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

\textit{Paidir.} \\
\textit{Prayer.} \\

\textbf{Leaders’ Questions}

\textbf{An Leas-Cheann Comhairle:} I call on the leader of Fianna Fáil, who has three minutes.

\textbf{Deputy Lisa Chambers:} Thank you, a Leas-Cheann Comhairle, but I am not the leader.

\textbf{Deputy Eoin Ó Broin:} Not yet.

\textbf{Deputy Finian McGrath:} We are watching the Deputy.

\textbf{Deputy Lisa Chambers:} In March 2014, the Attorney General informed the Taoiseach that there was a very sensitive issue that could jeopardise the State because it had come to her attention that Garda stations were taping phone conversations for the past 30 years without having a legal basis. That conversation was had in the middle of all of the controversy surrounding the departure of the former Commissioner, Martin Callinan. The State was involved in one case in particular and the Attorney General wanted to brief the Taoiseach personally at the time without the Minister for Justice and Equality being present. The Garda taping allegations went back over the previous 30 years. What was reported in 2014 appeared to be a serious infringement of the privacy rights of citizens, a right we all value and assume is respected by the State. The Attorney General gave instructions to all Garda stations not to destroy any tapes. The Taoiseach informed the House of that particular serious development after the Cabinet discussed it and confirmed that Mr. Justice Fennelly was to be appointed to examine that and other issues.

The Taoiseach told the Dáil he thought this was a matter of very considerable concern in the sense of having confidence, public accountability and trust in the justice system. For that reason, he advised the Attorney General that all the facts, both of the individual case and the wider trawl, should be assessed by somebody competent in the legal profession to see how serious the issue was. The newspapers say that Mr. Justice Fennelly’s second report is being published today. It is meant to be 740 pages long and was delivered to the Department of An Taoiseach and the Attorney General’s office last Friday so they have had it for six days. It seems exceptionally convenient that this report is being published when the Taoiseach is due to be in Germany today and will be unavailable to answer any questions in this House or from the media this afternoon, as there is no provision for questions at the press conference in Germany. That seems quite bi-
zarre and similar to the likes of North Korea. Perhaps in the context of every other scandal the
Government is presiding over, the Taoiseach has become desensitised to issues of this nature.
Perhaps he does not think it is that big of a deal. Everything should be taken in context. In
the context of the Bus Éireann strike, the Charleton tribunal, a struggling Garda Commissioner
whom the Government continues to support, a homelessness crisis, a housing crisis, a health
service crisis - I could go on - the meeting with Angela Merkel is probably a welcome break.

Despite all of that, the Fennelly report and its contents are of huge importance to this House
and to the public. Simply because the Taoiseach has decided to publish the report when he is
conveniently out of the country at a meeting that apparently could not be changed does not
mean he will get away from answering questions in this House on that matter. The report has
been on his desk since last Friday and today’s meeting with Angela Merkel was presumably
in the calendar for some time. The public can make up their own minds as to why An Taoise-
ach chose today to publish such a serious and damning report. My question to the Minister is
whether he has seen a copy of the report. Could he confirm when the report will be published?
Could he also confirm whether a press conference will be held, and when, and whether the Min-
ister for Justice and Equality will appear in this Chamber to answer questions before the House?

An Leas-Cheann Comhairle: I thank Deputy Chambers for observing the time limits and
I ask all other Deputies to observe them also.

Minister for Social Protection (Deputy Leo Varadkar): The second report of the Fen-
nelly commission was received by the Taoiseach last Friday evening and it was then furnished
to the Attorney General. It is the normal course of action that the Attorney General will read
and review a report before its publication and this has now been done. The report has been
cleared by the Attorney General. There will be a briefing for Ministers at approximately 3 p.m.
today and the report will be published later this evening. It is a very long report. I have not
seen a copy of it yet, but I understand it runs to almost 800 pages. The executive summary
alone runs to approximately 70 pages. I am sure all Members of the House will want to have
time to read it themselves before expressing views on it or being in a position to ask informed
questions about it. The report has been cleared by the Attorney General and will be published
later this afternoon. The Tánaiste and Minister of Justice and Equality is studying it at present
and will be in a position to answer questions on it in due course. After Members of the House
have had a chance to read it, consider it and come up with considered questions we will find an
appropriate time that is agreeable so the House can debate it and we can answer any questions
about it Deputies may have.

Deputy Lisa Chambers: Does the Minister think it is acceptable to allow a report like this
to be published without anybody from the Government being available to answer questions on
it? It is reported the commission will send its report today but there will be no press confer-
ence. It is further reported the Irish media travelling abroad today have specifically requested
the Taoiseach to have a separate press briefing to that on his meeting with Chancellor Merkel to
facilitate the Irish media and he has refused this.

In March 2014, the Taoiseach said he appointed Mr. Justice Fennelly in the interests of
having a Garda Síochána that stood up to scrutiny in terms of its competence and professional-
ism. He seemed concerned back in 2014 about the matters Mr. Justice Fennelly was about to
investigate, but today no one is around to answer questions. Is it the case there are no concerns
arising from the report on behalf of the Government or the Taoiseach? The Minister said that
in the normal course of proceedings a report goes from An Taoiseach to the Attorney General
and is then published. The normal course of proceedings is that the Taoiseach makes himself available to the House and the media to answer questions on reports of this nature and he is not doing so.

The Minister spoke about Deputies in the House being allowed to express a view and ask questions. Will the Minister confirm to the House that we will have an opportunity to debate the report? When will we have a press conference? Will the Tánaiste come to the House to answer questions and, if so, when?

Deputy Leo Varadkar: One thing I have seen a little too much of in politics is a report being published and within half an hour people expressing views and considered opinions on it and having many questions on it. So often we see things-----

Deputy Paul Murphy: Things are spun before they are even published.

Deputy Robert Troy: The Minister is good enough at it himself.

An Leas-Cheann Comhairle: The Minister without interruption.

Deputy Leo Varadkar: -----on which people have opinions-----

Deputy Lisa Chambers: It has been six days.

Deputy Leo Varadkar: -----and unless they have some superhero-type speed-reading powers they could not possibly have read them. This report has been cleared by the Attorney General and will be published this afternoon. It is 800 pages long. Any normal person would probably need to read it overnight or, better still, over the weekend, so any opinions on it can be informed and any questions on it can be intelligent. Of course the Taoiseach will be available in the House next Tuesday to answer questions in the normal course of events. There will be a debate on the report of the Fennelly commission and it is a matter for the Business Committee to decide when this will be. I do not think anything will change over the next couple of days that should not allow us to have time, for once, to actually read a report before we express opinions on it and come up with intelligent questions that can be asked at that point to the Taoiseach and the relevant authorities.

An Leas-Cheann Comhairle: Tá súil agam nach bhfuil mé ag briseadh rialach ar bith chomh chimse anseo daltaí agus múinteoirí ó Ghaithreachtaí na hÉireann inniu. Thar mo cheann féin, an Teachta O’Doherty, an Teachta Pringle agus duine ar bith eile atá anseo, ba mhaith liom fáilte a chur rompu. Tá súil agam go mbainfidh na múinteoirí agus na daltaí taitneamh as a gcuairt. Go raibh maith agaibh. Bogfaimid ar aghaidh anois go dtí an Teachta McDonald.

Deputy Mary Lou McDonald: Cuirim fáilte mór rompu go léir. The Oireachtas Joint Committee on the Future Funding of Domestic Water Services will meet later this afternoon to vote on its report on the future of water services. The report recommends the abolition of water charges, the scrapping of domestic metering, including for new builds, and provision for a referendum to retain our water infrastructure in public ownership. This represents a massive and deserved victory for all those people from communities throughout Ireland who campaigned and resisted the imposition of charges, and who fought against the push to privatise our water services. The Right2Water movement has endured and has prevailed against great odds. The Minister knows that the majority of Deputies elected to this Dáil were elected on an anti-water
If the sights and sounds of thousands of people marching time and again in protest was not enough for the Minister’s party to grasp the level of public opposition to water charges, then surely the democratic vote at a general election should have been. Of course it was not. It fell on the closed ears of a Fine Gael-led Government. The Minister’s Government turned its face against the express will of the people and it stopped the Dáil from dealing with the matter of water charges. His ministerial colleague and superhero friend, the Minister, Deputy Simon Coveney, pushed this politically charged issue of water charges into a new committee. He set it up. It was his process as well as the Minister, Deputy Varadkar’s process. With its establishment, the Minister, Deputy Coveney, gave a very clear commitment to legislate and give full effect to the final recommendation of the committee. Now we hear that the Minister, Deputy Simon Coveney, is saying that he will not legislate on the basis of this report. He is blatantly stating that he will go back on a commitment that he gave. It was a very clear commitment. The result of the committee’s deliberation did not go his way and now he is using a mangled interpretation of the European water framework directive to spin his way and the Government’s way out of trouble.

The people have made their demands clear in protest after protest. They delivered a mandate to this Dáil to see that those demands were met. The Oireachtas, containing the democratically elected representatives of the people, has made its recommendations through the Joint Committee on the Future Funding of Domestic Water Services. These recommendations are fully in line with what the people of Ireland have been demanding for some years. The Minister needs to heed the advice of the committee that he himself established. I ask the Minister, Deputy Leo Varadkar, if he will tell the Minister, Deputy Simon Coveney, that he must stand by his word and legislate on the basis of the committee report.

**Deputy Leo Varadkar:** Ba mhaith liom freisin fáilte a chur roimh na daoine ó Chontae Dhún na nGall. I hope they all enjoy their visit to the House today.

**A Deputy:** You will be canvassing soon.

**Deputy Finian McGrath:** The Leas Cheann-Comhairle looks very upset.

*(Interruptions).*

**Deputy Leo Varadkar:** First of all, the report on water is not yet finalised. I understand there will be a further meeting of the committee today to finalise the report. I am informed that while it does not provide for any mandatory provision of applying meters to new builds, it does not propose to scrap the metering programme altogether. The House will have a lengthy opportunity to debate the report, ideally next week. That will be an opportunity for everyone to give their views on it.

I point out to the Deputy that the confidence and supply agreement, which was agreed between Fianna Fáil and Fine Gael, states very clearly that the Fine Gael and Fianna Fáil parties reserve their right to adopt differing positions on any consequent legislation or resolutions being debated by the Oireachtas. I will repeat that.

**Deputy Paul Murphy:** Read the next paragraph.

**Deputy Leo Varadkar:** Both parties reserve the right to adopt differing positions on any
consequent legislation or resolutions being debated by the Oireachtas. I very much echo the words of the Minister, Deputy Simon Coveney, and stand by what he has said and has made clear throughout this process, that Fine Gael and this Government will not bring forward legislation that we know to be contrary to European law. We will not bring forward legislation that we believe to be contrary to the interests of the environment, and particularly legislation that might expose Irish people to be liable to enormous fines that would not be in the interests of the public. The Minister, Deputy Coveney, and the Government have been clear all along that we cannot be expected to facilitate legislation that is contrary to European law. We are not going to do so.

**Deputy Mary Lou McDonald:** On one level, it is touching to see such solidarity between the two Ministers, all things considered. It is tragic that this solidarity and joint sense of purpose only emerges when they are intent on frustrating the repeated and democratically mandated demands of the people of this State. Water charges are over. We have known this since we met here first as a Dáil. The individual views of Fine Gael and Fianna Fáil Party members on any given issue is a matter for themselves, except in circumstances where the people, the electorate, the citizens have made their views abundantly clear on a particular matter. Not alone that, in these circumstances we had the committee that was insisted upon by the Government. The committee has deliberated and has considered in some detail the framework directive which was referred to. That directive is all about preservation of water and environmental standards. That is the test for whether or not we comply. It makes no direct reference or insistence on charges for excessive use, for example. The commitment made was absolutely clear. The Government refused to listen directly to the voices of the people, but did say very clearly that whatever the individual positions taken, it would legislate in accordance with the outcome of that committee.

The Leas Ceann-Comhairle broke a rule so he can allow me to bend one slightly.

**An Leas-Cheann Comhairle:** I took my eye off the clock. Deputy Pearse Doherty does not agree with you.

**Deputy Mary Lou McDonald:** If the Ministers, Deputies Varadkar and Coveney, continue to insist on turning their faces again against the express will of the people, be very clear that thousands of people will be on the street on Saturday to remind them that it is their job to fulfil their democratic mandate.

**Deputy Leo Varadkar:** The real tragedy here is the extent to which personality politics and party politics-----

**Deputy Timmy Dooley:** Internal leadership politics.

**Deputy Leo Varadkar:** -----have overtaken what we all know deep down to be the right decision for the Irish people, and the correct decision long-term. When a previous Government - not led by Fine Gael - signed up to the European water framework directive, it did not just sign up to some silly European law. It signed up to principles which make sense. Metering makes sense, because that is how leaks are identified and how conservation is promoted. Charging people for excess use of water makes sense because that is the fairest way to pay and-----

**Deputy Darragh O’Brien:** Fine Gael wasted €500 million on obsolete water meters.

**Deputy Leo Varadkar:** -----ensures that people do not have to pay for other people’s leaks.
An Leas-Cheann Comhairle: Give the Minister an opportunity, please.

Deputy Leo Varadkar: There will be other Dáileanna after this, and sooner or later some Dáil will make the correct decision by the Irish people, will do the right thing for the long term, and that will not reflect very well on the type of personality politics and party politics that we have seen displayed in this House in recent months. I want to ask one simple question and I would like an answer to it. Is Deputy McDonald seriously suggesting that a Minister of this Government or any Government should be forced to legislate for something that the Attorney General has advised them is contrary to European law and European treaties?

Deputy Robert Troy: The Government ignores the Attorney General’s advice when it suits it.

An Leas-Cheann Comhairle: Deputies, please. This is questions to the Minister.

Deputy Paul Murphy: It is nice to see such a public audition for the job of Taoiseach. This is the only sight that the public will have to see of who is the next leader. This audition is a test of who can break commitments that are made. The Minister, Deputy Varadkar, has indicated that he is willing to break them, as has the Minister, Deputy Coveney. It is a test of who cannot answer the questions most effectively in the best possible spirit of the Taoiseach, Deputy Kenny, which is again clear today.

Let me help Fine Gael and the two prospective taoisigh in front of us. The Minister, Deputy Varadkar, quoted from one bullet point of the supply and confidence agreement. If he had done us the favour of quoting the next bullet point things might be a bit clearer. I quote: “The Government will facilitate the passage of legislation, whether it be a money Bill or otherwise, for the implementation of the recommendations relating to domestic water charging supported by the Oireachtas, including abolition, a reformed charging regime or other options.” The Minister, Deputy Varadkar, should tell us if he is going to accept what has been agreed or if he is going to break it. There is no question here. The notion that the Attorney General read the report overnight - it was agreed yesterday, but we have not signed off on it yet - and said that it was not legal is nonsense. Do not try and mislead the Dáil. Let us be clear what has happened here. He was the one who declared us to be the sinister fringe, and talked about the reasonable people who did not have a problem with water charges, water commodification or the prospect of privatisation. It turns out that we were not such a fringe and that we are a majority in society. Hundreds of thousands of people protesting had an impact, as did people organising in their communities and 73% of people refusing to pay. The result was a change of politics, including a change in the positions of different political parties. The Minister, Deputy Varadkar, said at the end of last year that an unpaid bill would be an outstanding debt, just like an ESB bill or management charge, and that, ultimately, people would end up having to pay their bills. It does not look very likely now, Minister, does it?

The report recommends that water charges be abolished, refunds issued, a referendum on public ownership held, the metering programme halted and no excessive usage charge introduced. The Minister’s people decided to get legal advice yesterday and rang a lawyer in Tokyo to ask if it was okay to get rid of excessive usage charges. The lawyer said it was grand but his people now say it is not proper legal advice. He is fine with a special committee deciding on this as long as it decides in the way he wants, and with legal advice as long as that advice is the advice he wants. The Minister needs to read the writing on the wall. It is over, he has lost and the sinister fringe has won. Give it up and scrap the charges.
Deputy Leo Varadkar: I reiterate that the report has yet to be signed off on and yet to be published. When it is signed off on and published, it will be debated in this House. It will be sent to the Attorney General, the constitutional officer and the Government’s legal adviser, to give all of us in the Oireachtas sound legal advice-----

Deputy Timmy Dooley: The Government already has the advice.

Deputy Leo Varadkar: -----as to whether what is proposed is contrary or not to European law.

The confidence and supply agreement states that we will facilitate legislation but it has always been understood, and indeed accepted by the major party opposite, that it does not require a Minister to bring forward legislation which that Minister knows to be contrary to European law and where he or she has been advised to such effect by the Attorney General. We will await her advice on this.

Deputy Robert Troy: She has given her advice.

Deputy Leo Varadkar: I congratulate Deputy Paul Murphy on one enormous success, though not on the role he has played in the campaign against water charges. I congratulate him on the role he has played in reducing Fianna Fáil to what it is now. The party of Lemass, which was once proud to stand up for things and would do the right things by the Irish people, now determines its policy on water solely out of its fear of Deputy Murphy and of Sinn Féin.

Deputy Darragh O’Brien: Read our manifesto. The Minister, Deputy Varadkar, is talking nonsense.

Deputy Timmy Dooley: This is the Minister, Deputy Varadkar’s pitch for the party leadership. Let him at it.

Deputy Leo Varadkar: The proposal to bring forward water charges in this State was first made in 2010.

An Leas-Cheann Comhairle: The Minister without interruption, please.

Deputy Timmy Dooley: Stick to the agreement you signed.

Deputy Leo Varadkar: The proposal-----

(Interruptions).

An Leas-Cheann Comhairle: If questions are to be asked, I call on Deputy Chambers.

Deputy Leo Varadkar: Is it not remarkable how one is shouted down the minute one says something people do not want to hear?

An Leas-Cheann Comhairle: The Minister has one minute left.

Deputy Leo Varadkar: As we all know, the truth hurts and this one hurts really bad. The original proposal to introduce metering and water charges in this State was made in 2010 in an agreement between Fianna Fáil and the Green Party.

Deputy Timmy Dooley: Stick to the agreement you signed.
Deputy Leo Varadkar: It was not imposed on us by the troika and was not about austerity. It was Fianna Fáil and the Green Party, in government, agreeing to bring forward a policy because it was the right one by the Irish people. Why has Fianna Fáil changed its position now?

Deputy Robert Troy: Why did Fine Gael change over the weekend?

Deputy Leo Varadkar: It is not because the facts have changed or European law has changed, but because they are terrified of Sinn Féin and terrified of the far left. It is a sad thing to see a party such as Fianna Fáil reduced to the position it is in now.

An Leas-Cheann Comhairle: I ask Deputies to refrain. Deputy Paul Murphy is in possession for one minute. I ask others to give him an opportunity to speak, and to give the Minister an opportunity to respond.

Deputy Paul Murphy: The Minister’s response to the issue is quite incredible. He is suggesting that a secret agreement lies behind this agreement, to the effect that we should forget about what is written in the agreement because, if the Government decides it does not want to go ahead, it will not do so. Is that the case? That is not what is in the legislation. The Minister for Social Protection, the Minister for Housing, Planning, Community and Local Government and the Government increasingly resemble a lost soldier left in a jungle after the war is over. They have lost but they are trying to hang on to anything they can, in this case to maintain a back door for water charges in the future. I appreciate the compliment but, of course, I do not agree about some fine past of Fianna Fáil either, nor a fine past of Fine Gael. The thanks for Fianna Fáil’s undoubted change of position does not lie with me but with the movement. It lies with the hundreds of thousands who came out to protest and those who refused to pay. They all know we are very close to a total victory now and the only thing that lies between us and that victory are the two Ministers and the Taoiseach. Everyone knows that the Government has now been beaten on this issue repeatedly and everyone feels confident that it can be beaten on the issue again. For that reason people will be on the streets this Saturday at 2 o’clock at Heuston Station and Connolly Station to ensure the Government reads the writing that is on the wall.

Deputy Leo Varadkar: And-----

Deputy Timmy Dooley: He will have the Minister, Deputy Ross, to help him get there.

Deputy Robert Troy: That is not his responsibility.

An Leas-Cheann Comhairle: The Minister without interruption.

Deputy Finian McGrath: Leave Shane out of it, Timmy.

An Leas-Cheann Comhairle: Deputies should restrain themselves.

Deputy Leo Varadkar: What is this total victory that Deputy Paul Murphy talks about? Everyone in this House accepts that water has to be paid for. The Deputy’s total victory is that water continues to be paid for through general taxation.

Deputy Paul Murphy: Correct.

Deputy Leo Varadkar: What does that mean? The same people yet again who pay for everything-----

Deputy Paul Murphy: We have always paid for it.
Deputy Leo Varadkar: -----have to pay for it again.

Deputy Paul Murphy: We currently pay for it.

Deputy Leo Varadkar: What sort of victory is that?

A Deputy: Poor Fine Gael supporters.

Deputy Leo Varadkar: It means that people who get up in the morning, who work hard and pay their taxes not only have to pay for their own water, but also have to pay it for the people living next door to them who waste it.

Deputy Mary Lou McDonald: That is disgraceful.

Deputy Leo Varadkar: That is not a victory. That is a bad policy. It is bad for the environment-----

(Interruptions).

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

Deputy Leo Varadkar: -----and it is unfair on working people.

(Interruptions).

An Leas-Cheann Comhairle: Deputies, have some respect for the House.

Deputy Leo Varadkar: It is most likely illegal and contrary to European law.

A Deputy: You are drowning in your own rhetoric.

An Leas-Cheann Comhairle: That applies to all Members.

Deputy Noel Grealish: The Government has committed itself to do what it can to help Irish emigrants abroad as evidenced by the appointment of a Minister of State with responsibility for the diaspora and a Senator representing the diaspora. In this regard, I compliment the Taoiseach on speaking up for the undocumented Irish in America in his excellent speech in Washington last month. However, when it comes down to the practicalities, we appear to be putting barrier after barrier in the way of our emigrants returning home and making a contribution to the rebuilding of Ireland.

About 300,000 people left this country over the past decade to find work when jobs were not available here. Many others were forced to extend stays abroad because of the downturn in our economy. Many of these people now want to come back home, but for many it is an economic impossibility. The cost of motor insurance is typical of the issues they face. Drivers who have been out of the country for just two years lose any no-claims entitlements they had before they left, possibly adding thousands to already prohibitive insurance costs.

There is also a particular barrier regarding access to universities and third-level colleges. If people have lived outside the EU for two of the previous five years their children are treated as international students and must pay exorbitant fees to go to college. Those fees could come to €100,000 for an undergraduate course.

I was recently contacted by a group of Irish families living and working in California for the
past three to 12 years. Most of them work with Medtronic, the medical device manufacturer, whose plant in Galway is one of the largest employers in Ireland with close to 3,000 workers directly employed there. These are mainly highly educated and skilled people, Irish to the core, who feel they have much to contribute to this country if they were to return. With many of them now having children approaching college age they are anxious that they should get an Irish third level education, but the costs allied to the reduction to their salaries should they return to Ireland, make this prohibitive. If they go to college in the United States it is likely that they will stay there for their lives, their talents lost to Ireland along with those of their parents.

Others in the United States are becoming more fearful for their future there because they are undocumented. For them and many other Irish families in Australia, Canada and around the globe, the question of returning home is a heartbreaking quandary because they know if they do, their children will not be able to advance to a college education which is considered a basic necessity for accessing so many careers today.

When will the Government remove the barrier to people returning home and relax the strict residency rules that are preventing Irish children from accessing affordable Irish education that should be their right? They are essentially being treated as foreigners in their own land.

One of the greatest difficulties for the undocumented Irish in the United States is the renewal of their Irish driver’s licences. For many, it is the only thing preventing deportation from the United States. In all the sanctuary cities, the production of that licence saves people from arrest. An Irish passport can be renewed online and at the post office, but a driver’s licence cannot be renewed unless the applicant presents himself or herself in person at a National Driver Licence Service centre in this country. This is an impossibility for those living in the US and other parts of the world. When will the same online renewal facilities be extended to cover driver licences?

Deputy Leo Varadkar: I thank the Deputy for raising a number of important issues affecting the Irish abroad and returning migrants and for acknowledging the Taoiseach’s important contribution to the effort to resolve the problems facing undocumented Irish living in the United States in particular. I wish to record the fact that the Government has made the decision to extend voting rights in presidential elections from 2026 onwards to Irish citizens abroad. The Deputy also mentioned the appointment of Senator Billy Lawless to represent the diaspora in our Seanad.

At the moment 400 Irish citizens living abroad return every week to live in Ireland, which is a great thing to see. Who would have thought only five or six years ago that we would be returning to net inward migration and that more people would be coming home to Ireland than are leaving? This reflects better than most statistics the extent to which our economy has turned around and how well our jobs market is doing.

I am advised that we are devising a protocol on access to motor insurance for returning emigrants. The Minister of State, Deputy Eoghan Murphy, wants to act on this in particular. Those who are coming back here and taking up jobs want to be able to access insurance and carry their good no-claims record with them, as they should be allowed to do.

We run into a very particular issue in respect of education, which is that we must treat all EU citizens the same. This means treating an Irish citizen exactly the same as we would a French, Italian or German citizen. If we say to an Irish citizen who has never lived in Ireland that he or she is entitled to free education and college grants, we must say the same thing to more than
400 million EU citizens. A consequence of providing free education and grants to anyone in the European Union who wants it would be the enormous cost implications for the State. We need to take that into account.

Our rules and regulations require a person to be resident in the State to have an Irish driver licence, but people can apply for their driver licence if back here for a short period of time. If they have an Irish passport, they may wish to apply for the new passport card online, which can be done from America. This could be useful in terms of having an ID. It can be done using an app and providing a selfie online. If photo ID is required, they can use the Irish passport card instead of the driver licence.

**Deputy Noel Grealish:** I thank the Minister for his reply. It is all very well to give our emigrants abroad the opportunity to vote in our presidential elections - I welcome it - but there is an issue regarding driver licences, particularly in the sanctuary cities in the Unites States. Last year I attended a wedding in the United States where a number of Irish people came up to me. Their biggest issue was that they cannot renew their Irish driver’s licences. The passport card is not a driver’s licence. When pulled in in the United States, the first thing a person is asked for is his or her driver’s licence. Most young Irish people in the United States are carpenters or labourers, etc. and they have to have a vehicle for work. Some of them have been arrested. The most important document a person has is his or her passport and an application can be made online, through An Post and by ordinary post. However, this is not possible with a driver’s licence.

Recently in Australia, a young person’s wallet was stolen with his driver’s licence in it. He turned up for work on the Monday morning but could not work because his job was driving. He had to come home to get his driver’s licence renewed and fly back out again. It is one of the biggest issues affecting the young undocumented in the United States. I will finish on a point that we have raised in the foreign affairs committee. Deputy Joe McHugh, who is the Minister of State with responsibility for the diaspora, is working on this through an interdepartmental group. Will the Minister get the message to the Taoiseach to find a solution to the issue so that people can apply online?

**Deputy Leo Varadkar:** I will discuss the matter with the Minister for Transport, Tourism and Sport.

**Deputy Timmy Dooley:** Best of luck finding him.

**Deputy Leo Varadkar:** I am due to discuss some other matters with him today. On the face of it, given that passports can be renewed online, it seems to make sense that people would be able to renew a driver’s licence online provided we have on record the applicant’s safe II photograph. It should be possible to do this and I will discuss the matter with the Minister for Transport, Tourism and Sport, Deputy Ross, later today and perhaps ask him to speak directly to the Deputy.

**Questions on Promised Legislation**

**An Leas-Cheann Comhairle:** We have 15 minutes for questions on promised legislation and I will cut off the discussion after 15 minutes. I ask Deputies to confine their remarks to promised legislation.
Deputy Lisa Chambers: I ask the Minister for an update on the commercial rates Bill. I understand the heads are still being prepared. Rates are putting businesses under pressure and local authorities are finding themselves at a loss because they do not have the authority to do a great deal about the issue. In rural counties such as my home county of Mayo the commercial rates being charged have resulted in the closure of many businesses which have been unable to keep up with their bills. While I appreciate there are many demands on the Government, it must show a sense of urgency in bringing the Bill through the House in order that local authorities can do the job they need to do to alleviate pressure on local businesses.

Minister for Social Protection (Deputy Leo Varadkar): Before I ask the Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, to respond to Deputy Lisa Chambers, I express, on behalf of the Government, our total condemnation of the poison gas attacks in Idlib province in Syria yesterday. Such weapons have no place in the 21st century. They are indiscriminate, as is evident from the hundreds of people who have been killed or injured. We extend our condolences to the people affected. Those responsible for these war crimes should be held to account in the International Criminal Court. I ask the Minister to respond to Deputy Chambers.

An Leas-Cheann Comhairle: He must be brief.

Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney): We will bring the legislation to which Deputy Lisa Chambers referred to Government in the next two or three weeks, certainly before the end of the month.

An Leas-Cheann Comhairle: I thank the Minister for his brevity.

Deputy Mary Lou McDonald: In recent days, we had statements on Brexit. The rather limp reference in the draft guidelines published by the European Council were described as a triumph by the Government. They are anything but. Today is 6 April and the clock is ticking, with the guidelines to be decided on 29 April. When will the Government publish the promised White Paper or negotiating strategy paper? When will the House have an opportunity to discuss and, I hope, agree a proposed amendment to Article 11, which refers to Ireland and our special interests?

Deputy Leo Varadkar: While I do not have a date at the moment, there will be a further debate on Brexit in the Dáil next week.

Deputy Brendan Howlin: Later today, the Dáil will debate a Fine Gael Party Private Members’ Bill, the Thirty-fifth Amendment of the Constitution (Divorce) Bill 2016, which proposes to reduce the waiting time for divorce from four to two years. Unusually, this welcome Bill, which my party will support, will be taken in Government time. In the event that it is passed, is a referendum on the matter envisaged and, if so, when will it be held?

Deputy Leo Varadkar: If the Bill is passed in the Dáil and subsequently in the Seanad, there would have to be a referendum on it. However, I am not in a position to set a date for a referendum today. As the Deputy will be aware, there are a number of issues on which referendums will be required in the period ahead. Dates for these referendums have not yet been scheduled. The Bill is progressive and welcome and if passed by the Houses, it will be necessary to have a referendum on it.

Deputy Jack Chambers: The programme for Government states the Government plans to
alleviate the burden of insurance costs. The *Irish Independent* reported today on a leaked draft plan from the Committee on the Future of Healthcare regarding tax credits for health insurance. The Minister spoke of the principle of protecting middle Ireland and those who pay for everything. Will he confirm that the Government will not remove the tax credits available to people with private health insurance who already pay a large amount of tax?

**Deputy Leo Varadkar:** I discussed this matter with the Minister for Health this morning and I confirm the Government will not support any proposal to remove tax credits from people who pay private health insurance.

**Deputy Martin Ferris:** In January of this year, a woman by the name of Trish Flavin died suddenly leaving five children - twins aged five, a boy aged six and two girls aged 11 and 16. Her husband and I would argue strongly that this was a consequence of them being the victim of the tracker mortgage scandal. In 2016, they received an eviction notice and repossession order from the Bank of Ireland. On 14 February, they received an apology from the bank, yet the bank continued to proceed with the repossession. Will the Government ensure the mortgage special court Bill and courts (mortgage arrears) Bill will be fast-tracked? Will the Minister also ensure the family of Trish Flavin will not be evicted?

**Deputy Leo Varadkar:** The legislation is being worked on. A great deal of work is under way between the Department of Justice and Equality and the Attorney General on that. We will progress it as soon as we can. The Government has put in place many supports and a great deal of advice for people facing mortgage arrears or facing repossession jointly funded by my Department and the Department of Justice and Equality. The Abhaile scheme provides people with money, legal and financial advice that they may need and this is available.

**Deputy Dessie Ellis:** An expert panel on concrete blocks was established by the Department of Housing, Planning, Community and Local Government in April 2016 to investigate the problems that have emerged in the concrete block work of certain dwellings in counties Donegal and Mayo. The terms of reference of the panel included the submission of a report within six months. I understand the panel has finalised its report and it is with the Minister for review. When will the report be published? What further actions will the Minister undertake to assist the parties directly involved in reaching a satisfactory resolution to these problems? Will the actions include the extension of the pyrite remediation scheme to deal with cases of muscovite mica?

**An Leas-Cheann Comhairle:** When will the report be published?

**Deputy Simon Coveney:** I do not have an exact date for that but the report is being handled by the Minister of State, Deputy English, and I understand it will be published shortly. I do not have an exact date but I can come back to the Deputy on that.

**Deputy Mattie McGrath:** The health (transport support) Bill is on the spring-summer legislative programme. The mobility scheme has been abandoned for eight or nine years and the Minister of State at the Department of Health, Deputy Finian McGrath, promised us last November that a new scheme was imminent. That was five months ago. When will the Bill be introduced, given a great deal of enabling work is needed? Many families are suffering enormously. They need specially adapted cars for their loved ones. The scheme has been gone for so long that their cars are clapped out. They are seven or eight years old and cannot be changed. When will this important scheme be reintroduced? Could the Minister give us a date?
are suffering.

