come at the very end. When this matter was considered by the agriculture committee, complaints were made about the slow payment of grants.

Given that the mushroom industry is located in rural Ireland, including areas where people would never qualify for any other schemes, and in light of the importance of providing work for rural people, surely the rendering of temporary assistance to the industry should be considered to help it to get over this problem and to secure its future. Perhaps a temporary reduction in employers’ PRSI from 8.5% to 4.25%, as was done in 2012 and 2013 to assist other industries, could be considered as a way of helping this industry to get over the hump in the interim.

Deputy Andrew Doyle: I appreciate the points that have been made by the Deputy. As my colleague, the Minister, Deputy Creed, mentioned in an earlier response, he is going to London again to meet his UK counterpart, Andrea Leadsom. He has made several similar trips to meet the chief executives of the various retail multiples that sell Irish produce on to consumers.
These multiples are our customers in our biggest market. The reality is that if they do not buy into the problems we are encountering as a result of the fluctuations in the value of sterling, a solution that will work in the long term cannot be found. I think that has been recognised.

The Department is working closely with the various players, including some of the major players, to develop a long-term strategy that will provide some kind of mudguard against this kind of fluctuation in the future. It will not be easy to develop such a strategy in the absence of a stark realisation on the part of our purchasers in the UK that they need to act as well. That is why such an effort is being made to reaffirm to them the point that they must make a gesture that shows they are prepared to increase prices. Irish producers are doing everything right. They supply a product of the highest possible quality and they do so on time.

**An Leas-Cheann Comhairle:** I remind anyone who might be planning ahead that there are just ten minutes left on Question Time.

### Agriculture Schemes

11. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine when the Strategic Banking Corporation of Ireland’s new agrifund will be available for farmers to be drawn down; the outcome if all funds are not drawn down in the window for which the fund will remain open; and if he will make a statement on the matter. [37707/16]

**Deputy Charlie McConalogue:** I would like the Minister to give the House an update on the Strategic Banking Corporation of Ireland’s new agrifund. When will it be available to farmers to draw down funding? Where exactly is it at the moment? Does the Minister expect it to be taken up in full? If not, will he extend the period of time that is available for qualification purposes?

**Deputy Michael Creed:** I announced earlier this month that the Strategic Banking Corporation of Ireland has invited financial institutions to take part in the agriculture cashflow support loan scheme. A number of applications were submitted by the closing date of 25 November. They will now be the subject of a formal approval process. This scheme will enable farmers to improve the management of their cashflow and reduce the cost of their short-term borrowings. The loan scheme forms part of the three-pillar strategy in response to income volatility that I announced as part of last month’s budget. Along with tax measures and farm payments, it will alleviate some of the pressures being caused by the current market difficulties. The Strategic Banking Corporation of Ireland intends that the loans will be available in the market by the end of January 2017.

The scheme, with total funding of €150 million, will support highly flexible loans for up to six years for amounts up to €150,000 at an interest rate of 2.95%. This rate will represent a significant saving for farmers compared to other forms of unsecured short-term finance that are available. The loans will be flexible, with interest-only facilities of up to three years. While normal lending assessment criteria will apply, the fact that the loans will be unsecured will facilitate a more straightforward application process. The public funding of €25 million provided for the scheme includes €11.1 million from the EU’s exceptional adjustment aid for milk and other livestock farmers. The need for this scheme has been identified. It is expected it will be fully drawn down.
Deputy Charlie McConalogue: I thank the Minister for his reply. Can he give us an update on when exactly he expects banks to issue loans to farmers and these moneys to end up in farmers' accounts? It has been reported in the media that the timeframe for the scheme is being pushed out. It has been indicated that it will not be up and running until April or May. The idea underpinning the fund is that it will alleviate the cashflow problems that are being encountered in many sectors of agriculture. It is absolutely crucial for it to be made available as promptly as possible.

The Minister indicated that “normal lending assessment criteria will apply”. Obviously, it will be unsecured. Will this mean that farmers who are under particular pressure because of cashflow difficulties will be excluded from the scheme? The Minister has refused to heed repeated calls to assist farmers in the tillage sector who are in crisis because they have lost many of their crops. I know they will be able to make applications under this scheme, but I suggest it is not the answer for them. Will he accept the rationale and need for a crisis fund to assist these farmers? Will he introduce such a scheme as quickly as possible?

Deputy Michael Creed: On the final point made by the Deputy, this was one of measures the tillage farmers asked for when I met them. They also asked for a targeted agricultural modernisation scheme for the tillage sector and such a scheme will be announced in January 2017. They also sought to be included in the knowledge transfer and this has happened. The Deputy’s assertion that this scheme is not what tillage farmers want is wide of the mark. In fact, it is what they asked for. Their access to it is funded through the €14 million that was provided by the Exchequer and thereby made available under de minimis rules, which allow for exemptions from state aid exclusion categories.

Deputy Charlie McConalogue: They have also asked for a crisis fund.

Deputy Michael Creed: They have. I appreciate that. The beef industry has asked for compensation of €200 million for suckler cows. There is no shortage of people asking for help. We have to be realistic about what the State can afford. I appreciate the difficulties that are being faced in this sector. I do not believe the response to the myriad of issues being faced in the sector has been bad. While these are very challenging times for the tillage sector, I emphasise that we have implemented some measures. When the Deputy asked when the loan scheme will be up and running, he referred to media coverage suggesting that it might not happen until April or May. The chief executive of the Strategic Banking Corporation of Ireland, Nick Ashmore, gave an update on the scheme to the participants in a recent beef forum meeting. He indicated that the corporation is operating to a January 2017 deadline. The Deputy also asked whether normal terms of lending will apply. Surely he is not suggesting we should make loans available to people who do not have the repayment capacity.

Deputy Charlie McConalogue: What about those in crisis, including tillage farmers?

An Leas-Cheann Comhairle: It has been agreed that Deputy O’Keeffe will ask the second supplementary question.

Deputy Kevin O’Keeffe: We appreciate the work of the Minister in arranging this invaluable loan initiative. It came about as a result of the crisis in the dairy sector, which seems to be being resolved.

I support Deputy McConalogue in respect of this issue. The concern is that no matter what bank one approaches, the person with the best accounts for the previous year will get priority,
and that has to be agreed here. The Minister mentioned that the tillage sector wants everything. We know there has been a collapse in crop prices but there is part of the tillage sector which had no crops to harvest last year. Some farmers did not even sow any crops so they cannot generate income. The concern is that the Minister is not focusing on the tillage sector, where there was a major mishap. I understand the concern about the collapse in prices in the grain sector, which we all accept is bad for the economy. However, part of the sector has experienced a total reduction in its income. I cannot see how farmers can go to any of the banks to ask for loans.

**Deputy Michael Creed:** The point I want to make is that, in the context of the negotiations I had at the tillage stakeholders meeting, there was a range of requests, including some relating to the matters the Deputy raised. However, there is a limit to the resources available and it was felt that it was best to do something strategic. At the meeting in question, for example, a figure quoted by one of the participants was that 80% of the spring barley crop is planted on the basis of merchant credit. Merchant credit costs are equivalent to credit card costs. If this product can, at a rate of 2.95%, substitute for merchant credit, it will be far more effective and will improve cash flow. There are other more critical structural issues for the tillage industry that need to be grappled with but this is one response. It is not a panacea and I do not have the silver bullet that will solve all of the issues for the industry. However, it is an attempt to recognise the sector’s critical importance and to do something in the context of the very difficult year those who operate within it have experienced.

**Climate Change Policy**

12. **Deputy Mick Wallace** asked the Minister for Agriculture, Food and the Marine if his Department will create a roadmap for achieving the agriculture aspect of the 2050 carbon emission targets, as recommended in the first report of the Climate Change Advisory Council; and if he will make a statement on the matter. [37568/16]

**An Leas-Cheann Comhairle:** I call Deputy Wallace. I remind him that there might not be time for a supplementary question.

**Deputy Mick Wallace:** It was disappointing to read the sections on agriculture in the first report of the Climate Change Advisory Council. It is not clear that there is a strong appetite among the members of the advisory council to address the rising levels of greenhouse gases in the sector. The council’s approach is summed up by the following sentence from its report, “an approach to carbon neutrality in the agriculture and land-use sector, including forestry [is envisaged] which does not compromise capacity for sustainable food production.” The report does not define “carbon neutrality” or “sustainable food production”. The Minister might do so.

**Deputy Michael Creed:** The Climate Change Advisory Council has stated in its report that the national mitigation plan should provide a roadmap to achieve the national 2050 mitigation objective, which, for agriculture, is an approach to carbon neutrality in the agriculture and land-use sector, including forestry, which does not compromise capacity for sustainable food production. I am disappointed that the Deputy would rail against that specific provision. If there is a growing global population, those people have to be fed, so one does not dismantle food production systems on the altar of carbon efficiency, although people must be fed in the most carbon efficient manner.

My Department has been actively involved in the development of the national mitigation...
The agriculture and forestry sectoral contribution to the plan, outlining the mitigation actions we are taking in the sector, has been submitted as part of that process.

Irish agricultural production has been independently and internationally recognised as one of the most climate and resource-efficient agrifood production systems in the world. That is not self-praise. The European Commission’s Joint Research Centre report of 2010, Evaluation of the livestock sector’s contribution to the EU greenhouse gas emissions, recognised that Ireland, with Austria, has the lowest cow milk emissions as well as the lowest emissions per kilo of pork. However, there is no room for complacency and we will continue to work with all stakeholders to find even greater efficiencies and reduce emissions further. This will not be an easy task, particularly in light of the limited cost-effective mitigation options available in agriculture. However, we continue to make efforts, and policies such as Food Wise 2025 provide a framework for the sector to engage with the national mitigation plan and for the development of a common vision of transition to a low carbon future.

**Deputy Mick Wallace:** If we wanted to deal with food security, we would lean a lot more towards tillage because we can feed many more people through tillage than through beef. Beef is feeding the rich world but it is not feeding anything like the same numbers elsewhere. With the same resources that go into producing 1 kg of beef, we can produce 24 kg of food from tillage. Consequently, there is no comparison.

It suits the Minister’s argument to make out that I am attacking the farmers. I was born on a 36 acre farm and I reared pigs for years. I had 500 pigs at one point.

**Deputy Michael Creed:** We are the most carbon-efficient producers of pork.

**Deputy Mick Wallace:** I am interested in food production. Ireland should have an educational programme promoting less consumption of red meat and a healthier diet. This notion that we will continue to produce more and more beef for the export market does not make any sense.

**An Leas-Cheann Comhairle:** Before the Minister responds, I would like to apologise to Deputies McConalogue and Martin Kenny, who have waited patiently for more questions, but the time has expired. The Minister has one minute and there will be no more supplementary questions.

**Deputy Michael Creed:** I do not mean to undermine Deputy Wallace’s bona fides in respect of livestock; I think he has done that himself. He is singing the praises of the tillage sector. We need all of the sectors but we need balance in the debate as well. The Deputy should make himself a little better informed about carbon sequestration in the tillage sector. We need balance in the debate. We are committed in the agriculture sector and in my Department to reducing the carbon footprint further. The net point is that we have done a lot but we have some considerable distance to go. It would be foolish to sacrifice us on the altar of climate change and have the required food production outsourced to countries that have far larger carbon footprints. That would be illogical in the extreme. While we have more to do across all the sectors, including dairy, beef, tillage and forestry, we have travelled some considerable distance, something for which we never get any credit.

*Written Answers are published on the Oireachtas website.*
Regional Development Policy

An Leas-Cheann Comhairle: As Deputy Jonathan O’Brien is not yet present, I call Deputy Peadar Tóibín.

Deputy Peadar Tóibín: At a meeting of the Joint Committee on Arts, Heritage, Regional, Rural and Gaeltacht Affairs in the past week, we heard that 500 post offices in this State are unsustainable. Teagasc has stated that only 37% of farms are economically viable. Growth per capita in the west is one quarter of what it is in Dublin. Broadband speeds in the regions that have broadband are 36 times slower than they are in Dublin. The north-west quarter of the country is without a rail line or a decent motorway. Where rail transport exists, it is far too slow. The western rail corridor, which should be very important to the Minister of State, Deputy Ring, remains unfinished.

It was recently announced that water would be pumped from the Parteen basin to Dublin. While I have not taken a decision yet on whether this is the right thing to do, my instinctive thought at the time was that instead of pumping all of this water from the Parteen basin to Dublin, why not put the jobs and the growth in Limerick, right beside the water? This is another example of infrastructure being built to service Dublin at a cost to the State.

The problem is that the Government has a scatter gun approach to development. Thankfully, a limited amount of money is being spent in some areas but it is being spent without a plan. There is no spatial plan in existence in this State. The State has been developing in a haphazard, ad hoc fashion for a long time. The national spatial plan has been defunct since 2002 and we are still awaiting the national planning framework. What it boils down to is Governments firefighting in respect of infrastructure in a rudderless fashion.

The Minister of State can see this as well as I and I am sure his constituents can feel it. We are living in a lopsided economy. There is a damaging over-concentration of resources, economic activity and jobs in the Dublin area. One need only look at Enterprise Ireland and IDA Ireland as an example. In recent years most of the jobs supported by Enterprise Ireland and the Industrial Development Authority have landed in Dublin and Cork. In 2010, 37% of inward investment from the IDA was outside Cork and Dublin. In 2011 that figure was 27%: in 2012 it fell to 23%. The figures have recently improved slightly due to the lack of space in Dublin for new firms. Approximately 60% of inward investment is skewed towards Dublin. Not only is rural Ireland gutted by this rudderless Government but Dublin is overheating. The population of Dublin is approximately 40% that of the State. That is out of kilter with the European norm. Even in Britain, for example, where London is considered too big compared with the rest of the country only approximately 13% of the population lives there. The Government is on its way to drawing 50% of the population to the capital city. That is shockingly dangerous for those who live in and outside the city.

Even though that population lives in and around Dublin there are farms within the M50. Thornton Hall, which the Government owns, is under potatoes yet there are people commuting into Dublin from Cavan, Leitrim and Laois. Where is the sense in that? Schools in the west are shedding pupils. Consider the cost of the new schools the Government is building in the mid-
east of the country while schools are withering and dying in the west. Where is the financial logic in that lack of development? That is why I am calling on the Government to focus on a plan of action. There is no plan. The Government is staggering along in a rudderless fashion and the cost is family life, investment and economic activity in the rest of the country.

Minister of State at the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Deputy Michael Ring): I thank the Deputy for raising this very important issue. Responsibility for key elements of the Government’s regional development strategy is shared across a number of Departments and State agencies. For instance, the Department of Jobs, Enterprise and Innovation oversees the eight regional action plans for jobs, which play a key role in ensuring job growth and enterprise generation across the country. The Department of Housing, Planning, Community and Local Government is responsible for spatial planning and housing and is currently preparing a new national planning framework which will form the basis for future development and investment decisions in the regions. The Department of Transport, Tourism and Sport has policy responsibility for transport infrastructure, ports and airport policy. The financial allocations for these and other areas of investment are set out in the capital investment plan to 2021, which was published by the Department of Public Expenditure and Reform.

This Government has been very proactive in terms of regional development and it is clear that policies such as the regional action plans for jobs and the work of agencies such as Enterprise Ireland, IDA Ireland and Udarás na Gaeltachta are having a significant positive effect on the development of the regions. This is borne out by the latest employment figures for the regions. In the past year, employment has grown in all regions of the country, not just Dublin, and employment nationally has been growing continuously for 16 quarters. In quarter three of 2016, data from the Central Statistics Office shows that 72% of all jobs created in the past year were created outside Dublin. Unemployment has fallen in all regions. The Government has set a target of creating an extra 200,000 jobs by 2020, with 135,000 of these outside Dublin. The first progress reports for the regional action plans for jobs will be published shortly and they will show the enormously beneficial work being undertaken across the regions to ensure that a supportive environment is in place for the creation of jobs and the cultivation of enterprise.

As part of this process, I understand that the Department of Jobs, Enterprise and Innovation and Enterprise Ireland are developing proposals for a regional funding initiative which is aimed at supporting projects and activities that assist, sustain and create jobs in the regions.

In terms of capital investment, the national broadband plan constitutes one of the single biggest investments in rural Ireland for generations, perhaps since rural electrification, and it carries the same level of opportunity in terms of the development of the regions. Under the plan, the Government has committed to delivering a high speed broadband network to more than 750,000 premises, covering 100,000 kms of road network and 96% of the land area of the country. The implementation of the national broadband plan will allow communities and businesses in rural areas to compete effectively and realise their full potential.

In advance of the award of contracts for the roll out of the plan next year, my Department is working closely with the local authorities in every county to facilitate the installation of the broadband infrastructure by identifying and overcoming potential barriers to this installation. The local authorities have also identified approximately 400 strategic sites in their administrative areas which would be ideally suited as priority connection points for high speed broadband.

I would also like to highlight the ongoing developmental work currently being undertaken
by my Department in respect of the commitment in the programme for Government to explore the idea of an Atlantic economic corridor. I led discussions with key public bodies on this initiative and more recently my Department undertook a round of discussions with the various chambers of commerce in the western region which published a concept document at the start of the year. A further meeting will take place early in the new year with a view to scoping out a work plan to progress this project.

**Deputy Peadar Tóibín:** The biggest problem affecting the country into the future is split between too many Departments. The Minister of State’s Department covers regional development. The Minister of State has been long enough in this place to know that the decisions lie where the budgets exist. The budget for regional development is not within that Department.

As an example of what is happening to this city, traffic on the M50 is growing at ten times the European average. Commutes are slowing down or grinding to a halt if there is an accident on the motorway at the cost of local business. This makes us uncompetitive for foreign direct investment in the future. Meath is another example. It is a great county with really energetic people yet its role in this confused spatial development is that of a dormitory county. The population is increasing fast, to almost 200,000. More Meath workers leave the county every day to work than stay to work there. We have the longest commute in the State. Rush hour is at a crawl at the Meath-Dublin border which is miles away from Blanchardstown. Navan is the biggest town in the State without a rail line. This Government will likely build an extra lane on the M50 before it will build the 16 km of rail line necessary from Pace to Meath.

In 25 years’ time there will be 9 million living on the island of Ireland. This Government needs to think big, be creative and bold. It should consider some of the work that John Moran has done on this. We need to build a city that has the critical mass to break the gravity that Dublin exerts on growth in the State. We need to follow what the Danes did in Aarhus. Development should not be done with a scattergun effect as happened under the last spatial plan which tried to be everything to everybody. I appeal to the Government to get its act together, centralise resources and decision making and make sure when the population reaches 9 million, half of them are not living in Dublin.

**Deputy Michael Ring:** I will not read out the figures for all the areas that have increasing employment. There is no doubt the action plan for jobs worked. We are drawing up an action plan for rural Ireland. The Deputy is speaking my language. In my portfolio it is my job to bring all the State agencies and Departments together and the money must flow with the commitments made in the programme for Government. There are between 60 and 70 commitments for rural Ireland. The biggest single commitment is to broadband. The Deputy was correct to raise that in his opening speech. If we do not have broadband we cannot bring industries into any region. The Deputy is correct that the money must flow with the action plan we are going to produce. The decision-makers must make decisions now that show that we are serious about creating the infrastructure in rural Ireland, first of all. The Deputy is speaking the same language as I am trying to speak to Government. We must have a plan and that plan must be implemented. Every Department will have to play its part. Every Department will have to be biased towards rural Ireland.

The Deputy is quite correct that we have a serious problem in Dublin. Good luck to Dublin. It is the capital city and there are many people employed and living there. However, at the same time, we want to try to bring people out into the regions.
With regard to the Action Plan for Jobs in the south east and in other parts of the country, there has been an increase in jobs. We need the same kind of target for rural Ireland as we had for the Action Plan for Jobs. To be fair to the Government and the Taoiseach, a Cabinet sub-committee is dealing with actions for rural Ireland. I intend to lead that along with the Minister, Deputy Humphreys, to make sure that we get the infrastructure, the funding and the money to flow with the plan.

**Traveller Accommodation**

Deputy Jonathan O’Brien: I raise this issue because I talked to somebody who had recently spoken to one of the surviving members of the Carrickmines tragedy. We all know the circumstances of what happened on 10 October last year when fire swept through the temporary site and ten lives were lost. The outpouring of grief and shock right across the State was palpable. I thought it would have been a turning point in how the State treats Travellers. Unfortunately, a few short days later we saw the prejudice again rearing its head when a proposal was made to provide a temporary site in Rockville Drive and there were objections from local residents.

We are now in a situation where the surviving members of Carrickmines are heading into a second winter on a temporary site that is virtually a car park with no facilities. I know that the local authority in question has gone through the planning application stage to provide a more permanent site. All the indications are that it will be open in July of next year at the earliest. We have not been given any firm commitments on whether July is the final date and, as far as I am aware, the tender has not even been awarded to a company yet for the construction of that site. Perhaps the Minister of State could correct me if I am wrong on that, but it is my understanding that the tender has gone out but has not been finalised yet.

Individuals were promised more permanent accommodation on the back of the tragedy. That is a matter of fact. They were promised by senior Ministers that their housing needs would be met. They have been told in recent weeks that this is now not going to happen and they will have to wait until next July at the earliest for more permanent dwellings. That is wrong and disgraceful. Commitments were made by members of the Government. Whether they were acting on an individual basis or not, they were representing the Cabinet when they made those promises to the surviving members. Those promises need to be honoured.

I will not get into what the promises were because I do not want to air that publicly, but the Minister knows as well as I do, or she should if she was given the briefing before dealing with this Topical Issue today, that firm commitments were made to some of those families that their housing needs would be met. They have yet to be met. I urge the senior Minister in question, Deputy Simon Coveney, to meet with the families and to discuss their housing needs again. We cannot have a situation where they have to continue to wait for more permanent accommodation while living on a temporary site without even sanitation facilities. It is simply wrong.

