



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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# DÁIL ÉIREANN

*Déardaoin, 6 Iúil 2017*

*Thursday, 6 July 2017*

Chuaigh an Leas-Cheann Comhairle i gceannas ar 10 a.m.

*Paidir.  
Prayer.*

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## **Quarterly Report on Housing: Statements**

**Minister for Housing, Planning, Community and Local Government (Deputy Eoghan Murphy):** I thank Deputies and committee members for scheduling time to discuss the homeless emergency and housing crisis we are currently facing. I have already had the opportunity to appear in front of the committee to discuss the latest quarterly report on Rebuilding Ireland. It was a good engagement and I want to thank individual members of the committee who were very generous with their ideas and time outside of the committee. This opportunity for statements on the latest report is very welcome. To those Deputies not on the committee, I would like to direct them to my opening statement at the committee.

I would like to use this opportunity to discuss the report, as well as some broader issues relating to Rebuilding Ireland. Rebuilding Ireland is an excellent plan, and I commend the Minister for Foreign Affairs and Trade, Deputy Simon Coveney, and the Minister of State, Deputy Damien English, for the time and effort they have put in to it, together with officials in the Department of Housing, Planning, Community and Local Government. A lot of work and detail has gone in to designing the framework for providing new homes and it is already showing progress, be it in rent pressure zones, where the latest data shows us a stabilisation in these zones on rents that were quickly escalating, or the new build activity that is underway.

There has been an increase of almost 40% in planning permission applications year-on-year to March 2017 and an increase of almost 40% in commencement notices year-on-year to March 2017. There has been an increase of roughly one-third in the connections to the ESB grid in Dublin year-on-year to March 2017. There has been an increase in the number of homeless families and individuals who have been given homes since the plan was launched. More than 3,000 homeless individuals found sustainable solutions in 2016 and roughly 1,200 families prevented from having to stay in hotels or were moved out of hotels to better and longer-term accommodation in the past 12 months. Rebuilding Ireland is working. In respect of any new policies or any new direction that a Government might take, it is good practice to review those policies and plans from time to time. That is what I have been asked to do by the Taoiseach.

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He has asked me to review Rebuilding Ireland within three months, to identify additional measures, to assess the need for greater quantum of social housing build, to consider a vacant homes tax and to examine new measures to support and-or encourage landlords. I do not claim to be an expert on housing, neither am I coming at this review cold. I have had a particular perspective from my time in the Department of Finance this past year as new initiatives on the housing and homelessness front have come through that Department. I have also dealt with the issue in regard to the wider mortgage and investment market that were part of my brief.

From my time on the banking inquiry with the Minister of State, Deputy John Paul Phelan, I also have a good store of knowledge of how we got things wrong in the past as we sought to meet the housing needs of our growing population, the different incentives that were brought in to the market, the different arguments that were made at the time by the different lobbyists and interests, which had very easy access to Government, and the difficulty there was in removing these incentives when they were well past their usefulness. In terms of the current review, I have already said that I am considering all ideas and not taking any off the table until they have been thoroughly stress tested. I do not care whose ideas they are or what motivates them. If they work, they work. I would like to outline some of the things I hope to address or have already addressed as part of my review. It is regrettable that there are still too many families who are homeless living in hotels. Living is probably not the best way to describe what they are going through and the difficult circumstances they face. While it is much better than these families having to sleep rough, in no way is it an answer. The target for this year was ambitious but necessary. It drove a major effort to help families. As I said, 1,200 families or more were assisted in the past 12 months. My first target is to prevent families from entering hotels and find them other accommodation, including hubs. While hubs are not a long-term answer, they are better than hotels and are only a first response.

An extra €10 million has been allocated to build new hubs for more than 200 families. My second target is to get those families currently in bed and breakfast accommodation and hotels out of them. Last week, I reported that of the 650 or so families in hotels and bed and breakfast accommodation at the end of May, one third had been offered sustainable long-term homes, one third had been offered accommodation in hubs and one third had been offered HAP solutions. This is progress for these families and I would like to thank everyone who has done such important work to help them. I have met a number of these workers and volunteers at this stage and their enthusiasm and determination is to be admired. I have also visited some of the facilities and emergency accommodation where they help so many people every day of the week. Unfortunately, presentations of families continued in June, though the numbers were down in May which is welcome. Exceptional cases means that some families will continue in hotels for some time because they will need tailored solutions.

Another issue we need to address in the review is the numbers involved. I have already agreed to examine whether there is a better way of counting and publishing our homeless numbers. As I have announced, we are going to stop referring to ESB connections as completions. ESB numbers are good because they do represent new or empty homes being available, including new house completions, but the data is not accurate enough. My Department is engaging with the ESB to see if we can get better information from it, and two groups, one in the CSO and another in my Department, are examining how we can improve our numbers and more adequately capture the completion of new homes.

This work may not be completed within three months. Getting a true picture of completions is not as simple as looking at BER certificates or BCMS. If we are going to develop a new way

of counting the method has to stand up and be robust. We have to know our numbers, and we all have to trust those numbers, in order to know where we need to go. I am also examining how we report our numbers in the quarterly reports, because it can be confusing, as Deputies pointed out to me at a committee meeting, and our reporting mechanisms could be streamlined and simplified.

As for the wider numbers and targets, I am looking at these as part of the review. If a Deputy tells me he or she does trust the pipeline or do not think it is accurate, then I have to look at this. It would be irresponsible not to. It is also important to recognise that the 90,000 people on the housing list will not all have social housing homes by 2021. We will need to take a longer-term approach in addressing some of the aspects of the housing problems we face. We also have to be mindful of building in a sustainable way. We have to take care that, in moving quickly to address a crisis, we do not build in crises of the future, be they economic or social.

As we build we have to think of more than just the numbers. We have to think of the material, environment, location and social mix, as well as the wider and community needs and the needs of the elderly and the less able. We also have to think of the responsibility of the State, and we have to ask ourselves whether we should be building more. That does not mean we are dropping our 2021 targets - they are targets, not deadlines - nor are we dropping our ambitions within Rebuilding Ireland. It is important to have targets to drive policy and action, and in Rebuilding Ireland we have a significant and ring-fenced capital commitment of €5.35 billion to providing social housing homes up until 2021. I am certainly not dropping that; in fact, I want to increase it. I have reviewed the first draft of the vacant homes strategy. It is very good, but it is not ambitious enough. I will be using the current review of Rebuilding Ireland to see what new ideas we can bring to bear. This will require engagement with the Minister for Finance. As I have already stated to the committee, if budgetary measures are needed to reinforce the ambition, this may delay the publication of the strategy but this will not delay the commencement of work. There is a lot of information to be gathered in order to have a targeted, effective approach but existing property interests should note that changes are coming. I am also waiting for the completion of a number of other sub-reviews, dealing with the input costs for construction, the Help to buy scheme and the tax treatment of landlords. These are all expected to be completed prior to the budget, but may also delay publication of the outcome of the review of Rebuilding Ireland. Again, if that is the case, the delay will only be in publication and not the commencement of the work.

Deputies will note that I will fast-track a provision of the Planning and Development (Amendment) Bill next week. Having consulted the Ministers of State, Deputies Damien English and John Paul Phelan, it was apparent that the Bill, which is before the Dáil, would not pass all Stages before the end of July. The Fianna Fáil Party made a number of good proposals which we want to introduce as amendments. As a result, I decided that it would be prudent to take the specific provision in the Bill that pertained to the extension of planning permission and have it implemented by the recess. What this means, if the House agrees, is that on building sites on which homes are being built but for which planning permission is at risk of expiry, it will not be necessary to down tools and work will be able to continue. This is a welcome step which I hope will be supported.

Deputies will also note that since my appearance at the committee, I have signed the order that will enable planning applications to be made directly to An Bord Pleanála for large-scale housing developments of 100 units or more and large-scale student accommodation projects. This is another welcome measure which will help to quickly increase the supply of new homes

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to particular demographics. The order came into effect on Monday of this week and yesterday An Bord Pleanála held an information seminar for interested stakeholders which was well attended and, I gather, well received. It is now over to developers to start their pre-planning discussions with both local authorities and An Bord Pleanála to get these large-scale proposals into the system and approved as efficiently as possible.

New homes are being built and opened to new tenants every week. Since taking office, I have had the privilege of visiting Annamore in Ballyfermot where 70 new homes have been provided for older persons and an additional 16 family homes have been freed up in the community. I have also visited O'Devaney Gardens, a regeneration project which will yield more than 600 much needed social, affordable and private homes in the centre of Dublin; a project in Harold's Cross where 28 new homes have been provided; a rapid build project at St. Helena's Drive in Finglas with 40 new homes; and the Mater Dei family hub in Drumcondra which will accommodate 50 families who are currently being accommodated in hotels as a first response. Next week I will visit a project in Ballymun with Deputy Noel Rock. I intend to visit and monitor progress on the hundreds of social housing schemes that are advancing across the country.

New homes are being built on more than 150 sites in Dublin and there are many more active sites across the country. While this is encouraging, we need to see more activity and more homes on these sites more quickly. More than 2,400 new social housing homes are being built. Our constant focus has to be on supply and getting new homes built for people and families who are homeless, people on the housing lists, those who need homes and more affordable rents, first-time buyers, empty nesters who are seeking to trade down while remaining in their communities and less abled people who want supported independent living. We must also get these homes built in different ways from the way we built them before such as using the rapid precast method which is already being employed or the so-called plug and play approach used abroad to provide homes for first-time buyers. We need new financing arrangements to bring homes on line that will meet people's needs and also be affordable. It was for this reason that I recently met the European Investment Bank and I will meet other finance houses in the coming weeks.

In addition to our focus on supply to catch up for the lost years of construction, we must also focus on how we manage existing stock and make more efficient use of land and the homes and buildings we already own. It was for this reason that I recently met the Office of Public Works and I am examining above-the-shop living. This is also the reason I am not ruling out former models of shared accommodation, provided we can get the standards right. We also have to be ambitious and determined in making sure vacant homes that are truly vacant will be lived in as homes. This may require a carrot and stick approach.

I thank Deputies again for their engagement at the committee and look forward to hearing their ideas.

**Deputy Pat Casey:** Housing and homelessness, as the Members and officials present know, is the most critical domestic problem facing people at this time. Children are spending years of their childhood in hotel rooms as a result of the lack of social and affordable housing. This is a terrible indictment of Government policy, particularly when there are more than 2,000 voids, the term used for empty and locked up local authority homes which are waiting to be refurbished.

The housing crisis is the most serious issue facing the country and a sea change in attitude is required to enable it to be addressed. It is no longer acceptable for the Government to make

announcement after announcement when the change delivered is minuscule and the number of homeless families continues to rise. The housing assistance payment, HAP, scheme is allowing the problem to appear less dire than it is. Rents are soaring and the introduction of the help-to-buy scheme has resulted in rising house prices, making it more difficult for hard pressed families to afford even a modest home. The lack of supply has also caused a substantial increase in rents, yet the Government has refused to state it will change the VAT rate for construction. It is hard to understand this logic when the previous Fine Gael-led Government reduced the VAT rate to stimulate activity in the tourism sector when it was needed.

Housing policy failure as a political issue was a significant contributory factor to the devastating recession we have come through. The housing sector was left abandoned by the previous Government in a dereliction of duty. While the housing crisis has been recognised by this Dáil as the number one issue facing the country, the problem has continued to spiral out of control. The housing issue was first described as a humanitarian crisis by Peter McVerry in 2014 and the new Dáil started well by prioritising housing. A cross-party committee on housing chaired my party colleague, Deputy John Curran, produced an excellent report while the Government formation process was under way. This was a clear indication of the seriousness of the homelessness and housing crisis by a new Parliament. At the time, the incoming Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, and his Government colleagues pledged their total commitment to work to solve this problem in an inclusive and open-minded way. We took the then Minister at his word. However, when the Rebuilding Ireland report was launched with much public relations spin and fancy websites, we found that it was already a watered down version of the committee's report. However, Fianna Fáil decided to give the Minister the benefit of doubt because we were convinced that the magnitude of the crisis would dictate a radical Government response.

I repeat a point I made one year ago because it strikes at the heart of the current housing difficulties. According to the opening statement in Rebuilding Ireland, "Housing is a basic human and social requirement". The House should note the deliberate use of the word "requirement" to give the impression of a strong commitment. However, the use of this word falls short. The use of the word "right" instead would have given the State direct responsibility for delivering housing. If Rebuilding Ireland had opened with the line that housing was a basic human and social right, the role of the State would have been clearly and correctly defined. The use of a rights based view can be open to being manipulated by ideologies on both the extreme left and right.

**Deputy Richard Boyd Barrett:** Let us not forget the extreme centre.

**Deputy Pat Casey:** My approach is one of common decency and compassion. I firmly believe the State has the responsibility to provide housing for those in our communities who cannot access it on their own. The more housing the State provides, the less it must depend on private landlords to provide stop gap solutions. We all have to accept that there is a social right to a home. I am more convinced than ever that this is the essential starting point.

By last Christmas, our doubts and concerns about the commitment of the Government to solve the homelessness and housing crisis which was escalating month on month were further increased when it engaged in showmanship by refusing to compromise on rent caps and brought the planning Bill and the Government to the edge. I decided that, with a leadership contest imminent in Fine Gael, we would have to put up with the showmanship on the basis that the commitment to solve the housing crisis remained. The Government even committed to spe-

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cific deadlines for achieving the many great actions it promised that Rebuilding Ireland would deliver in its five pillars that contained a grand total of 84 separate actions. While the report's statistics are great for the communications gurus to throw around, they make little difference to the children and parents who have spent more than two years in hotel rooms. During this Fine Gael-Independent Alliance Government, with its five pillars and 84 actions, 11 people, including children, have presented as homeless every day. Fianna Fáil took the Government at its word and we have worked in a non-party political way, as many Members have, not only to point out flaws in Rebuilding Ireland but also to suggest solutions. We have done so because it is what people expect us to do and it is the right thing for responsible politicians to do.

One of the major deadlines the Government had set with regard to homeless families and the use of hotel accommodation has failed. The Minister who spoke to the nation and the Dáil about his total commitment to address housing and homelessness and his personal determination to complete this task has swanned off to another Department after one year. Since house-building ground to a halt in 2011, we have had three Ministers with responsibility for housing, namely, Mr. Phil Hogan, Deputy Alan Kelly and the current Minister for Foreign Affairs and Trade, Deputy Simon Coveney. It seems all of them had more conviction about themselves than they had about providing housing solutions. This is the wrong thing for politicians to indulge in and it totally corrodes the people's trust in our parliamentary system. Ministers must deliver solutions, not focus on political crisis communication. It is also damaging to those in our Civil Service. While they may be used to this, even civil servants must be disillusioned at watching the same old cynical political manoeuvrings at the expense of doing the right thing.

I thought that the appointment of a new Minister would at least allow us to focus on the work at hand. We were then told, however, that the new Minister's first task would be to review the Rebuilding Ireland report. We were told that this would be a three-month review, despite the fact the report itself is barely a year old. This review is political speak for avoiding responsibility. It is a review to cover the Government in a cloak of convenience while the spin doctors dream up more slick housing slogans to roll out. What are we doing in the Dáil Chamber and at committee if not reviewing Rebuilding Ireland? We are continuously providing honest and sincere analysis and suggestions for improvements. By the end of this debate the Minister's review should be completed. I understand that a new Government brings new dynamics but the Minister should stop treating the housing and homelessness situation as an exercise in crisis communications. While this three-month review takes place, a further 954 people will become homeless. We do not have the luxury to make this review.

Three years after it was first announced, we are still awaiting the special purpose vehicle which will allow up to €2 billion of credit union funds to be used to deliver social and affordable housing. The promise to end the use of hotels for homeless families by the end of June has failed. Today there are 695 families still living in hotels in Dublin alone. The promise to build 1,000 rapid build homes by the end of 2017 is also going to fail. The Government has only delivered 22 of these so far and has only identified the possibility of delivering another 177 by the end of the year. The Government's housing construction programme consists of over 600 projects, 75% of which are for 20 houses or fewer. Only two projects nationwide are for more than 100 units: one 100-unit project in Dublin and one for 106 units in Louth, the largest housing development on this construction programme. Out of the more than 190,000 vacant properties identified by the Department only 800, or 0.4%, are being targeted to be converted back to homes.

This is the reality of this Government's performance. We need to get real and radical and

we need to do so quickly. There is no more time for review and there is definitely no more time for spin.

**Deputy Dessie Ellis:** We have had an undeclared crisis in housing for the last number of years. The Government refuses to call it for what it is. What the Government is doing is clearly not working. The homeless figures are increasing and the waiting list for housing have remained high, with 91,600 households currently on local authority waiting lists. There are also 4,922 homeless adults and 2,777 children currently in emergency accommodation, an all-time high.

Once again the Government has failed to meet its target date for ending reliance on emergency accommodation. The Government needs to do more as it is clearly not doing enough. It is pandering to the private sector and its reliance on the market is a cause of grave concern. At the moment average house prices across the country are almost 12% higher than this time last year. Rents in Dublin are at an average of €1,400 per month, making it impossible for people to buy or rent a house. The answer to this is to ratchet up the delivery of social and affordable housing. The Minister has acknowledged that we need to build more houses but what we need to concentrate on is social and affordable housing. It is time for the Government to be more ambitious and radical in its approach.

The answer to the lack of social and affordable housing is straightforward. Local authorities should be given the lead here. Rather than relying on the private sector, the Government should provide local authorities with the funding to build these houses. They can, in turn, sell as well as rent the properties at an affordable rate, with any moneys earned put directly back into the local authorities for housing. Co-op housing bodies, such as Ó Cualann Housing in Ballymun, were mentioned earlier; Ó Cualann is delivering affordable housing in the €150,000 bracket and next week five of these houses will be handed over to their new owners. I know that the Minister will be in attendance and I hope I will be too. This is an example of how affordable housing can be delivered using local authority lands and infrastructural funds. We need more of these, however, and there is scope for more.