**Deputy Leo Varadkar:** The legislation is being handled by the Minister of State and it is on the priority list. The intention in the Bill is to introduce a new form of mobility allowance precisely for the people to whom the Deputy referred. We absolutely accept that this has gone on for too long and we will conclude this as soon as we can but it involves ongoing discussions between the Departments of Health and Public Expenditure and Reform because there will be budgetary implications and those can only kick in from next October’s budget.

**Deputy Robert Troy:** The Minister for Housing, Planning, Community and Local Government promised a number of months ago that he would bring forward a new scheme to support people who wish to purchase local authority housing. The scheme initiated by the previous Government is extremely restrictive. It prohibits many people who wish to buy their houses from doing so. These sales also provide much needed revenue for local authorities, which can then reinvest the money refurbishing houses and so on. When will the scheme be published?

**Deputy Simon Coveney:** As I have said many times in the House, the scheme introduced last year was a pilot with a new approach. We said we would review it at the end of a year and that review is being finalised. As soon as the review is complete, we will implement the recommendations in the context of any scheme.

**Deputy Robert Troy:** What is the timeframe?

**Deputy Simon Coveney:** The Deputy will see that within weeks.

**Deputy Pat Buckley:** Section 6 of the programme for Government relates to mental health and states that further investment must go into primary and secondary schools and additional counsellors must be provided. How many additional counsellors have been provided to date? What is the further commitment that was promised in August?

**Deputy Leo Varadkar:** There is no legislation proposed or necessary on that matter so perhaps the Deputy will put it to the Minister for Health in the form of a parliamentary question.

**Deputy Declan Breathnach:** My question is supplementary to Deputy Chambers’ question. We all know that valuation currently dictates the commercial rates. Can the Minister confirm the heads of the commercial rates Bill will include proposals to reform the archaic nature of the valuation?

**Deputy Simon Coveney:** I will happily answer that. The Valuation Office is actually in the Department of Justice and Equality and not in the Department of Housing, Planning, Community and Local Government. What we are planning to do with this legislation is give local authorities more autonomy and flexibility in terms of how they charge for and collect rates locally depending on business type, geographical conditions, disadvantage in certain areas and so on, so that they will be able to strategically use the rates base in a more effective and appropriate way than is currently the case. The Deputy will see that legislation in the next two to three weeks.

**Deputy Martin Kenny:** Under the programme for Government additional places were put in place for the rural social scheme. There were a whole lot of them, which was very welcome for many people in rural Ireland. However, there seems to be something hidden within that because many people in the area are now being told the rural social scheme is no longer an
income support scheme, which it had always been, but a job activation scheme. This change was relayed to representatives of the supervisors of the rural social scheme in a meeting on 27 March. They said the information had come from the Minister. Will the Minister clarify whether it is now a job activation scheme rather than an income support scheme for farmers and fishers in rural areas?

**Deputy Leo Varadkar:** An additional 500 places were allocated to the rural social scheme for this year. Dozens of new participants are already taking part in the schemes, which is very encouraging. It is both. It is an income support scheme for farmers on marginal land whose incomes are not adequate to pay the bills. It essentially gives them some off-farm income. It is not designed to take them off the farm. It is acknowledged there are people who take part in rural social schemes who pick up skills which then allow them to get off-farm income that they have not had before. I hope that answers the Deputy’s question.

**Deputy Carol Nolan:** Page 84 of the programme for Government states that changes to the nursing home scheme will be introduced in order to remove the discrimination that exists against small businesses and small family farms. I have been contacted by a number of small farmers who are at the end of their tether about this issue, which has been ongoing for a considerable time. These farmers are struggling to pay the payments due to nursing homes where they have their loved ones. The IFA has raised this and I have met with the national chairperson, Maura Canning, to discuss the issue. When will these changes, which are long overdue, come into effect to stop the unacceptable situation?

**Deputy Leo Varadkar:** Any such changes would require changes to primary legislation in the nursing home support scheme. I do not have a date for that legislation but I will ask the Minister of State, Deputy Helen McEntee, to contact the Deputy directly.

**Deputy Tony McLoughlin:** When does the Minister believe the Government will be in a position to publish the eagerly awaited action plan for jobless householders? What level of funding is it envisaged will be needed for the plan?

**An Leas-Cheann Comhairle:** It is a question on promised legislation.

**Deputy Leo Varadkar:** It is not legislation but it is a programme for Government commitment. I hope to bring the draft to the Cabinet sub-committee next week and subject to it being happy with it, I will bring it to Cabinet next month and publish it before the summer recess.

**Deputy John Brassil:** It is appropriate the Minister, Deputy Naughten, is in the House because I am asking this question on promised legislation on wind energy guidelines for the third time. The first time I was told it would be before the summer recess. The second time I was told it would be early in the new year. I am asking the Minister for a third time to give me a definite date when these guidelines will be published.

**Deputy Simon Coveney:** The Minister, Deputy Naughten, and I have had a number of meetings on this. We are close to agreement at this stage. We will hopefully be in a position within the next few weeks to publish draft guidelines. Those guidelines will then undergo a consultation process, which we are required to facilitate under EU law. At the end of that process, we will be able to finalise a new set of wind energy guidelines. The process is under way.

**Deputy Louise O’Reilly:** I wish to ask about the assisted human reproduction Bill, which I have raised a few times. I was advised via a parliamentary question that officials were working
on the heads of the Bill last year, but many families are desperate to know when we will see it. A report was undertaken by the Health Research Board, HRB, but my understanding is that this has been concluded. If nothing is standing in the way, when will we see the legislation?

**Deputy Leo Varadkar:** This is important and long-overdue, but also complicated, legislation. I understand that the heads are expected to be ready in June.

**Deputy Peadar Tóibín:** The Government’s Irish language policy is in disarray. According to the latest census, there has been a fall in the number of Irish speakers inside and outside the Gaeltacht, one in three school leavers do not have Irish and although 25% of parents seek Gaelscoileanna places for their children, only 5% get them. This policy has been gutted of money. English is compulsory in the State. For example, no State agency will deal with someone in Irish as a result of Government policy. When will the Straitéis 20 Bliain - we are in the latter half of its timeframe - and the Bille na dteangacha oifigiúla be in place?

**Deputy Pearse Doherty:** Ar an ábhar céanna, tá na figiúirí a tháinig amach inniu dochride. Chí mé mo chontae féin. Bhi 16% de laghdú i gcainteoirí laethúla Gaeilge. Tá laigi móir ann insan plean teanga. Cén----

**An Leas-Cheann Comhairle:** The Deputy did not even indicate that he was going to contribute.

**Deputy Pearse Doherty:** Ar an ábhar céanna. Under the rules a Deputy can come in ar an ábhar céanna.

**An Leas-Cheann Comhairle:** Níl rial ar bith fadúda sin.

**Deputy Dessie Ellis:** An t-ábhar céanna.

**An Leas-Cheann Comhairle:** Ceist sciobtha ar an ábhar céanna. Tá sé ag iarraidh freagra.

**Deputy Pearse Doherty:** Cén uair a bhfuilimid chun Bille na dteangacha oifigiúla a fheiceáil? Tá sé geallta 20 uair ag an Taoiseach.

**An Leas-Cheann Comhairle:** Tá sé curtha ag an Teachta Tóibín.

**Deputy Pearse Doherty:** Cén uair a bhfuilimid chun é a fheiceáil agus maoiniú a chur isteach sa Ghaeltacht?

**Deputy Leo Varadkar:** Tá brón orm. Níl mé cinnte ach iarrfaidh mé ar an Aire Stáit ar a bhfuil freagracht as an nGaeltacht an cheist sin a fhreagairt.

**Minister of State at the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Deputy Seán Kyne):** Beidh ceannteidil an Achta Teanga os comhair an Rialtais i mí Bealtaine. Ó thaobh na straitéise, támid ag leanúint ar aghaidh léi mar atá fhoinsigh ag an Teachta. Tá dul chun cinn ann agus beimid ag iarraidh go mbeidh níos mó.

**Deputy Peadar Tóibín:** Nil s'é ag obair.

**Deputy Seán Kyne:** Támid sa séú bhliain don straitéis agus támid ag dul ar aghaidh. Tá ardú ar an méd airgid atá ar fáil. Ó thaobh na huimhreacha-----

**An Leas-Cheann Comhairle:** Caithfidh an tAire Stáit cloí leis na rialacha chomh maith.
Deputy Seán Kyne: ----- tá fhios ag an Teachta go raibh ardú mar go raibh imirce an-ard sna ceantair i nDún na nGall agus Maigh Eo agus áiteanna eile insan Ghaeltacht. Is é sin an priomhfháth go bhfuil laghdú ar an méid cainteoirí Gaeilge sna ceantair sin.

Deputy Anne Rabbitte: Mental health issues are covered on page 65 of the programme for Government. Yesterday, a clinical psychologist in Galway had to hold meetings with first-time referrals in a tea room. When will the new building at University College Hospital Galway, UCHG, and the community programme building development in Daingean be completed?

Deputy Leo Varadkar: I am not aware of any point in the programme for Government that is specific to those buildings, but I will ask the Minister of State, Deputy McEntee, to revert to the Deputy.

Deputy Anne Rabbitte: I thank the Minister.

Deputy Michael Fitzmaurice: A form circulating in some counties, including Roscommon, is requiring people who have been on the rural social scheme, RSS, for ten or 12 years to reapply. This was never the case previously. Why would someone who has been on the RSS for that long need to reapply? As long as they met the criteria, they used to just sign their names every year. That is understandable.

An Leas-Cheann Comhairle: A question, please.

Deputy Michael Fitzmaurice: The body that supplies the scheme for the Department has circulated a new form that has no heading.

Deputy Leo Varadkar: I will have to check up on that. Existing RSS participants can stay on it for life. I have made no policy decision to change that. There is a difference for the 500 new entrants, in that they can be on the scheme for up to six years in two three-year blocks. I am unsure as to what this is about, but I am happy to discuss it with the Deputy and find out what is the story. People who have been on the scheme up until this year are entitled to remain on it until they reach retirement age.

Deputy Bernard J. Durkan: The Garda Síochána (compensation for malicious injuries) Bill is promised legislation. I know there were some legal difficulties with the Bill initially, but have the heads of it been cleared and will it come before the House soon?

Deputy Leo Varadkar: That legislation is currently being developed but it is not anticipated that the heads will be ready this session.

Deputy Charlie McConalogue: On the Government’s commitment to provide proper paediatric diabetes services, particularly in the north west, as a result of a vacancy arising in Sligo children availing of diabetic services, especially in relation to pump therapy, are without a service. Will the Minister for Social Protection, Deputy Varadkar, engage with the Minister for Health, Deputy Harris, with a view to having that position filled and to ensure proper diabetic services provision for children in Letterkenny General Hospital?

Deputy Leo Varadkar: I will ask the Minister for Health, Deputy Harris, to respond directly to the Deputy on that matter.
Deputy Eugene Murphy: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Local Government Act 1991 to ensure that the county status of a community shall not be altered without the explicit consent of the majority of its electorate.

Local democracy is at the heart of this Local Government (Amendment) Bill 2017. I am seeking cross-party support for what I believe is important legislation. The aim of this legislation is to ensure local communities have the final say in any proposals for a county boundary change that affects them. The Bill places a requirement on the Minister for Housing, Planning, Community and Local Government to hold a plebiscite on any proposal for the redrawing of a county boundary. The change to the local authority boundary can only take place where it is approved by a majority in the affected area.

Many communities across the country have been affected by arbitrary changes to county boundaries. With the stroke of a pen, bureaucrats are changing the identity of a community without its agreement. This is an issue in Monksland in County Roscommon. The Athlone boundary report could lead to an annexation of the Monksland area in the next four years despite promises to the contrary. Over 27,000 people made submissions to the Athlone boundary report. The people of Roscommon shouted “stop”. They were, and are, vehemently opposed to losing part of their county to neighbouring Westmeath in terms of cultural identity and sporting ties and for economic reasons, etc. A number of members of the Save Roscommon group are present in the Visitors Gallery today, including the chairman, Mr. Tony Ward. I acknowledge the tremendous work they have done to date on this campaign and I thank them for being here today.

Unless a number of the stipulations of the boundary report are adhered to, the controversial boundary changes could still go ahead in four years’ time. Let nobody be fooled: this matter has been framed in a way that could lead to the annexation of the Monksland area in four years’ time. This legislation will copperfasten the position once and for all and only allow county boundary changes to be made through a vote of the people. The deeply held sense of attachment and belonging to a county, be it Roscommon, south Kilkenny, Louth and so on, is threatened by a decision in the Customs House. This Bill is about local democracy. It will ensure that local people have the ultimate say on whether their county status is changed. These decisions directly impact on people’s sense of place, which has been shaped for centuries. Forcing communities into something they do not want will only deepen their cynical view of politics and alienate citizens from the decision-making process which affects them. This Bill will empower local communities to make the choice themselves by weighing up local identity and economic needs. Local authority boundary changes cannot be about bureaucratic map-making or land grabs by adjacent counties. Communities must be fully engaged in the process and have the final say on matters that impact on them. This Fianna Fáil Bill will help to achieve that and I urge my colleagues throughout the House to support it. I call on those who want to support new politics and to be democratic to support this Bill and allow communities to be involved in the decision-making process in situations where this issue arises.
An Leas-Cheann Comhairle: Is the Bill opposed?

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

Deputy Denis Naughten: It is not badly drafted.

Deputy Eugene Murphy: I thank the Minister. He made a similar proposal previously.

Deputy Kevin Boxer Moran: We will take whatever Deputy Murphy wants to give to us.

An Leas-Cheann Comhairle: There is no debate on this.

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 Eugene Murphy: I move: “That the Bill be taken in Private Members’ time.”

Question put and agreed to.

Public Transport Regulation (Amendment) Bill 2017: First Stage

Deputy Brendan Ryan: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Public Transport Regulation Act 2009.

Our bus network is an essential public service. If we are to have private competition with public operators, it is critical that we have a basic threshold on pay and conditions, that a reliable service is provided and that all operators compete on a level playing field. I am introducing this Bill on behalf of the Labour Party to stop the race to the bottom on terms and conditions in the bus sector. This Bill proposes to amend section 10(3) of the Public Transport Regulation Act 2009, which currently requires that an applicant for a bus licence must demonstrate that it has “the capacity to obtain the necessary financial and other resources”, that it is in compliance “with national and international legislation on road transport” and that it possesses “a current tax clearance certificate”.

This Bill proposes to add new conditions for the awarding of licences by the National Transport Authority to private operators. I am proposing that such an operator will have to “engage in collective bargaining” with its own workforce, or “become a member of an association, representative of employers in the sector”. The second of these provisions would allow a sectoral employment order covering the private bus industry to be introduced. These proposed conditions would ensure there is a more level playing field between private operators and public operators like Bus Éireann. If we agree to enable a sectoral employment order to be introduced, we will set a floor on terms and conditions for staff across the bus sector. These provisions would mean that when a private operator receives a licence to operate a route, it will be bound to observe normal industrial relations practices, thereby preventing a race to the bottom on the terms and conditions of bus drivers.
Workers and employers have the right to associate and the right to refuse to associate. Generally speaking, it is not constitutionally permissible to require an employer to join a representative negotiation body or to engage in collective bargaining with its workers. For well over a century, however, public policy as expressed in legislation has been to ensure that unregulated labour markets do not result in workers receiving less than a living wage, particularly in sectors where there is no organisation and no equality of bargaining power, where good employers are undercut by bad employers and where there is a race to the bottom on terms and conditions of employment. This has been the rationale behind a succession of State interventions, including wage councils, joint labour committees and sectoral employment orders.

As public transport is a licensed and regulated activity, there is a clear public interest in a well-functioning and reliable public transport system, with dependable buses running predictable schedules. We would argue that there are overriding considerations of the common good at stake. People want and are entitled to sustainable, secure and reasonably well-paid jobs. The Bill I am proposing aims to strike the right balance between the needs of business and the right of workers to basic job security and a decent rate of pay. This means rejecting jobs at any price and the spread of casual labour at the lowest level of wages. Workers providing the services on which our society and our economy rely must be guaranteed basic standards of fair treatment in the workplace.

I welcome the talks that are under way in the Bus Éireann dispute at the Workplace Relations Commission. I hope a basis for a resolution of this crippling dispute can be found. This strike has crippled rural Ireland, is crippling the company and is crippling the workers, who have now been without pay for 14 days. There are no winners in this dispute. There is an onus on the company to restore trust in the negotiations and to work to deliver a resolution. We have proposed some common-sense proposals with regard to Bus Éireann. We are not calling for the Minister to step in and negotiate with the unions, but we are saying he has a role to play. We have called for the establishment of a stakeholder forum. The Minister could and should do this with immediate effect. There are serious and complex transport policy issues at the heart of public transport in Ireland. The Bill I am introducing on behalf of the Labour Party can address at least one of those issues.

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

**Minister for Social Protection (Deputy Leo Varadkar):** 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 Brendan Ryan:** I move: “That the Bill be taken in Private Members’ time.”

Question put and agreed to.

**Garda Síochána (Amendment) Bill 2017: First Stage**

**Deputy Jim O’Callaghan:** I move:

That leave be granted to introduce a Bill entitled an Act to amend the Garda Síochána
Acts 2005 to 2015 to provide for enhanced powers to be granted to the Policing Authority for the purpose of overseeing the performance of the Garda Commissioner and the Garda Síochána of its functions relating to policing services; to amend the provisions of the Acts relating to the Garda Síochána Inspectorate; and to provide for related matters.

Some two weeks ago today, senior members of An Garda Síochána made an extraordinary announcement at a press conference. They informed the people of Ireland that between 2012 and 2016, 937,000 breath tests were falsely recorded on the Garda PULSE system. They also informed the people of Ireland that between 2006 and 2016, 14,700 wrongful convictions took place in our District Courts because of errors made by An Garda Síochána.

I find it extraordinary that, to date, no member of An Garda Síochána has been able to explain the reasons for these extraordinary discrepancies. The reality is that they need to be described by the correct term, which is that they were caused, in large part, by wrongdoing. There are many examples of how this process is being investigated. The Garda is conducting its own inquiries and the Government has established inquiries, but answers need to be received in respect of those questions.

Nonetheless, we as a House of the Oireachtas must recognise that we need to use our primary function in order to deal with this particular crisis. Our primary function is the making of law and, for that reason, we need to ensure senior management within An Garda Síochána are thoroughly supervised so that issues like this cannot be put into the public domain at the time and choosing of An Garda Síochána.

I say that in particular because of the fact that the Garda knew of discrepancies in respect of breath tests as far back as 2014. We know the Garda, Minister and Government were aware of wrongful convictions as far back as July 2016. Notwithstanding that, nothing has been done to date in respect of those wrongful convictions and the people who have suffered a miscarriage of justice.

I wish to introduce a Bill that would give greater powers to the Policing Authority. The Bill seeks to amend the 2015 legislation that amended the Garda Síochána Act in order to give greater powers to the Policing Authority. In particular, it wishes to give powers to the Policing Authority so that it can supervise the functioning of the Office of the Garda Commissioner and supervise the discharge of functions by the Commissioner. That is not just a proposal we are putting forward; rather, it is also a proposal contained in the report of the Joint Committee on Justice and Equality published late last year.

The Bill also seeks to establish policies and procedures for An Garda Síochána which shall be binding on all members of An Garda Síochána. Furthermore, it seeks to cause to be published and made accessible to the public all sections of the Garda code and operational policies and procedures, save where such publication would undermine national security or crime prevention and detection, as decided by the authority in consultation with An Garda Síochána.

It also seeks to review the adequacy and appropriateness of the policies and procedures which underpin the operation of An Garda Síochána. We think, as a policy response to this issue, that there should be a transfer of functions to the Policing Authority. It may be the case that, following the review of policing in Ireland going into the 21st century, further decisions are made. In the future legislation may be introduced that will take away many of the current powers of the Department of Justice and Equality in respect of An Garda Síochána and hand
them to the Policing Authority. That is something we are prepared to consider in detail.

The legislation also seeks to amend section 62 of the legislation by putting in place further powers to allow the Policing Authority, if it is of the opinion that a member’s conduct or continued membership of An Garda Síochána is undermining public confidence, to remove that member of An Garda Síochána. That would have to be approved by the Government and take into account the entitlement of any member of An Garda Síochána who is accused of such wrongdoing and whose removal is proposed to be able to defend himself or herself in accordance with the principles of natural justice.

We seek to introduce this Bill because we can express outrage in respect of crises, but the only way to deal with a crisis is to work through it. Our primary function in this House is to draft laws to improve the country. Let us look at how we can change the law to ensure the events which were disclosed two weeks ago do not happen again, or if there are such issues in the pipeline that the relevant authorities would be made aware of them promptly.

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

**Minister for Social Protection (Deputy Leo Varadkar)**: 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 Jim O’Callaghan**: I move: “That the Bill be taken in Private Members’ time.”

Question put and agreed to.

**Topical Issue Matters**

**An Leas-Cheann Comhairle**: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Ruth Coppinger - the dispute between the FAI and the national women’s soccer team; (2) Deputy Joan Collins - the supply of Orkambi for cystic fibrosis patients; (3) Deputy Mary Butler - the provision of essential equipment by the HSE for a disabled child; (4) Deputy Niamh Smyth - the impact of the closure of Ulster Bank branches; (5) Deputy Willie Penrose - the funding for an extension at Mullingar Educate Together national school; (6) Deputy Michael D’Arcy - an affordable housing strategy for low to average earners; (7) Deputy Martin Kenny - the sale of an IDA site at Kilgarry; (8) Deputy Carol Nolan - the operation of the fair deal scheme in relation to farm land; (9) Deputies Fiona O’Loughlin and Pat Buckley - youth worker and counselling services in Rathangan; (10) Deputy Charlie McConalogue - the recruitment of a paediatric consultant endocrinologist for the Letterkenny and Sligo area; (11) Deputy Brendan Smith - a school building project in Cootehill, County Cavan; (12) Deputy Mattie McGrath - the patient accommodation at South Tipperary General Hospital; (13) Deputy Richard Boyd Barrett - building inflation costs in the education sector; (14) Deputies Mick Wallace and Clare Daly - the reopening of the Irish embassy in Iran; and (15) Deputy Thomas Pringle - the closure of the diabetes treatment clinic in Letterkenny.

The matters raised by Deputy Ruth Coppinger, Deputy Brendan Smith, Deputy Mary Butler
The following motion was moved by Deputy Lisa Chambers on Tuesday, 4 April 2017:

That Dáil Éireann:

acknowledges the pride that Irish people take in the Defence Forces and the contribution made by the Permanent Defence Force, the Reserve Defence Force and Civil Defence;

remembers those members who have made the ultimate sacrifice in the service of the State, including those on overseas peacekeeping missions;

agrees that the single greatest asset the Defence Forces have is their personnel;

recognises that the dedication and professionalism manifested by the Defence Forces is inspiring;

compliments the Defence Forces on their central role in marking the 100th anniversary of the Easter Rising;

believes that a career in the Defence Forces is a form of patriotism that provides an outstanding example to all of Irish society;

welcomes the publication of a new White Paper on Defence in 2015;

notes that:

- the current allowed strength of the Defence Forces at 9,500 has stretched its ability to fulfil their assigned roles and maintain a credible contingent capability;
- the current effective strength of the Defence Forces is below 9,000;
- the geographical deployment of the Defence Forces is uneven;
- concentrating the majority of the Defence Forces in the east and south of the country removes the traditional place of the military with and from Irish society, ignores organisational linkages and histories, and erodes geographical and family military service traditions;
- the expressed view of one representative organisation in the Defence Forces that there are problems in a range of areas, including commuting, work-life balance and stress, and that morale is at the lowest it has been for some time, with comradeship and brotherhood fading;
- the significant difficulties that the Defence Forces have in the retention of personnel;

and

- the widespread belief that the 2012 reorganisation has not been a success;
6 April 2017

further notes that:

- the effective membership of the Reserve Defence Force fell from 2,280 to 2,049 during 2016 and has fallen further to 1,970 this year;

- if the net loss of 200 members, that the Reserve Defence Force experienced last year, continues into the future it will cease to exist by 2026 and it is likely that it will be seen as impractical to sustain long before that; and

- the single force concept has not benefited the Reserve Defence Force; agrees that:

- Ireland needs a defence policy that is measured, fit for purpose and appropriately resourced;

- Irish defence spending is very low, even by the standards of neutral countries;

- at €639 million in 2015, defence expenditure, excluding pensions, amounted to just 0.25 per cent of gross domestic product, GDP; and

- a low level of resources is not ultimately consistent with a credible defence policy; and

calls for:

- military professionals to be allowed play a meaningful and worthwhile role in the formulation of policy advice to the Government;

- reservists to be allowed play a meaningful and worthwhile role in support of the Permanent Defence Force;

- annual updates on the implementation of the 2015 White Paper to be provided to the Oireachtas Joint Committee on Foreign Affairs and Trade, and Defence;

- consultation with the representative organisations in the Defence Forces on the practicalities of implementing the 2015 White Paper;

- a review of legislation and Defence Forces’ regulations governing the Reserve Defence Force;

- regular recruitment campaigns for both the Permanent Defence Force and the Reserve Defence Force and new retention initiatives;

- the reinstatement of Defence as a lead portfolio in the Cabinet;

- the restoration of the Army to a three brigade structure by re-establishing the 4th Western Brigade based in Custume Barracks, Athlone;

- the establishment and strength of the Permanent Defence Force to be increased to 10,500 personnel across the Army, the Air Corps and the Naval Service by 2021; and

- renewed efforts to ensure that the Reserve Defence Force reaches its establishment strength of 4,069.
Amendment No. 1 to the motion was moved on Tuesday, 4 April 2017 by Deputy Aengus Ó Snodaigh:

1. (a) To insert the following after “publication of a new White Paper on Defence in 2015;”:

“acknowledges that the State has a duty of care to all its enlisted men and women, in terms of health and safety and pay and conditions while they are serving with the Defence Forces, and to ensure their health needs are catered for after serving their full contract especially if it has been affected by the rigours of service, including overseas deployment;”

(b) To insert the following after “effective strength of the Defence Forces is below 9,000;”:

“- the 2015 White Paper on Defence commits to maintaining the strength of the Permanent Defence Force at 9,500 personnel, comprising 7,520 Army, 886 Air Corps and 1,094 Naval Service personnel, yet as of 28 February 2017, the strength of the Permanent Defence Force stands at 9,070, whole-time equivalents, that is, 7,293 Army, 701 Air Corps and 1,076 Naval Service personnel;

- the current efforts to recruit personnel into the Defence Forces is falling well short of what is required and that in total, 590 general service recruits, 501 Army and 89 Naval Service recruits, were inducted in 2016, along with 100 cadets between all services and that to date in 2017, 106 general service recruits, 103 Army and three Naval Service recruits, and ten Air Corps trainee military aircraft technicians have been inducted, which fails to make-up the short-fall from personnel who have retired or left the service, thus negating the impact of any current recruitment drive;

- the significant turnover of personnel in the Permanent Defence Force can in part be directly attributed to cuts in pay and allowances that have contributed to low morale and the loss of experienced personnel in the three services, resulting in a serious skills deficit, particularly in the Air Corps which has lost 12 air traffic controllers since 2012;

- the starting salary for a private in the Army is €21,000 a year and new entrants and enlisted personnel are so badly paid that an estimated 7,000 are in receipt of family income supplement;” and

(c) To insert the following after “reaches its establishment strength of 4,069”:

“- Ireland to remain exempt from having to increase its spending on weapons and military capabilities from 0.6% to 2% of GDP through the European Union Common Security and Defence Policy; and

- the closure of Ireland’s liaison office to the North Atlantic Treaty Organisation, NATO, and the Partnership for Peace delegation saving the State an average of €450,000 annually; and

further agrees to:

- address the disparity in pay for new recruits whose weekly take home pay is under €300 and that this could be achieved by reversing the reduction in new entrants pay and
allowances by 10%;

- re-examine:

  - the flat rate security duty allowance and related payments which had been paid to Defence Forces personnel at the standard weekday rate prior to the cuts;
  
  - the 10% reduction in certain Defence Forces allowances;
  
  - the voluntary buyout of border duty allowances for enlisted personnel; and
  
  - the additional incremental points in pay scales for new enlisted personnel posts;

  - reflect in law the European Court of Human Rights ruling ECHR 280 (2014) which found that the blanket ban on trade unions within the armed forces is a violation of Article 11, freedom of assembly and association, of the European Convention on Human Rights;

  - increase the level of female participation, with the goal of doubling the rate of participation from the current 6% to 12% in the next three years;

  - allow Defence Forces personnel the option of serving an additional four years’ service upon completion of their 21 years contract, as was the case prior to 1997; and

  - the development of employment schemes involving the Defence Forces targeting young people in the 18 to 24 age group.”

Debate resumed on amendment to amendment No. 1:

That I(c) be deleted.

- (Deputy Lisa Chambers)

An Leas-Cheann Comhairle: I must now deal with a postponed division relating to the motion regarding Standing Order 149. On the question that the amendment to amendment No. 1 be agreed to, a division was claimed and, in accordance with Standing Order 70(2), that division must now be taken.

Amendment to amendment put:

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Tellers: Tá, Deputies Michael Moynihan and John Lahart; Nil, Deputies Aengus Ó Snodaigh and Denise Mitchell.

Amendment to amendment declared lost.

Amendment put:

<p>| The Dáil divided: Tá, 36; Nil, 102; Staon, 0. |
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Deputy Brendan Howlin: I move amendment No. 2:

To insert the following after “reaches its establishment strength of 4,069;”:

“acknowledges:

— that the Government intends to introduce legislation to provide access for the Garda Associations to the Workplace Relations Commission and the Labour Court;

— that the agreement on 11th November, 2016, through an independent adjudicator, that crews serving in Operation Pontus in the Mediterranean should be paid the armed allowance of €15 per day;

— that over 20 per cent of enlisted personnel in our Defence Forces are in receipt of Family Income Supplement;

— the ongoing concerns of personnel and their families due to the continued use of Lariam, and the lack of proper support and after care services for members, and fears over the impact of any mental health side-effects from Lariam on their career if noted on their medical records; and

— the impact of the restructuring of the Defence Forces Brigades from three to two, and the additional travel and other costs this has placed on soldiers; and

further calls for:

— legislation to provide staff representative associations in our Defence Forces, including PDForra with access to the Workplace Relations Commission and the Labour
Court;

— a review of the terms and conditions of staff in our Defence Forces separate to the ongoing analysis of the Public Service Pay Commission, with a particular focus on enlisted personnel, to ensure that members can pursue a rewarding and sustainable career that acknowledges the costs of serving, and gives due regard to their service, and the dangers and risks they face on our behalf;

— all payments due to those who served in Operation Pontus to be paid immediately; and

— an independent outside medical review of the continued use of Lariam.”

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Deputy Bríd Smith: I move amendment No. 3:

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

“acknowledges the pride that Irish people take in those who carry out their work in our lifesaving emergency services including ambulance crews, firefighters, the Irish Coast Guard and Defence Forces (Naval Service, Army and Air Corps) as well as the contribution made by volunteers involved in lifesaving, including those involved in lifeguard, lifeboat and mountain rescue services, the Reserve Defence Force and the Civil Defence;

remembers those members of the emergency services who have lost their lives in the course of lifesaving duties, especially of late the Irish Coast Guard, and including those on overseas lifesaving missions in humanitarian emergency situations including natural disasters, famine and war;

agrees that the single greatest asset the Defence Forces has is its personnel;

recognises the dedication and professionalism shown by members of the Defence Forces;

notes:

— that the current allowed strength of the Defence Forces at 9,500 has stretched its ability to fulfil its potential roles and maintain a credible contingent capability;
— that the current effective strength of the Defence Forces is below 9,000;

— the concerns that exist within the Defence Forces about the poor terms and conditions of members, and a range of other concerns including gender balance, commuting, work life balance and stress, and that morale is at the lowest it has been for some time;

— the significant difficulties that the Defence Forces have in the retention of personnel; and

— the widespread belief that the 2012 re-organisation has not been a success;

further notes that:

— members of the Defence Forces earn extremely low initial wages of €21,800 per annum and there is a low level of participation by women in the Defence Forces;

— the effective membership of the Reserve Defence Force fell from 2,280 to 2,049 during 2016 and has fallen further to 1,970 this year; and

— if the net loss of 200 members, that the Reserve Defence Force experienced last year, continues into the future it will cease to exist by 2026;

agrees that:

— global threats to human security, emphasised by the United Nations, caused by social and economic stresses such as poverty, environmental degradation and outbreaks of infectious diseases are rated higher for likelihood and impact than geopolitical risks such as terrorist attacks or weapons of mass destruction according to the World Economic Forum’s Global Risks Report with the most likely and highest impact risks in its most recent report, in 2014, being unemployment and climate change;

— Ireland needs a defence policy that emphasises a coordinated lifesaving emergency service function at home and abroad, and that is fit for purpose and appropriately resourced;

— Irish spending on emergency services is low and emergency services are inadequately coordinated;

— at €639 million in 2015, defence expenditure (excluding pensions) amounted to just 0.25 per cent of Gross Domestic Product (GDP); and

— a low level of resources is not consistent with a credible emergency services and Defence policy; and

calls for:

— regular recruitment and retention campaigns for emergency services, including both Permanent and Reserve Defence Forces, as part of a review of emergency services generally including consideration of the establishment and strength of the Permanent Defence Forces target of 10,500 personnel across the Army, Air Corps and Naval Service, 4,000 for the Reserve Defence Force by 2021 and emphasising a radical im—
provement in the gender balance of members of the Defence Forces;
— the urgent improvement of defence force supports to the Irish Coast Guard, so that top cover is available for emergency requests on a 24/7 basis;
— the improvement of the terms and conditions of members of the Defence Forces, in line with the standards of other public servants providing emergency services, and an end to the two-tier pay structure for recently recruited members of private rank;
— a review of legislation and Defence Forces’ regulations, including the Reserve Defence Force, to reorient and reorganise Ireland’s Defence Forces towards providing coordinated emergency services at home and abroad, towards actively opposing military alliances and/or military operations serving economic and political interests contrary to humanitarian principles or contrary to the effective development and delivery of lifesaving emergency services, to reduce the proliferation of conventional and unconventional weapons, and to improve the democratic civil control of the Defence Forces in any external or domestic security role;
— consultation with the representative organisations in the Defence Forces on the practicalities of reorientation and reorganisation;
— the coordination of Defence as a portfolio with other portfolios involved in emergency services in Cabinet; and
— an end to the use of Irish airports or ports by United States armed forces.”

