



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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# DÁIL ÉIREANN

*Déardaoin, 19 Eanáir 2017*

*Thursday, 19 January 2017*

Chuaigh an Leas-Cheann Comhairle i gceannas ar 12 p.m.

*Paidir.*

*Prayer.*

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## Leaders' Questions

**Deputy Anne Rabbitte:** As the Tánaiste is aware, one of the many costs facing families is child care. Many choose to have au pairs to help them in that regard, normally as part of a cultural exchange. There are up to 20,000 au pairs in Ireland and some Deputies have undoubtedly used them at some point. Most au pairs have a great experience in the six to 12 months that they spend in this country, but there is no regulation or legal definition of au pairs. This allows them to be open to exploitation, which is condemned by all sides of the House.

There have been a series of Workplace Relations Commission, WRC, rulings in the past 12 months. As reported in today's newspapers, it found as recently as yesterday that €2,300 had to be paid to an au pair who had not been paid the minimum wage or for three Sundays. Last June, Fianna Fáil introduced a Bill, which the Government decided not to support for various reasons, to discuss the definition of "au pair" and bring legal clarity to same.

Families up and down the country are reading newspapers today to see how the situation is being addressed, but it is not. Instead, we have pushed the issue out further, leaving people wondering about the definition. We must now decide whether we want to support the 20,000 families and press for the board and lodgings rate of €54 per week. The Minister of State, Deputy Breen, has considered whether this matter should be reviewed, but where is that review? The situation has not been reviewed in 15 years. According to the Minister of State, the 20,000 families would benefit from a review, given that they would then fall under the minimum wage criteria.

Why is the Government allowing these anomalies to continue and why is it prepared to dismiss the concerns of families that depend on au pairs? Does the Government believe that the au pair programme is worth maintaining? Apparently, the Minister of State requested the Low Pay Commission to review the board and lodgings rate last September, but nothing has been heard since. When will the review be completed and when will families with au pairs have clarity on the matter?

**Deputy Mary Lou McDonald:** What about the au pairs themselves?

**An Leas-Cheann Comhairle:** I thank the Deputy for observing the time. I am anxious that Members would keep to the three minutes. The Tánaiste has three minutes.

**The Tánaiste:** I recognise Deputy Rabbitte's interest in the issue of au pairs who are work-

ing with families in this country. As she appreciates, the approach of the Government to child care generally is to extend the schemes that are available, to ensure a far wider number of families benefit from the child care subsidies that are available and to introduce a second ECCE year. There was agreement in the budget that more money would be provided for child care in order to extend the programmes, as the Minister for Children and Youth Affairs, Deputy Zappone, announced.

There is a history in this country of informal child care. In terms of access for funding for child care schemes, the Government has asked that childminders would register with county child care committees. They have, and continue for the most part, to operate in an informal and unregulated manner. We would like to see more registration because it is a support both for the families and the childminders who are providing the service. I believe it is in that context that the debate and discussion on au pairs has to be seen.

I welcome the recent ruling to which Deputy Rabbitte referred, and also the fact that the Minister of State, Deputy Pat Breen, ordered a review some months ago. We await its outcome. It is clear there is huge potential for exploitation and we must be very clear what precisely families are asking au pairs to do. The Deputy cited instances where au pairs have been asked to do far more than they originally expected. We will await the review to see precisely what kind of approach is best. In the broader context that I have outlined, we have seen a lot of informal arrangements and they predominate among families who choose childminders. We want to move from that so that we have standards and regulation but the question is how far one goes with regulation. The au pair situation is a classic example of that. Many families will want to continue with more informal arrangements but clearly we need to have good guidelines and the review will examine whether they should be statutory.

The au pair system has traditionally, and should continue to be seen, as an educational and cultural opportunity for the person visiting, as opposed to a replacement for child care. We do not want to move in that direction where employing somebody on a more casual basis or asking them to be part of one's family is seen in some way as a substitute for child care. A working group on childminders is examining the entire question of registration and how that can be accelerated and we await the report on the au pair situation that the Minister of State, Deputy Breen, has commissioned.

**Deputy Anne Rabbitte:** I thank the Tánaiste for her comments. No side of the House condones any form of exploitation but what the Tánaiste said does not address what is a very serious issue. Families who use au pairs need more than just platitudes at this stage. They need to know how long the Low Pay Commission will take in reviewing this area given all the other issues it must consider. Given that there has not been an increase to the board and lodgings allowance for au pairs since 2002, surely there is a reason to urgently review the rates of au pairs if they are allowed to continue to be covered under the National Minimum Wage Act?

Some people require flexibility or someone to stay in their home, for example, a nurse or garda. We must allow shift workers to have child care solutions that work for them. Parents must have a choice in terms of child care. We cannot remove all the choice that is currently available. The Government's inaction is encouraging more au pair activity into the black market and it is being forced to go underground.

**The Tánaiste:** We await the Low Pay Commission's review on board and lodgings. I agree with Deputy Rabbitte that it is time to review the rate paid to au pairs. There is no question

about that. We await the report to see precisely what the recommendations will be. Extending the availability of affordable, accessible child care remains a priority for the Government. Yesterday, I held a consultation on the new national women's strategy attended by 150 women. The question of further financial support for parents who are trying to access child care came up again and again so it remains a priority. The Deputy can see the increased funding in the budget from the Minister for Children and Youth Affairs to extend child care. The regulation and approach to *au pair* services must be seen in that context.

**Deputy Mary Lou McDonald:** I want to raise a HSE report into colonoscopy screening services at Wexford General Hospital. The report concerns the recall of patients who were treated by a consultant referred to as "clinician Y". The recall was instigated on foot of two cases of cancer being detected in October 2014 in patients who had recently undergone a colonoscopy but had not been diagnosed. The report found a higher than acceptable rate of interval cancers in the cohort of patients screened by clinician Y. What this presents in non-HSE management speak is a shocking scenario. The report found that a recall of 615 patients found 13 possible missed cancers. Six of the cases concerned patients in Wexford and seven involved patients in Carlow and Kilkenny. Of the 13 cases identified, it has been discovered that one man died before the recall took place. We can only send our sympathies to his family and loved ones this afternoon and indeed to all those affected by this turn of events.

Cancer screening programmes like this one are valuable. They can and do save lives and it is essential that they enjoy public confidence. There is always the possibility of human error in anything, including medical diagnosis. That is possible but this scenario goes way beyond that. Missed diagnosis on this scale reveals potential systemic and institutionalised problems concerning bowel screening in a hospital serving much of the south east. What we need are assurances that this will not and cannot happen again. We all want and need citizens to have confidence in the screening programmes, which are crucial for early diagnosis of life-threatening diseases that can be treated or indeed cured if detected. Events like this one in Wexford General Hospital do not help that cause. They reveal a catastrophic series of errors. What citizens deserve are answers. I listened to Dr. Orla Healy on "Morning Ireland" on my way in this morning. She spoke about key performance indicators, audits and local governance structures. This is all very fine but none of it provides citizens with the answers they want. How did this happen? They want to know why it took so long to rectify and recognise the issues involved and, above all, they want to know who is responsible. Reports report, and God knows we have had lots of reports about the health service, but what we need to know is who is accountable in this instance and where the buck stops.

**The Tánaiste:** I acknowledge the huge anxiety and distress for the patients concerned. Like the Deputy, I extend my sympathy to the family of the patient who died before the HSE review commenced. The report outlined the look back process and the actions taken by the HSE following identification of the probable missed cancers. The Deputy talks about this being systemic. It is important to note that the HSE related these events to the practice of a single clinician. The full report has been made available on the HSE website. Following the HSE audit, 615 patients were recalled for either a repeat colonoscopy or an outpatient appointment. I am informed that all patients involved have been contacted. It is important to note that all had open disclosure and have since been provided with support and treatment. Since the Wexford General Hospital incident, BowelScreen has reviewed its quality assurance procedures to ensure all units and individuals delivering colonoscopy services on behalf of BowelScreen are doing so to the highest possible standard.

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In line with good practice as well as the open disclosure, an external review is commencing to see what further lessons can be learnt. It will look at how the incident was identified and managed, and will include recommendations on the point the Deputy has made about governance, accountability and authority at each level involved. It is expected that review will take six months to complete. The Minister of Health has been made aware of the incident and has received regular updates on the progress of the review.

I wish to make the general point that bowel cancer is the second-most common newly diagnosed cancer in Ireland. It is also the second-most common cause of cancer death in Ireland. The BowelScreen programme provides a valuable service and screening is the most effective approach. The uptake of the bowel screening programme offered to individuals is not what it should be. This is an opportunity to encourage people to respond when they receive the letter on screening in the post.

**Deputy Mary Lou McDonald:** I entirely echo the Tánaiste's sentiments in respect of the screening process. I return to my initial point. This is why public confidence is so essential. For the uptake to increase and therefore for danger to citizens' health to decrease, people must have confidence in the system.

These events date back to October 2014. This has been a long running saga. A number of people placed their trust and confidence in that screening programme and were misdiagnosed or not diagnosed. In any event they left in full confidence that they were hale and hearty only to discover after the fact that was not the case.

The Tánaiste made the point that the misdiagnoses can be traced back to a single clinician. It should be said that the medic in question contests the findings of the report. It is important to put that on the record of the Dáil. People who have heard the news from Wexford General Hospital ask if they can have confidence in the programme, and also who takes responsibility for this. At the end of the day when the reports are written and the audits are done, where does responsibility lie? Is it with an individual? Is it the stresses and strains of an under-resourced system? Citizens need answers to these questions.

**The Tánaiste:** Neither the Deputy nor I want to undermine confidence in the screening processes we have in place for various illnesses and health issues. Having said that, in October 2014 when the national bowel screening programme was informed of the two cases, it took action. In November 2014 Wexford General Hospital, BowelScreen and the particular clinician, let us say clinician Y, said no further BowelScreen colonoscopies would be carried out by that clinician until the review of the two cases was completed.

In January 2015, a HSE serious incident management team was established. People were contacted immediately. It is important to note that there has been both action at a local level within Wexford General Hospital and by the HSE and we will also have an external review in line with good practice and that there has been open disclosure. Open disclosure certainly in the way this has been done is new and to be welcomed. The external review will, of course, address the various issues the Deputy has raised today.

**Deputy Mattie McGrath:** I wish to ask about the ongoing situation in South Tipperary General Hospital and the general crisis in accident and emergency departments. South Tipperary General Hospital, formerly known as St. Joseph's and still called that in Clonmel, which the Minister, Deputy Harris, has visited, is a very old hospital. First, I wish to salute and pay

tribute to the front-line staff - doctors and nurses - all other staff and the management for the tremendous work they do there on a daily basis in appalling conditions. They see no end to or relief from the chronic overcrowding, the bed crisis and the lack of capacity. The hospital just does not have the capacity to deal with the influx of patients, especially since the accident and emergency department in Nenagh was closed. The hospital has a huge catchment area which includes parts of Deputy Mary Butler's constituency of Waterford. The situation is at crisis point.

The Minister for Health, Deputy Simon Harris, visited recently and there was a promise of a patient hotel. It never arrived and we knew that it would not because there had not even been planning meetings about it. We had the announcement eight days ago of 11 extra beds in an alcove off a corridor. It now transpires that they are not beds but trolleys that will just be shoved into an alcove and patients will be left there, in many cases without blankets or pillows. Patients have to use their own coats. I have seen elderly men and women with no pillows and family members going out to buy some for them. It is appalling - the conditions are almost Third World-like.

I appeal to the Tánaiste and the Minister for Health, Deputy Harris, to do something. Is the latter going to end up like his predecessor, Deputy Leo Varadkar, totally captured by the HSE officials? Deputy Varadkar has escaped, has gotten a new lease of life and freedom and the best of luck to him. He was captured by the officials, as is the current Minister. Every parliamentary question that is submitted to the Department of Health is sent to the HSE for answer while we have all of these scandals, one after the other.

The Minister for Health, Deputy Harris, visited the hospital in Cashel and was shocked at the conditions there. We were told that less than €15 million was spent there. However, the Committee of Public Accounts decided this morning to investigate it at my request because €22.4 million was spent but it is a patient-free zone. No patient will be allowed into that hospital. There are no beds and even the lift was removed. There is something rotten in the state of Denmark with regard to the HSE.

Two former Ministers for Health, Deputy Leo Varadkar and Senator James Reilly, said that the HSE would be disbanded, as did two former taoisigh, former Deputies Bertie Ahern and Brian Cowen. Somebody has to take control of the HSE because, as I have said numerous times, it is an organisation that is unfit for purpose. It has cannibalised itself with officialdom and is not serving the public. The patient seems to be the last person that is considered or respected by the HSE and the situation in Cashel demonstrates that quite clearly. Cashel is only 15 miles from Clonmel. We were promised step-down beds in Cashel to relieve the pressure on the hospital in Clonmel but instead of that, it was stripped of all its medical and surgical equipment. Even the lift was removed. The patient seems to be the last person in whom we are interested. Officials are ruling the roost.

**The Tánaiste:** I recognise the points the Deputy has made with regard to the challenges being faced in Clonmel. One of the key targets of the various health initiatives, particularly the €40 million initiative announced by the Minister for Health, Deputy Harris, is to reduce delayed discharges nationally from a high of 695 earlier in 2016 to fewer than 500. The HSE has exceeded this target. It is very important that we recognise that because home care packages are being supplied, people are able to leave hospital, thus taking away some of the pressure.

Of course, there have been some initiatives taken in the hospital to which the Deputy refers.

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Extra beds have been provided, the emergency department has been extended and the community intervention teams have been further supported. However, challenges remain. Since the start of the winter initiative over 7,500 patients have availed of the services of community intervention teams meaning that many were, in the first instance, able to avoid hospital while others were discharged earlier. Over 1,000 of the aforementioned 7,500 patients got extra services. Under the initiative 670 additional home care packages were provided and 330 extra transitional care beds have been approved since early October 2016. Extra step down beds have also been provided in a number of hospitals.

The Government, like everyone in this House, is keenly aware of the challenges, particularly in our emergency departments. A range of initiatives has been announced to improve the situation. We have a reduction in the number of people on trolleys but it is still too high. It has reduced from the high of recent weeks. Other initiatives being taken may benefit the situation described by Deputy McGrath, for example, the utilisation of private hospital capacity to support some public hospitals, additional access to diagnostic services for GPs and supporting nursing homes in the challenges they face at present. It is hoped these initiatives will ease the situation. The Minister has been seriously examining and addressing the very situation outlined by the Deputy, which is affecting Clonmel.

**An Leas-Cheann Comhairle:** I will deprive Deputy McGrath of a supplementary question because he has had extra time today to which he was not entitled. My advice was that the Rural Independent Group had time today but I am now being told it was the Labour Party. I apologise to the Labour Party, in particular Deputy Howlin, and I now call on him.

**Deputy Brendan Howlin:** Does Deputy McGrath wish to finish with a supplementary question?

**An Leas-Cheann Comhairle:** No, I am providing for an extra question.

**Deputy Brendan Howlin:** We are to have five questions today.

**An Leas-Cheann Comhairle:** We must accommodate. We will possibly penalise Deputy McGrath at a later stage, even though it was not his fault.

**Deputy Brendan Howlin:** I know the Leas-Cheann Comhairle did not intend to disenfranchise the Labour Party.

**Deputy Mattie McGrath:** Nor did I. On a point of order-----

**An Leas-Cheann Comhairle:** On a point of clarification, it was an administrative error and we will leave it at that. Everybody is human.

**Deputy Brendan Howlin:** Nobody intended to make the mistake.

Ninety-eight years ago today, the Democratic Programme for the First Dáil was published. Written by the Labour Party leader, Tom Johnson, it set out an ambitious set of proposals to make Ireland an equal and prosperous nation. That programme declared the right of every citizen to an adequate share of the produce of the nation's labour. Ninety-eight years later, the Tánaiste will agree we are some distance from realising this important and lofty ambition.

During the last election, the Labour Party proposed the Low Pay Commission be mandated to deliver a living wage to all working people during the lifetime of this Dáil. We wanted to

build on the decent progress made by the previous Government, which saw the hourly minimum wage rate rise by €1.50 after Fianna Fáil had savagely cut it. The programme for Government which Fine Gael, together with the Independents, has published, promised to increase the minimum wage to a level of €10.50. It is a crying shame the Government has done nothing to deliver on this outcome to date. The 10 cent per hour increase awarded from 1 January will come as little comfort to those working on the minimum wage. For the 100,000 people or more who get paid just €9.25 per hour that increase, bluntly, was an insult. If the Government continues at this rate of increase, if this is to be the rate that will take place, it will be 2030 before the modest €10.50 promised in the Government proposals is reached. That is another 13 years to achieve the target set. Frankly, that is not good enough, and I suspect that privately the Tánaiste agrees with me on this issue.

What action, if any, does the Government intend to take to deliver at the very least on its published commitment to bring the minimum hourly rate of pay in the State to €10.50? More importantly, will Fine Gael now review the agreement it has with the Independents on this, and the commitment set out in the programme for Government, and instead set a clear pathway for the lowest paid in the State to achieve what, by universal agreement now, is required to maintain a living wage in the State?

**The Tánaiste:** I thank Deputy Howlin, who quoted Tom Johnson, and I recognise the anniversary today to which he referred. The Deputy spoke about people benefiting from the fruits of society. That is precisely the approach the Government took in the budget. We passed a prudent budget. The ESRI recognised that those earning the least benefited the most. There are now 2 million people at work and it is Labour Party policy to ensure people have access to jobs, a job being the best way out of poverty. It improves people's standard of living and it gives us the resources to invest in services we need for the fair society to which the Deputy referred.

Access to services is part of creating a fair society. The Low Pay Commission was independent during the Deputy's time in Government and it remains independent. The programme for partnership Government sets out detailed actions and commitments which will be implemented over the lifetime of the Government and has one simple objective at its core, namely, to make people's lives better in every part of Ireland and ensure the recovery reaches out to every family and region. We are taking every action we can to build the strong economy that will enable us to deliver the fair society about which the Deputy spoke.

The progress report which we published some weeks ago sets out some of the progress made to date. I recognise that there is more work to be done and, as resources permit, the issues outlined by the Deputy will continue to receive attention. I ask the Deputy to acknowledge that it was a fair and prudent budget that continues our road to economic recovery and allows us to give direct support to individuals who need most. It also creates the conditions that ensure people have access to work and we can invest in services.

**Deputy Brendan Howlin:** Getting people back to work is an overarching priority but getting people back to work is not the full story. People in work have to be afforded a decent standard of living and work must pay. I am aware of the mandate of the Low Pay Commission but that mandate can be changed by the Government. We have proposed that the terms of reference of the Low Pay Commission should be amended by including a requirement that it works to the achievement of a minimum wage equivalent of 60% of median income by 2021. The Minister for Jobs, Enterprise and Innovation, Deputy Mary Mitchell O'Connor, has resisted that change. Will the Government consider making a change to the terms of reference of the Low Pay Com-

mission? It is not its fault that it allocated a miserable 10 cent per hour as that was all it could do under its terms of reference. Would the Government change that and make sure public sector workers are the first to benefit, and ensure the Public Sector Pay Commission, now in being, is mandated to deliver on a living wage for all public sector workers, for whom the Government has direct responsibility? Is it content to wait until 2030 before a decent living wage is paid to workers in the State?

**The Tánaiste:** The Deputy is well aware of the challenges this country faced and he was instrumental in ensuring we moved forward on the right path to ensure the economic recovery. The last report from the commission made several points on concerns about remaining competitive, the fragile recovery and the impact on Border areas and SMEs. The commission has commenced work on its third report regarding the appropriate rate for the national minimum wage. As part of the public consultation aspect of this process, it is looking for submissions before 9 February and it will submit its third report by 18 July 2017. The Minister will have heard what the Deputy said and this will be part of the Government's consideration of precisely what rate we can move forward with. It is clear that in a post-Brexit situation, where there are many challenges and where the country has to remain competitive if we are to continue to create jobs, this kind of decision has to get full consideration. I reiterate that it is crucial for us to ensure we continue on the path of economic recovery on which we have started.

**Deputy Róisín Shortall:** Earlier this month, the Master of the High Court criticised the Government for failing to protect people who are facing the repossession of their homes. He said that under EU consumer law, our courts are required to examine each mortgage contract, regardless of whether the defendant is in court, to ascertain whether its terms are unfair. His claim is that county registrars, as agents of the EU, are failing in their duty. In light of the seriousness of these claims, I tabled a parliamentary question to the Tánaiste. The reply I received from her on Tuesday directly contradicts Mr. Honohan's claims. Her reply places the onus on the defendant to seek protection under EU law on the grounds of an unfair contract. On further examination, I discovered that Mr. Honohan's claims in respect of the State's responsibility are supported by three compelling sources. First, the European Court of Justice ruled in 2013 that "the national court is required to assess of its own motion whether a contractual term... is unfair". Second, Mr. Justice Max Barrett's recent ruling in the Counihan case cited the European Court of Justice's 2013 ruling. Third, the scheme of the Consumer Rights Bill, which is being advanced by the Minister, Deputy Mitchell O'Connor, in her Department states that this obligation on the courts has been clearly established. Will the Tánaiste tell the House whether her reply to my parliamentary question was cleared by the legal team in her Department before it was issued to me? Did she discuss the matter with the Office of the Attorney General? How can she explain the direct contradiction between her reply and the sources I have cited?

**The Tánaiste:** This issue was the subject of a Topical Issue debate in this Chamber earlier this week. The reply that was given on that occasion, like the reply that was given to Deputy Shortall's parliamentary question, outlined the approach that is being taken in this regard. Both replies made it clear that further legal advice is being taken on this issue, that the court statements and judgments have been noted and that varying legal advice has been received. My Department has taken legal advice on this issue generally, although not necessarily in relation to a particular parliamentary question, and has drawn up its replies on that basis. It was made clear during the Topical Issue debate that the Department will be taking further advice. I will communicate directly with the Deputy when that information has been received.

The Government has taken a series of initiatives within the Departments of Justice and

Equality and Social Protection to reach out to mortgage holders to ensure further information is available to them. Under a new scheme, vouchers for legal advice are made available to individuals to ensure they have better access to legal advice in the courts system. That new scheme has been taken up very successfully since it was announced some months ago. More general information and advice is also available. The Insolvency Service of Ireland has seen a very large increase in its activity recent months since the changes were made and the new scheme was announced. The new scheme has removed any financial barriers that may be encountered by people when they are deciding on the best way forward from a legal point of view. I will communicate further with the Deputy when I have received further legal advice on this issue.

**Deputy Róisín Shortall:** The Tánaiste's response is just not good enough. I asked her a specific question about Mr. Honohan's criticisms and her potentially inaccurate response to a parliamentary question I tabled on Tuesday. I would expect that the veracity of a reply to a parliamentary question on an issue like this would have been checked before it was issued. Under the European Court of Justice ruling, "the national court is required to assess of its own motion whether a contractual term falling within the scope of the directive is unfair, compensating in its own way for the imbalance which exists between the consumer or the seller or supplier" of a service. The implications of the failure of the courts to adhere to the requirements of EU consumer protection law are potentially extremely serious. It appears that repossession orders are being granted without the courts taking the initiative to assess whether mortgage contracts are unfair. This is clearly a denial of people's rights by the courts. Are repossessions happening without people being afforded their rights and does this expose the State to legal challenge due to its failure to adhere to the requirements of EU law?

**The Tánaiste:** County registrars are officers of the court and independent in the exercise of their functions and duties under statute and the rules of court. It is important to point out the following. As a matter of law, they may only make an order for the possession of any land in cases where no defence to an action for possession has been delivered by the defendant or no appearance has been entered by the defendant.

**Deputy Róisín Shortall:** The Tánaiste is repeating the inaccuracy.

**The Tánaiste:** Let me finish. Therefore, the power of a county registrar to make orders for possession is extremely limited.

**Deputy Róisín Shortall:** The Tánaiste is wrong.

**The Tánaiste:** Where any defence is raised by a defendant, including any defence in relation to the nature or terms of the mortgage contract between the borrower and lender, the matter must, when it is in order for hearing, be transferred by the county registrar to the judge's list at the first opportunity. The courts are independent, which is an important point to make. Following the transfer, it will be a matter for the judge to consider any issues raised, including, if applicable, issues in relation to the EU directive on unfair terms in consumer contracts, which was given effect in Ireland by way of regulations in 1995. The directive and regulations are matters for the Minister for Jobs, Enterprise and Innovation and it is understood that the Competition and Consumer Protection Commission has supervisory powers to ensure compliance with them.

**Deputy Róisín Shortall:** The Tánaiste is compounding the error now.

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## Questions on Promised Legislation

**An Leas-Cheann Comhairle:** We have 15 minutes for questions on promised legislation. I remind Deputies that this time is for questions on promised legislation, not statements. Some 13 Members have indicated and I will call them in the order that they indicated to me. I call Deputy Danny Healy-Rae to ask a question. I would like him to set a good example.

**Deputy Danny Healy-Rae:** The question is that farmers are under severe financial pressure and many of them are waiting for their GLAS payments. Why is this so? I am asking the Minister to speed up the GLAS payments due to farmers. Why are they being held up? We are already in 2017 yet many have not been paid. I ask the Minister to pay them as soon as possible.

**The Tánaiste:** I ask the relevant Minister, Deputy Michael Creed, to reply.

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** We recently opened GLAS and now more than 50,000 farmers are eligible for payments under the scheme. Currently, fewer than 9,000 applications await payment. As such, a very substantial number of farmers have already been paid. We are working through this as quickly as possible, which I appreciate is cold comfort if one is among those awaiting payment. However, the Department is approving payments as they are processed. Some have outstanding documentation due and communication is happening with farmers in that regard. We are making every effort to clear the backlog of payments due.

**Deputy Danny Healy-Rae:** A lot of them are in Kerry.

**An Leas-Cheann Comhairle:** There appears to be some confusion that it is the norm to call Leaders but there are 15 minutes in total. If the Leaders insist on me calling them, I will say to the others at the end-----

**Deputy Brendan Howlin:** We would have indicated if we had known the Leas-Cheann Comhairle was changing the rules in the middle of the day.

**An Leas-Cheann Comhairle:** No. It is just as they indicated.

**Deputy Richard Boyd Barrett:** So, we are calling the Leaders.

**An Leas-Cheann Comhairle:** Yes. As such, there will be some who are disappointed. It is 15 minutes. I call Deputy Anne Rabbitte.

**Deputy Anne Rabbitte:** I will be quick. The spring-summer legislation programme was cleared by the Government on Tuesday last, but there is no date included as to when the House can expect heads of a Bill on the affordable child care scheme. The Bill is essential for the smooth operation of the affordable child care provision announced by the Minister for Children and Youth Affairs, Deputy Katherine Zappone, last year. Is it expected in this session?

**Minister for Children and Youth Affairs (Deputy Katherine Zappone):** I am bringing a memo to Cabinet next week with a view to securing permission to publish the heads of the Bill. It is hoped the Bill will be enacted and commenced to ensure that the affordable child care scheme will be in place when we said it would be.

**Deputy Mary Lou McDonald:** The programme for Government contains a commitment on the value and benefits of rural transport links for communities. In respect of that, and with

an eye to the fiasco that is unfolding around Bus Éireann and the very aggressive position taken by management, I note that the Minister is missing in action from all of this. I ask that the Minister, Deputy Ross, be asked to present himself before the House and give a full account of his stewardship of this matter.

More to the point, I want him to outline how he and the Government propose to honour the programme for Government commitment which places a premium on the benefits of rural transport links for communities. To many of us, it seems that rather than building on it the Government is hellbent on dismantling it.

**The Tánaiste:** I understand that the Minister is dealing with a Topical Issue matter later which will address these issues. For 2017, the Minister, Deputy Ross, has secured an 11% increase in Exchequer funding for PSO services generally. That means that Bus Éireann's PSO funding will likely increase in 2017.

**Deputy Brendan Howlin:** The programme for Government includes a commitment to include family consent and an opt out register for organ donations to be enacted before the end of this year. As the Tánaiste is aware, this important legislation will greatly increase the availability of life-saving organs for transplantation. It is extraordinary that there is no mention of it in the programme. I ask the Tánaiste to recommit to making that happen this year. When will we see the heads of a Bill and when can we expect the Bill to be presented to the House?

**The Tánaiste:** I will ask the Minister to communicate directly with the Deputy in regard to that issue. I agree it is important and we would all like to see it progressed.

**Deputy Richard Boyd Barrett:** Disability rights activists are outside the Dáil as we speak, and I am passing on their request to the Tánaiste. They want to know when the promised legislation to ratify the UN Convention on the Rights of Persons with Disabilities will come before the House, be debated and ratified?

One of those outside made a very simple point to me, namely, that North Korea, a tin-pot dictatorship, has signed the convention, yet we have dragged our heels for the best part of a decade. Could the Tánaiste provide me with the details so that I give those outside an answer as to when, precisely, the Bill to deal with this matter will come before the House and the timescale for it to be concluded?

**The Tánaiste:** Some countries sign it, but they do not do very much.

**Deputy Richard Boyd Barrett:** I am sure that is true of North Korea.

**The Tánaiste:** We have consistently improved services for people with disabilities and have taken a huge range of actions to make a difference to the lives of people who have a disability. We want to sign the convention when we have done the required work. The Bill went to and was agreed by the Cabinet before Christmas. The Minister of State, Deputy Finian McGrath, will take the Bill in the second week of February.

**Deputy Mattie McGrath:** I refer to the recognition in the programme for Government of the role played by education in tackling disadvantage. Will the Tánaiste and Government commit to escalating the examination that is currently taking place in forming a list of new DEIS schools to be designated? I refer specifically to St. Joseph's primary school in Tipperary and its sister schools.

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I understand the Department of Social Protection is nearing the end of the review. There is huge expectation and people around the country are waiting for an announcement. Tipperary town missed out on the last DEIS programme and schools have been treated very unfairly. What stage is the list at and will the Tánaiste please escalate the process?

**The Tánaiste:** The review of DEIS areas is at an advanced stage. It is being discussed at a Cabinet sub-committee and decisions are expected shortly. As the Deputy is aware, this week the Cabinet sanctioned a further 900 teachers and resources for schools for children with special educational needs. The review is under way and nearing completion.

**Deputy Charlie McConalogue:** My question is for the Tánaiste and the Minister for Agriculture, Food and the Marine. Following on from the Private Members' debate last night, what is the Minister's intention with respect to calling an urgent meeting of the tillage forum to discuss with farming organisations and representatives of the tillage sector how compensation and a crisis fund for those farmers who lost a significant part of their harvest along the west coast due to the bad weather last autumn will operate and how they will be compensated?

**Deputy Michael Creed:** As I indicated in our amendment to Deputy McConalogue's Private Members' motion, I intend to convene a meeting of the tillage stakeholders' forum at the earliest possible opportunity. I expect to meet them in the next two weeks with a view to progressing issues they raised at a previous meeting, including the issues referred to by the Deputy.

**Deputy Martin Kenny:** I will also raise the issue concerning the GLAS scheme. As the Minister stated, this affects up to 9,000 farmers who are waiting for their payments. When they come to us and we contact the Department, nine times out of ten we are told there is some stop on the payment but a day or two later it is removed. The issue is usually not on the farmer's side but something in the Department. Many feel that there is something in the Department's IT system that seems to be blocking the payments. Will the Minister confirm that this may be the case? If it is the case, will he accept that a payment delayed is a payment denied? These farmers need to get their money as quickly as possible. What can be done to resolve the issue?

**Deputy Michael Creed:** I assure Deputy Martin Kenny that every effort is being made to clear payments as quickly as possible. The Department has no interest in delaying payments to individual members. As I stated to Deputy Danny Healy-Rae, the number of outstanding applications is somewhat less than 9,000 and the scheme is now open to more than 50,000 farmers. I appreciate that is not the message those who are waiting want to hear. In the round, delays exist that are due to incomplete documentation being furnished and logistical reasons in processing payments. We are working through these issues and committing the resources within the Department to clearing the backlog as quickly as possible.

**Deputy Eugene Murphy:** Many of my colleagues on this side of the House have been asking for some time when we will see the legislation on wind farms. Communities up and down the country are extremely frustrated at so-called promises that we would see it the next week or the week thereafter. It is not coming. I advise the Government to publish the proposed legislation so that communities can discuss it and consider where we are going with this because it is quite a big issue throughout the country.

**The Tánaiste:** I understand that EU rules require public consultation to take place first. This will take place in March or April. It is a precursor to the legislation.

**Deputy Tony McLoughlin:** With regard to providing the victims of crime with greater

support and assistance in their time of need, when can we expect the Criminal Justice (Victims of Crime) Bill to be enacted? Will it happen in 2017? I understand that we are still waiting on Second Stage of the Bill.

**The Tánaiste:** The Criminal Justice (Victims of Crime) Bill has been published and was approved by Cabinet before Christmas. I agree it is important legislation that will change the balance in our criminal justice system in terms of victims and victims' rights and hope that the Business Committee will agree to it being taken this term.

**Deputy Eoin Ó Broin:** As the Tánaiste knows, a cross-departmental working group is examining legislation to ensure the responsibilities of landlords under the Residential Tenancies Acts apply to banks, vulture funds and receivers when they repossess properties. There was disturbing news in the *Irish Examiner* today that approximately 20,000 mortgage repossession cases that were adjourned will be back before the courts this year. In my view, we will see a significant increase in the level of home repossessions, including properties of buy-to-let landlords. When will this working group report and when will the legislation be introduced? If there is, as we suspect, a dramatic increase in the number of home repossessions, will the Tánaiste bring forward the timeline for the legislation so tenants are given the adequate protections they so rightly deserve?

**The Tánaiste:** I will ask the Minister to communicate directly with the Deputy on the matter.

**Deputy Robert Troy:** I understand the Taoiseach will visit Ballymahon on Monday to launch the rural renewal programme. His visit will take place one week after an arm of the State issued letters to many businesses in Longford-Westmeath about rates revaluations. Yesterday, when I asked the Taoiseach when the heads of the Bill to deal with the revaluation of business rates would be published, he indicated that it would be later this year. In my constituency, some businesses have been issued with rate increases of 400%. In her reply to Deputy Brendan Howlin's question, the Tánaiste spoke about the need to remain competitive. How can a small business remain competitive when it receives a rate increase of 400%? Will the Tánaiste ask the revaluation office to put rate increases on hold until such time as the legislation promised in the programme for Government has been introduced?

**The Tánaiste:** As the Taoiseach informed the Deputy earlier in the week, the heads of the Bill to which he refers are being prepared. I am sure they will be brought to Cabinet as soon as they have been completed. The Bill will be drafted as soon as possible.

**Deputy Joe Carey:** I want to establish the position in respect of the family court Bill. When will the Bill be debated in the House?

**The Tánaiste:** We are awaiting pre-legislative scrutiny by the Joint Committee on Justice and Equality. As soon as that has been done, we can move forward with the Bill.

**Deputy Seamus Healy:** When will the budget commitment to grant medical cards to the children of those in receipt of domiciliary care allowance be implemented? When can we expect these children to receive a medical card?

**The Tánaiste:** I expect the relevant legislation, which is a priority, will be in the Dáil shortly.

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**Deputy Bernard J. Durkan:** The mediation Bill is long promised legislation. When is it expected before the House?

**The Tánaiste:** As the Deputy probably knows, the family remediation Bill is on the priority list and I hope we will be in a position to introduce it during this term. It is important legislation which will give people an opportunity to avoid costly court proceedings and try to resolve their difficulties through mediation.

**Deputy Joan Burton:** On the commitment to community policing in the programme for Government, on Tuesday I received a response from the Tánaiste to a parliamentary question I tabled concerning the number of community gardaí in the Lucan and Clondalkin areas. The question was part of a series of questions related to the west side of Dublin where there is a serious crime problem and, as the Tánaiste will be aware, a horrific murder took place in recent days. The reply I received indicated that six community gardaí had been allocated to Lucan, an area in which tens of thousands of people live, and a glorious total of seven community gardaí had been allocated to Clondalkin. This effectively means that an urban area which, unfortunately, is experiencing a serious problem and is affected by the spillover of the gang crime that is disfiguring Dublin and other parts of the country has almost no community gardaí. This matter is the responsibility of the Tánaiste, as the Minister for Justice and Equality, although I acknowledge that direct line responsibility lies with the Garda Commissioner. Is the Tánaiste speaking to the Commissioner? Does she consider that six community gardaí for Lucan and seven for Clondalkin in any way adequate? Incidentally, the number of community gardaí in Blanchardstown is not much higher.