I call for an inquiry into the price of housing and into what appears to be a cartel of price-fixing builders and setting the pace of price rises. By any stretch of the imagination, it is clear that huge profits are being made and that some builders are sitting on lands waiting for prices to further rise. Recent figures from the construction industry show the construction of a three-bed 113 sq. m. house, with the land and acquisition costs, is €57,500. Finance costs for the builder coming in at €20,002. This gives the builder a minimum profit margin of €37,980. These are highly inflated figures when we consider the land acquisition figures and the fact that some of this land has been sat on for many years. Much of this land had previously been bought at knockdown prices so it is excessive to use today's figures for land acquisition costings. This gives a false and inflated view of the actual cost of the land. There are also thousands of shops lying idle around the country, in some cases for 20 years or more. We see this in my own constituency of Dublin North West. We see shops left idle across the country. I cannot understand why we allow this to happen as these could all be converted into liveable accommodation. Having done an audit on vacant houses, let us now do one on idle shops and see how many there are. I suspect that they are well into five figures.

In his opening address, the Minister mentioned the 200,000 or so vacant houses. There is scope to examine some of these to see if they could be taken over by the local authorities for housing. The latest figures also show that there are approximately 80,000 families currently

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in mortgage arrears and every day five families lose their homes. This is unacceptable. The much-discussed mortgage-to-rent scheme has delivered very little. This is another issue that needs to be looked at more carefully as this scheme needs to deliver more than it has.

NAMA's remit should have been changed a long time ago to prevent the selling-off of large portfolios of properties. This has, no doubt, contributed to the homeless crisis and to the housing waiting lists. The Minister also mentioned fast build houses and I know that 39 of these units will be delivered in Finglas shortly. The timescale for this, however, has increased dramatically. The Minister also mentioned that he planned to build another 500 or so of these units by 2018. It is very obvious that this figure will not be met.

Private public partnerships have failed to deliver in the past. The Minister's targets and ambition are not very good. While the use of homeless hubs is a hell of a sight better than people being in hotels and bed and breakfast accommodation, such hubs certainly should not be used for long-term housing. They should be used for the short term and we should ensure that they are only used for the short term. It would be unacceptable for people to end up in hubs for long periods.

Greater use of compulsory purchase orders, CPOs, by local authorities would also help. Many houses and places are lying idle. They are boarded up for years and years. In my own area alone, there are literally dozens upon dozens of them. There is no sign of anything being done with them. They are overgrown. The councils are ending up with the nightmare of dealing with these properties. We need to put pressure on the local authorities to make more use of CPOs.

The senior citizens financial contributions scheme, which has not been reintroduced, should be reintroduced at local authority level. There should be more concentration on building accommodation for senior citizens. That would free up large amounts of housing for local authorities.

Since I was elected to the Dáil in 2011, five different Ministers have been responsible for housing. That does not say to me that we are taking this as seriously as we should. This is the worst crisis to hit this country in many years. I am not saying that the Minister will not do his job but the previous Minister was only in his position for a year. I hope the Minister will be here for a lot longer than that and will see this through. It is not good enough for us to change Ministers when they are only settling in: they are only getting to know the problem when all of a sudden they are gone.

The impact of the housing crisis on men, women and children the length and breadth of this country has been enormous. Young children are living in hotels. The issues that presents in terms of the welfare of children and families are massive. I have met many families who have gone through the mill. They have been dragged from one end of the city to the other with their children. The impact this has had on them personally has been enormous.

I praise the Committee on Housing and Homelessness, the different agencies and the Minister's officials who have put together the outline of a good plan. It is a good plan, but the delivery of it and the timescale involved is key. We are not meeting the targets and it is very obvious that we will not. We need to build at least 10,000 social housing units a year to get us anywhere near where we need to be. I have identified some of the problems but let us get the local authorities building housing. The voluntary housing bodies are doing a certain amount

and that is welcome but the local authorities need to deliver more social and affordable housing.

**Deputy Jan O’Sullivan:** I welcome the Minister and Minister of State. While I think reviewing Rebuilding Ireland is a good idea now that we have a new Minister, and I know that process is ongoing, I would be very concerned about any delays that might cause in terms of implementing the various actions which are in the programme. Clearly there has been delay already in respect of a number of the actions, such as the rapid build programme for example. This programme was meant to have delivered a considerable number of houses by now but it has only delivered 22, which were delivered quite early on and which were in train before the Government even came into office. I am very concerned and I hope the Minister will not allow the various elements of the reviews which are taking place to delay in any way the necessary actions.

In that regard I would particularly like to talk about the vacant homes strategy, which the Minister has just told us will be delayed. We have been expecting that on an ongoing basis. It was due to be delivered in the first quarter of this year and still has not been published. That is a real opportunity to provide homes for people more quickly than by constructing them. The fact that we have nearly 200,000 vacant houses in the country, excluding holiday homes, and that a large number of those are in our urban centres and in our cities in particular, is a real opportunity and there is not the sense of urgency which there should be with regard to bringing a reasonable percentage of those homes back into use, to be used by people who are currently homeless or on housing waiting lists.

If one looks at the average number of empty houses per head of population in other comparable countries, our percentage is much higher. There are examples from which we can learn. For example, the Peter McVerry Trust has suggested many times that there should be vacant homes officers in every local authority. Their job would be to find out proactively why houses, homes and apartments in their area of responsibility are vacant and to produce practical proposals for bringing them back into use. I support Deputy Ellis’s comment that these proposals may well have to involve compulsory purchase orders, but there are other ways.

I know we have schemes, such as the repair and leasing scheme and the buy and renew scheme but, when talking to those involved in the sector, I am being told that these schemes are not delivering as quickly as they should be and that elements of these schemes are causing delay and difficulty and are unnecessarily bureaucratic. One would think that it would be relatively simple for the voluntary housing sector or the public housing sector, the local authorities, to go out and either buy and renovate these houses or to get involved in the repair and leasing scheme, but apparently there are difficulties. Surely it should not be too difficult to iron out those problems because they are the low-hanging fruit and they are opportunities which are there. I have seen examples of houses being bought by the local authority - in the centre of towns in particular - then being renovated by local builders and given to people who are on the housing waiting lists. These are very practical ways in which we can provide homes for people.

I would support the Minister if he were to bring in a tax on vacant homes. If that is one of the reasons he is saying that he will have to delay until after the budget, let us by all means move on some of the other measures and then bring this tax in at that time. I would certainly support it because we need the stick as well as the carrot.

I also support what Deputy Ellis said on those interesting statistics about the cost of building. The construction industry is telling us all the time that it cannot afford to build because

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there is not enough of a return and that it has to factor in the cost of building, the cost of the site, the cost of borrowing money and so on. The fact that the Minister has a background in finance should enable him to figure out whether these arguments are true and to challenge the construction sector. The Minister has said that he will fast-track the legislation on existing permissions. There is existing permission for more than 20,000 homes in the Dublin area. Why are they not being built? There is a demand, particularly in the greater Dublin area. I hope the Minister will challenge the construction sector in that regard.

On some of the other issues, it is a huge disappointment that the target for families in hotels has not been reached, particularly for people who are living in hotels with their children and who have been telling their children that they will get a home. Even if it is a hub, it is better than a hotel. They are now realising that will not happen. I will be introducing a Bill next week in respect of the rights of children of families who are homeless. This Bill will ensure that what happened recently, where families were sent to Garda stations and one family slept in a park, will not happen again. I hope to introduce that Bill next week. The rapid delivery has clearly also been delayed.

I would like to refer to the fact that my colleague in the Seanad, Senator Kevin Humphreys, is introducing a Bill in respect of Airbnb. While Airbnb is clearly a positive for short-term rentals in some cases, it is causing displacement. Homes are being used on a full-time basis where they could be available to families. That needs to be addressed as well.

I am particularly anxious to stress the opportunity that exists for the construction of mixed tenure estates, including significant numbers of social housing units, in the more than 700 publicly owned sites. Public funds are being spent on infrastructure for those sites. I strongly urge that the private building sector not be allowed to profit from those publicly owned sites. There is a real opportunity to have a mixed tenure of social housing, affordable rental and affordable purchase on the sites. I was disappointed with an interaction we had with the previous Minister about these sites during the last Question Time with him. It appears that each local authority will have to devise its own plan for each site and bring it to the Department for approval. That could drag on for years. I strongly urge the establishment of a national affordable housing scheme or a national approach to these sites. The control would be in the public sector and builders could tender to build the houses in those areas. There should be a requirement for a certain percentage for each of the different sectors of social, affordable, affordable rental and so forth.

This is a great opportunity. The State owns these sites, rather than them being privately owned, so it can drive the process. Given the crisis that exists, the State must drive this, not sit back and rely on the private sector which clearly does not wish to build until a significant profit can be made. It is understandable that it has to make some profit----

**Deputy Ruth Coppinger:** The Deputy's party is supporting it on the councils.

**Deputy Jan O'Sullivan:** We are not. The glass bottle site is a good example, and I have heard people from the local community speak about it. In that case Labour Party councillors worked with the local community and 25% of that site is allocated for social and affordable housing. We must use that opportunity.

I also ask the Minister to examine the scheme introduced by Deputy Alan Kelly. Under that scheme, if a council was building 15 or fewer social houses and it was costing no more than €2

million, the council only had to get one permission from the Department. It did not have to go back and forth repeatedly. As far as I know, there have been only two developments under that scheme. The scheme has real potential because local authorities own many small sites. The Minister should also re-examine the length of time it takes to get permissions for social housing in terms of the interaction between the Department and local authorities. Again, there are opportunities in that regard.

I welcome the fact the Minister is re-examining the way units are counted. There is something significantly wrong when we do not know how many houses are being built. Using ESB connections clearly does not work. I have seen data from Dr. Lorcan Surr, who has analysed the data and appears to have an accurate picture of the number of houses. The Minister said he is listening to people on all sides. Dr. Surr and other experts have relevant information.

When will the Minister review the rent pressure zones? Limerick is still not included despite large increases in the cost of rent. That is also the case in Waterford and other areas. Will the Minister also extend homeless HAP outside the Dublin area? There are many homeless people in other cities throughout the country. They cannot get homeless HAP, although there might be some exceptions. That would be an opportunity to ensure that homeless people can access accommodation. We need that to work and to enable people to access it.

Housing First is a fantastic scheme but it is limited in its application at present. We need more of it because it works well for the long-term homeless with complex problems.

**Deputy Richard Boyd Barrett:** The reason we are having this debate is that I pressed for six weeks at the Business Committee to schedule a discussion on the progress or lack of it on Rebuilding Ireland - Action Plan for Housing and Homelessness. That follows six years of Fine Gael Government since 2011, during which time I and others, week in, week out, told five different Ministers that the Government's policies were creating and accelerating a housing and homelessness crisis. Now, the Minister tells us it will take decades to resolve. He is right. With the current policies and Rebuilding Ireland, which is not working, it will take decades. In fact, it will never be solved.

I will speak in simple terms because I do not have much time. The answer to the housing and homelessness crisis is to break from the fantasy that the private market will provide social housing to the extent that it is required. Private developers, property speculators and landlords do not do social housing, full stop. Rebuilding Ireland is dependent on private developers, speculators and landlords for approximately 75% of its targets. It is not working, and cannot and will not work. That fantasy must be abandoned.

The Minister must also abandon the fantasy of HAP. I have a letter with me which I will send to the Minister, as I do not have time to read it. It relates to somebody in my office who is well resourced trying to locate the Dublin Place Finder Service. In a reply to a parliamentary question in 2015 the Minister's office told us it existed in Dún Laoghaire. When the person called the office on the number provided and asked for the Dublin Place Finder Service the person at the other end of the telephone asked what that was. That is what is happening. The Minister must abandon the fantasy of the HAP and the fantasy that the private market will deal with homelessness and social housing.

He must immediately freeze all further sales of National Asset Management Agency, NAMA, property. It has sold €38.1 billion worth of assets in the last five years, assets that

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could have solved the housing crisis. He must immediately stop the handover through public private partnerships, PPPs, of 800 publicly owned sites to private developers for unaffordable housing. I hate to inform Deputy Jan O'Sullivan that this week in Dún Laoghaire, Fianna Fáil, Fine Gael and the Labour Party opposed a motion proposing that the Shanganagh site, which is publicly owned, be retained for social and affordable housing. They voted against it because it is one of the sites they wish to hand over to private developers under PPPs. Those developers will not deliver affordable housing. They will deliver unaffordable housing, because they do it for money. The market prices or even slight discounts on them will not be affordable under any circumstances in Dublin, Cork or anywhere else.

The Minister must immediately start the compulsory purchase of vacant land and property as well as some of the property that was bought by vulture funds, REITs and so forth which is empty and which they are sitting on as they wait for its value to rise. Indeed, they are evicting people as we speak. He must immediately start an emergency local authority housing programme with a State housing and construction company to drive it. That is the only way it will happen. He must stop the economic evictions by vulture funds, REITs and profit driven landlords, and introduce rent controls that bring rents to affordable levels. A constitutional amendment must be passed to establish a right to housing and to rebalance the right to housing over the rights to private property, which are being used to make people homeless.

These are positive, serious proposals and the only ones that will solve the crisis, because the market has failed. Two sites in my area could solve the housing crisis in Dún Laoghaire - Cherrywood, which has 800 units, and Shanganagh, with 600 units. Currently, under the Minister's policies 90% of Cherrywood and 50% of Shanganagh will be unaffordable and the crisis will be worse. If the Minister would build public housing on the Shanganagh site and a far higher proportion of public housing on the Cherrywood site, Dún Laoghaire's housing crisis would be solved. That could be replicated across the country.

**Deputy Ruth Coppinger:** One would not know from looking at this Chamber that there is a housing emergency. Our group demanded a discussion on this issue in the Dáil, but it is a pedestrian enough affair. As I look around there is no sign of any urgency on the government benches. We have been joined by only one other Member from the Government side. I have seen depressing times in here but this takes the biscuit. The media would obviously prefer to focus on the Taoiseach jogging through the Phoenix Park, and his socks. That is absolutely of no consequence to the people who are affected by homelessness.

Rebuilding Ireland is working. That will be joyous news to the people on the housing lists. I am not aware of how many homeless people the Minister meets in his clinics every week. He is probably more likely to bump into developers and landlords in Fine Gael than people affected by homelessness. If he was, he would have intervened to stop homelessness happening with the kind of measures that even Threshold has called for this week, which have been voted down when introduced in Bills by the Opposition.

We have now reached intergenerational homelessness. I had a mother who was homeless in my office last week. She is in a B&B with two children, one with special needs and they are all in a room. Her daughter is also homeless with her child in another location. That is how bad the situation is.

The Minister indicated there had been a failure in reaching the target set by his predecessor to move families out of hotels and B&Bs. He is allocating €10 million to move 200 families

from hotels to so-called hubs at a cost of €50,000 per family, which is a third of the construction cost of a house. The money would be better spent building social and affordable housing. Instead of hubs, why does the Minister not acquire vacant housing at a cost of €200,000 according to the previous census? It is never possible until it is possible, as we saw with the Tories in relation to Grenfell Tower. Suddenly, after massive pressure, they were able to find 68 luxury apartments. I expect the Minister could do the same if he really tried.

There has been talk of a vacant home tax and a doubling of the property tax. Investors who leave property lying idle for six months or more should have them CPO'd or requisitioned. Those are measures a left-wing Government would certainly take but it seems that the notion of building public housing on a major scale is ideologically unacceptable to a right-wing Government. Instead, we have priority given to incentives for private developers to provide trickle-down social or affordable housing.

The taxpayer has ponied up €200 million in the local infrastructure fund. How many affordable houses has it produced? Is there a maximum price a developer can charge for such houses if they have benefitted from the scheme, or does affordable mean different things in different places? An investigation showed no agreement was signed between the Government and developers before they availed of the scheme in terms of how much affordable housing would be provided. The Government continues to misidentify the planning process as the reason for a lack of homes.

An independent think-tank, TASC, has said it will take 40 years to house people on the Dublin City Council waiting list at the current rate of building. It seems that is the best capitalism can now offer people.

One of the key reasons for the positive response to Jeremy Corbyn's manifesto in Britain was the fact that he promised to build 500,000 council houses to deal with the housing emergency the Government's like-minded neoliberal friends have created in Britain. If one adds in those who are facing what is academically called, severe housing unaffordability and insecurity, there are an extra 211,600 households, which is double the number on the waiting list. I assume they will have to wait 80 years to get a permanent home at the rate the Government is going.

The Government throws around figures for what it is spending. The important figure in the entire debate is that 652 new social units were provided last year either by local authorities or voluntary housing agencies. That is a total of 652 units in the throes of an emergency that has been raging for more than three years at its highest point. In spite of that, the Minister tells us Rebuilding Ireland is working. We were told 19,000 had their housing needs met because the Minister thinks somebody getting temporary private accommodation meets their housing needs. People who need housing, health care and SNAs are a burden to the Government. They really should not want what would have been considered acceptable 20 years ago.

There is no way out of the situation other than by funding local authorities to use public lands and preferably, directly building houses themselves, as that would ensure the work would be done more cheaply. They must build at least 100,000 public homes in the next five years and acquire at least 60,000 vacant units for public housing. The Government can finance that by raising taxation on big business and the wealthy but also by using three funds we have, namely, the Ireland Strategic Investment Fund, NAMA, and the fund the Government got from the windfall from the sale of shares in AIB, which it is using to pay down debt so as not to upset its EU friends but could be used to build housing with no charge.

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**Deputy Joan Collins:** I wish to share time with Deputy Mick Wallace.

**Acting Chairman (Deputy John Lahart):** Is that agreed? Agreed.

**Deputy Joan Collins:** I welcome this debate on the quarterly report on housing and Rebuilding Ireland. Unfortunately, all we have seen recently is targets with nothing happening on the ground. The housing crisis is a social emergency and poses a major risk to the economy. However, the Government policy response has not been adequate and, as far as I can see, has worsened the crisis. The core failing is the over-reliance on a private market approach to housing provision. Only 15% of the 134,000 new social housing outlined in Rebuilding Ireland will be built by local authorities and housing associations. The vast majority is meant to come from the private sector. However, the private housing market in Ireland is broken and it defies logic to expect the private rental sector to deliver such a vast number of housing units given the insufficient supply and the lack of long-term security for tenants. It is also not cost effective as State subsidies have to chase ever-rising rents. The over reliance worsens the wider housing crisis by increasing demand and reducing supply in the private rental sector. Rebuilding Ireland failed to reach its own target of 2,200 new social builds with only just 650 units built in 2016. Only 175 of 1,000 rapid-build social housing, which was supposed to provide housing to families in emergency accommodation, will be completed by the end of this year. In order for public private partnerships to deliver social and private housing the sale of up to 730 State-owned sites to developers is proposed. A total of 30 ha of State-owned land is currently being advertised to the market by Dublin City Council in three new developments, namely, St. Michael's estate, Oscar Traynor Road and O'Devaney Gardens. Of the 1,300 housing units planned for that land, just 30% or 390 units will be social housing and the rest will be unaffordable housing. This approach is more expensive than public provision and has a major downside risk visible in the collapse of PPPs in 2008. Private finance will dictate the delivery timescales and the mix of unaffordable private housing will inevitably entail a large transfer of public wealth to private investors.