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Tellers: Tá, Deputies Richard Boyd Barrett and Bríd Smith; Níl, Deputies Tony McLoughlin and Kevin Boxer Moran.
Amendment declared lost.

Motion, as amended, put and agreed to.

Personal Explanation by Member

An Leas-Cheann Comhairle: Deputy Clare Daly has been given permission to make a personal statement under Standing Order 46 on a matter she wants to clarify.

Deputy Clare Daly: I thank the Office and staff of the Ceann Comhairle for facilitating my request to make a personal explanation in regard to remarks I made during Department of Defence questions on 13 December 2016, in which I inadvertently upset the family of Lieutenant Colonel McNamee of the 35th Battalion commission in the UN peacekeeping mission in Congo. My Department of Defence question was to highlight the experience, courage and bravery of the men of A Company who were present at the siege of Jadotville and to point out that their bravery had not been recognised in an appropriate manner in the form of medals. This is sadly still the case and Donegal County Council passed a motion yesterday calling for same. In the Minister’s reply he referred to the fact that portraits of the commissioned officers had in fact been carried out. In replying, I was trying to make the point that, while senior officers had been given some recognition, the men of A Company who were at the siege had not been so recognised. In this I implied that Lieutenant Colonel McNamee had not been in Congo, while the point I wanted to make was that he had not been at the siege of Jadotville. The family was upset by this because, of course, he was present, so I asked the Office of the Ceann Comhairle if I could make this statement today. I am very happy to do that and I am sorry for any offence caused.

An Bille um an gCúigiú Leasú is Tríocha ar an mBunreacht (Colscaradh) 2016: An Dara Céim

Thirty-fifth Amendment of the Constitution (Divorce) Bill 2016: Second Stage

Deputy Josepha Madigan: Tairgim: “Go léifear an Bille an Dara hUair anois.”

I move: “That the Bill be now read a Second Time.”

I am pleased to present the Thirty-fifth Amendment of the Constitution (Divorce) Bill 2016 before this House for its Second Stage debate.

Fiona Shackleton, Sir Paul McCartney’s solicitor, said that the courtroom was a barbaric venue in which to pick over the carcass of a failed marriage. I could not have put it more aptly myself. I am one of the lucky ones. My husband may differ with me but I believe I have been happily married for the last 15 years. I have not had to go through a separation or divorce and I hope I never do. Having worked as a family lawyer, however, for two decades now this year, I know at first hand the truth in Ms Shackleton’s words for so many separated couples throughout Ireland.

In marriage we promise ourselves to another “till death do us part”. This solemn vow re-
reflects an ideal; the steady love and companionship of marriage that many of us hope to enjoy for the duration of our time on this earth. Sadly, for many couples, this ideal is not reflected in reality. Many marriages break down and these couples should not have to suffer the further stress of an unwieldy and harsh four-year rule before they can apply for a divorce.

For too long Irish society was unwilling to face up to this reality. Marital breakdown was often judged harshly. This unwillingness to deal with the reality of marital breakdown was so prevalent in 1937 as to lead to divorce being explicitly banned in Bunreacht na hÉireann. Politics is the art of the possible. While some might wish that we in the Dáil could pass some legislation to mystically solve the marital problems faced by separating couples across the country, that is far beyond our powers. It is rather our responsibility to deal with the reality. It is our responsibility to accept the fact that marriages break down and to develop legislation to help, rather than hinder, separating couples as they strive to embark on the next chapters in their lives. It is for this reason I wrote my family law book on mediation in 2012, and why I am now bringing this Bill before the House on Second Stage.

The current constitutional requirement for separating couples to live apart for four years out of the preceding five before initiating divorce proceedings is too long. It is cumbersome and restrictive, placing severe and unnecessary strain, both financial and emotional, on separating couples. My Bill simply seeks to halve the necessary waiting time before initiating divorce proceedings from four years of living separated and apart out of the previous five to two years out of the previous three. I believe this to be both fair and achievable and it will make a significant positive difference to the lives of separating couples in Ireland.

It was 30 years ago that former Taoiseach, Garret FitzGerald, first attempted to tackle the issue of divorce. Irish society was not ready for it then and his divorce referendum was roundly defeated. Ten years later, when divorce would finally be passed by referendum, at the instigation of another former Taoiseach, John Bruton, it would only be by the thinnest of margins. The price to win over a wary electorate was the mandating of a four-year waiting period in the Constitution. The people said we could have divorce but they were not willing to make it easy.

Ireland has changed a lot in the past 20 years. We have become a more open, welcoming society, less willing to judge the personal lives of others. I do not believe that the attitudes towards divorce expressed in the 1995 referendum are a reflection of today’s Ireland. I remember the strong campaign against divorce in 1995. The famous slogan “Hello Divorce, Bye Bye Daddy” did not hold true and the floodgates did not open.

We have not seen the wholesale breakdown of marriage in Ireland. At one in ten, we have one of the lowest marital breakdown rates in the world, which is to be welcomed. The Irish people, in the main, still rightly cherish the ideal of marriage. This is also demonstrated by the great enthusiasm shown by Ireland’s LGBT community in 2015 to gain equal access to marriage under Irish law.

Study after study on reduced mandatory waiting times for divorce reach the same conclusion - the enactment of this Bill will not promote marital breakdown. It will simply allow people whose marriage has broken down to access the legislative certainty and finality of a divorce within a reasonable time. We must do it by way of referendum because it is already in the Constitution. I suggest it should be an issue to be voted on on a “super referenda” day in due course.
The 2016 census shows us a clear picture. Over 280,000 Irish people have experienced marital breakdown. Some 104,000 are divorced with 62,000 being remarried. In addition 118,000 are separated or judicially separated.

For some, separation has been chosen over divorce, but for many, the decision not to pursue a divorce is driven by the sheer financial cost of prolonged legal proceedings imposed by the four-year rule. The severe burden forced upon separating couples seeking a divorce by the four-year rule is far from limited to financial costs. In my experience, prolonged matrimonial litigation serves only to increase hostilities and to prolong a process that will mark one of the most difficult periods in separating individuals’ lives. It is hard to overstate the extreme stress caused by such a long divorce process, not only on a couple but on all those around them, particularly their children.

There is an increased risk of assets being hidden and relocations the longer the interim period between separation and divorce with resulting difficulties in enforcing maintenance and access orders. In many cases, the time to reach a divorce settlement is so lengthy as to necessitate two separate sets of legal proceedings with many interim applications in the intervening time. For some people it is necessary to get a deed of separation or a judicial separation prior to seeking a divorce in order to obtain some legal clarity on issues relating to the family home, property, pension and other ancillary reliefs. Not only is this lengthy, but separation deeds and judicial separation decrees lack the finality and certainty of a divorce.

As we know the chief distinction between separation and divorce is the right to remarry.

We can and must do better and the Bill helps us to aim to achieve that. It is not a radical departure in divorce law; it simply seeks to reduce the time limit from four years out of the preceding five to two years out of the preceding three. Its aim is clear and its intention is straightforward. It is important to stress that the other provisions of Article 41.3.2° of the Constitution for divorce relating to there being no prospect of reconciliation and that proper provision is made for both parties and any dependent children will remain as is.

It is also important to point out that the section 20 factors outlined under the Divorce Act 1996 will also continue to be taken into account by judges of the Circuit Court or High Court in granting their decrees of divorce. These are factors such as the earning capacity of the parties; their age; any accommodation needs; any physical or mental disability; conduct only if it is unjust to disregard it; contributions the spouses are likely to make into the future; the standard of living before living apart; whether a spouse has foregone any remunerative work to care for children; and the rights of any other spouses. All of these criteria will still be taken into account by judges in making divorce decrees. My Bill does not change that.

Looking at other jurisdictions, there is a standard two-year waiting period for divorces in the UK with mutual consent. A number of US states, Belgium - without mutual consent - Italy and Greece have no waiting time. There is a one-year waiting time in Spain. France, Norway, the Netherlands, Austria, Germany, Sweden, Denmark, Scotland and Switzerland have waiting times around two years. In Finland it is six months. In Russia like Ireland it is nearly four years, however it has a quirky proviso that a husband cannot file without a wife’s consent if she is pregnant or has a child under the age of one.

The trend across Europe and beyond is towards shortened mandatory waiting periods for divorce, which is widely seen as inherently fairer for separating couples. I am greatly pleased
by the cross-party support that has been expressed to me personally from politicians throughout this Chamber and indeed my own party. I am also extremely pleased that so many civil society groups support the Bill. Patricia Kearns from separated.ie is in the Gallery. I thank her for coming along today and for her support and that of all the family lawyers who are enthusiastically backing this Bill. I also thank my former parliamentary assistant Oisín Crotty, a barrister at law, who conducted an enormous amount of research for me on the Bill and is also in the Gallery.

Twenty years after the introduction of divorce, I believe that Ireland in 2017 is confident enough to confront the realities of marital breakdown in this country and mature enough to recognise that our current divorce law is punitive and unfairly restricts the ability of thousands of Irish citizens who have separated from moving on with their lives. It is time for this Chamber to stand up for Ireland’s separated people and in the spirit of fairness lessen a major, unnecessary obstacle to beginning the next chapter of their lives following marital breakdown.

I am honoured, humbled and privileged to present the Thirty-fifth Amendment of the Constitution (Divorce) Bill 2016 to the House and I urge my colleagues to support it.

**Deputy Jim O’Callaghan:** I wish to share time with Deputies O’Loughlin and Brassil.

I commend Deputy Madigan on introducing the Bill and I assure her of Fianna Fáil’s support in respect of it. Obviously, divorce in Ireland has been a lengthy and contentious issue. Back in Brehon times divorce in Ireland was permitted on certain grounds. However, when we became a modern independent State it was not permissible in Ireland. When the Constitution was introduced in 1937 it contained a specific term precluding divorce from being permitted on our Statute Book. We sometimes think that our country was a conservative outlier; that is not necessarily so. Divorce was frowned upon in Victorian times and only certain countries had access to divorce. Obviously as countries developed and matured, it became more acceptable. As the influence of certain perceived moral values lessened, the whole issue of divorce became more liberal.

We had a number of attempts to remove the constitutional ban on divorce. In June 1986 a referendum was defeated significantly by 63% to 37%. Nine years later another referendum was passed very narrowly by 50.28% to 49.72%. I would have thought that part of the reason for it succeeding was that it stipulated that people be separated for four of the preceding five years. In that regard it probably served a function. However, as Deputy Madigan has stated we have now moved on 20 years. As a party, we believe it is cruel to force people to be frozen in a status for a period of four years when it is clear that they cannot reconcile and that the marriage will not subsist in the future.

The Deputy’s proposal is very sensible in referring to two out of the preceding three years. I know some people would think it should be less than that, which might be a matter for another time. We need to be careful that we retain consensus and support on the issue. I believe Deputy Madigan has done that very well. By limiting it to a period of two years out of three, I think it would be very hard for people to oppose it. For any change to the Constitution it is necessary to get broad support and I believe she has achieved that.

It looks as if the Bill will pass with the support of Fine Gael and Fianna Fáil; I am sure the other parties will also support it. However, we need to know when the referendum will take place. That will be a matter for the Minister for Housing, Planning, Community and Local
Deputy Fiona O’Loughlin: Divorce is very difficult and traumatic for people emotionally. I do not believe anybody makes the decision to leave marriage lightly. Having gone through to that stage of irretrievable marriage breakdown, I believe the process of getting a divorce should be more straightforward and practical.

Divorces and separations can be very bitter and contentious. The longer the process to get to the final stage and achieve some type of finality to that union, the more difficult it is for everybody, both the spouses involved and their children.

The 2016 census results that were published this morning reveal an increase in the number of divorced people since 2011. On average, 3,150 people divorced per year over the past five years and many more are waiting to divorce. We must show them compassion in the reality of today’s world.

It is 22 years since divorce was introduced in Ireland to help, support and show compassion to couples who found themselves in a situation where it was better for them to live apart and settle their financial affairs in the appropriate way as well as having the possibility of remarrying. It is wrong that couples whose marriages have broken down must wait four years, which is an inordinate period of time, to be able to sort out all the different financial implications and get on with their lives because it has a negative and stressful impact on them, their wider families and their children.

When we consider the experience across Europe and the world, we see that our four-year rule is outdated, as outlined by the Deputy. As my colleague, Deputy Jim O’Callaghan, stated, Fianna Fáil is happy to support a more compassionate and understanding way forward for those who find themselves in this difficult situation. I commend Deputy Madigan for proposing the Bill and hope that we will see a situation where we can put this to the people sooner rather than later. They need to have their voice heard on the matter.

Deputy John Brassil: I also compliment and congratulate Deputy Josepha Madigan for proposing the Bill. My party and I will be supporting it. It is more than 20 years since the referendum was passed. I believe the four-year rule was critical in passing the legislation at the time, such was the closeness of the vote. However, time has moved on and society has moved on.

I suppose there is no such thing as an amicable divorce but when divorces are particularly difficult forcing people to wait four years to sort out issues such as property and access rights is inhumane. People want to move on with their lives. If we are to help them move on with their lives, a two-year separation period is reasonable. It will allow people the space they need to get their affairs in order while not being unduly cumbersome in allowing them to get on with their lives. As a legislator, I consider what Deputy Madigan is proposing in the Bill to be fair. I believe the whole House will support it and urge that the necessary referendum takes place as quickly as possible. Let the people have their say. I have no doubt that they will support the proposal.

Deputy Carol Nolan: I commend Deputy Josepha Madigan for proposing the Bill. Sinn Féin welcomes this Bill which, if enacted, would allow for a referendum to reduce the waiting period that a separated couple must undergo before they can be granted a divorce. We recognise, as we did during the original divorce referendum in 1995, that the reality is some marriages break down over time and that sometimes this is irreparable. In those circumstances, the
commitment and love between two people required to sustain a marriage is no longer present and it is simply inhumane to require those people to continue to be bound by a legal partnership that they both want out of. The electorate agreed with this and as a result the divorce referendum was passed in 1995.

The very restrictive nature of the laws governing divorce in Ireland have their roots in the previous failed referendum of 1986, but the State has changed much more during the past 30, or even 20, years. We recognise the diversity of families in Ireland and most people recognise that it is not their business whether other couples remain separated, divorce or stay together for whatever reason. It is only our business in so far as we, as law makers, are the ones who need to initiate a change to make it more accessible for people to divorce.

The outright ban on divorce in the Constitution between 1937 and 1995 did not serve society. It did not serve those who were legally trapped in marriages which they did not want to be a part of. We recall the strong resistance to the proposed divorce referendum by some organisations who insisted that the introduction of divorce in Ireland would open the floodgates of marital breakdown. It is clear that this has not happened. There were already thousands of separated persons in this jurisdiction before divorce was introduced.

The results of a survey published last year showed that, although there was an overall increase in the number of couples in the EU getting divorced in 2015, Ireland and Luxembourg had the lowest rates of divorce. The same study showed that Ireland had the highest proportion of young people and the highest fertility rate in the EU. The divorce rate in Ireland is 0.6 people per 1,000, which is the third lowest rate in the world. The rate of divorce is three times higher in the UK. More research is needed on why this is the case. Is it because Irish people find it more expensive or difficult to get married in the first place? Do we have lower divorce rates because it is harder and more expensive to go through with a divorce? Are more people in Ireland simply shackled not only by the bonds of marriage but by the bonds of negative equity preventing them from divorcing? None of this is clear. What is clear is that we need a legal framework that is fit for a modern country and fit for society’s needs.

The current waiting period is not acceptable. It is nobody’s business whether John and Mary from down the road decide to go their separate ways, but it is cruel to make them wait five years in order to divorce. The sky will not fall in if we allow them to divorce after two years. No one seriously considers it should take grown adults four years to decide whether to divorce. What is the point of forcing people to wait a long period of time, especially given many of these people form relationships and have children with others in the intervening years before they can divorce?

We need to trust adults to make the best decisions for themselves, their families and their relationships. On that basis, we are happy to support the Bill and urge the Government to hold a referendum to make the appropriate change as soon as possible.

An Ceann Comhairle: I call Deputy Ruth Coppinger.

Deputy David Stanton: That was close.

Deputy Marcella Corcoran Kennedy: By the skin of her teeth.

Deputy Ruth Coppinger: The first thing I would like to say on the proposal of a thirty-fifth amendment to the Constitution to change the timeframe for divorce is that when the referendum
was passed in 1995 it included a requirement for a four-year separation period prior to divorce proceedings being started. I think it is not known by many people outside the House that this is stitched into the Constitution. I think most people do not realise that. I want to raise the issue of our putting legislation into the Constitution in the first place because this set a dangerous precedent and the discussion today bears that out. Some 22 years after the original proposal we are now catching up with the reality for those who are going through a divorce, which is that four years is far too long and onerous.

While we support the Bill and may consider tabling amendments to it should it get to a debate, there should be no time restrictions at all in the Constitution. The Constitution could make reference to divorce being allowed. However, why should it be necessary to have a majority vote every time we need to change a timeframe? This relates to people’s personal lives. We should not have to hold a popular vote on whether we will allow Mary and Jack to have a divorce, which is essentially what we are saying. The danger of the decision that was made to tie legislation into the Constitution to get the referendum passed will come up again with regard to the eighth amendment. Those on the Government side and others have continually raised this as an issue and stated that we must show people the legislation, which is fine, but they also state that we must stitch it into the Constitution to get people to pass it. We oppose the push to amend and not repeal the eighth amendment. The political establishment wants to insert regulations and restrictions in the Constitution to tie the hands of the Oireachtas to legislate on abortion and the rights of women. There is a view that forcing people to remain married for years after separation will persuade them to get back together. I query the proposal to have a two-year waiting time for divorce. In most cases, marriage breakdown is the outcome of a process lasting years. People do not wake up and suddenly decide to divorce.

Most women who experience domestic violence do so within marriage and this violence can continue for years. Why should people face any impediment to ending a marriage, which is an arrangement they have made with another person? This matter should not be decided in a popular vote.

The housing crisis is having a significant impact on people who are enduring the anguish of separation. Many separating couples are unable to move and are forced to stay together because they cannot afford to find other accommodation. Even if the separation is amicable, their ability to move on is frustrated. When the decision is not amicable, however, violence, psychological abuse and other issues can arise. I am aware of many such cases.

Reference was made to the census figures. The figures published today are historic in that they show a 74% increase in the number of people who profess to have no religion. A total of 468,000 people do not have a religion and I would wager that some of those who stated they were Catholic or belong to another religion do not practise their professed faith. This Dáil must start recognising this reality, including in its daily customs. For example, in what other workplace would a prayer be said every day? The idea that the church would interfere in people’s decisions is also an issue.

I am glad to support the Bill, which we may seek to amend if it proceeds. We need full separation of church and State.

Deputy Bríd Smith: I echo much of what Deputy Coppinger said. I was active as a socialist in the campaign for divorce. During the divorce referendum, we used posters featuring the face of the late Bishop Eamon Casey with a slogan that bishops should look after their own fami-
ilies. The posters were very popular among those who were advocating in favour of divorce. The referendum was narrowly passed by a margin of 50.28% to 49.72% in November 1995. Thinking back on that campaign, it is interesting to compare it with the recent referendum on same sex marriage. I remember watching the results of the divorce referendum coming in on a television in a Dublin city centre hotel. The areas that delivered radical, progressive change to allow people to control their own lives were not the leafy suburbs of Foxrock or the other place, the name of which I forget, near where Deputy Coppinger lives-----

Deputy Ruth Coppinger: That would be Castleknock.

Deputy Brid Smith: -----but rather the working class areas of Ballymun, Ballyfermot and the south inner city. As the results from these areas came in, we saw the results of both referendums tipping in a positive direction.

I welcome Deputy Madigan’s Bill, although I agree with Deputy Coppinger that it should probably be amended. Prior to the Russian Revolution in 1917, it was legal in Russia for men to beat up their wives. One of the first acts of the revolutionary workers’ government was to legalise divorce and abortion. The pro-life movement and Catholic Church, including the bishop to whom I referred, told us the sky would fall in and the fabric of society would crumble if we allowed divorce. In their view, we had to hold together the family, which meant mammy, daddy and 2.5 children. Society’s view of how families should function has changed utterly since that time. One of the posters used by the anti-divorce side in the referendum campaign featured the slogan “Hello Divorce, Bye Bye Daddy”. The sky did not fall in when divorce was introduced but it is falling in now for many families because of the crisis in housing to which Deputy Coppinger referred.

A very good friend of mine recently took the deliberate decision to retire early from her full-time job in Women’s Aid. The reason she did so was that she could not stand another day of going to court with women who were forced back into abusive relationships because nowhere could be found to house them. This is happening every day in the courts. Not only are people returning to relationships where there is no love but they and their children are being violently abused on a daily basis. As I stated, my friend retired early to get away from the depressing reality of having to do this to families.

Divorce must be available when people want it, rather than after two years. While I welcome the move to advance this issue, an amendment to the Bill is probably needed. Personal morality and control over one’s life and relationships are fundamentally important and people must have a grip on them. They cannot be forced to live in unhappy or oppressive circumstances. For this reason, we are determined that a referendum on the eighth amendment should be put to the people. This is the 21st century and generations of Irish people have not yet had a say or vote on these issues. If we were to have a revolution in Ireland - God willing, we will have one - we must deliver the separation of church and State and deliver a society, including education and health services, which is not dictated by the religious or spiritual values held by one group. Having a truly secular society that is literally divorced from the church is an important ambition for future generations.

One of the reasons for our relatively low rate of divorce is that Ireland is riven by economic crises. People tend to avail of legal separation because divorce is expensive, cumbersome and difficult. A much more liberal divorce regime is required and I welcome Deputy Madigan’s attempt to achieve this objective.
**Dáil Éireann**

**Deputy Róisín Shortall:** Our divorce laws were archaic in 1995 and the same description can be applied to them today. The purpose of the Bill is to reform our current process of divorce, which is very much welcome. I am aware that this is an area in which Deputy Madigan has a great deal of professional experience and I commend her on introducing the legislation.

From the outside, it seems our current approach is draconian. It is still rooted in an era when divorce was viewed as a social ill rather than a legal right and an everyday reality. The steps a couple must take to secure a divorce are onerous enough to amount to a punishment, rather than a fair process. Even the most amicable of divorces needs to be ruled on by the Circuit Court or High Court. As Deputy Madigan stated, divorce can place a serious strain on a couple’s mental, emotional and financial well-being. The measures proposed in the Bill would reduce this uncertainty somewhat by allowing couples the option of a divorce within two years of separation, rather than the current period of four years. This would also allow them to avoid the additional legal and emotional costs incurred by seeking a judicial separation first.

We must be mindful that the decision to live separately, regardless of whether a couple continue to share the same house, is not one any couple takes lightly. Even at the two years proposed by the Deputy, the law would remain highly restrictive in European terms. It would still prohibit any legislation aimed at addressing circumstances where a divorce may be sought in a shorter timeframe. For example, the one-year separation period in Canada can be waived in cases where a spouse is mentally or physically abusive. While the Bill’s provisions are welcome, there is no logical reason to fail to go further. If we are to put a constitutional amendment to the people, one which is effectively administrative, why not remove this matter from the Constitution? Surely it is more suitably dealt with through primary legislation rather than a constitutional provision.

Marriage, of course, is a deeply personal issue. We hope it is based on love in all cases but, for many, its significance is religious, for others, it is social and, indeed, for some it may be a purely financial decision, or one undertaken to avoid the shortfalls in our current guardianship legislation. By the same token, anyone who chooses to end a marriage does so for their own reasons. Regardless of whether one believes that the institution of marriage requires constitutional protection from attack, there is no need for the mechanics of obtaining a divorce to be provided with the same level of defence. Fundamentally, the Constitution is not the appropriate place for practicalities. The concerns of most people who engage in divorce proceedings are not about the social significance of marriage; they are worried about custody arrangements, the cost of legal fees, and the time the process will take. Placing a constitutional restriction on the time it takes for a couple to be entitled to a divorce restricts our ability to fairly reflect this range of opinions in legislation.

Before her election to this House, Deputy Madigan practised law in this area. Why has she chosen to maintain the inclusion of a constitutional provision? Why was two years rather than 12 months, for example, selected? This is a worthwhile Bill in as far as it goes but we need to start giving serious consideration to taking this provision out of the Constitution altogether. The Social Democrats fully support the legislation and we warmly commend the Deputy on bringing it forward.

**Minister for Social Protection (Deputy Leo Varadkar):** I am delighted to contribute to the debate and to offer my support for the Bill. I acknowledge the significant work Deputy Madigan has put in, as she brings forward a timely reform, which in many ways is overdue. I doubt many of us in 1994 thought that this provision would not have been amended within a
shorter period.

The history of divorce in Ireland makes interesting reading. As Deputy O’Callaghan said, divorce was legal throughout most of our history. It was legal under Brehon and Celtic law and under the Act of Union when we were part of the UK. Although divorce was uncommon, it happened and Charles Stewart Parnell is an example of somebody who married a divorcee. It was only in the 1920s, unfortunately under a Cumann na nGaedheal Government, that the decision was take to prohibit divorce and that was copperfastened in the 1937 Constitution, which was a pity. I am slightly at cross purposes to Deputy Coppinger’s contribution earlier. Once something is inserted in the Constitution, it is then very hard to amend it. It would have been better if the 1937 provision had not been put in the Constitution. Had it not, some provision would have been made for divorce and the right to remarry, perhaps in the 1970s or 1980s.

That did not happen and a referendum led by the great constitutional crusader, Garret FitzGerald, was defeated in the 1980s. I have a vague recollection of that campaign as a child and of the scaremongering that caused the amendment to be defeated. Nothing happened until the 1990s until another member of my party, former Minister, Alan Shatter, brought forward Private Members’ judicial separation legislation similar to the recent civil partnership legislation to “almost” allow for divorce. That was a major step forward. In 1994, the rainbow Government of Fine Gael, the Labour Party and Democratic Left brought forward the provision and put it to a referendum again. I recall that campaign well because it was the first in which I took part as a young person interested in politics. I dropped leaflets with Young Fine Gael at the time.

We framed the campaign for the right to remarry to give people a second chance. That was one of the strong arguments in its favour. However, I was surprised at the time because I then began to attend for the first time other Fine Gael branch meetings and was struck by the large number of people within the party who were opposed to divorce and who did not agree at all with the provision. I recall the scaremongering at the time about the impact of property rights and people losing the family farm, for example. Much of our law, particularly when it comes to personal relationships, derives from property rights and not Christian religion. A big fear was losing the family business or the family farm. There were stories about how family life in Ireland would break down and it would turn into a scene from “Home and Away” where virtually nobody would live with their married parents anymore. The referendum passed and, of course, and none of those scare stories turned out to be true.

Ireland remains a country in which divorce is uncommon. I detected from Deputy Smith’s contribution that perhaps she regretted that and that she thought the divorce rate should be higher. I am not sure that is what she meant but that is certainly what she implied and I do not share that view. It is good that, culturally, in Ireland people tend to marry late and when they marry, they tend to stay married, although on some occasions, marriages do not work and people divorce and remarry. I recall the count following the 1994 campaign a little differently from Deputy Smith. The largest “Yes” votes in that referendum were in the south Dublin constituencies. Dublin South, Dublin South East and Dún Laoghaire had massive “Yes” votes and there was also a good “Yes” vote in west Dublin. However, we were very much a divided society, much more so than was the case with the recent marriage equality referendum. The divorce referendum only passed in Dublin, Limerick East, Cork South Central, Louth and perhaps one of the Kildare constituencies or Wicklow. The vast majority of constituencies voted “No”, which was much different from the voting pattern in the marriage equality referendum with only one constituency narrowly voting “No”. Were it not for the fact that the rainbow Government wrote
reassurances and safeguards and protections into the Constitution, that referendum would not have passed. It might not have been the right thing to do but it was probably the politically necessary thing to do because the divorce referendum only passed by 50.28% to 49.72%. There were only 10,000 votes approximately in it, which is extraordinarily close. The safeguards and reassurances written into the Constitution were crucial to its passage.

I agree with other Deputies that it would have been better if the amendment had never been inserted in the Constitution in the first place. It may well be the case that it will be necessary to replace it with a new amendment or we may face a referendum simply on repeal being defeated again and the issue being set aside for the best part of a generation. Of course, that is a different issue.

The legislation relates to the divorce and the right to remarry. I have an open mind as to whether the period should be one or two years and as to whether there should be a waiting period if two people amicably want to dissolve their marriage. It is a good idea to have some provision preventing it from being too easy to get divorced but if there is no dispute, perhaps that should be a matter between the two individuals concerned. I welcome the legislation. A queue of constitutional amendments is building up, which I jotted down the other day. There is a likelihood of a referendum on the eighth amendment next year. There is also a need to have referenda on issues such as blasphemy, the place of women in the home, the patent court and several other matters, including the extension of voting rights in presidential elections to citizens living abroad.

Deputy Róisín Shortall: Property rights.

Deputy Leo Varadkar: There could be referendums on many issues. It was part of our manifesto in 2011 to have a big Constitution day on which we would have perhaps ten referenda on the same day. It would be exciting but could also be extremely confusing. I am not entirely sure where I fall on that matter. It demonstrates the extent to which our Constitution is in so many ways very much out of date. It was progressive in the 1937 but certainly is not any more. We need to press ahead with a series of referenda in the next year or two. The opportunity exists with the possibility of a presidential election next year and the certainty of local and European elections the year after to hold many of these referenda. For that reason, this legislation is very welcome and timely. I look forward to the rest of the debate.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): On behalf of the Tánaiste and Minister for Justice and Equality and on my behalf, I am pleased to inform the House that the Government will be supporting the Thirty-Fifth Amendment of the Constitution (Divorce) Bill 2016 introduced by Deputy Josepha Madigan. Deputy Madigan’s Bill proposes to amend Article 41.3.2° of the Constitution to reduce the time period that spouses applying for a divorce must have lived apart from at least four years during the previous five years to at least two years during the previous three years. As in the case of any Bill proposing an amendment to the Constitution, before the Bill can be signed into law, a referendum will be required to allow the people the opportunity to decide on this significant proposed change to the Constitution.

Under Article 41.3.2° of the Constitution, as amended by the fifteenth amendment, a court may grant a divorce only where specific conditions have been met. The first condition is that on the date of institution of the divorce proceedings, the spouses have lived apart from one another for a total of at least four years during the previous five years. The second condition is there
is no reasonable prospect of a reconciliation between the spouses. The third condition is that proper provision exists and will be made by the spouses for any children of either or both of them. The final condition is that any further conditions as prescribed by law are complied with.