**The Tánaiste:** I deplore the senseless loss of life we have seen again in recent days. I am ensuring that the Government will provide resources to An Garda Síochána to ensure it can intervene effectively. We have also made a decision to increase the number of gardaí in all areas, including Lucan and Clondalkin. Other areas, for example, Blanchardstown, the local area of Deputy Burton and the Minister for Social Protection, Deputy Varadkar, have seen an increase in the number of gardaí assigned to them. Almost every Garda division has been assigned additional gardaí and we will assign additional gardaí again this year as we continue to recruit an extra 800 gardaí.

When this Government came into office, Templemore was closed and there was no Garda recruitment.

**Deputy Brendan Howlin:** That was the previous Government.

**The Tánaiste:** We have changed that completely. We are determined that every community will have Garda resources in place to intervene. The Garda has been intervening, preventing crime, bringing people to justice and seizing weapons and drugs. It has achieved significant success.

*1 o'clock*

Unfortunately, there are people who are intent on violence. I want to ensure that every community has the resources to deal with this challenge.

**An Leas-Cheann Comhairle:** I thank Members for their co-operation in complying with the principle of Questions on Promised Legislation. All who requested to speak were facilitated.

## **Consumer Insurance Contracts Bill 2017: First Stage**

**Deputy Pearse Doherty:** I move:

That leave be granted to introduce a Bill entitled an Act to reform the law of consumer insurance contracts and to provide for related matters.

In recent years we have seen the insurance industry treat its customers with arrogance and, over the last couple of years, completely unjustified and unjustifiable increases in motor insurance premiums. An incredible level of defensive spin has emanated from this industry.

This Bill seeks to level the playing field so that the consumer is better equipped to stand up to the insurer and argue the toss. It represents a major modernisation of insurance contract law in Ireland and is based on a report by the Law Reform Commission from July 2015. I acknowledge the work and expertise of the commission in this area and in drafting this legislation.

Much of our insurance contract law is archaic and not fit for the modern world. It was drafted at a time when insurance was based largely on the needs and demands of the shipping industry. Much has changed, not least the relative power of the multinational insurance company and of the customer. In this day and age the insurance consumer is at a huge disadvantage when faced with the lawyered up, technically savvy insurer. We know the results: the insurer holds all of the cards. Currently, if I insure my house and indicate in my contract that I have a particular type of alarm fitted and my house then burns down the insurer can refuse to pay out. This is despite the fact that my alarm had nothing to do with my house burning down in the first instance. This provision is unacceptable and it needs to be updated. Likewise, the law on disclosure dates back to 1776, which is the year of the Declaration of Independence in the United States, such that the law on disclosures is as old as independent America. It gives huge discretion to insurers to decide what should have been disclosed after a claim is made. In its case studies the Financial Services Ombudsman has noted that: “Unfortunately, once non-disclosure takes place, for whatever reason, the legal effect of that can operate harshly.” Innocent failure to disclose something an average consumer would not consider relevant should not be a get-out-of-jail clause for insurers.

The Bill also seeks to abolish the outdated concept of insurable interest. This means a son or daughter should be allowed to insure their parents’ home and receive compensation if the home is damaged, as usual. The Bill also puts into law that insurers must provide consumers with plainly written documents containing the essential terms of the contract; to provide clear warnings of the consequences of non-compliance with the statutory duties proposed in the report; and to provide consumers with policy documents as soon as possible after the contract has been completed. This may all sound very basic but currently this is not the case.

The Bill is detailed and complex but at its core is a simple function: to empower consumers so that no longer will farmers, pub owners, residents and other consumers be denied what morally should be theirs because of outdated technicalities that can be exploited by insurers. Laws in force at the time of the American War of Independence - insurance laws based on the days of merchants trading across oceans rather than the modern needs of society - must be updated. The consumer alone loses when laws become archaic. The consumer, the victim, must get the benefit of the doubt when it comes to arguing the technicalities of insurance claims.

Earlier, in this Dáil, I had all-party support for a Bill abolishing the six-year rule for con-

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sumer complaints to the Financial Services Ombudsman. I believe this Bill is the next step in safeguarding consumers in financial matters and I hope it will also have widespread support.

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

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

Question put and agreed to.

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

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

Question put and agreed to.

### **Anti-Evictions Bill 2016: Second Stage (Resumed) [Private Members]**

The following motion was moved by Deputy Ruth Coppinger on Tuesday, 17 January 2017:

"That the Bill be now read a Second Time."

Debate resumed on amendment No. 1:

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

Dáil Éireann, while recognising the acute pressures that tenants are under and the importance of strengthening security for tenants, and to move towards longer term tenancies, declines to give the Anti-Evictions Bill 2016 a second reading for the following reasons:

(a) the proposals in this Bill were discussed and debated in detail in Dáil Éireann in the context of the recent passage of the Planning and Development (Housing) and Residential Tenancies Act 2016 which, together with the Government's Strategy for the Rental Sector published in December 2016, gives effect to the Government's policy on the rented sector;

(b) the issues involved are being addressed comprehensively through the Rental Strategy, including the actions to be taken forward in implementing the strategy consistent with the Confidence and Supply Arrangement for a Fine Gaelled Government and the associated legislative changes introduced under the Planning and Development (Housing) and Residential Tenancies Act 2016, such as the Tyrrelstown amendment, which is already delivering positive outcomes for tenants;

(c) it pre-empts any assessment of the positive impacts on tenants' security that will arise from the implementation of the Strategy's Rent Predictability measure in those areas already designated as Rent Pressures Zones and, potentially, in additional priority areas which are to be examined for designation, the overall effectiveness of which is to be reviewed in June 2017;

(d) it does not take account of the Working Group, to be established under

Action 5 of the Rental Strategy and report by Q1 2017, to examine the scope for amending legislation to provide for greater protection of tenants' rights during the receivership process;

(e) the measures in the Bill risk undermining stability and confidence in the rental sector and negatively impacting on existing and future supply of rented accommodation; and

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

(Minister for Housing, Planning, Community and Local Government).

**An Leas-Cheann Comhairle:** I must now deal with a postponed division relating to amendment No. 1 to Second Stage of the Anti-Evictions Bill 2016, taken on Tuesday, 17 January 2017. On the question, "That the amendment be made", a division was claimed and in accordance with Standing Order 70(2) that division must be taken now.

Amendment put.

The Dáil divided by electronic means.

**Deputy Ruth Coppinger:** As a teller, under Standing Order 73(3)(b) I propose that the vote be taken by other than electronic means.

Amendment put:

<i>The Dáil divided: Tá, 51; Níl, 51; Staon, 35.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Bailey, Maria.</i>	<i>Adams, Gerry.</i>	<i>Aylward, Bobby.</i>
<i>Barrett, Seán.</i>	<i>Barry, Mick.</i>	<i>Brassil, John.</i>
<i>Breen, Pat.</i>	<i>Boyd Barrett, Richard.</i>	<i>Breathnach, Declan.</i>
<i>Brophy, Colm.</i>	<i>Brady, John.</i>	<i>Browne, James.</i>
<i>Bruton, Richard.</i>	<i>Broughan, Thomas P.</i>	<i>Butler, Mary.</i>
<i>Burke, Peter.</i>	<i>Buckley, Pat.</i>	<i>Cahill, Jackie.</i>
<i>Byrne, Catherine.</i>	<i>Burton, Joan.</i>	<i>Calleary, Dara.</i>
<i>Canney, Seán.</i>	<i>Collins, Joan.</i>	<i>Casey, Pat.</i>
<i>Cannon, Ciarán.</i>	<i>Connolly, Catherine.</i>	<i>Cassells, Shane.</i>
<i>Carey, Joe.</i>	<i>Coppinger, Ruth.</i>	<i>Chambers, Jack.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Crowe, Seán.</i>	<i>Chambers, Lisa.</i>
<i>Coveney, Simon.</i>	<i>Cullinane, David.</i>	<i>Collins, Niall.</i>
<i>Creed, Michael.</i>	<i>Daly, Clare.</i>	<i>Cowen, Barry.</i>
<i>D'Arcy, Michael.</i>	<i>Doherty, Pearse.</i>	<i>Curran, John.</i>
<i>Daly, Jim.</i>	<i>Donnelly, Stephen S.</i>	<i>Dooley, Timmy.</i>
<i>Deasy, John.</i>	<i>Ellis, Dessie.</i>	<i>Fleming, Sean.</i>

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<i>Deering, Pat.</i>	<i>Ferris, Martin.</i>	<i>Gallagher, Pat The Cope.</i>
<i>Doherty, Regina.</i>	<i>Fitzmaurice, Michael.</i>	<i>Haughey, Seán.</i>
<i>Donohoe, Paschal.</i>	<i>Harty, Michael.</i>	<i>Kelleher, Billy.</i>
<i>Doyle, Andrew.</i>	<i>Healy-Rae, Danny.</i>	<i>Lahart, John.</i>
<i>Durkan, Bernard J.</i>	<i>Healy, Seamus.</i>	<i>McConalogue, Charlie.</i>
<i>English, Damien.</i>	<i>Howlin, Brendan.</i>	<i>McGrath, Michael.</i>
<i>Farrell, Alan.</i>	<i>Kelly, Alan.</i>	<i>Martin, Micheál.</i>
<i>Fitzgerald, Frances.</i>	<i>Kenny, Gino.</i>	<i>Moynihan, Aindrias.</i>
<i>Fitzpatrick, Peter.</i>	<i>Kenny, Martin.</i>	<i>Murphy O'Mahony, Margaret.</i>
<i>Flanagan, Charles.</i>	<i>McDonald, Mary Lou.</i>	<i>Murphy, Eugene.</i>
<i>Griffin, Brendan.</i>	<i>McGrath, Mattie.</i>	<i>O'Callaghan, Jim.</i>
<i>Heydon, Martin.</i>	<i>Martin, Catherine.</i>	<i>O'Keefe, Kevin.</i>
<i>Humphreys, Heather.</i>	<i>Mitchell, Denise.</i>	<i>O'Loughlin, Fiona.</i>
<i>Kehoe, Paul.</i>	<i>Munster, Imelda.</i>	<i>O'Rourke, Frank.</i>
<i>Kyne, Seán.</i>	<i>Murphy, Catherine.</i>	<i>Rabbitte, Anne.</i>
<i>Lowry, Michael.</i>	<i>Murphy, Paul.</i>	<i>Scanlon, Eamon.</i>
<i>McEntee, Helen.</i>	<i>Nolan, Carol.</i>	<i>Smith, Brendan.</i>
<i>McGrath, Finian.</i>	<i>O'Brien, Jonathan.</i>	<i>Smyth, Niamh.</i>
<i>McHugh, Joe.</i>	<i>O'Reilly, Louise.</i>	<i>Troy, Robert.</i>
<i>McLoughlin, Tony.</i>	<i>O'Sullivan, Jan.</i>	
<i>Madigan, Josepha.</i>	<i>Ó Broin, Eoin.</i>	
<i>Mitchell O'Connor, Mary.</i>	<i>Ó Caoláin, Caoimhghín.</i>	
<i>Moran, Kevin Boxer.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>Murphy, Dara.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Naughton, Hildegarde.</i>	<i>Penrose, Willie.</i>	
<i>Neville, Tom.</i>	<i>Pringle, Thomas.</i>	
<i>O'Connell, Kate.</i>	<i>Quinlivan, Maurice.</i>	
<i>O'Donovan, Patrick.</i>	<i>Ryan, Brendan.</i>	
<i>O'Dowd, Fergus.</i>	<i>Ryan, Eamon.</i>	
<i>Ring, Michael.</i>	<i>Sherlock, Sean.</i>	
<i>Rock, Noel.</i>	<i>Shortall, Róisín.</i>	
<i>Ross, Shane.</i>	<i>Smith, Bríd.</i>	
<i>Stanton, David.</i>	<i>Stanley, Brian.</i>	
<i>Varadkar, Leo.</i>	<i>Tóibín, Peadar.</i>	
<i>Zappone, Katherine.</i>	<i>Wallace, Mick.</i>	

Tellers: Tá, Deputies Regina Doherty and Tony McLoughlin; Níl, Deputies Mick Barry and Ruth Coppinger.

**An Ceann Comhairle:** There is an equality of votes. Therefore, pursuant to Article 15.11.2° of the Constitution, I must exercise my casting vote. In accordance with precedent, I vote for the question in this case, the result of the vote now being: Tá, 52; Níl, 51.

Amendment declared carried.

Question put: “That the motion, as amended, be agreed to.”

<i>The Dáil divided: Tá, 51; Níl, 49; Staon, 35.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Bailey, Maria.</i>	<i>Adams, Gerry.</i>	<i>Aylward, Bobby.</i>
<i>Barrett, Seán.</i>	<i>Barry, Mick.</i>	<i>Brassil, John.</i>
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<i>Brophy, Colm.</i>	<i>Brady, John.</i>	<i>Browne, James.</i>
<i>Bruton, Richard.</i>	<i>Broughan, Thomas P.</i>	<i>Butler, Mary.</i>
<i>Burke, Peter.</i>	<i>Buckley, Pat.</i>	<i>Byrne, Thomas.</i>
<i>Byrne, Catherine.</i>	<i>Burton, Joan.</i>	<i>Cahill, Jackie.</i>
<i>Canney, Seán.</i>	<i>Collins, Joan.</i>	<i>Calleary, Dara.</i>
<i>Cannon, Ciarán.</i>	<i>Collins, Michael.</i>	<i>Casey, Pat.</i>
<i>Carey, Joe.</i>	<i>Connolly, Catherine.</i>	<i>Cassells, Shane.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Coppinger, Ruth.</i>	<i>Chambers, Jack.</i>
<i>Coveney, Simon.</i>	<i>Cullinane, David.</i>	<i>Collins, Niall.</i>
<i>Creed, Michael.</i>	<i>Daly, Clare.</i>	<i>Cowen, Barry.</i>
<i>D’Arcy, Michael.</i>	<i>Doherty, Pearse.</i>	<i>Curran, John.</i>
<i>Daly, Jim.</i>	<i>Donnelly, Stephen S.</i>	<i>Dooley, Timmy.</i>
<i>Deasy, John.</i>	<i>Ellis, Dessie.</i>	<i>Fleming, Sean.</i>
<i>Deering, Pat.</i>	<i>Ferris, Martin.</i>	<i>Haughey, Seán.</i>
<i>Doherty, Regina.</i>	<i>Fitzmaurice, Michael.</i>	<i>Kelleher, Billy.</i>
<i>Donohoe, Paschal.</i>	<i>Healy-Rae, Danny.</i>	<i>Lahart, John.</i>
<i>Doyle, Andrew.</i>	<i>Healy, Seamus.</i>	<i>McConalogue, Charlie.</i>
<i>Durkan, Bernard J.</i>	<i>Howlin, Brendan.</i>	<i>McGrath, Michael.</i>
<i>English, Damien.</i>	<i>Kelly, Alan.</i>	<i>McGuinness, John.</i>
<i>Farrell, Alan.</i>	<i>Kenny, Gino.</i>	<i>Martin, Micheál.</i>
<i>Fitzgerald, Frances.</i>	<i>Kenny, Martin.</i>	<i>Moynihán, Aindrias.</i>
<i>Fitzpatrick, Peter.</i>	<i>McDonald, Mary Lou.</i>	<i>Murphy O’Mahony, Margaret.</i>
<i>Flanagan, Charles.</i>	<i>McGrath, Mattie.</i>	<i>Murphy, Eugene.</i>
<i>Griffin, Brendan.</i>	<i>Martin, Catherine.</i>	<i>O’Callaghan, Jim.</i>
<i>Heydon, Martin.</i>	<i>Mitchell, Denise.</i>	<i>O’Keeffe, Kevin.</i>
<i>Humphreys, Heather.</i>	<i>Munster, Imelda.</i>	<i>O’Loughlin, Fiona.</i>
<i>Kehoe, Paul.</i>	<i>Murphy, Catherine.</i>	<i>O’Rourke, Frank.</i>
<i>Kyne, Seán.</i>	<i>Murphy, Paul.</i>	<i>Rabbitte, Anne.</i>
<i>Lowry, Michael.</i>	<i>Nolan, Carol.</i>	<i>Scanlon, Eamon.</i>
<i>McEntee, Helen.</i>	<i>Ó Broin, Eoin.</i>	<i>Smith, Brendan.</i>
<i>McGrath, Finian.</i>	<i>Ó Caoláin, Caoimhghín.</i>	<i>Smyth, Niamh.</i>
<i>McHugh, Joe.</i>	<i>Ó Laoghaire, Donnchadh.</i>	<i>Troy, Robert.</i>
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<i>Madigan, Josepha.</i>	<i>O'Brien, Jonathan.</i>	
<i>Mitchell O'Connor, Mary.</i>	<i>O'Reilly, Louise.</i>	
<i>Moran, Kevin Boxer.</i>	<i>O'Sullivan, Jan.</i>	
<i>Murphy, Dara.</i>	<i>Penrose, Willie.</i>	
<i>Naughton, Hildegarde.</i>	<i>Pringle, Thomas.</i>	
<i>Neville, Tom.</i>	<i>Quinlivan, Maurice.</i>	
<i>O'Connell, Kate.</i>	<i>Ryan, Brendan.</i>	
<i>O'Donovan, Patrick.</i>	<i>Sherlock, Sean.</i>	
<i>O'Dowd, Fergus.</i>	<i>Shortall, Róisín.</i>	
<i>Ring, Michael.</i>	<i>Smith, Bríd.</i>	
<i>Rock, Noel.</i>	<i>Stanley, Brian.</i>	
<i>Ross, Shane.</i>	<i>Tóibín, Peadar.</i>	
<i>Stanton, David.</i>	<i>Wallace, Mick.</i>	
<i>Varadkar, Leo.</i>		
<i>Zappone, Katherine.</i>		

Tellers: Tá, Deputies Regina Doherty and Tony McLoughlin; Níl, Deputies Ruth Coppinger and Mick Barry.

Question declared carried.

**An Ceann Comhairle:** The motion, as amended, is agreed and, therefore, the Bill is defeated.

### **Tillage Farming: Motion (Resumed) [Private Members]**

The following motion was moved by Deputy Charlie McConalogue on Wednesday, 18 January 2017:

That Dáil Éireann:

notes:

— the absolute necessity to support tillage farmers and the rural communities that rely on this sector;

— that the continual trend of low grain prices, increased input costs and poor margins over the last number of years has intensified the income crisis and financial hardship in this sector;

— that farming organisations have estimated that tillage farmers suffered a severe income reduction of between €70 million and €80 million over the course of 2016, with reduced production in excess of 400,000 tonnes;

— the average net margin on tillage farms in 2016 was minus €130 per hectare, as outlined at the recent Teagasc Outlook Conference;

— that severe inclement weather badly damaged and destroyed tillage crops in Autumn 2016, encompassing coastal regions and other counties;

— the refusal by the Government to provide specific ring-fenced funding to offer financial assistance to tillage farmers who have seen their land and crop destroyed by severe weather in 2016; and

— the appalling vista that the Department of Agriculture, Food and the Marine underspent, by €86 million, its 2016 expenditure budget;

recognises the example of the Aid Scheme for Potato and Vegetable Crops Damaged by Frost, which was introduced in 2010; and

calls on the Government to:

— immediately establish a crisis support fund to provide direct payments to farmers who were impacted by severe crop loss in 2016;

— avail of current European Union (EU) State aid ‘*de minimis*’ regulations that allow the Government to make available tailored support payments for farmers of up to €15,000 per producer over a three year period;

— build alliances at EU level to seek Commission approval for temporary suspension of EU import tariffs on fertilisers to reduce input costs for tillage farmers;

— promote increased use of native grain and Irish malt in the manufacture of Irish whiskeys, artisan products and craft beers;

— implement proposals submitted by farming organisations at the National Tillage Forum; and

— open at once a Targeted Agricultural Modernisation Scheme (TAMS) investment tillage scheme which the Government had promised to commence in Autumn 2016.

Debate resumed on amendment No. 1:

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

“notes:

— the absolute necessity to support tillage farmers and the rural communities that rely on this sector;

— that the continual trend of low grain prices, increased input costs and poor margins over the last number of years has intensified the income crisis and financial hardship in this sector;

— the average net margin on tillage farms in 2016 was minus €130 per hectare, as outlined at the recent Teagasc Outlook Conference;

— that severe inclement weather badly damaged and destroyed tillage crops in Autumn 2016, encompassing coastal regions and other counties;

— the introduction in Budget 2017 of an adjustment to the current ‘Income Averaging’ system, allowing for an opt-out in an exceptional year; this facility is available for the 2016 tax year, in recognition of the cash flow concerns of farmers;

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— the December 2016 payment of €3 million under the Protein Aid Scheme, paid to over 1,000 farmers growing in excess of 12,000 hectares of beans, peas and lupins; this coupled scheme was introduced in 2015 as part of the implementation of the reformed Common Agricultural Policy package in Ireland; and

— the early payment of Basic Payment and Greening payments, which commenced on 17th October, 2016, with balancing payments issuing from 1st December 2016;

and calls on the Government to:

— commence the rollout of the Government’s €150 million Agri Cash Flow Support Loan Scheme, in co-operation with the Strategic Banking Corporation of Ireland (SBCI), as a direct response to the challenging situation faced by farmers in recent months;

— ensure availability through this Scheme of highly flexible loans to livestock, tillage and horticulture farmers, for up to six years, for amounts up to €150,000, at an interest rate of 2.95 per cent, made available in line with the European Union’s (EU) agriculture State aid ‘*de minimis*’ requirements;

— evaluate further measures for the long term sustainability of the tillage sector, pending the drawdown of this fund, and the resulting utilisation of ‘*de minimis*’ requirements, including in regions affected by a poor harvest in 2016 due to inclement weather;

— build alliances at EU level to seek Commission approval for temporary suspension of EU import tariffs on fertilisers to reduce input costs for tillage farmers;

— promote increased use of native grain and Irish malt in the manufacture of Irish whiskeys, artisan products and craft beers;

— consider further proposals submitted by farming organisations at the National Tillage Forum and convene a follow up meeting of stakeholders to engage in further discussions on the strategic future of the tillage sector; and

— open a Targeted Agricultural Modernisation Scheme (TAMS) investment tillage scheme.”

- (Minister of State at the Department of Agriculture, Food and the Marine).

**An Ceann Comhairle:** I must now deal with a postponed division relating to the motion regarding tillage farming. On Wednesday, 17 January 2017, on the question that the amendment to the motion be agreed to, a division was claimed and in accordance with Standing Order 70(2), that division must be taken now.

Amendment put:

<i>The Dáil divided: Tá, 49; Staon, 0; Níl, 87.</i>		
<i>Tá</i>	<i>Stáon</i>	<i>Níl</i>
<i>Bailey, Maria.</i>		<i>Adams, Gerry.</i>
<i>Barrett, Seán.</i>		<i>Aylward, Bobby.</i>
<i>Breen, Pat.</i>		<i>Barry, Mick.</i>
<i>Brophy, Colm.</i>		<i>Boyd Barrett, Richard.</i>

<i>Bruton, Richard.</i>		<i>Brady, John.</i>
<i>Burke, Peter.</i>		<i>Brassil, John.</i>
<i>Byrne, Catherine.</i>		<i>Breathnach, Declan.</i>
<i>Canney, Seán.</i>		<i>Broughan, Thomas P.</i>
<i>Cannon, Ciarán.</i>		<i>Browne, James.</i>
<i>Carey, Joe.</i>		<i>Buckley, Pat.</i>
<i>Corcoran Kennedy, Marcella.</i>		<i>Burton, Joan.</i>
<i>Coveney, Simon.</i>		<i>Butler, Mary.</i>
<i>Creed, Michael.</i>		<i>Byrne, Thomas.</i>
<i>D'Arcy, Michael.</i>		<i>Cahill, Jackie.</i>
<i>Daly, Jim.</i>		<i>Calleary, Dara.</i>
<i>Deasy, John.</i>		<i>Casey, Pat.</i>
<i>Deering, Pat.</i>		<i>Cassells, Shane.</i>
<i>Doherty, Regina.</i>		<i>Chambers, Jack.</i>
<i>Donohoe, Paschal.</i>		<i>Chambers, Lisa.</i>
<i>Doyle, Andrew.</i>		<i>Collins, Joan.</i>
<i>Durkan, Bernard J.</i>		<i>Collins, Michael.</i>
<i>English, Damien.</i>		<i>Collins, Niall.</i>
<i>Farrell, Alan.</i>		<i>Connolly, Catherine.</i>
<i>Fitzgerald, Frances.</i>		<i>Coppinger, Ruth.</i>
<i>Fitzpatrick, Peter.</i>		<i>Cowen, Barry.</i>
<i>Flanagan, Charles.</i>		<i>Cullinane, David.</i>
<i>Griffin, Brendan.</i>		<i>Curran, John.</i>
<i>Heydon, Martin.</i>		<i>Daly, Clare.</i>
<i>Humphreys, Heather.</i>		<i>Doherty, Pearse.</i>
<i>Kehoe, Paul.</i>		<i>Donnelly, Stephen S.</i>
<i>Kyne, Seán.</i>		<i>Dooley, Timmy.</i>
<i>McEntee, Helen.</i>		<i>Ellis, Dessie.</i>
<i>McGrath, Finian.</i>		<i>Ferris, Martin.</i>
<i>McLoughlin, Tony.</i>		<i>Fitzmaurice, Michael.</i>
<i>Madigan, Josepha.</i>		<i>Fleming, Sean.</i>
<i>Mitchell O'Connor, Mary.</i>		<i>Gallagher, Pat The Cope.</i>
<i>Moran, Kevin Boxer.</i>		<i>Haughey, Seán.</i>
<i>Murphy, Dara.</i>		<i>Healy-Rae, Danny.</i>
<i>Naughton, Hildegarde.</i>		<i>Healy, Seamus.</i>
<i>Neville, Tom.</i>		<i>Howlin, Brendan.</i>
<i>O'Connell, Kate.</i>		<i>Kelleher, Billy.</i>
<i>O'Donovan, Patrick.</i>		<i>Kelly, Alan.</i>
<i>O'Dowd, Fergus.</i>		<i>Kenny, Gino.</i>
<i>Ring, Michael.</i>		<i>Kenny, Martin.</i>
<i>Rock, Noel.</i>		<i>Lahart, John.</i>
<i>Ross, Shane.</i>		<i>Lowry, Michael.</i>

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<i>Stanton, David.</i>		<i>McConalogue, Charlie.</i>
<i>Varadkar, Leo.</i>		<i>McDonald, Mary Lou.</i>
<i>Zappone, Katherine.</i>		<i>McGrath, Mattie.</i>
		<i>McGrath, Michael.</i>
		<i>McGuinness, John.</i>
		<i>Martin, Catherine.</i>
		<i>Martin, Micheál.</i>
		<i>Mitchell, Denise.</i>
		<i>Moynihan, Aindrias.</i>
		<i>Munster, Imelda.</i>
		<i>Murphy O'Mahony, Margaret.</i>
		<i>Murphy, Catherine.</i>
		<i>Murphy, Eugene.</i>
		<i>Murphy, Paul.</i>
		<i>Nolan, Carol.</i>
		<i>Ó Broin, Eoin.</i>
		<i>Ó Caoláin, Caoimhghín.</i>
		<i>Ó Laoghaire, Donnchadh.</i>
		<i>Ó Snodaigh, Aengus.</i>
		<i>O'Brien, Jonathan.</i>
		<i>O'Callaghan, Jim.</i>
		<i>O'Keeffe, Kevin.</i>
		<i>O'Loughlin, Fiona.</i>
		<i>O'Reilly, Louise.</i>
		<i>O'Rourke, Frank.</i>
		<i>O'Sullivan, Jan.</i>
		<i>Penrose, Willie.</i>
		<i>Pringle, Thomas.</i>
		<i>Quinlivan, Maurice.</i>
		<i>Rabbitte, Anne.</i>
		<i>Ryan, Brendan.</i>
		<i>Scanlon, Eamon.</i>
		<i>Sherlock, Sean.</i>
		<i>Shortall, Róisín.</i>
		<i>Smith, Brendan.</i>
		<i>Smith, Bríd.</i>
		<i>Smyth, Niamh.</i>
		<i>Stanley, Brian.</i>
		<i>Tóibín, Peadar.</i>
		<i>Troy, Robert.</i>
		<i>Wallace, Mick.</i>

Tellers: Tá, Deputies Regina Doherty and Tony McLoughlin; Níl, Deputies Pat Casey and

John Lahart.

Amendment declared lost.

Motion put and declared carried.

*2 o'clock*

### **Communications Regulation (Postal Services) (Amendment) Bill 2016: Second Stage (Resumed)**

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

**Minister of State at the Department of Communications, Climate Action and Environment (Deputy Seán Kyne):** Once again I acknowledge the contributions of all Deputies to the debate last night. It is important to restate the decision to bring forward this legislation was not one which was taken lightly. There was no choice but to act swiftly on this matter if there is to be any chance of An Post being able to restructure itself and continue to operate as a viable commercial State company, providing very important services throughout the country to urban and rural areas.

An Post finds itself in a very difficult financial position, largely arising from the structural changes faced by the mails business here and internationally. In addition, and as previously mentioned, the impact of a Labour Court recommendation on pay increases for staff has put further pressure on an already delicate situation. A new CEO, David McRedmond, commenced his role in October last year. In fairness to the CEO and the chair, they brought this matter to the attention of the Minister, Deputy Naughten, as soon as the scale of the problems became apparent. The Minister requested that NewERA review the projections, and it confirmed the seriousness of the situation facing An Post.

A number of Deputies asked whether other options had been identified and I can confirm that a number of other options were considered. These included provision of a subsidy, amendment of the universal service obligations and other short-term revenue generating measures. Such measures would have implications regarding current EU rules and would necessitate discussions with the EU Commission. The bottom line is that repeal of the price cap mechanism was identified as the only measure which could be implemented quickly and which would give An Post the financial headroom to be able to bring forward restructuring proposals to put the company on a firm financial footing into the future.

The mails business is undergoing a profound structural change here and internationally and we all accept this. Electronic substitution has had a significant impact on the letters business, while also providing opportunities for growth in parcels. This trend is particularly apparent for large-volume postal customers such as banks and utility providers. A number of Deputies expressed concern the legislation will have the effect of accelerating this trend. An Post engaged Indecon consultants to look at this very question, and its findings indicate that price increases will not necessarily escalate e-substitution. The findings of this work will inform An Post’s consideration of the appropriate level at which to set the revised pricing structure. The CEO has indicated the price increase will be in the range of 12% to 38%. Such an increase will bring

the price in line with European norms.

There is no doubt An Post will undergo significant and necessary change. In this regard, the Government looks forward to being briefed on the findings of the McKinsey review commissioned by An Post. I understand the timeline for delivery of this report is May this year. This exercise represents a fundamental review of An Post and its operations with a view to identifying the strategic changes and restructuring necessary to maintain the company on a sound financial footing. I should point out this is a separate exercise to the Bobby Kerr report, but I have no doubt the findings of both reports will inform the future strategic direction of the company.

I appreciate that consideration of issues relating to the post office network, which has culminated in the final Bobby Kerr report, has been ongoing for some time. The position on this matter is that Bobby Kerr presented his final report to An Post on 23 December. This report contains a number of recommendations which are being considered by the board of An Post. The Government looks forward to the details of any implementation plan arising. I am sure my colleagues in the House will appreciate it would not be appropriate for me to comment further on these matters until both reports have been fully completed and considered.

The Minister is aware of the impact this measure may have on consumers and the SME sector, therefore, the Bill also provides that the Commission for Communications Regulation, ComReg, will undertake a review of the consequences of the repeal of the price cap mechanism after a two year period. In addition, and as I previously mentioned, the Minister will issue a policy direction to An Post instructing that price increases proposed following the repeal of the price cap mechanism be subject to prior consultation with ComReg and have due regard to the tariff principles set out in section 28 of the Communications Regulation (Postal Services) Act 2011.

It is important to repeat that despite the difficult financial situation, there is no threat to the mails delivery of the universal service obligation. An Post will continue to deliver post to every address on every working day. This amended approach to pricing aims to ensure An Post can continue to fulfil its obligations in this regard. As was recognised last night, An Post still has a number of strengths, such as its strong brand and nationwide reach. Any restructuring plan will build on these strengths and position the company for rapid changes in its external environment, in particular e-substitution and the growth in the digital economy. Clearly, it will take time to restructure and turn around the company. This is why it is imperative this legislation is passed to give the company the financial headroom to do this. The consequences of not introducing this legislation cannot be underestimated.

I will go through some of the contributions made by Members. To reply to Deputy Dooley, responsibility for the post office network rests with the Department of Arts, Heritage, Rural, Regional and Gaeltacht Affairs. The Department is responsible for the implementation of the Bobby Kerr report. The final report has been presented to An Post and implementation will be tied into the findings of the McKinsey report. Many of the suggestions will be considered in the context of the Bobby Kerr report.

To reply to Deputy Stanley, given the urgent need to address the financial position of An Post a repeal of the price cap mechanism was the only viable option. ComReg will still have a role in ensuring compliance with the tariff principles enshrined in EU law, and these tariffs require prices to be affordable, cost oriented, transparent and non-discriminatory.

To reply to Deputy Ó Caoláin, the Bill is not a result of recommendations of the Bobby Kerr report. It has been brought forward following real concerns brought forward by An Post regarding its financial position. An Post needs the additional revenue to be able to implement the strategic changes required to ensure the future sustainability of the company.

To reply to Deputy Sean Sherlock, An Post engaged consultants to conduct in-depth analysis of the impact of the price increases on volume, and the findings are the price increase is still viable. On behalf of the stakeholding Ministers, NewERA has conducted detailed analysis and confirmed this position. The universal service obligation is a vital service in urban and rural areas and the Minister, Deputy Naughten, has committed to retaining this five day service.

Deputy Eamon Ryan mentioned a bank that no longer uses An Post's services. Last May, Bank of Ireland moved substantially to interacting with customers electronically. Most utility providers actively encourage and reward customers for electronic communications and this growing trend is likely to continue notwithstanding the price increases proposed.

The Minister, Deputy Naughten, has been clear with An Post this is not a panacea. An Post may also bring proposals to the table and it is expected the McKinsey report will be implemented without delay. Officials in the Department are monitoring this closely and meet An Post on a monthly basis. The impact of pay increases reflect the size of the workforce in An Post.

Bobby Kerr presented his report on 23 December. It has yet to be considered by the board of An Post. It makes a number of recommendations on the range of issues raised yesterday.

The GPO operations mentioned by Deputy Mattie McGrath will be considered as part of the McKinsey review. The Deputy mentioned cost overruns and what he deems a wastage of money in the GPO. This will be considered in the McKinsey review.

The new CEO has been *in situ* since late last year. He acted quickly by commencing a review to identify necessary strategic changes and restructuring.

Deputy Danny Healy-Rae mentioned the programme for Government. The Government is committed to this and the programme for Government is the template. In every Department there are regular reviews of priorities and commitments under the programme for Government and proposals regarding credit unions or the Kiwi banking proposals are being pursued under that programme. Deputy Michael Healy-Rae asked a range of questions which I am not able to answer now but I will send the answers to him. Deputies Pringle and Joan Collins mentioned the increases to wage costs. The figures provided by An Post indicates that a 1% increase equates to €4.5 million. Deputy Collins referred to the conflict involved in ensuring there is money to pay An Post workers going forward while at the same time considering the impact that postal increases can have on consumers.

Deputies Fitzpatrick and Durkan commented on a number of opportunities for savings and Deputies Nolan, Cullinane and Martin Kenny spoke of an attack on rural Ireland. All of us, including every rural Deputy, wants to ensure that An Post survives in both rural and urban Ireland and this emergency legislation ensures there is enough funding to keep it going.