Minister of State at the Department of Housing, Planning, Community and Local Government (Deputy Catherine Byrne): I thank Deputy O’Brien for raising this crucial matter and I welcome the opportunity to address the Deputy on it.

Arising from the tragic circumstances at Carrickmines in October 2015 and the loss of so many families and loved ones, a number of actions were implemented in the aftermath of the
tragedy, along with ongoing engagement over the past 12 months with the bereaved and those affected by the events at Carrickmines on that night. A steering group, hosted by Southside Traveller Action Group, STAG, was established on 12 October 2015 to manage and oversee the local response to the immediate needs of the families involved. My Department, the Department of Social Protection, the HSE, An Garda Síochána and other agencies are participants in the steering group and are supporting the delivery of actions which have ensured that vital supports such as pastoral care, counselling services and other supports such as exceptional needs payments are provided to the families, as a priority, to meet their immediate needs after the tragic events. The steering group is now assisting with the physical and emotional recovery of those involved which includes the provision of health care and supports for survivors, along with responding to community welfare needs and the clean-up of the damaged site as well as the restoration of infrastructure and public services.

In relation to the accommodation needs, my Department worked with Dún Laoghaire-Rathdown County Council to identify suitable temporary accommodation for the family concerned in the immediate aftermath of the Carrickmines tragedy. Temporary emergency accommodation has been in place for the family in Ballyogan, Carrickmines, since October 2015. The accommodation provided includes five three-bedroom mobile homes with shower and bathroom facilities, together with a separate utility area for each unit. A site at Glendruid, Shankill, in Dún Laoghaire-Rathdown was identified by the local authority in its Traveller accommodation programme for 2014 to 2018 for a group housing scheme to meet the needs of the Connors family. Funding approval was granted by my Department for these works and the refurbishment of the site was completed at the end of 2015. The family, however, indicated that this was not their preferred location. Subsequently, the site was allocated to other Traveller families who requested Traveller-specific accommodation. Following discussions with the family regarding their preferred options, the council proposes to develop a permanent four-bay halting site at Glenamuck Road, Carrickmines, which is in accordance with the local authority’s Traveller accommodation programme. The planning process was completed in July of this year and, following a submission from the council, my Department issued approval to the council to proceed to tender in September. The council anticipates that the accommodation will be ready for occupation by the family in summer 2017.

Deputy Jonathan O’Brien: I do not know if the Minister of State has the information on whether the tender has been signed for the permanent site, which is proposed to be open in July 2017. She can come back to me on that to provide the information on whether that tender has been signed and if we are still on target to meet that date. Could the Minister of State outline some of the remedial works which have been carried out or which are proposed to be carried out on the temporary site on which the families are currently living? It is my understanding that the site is surrounded by a number of large pylons and is rat infested. The conditions are less than adequate, to say the very least. While it is a temporary site, we are now asking the families to spend a minimum of another seven months on that particular site. If there are remedial works that need to be carried out, I ask the Minister of State to contact the local authority to make sure that they are done.

Following the tragedy, issues have been raised about many other sites around the country. In my own constituency of Cork North-Central, there is Spring Lane. I do not know if the Minister of State has ever visited Spring Lane, but it is a tragedy waiting to happen.

3 o’clock
The living conditions on that site are the worst I have ever seen in all my years in politics. I saw raw sewage and exposed electrical wires among other things, but very little remedial work has been carried out.

Will the Minister of State outline the initiatives being taken to improve other halting sites? Funding has been allocated but, much to my disgust and that of representatives of the Traveller community, local authorities have handed it back to central government. The money has not been used while members of the Traveller community continue to live in very poor and deplorable conditions.

**Deputy Catherine Byrne:** I do not have answers to some of the specific questions posed by Deputy O’Brien. I have taken note of them and will revert to him as soon as possible.

I thank the Deputy for his comments and observations and assure him that I am committed to ensuring Traveller accommodation needs are met in a safe and suitable manner. As is appropriate in the aftermath of such an appalling tragedy, the audit and improvement of fire safety in local authority provided Traveller accommodation was a critical task undertaken by my Department’s national directorate of fire and emergency management. The concluding report, entitled a programme to review and enhance fire safety in local authority provided Traveller accommodation, was published in September 2015. The report enumerated the fire safety measures and actions that were required as well as recommending a series of further actions to sustain fire safety in the long term. My Department continues to work with the local authorities and the national Traveller representative groups to ensure safe and secure accommodation for Travellers is provided in accordance with their preference through a comprehensive local and national collaborative structure.

I have taken a note of some of the issues Deputy O’Brien has raised and I will get back to him as soon as possible.

**Youth Services Provision**

**Deputy Martin Heydon:** I thank the Minister for coming to the House to discuss this issue which I have discussed with her privately on several occasions. She understands my passion about improving youth services in County Kildare and the demographic challenges we face.

I thank the Minister for engaging with representatives of Kildare youth services in recent months. She met them in mid-November and also back in June when she was in Kildare town to open the Hive youth hub, a great facility for young people in the town. I hope these meetings and engagements, as well as the discussions I have had with the Minister, have helped to highlight for her the scale of the challenges facing Kildare in providing youth services and helped her to understand the unique position of my county.

Kildare has a growing population as well as an above average youth population. This is coupled with a low level of service provision across the spectrum from essential universal services to specialised services. The Minister witnessed the strong, positive and established inter-agency relationships that exist in the county’s children and young people’s services committee and the local community development committee. This allows us to maximise the impact of available resources and produce tangible results such as the Hive, which the Minister visited.
The group presented a proposal to the Minister setting out the resources required to begin to increase service levels for children, young people and families in Kildare. I wish to focus specifically on three areas: the need for a dedicated youth officer for Kildare, the need to increase the number of family resource centres, and the proposal to buy the Hive building. Kildare shares a youth officer with County Wicklow. The post is funded through the Kildare and Wicklow Education and Training Board, KWETB. Kildare’s population is one of the fastest growing in the State. According to the 2016 census, the population increased by 5.6% compared with the national average of 3.7%. According to the 2011 census, 28.3% of the population in Kildare is aged 17 and under compared with the national average of 25%. I expect that trend to continue and to be reflected in the 2016 census results. Kildare is too big a county, with an above average youth population, not to have its own dedicated youth officer. Will the Minister outline the engagement to date between her Department and KWETB to address impediments to filling such a crucial post?

There are only two family resource centres in the whole county catering for more than 220,000 people. Counties with much lower populations have considerably more family resource centres. Kerry has 12, Donegal has nine and Mayo has seven, but the population in each of those counties is far smaller than that of Kildare. I know from engaging with our family resource centres the value of the work they do. We need more of them in our county.

There is a proposal to buy the Hive building in Kildare town from An Post. This is a cost-effective proposal which would greatly add to youth facilities, not just in the town but in the county as a whole. The Hive provides a youth café and meeting space, services which were not previously available. The plan was to pilot a youth hub for the entire county, and such a venture could operate out of the current space. We need to secure the building to secure and maintain the current provision of services and facilities and to expand them. The inter-agency approach is established in Kildare and a lot more can be done. The purchase of the building is a one-off cost the Department should consider in its budget for 2017.

**Minister for Children and Youth Affairs (Deputy Katherine Zappone):** I thank Deputy Heydon for raising these issues which, as he has said, we have spoken about several times.

My Department provides funding for schemes and programmes to support youth services. These services are for young people throughout the country, including those from disadvantaged communities. An estimated 380,000 young people benefit from this funding. Approximately 1,400 youth work staff work in 477 projects supported by the Government. What is also important is that 40,000 volunteers give their time and expertise to these very valuable projects. Funding of €51 million was provided in 2016 to my Department for these schemes. A sum of €2.6 million in capital funding was also provided in budget 2016 and is being used to support small-scale projects in local youth services such as refurbishment, health and safety fit-outs and accessibility improvements. A sum of €500,405 has been allocated in 2016 for the projects and services under Kildare youth services which operates under Youth Work Ireland. This was an increase of more than €12,000 on the previous year’s allocation. My Department provides funding to Kildare youth services under the special projects for youth scheme for six local youth projects in Athy, Naas, Leixlip, Newbridge, the Curragh and Kildare town and for a youth information centre in Naas. I was delighted to visit and launch the Hive youth hub in Kildare town last June, to which Deputy Heydon referred. As he knows, €50,000 in capital funding was provided towards the cost of developing this youth café facility which offers a safe environment for young people. My Department supports youth work activities at a local level through the local youth club grant scheme. Under this scheme grants are made available to
all youth clubs and groups through local education and training boards, ETBs. More than 100 clubs in Kildare and Wicklow received grants under the 2016 scheme. A sum of €93,294 has been allocated to KWETB for this purpose in 2016. As Deputy Heydon outlined, I recently met representatives of Kildare local community development and the children and young people’s services committee for Kildare to discuss their proposals. Officials from my Department also met representatives of Kildare youth services and have visited Kildare to hear about their work and their proposals for providing services in County Kildare. At local level, youth officers of the ETBs have an important support role, on behalf of my Department, to local youth services. They work closely together to address issues that arise for local services. The Deputy will be aware that a number of funding schemes supporting youth services were the subject of a value for money and policy review in 2014. That review involved an in-depth scrutiny of the impact youth service provision has on the lives of young people.

Work on the development of a new funding scheme has been prioritised by my Department. Consultations with youth services continue with a view to introducing the new youth funding programme in line with the review over the coming years. There is one youth officer in post covering Wicklow and Kildare ETB. The officer is active in both counties. My Department has started a mapping exercise with all ETBs as part of a value-for-money exercise. The results of that exercise are due before Christmas, and officials will analyse the results early in 2017. If there is evidence to support the provision of funding for a second youth officer post, this will be considered. As the Deputy is aware, budget 2017 has provided an additional €5.5 million in current funding to my Department to support the provision of youth services. That funding will be used for programmes that target disadvantaged young people and to assist national youth organisations in their work. In conjunction with national organisations and local services, we are identifying local service development needs for 2017 and will complete that process as soon as possible.

Deputy Martin Heydon: I thank the Minister for her detailed response, her overall interest in the issue and, in particular, its impact in south Kildare.

As a county, Kildare is not fully understood. Its scale, the number of people who live in it, including the number of children and young people, the growth rate and the level of need our county is experiencing is sometimes underestimated. County Kildare faces particular challenges. Historically, we have very low levels of those services across the spectrums I mentioned earlier. Traditional definitions and interpretations of deprivation and the manner in which those apply in resource allocation do not appropriately reflect and respond to the complex needs of our county. In addition, our county’s geography poses a challenge for service provision due to the urban and rural mix and its sheer scale.

However, the biggest challenge we have faced in Kildare is the perception of affluence that does not mirror reality in every corner of the county. I ask that the Department would take that on board and help us to expand our family resource provision, purchase the Hive building and get our dedicated youth officer.

On the specific area of youth services, the Minister and the Department must recognise and understand the demographics of our very young population and our historically low service levels and realise that in playing catch-up, we need to do more than just provide for a small increase, as the rest of the county gets a small increase, because the recession hit us hardest due to our levels being low before the recession. When the cuts came, they cut to the bone in Kildare South and there are statistics that point to that.
I look forward to the review in 2017 and to working with the Minister further with a view to getting improved resources into youth services provision in Kildare, south Kildare in particular.

**Deputy Katherine Zappone:** I thank Deputy Heydon. As he rightly identified, the perceptions of County Kildare may be different from the reality. That was certainly made aware to me by the representatives of his county who met with me here and also in the county. I am particularly grateful for that awareness having been raised.

The two key points the Deputy made concern the numbers of young people in the county but also the mixed socioeconomic backgrounds throughout the county as distinct from the more affluent perception of the county. If the mapping exercise I referred to in my initial remarks demonstrates evidence of need both with regard to the numbers of young people and perhaps that mixed socioeconomic demographic, we will have something to work with, specifically in terms of the Deputy’s request for the funding of a youth officer for the county. My Department has gone back to the people we spoke with and we are very open to continuing that discussion, particularly with regard to that post. I look forward to continuing that conversation.

That mapping exercise helps us to understand better the requirements for an additional family resource centre as well as capital funding. The Deputy’s proposals that came to me indicated a number of other aspects to that which, in my conversations with his people, we went through in a detailed manner. I made some suggestions in terms of how to follow up all of those, but particularly the ones the Deputy has identified.

**Rail Network**

**Deputy Shane Cassells:** I thank the Minister for his presence in the Chamber and his engagement on this critical matter of the completion of the second phase of the rail line from Pace to Navan. I also welcome members of the business community from Navan and Athboy who are in the Visitors Gallery viewing proceedings. I sincerely hope to have a positive engagement with the Minister on this issue given his firm commitment and stance on sustainable models of public transport.

In the summer 2010, we saw the recommencement of rail passenger services from the Docklands station in Dublin to Dunboyne, which saw for the first time since 1947 passenger services back in those stations. It was the first phase of a major project to bring the rail line back to Navan. It was a momentous occasion for those of us who travelled on that special train that day as we looked forward to seeing the extension of the line to Navan.

In January 2011, final plans were compiled and the project was ready to move to the rail order stage. That would have seen the 35 km of line being constructed from the M3 railway station at Pace, taking in places like Drumree, the expanding village of Kilmessan and eventually into Navan, with stations at both Navan central and north Navan in Windtown being constructed.

The second phase of the project was anticipated to cost in the region of €550 million and was probably the most significant transport and economic project for Navan in decades. Thousands of people bought homes in Navan in the previous decade in anticipation of that line coming to Navan. Alas, the project was suspended when the new Government came to power in February 2011. What was even worse was the fact that the planning process for the project was
not progressed even though the previous Minister had brought it to the point of advancement before leaving office.

The desperate need for that second phase to be completed manifests itself each morning on the congested roads from Meath into Dublin. I know there are huge demands on the Minister from TDs who already have rail services in their counties but who are looking for them to be expanded or retained but Navan is the only town in the greater Dublin area, and of any major capital town in the Leinster region, that does not have a passenger rail service. The negative impact on Meath’s capital town has been hugely significant both from a transport point of view and in terms of quality of life and it has been crippling in terms of our economic development.

There was capital road investment, most notably in the form of the M3. That project was mired in the courts and construction was delayed. However, that project alone does not present a sustainable model of transport because even before they leave the motorway at Blanchardstown, people join the bottleneck of traffic when the road network condenses back into single carriageway traffic the entire way into the city centre. It is brain damaging, and for the National Transport Authority to say it is investing in the bus system in lieu of the rail project being abandoned is no solution either because people are stuck on roads that cannot be extended in width any further.

The town of Navan is hugely important from a regional planning point of view and the huge numbers of people who moved from the city put huge pressures on our physical and social infrastructure. We have made great strides in terms of educational, sporting and cultural infrastructure but the critical piece of infrastructure lacking is the rail line. The fact that it remains off the agenda is severely hampering our county and towns.

Our latest economic strategy from our County Economic Department Plan illustrated that 54% of our population leave Meath each day to go to their place of work. That is some 33,000 people leaving each morning. We have the biggest outbound commuter population of any county in the country. Seventy-six per cent of those people are trying to make their way into the congested city of Dublin. That is a massive 25,000 people, mostly in the 20 to 44 age category. Those statistics provide the compelling evidence for the Minister to take a serious look at this project and breathe new life into it.

Some weeks ago the Minister committed to going to Westmeath with Deputy Willie Penrose to look at the rail situation in his county. I want to extend the same invitation to him now to look at the potential for the extension of the line from Dunboyne to Navan. I hope the Minister will accept that invite and that he will make his way to my home town early in the morning so he can see the choked arteries with the traffic coming in the opposite direction. As someone who has a commitment to sustainable modes of transport I ask that he would right the anomaly of Navan being the only town in the greater Dublin area without a rail passenger service, and complete the line.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I thank Deputy Shane Cassells for raising this matter and for his kind invitation to visit Navan to see what happens there. I hope it will not be too early in the morning because it is quite a long way from where I will be travelling from but I would be happy to accept his invitation. That is my duty as Minister for Transport, Tourism and Sport when Members take the trouble to come into the House and suggest I come to the town. It is only fair to say to the Deputy that I will come, although I do not know when. The demands of the type the Deputy made - they may be not so compelling
but the Deputy made a very good case - are many and the Exchequer is not quite empty but is not full. In that context, I would be happy to visit but nobody should regard it as a signal that there will necessarily be a rapid follow-through. It is important, however, that I hear the case for it and see the position at first hand. I would be happy to do so and I appreciate the Deputy’s invitation.

As Minister for Transport, Tourism and Sport, I have responsibility for policy and overall funding of public transport. It is difficult sometimes for people to remember that I do not really interfere on a daily basis in matters relating to which trains run where or at what time. The National Transport Authority, NTA, has responsibility for the development of public transport infrastructure in the greater Dublin area, which includes County Meath, and Iarnród Éireann is responsible for the maintenance and operation of the heavy rail network. Obviously, I have an influence over policy. This matter would come under the heading of policy but the real detail of what goes where is normally a matter for the NTA.

The Navan rail link project was included under the Transport 21 initiative and was to be developed in two phases. Phase 1 of the Dunboyne rail line project involved the reopening of 7.5 km of a railway line running off the Maynooth line - at Clonsilla - to the M3 interchange near Dunboyne. This line opened in September 2010 with park-and-ride facilities, with 1,200 car parking spaces available at Pace and 300 at Dunboyne. Phase 1 was completed in 2013 with the opening of Hansfield Station. The plan for phase 2 involved the extension of the Dunboyne line between Clonsilla and the M3 Parkway Station, and onwards to north Navan. The development of the Dunboyne-Navan line, together with a number of other transport projects, as Deputy Cassells mentioned, was postponed in 2011 due to the economic and fiscal crisis.

The bad news, of which the Deputy will be aware, is that the NTA, which has statutory responsibility for development of public transport in the greater Dublin area, included an examination of the Navan city centre rail corridor in the preparation of its transport strategy for the greater Dublin area for the period 2016 to 2035. The strategy was approved by my predecessor earlier this year. The NTA concluded that, based on current population and employment forecasts, the level of travel demand between Navan, Dunshaughlin and various stations to the city centre is currently insufficient to justify the development of a high-capacity rail link. Instead, it proposes to develop an enhanced bus service along the route and to develop a bus hub in Navan. The good news is that this position will be kept under review, taking account of future developments in the catchment area and the NTA suggests that the corridor identified for a rail link to Navan should be protected from development intrusion. In other words, it is not being ruled out.

The Deputy will also be aware that Exchequer funding for public transport projects over the coming period is already set out in the Government’s capital plan. The transport element of the plan covers the period up to 2022. I have previously outlined that my Department’s first priority is to ensure the maintenance of our existing transport infrastructure at steady-state levels so that it remains safe and fit for purpose. Based on the funding allocations for public transport under the capital plan, we should achieve steady-state levels by 2020.

In view of the current constraints regarding the availability of funding, the priority for the heavy rail network under the plan is to improve efficiency and maintain safety standards, rather than expanding the network by opening new lines or stations.

An Leas-Cheann Comhairle: If I could interrupt, it seems the Minister might need another
two minutes to conclude.

**Deputy Shane Ross:** I will complete the reply during my second contribution, if I may.

**An Leas-Cheann Comhairle:** If the Minister does not mind.

**Deputy Shane Cassells:** I am particularly glad the Minister mentioned the NTA strategy and its summation in terms of population, etc., and, indeed, on whether the Minister and the Government have roles to play in respect of this matter. They most certainly do have roles to play.

I referred earlier to how the plans would see two stations located in the town, with the final terminal in north Navan. Only a stone’s throw away from that station, there is a parcel of land of 51 acres to which a ministerial strategic development zone, SDZ, order is attached. The latter is the reason the north Navan station was going built in that part of the town. This SDZ is designed to cater for 1,400 houses on that parcel of land. That is a significant number of houses by any stretch of the imagination. At present, the infrastructure in the town cannot cater for the near 30,000 people who live there, but here we have a ministerial order that would lead to the construction of 1,400 additional houses.

There are moves afoot. Only three weeks ago, *The Irish Times* devoted an entire half-page - beautiful maps, aerial photographs and all - to the SDZ and the ministerial order. This parcel of land in north Navan - which is already choked up - is retailing for in the region of €6 million, a knock-down price in current terms. The land in question is located adjacent to where the railway station would be located. Reference was even made to the abandoned railway line in the developers’ pitch to potential purchasers. Only last week, a different parcel of land of 44 acres on the Dublin Road side of the town sold for €6 million. Across the river from that parcel of land, one can find another 30 acres for sale at Johnstown. My point is there are nearly 120 acres of land up for sale at present.

My party made a significant submission to the NTA strategy. I was a member of the local authority at the time. Our planners disputed the figures that the NTA used. The then Minister for Transport, Mr. Noel Dempsey, who advanced the matter to a particular point at the time, hotly contested with Iarnród Éireann its contention regarding the figures it was using.

My town cannot cope. It is under pressure and has been identified by Ministers as a location to accommodate strategic housing developments. What I am asking from the Government is that Departments should work with each other. If the Department of Housing, Planning, Community and Local Government is identifying landbanks-----

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

**Deputy Shane Cassells:** -----for extensive housing development, it is surely incumbent on the Department of Transport, Tourism and Sport, given that there is SDZ zoning, to liaise and work closely with the former in order that we do not put more physical and social infrastructural pressure on these key commuter towns.

**Deputy Shane Ross:** I thank the Deputy for the follow-up.

The Department of Transport, Tourism and Sport should, and does, work with those who are developing land and should keep up to date with the population projections and the building and development in the area in order to be able to adequately provide transport in advance or
certainly prepare in advance for those sorts of developments. I take the Deputy’s point.