The then Government’s rationale for specifying the basic conditions for divorce in the Constitution was to ensure there would not be any change to those conditions without reference to the people. When the Bill that became the Fifteenth Amendment of the Constitution Act 1995 was debated in the House it was explained that the purpose of the mandatory four-year period of living apart was to ensure divorce would not be available on an easy or casual basis in order to address concerns about quickie divorces and the development of a divorce culture in Ireland. We must remember we were moving at the time from a situation where the Constitution provided unequivocally that no law would be enacted providing for the granting of the dissolution of marriage to a situation in which divorce was to become possible in Ireland for the first time but subject to various specific conditions which were outlined into the new Article inserted by the fifteenth amendment. The Minister, Deputy Varadkar, outlined that very clearly earlier on. The four-year period was intended to ensure spouses would not enter into divorce lightly and would have the necessary time to reflect on the serious steps they were taking. It was also considered that the four-year period would encourage spouses to attempt to reach agreement on the terms of their separation so the key elements relating to children, finance and property could be settled before an application of divorce was made to a court. In this way, the court hearing may be less acrimonious than it otherwise might be. The four-year period of separation can be accumulated over a five-year period. The reason for this is to allow a couple to make a reasonable attempt at reconciliation in the knowledge that if it does not work out, they will not have lost their option to apply for divorce.

The Family Law (Divorce) Act 1996 which followed the fifteenth amendment made provision for the exercise by the courts of the jurisdiction conferred by the Constitution to grant decrees of divorce and enabled the courts to make certain preliminary and ancillary orders in and after proceedings for divorce. Contrary to the fears expressed at the time, as captured for example the “Hello Divorce, Bye Bye Daddy” posters, it does not appear that a divorce culture has developed in Ireland. The CSO’s Measuring Ireland’s Progress report in 2015 indicates Ireland has the lowest divorce rate in the EU in 2014 at 0.06 divorces per 1,000 of the population while the average rate in the EU was two per 1,000.

Now that more than 20 years have passed since the introduction of divorce in Ireland, the Government believes it is appropriate to re-examine the provisions of Article 41.3.2° of the Constitution and for that reason it very much welcomes this Private Members’ Bill initiated by Deputy Madigan. Shortening the living apart period will enable couple whose marriage has broken down to regularise their affairs sooner and reduce the legal costs involved. Couples will be less likely to need to apply for judicial separation while waiting to become eligible to apply for divorce. In advance of Committee Stage, the Department of Justice and Equality will examine the wording of the Bill in consultation with the Office of the Attorney General to ascertain whether any technical drafting amendments may be required to the text of the proposed constitutional amendments.

The Government is committed to the establishment of a family law court structure that is streamlined, more efficient and less costly. The Department of Justice and Equality is working on a general scheme of a family court Bill and we will be engaging in further consultation with relevant stakeholders on the operational aspects of a new family court structure. The general scheme will be published this year following its approval by Government and will be subject to
the usual pre-legislative scrutiny process. The family court Bill will aim to streamline family law court processes, clarify jurisdictional issues and provide for a set of guiding principles to help ensure the family court will operate in a user friendly and efficient manner. The intention is to establish a dedicated family court within the existing court structures. The family court Bill will also support the proposals in the Mediation Bill 2017, which Deputy Madigan is very interested in, by encouraging greater use of alternative dispute resolution to assist in more timely resolution of family law cases. The Mediation Bill, which is awaiting Committee Stage in the House, contains certain proposals for a comprehensive statutory framework to promote the resolution of dispute through mediation as an alternative to court proceedings. This is intended to reduce legal costs, speed up the resolution of disputes and reduce the stress and acrimony which often accompanies court proceedings. In its 2010 report on alternative dispute resolution, mediation and reconciliation, the Law Reform Commission emphasised the potential benefits of mediation in family law proceedings and of mediation information sessions where the benefits and advantages of mediation could be explained before the commencement of court proceedings. Section 23 of the Mediation Bill provides that the Minister for Justice and Equality may for the purpose of ensuring the availability of mediation information sessions at reasonable cost and in suitable locations, prepare and publish a scheme for the delivery of such sessions or approve a scheme for the delivery of such sessions by another person or body. The Legal Aid Board is already involved in the provision of a free family mediation service, the benefits of which are widely acknowledged especially in cases in which children are involved.

To return to the Bill, on behalf of the Tánaiste, I inform the House that as a further step, the Government is of the view it should at this stage be open to proposing the removal of all the conditions for the grant of a divorce set out in Article 41.3.2° of the Constitution. This would not be intended to take away the regulation of divorce and matters associated with it, but it would mean the conditions for the granting of a divorce will be prescribed by an Act of the Oireachtas and not by the Constitution. This could facilitate clean-break divorces where appropriate and in which the possibility of financial and other orders made by a court when granting a divorce being subsequently revisited or varied could be restricted. The Government has agreed to bring forward amendments to this Bill on Committee Stage to provide for such a constitutional amendment. The Department of Justice and Equality will work with the Office of the Attorney General to formulate an appropriate wording for the amendments. We will also have to be careful to hear the further views of those who are experts in this area in formulating these proposals. It is noted that if this Bill passes Second Stage it will be referred to the Committee on Justice and Equality for pre-legislative scrutiny in accordance with Standing Order 141. The Tánaiste and I look forward to engaging with the committee on the provisions of this Bill. The pre-legislative scrutiny is a very important part of legislative proceedings. The committee will do a good job under the current Chairman.

I thank Deputy Madigan for bringing forward this Bill and initiating a timely debate on the constitutional requirements for divorce. There will obviously be different views and experiences to be listened to very carefully on this subject. Ultimately, if the Bill is passed by the Houses, the people will have their say in a referendum. This is manifestly not a subject any of us would or should take lightly but is one in which the Government, in supporting Deputy Madigan’s Bill, believes it is now appropriate to lead.

Cuireadh agus aontaíodh an cheist.

Question put and agreed to.
Deputy Josepha Madigan: Taighim:

Go gcúirfear an Bille faoi bhráid an Roghfhochoiste um Dhlí agus Ceart agus Comhionannas de réir Bunordú 84A(3)(a) agus 141.

I move:

That the Bill be referred to the Select Committee on Justice and Equality pursuant to Standing Orders 84A(3)(a) and 141.

Cuireadh agus aontaíodh an cheist.

Question put and agreed to.

Hallmarking (Amendment) Bill 2016: Order for Second Stage

Bill entitled An Act to amend and extend the law relating to the assaying and hallmarking of articles of precious metal; to make provision for the assaying and hallmarking in certain circumstances of articles of precious metal outside the State; and, for those purposes, to amend the Hallmarking Act 1981; and to provide for related matters.

Minister of State at the Department of Health (Deputy Marcella Corcoran Kennedy):
I move: “That Second Stage be taken now.”

Question put and agreed to.

Hallmarking (Amendment) Bill 2016: Second Stage

Minister of State at the Department of Health (Deputy Marcella Corcoran Kennedy):
I move: “That the Bill be now read a Second Time.”

The purpose of this Bill is to update and modernise Irish law relating to hallmarking by, first, amending the law relating to the assaying and hallmarking of articles of precious metals to include palladium and mixed precious metals in the definition of articles of precious metals and, second, by making provision for the possibility for the Irish Assay Office to assay and hallmark articles of precious metal outside the State in certain circumstances. Third, it provides for offences and penalties relating to forged hallmarks.

The term “hallmarking” describes the administrative and legal system for ensuring that articles of precious metals conform to legal standards as to the fineness of the metals. Fineness is a measure of the quality of a precious metal and represents its purity in an alloy as determined
by assaying the article. Legislation dating back to 1637 states that no article made from named precious metals can be sold in Ireland without it being assayed and hallmarked. This is one of the earliest examples of consumer protection legislation in Ireland.

The term “precious metal”, as defined in section 1 of the Hallmarking Act 1981, covers articles made from gold, silver or platinum or alloys of these. Such precious metals must bear an Irish hallmark, a hallmark of the international hallmarking Convention on the Control and Marking of Articles of Precious Metals, of which Ireland is a member, or an approved hallmark from an EU member state in order that they can be legally offered for sale in this country. Every article of precious metal must be hallmarked.

In addition to hallmarks, articles of precious metals commonly bear a sponsor’s mark. This identifies the person who submits the article for hallmarking, that is, a dealer or the person who made the article or who worked it into its finished state. As a result, the owner of an article can identify not just the metal’s fineness and the assay office that determined it, but also the origin of the article.

The primary legislation dealing with hallmarking in Ireland is the 1981 Act. Regulations made under it include the Hallmarking (Irish Standards of Fineness) Regulations 1983 and the Hallmarking (Irish Standards of Fineness) (Amendment) Regulations 1990, which list the approved standards of fineness for articles made from or containing precious metals. These regulations are in addition the standards of fineness referred to in the charter granted to the Wardens and Commonalty of Goldsmiths of the city of Dublin on 22 December 1637, section 22 of the Plate Assay Act 1783 and section 3 of the Plate Assay (Ireland) Act 1807.

The Company of Goldsmiths of Dublin governs the Dublin Assay Office, which is situated in Dublin Castle. The Irish Assay Office, IAO, is the independent, self-funding, third-party and State-appointed test laboratory that assays and hallmarks items of gold, silver and platinum jewellery and plate articles that are either manufactured in Ireland or imported. The mark of the assay office is the indication that the precious metal conforms to a certain standard of fineness. The public is therefore assured that, for example, an article that states that it is pure gold actually is pure gold.

Since the current legislation was introduced in 1981, there have been advances in the jewellery trade. Palladium has been recognised as a precious metal and there has been an increase in the production of jewellery made of mixed precious metals. Under current legislation, the assay office cannot legally hallmark palladium or articles made from mixed precious metals, as the 1981 Act does not provide for this. However, Irish consumers may not be familiar with overseas hallmarks in the same way as they are knowledgeable about and aware of Irish hallmarks and they may be misled when purchasing such an article. The introduction of new Irish hallmarks for articles made of palladium and mixed precious metals would provide effective protection for consumers, increase consumer confidence in the fineness of the precious metal articles and promote fair trade.

In recent times, there has been a trend towards assay offices in other jurisdictions opening offices outside their countries of residence or placing officials in factories abroad in order to assay and mark articles of precious metals on site. This practice has been made for business reasons, since it is easier for a manufacturer if the testing and marking are done in the factory where the product is made, with the delivery time being shortened and the product being packed for retail display at source. Compliance is also facilitated by having the testing and marking
done before products enter, for example, an EU member state. This has happened in the UK and the Netherlands.

In order to have the possibility of engaging in such offshore assaying if it chose to do so, the assay office made a request to the Department of Jobs, Enterprise and Innovation to amend the 1981 Act to that effect. While it is my understanding that the need for such offshore marking is not currently required and that the assay office does not intend on engaging in such activity in the near future, legislating for the possibility at this stage is seen as a prudent way of ensuring that the facility is available if required. Approval from the Minister for Jobs, Enterprise and Innovation would be required for any such offshore activity by the assay office under the proposed legislation.

The same prudent approach lies behind the proposed provision allowing for the possibility of the IAO entering into an arrangement with another assay office to hallmark precious metals. For example, such a scenario might arise where the volume of articles of a specific precious metal might not justify expenditure on the assaying equipment for that metal.

The issue of offshore marking has undergone fluctuating phases of popularity and desirability in recent years. However, the provision of an enabling legal basis for offshore marking does not oblige the IAO to open offshore offices. Rather, it ensures that, if offshore marking is ever required by the office in the future, no new primary legislation will have to be introduced.

As the Bill is a technical measure, consultation with the European Commission and all other EU member states was required under EU law. That consultation period has now passed and no submissions were received from parties in other member states or from the Commission.

Turning to the specific provisions of the Bill, I will explain what each is designed to achieve. While three principal issues are involved, the technical nature of the Bill means that a wide range of amendments to the 1981 Act are required to give effect to these changes. Section 1 on definitions and section 15 on the Short Title and commencement are standard legislative provisions while sections 2 to 14, inclusive, are the core provisions of the Bill. Section 2 provides for amendments to section 1 of the 1981 Act by amending that Act’s definitions to add palladium and mixed precious metals to the definition of “articles of precious metal”, include a definition to cover hallmarking in assay offices outside the State, and define what constitutes a “forged hallmark”.

Section 3 provides for an amendment to section 2 of the 1981 Act enabling the assay office, if it is approved to engage in offshore marking, to strike hallmarks outside the State and for articles bearing those hallmarks to be treated in the same way as articles bearing hallmarks struck in the State. Section 4 provides for an amendment to section 3 of the 1981 Act to allow for the making of regulations to prescribe different marks for hallmarks applied in Ireland and for those applied offshore. Section 5 provides for a technical amendment to section 4 of the 1981 Act regarding forged hallmarks. Section 6 provides for the addition of three new sections to the 1981 Act to allow offshore hallmarking to take place if the IAO chooses to engage in such activity. Thus, it is only providing for the opportunity to do so rather than placing any obligation on the office to do so.

The first new section gives the IAO the potential to open authorised offices outside the island of Ireland that can assay and hallmark articles of precious metal as if it were done by the assay office in Dublin. However, this offshore office can only be established with the permis-
sion of the Minister for Jobs, Enterprise and Innovation. In seeking the Minister’s permission to establish an offshore office, the assay office must provide detailed information on how that office will be managed, for example, its governance and administration, the employment terms and conditions of any staff that may be employed in the offshore office and the costs of establishing such an office.

The second new section provides that the IAO, if it so desires and with the consent of the Minister, can enter into an agreement with another assay office of another contracting party to the international hallmarking convention to carry out assaying and hallmarking that conform to Irish standards. The new section also sets out the information that the IAO must supply to the Minister when seeking the Minister’s consent for such an agreement in terms of corporate governance, administration and management of that assay office, the terms and conditions of any agreement with that assay office and the charges that are to be imposed by that assay office.

The third new section provides for the granting of specified powers to the IAO in terms of an official seal and authorisations on its behalf to carry out assaying and hallmarking that conform to Irish standards where the IAO chooses to establish an offshore assay office or enter into an agreement with an assay office of another contracting party to the international convention.

Section 7 provides for a technical amendment to section 5(1) of the 1981 Act by adding palladium to the list of articles of precious metals for which it is an offence to apply a false trade description. Section 8 provides for a technical amendment to section 6(2) of the 1981 Act by adding palladium to the list of articles of precious metals qualified by the word “plated”. Section 9 provides for a technical amendment to section 8 of the 1981 Act by adding palladium to the list of articles of precious metals to ensure that every reference to gold or silver in an enactment specified in subsection (2) shall be construed as including a reference to palladium.

Section 10 provides for an amendment to section 9 of the Hallmarking Act 1981 to allow the Irish Assay Office and a sponsor to make arrangements for the sponsor’s mark to be struck by the Assay Master or an authorised assay office as soon as practicable after the submission of the article for the striking of an approved offshore hallmark in accordance with section 6 of this Bill.

Section 11 provides for an amendment to section 12 of the Hallmarking Act 1981 to ensure that in the case of additions to existing articles of precious metal the added metal is of the same precious metal as the existing article. It also provides technical amendments to certain cases of coatings added to existing articles of precious metals.

Section 12 provides for the inclusion of provisions on offences and penalties related to forged hallmarks. Section 13 provides for an amendment to section 14 of the Hallmarking Act 1981 by providing for the Irish Assay Office to make charges, with the consent of the Minister for Jobs, Enterprise and Innovation, for hallmarks applied in any offshore assay offices it establishes under section 6 of this Bill, in the same way as it currently does for hallmarking in its Dublin office.

Section 14 is a standard repeals provision and provides for the repeal of sections of the Plate Assay (Ireland) Act 1807 and section 13 of the Hallmarking Act 1981, both of whose subject matter are now covered by section 12 of the Bill.

After a house and a car, jewellery is one of the most expensive outlays for consumers in
their lives and it is important that they are assured that they are getting what they pay for, particularly given the often very sentimental value that also attaches to such articles. This Bill aims to enhance consumer protection and to strengthen consumer confidence regarding the proper hallmarking of articles of precious metal in respect of their finesse.

I look forward to working with Deputies on Committee and Report Stages of this Bill in terms of any amendments that may be proposed. The Minister for Jobs, Enterprise and Innovation, Deputy Mitchell O’Connor, and I will be happy to reply to any questions arising. I commend the Bill to the House.

**Deputy James Lawless:** I thank the Minister of State for introducing this Bill to the House. Fianna Fáil supports the general principles of the Hallmarking (Amendment) Bill 2016 and its passage to the next Stage and looks forward to further engagement on it with the Minister, including any amendments that may be required.

Hallmarking is essentially a quality assurance measure designed to give comfort to purchasers of valuable items, usually jewellery, that they consist of what they are supposed to consist of in terms of the precious minerals within. The addition in the Bill of the category of palladium in the definition of precious metals appears sensible. This is an emerging trend in jewellery, I am told and so it is right that it would have the same protection gold, silver and platinum have enjoyed to date.

During debate on the mining Bill in the House some weeks ago we heard of how earth minerals are now emerging from zinc and ore deposits which were not previously thought to be valuable. Consumer electronics are extremely valuable. It is always the way that technology and science makes progress and as such more minerals and more metals are added to various lists of value, in this case palladium. Measures to extend the assaying and hallmarking of such metals to offices outside the State are, as outlined by the Minister of State, a key part of this Bill. The Minister of State referred in her speech to the governance and operation of those offices. It is important that when we are outsourcing, or in this case enabling a remote operation of Irish equality assurance, that we regulate stringently and ensure that that offshore office is held to the same degree of standards, governance and integrity as an onshore office. I ask that the Minister of State and the Department officials bear that in mind. Acknowledging that the Minister of State already mentioned the many checks and balances in place in that regard. That said, this appears to be a sensible measure.

The measures to strengthen the regulation of hallmarking benefit consumers in that they provide a level of quality assurance and confidence. It is important that we have such a mark, which is undetectable to the human eye, to protect people who propose to engage in the purchase or sale of such items. There are new offences created in this Bill in relation to forgery. The Bill also provides for prosecution in that regard by changing the definition of such offences. In other words, there is a change in those offences to require proof of knowledge or belief that the mark was a forged hallmark rather than the previous burden of proof which was slightly more difficult to prove in a court of law or to prosecute. Again, that will be of benefit to the industry and consumers in general.

Notwithstanding that Fianna Fáil will be supporting this Bill as it progresses through the Houses, I would like to flag one area of concern. Like other Deputies I have received correspondence on this Bill. The Minister of State mentioned that there was detailed consultation on this matter throughout the EU because this is a technical measure and such was required. I do
not believe anything major arose in that regard. As I said, I have received correspondence from the industry to the effect that the primary representative organisations domestically, including the Irish Jewellers Association, the Federation of Jewellery Manufacturers of Ireland and Retail Jewellers of Ireland, were not consulted. While they have not flagged any specific concerns in relation to the Bill they have expressed concern that they have not been consulted on it. Perhaps the Minister of State would advise what level of engagement took place and if no such engagement has taken place to date, perhaps it could take place before we move to Committee Stage to allow the industry an opportunity to raise any concerns it might have, which could be addressed by way of amendment with the agreement of all parties.

As the Minister of State mentioned the Bill provides for repeal of various statutes, as is always the case when legislation of this type is being introduced. I note the standards in this area vary slightly across the EU. Some EU states do not have an independent hallmarking body and others do. It makes sense to me that we would have such a body and that it be managed by the Department and the State and the correct standards applied. This is a niche area. If we are setting out a point of reference on which a value will hinge it is important that that practice be tightly and stringently regulated to ensure the types of offences mentioned earlier do not occur.

As I said, Fianna Fáil is supportive of this Bill. It marks progress in this area and is welcomed by this side of the House. I look forward to further engagement on it as it progresses through the Houses. I again ask the Minister of State to ensure there is consultation with the industry, if such consultation has not already taken place.

Deputy Maurice Quinlivan: I, too, thank the Minister of State for introducing this Bill, which Sinn Féin will be supporting.

This Bill is technical in nature, with the main aim of including palladium and mixed precious metals on the list of precious metals that can be hallmarked by the Irish Assay Office. It also provides for the possibility of an offshore marking by the Irish Assay Office in the future, if it so wishes, with ministerial approval, in case future trends in hallmarking demand it. Hallmarking is one of the oldest forms of consumer protection. It has existed in Ireland since 1637. Understandably, jewellers in Ireland would be particularly interested in any reform of this area. Like Deputy Lawless, I am disappointed that key stakeholders were not consulted on this area of reform. I was in contact with a representative from the Irish Jewellers Association during the week who is concerned that his organisation, the Retail Jewellers of Ireland and the Federation of Jewellery Manufacturers of Ireland were not notified of changes in legislation in their area of work. Having listened to the concerns of those stakeholders, it is appropriate for me to highlight the sector’s worries now in order that there can be a more detailed discussion on them on Committee stage, with amendments to follow, if necessary. One specific amendment that could be introduced is an exemption in weights, as is done in other countries. Adding a hallmark costs money to each piece of jewellery - approximately €0.66 per item - and so this is pushing up the cost for smaller pieces of jewellery with tiny weights of these precious metals. I appreciate the need for hallmarking on larger and heavier pieces to provide the consumer with certainty that the piece is of high quality, but I think this is too burdensome for producers for small, cheap pieces. This Bill seems to be following the lead of UK, which introduced palladium as a precious metal in 2009 and legislated for national assay offices abroad in 2013. The UK has provided for an exemption of this kind for metals under a certain weight. The exemption thresholds in the UK are 1g for gold, 7.78g for silver, 0.5g for platinum and 1g for palladium. Will the Minister consider providing for similar exemptions in this Bill?
Another factor that has been highlighted is the lack of inspections to ensure shops that are selling these precious metals are in full compliance with the current regulations. Is the Minister satisfied that sufficiently severe penalties are in place in this Bill and in existing legislation to deter abuse of hallarking metals in Ireland? I am pleased that the Minister is being given the ability to set up an offshore assay office if she wishes. As Deputy Lawless has outlined, we need to ensure the same standards that apply here in Ireland also apply in the sub-offices overseas. I recognise the importance of hallarking as a protection for consumers. I welcome this Bill, which updates the law in line with emerging trends. However, I am concerned that adequate consultation has not been undertaken with relevant stakeholders. I hope this will be addressed in advance of Committee Stage.

Minister of State at the Department of Health (Deputy Marcella Corcoran Kennedy): I thank Deputies Lawless and Quinlivan for their contributions and for their parties’ support for the contents of this Bill. I will address the concerns they have expressed to the best of my ability. I want to repeat that the offshore hallarking provision is not an obligatory one - it merely allows the Irish Assay Office, if it ever chooses to do so, to apply to the Minister for Jobs, Enterprise and Innovation for approval. As I noted at the start of this debate, my understanding is that such offshore marking is not currently required and that the Irish Assay Office does not intend to engage in such activity in the near future. I assure the House that the same standards will continue to apply to Irish hallmarked articles. The Deputies have suggested that they might introduce amendments to this Bill at a later stage. I am advised that the Minister is willing to examine such amendments in a constructive manner, as long as they do not undermine the current system of hallarking in Ireland or result in a reduction in the level of consumer protection provided for under the current legislative framework.

I want to respond to the points the Deputies made about the perceived lack of consultation. This Bill has been in gestation for a long time. It was part of the previous Government’s legislative programme. Between 2012 and 2013, the Department of Jobs, Enterprise and Innovation consulted all the relevant stakeholders, including the Craft Council of Ireland, jewellery producers and retailers and the Irish Assay Office, on the proposal to amend the Hallmarking Act 1981. I assure the House that there is no question about the openness of the Minister to having further consultations that people might require and to responding to any concerns that might arise in advance of Committee Stage. I thank Deputies Lawless and Quinlivan again for contributing to this informative and useful debate. As I have indicated, the Minister is looking forward to working with Deputies during the Committee and Report Stage debates on this Bill and to considering any amendments that might be proposed.

An Ceann Comhairle: The gestation period for the Bill may have been very long, but the debate on it certainly has not been.

Deputy Marcella Corcoran Kennedy: Indeed.

Question put and agreed to.

Hallmarking (Amendment) Bill 2016: Referral to Select Committee

Minister of State at the Department of Health (Deputy Marcella Corcoran Kennedy): I move:
That the Bill be referred to the Select Committee on Jobs, Enterprise and Innovation pursuant to Standing Orders 84A(3)(a) and 149(1).

Question put and agreed to.

Sitting suspended at 3.15 p.m. and resumed at 3.30 p.m.

Ceisteanna - Questions

Priority Questions

Social and Affordable Housing Funding

1. Deputy Barry Cowen asked the Minister for Housing, Planning, Community and Local Government his Department’s engagement with the European Strategic Investment Fund on social housing PPP investment; and his views on whether the finance for the 2,500 social homes submitted to the Department of Finance task force can be attained through these sources. [17119/17]

Deputy Pat Casey: I ask the Minister to outline his Department’s engagement with the European Strategic Investment Fund on social housing PPP investment and his views on whether the finance of the planned 2,500 social homes submitted to the Department of Finance task force can be obtained through this source of funding.

Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney): In November 2014, my Department submitted potential projects to the Department of Finance in respect of the task force report for the European Fund for Strategic Investment, including the social housing PPP programme. Investment in social housing through the public private partnership, PPP, model is part of a wider plan to accelerate the supply of social housing, and is now reflected in the second pillar of the Rebuilding Ireland Action Plan for Housing and Homelessness.

The National Development Finance Agency, NDFA, is acting as financial adviser to my Department and the relevant local authorities. In that context, a submission has been made through the NDFA to the European Investment Bank, EIB, seeking finance from the European Fund for Strategic Investment to support the provision of some 1,500 social housing units under the social housing PPP programme. The submission, which is being appraised by the EIB, is in respect of a framework loan to provide financing to private sector partners to construct, finance, operate and maintain the housing units concerned.

The EIB is further involved in supporting social housing Ireland through loan finance provided through the Housing Finance Agency, HFA. On 2 March 2017, I announced a new €200 million long-term loan which has been agreed between the EIB and the HFA. The combined package, including matching funding provided by the HFA, is €405 million. The new loan is to support construction of an estimated 1,400 new homes and the refurbishment of more than 700 properties in Dublin and other locations across Ireland. The scope for further investment by the
EIB in social housing in Ireland, including through the European Fund for Strategic Investment, is currently being actively explored.

**Deputy Pat Casey:** I thank the Minister for his reply. I am acutely aware of the significant public infrastructure deficit across the country, the lack of capital investment over the past number of years and how economic productivity has been held back as a result. The most important area is housing, an area where there is a crisis. It is immoral that the State is leaving millions of euro on the table for European investment banks which is earmarked for investment in public infrastructure under the Juncker plan. My belief is that the risk aversion of the Government to PPP rather than constraints proposed by the fiscal rules is holding this back.

The fiscal rules are the greatest barrier to increased State investment in infrastructure. However, the European Commission Juncker plan to enable Government flexibility rather than the application of fiscal rules would promote investment in areas such as social housing. Yet in Ireland, the only public infrastructure projects being built and financed under the Juncker plan are 14 primary care units.

We need to think outside the box. Why is the Department so unwilling to engage with private finance to try to accelerate the flagging housing construction programme?

**Deputy Simon Coveney:** I agree in principle with the Deputy. A European fund is targeted at investment across the European Union to improve competitiveness and increase economic activity. That is the whole point of the Juncker plan. Ireland has an infrastructural deficit. We have been unable to afford to spend the kind of money that we would like to have spent over the past seven or eight years. The previous Government faced the same challenges.

As our economy recovers, and as tax revenues improve and the tightness of the fiscal constraints within which we have to operate loosen, undoubtedly that will mean increased expenditure on targeted capital projects. Access to money is not the problem, whether it involves the EIB, private investors or equity funds. The challenge is being able to spend money under the fiscal rules. Borrowing money is not an expensive business for a Government. Being able to spend it under the rules we have signed up to is the challenge. That is why PPPs are potentially a very useful mechanism to put in place commercial investments, along with private sector interests. We are considering the ways in which can be facilitated.

It is also probably true to say that the cost of PPPs today is significantly less than it might have been ten or 15 years ago in terms of the cost of finance. There is some merit to what the Deputy has said. Ultimately, it will be a decision for the Department of Public Expenditure and Reform.

**Deputy Pat Casey:** I thank the Minister. My belief and that of my party is that we should build social houses and that we are constrained by the fiscal rules. Housing is the social and economic issue of our generation, and housing provision should be a right rather than a requirement. I was present in the House earlier when Seán Lemass was mentioned, and a Member suggested what he would have done about another issue. We in Fianna Fáil know what Seán Lemass would have done about housing. He would have ensured that the Irish State built and managed social housing and provided homes for our citizens.

In 2005 the EIB said, in reference to the Juncker plan, it was confident that the plan would be the catalyst for the financing of social housing and associate investment in community development as a priority target. We are not availing of the European fund enough. I ask the
Minister to be more innovative in the way we finance and manage the State’s building of social housing. I do not see any answer today that gives me confidence that we will get on top of the growing housing crisis.

Deputy Simon Coveney: Whereas I need to be careful about what I say in the context of how we draw down funding, in particular in the context of the European Union fiscal rules because the Ministers for Public Expenditure and Reform and Finance are primarily responsible for that, I can certainly comment on social housing. We are using a series of new approaches to drive delivery. We have already committed €5.35 billion in our investment programme for social housing which will contribute an extra 47,000 social houses units to the social housing stock in the next four to four and half years.

To put that into context, it will increase our social housing stock by nearly 30% over a four-year period. It is a very significant investment commitment and one of the very few multi-annual commitments the Government has made in order to respond to the social housing need with the required level of urgency.

Most Members of the House would accept that there was an over-reliance on the private sector, in particular the private rental sector, to solve the needs of social housing and families who needed State intervention. We are looking to correct that, while at the same time supporting many individuals and families in the private rental sector. It is a combination of Part VII. I remind the Deputy that in the past developers were given the opportunity to buy out of their Part VII responsibilities, which is no longer the case.

We have dramatically increased funding and encouraged AHBs to build more, something to which they are responding well. We have ramped up the capacity of local authorities to deliver in a much more ambitious way than we have seen for at least a decade. Things are moving in the right direction. The Deputy will see the numbers being delivered.

Commercial Rates

3. Deputy Barry Cowen asked the Minister for Housing, Planning, Community and Local Government his plans for reforming the commercial rates and valuations system in local authorities; and the details of progress being made on the rates alleviation measures mentioned in the rural action plan. [17419/17]

Deputy Pat Casey: I ask the Minister to outline his plans to reform the commercial rates and the valuation system in local authorities, the details of the progress being made and the rates and alleviation measures mentioned in the rural action plan.

Deputy Simon Coveney: Local authorities are under a statutory obligation to levy rates on any property used for commercial purposes in accordance with the details entered in the valuation lists prepared by the independent Commissioner of Valuation under the Valuation Acts 2001 to 2015. The Commissioner of Valuation has responsibility for valuation matters. The levying and collection of rates are matters for each individual local authority. Commercial rates form an important element of the funding of all local authorities. However, the legislative basis for the levying of rates is spread over a number of enactments, some dating back to the 19th century. Many of the provisions are outdated and not suitable for business trends in the modern era. I have asked my Department to develop proposals for the preparation of a consolidated
rates Bill to modernise and consolidate the legislation in this area. Among the measures being
addressed in the general scheme of the Bill are provisions to allow a local authority to introduce
rates alleviation schemes, which would include schemes to support the implementation of Re-
alising Our Rural Potential: The Action Plan for Rural Development. My Department’s work
on the general scheme of the Bill is at an advanced stage and I hope to bring it to Government shortly.

I hope we will bring the Bill to the Government before the end of the month. We will see
significant changes in a whole series of areas in terms of how rates can be managed by local
authorities. That will involve devolution of more power to local authorities and improved ap-
proaches to the collection of rates to make sure we have a level playing field for businesses that
are competing with each other, and a whole series of other provisions as well that will moder-
nise the legislation on rates.

The Valuation Office is not in my Department - it is in the Department of Justice and Equal-
ity - but responsibility in terms of the collection of rates and the role of local authorities in that
regard is very much part of my Department’s remit. We will update and modernise legislation
in that respect and the Deputy will see the content probably in the next three weeks.

**Deputy Pat Casey:** I thank the Minister for his response. I have a certain interest in the
matter, and as a rate payer myself I have an understanding of it. It must be the most archaic
form of tax in terms of the way it is calculated. It is not fit for the modern world we live in.

One specific aspect of commercial rates and the revaluation that is taking place in a number
of counties around the country currently is that the impact it will have on them at the end of the
fiscal year can be frightening because some properties have not been revalued for up to 30 or
40 years and could face a significant increase in their rates bill in a one-year period. When one
takes the total net effect of valuation for the county and the annual rate of valuation, there will
be a significant increase in rates. Is there any way the Minister could harmonise the revaluation
process over a period, for example, five years, similar to the harmonisation process currently in
train for county council and town council rates?

**Deputy Simon Coveney:** A harmonisation process is under way. It is happening on a
county-by-county basis. The Valuation Office is carrying out the work. Some counties are still
two years’ away from the process while others have had it carried out. I think the revaluation
process is currently being carried out in County Kildare. Any time there are rates revaluations,
it causes quite a lot of strife because some businesses win and others lose. I accept revaluation
is a difficult process for some businesses as I have been contacted by some of them. That said,
if we are serious about modernising how the rates base is calculated and doing it in a way that
is consistent, we must address inaccuracies that might have built up over time. That is what the
revaluation process is all about. Businesses that feel they are being harshly or unfairly treated
should avail of the appeals process that is available to them. The Valuation Office does need to
be independent. It is not even in my Department. I accept the appeals process is in place for
good reason and businesses who feel they are getting unfair treatment should make their case.