A number of Deputies referred to the impact of closures and Deputy Casey mentioned Laragh post office. Some 288 post offices closed between 2005 and 2010 and there have been a number of closures since. It is regrettable whenever any post office changes and there will be an opportunity for that particular post office to undertake a review.

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I thank all Deputies for a very good debate last night, which shows the importance of our postal services and our postal network. All Deputies support it and nobody wants An Post to go to the wall. There are opportunities, particularly in the parcel service, for a better and brighter future for An Post, notwithstanding the decline in mail volumes. I ask Members to support this emergency legislation to ensure An Post survives into the future. I will pass on to the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, the goodwill messages of Members yesterday.

Question put.

**An Ceann Comhairle:** In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 26 January 2017.

### 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 Dara Calleary - concern for jobs, employment conditions and services at Bus Éireann; (2) Deputy Frank O'Rourke - difficulties in regard to orthognathic surgery at St. James's Hospital; (3) Deputies Noel Rock and Stephen S. Donnelly - the touting of event tickets; (4) Deputy Eugene Murphy - the appointment of a child psychologist for north Roscommon; (5) Deputy Catherine Murphy - Prime Minister May's comments regarding a common travel area between Ireland and the UK; (6) Deputies John Curran and Maureen O'Sullivan - the withdrawal of funding by the HSE north Dublin for Tiglin rehabilitation centre; (7) Deputy Louise O'Reilly - overcapacity difficulties with children under six years for GPs in Balbriggan; (8) Deputy Donnchadh Ó Laoghaire - the issue of increasing social housing income limits; (9) Deputy Imelda Munster - provision for a mobile dental surgery unit for school children to cover Drogheda and south County Louth; (10) Deputy Michael Fitzmaurice - delays with processing GLAS payments across the country; (11) Deputy Seán Haughey - the provision of ambulance services in Dublin given the current threat of strike action; (12) Deputy Catherine Connolly - Gaeilge a bheith ag an chéad uachtarán eile den ollscoil i nGaillimh; (13) Deputy Maurice Quinlivan - urgent need for emergency accommodation in Limerick city; (14) Deputy John Lahart - the decision to close St. Brigid's nursing home in south Dublin; (15) Deputy Brian Stanley - the future of the Bord na Móna plants at Kilberry County Kildare and Cuil na Móna County Laois; (16) Deputy Carol Nolan - the provision of assessments for children with special educational needs; (17) Deputy Ruth Coppinger - access to the drug Nusinersen for children here with spinal muscular atrophy type 1, SMA1; (18) Deputy Jan O'Sullivan - when the new emergency department will open at University Hospital Limerick; (19) Deputy Martin Kenny - the closure of the Solas respite centre in Sligo; (20) Deputies Anne Rabbitte and Timmy Dooley - conditions in hospital emergency departments; (21) Deputy Eamon Scanlon - the suggested closure of the Sligo regional veterinary laboratory; (22) Deputy Clare Daly - the crisis in the administration of defined benefit pension schemes; (23) Deputies James Browne and Mick Wallace - HSE report on cancer diagnosis in Wexford General Hospital; and (24) Deputy Bríd Smith - the EU Commissioner and the expert commission on domestic public water services.

The matters raised by Deputies Calleary and Munster, respectively, Browne and Wallace, together, and Jan O'Sullivan have been selected for discussion.

**Planning and Development (Amendment) Bill 2016: Second Stage (Resumed)**

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

**Deputy Peter Fitzpatrick:** I very much welcome the opportunity to speak in today’s debate on the Planning and Development Housing and Residential Bill 2016. Everybody from both sides of this House recognises that there is a housing crisis in Ireland. There is a lack of housing stock, either new or second-hand. The current Minister, Deputy Simon Coveney, has made excellent progress to date and he is also the first to admit that a lot more needs to be done. The Bill has a number of main provisions including more fast-tracked planning for certain developments; further extension of existing planning permissions; amendments to Part 8 in respect of local authority-owned land; changes to the requirements for an environmental impact assessment on proposed developments; amendments to the Residential Tenancies Acts 2004-2015; and making provision for the housing finance agency to lend to higher education institutes for the purpose of providing student accommodation. I would like to deal with each of these provisions individually.

I welcome the proposals for fast-track planning for certain developments. As it stands the majority of large housing planning applications are appealed to An Bord Pleanála. It makes sense that in order to speed up the process these planning applications go straight to An Bord Pleanála. Instead of having a two-stage process we can now have a single-stage process. In real terms the Department estimates that the total process for obtaining planning permission can be reduced from 77 weeks to 25 weeks. This will be a major improvement and will be a factor in bringing houses to market more quickly. Some stakeholders have reservations in regard to this provision but if we have a situation whereby the planning process is streamlined it will be to the benefit of all involved.

The Rebuilding Ireland plan committed to extend certain planning permissions that have already benefited from one extension for a further period. The second provision in the Bill tackles this commitment in relation to permissions already granted for 20 or more housing units. Again this provision will facilitate the early delivery of housing by the fact that it will remove the requirement for a developer to re-enter the planning process. Another provision in the Bill which will fast track the delivery of housing units will be the amendments to the Part 8 process for local authority own developments. The new provisions will mean that a local authority own development proposal will take place a maximum of 20 weeks from the time of public consultation. This provision will make the process more efficient with the net effect being housing units delivered more quickly.

On a recent visit to Dundalk the Minister, Deputy Coveney, and I met with the CEO of Louth County Council, Joan Martin, and members of her staff. During that meeting Joan Martin outlined the current situation in Louth. At present there are 710 vacant properties in Dundalk and a further 758 vacant properties in Drogheda. An innovative pilot scheme developed by the council under the guidance of Joe McGuinness, director of services, has already seen approval for 24 vacant properties acquired under CPO. Of those CPOs, two have been allocated to tenants, seven are at refurbishment stage and 15 are at survey and tender stage. I have been calling for this innovative approach for the last eight months and am delighted that it has proven so successful. With nearly 1,500 properties in County Louth vacant, surely these present an opportunity to reduce the housing list with ready made homes in established neighbourhoods.

During our meeting with Louth County Council it was outlined that the council had the

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potential to deliver over 3,300 housing units under the local infrastructure housing activation fund. These housing units are planned to be delivered in Newtown, Drogheda, the northern environs, Drogheda and the Mount Avenue in Dundalk. At present Louth County Council has 25 schemes at various forms of approval which will deliver almost 550 housing units over the next three to four years.

In addition to the above, Louth County Council has other substantial lands but have substantial loans attached to them. This issue is one that needs to be addressed as a matter of urgency and I note that the Minister is supportive of innovative solutions, possibly a public-private partnership, in order to free up the lands and the corresponding debt attached to them and, at the same time, deliver much needed housing stock.

The next provision on which I would like to comment is the new screening arrangements for certain types of works to see if environment impact assessments need to be carried out. The Bill provides that an application can be made to the planning authority before making a planning application as to whether or not a proposed development is likely to have a significant effect on the environment. The main benefits of this provision is that we will be in a position to fast-track planning applications and as a result deliver much needed housing immediately.

The amendments to the Residential Tenancies Acts as outlined are ones that I welcome with caution. The measures to provide more security to tenants are very welcome. We must prevent a situation where large numbers of tenants in a single development are evicted at the same time, such as happened in Tyrrelstown earlier this year. I feel we need to protect tenants more. We need to extend the definition of landlords to include receivers and lenders in cases involving the repossession of properties. In my view, tenants should not lose their basic rights just because their landlords are in financial difficulties.

I welcome the provisions in this Bill which will improve the operation of the Residential Tenancies Board. The speeding up of the dispute resolution timeframe, the reduction in the number of members on the tribunal and the restructuring of the administration process will improve the experience of people in the private rented sector, including tenants and landlords.

I am concerned that the amendment in this Bill which proposes to allow an order of possession to be made by the District Court will simply speed up the process of securing the vacation of dwellings. We must protect the people who will be subject to these provisions. I propose that a robust system should be put in place to protect those affected. For example, a protocol could be put in place to allow information to be shared between the Residential Tenancies Board and local authorities to alert local authorities when tenants do not vacate properties because they have not secured alternative accommodation. I note that during the pre-legislative scrutiny phase of this process, the Department acknowledged this scenario and indicated that it would examine all possibilities.

I welcome the proposal to allow the Housing Finance Agency to lend to higher education institutes for the purpose of providing student accommodation. Institutes of technology like Dundalk Institute of Technology will now be able to access low-cost funding for these purposes. One of the knock-on effects of this measure will be to free up valuable housing stocks in towns like Dundalk.

I thank the Minister, Deputy Coveney, for the efforts he has made to date to tackle the housing crisis. While it will not be solved overnight, I firmly believe the actions taken by the Min-

ister to date and his plans for the future will go a long way towards solving the housing crisis, which has come about as a result of the disastrous economic policies pursued by the most recent Fianna Fáil-led Government.

**Deputy Eugene Murphy:** As my colleague and party spokesperson in this area, Deputy Cowen, said earlier in this Second Stage debate, Fianna Fáil strongly supports the passage of this Bill to Committee Stage, which is what we are discussing here today. The main purpose of the Bill is to give a legislative basis to the establishment of an independent planning regulator's office to oversee and assess decision-making processes in planning authorities. This was one of the core planning reforms recommended in the Mahon tribunal.

Fianna Fáil has put pressure on this Government and its predecessor to implement as many as possible of the recommendations in the Mahon report. We are committed to drawing from the lessons of the Mahon tribunal. We must improve transparency, consistency and good decision-making throughout the planning system. It is vital that we build on the strong action taken by Fianna Fáil in government by continuing to put in place the legal and institutional framework to prevent the corruption and planning abuses uncovered by the Mahon tribunal. There is no question about the seriousness of what was uncovered by the Mahon tribunal. Equally, there is no question that the public does not want to see such things happening again. People want to see transparency and consistency. They want things to be done correctly. There is an onus on everybody in this House to ensure the recommendations made in the Mahon report are put in place where possible.

We believe this Bill strikes an appropriate balance between giving the new planning regulator's office independence in evaluating local and regional development plans and maintaining some democratic control over the body by the Minister and the Oireachtas. It is very important for the Oireachtas and the Minister of the day to have some control. That is not to say we are fully happy with the Bill, however. We have a number of concerns about some of its key provisions. We believe they require further scrutiny and amendment. For example, some of the key recommendations made in the Mahon report in the interests of improving transparency in planning, including the disclosure of political donations by planning applicants and the noting of all submissions by political representatives on planning applications, have not been included in this Bill.

Some of the functions of the proposed planning regulator's office, as prescribed in this Bill, might not make it an effective overseer of the national planning strategy. For example, the new office will not be given any role in overseeing the executive transport planning agencies, such as the National Transport Authority and Transport Infrastructure Ireland. Such bodies have a major role in the development of roads and other transport infrastructure throughout the country. My constituency has had serious problems in this regard in the past. The bodies in question have seemed to act as a law unto themselves on some occasions in the past. I assume the Minister of State, Deputy English, knows they have often failed to take account of the views of people by meeting them, speaking with them and listening to their concerns. We need to ensure the National Transport Authority and Transport Infrastructure Ireland come under the remit of the proposed planning regulator's office.

The achievement of greater integration between land-use planning, such as local authority zoning decisions and strategic transport planning was mentioned in the Mahon report as one of the reasons a planning regulator should be established. In that context, it is disappointing that the new office proposed under this Bill will not be given any role in overseeing the develop-

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ment or implementation of plans proposed by the National Transport Authority and Transport Infrastructure Ireland. I urge the Minister of State to take this concern on board and see what can be done.

We are concerned that the limitations on the powers of the planning regulator's office as prescribed in this Bill might cause the office to be toothless in some aspects of its work as an anti-corruption watchdog in the planning process. We also have some reservations about placing the successor to the national spatial strategy - the Government's national planning framework, which has yet to be drafted - on a statutory footing, given that it does not yet exist. It is clear that this needs to be sorted out and dealt with.

I believe that certain simple planning developments in local communities, such as the construction of a modest bungalow, the replacement of an old house or the establishment of a community centre, should go through the planning process without any major difficulty. The only vested interest in such developments is the good of the community. I am concerned that some of the regulations which are being proposed will end up making things more difficult for local communities. I would not like to see that happen because it would not be good. While I support the provisions of this Bill as they apply to more major developments, I reiterate that it is extremely important for us not to make things more difficult for ordinary individuals with simple planning issues. If this Bill frees up some land for the development of housing in areas where houses are badly needed, we will all welcome that in light of the major housing crisis that exists at the moment.

My party supports the progression of this Bill. I hope the Minister of State and his colleagues will take account of some of the issues I have raised. In particular, it is crucial that Transport Infrastructure Ireland and the National Transport Authority have some understanding of the needs and wants of communities. They should not be seen to ride roughshod over people by not listening to them. The least the public deserves is a proper listening ear from bodies like those I have mentioned. When this Bill is considered further, I hope provision can be made to ensure these bodies are accountable to people and communities.

**Deputy Bernard J. Durkan:** I am glad to have an opportunity to speak on this legislation. Housing is one of the serious issues we are facing in the times we are living in. Housing cannot take place without planning. One would always expect the highest quality and standards to apply to the planning of housing because people have to live in the houses afterwards. Decisions on the quality of people's lives are made when housing plans are prepared.

I would like to mention some of the particular challenges we are facing at present. We have never before faced challenges of this magnitude. We have never had as many people seeking homes, including those seeking their first homes. This problem can be attributed to a number of factors, including the collapse of the building boom and the consequent lack of availability of any kind of finance for undertaking building operations. We now have a crisis on our hands. I know the Bill will take full cognisance of how rapidly the housing crisis is developing. It is getting worse on a daily basis. I have never in my time in public life seen more serious cases emerge on a daily basis, adding to what is already there, as I have over the last couple of months. It is sad that those most often affected are young. They will be given an impression of what society is about in their first major touching of base with a system they will have expected to provide them with a home by facilitating them with planning, a loan or directly through the local authorities.

Sadly, I listened to a playback of someone who was on “Morning Ireland” six months ago to expound the virtue of renting a house and state how much better it was than to own or build one. I wonder where he has gone to now. That is only six or seven months ago. It is one of the things we in public life see and hear all the time. Sadly and unfortunately, public representatives’ views are not taken into account to any great extent any more, which is a sad thing. I am all in favour of regulation and regulators, which we need, but we must also have the human touch and local knowledge at local level too. However, that is diminishing rapidly and disappearing out of sight. I appreciate fully the Mahon report and the need to deal with things that were in need of attention for some time, but I wonder about the extent to which, every day, we are venturing into the marketplace and reducing the extent to which the views expressed to public representatives are passed on and taken into account. That practice is diminishing fast.

We were all members of local authorities at some stage or other. I remember the time not so long ago when the members of local authorities played a direct part in the allocation of local authority houses at their meetings. There is no greater possible expression of democracy than that. Elected public representatives sat directly around a table to give their views. There was fearful hostility to that at all times to such an extent that public representatives were eventually excluded. It is now done by a group of officials around the same table. I will not go into it at this stage because they have a difficult job. However, it must be said that it was not a good development to move away from a situation where public representatives were able to say whether they knew a particular family’s circumstances and whether they were a most deserving case or, as happened on more than one occasion, they had another house somewhere else. That happened and I was directly involved and pointed it out at the time. However, nobody wants to hear that because it is all being done at a high level with the application of highfalutin values. Well, it has not worked.

Not only do we have that to deal with, we also have the problem of regaining the confidence of the younger generation. If we lose that confidence, which we are right on the edge of doing, we will have made a major mistake and lost a major asset that we require locally and nationally as a community. I hope the Minister will take into account the fact that every case local authorities deal with in planning terms as well as in housing allocation is a sad one. I have never seen situations so bad. There are people in the county I share with the Ceann Comhairle who have been moving around for two and three years from one temporary accommodation placement to another with their spouses and kids who have to move to different schools if they have a school at all. Certainly, they do not have regular schooling. If they are fortunate enough to have transport, they are being transported cross-country 20 and 30 miles in some cases in order to get some modicum of education. It is very sad to see people in those situations. We should have learned from the recent past that family homes are hugely important. That means a place where the parents and one or two children have sufficient space to exist without being crammed in and getting claustrophobia. I hope that is taken into account in the course of what is happening now and that we do not squeeze the biggest number of housing units into each acre in order to get the most cost-effective and efficient result. While we need cost effectiveness and efficiency, we must also take into account the quality of life of those who will live in those circumstances.

We must also be aware that time is not on our side. This is what worries me most of all. In the last few weeks, I have come to the conclusion that every single available habitable building must be converted as a matter of urgency, on a temporary basis or otherwise. There is no use in saying we cannot afford it. If we cannot afford it, there will be people demonstrating in the streets and we all know what that means. It is coming closer with every day that passes. We

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have a choice. We can plan for that and do something about it quickly and cost effectively. We cannot presume that we can take two years to achieve what we must because we cannot. It is not that kind of problem. The issue is much more urgent. I call on all of those involved in planning and in dealing with the housing crisis to concentrate on ensuring that we deal with the urgent cases as quickly as possible and then move on to ensuring that we do not have an accumulating housing crisis over the next two or three years because that is what will otherwise happen.

There are people now whose families have been broken up to sleep in two or three different houses. That has not just been for a week, a month or even six months, but for the last couple of years. It has been going on for three or four years. There are people who have been sleeping on mattresses on the floor in temporary accommodation for the last three or four years. There are people who have been told by various local authorities that nothing can be done for them and that they should come back in a couple of years. That is cold comfort for a family with small children who need urgent accommodation now. We also hear in the background people who say that not all of these cases are genuine. Of course, there is the odd one that gets on board. That happens in every society everywhere. There is the odd fish who slips through the net and damages the credibility of everyone else. However, those of us who still deal directly with the public, face to face on a daily and weekly basis, should know who is genuine and who is not. If we do not, we should not be in this business.

One of the hardest cases I came across in the last year involved two young people dressed in summer clothes with a small child living in what I can only describe as a tin caravan on a roadside. These are people from the settled community. That is the settled community but I have not even begun to talk about the Travelling community. It breaks one's heart to have to face people in those situations. They expect us to be able to do something about it fairly quickly. There was a time when we could. There was a time when we could make a request which was attended to straight away. Things have changed, however, and those days are gone. Everything moves slowly now. I remember when technology was first introduced and we were all told that modern communications would make things happen very quickly. They did not. God be with the days when a hard copy of a file was available on a rolling bar in one's local authority. One set of files could be pushed aside to enable one to walk down the middle of the aisle. They were all available in hard copy. The length of time it took to access a file was probably in the region of 30 seconds. There was no problem at all. There was no technology, just simple good housekeeping. However, we cannot change those things.

Every method of providing a housing unit is one extra unit, which reduces the extent to which prices are pushed upwards, something that applies to urban and rural areas. We all know many people who are indigenous to rural areas in this country and who expect to be able to build houses on their properties, adjacent to old-fashioned local authority houses in their gardens or on small pieces of farmland. It is not so easy to do that now; as a matter of fact, it is becoming more and more difficult.

Some people take pride in ensuring that they do not get accommodated. That is nothing to be proud of. The Minister will need to liaise with planning authorities and make it absolutely clear that if we are going to deal with the problem that now lies in front of us, we will have to ensure every means possible, in keeping with good planning concepts, are utilised to deal with the housing problem that currently exists.

We can build good houses, and build them well. We will make provision for roads and

recreational facilities. That can be done quickly or slowly; there is no difference. People have been trying to tell us for years that if one prolongs something, it will be better, but that is not the case. Having to wait for a long period of time depresses people.

The Minister will take this on board, but we need to see a manifestation of it fairly soon. We need local authorities and planning authorities, in keeping with good planning concepts, to ensure that people who live in rural areas have a reasonable chance of building homes for themselves and their families and create no burdens for them. Only a few years ago local authorities built houses in rural areas on the basis that applicants for local authority houses could apply for local authority houses to be built on their sites. They did that well, and many are still in place.

We have all spoken about this issue in our various capacities. I remember a time when the housing issue was dealt with, to a significant extent in our county at least, through local authority loans. They have disappeared or are impossible to qualify for and it irritates me that a qualification barrier has been put on eligibility for local authority housing. The income threshold is low. The presumption is that a person who has been rejected on the basis of income should be able to buy a house or fund a loan. There is not a chance they can do that. Not only that, such people cannot even rent houses at today's prices.

I ask the Minister, as a matter of absolute urgency, to do something about that quickly. Let us have a realistic system, whereby people have the option of improving their position in some shape or form, in urban and rural areas, by being able to provide themselves with housing on foot of what used to be called local authority loans. Let us not make things so difficult for them that they become cynical when they read the criteria and decide the system is not meant for them because it is too difficult. If somebody thinks it is possible to qualify under the heading, from where do they get information?

I refer to services such as roads and access, which affect the quality of life in new developments. There is not much sense in building houses if people cannot access them. If a bridge has been in need of realignment and improvement for 50 years and permission is granted to build houses behind it, there will be no way in or out of the place. I can think of several such examples in my constituency, where infrastructure has been in place for 40 or 50 years and not been improved. In other parts of the country, we marvel at the improvements that have been made and similar situations have been attended to. Perhaps local authorities in some areas are better equipped to deal with these things, but perhaps not.

I hope what we are doing now will improve the situation, speed up the provision of housing, try to ensure that good planning procedures are applied and, as a result, we will regain the confidence that some of the public have lost in our ability to deliver the services they have normally expected.

*Notice taken that 20 Members were not present; House counted and 20 Members being present,*

**Deputy Bríd Smith:** After a tribunal lasting 15 years and costing over €150 million, the Bill will still leave key Mahon recommendations not implemented. Recently, there have been serious attempts to rehabilitate the legacy of Bertie Ahern and the wider Fianna Fáil Party. I note Deputy Micheál Martin was a leading Minister in previous Administrations. The real legacy of decades of Fianna Fáil rule lies in the findings and workings of the Mahon and Flood tribunals. As there appears to be a bout of collective amnesia in the Chamber, it is worth remind-

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ing ourselves of the actual legacy of Fianna Fáil and Fine Gael control of local and national democracy. The Mahon tribunal findings resulted in the imprisonment of Ray Burke in 2005 after he pleaded guilty to not paying tax on undeclared income. It found that Bertie Ahern had lied about the source of more than £215,000 that had been lodged in bank accounts connected to him-----

**An Ceann Comhairle:** It is not appropriate to accuse someone of lying in the Chamber.

**Deputy Noel Rock:** Hear, hear.

**Deputy Bríd Smith:** It also found that Pádraig Flynn had taken €50,000 in corrupt payments, that corrupt payments to 11 Fianna Fáil and Fine Gael councillors were an abuse of the democratic system and that the late Liam Lawlor was hopelessly compromised by payments from developers.

This Bill is meant to be the final piece in the jigsaw of rooting out corruption in our planning processes and in rooting through the legacy of the rule of Fianna Fáil and Fine Gael at local and national levels. It is worth remembering that the consequences of that era are not simply a long list of corrupt payments to leading members of Fianna Fáil or Fine Gael from developers and builders. This is not simply about bribes to politicians to rezone land or to grant planning permission. This is about the effect of these decisions on the lives of ordinary working class communities across the country. It is a legacy of badly planned housing estates, out-of-town shopping centres and developer driven plans that boost their profits but leave us with chaotic urban environments where there is little thought for the building of communities with decent infrastructure or access to schools, transport or sustainable homes and housing.

The wider legacy was an economy and society where the needs and profit seeking of developers and builders ruled and local communities had little say or control in fundamental decisions that affected their lives and environments. The consequences of the bribery and corruption are wider than the specific developments in respect of which Fianna Fáil and Fine Gael politicians were paid. These are the developments and buildings that got planning permission and were built on flood plains or in green fields well away from transport or any other infrastructure. The consequences include those of a wider system that permitted pyrite in homes, ghost estates, two-hour commutes for workers travelling to and from their homes and housing estates on the urban fringes of Dublin with little or no facilities. The boom in house prices forced people to go in those directions.

When I hear that Fianna Fáil wants Bertie Ahern to come back or am listening to a radio interview where his role in the Northern Ireland peace talks is being eulogised, I cannot help wonder when we will examine the real legacy of those decades of rule and misrule. To cite just one example, I think of Neilstown in Clondalkin where people lived and continue to live with the real legacy of those years and the corruption surrounding the building of the Liffey Valley shopping centre. I think of the generations of families that are living with no real town centre. Those communities are living without the services and infrastructure they need.

Will this Bill ensure that these things cannot happen again? Will it root out corruption from the planning process? Does it implement the Mahon tribunal recommendations in the area of planning and development? I do not believe so and I do not believe it will implement the key Mahon tribunal findings.

The Mahon tribunal report called for powers to be transferred to an independent regulator's

office. This Bill sets up such an office but it does not divest the Minister of any power. The final decision still rests with the Minister. He may have to report to the Dáil if he rejects the regulator's findings that a development is, for example, in contravention of a national strategy. I personally do not believe that to be a big deal because I do not believe that a Fianna Fáil or Fine Gael Minister would be shy about doing it if developers said we must get a particular development through. I can envision an argument on a whole range of developments where a Minister would tell the Dáil that it is in the national interest to allow particular developments to go ahead.

We now have a series of amendments to the planning and development Act, the main thrust of which has been the facilitation of the needs and agenda of developers and the building industry and their profit margins. It will not be presented as such, however. It will be and is being presented as a solution to the housing crisis, but the bottom line is that we do whatever developers and builders want us to do to boost their profit margins and encourage them to build. I do not see the requirement for the Minister to explain overruling an independent regulator in any specific case as a guarantee that will ensure there will be no political interference in the planning process.

The Mahon tribunal report recommended that the board of the National Transport Authority, NTA, should be appointed by an independent board and not the Minister. Not so long ago we saw that the decision of who gets to be on the board of the NTA is less than transparent and open. I wish to thank the former Fine Gael Minister, Deputy Lowry, who has wide experience of the workings of tribunals, for enlightening us as to what are considered the qualifications needed for appointments to the board of the NTA when he lobbied the Taoiseach for a position on the board for a friend and political ally who was, and I quote, "easy on the eye". The NTA is a hugely powerful agency that has, at the behest of the Government, been engaged in an ideological war against our semi-State transport companies, with the effect of undermining public transport and carving out services for effective privatisation and the driving down of workers' wages and conditions. We see this graphically in the current Bus Éireann crisis and before that with Dublin Bus. The project to tender out routes and to court private transport companies that are mostly fronts for global multinational interests is presented as being in the best interests of the travelling public when in reality it is clear that this is a neo-liberal agenda being dressed up as the public interest. Some scrutiny and oversight of who gets to be on the board that makes this hugely important decision on bus routes and rail and tram services is essential, but it is completely absent from the Bill.

There is also the recommendation whose omission from the Bill is the elephant in the room. The Mahon tribunal's key finding and recommendation to deal with the past corruption of Fianna Fáil and Fine Gael was a requirement that relevant political donations would be identified when a planning application is being made. This is neither mentioned nor acknowledged in the Bill. It is not true, as has been claimed, that we have acted on the key part of the tribunal recommendations. We do not have sufficient transparency in political donations and planning applications. After 15 years of the tribunal sitting and nearly five years after its final report, it is not good enough that we ignore this key finding. I do not accept that, for example, the regulation of lobbying register that came into effect in September 2015 is sufficient or what the Mahon tribunal report envisioned. Nor are any of the other measures which we were told would make planning and local democracy more transparent. What is needed is a clear and unambiguous section that requires developers and builders to disclose any and all political donations to any and all elected officials or politicians when applying for planning permission and that information should be made easily accessible to the general public. The professed reason offered by the

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Department to exclude such a register, namely, that it would be difficult to establish and verify, is simply not good enough.

I have no illusions that any simple measure can stop corruption in planning and development. The very definition of what we consider to be corrupt has changed over the years. The days of brown envelopes to councillors in a bar on Parnell Square may be gone, as is the bar, and the corruption of our political process may not be so crass or obvious, but it may have morphed into a more subtle and sophisticated form. Now there seems to be no problem with, for example, officials who worked in NAMA one week transferring to a private equity firm or real estate investment trust, REIT, the next. There appears to be no problem with the Minister meeting vulture funds or developers regularly and writing down their wish list for legislation and tax breaks and presenting them as being in the national interest. Brown envelopes are gone but the ultimate losers in both processes are ordinary people caught in a badly planned urban environment and a system that is utterly prone to a housing crisis.

We will seek to table significant amendments to the Bill and will try to implement the spirit of the Mahon tribunal report and the attempt of that tribunal to stop the corruption of the planning process. We will try to stop the overcentralisation of powers that the Bill ignores and will try to bring transparency to both the appointments made to powerful bodies such as the NTA and to the political donations made by those engaged in planning applications. That is the least we can do after spending €159 million and almost 20 years examining the matter. That is the least we can do after the tribunal unveiled corruption at the highest level of the State. The least we can do is acknowledge the real legacy of Fianna Fáil and Fine Gael in the era of Bertie Ahern, Pádraig Flynn and company.

*3 o'clock*

**Minister of State at the Department of Housing, Planning, Community and Local Government (Deputy Damien English):** I thank Deputies for the contributions they have made since the debate on this Bill commenced on 28 September last. Their comments clearly indicate the importance of the Bill and the measures proposed therein. Many interesting and varying contributions were made over the course of the debate and while I may not agree with all of them, I fully accept that they were made in a constructive spirit and that most speakers were genuine. I welcome the broad support for the Bill and will work with all sides to deliver a positive final outcome.

As the Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, outlined in opening the debate and as acknowledged by Deputies in their contributions, a properly functioning planning system is critical to the ongoing development of all parts of the country and ensuring that development takes place in accordance with the principles of proper planning and sustainable development. That is the primary purpose of the planning system and it is important that the highest standards are applied by and adhered to at all times by all parties engaged in the planning system.

The establishment of the new independent office of the planning regulator, OPR, to oversee the development plan process and planning system generally will, as outlined in the Minister's Second Stage contribution, add a layer of sophistication to the institutional arrangements within the planning system, with a view to ensuring the overall integrity of the system is preserved and, where possible, enhanced. In addition to the establishment of the new office, the Bill gives legislative effect to further planning related recommendations of the Mahon tribunal report,

and I will address these shortly. First, however, I will respond to some of the broader thematic issues raised during the debate, after which I will elaborate on some further specific aspects of the Bill.

Transparency and accountability are key principles which must underpin the planning system. In this connection, and as specifically recommended by the Mahon report, the Bill specifically provides for enhanced transparency in the planning process by requiring the publication of submissions on local area plans and development plans, as well as the chief executive's report on such submissions, on the website of the relevant planning authority, and the forwarding of any proposed grants of planning permission which would contravene materially a development plan or a local area plan to the relevant regional assembly for observations.

On the national planning framework and the successor to the 2002 national spatial strategy, which will be titled Ireland 2040 - Our Plan, the placing of the new plan on a statutory footing, again as recommended by the Mahon tribunal, is focused on establishing a legislatively defined approach to its development and review. Deputies Barry Cowen and Eugene Murphy referred to the need to place the national planning framework on a statutory footing even though it is not yet drafted. In this connection, the Bill outlines the procedures to be followed in the development and adoption of the forthcoming national planning framework and its successors. These procedures, including public consultation and participation in the process, the periodic review of the framework every six years, and the requirement to obtain Oireachtas approval of the framework or any revised framework, need to be set out in statute so as to ensure they are followed in future. Critically, and as indicated, the proposed new procedures provide a role for the Oireachtas in the approval of the national planning framework and its successors, unlike the previous national spatial strategy, which was adopted by government alone. This should be broadly welcomed by the Oireachtas in that it is being given a role in establishing the broad overarching national framework for the strategic planning of urban and rural areas throughout the country, the securing of balanced regional development and greater co-ordination of regional spatial and economic strategies and city and county development plans.

On the issue of the greater alignment of spatial and transport planning, I accept that this issue, which was raised by a number of Deputies, including Deputy Cowen, needs to be further examined. Many of the existing planning and transport problems which have resulted in unsustainable patterns of commuting and increasing congestion stem from a lack of integration between planning and certain land uses, including transport. Deputies Barry Cowen and Eugene Murphy made a good point in this regard and I agree that it is important that a more integrated approach is developed between these two areas. Consequently, I accept that there may well be a need for a defined role for the OPR in the assessment and evaluation of the transport planning strategies of bodies such as the National Transport Authority and Transport Infrastructure Ireland. I will reflect further on how this may best be achieved and, if appropriate, further initiatives will be taken in this matter.

With regard to the role of the office of the planning regulator and the handling of planning complaints, the OPR will be empowered to examine complaints made by any person on a planning matter, including, where considered warranted, the referral of the matter and any related documents to one or more of the following: the Ombudsman; the Standards in Public Office Commission; the Garda Síochána; or such other State authority as may be prescribed.

In addition, the OPR may, on its own initiative, at the request of the Minister or on foot of complaints received, carry out reviews and examinations of the operation of planning authori-

ties, including An Bord Pleanála. In this connection, the OPR will be able to form its own opinion and make recommendations to planning authorities and to the Minister where a planning authority may not be carrying out its functions in accordance with the Act; is not complying with guidelines or directions issued by the Minister; may be applying inappropriate standards of administrative practice; may be applying systemic discrimination in decision-making; or may be operating in a manner where there is a risk of corruption or there are serious diseconomies or inefficiencies in the conduct of its functions. These are significant new powers which will facilitate much stronger oversight of the planning system than has applied until now.

To address other specific contributions made during the debate, a number of Deputies questioned whether the Bill addresses all of the Mahon tribunal recommendations. In this regard, it is worth noting that the tribunal made 64 recommendations in total, of which only ten are planning related. Some of the ten planning related recommendations have already been implemented and the remainder, where feasible, are provided for in the Bill. Only two planning recommendations have not yet been implemented. The first of these relates to the proposal that members of the regional assemblies be directly elected. In this regard, I note that the new regional assembly structures were only established in 2014 further to the Local Government Reform Act of that year. Accordingly, it is premature to progress this recommendation at this time. However, the intention is that it will be reviewed after the new structures have run a full five-year term.

The other outstanding recommendation relates to the introduction of a requirement that planning applicants be required to disclose if they have made a political donation to a member of a local authority when making a planning application and indicate the identity of the donation's recipient. In this connection, issues relating to political donations generally are probably most appropriately addressed in standards in public office legislation. However, I will reflect further on whether it may be possible to address planning related political donations in the planning legislation. In this connection, Deputy Eoin Ó Broin called for the publication of progress reports on the implementation of the Mahon tribunal recommendations. As I indicated, the 64 Mahon tribunal recommendations extend well beyond the planning sphere and, accordingly, any reporting of this nature does not fall solely to the Department.

I will now briefly address some of the other issues raised by Deputies in their contributions. Deputies Barry Cowen, Eoin Ó Broin, Dessie Ellis, Eugene Murphy and others expressed some concerns regarding the remit of the OPR, its powers and independence, operational practices and resourcing. I am satisfied that the Bill, which has been drafted in consultation with the Office of the Attorney General, comprehensively and satisfactorily addresses all of these issues.

While generally welcoming the provisions in the Bill relating to the introduction of e-planning, allowing for the online submission of planning applications and appeals, Deputy Ó Broin asked if this would preclude people without Internet access from submitting planning applications in paper format or having access to or viewing planning documents. In this regard, the introduction of e-planning is in response to public demand for more streamlined and accessible planning processes, particularly from the planning and architectural professions. However the existing paper based arrangements will remain in place, whereby it will still be possible to submit planning applications in hard copy or to be viewed at the offices of planning authorities.

Deputy Ó Broin, who made many comments on the Bill, also asked for some background on the provisions in section 14 relating to the control of licensed premises and whether similar provisions could be extended to include fast food outlets. This section 14 provision relating to

the controlling of the location of licensed premises emanates from the final report of the Commission on Liquor Licensing, which stated that local authorities rather than the courts are the appropriate bodies to assess the suitability and location of premises for the sale of alcohol. With regard to the location of other types of premises and businesses which are not licensed by the courts, such as fast food outlets, it is considered better to deal with these on a case-by-case basis through the development management planning permission process. The issue Deputy Ó Broin raises needs to be addressed, not only by the Department of Housing, Planning, Community and Local Government, but also, in the context of other types of facilities, by the Department of Education and Skills. In that context, I note my constituency colleague, Deputy Shane Cassells, is present. He and I are aware of certain cases in our home town which may result in changes being required. The appropriate way to deal with these matters is through changes in the planning process, which should be made in consultation with other Departments.