I previously tabled a number of parliamentary questions to the Minister on the Neary report and the cost-rental recovery model used in Europe. I received a number of responses. The first was from the then Minister, Deputy Coveney, who said the Neary report links very well into the proposals in Rebuilding Ireland – it does not. The Neary report, in effect, said that by setting up a new housing agency and using funding from Europe we could build up to 10,000 affordable cost-rental recovery housing on those lands. That is what needs to be done. Radical efforts must be made. We cannot wait 40 years. The hubs will take a certain amount of people out of hotels but the amount of people coming into homelessness will increase so we will never see the end of hotel and B&B accommodation for homeless people.

I wish to ask one question before I finish. AIB has been in discussions with David Hall from the Irish Mortgage Holders Organisation about the distressed loans in AIB. Will the Minister support that approach rather than giving the loans over to vulture funds?

**Deputy Mick Wallace:** I wish both Ministers good luck. They will probably need it. It is not an easy job.

Someone from Gorey contacted me recently to explain their situation. The maximum rent supplement for a couple or one-parent family is €530 and it is €565 for a parent with two children. The cheapest available accommodation on *daft.ie* is €760 and the next cheapest is €825. I realise that if the rent supplement is increased the landlord will probably raise his price as well.

I am the first to admit that it is not an easy problem to solve. A number of challenges face the Minister in the long term, and partly in the short term.

*11 o'clock*

These include homelessness, high rents and lack of affordable housing. In the long term, the Government will have to change its philosophy if it is to work for it. In the report the Minister states that last year 5,724 social housing units were built, refurbished, leased or acquired. In 2016, 200 were built and 37 were delivered through Part V. This will not solve things.

Many of the Minister's problems today around homelessness, lack of affordable housing and high rents are linked to the fact that since 2011 we have allowed things to continue to get worse. Real estate investment trusts, REITs, and the vulture funds have availed of a wonderful scenario. Prices were discounted for them, there was no credit available for the Irish to buy, home ownership was dropping and rent demand was going up. It was a perfect scenario that has brought us to a point where Irish Residential Properties REIT plc, I-RES REIT, is now advertising one-bedroom apartments to be launched soon at €1,900 a month. The system is broken. High rents lead to evictions which lead to homelessness which leads to an extra cost to the State. It is not rocket science.

NAMA is talking about supplying 20,000 units. Some 18,000 of them are to be supplied at approximately €360,000 each, with 2,000 available for the social end. Last year Dublin City Council claimed that it could supply houses for €205,000 each. With inflation and other rises, let us call it €230,000 today. A house can be supplied for €230,000 in Dublin. It is State land, but so is NAMA's. It belongs to the people. However, NAMA's price is €360,000. The difference is €130,000. NAMA is not building houses at an affordable price, and often there is a developer involved and the price is not dissociated from the market price which involves a land banker. In that case of the land banker and the take from the investor-developer, we are looking at a difference of approximately €130,000. Where is the logic in that? Why would we allow this private sector to make an extra €130,000 on 18,000 units? If the Minister did nothing else in his time in the Department but change NAMA's remit and get it to supply 50% social housing and 50% affordable housing, it would make some impact. It can be done. If the Minister asked me to build those 18,000 houses on State land and told me that he would give me €230,000 for every one of them when they are ready to be moved into, I would take the hand off him because I would make lovely money. I guarantee it. There is no logic or rationale in NAMA selling 18,000 houses on State land for €360,000 each when we have a housing crisis. It does not make any sense.

From the day I came in here in 2011, the State has been depending on the private sector to solve its housing problems. Right now Cairn Homes and Hines control more than 20,000 units with permission that are ready to go in the Dublin region but they will not even build 1,000 of them this year because it will not pay them. I would not shoot them. Their job is to make money. The people that disappoint me are those who do not address the problem, that is, the State. The Government must play a different role. Tax them for banking the land. The Government cannot force them to build, but the Government is not taxing them for banking the land. At the moment, when the price of a house goes up 10%, the price of the land that they are banking is going up a minimum of 30%. From an economic point of view, they would be foolish to build at the moment.

Principle number one is that the State should stop depending on the private sector to solve

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its housing crisis. We have a serious problem in how we supply housing. The answer lies with the State playing a hands-on, active role in ensuring that housing is supplied on its land at affordable prices.

**Acting Chairman (Deputy John Lahart):** I call Deputy Mattie McGrath, who is sharing time. Is it being shared equally?

**Deputy Mattie McGrath:** Yes. We are all equal in our group.

**Acting Chairman (Deputy John Lahart):** Excellent.

**Deputy Mattie McGrath:** The quarterly report speaks of increasing housing supply and 23 major urban housing development sites with capacity to deliver 30,000 new homes in the medium term in the greater

Dublin area, Cork, Limerick and Galway being identified by the Department, in close collaboration with local authorities, in terms of the Department's new housing delivery objectives. Ar an gcéad dul síos, I compliment the Minister, and his Minister of State, and wish him well, but he has to do better than the last man. What about County Tipperary? Do we have any crisis in County Tipperary? We have. More than 3,100 people have been approved for housing, never mind the 10,000 or 12,000 applicants. The report also mentions that there was keen interest in local infrastructure housing activity funding with applications from 21 local authorities covering 74 separate infrastructure projects. The problem is that expressing interest is all they seem to be doing. What is actually being done by the local authorities? It is just not acceptable. Nothing is happening. I also see that the report acknowledges that the assessment and approval decisions have taken a little longer than anticipated. Given the scale and complexity of some of the proposals, this is extremely frustrating. What has gone wrong in the system?

For decades, when we had nothing, local authorities were able to build houses and provide social housing. We had no equipment or cranes like we have now and none of the modern technology but now they cannot build anything. Is it all too complex? It requires endless consultations, reports and reviews. A report goes up to the Department, we wait six months, and it goes back down to the council, and then it goes back up six months later. It is a game that is being played and it is not delivering houses. Those involved should be ashamed of themselves. Local authorities, nationwide, including Tipperary County Council, have completely lost their way in terms of the provision of social and affordable housing and the Government should come out, put its hands up and accept that. The Government and the State have lost their way completely. I take responsibility as a Member of this Dáil, but it is just not good enough. The Minister can laugh all he likes but I do not know what is so funny. It is not funny for those who are waiting on houses and are sleeping on the streets. The ineptitude is frightening.

Deputy Wallace referred to it not being profitable. We cannot expect smaller builders, in particular, to build at a loss. Deputy Michael Noonan is no longer Minister for Finance but the new Minister for Finance, Deputy Paschal Donohoe, could make a decision in the morning to reduce the VAT. We brought that up in the talks on forming a Government. There had to be two rates of VAT and this, that and the other. Do something that will stimulate the industry in the upcoming budget. I beg it of the Minister. It is that simple. Then talk to the county councils and tell them to cut down their development charges. Development charges, VAT and tax make up 50% of the cost of the houses. It is not rocket science. Any second class national school student would know that this is a huge blockage. We have a huge problem staring at us and we

are talking around it. We are holding conferences and delivering quarterly reports but it is all poppycock and pie in the sky. Get out and get the houses built. The capacity is there and they should be built. Cut out half the red tape.

The voluntary sector was mentioned by many people. I am a big supporter of it. It can do it too but it was too successful and the mandarins in the Department did not like it. We had one office - a one stop shop - but now we have seven different official areas to go through and we have to go to buildings in different parts of the country. It is a game that is being played by the Civil Service and it is exposed now in all its nakedness. It is time that they got off their backsides. Otherwise they should get out of the job and let someone in who can do it do it. I am sick and tired of saying it, and I do not say it lightly, but we have lost our way completely.

I am 58 years of age. I remember as a young fellow houses being built. They had only picks and shovels and the councils could build them. We did not build a house in County Tipperary last year. We are coddling the people and everyone else as well. We are spending money on reports, commissions and this, that and the other and leaving it all to NAMA. Deputy Wallace quoted figures on what NAMA is charging for the houses. It is a State-owned, rotting, stinking cesspit which did not provide either and when it did provide houses, Tipperary County Council refused them. I questioned it back and forth for nearly two months to know what was wrong but all I got were long replies and no answers. It probably cost the former Minister, Deputy Coveney, his leadership ambitions because it was another failure. He worked very hard but all the others would just talk and talk and talk, at meetings and to the housing committee, until they were blue in the face, while doing absolutely nothing.

We will have to scratch our heads and ask if we are really representing the people or just an abject failure in this matter. Are we going to allow the mandarins and all the bodies and agencies to do this? At the housing committee yesterday, the Construction Industry Federation decided it would put an emphasis on people building their own houses and would get the job of overseeing it all, without even a procurement tender. There are cosy cartels in all this that need to be shattered.

**Deputy Danny Healy-Rae:** There are a number of small things that could be done to help sort out much of the homelessness problem. Some genius decided that bedsits could not be used anymore, while fortunes are being paid to hotels to house people and people are still lying on the ground close to the hotel where I stay for two or three days every week. I am sure they would be much happier in a bedsit. I am not saying that all bedsits were perfect but some were fine and they would give shelter to people. The rule preventing bedsits must be reviewed.

There are big grants for the repair and lease scheme, which is a fine scheme but the councils tell us it will only be available where there is a demand for social housing. It should be extended to towns and villages where there is no pressure for social housing. The home improvement grant suits some people, notably PAYE workers, but not others such as sole traders or private operators. It should be expanded to include more people if we are serious about addressing homelessness. Yesterday I asked about reducing the age for grant aid for the elderly to 50, to help the people of whom I spoke.

As regards social housing, in Kerry there are 5,000 on the list. I do not agree with Deputy Mattie McGrath's assertion that local authorities have lost their way when it comes to building houses. There are too many hoops to jump through and stipulations by the Department for people to get planning permission for even a rural cottage. That is wrong. As I said to the

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former Taoiseach, when one goes too far east around the globe, one comes back again to the west. That is what has happened.

Some 82% of people who apply for the tenant purchase scheme are not successful. This deprives people on pensions from buying out the house in which they have lived for 40 or 50 years. They may come into a bit of money, perhaps by way of a lump sum, and they would like to buy out their house and stay there for their remaining days but they are being denied that opportunity in the new tenant purchase scheme. This must be looked at.

The former Minister, Deputy Coveney, said in Tralee that pensioners who went back to live with their offspring and left a vacant house could lease that house, but if they do that their pension will be taken off them. They do not want to sell the house to someone else as they may want to go back to live there so something needs to be done in this regard. There are many such houses lying around.

For private builders, €80,000 of the total cost of €210,000 for building a house goes in VAT and levies to the local authority. Something needs to be done about that to kickstart private builders into building more. At the moment they cannot make a profit with all the regulations and red tape. It would get more builders building and more people working. The Minister should look at these suggestions if he is serious about reducing housing lists. They are small but they will help a lot.

**Deputy Catherine Murphy:** I will share time, four minutes, four minutes and two minutes, with Deputies Eamon Ryan and Seamus Healy. There is no doubt that this is the biggest emergency facing this country yet all we are doing is having a three-month review. Some of us flagged this issue several years ago. We said we should have been almost on a war footing then. The fact that we are still talking about this in 2017, with a deepening crisis, is unacceptable. We were constantly told there was no money but some of us pointed out that the European Investment Bank had available funding even when we were in the programme, though requiring us to be co-guarantor. We have been far too slow to leverage that funding. Had we taken up the option four or five years ago we would have some supply now.

We were told for years that this was a supply-side issue and that it would take time to resolve it. We will continue talking if we follow the mighty market, which so spectacularly failed and caused the crash. There is far too much emphasis on the market resolving the housing problem. We have to directly build social housing using the tier 3 housing associations, co-operative housing, etc.

I recently discovered that there were only four staff in the delivery unit of the Department. How do we expect to become effective in delivering houses with such a complement? Two years ago the Social Democrats called for the establishment of a national housing delivery agency, to tie in with the Housing Agency and the Housing Finance Agency to perform the function of project-managing large sites to give economies of scale and mixed tenure. I still believe that such a body is necessary because it will drive down the cost of building houses.

It is frustrating that the scale of the housing emergency continues to be denied. We are told there are 90,000 people on the waiting list but that is nonsense. There are 90,000 applications but they must be multiplied by three as they are not all single people. That gives 270,000 men, women and children on the waiting list. It is equal to the total population of five counties, Carlow, Longford, Sligo, Roscommon and Monaghan combined. We do not even count some

people, such as those who could move out of direct provision but are stuck because they have nowhere to go. The rental situation is still out of control. A three-bedroom semi-detached house in Lucan costs €2,200 per month. Why would it not drive wage inflation? When people argue with their landlords, even in a rent pressure zone, there is only one winner. Many are ignoring the 4% cap. We should have a fuller debate on this issue where we focus on solutions that are very obvious.

**Acting Chairman (Deputy Eugene Murphy):** I call Deputy Eamon Ryan. After yesterday's performance, I hope he does not introduce a Lego set today.

**Deputy Eamon Ryan:** I have nothing at all. My hands are clean.

I have not had a chance to congratulate my constituency colleague, Deputy Eoghan Murphy, on his appointment and to wish him the very best of luck in his new job. I look forward to working with him, in particular on sites in our constituency such as the Irish Glass Bottle site, RTE and the docklands, where the State has an influence. I echo the words of Councillor Patrick Costello of Dublin City Council who said it is a sad state of affairs when tourists are staying in homes and the people who should be in homes are staying in hotels, hostels and emergency accommodation. There is something very wrong given our homelessness crisis. We are going back to the land hoarding that got us into our housing difficulties. We have to break the landowners' control to solve our housing crisis. There are three measures the Minister should advance which would help us in this regard, first, as we set out in proposed legislation, advance a vacant sites levy to tackle the supply issue. In the last Government's original programme for Government a form of site value tax was proposed but was ditched. It would act as a signal that all land be used efficiently.

I agree with what Deputy O'Sullivan said about needing a mechanism to stop the incentive to hoard land through a rise in profits on land ownership. We introduced that mechanism in 2010 with a supernormal tax of 80% on any profits from rezoning of land. The last Government got rid of it because it was not raising revenue. It was an important signal to the market not to keep investing in hoarding land, that it would not turn a quick buck when it was rezoned. I do not know why that measure was removed. It was a sensible lesson and it applied the Kenny report, going back 40 years but for no reason that I can see the last Government withdrew it. It is legal. It was in operation and while it did not raise revenue it was a signal that landowners could not make money out of hoarding land. We need to go back to that.

Last week, the Select Committee on Budgetary Oversight heard from Andrew McDowell the new vice president of lending in the European Investment Bank. We asked him what more we could do about social housing. He gave a very clear signal that if the Government only did what it says it wants to do, the cost rental model, there is a quantity of money available for lending for that. Unfortunately, he said we do not seem to have a system whereby one can borrow against a future rental income stream, which is sufficiently high to cover that borrowing cost. The beauty of the cost-rental model is that it allows one to raise money on a 20 or 30 year return from what is effectively a market rental system that funds that lending. For those who are unable to afford that rental rate we would have a rent supplement scheme which, instead of going to the private rental sector, would go to that sector, provided for by local authorities or housing associations. I cannot understand why the Government is not doing cost rental. Going for that is my one big recommendation to the Minister as he sets out to develop the Irish Glass Bottle site and other sites because it makes economic sense.

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**Deputy Seamus Healy:** The policy of reliance on the market has created a housing emergency. A total of 91,000 families are on local authority housing lists, a number that has doubled since 2005. There are 21,000 families on housing assistance payment, HAP. There is a homelessness crisis, including 2,700 children in homeless accommodation and many thousands more are couch-surfing and doubling up with relatives and friends. The policy of reliance on the market has failed disastrously.

Yesterday, the Taoiseach told us that approximately 2,000 social houses are at various stages of construction or planning, as if that was going to solve the crisis. The Taoiseach knows that the current Government policy guarantees increasing homelessness as shown by the Think-tank for Action on Social Change, TASC, in a recent research paper and that it is totally and pathetically inadequate.

I welcome the points made recently by Patricia King, general secretary of the Irish Congress of Trade Unions, who said that the market system has failed and is entirely dysfunctional in housing. She said hundreds of thousands of our citizens are affected and large numbers of children are being damaged. She said Europe must wait, and be told to wait, for payment of debt, that local authorities must be immediately funded to build social houses and local authority land should be used for social houses only. She also said vacant houses should be brought into use with compulsory purchase powers where necessary and that the €3.5 billion raised from the sale of AIB shares should be used to build social houses and not to pay down debt.

More needs to be done. A formal national housing emergency must be declared in legislation. Evictions and repossessions generally must be stopped and the Government must instruct the banks it owns, AIB and PTSB, to stop repossessions and evictions. We must repeal the law which allows vulture funds their right to evict sitting tenants. Yesterday's statement by the Taoiseach confirms that this Government will persist with its disastrous housing policy. It is now obvious that a one-day general strike will be necessary to bring this Government to its senses.

**Deputy Fergus O'Dowd:** This is a very important debate and I regret that the time is very short. It is not acceptable that some speakers have only six minutes and others three. This House must change, as our policies must change.

I welcome the new Minister for Housing, Planning, Community and Local Government and his initiatives. I hope he will be able to support the views I express.

We must be practical. It is all very well having a national strike but that brings no sympathy or support to the people who want to get into-----

**Deputy Seamus Healy:** It brings pressure.

**Deputy Fergus O'Dowd:** I did not interrupt the Deputy. It does not support those people who need to get into the empty homes around the country.