**Deputy Pat Casey:** I thank the Minister for his reply. We all know the importance of busi-
nesses especially in towns and villages and how hard hit they are in terms of commercial rates at
a time when we are trying to revitalise local businesses. The Minister mentioned the flexibility
within the commercial rates system is very archaic. Even if local authorities wish to incentivise
businesses to set up in towns, they find it incredibly difficult to do so because the legislation
does not allow it.

Many counties offer 100% relief if a property is vacant. Any incentive I have been trying to promote that gives rates for free involves no cost to a local authority given the existence of the 100% relief on vacant properties as it was not in receipt of income on such properties. We could introduce a few key measures that would involve no cost to local authorities. Another incentive could be a discount for advance payments or direct debits as, due to the current archaic system, one must pay one’s bill before one can get a refund. That shows the entire system is archaic and not fit for purpose currently.

Deputy Simon Coveney: It is. That is why we need a new Bill. Vacant properties and the rates that should apply to them are dealt with in the Bill. We will have an opportunity to tease it out in the committee. I will happily take on sensible suggestions in order to get the legislation right. I hope we will be able to start the process soon. I will bring the Bill to Government and I presume it will then go for pre-legislative scrutiny in the committee and we can tease out the detail of it.

A Leas-Cheann Comhairle, I do not know whether it is possible to go back and accept Deputy Ó Broin’s question.

Deputy Simon Coveney: I am happy to facilitate that if it is helpful.

Social and Affordable Housing

5. Deputy Róisín Shortall asked the Minister for Housing, Planning, Community and Local Government if he will consider reintroducing an affordable housing scheme to assist those on low and middle incomes, in view of the severe lack of affordable and starter homes, the latest house price index figures and the impact of the help-to-buy scheme; and if he will make a statement on the matter. [17286/17]

Deputy Róisín Shortall: The housing reports from daft.ie and myhome.ie this week show that house prices continue to spiral out of control. The latest REA house price index indicates the average three-bed semi-detached house in Dublin city now costs more than €400,000. To afford that, a first-time buyer would need a deposit of €40,000 and an income of more than €103,000. In order to buy an average house in Dublin, one needs three times the average wage. That is crazy. Why is there no affordable housing scheme? Why has the Minister not introduced a scheme to date and will he do so now?

Deputy Simon Coveney: For the record, house prices are back to where they were in 2002. I accept that prices are increasing at a rate that is not sustainable over a prolonged period but the core response to that must be to dramatically increase supply, in particular where people are looking to buy or rent homes.

A chronic undersupply of housing, over a number of years and across all tenures, is at the heart of the problems in the housing sector. Housing output fell by more than 90% from peak construction levels of more than 93,000 homes in 2006, which was a crazy number, to just over 8,300 new units in 2013. Rebuilding Ireland targets the accelerated and increased supply of housing with the aim of reaching an annual supply of at least 25,000 well planned, high-quality,
While I am aware of recent reports on house prices, average prices are still well below the peak levels recorded in 2007, according to the CSO’s residential property price index. The key now is to achieve the continued increase in supply of new homes at affordable prices. While I have no plans at this stage to introduce a new affordable housing scheme, although we are working on affordable rental schemes, the range of measures being put in place under Rebuilding Ireland is designed to increase supply significantly and deliver housing at more affordable price points. For example, last week’s announcement of a significant funding package of €226 million for enabling infrastructure under the local infrastructure housing activation fund, LIHAF, will help to support the provision of more affordable housing in the areas concerned, which have the potential to yield 23,000 new homes by 2021. A further important measure involves the greater use of State lands for mixed tenure housing delivery and considerable work is under way, in particular with the Dublin local authorities, to bring forward well-considered development proposals on a range of sites. The help-to-buy scheme is a limited intervention targeted at new builds only and is designed to encourage additional supply by the construction sector. The scheme falls within the remit of my colleague at the Department of Finance. I do not disagree with the Deputy. There are significant pressures on many people looking to buy homes at present.

Deputy Róisín Shortall: It is little consolation to people who find themselves unable to buy a house to tell them we have not quite reached bubble levels yet. There are two issues with regard to housing. Obviously supply is one, but affordability, which is a very closely related issue, needs special attention in its own right. In recent days, Philip Lane told the finance committee that house prices are increasing to an extent that only people on high incomes can afford them. In this regard, the actions taken in the budget in respect of the help-to-buy scheme have exacerbated the situation for many people. Does the Minister accept this is fuelling house prices? Will he consider suspending the scheme in light of the negative impact it has had?

Deputy Simon Coveney: “No” is the straight answer to that. It is important to put the help-to-buy scheme in context. In the last quarter of last year 3,005 purchases were made by first-time buyers. Of these, only 297, fewer than 10%, were new homes. Given the fact that first-time buyers make up only approximately 25% of the market this means we are speaking about 2.5% of purchases. I do not accept the idea this is driving up house prices.

The whole point of the help-to-buy scheme is this time last year builders were simply not building homes for first-time buyers because they knew first-time buyers did not have the capacity to put together a deposit, which is something to which the Deputy referred at the start of her contribution. Houses were expensive and the obligations on first-time buyers to put together deposits made it impossible for most of them to aspire to buy a home. The Central Bank and the Government reached the same conclusion because of the same evidence, that we needed to help first-time buyers to get a deposit together while at the same time limit the amount of money a first-time buyer could borrow, linked to income. The net effect of the help-to-buy scheme has been to change the dynamics in the market and we are now seeing a lot more starter homes being built. Unfortunately, this takes time to impact positively on the market in terms of increased supply, but if we look at commencements, planning permissions and activity in the sector we are seeing significant increases.

Deputy Róisín Shortall: The lack of availability of affordable building land is a factor in this, as is the potential for land hoarding. Last week, we saw Dublin City Council’s first va-
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cant site register, with 25 potential sites for house building. Half of these were publicly owned sites. The obvious thing in a housing crisis is to make publicly owned land available at a low cost or no cost to provide affordable housing. Why does the Minister refuse to take this action? There are plenty of sites in public ownership, which the Minister could make available under an affordable housing scheme, where small builders or bigger builders could come along and build three-bed houses for the suggested cost of €160,000, which would then be made available to people on low and average incomes. Housing is completely unaffordable for anybody on any type of average income. Why does the Minister not introduce a new affordable housing scheme? He has the land to do it. Will he tell us why he refuses to act?

Deputy Simon Coveney: Just so the Deputy knows what is actually happening out there, we are moving ahead on multiple sites at present where local authorities are inviting builders-----

Deputy Róisín Shortall: Not with an affordable scheme.

Deputy Simon Coveney: -----to build at much increased volume. The big problem we have is there has not been house building activity to the extent we need, and we need a combination of measures to make property available. We need to get vacant properties back into use and we need to see more houses being built on public land - in particular on public land. We have just finished an audit of all of our publicly owned sites throughout the country. We are speaking to other State agencies which also have landbanks that could be strategically used for housing and on some of these we are looking at affordable rental properties.

Deputy Róisín Shortall: That is not what I am talking about.

An Leas-Cheann Comhairle: If the Deputy and the Minister are going to have a bilateral it will not be in here.

Deputy Róisín Shortall: Why does the Minister not have an affordable scheme?

An Leas-Cheann Comhairle: The Minister’s time is up.

Deputy Róisín Shortall: The Minister did not answer.

An Leas-Cheann Comhairle: I ask all Deputies, the Minister and the Minister of State to observe the time limit because people here have been waiting all day.

Homelessness Strategy

2. Deputy Eoin Ó Broin asked the Minister for Housing, Planning, Community and Local Government in view of the fact that levels of homelessness have increased by 27% in the past 12 months, and that February homeless figures show that increases in individual family and child homelessness have reached historic highs, the way in which he intends to meet his target date of July 2017 to ensure that no families will be living in hotels and bed and breakfasts. [17285/17]

Deputy Eoin Ó Broin: I thank the Leas-Cheann Comhairle and the Minister for their flexibility. Despite our best efforts at the water committee, the committee has just voted not to take a decision until next week. This is why I was delayed.

The Minister knows what the issue is and I am looking for very specific answers to the
question. How many of the 1,239 families in the most recent homeless figure statistics does the Minister hope to have out of hotels and housed by the end of the quarter, as per the Rebuilding Ireland commitment? Where does he expect these families to go? Is it to local authority tenancies or rapid builds? Will he give a very clear commitment that none of the 700 or 800 families he will move out of hotels will be moved into any other type of emergency accommodation but will get secure long-term tenancies?

**Deputy Simon Coveney:** We have a commitment that by 1 July we will no longer be using hotels for emergency accommodation for families. This is an ambitious target but I think we will meet it, and we will do this through a series of solutions. Obviously the preference is to put as many families as we can into social housing. Some of them will be in HAP tenancies, some of them will be in homeless HAP tenancies, some of them will be in the rapid build social housing, which will be completed before this date, and many of them will be in more conventional social housing that comes onstream.

The Deputy’s colleague, Deputy Ellis, came to the opening of the new family transition hub in Drumcondra and I think he was pretty impressed by it. It is being run by Respond! Housing Association. There will be a number of similar projects, in the broader Dublin area in particular. We are also looking at Cork, Limerick and Galway as to whether we may need transition centres for families, where there are specific supports designed for homeless families who need help on a temporary basis while we find them a permanent housing solution.

I do not want to do it here today, but when it is appropriate to do so I can provide the Deputy with the details of the various projects we will use in Dublin. My preference is to be able to transition people from hotels, particularly people who have been there for some time, that we prioritise them for HAP and social housing, and that we look to use the family transition homes for other families who may, for whatever reason, come into homelessness.

To put this into context, what we are speaking about is a specially designed facility on which we are spending millions of euro, which will have facilities such as homework clubs, proper dining facilities that are family oriented, supports, counselling, transportation to schools and all of the things that can make family life as normal as we can make it while the State finds long-term housing solutions for the families concerned. I am confident the combination of all of these approaches will deliver the target date we have set, which I recognise is only a few months away. All of the chief executives, particularly in the Dublin local authorities, are under some pressure to deliver for us. I hope they will deliver on what they have promised.

**Deputy Eoin Ó Broin:** It is all very interesting, but none of it answered any of the questions I asked so I will go through them again. What we all want to hear is not the aspiration because we support that. What we want to know is specific information, as follows. How many of the 1,239 families recorded in emergency accommodation are in hotels, and of those in hotels how many does the Minister expect to have housed by his target date? Will the Minister give a commitment here today that none of these families will be moved from hotels into other forms of emergency accommodation, even if that other form of accommodation is better than hotels?

We are looking for a clear guarantee these families will be moved into tenancies of the type described by the Minister. Will the Minister also give a commitment that as he is developing these family hubs no attempt will be made, for example, to take a hotel and reclassify it as a family hub?
Deputy Simon Coveney: I understand that there are about 850 families in hotel accommodation today. I stand to be corrected on that, but it is not a million miles away from the exact figure. It might be slightly higher or slightly lower. The intention is to ensure that as many of those families as possible are in long-term housing assistance payment, HAP, tenancies or in social housing. I will not give absolutes because different families need different things. The whole point is that when a family or an individual is made homeless, the State looks after that person or people for a temporary period, as it should be, until we can find suitable accommodation which is supported appropriately for them. That could be Housing First, families in hotels who should not be there, or individuals who need support for mental health concerns, addiction or whatever it is. We have put significant increased resources into improving emergency facilities.

All the talk on homelessness is focused primarily on emergency facilities, numbers and so on as opposed to ensuring that we get families and individuals into appropriate medium and long-term housing. That is what we will try to do with the 750 and the others who will unfortunately be coming into homelessness between now and the middle of the year. There will be an element of these transition hubs being part of the solution as well as social housing, homeless HAP and HAP. The combination of all of those can deliver much better results for families and support for them than we have today.

Deputy Eoin Ó Broin: I thank the Minister for the figure of 850 in accommodation. It is clear that he is not willing to give a commitment that those families will be moved into permanent tenancies. If I understand him correctly, he is saying that they will only be moved into other emergency accommodation if that is what is in their best interests. If somebody does not need supported temporary accommodation and just needs a home, will he give a clear commitment that those people, at least, will not be put into other emergency accommodation? Will he also give a clear commitment that he is not currently looking at properties that are hotels, whether they are currently tenanted or not, to lease out and redesignate as family hubs? That would simply be leaving people in hotels and classifying them as something else. While the Minister is not going to get time in his answer here today, can he e-mail members of the Joint Committee on Housing, Planning, Community and Local Government and give us some indication of what the month-by-month targets are going to be between now and June, to demonstrate convincingly that he is going to meet this target?

Deputy Simon Coveney: With respect, it seems to me that the Deputy is trying to find a negative in a positive here.
Deputy Eoin Ó Broin: I am trying to get a commitment.

Deputy Ruth Coppinger: He is trying to find answers.

Deputy Simon Coveney: I know he is.

Deputy Eoin Ó Broin: It is a clear commitment that the Minister made some months.

Deputy Ruth Coppinger: It is called questions and answers.

Deputy Simon Coveney: We have given a very-----

Deputy Eoin Ó Broin: The Minister is rolling back on it because he is failing to meet-----

An Leas-Cheann Comhairle: The Minister, without interruption.

Deputy Simon Coveney: Is the Deputy going to listen? Does he not want to?

Deputy Eoin Ó Broin: I want to listen.

Deputy Simon Coveney: We have given a very ambitious commitment and target here that I intend to meet. The Deputy is trying to find absolutes here, so that, as usual, he can create negative headlines out of something that is predominantly a very good ambition to try to solve problems for families.

Deputy Eoin Ó Broin: I support that. I said that I support it.

Deputy Simon Coveney: I am not going to give the Deputy absolutes. There are always exceptions when it comes to the complexity of homelessness. We are trying to get families out of unsuitable, expensive hotel accommodation into much more suitable temporary accommodation if that is what is needed in the short term. In the long term, we are trying to get them tenancies either through HAP or in social housing. I will happily talk to the Deputy in some detail about the individual projects as they emerge, but I am not going to start giving him absolutes about all 150 families, because I do not think I can stand over that fully. Different families need different solutions. Our job is to work with them all with generosity and compassion.

Voluntary Housing Sector

4. Deputy Mattie McGrath asked the Minister for Housing, Planning, Community and Local Government the number of voluntary housing organisations that have been provided with assistance from his Department in County Tipperary each year since 2012; the number of voluntary housing units that have been built in County Tipperary each year since 2012; the number of proposals from voluntary associations with his Department for the provision of voluntary housing in County Tipperary; the efforts being taken by his Department to proactively engage with and support voluntary housing associations throughout the country; and if he will make a statement on the matter. [17417/17]

Deputy Mattie McGrath: I thank the Leas-Cheann Comhairle for allowing me back in. I was with the Minister, Deputy Leo Varadkar upstairs. I have an interest to declare in that I am the chairperson of Caisleán Nua Voluntary Housing Association in Newcastle. I believe that the whole voluntary sector has been under-utilised by successive Governments. It was not back
in the good times of the 2000s. It has a big role to play and can play it. It can do it, as we did ourselves in Newcastle. I pay tribute to my board for getting sites procured and developed, with the whole lot done in 18 months. It has taken too long for local authorities to build houses, as we all know.

**Minister of State at the Department of Housing, Planning, Community and Local Government (Deputy Damien English):** For the record, we would all agree with Deputy McGrath, and we think there is great potential to use approved housing bodies and housing associations throughout the country. That is why they have been allocated up to €1 billion of the spend of the €5.5 billion to make this happen. There is great opportunity in Tipperary and in many other counties to tap into and work with approved housing bodies, exactly as the Deputy says. That is something we are very strongly supporting and encouraging. Our message to all local authorities is to strengthen that relationship at management level and also at local authority representative level, and for the councils to feel part of that and closer to the approved housing bodies.

In the status report to the end of 2016 for social housing construction projects, which was recently published and is on the website, there are 16 projects of various scale for the Tipperary County Council area, either recently completed or being advanced. Three of these are being advanced by approved housing bodies to deliver 20 units of accommodation at Fethard, Clonmel and Carrick-on-Suir. Further projects are being added to this list on an ongoing basis, as they are developed by local authorities and approved housing bodies. Funding is in place for all of these projects and I am keen that they are advanced as soon as possible.

Since 2012, almost €3 million has been provided to 12 approved housing bodies for Tipperary projects under our Department’s capital assistance scheme, to build or acquire houses and apartments as part of sheltered housing projects, with 29 units delivered. Under my Department’s social housing current expenditure programme, two approved housing bodies are managing seven leased units in Tipperary. There are also approvals in place with two approved housing bodies, via the capital advance leasing facility, for 54 new social units in Tipperary across four projects.

Approved housing bodies have an important role to play under Rebuilding Ireland, with the capacity to contribute around a third of the 47,000 new social housing units targeted over the period to 2021, using a range of delivery methods. As with all local authorities, we would encourage Tipperary County Council to work constructively with the range of local and national approved housing bodies that operate in the county. More progress on this by the local authority can result in better social housing delivery. For example, the repair and leasing scheme, rolled out on a national basis in February, offers a significant opportunity for collaboration with approved housing bodies to maximise the potential impact of the scheme. We hope to see Tipperary County Council working with approved housing bodies on this and other social housing programmes to further improve delivery. I cannot stress enough-----

**An Leas-Cheann Comhairle:** The Deputy has exceeded the allocated time by 20 seconds. I call Deputy McGrath.

**Deputy Damien English:** -----the importance of the repair and leasing initiative. I really encourage the Deputy to look at that as well.

**Deputy Mattie McGrath:** I thank the Minister of State.

**An Leas-Cheann Comhairle:** Hold on. The rules are going to apply to everybody here.
Deputy Damien English: I could not see the clock.

An Leas-Cheann Comhairle: No. There will be others who want their questions answered lately. I call Deputy McGrath. He has one minute.

Deputy Mattie McGrath: I thought I had two.

An Leas-Cheann Comhairle: One minute.

Deputy Mattie McGrath: That is fine. I will stick to it. I thank the Minister, Deputy Simon Coveney, for coming to Clonmel this week and making that announcement of funding to extra housing units there. I am disappointed that the county council did not notify all the Deputies of the Dáil. We will be there to meet the Minister and give him a hand and turn the sod, as will the local representatives.

The Irish Council for Social Housing, ICSH, of which I was a member for a number of years, and Dr. Donal McManus and his team there do tremendous work. I am pleading with the Minister to use those volunteers. They can do it. Ní neart go cur le chéile. I am not talking about the big voluntary boards, though Respond! Housing Association and the others do a good job. I am talking about small housing associations throughout the country that are building ten, 15, 20 or even as few as six units. They are vital. They look after the stock as well, and have a great relationship with the tenants. The voluntary housing associations have a huge role to play. I hope that the Minister will make full use of them, because the Department was cautious of them a few years ago. I hope that has changed.

Deputy Damien English: I am reminded by my colleague, Deputy Simon Coveney, that I am not often asked to speak even faster, but I will try to work on it. To be clear, we agree with what Deputy McGrath is asking. We encourage all local authorities to work with approved housing bodies and housing associations throughout the country. There is money set aside for that specifically. We need everyone on board here. Our message is for all local authorities and all parties. We all agree with the targets set in this as a minimum. People want more, and that is fine. This money should be spent, and that involves partnership with all the local authorities, the housing bodies and the associations mentioned. Quite a bit of money has been allocated to Tipperary, and it is ahead of the targets that were set for the last three years. New targets will be set in the next couple of months. To be clear, the recent target set was for 832 units to be met by the Tipperary local authority in 2015, 2016 and 2017. It is already at 343 units, so it is ahead of the target by 30 or 40 units. That is great, and we encourage that. The funding is in place, and we cannot stress that enough. The money is there for a pipeline of projects. What is coming through the system is 130 plus 54 more from the housing bodies. We can do more, Tipperary can do more, and it is up to the Deputy, the councillors and the county councils to drive it on. The Department will do its bit.

Deputy Mattie McGrath: The Deputy should be afraid to utter the word “pipeline”, with all that is going on at the committee because there might be ruptures in that pipeline. I am delighted that Tipperary is that far ahead. I want more progress. There is an adage that where Tipperary leads Ireland follows. It is nice to hear we are ahead, but we are not far enough ahead and we need to do more. The happiest job I have been involved in in my political career and my voluntary career was being the chairperson of the Casilean Nua voluntary housing association. I want to salute the team of volunteer board members and the work they have done and continue to do, particularly Mrs. O’Keeffe and Mrs. O’Donnell, in running and maintaining
the buildings. One of the Ministers might visit it some time. We need more of that. They can provide solutions and get around corners much more easily than Departments because people do not have to hand out money for sites and everything else. There is huge potential there. I again want to pay tribute to all the voluntary housing organisations up and down the country. They have done the work, they are able to do the work and they will do the work. All they want is more support and co-operation from the Department of Housing, Planning, Community and Local Government and the Departments it is associated with because for a while the unit dealing with voluntary associations was stood down and they had to go around the country to five or six different offices to get any project on the road.

Deputy Damien English: I can speak with confidence about pipelines because the Minister, Deputy Coveney, and I have been in Tipperary recently opening new treatment plants, thanks to Irish Water and the great work it is doing with the new investment plan it has, thanks to the money it has been allocated. We should compliment it on the work it is doing.

On housing, when it comes to Tipperary, it is doing well with its targets. We will increase the targets because there is increased funding set aside for social housing. There is increased demand on all of us and on all local authorities to deliver that, and there are a number of methods to do that, through various schemes. I cannot stress enough how important it is that the two new schemes for vacant properties are used, namely, the sale and lease back and the buy and renew schemes. The approved housing bodies are part of that as well.

Tipperary has been allocated up to €60 million for housing and social housing over the last two years, and it is important that money gets spent. We are changing the processes to make it easier to spend it and to deliver, so let us work on that.

Deputy Mattie McGrath: We will not send it back. Do not worry.

Other Questions

Social and Affordable Housing

6. Deputy Ruth Coppinger asked the Minister for Housing, Planning, Community and Local Government his views on the level of social housing to be provided on the last council-owned site in Blanchardstown (details supplied) in view of the large number of homeless persons in the area; if such a low level of provision is compulsory under his Department’s mixed tenure policy; and if he will make a statement on the matter. [17103/17]

Deputy Ruth Coppinger: I want to ask the Minister about the mixed tenure policy and, in particular, a case study for it. I refer to the last remaining piece of significant council land that is zoned for housing in the greater Blanchardstown area, which is identified as a homelessness blackspot. North, north west and west Dublin are key locations for homeless families. The pursuance of this policy will see the part privatisation of this last remaining piece of council land.

(Deputy Damien English): Under the Government’s Rebuilding Ireland action plan, a particular priority attaches to using publicly owned lands for the delivery of housing as quickly as possible. In particular, we need more homes for families and individuals on the social housing waiting list and for those on low to middle incomes.
Increasing and accelerating housing delivery to meet demand across the full spectrum of housing needs is at the heart of Rebuilding Ireland. In terms of social housing, the clear commitment is to deliver 47,000 additional social houses supported by €5.35 billion in Exchequer resources. Other initiatives such as the recent announcement of €225 million of targeted funding to support the delivery of infrastructure to open up both public and private lands for development will help to stimulate wider residential construction activity and bring more new homes to the market.

In terms of State lands, delivering the most housing in the shortest possible timeframe will be supported by the acceleration in State-funded social housing and will also provide more homes for sale and rent at lower and more affordable price points. The scale and mix of housing on individual sites will be dependent on the sites themselves, particularly their scale and the wider housing context in which they are located. In regard to the site referred to by the Deputy, I understand that the council intends to develop a fully integrated, mixed tenure community in the area, including a large element of social housing. The final breakdown of the tenure mix will be determined as part of the master-planning process and my Department will work closely with Fingal County Council in considering any proposals ultimately brought forward by the council.

Those proposals will be voted on by the local authority members. In respect of other sites in Dublin, they have made quite wise decisions about trying to develop them and bring forward a mix of private and social housing and affordable properties, and rightly so. That will really benefit the community. There are other land banks in the Fingal County Council area on which it will bring forward major plans which we will support. We are very strong on this ambition to have mixed use tenure and I think it is something the Deputy would like to support.

**Deputy Ruth Coppinger:** We are talking about 90 acres of council land. There is no other land that is zoned for housing, apart from in-fill spots in existing estates. We have a massive housing crisis. The Deputy has said that he wants to provide these units as quickly as possible. There is no reason that this could not be provided if the council maintains full development of it as quickly as possible. For low and middle incomes, the reality is that there will be less social housing delivered under this policy. I have checked with a council official and was told that 1,500 units could be put in this land if it was fully developed in that way. What will happen now is that the council will only get 30% of those units, 50% will go to the private developer and 20% will be what are called affordable rental that will be priced at around 80% of the market rate, around €1,100 or €1,200. The people renting will be the low and middle income people the Minister of State is talking about. A previous Deputy asked why the Government is so dead set against having mixed occupancy by having social housing but having affordable mortgages where low income workers would be able to avail of a good, cheap mortgage, as many of us had the chance to do with the council before.

**Deputy Damien English:** We are not against that at all. We are in favour of it.

**Deputy Ruth Coppinger:** Do it here then.

**Deputy Damien English:** The Deputy said there is capacity for 1,500 units. The Minister, the Department and I agree, as would most people, that it would be wrong to put 1,500 social housing on that site. The site is probably best designed for around 1,000 housing units at medium development, which the Deputy would encourage as we have discussed developments in that area before here. The target at this moment is roughly 1,000. The local authority, Fingal
County Council, and the members will decide what is the best development mix across the whole spectrum of housing. That is their job. They will bring forward the proposals to us as part of a master plan. We will encourage the local authority to develop the site as quickly as possible and we will help with the funding of that. The local authorities will do that, not the Deputy or I. It will assess the local area and judge what is the best development for that site. The Deputy claimed there are no other sites in the area. Fingal County Council has 81 ha at its disposal which it will work on in the years ahead.

Deputy Ruth Coppinger: Not in this area.

Deputy Damien English: The local authority will be the best judge of this and will bring forward the right mix. We will work with it on that. That will include a top class layout and affordable houses as well.

Deputy Ruth Coppinger: There are no other sites in the greater Blanchardstown area. It has a population of 100,000 people. All the other sites the Deputy speaks of are north of Fingal. Some smaller sites are being developed with 20 or 30 houses. I live right beside this location, and what could be done here is that 1,000 units could be developed. Some 50% of them could be social housing and 50% could be affordable mortgages. The Minister of State seems to think that that is a problem. I live in an estate of 750 units where the council did this. It is a mixture of affordable mortgages. There were 400 affordable mortgages, 100 council tenants and 200 were sold privately. In this scenario, we need to fast track affordable housing. I have no problem having a mix of different types of people, but let us do it by keeping it in public control, where people can avail of a mortgage rather than paying 80% of what are unaffordable rents. Most of these people are going to be on the council’s housing list and are going to be paying a huge mortgage when somebody next door has a differential rent. It is lunacy.

With regard to support, we will be pressuring Sinn Féin, in particular, which knows what the housing crisis is, to back this proposal. Something can exist in theory, but in practice this area is a homelessness blackspot.

Deputy Damien English: It is not theory. It is international best practice, and it is best practice that we have been using here for a number of years. It has not been made up over the last couple of months. Our colleagues in Sinn Féin recognise that and have voted accordingly on other sites around Dublin. Most people are genuinely committed to mixed-use tenure across these sites.

Deputy Ruth Coppinger: By half-prioritising it?

Deputy Damien English: They are genuinely committed to delivering houses quickly and I am not convinced the Deputy is genuinely committed to that cause. We want to reach these targets and we will achieve them. The Deputy is committed to a different agenda and that is up to her, but we are following international best practice.

Deputy Ruth Coppinger: I live in a mixed-tenure estate.

County Development Plans

7. Deputy Catherine Murphy asked the Minister for Housing, Planning, Community and Local Government if he will recommend that the changed plan be resubmitted for public con-
sultation in view of the fact that the Celbridge local area plan has changed significantly since it was first advertised for public consultation; and if he will make a statement on the matter. [16795/17]

**Deputy Catherine Murphy:** The Celbridge local area plan went on display over Christmas and during the month of January and there were 2,700 submissions, including one from the Minister's Department. The plan has fundamentally changed on foot of the submission from the Department and I am seeking a provision to go back to the drawing board and put the plan back on public display so that people will have the opportunity to comment on it. It does not just have modifications - it is very different from what people saw originally.

**Deputy Simon Coveney:** The draft Celbridge local area plan 2017-23 was prepared by Kildare County Council and was placed on statutory public display between 13 December 2016 and 3 February 2017. In my capacity as a statutory consultee to the local area plan process, I made a written submission to Kildare County Council under section 20 of the Planning and Development Act 2000 on 3 February 2017.

In my submission, the council was advised of certain objectives of national planning policy and ministerial planning guidelines that the draft local area plan must be fully in accordance with. The council was requested to address a number of highlighted issues in the subsequent material alterations stage of the local area plan process.

The decision to alter a draft local area plan that has been on public display is a reserved function of the members of the planning authority concerned under section 20(3)(e) of the Planning and Development Act 2000 and, if the members decide that amendments are appropriate, then the amended draft local area plan must go back on display for public consultation.

The report of the chief executive of Kildare County Council on submissions received on foot of the public display of the above mentioned draft local area plan has been issued to the elected members and the report will be considered by a future meeting of the planning authority. Should the planning authority decide to amend the draft local area plan, as a statutory consultee I will be circulated with particulars of such material amendments and I may make a further submission to the statutory process.

I do not consider it would be appropriate for me to comment further on the matter, pending the completion of the statutory local area plan process under section 20 of the Planning and Development Act 2000 by Kildare County Council.

**Deputy Catherine Murphy:** I am not asking the Minister to comment on the substance of the changes but there are some 6,500 houses in Celbridge, which have been built over several decades, and the proposal is to add another 3,200 houses to them over a seven-year period. The town is already struggling in the areas of social and physical infrastructure and it is a huge amount to absorb over a short period. People were asked to comment and made a large number of contributions. What they saw and what they will now see are radically different because of the submission by the Department. I have read the manager’s report and the submission has shaped the changes to the plan. It has shifted 1,400 units from one side of the town to the other. I do not wish to comment, negatively or positively, on whether that is a good thing but is it fair that the public is being asked to comment on something that is radically different from what is under consideration by members?

**Deputy Simon Coveney:** Some of the concerns outlined by the Deputy are probably shared...
by my Department. In the draft local area plan I was required to consider an amendment to ensure that the proper spatial development of the town, with respect to established public transport infrastructure and in tandem with the required supporting infrastructure, actually happened. The council was requested to provide for the relocation of the zoning of housing lands in the south eastern environs of the town in the vicinity of Hazelhatch train station. It was also asked to provide an implementation and infrastructure delivery schedule in the local area plan which would ensure that new development was clearly phased on the basis of the timely delivery of new strategic infrastructure for the town. We have inputted into the process and it is up to the local authority to make sure it abides by the legislation. If the Deputy wants me to talk about it in detail afterwards, I will be happy to do so.

**Deputy Catherine Murphy:** I can understand the sustainability argument in respect of transport but there are other issues of sustainability in respect of the quantum of new houses in an area that is already struggling from the point of view of infrastructure. If the proposed quantum is pursued, I predict that it will not be realised because of the constraints. It simply gives the impression that something can be done.

I will take the opportunity to talk to the Minister about it afterwards because it is an unsatisfactory process from the point of view of the public’s understanding and its ability to buy into the planning process. This is the only opportunity the public has, particularly now that changes are going to happen in respect of developments of over 100 units being decided by An Bord Pleanála.

**An Leas-Cheann Comhairle:** In accordance with Standing Orders, I will allow Deputy Durkan a short supplementary question.

**Deputy Bernard J. Durkan:** Is the Minister fully aware of the infrastructural needs of the area, such as the substantial road and bridge realignments? The area to which the zoning has been diverted has been subject to severe flooding in past years on more than one occasion. There is a need for an urgent drainage and irrigation plan to be incorporated into the plan. I agree that the plan should go on display again because there are fundamental changes to what was previously discussed by the local authority.

**Deputy Simon Coveney:** First and foremost, there is a responsibility on local government, the planning authority and councillors to make sure they get these things right. When local area or county development plans come to my Department we sometimes have to ask for material changes. Sometimes this does not go down too well but it is necessary to make sure the planning process is in compliance with national planning strategy and legislation. Lands that are prone to flooding will be part of that consideration. I do not want to predetermine any consideration my Department may give to a local area plan process. We have already inputted into this process and there are statutory obligations on the local planning authority to respond. There is a process around decision making but that is why we have devolved powers to local government. There are interventions at a national level, where appropriate, but first and foremost the responsibility to get the balance right between infrastructure, open space, housing density, responding to housing need and other things such as avoiding flood plains with large housing developments, which did not happen enough in the past, falls to local planning authorities.