The rail portfolio is not all about closing stations, it involves developing stations that need to be opened for commuters in Dublin or the greater Dublin area. Those stations might not necessarily produce a profit but they could fulfil the criteria relating to the societal needs and value-for-money considerations that exist.

I do not believe that rail is a mode of transport for the past. It is probably one for the future, if it is developed selectively. I think the rail review, to which I urge the Deputy to make a submission in respect of this hopeful point, will identify where stations should be opened. I do not know whether it will identify closures but we will certainly have a clear picture after the consultation process.

I say this to give the Deputy encouragement. One of the most satisfying aspects of my transport portfolio was highlighted only a couple of weeks ago when the Phoenix Park tunnel reopened. The latter, in turn, facilitated the reopening of a line from Park West in the western part of Dublin to the docklands in order to satisfy commuters’ needs, particularly in the context of bringing them across the city. That offers me some hope for the future for areas such as Navan, if they can justify and make compelling cases to bring commuters into the city in circumstances where there is no other viable mode of transport available to them.

Deputy Shane Cassells: On a point of order, can I ask-----

An Leas-Cheann Comhairle: There is no point of order.

Deputy Shane Cassells: -----that the Minister come back to me on his commitment to visit the town? We could have that meeting, perhaps in the county council chambers, with the chief executive. The council chambers are located next door to the old railway station in Navan, which is right in the heart of the town.

Deputy Shane Ross: I have already said I will do it.

Deputy Shane Cassells: I thank the Minister.

Sitting suspended at 3.30 p.m. and resumed at 4.30 p.m.

Secure Rents and Tenancies Bill 2016: Second Stage [Private Members]

Deputy Eoin Ó Broin: I move: “That the Bill be now read a Second Time.”

For four years the cost of renting a home has spiralled upwards. According to the Residential Tenancies Board, RTB, the average rent for a one-bedroom home in Dublin has increased by 24%. That is an extra €2,940 per year. The average increase for a two-bedroom home has been 21%, an extra €3,204 per year. In Cork, the home city of the Minister for Housing, Planning, Community and Local Government, Deputy Coveney, the increases have been just as steep. The average rent increase for one and two-bedroom properties has been 16%, which is an extra €1,260 per year for a one-bedroom property and €1,680 per year for a two-bedroom property.

The increase in asking prices for new lettings has been even more dramatic. Daft.ie has recorded a 43% hike in new rents between January 2013 and October 2016. New rents throughout the State have risen to more than €1,000 per month, and in Dublin new rents are now more
than €1,500 per month. As every Deputy knows, rents are now higher than they were at the peak of the boom. In my constituency of Dublin Mid-West, the asking price for renting an average family home is €1,700 per month. That is more than €20,000 per year.

The cost of renting is out of control and is affecting hundreds of thousands of families. Approximately 750,000 people live in the private rental sector. In Dublin, one in four households rent. Gone are the days when renting was just for students, low-income families and first-time buyers who were saving. The private rented sector is where low and middle-income workers and those on council housing waiting lists spend very long periods of time. Indeed, low and middle-income renting families are now paying between 40% and 60% of their disposable income on rent. Families relying on rent supplement or the housing assistance payment, HAP, are being priced out of the market, while students and single people are being squeezed by out-of-control prices. Crucially, the 200% increase in family homelessness since 2014 is a direct result of the crisis in the rental sector. Tonight, almost 2,500 children will sleep in emergency accommodation. In its recent Oireachtas briefing on family homelessness, Focus Ireland said:

A large majority of families becoming homeless had their last secure home in the private rented sector. The main forces making them homeless from this sector were increased rents and landlords evicting to sell the property.

Excessive rents are not just making families homeless. Families are now trapped in emergency accommodation for 12 to 24 months because they cannot get back into the private rental market.

This is not an accident. The rent and homelessness crises are not forces of nature. They are the direct result of the actions and inaction of Fine Gael and its coalition partners since 2014. The mealy-mouthed measures introduced in 2014 did nothing to stop the spiralling cost of accommodation. Indeed, for some the so-called rent certainty measures resulted in immediate price hikes. For others, they simply delayed the inevitable. When Sinn Féin introduced rent certainty legislation last June, Fine Gael, eagerly supported by Fianna Fáil, voted it down. That Bill would have saved renting families up to €2,000 a year. There is no doubt that it would have prevented some families from becoming homeless. However, the Minister, Deputy Coveney, and his trusty ally, Deputy Cowen, said “No”. Renters would get no immediate relief. They said we were pre-empting the Government’s strategy for the private rental sector, that the legislation would scare off investors and that any new measures would have to balance the interests of landlords with those of tenants.

When the Minister, Deputy Coveney, heard that Sinn Féin intended to use its Private Members’ time this week to discuss the rental crisis, he expressed disappointment during Question Time. He accused us of playing politics with the issue.

**Deputy Simon Coveney:** That is exactly what it is doing.

**Deputy Eoin Ó Broin:** I suspect the tens of thousands of families struggling with excessive rents would disagree. I suspect the families living in emergency accommodation would also disagree. The thousands of people who have signed the Secure Rents Campaign online petition definitely disagree. The reason we have brought forward this Bill is that we are seeking to put pressure on the Minister and his colleagues in Government to include these three modest measures in the rental strategy that is being finalised.

In our view, the best way to stop the spiralling cost of rents is to link rent to an index such
as the consumer price index, CPI. The best way to slow down the rate of evictions in the rental sector is to remove sale of property as grounds for issuing a notice to quit. The best way to give tenants greater security of tenure is to make tenancies of indefinite duration the norm. This is not just Sinn Féin’s view. It was also the view of the all-party Committee on Housing and Homelessness. Fianna Fáil and Fine Gael members of that committee supported these three measures when the committee finalised and published its report in June. It is also the view of all the parties and Independents who have co-signed this Bill: Independents 4 Change, the Labour Party, People Before Profit, the Anti-Austerity Alliance, the Social Democrats and the Green Party.

The Bill’s measures were designed to echo the demands of the Secure Rents Campaign launched earlier this month. Unite, Mandate, SIPTU, the Communications Workers’ Union, CWU, IMPACT and the Civil Public & Services Union, CPSU, joined forces with Uplift and the Dublin Tenants Association in a public campaign calling for rent certainty and security of tenure. I welcome representatives from the campaign who are in the Visitors Gallery today. We all share a single purpose. We want the Government to include these three measures in its strategy for the rental sector. We ask that the Minister, Deputy Coveney, introduce an amendment to his Planning and Development (Housing) and Residential Tenancies Bill in the Dáil this month to give effect to these measures. We ask the Government to abandon its spurious opposition to rent certainty and security of tenure. Struggling renters urgently need a break. Rent certainty and security of tenure are good not only for tenants but also for landlords. Action is required now to halt spiralling rents and evictions.

Today Fine Gael and Fianna Fáil have a clear choice. Will they join the rest of the Members in supporting the 750,000 people who live in the private rental sector? I sincerely hope so. On that basis I commend the Bill to the House.

Deputy Imelda Munster: Housing is the major crisis of our time and it is one that continues to worsen every single month. We now live in a society where the Government of this State considers it acceptable for thousands of children to be homeless. Six years into this crisis it is now clear that this is not an accident; this is Government policy. As long as the Government continues to vigorously protect the rights of landlords, tenants will continue to be exploited.

In County Louth in my constituency we have 100 homeless people. Two years ago we had one person who was homeless. The chickens are coming home to roost and the fruits of the Government policy of protecting their own, the landlords, at any cost are crystal clear for all to see. Last Friday a man who was homeless was found dead sheltering in a trolley bay in the car park of a shopping centre in Dundalk. He was sleeping out in the open in sub-zero temperatures. Just a few hours earlier another man was found dead sleeping in an abandoned mill in Donegal and it is believed he may have frozen to death. That is the cost of Government inaction. I have to ask what in God’s name will it take for it to act.

It is completely unfair that people live with no security of tenure. It is impossible to plan ahead, to plan families and to plan for the future when people do not know where they are going to be living in six months or in a year’s time.

Spiralling rents, another issue raised in this Bill, have compounded the problem, as people and families are priced out of the rental market. Between the lack of housing, the lack of regulation in the rental market and unaffordable property we find ourselves in this state of crisis. However, the Minister already knows about this. The question is: how much or how little does
Most other major cities have housing strategies to control the market but here it seems to be a free for all. We lurch from boom to bust and back again and nobody seems to be put out by the collateral damage of families - men, women and children - who lose their homes and are made homeless.

I ask the Minister, for once since he took up office, to take action. We are coming into the winter months. God forbid one of his own was sleeping rough out on the street in the depths of winter. I ask him to take action and back this Bill.

Deputy Denise Mitchell: What has changed since Sinn Féin last tried to address spiralling rents with the introduction of a Bill in this House in June of this year? Is it change for the worse? This Government remains as ignorant and as inactive as ever. Rents have continued to rise. Tenants remain insecure in their homes. This Bill attempts to address these harsh difficulties with which people are faced.

Fine Gael and Fianna Fáil continue to abandon the people to the horrendous situation of spending a substantial, unsustainably amount of their income on rent and with this they have no security on the sale of their home by the landlord. This is all combined with the lack of social housing.

In my constituency of Dublin Bay North, I hear of people every day who are caught in this whirlwind of a housing crisis. These are people who are in chronic fear of the future due to fast rent increases and they do not know if they will have the very basic necessity of a having roof over their heads. Many of these people now find themselves facing homelessness. The Minister and the Government are leaving people to be beaten by the market forces because of their lack of action.

The laws concerning rent and security of tenancy are taken as a given in other countries but this seems to be completely lost on Fine Gael and Fianna Fáil, much to the disadvantage of the people they are meant to serve. The Government is blind on the issue of secure rents and the security of tenancy. We need action and we need it now, and this Sinn Féin Bill will provide that action.

Deputy Brian Stanley: We have been seeking rent controls for the past number of years and the Government has kept batting the issue back saying we do not need them or not just yet. This Government and the previous one have failed spectacularly to introduce effective rent controls. Rent controls, together with ensuring people have a roof over their heads and, more importantly, ensuring that those roofs are kept over their heads would save the Government money because we would have fewer homeless people and less rent allowance to pay out to private landlords. It would ease the pressure on the working poor, which the Minister’s party claims to be protecting. The working poor in some cases are paying as much as 60% of their meagre wages in rent alone. That is criminal.

The previous Government introduced a measure whereby rents could only be increased every two years and we were told at the time that this would solve the problem. I remember saying that it would not address the problem. Sinn Féin colleagues and other Members on this side of House highlighted that. Many landlords got the benefit and brought in massive rent hikes, which in some cases were as much as 30%. I have seen rents in County Laois increase from €550 per month to €800 per month. In Monasterevin in County Kildare I saw rents increase
from €700 per month to €1,000 per month. A daft.ie survey shows that average increase in rents in the past 12 months in County Laois was 13.6% and in County Kildare it was 13.4%.

Meanwhile, 300,000 houses are vacant across the State. According to the housing agency, 12.1% of houses are vacant in County Laois and 7.8% are vacant in County Kildare. Banks and vulture funds have been repossessing homes and they are stepping it up with gusto, but they are boarding them up and sitting tight waiting for the value of the houses to increase. Families are being forced into an already overpriced, overcrowded and congested private rented sector, or worse still, into homelessness. This is a huge problem. The Land League fought for fair rent and fixity of tenure but now, after a century has passed and we are into a new century, we are trying to get those principles applied not to land but to houses and to the rental sector. It is most important that people have a roof over their heads because the lack of it affects everything else, health, education and employment. All of those are tied into it whether people have the key of a door and secure housing.

Government inaction is adding to the problem. For six years those in government have turned their faces away from this. I ask the Minister to do the right thing and to put effective rent controls in place, link rent increases to the rate of general inflation and bring in measures where tenancies can be transferred with the sale of a house. All of us know of cases where when houses were sold, and when the bank or the vulture funds moved in they wanted to move the tenant out. The tenancy should move with the sale of the house if the tenant has a contract. More of the people who have unsustainable mortgages should be moved into the mortgage to rent scheme and an ambitious housing building programme should be accelerated. We want to see that driven on. We want to see more local authority housing because that has to be part of the solution.

Governments are supposed to govern and regulate and, thus far, this Government, following on from the previous one, has failed to address this issue. What vested interests are holding this up? We appeal to the Minister to support this Bill. It is simple and straightforward. It is good for people who are in private rented accommodation, it is good for the taxpayer and it is good for the public finances.

Deputy Aengus Ó Snodaigh: I will try to be brief. I, like every other Member, have a constituency office and consistently for the past few years but particularly for the past six years I have had constituent after constituent come into my office to ask me what they should do. I do not have an answer. A person came into my constituency office on Monday whose landlord is going to increasing their rent by €400 per month in March to the level of the going rent in Dublin. The person was paying €900 per month and increasing the rent by €400 per month will still be under the going rent. I was able to give them some advice. Another person came in straight after that person and they were living in unfit accommodation. They do not want to complain to their landlord because they know if they leave or if they are put out, there is nowhere else for them to go. It is not the failure of this Government alone but the failure in particular of the previous Government. Successive Governments since the founding of this State have failed to address the issue of rents. There is a crisis and an emergency situation. In an emergency, one passes emergency legislation. Fine Gael did that during the banking crisis but nobody seems to have copped that there is a housing crisis and that children are being affected. Emergency laws should be passed to confiscate or compulsorily purchase buildings that are sitting idle in this city and elsewhere. That is not being done, and it has not been opposed by us on local authorities. If that was done-----
Deputy Simon Coveney: It is being done.

Deputy Aengus Ó Snodaigh: The Minister is talking about it and his party has been talking about it for the past six years. I can bring him down the street and show him the buildings that are empty. They might be zoned as offices but in an emergency, families should be put up in them. One does not talk and talk. It is well past the time for action on behalf of those families who are suffering because of the Government’s inability to address the problem of rent certainty.

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

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

“Dáil Éireann, while recognising the pressures that tenants are under following rent increases and the need for a comprehensive response to these pressures and while acknowledging the Bill’s merits in the context of the broader debate on the rental market, declines to give the Bill a second reading for the following reasons:

(a) it pre-empts the relevant commitments in the programme for Government and in the Rebuilding Ireland Action Plan for Housing and Homelessness, particularly in relation to the publication of a strategy for the rental sector by end 2016, in which the Government will be considering measures to provide greater rental predictability for landlords and tenants and to improve security of tenure for tenants;

(b) the measures in the Bill risk negatively impacting on existing and future supply of rental accommodation; and

(c) the Bill has potential legal and constitutional implications which require careful consideration.”.

The tenor of the contributions that seem to suggest that we are not taking seriously the housing crisis or even recognising it is absolute rubbish. We have increased the housing budget for next year by 50% and we have spent €200 million this year buying properties through local authorities.

Deputy Aengus Ó Snodaigh: After six years. Where are the emergency laws?

Deputy Simon Coveney: The problem with the Deputy as usual is that once someone addresses the concerns he has outlined, he changes his pitch because he does not like what he is hearing.

Deputy Aengus Ó Snodaigh: I have not. I just said that.

Deputy Simon Coveney: There is a comprehensive strategy, Rebuilding Ireland, which deals with the multiple strands from a policy perspective and we now have to implement that. We will spend €5.3 billion over the next five years on social housing and a series of other initiatives is in train to address the core issue, which is a deficit in supply of both social housing and affordable private housing. We are doing a great deal to generate movement on increased supply.

I will address the issue Sinn Féin has raised in respect of the rental market. The party
spokesperson knows exactly what is happening. We will have a new rental strategy within the next fortnight, which will take account of the submissions by multiple Members and parties. The notion that Sinn Féin has a monopoly on compassion for people who are struggling in the housing market has no basis in fact.

**Deputy Aengus Ó Snodaigh:** The Minister is the only one with that notion.

**Deputy Simon Coveney:** We are responding to that across multiple strands. For example, we are providing another 240 beds this winter to address homelessness and opening three new properties, one of which was resisted by one of the Deputy’s party spokespersons on Francis Street in Dublin.

**Deputy Aengus Ó Snodaigh:** It was not Francis Street and it was not resisted. The Minister has his facts wrong. He is misrepresenting what happened.

**Deputy Simon Coveney:** The Deputy does not like it when he has to accept the truth.

**Deputy Aengus Ó Snodaigh:** On a point of order, the Minister is misrepresenting the facts to the House.

**An Ceann Comhairle:** Will both the Deputy and the Minister resume their seats? We must pursue this debate in a more orderly fashion. If the Deputy and the Minister want to have a debate among themselves, they can have it outside the Chamber. Let us debate the legislation before us.

**Deputy Simon Coveney:** I will happily, but I am responding to allegations that were made. I am now doing it through the Chair, which I am entitled to do.

**An Ceann Comhairle:** The Minister should not allow himself to be provoked.

**Deputy Simon Coveney:** A strong and viable private rental sector can play an important role in the housing market and our wider economy. It can provide a housing option to those who either cannot or choose not to enter the owner-occupied market but still have sufficient means to meet their own accommodation needs. It can provide a housing option to meet increasing demand and it can promote flexibility and better alignment to a more mobile labour market, making it easier for individuals and families to pursue job opportunities or adapt their accommodation to changing family circumstances. It can also reduce the macroeconomic risks of an over-reliance on home ownership. We have witnessed examples over the past decade where states with relatively large private rented sectors such as Germany and Switzerland were better insulated against housing booms than states with small rented sectors such as Ireland and Spain. Indeed, the rental sector in Ireland has traditionally been regarded as a residual sector in which households who would prefer either to own their own home privately or access permanent social housing must serve time on their way to their true tenure of choice.

The rental sector in Ireland has doubled in size over the past two decades. Almost one fifth of the population now lives in the rental sector. Growth in the sector has been driven by a range of factors, including a reducing reliance on home ownership as a tenure of choice, as well as demographic factors, including inward migration from the EU and decreasing household size increasing rates of new household formation. Notwithstanding this, the rental sector in Ireland still needs to develop and mature to provide a viable, sustainable and attractive alternative to home ownership rather than serving as a temporary refuge or a staging post. Severe supply
pressures, increasing rents, security of tenure issues, limited but nonetheless unacceptable ex-
amples of poor accommodation standards and a shortage of professional institutional landlords
are impediments to delivering on a strong, stable and modern rental sector that offers choice for
individuals and households while contributing to economic growth.

There have been some improvements. Important amendments to the Residential Tenancies
Act introduced last year mean that the minimum period between rent reviews for tenancies has
increased from 12 to 24 months. This will apply for a four-year period, until 2019. In addition,
the minimum period of notice of new rent is increased from 28 days to 90 days and longer no-
notice periods for the termination of long-term tenancies have been introduced. However, acute
pressures persist in the rental market. These pressures are driven by a number of factors, in-
cluding increasing demand, a fundamental lack of supply and high costs that indebted landlords
face in servicing their loans. There is no doubt that the problems in the rental sector are part of
a bigger problem. Ireland is in the midst of a housing crisis and the problems caused by high
rents reflect, and are reflected in, the other issues facing the housing market, including insuffi-
cient homes for first-time buyers, increased demand for social housing and unacceptable levels
of homelessness. While many factors contribute to these problems, the one factor common to
all of them is the prolonged and chronic lack of supply of new houses.

The core issue behind almost all of the pressures throughout the housing market is a lack of
supply. Ultimately, the most effective way to reduce and stabilise rents in the medium to long
term and benefit the entire sector is to increase supply and accelerate delivery of housing for
the private and social rental sectors. In publishing Rebuilding Ireland, the Government has set
out a practical and readily implementable set of actions to create a functioning and sustainable
housing system. However, I acknowledge that it will take some time for supply and demand
to reach equilibrium. In the meantime, however, it is essential that measures taken to address
rental prices do not jeopardise supply and, therefore, it is likely that it would have a negative effect on both existing and future supply of rental accommodation. Without counterbalancing measures, there is a risk that the measures proposed in the Bill would force existing supply to exit the market and discourage future supply for the sector.

That is why Rebuilding Ireland commits to developing a real and meaningful strategy for
the rental sector, with a major focus on supply but also including new mechanisms for both
setting and reviewing rents, and we are committed to that. Every political party, members of
the public and stakeholders in the rental sector have had an opportunity to contribute in writing
to the rental strategy, which I will launch in a fortnight. Many Members, including Deputy Ó
Broin who also attended and contributed to the consultation day, have done so. I accept his is a
detailed submission. I will launch the rental strategy in a fortnight and it will set out a realistic
targeted plan for dealing with the many serious issues that we are discussing.

Fianna Fáil has tabled a detailed amendment to the Bill, for which it is seeking support. We
have also tabled an amendment to be voted on tomorrow.

5 o’clock

There is much in the Fianna Fáil motion that I am comfortable with but I do not want to
commit to that kind of detail until we launch our own strategy. We will not oppose the counter
motion but we will abstain on it.
From my perspective, I have made my position very clear on this issue since the summer. What I said was that after a consultation process, we would launch a new rental strategy before the end of the year. We will do that. I appreciate the pressure that the Deputy needs to keep me under to make sure we deliver on promises. I accept this Bill is an effort at continuing to raise the issue of rent certainty. Deputy Ó Broin knows I cannot support a Bill two weeks before we launch a comprehensive strategy which will perhaps be given legal effect by legislation that is about to come into the Dáil in terms of the Planning and Development (Housing) and Residential Tenancies Bill. If we are going to introduce measures, we have an opportunity to do that and I hope the Deputy will help us. I cannot accept a Bill that is essentially a one-sided argument albeit dealing with a very genuine issue. We need to have a balanced approach to protecting tenants because without landlords we do not have a functioning rental market. We need to do both and that is what we will endeavour to do before the end of the year.