**Acting Chairman (Deputy Eugene Murphy):** Nobody interrupted Deputy Healy. He should allow Deputy O'Dowd-----

**Deputy Seamus Healy:** The Deputy addressed me.

**Acting Chairman (Deputy Eugene Murphy):** Please allow him speak.

**Deputy Seamus Healy:** I am entitled to respond to him. He is talking nonsense as usual.

**Deputy Fergus O'Dowd:** I am making it absolutely crystal clear that we need action on the empty homes. In Dublin alone there are over 30,000 empty homes. I know hundreds of them. I see them every day. They are empty, boarded up and families are camping outside local authority housing offices waiting to get in. Families living in cars is a shame and a disgrace. What do we do? What is the practical solution? There is one that is working in County Louth where the council has set up a unit that is tackling boarded-up, empty homes. It has been doing this for some months. Over 50 houses which were empty and boarded up are back in commission.

The council used compulsory purchase orders, CPO, which cost less than €1,000 in each case to do the legal work. The average compensation paid was €55,000. The average compensation paid post-CPO was €15,000. The average refurbishment cost of these homes was €48,382 and the valuation of the properties before they went in was approximately €40,000. Those are the facts and families are now in homes that were boarded up. Let us tackle this around the country and bring the example of County Louth to every constituency and into the heart of Dublin city. Louth did it and the Department of Housing, Planning, Community and Local Government supported it. Let us consider what we can do in Dublin city. To tackle the empty homes, the council must first appoint empty homes officers. This was done in Bolton in England, which has a population of 250,000. In the past year, over a six month period, it put 625 empty homes back into commission. That means people living in houses, not protesting or living in tents but moving in. That is what we need to do. We need to change the planning laws. We also need to make change-of-use arrangements for business areas that are derelict.

There has been nobody living in the centres of our cities and towns for yonks. Houses are empty and properties are almost demolished. Let us get in there and do it. It has been done in County Louth and I believe the Minister has the capacity to do it. There are incentives. I agree with incentives to have people live over shops. According to the censuses of 1901 and 1911, every single town centre was populated by large numbers of families, but there is nobody in those homes now. I agree with having a new living city initiative for towns such as Drogheda and Dundalk. Let us incentivise the reconstruction and refurbishment of town centre properties. Provided they meet fire and sanitary regulations, we should work within the existing physical structures of the buildings, many of which are old, but we should be able to put families, single persons, childless couples or whoever else into them. We can do it and it can be done if we have the will. I believe the Minister has it.

The Peter McVerry Trust is doing a fantastic job and we should hold up its work to national examination and support. There are lots of agencies doing excellent work and the Minister is the person to bring them together to get the action we so badly need. There has been a huge failure on the part of local authorities and the Environment Department has failed miserably in the past. The Housing Agency has also failed. NAMA offered over 6,200 homes to local authorities around the country, but not more than 2,500 were taken up, which is both a shame and a disgrace. The agencies must be put to the pin of their collar to ensure change.

We have the carrot of incentivisation for landlords who are doing very well in most cases. Never have they had more money for less value. Families are being absolutely crucified by increases in rents. Some places are not within the system of rent control, including Drogheda, which is wrong and needs to change. Alongside the tax incentives for landlords, we must tackle the empty homes crisis by putting a tax on empty homes that fit into specific categories such as being in rent pressure zones such as Dublin city or areas such as Drogheda which are not rent pressure zones but which have seen very significant additional increases in the last six quarters. If we were to tax empty homes, particularly those that are not principal private residences and

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not subject to legislation or other issues such as family legal disputes, it could result in thousands of homes being put back on the market. I believe the Minister and the new Taoiseach have the will to do so. I ask them to make use of our initiative and the ideas we bring to them.

A lot of this Dáil stuff makes it a talking shop. The housing committee is also a talking shop, if one can get in to talk at it. I was not able to do so the last day when the Chairman very kindly left me out, although he had allowed everybody else in. The Minister was present, but I did not have the opportunity to share my wisdom with him. That left me very cross, but now I have made my protest and my six minutes are nearly up. We need to be listened to. We have damn good ideas and know the way forward. We can help the Minister to achieve what all families and the nation want, namely, a country in which families' needs will be treated adequately, fairly and objectively. The Minister has the vision and we can provide him with the way to implement it. Let us do it together.

**Acting Chairman (Deputy Eugene Murphy):** I do not believe for one minute that the Deputy is a cross man.

**Deputy Bernard J. Durkan:** I am allegedly not a cross guy either, but I am amused sometimes. I listened with interest to Deputy Ruth Coppinger. She really is a nice person when one gets to know her, but she has some of those crazy Trotskyite ideas that are old-fashioned and do not work, although they have been tried. Poor old Trotsky came to a very sticky end, if anyone wants to dig into the matter.

**Deputy Fergus O'Dowd:** He got an ice axe to the head.

**Deputy Seamus Healy:** There is nothing old-fashioned about that.

**Acting Chairman (Deputy Eugene Murphy):** Deputy Bernard J. Durkan to continue, without interruption.

**Deputy Bernard J. Durkan:** All the Deputies who have spoken have peculiar ways to solve a problem which really requires a simple response. We have to go back to the genesis of the problem about 15 years ago when the Government of the day decided to shift responsibility away from the local authorities and handed it to special housing bodies and the Department of Social Protection. I remember speaking on the issue in this House at the time when I made myself quite unpopular in certain areas by saying it was crazy stuff and would not work. They told me that it would, that they had tested it. They had not and it did not. Now we are reaping the whirlwind from the seeds sown at the time.

We have to put the onus back on the local authorities to set themselves in motion rapidly. I cannot understand why it takes up to four years to draw up plans to build a housing scheme to provide affordable housing or serviced or serviceable sites on lands already zoned or which are capable of being zoned. One way or another, that combination of efforts would result in two things. It would help to reduce the cost of housing generally. Whether we like it, the cost of housing for the average buyer, let alone those on local authority housing lists, is way too high. It is not possible for a family or an individual to pay €400,000 for a house, the cost in some of the pressured places in this city and adjoining counties. They also have childminding and educational costs to meet. One would need an income of €150,000 to fund such a loan. There is no use playing around on the matter; that is the way it is.

I suggest we have an emergency plan to deliver serviced sites. The local authorities could

do this, as they have sites available. Some of us have done this and availed of them in the past. Incidentally, at the peak of the boom I was involved in the development of a number of serviced sites in my constituency, comprising about 100 houses built for those on the local authority housing list. When they were finished, they were exactly twice the value of what they had cost to build. The local committee had to pay €25,000 for each for the sites, while the approved housing bodies received them for €1. That was the difference. I cannot for the life of me understand why we cannot do more of that to deliver houses quickly. By the way, the houses were built before the paperwork was finished in the local authority. That is a sad reflection, but that is the way it was.

There are multiple facets to the housing issue with which we could deal quickly. However, we have to put the onus back on the local authorities. We must ask them how quickly they could produce the goods. In a constituency such as Kildare North, for example, we need nothing less than 1,000 houses at this stage to stabilise the market, provide the urgently required housing and stem the flow of homeless persons. The problem is in the here and now, not two years down the road. Some claim that it is recent. Some of us were dealing with these issues at the peak of the boom. There were people homeless then.

**Deputy Richard Boyd Barrett:** Absolutely.

**Deputy Bernard J. Durkan:** They were camped in tents on roundabouts. It was both strange and extraordinary, but they had no place to go and there were no homes available for them. They could not afford what was available. That is a sad reflection on society.

We are in a situation where young people are not in a position and do not have the confidence to aspire to do what their parents did and own a home of their own. In theory, it is a human right to have a home and there are many ways by which one can have it. We have to provide the means for the young generation to get into the housing market and I have no doubt that the Minister has the ability to do so. I know that he understands the problem. We need to do what we have to do quickly. I do not want to hear from local authorities the notion that it will take three or four years. That is a very simple answer.

If there is one thing that really riles me, it is when a person is knocked off the local authority housing list for ridiculous reasons. Their income is, say, €38,000 and the presumption is that they can buy a house - like hell they can.

**Deputy Richard Boyd Barrett:** Yes, that has to change.

**Deputy Bernard J. Durkan:** They cannot buy any house on that income. Writing people off and technically knocking them off the housing list drives them up the wall. What is worse is that it drives me up the wall also.

**Deputy Richard Boyd Barrett:** Well said. I agree with the Deputy, except for the jibe about Trotsky.

**Deputy John Curran:** This is the first opportunity I have had to address the Minister on this issue as I am not a member of the housing committee. I genuinely wish him well in the task that lies in front of him which affects all of us and those in our communities. It is a serious responsibility. I express a little disappointment that the previous Minister who had developed the programme is no longer presiding over its implementation. However, that is as it is.

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When Rebuilding Ireland was published, I told the Minister that while it was not exactly what we would have done and there were things we would have done differently, it had the potential to impact very positively on those it was intended to help if it was implemented in a timely fashion. I reiterate that. I pointed out a number of differences our all-party committee had on our housing proposals. I acknowledge that Rebuilding Ireland adopted many of the proposals from the all-party Committee on Housing and Homelessness, but the real challenge is implementation. I reiterate that. The Minister said today that there will be a review within three months. While I am all for a review, it must run in parallel with the implementation of what is there. It is not a matter of “either, or”. The plan must be driven forward forcefully. One of my initial concerns was the capacity of the Department. I still have that concern. Our committee felt an independent entity should be established to drive housing policy but a decision was made that it would remain within the Department. I have concerns about implementation which I will set out as I go through my contribution.

The Minister and others have spoken today about people becoming homeless and that is the first challenge. How do we address those issues? One group still presenting in my office is people who are tenants of private landlords who are placing their properties for sale. I am sure it is the same for many Members. The Minister must revisit that issue to strengthen tenants’ rights. If someone has a tenancy with a single landlord with only one property which is a commercial buy-to-let property, the tenant should have the right to remain for the duration of the tenancy even where the property is sold. The property should be sold with the tenant *in situ*. That is what happens with commercial properties. If a shop or office is being sold and the tenant has a lease for five or ten years, the transaction takes place but the tenant remains. One sees the signs up all around Dublin which state “Tenant not affected”. We must look at considering strengthening protections for tenants because they are presenting.

I have told the Minister that I have concerns about capacity within the Department. I am not here to knock the Minister, give him a kicking or play political games. My real interest is in seeing delivery. For us to be effective and meaningful, the Minister must play ball with us. I sometimes feel there is a cloak and dagger approach. One asks a question but the transparency and in-depth reply which is necessary for us to be able to offer meaningful solutions is not always forthcoming. I say that with my hand on my heart. I am not here to get a reply which I will throw back, stating it is rubbish and that the Minister is doing nothing. I know the Minister is trying. However, when delivery is not being met within the specified time limits, we want to know why. Where are the blockages? Is it at local government level or in the Department? Is it funding? We honestly do not know.

The first issue to which I will refer specifically is the rapid build programme. When Rebuilding Ireland was published last summer, the target was that there would be 200 units provided in the fourth quarter of 2016 and 800 during 2017. Those are to be in place by the end of the year. It is something I have been keeping an eye on. While I am not on the housing committee, I was on the original all-party committee and, like previous speakers, have a very keen interest in and, like Deputy Durkan, a very good knowledge of the area. As such, I have pursued this matter. However, the answers I receive refer me first of all to what is in the pipeline and what is being planned. They are regurgitated and provided to us time and again. Eventually, having rephrased my questions, I start to get specific answers as to the various projects that will be delivered and when. This is an issue that predates the Minister’s time in office. No matter what way one looks at it, instead of the 1,000 units anticipated in Rebuilding Ireland, somewhere under 200 units will have been provided by the end of 2017. These are the figures

from the Minister's own Department. However, that does not help us because we really do not know what the underlying issue is. We do not know where the blockages are in delivering those units. The Minister has identified sites and what is on the input side, but we cannot fully understand where the blockages are. In the absence of that information, it is very hard for us to provide meaningful solutions to aid the process. That is what everyone in the House wants to do. There are issues there but we cannot see them from the answers the Minister is providing.

The same is true of social housing building albeit I acknowledge that a progress report is published on a regular basis. As Deputy Casey stated earlier, there are some 500 schemes with 8,500 houses, two of which schemes have over 100 units, many of which are small. The information the Minister provides shows the different stages houses are at, but what we really want to see is another column which states when they are due to be completed. It is not great to tell us a house has moved from stage two to stage three or that workers are on site when we want to know is the anticipated completion date. That transparency would help the Minister as well as us because there is nothing more important for people than to meet the deadlines they have set for themselves and to deliver programmes, including local authorities. That information is sadly missing, however. The Minister has an opportunity as he refines the programme to put that information into the quarterly reports on the construction side. The Minister has shown the 8,500 houses, the inputs and the early stages, but we want indicative dates as to when the units will be ready for occupation or at least completed on site. That would be a useful step which the Minister might consider taking as part of his review.

I acknowledge that the repair and leasing initiative has taken a quantum leap from where it was on budget day when some 150 units were anticipated to be delivered in 2017. We are now up to 800. In replies, the Minister indicates where the 800 are to be, local authority by local authority. We are halfway through 2017 but we do not have a measurement of what has been secured to date, what is being negotiated and what we are likely to hit on a local authority by local authority basis. In some of his replies, the Minister indicated that if local authorities can go further, he is open to that as well. It is an important first step. The Minister has heard the figures on vacant properties before. We have seen a figure of 40,000, not all of which, I realise, are in the greater Dublin area. We know they are not all suitable, but a few thousand would eradicate the use of hotels overnight. We are ten months into Rebuilding Ireland and I am disappointed there has not been greater progress to address the issue of vacant properties.

A great deal has been made of the supply side issue, which we all acknowledge. I spoke to the Minister previously about the local authority needing to spell out its delivery programme and timelines. The private sector is not engaging actively in the market and there is an ideal opportunity for local authorities to build while there is some capacity there. In two or three years' time, it may not be as easy to get contractors. We are missing an opportunity by not being on site at the moment. That said, I acknowledge that €225 million is being invested in local infrastructure. The concern I have with the fund is that it has been divided over four years. I would have liked to see infrastructure front-loaded. That should be revisited in the sense that it is €225 million over four years. If it were front-loaded, one would then be pushing sooner for the delivery of houses. The consequence of that is that the landowners whose land will benefit from the infrastructure may not play ball and develop the land for housing quickly. If that happens, penalties must attach.

Speaking of penalties, many people have spoken about vacant sites. Replies to parliamentary questions indicate that we will have a vacant site tax from next year to be collected in 2019. There has always been concern about a balancing act from the point of view of the constitu-

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tional right to private property and the rate to be applied. It is really important to ensure the vacant site tax is meaningful and acts as a real deterrent to the hoarding of land. We need for the foreseeable future a vibrant housing construction industry and new housing schemes coming online year after year. Land hoarding has been and certainly continues to be an issue and I am concerned the rate of the vacant site tax will not be enough to get the results we are striving for.

Deputy Fergus O'Dowd stated that when NAMA appeared before the committee, it indicated that it had offered local authorities 6,700 units but only approximately 2,500 were accepted. The local authorities had a variety of reasons such as they were in the wrong location or the wrong size, yet people ended up living in all of those units. I cannot understand why the State, either through NAMA, a housing agency or a variety of local authorities, did not take ownership and dispose of them in a variety of ways. I believe in having mix of tenures. They could have been sold to ordinary first-time buyers or there could have been an affordable or social housing scheme. We could have had a mix of tenures, but we adopted a hands-off approach, which was a mistake. On the future of NAMA and the State, we need to be proactive. In the future, when assets are being disposed of, the State cannot say it only wants this or that bit. We need to control the process. The properties sold by NAMA which the State did not take up through the local authorities were very definitely a missed opportunity because all of them have people living in them today. The State could have managed the issue in a far better way.

As a committee, we spent a lot of time on the issue of developing an off-balance sheet special purpose vehicle to allow the likes of the Irish League of Credit Unions to invest substantial funds in social housing. I note that representatives of credit unions were here recently. For God's sake, the Minister should deal with it or bury the idea. If it is a non-runner, he should say so. It goes around and around. If it is not meaningful, cannot be done, the cost of funding is too expensive, there are technical reasons and it is not allowed as an off-balance sheet transaction, the Minister should say so, but he should not allow the process to go on and on. I urge him to deal with some of these issues and, for God's sake, be honest and direct with us. We will try to help in the delivery of meaningful solutions and not play political football with it.

**Deputy Carol Nolan:** I thank the Acting Chairman for giving me the opportunity to speak about this very important issue which affects tens of thousands of families across the country. The figures released by the Department in the third quarterly progress report on housing and homelessness show clearly that the Government's plans are not working which comes as no surprise to me. My party has consistently called for a range of measures to be implemented to address the issue. We have called for an increase in social housing stock to 10,000 units per year. We have called for security of tenure and rent certainty to reduce the flow of families into homelessness. We have called for a Government-led affordable housing scheme. The piecemeal approach of the Government has done absolutely nothing to address the crisis that is spiralling out of control. It is almost as if it is trying to put out an inferno by sprinkling drops of petrol on it.

Families are paying the price for the Government's failure to tackle the issue. There are now 4,922 adults and 2,777 children in emergency accommodation, an increase of over 500 since December which I am sure Members will agree is unacceptable. There are 91,600 households on local authority waiting lists across the State. Five families a day are losing their homes, while 80,000 families are in mortgage arrears. Last week in my constituency office I dealt with a lady who was in mortgage arrears. She had fallen into arrears because she needed a serious, life-saving operation in London. She has done her utmost to work with the banks and meet their demands, but she ended up in my office last week in a very distressed state with a heavy-handed

letter, of which I still have a copy. It has to stop immediately. The banks should be instructed to abandon their bully-boy tactics and treat people with fairness, empathy and dignity.

In my constituency of Offaly-North Tipperary over 2,500 people are on the social housing waiting list. My office is dealing with people who are living in overcrowded accommodation, being evicted from private rented accommodation, in mortgage arrears and, increasingly, families seeking emergency accommodation. County Offaly has the highest rate of homelessness in the midlands region, with 35 adults living in emergency accommodation in May. We need to use CPOs and look at using vacant shops which should be converted into residential accommodation in towns and villages. Twelve single parent families and a total of 54 children are living in emergency accommodation in the midlands region. This fact cannot be ignored. We talk all the time about mental health and building resilience in children. These kids will end up with serious problems and we will have more problems than we currently have. We need to deal with this issue head on and to protect the most vulnerable. If this is to be a true republic, we much cherish all of the children of the nation equally and give people fair play. It is about time we stopped caving into the banks.