Deputy Ó Broin also questioned if the powers of the OPR in dealing with complaints by members of the public could be strengthened. In this regard, the detailed arrangements for the investigative powers of the OPR were considered in detail in the drafting of the relevant provisions with the Attorney General's office. The advice provided was that it would be best not to duplicate the powers and functions of the Garda, the Standards in Public Office Commission or the Office of the Ombudsman in this legislation. As I mentioned earlier, following the examination of a planning complaint the OPR will be empowered to refer the matter to the other statutory authorities mentioned for further investigation. This is considered to be the most appropriate and balanced approach in the circumstances, having regard to the already crowded institutional space in this area.

Deputy O'Rourke proposed the insertion of a provision allowing for the extension of the duration of planning permissions in respect of unfinished developments. Extensions of duration of planning permission where developments have not been completed during the original five-year permission are already allowed under section 42 of the planning Act. In recognition of the reality that many housing developments were not completed within the timelines originally envisaged due to the economic recession and the downturn in construction activity, provision has been made in section 28 of the Planning and Development (Housing) and Residential Tenancies Act 2016, which was enacted before Christmas, for a second extension of duration of planning permission in specified limited circumstances. Deputy O'Rourke also referred to situations where planning permissions have been granted but the works cannot commence due to infrastructural difficulties. This is intended to be addressed, where possible, by the €200 million local infrastructure housing activation fund, which I announced some months ago, with a view to facilitating the delivery of large-scale housing developments which would not otherwise be delivered.

Deputy Broughan questioned if the provisions in the Bill relating to the prohibition on the disclosure of information by OPR staff members were in conflict with similar provisions in the Protected Disclosures Act 2014. In this regard, the Protected Disclosures Act 2014 applies to workers globally with the objective of protecting workers who raise concerns about possible wrongdoing in the workplace. Employees of the OPR, when established, will be covered by this legislation. However, the specific provision in this Bill about which Deputy Broughan expressed concerns relates to prohibiting OPR employees from disclosing sensitive confidential information which they obtain in the performance of their duties. This is a standard confidentiality-type requirement in bodies such as the proposed OPR and there is no conflict between the provisions of this Bill and the Protected Disclosures Act.

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Deputy Catherine Murphy raised the issue of the establishment of a national register of planning enforcement orders and the taking into account of past non-compliance by developers with planning conditions when deciding on planning applications. With regard to the Deputy's first proposal of a national planning enforcement register, much of the information relating to enforcement notices is already required to be published on each planning authority's planning register and so this information is largely already in the public domain. With regard to Deputy's second proposal in relation to taking into account past non-compliance by developers with conditions attached to planning permissions when assessing new planning applications by developers, this also is already provided for in section 35 of the Planning and Development Act.

I have endeavoured to address as many of the contributions made by Members during this Second Stage debate as openly and comprehensively as possible. I would like to signal to the House at this point that I will be bringing forward a number of amendments to the Bill on Committee Stage. These will primarily relate to improving and streamlining the procedures in connection with the taking in charge of housing estates by local authorities, which is an issue in which I know Deputy Catherine Murphy and others have a particular interest and raised on Committee Stage of the Bill dealt with prior to Christmas last. I will also be bringing forward amendments to the Planning Act to address the issue of land hoarding by developers, which is an issue about which a number of Deputies and Senators expressed concerns during the discussions on the Planning and Development and Residential Tenancies Act 2016, which was also dealt with before Christmas and which my Department has since been working on. Land hoarding is unquestionably an issue that needs to be addressed as part of the measures to tackle the current housing shortage and bring forward housing supply.

I have outlined in some detail the main purpose and provisions of the Bill. I am sure Members on all sides of the House will agree that this Bill is aimed at delivering a number of fundamental, important and necessary revisions to the Planning and Development Act 2000 arising from the final report of the Mahon tribunal. In particular, and as I have already indicated, the establishment of the independent office of the planning regulator will introduce a further institutional layer of sophistication and oversight to the planning system. The establishment of this new independent office, to take over the function of evaluating and assessing local development plans and regional strategies, to oversee the operation of the planning system generally and also to conduct reviews of its operation, where considered necessary, is aimed at ensuring the mistakes of the past are not repeated in the future and that the planning system is operated in an open, transparent and impartial manner in the interests of the common good.

I thank Deputies for their contributions to Second Stage and I look forward to their further constructive engagement on this important Bill as it progresses through the House.

I commend the Bill to the House and look forward to further engagement with Members on Committee Stage.

Question put and agreed to.

### **Planning and Development (Amendment) Bill 2016: Referral to Select Committee**

**Minister of State at the Department of Housing, Planning, Community and Local Government (Deputy Damien English):** I move:

That the Bill be referred to the Select Committee on Housing, Planning, Community and Local Government pursuant to Standing Orders 84A(3)(a) and 149(1).

Question put and agreed to.

## **Ceisteanna - Questions**

### **Priority Questions**

#### **Housing Provision**

1. **Deputy Barry Cowen** asked the Minister for Housing, Planning, Community and Local Government his views on whether the number of social housing project approvals in 2016 was low and if new social housing construction targets are wide of those set out in his Department's action plan. [2284/17]

**Deputy Barry Cowen:** On foot of a question I tabled recently to the Minister, Deputy Coveney, in regard to the number of approvals last year I was directed to refer to the Department's website, which I did. According to the information on the website there were 3,366 approvals, and since January 2015 there have been 2,700 approvals in respect of local authorities and 590 in respect of approved housing bodies. In regard to the commitment to construction this year, it is estimated that approximately 2,700 local authority units will be constructed this year, which means there is a gap of 600 given only 300 units were constructed last year. In terms of the ramping up of construction to meet demand and of allowing local authorities to be the main provider in terms of addressing the supply deficit, the aforementioned data does not indicate that this is happening. We would expect to see more units built this year. Perhaps the Minister would comment on why in terms of construction we are relying this year on approvals since 2015.

**Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney):** I thank the Deputy for the opportunity to clarify the situation. Social housing projects approved continued apace in 2016, adding to the sizeable pipeline in place to deliver significant additional social housing in support of the objectives set out in the Rebuilding Ireland action plan. Through major announcements in May 2015, July 2015 and January 2016 almost €680 million has allocated for over 3,900 social housing new builds, turn-key developments and acquisitions. These initial announcements under the social housing strategy provided the first significant impetus for reviving the social housing construction programme, the scale of which had declined significantly, as we all know, in preceding years.

Since I became Minister for Housing, Planning, Community and Local Government last May, approximately 200 further direct construction and turn-key projects, representing some 3,600 new units, supported by Exchequer investment of €500 million, have been added to the programme. Unlike previous approvals which were announced in a number of large batches, projects are now approved as they progress through the approval process in order to expedite delivery. In other words, approvals are not batched but approved as they come through. The effect of these approvals has been to build a strong pipeline of social housing build projects.

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Taking the main local authority housing construction programme as an example, there are approximately 255 projects, including 20 turn-key projects, at various stages in the programme, with capacity to deliver more than 4,000 new social homes. These range from large-scale new developments to smaller infill projects. On rapid-build projects, 350 units are now advancing through various stages of delivery, including construction, across a number of Dublin sites. This will be added to, with an additional 650 units this year and a further 500 units in 2018.

Under the capital assistance scheme, there are over 100 approved housing body projects in the pipeline which will deliver approximately 1,000 units. As a further example, under the PPP programme, almost 1,000 new social units are in planning with local authorities. The momentum of approvals will continue in 2017 in order to add to the pipeline and provide the basis for delivering on the increased Rebuilding Ireland targets. Data on the full pipeline of projects are currently being updated. The intention is that this will be finalised and published in conjunction with the next Rebuilding Ireland quarterly implementation report in the coming weeks.

**Deputy Barry Cowen:** I thank the Minister for his response. I wish to get to the nub of this. What is being constructed this year relates in the main to approvals of two years ago. In my constituency, for example, two sets of 30 units were approved two years ago in two locations but no ground has been cut yet. The public needs to see improvements. We are told the number of stages from approval to completion has been cut from eight to four. I accept that and hope we will see improvements because of it. They have yet to become crystal clear. I have asked departmental officials about this at the committee meeting this week. I hope the Minister will insist on making the information available as soon as possible in order for us to see examples of improvements. Can the Minister tell us in the coming weeks what new approvals were granted by the Department in 2016 alone? This knowledge would allow us to monitor the progress made from initial approval to construction and completion. There are many short-term measures that will not have the desired effect that have to be taken up, but those in question are medium-term to long-term measures that will help to address the supply issue. I accept that but the public has to see that there is progress and that improvements are being made. Fantastic plans and proposals were made by the previous Minister also but they did not come to fruition because of the logjams in the Department and local authorities. I ask the Minister to make the information available regularly.

**Deputy Simon Coveney:** I take the point. It takes time to proceed from approval to the delivery and occupation of a social house. Obviously, the rapid-build projects are an effort to try to make this happen faster. Some of the preparation and approval times in terms of Part 8 requirements for rapid-build projects have been problematic. Once such a project moves to site, it moves a lot faster than a conventional build. That is why we are pursuing this approach. It is only part of the social housing delivery programme.

We are happy to give as much detail as anybody wants on what has been approved. What I have not been doing is trying to put into one basket many different projects to try to launch them with a big splash every few months. Instead, we try to get every project that is ready for approval through the system as fast as we can. We are approving projects almost on a weekly basis. We were doing so towards the end of last year. We can give a list of all the approvals that have been made.

One reason we have committed to quarterly updates on the Rebuilding Ireland programme is so people can see whether we have fallen behind on targets. If so, it will become self-evident. If it is seen that we are ahead on targets, the appropriate momentum will be gathered.

**Deputy Barry Cowen:** I look forward to it. I simply want to be able to say to the public and those attending my constituency office, in addition to others, that progress is being made, that things are being done differently and that the Government is in a position to ensure that what is being put into the sector by way of providing public housing is delivered. I need to be able to track approvals to construction and not be dealing with circumstances such as those in which the ground has not yet been cut for a development approved in my constituency two years ago, despite the best intentions in the world, I am led to believe. This is replicated around the country. We do not want to see that repeated, especially at this time of crisis when there is an emergency. People need to see an urgent response giving the matter the attention it deserves in order for results to be forthcoming.

**Deputy Simon Coveney:** It is important to say we are ahead of target for 2016. The target for delivery across build, acquisition and long-term leasing for social housing in 2016 had been 4,240. The actual number was 1,000 more than that. This year, we obviously need to try to stay ahead of target as best we can. The Deputy, since he knows the local authority system, knows as well as I do that some local authorities are better than others at delivering with a sense of urgency. My job is to work in partnership with the local authorities to ensure the delays are not in my Department and to address in as timely a manner as possible any barriers, delays or issues slowing down approvals and the movement from approval and tendering to building. That will involve a combination of measures, from streamlining the planning system and new technologies for rapid-build solutions to getting approvals a lot faster in my Department through having face-to-face meetings rather than e-mails and letters. All this is happening but it takes a little time to build capacity in the system and essentially go from building virtually no local authority houses to building as many as we need to build annually. We are in the process of gearing up towards achieving a much more respectable figure.

### **Homeless Persons Data**

2. **Deputy Eoin Ó Broin** asked the Minister for Housing, Planning, Community and Local Government the reason the November homelessness report published on 30 December 2016 does not include all those persons in State-funded emergency accommodation; if he will ensure that the figures will in future include those persons in domestic violence emergency accommodation funded by Tusla and those in the Department of Social Protection new communities unit-funded emergency accommodation and that the reports will be published earlier each month and on a Dáil sitting day to allow for adequate scrutiny; and if he will commit to further implementing the seven-point plan agreed with Home Sweet Home in January 2017 to tackle homelessness. [2286/17]

**Deputy Eoin Ó Broin:** The figures the Minister's Department produces every month on homelessness are not accurate. They do not include adults and children in Tusla-funded domestic violence shelters or step-down accommodation. They do not include non-Irish nationals in emergency accommodation funded by the new communities unit. Crucially, they do not include those families trapped in direct provision having got their stamp 4 status but who are unable to secure alternative accommodation.

Tusla and the Department of Social Protection cannot currently give Members numbers for those first two categories but we know there are 400 families in direct provision who should not be there but who are essentially using direct provision as emergency accommodation. I have

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asked about this previously in a parliamentary question. The substance of my question today concerns whether the Minister and his Department will take a lead role in collating all the relevant data so the monthly records the Department publishes will give us an accurate picture of the number of families in all State-funded emergency accommodation.

**Deputy Simon Coveney:** It is important to distinguish between numbers in emergency accommodation and support accommodation and the numbers who are officially homeless. Sometimes the numbers are not the same. Sometimes people need to be in temporary care, perhaps because of domestic violence or mental health issues. It is not necessarily the case that the number in State care is the same as the number of people who have declared themselves homeless. Sometimes it is, however.

The official homelessness data reports, as published by the Department every month, are provided by housing authorities and produced using the pathway accommodation and support system, PASS, a single integrated national data information system on State-funded emergency accommodation arrangements overseen by housing authorities. The reports do not capture details of individuals utilising State-funded emergency accommodation arrangements which are not overseen by housing authorities, such as clients of domestic violence refuges or the new communities unit. This has always been very clear. The compilation, management and publication of data in regard to those clients are a matter for Tusla. The Deputy has not managed to obtain the data he has asked for in that regard.

For my part, I am satisfied with the quality, timeliness and format of the PASS reporting procedure. The system was put in place only a few years ago. It is not too long ago since we got homelessness figures only once per year. We now have them once per month. When they were being put together, we looked for figures from the various areas to which the Deputy is referring. It was either deemed inappropriate in terms of homelessness numbers or the figures were not readily available.

I take the point the Deputy is making but it is important when assessing numbers and trends to ascertain whether things are moving in the right direction to be consistent in how one calculates data. That is why I do not believe it is a good idea to switch from the PASS, which is by and large working. If there are other issues we need to address and if there are homeless people in other accommodation, we need to determine how best to deal with it. Introducing a new form of calculation is not necessarily the best course of action.

On the second part of the Deputy's question, on the Home Sweet Home campaign, I would like the opportunity to address it when I next get to contribute.

**An Leas-Cheann Comhairle:** The Minister will have another minute.

**Deputy Eoin Ó Broin:** That is a very disappointing response. The Minister is essentially admitting these figures are not accurate but he is not willing to change their method of collation. None of the three categories of people I talked about pertains to people in care. If a family is put out of its home as a result of domestic violence, it is put into a domestic violence emergency accommodation shelter. That is emergency accommodation for the homeless. If a family or individuals are put into emergency accommodation or bed-and-breakfast accommodation funded through the new communities unit, they are put into emergency accommodation. The 400 families in direct provision that have stamp 4 status are not in care.

I am not saying that the figures would make a difference - there is no reason that the Minister

could not have his Department's figures alongside those from Tusla and so on - but we do not have an adequate picture of the number of adults and children who are homeless. How can the Minister then develop a strategy for combating the long-term housing needs of these categories, which is the primary responsibility of his Department, without including them? The figures that the Minister has provided to the House are substantially better than those of some years ago. The fact that we get them monthly and in this form is good, but these three categories of family are homeless. Unless they are mentioned in the overall figures, we will not have an adequate picture and our response will not be adequate.

**Deputy Simon Coveney:** My responsibilities are towards the areas that I control. I will speak to the other Ministers involved. I have a long briefing note. When these data were being put together initially, there were discussions around adding figures, particularly those from domestic violence refuges. It was not possible to do that at the time.

Regarding the new community units, a series of other considerations need to be factored in that are not necessarily covered by citing simple numbers. Some people may be in different types of circumstance and with different entitlements depending on, for example, whether they are here to stay. In some ways, this could inaccurately skew the figures. My key issue is the need for accuracy and a consistent method of calculation so that we can determine whether trends are improving.

I would like the opportunity to clarify a number of matters regarding the Home Sweet Home campaign. The Deputy referred-----

**An Leas-Cheann Comhairle:** Might we take up the final minute with this reply?

**Deputy Eoin Ó Broin:** I would like to contribute again, but I would not mind if the Minister used his two minutes afterwards.

**An Leas-Cheann Comhairle:** The Deputy can contribute and the Minister can give a composite response in the last minute. We are well behind time.

**Deputy Simon Coveney:** I will respond in my final segment.

**Deputy Damien English:** We are ahead of time. We started early.

**An Leas-Cheann Comhairle:** Hold on. We are still only allowed 1 hour and 30 minutes.

**Deputy Eoin Ó Broin:** The figures are not accurate. That is the problem. I will raise a further point, and I look forward to hearing the Minister's response on Home Sweet Home. For the second month in a row, a number of other Deputies and I were disappointed by the timing of the release of the figures. It is difficult not to draw the conclusion that, when the Minister releases figures on 30 December without any press release on the website or, as far as I know from speaking with some members of the media, issued to the press, it is an attempt to bury bad news. I am not accusing the Minister of that, but it is the impression given. During the week in question, two significant news stories were issued by the Department's press office that promoted the Department's good work. I had no difficulty with that, but we must ensure that data are released at a time when Deputies have an opportunity to scrutinise them and the media or the general public is not away on holidays just before New Year's Eve. To ensure that people do not get the impression that the Minister is trying to bury bad news, I am asking for a commitment that he will publish the figures earlier and preferably on Dáil sitting days or days on

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which we have the opportunity to scrutinise them adequately.

**Deputy Simon Coveney:** Regarding the numbers, various comments have been made, including by the Deputy, that are not accurate. The Dublin figures return to us separately from the rest of the country. We wait until we have the national figure before we publish anything. If I got figures on a Friday and waited until Tuesday to publish them because Tuesday was a Dáil sitting day, I would still be accused of delaying.

**Deputy Eoin Ó Broin:** Not by me.

**Deputy Simon Coveney:** There was no attempt to hide anything and if there had been, I would probably have waited until 1 or 2 January when there would have been no focus on the figures at all. Instead, we published them before then.

Normally, we get the figures towards the end of the third week or so of the month after the one for which we have data. Most of the time, we try to get the figures out as soon as we can, but I must ensure that I can stand over them and that they are verified and so on.

Regarding the Deputy's reference to a seven-point plan that was agreed with the Home Sweet Home campaign, I will put what actually happened on the record. We had a long conversation about a number of those points and there was agreement on them, but it is important to point out that I did not see that seven-point plan press release in its final draft, never mind approve it, before it was announced and released. It was a reflection of the approximately seven-hour conversation on a range of issues that we had held on the previous Friday. At the end of that conversation, an attempt was made to have an agreed statement, but it was not agreed. The following Wednesday or Thursday, an announcement was made as if I had made an agreement in writing with the Home Sweet Home campaign. That simply was not true.

What is true is that much of what was in the statement was agreed at our meeting. Unfortunately, people were claiming credit for certain things. I am not really interested in that. Rather, I am interested in the accuracy of the change that is happening in terms of supporting homeless people. It is true to say that we will have an extra 100 emergency beds in Dublin in the coming weeks, probably through two or three new hostels. It is true to say that we will look after the short and long-term needs of people who are accommodated outside Apollo House. It is true to say that we will improve community services for homeless people. It is true to say that, by the middle of this year, we will not allow families to be accommodated in commercial hotels. I understand that there will be a monthly meeting, if Home Sweet Home wants one, with Dublin City Council.

**An Leas-Cheann Comhairle:** The Minister has exceeded his time by two minutes. I have been overly generous. That is my problem.

**Deputy Simon Coveney:** My point is that we should not try to turn this into a political campaign around who managed to get concessions and who did not. The truth is that most of those commitments had already been made. I gave a reassurance to Home Sweet Home that they would be implemented. That is the only point that I would like to make in terms of accuracy, as no written agreement was signed off on by both sides.

**An Leas-Cheann Comhairle:** I am trying to be fair to everyone. The Minister exceeded his time by two and a half minutes. There may be opportunities later, so I will ask the Minister and Deputies to be conscious of the time factor and that others are waiting.

## **National Spatial Strategy**

3. **Deputy Barry Cowen** asked the Minister for Housing, Planning, Community and Local Government his plans to reform the national spatial plan; if he will confirm media reports that he plans to designate a number of economic gateways and hubs in his new plan and focus these designations solely on cities; and if he will make a statement on the matter. [2285/17]

**Deputy Barry Cowen:** Media reports over Christmas indicated that the Minister's replacement for the national spatial strategy would centre on cities as growth areas. That would not accommodate many regions, for example, the midlands and north west. In recognising the strategy's potential, the Mahon tribunal wanted it placed on a statutory basis. There is a review of the capital development plan, but surely it should not be undertaken in isolation when we do not have a commitment on the national spatial strategy or its successor? They should be undertaken in tandem so as to ensure that those regions are central to a new capital development plan.

**Deputy Simon Coveney:** I welcome the opportunity to provide clarity on this issue because there has been some media coverage, particularly in the north west, that is inaccurate. Comments were made by the chief executive that were not accurate either.

In a few weeks' time, we will launch a consultation process around a new national planning framework, called "Ireland 2040 - A National Planning Framework". There will be extensive consultation in different parts of the country, including the north west and midlands. On 2 February, we will publish an issues paper to start that consultation and get the conversation going. It will then be up to various parts of the country to outline where they want to see their regions, towns, rural counties and so on going in the next two decades. Hopefully, we will have finalised a new national planning framework by early autumn after a series of extensive consultations with all stakeholders who wish to be involved.

Nothing is cast in stone. Although the Minister for Public Expenditure and Reform, Deputy Donohoe, will outline his plans for the new capital plan, I would be surprised if the work on the new national planning framework did not impact on Government decision making in terms of how we prioritise spending.

**Deputy Barry Cowen:** I thank the Minister for his response. Will he further elaborate on the timeframe for the consultation process and the review of the national capital development plan? I can only speak for my own area, but I am sure that the same applies in the likes of the north west, including Sligo and Letterkenny, and in Shannon in the west. Athlone, Mullingar and Tullamore are interested in developing our region, which is best placed as a growth centre, so that benefits might accrue to it in its entirety.

With regard to its potential, that can only be realised in the context of a national spatial strategy and a national development plan which recognises both and works in parallel to one another, allowing infrastructural deficits to be addressed as well as deficiencies in other areas. It is imperative to address the deficiencies in infrastructure and other areas in order for the potential of those areas to be realised. Both the national development plan and the national spatial strategy must be singing off the one hymn sheet in order for various hierarchical regional development plans thereafter to achieve the potential based on their inclusion in the two plans.

**Deputy Simon Coveney:** This will be the most ambitious attempt ever by a Government to plan for the development of the country in the medium to long term. We are planning for

Ireland in 2040 when there will be an extra million people and twice as many over the age of 65. We must accommodate that growth, expansion and opportunity through a combination of a new city strategy as well as a very progressive strategy for rural areas and ensuring we maximise the potential of regional development in various parts of the country. It will be a complex and ambitious attempt by Government to plan in a much more long-term way, which will then impact on everything from county and city development plans, industrial policy and investment policy in terms of capital investment. That is what we are attempting to do and it will not be a case of there being one for everyone in the audience. We will try to ensure that every region has the capacity to fulfil its potential in the context of a national plan.

We will launch the plan on 2 February in Maynooth University and we will then have an initial consultation until around Easter. We will try to introduce a pre-draft, as it were, and then have a second consultation process when people can consider and comment on the draft. We will seek to try to finalise it around September to October at which point it will come to the Oireachtas for approval. This will not simply be a Government document and commitment. We will look for the endorsement of the Oireachtas as a whole so that, in effect, we have a national plan in terms of the direction in which we want to take the country between now and 2040, which is why I hope all parties will contribute in a very significant way to putting together the overall plan.

**Deputy Barry Cowen:** I do not necessarily want an approach that involves there being something for everybody in the audience, but what I do want to ensure, which was very evident and obvious during the course of the election campaign last year, is that we have an Ireland for all. We do not want an Ireland for the cities or for Dublin and Cork; we want an Ireland for all. The best way in which we can help the regions is with a spatial strategy that allows those regions the potential to grow, expand and provide for those who live in them to stay living them and perhaps for others to move into them. It is imperative for the Minister to indicate here and now that any review of the national development plan or the national capital investment plan is done in parallel to a procedure which either reaffirms the basic principles contained in the existing national spatial strategy or at least one which reflects a new spatial strategy which can be called whatever the Minister wishes thereafter. I wish him the best of luck with it. It is in all our interests that it is successful. I am adamant that the regions need every possible support and commitment contained in both the capital investment plan and the spatial strategy in order that they can work together, and thereafter, the regions, the local development organisations, county councils, local authorities and industry will strive to meet the demands placed on them and on the Government in order to further regional development.

**Deputy Simon Coveney:** I am fully committed to ensuring the regions are very much part of this plan. The problem with the previous national spatial strategy is that it has not come to fruition. It has not even come close.

**Deputy Barry Cowen:** I beg to differ.

**Deputy Simon Coveney:** A total of 20 towns were earmarked for growth. They were to be the 20 fastest growing towns in the country and not one of them has been in the top 20 towns in terms of growth since the national spatial strategy was put in place.

**Deputy Barry Cowen:** I beg to differ.

**Deputy Simon Coveney:** Even though there was some good thinking in that plan, it was

not followed through in terms of ensuring the aspirations of the national spatial strategy were met by means of the hubs and spokes and regional drivers of growth. It was good thinking but it has not come to fruition because of the dominance of Dublin in particular in terms of its magnetism for job creation and population. We have seen enormous growth in many towns and villages where that was never planned for and we must ensure that does not happen in the future. I agree with Deputy Cowen that this time around we need to make sure that we have, in effect, a new spatial strategy and a new national plan that will ensure we drive investment, growth and opportunity into all parts of Ireland. The process we will go through to get us there will allow us to achieve that.

### **Rural Resettlement Scheme**

4. **Deputy Michael Harty** asked the Minister for Housing, Planning, Community and Local Government his proposals regarding a new rural resettlement scheme to promote the advantages of rural living and ease the housing pressure in high demand urban areas, as indicated as a one year action in A Programme for a Partnership Government. [2287/17]

**Deputy Michael Harty:** I wish to ask the Minister what proposals he intends to make in terms of a new rural resettlement scheme to promote the advantages of rural living. It was outlined as a one-year strategy in the programme for Government. Rather than being merely a rural resettlement scheme I wish to introduce a new concept of a rural revitalisation scheme which would help to reinvigorate rural communities and to bring people back into rural areas.

**Minister of State at the Department of Housing, Planning, Community and Local Government (Deputy Damien English):** I thank Deputy Harty for raising this issue. We agree that it is not just a rural resettlement programme that we need but that the focus should be on the revitalisation and rebuilding of rural areas. That is what we are trying to achieve. The aim is set out both in the programme for Government and in Rebuilding Ireland. We want to facilitate people who want to live in a rural area, especially if they are on the social housing list, but it will be a choice for people. We will facilitate people's choice through a range of schemes. We will endeavour to make that happen if we can at all.

As the Deputy is aware, my colleague, the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs, has overall responsibility for regional and rural matters and will shortly be publishing a broadly based rural development strategy, in the context of A Programme for a Partnership Government, which I hope will be launched next week. For our part, the Government's housing strategy, Rebuilding Ireland: An Action Plan for Housing and Homelessness, includes a range of measures supportive of the regeneration and renewal of towns and villages across rural Ireland, which is exactly what Deputy Harty said needs to happen and, consequently, ensuring a vibrant population in those places.

It is our aim that all steps are taken to secure the re-use of vacant and underutilised properties for residential purposes, particularly in the many towns and villages in rural Ireland that contain a significant number of empty houses. That also involves having a purpose to those towns and villages and to make them attractive for people to come back to live in them and to utilise existing buildings.

Action 5.1 of the action plan commits to the development of a national vacant housing re-use strategy and we intend to examine the potential to widen the geographical range of social

housing location options available to persons seeking such accommodation. The strategy will examine the potential for bringing existing but vacant housing back into beneficial use and we intend to examine mechanisms to match such accommodation potential to prospective applicants for social housing, including through choice-based letting approaches and the HAP scheme, which now operates nationally. Other important initiatives include the repair and leasing and the buy and renew schemes, which will see upfront financial assistance being made available to upgrade empty but substandard accommodation, after which the property will be used for social housing purposes. Acquisition and leasing options are also available to local authorities. We will have examiners on local authorities to encourage the take-up of such options. The Department, in conjunction with the Minister, Deputy Heather Humphreys and the Minister of State, Deputy Michael Ring in the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, are working to make the plans attractive and to ensure they work. The first instalment will be announced by the Minister, Deputy Heather Humphreys, next week.

I fully agree with Deputy Harty about the benefits of such a scheme and the necessity of it but it must be done in a co-ordinated way and in accordance with people's choice, which is what we are trying to facilitate.

**Deputy Michael Harty:** One of the greatest assets rural Ireland has is vacant property and, unfortunately, one of the assets it lacks is people. There are great disparities around the country in terms of the availability of housing. I envisage that such a scheme will only solve a small percentage of the housing shortage in greater urban areas but it will have a beneficial effect on the situation and it will also address depopulation in rural areas. There are many vacant properties in our county towns, villages and town lands so it is very important to factor this into the housing strategy. A rural resettlement programme was part of the programme for Government housing sector. As I said, "resettlement" is not a word we like to use. It is rural revitalisation, coming from the bottom up where communities proactively come together and identify housing, housing is made available to county councils and the Department of Housing, Planning, Community and Local Government and supports are put around those houses that would attract people to come to a community and revitalise it. It is very important that the Government give serious consideration to this.

**Deputy Damien English:** That is exactly what we are doing. We want to give this very serious consideration. The Department has an urban renewal and regeneration working group that has been working with local authority chief executives over the past couple of months to devise new schemes and ideas. In addition, the Department works alongside the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs. We will have a list of actions and a toolkit that will make living in these areas an option for people and make it attractive. Finance will be provided to restore some of these vacant buildings privately and for social housing but it is not just about that. Ireland in 2040: A National Planning Framework set out the economic reasons to live in these rural areas and regenerate them and that is what we must do. Housing and its benefits is one aspect of it. Using vacant stock is pillar five of Rebuilding Ireland, which will be relaunched shortly with a major focus on tackling vacant buildings. It is also involves long-term planning. People need to know that there is a future in these areas and the economic purpose of each of those towns and villages we spoke about. That is what we are trying to do. We need to make that happen. We think local authorities are central to making this happen but they must have the toolkit at their disposal to be able to do that and that is what we will implement.

**Deputy Michael Harty:** When I speak about rural revitalisation, what I mean is that com-

munities would come together and identify the needs of that community and property within it. Obviously, it is a voluntary process. We are not talking about resettlement. We are talking about revitalisation where people would voluntarily come to live in rural Ireland and be received into a community with a huge amount of volunteerism. They are people who could rejuvenate Ireland. We want a bottom-up approach meeting a top-down approach where the Government, either through the Department of Housing, Planning, Community and Local Government or the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, would form an organisation or structure where people in urban areas could find out where they could relocate to if they so wished and create a new life for themselves with access to smaller schools, open spaces and outdoor living - a different concept - because people become very claustrophobic and introverted in urban areas where they are homeless. It is a conceptual thing where people would move in their mind as well as physically from an urban environment to a rural environment and see the positive aspects of it.

**Deputy Damien English:** The action plan for rural development that will be launched next week will facilitate that. Our Department is feeding into that and has already fed into that. We have had numerous meetings at official and ministerial level. The Minister and I, along with the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs and the Minister of State for regional economic development, Deputy Ring, have had numerous discussions around this to make it happen. It is about breathing life back into these areas but also guaranteeing a life into the future because the problems in many of these towns and villages in rural areas did not just happen as a result of the recession or the downturn in construction over the past seven, eight or ten years. This has been going back 20 or 30 years so we need a co-ordinated way to make this happen and local authorities engaging with local bodies and agencies to make it happen is central. We also need long-term thinking of the kind found in Ireland in 2040: A National Planning Framework to make sure it is sustainable into the future and that it is not just a temporary solution to a housing difficulty we have because that is the wrong way to approach it. Yes, there are loads of vacant buildings and if people want to live there, that is a major part of what we can do. We have a budget allocated to make that happen but it is far more than that. The plan launched next week will be interesting and will be the basis upon which we will work. Our Departments are working very closely on this because it is the right thing to do and is in the programme for Government. We can achieve what Deputy Harty has set out. That is our aim so we are at one on that.

## **Housing Provision**

5. **Deputy Stephen S. Donnelly** asked the Minister for Housing, Planning, Community and Local Government his views on whether the current level of investment in the construction of commercial property is having an impact on the development of residential property, in particular in the greater Dublin area; and if he will make a statement on the matter. [2400/17]

**Deputy Stephen S. Donnelly:** At the moment in Dublin, the analysis of the commercial property market shows us that we are dealing with a bubble in commercial property that exceeds the bubble we saw in 2006 and 2007. There is all manner of downsides to this. There are very few winners. The only winners are some foreign landlords and even they will become losers if and when the bubble bursts. Specific to the Minister's portfolio, I think we are all agreed that there needs to be more residential development in Dublin as well as many other places. However, because there is so much more profit to be made in Dublin from commercial property

development because of this bubble than there is from residential property development, what I am hearing from investors and developers is that they will, of course, direct their assets to commercial which, therefore, crowds out residential developments. Is the Minister aware of this, does he think it is a serious issue and does he think there needs to be a push back to have these foreign landlords and commercial property developers pay tax in this country to stop crowding out residential development?

**Deputy Simon Coveney:** Undoubtedly, we have seen an extraordinary acceleration in investment in and delivery of commercial property not just in Dublin but in Cork. On one level, that is a really good thing because those commercial properties are filling up. It is part of facilitating a significant amount of foreign direct investment jobs and the expansion of the number of Irish companies across the capital. I have read the paper produced by the Deputy on this issue in response to the Finance Bill. The rents being paid for commercial property in parts of Dublin compare with some of the other top capitals in Europe.

The Deputy asked whether this is crowding out and preventing investment going into residential build. I am not sure there is a crowding out effect. I think there is certainly a more attractive option for investment in commercial property than in residential property but the way to address that is the key issue. What we are trying to do is to ensure that the viability of residential investment is significantly improved. In terms of sites and zoning, there is enough planning permission for Dublin for 27,000 residential properties today but there are only 4,500 or so under construction. The sites are there but for a whole series of reasons, some of them are not being moved on. It is encouraging to see that in the last quarter of last year, planning permissions for apartment complexes in Dublin, of which we need a lot, were up 300% so we are starting to see an appetite for risk and investment in residential property in Dublin. We have seen extraordinary increases in rent for residential properties which has changed that appetite. We are now introducing a brake on that rental inflation through the introduction of rent pressure zones. We need to make sure the incentive remains in place to ensure that money is investing significantly in residential property.

There is undoubtedly extraordinary viability in building commercial property as investment in Dublin right now but I am not sure that if that had not happened, we would have seen a faster acceleration in terms of residential property. Perhaps it might have happened but I do not think so. There is no shortage of capital globally to invest in good propositions. They have simply chosen to invest in commercial property because of the economics of building commercial property in Dublin. This has been the case for the past two to three years. We are starting to see that appetite grow in the context of investing in residential property. We have put €200 million into an infrastructure fund, reduced development charges significantly and streamlined the planning process.

**Deputy Stephen S. Donnelly:** I do not know either, which is why I asked the question.

*4 o'clock*

We do not know how much crowding out is happening, but there is a bunch of things we do know. We know that the profits per square metre or per acre of development land for commercial property in Cork and Dublin vastly exceed the profits to be made from residential. We know that some of this is being driven by a tax-free status that has been given to property developers for highly dubious reasons.