Deputy Barry Cowen: I acknowledge the thrust, will and desire of the Bill from Sinn Féin this evening. I acknowledge that strong rent certainty measures are necessary to help alleviate the record rent rates we have seen in recent years which have reached huge levels, were unforeseen and are contributing to the homelessness situation. Far too much of people’s disposable income is being contributed to rent, and in many cases not enough income is forcing people into homelessness. We have what has become an abnormal market which needs abnormal intervention for it to be normalised. Any intervention which has at its core a rent certainty model or measure would only be for set period - a sunset period - until such time as we can see a normalisation of the market. I acknowledge that much of what is necessary for the mid to long-term resolution of the housing crisis is in hand and will take time to materialise. We can have debates, and we can seek to exert our influence on supply measures to help with that, on the provision of housing units and also in the area of the rental sector. Any form of a rent certainty model has to be well thought out. Our amendment, as the Minister has alluded to, would oblige the Minister to bring forward rent certainty measures within one month if they are not contained in the Planning and Development (Housing) and Residential Tenancies Bill that is going through the Houses and that will be in the Dáil in a couple of weeks. I expect there to be some measures contained in the Bill to address this issue on Committee Stage. Regulations that are constitutional and targeted, especially in areas in which it is most vital that we interfere, are required at this time when it is not too late, although in many cases it is unfortunately too late.

By virtue of the configuration of the Dáil, as I have said on many occasions, there is an opportunity for consensus. There is an opportunity to resolve this issue and for a consensus to be arrived at in order for results to be achieved. When we set out to facilitate this Government, we did so in recognition of the numbers that were presented to us and with the view that we did not feel that the electorate needed or wanted a general election. We saw fit to give some value to those who voted in our favour by agreeing a confidence and supply arrangement with Fine Gael to facilitate the formation of Government and ensure that it went in a certain direction to address many pressing issues, while at the same time dealing with the other inevitable decision that had to be taken on water. There is a pathway in place to deal with it and we are moving on to the next chapter following the commission’s report this week.

The confidence and supply arrangement affords us, as a political party, the opportunity to represent those who give us the privilege to do so and to yield some influence on Government in the preparation of policy initiatives to achieve results in areas where we want to see results. The special Committee on Housing and Homelessness was also a product of the configuration of the Dáil whereby a consensus was sought. Much hard work was done by our party, the Govern-
ment parties, Sinn Féin, and Members from other parties and none in an effort to consolidate an opinion and a set of proposals to Government for inclusion in the Rebuilding Ireland document that has been produced. The various pillars within that have been announced on a couple of occasions but more particularly in this instance on the rental strategy, which will be forthcoming in the coming weeks. We hope that committee for all its hard work, dedication and commitment will be in a position to yield influence.

In recent weeks, Fianna Fáil and others, including the proposer of tonight’s Bill, made submissions on the basis that the Government would assimilate and analyse them and negotiate with us during the course of their deliberations before finalising the strategy. We respect that process. We hope to see it reflected in the final decision by Government and that our imprint, and that of others if necessary, is in it so results can be achieved. That is what we are here for and that is what we want to see done. We do not want to game play or use Private Members’ time to score points over one another politically and not address the issues we were put here to address. We want people to see there is real and effective change and proposals in legislation coming forward as a result of the convoluted configuration that one might say is present here in the Dáil.

I am glad the Minister made reference in his presentation this evening to bringing forward initiatives and a strategy that is reflective of that process. Our submission sought and continues to seek to moderate rent inflation and increase supply. It is inclusive of proposals around a rent certainty model which looks at five-year historical rates in the area, applicable especially to the specific areas it is crucial to tackle in Dublin, other cities and different parts of the country. We want to increase security of occupation with a range of incentives and competitive finance for build-to-rent units, for example. We want to reward landlords who agree long leases, and have an NCT-type system where local authorities can inspect and authorise that units are safe, proper and appropriate for such rental agreements. We want an extension of the empty property refurbishment grant that is being piloted in Carlow and Waterford and to see that rolled out in other parts of the country over time. We want assistance for involuntary landlords who are in negative equity and who need help, and we want more favourable tax treatment for rental income.

Despite the desire of many within my party to support, as a matter of principle, the Bill before us today, I refrained from doing so because I believe in the process that is being put in place. I believe in its potential. I hope it can be reflected in what the Minister brings forward in the coming weeks and that our input, dedication and commitment to resolving this issue is reflected in what the Minister introduces. If the Minister does that, and is seen to do that, we can go to the public and be assured that it is getting better representation than the sort of political gamesmanship that is achieved by bringing forward motions that are simplistic and short in nature and which do not look at the regulations or the constitutional implications that are contained within it. That is the reason we have tabled our amendment. In the event of that not being reflected in the Minister’s policies in the coming weeks, we will be very quick to bring forward a Bill to reflect our submission in the hope that we receive support from others. We want to ensure that those we represent and those who are in this horrible, unfortunate predicament will see that the convoluted configuration of this Dáil, and the difficulties associated with governance because of that, can be resolved and can effect the sort of change that is necessary.

An Ceann Comhairle: Will Deputy Cowen move the Fianna Fáil amendment?

Deputy Barry Cowen: My amendment states:
To delete all words after “That” and substitute the following:

“Dáil Éireann:

recognising that:

— the current level of rental inflation is not sustainable;

— rent inflation in Dublin and other cities is severely impacting on disposable incomes, pushing people into homelessness and posing a risk to our economic stability and competitiveness;

— rent certainty measures are required to reduce excessive rent inflation and increase security of occupancy for tenants and should be coupled with a range of incentives to expand the supply of rental properties; and

— any rent regulations should be introduced initially on a short-term basis with a sunset clause, pending analysis of their market impact;

acknowledging that:

— this Bill is very poorly thought out and would possibly bring further chaos to the rental market;

— while stronger rent certainty measures are required, any model has to be well-thought out and display a cognisance of the significant disruptions that any rent regulations can inflict on the market; and

— there is a need to examine the National Economic Social Council (NESC) proposal for a ‘flexible market sensitive model of rent regulation’;

agreeing that within one month the Minister for Housing, Planning, Community and Local Government will introduce new rent certainty measures to the Oireachtas, subsequent to scrutiny between now and then by the Oireachtas Select Committee on Housing, Planning, Community and Local Government which will consider submissions and hold hearings that have regard in particular to ensure that the proposed Bill:

(a) is the most appropriate model for rent certainty regulations, including whether rents should be tied to local market indexes, such as historical market averages or to national indexes, such as the consumer price index;

(b) does not give rise to any unintended consequences that create adverse effects on the rental market, bearing in mind experience of rent certainty models in other jurisdictions;

(c) takes account of any negative impacts on rental unit supply and appropriate measures to limit these;

(d) does not give rise to constitutional difficulties by identifying and dealing with constitutional issues; and

(e) includes complimentary measures to increase supply of rental properties, including measures to assist so-called ‘involuntary landlords’, measures to encourage
owners of vacant properties to lease properties to approved housing bodies or local authorities, and measures to direct low cost finance for new build-to-rent accommodation; and

declines to give a Second Reading to the Bill.”

**An Ceann Comhairle:** I call Deputy Pat Casey, please.

**Deputy Pat Casey:** Deputy Lisa Chambers is going first.

**Deputy Lisa Chambers:** I thank Deputy Casey and the Ceann Comhairle. It goes without question that Fianna Fáil supports rent certainty. We have put that fact on record on several occasions. The problem with this Bill, as we have told those in Sinn Féin time and again, is that it is too simplistic and only addresses one aspect of the problem. In fact, there are many aspects to this problem. We need to adopt a holistic approach to this matter from the point of view of the concept of supply and rent certainty, as well as all the regional imbalances that are reflected in the current crisis.

Unlike Sinn Féin, we are seeking real solutions to this problem rather than simply headlines in newspapers. This Bill proves my point. Let us consider the timing of its introduction, what is coming down the line in several weeks’ time and our amendment. The timing of the Bill’s introduction shows the true nature of what those in Sinn Féin are attempting to do. It shows the true nature of what Sinn Féin intends to achieve, namely, political gain for the party without a care for anyone else.

We must be cognisant of the potential constitutional law issues. We are legislators and we must be aware of the impact of any legislation we pass. I fail to see how those in Sinn Féin have considered this. We must also examine the position of landlords in all of this. They are not all big vultures or corporate entities. Some of them are accidental landlords. Some are ordinary people who find themselves in the position of being landlords. They need to be considered.

Clearly, we have a massive housing crisis and there is a problem with rent, especially in our capital city. However, supply is a major aspect of the problem. The rental market is being driven by the lack of supply. It is clear that we have an imbalance in regional development, a lack of investment in rural Ireland, poor investment in the regions and overheating of the rental market. There has been mass migration of people from all parts of the country to Dublin. That is why there is overheating in the rental market in our capital city. This is the reason people cannot access housing and it is why they are living in cramped conditions, with rents soaring on a constant basis.

What I have outlined indicates why rent certainty is only one aspect of this matter; it is only one part of the problem. We need to ascertain the right model for rent certainty and regulation. We cannot simply fix one problem only to create a host of new ones. I am of the opinion that the latter is what the Bill would do. This Bill represents a ham-fisted approach and it is ill-thought out.

Fianna Fáil is doing what it has always tried to do. We are using our political weight and our numbers in opposition to achieve real reform. We are looking to help those who are in crisis with their rent and the families and citizens affected by rental problems. Deputy Cowen has made it clear that we need to see action and results. The Minister has overseen numerous announcements and launches of various reports, policies and actions he proposes to take.
However, we are not seeing the effects of these on the ground. Meanwhile, rents continue to increase. It has been pointed out to the Minister and his Department that we are facilitating his and the Government’s work in this regard. However, if we do not see action and results soon, we will have no option but to take an alternative approach.

I reiterate our lack of support for the Bill on the basis that it is ill-thought out and it does not address all the problems. Our party believes that it will create problems rather than fix them.

**Deputy Pat Casey:** I was not elected to this Dáil to play games. Ireland’s housing crisis is too serious for political games. Tonight, 142 people are sleeping on the streets outside these Houses. Unlike others, I am not concerned whether Fianna Fáil gets media coverage or high poll ratings week in, week out. Fianna Fáil wants to work to help to solve the crisis in all its forms, including homelessness, rental problems and, ultimately, supply. Fianna Fáil is here to provide solutions to the crisis for the people. We take our responsibility seriously and we are working every day to get the Government to provide workable measures for a range of housing problems. However, solutions must be based in reality and have the support of the people to work.

Our confidence-and-supply agreement with Fine Gael gave the Government the space and time to identify a range of policies that can collectively address what are complex problems relating to housing. However, time is running out. Solutions must be delivered in order to give certainty to tenants and, importantly, allow rental supply to grow. We have tabled an amendment which will ensure that a workable rent certainty measure will be introduced within one month.

Sadly, though, for Sinn Féin, it is all about the headlines. Those in Sinn Féin have no answers in respect of the obvious effects of the Bill. If landlords exit the market, there will be no rental units. We need a comprehensive package of measures. Fianna Fáil will table amendments to the Government proposal to strengthen the position of tenants and allow for growth in a crucial part of the housing market. This debate is nothing more than a stunt designed for headlines. While we disagree on certain policies, surely we can act responsibly and collectively to solve the problem, rather than simply scoring points at the expense of solving the housing crisis. Fianna Fáil is getting on with working on solutions for this long-term problem. We will continue to work for the benefit of all who are suffering as a result of the failure of Government and actions in the past.

**Deputy Shane Cassells:** I welcome the opportunity to contribute to the debate. The issues of housing, rent and rents supports have dominated the Dáil since the election and since before this Government was formed. This is evident by the creation of the Committee on Housing and Homelessness, chaired by my colleague, Deputy Curran.

The seriousness of the issue is something we are all united in acknowledging. I have commented on this on numerous occasions in the Chamber. I note Deputy Ó Broin also raised this matter previously. We need to try to address this in a unified manner rather than score points off each other. We need to tackle the issues at hand. Meath, where I live, is a commuter county. I can see the impact of the housing crisis there and how it affects people in key developing centres such as Navan, Trim, Enfield, Ratoath and Ashbourne. The lack of availability of rental property and property for sale has created a major problem for those trying to get on the property ladder or those simply seeking to rent apartments or houses.
Like Deputy Ó Snodaigh, I talk to the people who come to my constituency office every week. I imagine Deputies from all parties have experienced this; it is not a scenario unique to one party. People facing these issues come to all our constituency offices. Why is that? It is because of key issues, such as supply. The latter is one of the major issues and it is something up to which we must face in this debate. Unfortunately, those in Sinn Féin have shied away from that fact. Like those in AAA-PBP and everyone else in the alphabet parties, they have no concept of the issues involved in the provision of homes, nor do they want to know about it.

I have listened to Deputy Boyd Barrett on numerous occasions. He comes to the Chamber and repeats the mantra that the State, and no one else, should supply housing. There is no mention of the provision of homes by anyone else in the marketplace. I fully believe that the State should build homes. As someone who was a local councillor for 17 years, I am of the view that the way in which local councils were removed from this process was reprehensible. In any event, there is now a major challenge for the State in the context of re-engaging. However, the State alone will not solve the crisis and we need to work on the issues facing builders that can provide homes for the people who have money and who wish to purchase them. Indeed, we must address the realities facing landlords. We must work to keep people in the rental market rather than driving them out of it and having them selling their properties and making the rental situation all the worse. We have concrete proposals relating to local property tax as an expense, the Ireland Strategic Investment Fund and empty property grants. We all need to be involved in the scrutiny of these proposals. Our party will play a key role in this regard.

Linking everything to the consumer price index is perhaps not the wisest methodology in view of what happened during the period from 2002 to 2014 and what resulted from that. I hope that, as a result of this discussion, we can work these issues out and come forward with solid proposals.

Deputy John Curran: I welcome the opportunity to contribute to the debate. I was on the Oireachtas Committee on Housing and Homelessness with the proposer of the Bill. I know full well that the proposer is knowledgeable and well-read on this matter. I know that the Bill is not put forward lightly. I listened to the contribution of Deputy Ó Broin earlier, although I was not in the Chamber at the time. He used a term that came up during the committee’s meetings. He referred to rent certainty. By the way, rent certainty and security of tenure were issues the committee looked at directly. There is a chapter in our report on the private rented sector. Deputy Ó Broin used a term we used at the committee during his contribution. He referred to rent certainty being tied to an index, such as the consumer price index. The debate at the committee concerned whether the consumer price index is necessarily the appropriate index for this purpose. While that was the discussion in which the committee engaged - and the one to which Deputy Ó Broin referred tonight - that is not what is contained in his proposal. For those who were not involved with the committee, our report contains a chapter about this proposal. The committee’s first recommendation was - sometimes one must refer back - to “Develop and publish a national strategy specifically for the [private rented sector] to address long-term rent certainty, increase affordable supply, improve the quality of accommodation and professionalise the industry.” That was our first recommendation and I stand by it. I want to see the strategy published and I want its components to deliver the results we want to see.

I only have 30 seconds left so I will be very direct with the Minister. In his opening comments, he acknowledged the Fianna Fáil amendment but said he would abstain rather than support it. I ask him to think again. The reason he outlined for his abstention relates to his concern about some of the timelines in the amendment. When he first assumed his current role and was
preparing his 100-day strategy, initially he was due to run a little over time. When he came under a little pressure, he delivered on it early.

**Deputy Simon Coveney**: Is the Deputy taking credit for that?

**Deputy John Curran**: The timelines and the pressure suit the Minister. I feel the same sense of frustration that Deputy Ó Broin feels. There is much going on but what is driving us is an effort to get tangible results. I know that is how Deputy Ó Broin feels. I ask the Minister to consider supporting the Fianna Fáil amendment and working to the timeline set out therein because I believe that it is in the interest of all of us to deliver quickly.

**An Ceann Comhairle**: I point out to the House that I was out of order in calling on Deputy Cowen to move the Fianna Fáil amendment because there should only be one amendment before the House at any given time.

**Deputy John Curran**: We will let the Ceann Comhairle off.

**Deputy Barry Cowen**: We will toss a coin.

**Deputy Jan O’Sullivan**: I first refer to the accusation of political gamesmanship. If there is any political gamesmanship here, it is coming from Fianna Fáil, which, as usual, is hiding-----

**Deputy Barry Cowen**: The Deputy should change the record.

**Deputy Jan O’Sullivan**: -----behind the confidence-and-supply arrangement and not taking a position on anything. If I have time, I will return to that matter.

I point out to the House that the origins of the Bill - I think Deputy Ó Broin would concede this - lie in a campaign initiated by SIPTU, the Communications Workers Union, CWU, IMPACT, Mandate, Unite, the Civil Public & Services Union, CPSU, and a civil society organisation called Uplift, and supported by the Dublin Tenants Association. I was very happy to sign the Bill on behalf of my colleagues in the Labour Party because it constitutes very much an act of solidarity across the left in this House and in other parts of society. I make no apologies for being part of that and I congratulate Deputy Ó Broin on drafting the Bill and inviting others among us to sign it. This is a focused campaign and a focused Bill, both of which are most urgently needed. The legislation is designed to protect tenants from spiralling rents, short-term leases and summary eviction if their homes are being sold.

The latest Dublin rough sleeper count published today, which showed that 142 people slept out in the cold on 22 November, represents the reality of those whose plight is most extreme. However, there are thousands more individuals and families in emergency accommodation and thousands more again who have a real fear that they will lose their homes through exorbitant rent increases or eviction because the properties are being sold or their leases are running out. These people cannot wait until more homes are built. They need security now.

The Minister has outlined various measures to increase supply, and I understand that they are being put in place. They are welcome but they take time. In the meantime, there are people who simply cannot afford their rent any more or who are in danger of losing their homes. The most recent report by daft.ie, to which Deputy Ó Broin also referred, shows that the annual rate of rent inflation nationwide is 11.7%. People with expertise in housing have predicted impending increases of 25%. As I said, while we all welcome the measures to increase supply, they will not deliver nearly as quickly as rents will increase and as demand exceeds supply in the
meantime. Stuck in the middle of this are real people and real families. Their incomes are limited and that most basic of needs, namely, a roof over their heads, is more than they can afford. The measures in the Bill can subvert this and stop the spiral. Linking rent to the cost of living means that increases must be modest. If housing provision is left to the market, the shortage of supply in our cities and other parts of the country, as described by previous speakers, will allow landlords to charge the highest rents they can get. Those who have no choice but to rent will be in competition with each other, with people on the lowest incomes inevitably losing out and forced into, at worst, homelessness and, at best, accommodation that does not meet their needs.

The Minister said that renting can provide a housing option to those who either cannot or choose not to enter the owner-occupier market. However, the fact is that renting is the only option for a growing number of people because they simply cannot get mortgages and cannot afford to buy houses of their own. Yes, there are those who choose not to enter the owner-occupier market. There are many others now for whom it is not a choice but, rather, the only option. Providing for longer Part 4 tenancies and prohibiting the termination of a tenancy because the property is being sold will give security to tenants. Essentially, the three measures proposed in the Bill alter the balance of power between the landlord and the tenant, putting cards in the tenant’s hands that are common in other countries where long-term renting is a viable choice. The Minister talked about the need for balance and the issues faced by landlords and property developers. However, the problem is that there are far too many cards in their hands and far too few in those of tenants. There must be balance but I and others argue that the balance is completely on the other side and that we need to give tenants some powers in this regard. The Government amendment declines to accept the Bill and gives as the main reason that it pre-empts the commitment to publish a strategy for the rental sector by the end of 2016. We all look forward to the publication of that strategy. If I thought the strategy would contain the three measures in the Bill, I might not be too concerned, From what I have heard so far, I am of the view that there will be measures but I do not believe that they will be as effective as the three proposed in the Bill.

I have very little time left so I want to return to the accusation of political gamesmanship. In every debate in which I have participated here in recent times, Fianna Fáil has taken this position. It hides and snuggles in behind the comfort blank of the confidence-and-supply arrangement in order that it does not have to do anything. It just fires accusations at the Opposition and issues veiled threats at times to the Minister. Fianna Fáil Deputies tell the Government that if it does not do such and such, they are the lads who have all the power and can pull the plug at any time. That is supreme political gamesmanship. At least the rest of us take positions. We might disagree with each other on matters but we take positions and stand over them. In this case, I am completely in agreement with the Bill proposed by Deputy Ó Broin. I respect the fact that the Minister has a different approach, although I do not agree with him about the balance between the landlord and the tenant.

The Bill is designed to ensure that the tenant has a stronger card to play. This is very much in line with what happens in other European countries and in places such as Canada, where there is a thriving rental market and where people see that they can have security and live all their lives in rented accommodation. In many cases, these are families. In some cases, they are individuals. In any event, they have that secure rental market. If we continue to do nothing because we have accidental landlords - and we do have them - and if we continue to say that we cannot have a properly organised private rented sector because of accidental landlords, we will get nowhere. We need to take the kinds of measures that give tenants security, that ensure
that their rent will not spiral out of control and that redress that balance. I do not believe that this will have the disastrous effect on supply being suggested. There is now hoarding of land so that there will be greater profits to be made at a later stage. There are suggestions that we will not see, for example, apartment blocks being built where they are needed because of the cost of development. The Minister has often quoted the figure that there are approximately 27,000 homes with planning permission in the greater Dublin area that are not being built. We hear the voice of the developer a lot but we must hear the voice of the tenant as well.

An Ceann Comhairle: Deputy Ruth Coppinger is sharing time with Deputy Boyd Barrett.

Deputy Ruth Coppinger: People at home would be amazed at some of the goings on in this Chamber.

Deputy Mattie McGrath: They sure would.