Homelessness is not confined to large urban areas. It has spread to every region in the State. To add insult to injury, census figures show that there are 3,000 vacant dwellings in County Offaly. These dwellings should not be lying idle at a time when families have nowhere to call home. The majority on housing lists could be housed in these dwellings. The Minister needs to provide sufficient funding to bring them into use. We need urgent action; words will not do it for us. I urge the Government to be more ambitious in its vacant homes strategy by targeting a larger proportion of vacant stock over a shorter period. This would be a pragmatic approach which would be realistic and we should be taking. A properly funded vacant homes strategy could potentially transform the situation in a relatively short timeframe and at lower cost. I urge the Government and the Minister to prioritise it.

**Acting Chairman (Deputy Eugene Murphy):** It is close to 12 noon, but I propose to conclude the debate.

**Minister of State at the Department of Housing, Planning, Community and Local Government (Deputy Damien English):** I will facilitate the Acting Chairman in that regard. Many questions were asked during the debate and I will not get a chance to answer all of them, but we can come back to them. We had a good discussion at the committee on the issue.

On behalf of this side of the House, I thank everybody for his or her contribution. It has been a wide-ranging and well informed debate in which many issues were raised. It is important that we take them on board and try to work with the Opposition as we have in the past. The Minister, Deputy Eoghan Murphy, and I recognise the work put in by the housing committee in the past year and a half. It is a constant process of engaging and trying new ideas. That is what we are here for, to try every idea to address the issue. In the House we recognise the urgency of dealing with it. It is important that the message get out that it is urgent for all stakeholders that are working with us across the system. There are plenty of ideas, schemes and actions which need to be driven with urgency. We all have a role to play in that regard. We acknowledge that we need to keep pushing.

Some Members have expressed a fear that a review of the housing action plan in Rebuilding Ireland will cause a delay. It absolutely will not because it is a review that is ongoing. The Minister has said very clearly on numerous occasions that it will not delay progress. We were

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very clear about this from the start. There has to be a constant review of the actions being taken and the adding of more because all Members have new ideas. We are all learning. That is what we are prepared to do and what the review is about. The Action Plan for Jobs was an annual review which involved adding new actions every year and the process worked very well which did not suit most in the Opposition because it was a success. In the first year of the Action Plan for Jobs not everyone bought into the progress made because not everyone could see it. In the past three or four years, however, it took off and smashed every target set for it. Likewise, with the housing action plan, we will be able to do with it takes t solve this problem. That will mean reviewing and adding actions as we go along. That is exactly what the Minister is doing and part of the discussion this morning will feeds into it. Members should, therefore, have no fears about it. The purpose is to push things along, as opposed to delaying anything.

I will address the issue raised by Deputy John Curran first because it is relevant to what happened at the committee meeting yesterday. With regard to tapping into the resources of the credit unions, we absolutely want it to happen. The Department has been engaging with them for many years and certainly in the past few months. We have met them umpteen times to make this happen. There are funds available. Not all of their funds should be put into housing but a certain amount should. They also want to be involved in seeking solutions locally and that is happening. The required changes are coming through the Central Bank. We are ready when it is. The credit unions are also ready. It will not suit every credit union, but it will suit their overall investments portfolio and how they invest money which we need. We are committed to making it happen and it is something we want to see happen. I want to be very clear that it will not be delayed from our side.

We all agree that not enough progress is being made on the issue of vacant properties, but we have to remember that they are private properties; they are not ours. Where properties are owned through local authorities, we have taken serious action and over 7,000 vacant social houses have been brought back into use in the past few years.

*12 o'clock*

There is enough money allocated this year to end that problem. There should no longer be any voids of social houses. We have led this by example. There are enough schemes out there now, the repair and lease back scheme, the purchase and renew scheme, and other schemes that will be announced in the future to deal with vacant properties. The numbers that people keep quoting, of 190,000, are the census figures. They are not our figures. I do not fully believe that all of those are available for housing. It is probably much less, but the Deputies are absolutely right that there are at least a couple of thousand and we need to get our hands on them. We want them as well but we recognise that they are private properties. We have to engage with the owners and we have used the carrot approach, but in the reviews, we will look at all approaches, both carrot and stick, to try to make this happen, because they need to be brought back into use and that is what we are committed to.

Politicians have a role to make this happen. I still meet people on a daily basis who are not aware of the schemes and yet we have all our councillors, all the Deputies in here, and we know about the repair and lease back scheme and we know there are different versions that might suit different people better as well. Let us put the word out there. We are engaging with people who tell us that they have vacant properties. Put them in touch with the local authority and let us make it happen. We have provided the money and the money is there to make this happen, but we need to get the message out there that we want it to happen as quickly as we possibly can.

Likewise, on the matter of State-owned lands, we have identified over 800 sites. We have asked local authorities to take the lead on these. There are a number of options to make that happen, but we need to drive that urgency. I ask Deputies to ask all their councillors at a local level to drive that urgency to have those lands developed. We have resources to make it happen and we have identified the sites, but the onus is on each local authority to drive it on, and we will facilitate that as well as we possibly can. There is endless opportunity there.

On the infrastructural fund, somebody raised the question about the delay of three or four years that it takes for infrastructure to happen. We are saying that one can develop the houses in parallel with the infrastructure. It is not a case of waiting for a bridge for two years and then starting to build the houses. One can phase the developments, start the construction of the houses and have them ready when the infrastructure is ready, if it is a road or a bridge. It is a little different if it is other infrastructure. Common sense applies here. One can move on much of this activity in a planned and phased way. It certainly will not delay housing. We have already seen some local authorities coming into us and saying that they are applying for funds to start building houses on those lands. That is the proper order, because that is what the local authorities are meant to do. There are other versions of the infrastructure fund that we can use to try to open up sites as well, but again, it is to try to kick-start and develop as well.

There are other matters that we can touch on and we will do that in the weeks ahead. We are absolutely committed to making this happen. Everyone says that there are not enough programmes. We know that we cannot fix it overnight, but the quarterly reports will show that we are making steady progress here. The trends are going in the right direction. It cannot all be visible. We cannot see all the houses we want to see. However, much progress has been made, even compared to where we were last year, with projects at local authority level. We now have over 600 projects. Some are for 20 or 30 houses, and some are for many more, but they were not there a year ago. Now they are in the system and moving, and we need to push them even harder again. Likewise, we need to see the private sector coming forward. Some of the planning changes we will do, that the Minister, Deputy Eoghan Murphy, announced today, will be discussed here next week. We need the help of the House to make that happen, so that those sites can move on and start delivering houses as well. Progress is being made. We recognise that it is not nearly enough and we have to keep it happening, and that is what we are here to do as well.

### **Leaders' Questions**

**Deputy Stephen S. Donnelly:** Last year, we went to much trouble to shut down tax avoidance by vulture funds. The then Minister, Deputy Michael Noonan, stated clearly that the funds were using the loophole called section 110 in a way that was not intended. Critically, they were using section 110 to avoid paying taxes on profits generated in the Irish economy. This week, we have new revelations that other investment funds are using section 110 to avoid paying taxes on Irish profits, that they are doing so with the full blessing of the Government, or at least the former Minister, Deputy Michael Noonan, when he was *in situ*, and that they are working directly with the State via the Ireland Strategic Investment Fund, ISIF. Not only is public money being used in a tax avoidance scheme, so too, potentially, is money from the European Investment Bank. In response to parliamentary questions by Deputy Michael McGrath, the Government has admitted that the Ireland Strategic Investment Fund is availing of four section 110 companies. The journalist, Mr. Jack Horgan-Jones, has obtained the accounts for two of

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these companies, and reported on the same in *The Sunday Business Post*. Earlier this week, we received copies of those accounts.

The first company is called WLR Cardinal Mezzanine Fund. “WLR” stands for Wilbur Ross, the current United States Secretary of Commerce. It is a new investment fund in Ireland, with €70 million in assets and its notes are listed on the stock exchange in the Cayman Islands, for obvious reasons. In 2015, it took in €3 million from its activities, and it paid €250 in tax. The second company is called BlueBay Ireland. BlueBay has €160 million loaned out. Between 2015 and 2016, it took in €36 million, and each year, it paid €250 in tax. Both of these funds make their profits from the domestic economy, including real estate, renewable energy, forestry, restaurants, televisions and so on. Both are able to get their profits out of the country completely tax free, other than a notional payment of €250. I am aware of no other country that allows investors to make money on the domestic economy and to then export those profits tax-free out of the country. My understanding from the work we did on the vulture funds was that this type of thing was going to be stamped out, and if one made profit on domestic activity, one would pay taxes here.

My questions are as follows. Is the Minister aware that no other European country tolerates tax avoidance of this kind? Does his Government stand over this practice? Does his Government stand over the State investing money from the European Investment Bank in this way? If not, will he, as a matter of urgency, initiate a full independent review of the use of section 110 companies in Ireland? Will he commit to this House that profits made in the domestic economy in Ireland will be taxed in Ireland?

**Minister for Education and Skills (Deputy Richard Bruton):** I thank Deputy Donnelly for raising this issue. The position is that every year, in the Finance Bill, we review tax avoidance. As long as I have been here - which has been a long time - we have seen loopholes being closed each year when they are being abused or exploited in a way that was never intended. In all cases, initiatives in the tax code - which I have seen over many years - are designed by politicians with the best of intentions. Others employ armies of accountants to find ways of using them for other purposes and, every year, one has to deal with that. We have given the Revenue very strong powers not only to pursue abuses, but to put those who are designing schemes that might be anticipating abuses under threat as well. We have a very strong code in this respect.

On our international position, we are taking a leading role in the base avoidance and profit-shifting initiative of the Organisation for Economic Co-operation and Development, OECD. We have moved ahead of the posse to deal with issues in our tax code that could be construed as being abuses in the international arena. We have moved very rapidly to do that and that is absolutely right. We need to ensure that this process is done properly and that we do not have unintentional avoidance or abuse of provisions where companies play one country off against another. We are very committed to that process. The ISIF has a dual-role. One is to earn money and the second is a developmental role. It does not have a responsibility for revenue issues. I assure the Deputy that I will ask the Minister for Finance to examine the issues that he raises and if they are areas where there is a need for initiative, I have absolute confidence that he will take those initiatives in the appropriate manner.

**Deputy Stephen S. Donnelly:** I thank the Minister for his response. I appreciate it and his acknowledgement that this could be seen as an abuse and that we must always look at how the tax code is being used. The problem is that I have seen the responses from the Ireland Strategic Investment Fund to Mr. Jack Horgan-Jones and we have on the record the response from the

then Minister, Deputy Michael Noonan, to Deputy Michael McGrath. Both the former Minister and the ISIF maintain that the current use of these section 110 companies is absolutely legitimate. That is why we want an independent investigation. The Government's stated position may have changed with the new Minister, Deputy Donohoe, but as of February, in response to Deputy Michael McGrath, the Government's stated position is that the section 110 companies are being used properly. ISIF stated to Mr. Jack Horgan-Jones only a few days ago that as far as it is concerned they are being used properly. As far as I, Fianna Fáil and everyone involved in the vulture fund tax loopholes are concerned, this is an improper use and it needs to be shut down.

I appreciate the Minister will raise this with the Minister, Deputy Donohoe, but we are asking that he goes further. We are asking that the Government commits to a full independent review of the use of section 110 companies in the Irish economy and that it makes a commitment to the House that, as a policy principle, profits generated in the Irish economy must be taxed in the Irish economy as they are in every other country on earth.

**Deputy Richard Bruton:** First, I am strongly of the view that we should use the Revenue to ensure that everyone pays their fair share of tax and that has always been the case. The Government and, indeed, predecessors have dramatically reformed Revenue. I remember when the Revenue system was leaking, and even people had a sneaking regard for the sort of abuses that took place. That has been entirely changed. There is a very strong culture of compliance enforced properly by the Revenue Commissioners.

To suggest we need an independent investigation is something Deputy Donnelly would need to put to the Minister for Finance.

**Deputy Richard Boyd Barrett:** I did yesterday.

**Deputy Richard Bruton:** From my considerable experience in this House, the Revenue Commissioners are the most effective at identifying abuses of this nature and identifying the way in which they can resolve them, and every year they come forward with the closing down of areas where there is abuse. The idea that we need to have someone overseeing the Revenue Commissioners or some independent assessment does not strike me as being in accordance with the approach we have taken. By all means, Deputy Donnelly should present his case politically of what changes or study of these cases he wants to see to the Minister for Finance, but I am strongly confident that we have the competence within the Revenue to deal with any such abuses and to develop our tax policy in accordance with the highest international standards.

**Deputy Louise O'Reilly:** I want to talk to the Minister about Jacob Dooley. Jacob is the middle child of Edel and Anton Dooley and he has been diagnosed with severe autism. The Dooleys are, in their own words, "a family in crisis." For months they have been appealing to Ministers for help but they have been ignored. I have written and spoken directly to the Minister of State, Deputy Finian McGrath, about this family and their desperate search for respite care for their son.

At a recent case conference where their case was discussed, the Dooleys predicament was laid out in detail. Jacob is eight years of age and engaged in aggressive behaviours toward his parents and siblings causing injury. As Jacob gets older and stronger, he poses a greater risk to his family, other students and staff in Foxfield school, and to the staff working within the family home. Jacob is displaying significant behaviours that challenge, such as biting and scratching.

Edel herself has been bitten and scratched on a regular basis and Jacob recently tried to strangle his mother. Previous applications to St. Michael's House for respite, host family and link have all been submitted but to date none of these have been put in place.

This is one case of dozens I have been dealing with. The Minister will be keenly aware that there is not a Deputy in this House who does not receive emails and calls on a daily basis from desperate parents and family members who are seeking nothing more than respite. Anecdotal evidence may not count for much and given the responses to the desperate pleas from the Dooley family, and no doubt the Minister's unwillingness to comment on individual cases, I will look at the facts. Figures released to me by the HSE show that while the number in need of respite is going up, the allocation of respite hours is decreasing. In the first quarter of last year, 44,141 overnight hours were provided. This year the figure had fallen to 40,597. There is no urban-rural divide on this. All counties in this State are being treated equally badly. For example, Dublin North, where Jacob lives, is down 503 hours. If we look at Donegal, there has been a loss of 559 hours from last year. Shockingly, Dublin Central has seen a loss of 1,553 hours of overnight respite care.

Last week the Dooleys told their story on the Sean O'Rourke show. They are a quiet, private family and it pains them to have to do this. However, it appeared to work because immediately following the programme they received all sorts of calls from interested politicians. Indeed, they have now secured a meeting with the Minister of State, Deputy Finian McGrath, a mere seven months after asking for it.

My question is this. Will there be an increase in respite hours to cope with the additional demands that the school holidays place on families? Will Edel Dooley have to watch life pass her and her family by again this summer while she is unable to leave her home? Will the Minister acknowledge that there is a serious problem here? Will he commit here this afternoon to halt the decline in the provision of respite hours and to increase this basic service for struggling families such as the Dooleys?

**Deputy Richard Bruton:** First, I express my full sympathy with the family. I have dealt with many families who are very distressed in dealing with children of this nature, trying to access services and having a clear understanding of what is available for them. The Minister of State, Deputy Finian McGrath, has been working hard to try to improve the access to both information and service and he has applied additional funds to these purposes. The Minister of State has expanded the number of places, for example, for adults - children who reach the age of 18 and need additional places.

Clearly, this is an area of respite which, from my own experience, is a particularly acute pressure point in that provisions have been made in good faith for respite provision but because of a particular individual who has very challenging behaviour, sometimes it is not possible to continue to provide the planned respite because all attention has to be devoted to one very complex case. We need to have a better planning framework for this.

In my own area in education, we have made very substantial increases in provision for children with special education needs - a 41% increase in the case of resource teachers and 32% in the case of SNAs. We are investing very substantial funds to try to support children like this, staying in the education system and having their caring needs supported through the education system.

I am glad that Deputy Louise O'Reilly is able to report that the Minister of State, Deputy Finian McGrath, is meeting the family in question and I will certainly bring her concern to his attention. In my own area, I have seen pressure on respite in the recent past due specifically to difficulties in dealing with particular individuals and we need to try to plan for that in a better way. That is why we are seeking to develop a ten-year approach to health issues so that we can plan these resources in a consistent way. In the same way, the Minister of State, Deputy Finian McGrath, is developing a disability strategy so that these various elements can be resolved.

I understand that the HSE keeps a certain emergency capacity to try to deal with very special cases in a sympathetic way. Clearly, this is a case that it has sought to respond to.

All I can say is that I will certainly report the Deputy's concern to the Minister of State, Deputy Finian McGrath, who, to be fair to him, is striving continuously to make the case not only for additional resources but for additional understanding of the needs of people with a disability throughout our services. He is making very significant progress in that area.

**Deputy Louise O'Reilly:** One need not be a genius to figure out that while demand for this service is going up and the number of hours are going down, the Government is contributing to the problem. I asked the Minister some fairly specific questions and I also pointed out to him that the number of hours is decreasing while the demand is going up. That is not due to one, two or three individuals. That is due to a failure by the Government to treat these people with any sort of decency and respect.

The family got a meeting with the Minister of State, Deputy Finian McGrath, after they had been on the Sean O'Rourke show, just as the Devereaux family had their case dealt with after they had been on Joe Duffy's show. What are we to do? RTE can only provide so much of an outlet. We can only put so much pressure on. These people need action. They should not have to go to RTE.

These people are watching this discussion and are listening to what the Minister is saying. He is not offering them anything other than platitudes and that is an insult to the Dooleys and to the thousands of people who are now facing into a summer of desperation because they cannot access respite care for their loved ones.

**Deputy Richard Bruton:** I have to say to the Deputy that if she was serious about having the detail of this case dealt with she would not be raising it on Leaders' Questions since she knows I do not have advance notice of the issues. If she wanted to do so, she would have asked the Ceann Comhairle for special notice provision, whereby the Minister responsible could have been here to respond in detail.

**Deputy Louise O'Reilly:** That is not true. The Minister was well aware of this.

**Deputy Richard Bruton:** I am providing Deputy O'Reilly with the sort of response that she can expect from someone who is taking Leaders' Questions.