We know that commercial rents for SMEs in Dublin have doubled in the past two to three years and, of course, we have seen a massive explosion in residential rents. We know that many bad things are happening because of this commercial property bubble. However, we do not know how bad the potential crowding out is. We know it is likely given normal incentives for a developer to hold land. The Minister has said there is a swathe of land for 27,000 residential units in Dublin and yet only 4,000 are being done. Part of the reason may be that people, knowing they can make five times more money from office than residential, are holding it in order to try to get a change of planning.

There is a property bubble, which now appears to include Cork. We know there are adverse effects. It is reasonable to assume that one of those is the crowding out of residential development.

**An Leas-Cheann Comhairle:** The Deputy should conclude.

**Deputy Stephen S. Donnelly:** I thank the Leas-Cheann Comhairle for his patience.

I will finish on this. Would the Minister consider commissioning a reasonably quick report to investigate this and assess the level of crowding out that might be happening?

**Deputy Simon Coveney:** We need a lot of extra commercial property in Dublin and in other cities. IDA Ireland has indicated that accessing suitable properties is now a big issue. There is a pipeline of companies that want to come to Ireland and provide good jobs here. One of the challenges is being able to build office and other commercial accommodation for them quickly enough in areas such as Dublin and Cork. There are very few good-quality office developments that are not being filled.

I do not think we should approach increasing residential property investment and provision by reducing the delivery of commercial developments. The straight answer is that we need both. We have a lot of zoned land, much of it with planning permissions in place. We know a significant number of planning applications are up for decision to ramp up significantly the provision of residential property. Last year about 15,000 residential properties were finished, which is about 1,000 more than people were anticipating last summer. I think we will be ahead of expectations again this year.

**An Leas-Cheann Comhairle:** Sorry, Minister-----

**Deputy Simon Coveney:** We are seeing a correction happening quite quickly.

**An Leas-Cheann Comhairle:** I call Deputy Donnelly for a short supplementary question.

**Deputy Stephen S. Donnelly:** I agree we need to strike a balance. The problem is the profits for commercial development so vastly outweigh the profits for residential development that we are not getting that balance. We agree there has to be a balance between high-quality grade-A office space and other commercial space, and good homes for people to live in. However, if a developer can make five to ten times more by building an office block than by building three-bedroom semi-detached houses, he will build the office block.

I have plenty of anecdotal evidence that developers are choosing not to develop residential because of the profits. On that basis would it not make sense for the Minister to commission a short report to look into the potential harm that the commercial property development bubble is causing?

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**An Leas-Cheann Comhairle:** A brief answer, Minister, please.

**Deputy Simon Coveney:** I will look at that, but I will not to commit to that report on the floor of the House now. I will look at it and come back to the Deputy.

It is important not to draw conclusions from a Dublin market and make national decisions on that basis. We have a real shortage of good-quality commercial accommodation outside Dublin at the moment and we need to attract the investment to deliver that. The kinds of return available in Dublin are not available in many other cities, which is why I believe many companies should consider expanding outside Dublin to places such as Cork, Limerick, Waterford, Galway and so on-----

**Deputy Stephen S. Donnelly:** And Wicklow.

**Deputy Simon Coveney:** ----- and Wicklow, where they can lease similar property for 40% less.

We have seen virtual stagnation in residential property delivery until recent months. We are starting to see a big change in that now. There is a series of strategies to build on the small momentum that is now there.

**An Leas-Cheann Comhairle:** Minister -----

**Deputy Simon Coveney:** I am not sure that by trying to reduce the momentum on the commercial property side we will necessarily get a corresponding increase in residential, given where land is zoned, not zoned and so on and given the availability of finance at the moment at relatively low cost for-----

**An Leas-Cheann Comhairle:** I have to interrupt the Minister now.

**Deputy Simon Coveney:** ----- decent commercial properties.

**An Leas-Cheann Comhairle:** There are 40 minutes left and we are about to start Other Questions. Every other Deputy is here and we will be lucky to get through about six of those questions. I am not referring to those who have not asked a question, but I ask those who have and the Ministers to watch the clock.

## Other Questions

### Housing Issues

6. **Deputy John Curran** asked the Minister for Housing, Planning, Community and Local Government the additional action he will take to significantly increase the supply of housing being made available through the repair and leasing scheme (details supplied); and if he will make a statement on the matter. [2023/17]

**Deputy John Curran:** I will try to introduce my question briefly.

The housing strategy, Rebuilding Ireland, recognises the issue of vacant properties. Action 5.1 of the strategy commits to developing a national vacant-house strategy. Action 5.7 refers

specifically to the repair and leasing initiative. In October 2016 the Minister initiated that process with a pilot scheme in Wicklow and Waterford. Budget 2017 allocated €6 million for 150 units. I ask the Minister to advance that at a more rapid rate over the coming years.

**Deputy Simon Coveney:** I can give a straight answer to that question. The Deputy will shortly see quite a big initiative from me to increase the emphasis on repair and leasing. We will try to move budgets around to try to ensure we use this scheme as a way to get many vacant properties back into use much faster.

We had to ensure the scheme worked and was legally sound which is why we have essentially had pilot projects in Carlow and Waterford, which have been successful. We want to introduce the repair and leasing scheme to Dublin and other parts of the country quite quickly. We want to dramatically increase the level of ambition in terms of the numbers of properties we want to bring in through it. Essentially this means we will be able to offer property owners the cost of repairing properties to make them fit for the rental market for social housing. We will essentially cover the cost of that upfront and recoup that cost from a rent over a five- or ten-year period.

Many people will not put private property into social housing because they do not have the money to spend €10,000, €15,000 or €20,000 doing the place up. We are solving that problem. Not only are we solving it but we are also saying to the landlord or property owner that they do not even have to worry about the repairs as we will manage them, we will also manage the tenant, and we will give back the property in five or ten years' time more valuable than it is now. In the meantime they should allow us to use it for social housing. I think we can get many hundreds if not thousands of properties back into use using this scheme. It has proven its worth in Waterford.

I want to rely on approved housing bodies as well as local authorities to drive the scheme. I believe that approved housing bodies, such as Focus Ireland and others, will be willing to knock on doors and ask people if they would be willing to make their property available under certain conditions.

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

**Deputy Simon Coveney:** I will push this scheme hard and we will spend much more than €6 million on it this year.

**Deputy John Curran:** I thank the Minister for the reply. When he launched his strategy, I was in no way critical of it, but I said that implementation would be critical. Previous replies I have received from the Minister on this have indicated there would only be €6 million and so I welcome his commitment here today to increase the scheme.

The strategy clearly recognises that these properties can be brought back more quickly than a new build. That is one of the key reasons behind it. This scheme has greater potential in 2017 and 2018 as other issues relating to planning and development of new builds begin to come back to the market. I want to see this frontloaded and driven as quickly as possible.

Specifically the Minister said he would introduce a scheme; we want to see the detail of that with - he is noted for this - specific targets for the coming two years. In reply to me previously, the Minister indicated that he saw the scheme having the capacity to deliver 3,500 units between now and 2021. My real focus is determining what can be delivered in 2017 and 2018.

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These are the key years because, even with the best will in the world on the part of the local authorities in terms of building local authority houses and so forth, construction will not meet the demand at present. We must prioritise this in order to bring additional properties back into use quickly.

**Deputy Simon Coveney:** The Deputy is a rock of sense, as usual -----

**Deputy John Curran:** I hope the Minister is not being sarcastic.

**Deputy Eoin Ó Broin:** The kiss of death.

**Deputy Simon Coveney:** No, not at all. I mean that because that is exactly what we are trying to do. Everybody wants more social housing in the system and nobody wants it more than me but we simply cannot build houses overnight. Even rapid-build housing takes time. If we can get vacant properties that are idle at the moment, making no contribution to anybody, back into the system and put long-term leases in place to provide extra social housing in Dublin and other parts of Ireland, that would make a lot of sense. It is also a way of repopulating villages and towns in rural Ireland. It is working in Waterford so there is no reason for not expanding it significantly. Initially, we made €6 million available for 2017 which would cover around 150 properties. We are now looking to ramp that up very significantly and will announce the targets and the spend for 2017 in the next ten days or so. We want to get a faster turnaround to increase the number of social houses more quickly by getting vacant properties that are doing nothing at the moment back into the system.

**Deputy John Curran:** I thank the Minister for his reply. Acknowledging that there is somewhere in the region of 200,000 vacant properties nationally and upwards of 40,000 in the greater Dublin area, I believe the Minister is right. This scheme has potential at the front end. I look forward to the publication in the next week or two of the details of the additional budget and the targets. I urge the Minister to be as ambitious as possible. Not hitting the target is not the end of the world but there is no place for under-ambition in the context of the crisis we are facing. I appreciate the Minister's comments and look forward to seeing the plan published in the next few weeks.

**Deputy Simon Coveney:** I can be accused of many things but under-ambition is not one of them. I regularly set targets and they are normally pretty ambitious although some of them might not be as ambitious as some Members would like. We will be taking the same approach on this. We will set ambitious targets and then go after them as best we can. This will put many people under pressure but I see this as a way of getting many properties back into use quickly. It is a really good deal for property owners too. Basically, somebody else will take charge of the property, get a tenant in, manage the tenancy and do any necessary upgrade work and at the end of the tenancy period, the property owner will have a more valuable property and will have had a decent rental income from it in the meantime. This is a win, win situation.

The official figures indicate that there are approximately 200,000 vacant properties, excluding holiday homes. Many of those will not be accessible through this scheme but even if a fraction are, we can get thousands of properties back into use. The question is how fast we can do it.

*Dáil Éireann*  
**Rent Controls**

7. **Deputy Ruth Coppinger** asked the Minister for Housing, Planning, Community and Local Government the progress in extending rent pressure zones to other areas. [2178/17]

**Deputy Ruth Coppinger:** I want to ask when the Minister will expand the rent pressure zones and why he has taken such a softly, softly approach to the whole question. Rents are rising at a faster rate in places like Kildare, Meath, Laois and other areas adjacent to Dublin, in the suburbs of Cork and in areas adjacent to Galway, Limerick and Waterford cities but the Minister has not extended the rent pressure zones to those areas. I also ask the Minister to comment on the actual rates of rent.

**Deputy Simon Coveney:** When we debated this issue before Christmas, Deputy Cowen, in particular, and several other Deputies, raised the issue of the need to expand this beyond Cork and Dublin quickly. I intend to do that but I want to do it on the basis of sound data rather than on the basis of making decisions to be popular. We simply did not have the data needed, on a local electoral area basis, to be able to designate areas that are experiencing real rent pressures at the moment. They were not designated as such because the only data we had was on a local authority area basis. When the figures were aggregated, this meant that towns that had huge rental pressures did not qualify because of rural areas in the same local authority area which did not have such pressures. We will have data in the next few weeks - indeed, information is already starting to come through - that will mean we will be looking at designating at least 15 new areas, in terms of local electoral areas. We will get assessments of those areas done quickly so that we can create new designations for rent pressure zones as quickly as possible.

I gave commitments that we would do that quickly and would not delay so that people who are in areas that have real pressures will see that the Government is serious about extending rent pressure zones. The areas we are focusing on are cities like Waterford, Limerick and Galway as well as areas adjacent to Dublin and Cork city. This includes counties like Wicklow, Kildare, Meath and places on the outskirts of Cork City like Carrigaline, Ballincollig and so on. If areas qualify under the criteria with which everyone is familiar, they will be designated as rent pressure zones and the rules will apply. We will limit rent inflation in those areas to 4% annually.

**Deputy Ruth Coppinger:** The Minister said that before Christmas and the entire nation was gobsmacked when he said that there was no data to show that rents were rising, if not rocketing, in those areas. There are countless Deputies here who can attest to that and the Minister could just look at *www.daft.ie* on any day to see the level of rent in those areas.

I also want to ask the Minister about the rate of rent. His private rental strategy contains a proposal that has not been very well advertised, namely, to fast-track evictions on the basis of non-payment of rent. Most people get into rent arrears because rents are so high. It has been reported by the National Competitiveness Council that people are spending 41% of their income on rent. That is not sustainable, particularly for families. Obviously, for those in receipt of rent allowance, the amount they must personally pay has increased dramatically.

The Dublin Tenants Association responded to the Minister's strategy as follows: "The strategy introduces 'fast track' evictions for tenants who are unable to pay their rent. This is the last thing we should be doing during a homelessness crisis." It is a very strange decision on the part of the Minister.

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**Deputy Simon Coveney:** It is not strange at all. We need to have a faster dispute resolution process for tenants and landlords. Some people in this House only want to make the case for one side of the rental debate. Of course, we need to introduce changes to protect tenants from spiralling rents and to address the matter of security of tenure to ensure that landlords are not abusing tenants, but we also need to have a policy that is balanced towards landlords. Otherwise, we will not have any landlords. My job is to introduce a balance here that can allow the rental sector to function. I must ensure that the State increases its input into the rental sector by increasing the amount of social housing that we have, while also ensuring that we have a private rental market that is functioning properly. If there are disputes, if someone breaks the law or if someone is being treated unfairly in the private rental sector, I want the Private Residential Tenancies Board, PRTB, to be able to deal with that quickly. That is all we have legislated for and that makes sense for both tenants and landlords.

**Deputy Ruth Coppinger:** The Minister gives the impression that if tenants do not pay their rent, it will take years to evict them but in fact the process at the moment is that they only have to be given 28 days' notice, plus 14 days during which they are given the opportunity to pay their arrears, regardless of how small. While I accept that there can be a variety of reasons for disputes between landlords and tenants, the main reason people fall into arrears is because their rents are rocketing and the Minister has done nothing about that. There is a 4% cap on rent increases in Dublin and Cork, but there is no such cap anywhere else. Indeed, I would argue that 4% is still quite a lot. Is the Minister going to allow wage demands of 4% to be met in order to allow people to meet rent increases?

We will always have a problem with rents as long as we continue to house low-income people in the private rental sector. That sector should be shrunk in this country, not enlarged. This is the source of evictions, poverty and homelessness, and only when the Government starts to build public housing on the scale needed, which is in the order of thousands at this point, will we be able to stop people getting into rent arrears.

**Deputy Simon Coveney:** I agree we need to build thousands of social housing units, and we will do so, but it does not happen overnight. People seem to think we can turn away from a functioning rental market and just build thousands of social housing units overnight at the wave of a hand. This is just not the way it works. We are building capacity in the system to build tens of thousands of social housing units over time, but we cannot do it overnight. We must have a property sector with a balance between a functioning private rental market, where many people are happy to reside if they can get affordable rent. We need to work towards this to ensure that people who want to buy houses are able to afford to do so and live in close proximity to where they want to live and that those who need State intervention through social housing are able to access social housing in a reasonable timeframe. We are working towards all of these aims.

### **Pyrite Remediation Programme**

8. **Deputy Clare Daly** asked the Minister for Housing, Planning, Community and Local Government his plans to amend the pyrite remediation scheme; if he is satisfied sufficient funding is available to ensure all homeowners whose properties have been damaged by pyrite can have their properties remediated and-or certified as pyrite free; and if he will make a statement on the matter. [2021/17]

**Deputy Clare Daly:** This question is on the pyrite remediation scheme and whether the

Minister is satisfied the scheme has sufficient funding and structure to ensure all homeowners affected by pyrite have a remedy of having their property remediated or, in the instance of this not happening, obtaining a green certificate because sadly, the reality on the ground is the scheme is deficient. Has the Minister noted this and does he have plans to change it? Is he happy there is enough money to deal with everything? What is the lie of the land at present?

**Deputy Damien English:** With regard to the funding, based on the figures of recent years, the €22 million allocated for this year's budget should be sufficient to deal with the applications going through the process where properties have sufficient damage to be fixed. Last year, more than 400 properties were completed and 553 properties have been completed in total. The €22 million should cover another 450 or 500 properties. Last August, additional resources and another €7 million were allocated. If the money to fix the houses is spent quicker during the year we will apply for more money if needs be to address it. The figures are that so far, 553 properties are complete, 201 are at remedial work planning stage, 77 are at tender stage and 242 are under remediation. There is enough money for this year's spend. As the years go on, more houses will need to be addressed because the scheme is open-ended.

The Deputy is probably speaking about properties which have not been approved for remedial works and people who feel they have been left in limbo. The standards are being reviewed through public consultation. When the process is complete we will have a look at it and see what categories of people remain. I am conscious there are people who feel they are being left in limbo because their houses do not qualify for remedial works but the association with pyrite is causing them difficulty. We are prepared to look at this. There are no plans in place to change the scheme. I am conscious of the people in this category and we will see what we can do. The first part is to have the complete the review with regard to the National Standards Authority of Ireland, NSAI.

**Deputy Clare Daly:** I agree with the Minister of State as in my experience money is not the problem. The reason I tabled the question is there is a problem and thousands of homeowners whose properties have pyrite are being excluded from the scheme not just because of the manner in which it was established but because of the manner in which the board has chosen to interpret the conditions. I have had repeated replies to parliamentary questions where I am told dwellings which do not have a damage condition rating of 2 are not eligible to apply. This is not true. When the pyrite panel report was done, properties with damage condition ratings of less than 2 were eligible to apply for the scheme. We were told a common sense approach would arise in the case of adjoining dwellings. This common sense approach has not happened. When will the new NSAI standard be introduced? It will not solve anything because based on what we have seen it is only a technical re-evaluation of matters. With regard to a common sense approach, why are adjacent or nearby properties not included in phases when works have been already approved?

**Deputy Damien English:** I do not have a date for when the new standard will apply. I hope the work will be completed very shortly because it is important to have it. It might change the situation for some people. At least when we have the new standard we can judge where it goes afterwards.

The Deputy spoke about common sense. The criteria are very tight and clear with regard to how money will be spent. It is taxpayers' money. There is a huge cost in the remedial work to these houses. I have been in the houses and people will admit it is questionable to warrant spending €50,000 of taxpayers' money to fix a house where significant damage has not pro-

gressed. This is what we must ask ourselves. It does not solve the problem because people are left in limbo and still have pyrite in their houses. It is at a low level but it is there and they cannot sell the property. It is an issue. The question that must be asked is whether we spend a lot of money fixing a house which does not yet have significant damage. There is a commitment that if damage progresses there is no closure date for the scheme and those houses will be fixed, but we must question the value for money aspect. I have told people we will try to find solutions if we can for those who feel their lives are on hold because they are in the wrong category but still have pyrite associated with their house.

**Deputy Clare Daly:** As the Minister of State has said, money is not the problem and no one is asking him to spend money that does not need to be spent. The reality is there are properties which are not being remediated. Perhaps they do not need to be remediated, but if they do not then those people must have access to a green certificate which states an end point has been reached and the property is fit for resale.

The Minister of State has said there is no closure. There certainly is not for these people because while this process continues they cannot move on. They are stuck in a grey area. I know many of them are in the Minister of State's constituency. We need an urgent review of this category. We need to go back to the pyrite panel report. It was not as prescriptive as the board is now interpreting it. It means the grey area category in the middle is bigger than it needs to be. I am arguing that greater flexibility be allowed by the standard set in the scheme than is actually being interpreted. As there is a stand-off now and nobody with a damage condition rating of 2 is included, then for this logjam to be shifted the Department needs to step in and argue for what I would say is a bit of common sense and look at properties with a damage condition rating of 1 with progression.

In Lusk there is a cul-de-sac with nine properties where one property is looking for inclusion as it would complete the entire cul-de-sac, but it is not being remediated in the same phase as the other houses. It will be done five phases later. This means remediation work will happen on the road twice. It is ridiculous.

**Deputy Damien English:** It is not due to a lack of common sense. The criteria are very tight and rightly so because it is taxpayers' money. The priority is to fix the houses with considerable damage which are very badly affected. This is what we are trying to do. More than 1,400 applications have been made, 553 have been fixed and 500 are in play this year. We are trying to deal with those in bad need of remedial works. This is the priority. I accept there are people in the next category with pyrite levels in their house or who have pyrite associated with their estate and they cannot sell their house. However, this does not necessarily justify spending €50,000 on a house if it does not need to be fixed yet. This is not common sense either. I agree with the Deputy we must find a solution whereby we can address this. I am being asked by some people to spend money on houses that do not need it. In fairness to the Deputy, she is not doing so but others have.

**Deputy Clare Daly:** Green certificates.

**Deputy Damien English:** I accept that. This is what I am saying, we must find a way to deal with it. This is why the new standard that will be announced shortly, I hope, might help us to achieve this in some cases. If not, we will have to go even further again. I am committed to trying to find a process to end this limbo. I accept that, but I ask the Deputy not to tell me there is a lack of common sense because there is not. There are criteria for a reason. It is taxpayers'

money. More than €50 million has been spent so far, which is lot of money to spend on houses, but rightly so when they need it.

## **Rent Controls**

9. **Deputy Mick Wallace** asked the Minister for Housing, Planning, Community and Local Government if he will introduce measures to define market rent; if he has considered taking the example of the *mietspiegel* arrangement in Germany, whereby local rents are calculated by local government on the basis of square metre; and if he will make a statement on the matter. [2172/17]

**Deputy Mick Wallace:** At present, as we all know, market rent is an immeasurable quantity. Has the Minister considered looking at the *mietspiegel* arrangement in Germany, whereby local rents are calculated by local government on the basis of square metre? It is an index of the rent paid by tenants broken down by size, location, age and standard categories. It means there is a defined market rent by which tenant and landlord have a basis for comparison. I am not saying for one moment that we should throw the landlord to the wind. Security of tenure can also mean security for the landlord. There can be stability on both sides, which we lack at present.

**Deputy Simon Coveney:** Market rent is defined in the Residential Tenancies Acts as the rent a willing tenant would give and a willing landlord would take for the dwelling concerned, having regard to the other terms of the tenancy and the letting values of dwellings of a similar size, type and character and situated in a comparable area. It is important to note that any notice of new rent given by a landlord to a tenant must be accompanied by three examples of comparable rents, all relating to dwellings advertised for rent in the month prior to the date of the notice. Having considered the definition of market rent during the development of the strategy, I believe this is a robust definition which is enforceable having regard to the RTB rent index, and I do not intend to amend the definition of market rent at this time.

My understanding from a note I have about Germany is that new rent control measures were part of the programme for Government in 2013 and came into effect in September 2014. The legislation sets out that rents for new leases in certain areas can only be set at a maximum of 10% above average local rents. This is aimed at keeping local average rental inflation relatively low. In comparison, in Ireland rents cannot be set above the market rent and in a rent pressure zone rents under new leases are governed by new rent control measures with maximum increases of 4%. I am not sure that switching to the German approach would make a significant difference. Under the *mietspiegel*, which means “rent mirror”, approach, local authorities attempt to calculate, on the basis of average local rent, what certain areas are paying as a guidance figure. We are trying to achieve that as well by forcing landlords to get at least three rent advertisements for similar properties in the area, a process that is overseen by the RTB. I understand the point the Deputy is making and that we need to find a mechanism to slow down dramatic rental inflation and protect against landlords taking advantage of the fact that there is a significant supply shortage in certain areas. We are trying to do that with the introduction of the rent pressure zone measures before Christmas.

**Deputy Mick Wallace:** The big problem is that the 4% rate is on top of a rate that is way too high and unaffordable for too many people. It is having a huge impact and the Government is now hearing how it affects the Brexit process. The fact that accommodation is so expensive will stop companies from moving here. One can rent an apartment in any city in Italy for €400

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per month and there is no comparison between what one pays in Berlin and what one pays here. Putting 4% on top of what is already there is off the Richter scale for too many people.

I accept that we cannot build social housing overnight but we have to have an appetite to build a lot of it and to get the process started to do so. I am not convinced that the Minister really wants to build a lot of new social housing. Does the Minister agree that, to tackle the long-term problem, we will have to do that?

**Deputy Simon Coveney:** I do. At the moment social housing makes up between 7% and 8% of total housing stock. I think the average in Europe is between 17% and 18%. We need to significantly increase our social housing stock and that is why we are proposing to increase it by nearly 50,000 over the next five years, increasing social housing stock as a percentage of the total by nearly 30%. I am absolutely committed to that because the State's intervention in housing needs to be balanced. We need to intervene around affordable housing and, in particular, around social housing. We need to ensure we build housing in the right places, achieve integration and mixed tenure, as well as decent homes for people in vibrant communities. I have an agreement in Cabinet to spend €5.3 billion doing that, which is a pretty significant commitment.

**Deputy Mick Wallace:** We all accept that people having to pay almost 40% of monthly income on renting a roof over their heads is unsustainable in the long term. Rents are so much higher in Ireland than in Europe and it costs so much more to buy that up to 30% of people in the future may need social housing. Deputy Donnelly said we were looking for an incentive for house building to compete with the commercial sector. We should let the private sector build commercial property but the State must play a more active role in the residential sector.

I will not get to my next question but I do not understand why the Government has not dealt with the site value tax. The tax is supposed to come into effect in two years' time but there are more holes in it than in a sieve. We should charge a serious rate on land that is not being built on. A threshold of half a hectare has been set but that is one acre and a quarter. It means that any site under one and a quarter acres in Dublin city will not attract the tax. I built 28 apartments on a fifth of an acre but the Minister has introduced a minuscule levy that only applies to sites bigger than an acre and a quarter. There has not been a genuine attempt to tackle landbanking but it is the biggest problem we have.

**Deputy Simon Coveney:** I am not sure which element to answer now as there were a lot of questions. We need to bring vacant sites into use, particularly land that has been zoned for residential use. There is a lot of that in Dublin, some of it with full planning permission as well as zoning. We took advice on how soon we could introduce a vacant site levy and we are proceeding with that. If I could do it earlier, in a legally sound way, I would do so. Throughout 2017 local authorities will put together a register of vacant sites and in 2018 this register will be the basis for levies - effectively fines - for inactivity on sites in 2019.

## Water Charges

10. **Deputy Eoin Ó Broin** asked the Minister for Housing, Planning, Community and Local Government the way in which he calculated the figure of €14 million as recovered revenue if an excess charge for water was introduced; and if his Department has calculated the amount it would cost to administer such a scheme. [2137/17]

**Deputy Eoin Ó Broin:** In a report in *The Sunday Times* on 4 January it was suggested the Minister had indicated in an interview that a charge for excess water usage would yield in the region of €14 million annually. Is the report accurate? If it is, on what basis did he derive that figure? If it is not accurate, has the Department done any calculations or had discussions with Irish Water about what a charge for excess use of water could or would be?

**Deputy Simon Coveney:** The conclusion drawn by the Deputy from the report is not accurate. I do not want to say that the journalist wrote something that was inaccurate as that would not be fair.

**Deputy Eoin Ó Broin:** It is not my conclusion. The report said the Minister suggested the figure was €14 million.

**Deputy Simon Coveney:** I said that if there were no charging for water this year the State would have to find an extra €114 million, but that I expected there would be some charge for the wasting of water that would bring the figure down below €100 million. It has been deduced from my comments that I am saying this will equal €14 million, but that is not actually the case. The water committee will determine this when it makes its decision on what constitutes normal usage of water. In other words, it will decide on the level above which people should be asked to make a contribution for wasting water. I do not think the alternative approach, which involves asking the taxpayer to pay for people who are wasting water, is a credible one. That will be a decision for the committee to make. The number of people who will have to pay for over-use or wastage of water will depend on where the committee decides to set the bar or benchmark with regard to average usage plus a certain percentage for the purposes of flexibility. I do not think we can provide a credible guesstimate of the income that will be received by the State or by Irish Water until we know that figure.

**Deputy Eoin Ó Broin:** While I accept the Minister's point about the inference he mentioned, it comes from the headline of the article rather than from my interpretation of the article. This is not a question of whether the committee decides to set a level; it is a question of what the revenue would be and what the cost of administration would be.

**Deputy Simon Coveney:** Yes.

**Deputy Eoin Ó Broin:** Those of us who do not want any water charges have made that clear. It would be very useful for the committee's deliberations if the Department or Irish Water were to provide indicative figures so that we can know how much money these charges would bring in if the average usage were set at a certain level and how much it would cost to administer these charges in such circumstances. Many of us are concerned that regardless of whether the relevant figure is €14 million or €30 million, the cost of administering the collection of these moneys would be the same or greater, which would make all of this a pointless exercise. I will repeat the question I asked at the outset. Has the Department looked at what the returns would be if various averages were set, and at what the cost of administration would be in all such circumstances? If not, is it the intention of the Minister or Irish Water to undertake such an exercise in order to assist the committee, which does not have access to the data needed to determine such figures?

**Deputy Simon Coveney:** The committee has an opportunity to ask multiple stakeholders questions about anything it likes. It has been doing that to date. The importance of this issue extends beyond the creation of a revenue stream. I believe there is an obligation to ensure some

element of the water policy that is to be determined encourages conservation and applies the polluter pays principle so that we can be consistent with the commitments we have made under the water framework directive. Of course there are some flexibilities in this regard. I have received a letter from the European Commissioner to that effect. I do not think it is credible for us to say that if people waste water, the general taxpayer will simply pick up the tab. There are two issues here. First, we need to consider what we need to do to reassure people that normal domestic water usage will be paid for through general taxation, but those who waste water will have to pay for that water. Second, if that principle is agreed on in the committee, we need to consider the thresholds that should apply to these decisions and what income streams will flow from them. The expert commission has said that we should look to the regulator to provide suggestions and recommendations in that regard. I think that is a sensible suggestion.

**Deputy Eoin Ó Broin:** The Minister has now failed to answer my question on two occasions. Many of the points he raised are relevant and can be debated. However, I want to ask my question for a third time. Will the Minister, directly through his Department or indirectly by making a request to Irish Water, assist the committee in its deliberations by providing it with information on the revenue that could be derived from a charge and what the cost of pursuing such a charge might be? Notwithstanding everything the Minister has said, it would make no sense to apply a charge for so-called excess water usage if the cost of applying that charge is greater than the revenue from it. I appreciate that this is not just about generating revenue. I understand the Minister's interpretation of the water framework directive. Taxpayers will not understand it if we propose to pursue the introduction of a charge if the cost of applying that charge is greater than the revenue from that charge. Will the Minister provide the information to which I have referred? Will he ask Irish Water to provide it to the committee? This is the third time I have asked this question. I hope I will get an answer this time.

**Deputy Simon Coveney:** With respect, it is not up to me to do the job of the committee. Officials from my Department were before the committee yesterday.

**Deputy Ruth Coppinger:** They were giving plenty of opinions.

**Deputy Eoin Ó Broin:** We asked them for this information, but they would not give it to us.

**Deputy Simon Coveney:** Officials from Irish Water have also been in attendance.

**Deputy Eoin Ó Broin:** That is why I am asking the Minister to ask the officials to give us this information. It is a simple request.

**Acting Chairman (Deputy Eugene Murphy):** I ask Deputy Ó Broin to stop interrupting the Minister and instead allow him to respond.

**Deputy Simon Coveney:** There is nothing preventing the committee from asking my Department any questions it wants. I will try to ensure the committee gets accurate answers. Similarly, there is nothing preventing the committee from asking Irish Water to respond to questions that the committee needs to get answered so that it can draw conclusions.

**Deputy Eoin Ó Broin:** I will take that as a "Yes".

**Deputy Ruth Coppinger:** The best option for the Minister is to let this go.

*Written Answers are published on the Oireachtas website.*

*Dáil Éireann*  
**Topical Issue Debate**

**Bus Éireann Services**

**Deputy Dara Calleary:** I would like to share time with Deputy Troy.

**Acting Chairman (Deputy Eugene Murphy):** Is that agreed? Agreed.

**Deputy Dara Calleary:** I thank the Ceann Comhairle's office for giving us time to raise this matter. I thank the Minister, Deputy Ross, for coming to the House to debate the extraordinary and completely disgraceful situation in Bus Éireann. Proposals regarding the terms and conditions of employees are being leaked to the media before they are released to the employees in question. The serious financial challenges in Bus Éireann have been the subject of a series of reports. Everybody accepts that those challenges exist and everybody wants to see them resolved in the best possible way.

On 30 November last, Grant Thornton consultants finalised a report on the options facing Bus Éireann. I have a copy of the report with me. The report has been extensively leaked in the national media in recent days. On 11 January last, the acting chief executive officer of Bus Éireann said publicly that the company is facing insolvency within 18 months. The Taoiseach told the House on 17 January last - 48 hours ago - that the Minister, Deputy Ross, has not received the report, even though it was completed in November, and therefore could not have read it, even though he apparently briefed the Cabinet on Bus Éireann on Tuesday morning. In an effort to help the Minister, my colleague, Deputy Troy, placed a copy of the report in the Minister's pigeonhole on Tuesday evening. Has the Minister read it? What are his views on the proposals and findings contained in it?

Bus Éireann is an extremely important company for Ireland. The Expressway service is an extremely important part of the company. It provides good employment. A State company should not be joining the race to the bottom in terms of employment contracts and terms so that it can compete with private operators that have fewer conditions on their methods of operation than Bus Éireann does. We need an honest and open discussion about the future of Bus Éireann and the options facing it. The employees of Bus Éireann need to be given the respect they deserve. Proposals to change their terms and conditions should not be bandied around the media for the sake of headlines. We are talking about thousands of people who deserve better than that.

**Acting Chairman (Deputy Eugene Murphy):** Is the Deputy sharing time with Deputy Troy?

**Deputy Dara Calleary:** Yes, I will give way to him in a moment. We need the Minister to step up to the mark, take account of what is going on in Bus Éireann and take ownership of the issue as the representative of the Government, which is the main shareholder.

**Acting Chairman (Deputy Eugene Murphy):** I thank Deputy Calleary for his co-operation.

**Deputy Robert Troy:** The Minister knows about the financial challenges facing Bus Éireann. Its losses have been increasing incrementally over recent years. Has the Minister sought an explanation from Bus Éireann management for the situation that has developed? Why has

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it been allowed to get to this stage? Why is drastic action now having to be taken? Has the Minister read the report? What are his thoughts on it?

Approximately 2.7 million of the total of 7 million passengers who are carried on the Expressway service each year avail of the free travel scheme. Given that the average Expressway fare is €11, does the Minister think it is fair that Bus Éireann receives €4.50 in respect of each free travel passenger? Does he think it is fair that the money paid by the Department of Social Protection has not increased since 2009, even though the number of people availing of free travel has increased by 30%? Has the Minister spoken to the Minister for Social Protection to try to obtain an increase in this regard?

I would also like to ask the Minister about the number of licences that are issued. The National Transport Authority seems to get blamed for the issuing of these licences, but it is simply implementing Government policy. Has the Minister received a report on the review of how the NTA had issued licences? I understand that he has received a report and that it is on his desk. When will he make its contents available?

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** I thank the Deputy for raising this very important issue. I agree with a great deal of what Deputy Calleary said. The need for respect on all sides, including among employers, employees and all other stakeholders, is absolutely imperative in this very delicate situation. It would be a pity if it were exploited for political advantage when so many people need protection in this threatening industrial relations dispute. I include in that group those rural communities in particular which are worried about what would happen if routes closed. In particular, I include the employees who feel, due to many alarmist statements, that their jobs are at risk. I also include the taxpayer who it is my duty to protect and members of the travelling public who will be inconvenienced if this particular dispute accelerates.

This Topical Issue is an opportunity for me to clarify a number of the misinformed comments which have been made in recent days. Last week, I met with the chair of Bus Éireann who briefed me on a Grant Thornton report which had been presented to the board by the consultants a few days previously. Following that meeting, I updated my Government colleagues at this week's Cabinet. First, there may well be different drafts in circulation. However, and as I stated last week, the consultants presented their report to the board. I will clarify once and for all what that report is. Irrespective of what draft people are focusing on, the media and, unfortunately, some Deputies are convinced the Grant Thornton report is a plan. It is no such thing. The report is an analysis prepared as advice for the board which reviews some previously developed options, provides a critique of them and makes suggestions for further areas to consider. The report is not a plan in itself and it was not intended that it would be a plan. On foot of the report and the board's deliberations, the company is now engaged in preparing an actual plan for its future and will be developing and finalising this over the coming weeks.