**An Leas-Cheann Comhairle:** We will take Question No. 9 and return to Question No. 8 afterwards.
9. **Deputy Bernard J. Durkan** asked the Minister for Housing, Planning, Community and Local Government the number of local authority new housing starts initiated by each local authority in the past 12 months; the number of local authorities, if any, awaiting the start of such housing starts; the extent to which the seriousness of the housing shortage has manifested itself in terms of homelessness in each of the local authorities; the degree to which each authority has successfully sourced alternative or emergency accommodation in the same period; if it is expected they will take emergency steps such as the provision of modular housing in order to address the emerging situation; and if he will make a statement on the matter. [17110/17]

**Deputy Bernard J. Durkan:** My question relates to the ongoing, in fact burgeoning, housing shortage in County Kildare with particular reference to the urgent need to deal with recurring homelessness. We must deal with people who find themselves homeless as a result of a variety of issues and have no place to go, with families having to book and rebook into hotels. In some cases, families with children who have special needs have to vacate at the drop of a hat.

**Deputy Simon Coveney:** I thank the Deputy for the question. My Department published a comprehensive list of all social housing construction schemes that were advancing nationwide at end of the fourth quarter of 2016. Over 500 approved schemes were listed that, when completed, will deliver about 8,500 new social homes. The schemes listed include those that are being designed, those currently on site and those completed in 2016. It showed that just over 650 new social houses were built in 2016 and a further 90 schemes, delivering over 1,800 newly built social houses, went on site last year. I am keen that those schemes, which are already approved by my Department, are advanced as soon as possible by the local authorities and approved housing bodies. I have assured them that funding is in place to support this delivery. I have also continued to approve further schemes which are adding to the already strong pipeline.

Local authorities are taking other actions to respond to housing need and meet the needs of homeless people within their areas. These include targeted acquisitions, the new repair and leasing initiative, and rapid-delivery housing. On the latter, my Department is working closely with local authorities and, as well as the 350 rapid-build homes at various stages of progress at end of last year, a further 650 will be advanced in 2017, followed by 500 additional units in 2018.

It should be noted that official homelessness data reports are produced using the pathway accommodation and support system, PASS, the single integrated national data information system on State-funded emergency accommodation arrangements overseen by housing authorities. These data reports are published and made available on my Department’s website each month.

As late as last week, as the Deputy knows, we announced a significant funding package for parts of County Kildare to cover infrastructure that is needed to open up housing sites in the right locations. That will certainly help to accelerate some of the projects the Deputy has been advocating.

**Deputy Bernard J. Durkan:** I thank the Minister for his reply. I acknowledge the work done to date. I realise the amount of preparatory work that is required before the houses are delivered. However, the housing shortage in County Kildare is reaching a position we have not experienced previously. Numerous families are apparently becoming homeless at the same time. On a daily basis, three, four, five or six families report to the local authority begging for
accommodation. The local authority is not in a position to build houses overnight.

Using Kildare as an example, perhaps the Minister might make contact with each of the local authorities with a view to identifying how, using modular houses or by whatever means, they can expand the number of houses available in the short term. The problem is with the short term; in two years, we will not have the same problem because building will have caught up with it. However, at the moment we have a serious situation that I have not experienced in my lifetime heretofore. We have all spoken about this issue in this House with the Minister and his predecessor. I am appealing to the Minister to contact the local authorities with a view to identifying how quickly and how many they can deliver.

Deputy Simon Coveney: The Deputy is right that this is all about delivery. I have said on numerous occasions that if I come to the conclusion that local authorities are not able to deliver social housing at the pace we need it, we then need to look at new structures, such as a national housing authority or something like that.

At the moment, to be fair, the vast majority of local authorities are seriously ramping up their delivery programmes. We should not forget there was virtually no money for social housing for quite some time because the country had no money. We did not have the capacity to borrow money to spend on social housing because there were strings attached to how we sourced finance. We are no longer in that position. We have an obligation to increase our housing stock significantly. I intend doing that as fast as we can while ensuring we have good-quality social housing. That is why we significantly increased funding this year over last year. We have seen a 50% increase in housing funding in one year. We will see another dramatic increase next year and the year after. We are ramping up. It takes time to get sites that were dormant up and running and building through tendering processes and all the rest of it. However, that is very much under way now.

Deputy Bernard J. Durkan: I acknowledge all the work that has been done and has to be done still. Some of these things are sent to test us from time to time. The manner in which we deal with emergencies is indicative of what can be done for society at any particular time. I agree that the Minister and his ministerial colleague are doing everything possible to do that now.

The problem is with the urgency. There is an urgent requirement to contact each local authority, particularly in the greater Dublin area, to identify precisely what they can deliver in the next six months. I am told by people who are in the business that they can deliver a modular house on site within three months and that there are serviced sites available. In view of the emergency nature of the situation that is now unfolding, I impress on the Minister to do that now rather than wait until it is forced upon us. The emergency will get to such an extent that it will not be possible to tolerate the degree of pressure arising from those on the waiting list who are out on the road with no place to go.

An Leas-Cheann Comhairle: Under Standing Orders, I call Deputy Catherine Murphy for a short supplementary question.

Deputy Catherine Murphy: Regarding the planning system, how that is handled is very patchy. A person presenting as homeless can wait for three weeks to be processed. A lot of homelessness is hidden because family and friends are helping out. In areas outside cities that would not previously have experienced front-line homelessness, the services are very underde-
veloped.

**Deputy Simon Coveney:** In response to Deputy Durkan, we now have a framework for rapid-build housing. I understand that Kildare County Council has been asked to fully exploit the potential of rapid-build housing, but it needs to come back with projects. We now have a central tendering list that has been agreed for companies that have the capacity for modular construction, which is essentially offsite construction, and then they put very good quality houses together. We will see a considerable amount of private and social housing built through offsite construction. I know of at least one facility in County Kildare that has the capacity to do that.

If there are opportunities for Kildare County Council to build social housing projects in a more rapid format, the framework is there to do it now. We will approve the projects if they are good enough and if they are cost effective. There is no excuse now for local authorities not to use rapid-build technologies to build social housing. There is a framework to do it and we want to support it.

**Rent Controls**

8. **Deputy Bríd Smith** asked the Minister for Housing, Planning, Community and Local Government if his attention has been drawn to large rent rises in areas adjoining the rent pressure zones; if he will reconsider extending the application and breadth of rent controls; and if he will make a statement on the matter. [17106/17]

**Deputy Bríd Smith:** I want to ask about the progress on rent controls. I take the opportunity to ask the Minister to comment on Monday night’s RTE programme on the housing crisis. On rent controls, we are finding that there are rent increases in areas just outside the designated local electoral areas. I notice the Minister designated a further 12 local electoral areas in January, and Cobh and Maynooth were added to the pressure zones last month. However, the pressure zones themselves are causing pressures on other areas. To what extent does the Minister monitor progress on it?

**Deputy Simon Coveney:** I did not see all of the programme, but I answered questions on Claire Byrne’s show afterwards. I was in Waterford that night, but I appeared from the Waterford studio. The young man, who was homeless and who was finding difficulty getting certainty on getting a bed at night, now has certainty. He has access to emergency accommodation and does not have to do it on a nightly basis. Obviously, we want to work with him to get him a much more permanent solution. Some of the other stories were very difficult for the individuals and families concerned. I am reminded all the time of my responsibilities as the Minister for housing to try to respond on behalf of the State to the needs of the many families under pressure. That programme was another example of it.

It is also important to recognise that we are improving things. There are many more supports for families in mortgage arrears difficulties. Free financial and legal advice is available as well as a revamped mortgage-to-rent scheme. The supports that are available are much better than before. We are also starting to see houses being built again and in the kind of numbers that are starting to move towards meeting demand. We have gone from 12,500 houses two years ago to just over 15,000 houses last year. There will probably be around 19,000 this year. I think we will be up to our target of 25,000 houses in 2018 or 2019 even though the target was for 2021. The truth is that we probably need to go up to 30,000 to 35,000 housing units a year
given our current population growth and pressures. Much of it will be social housing as well as private and affordable housing in the right mix.

We will review the effectiveness of rent pressure zones in the summer. Some 57% of rental properties are now in rent pressure zones. As I stated, there was a lot of scepticism on the Opposition benches when we debated the legislation because people thought it would only apply to Dublin and Cork city. Since then we have seen this expand into many other areas and it will continue to do so. If there are issues in relation to neighbouring areas, which people feel may get designated a rent pressure zone-----

Acting Chairman (Deputy Bernard J. Durkan): Thank you, Minister.

Deputy Simon Coveney: I will come in on it again. I will answer the Deputy.

Deputy Bríd Smith: What do I get? Is it one minute?

Acting Chairman (Deputy Bernard J. Durkan): Yes.

Deputy Bríd Smith: A young woman was featured on the programme. Selina Hogan from Ballyfermot will be put out of her house on Easter Monday. Selina is entitled to HAP but cannot get a landlord to take her. The HAP scheme is an abject failure for hundreds of families which cannot access accommodation provided by private landlords who will not take them. We need to examine this carefully because it is continuously leading to families being made homeless. They cannot access the HAP scheme because landlords do not want them. It was also reported to me that REITs say the Minister’s system is not working for them. The idea was that these vulture funds would get the houses and the REITs would, through market mechanisms, help to take people off the homeless list. Apparently, REITs are not receiving the HAP from the Department for three or four months and they are not interested in dealing with the Department.

I will return to the issue of rent controls in my final minute.

Deputy Simon Coveney: From what I can see, the HAP scheme is working successfully. If the Deputy has evidence to suggest otherwise, I would like to see it.

Deputy Bríd Smith: I have it and will get it to the Minister.

Deputy Simon Coveney: An additional 15,000 people throughout the country came onto the HAP scheme last year. It was only introduced to Dublin a few weeks ago. The homeless HAP has been working quite successfully.

Deputy Bríd Smith: No.

Deputy Simon Coveney: My colleague tells me that so far this year 467 homeless people have been homed through the homeless HAP. We also have a place finder office in Dublin which specifically helps those who are unable to locate properties where the landlord is willing to accept tenancies under the HAP scheme. It is not perfect all the time but systems are in place to help people. If the Deputy is concerned about individual cases, she should pass them on and we will see what we can do.

Deputy Bríd Smith: The Minister’s office will be bombarded with people who come daily to my clinic because they cannot access the HAP scheme. I will send the Minister the cases. I guarantee him that. Many of the people would love to be in my shoes today facing down the
Minister because they are so angry with their housing situation.

I will return to the issue of rent controls briefly. I will take, for example, a soft balloon that one might find when cleaning up the day following a party. If, when messing with it, one were to block the air on one side of it, all the air would go into the other side of it and make it burst. This is exactly what is happening in the areas outside the rent pressure zones. I have spoken in the House about bus workers before. They do not earn a huge amount of money. I know of a bus worker who lives just outside Navan and has been told by his landlord that his rent is going from €800 a month to €1,500 in one fell swoop. He cannot afford to stay there. Who could? Certainly not an average worker. This is happening around all the rent zones. The Minister’s rent control is not working. What is needed is a review that will take rents back down to 2011 levels. Dublin is becoming more expensive than London to live in. This cannot be maintained.

**Acting Chairman (Deputy Bernard J. Durkan):** Under Standing Orders, I will bring in Deputy Jan O’Sullivan.

**Deputy Jan O’Sullivan:** I tabled Question No. 18 which also relates to rent pressure zones. In particular, I want to raise the issue of cities such as Limerick and Waterford which have not been included as rent pressure zones because they have not satisfied the criteria. The Minister stated there would be a review in the summer, but one of the issues is the use of electoral areas. In one electoral area in my constituency, there is an extensive rural area as well as the most expensive rental properties which are at the edge of the city. I think the same applies in Waterford. Will the Minister examine the use of these local electoral areas? They have mixed rents which keep cities such as Waterford and Limerick from being designated but recent figures show that rents have gone up significantly in Limerick city. This needs to be re-examined.

**Deputy Simon Coveney:** Areas that are seeing significant rent inflation are likely to come in under the zoning. I would have to get the data for Limerick, which has been published, but my understanding is that parts of Limerick are close to being designated. I take Deputy Bríd Smith’s point about areas that are contiguous to rent pressure zones. There may be spillover in terms of landlords feeling that perhaps they are next and that they, therefore, need to put rents up. There are laws in place, however, that prevent them doing that outside of certain parameters. If landlords carry out a rent review and seek to increase the rent, they must get reference rents from similar properties in the area. If tenants are not happy, they can go to the Residential Tenancies Board for a determination of what is fair. This is why we have the Residential Tenancies Act, which was introduced by my predecessor.

Rent pressure zones were quite a blunt tool. To zone areas and limit rent increases in those areas by law had never been done by an Irish Government before. We will review its effectiveness in the summer and will try to take other issues into account. It is important that we provide certainty to the market as well and not give the impression that we will dramatically change direction.

**Housing Policy**

10. **Deputy Barry Cowen** asked the Minister for Housing, Planning, Community and Local Government the progress being made on the Government’s vacant housing strategy; the reasons for the delay in forming this strategy; and if he will make a statement on the matter. [17121/17]
Acting Chairman (Deputy Bernard J. Durkan): The Ceann Comhairle has agreed that Question No. 10 will be taken by Deputy Pat Casey.

Deputy Pat Casey: What is the progress being made on the Government’s vacant housing strategy as well as the reason for the delays in forming the strategy? Will he make a statement on same?

Deputy Damien English: Pillar 5 of the Rebuilding Ireland Action Plan for Housing and Homelessness is specifically focused on ensuring that the existing vacant housing stock throughout the country and across all forms of tenure in both the public and private sectors is used to the optimum degree possible. I know the Deputy agrees with this. In this regard, action 5.1 commits to the development of a national vacant housing reuse strategy that will be informed by census 2016 data to inform the compilation of a register of vacant units across the country; identify the number, location and reasons for longer-term vacancies which are more than six months in high demand areas; and set out a range of actions to bring vacant units back into use. As I referenced at a meeting in Wicklow last week, we have had vacant properties for 15 or 20 years in the country as recorded in the past three or four censuses. There is a long-term reason behind some of them. We are trying to get an understanding of that as well.

The Housing Agency, which has lead responsibility for co-ordinating the development of the strategy, established a working group in September 2016 comprising senior representatives from my Department, local authorities and the Housing Agency itself to inform the strategy. The working group has met more than six times to date and is at present concluding its deliberations on recommendations to be incorporated in the strategy, with a view to facilitating and incentivising the greater reutilisation of vacant properties. To assist in the finalisation of the strategy broad consultations were undertaken with a range of key stakeholders involved in the housing and homelessness areas as well as local authorities. This scale of engagement and the level of detail involved, including through several bilateral meetings with stakeholder groups, took time to organise but was considered crucial to informing the strategy. This is one of the reasons for the delay. It is also considered prudent to await the final census 2016 report on housing, which is due to be published on 20 April, to ensure the most up-to-date data on housing is incorporated in the strategy. Against that background, it is intended that the strategy will be finalised and published next month.

More than 7,000 public housing voids have been returned to use in recent years at considerable cost. It is important to note that voids have almost become a thing of the past. Every local authority has stepped up to the plate to bring voids back into use. Deputy Casey will be aware that the Department announced two schemes ahead of the announcement of the full strategy. These are the repair and leasing initiative and the buy and renew scheme. The Deputy attended a meeting last week in Wicklow at which I stressed that these schemes provide local authorities an immense opportunity to step up and get vacant properties back into use. Further schemes will be announced but the two to which I have referred are ideal for addressing the issue the Deputy raises.

Deputy Pat Casey: I thank the Minister of State for his reply. He referred to an “immense opportunity” and I agree, although I also believe a great opportunity has been lost. The latest census figures indicate there are 260,000 vacant properties in the State. This figure does not include properties above commercial properties which are not already residential. The overall figure, therefore, is substantially higher than 260,000. Even if 2% of these vacant properties were returned to use, we would have 7,500 more homes available. The Department has pro-
vided €32 million to deliver 800 homes. We would need a fund of only €300 million to deliver 7,500 homes. We should revisit this issue because vacant properties provide a much quicker solution to the housing and homelessness crisis than new builds. They also offer an easy win for all concerned.

Deputy Damien English: I fully agree with the Deputy. Preliminary data from the census indicate there are approximately 200,000 vacant properties when holiday homes are excluded. The figure may be slightly lower but, either way, this area presents an immense opportunity. For this reason, the Minister announced a couple of initiatives to fast-track our approach. We are putting processes in place. We held two workshops, engaged with all the local authorities and met their chief executives and asked them to pursue vacant properties. The funding and schemes to do so are in place and an additional €32 million has been allocated to the repair and lease-back initiative this year. This could bring more than 1,000 properties into use because the figures the Deputy cited assume full cost.

The Government will make it as easy as possible to bring vacant properties into use. For example, the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs, Deputy Heather Humphreys, recently announced another scheme to tackle vacant properties. The Housing Agency is trying to purchase more than 400 vacant properties and has been provided with a budget of €70 million, of which €60 million could be spent on the properties it has viewed thus far. Much is being done in this area and the Department is open to doing more but we need local authorities to engage. I cannot stress enough that local authority members have an opportunity to find vacant properties, bring them into the system and make them available. That is what we want to happen.

Deputy Pat Casey: The Minister of State is correct but more support is required. The greatest opportunity available to us is in the area of vacant properties because they offer a win on all accounts, especially in respect of village and town renewal. Bringing vacant properties back into use brings life back into towns. We are failing to deliver the critical infrastructure needed to build new houses. Vacant properties have water and sewerage services and access to the road network. I ask the Minister to revisit this issue and find more money to address vacant properties. To use the Department’s figures, the €300 million sum provided to deliver 7,500 vacant properties into use is less than what is being spent on rapid build housing, which will deliver only 350 units. When we compare like with like, it is clear that vacant properties present a golden opportunity. Perhaps we can revisit the issue as a possible solution in the near future.

Deputy Eoin Ó Broin: The three schemes to which the Minister of State referred are good. While he often complains that I give him a hard time, I have publicly stated these schemes are worth supporting. The problem is that over the six years of the schemes, the Department’s target is to deliver 6,600 houses, which amounts to 3% of the vacant housing stock to which Deputy Casey referred. I urge the Minister to ensure the strategy he is finalising is much more ambitious in terms of the number of units being targeted. Additional resources, particularly staffing, must be provided to local authorities to enable them to go after these units and return them to use. This approach would secure many more units at a far better price.

If one contrasts the 6,600 units the Minister plans to return to use over five or six years with the 40,000 units targeted under the housing assistance payment, HAP, scheme, it shows the Department’s priorities are wrong. A unit returned to use through the repair and lease or purchase and renovate scheme provides much better value for money than having someone in the HAP scheme for five or ten years. The Minister could be much more ambitious in this area. I look
forward to the publication of the strategy.

**Deputy Jan O'Sullivan:** The Peter McVerry Trust has suggested that local authorities have empty homes officers, as is the case in the United Kingdom, who would actively seek to find out why houses are empty. This is a good proposal, although I am not necessarily suggesting additional staff be appointed. Each local authority could designate an existing member of staff and instruct this person to proactively find out why houses are empty and whether they can be used. I share the Minister’s frustration in this regard, having called in local authorities in my time as a Minister to get them to do things. The proposal from the Peter McVerry Trust is a very good one.

**Deputy Damien English:** We are all in complete agreement on this matter, which is nice for a change. The opportunities in this area are endless. We have asked local authorities and approved housing bodies to send someone out to every vacant property and tell us who owns it, why it is empty, what is wrong with it and what must be done to bring it into use. The Department will then chase up on every individual property. We have asked approved housing bodies and local authorities to work on this issue together in all relevant areas. We also asked them to be ambitious and go after these properties. Three schemes have been announced and money has been allocated to them. More will follow when the strategy is published. We have made clear to local authority members and management that they must show ambition and spend the money we have allocated. We will then find more money but we must first see ambition. We have stated in face to face meetings with local authority managers that the best way for local authorities to prove to observers that they are up to the job is to find vacant properties and bring them back into use. The challenge lies with them. Resources are available and we will find more demand-led schemes. The Minister has made clear that if the allocation is spent, we will find more money. Everyone has a role to play in this matter. Members and councillors know people who own vacant properties and should ask them to make these properties available. Everyone gains from these worthwhile schemes.

### Private Rented Accommodation

11. **Deputy Ruth Coppinger** asked the Minister for Housing, Planning, Community and Local Government his views on the level of enforcement of residential tenancies legislation on landlords; if additional regulations and penalties for landlords are needed; and if he will make a statement on the matter. [17105/17]

**Deputy Ruth Coppinger:** Is the Minister satisfied with the level of regulation and enforcement in the private rented sector or is further regulation necessary? I ask this question on foot of a claim made by the Minister of State at a housing policy forum the other week that more people are choosing to rent because of a more flexible - in other words, insecure - working environment. Official Government policy, as set out in Rebuilding Ireland, is that a strong rental sector is needed to support a mobile labour market. Put another way, housing, like jobs, should be insecure. I am particularly concerned about the kind of life young people face given that the private rented sector is experiencing dramatic growth.

**Deputy Simon Coveney:** The Deputy has put an unfortunate spin on a highly progressive approach to the role and functioning of the much more predictable rental market we would like to create. For as long as I remember, the problem with the rental market is that rents rapidly increase in boom times and collapse at times of recession. This is no way to manage a rental
market in which we want to create security of tenure and much more predictability and certainty for tenants and landlords. We recognise that many people do not want to live in one location or in a house with a significant amount of debt attached to it for the rest of their lives. Some people want temporary accommodation because of where they want to work and live. Some will choose to rent for a lifetime because they want to avoid significant debt. Those who want to do this should have the option. We are not trying to encourage this option.

Home ownership is a core part of the Irish mentality and approach to property. There is nothing wrong with that but we want people to have options and, in the past, the rental market was only an option for people who were looking for temporary accommodation, students or those who could not afford their own home. That has changed a great deal over the past ten years, particularly in Dublin. It is the norm in many other European capitals. We are trying in the new rental strategy to provide a much more balanced, predictable rental market that has higher quality and that has good regulation for both tenants and landlords. We are making that change but it will not happen overnight, mainly because many landlords only have one property and they are not used to the regulation that comes with being a landlord.

The role of the RTB, particularly in the rental strategy, is being significantly enhanced. Unlike many other countries, we essentially have a rent regulator. We are significantly strengthening the RTB by increasing its staff numbers and the resources that go with that. Since the number of RPZs increased before Christmas, there has been a 135% increase in the number of people contacting the board, often just for information to understand new rules, laws and so on. We have an evolving but improving rental market, which is moving in the right direction in respect of security of tenure, predictability and certainty in order that people have the option of staying in that market for a long period if that is what they want and if that suits their lifestyle.

Acting Chairman (Deputy Bernard J. Durkan): We are out of time but I will allow the Deputy and Minister to contribute again.

Deputy Ruth Coppinger: We are out of time but the Minister is continuously taking 45 seconds more to answer most of the questions.

Deputy Simon Coveney: I am just trying to give complete answers.

Acting Chairman (Deputy Bernard J. Durkan): The Chair governs those issues.

Deputy Ruth Coppinger: The Minister took an additional 50 seconds to give that reply. Let us have a little equality for those tabling the questions.

Acting Chairman (Deputy Bernard J. Durkan): The Deputy should not waste time.

Deputy Ruth Coppinger: A Red C survey conducted on behalf of the Department in 2014 found that only 17% of respondents were happy renting. The Minister has painted a picture of people choosing to rent. People may choose to rent for a period of their lives but the problem is now that period is extending. The surest way to get into debt is to be in the private rental sector because it eats up most of people’s income. He must be aware of this, yet he peddles the myth that people do not want to get into debt by taking out a mortgage.

According to census figures, there are 119,000 fewer people in their 20s and 30s in the State now than five years ago. Thank God they all emigrated. Can Members imagine the crisis we
would have in the private rental sector if they had chosen to stay? The young people who are here are in overcrowded-----

**Acting Chairman (Deputy Bernard J. Durkan):** I thank the Deputy and call the Minister.

**Deputy Ruth Coppinger:** Can I have the same consideration as given to the Minister? Could the Chair keep an eye on the clock?

**Deputy Simon Coveney:** Approximately 400 Irish people a week are coming home to work because they want to live here. Many will find accommodation in the private rental market and some will, hopefully, be able to afford a home. There are more people coming home than leaving because they can see the country is moving in the right direction, despite the fact that there are many who try to put a negative spin on this. If we were not trying to create an improved rental market, the Deputy would give out about that. Now that we are looking to improve the market in respect of core issues such as security of tenure, predictability and managing unsustainable rent increases, she is giving out about that as well and accusing me of trying to force people into this market by trying to improve it. Can the Deputy see anything positive in this?

**Deputy Patrick O’Donovan:** No.

**Deputy Simon Coveney:** We have a significant rental sector, which is expanding. That is a fact, whether or not we like it. My job is to try to make sure the rental market is better structured and protected by better laws to ensure tenants are protected and landlords have certainty. Of course, if people want to purchase their own homes or if they want to access social housing, we need to facilitate that transition as well. We are doing that but the rental market has a core function for many people and my job is to try to make sure we achieve the best balance we can in that market.

**Acting Chairman (Deputy Bernard J. Durkan):** That concludes Questions.

**Deputy Ruth Coppinger:** So I lose out because the Minister went on.

**Acting Chairman (Deputy Bernard J. Durkan):** Do not mind that. We will move on to the next business. Time has expired. I am sorry about that.

**Deputy Ruth Coppinger:** The Chair is not sorry because he allowed that to happen.

**Acting Chairman (Deputy Bernard J. Durkan):** We cannot alter the ticking clock.

**Deputy Ruth Coppinger:** That is ridiculous.

*Written Answers are published on the Oireachtas website.*

**Topical Issue Debate**

**Sports Funding**

**Deputy Ruth Coppinger:** We have all been following the revelations this week regarding the treatment of the national women’s soccer team. I believe negotiations have taken place and some matters have been resolved but I commend the players for bringing this to public atten-
tion. It just goes to show when people link with a union and bring issues to public attention the progress that can be made quickly. However, a broader issue has been revealed, which is the discrimination against, and unequal treatment of, women in sport generally, both nationally and internationally.

I used to coach a basketball team when I was a teacher and the practice was that teachers would bring home the squad’s kit to wash. The kit would be shared among the various teams. It seems our national women’s soccer team was not treated much better having to change in toilets and taking off their tracksuits to give to the underage teams. There is still a massive difference in the remuneration of women and men. I understand the women were seeking €300 per match appearance whereas the senior men receive approximately €5,000 per game.

Many surveys highlight that female athletes are covered less in the media now than they were in 1989. We are subsidising RTE. Will the Minister of State launch an investigation into the coverage of women’s sports by the national broadcaster? In the US, women’s sports receive 3.2% of network coverage although in some cases it is only 2%. However, many of the television channels use the ubiquitous evolving rolling ticker at the bottom of the screen to justify coverage of women’s sport. Much of the coverage is sexist referring to their looks and appearance and it idealises their ability to juggle family and sport. One tennis player was asked by a commentator recently to give a twirl to show what she was wearing. That is the way women can be treated when they participate in sport.

With regard to funding of sports bodies, will the Minister of State call any of them to account regarding the amount they give to women’s sports? This is not just about gender discrimination; it is also a health issue. How is it attractive for young girls to continue in their chosen sport if they know they will be treated as second or third class citizens? There is a problem with girls participating in sports in their teenage years and beyond. Why would they when their participation is not valued at all by society? There is a health issue for girls. The Minister of State should call the sports bodies to account in this regard.

The prize fund for the World Cup was €576 million whereas the prize fund for the Women’s World Cup was €15 million, or 40 times less. The men’s World Cup winning team received $35 million whereas the women’s winners received $2 billion. The winning team in the men’s UEFA Champions League receives €15 million while the winning women’s team receives €250,000 or 60 times less.

In 2015, the State gave €2.96 million to the GAA but only €384,655 was given to the Ladies Gaelic Football Association and €387,000 to the Camogie Association. Much less funding goes to women’s sports and the Minister of State should take this up with the association.

Minister of State at the Department of Transport, Tourism and Sport (Deputy Patrick O’Donovan): I welcome the opportunity to comment on the events of the past few days. Like most Members, I am delighted the issues between the women’s teams and the FAI have been resolved, training has recommenced and the scheduled match will go ahead next Monday evening. I wish the team the best of luck. Over the past number of years, we have seen huge strides being made by our women’s international soccer team and I wish them the best of luck.

I understand all of the issues raised by the women’s team have been successfully resolved following mediation last night. I made contact yesterday morning with Sport Ireland and the FAI and I encouraged both to facilitate mediation. I was delighted it was availed off by all par-
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ties without preconditions and that the matters have been resolved.

It is disappointing the dispute between the team and the FAI happened in the first place but I am pleased that it has now been resolved. It is important that woman and girls are encouraged to participate in sport and I am fully supportive of the existing programmes in place aimed at increasing female participation in sport. Football plays an important role in that regard. Women’s participation in football has been growing in recent years and I know it will continue. Since the launch of the FAI’s women’s development plan in 2006, the number of registered players in the women’s game has grown from 12,500 to more than 23,000. It is a clear indication of the huge increase and interest in women’s football and I have no doubt the part played by the women’s national team and members of that squad acting as ambassadors and role models has been a huge factor in the growth in participation.

I take this opportunity to congratulate the team on securing fourth spot in the Cyprus Cup last month, their highest ever finish in a tournament.

Sport Ireland, which is funded by my Department as a statutory agency, provides funding to the FAI from its youth field sports programme and its women in sport programme, which I launched yesterday for 2017. Funding of €2.7 million was provided to the FAI last year. Youth field sports funding is aimed at increasing participation in football by young people, both boys and girls. The women in sport funding is for the grassroots development of specific programmes in women’s football and funds participation initiatives for women. The FAI’s individual programmes are aimed at encouraging young girls aged between seven and 12 to play football. The programme has been a major factor in the increase in the number of young girls participating in recent years. Over 130 soccer sisters camps will be taking place around the country during the upcoming Easter school holidays. We have seen programmes like these with the GAA cúl camps. Programmes like this are a great way to get young girls involved in sport and I commend the FAI for the work it is doing.

Since this Government came into office, we have put a number of initiatives in place such as funding for the women’s GPA. References were made to women’s sports in general. Funding is now in place when it previously was not. The Women’s Rugby World Cup is coming up in the summer. I will use the opportunity to promote that and hope people engage in it. We have also seen improvements in the broadcast of women’s sports, particularly in the Women’s Six Nations. This has to be welcomed.

Reference was made to the GAA. I remind the Deputy the GAA has responsibility for handball and underage hurling and football in our schools and it does not discriminate between boys and girls. Many clubs across the country have, at underage level such as under-eights, under-tens and under-12s, boys and girls playing together. The GAA has a programme for the development of women in the sport. It needs to be acknowledged in terms of the overall contribution the GAA makes. The IRFU has a similar situation as do most of the national governing bodies that come under the umbrella of Sport Ireland. Sport Ireland has specific programmes for the development of women’s sports, the funding of which we announced yesterday. The allocations will be made through the national governing bodies.

Deputy Ruth Coppinger: Does the Minister of State find it acceptable that the head of the FAI is apparently on a salary of €360,000 yet failed to engage and did not want to engage at all with representatives of the women players for a number of years? The Minister of State is saying it is great that it was sorted out. Is there not some responsibility on him as Minister of State
to call the FAI to account for its treatment of these players over a long period of time? They should not have had to go public. They should not have had to do what they did. It obviously took a huge amount of work. It did not just happen with the press conference. They should not have had to threaten to go on strike. It validates the power of withdrawing labour and the reason why people resort to it. Does the Minister of State not think the FAI has to be called to account for its finances in general? There have been ongoing issues with what seems to be first class travel by the top executives while the players are stuck in economy class. It also happened with the men’s team but obviously it would be even worse for the women’s team.

There are a number of broader issues here. We know there is gender inequality in sport. It is massive. My daughter has often asked me why they never show women playing sport on television. How is it possible to encourage daughters to take part in sport when they see they are not valued? RTE’s director general mooted the idea of doubling the TV licence as something she would like to do. We see very few women in TV coverage generally but even fewer in sport. Does the Minister of State have any concerns about that? Will he propose anything?