Deputy Ruth Coppinger: At a time when rents are increasing exorbitantly, and the figures have already been given, Fianna Fáil and Fine Gael in particular want us all to sit and wait for their private residential Bill that they have been discussing for a long time before we take any action. The Bill before the House has been asked for by community associations and trade unions and it has been signed by a number of Deputies on that basis.

A survey of 60 cases that the Anti-Austerity Alliance has on its books in Dublin West shows that this Bill would cover 61% of the reasons people become homeless. It covers the issue of rent increases, which the survey indicated was the cause of 19% of people being made homeless. The biggest reason for people becoming homeless, and the reason I will bring forward with the Anti-Austerity Alliance an anti-eviction Bill, is the landlord saying the property must be sold. My figures have this at 31% of cases. The other shyster landlords chancing their arm include those who say they are moving in a family member, accounting for 12% of evictions.

The Government seems to think this Bill is not necessary, which is quite incredible. All the figures have been given for rent increases, which are out of control, and yet the Government sets its face against that. The new argument is this is unconstitutional. I would say I put as much work into the housing committee as anybody else on it and we were all told to put our shoulders to the wheel to come up with solutions. I have not seen any of those adopted. One of the speakers before the committee was Mr. Edmund Honohan, who made it clear, chapter and verse, that there is no constitutional impediment to rent controls or rent certainty. In his testimony, he stated the notion of public interest is extensive and the Legislature’s judgment as to what is in the public interest is primary. He went on to say that when the Part V elements were being introduced, it was made clear by the Supreme Court that the achievement of these objectives would be socially just and required by the common good, which speaks volumes. Please do not use that excuse when people are being rack-rented into poverty in this State.

My heart was bleeding as I listened to how these poor landlords would exit the sector, leaving everybody bereft of supply. May we nail this myth once and for all with figures from the Residential Tenancies Board? In 2011, there were 151,034 landlords in quarter one and in 2016 there were 173,956 landlords. That is a massive jump. Why would they leave the sector when it is a bonanza for them? The Government will not bring in rent controls and they can charge what they want, with major power to find all sorts of ways to get rid of a tenant as well. Why would they leave the sector? Please pull the other one and do not use that ridiculous excuse. Fianna Fáil is beneath contempt. It is posing as the Opposition.

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Deputy David Cullinane: Hear, hear.

Deputy Ruth Coppinger: It is telling us it will not support rent certainty, despite it supporting the idea when it was represented on the housing committee. When it was let out into the wider sphere and its members are under the party whip, it is a different story.

It is just beyond belief as we know the landlords have a major investment in this Dáil, with 20% to 25% of Deputies having that interest. I await Members’ interests being published in January but the figure was at 20% at least. The Minister and Minister of State are landlords so is that the reason they are afraid to take any effective action, I wonder?

Deputy Richard Boyd Barrett: Behold the real schism in Irish politics, notwithstanding all the play acting. On the side of the landlords, developers and vulture funds, there are Fianna Fáil and Fine Gael, and on the other side there are people supporting this Bill, brought forward by Sinn Féin, as it would admit, as a minimum set of steps to do something about a rental emergency that is spiralling out of control. This is the major contributory factor to an unprecedented homelessness and housing crisis. The Government will not even support these minimal measures which will not even address the issue but would begin to offer some sort of certainty and level of control. It is unbelievable.

From the Government and Fianna Fáil amendments we have this nonsense that we must not do anything that will affect the market. The best example, which I love, is that we need a “market-sensitive model”. No, we do not. We do not need to be sensitive about developers and landlords making an absolute fortune from extortionate rents and, we should be clear, who have a vested interest in keeping rents high. Why would they want them lower? Deputies might argue that if we get supply, it might bring down the rent but it will not. At the point at which supply will begin to have a downward effect on rent, they will stop the supply. It is just like we know developers hoarded land in the past. The market and the developers will not deliver affordable rents.

It is clear the Minister of State’s Government does not want to deliver a position where anybody would have to pay no more than 20% or 30% of income on rent. We have not yet heard it mentioned. Currently, people are paying 60% or 70% of their income on rent in Dún Laoghaire. If the Government is not determined to achieve that position, it will not solve the crisis. It does not want to solve the crisis and the landlords who vote for the Government, even those populating some of these benches, do not have any interest in reducing the profitability of the private rented sector. If the Government were serious, it would have a social housing programme that would take all of those on the housing list into properties with council rents that are controlled and differential, based on people’s ability to pay. In the private sector it would introduce rent controls and rent certainty. It is clear that whatever the Minister, Deputy Coveney, comes up with in a few weeks, it will not be rent control. That is clear, as the language is repeated that we must not upset the market or developers because we must get down on our knees to grovel to them. The idea is we must ensure they can make much money as that is the only way we can solve the problem. No, it is not. Those people made a lot of money in the last boom but it did not solve any of these problems or decrease rents. It did not reduce housing lists or make housing or accommodation more affordable. It will not do so this time either.

The Government should just own up. It and Fianna Fáil represents the landlords so they should just admit it rather than offer the pretence they will do something when they refuse to accept the minimal proposals in this Bill to make some difference. Well done to the Secure Rents
campaign for raising the matter but we will have to hit the streets to solve this problem as well.

**An Ceann Comhairle:** Deputy Mick Wallace is sharing time with Deputies Joan Collins, Pringle and Broughan.

**Deputy Mick Wallace:** I also support the Bill. We have an uncontrolled rental sector and it will stay uncontrollable until there is proper legislation around the rental market. The Government insists this is linked to the housing crisis and it is certainly a major factor. What are we doing about the housing crisis? It is amazing that the problems we have with the housing crisis and rental market have been with us for so long and yet we still have them because of inaction. One of the main reasons for inaction is because the tendency on the Government side to let the markets at it is too strong.

The Government now argues that this is all about encouraging supply. It has introduced a first-time buyers’ grant and prices will be driven up. The Central Bank was made to cut the 20% level for deposits to 10% but that is 10% of what? Properties are unaffordable. This is not necessarily the right way to get builders building. People are forever confusing the developer and the builder but they are two different entities. The developers feel there is not enough gain in it for them to be building. The Government’s failure to do anything about landbanking encourages and incentivises developers to continue to sit on landbanks. Builders, who are different entities, cannot access money. The Government could play a role in all of this by organising for builders to be able to access money. They are not looking to make a profit of €40,000 per unit. They would be happy with €5,000. Builders are not the guys with the money. For the life of me, I do not understand why the Government is not organising the local authorities to build social and affordable housing on land owned by the people. The notion of NAMA building on land owned by the people and selling those properties for €330,000, which most people in Ireland who need a house cannot afford, does not make any sense.

**Deputy Joan Collins:** The Minister, Deputy Coveney, spoke about all the things the Government has done and what is going to happen to increase the supply of houses. We have yet to see that happening. We heard the same thing from the previous Minister, Deputy Kelly. The same figures are being thrown out time and again. The rental sector has not been addressed. My constituency office deals with one or two families a week that have received termination orders from their landlords on the basis that they are selling the properties in question or that members of their families are going to move in. These landlords have copped on that this is the best way for them to get rid of people.

The Secure Rents campaign, which has been mentioned already, has three demands. First, it wants rent increases to be linked to the consumer price index. That is very clear. Even though there is a rent cap in place at the moment, rents are continuing to soar. It currently costs €1,800 to rent a three-bedroom house in Dublin 8. It is not possible for people on low wages to meet that cost because they do not have the money. Second, the campaign is calling for the revocation of the right of landlords to evict tenants for the purpose of sale. This is crucial because the Part 4 provisions currently give landlords the right to terminate the residency of tenants who have been in renting for more than six months but less than four years. A longer period of time has to be secured. Third, there has to be a move from the current four-year leases. This is absolutely crucial. If the Minister does not recognise that these are safe actions at this time, and someone rightly described them as the minimum that should be done, he is just not seeing what is happening on the ground, perhaps because he is politically ingrained in the system.
Deputy Thomas Pringle: I have previously advocated the provisions that are proposed in this Bill, such as linking rents with the consumer price index, providing greater security of tenure, making Part 4 tenancies of indefinite duration and removing the sale of a property as a ground for terminating a tenancy. Such a system is already commonplace across Europe. Ireland is one of the few European countries in which the mention of a sale by a landlord can result in vacant possession. We are unlikely to see much improvement in the rent security situation when the Minister for Housing, Planning, Community and Local Government publishes his strategy for the rental sector in the coming weeks.

Any measures that are introduced now will be too late for the 6,525 people who are officially homeless in Ireland. If the Government is to prevent any acceleration in homelessness, it needs to do things it has consistently rejected and refused to do. For example, it needs to intervene in the market. Fine Gael continues to use the age-old excuse that it could not possibly support measures like those proposed in the Bill before the House because such an intervention would have a negative impact on existing and future supply of rental accommodation and would have potential legal and constitutional implications that require careful consideration. In this Dáil, Fine Gael has sided with the property and mortgage industry and left itself open to persuasion by those engaged in a concerted lobbying effort who imply that measures supporting rent certainty and security of tenure are fantastical, ludicrous, economically disastrous, left-wing and radical. Leading bodies like the OECD and the NESC have demonstrated that these proposals have a strong economic justification. A recent OECD study demonstrated that properly constructed rent regulation could result in a revival of the private rented sector.

There will be a spike in homelessness in January because landlords do not tend to turf people out just before Christmas. At a time when more children than ever before are homeless, it would be ludicrous if we were to stand idly by, knowing that the inevitable will happen, and watch as the number of homeless children and families increases in the new year.

Deputy Thomas P. Broughan: I am delighted to have a brief opportunity to express my full support for the Secure Rents and Tenancies Bill 2016. I commend Deputy Ó Broin and his Sinn Féin colleagues on their work on it. This Bill provides for the amendment of the Residential Tenancies Act 2004 to link rent reviews to the consumer price index. I have been calling for such a measure for many years in this House. Deputy Shortall correctly pointed out recently that the previous Government’s pathetic attempt to introduce rent certainty measures will expire on 3 December next, leaving many tenants susceptible to substantial and unaffordable hikes in rent.

Reports on daft.ie constantly highlight rental price increases throughout the country. Annual rent inflation in Dublin stood at almost 12% in the third quarter of this year. Rents are now 10% higher than they were at their previous peak in early 2008. Based on the daft.ie figures, average rents nationwide have increased by 45% since 2011 and are expected to increase by between 22% and 26% over the next two years. It is shocking that on 1 August last, just 3,500 properties were available to rent throughout this country. This compares with 11,000 four years ago. We have a perfect storm. This dire situation needs a fundamental response and the acceptance of this Bill would mark the start of such a response. The Government has set its face against it, however.

My colleague, Deputy Pringle, mentioned the position across Europe. Tenants in Germany, for example, have indefinite security of tenure. Rental prices are linked to the cost of living in Belgium, the Netherlands, Spain, France and Denmark, all of which have healthy rental mar-
kets. It is clear that the greedy madness that enveloped Dublin’s rental market in the mid-2000s is again threatening our society. This would not be tolerated in many of our EU partners. We are told to look to those countries in many areas of fiscal policy and other policy, but we seem to avoid doing so in this context. I suggest that an alliance in this House between Fine Gael and Fianna Fáil is supporting the landlords.

Deputy Mattie McGrath: I am glad to have an opportunity to speak on the Bill that has been introduced by Deputy Ó Broin, who works hard on the housing committee. The political point scoring that is happening in the House is not much help to the many people who are being evicted, who cannot get accommodation or who are homeless. While this is certainly a huge Dublin problem in the first instance, it is also a problem in my county of Tipperary and everywhere else. The special housing committee that was chaired by Deputy Curran did a lot of hard work when it inquired into this matter and produced its report. It seems to me that something is missing from this debate. We cannot seem to connect or get to the kernel of it. It is getting worse instead of better.

I heard Deputy Jan O’Sullivan attacking Fianna Fáil for point scoring. I remind her that the purse strings were under the control of her colleague, Deputy Howlin, when he served as one of the magic four economic managers for five years until quite recently. What did their gung-ho colleague, the former Minister for the Environment, Community and Local Government, Deputy Kelly, do about this issue? It is easy to wring one’s hands and attack others. The Labour Party had an opportunity to crack this problem when it was in government in recent times. I accept that Deputy Kelly met many people and organisations when he was the Minister in this area. I am sick and tired of hearing about reports and investigations.

I accept there are bad landlords. Of course there are bad landlords in County Tipperary and elsewhere, but there are many good landlords as well. We cannot demonise them as an endangered species. Some people think landlords are privileged people who wear gold suits, drive around in big cars and are nearly monster-like. We need to get real here. I have to declare that the only house I own is the one I live in with my eight children. I do not have any vested interest in this matter. Some of the people here who seem to have all the answers have never created a job or found a solution to any of these problems. All they do is talk.

My good friend, Deputy Boyd Barrett, is talking about taking to the streets again. What is he going to do? Is he going to get the homeless people to walk around with him? We need a good dose of reality in here. We need to get the local authorities to build houses again as they did in the 1940s, 1950s, 1960s, 1970s and 1980s. They have failed miserably. I read some of the Minister’s speech. I did not want to read too much of it because it was another prepared script. We have heard announcements and pronouncements about what the Government does and does not intend to do, but nothing is happening. The system has failed miserably. It is unable to deal with this crisis. It is able to deal with very few crises.

During Questions on Proposed Legislation in the House earlier today, I raised with the Minister, Deputy Bruton, my concerns around the Courts Bill 2016, which is coming down the line and is being debated in committee at the moment. I told the House that the Bill “proposes to have eviction and repossession cases returned to the Circuit Court” once more. This was blocked several months ago when the Land League and other groups prevented cases from going ahead. Now, the Government is going to release them again. The Circuit Court is unable to deal with these situations and, in many counties, including in my own county, they are dealt with by the county registrars, who are unfit to deal with them. The registrar in my county left
for some time and she was then brought back because she did not have enough evictions. This is what we are dealing with. The Circuit Court is not fit for the purpose of eviction from family homes. If the power is restored to the Circuit Court, it will be a recipe for disaster.

We are here talking about reports on housing and housing crisis committees yet, on the other hand, all of us have our heads in the sand with regard to what the banks are doing. They were allowed to destroy families and destroy initiatives not only with regard to families, but also with regard to buy-to-lets and the vulture funds that have been mentioned. It is a merry-go-round. If we go back there again, it will be ridiculous. The nonsense has been put forward by some in this House who are barristers and lawyers that they want this Bill changed because it will save families extra costs. For a family facing eviction who are unable to repay the financial institution, that is a red herring. The real issue is that 8,000 eviction cases have now collapsed as a result of this ruling. That the proposed change in the Courts Bill 2016 cannot be backdated for those 8,000 families is a gravy train for the barristers, with figures of €8,000 per case. It is the vested interests again.

There are complicated issues in this regard. There are 200,000 empty houses, according to the 2016 census. We need to think about that, given that some of these houses could have two or three units of accommodation. Some 80% are bank-forced evictions and there is the de-tenanting of the rental sector. These figures are in the research. There are 400,000 people in financial trouble and all this debt ends up registered on family homes. Where is the fairness and where is the just society? We are doing all of that ahead of this Bill, which is an effort to sort out this problem. We are playing hide and go seek. It is a merry-go-round and we cannot get off it. Someone needs to stop this merry-go-round and jump off, hold it up and expose it to reality.

I heard the other speakers and I support the Fianna Fáil amendment to the Bill. We need better standards, we need proper accommodation and we need some type of NCT-style approach, as mentioned by others, to make sure it is done right. We need to look at the rent certainty pilot schemes in Waterford and Carlow. Ordinary people who happen to become landlords, for whatever reason, did not all set out to be very wealthy people. Some are left a house or inherit a family home and, if they cannot live in it, they are entitled to rent it. There are many good landlords who are looking after their tenants. I would have questions to ask about the agency which advertises every day on the radio - it is the tenancy regulation body, although the name eludes me, but it does not solve many of the problems either.

We need to look at the lack of investment that continued during the boom but, above all, in the past five years, when we had the former Minister, Deputy Howlin, holding the purse strings, and he gathered them like it was his own, personal money. We had the Minister, Deputy Alan Kelly, who was going to change everything so nobody would be homeless. There are many more issues than will be discussed in this debate. The local authorities need to get back into the market and build and deliver the houses. We could do this in the 1940s, 1950s and 1960s when there was no mechanisation.

On the point raised by Deputy Wallace, there is the developer and there is the builder. We are demonising the builders as if they were a protected species. They need money but the banks will not give it to them. Much of the problem goes back to the banks that we have bailed out and helped, yet I read today about repossessions. They just pass this from Billy to Jack. They have no interest in ordinary people because all they have an interest in is getting the houses. I will not even go near NAMA, but it is a huge property developer and the scandals going on there, including the knock-off sales to their friends, will be exposed and there will be inquiries.
into that. We will not have enough retired judges to have all the inquiries in a couple more years. We will have to put a CAO course forward for students to become retired judges in order to be appointed to be chairpersons of this investigation, that investigation and the next investigation. We are just not connected in here; we are not connected to the real issues.

**An Ceann Comhairle:** The Deputy should conclude.

**Deputy Mattie McGrath:** We need a dose of reality. All builders and all landlords are not bad people.

**An Ceann Comhairle:** I call Deputy Shortall, who is sharing time with Deputy Eamon Ryan.

**Deputy Róisín Shortall:** The Social Democrats are very happy to support this Bill. It is true to say the single greatest failure of this and the previous Government has been their inability to tackle the housing crisis. That has resulted in a situation where untold misery is being caused to many families across the country, from the growing number of children who are growing up in cramped hotel rooms to the many families in emergency accommodation of other types, such as hostel-type accommodation, to those who are sleeping on the streets, who are currently at their highest number ever, and, equally, to the number on housing waiting lists, who are also at their highest number ever. Apart from the fact this is causing personal misery for so many of our people, the failure of the Government to address the housing crisis is also putting huge financial pressure on families who have managed to get housing, whether that is through paying huge prices for the purchase of housing, families who are in negative equity or families who are renting. Huge financial pressure is being put on people who are being stretched because of the difficulty in getting a basic roof over their head.

The other point is that the high cost of housing, whether purchasing or renting, is contributing enormously to fuelling wage demands, and this applies right across the board. If we tackled the unacceptably high level of cost associated with all forms of housing, it would certainly take a lot of the heat out of demands for wage increases. The impact of what the Government has failed to do is very clear in human terms and also in economic terms, and action is urgently required in this regard.

We all need decent housing conditions. It is the most basic of our needs that we have a place we can call home, where we can put down roots in a community, and where we can contribute to building sustainable communities so people can have decent lives. Housing should not be about the property market or getting a foot on the ladder, but that is what it has become in this country. This and the last Government, and other Governments, have been quite happy to leave the issue of housing to the market. They have failed to recognise one of the most basic human needs in our country. They have failed to recognise that the Government has a clear role to play in ensuring housing of all kinds is affordable and does not put people under the kind of pressure we are seeing at the moment.

This Bill is to be welcomed in as far as it goes. We know that while there are problems across the housing spectrum, the area of rental accommodation in particular has become the most expensive and least secure form of housing available to people. Increasingly, because of the lack of affordability for people in buying homes, and particularly because of the lack of funding of local authority house building, what we are now seeing is huge pressure on the rental market, which, in turn, is driving up prices, making it both the most expensive and the least
secure. We also know from the latest www.daft.ie quarterly property report that the annual rate of rental inflation is almost 12%, the highest recorded since it started keeping records in 2002. We know from recent public comments by somebody heading up one of the REITs that: “It’s a great market... We’ve never seen rental increases like this in any jurisdiction”. He then added: “I truly feel badly for the Irish people.”

By all accounts, it is a great market if one is an investor, but that is not what Government should be about. It should be about ensuring decent quality housing for people, whether they are renting or buying. This is the biggest failure we have seen so far from Government. I am happy to support the Bill in so far as it goes. It helps in a minor way and we should, of course, agree it as an emergency measure.

Deputy Eamon Ryan: The Green Party is happy to support the Bill and I commend its authors, Deputy Eoin Ó Broin and others in Sinn Féin. We do so because we are in a real rental crisis. The figures have been cited but they bear recall.

6 o’clock

Rents have increased approximately 45% in the past five years, we face the prospect of a further 20% rise and the percentage of income going on rent for the 300,000 private rental tenants in the country is way above any international average and is really harming the quality of their lives. It is even worse for those 5,000 families who, because of rent increases, have been forced into emergency hotel and hostel accommodation. We have to address this crisis.

The methods of addressing it to date have gone back to the old ways of trying to pump prime supply by giving tax incentives and other breaks to the developers and building industry. That needs to change. We got into a housing and economic crisis because we relied too much on the developers and gave them too much leeway. We have to change it so that we do not go back to the very conditions that created our housing crisis. That requires a fundamental reassessment of the relative rights of property owners versus renters. As Thomas Drummond famously said, we must recognise that property had its duties as well as its rights. We have to turn to Article 43 of our Constitution which, while it recognises property rights contains the caveat that: “The State, accordingly, may as occasion requires delimit by law the exercise of the said rights with a view to reconciling their exercise with the exigencies of the common good.” It is for the common good that we sign this legislation. We cannot wait two or three years for the supply to increase even if we did want to go back to that old way. It is not in tune with where the market is going. By giving security of tenure and rent increases, we will create an environment that is better for developers and builders. I attended the recent Society of Chartered Surveyors of Ireland conference and heard there that they want to go to this build-to-rent model in which people can expect to live in a development for 20 or 30 years and maybe even move within that development as their family grows or shrinks. That model requires certainty of tenure and rent. It is perfectly plausible for us to introduce these measures to increase the rights of the tenants and, to counter the Minister, it would not kill the development of building opportunities. If anything, we need to create this rental certainty and security of tenure to raise the funds to get people to invest in the buildings we need. That is not happening.