Everyone in the House is aware of the circumstances in which Bus Éireann finds itself. It is losing approximately €6 million a year, which is simply unsustainable. These losses are not a result of the taxpayer's subvention. In fact, the company received €40 million last year, which was over 17% more than it received in taxpayer funding in 2015. The Deputy will know and, no doubt, welcome the fact that this year further increases will be made available for PSO services thanks to the fact that I secured an 11% increase in PSO funding generally in the budget. Bus Éireann's losses stem from its Expressway services. Expressway is a fully commercial network of routes which does not receive any Exchequer funding and competes with other

operators in a highly competitive market. While some voices in recent days have spoken of a policy problem as a driving force behind all this-----

**Acting Chairman (Deputy Eugene Murphy):** I cannot allow the Minister to continue because his time is up. However, he will have another two minutes to come back in. As I have been very strict with the other Members, I ask the Minister to stop.

**Deputy Shane Ross:** That is fine.

**Deputy Dara Calleary:** The Minister met the chair of Bus Éireann last week who briefed him on the report. Surely, as the representative of the main shareholder, the Minister should have asked for a copy of the report so that he could study its analysis and ask his officials to brief him on it independently of the briefing from the chair of the company being reported on.

On the assertion of the Taoiseach and the Minister that rural routes will not be affected, I want the Minister to clarify what that means. Does it mean existing Expressway routes which serve rural areas will not be affected? How can the Minister give a guarantee that routes will not be affected when some of the proposals in the report include bans on overtime and the hiring in of buses to cover peak times such as weekend? How are we going to maintain services if the existing fleet cannot cope with demand and there is a ban on hiring additional fleet and on overtime?

The Minister spoke before about his vast volume of writing and the challenge of that vast volume in respect of his current portfolio. I took the Minister up on that challenge and looked today at an article in which he wrote about the then-Minister for Transport, Noel Dempsey. It stated, "Its Minister and only shareholder, Noel Dempsey, has shown a reluctance to become involved in a full examination of the less transparent activities of this mysterious semi-State monster". That monster was CIE. The Minister who will not get involved and who is being reluctant now is Deputy Ross. I ask him to, please, stand up for Bus Éireann, its workers and the services they provide.

**Deputy Robert Troy:** It is the Minister who chose to remain silent over the last number of weeks. As he was requested to do, he could have clearly articulated his position and that of the Government. The 11% increase on the PSO leaves funding at a point 20% less than in 2010. The Minister says the PSO has nothing to do with the Expressway service. He is right. Is he going to seek an increase from the free travel funding provided from the Department of Social Protection? Has the Minister received a review from the NTA of the way in which licences are issued? Is that report with him and is he going to share it with the House?

When the Minister talks about there being only eight additional licences, he does not acknowledge how many additional routes each of those licences covers and he does not acknowledge that commercial buses do not serve many provincial towns the length and breadth of this country.

**Acting Chairman (Deputy Eugene Murphy):** I must ask the Deputy to conclude.

**Deputy Robert Troy:** How are they going to be served if the Minister has his way and lets the commercial companies take over?

**Acting Chairman (Deputy Eugene Murphy):** Excuse me. Is the Deputy going to listen to the Chair? Please abide by the rules of the House. The Minister may go back to his script if

he wishes. He has two minutes.

**Deputy Shane Ross:** I thank both Deputies for their responses. In answer to Deputy Calleary, I note that the protection of rural communities is a matter on which the NTA has made a statement which is clearly supported by all Members in the House. The NTA says that if rural communities are adversely affected, or indeed any community is affected, it will move in as it has done in the past and ensure and guarantee that connectivity continues. It is an issue for rural communities in particular. The Government supports the NTA fully in that regard and it will be done by way of PSO services. As such, let us not use this debate to scare people into thinking they are going to be abandoned. That is not the case. The NTA has offered to come to the House and brief individuals on this issue so that they can reassure themselves and their communities of this. I am sure I will see Deputy Troy there if he gets up that morning.

**Deputy Robert Troy:** Where was the Minister on Tuesday?

**Deputy Shane Ross:** Let me get back to the report.

**Deputy Robert Troy:** The Minister should get back to answering the question.

**Deputy Shane Ross:** I am trying to answer the question Deputy Troy asked. The report he so kindly put in my pigeon hole is an interesting document. It has on the top of it a very significant word - "draft". It also has another thing in it, which is the date of 30 November. This report was seven weeks old.

**Deputy Robert Troy:** And the Minister had not read it.

**Deputy Shane Ross:** This is why the Deputy should not exaggerate in respect of issues of this sort. It goes on to state, "This version of the report is a draft. Its contents and subject matter remain under review and its contents may change and be expanded as part of the finalisation of the report".

**Deputy Robert Troy:** So the new report is signed off, is it?

**Acting Chairman (Deputy Eugene Murphy):** The Minister is trying to conclude and should be allowed to do so.

**Deputy Shane Ross:** We have to see how many reports have been issued.

**Acting Chairman (Deputy Eugene Murphy):** The Minister has about ten seconds.

**Deputy Shane Ross:** I have ten seconds. It is good to see Deputy Troy here today. It is a pity that on 7 December he could not turn up to the joint committee with this draft after it was written.

*5 o'clock*

**Deputy Robert Troy:** I am not going to take that from the Minister-----

**Deputy Shane Ross:** Nobody was there. Nobody turned up on that day.

**Deputy Robert Troy:** On a point of order-----

**Deputy Shane Ross:** Not a single Fianna Fáil Member was at the meeting, yet they are very concerned today. The Deputy did not turn up.

**Deputy Robert Troy:** On a point of order, I sent my apologies on 7 December.

**Deputy Shane Ross:** Not one substitute was at the meeting. Not one member of Deputy Troy's party was there. He did not show up.

**Deputy Robert Troy:** It only lasted ten minutes and ended before anyone had an opportunity to ask questions.

**Acting Chairman (Deputy Eugene Murphy):** The Deputy should resume his seat.

**Deputy Robert Troy:** Did the Minister enjoy the birthday party on Tuesday?

**Acting Chairman (Deputy Eugene Murphy):** The Deputy should resume his seat. In fairness, Deputy Troy did send his apologies.

**Deputy Shane Ross:** Nobody turned up. There was no substitute.

**Acting Chairman (Deputy Eugene Murphy):** I am not allowing the Minister back in. The Deputy sent his apologies.

**Deputy Robert Troy:** No Government party is represented here.

**Acting Chairman (Deputy Eugene Murphy):** This matter-----

**Deputy Dara Calleary:** The Minister is worse than Donald Trump.

### **Dental Services Provision**

**Deputy Imelda Munster:** Just for the record, I wish to confirm that I was at the meeting on 7 December.

There were four dental clinics operating in Drogheda to cater for all of the children in primary school throughout Drogheda and south Louth. As of the start of January 2017, no dental clinics are in operation in Drogheda or the south Louth area. It is expected that no dental service for primary school children will be in place before June 2017. This means that 200 primary school children per week will be without a local service over the course of the next six months, which could amount to just under 5,000 children, or 4,800 to be precise, while waiting for services to be reinstated.

I will give some background to the issue. There were two dental surgeries in the Haymarket clinic in Drogheda. These were removed and are no longer in operation. The other two clinics in the health centre at Ballsgrove were forced to close due to extensive fire damage. The new clinic that has been promised for the Boyne centre in Drogheda is not due to open for another six months. Primary school children are currently being referred to the Louth County Hospital in Dundalk, which is causing significant delays, disruption and gross inconvenience for children and their parents. The Minister of State would accept that it is unacceptable that upwards of 5,000 children would be left without a dental service for the next six months.

Will the Minister of State make provision, as a matter of urgency, for a mobile surgery unit to cover Drogheda and south Louth as an interim measure? Will she give consideration to granting emergency approval for same, given the absence of dental services in the south of the

county?

We all know that, given an absence of services for six months and the number of children involved, this will cause gross inconvenience and disruption and a backlog will be created. I await the response of the Minister of State. In the absence of a decision, would she at least give a commitment to having the HSE provide transport arrangements, such as an hourly shuttle bus service to take patients to Dundalk or Navan during the six-month interim period?

**Minister of State at the Department of Health (Deputy Helen McEntee):** I thank the Deputy for raising the issue of dental services in Drogheda and south Louth, which I am taking on behalf of my colleague who sends his apologies.

Dental services for children up to 16 years of age and persons of all ages with special needs are provided by the public dental service of the HSE through its dental clinics. HSE dental clinics provide a screening and fissure sealant programme for children at key stages of development, corresponding with sixth class and second class in primary school and fourth class where resources are available. The service includes referral for further treatment, including orthodontic treatment, where necessary. Emergency care for children up to 16 years of age and treatment for special needs patients are also provided.

The issue raised is an operational matter for the HSE and officials in the Department of Health have contacted the executive regarding services in Drogheda and south Louth. I am informed by the HSE that in 2016 the HSE public dental service had four surgeries in Drogheda, as the Deputy correctly pointed out, two in Haymarket and two in Ballsgrove. Unfortunately, in mid-2016 the two surgeries in Haymarket were closed due to flood damage. Services in Drogheda were then limited to the two surgeries in Ballsgrove. Unfortunately, on 26 December 2016 there was a fire at Ballsgrove. Although it did not damage the dental surgeries, it has resulted in the health centre being closed until the fire damage is repaired. As a result, there are currently no dental clinics available in Drogheda.

Alternative arrangements have been made for patients to access services in the nearest available clinics. Currently, all emergencies and routine dental cases for Drogheda and south Louth patients are being catered for in Duleek, Ardee and Dundalk. The potential for minibus transfer for patients with lack of access to transport is being explored by the HSE. I will try to get a further update for the Deputy on that. The public dental service will continue to provide screening, referral and intervention to children in sixth, second and fourth classes. Emergency care will continue to be provided also. The HSE has advised, however, that it is unlikely that decontamination and infection control standards acceptable to the Dental Council would be achievable in a mobile clinic. Such a mobile service could, at most, be used for examinations. However, examinations can be carried out in local schools if necessary. The HSE is closely monitoring the situation on a day-to-day basis. It considers that the arrangements in place are more acceptable and beneficial to patients.

A new dental clinic is due to open in Drogheda in the next six months. It is expected that the opening of this new facility will provide a long-term solution to the difficulties currently being experienced. I have asked the HSE to keep the Deputy updated and to provide a further update to the Deputy of the position as of 31 January 2017.

**Deputy Imelda Munster:** I note that the answer to my question on a mobile dental unit appears to be “No”. I do not know whether the Minister of State or the Minister are aware that

mobile dental units are used extensively in parts of England and are very successful. They deal with home care for patients who are confined to their homes, as well as everything else. The response from the Department is not correct. I presume the Department does not want the bother or inconvenience of providing a mobile unit.

I again refer to the 200 primary school children per week in the south of the county per week who will be affected. Over the course of six months that will amount to 5,000 children. The Minister of State said the HSE is considering providing transport, which is to be welcomed if it is followed through on. Will the Minister of State give a commitment to revert to me with a positive response to that proposal?

If not, 200 children per week will be unable to travel to Dundalk or Ardee. The least the Department and HSE could do would be to provide transport. I ask the Minister of State to press this issue with the Department and revert to me as soon as possible. Every week that goes past means 200 children are directly affected.

**Deputy Helen McEntee:** We are particularly unfortunate that all four clinics were closed due to flood damage or fire. It is an unprecedented situation. The HSE is doing its best to cater for and deal with the more critical incidents and those who need services immediately.

While the Deputy is correct in saying that the service that is currently being provided is not at the same level that was previously available, services are trying to do their best to deal with all emergency cases and routine dental cases. Patients from Drogheda and south Louth are being seen in Duleek, Ardee and Dundalk. While it is not ideal, an effort is being made to ensure that no one is left without any form of support or service.

I give a commitment to revert to the Deputy about the transport issue but, as I am representing the Minister, I cannot give a commitment on it. I will revert to the Deputy though.

### **Cancer Screening Programmes**

**Acting Chairman (Deputy Eugene Murphy):** Deputies James Browne and Mick Wallace are sharing time.

**Deputy James Browne:** I thank the Ceann Comhairle for allowing this issue to be raised as a matter of urgency today. This concerns the publication today of the HSE report which confirmed 13 misdiagnoses of bowel cancer at Wexford General Hospital. In October 2014, two persons who had previously been cleared of having bowel cancer were subsequently diagnosed with it. This led to a review of more than 600 patients, 400 of whom had to undergo further colonoscopies, and it was confirmed in today's report that 11 additional people were identified as having cancer which, to use the HSE's terminology, was "probably missed" by the original screening process. That gives a total of 13 misdiagnoses and we know that one person died before a review could be carried out.

While there is always a risk of human error in medical assessments, it appears that this was much more and it is clear that this should not have happened. My thoughts at this time are with those who were misdiagnosed and their families. It must be an extremely distressing and fearful situation for them to find themselves in. There was also unnecessary stress for the 600 people who were subjected to a review and the more than 400 people who had to undergo a

second colonoscopy. All of these people suffered additional and unwarranted stress. It appears that the hospital, on detection, acted quickly to inform the patients and to carry out a recall. However, why were so many failed screenings carried out before an issue was identified? The large number would point to systemic failures as well as human error.

The appointment of an external expert to carry out a review is welcome but it is important that this expert would be free to carry out a wide ranging review and not one just into the individual decisions of the clinician concerned. It is important that it would review the wider aspects of the issue. It is clear that there has been a serious lapse in proper health care. The families have been caused serious and needless stress, one man has lost his life and others will forever wonder whether the cancer could have been identified sooner.

**Deputy Mick Wallace:** The safety incident management report released today into the discovery of 13 possible missed cancers at Wexford General Hospital is another huge failure on a long and botched list of failures in the Wexford-Waterford HSE area. I would go so far as to say that probably two of the most dysfunctional strands of a malfunctioning national organisation are to be found in the HSE in the south east, in particular, in Wexford-Waterford. We have the Grace case and other similar incidents, the six year delay to a satellite dialysis service for Wexford, the removal of acute mental health services in the county with the highest suicide rate in the country, the long waiting lists, and the complete failure to provide an adequate amount of respite and residential care places for children and adults with disabilities. Now we have this too.

For the most part, the report gives a comprehensive outline of what occurred at Wexford Regional Hospital and Ely Hospital, but surprisingly, or unsurprisingly if one is familiar with how the HSE operates, there is an appalling lack of accountability on the part of those who run our health service. The HSE has its scapegoat - human error and a consultant endoscopist it has labelled "Clinician Y". That is where the HSE is happy to wrap up and tie a bow around its investigation. The problem with the human error scapegoat defence is that further questions must be answered. At some stage, Clinician Y was recruited by the HSE as a full-time permanent consultant. He was also on the specialist register of the Irish Medical Council. Nowhere in the report does the management team discuss the recruitment process of Clinician Y. Who recruited this consultant? Who provided references? Where did Clinician Y operate before operating in Wexford General Hospital? If Clinician Y carried out screenings in other hospitals before being recruited to Wexford General Hospital, what checks have been carried out in those hospitals? Has Clinician Y been replaced on a full-time basis?

The lack of accountability in how the HSE operates is shocking. It is not new and it did not start under this Government's watch, but is anyone doing anything about it?

**Deputy Helen McEntee:** I thank both Deputies for raising the issue and, again, pass on the apologies of the Minister for Health, Deputy Simon Harris, for not being here.

First, I acknowledge the anxiety and distress for the patients concerned in this programme and extend my sincere sympathy to the family of the patient who, unfortunately, died before the HSE review commenced.

I welcome today's publication of the report by the HSE which identifies 13 cases of probable missed cancers in patients who had undergone a colonoscopy at Wexford General Hospital under the national bowel screening programme known as BowelScreen. When the first two cases were identified, work was undertaken by the HSE's serious incident management team

and the BowelScreen programme to investigate this fully. Following the HSE audit, 615 patients were recalled for either a repeat colonoscopy or an outpatient appointment. This work led to the identification of an additional 11 probable missed cancers.

The Minister for Health has been aware of the incident and has received regular briefs on the progress of the review. The report outlines the look-back process and the actions taken by the HSE and the HSE has related these events to the practice of a single clinician. The matter has been referred to the Medical Council. I am informed that all patients and families involved have been contacted and all had open disclosure and have since been provided with the appropriate support and treatment. The full report was made available this morning on the HSE website.

Since the Wexford General Hospital incident, BowelScreen has reviewed its quality assurance procedures to ensure that all units and individuals delivering colonoscopy services on behalf of BowelScreen are doing so at the highest possible standard. All BowelScreen services are provided in internationally accredited centres. Wexford General Hospital has introduced a number of new patient safety measures across all hospital services, including the appointment of a clinical risk and quality manager.

We should remember that bowel cancer is the second most common cause of cancer death in Ireland and approximately 2,500 people are diagnosed each year. Screening is the most effective way to detect bowel cancer, including pre-cancerous changes. The BowelScreen programme provides a valuable service and 517 cancers have been detected since its initiation in 2012.

In line with good practice, an external review is due to commence immediately to see what further lessons can be learned. It will consider how the incident was identified, escalated and managed and will include recommendations pertaining to governance, accountability and authority at each level involved. The review is expected to take six months to complete and it will ensure that all lessons from the incident in Wexford General Hospital are embedded in the overall health system as quickly as possible.

**Deputy James Browne:** It is important that confidence is restored in the cancer screening programme. As the Minister of State stated, this is the second most common cancer in the country but we have a very low uptake on screening. This is critical to people's lives because, if the cancer is caught early, outcomes are good when help is obtained. The HSE report makes comprehensive recommendations, which are welcome, but it is a wonder that those recommendations were not already in place given they seem to be fairly sensible and obvious. I am somewhat concerned that the report does not seem to have an implementation plan or timelines. Will the Minister of State state whether a plan and timeline for the implementation of those recommendations will be published and acted on?

**Deputy Mick Wallace:** It is striking that the issue with Clinician Y's screenings only came to light after two cancer cases were identified externally. Where is the oversight at Wexford General Hospital? Why has it taken more than two years to release the report? Why did it take more than eight months from the time concerns were first raised for 98% of those who needed to be recalled to undergo a second screening? I read today that the HSE is commissioning an external expert to review the quality assurance measures put in place and the overall management of the incident. Is that the case? If so, why is the HSE commissioning an external expert? How independent will an external expert be given that he or she will be commissioned and paid

for by the HSE?

I repeat that the HSE is a dysfunctional organisation and has been for a long time. When will we get a Government that is prepared to sort it out?

**Deputy Helen McEntee:** With regard to clinician Y, as far back as February 2015, the clinician agreed to stand down from all colonoscopy work and voluntarily undertook not to perform colonoscopies outside Wexford General Hospital. He has remained on leave during the investigation process and has undergone retraining in colonoscopy. The Medical Council was advised of the incidents in April 2015.

I agree with Deputy James Browne that, given that this bowel cancer is the second most common cancer and that 517 cases of bowel cancer have been detected since the initiation of the national bowel screening programme, BowelScreen, in 2012, it is important that people have trust both in the service and Wexford General Hospital. Since the incidents, BowelScreen has reviewed its quality assurance indicators to ensure all units and individuals delivering colonoscopy services on its behalf are doing so at the highest possible standard.

To respond to Deputy Mick Wallace, the Health Service Executive is in the process of commissioning a national review of gastroenterology and endoscopy services, which will assess the current operation and quality and safety of the services. I will provide further information on this matter if the Deputy wishes.

### **Hospital Accommodation Provision**

**Deputy Jan O’Sullivan:** I have proposed this issue for discussion every day this week and I thank the Office of the Ceann Comhairle for selecting it today. We need straight answers on the opening of a new emergency department in University Hospital Limerick. I mean no disrespect to the Minister of State, Deputy McEntee, in saying I had hoped the Minister would come to the House to provide direct answers to our questions. Having visited the hospital, the Minister is aware of the position.

For months, we have been told the emergency department is due to open in May of this year. However, the Government has consistently avoided confirming this date. I am of the view that the reason for this relates more to funding than to a difficulty in recruiting staff. My understanding of the HSE service plan is that it provides sufficient money to open the new emergency department in the autumn and that an additional allocation would be required to open it in May. If that assumption is correct, I call on the Minister to insist that funds are made available to open the emergency department in May 2017, as originally scheduled and restated on many occasions.

Earlier this week, we learned that the Government could find €120 million in unallocated savings to meet the cost of an increase in pay for public sector workers. While I do not begrudge these workers a pay increase, I understand that the shortfall in funding to open the emergency department in University Hospital Limerick is a fraction of €120 million. This is a matter of life and death and I do not say that lightly. Patients and staff in the emergency department at University Hospital Limerick have been squashed into a space that is not fit for purpose. The hospital’s trolley figures have been among the highest in the country for months. Only recently, the chief fire officer in Limerick warned that the fire service would “have to take

enforcement action if things don't improve." Fire officers do not make idle threats and if the chief fire officer's intervention forces a decision to be taken to open the emergency department in May, I welcome it.

Recently, as many as 16 ambulances were lined up outside University Hospital Limerick because they could not disembark patients due to overcrowding. We have heard many harrowing stories, which I do not propose to rehearse. However, I was struck by one particular case of a man with bowel disease who publicly declared his name and address and provided highly personal information about the difficulties he experienced in the accident and emergency department. This took great courage but the individual in question acted to highlight the intolerable conditions at the hospital. At a protest on this issue last week, which I attended, people explained why the issue was so important that they had come out in protest.

Staff at University Hospital Limerick are struggling to manage and I commend all of them, from the most senior to the most junior member of staff and across medical and non-medical grades. While I am aware that emergency departments are under pressure all over the country, in the case of University Hospital Limerick one element of the solution can be implemented, namely, the opening of the new emergency department. This will not solve all the hospital's problems with capacity and bed numbers, as these problems are shared by all hospitals, but a new department would provide space and dignity for patients and a decent working environment for staff.

The building has been constructed and the fit-out is proceeding according to plan and on schedule and recruitment is under way. I ask the Minister of State to confirm that the emergency department will open in May.

**Deputy Helen McEntee:** The Deputy will appreciate that I am not able to give the answer she seeks. I apologise again on behalf of the Minister for Health, Deputy Harris, for his absence. I welcome the opportunity to address the House on this issue.

As Deputy Jan O'Sullivan stated, the emergency department in University Hospital Limerick is one of the busiest in the country, with more than 60,000 attendances annually. I commend all of the staff at the hospital and those working in other emergency departments which are currently under severe pressure. The opening of the new emergency department at University Hospital Limerick has been identified as a priority in the HSE national service plan 2017. An additional €1.4 million has been allocated to facilitate the opening of the new emergency department this year. I understand it is expected that the building will be handed over to the hospital group at the end of March. As the Deputy will appreciate, it is difficult, at this stage, to be definitive about the opening date given that a period of deep cleaning, commissioning and training of staff on the new equipment will be required before the new emergency department can open. However, I hope it will be operational as soon as possible.

The new facility will triple the size of the current emergency department and immeasurably improve the experience of patients in terms of their comfort, privacy and dignity. The Deputy will be aware that the new unit is being fitted out and recruitment of the additional staff required for the enlarged facility is ongoing. Pending the opening of the new facility, the hospital group is working to alleviate pressures in the emergency department by maximising the use of the model 2 hospitals in its region, namely, Ennis, Nenagh and St. John's hospitals, to free up beds in University Hospital Limerick.

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In addition, the HSE winter initiative plan 2016-2017 has provided €40 million additional funding for winter preparedness. As part of this initiative, University Hospital Limerick was identified as one of the nine focus sites experiencing the greatest challenges in terms of emergency department pressures. As the figures on delayed discharges released today show, much of this funding has been put to good use. In line with this initiative, University Hospital Limerick is receiving an additional six home care packages per week until the end of February 2017. In the first three months of the winter initiative, that is, from October to December 2016, community health care services in the mid-west facilitated 1,672 discharges, most of which were from the University of Limerick hospital group. These discharges ensure patients do not experience delays once they have been medically discharged from hospital and free up capacity in the hospital, which is extremely important.

I also note that in early November, the operational hours of the medical assessment unit in University Hospital Limerick were extended by three hours per day. This unit facilitates the immediate assessment, diagnosis and treatment of patients presenting with chronic medical conditions and represents a significant improvement for such patients.

I was also delighted to learn that a transit lounge to accommodate patients deemed medically fit for discharge or suitable for transfer to Ennis, Nenagh and St. John's hospitals opened at University Hospital Limerick earlier this week. The lounge will accommodate 15 patients and will open from 10 a.m. to 6 p.m. It will be staffed by two staff nurses and one health care assistant. In opening the lounge it is hoped to turn around beds earlier in the day, thus making capacity available for admitted patients waiting in the emergency department or overflow areas.

I am assured that pending the opening of the new emergency department, the University of Limerick hospital group is working to identify ways and means to improve processes and systems in the emergency department and throughout the hospital group, with a view to improving service delivery. I apologise again that I cannot provide a definitive date for the opening of the new unit. I will convey the Deputy's request to the Minister and I am sure he will revert to her in due course.

**Deputy Jan O'Sullivan:** While I appreciate the various efforts that are being made in the meantime, my main concern is that no date has been provided for the opening of the emergency department. I cannot understand why a date cannot be provided given that the building is complete, the fit-out is ongoing and recruitment is under way. The reason given by the Minister of State is that deep cleaning, commissioning and training of staff in new equipment are required. I do not see how this cannot be completed by May. The timetable for opening the new facility has been public for a long time and thus far the project has proceeded in accordance with that timetable. I again call on the Minister to indicate that the emergency department will open in May, as intended.

The issue appears to be the additional €1.4 million allocated to facilitate the opening of the new emergency department this year. I appreciate the Minister of State may not be in a position to answer my question. Is €1.4 million sufficient to run the unit from May to the end of the year, including in terms of staff and so on? If not, we need an additional allocation. As I said, because of overcrowding in this unit, there is terrible suffering by patients and staff.

According to the fire chief, he will have to take enforcement action if things do not improve, which is a serious undertaking in terms of his duty as fire chief. I hope that this will concentrate minds on the need to ensure that there is adequate funding to enable this unit to open in May. I

do not accept that deep cleaning, commissioning and training of staff will take more time than is available between now and May. I would welcome any assurance the Minister of State, Deputy McEntee, could give me in this regard. I hope that the Minister, Deputy Harris, will give us an answer soon. If additional funding is the issue, the amount required being not that large in the scheme of things it needs to be found.

**Deputy Helen McEntee:** Again, I apologise but I am unable to answer the Deputy's question directly. As I understand it, the unit will not open in May but is to be handed over to the hospital group at the end of March, with the timeline in terms of deep cleaning, commissioning and training of the staff yet to be identified. I will make the Deputy's views known to the Minister, Deputy Harris. A huge amount of funding has been already put in place to try to alleviate the problems in this area. It would be better for everybody if that funding was invested in the opening of the unit rather than on fighting fires or other measures which are always going to be a temporary fix. I will bring the Deputy's concerns to the Minister and ask that he respond to her as quickly as possible.

### **Fossil Fuel Divestment Bill 2016: Second Stage [Private Members]**

**Deputy Thomas Pringle:** "I move: That the Bill be now read a Second Time."

It is timely that we are discussing the Fossil Fuel Divestment Bill 2016 a day before the most famous climate change denier is sworn in as President of the United States, bringing with him former Exxon Mobil chief executive officer, Rex Tillerson, as Secretary of State. We should not associate ourselves with Trump-era politics. His Administration and its public display of affection for big oil is representative of the industry's fading legacy and its last attempt to hold onto power. For over a century, it has enjoyed the privilege of buying political influence and deliberately concealing and manipulating the science of climate change in their favour. These corporations have been allowed to skirt around democratic institutions while the most disadvantaged are left to bear the brunt of climate change effects. As a developed nation, we have also stood idly by, allowing big energy corporations to run the show, most recently with their push to open up Irish markets to fracking. Ireland continues to lag behind in its commitments to mitigating climate change effects. Ireland is currently the eighth highest producer of emissions per person in the OECD and only one of two countries in the EU that will not reach its 2020 targets for emissions reductions. Our non-compliance will cost, with estimates of up to €6 billion for breaching emission levels. Today offers an opportunity for us not only to catch up with the pace of climate change, but also lead on mitigating its effects.

In 2009, financial analysts demonstrated that up to 80% of the fossil fuel reserves held by fossil fuel companies cannot be burned if we are to remain below an average global temperature rise of 2°C, as committed to by all Governments in the Paris Climate Agreement. In the Global Green Economy Index 2016, Ireland fell significantly in the global rankings owing to a perceived lack of political leadership. If Ireland wants to benefit from the significant growth and job opportunities presented by the global decarbonisation agenda and energy transition, divesting the Ireland Strategic Investment Fund, ISIF, would send a strong signal that it is committed to the Paris Climate Agreement and will be a seriously player in the transition to a fossil free global economy.

I will like now to focus on the contents of the Bill and the wider debate on fossil fuel divestment. The Bill seeks to amend the National Treasury Management Agency (Amendment) Act 2014, providing that the Ireland Strategic Investment Fund, previously the National Pensions

Reserve Fund, be divested of its assets in fossil fuel companies within five years of its enactment. This is to facilitate a timely decarbonisation process in line with Ireland's climate change commitments under Article 2 of the Paris Agreement which was passed last year. The Ireland Strategic Investment Fund, ISIF, is an €8 billion sovereign development fund with a statutory mandate to invest on a commercial basis to support economic activity and employment in Ireland.

Section 1 of the Bill amends the section 37 of the principal Act by inserting a new definition of "fossil fuel company" to incorporate the term "geological deposits" to enable a distinction to be made with biofuels and other alternative hydrocarbon energy sources. It is to be noted that biofuels can be considered renewable only when they meet strict sustainability criteria.

Section 2 amends section 39 of the principal Act by adding subsections after subsection (6). Subsection (7) is added to accommodate future amendments or laws that may apply to the agency now or into the future and to ensure that any future changes do not compromise the integrity of the agency's divestment process from fossil fuel companies. Subsection (8) provides that the agency will endeavour to ensure that the assets of the fund are not invested, directly or indirectly, in fossil fuel companies. It also provides scope for the agency to manage its divestment process within the defined timeframe, while not being illegal in the meantime. Subsection (9) obliges the agency to divest its assets of the fund from current investments, direct or indirect, within five years of the commencement of this subsection. Again, the Ireland Strategic Investment Fund will have a lengthy timeframe for the process of divestment and I want to clarify that the Bill does not make it current fossil fuel investments illegal but rather sets out a five-year timeline for the fund to rid itself of these assets.

The global fossil fuel divestment movement originated on university campuses in the US in 2011 and has seen explosive growth to become the fastest growing divestment movement in history. By December 2016, at least 689 institutions, with an asset base of \$5.44 trillion and at least 58,000 individuals with a value of \$5.2 billion had committed to divest fossil fuel investments. In Ireland, Trinity College Dublin announced in December 2016 that it is joining the movement and divesting its endowment fund of all investments in fossil fuel companies. The President of NUIG has expressed support for NUIG to follow suit in early 2017. NUIM has already committed to a fossil free investment policy and numerous other universities are expressing fossil free intentions. In the past few months, almost 11,000 people in Ireland have signed a petition calling on the Government to stop investing in fossil fuels. Some 25 groups and networks from across the country sent a submission to the Minister for Finance, the Minister for Public Expenditure and Reform and the Minister for Communications, Climate Action and Environment to make the case for divestment of the ISIF. Divestment is not new. Ireland has done this before with the Cluster Munitions Bill and Fianna Fáil recently introduced a Bill seeking that public money be divested from tobacco companies. We cannot forget about the success of the 1980s of South Africa divestment campaign, which put pressure on the South African Government to end apartheid. It is all part of ethical financing, with which we already have a history. Most of these projects started with civil society groups and moved to larger institutions such as universities until they reached the Government's ear and were legislated for. While we do not have Fine Gael's support today, I am happy that there is cross-party support for the Bill as it would further validate the growth of the movement. Divestment is not just climate-smart; it makes financial sense. ISIF invests €133 million in fossil fuel companies but because fossil fuel commodities are increasingly volatile, it lost €22 million on these investments in 2015 and €100 million in total in the past three years. Imagine what could have been done with this

money if it had been invested in renewable energy solutions such as biomass or solar energy projects. Owing to rising oil prices, some believe it would be financially unwise to divest from these companies. We need to recognise, however, the increased volatility of oil as a commodity. What are often overlooked are the unsustainable business practices these large oil corporations undertake and which are leading to the phenomenon of “stranded assets”. Some 80% of fossil fuel reserves need to stay in the ground to keep below Paris Agreement limits. The value of fossil fuel companies’ is based on these reserves, but if they cannot be used, they become stranded assets. Between 60% and 80% of coal, oil and gas reserves of publicly listed companies are unburnable if we are to have a chance of not exceeding the global warming target of 2° Celsius.

There are concerns about the impact the Bill might have on semi-State companies such as Bord Gáis, Bord na Móna and the ESB. The Fossil Fuel Divestment Bill would prohibit future investments in fossil fuel companies - that is true - and semi-State companies would not be eligible to receive investment from ISIF in the future. I reassure Members of the House that if the Bill progresses to Committee Stage, I will be absolutely open to it being amended to allow for investment in such companies if the investment is specifically to enable them to transition to 100% renewable energy sources by 2050 and, where the investment case to do so has been scrutinised against alternative investment opportunities, to advance the transition away from fossil fuels. Providing for fossil fuel divestment in legislation would send an important signal that Ireland will uphold its commitments under the Paris Agreement and contribute to and benefit from the growth of the global green economy. It would send a message to businesses of all sizes and kinds in Ireland that it is in their interests and the Government’s obligation to plan for and begin working towards a fossil fuel-free economy.

Energy companies in Ireland that are committed to action on climate change and supporting Ireland’s delivery on its commitments would have nothing to fear from fossil fuel divestment. This is an opportunity to ensure State investment policy will enable a transition process aligned with our commitments under the Paris Agreement. I would be happy to work with colleagues on the Bill to this end on Committee Stage. Enacting the Fossil Fuel Divestment Bill would not dictate how the Government and the Oireachtas pursue implementation of the recommendations in the White Paper on energy and the forthcoming national mitigation plan. Importantly, however, it would signal political support for more urgency in forging a fossil fuel-free society and economy for Ireland.

I again reassure the House that the Bill was purposely written to allow enough scope to facilitate a wide-ranging debate on fossil fuel divestment. I would be more than happy to consider amendments or suggestions on Committee and Remaining Stages. It is our duty, as legislators, to legislate effectively and educate ourselves on the full implications of what we bring forward in the Dáil. The Government is opposing the Bill which I believe is a lost opportunity on its part. I want to address some of its justifications for opposing it.

ISIF operates a sustainable and responsible investment policy which was published in July 2016 and which specifically focuses on climate change, but the claim that ISIF has limited exposure to fossil fuels within its portfolio is misleading. An independent study by “Corporate Knights” shows that while the amount invested in fossil fuels by ISIF is a small proportion of its overall portfolio, the carbon footprint of these investments is significant. The “Corporate Knights” study found that divesting current fossil fuel assets would reduce the fund’s carbon footprint by 48%. To continue to invest in these companies by any amount is to invest knowingly in their future climate impacts.

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Second, the fund does have an €800 million allocation for energy projects, the vast majority of which will be invested in renewables. If, however, the “vast majority” of the energy investment is to be in renewables, it means that there is the option to invest in fossil fuels. It is morally problematic to invest in the continuation or expansion of activities that are clearly working against the public interest. ISIF’s focus on sustainability and supporting the decarbonisation process is welcome and really important, but responsible use of public money means that scarce public resources should not be invested in infrastructure and business models that we know will have to become redundant in the next few decades. We should be investing in a just transition for workers and communities currently dependent on an industry in its twilight years and to ensure Ireland becomes a desirable location for investment in the industries and technologies of the future. A study conducted for the Irish Corporate Leaders Group on Climate Change in 2014 found that there was the potential to create 90,000 jobs in Ireland in an ambitious climate action scenario.

One should remember that climate change affects us all, but not equally, and we must apply the principles of climate justice. Everyone here will have a statistic at hand, but one, in particular, stands out for me: 10 million people in Ethiopia are in need of food aid. Can one imagine that? Ten million is twice the population of Ireland. Some 185 million people have been displaced by disaster and climate change. The impacts are solely attributable to climate change. The statistic indicates that one person is displaced every second around the world. I reiterate that a failure to meet the commitments made in the Paris Agreement would have a catastrophic impact on the global economy and financial system and also result in human tragedy of epic proportions. Our denial will be their downfall. Today offers one way to fight climate change, through ethical financing. It is a commitment to which we signed up under Article 2 of the Paris Agreement. We have both a moral and a practical imperative to embark on the process of divesting public money from fossil fuel companies.