**Deputy Louise O'Reilly:** I have just told the Minister what is going on.

**Deputy Richard Bruton:** I can tell Deputy O'Reilly that we have massively expanded our provision for caring. A total of €1.2 billion is being spent as we speak on home carers and support for home help hours on respite.

**Deputy Louise O'Reilly:** I have before me the Minister's figures; they are not mine.

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**Deputy Richard Bruton:** We have €1.7 billion being spent in the education sphere. All of those provisions are expanding rapidly. As I have outlined, even in the very difficult years, we expanded those provisions by over 40% in the case of support.

I am not pretending that there are not cases where need is not met.

**Deputy Louise O'Reilly:** There are thousands of them.

**Deputy Richard Bruton:** The need in this area is growing rapidly. However, it ill-behoves Deputy O'Reilly to come in and try to pretend that we are not addressing the issue when she does not allow any possibility of the case of that family being addressed by someone who is aware of the circumstances and could have responded.

**Deputy Louise O'Reilly:** This is not a problem I have.

**Deputy Richard Bruton:** I take Deputy O'Reilly's shock and awe with a large grain of salt.

**Deputy Louise O'Reilly:** Every one of the Government Deputies has received representations from this family.

**Deputy Bríd Smith:** Would someone please tell me what is going on in this Chamber in respect of bin charges and the hike in the bin charges? I heard Deputy Jack Chambers on the media giving out about Panda increasing charges and the new contract that will allow the company to do dynamic things, such as enter a premises to check what is in a bin; the right to alter the charges in light of Government regulations and other issues, such as a rise in fuel costs; the right to charge €30 for cleaning a bin at the end of a contract; and the right to ensure the customer should indemnify Panda against any loss or damage to the bin. As Deputy Jack Chambers said, an empty Pringles packet in the wrong bin could result in a hefty fine. This is the Deputy Chambers who belongs to the Fianna Fáil party seated beside me that did a deal with the Government the other night to agree the party's motion in order to stop any other alteration of motions from ourselves and Sinn Féin.

**Deputy Jack Chambers:** Where was Deputy Smith?

**Deputy Bríd Smith:** Fianna Fáil did a deal.

**Deputy Jackie Cahill:** Where was Deputy Smith for the debate?

*(Interruptions).*

**An Leas-Cheann Comhairle:** Deputy Smith, without interruption

**Deputy Bríd Smith:** Yesterday, the Taoiseach said that he is about to reward people who treat their community and the environment well. How is this awarding people who treat their community and environment well with this nonsense from Panda?

The cartels are being allowed to do what they like. They have already said that they do not fear a regulator. They do not fear the set-up that the Government and Fianna Fáil have agreed.

**Deputy Mattie McGrath:** It is a watchdog.

**Deputy Bríd Smith:** They may have their confidence and supply agreement, but they are certainly supplying each other with a lot of freedom to enable the bin companies do what they

want with an important and essential service that people are paying dearly for.

The only thing that can be done to safeguard the service in future and to keep the environment safe in our cities and towns is for this service to be taken back into the ownership and control of the local authorities. The City Manager of Dublin City Council agrees with this. The city council is browned off - not to put too fine a pun on it - collecting illegally dumped waste while those who are getting the profits from the waste do not pay towards it. Last year, a total of €1.5 million was spent by the city council dealing with illegally dumped waste. The situation will get worse. It will get far worse with the hikes that are going to ensue. The Government need not tell me that this agreement will not raise them because it will

The bin companies say they do not fear the regulator and that says it all. Will the Minister please tell me what is going on here? On the one hand the Government is making an agreement, while on the other, those involved are dividing among themselves about that agreement. They should get it right, do the right thing by the citizens and give the local authorities control of the services.

**Deputy Richard Bruton:** First, Deputy Smith would know what was happening if she bothered to attend the Dáil the other night when these issues were being debated. Deputy Smith was marked absent when decisions were being made and when the position that was going to be introduced was being explained. It is a matter of shedding crocodile tears now when these decision have been taken when she does not bother to fulfil her responsibility, come in and deal with these issues.

The truth is that we have a problem with waste. That is the nature of this problem. Deputy Smith's party is a party that talks about taking our global responsibilities seriously. If we want to respond to the challenges of climate change, the problems of global waste and the impact it is having on resource use in our world, then we have to change behaviour. We have to see people who deal with waste in their normal daily lives changing the way they do that. That has to happen in businesses but it also has to happen in homes. What we have at the moment is that many homes do not segregate or try to minimise the amount of waste. The Minister for Communications, Climate Action and Environment, Deputy Naughten, indicated that €700 worth of food is discarded every year by the average household.

We are trying to achieve a situation whereby behaviour is changing but at the same time protect people who might be vulnerable. That is what is happening here. The system applies to half of households in the country already. Customers have an incentive system based on either a charge per lift or a charge per weight. That will now apply to all households. As a result, there will be an incentive for people to minimise waste and to use the three principles of good waste management: reduce, reuse and recycle.

As Deputy Smith probably knows, we have a real problem with contamination of the waste streams. Elements are put into segregated waste - whether into the green bins or black bins - that are not supposed to be contaminated by food products. If that segregation does not happen right then we create a major problem for the environment. Deputy Smith would be the first to complain if there was a dump provided and there were foul smells as a result of the system not being applied right.

What we are trying to do is change behaviour, but we are also protecting people. There will be an oversight of price monitoring to ensure that there is no gouging of consumers by abuses

of this system.

**Deputy Richard Boyd Barrett:** They have been gouging people for years.

**Deputy Mattie McGrath:** Deputy Smith should have come out and voted.

**Deputy Richard Bruton:** We have 67 waste providers. They all will have different schemes. People can pick and choose. We will be providing oversight of that. The Competition and Consumer Protection Commission has the power to deal with cartels if people find there is cartel practice. The commission has major civil and criminal powers to pursue anyone who adopts cartel practices.

The House has agreed that there will be strong monitoring of this change that it is bringing in and that people will be protected by those who have the power. There will be monitoring of pricing. Appropriate action will be taken to deal with it to protect people.

**Deputy Bríd Smith:** For the information of Deputy Bruton I live beside a facility that does separate and recycle and that bails food and other materials. We have major problems with the operation of Thorntons and the proximity of Thorntons to the community of Ballyfermot. We campaign continuously to try to get the Environmental Protection Agency to put some sort of controls on the company. We continuously campaign on that issue. I am aware of the smells and discomfort that is caused by this process.

I was here the other night until nearly 9.30 p.m. In my naivety as a new Deputy I understood that we would be voting on these motions and amendments today.

**Deputy Mattie McGrath:** Deputies have to call a vote.

**Deputy Bríd Smith:** That is not going to happen, but I can see that Fianna Fáil has an internal problem, because some of that party's Deputies are dissatisfied with the confidence and supply arrangement with the Government.

I wish to make the Minister aware of something else. He talks about the motivation for keeping the environment safe and clean.

**Deputy Richard Bruton:** This is helping.

**Deputy Bríd Smith:** What is actually happening, because of the profits and money is to be made out of rubbish, is that fly-tipping is being given the go-ahead by this system and by the Government. As the prices increase, there will be more and more fly-tipping. There was never a single incident of it when the bins were in public control. We are now organising street meetings throughout the city in order to oppose the Government plans. People need their bins but they do not need this sort of abuse from the Government.

**Deputy Richard Bruton:** We all know the reason why the public sector is no longer in this business. It is because parties like Deputy Smith's party told people not to pay and refused to allow increases in charges that would have allowed collection to remain as a service in the public arena.

**Deputy Richard Boyd Barrett:** That is rubbish. Most bin services were privatised long before then.

**Deputy Richard Bruton:** Deputy Smith's party made conscious decisions to destroy that

possibility.

**Deputy Richard Boyd Barrett:** Bin charges were in place for eight years by then.

**Deputy Richard Bruton:** We are dealing with the consequences of parties like Deputy Smith's party driving change in policy. We now have a policy that will promote better use and better segregation.

**Deputy Bríd Smith:** That has been the policy for a long time.

**Deputy Richard Boyd Barrett:** Rubbish.

**Deputy Richard Bruton:** This will, I hope, mean that the facility mentioned by the Deputy will be better managed because there will not be contaminated waste streams through it.

**Deputy Bríd Smith:** We have to live beside it, the Minister does not.

**Deputy Richard Bruton:** This is a progressive change that will bring about a better approach to meeting the huge global challenge presented by how waste streams should be managed and waste segregated and how we should minimise damage and protect the use of resources.

**Deputy Bríd Smith:** The Government is making a bags of it.

**Deputy Richard Bruton:** That is what this about, no more, no less.

**Deputy Richard Boyd Barrett:** The Government's dishonesty will not-----

**Deputy Paul Kehoe:** Deputy Bruton, 1: Deputy Smith, 0.

**Deputy Louise O'Reilly:** It is not even half time yet.

**Deputy Danny Healy-Rae:** I refer to the former St. Finan's Hospital in Killarney, a well built stone building which stands on 30 acres of land on the northside of the town which border both sides of the bypass. It is a listed building, for which plans for its future use need to be formulated. We are all aware of what happened this week to a similar building, the former Our Lady's Hospital in Shanakiel. Much of it was burnt to the ground. At one time there were 800 patients and 800 staff at St. Finan's Hospital. Years ago the building and lands were owned and managed by Kerry County Council, but they were then transferred into the ownership of the HSE. On behalf of many interests in Killarney and surrounding areas, I raised the issue of the future plans for the building and lands at forum meetings of HSE south. It is important that they are not sold to private interests. The Government and the Minister for Health need to work together to formulate a plan for what is to be done with this valuable property. I sincerely hope it is insured and that there is security in place 24/7.

Killarney is to shortly have a new community hospital which is expected to be built on part of the lands surrounding the former hospital. I am asking the HSE to liaise with Kerry County Council on the proposed use of the remaining land. As all Members are aware, we are experiencing a shortage of housing and many houses could be built on these lands. Also, part of the grounds could and should be used to provide a safer route from the town onto the bypass. There have been many accidents at the Lewis Road junction and further accidents could be avoided if another access road to the bypass was provided. The former hospital building could be adapted to provide social housing apartments or offices or for amenity use and made available to local voluntary sports clubs and other groups. As parts of the roof are leaking, the building will soon

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be derelict. As it is situated adjacent to the Fitzgerald Stadium, it would be shame if it were allowed to fall into dereliction. If the property was owned by private interests, it would not be left unused, as it is very valuable. It was suggested previously that the land could be used as a graveyard or a car park. As there are many uses to which it could be put, it should not be left idle. As I said, if the property was in private ownership, it would be developed and used.

**Deputy Richard Bruton:** I thank the Deputy for raising this matter. I am not familiar with the site, but I can assure the Deputy that the HSE would be very interested in working with local communities if there were viable proposals for its future use. Clearly, they would have to be stand-alone proposals. I am sure any Department would support a local initiative of that nature. I will ask the Minister of State with responsibility for housing, Deputy Damien English, to examine whether there are opportunities and demands in the area. The Deputy will be aware that there has been a considerable trawl of properties in State ownership in an effort to respond to social housing needs. Where a property is identified, the Department of Housing, Planning, Community and Local Government is keen to support proposals for its use, but they must make sense in the context of the social housing programme in meeting demands and so on. The Minister, Deputy Michael Ring, has reminded me that this year Killarney House was restored as part of an initiative taken by Fáilte Ireland and the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs, Deputy Heather Humphreys. That is indicative of the Government's interest in restoring assets that can become considerable tourist attractions for communities. I will bring the Deputy's concerns to the attention of the appropriate Ministers to see what can be done to respond to them. If there is a local group that is putting plans together for which there is a solid business case, the Government will be keen to examine them in the context of whether they could be factored in in planning the future use of the site.

**Deputy Danny Healy-Rae:** I thank the Minister for his reply. I am happy to say, without fear of contradiction, that my late father played a big role in ensuring the restoration of Killarney House was provided for in the capital programme in 2010.

**Deputy Mattie McGrath:** Hear, hear.

**Deputy Michael Ring:** He did not put any money into it. There was talk but no money. It was the former Minister, Jimmy Deenihan, who put the money in with me. Talk is all the Deputy's late father put in.

**An Leas-Cheann Comhairle:** Will the Minister please allow Deputy Danny Healy-Rae to continue, without interruption?

**Deputy Danny Healy-Rae:** The programme was put in place before the Minister, Deputy Michael Ring, landed.

**Deputy Michael Healy-Rae:** He can stick that in his pipe and smoke it.

**Deputy Danny Healy-Rae:** That is the truth, the whole truth and nothing but the truth.

**Deputy Mattie McGrath:** Good man.

**Deputy Michael Ring:** Talk is all the late Deputy Jackie Healy-Rae put in.

**Deputy Danny Healy-Rae:** The Minister, Deputy Richard Bruton, mentioned that there had been a trawl of properties owned by the State. Why then is the Government not already aware of this property? I have raised the issue several times at forum meeting of HSE south in

County Hall in Cork. I call on the Government to ensure the building will not be allowed to become derelict to avoid the possibility of it burning down. The lands are very valuable in the context of social housing provision. They are located at the back of St. Allmans Terrace and border Lewis Road, which means that they are very accessible.

**An Leas-Cheann Comhairle:** The Deputy cannot take advantage.

**Deputy Danny Healy-Rae:** We need - this is directed at the Minister, Deputy Michael Ring-----

**An Leas-Cheann Comhairle:** Deputy Danny Healy-Rae has exceeded his time and is depriving others.

**Deputy Danny Healy-Rae:** There is a need for a road to be built through the lands to ensure the safety of people accessing the bypass.

**Deputy Michael Ring:** We will use the Deputy's machinery to do it.

**An Leas-Cheann Comhairle:** Deputy Danny Healy-Rae will not have another opportunity to come in because he has taken an additional minute.

**Deputy Richard Bruton:** I recall that Jimmy Deenihan who was a Deputy for many years was a huge advocate of the restoration and reopening of Killarney House. It was a proud day for him when the Ministers, Deputies Heather Humphreys and Michael Ring, opened different phases of the project.

**Deputy Brendan Howlin:** The person who provided the money was not invited.

**Deputy Richard Bruton:** I am sure there will be room for a saxophone playing department within the restored Killarney House to recognise the contribution made by the Healy-Rae family. As I said, if there are uses to which the property could be put and businesses cases could be made in that regard, the Government will be keen to examine them but only in the context of the social housing programme that has to deliver to very tight schedules in areas where there is genuine need. I cannot give a guarantee on the use of the property, but I will ask the appropriate Ministers to examine its potential within their ambitions to fulfil their plans.

### **Questions on Promised Legislation**

**An Leas-Cheann Comhairle:** I remind Members that there are only 15 minutes allocated for questions on promised legislation. I ask all Deputies, including leaders or their representatives, to confine their questions to promised legislation or the programme for Government.

**Deputy Stephen S. Donnelly:** There is a firm commitment from the Government to publish detailed sectoral reports in response to Brexit. When we raised this issue with the Taoiseach two weeks ago, he informed us that no deadline for the publication of any of these reports had yet been released. Brexit started a year ago. The Irish food and drinks industry estimates that trade has fallen by about €570 million in the past year and that it could fall by twice that amount this year, yet not only do we not have detailed sectoral reports from any Minister, we also have not even had a release date or an indication as to when they might be expected. At this point, are there dates for publication of the detailed sectoral plans in response to Brexit?

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

**Minister for Education and Skills(Deputy Richard Bruton):** I do not have access to any schedule of publication but in my own area of skills, which is a very important one, we had a meeting this week with the Department of Jobs, Enterprise and Innovation and our own delivery agencies to identify the areas of pressure. We will be pursuing those within the National Skills Council to make sure our provision and planning for next year incorporates concerns that have arisen specifically out of the Brexit report. We will not be publishing a particular element of that, but we will be focusing on the priorities. I will bring to the attention of the appropriate Ministers the matter of whether a date has been agreed for these sectoral reports to be issued because they can help people frame their own response and planning. To be fair, Enterprise Ireland is providing a very good framework across sectors to which companies can respond.

**An Leas-Cheann Comhairle:** Deputy O'Reilly might preface her remarks by indicating whether she is asking about promised legislation or the programme for Government.

**Deputy Louise O'Reilly:** The programme for Government contains a commitment to re-open six Garda stations on a pilot scheme basis. Recently, it was mooted that Rush Garda station would be one of those. The Minister's colleagues in Fine Gael and his very best friends in Fianna Fáil were tweeting about it, but we are, in truth, no wiser as to what Garda stations will be reopened other than the station in Stepside. We all know that Stepside Garda station will be reopened. When will people throughout the country know what other Garda stations will be reopened? Can the Minister give us an assurance that equity and equality will be applied to that in terms of a rural-urban split and a geographic spread?

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

**Deputy Richard Bruton:** The idea of opening six Garda stations on a pilot basis was part of the programme for Government. It is for the Commissioner to select those that are most appropriate. I understand Stepside Garda station was indicated as being appropriate and is in the course of being opened; the planning for that is being done.

*(Interruptions).*

**Deputy Richard Bruton:** The others will depend on a report to Government from the Commissioner, which I believe is due shortly. I know Rush Garda station was one that was signalled as being a potential one. The Government expects that report shortly.

**Deputy Brendan Howlin:** I want to ask about the social welfare and pensions Bill. We were informed today that there is yet another bilateral agreement between Fine Gael and Fianna Fáil on the passing of that Bill. Our party spokesperson, Deputy Willie Penrose, sought to engage with the Minister on it. For the information of the other Members of the House who are not part of this arrangement - any pretence now that there is not a formal coalition between Fine Gael and Fianna Fáil is becoming strained - when will the social welfare Bill be published? Why, as announced today by Fianna Fáil and Fine Gael bilaterally, is a threshold of €5,000 for disclosures being applied to social welfare fraud when the threshold for Revenue fraud is €30,000 before disclosures happen?

**Deputy Richard Bruton:** I understand that Bill will be published shortly and the Business Committee has agreed that it will be taken initially next Thursday.

**Deputy Brendan Howlin:** How can it be taken before we will have seen it?

**Deputy Richard Bruton:** It is being published this week and will be taken next week.

**An Leas-Cheann Comhairle:** I call Deputy Ruth Coppinger. Is the Deputy's question on promised legislation or the programme for Government?