This Bill provides a mechanism to change the whole approach and that is what is badly needed. I do not care about the politics of who is in here, who is up or down, or who has a motion ahead of the other. It is a question of addressing a fundamental crisis, particularly in our cities, and particularly this city. We cannot do nothing about it. We need to act fast and we are
very glad to support the Bill with that intent. We hope it does pass and that the rental sector changes.

**Deputy David Cullinane:** The Minister of State will have noticed a pattern emerging in this Chamber over recent months: Fianna Fáil and Fine Gael have been contriving on one issue after another to block solutions and progress on many issues facing people outside this Chamber. When we deal with rising and high rents, it has consequences for families and individuals. It adds to the cost of living crisis. There are families deciding now whether to purchase groceries or pay the rent. They have to make these choices every day. This is driving more people into poverty and adding to the homelessness crisis. It is no surprise that today the Dublin Region Homeless Executive published a report that shows that homelessness has increased by 53% in the capital city since last winter.

The Minister for Housing, Planning, Community and Local Government accused Sinn Féin of playing games on this issue. How dare he accuse us of playing games? We have a responsibility and a job to do. Our job is to legislate, to bring forward solutions. This Bill is a solution. The people who are playing games are the ones who are blocking every solution put forward by the Opposition that will deal with this and many other issues. Every time we bring forward a solution we are told we have to wait, but people cannot afford to wait. They cannot wait any longer. I do not have faith in the ability of Fianna Fáil or Fine Gael to do the right thing on this issue. They can unite to block progress, but not to block tax cuts or a cut in the universal social charge for the wealthy, as we saw in the budget, or in respect of multinational companies and Apple's tax. It is simply not good enough that we have to hold off on providing solutions.

**Deputy Dessie Ellis:** This country is still in the middle of a housing emergency. Rents and house prices are increasing and we are still talking about issues the Government told us would have been dealt with by now or were in the process of being dealt with. Last June, we discussed this issue when we brought forward our rent certainty Bill. Since then, the Government has done little but spout rhetoric. What was a housing emergency in June has now, on the edge of December, gone well beyond an emergency especially as the temperatures drop. As we all know, the price of renting has increased so much that it is now cheaper in some cases to have a mortgage. In my constituency, Dublin North West, it costs approximately €1,300 a month to rent a two-bedroom house and €1,500 for a three-bedroom house.

Given that there are 750,000 people in the private rental sector across the State, a quarter of all households in Dublin rent. There are many low and middle income families relying on the private rental sector to put a roof over their heads. These families live with insecurity of tenure and spiralling rents. Couples and families who are working in good jobs come to my office because they cannot afford to keep up with rent increases. They are paying up to 60% of their disposable incomes on rent and are now in danger of becoming homeless. These families need immediate action, not rhetoric from Government.

This Bill will do three things for tenants: provide for rent certainty with rent increases and decreases linked to the consumer price index; amend section 28 of the Residential Tenancies Act 2015 by changing the duration of Part 4 tenancies from four years to an indefinite period - this would give tenants and landlords the option of securing long-term leases, providing greater certainty for both parties; and, finally, it will remove the sale of property as grounds for a landlord to terminate a lease. These are three simple but important changes to help working families who are finding it increasingly hard to keep a roof over their heads. Any State that professes to call itself a democracy should be able to supply basic housing. However, the current housing
emergency does not seem to bother many in this House. There are many in this House who are landlords. They should declare their interest and desist from voting on this Bill because it is an obvious conflict of interests.

**Deputy Donnchadh Ó Laoghaire:** My last engagement on Monday before I travelled here was to meet a constituent in a fast food restaurant connected to a hostel. He had been living there for approximately 14 months. He told me of his situation and wanted support to apply for local authority housing and advice. He has three children and faces his second Christmas in that place. Despite the fact that the owner of the hostel was willing to provide him with very good references, which he showed me, he has not been able to find anything. That is the human cost of our housing crisis. It is affecting his children. He was doing his best but I could see that his dignity and pride were deeply hurt and that it was having a significant impact on his family.

It is no great surprise to me that the ninth report of the special rapporteur on child protection published in the past couple of weeks found that Ireland is operating contrary to international law on the basis of the number of children placed in emergency accommodation. That is an indictment of the failure of successive Governments to deal with the housing crisis. It requires that we take steps to minimise whatever harm or dangers exist as regards children in such emergency accommodation, but it also requires that we deal with the housing crisis. That is not just about the building and construction of local authority housing, it is also about ensuring that this rental crisis, which is absolutely rampant in urban areas in particular at present, is tackled.

In my constituency, the rate of increase has been exceeding that of Dublin for nearly two years. It was at a rate of approximately 14.4% in the last *daft.ie* report and the average cost of a three-bed house in Cork city for that period was in the region of €1,087, but much higher than that in certain neighbourhoods such as Douglas, Blackrock and Mahon. In those areas, it is far in excess of that. This has meant that it is absolutely impossible to find accommodation, particularly for people on lower incomes, whether it is through HAP or anything of that nature. It is an indictment of any of the Deputies of Cork South-Central if they fail to support this important legislation that will make such a concrete difference.

People have been accused of using this to play politics. I have constituents calling to see me regularly. Often, they are people from other parts of Europe who might have been served with their notice or who are trying to find a new tenancy. They just cannot believe how poor the protections are here. They cannot believe how weak the position of the tenant is in this country. Objectively, by any standards, the protections that exist for tenants in this country are absolutely brutal and that certainly needs to be tackled. This is why I believe that not only is the rent certainty element so important, but so is the extension and strengthening of tenancies of indefinite duration. It is one step of many that need to be taken to ensure that tenants have security of tenure and feel confident that they can have some kind of security in their lives and in their tenancies.

This is absolutely essential legislation. The Government should support it. Fianna Fáil, in particular, should support it rather than shedding crocodile tears over the rental crisis. It is widely-supported legislation as well in terms of SIPTU, Mandate, the CWU, the Dublin Tenants Association and Uplift. That shows how wide the support is for legislation that will make a significant difference in halting the rampant increases in rental prices and provide some kind of security for our tenants.

**Deputy Dessie Ellis:** Hear, hear.
An Ceann Comhairle: Before I call on the Minister of State to respond and the Sinn Féin Members to wrap up, a little earlier Deputy Coppinger made reference to the Minister and the Minister of State being landlords. She seemed to me to intimate that they were motivated by self-interest in terms of the legislation that is being moved. I intimated to Deputy Coppinger as she left that I would consider that to be a personal charge rather than a political charge, one that is not really in keeping with the traditions of the House and one that should be withdrawn.

Deputy David Cullinane: On a point of order, she asked a question. She did not make a statement.

An Ceann Comhairle: I considered it to be an intimation.

Minister of State at the Department of Finance (Deputy Eoghan Murphy): Earlier, the Minister, Deputy Coveney, outlined the Government’s absolute commitment to resolving our national housing crisis. That crisis is affecting all parts of the housing sector, including the rental sector. Our approach must, therefore, be holistic and founded on the realisation that all parts of the housing sector are interlinked and interdependent.

It was precisely because of rent increases that the Government introduced a package of rent stability and additional housing supply measures last November. The Residential Tenancies (Amendment) Act 2015 introduced a number of measures to address rising rents. With regard to rent stability, the Act provided that the minimum period between rent reviews for tenancies increased from 12 to 24 months. The provision will apply for a four-year period. In addition, the minimum period of notice of new rents was increased from 28 days to 90 days and longer notice periods for the termination of long-term tenancies were introduced. The extension of the period between rent reviews from 12 months to 24 months takes effect from the date of the last review. If a tenant had a rent review in July 2015, the next review would not be until July 2017.

There is, however, no question but that pressures on the rental market remain driven by rising demand, which is a result of the economic recovery, by a lack of supply and by the high costs that highly-indebted landlords face in servicing their loans. These pressures are borne out by the data published by the Residential Tenancies Board Ireland and in the daft.ie rental reports. Fundamentally, the increases in rent have been driven by a mismatch between the additional demand associated with the very welcome economic recovery and a lack of a corresponding response in supply. The best way to reduce and stabilise rents in the long term and to benefit the entire sector is to increase supply and accelerate delivery of housing for private and social rental sectors.

Unfortunately, there is no on-off button for the delivery of additional rental accommodation. It takes time for the supply measures in particular to take effect and alleviate some of the pressures. The aim of Rebuilding Ireland, the Government’s action plan on housing and homelessness, is to increase and accelerate housing delivery across all tenures to help individuals and families meet their housing needs. It sets out more than 80 actions that the Government is taking through new policy, new legislation and innovative measures in the budget to achieve that aim.

As the Minister, Deputy Coveney, outlined earlier, pillar 4 of the Government’s action plan commits to developing a comprehensive strategy for the rental sector by the end of this year in just a few weeks’ time. The strategy for the rental sector will lay out measures to address immediate issues affecting the supply, the cost and the accessibility of accommodation. In par-
ticular, the strategy will consider measures to increase security of tenure and will consider the
potential of new mechanisms for both setting and reviewing rents. The strategy will also focus
on maintaining existing levels of rental stock and encouraging investment in additional supply.
Most importantly, the strategy will set out the wide-ranging actions this Government will take
to get us the type of mature and stable sector we want to see and which reflects our changing
housing demand and supports continued recovery for our modern economy.

**An Ceann Comhairle:** Deputy Louise O’Reilly is sharing time with Deputies Ó Broin and Tóibín. Is that correct?

**Deputy Eoin Ó Broin:** We are happy to take the Minister of State’s extra seven minutes, if
the Ceann Comhairle will give it to us.

**An Ceann Comhairle:** On you go. The time is there.

**Deputy Louise O’Reilly:** According to the latest daft.ie rental report, from which several
people have quoted from, rent in my constituency is on average €1,320 per month. That is a
3.8% increase since the second quarter of the year and a 12.1% increase on last year. Indeed,
with the exception of four and five-bed houses, the average rent for properties in the area in
which I live and in the constituency that I represent surpasses the average monthly mortgage
payment for those self-same properties.

I am proud to be the daughter of parents who were housing activists in the 1960s. I am
sure that it gives them no pleasure if they are watching this to see that their daughter still has
to campaign and agitate for something as simple and as basic as security of tenure. I do not
wish in any way to be personal but I would ask those Members who are not going to support
the Bill whether they have ever rented and whether they have ever felt the unease that is caused
by renting and by not having the type of security that should really be a basic and a given. It is
regrettable that it is not. I rented for years when my daughter was young. I hated it. I hated not
knowing where we were going to live at the end of the lease. I hated having to go cap in hand
to my landlord to find out if he was going to renew the lease. People in that situation cannot
make plans. It is bad when one is single, but it is worse when one has children. One cannot
plan, know or look to the future. One is relying on goodwill and that is not good enough.

In the 1960s, my mother and father were active in the Dublin Housing Action Commit-
tee. They achieved quite an amount through direct action at the time. It is heartbreaking to
look around and see how far back we have travelled. I was out last week with members of an
organisation called Humans Too. They were delivering food and clothes to people who were
sleeping on the streets. There are no words to describe what those people will face tonight. It
is absolutely freezing outside. I was freezing coming over to the House this evening. We have
a crisis and we know that. When I had finished the soup run, which is not something I do of-
ten, I sat into my car and I was very upset, as anyone would be. We have an opportunity to do
something about this tonight.

The people I spoke to had, to use an expression that members of the Government use but
which I do not use because I do not like it, fallen into homelessness. That sounds like it is
an accident but it is not; it is the result of policy. It is not an accident. They did not fall into
homelessness. They did not trip up and accidentally find themselves homeless. They became
homeless because of Government policy.

There is an opportunity this evening for Members in this Chamber to make a clear statement
about security of tenure and the value we place on that. I urge every Deputy to consider what it is like for those people who are facing homeless now or who will face it in the coming weeks and, in that context, to support this Bill.

**Deputy Peadar Tóibín:** One of the most shocking aspects of this whole process for me is the realisation that Fine Gael is actively seeking to increase house prices and rents in this State. I say that in a very measured manner. I remember a number of months ago sitting across from the Minister for Finance, Deputy Michael Noonan, and trying to make him understand the difficulties in the rental and housing market at that time. Over and over again he said that house prices have to rise, that there was no profit in building and that we had to see house prices increase. Last week, I said to Deputy Alan Farrell that Fine Gael was actively seeking to increase rents and house prices. I expected an energetic response, a backlash, from him, but he agreed with me. He said that we have to see house prices increase so that it will be worthwhile for people to actually build. It is astounding, three years into this housing crisis, that this is the true motivation behind the Fine Gael housing policy.

We have seen astronomical rents achieved by a purposeful retrenchment in the building of social housing over the last number of years. We have seen activity by real estate investment trusts, REITs, and vulture funds, as well as tax breaks and help to buy schemes, which have poured petrol on a housing market that is already out of control. The result is chaos for people all over the country.

If the Government believes that a garda in Dublin earning €23,000 will be able to pay €15,000 for housing per year, then its maths is completely astray. There is not a sector in society that is not suffering as a result of rent inflation. Rent inflation is fuelling pay inflation as families struggle around the country. The mistakes the Government is making in this sector are causing problems in other sectors too.

Last week, a young mother called Caoimhe Murtagh, who is seven months pregnant, had no choice but to sleep rough in Market Square in Navan. She is expecting a child in eight weeks and is absolutely terrified that she will not have a stable space for herself and her baby. She has also been separated from her three year old son as she obviously could not bring him with her as she slept at a bus stop overnight. She is facing Christmas in bed and breakfast accommodation along with thousands of others. She has been approved for the housing assistance payment, HAP, but the supply of housing is just not there and the prices are far too high for her. She is probably going to join hundreds of other people in County Meath who have been forced, in a tidal wave of people, westwards. People from Ratoath in County Meath have ended up in Kells, Oldcastle, Cavan and Leitrim in the search for affordable accommodation.

Clearly, now is the time to act. We have demand-pull inflation and the Government cannot let this rent inflation crisis continue. I appeal to the Government, in the run up to Christmas, to accede to the logical tying of rent to inflation in this country so that people can have some idea of what level of rent they will have to pay.

**Deputy Eoin Ó Broin:** I thank Independents4Change, the Labour Party, the Anti-Austerity Alliance-People Before Profit, the Social Democrats, the Green Party and others not only for supporting this Bill, but for co-signing it, which sends a very important signal to the other parties in the House and to the public. I would also like to congratulate the Secure Rents campaigners and urge them to keep up the campaigning activities in which they have been involved in the run up to the publication of the Government’s strategy.
I would like to respond to some of the comments of the Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, and of Deputies from Fianna Fáil. The Minister is correct that no political party has a monopoly on compassion and nobody from Sinn Féin has suggested otherwise. Compassion will not solve this crisis; correct policies from the Government will. The Minister believes he has a comprehensive strategy, but Sinn Féin disagrees. There is no doubt that there is a strategy but it is reliant on the same fundamental policy flaws of previous Governments, namely, an over reliance on the private sector to deliver social and affordable housing and an under investment in proper public housing. The Minister can say as often as he wants that there will be a 50% increase in capital investment next year but all this Government is doing is reversing the cuts the Fine Gael Party introduced when it first came into office in 2011.

The Minister questioned our commitment to his process. It is not our process but we are engaging with it constructively. We make detailed submissions, we engage in committees and so forth but we have a right, if not a responsibility, to raise issues on the floor of the Dáil and attempt to exert pressure on the Government to do things that we believe it would not otherwise do and I make no apology for that. As for playing politics, the reality for struggling renters and homeless people is not a game and there is nobody on this side of the Chamber who is attempting to play politics.

When the Minister came into the Chamber earlier, he suggested that Sinn Féin’s problem is that we do not have enough patience. I would have some sympathy with that argument if the Minister was only six months in office but he sat at the Cabinet table when the last Government refused to introduce the rent certainty measures that the Labour Party was rightly arguing for at that time. I presume, because he did not say anything to the contrary, that he blocked the former Minister, Deputy Alan Kelly, from introducing the kinds of measures that Sinn Féin is currently proposing. He has had plenty of time to introduce those very measures.

The central problem here is that Fine Gael is against rent certainty. The idea that the cause of the crisis is a mismatch between supply and demand ignores the fact that during the boom when we had the greatest supply of rental properties in the history of the State rents continued to rise. This is good legislation which anybody who is serious about tackling the rental crisis would support.

As for Fianna Fáil, the first thing I would point out is that the amendment that party proposed cannot be tabled. Deputy Barry Cowen is around long enough to know that but he wanted the cover of the amendment to justify opposition to the Bill. What is more remarkable is the fact that Fianna Fáil Deputies supported the three measures in this Bill when they sat on the Oireachtas Committee on Housing and Homelessness only a few months ago. One Deputy suggested that we had not put enough time and effort into this. We spent seven weeks at that committee and had hours of hearings with experts in the rental sector, with constitutional lawyers and so on. We listened to all of their advice and agreed the three recommendations in this Bill, unanimously. All of a sudden Fianna Fáil no longer thinks that the proposals its Deputies supported in June are credible policies to support in legislation.

The real problem is that Fianna Fáil has nothing to say on security of tenure. It does not even mention it in its amendment, despite the fact that it makes up two thirds of the Bill, and it is not willing to support rent certainty either. There is no point in Deputies coming into the House and saying they will support it if, when it comes to voting on it, they vote against it, not once, not twice but three times. Tomorrow will be the third time they will have opposed this measure.
I want to deal with the issue that the measures in this Bill will hurt landlords and hurt supply, neither of which is backed up by any evidence. The rental yields currently in the Irish market are the highest in the European Union so capping rents with the consumer price index now will have no negative impact on future supply. In fact, when I talk to landlords, and Sinn Féin is not anti-landlord as we want good quality landlords operating in the market, they tell us that security of tenure and security of rent over a long period is better for them because many of them suffered when prices crashed at the start of the recession and would have liked to have rent certainty during that period.

We have debated these issues at great length in the Committee on Housing and Homelessness and in this Chamber. There is compelling evidence from academic experts, international best practice and our own knowledge of the rental market that these three measures will make a real difference. Will they solve all the problems in the rental market? Of course they will not, and in the detailed submission Sinn Féin made to the rental strategy review of the Minister, Deputy Coveney, which we will publish next week, we have made many other proposals. However, if these measures had been introduced when Sinn Féin proposed rent certainty last June, fewer families would be homeless and families would not be paying the jacked up rents they are now paying. If we were to agree the security of tenure measures, fewer families would become homeless in the coming months and fewer families and children would be living in emergency accommodation.

Deputy Mary Lou McDonald: Hear, hear.

Deputy Eoin Ó Broin: This is a simple, sensible and modest Bill. Any Deputy who claims to have compassion on this issue should be ashamed of themselves if they do not vote for this legislation.

Amendment put.

Deputy Eoin Ó Broin: Vótáil.

An Leas-Cheann Comhairle: In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 1 December 2016.

Health Insurance (Amendment) Bill 2016: Order for Report Stage

Minister for Health (Deputy Simon Harris): I move: “That Report Stage be taken now.”

Question put and agreed to.

Health Insurance (Amendment) Bill 2016: Report and Final Stages

An Leas-Cheann Comhairle: As there are no amendments on Report Stage, we now proceed to Fifth Stage.

Bill received for final consideration and passed.
Adoption (Amendment) Bill 2016: Order for Report Stage

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I move: “That Report Stage be taken now.”

Question put and agreed to.

Adoption (Amendment) Bill 2016: Report and Final Stages

An Leas-Cheann Comhairle: Amendment No. 1 is in the name of the Minister. Amendments Nos. 1 and 15 are related and will be discussed together.

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I move amendment No. 1:

In page 5, lines 13 to 15, to delete all words from and including “(1) The” in line 13 down to and including line 15 and substitute the following:

“(1) Section 24 of the Principal Act is repealed.”

I indicated on Committee Stage that I would bring forward an amendment to this section. Section 45 of the Adoption Act 2010 provides that where a child’s adopters have died a further adoption order may be made in respect of the child and, for the purposes of the order, the child shall be taken to be the lawful child of the deceased adopters.

The children referendum and the insertion of Article 42A in the Constitution states that provision shall be made by law for the adoption of any child and therefore extends to the further adoption of a child who was previously the subject of an adoption order. It was previously my intention to repeal section 45 of the Adoption Act 2010 to provide for this but I am now proposing instead to include an amendment in the Adoption (Amendment) Bill 2016 to provide that, where a child in respect of whom an adoption order is in force or an intercountry adoption effected outside the State that has been recognised, is further placed for adoption, a further adoption order may be made in respect of the child, and for the purposes of the order, the child concerned shall be taken to be the lawful child of the adopter or adopters in whose favour the first mentioned adoption order or intercountry adoption effected outside the State was made or recognised, as the case may be.

Amendment No. 1 removes the intended repeal of section 45 of the Adoption Act 2010 and amendment No. 15 substitutes a new section 45 in the 2010 Act to clarify that a further adoption order may be made or an intercountry adoption effected outside the State may be recognised in respect of an adopted child.

Deputy Donnchadh Ó Laoghaire: We will not oppose the amendment. It was explained on Committee Stage and at the briefings. I have not had the opportunity to study it in detail but I made the point at the briefings that it is important that the Adoption (Information and Tracing) Bill deals with subsequent adoptions of the kind referred to here in a like for like manner. If that is not in the Bill, it is something that should be considered for Committee and Report Stages of that legislation.

Deputy Katherine Zappone: I assure Deputy Ó Laoghaire that will be the case and I thank
him for his comment on that.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendment No. 2 is in the name of the Minister. Amendments Nos. 2, 3, 5 and 6 are related and will be discussed together.