I thank the House for giving me the opportunity to speak to the Bill on Second Stage. I am grateful for the cross-party support I have already received. I thank Trócaire for all its hard work on the project and, in particular, all those members of the public who have campaigned on the issue in recent days and weeks. It is the dedication of the public on this issue that can truly effect change and stir up the necessary political will to bring Ireland into climate action.

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

That Dáil Éireann notes the Fossil Fuel Divestment Bill 2016 as introduced by Deputy Pringle and further notes that:

- the Ireland Strategic Investment Fund, ISIF, operates a sustainable and responsible investment policy, published in July 2016, and that this policy specifically focuses on climate change;
- ISIF has limited exposure to fossil fuels within its portfolio;
- the fund has an €800 million allocation to energy, the vast majority of which will be invested in renewables;- there are significant opportunities in ISIF’s potential investment pipeline;- to date, the fund’s renewable energy investments include:
  - €44 million for the €500 million Dublin waste to energy project which will assist Ireland meet EU waste targets and the waste processed will be utilised for energy

recovery and development of a district heating scheme;- a €35 million commitment to NTR's onshore wind fund;- investment in the BlueBay SME credit fund, which fund has made loans to Irish headquartered renewable energy developers and to a designer and manufacturer of high power density high efficiency power supplies;- €85 million in forestry, a net positive contributor to managing emissions;

and that Dáil Éireann concludes that because of its progressive record in these matters ISIF's investment options do not need to be underpinned in statute and, therefore, declines a Second Reading of the Bill.

As the House will be aware, responsibility for Ireland's energy and climate action policies is within the remit of the Minister for Communications, Climate Action and Environment, but as the Bill seeks to amend ISIF's investment approach through an amendment to the National Treasury Management Agency Acts, the Minister for Finance, Deputy Michael Noonan, is leading the Government's response to it. As he is not in the country today, he cannot take the Bill.

The intention behind the Bill is well understood by both the Minister for Finance and his colleagues in government, including the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten. The publication and introduction of the Bill are useful in that they allow the House to have a constructive discussion on the issue of fossil fuels in the light of Ireland's climate and energy priorities. These priorities, in turn, govern Ireland's national decarbonisation strategy in line with its climate change commitments. In addressing these matters we must never lose sight of the continuing reality of our dependence on fossil fuels in meeting our energy and transport needs. The Government considered the Bill at its meeting this week. In doing so, it has constructively engaged with the issues raised in accordance with its responsibility to address and evaluate proposed legislation irrespective of whether said legislation is initiated by the Government or a Private Member, as in this case.

The Government understands the intention behind the Bill and I commend Deputy Pringle on his work in preparing it and having it published last November. The Government has agreed that the best approach for Ireland is to propose a reasoned amendment to the effect that the Bill should not be read a Second Time. This is due to the fact that the Bill poses risks to ISIF's ability to support the transition of our economy to a low-carbon one as well as to employment and our economy overall. In addition, the Bill gives rise to a number of difficulties for ISIF, which I will address shortly. ISIF has already adopted a progressive approach towards fossil fuel investments and therefore its investment options do not need to be underpinned by statute in the manner proposed.

As Deputies are aware, the Bill has been published at a time of ongoing developments in the area of energy and climate policy nationally and internationally. In considering the intentions behind the Bill, there must also be careful consideration of its wider policy implications.

Ireland is heavily reliant on fossil fuels, accounting for 91% of all energy used in 2015. This is broken down between oil at 48%, natural gas at 27%, coal at 10% and peat at 6%. Ireland's climate and energy priorities govern the national decarbonisation strategy in line with our climate change commitments. The issues of decarbonisation and the long-term transition towards a low-carbon economy are central to the Paris Agreement, which was agreed by more than 195 countries and parties at COP21 in 2015 and has been in force since 4 November 2016. The extent of the challenge in Ireland is well understood by the Government and is reflected in the 2014 national policy position on climate action and low-carbon development and the Climate

Action and Low Carbon Development Act 2015, both of which are key elements in the effort to progress the national low-carbon transition agenda.

Ireland's national policy position, published in April 2014, sets out a long-term vision of low-carbon transition. As envisaged by the position, the evolution of climate policy will be a dynamic and iterative process based on the adoption by the Government of a series of national mitigation plans and national adaptation frameworks to 2050, with the ultimate objective of incrementally achieving the national transition objective. The 2015 Act provides the statutory basis for our national transition. Similarly, the energy White Paper, Ireland's Transition to a Low Carbon Energy Future 2015-2030, which was published in December 2015, sets out the vision for 2050 that greenhouse gas emissions from the energy sector will be reduced by between 80% and 95% compared with 1990 levels. This demonstrates the consistency and coherence between Ireland's climate and energy policies.

The energy White Paper sets out how the transition away from fossil fuels will take place while making clear that oil and gas remain critical between now and 2035. The White Paper also sets out the potential share of fossil fuels in a number of carbon reduction scenarios under which fossil fuels continue to have a key role in Ireland's energy mix even in a significantly decarbonised energy sector. In light of this, continued investment in fossil fuel-related technologies and businesses is a necessity.

In properly considering this Bill, we must take full account of Ireland having a high energy import dependency, with over 88% of our energy needs met through imports in 2015. Although the Corrib gas field will reduce our import dependence in the short term, Ireland is expected to be reliant on the UK for approximately 85% of our natural gas by 2025. Ireland imports all of its oil supply, including crude oil, which is refined at Ireland's only refinery at Whitegate in Cork, and refined oil products - petrol, diesel, kerosene, heating oil etc. - the majority of which are provided from the UK. This means we have a significant security of supply dependency on imported fossil fuels, particularly from the UK. Although Ireland has an excellent relationship with the UK in terms of energy, it is possible that this could be complicated by Brexit in the coming years. In order to ensure continued secure supplies of energy in the future, investment from ISIF in strategic energy infrastructure may prove necessary. This Private Members' Bill would preclude such investment.

The Bill's definition of a "fossil fuel company" is of significant concern. It means a company whose business either wholly or partly engages in the exploration, extraction, refining, processing or delivery of fossil fuels, those being geological deposits. This definition would appear to encompass a wide range of companies, including Bord na Móna and the National Oil Reserves Agency, NORA. It would also appear to capture any local, national or international business involved in the delivery of fossil fuels. This could include local distributors of oil, gas, coal and peat products to homes and businesses across Ireland.

This definition would prevent ISIF credit and other equity funds from supporting Irish SMEs that had involvement in these sectors. It would also appear to restrict investment by ISIF in companies developing innovative technologies that could improve the energy efficiency of fossil fuel-based processes. Furthermore, development of technologies that could lead to improved air quality by reducing the emission of particulates may also be restricted.

The old National Pensions Reserve Fund, NPRF, transitioned in December 2014 into ISIF, which has a statutory mandate to invest on a commercial basis to support economic activity and

employment in Ireland. All ISIF investments since then comply with this double bottom line mandate and the fund's sustainability and responsible investment policy, which sets out key principles for responsible investment.

Historically, the only category of investment that was specifically excluded from the NPRF or ISIF was cluster munitions in accordance with the Cluster Munitions And Anti-Personnel Mines Act. However, the NTMA is conducting a review of the exclusion of categories of investment from ISIF as a whole. This review is expected to be completed during the first quarter of 2017. The Government welcomes this review and believes it is appropriate that we await its outcome.

An example of ISIF's responsible approach was the decision to divest from all legacy investments in tobacco manufacturing on the basis that the risks associated with same outweighed any potential commercial return over the long term. This divestment was completed in December 2016.

The review of the exclusion of categories of investment includes a case-by-case analysis of all ISIF energy holdings in order to assess the sustainability and the investment case. The fund acknowledges that those companies that are most exposed to and least prepared for transition to a low-carbon economy may be candidates for divestment. As part of the implementation of ISIF's mandate to invest on a commercial basis to support economic activity and employment, the transitional global portfolio of the NPRF is being sold or divested over a period of years in order to provide capital for investment in Ireland. As such, the fund's exposure to the energy sector has reduced substantially since its establishment and will continue to reduce as the global portfolio is divested over the coming years. Such investments should be considered in the context of ISIF's Irish portfolio and its significant commitment to renewables.

ISIF's investment strategy is aligned with Government policy and the State's commitment to make the transition to a low-carbon, climate resilient and sustainable economy. The strategy sets out ISIF's €800 million energy allocation, which will include a significant element of renewables investment. To date, renewable energy investment commitments include €44 million for the €500 million Dublin waste-to-energy project; a €35 million commitment to National Toll Roads, NTR's onshore wind fund; investment in the BlueBay SME credit fund, which has made loans to Gaelectric and Mainstream, Irish headquartered renewable energy developers; and being a cornerstone investor in the Irish Infrastructure Fund, which holds a number of Irish onshore wind assets and forestry and is a designer-manufacturer of high power density high efficiency power supplies. There are also significant further pipeline opportunities.

As part of its ongoing commitment to operate to high international standards, ISIF published its sustainability and responsible investment policy in July 2016, emphasising climate change as part of its investment decision making process. ISIF continually reviews its carbon exposure and the investment case for companies that may not be aligned with the long-term transition to a low-carbon economy.

As currently proposed, this Private Members' Bill would lead to ISIF investments being directed away from supporting the implementation of Government policy and many businesses that are vital to the proper functioning of Ireland's economy and society.

The National Treasury Management Agency (Amendment) Act 2014, which established ISIF, provides that ISIF shall review its investment strategy after 18 months of operation and

that, in doing so, shall consult with the Ministers for Finance and Public Expenditure and Reform. This review, which is separate from ISIF's review of exclusions, is under way and issues such as decarbonisation, energy security and Ireland's long-term transition towards a low-carbon economy are being considered. As part of this process, ISIF is considering the investment case for companies that may not be aligned with that transition.

*6 o'clock*

The Government considers this to be a well-intentioned Bill, and I assure colleagues in the House that we have carefully considered the Bill's provisions. While the Government shares Deputy Pringle's ambition of managing the transition to a low carbon economy, we must remain conscious that the transition will require careful management of the policy priorities and issues arising in what is a complex national and international public policy context. In managing these policy priorities, we must legislate cautiously in order not to do more harm than good. The Government is concerned that the current Bill with its inexact definitions could inhibit Ireland's ability to transition to a low carbon economy by excluding Ireland's largest investment fund, ISIF, from investing in key pieces of carbon reducing infrastructure. The most obvious example of this is that ISIF would be prohibited from investing in a Bord na Móna wind farm or its other forms of renewable generation capacity.

In light of these concerns and given there are ongoing deliberations in respect of the Government's White Paper on energy, I respectfully ask that the Deputy would consider withdrawing the Bill at this time. Such a withdrawal would provide an opportunity for further consultation and for research and analysis to be conducted. As stated, this research and work should assess the Bill's wider potential implications, including the negative effects on ISIF's statutory functions, the potential impacts on Irish economic competitiveness and, most important, ISIF's ability to support the transition to a low carbon economy. It would thereby ensure the Bill is measured, targeted and appropriate. Such a withdrawal would also allow for the ongoing developments and deliberations to be worked through.

I wish to highlight the positive steps taken by the Government in the area of energy and climate policy. In this regard the energy White Paper sets out a coherent high level framework for Ireland's energy transition to a low carbon economy and society and identifies a range of measures and actions to support the aim. In addition to the positive actions by Government, I wish to highlight again the positive steps taken by ISIF in investing in companies which are themselves transitioning towards more climate-friendly renewable strategies. That further emphasises the complexity in reducing the country's fossil fuel dependency while also ensuring energy security. Following evaluation of the proposed Bill and for the foregoing reasons, the Government has proposed a reasoned amendment opposing giving the Bill a Second Reading. I commend the reasoned amendment to the House.

**Deputy Mick Wallace:** I welcome Deputy Pringle's Private Members' Bill. The Ireland Strategic Investment Fund, ISIF, has investments in some truly destructive companies, from tobacco companies to mercenary armies and to the worst of the polluters. Although the amounts of money involved are not astronomical, Ireland could show leadership on this issue and follow through on some of the Government's talk about tackling climate change. Many of the companies on the list of the portfolio of investments have shocking track records. Exxon Mobil, for example, withheld decades of research that detailed the effects and advance of climate change and instead funded and promoted an entirely different story that contradicted its own findings. One of the vehicles for the climate change denial is the American Legislative Exchange Coun-

cil, ALEC, a right wing policy group that shapes and promotes legislation at state level across the United States. ALEC brings corporate donors together with conservative state lawmakers to push anti-regulatory legislation on a range of issues. It uses its money and influence to push legislation they draft to benefit the corporate sector at the expense of the public good.

*Fortune* magazine reported that during the 2009 legislative session, ALEC developed 826 state Bills and 115 of them became law. During the 2011 to 2012 legislative session, 132 Bills based on ALEC models were introduced in various states. It has pushed racist and regressive immigration and customs legislation in order that private prison corporations would profit from the rise in detention and deportation of immigrants. It works hand in hand with companies seeking to roll back health care reform, environmental protections, workers' rights, corporate accountability, and taxes on the wealthy.

ALEC works with right wing lawmakers to battle the advance of the gay rights movement, providing them with research that argues that most homosexuals are paedophiles, that all gays are corrupt, and that they are not to be treated fairly but they need therapy and the Christian faith. As part of this attack on homosexuals, ALEC wants to stop AIDS research and to push to restrict the rights of homosexuals in the workplace.

In the 1980s ALEC worked tirelessly to stop the divestment movement against apartheid in South Africa and played a key role in delaying meaningful US action to pressure the apartheid regime. That was done in the interest of its corporate members that had business in the country, such as Exxon, the Dow Chemical Company, and Pfizer, in all of which ISIF has equities, and IBM that the Taoiseach is meeting today in Davos.

In 2012, in the wake of the shooting of Trayvon Martin, campaigns were launched by human rights groups exposing ALEC's role in the adoption of the so-called stand your ground gun laws in Florida and other states that have resulted in a drastic rise in gun homicides throughout the US. In 2013, ALEC pushed legislation that made it mandatory to teach climate change denial in public schools. The Bill was introduced in 11 states, and passed in four. It has consistently argued for the rejection by the United States of the Paris climate change agreement, and now with its man, Mr. Trump, in charge, and a host of its prominent members such as Rex Tillerson and Rick Perry being appointed to important positions, it sees that as a genuine possibility.

In 2015, public shaming pushed energy industry giants, Royal Dutch Shell and BP to quit ALEC. How bad does an organisation have to be before Shell, one of the most environmentally destructive corporations ever to exist, thinks it is toxic? Despite this, Diageo, the maker of Guinness, Smithwick's, Smirnoff, Gordon's gin, and Captain Morgan, among countless other products, has been on the corporate executive council of ALEC all that time. ISIF has an €18 million commitment with the Ulster Bank Diageo venture fund.

As part of the fossil fuel divestment movement the State should also distance itself from those who champion the campaign against climate action, not to mention those involved in sustained campaigns attacking human rights, especially those who are central in spreading climate change denial.

ISIF has equities in Bayer, GlaxoSmithKline, Reynolds American Tobacco, Pfizer, AT&T, the largest telecommunications company in the world by revenue and which the Taoiseach is meeting in Davos today, UPS, Altria, formerly known as Philip Morris, and Exxon Mobil, all of which are members of the corporate executive council of ALEC. Shell, in which ISIF also

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has significant holdings, defended the group and its membership of it by arguing that ALEC promotes job creation and the free market. Eventually it pulled out after a sustained campaign by the Union of Concerned Scientists.

It is not surprising that the Government does not seem concerned to keep ties with such companies and that the Taoiseach is meeting ALEC members in Davos. If we just look at the area of climate change, we have some strikingly similar policies to those of ALEC in terms of the climate change deniers and the ultra conservatives who are populating the Trump cabinet. For example, Ireland is currently practising what ALEC calls free market environmentalism, which is, to quote the ALEC literature, “to promote the mutually beneficial link between a robust economy and a healthy environment, to unleash the creative powers of the free market for environmental stewardship, and to enhance the quality and use of our natural and agricultural resources for the benefit of human health and well-being”. In reality, that means that we pursue the jobs versus environment argument at every turn. While Ireland is being criticised for its increasing agricultural sector carbon emissions, State diplomats are arguing a special case for Ireland against the long-term interests of the environment and the public for the short-term objectives of industry and finance. In public, the Taoiseach and his associates talk about leading the way in the fight against climate change while in practice they pursue policies like Food Harvest 2020 that are incompatible with reducing greenhouse gases and issue licensing options for gas and oil drilling and exploration off the coast.

The Minister for Communications, Climate Action and Environment, Deputy Naughten, speaking at the Energy Ireland conference last year, stated that the Government needed “to strike a balance between sustainability, security of supply and competitiveness”. He did not define any of those terms but it is clear that he means that the future of the environment will take a back seat to the dictates of the neoliberal agenda and the requirements of the market.

ALEC and its members promote climate change denial with the precise aim of ensuring that the short-term economic interests of its members are not affected. The Government behaves in a similar way. We do not focus on the crisis. We say that climate change is a great challenge but we do very little about it. The Minister for Finance, Deputy Noonan, introduced budget 2017 by saying that climate change was one of the greatest challenges we face and then went on to outline how we are not going to step up to the challenge in any meaningful way.

This Government is finding it hard to shake its belief that all consideration of important measures is made first and foremost from the point of view of finance even if the future of the planet is at stake. This is precisely ALEC’s position. In much the same way as our neoliberals in Government love to see Ireland as the best little country in which to do business, ALEC has its own version of the much-loved Doing Business report which similarly grades states on their ability to take away rights from workers and destroy the environment through lack of regulation and in which “costs” imply laws to protect workers, “difficulties” are understood to mean regulations and human rights and “environmental protections” are simply a roadblock to unfettered profit. The more tattered, threadbare, corrupt and competitive our legal framework is, the more attractive it looks in the shop window to the corporations that want to make profits with minimum social responsibility attached. The corporations that extract fossil fuels from the earth and burn or sell them for profit have a vested interest in making this planet an even more dangerous place to live than it already is. The corporations that fund and support groups such as ALEC have a vested interest in legislators ignoring the rights and interests of the citizens they claim to represent and want them to instead pursue policies and legislation that fill their pockets while the world burns. Does the Government care more about the interests of fossil fuel companies

or those of the people of the earth? This important Private Members' Bill, which has been put forward by Deputy Pringle, is a litmus test. I look forward to the response.

**Deputy Clare Daly:** I also welcome Deputy Pringle's Bill. It presents a great opportunity for this House to be at the forefront of an important environmental step. In his introductory remarks, Deputy Pringle made points that showed that it is beyond question that ISIF should not be investing in fossil fuel companies. Against the backdrop of those points, the Minister of State's request to Deputy Pringle to withdraw his Bill was at best petty but at worst the Government's own version of climate change denial because it really does not get the urgency of the current situation and the desperate need to take action. Even Ireland as a small country on the periphery of Europe could be a beacon to other countries around the globe by taking this step today. I am very glad that members of the public, NGOs and the Opposition benches are reflecting the mood of the public in respect of bringing today's issue to the House. The Government should hang its head in shame because not only is it not bringing forward this Bill but it will vote against it. I encourage it to think hard about that because it is out of step with what is necessary and the wishes of the Irish people. We need to do something and dealing with fossil fuels in this way is an important step we can take because the spectre of climate change is a reality.

The world's temperature has already risen by one degree. That has been enough to melt almost half the ice in the Arctic, kill off vast swathes of the world's coral and unleash lethal floods and drought. In a matter of months last year, long stretches of the Great Barrier Reef, which dates back beyond the start of human civilisation and is so huge that it is visible from space, were essentially reduced to white boneyards. July and August 2016 were the hottest months ever recorded on the earth. Places like Basra hit 54° Celsius, temperatures at which humans could almost not survive out of doors. Forest fires forced the total evacuation of a city of 90,000 people in Canada. We are already seeing millions of people being made refugees as a result of climate change but it is a case of because it is not us and it is not happening here yet, we might be all right for a little longer. That type of attitude is no longer good enough anymore. This is what has happened at one degree of warning. The Intergovernmental Panel on Climate Change, IPCC, tells us that if we carry on with business as usual, namely, our society's continued burning of fossil fuels and incentivising and investing in fossil fuels, the earth's average temperatures will rise between 2.6° Celsius and 4.8° Celsius above pre-industrial levels by 2100, so we do not have decades to deal with this or put this Bill back and tinker around with things. We are already in the middle of catastrophic change that needs to be addressed. The International Energy Agency's chief economist put it in bluntly when he said that the door to reach 2° Celsius is about to close and that in 2017, it will be closed forever. Activists are talking about decade zero.

This is the challenge facing humanity and the idea that we would not even move this relatively simple but very important symbolic step forward is shocking because we know 3° Celsius means the death of the Amazon rainforest and that 4° Celsius means that two thirds of plant species, one third of mammal species may not survive and 2 billion people will be without drinkable water. That is more than a quarter of the people on earth and this scenario is posed in the lifetime of children born today if we carry on as we are doing now. That is not exaggerating things. Some people believe the timescale could be quicker and the damage greater because of feedback loops set off as our climate disintegrates around us, so business as usual is not an option and we must fight to keep fossil fuels in the ground.

However, we must do more than that. We must acknowledge that our entire economic model of endless growth at any cost must be done away with. We must tackle the roots of neoliberal capitalism and the climate change that goes hand in hand with it. It is completely incompatible

with human civilisation. We must engage in that struggle and in a struggle with the climate change deniers. It is poignant that the debate is taking place today before the inauguration of someone at the helm of the world's most powerful economy who is a climate change denier - a frightening spectacle. We cannot do anything about that but in our own small way, we could be an alternative beacon and vision of hope against it.

If the Government does not think that there is an issue or thinks that this is exaggerated, that is not the scientific view. In this regard the Government has been consistently shameful in its inaction on this issue. The climate action and low carbon development plan was a joke. It stands over a situation where energy users are paying a surcharge to subsidise peat burning for power generation in counties Offaly and Longford. This subsidy is €180 million per annum or on average, €230 per Irish citizen every year. The Government is incentivising agriculture, which will increase its emissions by between 6% and 7% by 2020. Transport emissions are set to climb by between 10% and 16% against 2014 levels. If the Government was serious, it would be doing something about the fact that we will fall a full 70% short of our 2020 emissions targets. We have an appallingly dirty record and are one of the worst per capital polluters in the industrial world. We have a chance to do something different here today.

The issue is bigger than divesting from fossil fuels but that does not mean it is not important. It is not just that it is symbolically important. Even if it was just symbolically important, symbolism is important and can have an important effect. However, that is not the only reason. It can have a concrete impact as well in terms of the effect of those investments. Trócaire put it very well at the presentation in the audiovisual room when it said that what is posed before the House today is making a stand against the spectre of public money being used against the public interest. That is what we are talking about. The taxpayers, citizens and scientists do not want that. Thankfully, enough people in this House do not want it so this Bill will proceed beyond Second Stage. I appeal to the Government to come on board, wake up, stop the denial and at least catch up with where the Irish population is on this issue.

**Deputy Joan Collins:** Deputy Maureen O'Sullivan and I have ten minutes each but we will try to cut that time to allow Deputy Catherine Connolly in.

The world's rich and powerful are gathering for their annual jubilee in Davos. Among them would be at least some of the world's eight richest men who own the same wealth as 3.6 billion people, half the world's population. The World Economic Forum has listed climate change as the second-most important global concern next to income inequality. However, that will not stop a significant number of the 3,000 expected to attend from flying into Davos in their private jets. A private jet uses the same amount of fuel in one hour as an average car does in a year. Of course, one could not possibly expect our lords and masters to mingle with common folk on public transport. If people were serious about climate change, they would put that into action.

Tomorrow a climate change denier will be inaugurated as President of the United States. He has appointed another climate change denier, Scott Pruitt, as head of the EPA in the US. Mr. Pruitt as Attorney General in Oklahoma has a record as long as your arm in pursuing lawsuits in conjunction with fossil fuel companies against the EPA. He is now making noises that he accepts there is some impact of people's activity on climate warming, but his record speaks for itself.

These fossil fuel companies pose the greatest threat to achieving the Paris climate change targets. There is no commitment by any of the world's major fossil fuel companies to achieving

the 2% cap stipulated in the Paris Agreement. My understanding is that they are committed to using up all the reserves and to continue to explore for new reserves. This makes a joke of the Paris targets. They have no hope of being achieved on this basis.

They are already experiencing the effects of climate change with droughts, floods, more violent storms, heavier rain and shrinking of ice caps. These are having disastrous consequences especially for the world's poorest. We have also experienced that effect with disastrous flooding in this country. If we go beyond a 2° Celsius rise in world temperature and towards 3° Celsius, large parts of the planet will become uninhabitable.

Analysis by two leading environmental researchers revealed in 2015 that the Irish Strategic Investment Fund maintains a portfolio of shares in oil, coal and fracking companies, with the bulk of them in North America. The highest profile one is TransCanada, the company behind the controversial Keystone XL project, which aims to bring oil extracted from Canada's vast reserves of tar sands to US refineries on the Gulf coast. President Barack Obama invoked his presidential veto to block the project on environmental grounds but Republicans have vowed to continue campaigning for it and they will now be coming into power in the US.

The fund also holds shares in Peabody Energy, the world's largest privately owned coal company, which recently described climate change as a "non-existent harm based on flawed assumptions and conjectures".

The audit of the fund's holdings was conducted by Joseph Curtin, a climate expert with the Institute of International and European Affairs and University College Cork, and Paul Deane from UCC's Environmental Research Institute. It values the fund's fossil fuel assets at €72 million, based on 2014 market values. The assessment comes as a growing number of funds, including those held by the Norwegian Government, the Guardian newspaper and Stanford University, are pledging to shed their holdings in dirty industries on foot of the UN-backed fossil fuel divestment campaign.

While the ISIF's holdings in this area represent a modest portion of its total €7.4 billion portfolio, it has made some big returns from investing in fossil fuel firms, most notably TransCanada, whose stock has rocketed by 500% from 2000 to 2014. In their analysis, published on the IIEA website, the authors question whether these holdings are consistent with the Government's aim of moving Ireland to a low-carbon economy by 2050.

The provisions in the Bill represent a small but significant measure and send out a strong signal. Starting with a few American colleges in 2011 a massive campaign has grown to divest away from fossil fuel investment. I believe this is reflected here today with the majority in the Dáil supporting Deputy Pringle's Bill. I hope we can move on and effect real changes in how ISIF makes its investments. I fully support the Bill and I thank Deputy Pringle for introducing it.

**Deputy Maureen O'Sullivan:** I hope we all agree that we are on the same page in wanting a fairer, more peaceful and more sustainable world by 2030 because that is what we signed up to in the sustainable development goals. In August 2015 at the UN, 193 countries agreed to this. Ireland and Kenya did Trojan work in bringing the negotiations to that agreement. Deputy Pringle's Bill gives Ireland an opportunity to show that we are serious. It is about starting a conversation and letting the Bill go to Committee Stage where the misgivings and doubts can be ironed out. Deputy Pringle was very clear in saying he is open to amendments.

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While the Bill focuses on divestment relating to fossil fuels, the crux of the matter is climate change which we all, apart from those in denial, agree is a major issue, having catastrophic effects on communities and countries with, of course, some feeling those effects more than others.

Climate change is not an entity in itself that does not affect other aspects of life. Global warming with droughts and floods is having a dire effect on hunger and nutrition for people. The Mary Robinson Foundation with Irish Aid, the World Food Programme and other organisations held a conference four years ago when Ireland held the EU Presidency. The title was “Hunger, Nutrition and Climate Justice.” It was an innovative conference because as well as bringing the key leaders into the space, it also brought people who are living in front-line communities directly affected by climate change and the hunger and poverty that comes from that.

The relationship between climate change and hunger were very apparent. Delegates from about 100 developing countries spoke. They were farmers, pastoralists and those from fishing communities who outlined what it was like living with those droughts and floods, and the unpredictable rainfall, and how they were affecting agriculture and food security. There were stories from Kenya and Nepal. There were stories about the threats to the fishing industry in islands of the Caribbean. There were stories about the cyclones and tidal surges in Bangladesh and Malawi, with the extremes of dry and wet weather, the erratic rainfall making it very difficult for farmers to produce food.

There were presentations outlining the climate change effects for herders from Ethiopia, Senegal and Mongolia. The traditional food sources for the Inuit communities living along the Arctic have been compromised by climate change with thinner ice and the earlier breakdown owing to warming.

The burdens of climate change are not distributed proportionately. Those least responsible, mainly the countries I have mentioned, are paying the most and it is causing starvation and malnutrition which in turn affects people’s health and their ability to access education and to work. Those are rights we take for granted. Nelson Mandela said, “Overcoming poverty is not a gesture of charity; it is an act of justice.” It is not about handouts; it is about empowerment.

At the conference we heard that Irish Aid and others are empowering communities to feed themselves and tackle the challenges of climate change. There were very uplifting stories from all those communities who were dealing with that. Those changes are caused by our so-called developed world. The central message from the conference was that “Hunger, nutrition and climate justice are development challenges that cannot be effectively addressed without explicitly dealing with their inter-connectedness.” This Bill is but one small contribution to that.

There have been previous efforts leading to the Paris climate agreement. Some of the terms are legally binding and others are voluntary. The positive is having the first global commitment on climate change even though we know it does not go far enough. Allowing the Bill to progress sends a signal that we are serious.

Our policy for international development is outlined in the document, One World, One Future, which reiterates Irish Aid’s top priority to reduce hunger. That features very strongly in the Sustainable Development Goals. The first is no poverty, the second is zero hunger and three others relate to climate action. The Sustainable Development Goal on climate action is very specific: “Take urgent action to combat climate change and its impacts” by regulating emissions. The Bill reflects part of the urgency of that action.

The reports and data released yesterday were very opportune with 2016 being the hottest year on record reminding us of the quickening pace of climate change with the increase in the average surface temperature. I quote from Mr. Taalaas who said, “The long-term indicators of human-caused climate change reached new heights in 2016.” As Mr. Oisín Coghlan from Friends of the Earth put it yesterday, “... the planet is screaming at us, but who is listening?”. Allowing this Bill to progress shows that we are listening. Fair play to all of the NGOs and other organisations that are keeping this matter on the agenda. The term “climate refugee” and the displacement it suggests really brings home the reality of the situation and the devastating effects of climate change.

The central point of this Bill is that public money should not be invested in areas that are not in the public interest. It is in the public interest for fossil fuels to remain in the ground. Of course, there is also the major issue of policy coherence. We must ensure that we do not give, on one hand, and then undermine ourselves, on the other. This divesting from the Ireland Strategic Investment Fund, ISIF, under the remit of the National Treasury Management Agency, NTMA, is a signal that we are serious. It is not even immediate but involves a five year process from the commencement of the Act. This divestment would be in line with Ireland’s commitments in the Paris Agreement. It is both a practical and symbolic move. We must acknowledge the global movement to divest. In that context, I wish to commend the work of students in Trinity College and the National University of Ireland at both Galway and Maynooth.

Even though a large number of companies have committed to reducing their emissions in line with the Paris Agreement, no fossil fuel company has done so. That is very disturbing. We have not just started talking about climate change; it has been going on for quite a while and it will continue unless there is stronger energy and commitment on this.

Finally, I wish to refer to this building, particularly as we are talking about doing our best in terms of renewable energy and so forth. I wonder sometimes if we are doing enough in this building. Our schools do so much to educate young people with the Green-Schools scheme, teaching them about segregating rubbish and so forth. Are we doing anything to ensure that the waste food in this House is composted, for example? The Reichstag building is running on almost 100% renewable energy at this point. Can we follow that example? The greening of the Reichstag building parallels a growing trend in Germany towards zero-emission homes. Some home owners are even selling surplus energy back to the national grid.

**An Ceann Comhairle:** The next speaker is Deputy Timmy Dooley.

**Deputy Maureen O’Sullivan:** I had agreed to share some of my time with Deputy Connolly.

**An Ceann Comhairle:** My apologies. Would Deputy Connolly like to take her time now?

**Deputy Catherine Connolly:** No, I will take it at the end. I thank the Ceann Comhairle.

**Deputy Timmy Dooley:** I welcome the opportunity to speak on this Bill, which Fianna Fáil supports. Fianna Fáil has a strong record on introducing progressive measures to tackle climate change and recognises that we must move towards a carbon neutral economy and society in order to protect our environment for the enjoyment of future generations. We are keenly aware of the challenges that climate change presents but we recognise that these must be overcome if we are to avoid and mitigate the devastating impacts of climate change. This Bill is part of a global campaign to highlight the need to reduce fossil fuel dependence in order to ensure that

the Paris Agreement targets on climate change are met. Climate change is the biggest challenge of the 21st century and we must work on many fronts to find a solution that will safeguard our planet for future generations. This week the National Aeronautics and Space Administration, NASA, and the National Oceanic and Atmospheric Administration, NOAA, both reported from the US that 2016 was the hottest year on record. This is the third consecutive year in which this has happened. Clearly, land and ocean temperatures are increasing. This is coinciding with large increases in carbon dioxide and other greenhouse gases. The results of this are and will continue to be devastating, particularly for developing countries where the poorest people in this world reside. Real and tangible examples of climate change are clear to see. Ethiopia is currently enduring a drought that has been brought about by an El Niño that has intensified because of climate change. Men, women and children are urgently in need of clean water and food as a result. In addition, catastrophic weather events are increasing both in intensity and frequency and this is also having a disproportionate impact on poor people compared with people in the developed world. All the while, developed countries are producing significantly higher levels of carbon dioxide and other greenhouse gases. The behaviour of one group of countries negatively affects the lives of people in another group of countries and we have a moral obligation as global citizens to address this and to fulfil our obligations under the Paris Agreement. We must, both as a country and as human beings, do all we can get to a carbon-free economy. While the primary purpose of this Bill is focused on developing nations and the people who reside in them, we also have a self-preservation obligation because ultimately, climate change knows no boundaries or borders. Ultimately, it will begin to affect us here in Ireland and in other developed countries. Indeed we can already see the effects here with more flooding and other extreme weather events.

The Paris Agreement and the obligations therein present huge opportunities as well as challenges for Ireland. It is essential that, as a country, we live up to this agreement and meet our emissions reduction and renewable energy targets across all areas including electricity production, agriculture, home heating and transport. With Ireland obligated to meet the EU target of 16% for all energy generated from renewable sources by 2020, we should be branching out and expanding our renewable portfolio into areas such as offshore wind, biomass, tidal and solar energy where possible. We also have to look at afforestation and better wetland protection as a means of mitigating emissions as well as protecting our natural heritage and biodiversity. Only 11% of our land is forested compared to 33% across the EU. Afforestation has huge potential in helping us to meet our emission targets. Rather than taking real action on the issue of climate change, the current Administration has dragged its heels and failed to deliver on the promises it made in its programme for partnership Government. It has failed to publish planning guidelines for wind farms, meaning that communities and wind farm investors have been left in the dark about future projects. The Government also promised an overarching framework for Ireland's transition to a greener future, namely, the national mitigation plan. A draft of this document was due in December 2016 but the Minister has failed utterly to deliver it. Meeting Ireland's climate change commitments will not come about through flowery rhetoric and broken promises. It requires real, substantive action from the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, and his Cabinet colleagues.

Fianna Fáil has tried to play its role in moving Ireland towards becoming a low-carbon and, eventually, a carbon-neutral society. We published the Climate Change Response Bill 2010 on 23 December of that year, which passed First Stage in the Seanad before the Dáil was dissolved. That Bill set out ambitious and specific targets for Ireland, rather than the vague platitudes this Government has offered. To further do our part, Fianna Fáil will be supporting the passage of

this Bill through to Committee Stage because we broadly support its principles. The Bill seeks to compel the NTMA to divest the ISIF of its assets in fossil fuel companies over a five-year period. It is a part of a global campaign to divest in fossil fuel companies. The primary purpose of this campaign is to compel the fossil fuel companies to change their behaviour. It is estimated that the ISIF currently has assets in at least 152 fossil fuel companies with a value of approximately €130 million. This represents about 12.2% of all stocks owned by ISIF. I am confident that the NTMA has the expertise to undertake a divestment strategy, if compelled to do so, in a manner that would secure an acceptable return for the Irish state.