**Deputy Patrick O’Donovan:** We do not run RTE. Contrary to some political parties’ aspirations that we should control the national broadcaster, we do not. RTE has made strides over the past number of years to promote the broadcast of women’s sports, particularly in the area of the GAA. One can hear it if one turns on the radio any Saturday or Sunday and follows Sunday Sport. The Deputy should tune into it. On the overall-----

**Deputy Ruth Coppinger:** The Minister of State’s patronising answers are a real insult.

**Deputy Patrick O’Donovan:** Just in-----

**Acting Chairman (Deputy Bernard J. Durkan):** One at a time, please.

**Deputy Patrick O’Donovan:** On the overall issue-----

**Deputy Ruth Coppinger:** The Minister of State is being patronising.

**Deputy Patrick O’Donovan:** On the issue of how women in sport are valued, my record on women and sport is very clear.

**Deputy Ruth Coppinger:** It is really clear.

**Deputy Patrick O’Donovan:** We launched a policy document a number of months ago and neither the Deputy’s party nor any Opposition party made a submission. The Deputy values women in sport and sport so much that she did not even bother to make a submission on the overall policy and structural direction.

**Deputy Ruth Coppinger:** Will the Minister of State answer the question?

**Deputy Patrick O’Donovan:** I am answering it but the Deputy does not want the answer I am giving her.

**Deputy Ruth Coppinger:** I do not want the answer the Minister of State is giving me; I want the answer to the question I asked.

**Deputy Patrick O’Donovan:** The Deputy wants to come in here with her usual wave of negativity.
Deputy Ruth Coppinger: I asked about the FAI.

Deputy Patrick O'Donovan: The Deputy was given an opportunity, as was every other Deputy in the House, to have a say on the formulation of a policy for sport in Ireland-----

Deputy Ruth Coppinger: Is the Minister of State going to personalise the Topical Issue debate?

Deputy Patrick O'Donovan: -----and she fudged it. She fudged it. There will still be an opportunity when the Deputy gets around to valuing sport rather than just coming in and picking out the latest negativity. What we listened to in Question Time was just another wave of the Deputy’s usual negativity.

Women’s sport is to the fore of my agenda in the Department of Transport, Tourism and Sport. It is to the fore of Sport Ireland, which is the statutory agency with responsibility for it. The sports monitor report was published previously. I have heard no one calling for a debate in this House, neither the Deputy nor anyone else, about why it is that 16 year old girls are falling off the cliff of participation. If the Deputy is so anxious to have a debate on sport in Ireland, let us have it. She could start by deciding what policy she will formulate rather than just the usual wave of negativity.

Deputy Ruth Coppinger: The Minister of State is personalising it.

Schools Building Projects Status

Deputy Brendan Smith: For considerable time I have been raising, through correspondence to the Department and parliamentary questions, the need to progress the proposed building project for the Holy Family special school in Cootehill. It is extremely important that the project to provide additional permanent accommodation should be progressed without further delay. I am privileged to be very familiar with this school, having visited the premises for different events on numerous occasions. I appreciate the work of Rachel Moynagh, the principal and all her staff, colleagues, successive boards of management and parents’ associations. There is a real school community for the Holy Family. This project has the support of all Oireachtas Members and county councillors throughout Cavan-Monaghan.

For some time the Department has accepted this major building project for the Holy Family school is a priority to progress to tender and construction stage. The project was authorised to proceed to complete stage 2B of architectural planning on 31 January 2017. The initial feasibility study for this new school accommodation was carried out in 2002 and the design team was appointed in 2006. For various reasons delays have occurred. Increased enrolments and changes to the schedules of accommodation were some of the reasons cited at the time for delays occurring in the early stages of the planning process. It was back to the drawing board on a number of occasions. Very importantly, since 2002, the school population has doubled in size and school facilities are totally inadequate to meet the needs of the pupils. Currently the school is on two sites and the pupils attending the White Star complex in Market Street in the town lose considerable time when they go to the main building for lunch. They must travel by bus. Lack of space in both buildings is a major issue. For example, one class is in the PE storeroom and includes four wheelchair users.
The board of management does not want to have to introduce waiting lists for the first time in the school’s history. It is the only such school in Cavan-Monaghan. If it is not possible to accommodate all children who need to attend the Holy Family Special School, serious problems will arise for those with moderate, severe and-or profound disabilities in counties Cavan and Monaghan. Children who need to attend this school must not be deprived of that opportunity.

Over the years, successive parents associations and boards of management have been supportive of the principal and staff in fund-raising for the school and participating in numerous events and activities involving all of the school community. The board and its professional advisers are anxious that the Minister and his Department should permit it without further delay to start the pre-qualification of contractors and let construction commence during 2017.

Regarding the growth in enrolments, there were 14 school leavers in the 2015-16 year whereas there were 34 school admissions. This school was started more than 50 years ago. One of our predecessors in the House, Dr. Rory O’Hanlon, was one of its founding members. It is important that the Minister gives the go ahead to ensure that construction commences during 2017. The school sought and was granted planning permission last year for temporary accommodation that would enable it to move site this summer so that construction could start on the main site before the end of the year. The board of management, the parents’ association and the wider school community are frustrated by the delays. It is important that the requisite approval be issued at the earliest possible date.

**Acting Chairman (Deputy Bernard J. Durkan):** I will allow Deputy Smyth a brief intervention.

**Deputy Niamh Smyth:** I support my colleague in calling on the Minister to approve this project. It is a unique and important school for Cavan and Monaghan that caters for pupils between the ages of four and 18 years and is located in Cootehill, which we like to call the hub of education, given how it lies on the Cavan-Monaghan border and provides for that catchment area. Its pupils have severe and profound learning difficulties, moderate and multiple learning disabilities, and-or autism. On Monday, there were major protests across the country regarding access to services for parents and, more importantly, special needs students.

The project is an important infrastructural one that needs to happen. The Department has gone some way in that regard, but its approval is necessary if the project is to proceed. As Deputy Brendan Smith just outlined, teachers have to travel between various locations across Cootehill to do their normal day’s work. I support his call for movement on this matter.

**Minister for Education and Skills (Deputy Richard Bruton):** I thank the Deputies for raising this issue. The school is successful and no one doubts its quality. As Deputy Brendan Smith stated, it saw a dramatic increase in enrolments.

I have examined the history of the project. To be fair, the delay has been for good reason, in that the board of management requested the addition of five permanent classrooms, increasing the school’s size from 21 classrooms. This meant that the design needed to be amended and a fresh planning application had to be obtained, given that the floor area was increasing to 5,300 sq. m. A replacement consultant mechanical and electrical engineer also had to be appointed to the design team.

The school raised the issue of how the children would be decanted. The original plan would have entailed two phases and the decant would not have been on the same scale, but there will
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now be a total decant of the school. A design for that has been approved and will form part of the overall contract.

The Department is awaiting the stage 2B submission from the school. Moving to that detailed design stage was approved in January. The Department must receive and assess the submission. Deputy Brendan Smith suggested that contractors be pre-qualified before that point. I will ask my Department whether that is feasible, but I imagine that the design would have to be defined before pre-qualification could occur. Perhaps that is not the case, but I will check it out for the Deputy.

As soon as the school’s submission is received, we will attempt to move on it as quickly as possible. The process requires departmental evaluation and its various elements have to be completed so as to ensure the design will deliver as intended, but I assure the Deputies that the Department will assign considerable priority to this project in view of the school’s value and the urgency to which they have drawn my attention.

Deputy Brendan Smith: I thank the Minister for his positive response. As he rightly pointed out, one cause for the delay was the Department’s understandable changing of the schedules of accommodation at schools for pupils with special needs. Subsequently, the increased enrolment meant that we had to go back to the drawing board. The situation has been frustrating for those of us who have been supporting the project over a number of years. We all believed that we were close to construction stage. This time last year, it was strongly indicated that construction would commence during the course of 2017 and Cavan County Council expeditiously approved the planning application for temporary accommodation to facilitate the total relocation while construction commenced on the new building. The board of management, the parents’ association and the wider school community were planning on moving to the new temporary location this summer.

I hope the Minister will speak with the officials in his Department’s building unit and give the school’s professional advisers the necessary approval so the initial procurement of contractors process can commence. I understand this is necessary and would ensure that no further delays would occur.

As the Minister rightly pointed out, the school has a proud record and has experienced phenomenal growth. Like other public representatives who have visited it, I know that space there is tight, to put it mildly. The fact that its children are on two different sites is not good enough. They must return to the main building at lunch time, which costs good, valuable school time.

Deputy Niamh Smyth: I thank the Minister for his positive response. It was not long ago that he was in Kingscourt visiting our new ETB school, Coláiste Dún an Rí, which we look forward to being open, so he knows that we make good use of money when it comes in our constituency’s direction.

Deputy Richard Bruton: I will take up that point. My understanding is that the decant plan forms part of the main contract and is not a separate contract. It is not an option for the Department to undertake the decant piece, which I understand has planning permission in respect of two modular prefabricated single storey buildings, except as part of the entire contract. The two parts must move together. Approval for the entire piece at stage 2B will be necessary. We do not have the option of taking one piece separately. However, the school will be a priority once that approval has been granted. The situation increases the urgency of the case, but we
cannot move on one piece before overall approval has been granted.

Medical Aids and Appliances Provision

Deputy Mary Butler: I thank the Minister of State, Deputy Catherine Byrne, for coming to the House to deal with this matter, which I am disappointed to have to raise on the floor of the Dáil but I have exhausted every other avenue open to me.

This issue relates to a child called Emily who will be six years old in June. Emily was brain damaged at birth. She cannot walk, talk, eat or do anything for herself. She is also incontinent. Emily’s hearing is exceptionally good but her sight is not. She attends school in Dungarvan and she is looked after very well in St. John’s on a weekly basis. Emily lives at home with her mum, her dad and her three-year-old brother. She has to be lifted multiple times a day and, if sick, she has to be lifted a great deal more. She has a standing appliance, a walker, a comfort chair and a wheelchair but she needs to be lifted and carried from these appliances several times a day. She also requires physiotherapy every day as her hands are permanently fistled and her hips are very tight and rigid. Emily has no freedom of movement and her muscles spasm regularly so physiotherapy is vital to her in her life. Ideally this should be done on a flat surface and so Emily’s mum normally does it on the floor. However, her mum is no longer able to lift Emily from the floor as she now has severe back pain.

Emily’s needs are a constant physical strain on her family. As I said, her physiotherapy is now carried out while she is on a bed, which unfortunately is not as beneficial or effective but the family has no choice. Emily’s mum has been fighting for a ceiling hoist for Emily since last summer. A floor hoist was offered by the HSE but it will not work for the family because it will not fit into Emily’s room. Emily’s mum advised the HSE that the floor hoist would not work. She understands that the ceiling hoist is more expensive - it is approximately double the €1,300 cost of the floor hoist, at €2,700 - and she is willing to meet some of the cost. We have hit a brick wall. Regardless of where we turn the answer continues to be that the floor hoist is the only appliance that can be provided for Emily. To add to this, the liaison nurse who attends the family and Emily has been advised by her employers, the HSE, not to lift Emily and so she is no longer attending her. This is extremely upsetting for Emily and her family.

As I said, I take no pleasure in raising this matter on the floor of the House. I acknowledge that there is a lot of good work being done but we are continually meeting a brick wall on this matter. A ceiling hoist, that would run from the bedroom to the bathroom, would enable Emily to be easily moved to and from all of her appliances. This would make life so much easier for her family. Approximately €14 billion is spent annually on the health budget. The amount required for this ceiling hoist is not huge. I accept the HSE is under constraint in terms of its budget. The HSE has not refused this hoist on health and safety grounds. I was actually told by a HSE employee to apply to Waterford City and County Council for a grant for the hoist. In my view, it is passing responsibility for this matter to Waterford City and County Council and it is not its responsibility.

Minister of State at the Department of Health (Deputy Catherine Byrne): I am taking this matter on behalf of the Minister for Health, Deputy Harris. I thank Deputy Butler for raising this issue. Under the Health Act 2004, the Health Service Executive is required to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. The HSE has statutory responsibility for the provision of services for people with intellectual,
physical and sensory disabilities or autism and their carers. These services include basic health services such as medical cards, prescribed drugs and medicines, medical and surgical aids and appliances, hospital services, dental services, optical services and aural services. The HSE funds a range of community services and supports to enable each individual with a disability to achieve his or her full potential and maximise independence. Services are provided in a variety of community and residential settings in partnership with service users, their families and carers and a range of statutory, non-statutory, voluntary and community groups. Voluntary agencies provide the majority of services in partnership with and on behalf of the HSE.

With the Deputy’s permission, as she is already aware of much of the information provided, I will skip a couple of paragraphs.

Deputy Mary Butler: That is fine.

Deputy Catherine Byrne: In respect of the specific case identified by the Deputy, in subsequent correspondence today with officials in the Department of Health and following consultation with the HSE, I am informed of the following. It is the responsibility of the prescribing clinician to ensure that a comprehensive assessment relevant to each service user’s needs is completed prior to prescribing an item of equipment. The child concerned was clinically assessed by a HSE occupational therapist in Waterford Community Services and it was determined that a standard hoist would meet her needs. A standard hoist has been offered by the HSE to the child’s family. However, it is understood that they have indicated a preference for a ceiling track hoist. Ceiling hoist systems are not generally available through the HSE Waterford Aids and Appliances. The occupational therapist has advised the child’s family of its options and will continue to engage and support the family in relation to ensuring the child’s ongoing health needs are met.

I am further informed that the HSE is also available to discuss and support the family in relation to its equipment needs within the terms of the schemes available and I have asked the HSE to respond to the Deputy as a matter of urgency. I am happy to respond further to any questions from the Deputy.

Deputy Mary Butler: I thank the Minister of State for the reply. The installation of a ceiling hoist would make such a difference to Emily and her family. It would mean that Emily would not be in so much pain and neither would her mum. Also, the house would be a safer environment for Emily and her family. At the end of the day, this child is in the care of the State but she is also in the care of her parents. If she had to be put into State care it would cost a fortune. Emily’s parents are doing their utmost for her every day of the week. This is a funding issue. The ceiling hoist is not being refused on health and safety grounds.

The Minister of State mentioned in her reply that ceiling hoist systems are not generally available through HSE Waterford Aids and Appliances but they are available in other counties. I cannot understand that. Why this item, which would make Emily’s life and that of her parents so much easier, cannot be given to her does not make sense in this day and age. It is a sad reflection of the society we are living in that a brain damaged child who cannot walk, talk, eat or speak and is incontinent is being refused a ceiling track hoist that would make her life a little easier. As I said earlier, I take no pleasure in having to raise this matter in the Dáil. It is wrong that I have to raise on the floor of the Dáil the provision of equipment for a child, which should be a fundamental right. All Emily’s parents want is a normal happy life with their two children, one of whom is, unfortunately, brain damaged. It would make life so much easier on
them to have a ceiling hoist installed. I have also raised this issue with the Minister of State, Deputy Finian McGrath. I am appealing to all involved to ensure that common sense prevails such that this child can have a ceiling track hoist installed in her home thereby making her life, which is tough enough as it is, that little bit easier.

**Deputy Catherine Byrne:** I will bring the remarks made by the Deputy in her opening statement, particularly that the floor hoist offered would not fit into the child’s room, to the attention of the Minister, Deputy Harris. I do not think the cost of a piece of equipment should inhibit any child having a proper standard of health service within his or her home. I do not think a cost of €2,700 is a huge amount. Unfortunately, I am not an occupational therapist and I must be guided by the reply for the HSE. According to the occupational therapist the hoist offered is adequate. However, I take on board the specifics of the case highlighted by the Deputy, particularly that the mother and the liaison nurse are not able to lift the child, and I will bring them to the attention of the Minister and I will ask him to deal with the matter as quickly as possible. I am taken aback by the Deputy’s statement that in other areas this funding would be made available.

**Youth Services**

**Deputy Fiona O’Loughlin:** I do not know whether the Minister of State has ever had an opportunity to visit my home town of Rathangan in County Kildare.

**Deputy Catherine Byrne:** I have.

**Deputy Fiona O’Loughlin:** That is good because I was going to invite her to visit. Perhaps she will visit the town again another time.

**Acting Chairman (Deputy Bernard J. Durkan):** I have been there too.

**Deputy Fiona O’Loughlin:** As the Minister of State and the Acting Chairman both know from visiting Rathangan, it is a very vibrant and close-knit community. It is a small town of just over 2,000 people with a very strong community spirit. Over the years, we have had more than our fair share of tough times and tribulations. It has had a high level of unemployment and it continues to have a high level of disadvantage, as evidenced by the fact that all three schools in the town have DEIS status. The two primary schools in Rathangan are the only two schools in the county that do not have a NEPS service. Generally speaking, the town has been able to come together to deal with many of the issues it faces. The fabulous new community centre, which was built with the help of County Kildare Leader Partnership, Kildare County Council and the local community, has certainly been a welcome investment in the town. It is the home of the local youth café, which is used by the Scooters youth club, Foróige and other groups that wish to avail of it.

I would like to refer to the bad times we have come through in Rathangan. In 2012, we suffered the devastating loss of five young men over a very short period. As Deputies can imagine, this was a particularly high number of fatalities in the context of the population of the town. Although the people of the town were devastated, they came together as a community with the assistance of Kildare Youth Services, County Kildare Leader Partnership, local schools and local community activists, including myself. We got a very good response from the HSE, which funded a part-time youth counsellor and a part-time youth worker, who have been working very
closely with young people in the community ever since. Since 31 March, the services of the youth counsellor are no longer being provided. We have been told that by the end of April, the services of the youth worker will no longer be provided. I understand that a review is being carried out by the HSE.

I would like to make an appeal to the Minister of State. The local community will be totally let down if these vital services, which have given huge support to the younger members of our community, in particular, are withdrawn. When I looked at the census figures this morning, it was evident that County Kildare has one of the highest youth populations in the country. There was a big fanfare last week when, thankfully, Tusla granted another youth worker to Kildare. It is simply not good enough for the State to give with one hand through one agency and to take away with the other hand through a different agency the following week.

**Deputy Pat Buckley:** I thank Deputy O'Loughlin for raising this issue as well. I will try not to be repetitive. Scooters youth club was established in Rathangan in 1996 and has flourished with the support of the local community and local businesses since then. It meets the specific need for such services in this rural part of County Kildare. Approximately 50 young people access youth services in the town, including those provided by Foróige. As Deputy O’Loughlin informed the House, a youth café was established in Rathangan recently. Most importantly, Scooters youth club has provided a much-needed community response to the deaths of young people that were mentioned by Deputy O’Loughlin, for example, by building youth counselling services with a focus on mental health and well-being. The youth counselling service has ceased and the services of the youth worker who was allocated to the club for 19 hours a week are set to cease at the end of the month. This cut will reduce opening hours by 82% to just four hours a week, which is absolutely shocking.

Kildare Youth Services believes these cuts in funding will have a serious impact in the local area, which is already geographically isolated. The limited transport service in the area makes it more difficult for young people to seek HSE-led services outside Rathangan. When the national task force on mental health was established by the Government, it was stated that its aim was to bring youth mental health to the fore through our education system. The Government also made much of its claim that it would prioritise mental health. We need to be realistic. Young people deserve this service. The young people for whom these services were put in place have probably grown up, but a new generation with new challenges has come along. The removal of these services at this time is like pulling the plug out of a bath after it has been filled up and expecting it not to empty. Prevention is better than cure. If these resources are removed now, they will be even more desperately needed in the future. Those involved with Scooters youth club have made the reasonable request to be part of the conversation about what happens to the club’s resources. They were not consulted. They want the young people in the area to be asked about this, which is very important. Consultation should happen. Under no circumstances should these resources be removed.

**Deputy Catherine Byrne:** I will read the reply that has been given to me on behalf of the Minister of State, Deputy McEntee, but I do not know whether it will satisfy the Deputies.

**Deputy Fiona O’Loughlin:** I would say it will not.

**Deputy Catherine Byrne:** In the 1970s and 1980s, I had the privilege of bringing children from my own local youth club on holidays to Rathangan on many occasions. As a result, I know Rathangan very well. We were always well accepted by the community even though we
were from the inner city. We always gelled with the people there. It was a lovely place to go. Even though it was not a very long drive to Rathangan, for many children from the inner city it felt like they were going to the other side of the world. I have been familiar with Rathangan for many years and I continue to be familiar with it.

After I have read the response that has been prepared on behalf of the Minister of State, I will reply to some of the issues that have been raised by the Deputies on the basis of the notes I have taken. The HSE has indicated that funding to Kildare Youth Services will not be cut this year. Kildare Youth Services, in consultation with the HSE, will review the current provision of services in Rathangan. As the Deputies indicated, this initiative was funded as a result of a number of suicides in the area and as an acknowledgment of the lack of relevant supports and services to young people in the community generally. The funding will be reviewed to enable equity of access to other groups across the Kildare region and to ensure that those who most need services can access them.

The HSE is providing funding to Kildare Youth Services for a counsellor and a youth worker in Rathangan to provide dedicated youth counselling sessions to individuals and groups in the town. This is being done as part of an inter-agency approach to the promotion of positive mental health, involving community leaders, schools, parents and students. The agencies in question include the HSE, Kildare Youth Services, County Kildare Leader Partnership, the Garda, Kildare County Council and Mental Health Ireland. The objectives of this initiative were to establish contact with individuals, families and community-based organisations, especially in estates and localities where residents and families may experience social exclusion or feel disconnected from the wider Rathangan community. It developed links with local service providers, including schools and relevant statutory services, to assist in the initial contact programme and to co-ordinate appropriate agency interventions based on identified local needs. Kildare Youth Services is a voluntary organisation providing a range of development and learning opportunities and services throughout the county to respond to the changing needs of young people, families and communities. It supports personal and social development and positively promotes the rights of these groups. The HSE is funding Kildare Youth Services to provide a counsellor and a youth worker in Rathangan. The youth worker, who works part-time three days each week, runs groups for young people between the ages of 11 and 18. I know some of this might be irrelevant now.

In 2015, the Government launched Connecting for Life, which is the national strategy to reduce suicide and self-harm over the period from 2015 to 2020. The strategy sets out a vision where fewer lives are lost through suicide and where communities and individuals are empowered to improve their mental health and well-being on many fronts. It provides community-based organisations with guidelines, protocols and training on effective suicide prevention. One of the main goals of Connecting for Life is to target approaches among priority groups, including young people. This objective, along with the type of work being undertaken by this particular service in Rathangan, is complemented in a wider sense by the ongoing work of the national task force on youth mental health, which was established by this Government. This has brought together different perspectives and insights from the public, private, community and voluntary sectors and is operating as an action-oriented, decision-making group focused on making improvements and getting things done. An overriding objective of the task force, which is chaired by my colleague, the Minister of State, Deputy McEntee, is to identify areas where services and supports could be provided in a more integrated way. I have listened to the Deputies and I will respond to what they have said in my concluding remarks.
Deputy Fiona O’Loughlin: I thank Deputy Buckley for his support on this important issue. I assume that when the Minister of State came to Rathangan in previous years with youth groups, they stayed at the camp in Killinthomas Wood. I am glad she got a great welcome and she would continue to receive such a welcome, in particular if she helps us with this very pertinent issue. We are having a community event on 30 April at 2 p.m., and she would be very welcome.

I read and heard the response of the Minister of State, and I am trying to understand what it means because, to be perfectly honest, it is a non-response. We have been given a history of some of the strategic responses to suicide and self-harm. While excellent and important work has been done, I do not see anything in here that will help the particular situation to which I referred.

I suggest that we set up a meeting with the Minister of State, Deputy McEntee, the volunteers and community. I want to pay particular tribute to the volunteers, including Lisa, Kevin, Debbie, Leo, Pat and others, who have put in Trojan work in working with the young people of Rathangan in a voluntary capacity. They have taken on different community projects. I dread to think what will happen to the youth cafe which, thanks to the State and funding from Kildare County Council, has been provided.

It is ridiculous that the State would provide one level of support but not another. When the Minister for Children and Youth Affairs, Deputy Katherine Zappone, published her strategy on youth cafes she said it is extremely important that there be professional support for young people. I am disappointed with the answer. I plead with the Minister of State to tread carefully and convey a message to the Minister of State and HSE when she is thinking of reducing or relocating any services for the young people of Rathangan.

The service is running a programme to allow young people to become leaders. One youth leader, Evan, said: “There is not enough people harming themselves in Rathangan. Is that why they took away the services? Do more people have to die in order for us to get services in Rathangan?” Essentially, the service has, thankfully, worked. Since 2012 we have not had any more young suicides. Why take away resources when the project is working? I plead with the Minister of State to bring a message back to the Minister of State, Deputy McEntee.

Deputy Pat Buckley: I echo the words of Deputy O’Loughlin. The Minister of State’s answer referred to funding. Funding for the youth sector has been cut by 28.5% since 2008. This is a much wider issue than Rathangan and Kildare. It is a national issue.

The Minister of State and the Government need to be honest and fund these services into the future. They are not emergency measures. Rather, they are the absolute minimum that must be provided to allow young people to flourish. As I told the Minister for Education and Skills, Deputy Richard Bruton, this is a national problem which is prevalent not just in youth centres but also schools.

The Minister, Deputy Bruton, recently received a letter from a young lady in my town, Jessica Daly. The letter will tell the House what is happening with young people in this country. Jessica said: “I come from a town called Midleton in Cork which once held the highest suicide rate in Europe... Please can you give our schools compulsory class[es] all about mental health.”

It is clear that not enough is being done to tackle this issue and something has to be done. I do not want to talk about this issue in the House every day. This involves our young people,
who are our future.

**Deputy Catherine Byrne:** I understand the frustration of the Deputies. I am not familiar with the situation. Is the new youth worker from Tusla or is the youth worker leaving on 31 March?

**Deputy Fiona O’Loughlin:** The youth worker was only sanctioned last week. The person has not been appointed and has not started.

**Deputy Catherine Byrne:** I come from a community and voluntary background and I know how important it is to provide youth services, in particular youth cafes and clubs. None of that could happen without volunteers. I wish to acknowledge that many people in communities across the country are volunteering, but we cannot leave them on their own.

I will relay the message from the Deputies to the Minister of State, Deputy Helen McEntee. I would love to go back to Rathangan. I do not think I would bring 60 children with me again. When I read the Official Report tomorrow, I will have more insight into some of the questions the Deputies asked and I will revert to them.

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**Statute of Limitations (Amendment) Bill 2017: Second Stage [Private Members]**

**Deputy Mick Wallace:** I move: “That the Bill be now read a Second Time.”

I am well aware that the Bill is far from perfect. There are some clerical errors in it and Deputies can see that we did not include amendments that have been made since the 1957 Act which was a mistake on our part. It was mentioned to me that I might have a conflict of interest with the Bill, but given that there are 158 Deputies in the Dáil and I am the only one who is bankrupt, I am the only Deputy who could not possibly benefit from the Bill. Therefore, I do not have a conflict of interest.

The law of limitations in Ireland is governed by the Statute of Limitations Act 1957. It contains seven different limitation periods of one, two, three, six, 12, 30 and 60 years, all applying to different types of civil actions. The law has been slightly amended on a number of occasions, but has never been subject to any type of general review, despite the fact that it is based on legislation dating back to the 17th and 18th centuries.

This Bill seeks to amend two categories of limitation period within the Statute of Limitations. Its aim is to reduce the current time limit from six years to two years in the case of a civil claim based on a contract debt such as a loan from a bank. The Bill also seeks to reduce the lifetime of High Court and Circuit Court judgments from 12 to two years, which would be in line with the most recent bankruptcy legislation.

The Bill is guided by a report produced by the Law Reform Commission in December 2011 on the limitation of actions which states that:

>[T]he rationale for applying different limitation periods depending on the type of action is no longer clear. Nor is it apparent that it is advantageous to continue to follow this approach.

In fact, the Law Reform Commission holds that the multitude of limitation periods can lead
to difficulties in categorisation, bringing about complex satellite litigation in order to ascertain whether a claim is statute-barred or not. This is a waste of time and resources in our already backlogged court system.

Common law actions, which include claims relating to contracts, including debt-related claims, and torts, including personal injury actions, make up a large portion of the civil cases taken in Irish courts, accounting for 45.5% of all civil claims in 2010. Reducing the limitation period would reduce litigation costs and the costs on the defendant and, given that the judicial process receives public subsidies, there would be a reduction in costs to the taxpayer.

Article 6 of the European Convention on Human Rights states that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. This right is aimed at preventing the parties involved from living too long under the stress of uncertainty, and to ensure that justice is carried out without delays which could threaten its effectiveness.

With regard to the question of what length of time is reasonable, the Law Reform Commission in its 2011 report cites legal analysis relating to Ireland, the UK, Canada and New Zealand, indicating that a two-year uniform limitation period would be the most appropriate in order to satisfy the rights of both parties to a dispute. The plaintiff must have enough time to consider his or her position, take legal advice, investigate the claim and prepare his or her case, but not so much time that it could put him or her in a position to delay unreasonably.

Civil limitation periods are a common feature of the legal systems of the state parties to the European Convention on Human Rights, although the European Court has noted a lack of uniformity in their duration across member states. According to the case law of the European Court of Human Rights, namely Stubbings v. United Kingdom (1997):

They serve ... important purposes, namely to ensure legal certainty and finality, protect potential defendants from stale claims which might be difficult to counter and prevent the injustice which might arise if courts were required to decide upon events which took place in the distant past on the basis of evidence which might have become unreliable and incomplete because of the passage of time.

According to the Law Reform Commission, a fair limitations period would take into account the rights and interests of both the plaintiff and the defendant, while also acting in the public interest. As we are talking about debt, the reality is that a vulture fund, with seemingly unlimited resources, could take up to six years to decide to take a case against an individual who generally has considerably fewer resources at his or her disposal. The vulture fund has the resources to prepare its case quickly, but the defendant could be forced to live in fear of the financial and reputational repercussions of the legal action for six years. Small businesses and home owners could be particularly vulnerable.

The Law Reform Commission of Western Australia has found that the “the adverse economic effects on defendants of having potential claims lying around too long can harm the health of the commercial sector generally.” Every day, families in Ireland are living under a cloud. They are waiting for a knock on the door, a summons to arrive in the letter box or a call from their solicitor to say that the debt from the past has come back to haunt them and that this will possibly result in them losing their home. That could be a debt incurred six years ago and in some cases even longer. Solicitors
have mentioned to me some problems they have encountered in this area, for example, school
and college tuition fees for children and pension savings are swallowed up by six and ten-year
old debts and families are unable to save, invest or plan for their futures because of the over-
hang of historical debt and not knowing when the risk will end.

Old judgments are often registered as a mortgage on a family home. In some cases the debt
may have been incurred ten years previously and the court proceedings are issued just before
the six-year limitation period expires. The court proceedings take a minimum of 12 months,
heaping added cost and misery on a family and the judgment mortgage which follows survives
as a legal burden for another 12 years. In total, one could be looking at a legal sentence on the
family of 18 or 19 years. For many, that is a sentence on an entire generation.

The six-year period within which to bring court proceedings has resulted in families and
relationships being broken up, has removed any chance of a planned future and has caused
distress, illness and, in rare cases, even suicide. There is a growing market in what is known as
bottom feeders who seek to buy up old debts that the banks and other concerns see little point in
pursuing after two or three years. The unscrupulous outfits then take over the debt and threaten
litigation within the six-year period and adopt the most aggressive moneylender-type tactics in
seeking recovery on the historical debts. Justice delayed is justice denied. A six-year period
is completely unnecessary as the vast majority of outstanding debts which are the subject of
legal proceedings are commenced within two years. As the vulture funds that stalk this land
are aware - and, indeed, as creditors all over the world will testify - old and stale claims that
have been in existence for more than two years are very difficult to recover. Pursuing such old
claims often results in no-win situations, as the debtor does not have the money to repay. And
all that happens, therefore, is that the valuable time of the courts has been used up and distress
is added to the hapless families.

James Treacy, managing director of *StubbsGazette*, recently stated that recovery of out-
standing contract debts is crucial to the efficient operation of our economy and that the key to
recovering contract debts is good information and swift action. The current six-year period
contradicts that approach. The 2011 value-for-money audit carried out by the Department of
Public Expenditure and Reform on the legal debt collection process of the Revenue Commis-
soners arrived at a similar conclusion when it discovered that the most significant returns on
court actions for outstanding tax debts were those taken in the early period after the liability is
incurred. Waiting six years to commence action is lazy and oppressive and risks losing the State
and creditors enormous sums of money. In addition, the longer the case is hanging about or
delayed, the greater the risk of what is termed “satellite litigation” where other parties become
involved and the costs and delays increase further.

Modern society and Irish business have instant communications and computerised ac-
counts and do not need the snail’s-pace inefficiency and delay of a six-year period. If the deci-
sion to enter into the contract and debt was the correct one at the outset and that debt remains
unpaid, that can be acted upon within two years and a six-year period makes no sense. All citi-
zens have a right to a speedy trial and it is a breach of their fundamental rights to have a cloud
hanging over them for an extended period of six years or more.

Evidence deteriorates over time and memories dim, which means there is a risk of preju-
dice against the debtor with delay. The latter is all because of a laziness and inefficiency on the
part of the creditor in not acting promptly to collect the debt. The cost to the courts and also
to individuals and business of maintaining records for six or seven years instead of two years
is enormous and unnecessary. It is phantom work and is completely unproductive. In many modern economies, the time limit is two or three years because everyone is entitled to have the slate wiped clean and be able to conduct a life that is not filled with the dread of a historical debt being resurrected several years later with little possibility of payment. In addition, judges find it difficult to imagine the context and circumstance of the original transaction several years previously and that adds to the uncertainty.