Deputy Katherine Zappone: I move amendment No. 2:

In page 11, between lines 3 and 4, to insert the following:

“(2) In determining for the purposes of subsection (1) what is in the best interests of the child, the Authority or the court, as the case may be, shall have regard to all of the factors or circumstances that it considers relevant to the child who is the subject of the matter, application or proceedings concerned including—

(a) the child’s age and maturity,
(b) the physical, psychological and emotional needs of the child,
(c) the likely effect of adoption on the child,
(d) the child’s views on his or her proposed adoption,
(e) the child’s social, intellectual and educational needs,
(f) the child’s upbringing and care,
(g) the child’s relationship with his or her parent, guardian or relative, as the case may be, and
(h) any other particular circumstances pertaining to the child concerned.”.

I indicated on Committee Stage that I would bring forward an amendment to this section. The Adoption (Amendment) Bill amends section 19 of the Adoption Act 2010 to reflect the 31st amendment to the Constitution in regard to the best interests of the child. In any matter, application or proceedings under the Act which is before the Adoption Authority or any court, the authority or the court, as the case may be, shall regard the best interests of the child as the paramount consideration in the resolution of such matter, application or proceedings.

A number of Deputies requested a strengthening of the provisions to be made in regard to the best interests of the child in adoption proceedings. I agree that the provision of a framework for the application of the best interest’s principle in adoption proceedings would be beneficial for the Adoption Authority or the court, as the case may be.

I propose to include an amendment in the Adoption (Amendment) Bill 2016, Amendment No. 2, to provide that, in determining what is in the best interest of the child, the Authority or the court, as the case may be, shall have regard to all of the factors or circumstances that it considers relevant to the child who is the subject of the matter, application or proceedings concerned including the child’s age and maturity; the physical, psychological and emotional needs of the child; the likely effect of adoption on the child; the child’s views on his or her proposed adoption; the child’s social, intellectual and educational needs; the child’s upbringing and care; the child’s relationship with his or her parent, guardian or relative, as the case may be; and any
other particular circumstances pertaining to the child concerned.

I propose amendment No. 6 to provide that regulations may be made prescribing the procedures by which the Authority or the court, as the case may be, shall, in so far as practicable, determine how best, having regard to the age and maturity of the child, to ascertain and give due weight to the views of the child in any matter, application or proceedings and, without prejudice to the generality of the foregoing, such regulations may make provision for the procedures that are to apply to enable a child to present his or her views in person or in writing to the Authority or the court, as the case may be; make provision for the procedures that are to apply to enable a child to nominate an appropriate person to present the child’s views orally or in writing to the Authority or the court, as the case may be; prescribe as appropriate persons a class or classes of persons who are suitable to be appropriate persons for the purposes of such functions; make provision for the procedures that are to apply in respect of any consultation by the Authority or the court, as the case may be, with a child or an appropriate person; make provision for the consultation by the Child and Family Agency with a child for the purpose of ascertaining his or her views and for the procedures relating thereto, including procedures relating to the preparation and submission of any written reports arising from such consultation to the Authority or the court, as the case may be; prescribe the standards to be applied by an appropriate person to the performance by the person of his or her functions under this section; and prescribe the allowable expenses and-or fees that may be charged by an appropriate person.

I intend to enter into a consultation process with children before the regulations are drafted.

Deputy Anne Rabbitte: I will look specifically at section 6 in this regard. The amendments deal with the systems by which the interests of any child involved in legal proceedings are protected, essentially, the guardian ad litem system. Under the current system, an absence of clear regulation of an appointment and employment of guardians ad litem have left the process haphazard, chaotic and vulnerable to exploitation.

While Fianna Fáil is broadly supportive of the Minister’s amendments, we believe that they do not go far enough as they fail to make provision for an independent regulatory body to monitor the quality of the guardian ad litem service. This would provide much needed accountability and efficiency to the system. Given the crucial importance of the guardian ad litem in ensuring children’s voices are heard in legal proceedings, this type of meaningful reform is badly needed. By failing to create an independent regulatory authority, the Minister is failing to provide a lasting and real solution to a chaotic system.

Following the 2012 children’s referendum, Article 42A.4 was inserted into the Constitution. The article provides that provisions shall be made by law for the best interests of the child to be the paramount consideration in child protection, care, adoption and family law proceedings, and for the views of the child to be ascertained and given weight. In order for the child’s views to be heard, it is common for judges to appoint a guardian ad litem, an independent professional who is appointed to represent the wishes of the child in specified court proceedings.

There is a part of it missing, which is the guardian ad litem. Perhaps the Minister could respond as to where she can see there is a role for them in the future.

Deputy Donnchadh Ó Laoghaire: I welcome the amendments. Obviously, I welcome that it is intended to strengthen the voice of the child in the legislation. It takes on board comments that Deputies from all parties made during the course of Committee Stage and Second Stage.
I have a number of queries. That point about a regulatory format for the process is important. It clearly seems, at least to me, largely to envision providing for situations in which a guardian ad litem would be involved. However, in so far as I can see, it does not use that phrase in any of these sections whereas, although I could be mistaken, the phase “guardian ad litem” is specifically outlined in the entitlements in the original 1991 Act. I would be curious to know whether there was a particular reason - perhaps I have missed it - the phrase is not used and whether there is a wider category of person who are considered.

I would also be curious to know about amendment No. 18, which has been ruled out of order. It is one of Deputy Rabbitte’s amendments, and she can correct me if I am taking this up wrong. I understand the intention is that judges would retain a discretion to keep a child, where he or she has been made a party to proceedings, as a party of the proceedings after an order has been given entitling him or her to a guardian ad litem. Therefore, such a child could both have a guardian ad litem and be a party to proceedings where the judge felt that was appropriate. I understand that is not currently possible. I merely want to know whether the Minister gave that any consideration, particularly in light of Deputy Rabbitte’s amendment, if I understand it correctly.

**Deputy Jan O’Sullivan:** I wish to tease out this a little further as well.

I also welcome the intention to give due weight to the views of the child, which is contained in the Minister’s amendment No. 6. On the description of an appropriate person, the Minister can prescribe an appropriate person and the amendment lists the possible kinds of persons, and considering their qualifications, training and expertise etc I suppose I merely wanted to get some sense of what kind of persons and what particular professions the Minister is talking about.

It relates to the guardian ad litem issue, raised by Deputies Rabbitte and Ó Laoghaire, as to whether that is too precise a definition. Is that why the Minister does not use the term or is the Minister keeping it looser in order to have different possible appropriate persons?

I presume that having such appropriate persons does not mean that the child personally, if he or she is an appropriate age, cannot express his or her views on the issues concerned. Maybe the Minister could clarify some of that.

**Deputy Katherine Zappone:** I thank the Deputies for their questions.

In terms of the questions with regard to the guardian ad litem, as Deputies would be aware and while I am deeply respectful of the issues that they have put forward here, the guardian ad litem applies to child care proceedings generally but not to adoption. These issues will be addressed in separate legislation. Heads of a Bill on guardian ad litem reform will be published prior to the end of this session and the issues, some of which the Deputies identified here and perhaps raised in other amendments that they put forward in terms of our discussions of this Bill, will be dealt with in those heads.

In terms of Deputy Jan O’Sullivan’s question with regard to the appropriate persons, the regulations may prescribe as appropriate persons a class or classes of persons who, in the Minister’s opinion, having regard to the functions to be performed by members of such classes, are suitable to be appropriate or who, in the Minister’s opinion, have the considered qualifications, training and expertise of such class or classes of persons. I believe that is specific enough with regard to the judgment of a Minister in terms of the knowledge that is required for the adoption
proceedings as they go forward, be it in the courts or with the Adoption Authority.

Amendment agreed to.

**Deputy Katherine Zappone:** I move amendment No. 3:

In page 11, line 4, to delete “(2) In so far as” and substitute “(3) In so far as”.

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendments Nos. 4, 14 and 16 are related and may be discussed together.

**Deputy Donnchadh Ó Laoghaire:** I move amendment No. 4:

In page 11, line 4, to delete “In so far as practicable,”.

I tabled these amendments on Committee Stage. They seek to remove the five words, “in so far as practicable”, from each of the provisions. To give the specific context, it comes back to the right of the child to have their voice heard and whether a child is capable of forming his or her own view and having that expressed. I took the Minister’s comments on board, but I still believe it is worth pursuing. Without those words the subsection, and all the subsections are similar, would read: “In relation to any matter, application or proceedings referred to in subsection (1), in respect of any child who is capable of forming his or her own views, the Authority or the court, as the case may be, shall ascertain those views and such views shall be given due weight having regard to the age and maturity of the child.” There is already a high level of conditionality there. One is whether the child is capable of forming their own views. In addition, it allows the authority or the court to give due weight to them, that is, to consider the views on their own merits and in the context of the age and maturity of the child.

However, there is no basis for making that conditional on how practicable it is. To offer a parallel, it would be similar to providing in legislation that somebody in front of a criminal court would be entitled to legal representation in so far as practicable. As far as I am concerned, it would be the right of the child and there should not be any conditionality to it. The Minister has taken some steps but we must do more to strengthen the voice of the child in proceedings. I welcome what she said regarding the heads of the Bill relating to guardian ad litem. In that context, we should consider a minimum age or a minimum age above which children’s voices should always be heard. However, that is another matter.

To return to the amendment, there is no basis for making the entitlement of the child to be heard with regard to any of those sections and the proceedings that would be involved contingent on how practicable it is. As I said on Committee Stage, that phrase usually relates to matters of budget or administration. There are no circumstances I can envisage in which it could be considered to be not practicable, other than where the child is considered not capable of forming his or her own view and that is already provided for even without the inclusion of those words. All the amendments have the same effect and I will press them.

**Deputy Katherine Zappone:** I appreciate the Deputy raising this matter again. We had a good exchange on it on Committee Stage. It has prompted me to reflect further on the Deputy’s amendments so I will respond to his proposal. “In so far as practicable” is consistent with the language used in Article 42A of the Constitution. It states: “The State recognises and affirms the natural and imprescriptible rights of all children and shall, as far as practicable, by its laws
It allows the Adoption Authority or the court, as the case may be, to take into account the individual needs of each child in ascertaining his or her views, having regard to the child’s age and maturity. I consider this provision would be unworkable without “In so far as practicable”, as a child cannot be compelled to give his or her own view if he or she does not wish to do so.

As I indicated on Committee Stage, I have developed this provision further and am proposing to provide that regulations may be made prescribing the procedures by which the authority or the court, as the case may be, in so far as practicable, can determine how best, having regard to the age and maturity of the child, to ascertain and give due weight to the views of the child in any matter, application or proceedings. As I said, I have reflected on the Deputy’s amendments but, on the basis of what I have said, I do not propose to accept them. What we are trying to provide for here is a standard that relates to a threshold of feasibility. It is not intended to be an escape route.

Deputy Donnchadh Ó Laoghaire: I draw a distinction between this and the point about the constitutional amendment, because that obviously governs an enormous number of areas and how the Constitution and children will interplay with a range of services and entitlements whereas this amendment refers to a basic and fundamental right. That said, I accept the point that a child could not, and probably should not, be compelled. I might consider a revised version of an amendment which I could recommend to be tabled by our Senators. I will take that point on board as it is a fair point.

Amendment, by leave, withdrawn.

Deputy Katherine Zappone: I move amendment No. 5:

In page 11, line 8, to delete “of the child.” and substitute “of the child.”.

Amendment agreed to.

Deputy Katherine Zappone: I move amendment No. 6:

In page 11, between lines 8 and 9, to insert the following:

“(4) Without prejudice to the generality of subsection (3), the Minister may make regulations prescribing the procedures by which the Authority or the court, as the case may be, shall, in so far as practicable, determine how best, having regard to the age and maturity of the child, to ascertain and give due weight to the views of the child in any matter, application or proceedings, and, without prejudice to the generality of the foregoing, such regulations may—

(a) make provision for the procedures that are to apply to enable a child to present his or her views in person or in writing to the Authority or the court, as the case may be,

(b) make provision for the procedures that are to apply to enable a child to nominate an appropriate person to present the child’s views orally or in writing to the Authority or the court, as the case may be,

(c) prescribe as appropriate persons—
(i) a class or classes of persons who, in the opinion of the Minister having regard to the functions to be performed by members of such class or classes of persons under this section, are suitable to be appropriate persons for the purposes of such functions, or

(ii) a class or classes of persons who, in the opinion of the Minister having considered the qualifications, training and expertise of such class or classes of persons by reference to the functions to be performed by members of such class or classes of persons under this section, are suitable to be appropriate persons for the purposes of such functions,

(d) make provision for the procedures that are to apply in respect of any consultation by the Authority or the court, as the case may be, with a child or an appropriate person,

(e) make provision for the consultation by the Child and Family Agency with a child for the purpose of ascertaining his or her views and for the procedures relating thereto, including procedures relating to the preparation and submission of any written reports arising from such consultation to the Authority or the court, as the case may be,

(f) prescribe the standards to be applied by an appropriate person to the performance of his or her functions under this section,

(g) prescribe the allowable expenses that may be charged by an appropriate person referred to in paragraph (c)(i) and the fees and allowable expenses that may be charged by an appropriate person referred to in paragraph (c)(ii),

(h) make provision for such other matters as the Minister considers necessary to ensure that appropriate persons are capable of performing their functions under this section.

(5) Regulations under this section may—

(a) make different provision in relation to—

(i) children of different ages and maturity, or

(ii) different classes of appropriate persons,

and

(b) contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.

(6) In determining for the purposes of subsection (3) how the child’s views shall be ascertained and heard, and how such views shall be given due weight having regard to the age and maturity of the child, the Authority or the court, as the case may be, shall have regard to regulations made by the Minister under subsection (4).”.”.

Amendment agreed to.

Deputy Donnchadh Ó Laoghaire: I move amendment No. 7:
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In page 12, between lines 11 and 12, to insert the following:

“(3) This section shall not generally apply to persons who, at the date of the adoption order, were more than 18 years of age, however, the Adoption Authority may waive this requirement if they believe it is in the best interests of the person for whom an adoption is being sought. The adoption authority shall also consult the prospective adoptive family in deciding whether to waive the requirement to be less than 18 years of age.”

This amendment relates to a point that was made previously and I agreed to consider what the Minister said. However, I retain the view that it is something that must be dealt with either in this legislation or in a future legislative measure. In this instance, I believe it is worth pursuing. There are two contexts in which it would apply. One is probably more urgent than the other, but it is still relevant and worth considering. It is particularly important in instances where there might be some delay in the administration. As I said on Committee Stage, adoption should not be a speedy process. It is right that it should be thought through and comprehensively well managed. However, that presents the potential difficulty that a delay would result in a child reaching the age of 18 years before the adoption order has been fully processed.

I understand that all efforts are made to rush it through where it is absolutely required, but there should be some provision to allow for people who have reached the age of 18 years to be considered to be adopted. That is in very restricted circumstances. It would allow the person, after they have reached the age of 18 years, to enjoy certain entitlements. Obviously there are significant differences in how that person might enjoy property rights and social welfare entitlements. Indeed, I believe there are some implications for the property rights of the would-be adoptive parents as well. Most of the Deputies were present for the discussion on Committee Stage. If somebody were to die intestate, how the person would be entitled to benefit subsequently would be greatly different.

7 o’clock

If that person were to die testate, they would still be subject to a much greater tax on any assets to which they would be entitled.

Essentially, this relates to a very small number of cases where it might be necessary to regularise those situations to provide some recognition. It should not be open-ended. Due discretion and care should be shown in that regard. This is an important issue that needs to be dealt with. The adoption is entirely about the welfare of the child and providing an environment in which the welfare of child is safeguarded and advanced. This amendment is not particularly about the welfare of the child, rather it deals with a person who has ceased to be a child but that person will continue to have rights. That person has a history that should be recognised in terms of their property rights and entitlements with respect to how they deal with the State more generally.

Deputy Jan O’Sullivan: Deputy Ó Laoghaire made a very good case in regard to a young person where there was a delay and the child became an adult during the course of the adoption process. The Minister in her reply to this issue on Committee Stage indicated that this would be a fundamental change because it would involve how we would define a child. If there is delay in the process and there was an intention that the person would be adopted but they cannot be adopted because they have turned the age of 18, is there some mechanism, although perhaps not through legislation, by which the Minister could ensure that if a process was commenced, it
would be completed in time for the intention to be fulfilled? That is essentially what the Deputy is seeking to achieve in his amendment.

**Deputy Anne Rabbitte:** I would also like to support what Deputy Ó Laoghaire has brought forward in his amendment. This point was very well made on Committee Stage and it was very thought-provoking. I welcome his amendment. From the small amount of research I have done on this, I note that due to the process involved there is an opportunity where some people might not see the process through to completion. Having regard to the way the Deputy explained this case, I would not like to think that if a process has been started that a person would lose out because it was not brought to completion. I also support what Deputy O’Sullivan said. Is there any means by which a directive could be provided? If it could not be inserted in the Bill, could we provide that the Minister’s Department could issue a directive to provide that this would become part of best practice, where if a process is started that it would be seen to completion? It was one of the queries I had on the Bill and I thank the Deputy Ó Laoghaire for pointing it out.

**Deputy Katherine Zappone:** I thank Deputies Ó Laoghaire, Jan O’Sullivan and Rabbitte for their comments. They have all referred to the discussion of this issue on Committee Stage which was very thought-provoking. I promised to think about it again and I have done so. I will outline some of my reflection subsequent to that. The rationale Deputy Ó Laoghaire provided in his amendment, largely on Committee Stage, related to a concern about there being a delay in the process. On this Stage the Deputy has amplified some other aspects, not only related to a delay in the process, and I will also deal with those aspects, but I will first address the delay issue.

The proposed amendment would allow for the adoption of a person over the age of 18, as the Deputy is aware. The primary purpose of the Adoption (Amendment) Bill 2016 is to give effect to Article 42A (Children) of the Constitution in so far as it relates to adoption. Ten applications for an adoption order were received by the Adoption Authority in 2015 where the child was due to turn 18 years of age in 2015. All of those applications were finalised and adoption orders were granted in 2015. In 2016 to date, ten applications have been received for children turning 18 years of age in 2016. All of those applications have also been finalised and adoption orders have been granted. Currently, the Adoption Authority has no outstanding applications received in 2016 where the child will turn 18 yers of age in the 2016 calendar year.

As I explained on Committee Stage, priority is given by the Adoption Authority, the Child and Family Agency and the courts to cases where a child is older to ensure the adoption process is completed before the child reaches the age of 18. I am not satisfied that a provision in this regard in the Bill is required. On this basis I do not propose to accept this amendment.

I would like to add a few points as what I have said is largely based on the rationale of whether there could be a potential delay in the process. As I indicated, and this is new information, that has not happened in 2015 and it is not happening in 2016. As I also indicated, it would be a major policy change for us to accept this amendment in the context of a Bill when there is no evidence that it has ever happened and that is still the case.

Having acknowledged a concern about there being a delay in the process, to pick up on Deputy Ó Laoghaire’s point it is a process that should be thought through and enough time should be given for that. Even if there is a shortened period involved, the adoption process can move forward and has moved forward. I would like to believe that we make law that encourages, as the Deputy said, people to think through the serious issue of adoption. In terms of some of his
other arguments that significant things can change in terms of entitlements and so on for the person - a child or a young person who is just past the age of being a child - who could potentially be adopted, these are serious matters.

Given that, we need to support and make law to encourage those people who are thinking about becoming legally part of a family to make those choices for all of the reasons that this would entail and they would require sufficient time to do that, as distinct from that process being narrowed to issues of entitlement or tax relief, which I know the Deputy was not implying. I am answering his points in a fulsome way while on the one hand, acknowledging that this is not something that should be quickly done and, on the other hand, pointing out that even when there may be less time in some cases when children begin the process of adoption, we still do not have any cases where they are not prioritised and enabled effectively to become part of a family.

Given the concern expressed by Deputies Jan O’Sullivan, Rabbitte and Ó Laoghaire in terms of the age process, and even though this has never happened previously and I do not believe it would happen given the law we are crafting with this Bill, I would be willing to offer - I believe this would be a good measure and this demonstrates the additional thinking and research we have done - that in accordance with section 110 of the Adoption Act 2010, I can and I will request the Adoption Authority in preparing its annual business plan to consult with Tusla and to prepare plans to ensure that all adoption applications are assessed and completed before the adoptee’s 18th birthday. The best interests of the child is always paramount in that regard.

Deputy Donnchadh Ó Laoghaire: I thank the Minister for her response. Clearly, a great deal of thought has been given to this, which I welcome. The steps she and the Department are committed to taking are also welcome. However, this does not necessarily deal with the broader question of people for whom it was not a cause of delay but ultimately who found, just after their 18th birthday, that this potential avenue was closed to them. I refer primarily to delay. While I recognise it is not an issue at the moment, the number of 17-year-olds on behalf of whom applications are being made is relatively small but that might not always remain the case. Adoption numbers generally are relatively low in this country, albeit there will be an increase following the passage of the legislation. However, we do not draft legislation on the basis that everything has worked fine so far. If somebody who, despite every effort, found the clock had run out, there would be no recourse for him or her. All the timelines, guidelines, instructions and directives to everyone involved in the process would be no addition to that person. If the Minister does not accept the amendment, I ask her, beyond whatever instructions she intends to give to the authorities responsible, to commence some form of consultation or discussion within the Department and the agencies to consider whether a change in policy is required. The policy I propose exists in other countries. There is not even a maximum age in France. I do not necessarily advocate that but I ask the Minister to consider whether a change in policy might be necessary.