While my party broadly agrees with the principles of the Bill, we do have real and significant concerns. We are concerned about the potential unintended impacts of passing the Bill in its current form. It is for this reason that the Bill requires substantial and detailed pre-legislative scrutiny. Fianna Fáil will participate constructively in this process and will bring forward amendments where appropriate. I very much welcome the conciliatory approach of the proposer of the Bill, Deputy Pringle. He has acknowledged that we must ensure that passage of the Bill will not give rise to any unintended consequences. He has indicated a willingness to work with others in this House on the legislation. The new regime or new politics at work in the House allows for that kind of combined approach to the advancement of important legislation. In fairness to Deputy Pringle, he has not sought to make this issue his alone. We must build a consensus around accepting that climate change is, without a doubt, the most important issue that we will face as a society and as a Government within a world context.

One of our principle concerns is that this Bill will not address the underlying cause of climate change, namely the demand for fossil fuels. To be fair, the Bill does not seek to do so. However, without addressing this demand, oil and gas companies will continue to make substantial profits and with substantial profits comes substantial investment. If investment is not available from State entities, it will be provided by various market sources. This process will continue until the demand for energy derived from fossil fuels is addressed. As a result of this there is a risk the Bill will be symbolic in nature, which is also important, but will not address the underlying issue of a reduction in demand. ISIF would be divesting large holdings in fossil fuel companies at a potential cost to the taxpayer, and it is worth reflecting on this, but in my view it is still the right thing to do. It is important we are seen to address climate change and fulfil our obligations under the Paris Agreement. In the coming months, Fianna Fáil will bring forward ambitious plans to limit the use of fossil fuels and create a shift away from demand for their production and distribution.

Another potential issue that will have to be addressed on Committee Stage and in pre-legislative scrutiny is the potential impact on Irish small and medium-sized companies. The Minister of State indicated there may be issues in this regard and spoke about Bord na Móna. As he knows, ISIF has no investment in Bord na Móna, but there are potential opportunities for investment and the Minister of State will have received the same briefing as the rest of us. Nobody wants to see Bord na Móna, the ESB or any other company with a strategy of moving away from fossil fuels and towards a greener environment starved of potential investment from ISIF. These issues can be addressed in pre-legislative scrutiny and on Committee Stage. I hope the Bill will pass and that the Government will participate in the process with all the information it has available to it to ensure unintended consequences do not come to fruition and are provided for, and that it will work constructively with all sides to ensure the Bill meets the overall objectives set out. The Bill could have a contrary effect on certain small and medium-sized companies if it was not amended as we propose. Companies transitioning to a more sustainable

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energy provision could be deemed to be fossil fuel companies under the definition in the Bill and as a result they would lose funding, or potential funding, from ISIF and would be unable to complete the transition to more sustainable energy.

If I could conclude with half a minute-----

**An Ceann Comhairle:** No, I am afraid you do not have half a minute. If you just conclude it would be grand.

**Deputy Timmy Dooley:** I will conclude on that.

**Deputy Richard Boyd Barrett:** I will give two minutes of my time to Deputy Brassil.

**Deputy John Lahart:** Deputy Lahart.

**Deputy Richard Boyd Barrett:** I apologise. I always get the two Deputies mixed up.

**Deputy Eugene Murphy:** They both wear glasses.

**Deputy Richard Boyd Barrett:** I apologise.

**Deputy Eugene Murphy:** I would not mind, but he is from Dublin.

**Deputy Eamon Ryan:** He is from south Dublin.

**Deputy Richard Boyd Barrett:** That is the new politics at work, the left is giving time to Fianna Fáil, but it is taking the right position on the Bill.

I commend Deputy Pringle for bringing forward this excellent Bill. Trócaire and a rake of other NGOs and environmental groups are campaigning in support of the Bill. It is a simple practical Bill to try to move in a serious direction towards addressing the danger of climate change, which is a threat to the future of the planet and the future of our children. I find incredibly depressing the Minister of State's speech, the Government's amendment and the general attitude of the Government when it comes to this most important of issues. What we get is scripted, dry and tokenistic lip-service paid to the issue of dealing with climate change, but when it comes to doing something, even something relatively modest such as this, which is getting ISIF, part of the NTMA's portfolio, to divest from fossil fuels, we do not want to do it. We pose in front of the cameras, go along to Paris and give pious speeches about how much we care about climate change, but when it comes down to the nitty-gritty of doing something the Government resists it. The dry tone and scripted speech just reflects this. The Government does not care. It does not take this issue seriously. In fact, whenever the need to do something about climate change impacts on the real interests the Government actually cares about, we see its true colours. That is what this is all about. It is about a Government that is, in actuality, protecting the very interests who do not want to do anything because they have a stake and money to be made by ensuring real action on climate change is not taken.

We get all the pious words after Paris, but then we get a Government that cuts public service obligation bus routes. How the hell will we deal with climate change if we do not expand public transport?

**Deputy Damien English:** It is increasing.

**Deputy Richard Boyd Barrett:** It is not increasing. The Government wants to cut routes

and privatise them. Several routes in my area have already been cut.

**Deputy Damien English:** There has been an 11% increase this year.

**Deputy Richard Boyd Barrett:** I did not interrupt the Minister of State.

**Deputy Damien English:** Use the facts.

**Deputy Richard Boyd Barrett:** The truth hurts.

The Government overrides proper building standards when it comes to passive house standards and insulation because it would upset the developers. This is the reason. The Government has special pleading on Ireland's CO2 targets and we have no chance, according to anybody looking at it seriously, of reaching the targets necessary to meet our Paris commitment. The Government will not do it because it wants to protect the beef barons. It is as simple as that. The beef barons come first. Short-term profit of a particular group of people comes first. Here is exactly the same thing. It is all about profit. We will sell the future regardless of the consequences because we do not want to stand up to the vested interests.

This is particularly important when we consider what is happening in the United States at present, with the election of Donald Trump. We now have a President who is putting people in key positions in his Administration who are actively out to sabotage the movement to deal with climate change. It is literally giving two fingers to the battle to do something about climate change, deliberate no doubt on Trump's part, to appoint Rex Tillerson, the former CEO of ExxonMobil, one of the biggest, if not the biggest, offender in the whole area of CO2 emissions, and in which ISIF has significant investments. It is one of four big culprits in which we have invested through ISIF. Scott Pruitt has already been mentioned with regard to the EPA. These people are declaring war on the environment in the interests of profit. At this moment it is critical that we stand up and push in the other direction and show publicly we will fight to do something about climate change.

The Government states it will cost. Does the Minister of State not get it? We must deal with climate change, and even the Paris Agreement does not go half-way near. Most scientists now state even if we manage to meet the Paris commitments, and we probably will not because even the Irish Government is making special pleadings on those commitments, we will not deal with the problem. Some scientists now state we could be looking at an increase in temperatures of up to 7% within this century. If we think about the fact the ice age was caused by a 5% drop in temperature, think about the ice age in reverse. Life was extinguished during the ice age in huge parts of the globe because it was too cold. Think about huge parts of the globe literally being boiled alive, making parts of the planet uninhabitable and the desperate dire consequences for millions of people and our children. This is what I call a cost. It is a real cost. It is a cost which our children and grandchildren will suffer, but the Government protects on a short-term basis the profits and interest of people who do not care about this but want to make money in the here and now, regardless of the consequences for the future. This is an absolute no-brainer, a small thing. If he is not willing to support it, as he has clearly indicated is the case, it is all hypocrisy. The stuff about commitments to climate change is all hypocrisy.

Since Trump has been elected there has been an interesting narrative that tries to compare the populist right, represented by Trump, and the left who are apparently similar, with the moderate, sensible, pragmatic centre which is apparently the guys in Government. When it comes to practicalities, they are with Trump. They say it in a nicer way but they are actually

with Trump and the climate deniers. They are with the business interests that do not want to do anything to save this planet. That hypocrisy cannot stand but they will be beaten on this one.

**Deputy John Lahart:** I thank comrade Boyd Barrett and will echo some of the sentiments he raised. The Fianna Fáil Front Bench had a very interesting discussion on this on Tuesday. It was a very serious conversation which I will summarise. I am old enough to remember how and why the National Treasury Management Agency, NTMA, the predecessor of ISIF, came into being. It was to use investments to save and make money for Irish taxpayers and it has done that very effectively. It is prudent and timely to review some of the things it does. Some of the arguments against Deputy Pringle's Bill are as follows. Why set up, as the Government did 30 years ago, an independent body and then dictate how it should invest? The NTMA seems to be expert in investment and in terms of reaping benefits for the taxpayer. ISIF's investment strategy is already guided by sustainability and responsibility and it has an €800 million fund for investment in renewables such as forestry and onshore wind. However, the case for Deputy Pringle's Bill is most compelling and that was the view of the Fianna Fáil Front Bench on Tuesday. It felt that Ireland has to get serious, and be seen to get serious about, our Paris commitments, which cannot be shirked. We have to work out our values as a country on this issue and be serious about the issue. We believe that ethical investments are important and the Government's position on this was particularly depressing. We have to back up ethical principles with actions and two countries in the European Union already do this.

We need to take control of what we can take control of. As Deputy Dooley said, Fianna Fáil is hugely ambitious about climate change but the actions we take as a country and as a Parliament must be seen to be louder than the words we speak. The Minister's comments do not reflect the urgency of the situation. They do not reflect the fact the Bill would give ISIF five years to divest, and then to invest in renewables and clean and ethical projects. Climate change requires immediacy of action.

**Deputy Brian Stanley:** The Government amendment sidesteps the issue and takes us off on a diversion. It mentions the fact that €85 million from the Ireland Strategic Investment Fund is put into forestry and that is positive but it is a separate issue. This is about fossil fuels and the wording of the amendment is a diversion designed to take us off in another direction in order that we do nothing for the next couple of years. We have done very little for the past 20 years about this issue. Some of us in this House supported the Climate Action and Low Carbon Development Bill a little over a year ago on the basis that, while it was not everything we wanted, it was better than nothing, but progress has been very disappointing and we are now looking for opt-out clauses and to backslide on our international obligations. I commend Deputy Pringle on bringing forward this Bill. We support the Bill as it is in line with Sinn Féin's commitment to build a greener economy and to play our role as a country in moving away from dependence on fossil fuels and as a polluter.

From the outset we should admit that the effect of this Bill will be primarily symbolic as the actual investments in fossil fuel companies made by the NTMA are quite limited. However, symbolism is important and we do not want to downplay the importance, as a State and as a people, of making a statement and acting where we can act in cases where public money is invested.

The NTMA, through the Ireland Strategic Investment Fund, ISIF, would be barred from investing in fossil fuel industries if this Bill were passed. There are very sound environmental and economic reasons why the NTMA should take this approach. Fossil fuels are yesterday's

fuels, or soon will be. It is progressive and forward looking to move beyond a reliance on fossil fuels and to look to the future. The NTMA and ISIF have served Ireland well and make a massive contribution to the financial stability and the infrastructure of the State. They could be doing far more though, and that they are not is largely down to the ideological and wrong-headed rules which derive from the European Union about what type of investments this arm of the State can and cannot make. ISIF holds more than €7 billion in assets and cash on behalf of the people to be invested on their behalf. Ireland has a massive housing crisis and it requires billions of investment to bring our health infrastructure up to standard, yet the ISIF's mandate is so limited that it cannot act or can only act under such strict conditions that its impact is minimal in these areas. It has to operate on a strictly commercial basis but the majority of households in this State still do not have a proper energy rating. In other countries they have devised such things as green bonds, where one can put in money, invest on a commercial basis and get the money back over a period of time through a reduction in energy use which can save householders money. Such funds can reap commercial benefits.

Our approach would mean human rights considerations would always be incorporated into investment decisions. I am sure there will be some who make excuses as to why this Bill should not pass or who argue that it will constrain our choices. Those arguments are nonsense, morally and economically. There is no future in fossil fuels. Why are they ripping up the ground? Trump is coming to power tomorrow and we will see more fracking, causing huge damage to the environment in the Arctic and other places, including in America.

On a global level, 2016 has been recorded as the hottest year since records began while the past three years have consecutively broken records, and that is of huge concern. Some of us have children and grandchildren and we have a responsibility to those who come behind us. This is not the Dark Ages. We are supposed to be enlightened and understand all these things. The effects of global warming are not just felt far away in some place like Ethiopia. It is no longer good enough to put a few bob in a collection tin for the black babies as that day is gone. We have a responsibility to act in their interest but also in our own and the generations who will come after us. We have seen the effects of it with cornfields swamped with water in August on the plains of Kildare, the driest county in the country. We have seen towns flooded and we have been running around trying to put up fences against the floods. Grain farmers came to the House yesterday to protest over their losses and for their need for financial compensation because of the harm wet weather did to their crops last year. The environmental and economic effects of climate change are here now and we cannot dodge them.

Fossil fuels represent less and less of a sound investment.

*7 o'clock*

It is widely acknowledged among the scientific community that if we are to avoid a catastrophic increase of more than 2° in global temperatures, 80% of all known fossil fuel reserves must stay in the ground.

The Ireland Strategic Investment Fund currently has investments of more than €100 million in the fossil fuel industry. This public money is invested against the public interest. There has been a growing trend in recent years of investment funds divesting all or part of their holdings in producers of oil, gas and coal. To date, 689 institutions have moved an estimated €400 billion away from fossil fuels. Approximately 10,000 Irish people have signed a petition calling on the Government to stop investing in fossil fuels. I commend the students in Trinity

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College who launched a successful campaign that resulted in the university making a commitment to divesting from fossil fuels. I understand that NUI Galway and Queen's University are currently moving in the same direction.

Divestment from fossil fuels must be accompanied by a sustained effort on the part of the State to invest sensibly in the provision of renewable energy infrastructure and in research and development activity that will bring about future renewable energy technologies. Ireland's current energy needs are still 93% dependent on fossil fuels, 85% of which is imported. Investment in the development of our native renewable resources is necessary to secure Ireland's energy and economic needs into the future. The share of renewable energy in total energy consumption in Ireland sits at 7.8%. While Ireland's share of energy from renewable sources is increasing, it is still approximately a third below the OECD average and just over half the EU average. Over the years, the poor long-term planning and decision-making of successive Governments, based on short-term political gain, has left Ireland trailing when it comes to renewable energy provision. As a result, we have an environmentally unsustainable economy.

Sinn Féin wants to be part of the change that is needed. We believe in strong and robust measures that will move Ireland away from fossil fuel dependency. We want to encourage international companies to move away from the fossil fuel industry and towards clean renewables. We look forward to working with others on this Bill. We intend to table amendments to it to deal with issues regarding definitions and other matters. We broadly support this Bill. We look forward to trying to improve the Bill on Committee Stage. We want to be part of the movement towards divestment. There are issues, as I have said. As representatives and delegates of the people, we have been sent to this House to do the right thing here. We have an obligation to show leadership and to set out our position. This country has a significant opportunity to develop alternative forms of energy in areas like wind, wave, hydro, anaerobic digestion and solar. We have an abundance of untapped sources of onshore and offshore wind, wave and hydro power. We need to invest our money in such areas, rather than in the fossil fuel industries of yesteryear.

We need to do the ethical thing for the generations to come and for the developing world. Some of the islands of the Philippines are nearly being washed away. We cannot stand back from the appalling tragedies that are happening in front of our eyes. We cannot flick over to "Coronation Street" when they appear on our television screens. Regardless of where we stand on the political spectrum, we have a responsibility in this regard. This is going to affect everybody in the future. Please God the man who is taking power in America tomorrow will not be there for too long. That is my biggest hope.

**Deputy Timmy Dooley:** There was a time when Deputy Stanley's party might have done something about it.

**Deputy Eamon Ryan:** I would like to share time with Deputy Shortall.

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

**Deputy Eamon Ryan:** What a happy day from my perspective. When I go home and my wife and family ask me what we did today, I can tell them that thanks to Deputy Pringle, we started the process of divesting tens of millions from fossil fuel companies. We do not often do that, but we are doing it here today. This is real. I hope I am not breaking privilege when I mention that the Ceann Comhairle said earlier today that when we pass legislation on Second Stage,

we have an obligation to put it through to enactment and to turn it into law. This House sets the direction of this country. That is what we are doing today. I hear we have the numbers to pass the Fossil Fuel Divestment Bill 2016. That is why this is a happy day. Thank God we are doing this on the eve of the terrible day we are facing tomorrow, when the beast is “slouching towards Bethlehem”, as Yeats would have it. What an answer this House is giving to Donald Trump and his Secretary of State, Rex Tillerson, in the name of Ireland. We are going to be selling Mr. Tillerson’s ExxonMobil shares because we do not believe in the future he stands for.

What a happy day for Trócaire. Fair play to it. Trócaire is not just in the field protecting the poorest people in this world. By helping to deliver this Bill, it is tackling the source of the problem it sees. What a happy day for the people involved in the divestment campaign. I would also like to mention the work done by Bill McKibben, who was brought to this country by Trócaire. The simple maths is beyond doubt. It is based on simple and clear physics. We have to leave four fifths of fossil fuels in the ground. That is what we are acknowledging and legislating for here today. What a happy day for the likes of 350.org and others who realise that the environmental movement is changing. We are moving from an approach that put all the responsibility on the individual at the end of the fossil fuel use pipeline to a better and cleverer approach that tackles the source of the problem. The Bill before the House recognises the need to stop fossil fuel use at source.

What a day for the likes of the carbon tracker people, whose clear and easy to understand financial analysis shows that those who invest in over-valued carbon assets without recognising the truth of physics, that four fifths of fossil fuels need to be left underground, are taking a bigger investment risk. The renewable alternative is clearly better and is now cheaper. If the officials in the Department of Finance would open their eyes to what is happening in the world, they would realise what is happening with the bidding price for solar power. I have just returned from the International Renewable Energy Agency, IRENA, conference in Abu Dhabi, where it was clear that the price people are bidding for solar power is 2.5 cent/kWh. The price of offshore wind power in our neck of the woods has come down to approximately 8 cent/kWh. It is cheaper. We will never fight over these renewable sources. One cannot hold someone to ransom over a solar panel. These kinds of power belong to every country and can belong to every person. They represent a better future. We need to switch to this kind of investment. We are starting to do so here today.

We need to do more and do it fast. When I was at the IRENA conference, the analysis was clear. We need a threefold increase in the current level of investment in renewable energy. By agreeing this legislation today, we are sending a message to the Ireland Strategic Investment Fund. We must try to get the fund to open up to what is happening in the world. The European investment fund - the Juncker fund - is the main vehicle in Europe. An additional €200 million has just been allocated to the fund for investment in Europe. Some 40% of this money has to go into new clean energy sources. We can take some of the money we are going to save by selling ExxonMobil shares, which is a good deal, and put it into the alternative, which we can match with European funding. The UK is leaving, which is a big problem. Last year, the European Investment Bank invested €3.5 billion in clean energy in the UK. It is wondering what to do now. It cannot invest any more in the UK. We should be standing up and saying that if this €3.5 billion is invested in Ireland, we will match it with €300 million or so from the €800 million fund we have. That could be our equity stake in the investment, to be owned by the Irish public. This opportunity is opening up to us.

One aspect of this debate is depressing, however. I mean no offence to the officials from the

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Department of Finance who are present, to Fine Gael or to the Minister of State, Deputy English, with whom I get on well, when I say they should hang their heads in shame. The argument we have heard from them this evening - that this country cannot divest from fossil fuels because it might threaten our sustainability as we move towards a low-carbon economy - is utter tosh.

**Deputy Timmy Dooley:** Yes.

**Deputy Eamon Ryan:** It is nonsense. I ask them to set a vision for the country, as Ken Whitaker did when we switched from being a closed economy to being an open economy. We need to make a similar strategic leap now from being an unsustainable economy, which we are, to being a sustainable one. The Department of Finance should be leading the way because it should understand what is going on the world economy. The election of Donald Trump is the last stand or last gasp of the old fossil fuel era. That is not the future. It is not where investment is going to be.

I thank Deputy Pringle for giving us the opportunity to do this important work on the back of other things this Parliament has done. We passed the anti-fracking Bill on Second Stage. We passed a Bill calling for a referendum on the public ownership of Irish Water on Second Stage. This is an important moment for me and for the Green movement. It is a happy day. It is a victory.

**Deputy John Lahart:** Is the Deputy going to thank Fianna Fáil?

**Deputy Eamon Ryan:** I thank Fianna Fáil as well. Fair play to it for making the call. I thank Sinn Féin and People before Profit too. This Bill has received the support of pretty much everyone other than the Fine Gael Deputies. I ask them to get with it. We are strong when we are united in telling the world that Ireland is going green. We can create jobs for our people in this way. Bord Gáis and ESB will have a better future when they invest in this area. Everyone is worried about their investment strategies being affected. I want investment strategies to change. I hope this Bill will be part of that change. We should not constantly try to amend legislation to fit into the fossil fuel ways of others. This is a happy day.

**Deputy Róisín Shortall:** The Social Democrats strongly supports this important Bill. Well done to Deputy Thomas Pringle and his colleagues for bringing it forward. It is important to note the outstanding work being done by various NGOs working in this field and their constant provision of research evidence and the lobbying of Members to act in this area. In many ways, they put it up to us to live up to our responsibilities. We greatly appreciate the fact that Deputy Thomas Pringle has provided that opportunity for us and is giving a lead.

There is no point in me reiterating the compelling evidence of man's contribution to climate change. The time for that debate has long since passed, albeit, disappointingly, a particular individual seems still to be arguing about it. From our point of view, the question was decided a long time ago. Climate change is a stark reality, but our continued investment in fossil fuels is the very definition of short-termism. We have had a major problem during the years in this country of thinking only in terms of electoral cycles rather than taking a longer term view of the welfare of citizens of the State and the world, whose interests are closely related. We are investing State funds in companies which are destroying our future.

The response of the Government to the Bill is shocking and shameful. Late last year the World Meteorological Organization published findings which showed that in 2016 global temperatures were running 1.2o Celsius above pre-industrial levels. We are now dangerously close

to exceeding the 1.5o level, the level climate scientists say will be catastrophic for the global climate. This is an irreversible tipping point acknowledged in the Paris Agreement which was ratified by the Dáil. If we are to avoid exceeding this level, the majority of existing fossil fuel reserves must remain unburned. The fact that these fuels may not be burned in Ireland does not reduce our moral obligation to reduce their use globally. We must be unequivocal on this point. The fact that the President-elect of the country which is the second largest contributor of greenhouse gases refers to climate change as a hoax and has vowed to dismantle his country's Environmental Protection Agency means that there can be no double standards in our response to climate change.

The time has come for a Government-wide approach to tackling climate change. It is no longer good enough to limit our contribution to a single Department. We need every Department to play its part. This is not to say the provisions of the Bill are in some way arduous. In fact, the opposite is the case. The step of reducing our investment and eliminating it within a short period of time would be a small but significant one. It would send the very clear message that Ireland was going to live up to its responsibilities in this area and that was going to take climate change and its wider responsibilities seriously. It is welcome that it looks like the Bill will be passed and I congratulate all those responsible for it. However, I must repeat that the Government's response is shameful.

**Deputy Catherine Connolly:** Well done to Deputy Thomas Pringle for introducing the Bill. He stuck with it. I also say it to the non-governmental organisations, in particular, Trócaire and the others which have fought the battle and forced us into this situation in the Dáil. I echo what Deputy Richard Boyd Barrett said about the Minister of State's contribution. I have looked at it and it is a wonderful example of double-speak, which I do not say lightly. It is 13 pages of double-speak, telling us what we cannot do. It sets out the climate action policy in the climate change Act but tells us we cannot do this. It contrasts with words of the Minister, Deputy Denis Naughten, on 27 October, which it is important to quote. Less than four months ago he said, in the context of the Paris Agreement:

It is the task of politics, one to which I intend to apply myself in order to bridge the chasm between global challenge and national responsibility and Ireland's obligation and the responsibilities of every citizen. The saying "one cannot change the world" may be tired. On climate change, it is a pressing fact that the world will not change without you.

Sensibly, the Minister kept his contribution that day to three pages. While he talked about bridging the chasm and making words mean something, in the Dáil today the Minister of State turned the language on its head.

We adopted a climate change plan in December 2015, but in January 2017 we are still waiting for the mitigation plan that was absolutely promised before Christmas. I agree with Deputy Eamon Ryan of the Green Party who said it was a wonderful day as it appeared that with the help of Fianna Fáil, the Bill would be passed. It is a very positive day which will go down with the similarly significant day when we had Deputy Joan Collins's Private Members' Bill to amend the Constitution in respect of water services. It will go down with the Government's own anti-fracking Bill initiated by Fine Gael's courageous Deputy Tony McLoughlin. If the Government could do that, it can surely see reason in this tiny and, in reality, symbolic step of divesting from investment in fossil fuels. The days of fossil fuels are numbered. Some 80% of what remains must stay in the ground if we are seriously committed to addressing climate change. We have not made up any of these figures. We are quoting repeatedly from various

experts, some of whom have spent a lifetime analysing climate change.

The Minister of State referred to economics and money while ignoring completely reports dating back as far as 2006, including the Stern report on the economics of climate change, which estimated that it would be 20 times cheaper to prevent further climate change than to deal with it after the event - that is if we get a chance to deal with it after the event. More recently in 2015, the London School of Economics concluded that the net economic benefit of countries tackling climate change continued to outweigh the costs involved. It continues on through to the European Systemic Risk Board. Representatives of the NTMA appeared before the Committee of Public Accounts, on which I sit, and honestly, openly and frankly told us that it had not included climate change among the risks it should consider. I admired the honesty and openness of the CEO who appeared before us. When we looked at the risk factors with the NTMA, the CEO put up his hands and said he would go away and consider its policy. As such, when the Minister of State tells us that this happened, I note that it happened as a result of the Committee of Public Accounts asking questions further to information provided for us by Trócaire and concerned individuals on the investment of public money in fossil fuels. The NTMA was open to looking at the Strategic Investment Fund and coming back on the ethics of investing in fossil fuels.

I am utterly disappointed and a little depressed, like Deputy Richard Boyd Barrett, about the content of the Minister of State's contribution. This is a time to show leadership on this serious matter, even if on a symbolic level. There will be a long lead-in period.

**Minister of State at the Department of Housing, Planning, Community and Local Government (Deputy Damien English):** People talk about the great depression. If they had listened to my contribution, they would have heard that I did not say the Government was against what they were trying to achieve. We actually complimented them on what they were trying to do. We actually agree with them. However, it would take away the flexibility of ISIF in investing money on behalf of the country. It has other responsibilities. It is not its only function when it comes to tackling climate change and fossil fuels; it has a duty to invest our money and get a return for the country. Government policy is different and covers a wide range of activities.

We are committed to tackling climate change. In fact, one of my youngest colleagues drives an electric car and sets an example. Deputy Connolly referred to leadership. That is what we are trying to show. I do not want people to leave the Chamber believing that we are all at odds. We are not. However, the wording of the Bill could prevent investment in certain key companies that want to change their ways, of which Bord Na Móna is a prime example. That is probably due to the way the Bill has been drafted.

Deputy Pringle has the votes to pass Second Stage of the Bill and, therefore, it will proceed to Committee Stage on which we can tease out these parts of the Bill if that is what he wants to do. However, Deputies should not give me or the Government a lecture and tell us that we are not doing anything.

Some Deputies were not here for the start of the debate. I outlined where money is being invested and what ISIF is doing with our money. There is a policy to divest where it can, but it takes time to change. The wording of the Bill constrains ISIF too much and will not help it to do its job properly, that is, to invest money on behalf of the country.

It is not a case of not wanting to do anything or not agreeing with Deputy Pringle. I buy

into what is proposed. I am a total believer, and I think Deputies know it is something I want to achieve. However, this Bill is not the way to do that. That is all we are saying.

I compliment Deputy Pringle. He is making a genuine attempt to deal with the issue and I know what he is trying to do. We will work with him on Committee Stage to see whether we can improve the Bill and get it to a stage whereby we can make changes that the Deputy might accept and *vice versa* in order that it would become something we can support. In its current form, we cannot do that. I outlined all the reasons, on behalf of the Department of Finance, that is the case. Supporting the Bill is not the right thing to do on behalf of the country.

That does not mean we are opposed to tackling climate change, changing our ways and investing in key areas of renewable energy. We want to do those things and I totally believe in such changes. I spent time in Güssing in Austria. I saw what could be done in small towns and villages which would have an impact. I ask everybody here to become involved in the discussion we will have over the next eight months on Ireland 2040, our new national planning framework which will set out the future of the country. There will be a chance during that discussion to debate this issue and put in place plans to deliver infrastructure at local and national levels to address climate change, drive renewable energies, make them acceptable and get buy in from communities. We all have a role to play.

I heard somebody say people do not object to solar farms, but they do and I have seen it happen. I have had to work with such people. All of us have a lot of work to do in order to get buy-in for investment in renewable energy projects. I could list all such projects. I have been involved in projects for a long time and have seen people approach these things in a positive and negative way. It is not as simple as saying that if one is against the Bill one is opposed to tackling climate change. That is not true, and it is not fair to say that. I doubt Deputy Pringle would take that line because he knows it is not true. If he does, that is his choice.

I have taken note of everyone's comments and we will see what happens in a couple of months' time when we debate water infrastructure, the future of water and the polluter pays principle, in terms of trying to preserve water. We will see who agrees that we should charge people who waste water. Nearly everybody who spoke during the debate and tried to lecture me, and condemned my speech and the Government, is opposed to any kind of water charges or contribution which would prevent water being wasted.

There is a lot more to this debate than picking one line out of a contribution. One cannot pick and choose parts of the debate. The Government has a whole-of-Government approach to try to tackle water across a range of areas, including the conservation of water. I will not take lectures from people who try to pick and choose the battles that suit them because there is a lot more to this than the debate on this Bill.

I want to be very clear. Deputy Joan Collins asked a specific question on investment in extraction companies. They are historic investments which we are divesting, something which has happened and will continue to happen. We are not investing in such companies now; they are historical investments. The ISIF fund is not investing in such companies and I want her to understand that.

We have investments in companies that people may not regard as promoting renewable energy, but such companies have strategies to develop renewable energy targets and move away from fossil fuels. They are companies in which we can and do invest. We can use our

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investments to move that agenda forward. I know what the Bill is trying to do, but it may have other consequences which could reduce investment in certain companies that have an agenda of moving away from fossil fuels and investing in renewable energy.

**Deputy Thomas Pringle:** I would like to take this opportunity to thank all Members who spoke in favour of the Bill. It is great that the Bill has the support of the Green Party, the Social Democrats, Fianna Fail, Sinn Féin, AAA-PBP and my colleagues in Independents 4 Change. It is very heartening and shows that the Bill will pass Second Stage and proceed to Committee Stage, on which we can have a wider discussion about all these issues and examine whether the Bill needs to be amended in order to allay some of the concerns that have been expressed, some of which were genuine in terms of the potential impacts of divestment on some semi-State companies.

NGOs are looking forward to the opportunity to make presentations to the committee at the pre-legislative scrutiny stage in order to ensure that we have a Bill that is as robust as possible at the end of Committee Stage and during all other Stages. That is very important and welcome, and it is great that we can achieve that.

A lot has been said about attacking so-called new politics and the situation that has arisen. However, this Bill would never have passed Second Stage in the previous Dáil because the Government had the numbers to block anything it wanted to. Some very important Bills that passed Second Stage, such as a referendum on the public ownership of water, would never have passed Second Stage during the previous Dáil. In the previous Dáil a Government Deputy would probably not have been allowed to put forward a Bill on fracking. That change is very positive and shows that things can change in the House.

I wish to respond to the Minister of State's opening statement. He circulated a note in regard to his closing remarks. It is amazing that he was able to pre-empt the entire discussion and have such a document ready for submission immediately.

In his opening statement, the Minister of State said we have a dependence on fossil fuels for our energy and transport needs. That is the whole point. We have a dependence on fossil fuels, and we need to take the decision to move away from that approach. I take on board what the Minister of State said about not being restrictive regarding the NTMA and that we have plans. What about our 2020 plan? We will miss our targets on that by a country mile because there is no obligation on us to achieve them. That is the problem and we need the Bill to ensure there is an obligation for divestment to take place.

The Minister of State went on to say that continued investment in fossil fuel related technologies and businesses is a necessity. It is not, and we have to wake up and smell the coffee in terms of the decisions we have to take. We have to take what may be brave decisions, but they are symbolic and set out a path for the country in terms of moving to a fossil fuel free society and start. We have to have the weight of legislation behind that in order to make it happen.

Some of the Minister of State's other statements on the NTMA and the ISIF were very worrying. He said ISIF is actively considering the investment case for companies that may not be aligned with the transition. That is why we are bringing the Bill forward. We cannot have a strategy that proposes ISIF divest from fossil fuel companies but retains flexibility.

**Deputy Damien English:** I have given examples. The Deputy should not try to spin it.

**Deputy Thomas Pringle:** Yes, but he said they have to retain flexibility to be able to do other things. That flexibility is what leads to continued investment in fossil fuel companies.

The Minister of State also said ISIF is divesting from tobacco companies because investments in them outweigh any potential commercial return. That is what is happening with fossil fuels. The potential return from fossil fuels is declining exponentially and investments in them are totally unstable. The Bill deals with this issue. If we decide to move away from fossil fuels, we can move to more secure investments that will benefit all of our citizens over a long period of time.

Words must be backed up by actions. The only way we can be sure actions will back up words is by ensuring that the Bill is passed and an obligation placed on ISIF to divest from fossil fuels.

The Minister of State states that ISIF is in the process of divesting, but it currently has 152 investments in various fossil fuel companies around the world. As Deputy Joan Collins outlined, these include TransCanada building a tar sands pipeline, which is crazy stuff, and Peabody Energy investing in coal. We also have ExxonMobil. The list goes on forever. In asking for the Bill to be withdrawn today, the Minister is asking for the flexibility ISIF enjoys to be maintained so it can choose to invest in those companies. Its ethical policy states that it does not want to invest in them, but it wants to maintain that potential in the event that it sees an opportunity to make a return. We need to take the flexibility away because history has shown us that without rigid controls we will not achieve our targets. We will not achieve our emission targets in 2020 and we will suffer fines and we will face the same problems in the future if we do not have the legislative backing to ensure that our investments are divested and ethical. This Bill sends out a strengthened and wider picture of our commitment to building a carbon neutral society, which is vitally important.

We have a climate change advisory council, but the Minister of State did not mention its advice on the Bill's potential to contribute to the mitigation of climate change. Perhaps the Minister of State's silence in his contribution in this regard is because it is in favour of the Bill and sees its merits.

I look forward to participating in the debate on Committee Stage and to the Bill being amended to make it more reflective of what is required. I recognise that some problems have been identified with the Bill, but no Bill is perfect on Second Stage. I also know that the non-governmental organisations are looking forward to contributing to the process, which is vitally important.

I thank the Members for their support. It is a wee bit embarrassing to hear people praising me for proposing the Bill, but I am reminded of a saying: it is only because I stood on the shoulders of giants that I was able to propose the Bill. The work and the heavy lifting was done by those in the Visitors Gallery who pushed it forward and by the ordinary citizens of Ireland throughout the country who lobbied hard to ensure the Bill got over the line. They are the people who should be proud tonight because they have contributed to change for the good.

If we want to ensure that the planet has a future, not only Ireland but the whole planet has to take climate change seriously. We have to make brave decisions, including investment decisions, and we have to ensure that those decisions are underpinned by legislation that drives this forward and makes it happen.

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Amendment put.

**An Ceann Comhairle:** In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 26 January 2017. Dá bharr sin, tá obair an lae inniu críochnaithe.

The Dáil adjourned at 7.35 p.m. until 2 p.m. on Tuesday, 24 January 2017.