**Deputy Ruth Coppinger:** It is on promised legislation. When will the passenger name record Bill be introduced? Will it take up the issue of a sinister and chilling experience of a US based academic, Catherine Kelly, in an Irish airport last week? She was stopped in the airport by two plain-clothes gardaí, asked her name, if she uses social media and if she had written an article about the Minister, Deputy Regina Doherty, and her business dealings? A complaint had been made and she was cautioned not to tweet the Minister or any material relevant to her again.

**An Leas-Cheann Comhairle:** When will the legislation be introduced?

**Deputy Ruth Coppinger:** This question relates to legislation. She was told to sign a statement that she-----

**An Leas-Cheann Comhairle:** What is the Deputy's question? This is like a Second Stage contribution.

**Deputy Ruth Coppinger:** Obviously, her name was given by an airline to the gardaí. She was told to sign a statement or she would not be allowed proceed to the gate.

**Deputy Catherine Byrne:** The Deputy is out of order.

**Deputy Ruth Coppinger:** In the blog she merely raised issues-----

**An Leas-Cheann Comhairle:** The Deputy is taking advantage.

**Deputy Ruth Coppinger:** -----about the Minister's dealings in a bankrupt company in 2009.

*(Interruptions).*

**An Leas-Cheann Comhairle:** If it is a matter of promised legislation, the Minister will answer, but this is not a Second Stage debate.

**Deputy Ruth Coppinger:** This is about promised legislation.

**An Leas-Cheann Comhairle:** What legislation is it?

**Deputy Mick Barry:** More censorship.

**Deputy Ruth Coppinger:** A Leas-Cheann Comhairle, can I finish my point?

**An Leas-Cheann Comhairle:** Deputy Barry, withdraw that comment that this is censorship.

**Deputy Mick Barry:** I am referring to Deputies on the Fine Gael benches.

**Deputy Ruth Coppinger:** Will the Leas-Cheann Comhairle let me speak?

**An Leas-Cheann Comhairle:** I am complying with the regulations that I have to imple-

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ment to which the Deputy's group is a party.

**Deputy Mick Barry:** I was referring to the comments of the Fine Gael Deputies.

**An Leas-Cheann Comhairle:** Deputy Coppinger, please co-operate.

**Deputy Ruth Coppinger:** I will just finish.

**Deputy Michael Ring:** Have respect for the Chair.

**Deputy Ruth Coppinger:** We have heard a lot about social media this week. Is it now Government policy to attack, in this very sinister way, anybody who criticises anyone in the Government on social media-----

**An Leas-Cheann Comhairle:** This is not appropriate.

**Deputy Ruth Coppinger:** -----in a very legitimate article, which was not abusive, that raised questions about-----

**An Leas-Cheann Comhairle:** There are Members who have waited here patiently all day and the Deputy got to speak by virtue of the fact that she is representing her group. There are other Members behind her who want to speak.

**Deputy Ruth Coppinger:** It is a legitimate question.

**Deputy Richard Bruton:** I understand preparatory work is being done on the Bill that was mentioned in the Department of Justice and Equality.

**An Leas-Cheann Comhairle:** I call Deputy Mattie McGrath on behalf of his group. The same rule applies to him.

**Deputy Mattie McGrath:** I understand that. I obey that rule. I am here all the time.

**An Leas-Cheann Comhairle:** We will see.

**Deputy Mattie McGrath:** The programme for Government specifically commits to supporting the agriculture industry. Farmers have been in Agriculture House since yesterday evening because they have not been paid the compensation they were meant to be paid following a debate in this House and a commitment made to pay them from a distressed fund. They should be at home now-----

**An Leas-Cheann Comhairle:** Thank you, Deputy.

**Deputy Mattie McGrath:** -----preparing for their own missed harvest, as it were. The Minister would not meet them. There will be a sit-in for the whole weekend. I ask the Minister if he, the Taoiseach or the Tánaiste will direct the Minister, Deputy Creed, to meet these farmers.

**An Leas-Cheann Comhairle:** A number of Deputies have indicated they wish to raise the same topic.

**A Deputy:** I was first.

**An Leas-Cheann Comhairle:** No, I have the list. There are no priorities with me when I am in the Chair. I call Deputy Jackie Cahill. I want Deputies to keep their questions short and

concise because the Minister will reply to them all with one answer.

**Deputy Jackie Cahill:** Last January Fianna Fáil moved a Private Members' Bill that would allow a fund to be set up to deal with farmers who were severely affected as a result of the 2016 grain harvest. It would allow €15,000 be paid to each farmer, which would be some step towards restoring some of their losses.

**An Leas-Cheann Comhairle:** Does this relate to legislation?

**Deputy Jackie Cahill:** Earlier this week there was a leaked report in the media-----

**An Leas-Cheann Comhairle:** Does it relate to promised legislation?

**Deputy Jackie Cahill:** -----that stated that there would be only-----

**An Leas-Cheann Comhairle:** I am going to move on.

**Deputy Jackie Cahill:** -----a maximum of €5,000 paid to each farmer and €1.5 million allocated to the fund. I would like the Minister to comment on whether this is the exact situation? If it is, it is a totally inadequate response to the financial crisis that these farmers have faced. It would not be in the spirit of the motion that was passed here in January.

**An Leas-Cheann Comhairle:** I call Deputy Michael Healy-Rae. I want him to be very precise-----

**Deputy Michael Healy-Rae:** I most certainly will be. It is a disgrace that last night these farmers had to stay overnight in Agriculture House. They were promised a compensation package of €15,000. They are looking for an envelope of money to be shared out. It does not involve all that many farmers. They had the worst harvest ever last year. They stayed up all night last night in Agriculture House-----

**An Leas-Cheann Comhairle:** Thank you. I have the same question for the Deputy.

**Deputy Michael Healy-Rae:** -----when they should have been at home running their businesses. I call on the Minister, for God sake, to stand up and-----

**An Leas-Cheann Comhairle:** I call Deputy Anne Rabbitte. I have the same question for the Deputy. We will not get beyond this issue.

**Deputy Anne Rabbitte:** I ask that the Minister for Agriculture, Food and the Marine to meet the president of the Irish Farmers' Association, IFA, today to discuss what Deputy Jackie Cahill is just after discussing.

**An Leas-Cheann Comhairle:** I call Deputy Aylward.

**Deputy Bobby Aylward:** I would like to add my voice to that of the other Deputies who have raised this issue. I thought the day was long gone when the farmers of this country would have to protest and-----

**An Leas-Cheann Comhairle:** Is this on promised legislation?

**Deputy Bobby Aylward:** It is on promised legislation. It concerns the payment of this money.

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

**Deputy Bobby Aylward:** The allocation of €5,000 funding as a maximum is a insult to any man who lost his livelihood last year owing to bad weather. The Minister needs to meet this group, discuss the matter with them and give them a fair package.

**An Leas-Cheann Comhairle:** In all fairness, I think Deputy Danny Healy-Rae's two colleagues have represented him very well.

**Deputy Martin Kenny:** There will be no time for anybody else.

**Deputy Danny Healy-Rae:** A Leas-Cheann Comhairle-----

**An Leas-Cheann Comhairle:** No. I have to look after other Deputies.

**Deputy Martin Kenny:** There will be no time for anybody else to raise a matter.

**An Leas-Cheann Comhairle:** Is the Deputy's question on the same matter?

**Deputy Martin Kenny:** No.

**Deputy Danny Healy-Rae:** I want to ask the Minister to meet-----

**An Leas-Cheann Comhairle:** The Minister is an intelligent man.

**Deputy Danny Healy-Rae:** -----these people and let these honest people go home.

**An Leas-Cheann Comhairle:** Do any other Deputies have a question on agriculture? I call Deputy Kevin O'Keeffe. Is the Deputy's question on promised legislation?

**Deputy Kevin O'Keeffe:** Yes. I want the amount of the compensation increased from €1.5 million to €4 million. I presume that would require legislation.

**Deputy Richard Bruton:** I understand that the Minister for Agriculture, Food and the Marine received a request from the IFA for him to meet it yesterday. He is happy to meet it but it seems-----

**Deputy Kevin O'Keeffe:** When?

**Deputy Richard Bruton:** This request came in yesterday. I am sure the Minister will schedule this. He is quite happy to meet the IFA in the normal course and he meets it frequently. He has been seeking to develop the outline of a crop loss compensation scheme, as the Deputies are aware. He is in discussions with the Department of Public Expenditure and Reform to develop the terms of that. He will meet with the IFA ahead of any such final decisions. As the Deputies will be aware, he has already announced plans for agri-cash loan scheme and I understand 90 tillage farmers have availed of that. There is the targeted agricultural modernisation scheme, TAMS, and there has been a very significant take up of that. The Minister is responding-----

*(Interruptions).*

**Deputy Richard Bruton:** -----and is happy to meet the IFA regarding this specific proposal.

**An Leas-Cheann Comhairle:** I call Deputy Joe Carey.

**Deputy Danny Healy-Rae:** Let them go home for the weekend.

**An Leas-Cheann Comhairle:** Deputies have had their time, there are others behind them, please. Show respect for all.

**Deputy Joe Carey:** On promised legislation, will the Minister update the House on the status of the Family Court Bill?

**Deputy Richard Bruton:** I do not have a detailed update. Work on it is ongoing within the Department but I will get a report on this for Deputy Carey.

**An Leas-Cheann Comhairle:** I call Deputy Niall Collins. I know he will observe the rules.

**Deputy Niall Collins:** The programme for Government, particularly under health, has a commitment to treat all our people equally and uniformly across the country. Late last week and earlier this week, it came as a huge surprise to survivors of breast cancer to learn the HSE had changed its policy on providing supports to post-mastectomy products to women who had been through a breast cancer procedure. There was a great outpouring of concern that future supports available to women who have survived breast cancer will be significantly reduced. The HSE and the Minister have said this will be suspended until August but we need clarity on this. Will everyone receive the same level of support post-breast cancer procedure and will it be at the existing amount, not the reduced amount which had been flagged by the HSE?

**Deputy Richard Bruton:** This week, the Minister for Health published a ten year strategy for cancer which seeks to build on the very significant progress which has been made in much longer survival and better recovery, which the strategy seeks to consolidate and progress. I will ask the Minister to respond specifically to the concern which Deputy Niall Collins raises. I do not have that answer to hand.

**An Leas-Cheann Comhairle:** I call Deputy Moynihan and ask him to be brief please, time is running out.

**Deputy Michael Moynihan:** There is a huge crisis in respite care for adults, particularly with intellectual or physical disabilities. This has been mentioned for the summer in the case of children. Is the emergency funding put in place this year for respite only to pay off the emergency funding for last year? Is there any funding there for respite during the summer months for the families that desperately need it?

**Deputy Richard Bruton:** Again, I do not have a detailed response for the provision of respite care but I will seek to make the information on this available to the House.

**An Leas-Cheann Comhairle:** The next three questions are from Deputies Scanlon, Martin Kenny and Fitzpatrick. I will review any more that arise after that.

**Deputy Eamon Scanlon:** The programme for Government gives a commitment to provide funding to IDA Ireland and local authorities for job creation. Currently in Sligo, IDA Ireland has not a square inch of land on which to build a plant or factory. This is because Finisklin industrial estate is full. The IDA has other lands but they need to access them. The local authority has applied for funding for an inner relief road in Sligo which will cost around €14 million. I appeal to the Minister and to the Minister of State, Deputy Phelan, who is seated behind, him to expedite this.

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**Deputy Richard Bruton:** I understand IDA Ireland has committed to an advanced facility in Sligo. Land acquisition is an element in that. I will draw IDA Ireland's attention to the Deputy's concern over progress but this was one of the significant elements in the new regional enterprise strategy, that the regions would be supported through the IDA as well as Enterprise Ireland. It is something to which the Government is very strongly committed.

**Deputy Martin Kenny:** On page 89 of the programme for Government, in a section about education, it says that in three months the Government will commence a review of the teacher appointment thresholds in schools where there are four teachers or fewer. Kiltyclogher school in north Leitrim is a two teacher school. Next September, the numbers have fallen-----

**An Leas-Cheann Comhairle:** Questions on the programme for Government.

**Deputy Martin Kenny:** This relates to the programme for Government, page 89.

**An Leas-Cheann Comhairle:** I have no doubt.

**Deputy Martin Kenny:** Next September, the pupil enrolments in this school will fall one pupil below the threshold for a two-teacher school. The numbers are expected to recover the following year so that the school will have sufficient numbers to retain a second teacher. Allowing a situation to develop where Kiltyclogher school would become a one-teacher school for that year could jeopardise enrolment numbers in future years and endanger the sustainability of the school in the long term. I understand that this review of teacher appointment thresholds in smaller schools has not happened. Will the Minister use his good offices to keep the two teachers in place in Kiltyclogher school next September in keeping with the spirit of the commitment in the programme for Government that no small school will close?

**Deputy Richard Bruton:** The Government is committed to no small school closing. Ahead of last year's budget, we conducted an initial review of initiatives. Some initiatives were included in last year's budget to try to protect smaller, isolated, and island schools. Each year, in the context of the budget, we take a fresh look at initiatives that we might take in this area but ahead of the budgetary deliberations, I cannot give any indication of initiatives in this area.

**Deputy Peter Fitzpatrick:** Regulation is a key rule of approved housing bodies, of which there are 520, with over 26,000 units. They are private, non-profit and relieve housing needs. Regulation provides assurances for tenants, and both Governments and potential investors-----

**An Leas-Cheann Comhairle:** Which legislation does this relate to?

**Deputy Peter Fitzpatrick:** It also demonstrates that the Government is delivering on its key priorities and policies.

**An Leas-Cheann Comhairle:** A question, Deputy.

**Deputy Peter Fitzpatrick:** When can we expect a housing regulation of approval of housing Bill to provide a regulatory framework for the occupation of approval housing bodies by establishing a housing regulator for approved housing bodies which include every housing association-----

**An Leas-Cheann Comhairle:** The Deputy is taking advantage now.

**Deputy Richard Bruton:** It is hoped that will be published in the next session. It is on the

Government priority list.

**An Leas-Cheann Comhairle:** If I might continue. I have so many more questions put down, for the record the names on the list are those of Deputies Curran, Murphy, O'Loughlin, Nolan, Durkan McLoughlin, MacSharry, Madigan, Heydon and Neville. They have all requested and I will ask that next week we might consider a longer period on a Thursday. That is not a matter for me, but for the reform committee.

### **Roads (Amendment) Bill 2017: First Stage**

**Deputy Aengus Ó Snodaigh:** I move:

That leave be granted to introduce a Bill entitled an Act to amend the Roads Act 1993 to exempt sea and river rescue teams from road tolls and to provide for related matters.

Ba mhaith liom mo bhuíochas a ghabháil as ucht an deis an reachtaíocht seo, reachtaíocht tábhachtach i mo thuairimse ach reachtaíocht cuibheasach simplí, a chur os comhair an Tí. Tugann sé aitheantas don ról tábhachtach atá acu siúd a chuidíonn linn daoine atá i gcruachás a chuardach, a thacú agus a tharrtháil.

I welcome the opportunity to move my Roads (Amendment) Bill. It amends the Roads Act 1993 to exempt sea and river rescue teams, the RNLI and Civil Defence from paying road rolls when participating in search and recovery missions.

In the immediate aftermath of the tragic loss of Rescue Helicopter 116, which crashed off the coast of Mayo in March of this year, I was contacted by volunteers who were participating in the efforts to recover the coastguard crew of that doomed flight. They were justifiably frustrated at having to pay road tolls while making the journey to and from Mayo. Some were coming from Dublin city and others from as far as from Cork in order to participate in a hazardous mission, for which they had volunteered their time. When I raised the matter with the Minister for Transport, Tourism and Sport, Deputy Ross, he confirmed that only ambulance, fire brigade vehicles and vehicles used by An Garda Síochana or the Defence Forces are exempt from having to pay road tolls. He went on to say that voluntary and community organisations such as river and sea rescue teams had to pay road tolls in order to ensure a fair and robust system of tolling enforcement. He further claimed that exempting the voluntary and community sector from tolls would incur a cost to the Exchequer as the toll operators would have to be reimbursed for their losses.

I believe the Minister's excuse for refusing to exempt voluntary sea and rescue vehicles from having to pay road tolls was demeaning to the brave men and women who assist the State during those emergencies and that is why I have put forward this simple, short Amendment Bill. The cost of voluntary rescue crews travelling through road tolls places an unnecessary financial burden on the search and rescue volunteers who are penalised for fulfilling their potentially life-saving work. Some of those who contact the office calculate that they were paying nearly €15 daily if they were travelling from parts of Dublin to Mayo. That adds up. They should not be penalised financially for trying to help. Any cost to the Exchequer from exempting voluntary rescue services from paying road tolls is totally justified.

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*1 o'clock*

It is wrong that they are expected to pay those road tolls *en route* to assisting in emergencies that often occur in very tragic and difficult circumstances. Therefore, I encourage the Minister to consider this amending Bill and perhaps endorse it. When it comes to Second Stage, we can have a proper debate on the topic.

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

**Minister for Education and Skills(Deputy Richard Bruton):** No.

Question put and agreed to.

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

**Deputy Aengus Ó Snodaigh:** I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

### **Genuine Progress Indicators and National Distributional Accounts Bill 2017: First Stage**

**Deputy Brendan Howlin:** I move:

That leave be granted to introduce a Bill entitled an Act to confer functions on the Central Statistics Office and the National Economic and Social Council in relation to the publication of indices, to be known as Genuine Progress Indicators, designed to take fuller account of the well-being of the community by incorporating environmental and social factors which are not otherwise measured, in relation to the publication of National Distributional Accounts that aim to measure the distribution of national income and economic growth and in relation to an annual report on the impact of the Budget on economic and social inequality, poverty reduction and income and wealth redistribution; and to provide for related matters.

Over the past two years a debate has raged around the validity of gross domestic product, GDP, as a measure of Ireland's economic progress. There is some merit to that debate and the adoption of gross national income, GNI, as perhaps a more reliable indicator but the debate has missed a fundamental point. In fighting over how we measure our economy, we have ignored the fact that our national well-being relies on much more than simply the notional strength of our economy. The Bill I am introducing on behalf of the Labour Party seeks to rectify that. It seeks to ensure we measure all aspects of the progress of our nation and consider this progress in the round.