Deputy Katherine Zappone: I appreciate the rationale for the Deputy’s arguments. It is not that the number is small; it is zero. I understand it is part of his argument that this may not be the case in the future. I have agreed with him that because it is such a serious matter that it requires the time. If people wait until, say, the final five days before their 18th birthday, that would raise a question in respect of the overall rationale in that regard. While I would not necessarily be respectful of that, it could raise a question. On the basis of the Deputy’s arguments and recommendations, I would be happy to instruct the Adoption Authority of Ireland, in preparing its business plan, to ensure anyone who applies before he or she turns 18 has his or her assessment completed. It is helpful for the Deputy to raise the wider question within my
Department about the deeper policy issue. The discussion has begun and I promise that we will continue with that.

Amendment put and declared lost.

An Leas-Cheann Comhairle: Amendments Nos. 8 to 13, inclusive, are related and may be discussed together.

Deputy Katherine Zappone: I move amendment No. 8:

In page 12, line 16, to delete “(3) Subject to this” and substitute “(2) Subject to this”.

These are consequential technical amendments arising from an amendment on Committee Stage to delete section 30(2) of the 2010 Act. The purpose of the amendments is the consequential renumbering of later subsections. These amendments contain no substantial change to the text of the Bill.

Amendment agreed to.

Deputy Katherine Zappone: I move amendment No. 9:

In page 12, line 20, to delete “(4) Where the Authority” and substitute “(3) Where the Authority”.

Amendment agreed to.

Deputy Katherine Zappone: I move amendment No. 10:

In page 12, line 31, to delete “(5) If the identity” and substitute “(4) If the identity”.

Amendment agreed to.

Deputy Katherine Zappone: I move amendment No. 11:

In page 13, lines 6 and 7, to delete “(6) After counselling the mother or guardian of the child under subsection (5)” and substitute “(5) After counselling the mother or guardian of the child under subsection (4)”.

Amendment agreed to.

Deputy Katherine Zappone: I move amendment No. 12:

In page 13, line 15, to delete “(7) The Child and” and substitute “(6)The Child and”.

Amendment agreed to.

Deputy Katherine Zappone: I move amendment No. 13:

In page 13, line 18, to delete “(8) An application for” and substitute “(7) An application for”.

Amendment agreed to.

Amendment No. 14 not moved.
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**Deputy Katherine Zappone:** I move amendment No. 15:

In page 18, between lines 4 and 5, to insert the following:

“**Further adoption**

23. The Principal Act is amended by the substitution of the following section for section 45:

“45. Where a child, in respect of whom an adoption order is in force or an intercountry adoption effected outside the State that has been recognised, is further placed for adoption—

(a) a further adoption order may be made in respect of the child, and

(b) for the purposes of the order, the child concerned shall be taken to be the lawful child of the adopter or adopters in whose favour the first-mentioned adoption order or intercountry adoption effected outside the State was made or recognised, as the case may be.”.

Amendment agreed to.

Amendment No. 16 not moved.

**Deputy Donnchadh Ó Laoghaire:** I move amendment No. 17:

In page 20, between lines 18 and 19, to insert the following:

“**Amendment of section 58 of Principal Act**

26. The Principal Act is amended by the insertion of the following new section:

“58B. A Child who has been adopted under the provisions of the Adoption Acts shall continue to be entitled to have access to his previous parents or guardians, or relevant non-guardians, prior to the adoption, should the child so wish, and provided that this is in the best interests of the child.”.

The amendment relates to access. I made the point at length on Committee Stage that children who have been subject of an adoption do not have the statutory right to have access to their former family. That could happen in a number of circumstances. It could be parents with whom they had a good relationship or people with whom they did not maintain a good relationship. In those instances, it could be a grandfather or a sibling. Clearly, in most cases where an adoptive family has the best interests of the child at heart, it will allow and facilitate such access. However, should the family be restrictive about this, my understanding is the child has no recourse. Where such access occurs, it is monitored by the relevant authorities such as Tusla and in consultation with the adoptive family. However, a statutory right should be put in place. Commentary has been generated previously about the fact that our adoption laws are open and shut. We do not have necessarily the same forms of open or flexible adoptions that exist in other jurisdictions. The matter needs to be considered as a wider policy issue but, in the interim, at the very least, a general right limited on the basis of the child’s consent or where it is in the child’s best interest should be given a statutory basis, ensuring he or she has access to the family because he or she has a past and will want those people to continue to be a part of his or her life. The door should not be shut on that part of these children’s lives forcing them to move on.
**Deputy Katherine Zappone:** This amendment proposes that an adopted child would be entitled to continue to have access to previous parents, guardians or non-guardians. Where a child has been adopted, the child concerned is considered, with regard to the rights and duties of parents and children in respect of each other, as the child of the adopter or adopters, and with respect to the child, the mother or guardian of the child and every non-relevant guardian of the child loses all parental rights and is freed from all parental duties in respect of the child. I also made this argument on Committee Stage. Under current practice, there are often arrangements in place for ongoing contact between birth parents and adopted persons and their families, where there is agreement by the relevant authorities. The Adoption (Information and Tracing) Bill 2016, which I published last Friday, also provides that the birth parent and adoptive parent can enter into arrangements regarding the sharing of information between both parties. This Bill will facilitate that contact. On the basis of these arguments, I do not intend to accept the proposed amendment.

**Deputy Donnchadh Ó Laoghaire:** I was hoping for a more comprehensive answer, maybe even a commitment that this issue would be looked at more broadly, whether in the context of the reform of adoption legislation generally or of open adoption of some form or other being considered. I will touch briefly on the fact that there would be beneficial by-products of this. I emphasise before I say this that it is very much a secondary consideration to what would be in the best interest of the child and what he or she would consent to and desire. The possibility that the child might decide to maintain contact with the previous family would have implications for and would inform decisions taken by the birth parents about whether they consent to an option. It would inform that. It would also inform decisions that women who have unplanned pregnancies make and the decisions they make subsequently. The possibility of greater access, obviously contingent on the consent and best interest of the child, would inform those decisions. That is a secondary consideration. The interests of the child are first and foremost. It is an issue that has been flagged by a number of legal academics. Some research carried out by the crisis pregnancy agency highlighted the fact that the possibility of such a form of adoption would inform decisions women take after that time. That is a much more advanced process of reforming adoption law and the processes more generally. At the very least we should be providing such an option. It is not good enough to simply say that the birth family has lost all legal rights and entitlements. It is not so much about the birth parents’ rights and entitlements, although that is worthy of consideration; it is about the right of the child. It is not fair to say a child has no right in law to access the family, or grandparents, who raised him or her for perhaps five, ten or 15 years, depending on the circumstances. It is not good enough to say that they have no such right.

**Deputy Katherine Zappone:** Let me offer an additional response. Under the recently published Adoption (Information and Tracing) Bill 2016, the Child and Family Agency will have a role in encouraging and facilitating contact between adoptive children and previous parents or guardians. I refer the Deputy to section 45 of the Bill as published. Recent legislation in this area is endeavouring to provide an equivalence between adopting families and other families. That is important and we cannot just sweep it aside. Under our legislative framework on adoption, parental rights and responsibilities are assigned to adoptive parents. Where voluntary contact is not agreeable between the parties, it is desirable that a child receives guidance and support from his or her adoptive parents. Underneath that is the principle that the rights of the child are not absolute in this regard. They are qualified by the rights of the adoptive parents and in this case they act as protective measures and mechanisms for the child. Article 41 of the Constitution recognises and protects the family. The courts have interpreted this constitutional
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status as extending to an adopting family. If we have a child with an adoptive family, the views need to be ascertained and heard, with the support and guidance of the adoptive family and balanced by the responsibilities and rights of the adoptive family. Not only is that reasonable, it is the way our law already proceeds. It is also a protective mechanism for children. The amendment, while clearly well-intentioned, could lead to unintended consequences. Inserting this entitlement into the legislative framework might give rise to sensitive difficulties of an intractable nature. The area involves a delicate calibration of the rights of the various parties. That is what the legislation is attempting to do. As the Deputy knows well, no right is absolute.

As an example for further reflection, if there is an amicable relationship between the adopted child and the different families, there could be contact but if there is dissension there is no framework in the amendment put forward for how it would work. Our concern is for the child. For those various reasons, I will not accept the amendment. No constitutional right is absolute. They are all balanced with other rights and given it is a child in this regard, it is balanced with the adoptive family’s rights. I would certainly be happy to consider some of the further issues the Deputy identifies such as open adoption. I will get the Department to take a look at that. In respect of the amendment the Deputy has put forward, because of the reason I have given, I will not accept the amendment.

Deputy Jan O’Sullivan: I welcome the publication of the Adoption (Information and Tracing) Bill 2016. I did not table the amendment I tabled on Committee Stage because the Bill has now been published. I have no doubt that the issues Deputy Ó Laoghaire is raising will be a big part of our discussions when we come to deal with that legislation where we are talking about people who, in many cases, have no information about their birth parents and who are seeking access to birth certificates. There will be issues we want to tease out in that legislation. There are issues around statutory declarations which we will come to when we come to that legislation. There are two different kinds of children here. There are children who remember their previous family and have formed ties, which are the ones Deputy Ó Laoghaire is concerned about. If a child is adopted almost immediately after birth, there is a totally different scenario. We will be dealing with much of this when we come to the other legislation so I will contribute at greater length at that stage.

Deputy Donnchadh Ó Laoghaire: I recognise that point. In some cases, the Adoption (Information and Tracing) Bill 2016 will deal with those circumstances. As Deputy O’Sullivan noted, there are children who will be perfectly aware of their past and the family which previously raised them and who will have a desire to access them. I recognise that no rights are absolute under the Constitution. If the Minister sees fit, I would be more than happy to accept a regulatory framework or a provision for regulations to underline and qualify an important statutory right. The point being made was that the child does not have an unqualified right. As things stand, the child does not have any statutory right. It is entirely subject upon agreement between the adoptive parents and the previous parents of the child.

The legislation is good and it speaks to the rights of the child to be heard. However, in this instance the child has no agency. The child has no right to access where his adoptive parents are unwilling to co-operate. Of course there will be circumstances in which there might well be dissension, but that does not necessarily mean the child should be deprived of the right to see the family. The child may well have happy memories of the family or may well have close connections.

It is not good enough to fail to provide any statutory right whatsoever. I am more than willing to consider regulations to underline or qualify that, but I believe such a statutory right is
important.

Amendment put:

The Dáil divided: Tá, 29; Staon, 0; Níl, 73.

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<td>Tellers: Tá, Deputies Aengus Ó Snodaigh and Donnchadh Ó Laoghaire; Níl, Deputies Regina Doherty and Tony McLoughlin.</td>
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Amendment declared lost.

**An Leas-Cheann Comhairle:** Amendments Nos. 18 to 21, inclusive, are out of order.

Amendments Nos. 18 to 21, inclusive, not moved.

Bill, as amended, received for final consideration and passed.

**Statute Law Revision Bill 2016 [Seanad]: Second Stage (Resumed)**

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

**Deputy Aengus Ó Snodaigh:** Yesterday we discussed how our Statute Book lay and everybody in the House, as I noted yesterday, was in favour of making it much cleaner and more accessible. The Bill deals with legislation from the founding of the State to the 1950s. Most of the Bills are definitely superfluous, although some are of major interest. I raised a question yesterday about the Garda Síochána legislation, particularly the Act initiating the Garda Síochána that is being repealed with this Bill. I hope the Minister of State will be able to reassure us on Committee Stage that this will have no effect on subsequent legislation that firmed up An Garda Síochána. I presume that is the case. It was originally known as a civic guard Bill until the final moments when Cathal O’Shannon proposed “An Garda Síochána” as the title.

There are other pieces of legislation, such as that relating to emergency powers. We only just had the debate in the Dáil about rent control and when there is an emergency, the State can move emergency legislation. It is not that I would like anything like the Public Safety (Emergency Powers) Act to be passed in this House ever again. We have the Offences against the State Act, which superseded that legislation in 1939. It is still on the Statute Book and has been enhanced. The emergency powers Act of that time led to the execution by this State of what were known historically as the 77, although there were 83, I believe, official State executions, not to mind the 110 who were executed upon arrest without any recourse to any semblance of a trial or military tribunal. That legislation is being eliminated and it also gave effect to internment without trial during the Civil War. Some of the legislation being repealed is Civil War legislation.

There are other interesting examples from an historical and nerdy perspective. When I looked through the list I laughed at the Eucharistic Congress (Miscellaneous Provisions) Act 1932. I hope it will not be repeated the year after next when the Pope comes to Ireland. That legislation allowed people to drive public buses or vehicles without a licence. There does not seem to have been enough licenceholders in the country and sufficient people were coming that they needed people to drive the buses. It also allowed licensed premises to open extended hours at certain times and be restricted at other times, I presume for some of the masses in the afternoon etc. It is interesting that although I presume some of the debate was around the Eucharistic Congress, the Dáil spent most of its time discussing the driving of buses to and from the venues and the effects on the delegates attending. It was a major event and, in some ways, looking back at the legislation, it seems very simple seen through our modern eyes. It was very practical legislation and it was an example of something much shorter than some of the legislation we produce today.
One of the longer pieces of legislation I looked at that has been repealed is the Spanish Civil War (Non-Intervention) Act 1937. It was interesting for the time and if we look at the debate, it was quite far-ranging and different from what we would have today. There are some comments one might not believe, such as Eamon de Valera being accused of being a supporter of the reds. I do not think anybody would have felt that. It was a different era. Last week we discussed neutrality and it is in that context that we might look at it. The context was different, nonetheless, as the State allowed General Eoin O’Duffy to leave the country under much fanfare with his volunteers in the Blueshirts. They were blessed on their way to attack the forces of the republic in Spain and supposedly to defend Christianity but they spent most of their time in the pub, coming back disgraced in ignominy. Nothing was heard of the Blueshirts, in many ways, afterwards because they did not assert themselves well. Those who took the side of the republic, standing by the revolution in Spain, did so quietly and left the country without fanfare. They suffered the consequences of taking that side before coming back to Ireland and suffered further consequences from a religiously run State. They were frowned upon, ignored and ostracised in many ways. It is a pity, but many of their memoirs have come to the fore in recent years. Those people were open, energetic and focused in their community. It is a pity they were ostracised but that was not the intention of the Act at the time. It was enacted so the State would not take sides or encourage anybody one way or the other. It would not facilitate the movement of armaments or soldiers through Ireland on the way to war, so it is a pity the same kind of legislation is not there today to deal with Shannon Airport’s issues. There are often similarities and differences between today and what happened in the past.

This Bill is a good piece of work. I was critical in the past that JobBridge was used in formulating the Bill as there was no guaranteed work at the end of the process. That criticism was answered and I am not making a complaint at this stage. We have dealt with that and JobBridge is over. How many more pieces of legislation will need to be eliminated? At least we are up to the 1950s at this stage and I cannot see many more pieces of statute law revision coming forward. It is interesting to see that one of the pieces of legislation we repealed is being reinstated, which demonstrates that we can make mistakes in this House.

This has been a useful piece of work. Yesterday, my colleague, Deputy Cullinane, referred to my request that there would be a searchable archive of legislation. I understand the information is available but there should be a single source for the available material when the process is finished. The process will be beneficial but when it is completed I ask that the Government set aside whatever sum of money is required for that objective. I assume it would not be that much because the work has been done and the documents have been found and assessed. Somebody should have ready access to the information and that job can produce something worthwhile for future historians. I wish the Minister of State well with the legislation. If he does not get to answer all those questions I may contribute again on Committee Stage in order to further elaborate on them.

Minister of State at the Department of Public Expenditure and Reform (Deputy Eoghan Murphy): I thank the Deputies for their contributions to this debate. Statute law revision is a very interesting and important piece of work. Taking the contributions made by Deputies in the course of our discussion on Second Stage yesterday evening and Deputy Ó Snodaigh’s continued contribution this evening, one can look back at these Acts seeking parallels with the present day. One can find different information or interests and, as the Deputy noted, it allows us as legislators to get our nerd on in a way and dig deep. We can find it very interesting from that perspective. However, the work is also very important in what it does, so I thank
everybody for their contribution.

As Deputy Ó Snodaigh stated, the Bill proposes repealing spent and obsolete Acts enacted between 1922 and 1950. It is interesting that it is the first comprehensive review of Acts enacted by the Oireachtas and it will result in a significant reduction in the size of the Statute Book for that period.

8 o’clock

Even though it is not the first time we have done a piece of work like this, it is the first time we have been looking at legislation from the Oireachtas. That it is a first in this regard makes this Bill an important piece of work. When the Bill is enacted, it will help to reduce the regulatory burden for business, industry and citizens by simplifying the complex stock of legislation that is currently on the Statute Book. It will also help to provide further legal clarity in this area.

Before we conclude and the Bill moves on to next week’s Committee Stage debate, I would like to respond to a number of points that were made during this Second Stage debate yesterday and this evening. I want to make it clear in response to points that were made by Deputies Calleary and O’Callaghan that the Government has not decided to stop the statute law revision programme. We recognise the value of this project and the benefits it brings. The Minister for Public Expenditure and Reform is proposing to pause the programme at this time so that the Department can make progress with other priorities. The Government reform unit in the Department, which has led this programme since 2012, is currently heavily involved in work on the Public Sector Standards Bill 2015 and the forthcoming data sharing and governance Bill, which will be published in the new year. The Government, like many Members of the House, is attaching a high priority to these significant and complex Bills. The Government reform unit is also involved in the reviews of the lobbying and protected disclosures Acts. These tasks are priorities at this time. The Minister will keep his priorities under review. Consideration will be given to the matter again in due course.

The statute law revision programme is not the only initiative to make the Statute Book more transparent and accessible. The Law Reform Commission’s work on the legislation directory is ongoing. This is a vital source of information for legal professionals and anyone working with legislation. It assists them in checking the current version of the law. The index currently tracks changes to primary legislation from the pre-1922 and post-1922 periods and to secondary legislation from 1998 onwards. Work is progressing on expanding the directory. I understand that an index of statutory instruments from 1997 will be published in the near future.

Deputy O’Callaghan asked a question about the cost-efficiency of the delivery of this programme. Approximately €623,000 has been spent since the programme transferred to the Department of Public Expenditure and Reform in 2012. Expenditure on the Bill before the House to date amounts to approximately €285,000. This expenditure does not relate solely to work on the preparation of the legislation. A proportion of the spending relates to the legal advisory functions carried out by legal adviser to the Government reform unit. This legal advisory role has been applied to a range of other legislative priorities, such as the Freedom of Information Acts, the Protected Disclosures Act 2014 and the Public Sector Standards Bill 2015.

Deputies Cullinane and Ó Snodaigh raised the issue of the availability of the text of the statutes repealed by the Statute Law Revision Acts 2005 to 2016. I share their view that these texts would be of interest to historians, parliamentarians and the public. As I have mentioned,
the Law Reform Commission has made most of the pre-1922 public general Acts that remain in force available online. I am not aware of any plans to make the text of pre-1922 repealed Acts or instruments available electronically. This would be a matter for the Law Reform Commission. The text of the majority of these Acts and instruments are available to the public in hard copy. No text has survived in the cases of a small number of pre-1922 Acts and instruments. Examples include texts of Irish Private Acts that were held in the Four Courts in 1922.

The Statute Law Revision Act 2007 repealed public general legislation pre-1922. The texts of these statutes were spread among a number of collections available in the National Library. To assist in the identification of the source of these statutes, the citation system used for each of these statutes is set out in the Act and includes references to the relevant source documents. Similarly, the source documents for the pre-Independence statutory instruments repealed by the Statute Law Revision Act 2015 can be identified by the citations in that Act. Sources used for the 2015 Act include the *Dublin Gazette*, the *London Gazette*, the Irish Manuscripts Commission and certain other printed collections. The *London Gazette* is available online. The statute law revision team reviewed hard copies of the *Dublin Gazette* from the National Library.

The Statute Law Revision Acts 2009 and 2012 repealed local and personal Acts and Private Acts from before 1922. In the course of their work, the research team viewed texts of the Acts made available by the Honourable Society of King’s Inns, the Oireachtas Library, the National Library, the National Archives and the UK parliamentary archives at the House of Lords and the House of Commons in Westminster. Fortunately, the text of all Acts enacted by the Oireachtas are available electronically at [www.irishstatutebook.ie](http://www.irishstatutebook.ie). The text of all Acts repealed by this Bill will remain available electronically.

Deputy Ó Snodaigh asked yesterday whether there has been a proper discussion of the Acts proposed for repeal in the Bill before the House. The Bill was subject to a public consultation process. A list of all Acts identified as suitable for repeal was published on the Department of Public Expenditure and Reform’s website and the public was invited to comment on the list. In addition, all Government Departments and relevant local authorities have been consulted and advised on Acts of relevance to them. Relevant bodies and organisations are made aware of the legislation being assessed for revocation.

I was also asked about the remaining work that is to be completed under the statute law revision programme. This falls broadly into three categories, the first of which comprises charters and letters patents from 1066 to 1922. The second category comprises three types of secondary legislation: secondary instruments from 1821 to 1922, statutory rules and orders from 1922 to 1947 and statutory instruments from 1948 to date. The third category comprises two types of post-1922 primary legislation: public general Acts from 1951 to date and Private Acts from 1922 to date.

I thank all Members for their involvement in this debate. I look forward to further deliberations on Committee Stage next week. If Members have any further questions, we can go through them then.

Question put and agreed to.
Acting Chairman (Deputy Bernard J. Durkan): I understand it is proposed to send the Bill to the relevant committee.

Minister of State at the Department of Public Expenditure and Reform (Deputy Eoghan Murphy): I move:

That the Bill be referred to the Select Committee on Finance, Public Expenditure and Reform, and Taoiseach pursuant to Standing Orders 84A(3)(a) and 149(1).

Question put and agreed to.

The Dáil adjourned at 8.10 p.m. until 12 noon on Thursday, 1 December 2016.