Exceptions to the proposed two-year rule would be latent or hidden defects that would enable purchasers or users of services or products to avail of a longer period. It would not be reasonable, for example, if a solicitor acted in the purchase of a home but did not secure proper title and was free of responsibility after a mere two years given that the person would be unlikely to find out until he or she tried to sell the house. He or she should have potential for redress. The main purpose of the Bill is that the core limitation period for legal actions on breach of contract should be reduced from six years to two years in the interest of fairness; to reflect modern best practice; to update an archaic but cruel law and to implement the recommendation of the Law Reform Commission.

In 2015, the Tánaiste and Minister for Justice and Equality, Deputy Frances Fitzgerald, addressed some core points relating to the Bill, when she stated:

The operation of the law in relation to the Statute of Limitations is a matter of ongoing review at my Department. This process also takes account of the Law Reform Commission Report on the Limitation of Actions published in December 2011 (LRC 104 -2011). In this Report, the Commission expressed the view that the principal legislation governing limitation of actions, the Statute of Limitations 1957 (as amended), is unnecessarily complex and in need of fundamental reform and simplification. The Commission made a series of recommendations in relation to enhancing the coherence of the broader limitation of actions regime including the introduction of a uniform two-year basic limitation period for common law actions.

As part of the ongoing review of the operation of the law in relation to the Statute of Limitations at my Department I will, therefore, continue to take account of the Commission’s recommendations and other relevant developments in the bringing forward of any future proposals for legislation in this area including, possibly, as part of any new programme of legislation.

It is good to see that the Government did not dismiss the proposal out of hand at the time. She also added that the Law Reform Commission had informed her:

Since the Commission was established in 1975, it has published 117 Reports, and about 70% of these Reports have either been implemented in Acts or are in the process of being implemented in Government Bills (which as you know are the most common way that legislation gets enacted). This compares very well with other similar law reform agencies around the world, where implementation rates are sometimes between 50%-60%.

It is not as if I picked the Bill from the sky; we followed as closely as we could the recommendations of the Law Reform Commission.

It sees a need for change, and we think that given the changing climate in Ireland, particularly following the economic crisis and the banking crisis, which had such a dramatic effect across the board in so many aspects of life in Ireland, business is not the same as before. I honestly
believe it is time for the Government to address this issue. I admit our Bill is not perfect. We would be very happy for any of the parties to table amendments to improve it because we accept changes are required. However, we think in principle it needs to be addressed.

Minister of State at the Department of Justice and Equality (Deputy Finian McGrath):
I am speaking on behalf of the Tánaiste and Minister for Justice and Equality, who regrets she cannot be present due to official commitments. I thank Deputy Mick Wallace for introducing the Statute of Limitations (Amendment) Bill 2017. I also appreciate that his introduction of the Bill draws on experience over the past six years of dealing with people throughout Ireland who are in debt or have a debt hanging over them. It thus has an overall context related to the management of indebtedness and enforceability of debts. The key challenge for policy making in these areas is that of balancing the interests and rights of the parties concerned while affording the opportunity for a negotiated rather than an imposed outcome.

Very real concerns have arisen from the structure and varied scope of the Bill in its initial consideration by the Department of Justice and Equality and the Office of the Attorney General, on foot of which the Government has decided to oppose the Bill. It makes proposals across several fronts, which do not necessarily hang well together. For example, it is proposed the limitation period, which is generally six years, for bringing a range of contract and tort claims and some other types of claims, including those based on quasi-contract or recognizances and seamen’s wages, be reduced to just two years. There is a proposed exception for personal injuries cases based on negligence, nuisance or breach of statutory duty where the limitation period would be increased from the current two years to three years. The limitation period for enforcing liabilities arising from a document under seal, an arbitration award or certain company-related debts is to be reduced from 12 to two years.

From these examples, one can see the broad sweep of the Bill’s revisions to the limitations regime, many of which do not seem to relate to the key issue of contract debts, which has been highlighted. A key proposal of Deputy Wallace’s Bill, which would have very broad implications, is that the limitation period for enforcing a court judgment of any type is reduced from the current 12 years to just two years. It is also envisaged that interest may only be claimed on a judgment debt for a maximum of two years from the date on which the interest became due. Apart from fines for criminal offences, the limitation period for enforcing any penalty or forfeiture sum recoverable by virtue of any enactment is to be reduced to two years. An apparent anomaly is that while the Bill cuts limitations periods generally, it also provides an exception for slander, where the limitation period would be increased to three years from the current one year period albeit extendable by up to two years by the court. Nor is it clear why the Bill proposes to extend the limitation period for slander but not for libel, particularly given that the distinction between the two was abolished by the Defamation Act 2009.

Fundamentally, it does not follow, as the Bill suggests, that because the bankruptcy period has been reduced from 12 years to one year there should be commensurate reductions in the periods following which actions in contract or tort law become statute barred. They are different areas of law, with largely different objectives, rights and legal principles in play. While it is appreciated that Deputy Wallace would wish to reduce the period under which debtors and others are under the threat of an action, it is considered that the Bill’s unilateral and sweeping approach to the reduction of limitation periods on so many fronts at once has the very real potential to have the very opposite effect for various reasons I will outline.

The core of the Government’s concerns is that while the proposed Bill would shorten the
duration of a potential creditor’s action against a debtor it would, by the same token, effectively
deprive creditors and debtors of time and options. That is to say, deprive all parties of any
space or reasonable time for a negotiated resolution which can take better account of personal,
financial, family or business circumstances. Such space and time can be to the benefit not only
of those seeking payment of moneys owed to them, but also to those who owe such moneys.

If the Bill were implemented as proposed, it would potentially increase pressures on debt-
ors by compelling creditors to take earlier action, that is to say within two years as opposed to
six. It would render creditors less amenable to reaching negotiated agreements with debtors.
Indeed, we would be incentivising the harshest and most immediate of debt enforcement or
recovery options. Putting such pressure on creditors to sue, as would undoubtedly arise, would
not, therefore, be in the ease of debtors. This scenario could also have the effect of drastically
increasing the number of actions brought before the courts by creditors who would feel comp-
pelled to act immediately. In short, in so far as debtors are concerned, the Bill as put could well
backfire and risks provoking a rapid increase in repossession actions on home mortgage arrears,
just as those numbers are falling.

As far as the proposed two-year limitation period proposed by the Bill for the enforcement
of a judgment is concerned, this could, in certain circumstances, render a judgment potentially
unenforceable. For example, it could take longer than two years to complete an order for sale
on foot of a judgment mortgage of the High Court. By the same token, there would be a concern
as to the effect of such a radically foreshortened limitation period on property rights. This could
well arise where creditors may be denied the time to access information on mortgage default
and other relevant issues before taking action. It is also considered that such a reduction would
conflict with the primary objective of the Central Bank’s code of conduct for mortgage arrears,
which is to assist indebted borrowers in addressing their mortgage debt without the loss of the
family home by reducing the time a creditor would have to act to secure the asset.

Another fundamental concern is that the Bill, as it stands, would include within the scope
of its potential creditors not just banks or big investment funds but also trade creditors, ranging
from large companies to SMEs, which provide goods or services on credit to other businesses
or to consumers. This could impact adversely on them, particularly from an enforcement per-
spective. Similar enforcement concerns could also apply to Revenue actions taken before the
High Court by the Collector General. In the current context of Brexit negotiations it is also
of concern that the Bill would result in our jurisdiction having a limitation regime markedly
different from those of England and Wales under the Limitation Act 1980, and of Northern Ire-
land under the Limitation (Northern Ireland) Order 1989. These regimes have core limitation
periods of six years, with 12 years for contracts under seal. By the same token, introducing any
unbalanced changes in creditors’ rights to enforce loans, particularly ones that could end up be-
ing out of step with those applicable in similar jurisdictions, also carries the risk of reducing the
willingness of banks to offer credit, particularly mortgages, and that of increasing interest rates.

The Bill also fails to acknowledge the relevant provisions of the Statute of Limitations
(Amendment) Act 1991 relating to personal injury claims which, as amended by the Civil Li-
ability and Courts Act 2004, provides for a two year limitation period in personal injury cases
in general. Similarly, the Consumer Protection (Regulation of Credit Servicing Firms) Act
2015, which seeks to ensure that relevant borrowers such as mortgage holders and SMEs whose
loans are sold to third parties maintain the regulatory protections that they enjoyed prior to sale.
In putting forward this Bill, it is argued that reducing the periods after which contract or tort
claims become statute-barred would reflect recent changes made in personal insolvency and
bankruptcy. However, this reflects a misunderstanding. This is particularly so with bankruptcy. We have reduced the normal bankruptcy period from 12 years down to one year, but it has to be remembered that a person who becomes bankrupt still loses all of his or her assets and surplus income in the process.

The comparison with personal insolvency is also amiss. Far from seeking to compress the period for creditors to take legal action or to enforce debts, personal insolvency provides a court-supervised protected period for negotiations during which creditors cannot issue proceedings or pressurise the debtor. Personal insolvency also enables courts to adjourn repossession proceedings to facilitate a negotiated settlement. Despite the unprecedented crisis in personal debt and particularly in home mortgage debt, which still bears heavily on many families, the extensive series of reforms and initiatives put in place by the Government is bearing fruit. Home mortgage arrears have been falling steadily for 14 consecutive quarters. Some 121,000 home mortgages have been restructured. Numbers of repossession orders and of new repossession proceedings are falling significantly. Almost 6,000 vouchers were issued under the Abhaile mortgage arrears resolution service to borrowers still at risk of losing their homes, for free, independent, expert financial and legal advice. We have also seen the abolition of the so-called “bank veto” in personal insolvency. Almost 1,000 applications for personal insolvency arrangements were made in the last quarter of 2016. The latest sample of concluded personal insolvency arrangements shows that 89% kept the person in his or her home, with another 7% choosing to rent instead.

Most recently, reforms have been made to the mortgage to rent scheme, which is working on the ground. In a recent assessment of solutions available to borrowers, the Central Bank found that “there is strong evidence that banks and non-banks are looking to exhaust available options before moving into the legal process”. While we still have work to do, it is critically important that these advances and reforms are not undermined by measures which could ramp up pressure on creditors to litigate and enforce rather than to adjourn and negotiate. For the many reasons I have just outlined, the Government is opposing the proposed Statute of Limitations (Amendment) Bill. It is also the view of the Government, in opposing the Bill, that the various, fundamental, cross-cutting and sweeping measures being proposed would need to be considered coherently as part of an overall reform of our limitation of actions regime. As acknowledged by Deputy Mick Wallace, we have an instrument for such reform in the Law Reform Commission report number 104 of 2011, and its recommendations. We need to take the kind of approach advocated by the Commission, and look carefully at the potential interactions of measures implemented since 2011. We must do this so we do not contribute further to the ad hoc random and haphazard nature of the current limitations regime that the Law Reform Commission has criticised and is seeking to change by the creation of a simpler and more intelligible core limitations regime.

**Deputy Jonathan O’Brien:** I will be brief because, unfortunately, I have approximately 700 pages of a report to read when I go back to the office. It is kind of ironic that I will be going from one justice issue to another one.

We will be supporting this Bill for a number of reasons. In fairness to Deputy Mick Wallace, he has been very honest in his opening contribution and said that there have been changes made in this area, which were not reflected in the Bill. He has also been very honest in saying that the Bill is not perfect and he is very open to amendments. It is for that reason we believe it should go to Committee Stage. Under the new arrangements, a Private Members’ Bill which passes Second Stage and goes to Committee Stage must go through a pre-legislative process.
I want to take up the Minister of State’s last point. He spent the best part of his speech criticising what was wrong with the Bill. We all recognise that this is an area which needs to be reformed. The Law Reform Commission stated that in its own report in 2011. The Minister of State said that, “It is also the view of the Government, in opposing the Bill, that the various, fundamental, cross-cutting and sweeping measures being proposed would need to be considered coherently as part of an overall reform of our limitation of actions regime.” He then went on to acknowledge, as Deputy Wallace did, the Law Reform Commission report of 2011 and its own recommendations. However, he did not say when this area will be looked at. It could have been looked at on Committee Stage, or during the pre-legislative process, if this Bill had been supported on Second Stage. That would have been a very reasonable thing to do. This Bill may or may not be voted down - it will depend on the numbers. The Government is certainly opposing it. If it is voted down on Second Stage, then that is the end of it. The committee will not get an opportunity at the pre-legislative stage to look at the very important points which Deputy Wallace has outlined. He touched on Article 6 and some of the reports he has read internationally and how this can affect not only commercial businesses but also people’s personal mental health. It is absolutely scandalous that a vulture fund could have six years to take an action. That is an awful thing for someone to have hanging over his or her head. We need to look at this area and I would have preferred for the Bill to progress. Hopefully, Fianna Fáil will support it. I am not aware yet what its position is. If it does support it, then it will go to Committee Stage and we will have the opportunity to look at it in the pre-legislative process. It is not good enough for the Minister of State to come in and list all the things wrong with the Bill and say he recognises change is needed and that the Law Reform Commission has made a number of recommendations but will not going to do anything about it or set out a timeframe of when the issue is going to be addressed. For that reason, we will support the Bill going to Committee Stage.

Deputy Jim O’Callaghan: I am conscious that every Thursday evening, hundreds of thousands of Irish people tune into Oireachtas TV to see who is responsible for Private Members’ business on Thursday evening. Many people watching will be surprised to see that, once again, Deputy Wallace has legislation which is taking up Private Members’ business on a Thursday evening. Deputy Wallace has legislation which is taking up Private Members’ business on a Thursday evening.

Deputy Mick Wallace: It is luck of the draw.

Deputy Jim O’Callaghan: Indeed. Regular viewers may ask, however, how it is that Deputy Wallace has Private Members’ business once again on a Thursday evening. Is he a Deputy of remarkable industry? Does he have his own Department? As the Chair said, the reason for it is that he is a remarkably lucky man. What the hundreds of thousands of viewers at home may not realise is that Private Members’ business is chosen through lottery on a Thursday night. We were here two or three weeks ago, dealing with one of Deputy Wallace’s Private Members’ Bills, and here we are again. He is obviously very lucky when it comes to lotteries.

Deputy Finian McGrath: I demand a recount of the lottery.

Deputy Jim O’Callaghan: I would suggest to Deputy Wallace that maybe he should play the lottery, but maybe hold off on the winnings for a year or so.

Deputy Mick Wallace: 19 December.

Deputy Jim O’Callaghan: The issue Deputy Wallace has raised is interesting. The issue
of limitation periods merits consideration and probably merits legislative intervention at some stage. It is important people understand what a limitation period is. In a way, a limitation period is a restriction on the rights of an individual or a company. It seeks to say that one may have a right in cause of action to sue another person, but must exercise that right within a certain period of time. One of the things Deputy Wallace has drawn attention to is that there are many different time periods for limitation actions in our law at present. For instance, if one of us goes out of here this evening and is knocked down by a car, one has to institute proceedings within a two-year period in order to sue the person responsible if he or she is negligent. However, if there is a breach of contract, the person or company has to be sued within a six-year period. If a family member has been involved in a fatal injury proceedings must be instituted within two years. The trend in recent times in western democracies is to reduce limitation periods. We have to be cautious of that. For instance, in Ireland at present we have reduced the limitation period for defamation actions to one year. That means that one must institute a defamation action within a year. If that is not done, one has the opportunity to make an application to court in the second year but after that the cause of action is gone. I have pointed out in the Committee on Justice and Equality on a previous occasion that sometimes defamatory comments about an individual can be posted on an Internet site. The time period starts to run from the time it is initially posted. An individual may not become aware of that for a year or two. The website on which the defamatory comments are based may suddenly become much more popular, and then this material is left on it, with the individual having no cause of action to pursue the defamer because of the fact that their rights have been extinguished by the limitation period.

In respect of other causes of action, it should be noted that for an assault one has six years within which to sue. However, in maritime actions it must be done in two years. Children involved in personal injuries actions must take a case within two years of reaching the age of 18. In fairness to Deputy Wallace, he has identified that our limitation law probably does need to be examined more closely and perhaps should be more harmonised. I urge a point of caution, however, because individuals sometimes do not become aware when a contract to which they are a party has been breached. Under the law at present one has six years within which to initiate a breach of contract claim. However, we have seen in decisions of the Supreme Court that it can be the case that a person does not become aware of his or her cause of action for a time and that can result in an unfairness to an individual who wants to pursue an action. That happens and can happen particularly in areas of professional negligence where there may be a contract between an individual and their professional adviser or a duty of care in tort. However, if the cause of action and the breach of contract occurred six years previously, one cannot take an action after that.

Deputy Wallace’s intentions in this Bill are good. He seeks to protect the small man and woman when it comes to the actions of banks and vulture funds. However, it should be pointed out that internationally, those who really push for restriction on limitation actions and who want them to be reduced to smaller periods generally are businesses that do not want to be sued by individuals and the manner in which they can restrict that is by stating there is a certain period in which to sue and that is it. I note, however, that is not Deputy Wallace’s intention. He has stated in the Long Title that he wants to change the Statute of Limitations in order that the time limit for causes of actions in respect of banks and vulture funds is changed from six years to two years. That may be his intention. My concern is that is not the effect of the Bill. Section 11 of the Statute of Limitations 1957, as amended in 1991 and other legislation, governs all causes of actions in contract and tort. Although Deputy Wallace wishes to limit it to actions being brought by vulture funds and banks, it will not be limited to them because it will apply to every
person. It will apply to the small man as well as to the bank.

When it comes to the law, the large companies, banks and large corporations are fully aware of what are their legal rights. It is the smaller person who sometimes is not fully aware of it. It is not unusual that persons only become aware after a number of years that they have a cause of action or a legitimate claim. Sometimes people do not become aware of that until they get professional advice. One thing that banks and vulture funds are not short of is professional advice. Were this legislation to be introduced and were the limitation period to be subsequently reduced from six to two years for contract claims, it would not cause any problems for vulture funds or banks. They would simply institute their proceedings within two years.

An argument is made that people are better off having the claims initiated promptly. I disagree. Sometimes individuals are better off not having claims forced against them promptly. Their financial position can improve. Their property values can rise, and because of that - and we have seen it happen - sometimes they can get through their financial difficulties.

There are a number of other issues in respect of the proposed legislation, one of which is in the area of tort. The Bill proposes that the period for tort shall be reduced from six years to two years in section 11(2)(a) of the principal Act. Again, we have to be cautious of this. At present there are many financial institutions who are taking claims against individuals. All of those claims, I suspect, are claims in contract rather than tort. Tort is the great cause of action that gives the individual the right to state he or she is in a relationship and is owed a duty of care by an individual or company that has been breached. As the individual or company has been negligent, one is entitled to institute a claim for damages against that person or company. If we reduce the term from six years to two years, it will be of no disadvantage to banks or vulture funds. It will, however, be a disadvantage to the small man or woman Deputy Wallace is seeking to protect because they will find themselves in situations where they cannot bring their claim after two years. Any individual acquainted with claims made in tort or professional negligence is aware that on many occasions, it takes individuals a number of years to figure out that they have been the victim of negligence on the part of a professional adviser or of a person who owes them a duty of care.

Deputy Wallace has identified that the Law Reform Commission produced a report on limitation periods in 2011. It sought to harmonise limitation periods. It is an area that should be looked at. However, we should be cautious about limiting periods by too much. One should remember that limitation periods are restrictions on the rights of individuals. This is directed at banks and vulture funds but it will have an effect beyond that. I thank Deputy Wallace for introducing the Bill.

Deputy Clare Daly: We will all benefit from the opportunity to discuss these issues here tonight. There is an acceptance on our part that the scope of the Bill is too broad and there is agreement with some of the points made by some of the other Deputies and an acknowledgement that there may be some mistakes in the drafting. It brings me back to the points made by Deputy Darragh O’Brien that should this progress, it will entail pre-legislative scrutiny at the justice committee. The points made by our colleagues demonstrate that we would be able to get it into much better shape and allow us to address the fundamental issues at the heart of this, which all of us agree need to be addressed, namely, the unbearable stress and nightmare situations faced by people who have debt hanging over them for a substantial period. It can be for decades in some instances with six years waiting for proceedings to start, a year or two of court action and then a judgment mortgage, which can sometimes last for 12 years. In the course
of somebody’s lifetime that is a huge chunk taken out of it. What is at stake here is not the discharging or writing off of debts. It is actually about allowing debts to be pursued promptly, efficiently and fairly. Deputy Wallace has already made the point that under Article 8 of the European Convention on Human Rights, which has been binding in Ireland since 2003, each citizen is entitled to a fair and public hearing within a reasonable time. From the comments we have heard there seems to be an acceptance that six years is not a reasonable time, particularly if there is scope for it to be dragged out many years longer than that. I note that the Minister of State, Deputy Finian McGrath, said that we have the commission. The point is that we have had it for six years and it made a very strong recommendation that the Statute of Limitations for a civil contract should be reduced to two years. It called our current law “inefficient” but this was six years ago and the problem is that the issue has not yet been addressed. The six-year limit was first set out in the limitation Act 1623, meaning it was plucked out of the air by 17th century merchants, which is not really a reason to hang onto it now.

The law and politics of debt in this country lag behind what is happening in reality. We still treat banks as if they are gentlemanly, honest brokers and upright 17th century merchants genuinely and earnestly entering into contracts with individuals with only the best of intentions to extend credit and everything else. Life is not like that and debt is not like that for citizens in this State who are experiencing enormous stress. It is not what banks do any more. The Minister of State, Deputy Finian McGrath, suggests that everything is grand now, that the mortgage situation is sorted out and that we are on the road to recovery but that is not what is being experienced by many of our citizens. We need to put supports in place which ensure people get solutions whereby they can remain in their homes when they have mortgage debt but it should be done efficiently and promptly, not dragged out over years so that the situation hangs over them as their children grow up, meaning they waste the best years of their lives.

A good *Rolling Stone* article in 2012 described the US investment bank, Goldman Sachs, as a great vampire squid wrapped around the face of humanity, relentlessly jamming its blood funnel into anything that smelt like money. It focused on Goldman Sachs but it could be a description of many, if not most, banks and investment funds. Ireland is a particularly friendly place for banks and is one of the top five tax havens in the world for banks, which get a very good and handy deal here. We need to take these issues into account precisely because of what Deputy Wallace said, namely, that we have a growing market of bottom feeders who come to Ireland with only one purpose - to gather up outstanding debt. The vehicles buy up the old debts that banks and other concerns see little point in pursuing after two or three years. These little vampire squid take over the debt, wield the axe of threatened litigation over a debtor for six years and then, in a pincer movement, work to extract the debt by leaning heavily on the debtor without incurring the costs of litigation themselves.

We have to ask if the influx of these bottom feeders into Ireland goes some way to explain why there has not been any move by the Government to address the current Statute of Limitations. The Law Reform Commission recommended it over six years ago but the bottom feeders give the banks plenty of time to sell on their debts to the bottom feeders while the banks pose as great models of forbearance and ordinary householders are squeezed. It is that issue that this Bill is trying to address. We accept that it needs amendment to make it do that but the urgency is clear. Bottom feeders such as Liffey Acquisitions, a Goldman Sachs-owned special purpose vehicle, SPV, bought more than €200 million of Irish commercial property loans in 2014 from Anglo Irish Bank. These SPVs are basically vehicles for avoiding tax and Liffey Acquisitions collected €17.1 million in cash repayments on the loans in its first year. It paid no corporation
tax and not a cent in PAYE tax because these companies do not have any employees in Ireland or create any jobs. It is an area that needs huge attention. If we do not address it, we are saying that it is acceptable to leave the axe of unprosecuted debt dangling over ordinary people’s heads for six years or more.

There is an irony in this because we are quite happy to let debtors disappear down the memory hole if they are big enough. That, after all, is why NAMA exists. The State picked up the tab for €42 billion in developer debts when NAMA was established. That is enough to establish, and fund for 50 years, a single tier public health service, free for everybody to use. The Government cannot bring itself to increase the paltry €35 million subvention to Bus Éireann but finds nothing wrong with handing over billions in public money to be wasted by NAMA. The people whose debts were happily written off have moved on with their lives, many of them carrying on in the same way as before. The Bill does not address all of those issues and it would take a lot more than one Private Members’ Bill to halt that situation but we live in a world where debt is a currency and Governments operate the casino of global finance. Any finger on the scales that can balance things even slightly in favour of the ordinary person has to be explored and developed. That is what we are trying to do, albeit imperfectly, and we appeal to the Minister to reconsider getting it into prelegislative scrutiny on Committee Stage.

Deputy Finian McGrath: I thank Deputies Jonathan O’Brien, Jim O’Callaghan and Clare Daly for their contributions. I also thank Deputy Wallace for his putting forward of today’s Private Members’ Bill, aimed at changing several aspects of the limitation of actions regime in this jurisdiction.

Notwithstanding the fact that the Government is opposing the Bill for the various reasons of policy stated, the Bill has, in its discussion, facilitated a greater consideration and reflection of the interaction between the Statute of Limitations and our policy responses to debt and insolvency. There is a shared ambition with Deputy Wallace to mitigate and reduce the pressures under which many people and families find themselves in addressing home mortgage debt and in personal debt resolution. There is undoubtedly a shadow of threatened enforcement proceedings which needs to be lifted from many people’s lives. It should be of some reassurance, however, that Deputy Wallace’s Bill has come up for discussion at a time when the extensive series of reforms and initiatives which have recently been put into operation by way of addressing personal debt issues have started to bear fruit. These are areas in which current Government policy, as expressed through our recently modernised insolvency and bankruptcy legislation, the Abhaile mortgage arrears resolutions service, the code of conduct for mortgage arrears, the Consumer Protections (Regulation of Credit Servicing Firms) Act 2015, enhancement of the mortgage-to-rent scheme and other related Government initiatives, are already operating. In combination, we must press on with them by way of achieving the necessary critical mass for them to have the desired lasting impact. The underlying intention of the Government in the position it has taken today is solely to safeguard that progress, including by avoiding any unintended consequences in relation to limitation periods, while giving balanced protections to debtors as has been set out in my opening statement.

While it may be for another time, it has to be recognised that the overall operation of the law in relation to the Statute of Limitations is a matter for reform. I accept the points made in this regard by Deputies Clare Daly and Jim O’Callaghan. The Law Reform Commission has recognised this. I agree that we need to engage in a co-ordinated process of taking account of the findings and recommendations of the relevant Law Reform Commission report of 2011 if we are to subject our limitations framework to coherent modernisation and structural reform.
As it stands, for example, the Statute of Limitations contains seven different limitation periods, the justification for some of which goes back to 17th century legislation. The Law Reform Commission recommendations would greatly simplify this around a smaller number of core limitation periods with an overall expiry date. We have got a real sense from our exchanges this evening of the fact that limitation periods can, in their application to real cases, cut both ways - in this case between debtors and creditors - and therefore need to be balanced in their relationship with other aspects of Government policy. We should, therefore, continue to be guided by the objectives of the Law Reform Commission as set out in its 2011 report, namely, that “a balance is struck between the competing rights of the plaintiff and the defendant, as well as having regard to the public interest; in particular the right of the plaintiff of access to the courts and the right to litigate, the right of the defendant to a speedy trail and to fair procedures, as well as the public interest in the avoidance of delayed claims and the timely administration of justice.”

Deputy Mick Wallace: I thank the Minister of State, and Deputies Jonathan O’Brien, O’Callaghan and Clare Daly for their contributions. The Law Reform Commission thought we should address this problem six years ago. I would argue that we need it now more than ever. Ireland is a different place now than it was then. We borrowed over €60 billion to bail out the banks. We made the ordinary people foot the bill. People thought the banks would be very helpful to those who were in trouble with them because of the banking crisis and the collapse in the value of assets. However, many people are still in a very difficult place with them.

Many of the banks’ assets that they could not sell went into NAMA. Some of them were sold by the banks at a fraction of what it cost to build them. They have been bought mainly by US vulture funds. These vulture funds have had a massive impact on Ireland, including companies such as Lone Star, Blackstone, Oaktree, Starwood, Carval, Deutsche Bank and Cerberus. They were facilitated by the then Fine Gael-Labour Party Government along with the banks and NAMA in acquiring a huge amount of property at fire-sale prices. They may have moved against some of the bigger developers at an early stage, but an awful lot of stuff has now ended up in the hands of vulture funds which have small and medium-sized businesses and families with mortgages at their mercy. These people are merciless; they do not care about people. They do not think in those terms.

The Central Bank stated in December 2016, that vulture funds now own 45,678 residential mortgages and 38% of these mortgages are more than 720 days in arrears. It is hard to imagine what will happen to these people. The Central Bank does not maintain a record of the number of commercial loans sold on by the original underwriter to these vulture funds. We have been contacted by many small business owners who are being put under serious pressure by vulture funds. It is amazing that the Central Bank does not have data on it. Many people in small businesses must be really worried about what is coming down the tracks for them.

Research by the accountancy firm Baker Tilly Hughes Blake has shown a rise in Irish companies entering examinership in the first quarter of 2017. It attributes this to vulture funds which have bought up the debt of small businesses and are now pressurising debtors with more challenging repayment deadlines and interest rates. It points out that the majority of these vulture funds bought the debt during the recession, but did not begin to move on it until recently. This is an example of why we should move the limit from six years to two years.

Occasionally vulture funds or banks will move as quickly as possible because it suits them, but sometimes it suits them to wait. They will wait four or five years until it suits them better. It might suit the individual debtor they are going after. Not only do they have six years to go for
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a judgment against the debtor, but when they get the judgment, they can actually wait 12 more years before calling in that judgment. In other words if they get a judgment against people in the courts but realise they do not have a bob and there is no point in going after them for the moment, they can wait up to 12 years before going after them. What sort of life will such people live for those 12 years?

A vulture fund might get a judgment against a builder and decide to wait until the builder makes a few bob. What are the chances of that builder, who has the potential to contribute to the economy, going back into business and being a successful businessman again while there is a sword hanging over his head for another 12 years? The vulture fund will just pick its time to go after its carcass. It does not stack up and we should address it.

I admit there are huge problems with the Bill, but let us look at it and fix it. I am prepared to listen to everyone’s point of view on it. I realise that we did not draft the Bill as well as we should have, but this topic needs to be addressed.

Deputy O’Callaghan said that something could happen and we might not find out about it until it is too late. It might take three years to find out that something happened. The Bill states that the action, “shall not be brought after the expiration of two years from the date on which the cause of action accrued or became known...”. It has to become known to the creditor and the clock only starts then. It does not start from when it happened, but from when it becomes known to the creditor.

I am aware of a case where AIB recently threatened a family of four with judgment unless they sell their primary private residence. The father is a professional in his late 50s working not too far from here. Such a judgment would mean the father would lose his job because of the effect it would have on his career position. In this case AIB hopes to receive €100,000 or €150,000 from the equity - which is minimal against a net debt of €1.5 million already written off but much more than it would receive in an ISI scenario and causing personal havoc for the family.

Very often negotiations go on between individuals, banks and vulture funds, which is not going down on paper. They would not like to have a record that could allow someone to say, “Look what they said to me.” I know of many cases where the banks are refusing to put these discussions and arguments on paper and are moving against people in a very aggressive fashion. I am sure it affects Government figures if it does not have clear black-and-white evidence of what these people are doing.

The current blight within the legislative system is totally inequitable from the perspective that no matter how big or how small the actual debt happens to be, the sentence is the same 12 years in purgatory - something that certainly has to be questioned in our modern age.

Members of the public have gotten into trouble, and bankruptcy could spell the end of their career, so they are left facing the barrel of the gun from the bank on one side or public humiliation on the other. Not everybody likes the idea of bankruptcy to escape the wrath of these vulture funds. There is a stigma associated with bankruptcy in Ireland. It would be treated differently in America, but we are where we are. I did not go into it voluntarily; Cerberus put me into it for exposing the fact that it paid a bribe to get Project Eagle across the line in Northern Ireland. That is my problem now.

7 o’clockThe banks are well aware that many of these people do not see bankruptcy as an
option for themselves because the humiliation can be difficult for them. The banks are well aware of the predicament for thousands of their distressed clients, in particular those who are close to retirement. The banks are letting their debtors know that they, the banks, can take their retirement lump sum at any time within the six years or 12 years, if they wait, before they impose the judgment. Imagine such a scenario. It is scary. People are trapped in employment and, worse still, cannot retire for fear the banks will take their retirement lump sum. The two years instead of six would certainly put manners on the banks and the vulture funds. I plead with the Government to consider this now. It is a long time since 2011.

Question put.

An Ceann Comhairle: In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 12 April 2017.

The Dáil adjourned at 7.05 p.m. until 2 p.m. on Tuesday, 11 April 2017.