The annual publication of genuine progress indicators would build on the work done by other bodies such as the Social Progress Index. That global measurement indicates that Ireland does reasonably well compared with other countries around the world. The time has come for a national measure that will focus on and drive improvements to social progress in Ireland. Genuine progress indicators do not disregard economic growth but include it and embrace it. They also include other very important indicators, such as the health of our people, the amount of time they spend commuting or volunteering and the state of our national infrastructure. They measure levels of poverty in society and its distribution, as well as our ecological footprint.

This Bill gives responsibility to the National Economic and Social Council, working with the Central Statistics Office, for the publication of genuine progress indicators each year. This would be a significant step forward for how we debate our national progress. The Bill also includes a requirement for the same bodies to publish a set of distributional accounts each year. The national distributional accounts would measure how our national income and the fruits of our economic growth are shared among our people. They would include growth rates for each cohort of Irish people so we could see clearly if economic growth is benefitting only those with the most or if it is having an impact on each element of Irish society. There would be inclusion of estimates of the distribution of both pre-tax and post-tax income.

This process would also give an assessment of how tax and social welfare redistribution has an impact on income, as well as wealth inequality and distribution. The genuine progress indicators and national distribution accounts would be designed to shift the debate fundamentally in Irish society. We want to move away from simply speaking about GDP, GNI, fiscal space and productivity. Instead, we want to talk again about how our people are advancing and we are working to build a more equal country. To underpin these proposals, the Bill will include a requirement for the publication of reports each year and again every five years to assess the impact of budgets on economic and social inequality. These assessments will consider whether budgets have increased or decreased social and economic inequality. They will determine if budgets reduce poverty levels and what impact there is on the distribution of income and wealth across our nation.

This Bill is a progressive measure and it imposes no burden on a Department. It gives a meaningful and valuable task to the National Economic and Social Council, a topic that has been discussed at many Leaders' Questions. Above all it would change how we debate how Ireland is progressing. The Cabinet is meeting today in a special session to discuss economic progress. If this Bill were to become law, today would be the last occasion on which a Cabinet would discuss the economy without considering in tandem with economic measurements the health and well-being of our society and all our people. I commend this Bill to the House.

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

**Minister for Education and Skills(Deputy Richard Bruton):** No.

Question put and agreed to.

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

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

Question put and agreed to.

### **Judicial Appointments Commission Bill 2017: Second Stage (Resumed)**

**An Leas-Cheann Comhairle:** I must now deal with a postponed division relating to Second Stage of the Judicial Appointments Commission Bill 2017, taken on Wednesday, 5 July 2017. On the question, "That the Bill be now read a Second Time", a division was claimed and in accordance with Standing Order 70(2) that division must be taken now.

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

<i>The Dáil divided: Tá, 84; Níl, 53; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Adams, Gerry.</i>	<i>Aylward, Bobby.</i>	
<i>Bailey, Maria.</i>	<i>Brassil, John.</i>	
<i>Barrett, Seán.</i>	<i>Breathnach, Declan.</i>	
<i>Barry, Mick.</i>	<i>Browne, James.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Burton, Joan.</i>	
<i>Brady, John.</i>	<i>Butler, Mary.</i>	
<i>Breen, Pat.</i>	<i>Byrne, Thomas.</i>	
<i>Brophy, Colm.</i>	<i>Cahill, Jackie.</i>	
<i>Broughan, Thomas P.</i>	<i>Calleary, Dara.</i>	
<i>Bruton, Richard.</i>	<i>Casey, Pat.</i>	
<i>Buckley, Pat.</i>	<i>Chambers, Jack.</i>	
<i>Burke, Peter.</i>	<i>Collins, Joan.</i>	
<i>Byrne, Catherine.</i>	<i>Collins, Michael.</i>	
<i>Canney, Seán.</i>	<i>Collins, Niall.</i>	
<i>Carey, Joe.</i>	<i>Connolly, Catherine.</i>	
<i>Coppinger, Ruth.</i>	<i>Curran, John.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Daly, Clare.</i>	
<i>Creed, Michael.</i>	<i>Donnelly, Stephen S.</i>	
<i>Crowe, Seán.</i>	<i>Dooley, Timmy.</i>	
<i>Cullinane, David.</i>	<i>Fleming, Sean.</i>	
<i>D'Arcy, Michael.</i>	<i>Haughey, Seán.</i>	
<i>Daly, Jim.</i>	<i>Healy-Rae, Danny.</i>	
<i>Deasy, John.</i>	<i>Healy-Rae, Michael.</i>	
<i>Deering, Pat.</i>	<i>Howlin, Brendan.</i>	
<i>Doherty, Pearse.</i>	<i>Kelleher, Billy.</i>	
<i>Doherty, Regina.</i>	<i>Lahart, John.</i>	
<i>Donohoe, Paschal.</i>	<i>Lawless, James.</i>	
<i>Doyle, Andrew.</i>	<i>MacSharry, Marc.</i>	
<i>Durkan, Bernard J.</i>	<i>McGrath, Michael.</i>	
<i>Ellis, Dessie.</i>	<i>McGuinness, John.</i>	
<i>English, Damien.</i>	<i>Martin, Catherine.</i>	
<i>Ferris, Martin.</i>	<i>Martin, Micheál.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Moynihan, Aindrias.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Moynihan, Michael.</i>	
<i>Flanagan, Charles.</i>	<i>Murphy O'Mahony, Margaret.</i>	
<i>Funchion, Kathleen.</i>	<i>Murphy, Eugene.</i>	
<i>Grealish, Noel.</i>	<i>Ó Cuív, Éamon.</i>	
<i>Halligan, John.</i>	<i>O'Callaghan, Jim.</i>	

Dáil Éireann

<i>Harris, Simon.</i>	<i>O'Dea, Willie.</i>	
<i>Harty, Michael.</i>	<i>O'Keeffe, Kevin.</i>	
<i>Healy, Seamus.</i>	<i>O'Loughlin, Fiona.</i>	
<i>Heydon, Martin.</i>	<i>O'Rourke, Frank.</i>	
<i>Humphreys, Heather.</i>	<i>O'Sullivan, Jan.</i>	
<i>Kehoe, Paul.</i>	<i>Penrose, Willie.</i>	
<i>Kenny, Gino.</i>	<i>Rabbitte, Anne.</i>	
<i>Kenny, Martin.</i>	<i>Ryan, Brendan.</i>	
<i>Kyne, Seán.</i>	<i>Ryan, Eamon.</i>	
<i>Lowry, Michael.</i>	<i>Scanlon, Eamon.</i>	
<i>McDonald, Mary Lou.</i>	<i>Sherlock, Sean.</i>	
<i>McGrath, Finian.</i>	<i>Smith, Brendan.</i>	
<i>McGrath, Mattie.</i>	<i>Smyth, Niamh.</i>	
<i>McHugh, Joe.</i>	<i>Troy, Robert.</i>	
<i>McLoughlin, Tony.</i>	<i>Wallace, Mick.</i>	
<i>Madigan, Josepha.</i>		
<i>Mitchell O'Connor, Mary.</i>		
<i>Mitchell, Denise.</i>		
<i>Moran, Kevin Boxer.</i>		
<i>Murphy, Catherine.</i>		
<i>Murphy, Dara.</i>		
<i>Murphy, Eoghan.</i>		
<i>Murphy, Paul.</i>		
<i>Naughten, Denis.</i>		
<i>Naughton, Hildegard.</i>		
<i>Neville, Tom.</i>		
<i>Nolan, Carol.</i>		
<i>Noonan, Michael.</i>		
<i>Ó Caoláin, Caoimhghín.</i>		
<i>Ó Laoghaire, Donnchadh.</i>		
<i>Ó Snodaigh, Aengus.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Reilly, Louise.</i>		
<i>O'Sullivan, Maureen.</i>		
<i>Phelan, John Paul.</i>		
<i>Quinlivan, Maurice.</i>		
<i>Ring, Michael.</i>		
<i>Rock, Noel.</i>		
<i>Ross, Shane.</i>		
<i>Shortall, Róisín.</i>		
<i>Smith, Bríd.</i>		

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<i>Stanley, Brian.</i>		
<i>Tóibín, Peadar.</i>		
<i>Zappone, Katherine.</i>		

Tellers: Tá, Deputies Joe McHugh and Tony McLoughlin; Níl, Deputies Michael Moynihan and John Lahart.

Question declared carried.

### **Judicial Appointments Commission Bill 2017: Referral to Select Committee**

**Minister for Justice and Equality (Deputy Charles Flanagan):** I move:

That the Bill be referred to the Select Committee on Justice and Equality pursuant to Standing Orders 84A(3)(a) and 149(1).

Question put and agreed to.

### **Business of Dáil**

**An Leas-Cheann Comhairle:** We are due to have a sos at 1.30 p.m. The next item is Report Stage of the Criminal Justice (Victims of Crime) Bill 2016. We will either have to adjourn at 1.30 p.m. or, with the Minister's permission, we can adjourn now.

**Minister for Justice and Equality (Deputy Charles Flanagan):** If the House is in agreement we could adjourn now and resume at 2 p.m.

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

*Sitting suspended at 1.15 p.m. and resumed at 2 p.m.*

*2 o'clock*

### **Criminal Justice (Victims of Crime) Bill 2016: Order for Report Stage**

**Minister for Justice and Equality (Deputy Charles Flanagan):** I move: "That Report Stage be taken now."

Question put and agreed to.

## **Criminal Justice (Victims of Crime) Bill 2016: Report and Final Stages**

**An Leas-Cheann Comhairle:** Amendments Nos. 1, 22, 23, 26 to 34, inclusive, 36, and 39 to 41, inclusive, are related and will be discussed together by agreement.

**Minister for Justice and Equality (Deputy Charles Flanagan):** I move amendment No. 1:

In page 5, lines 8 to 10, to delete all words from and including “the” where it firstly occurs in line 8 down to and including “1998;” in line 10 and substitute the following:

“the Criminal Justice Act 1951, the Criminal Procedure Act 1967, the Criminal Law (Rape) Act 1981, the Criminal Evidence Act 1992, the Criminal Justice Act 1993, the Courts Service Act 1998, the Children Act 2001 and the Criminal Justice (Female Genital Mutilation) Act 2012;”.

This is an amendment to the Long Title of the Bill to include reference to the amendment of the Criminal Justice Act 1951, the Criminal Law (Rape) Act 1981, the Children Act 2001 and the Criminal Justice (Female Genital Mutilation) Act 2012. These Acts are being amended by amendments Nos. 26, 30, 32 and the other amendments in this group up to amendment No. 41. They arise from a debate on Committee Stage where a commitment was made to give further consideration to Opposition amendments providing for the right of a victim to be accompanied in court by a support worker. While I am not aware of any concerns in regard to the ongoing court accompaniment of victims of sexual offences by support workers, which is funded by the Department of Justice and Equality, I have taken the views of Deputies on board and I am pleased to be in a position to introduce these amendments, which provide for the right of a victim to be accompanied in court by a support worker, including in circumstances where the public has been excluded. I have considered not just the Bill before us but also similar provisions in other legislation, which is important in terms of ensuring there is a large measure of consistency of approach.

Amendments Nos. 22 and 23 amend section 19 of the Bill while amendments Nos. 26, 33 and 36 amend the Criminal Justice Act 1951, the Criminal Law (Rape) Act 1981 and the Criminal Justice (Female Genital Mutilation) Act 2012, amending similar provisions in those Acts. Amendment No. 29 amends section 41 of the Criminal Procedure Act 1967 so that the provisions of that section are without prejudice to the right of a support worker to remain in court with a victim in circumstances where the other Acts apply. I have also taken the opportunity to make section 41 of this Bill without prejudice to the right of a parent, a relative or a friend of a victim to remain in court where section 8 of the Criminal Justice (Female Genital Mutilation) Act 2012 applies.

I propose these amendments to the House and seek support accordingly.

**Deputy Clare Daly:** We welcome the fact the Government recognised some of the points made in committee and tabled the amendments. However, I would point out there may be slight differences in the text, which I will deal with from the point of view of the Opposition and the Government. Our amendments are essentially identical to those put down by Deputy Jonathan O’Brien and they differ slightly from those put down by Deputy Jim O’Callaghan in the sense that while we provide that a victim can be accompanied in court by a parent, relative, friend “and/or” a support worker, Deputy O’Callaghan proposes the text should read “and” a support

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worker. What all of the Opposition is trying to do, which the Government has not allowed for, is allow a scenario where somebody wants a family member and a support worker to be present. I do not see why that would not be accommodated by the Minister. We feel the Government amendment, while better than what we had, is a little too limiting.

The role of support workers is key and where somebody is in court as a victim of rape or a sexual crime, it is very important they have the right to be accompanied by a support worker in the absence of, say, a family member or friend. That is precisely because the victims of a rape or sexual assault go through the legal process, at least from a legal point of view, alone. The alleged rapist is legally represented whereas the victim, ironically, is only a witness to the case and unless their past sexual history is being brought up, they do not have a right to any legal representation. That is why we consider, in circumstances where the judge decides to exclude the public or certain persons, that support workers should be among the list of people who will not be excluded and that the choice should be left to the victims themselves.

**Deputy Martin Kenny:** Amendment No. 3 deals with the definition of restorative justice. The victims directive requires that safeguards must be put in place to protect victims from repeat victimisation and intimidation, and this should apply to any restorative justice service. A definition of restorative justice is needed in legislation.

**Deputy Clare Daly:** I do not believe amendment No. 3 is dealt with in this group.

**Deputy Charles Flanagan:** Amendment No. 32 is part of the group so the Deputy might like to deal with it.

**An Leas-Cheann Comhairle:** Deputy Kenny may discuss it.

**Deputy Clare Daly:** Sorry for interrupting.

**Deputy Martin Kenny:** It is recommended that any definition of restorative justice does not refer to the word “resolve” as it presupposes a resolution of matters and the wording may undermine the impact of the crime for the victim. For example, a restorative justice scheme could be used in serious cases involving homicide and rape. It would not necessarily be able to resolve matters arising from these crimes, but it could consider resolving those matters which arise from the offence involved.

Amendment No. 3 reads:

In page 7, between lines 34 and 35, to insert the following:

“ “restorative justice scheme” means any scheme administered for the time being under which, with the consent of each of them, a victim and an offender or alleged offender engage with each other to resolve, with the assistance of an impartial third party, matters arising from the offence or alleged offence.”.

**Deputy Clare Daly:** I am sorry; I was right. That is related to the next section.

**Deputy Charles Flanagan:** We can come back to Deputy Martin Kenny’s amendment when we are discussing that group.

**An Leas-Cheann Comhairle:** Amendment No. 3 is to section 3 and in the name of the Minister.

**Deputy Clare Daly:** It is in the next group.

**An Leas-Cheann Comhairle:** It is in the names of the Minister and Deputies Clare Daly and Mick Wallace. There is another group of amendments to section 3 which I will not go through now. We are dealing with the amendments to section 1.

**Deputy Martin Kenny:** Amendments Nos. 1 to 41, inclusive.

**Deputy Charles Flanagan:** Amendment No. 28, in the name of Deputy Johnathan O'Brien, is probably one at which we should look. I can be helpful to the House and regret there are 16 amendments in the one group, but it looks more cumbersome than it actually is.

In response to Deputy Clare Daly, we gave consideration to the points raised on Committee Stage. The difference between us is minimal and I hope that in the circumstances we can agree. The difference between the Opposition amendments in the groups and mine on each of the Acts mentioned is the use of the word "or" or "and" between clauses. In effect, we are dealing with a drafting rather than a policy issue. I am satisfied that the use of the word "or" in the text will more correctly achieve what Deputies Clare Daly and Mick Wallace wish to achieve.

The disjunctive "or" is used to distinguish between the right of a parent, relative or friend, a support worker, or a relative of the accused to remain in court for the hearing. Of course, the power of the court to exclude the public is without prejudice to each of the rights individually, but that does not mean that only one of these persons is permitted to remain in court. It means that each clause refers to a separate and distinct right. If we were to use the word "and", it would imply instead that there was one single right for all of the persons listed to remain in court.

I have no doubt that my amendment actually deals with the point at issue in the amendment tabled by Deputies Clare Daly and Mick Wallace. The Criminal Law (Rape) Act 1981 provides that the power to exclude the public is without prejudice to the right of a parent, relative or friend of the complainant, or where the accused is not of full age, to remain in court. Clearly, this provision does not mean that either the complainant or the accused may have a person with him or her. Even though the word "or" is used, both parties are and will be permitted to have a person remain in court with them. It is my belief the text, as it stands, allows a parent, relative or friend and the support worker to remain in court, which is the point that has been very well made by Clare Deputy Daly. I ask that my amendments be made.

**Deputy Clare Daly:** That is very helpful and absolutely fine.

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendment No. 2 in the names of Deputies Jim O'Callaghan, Clare Daly, Mick Wallace and Jonathan O'Brien involves a potential charge on the Exchequer and has been ruled out of order.

**Deputy Clare Daly:** I wish to make point. All of the Opposition Deputies have tabled amendments on this issue which is hugely important and we are really disappointed that the Government has not taken them on board. The point is that the investigating authority has to be broadened if we are to be in compliance with the victims directive and avoid a two tier process. The victims directive states all victims have a right to certain information, but we are limiting it to information on Garda investigations. Other State bodies can prosecute cases in which vic-

tims should have the same right. It is very regrettable.

**An Leas-Cheann Comhairle:** My advice is that the amendment is out of order because it involves a potential charge on the Exchequer but perhaps some people might reflect on it.

**Deputy Clare Daly:** It is very unfortunate.

Amendment No. 2 not moved.

**An Leas-Cheann Comhairle:** Amendments Nos. 3, 6, 24, 25, 35, 37 and 38 are related. Amendment No. 25 is a physical alternative to amendment No. 24, while amendments Nos. 37 and 38 are physical alternatives to amendment No. 35. Therefore, we will discuss all of the amendments together.

**Deputy Charles Flanagan:** I move amendment No. 3:

In page 7, between lines 34 and 35, to insert the following:

“ “restorative justice scheme” means any scheme administered for the time being under which, with the consent of each of them, a victim and an offender or alleged offender engage with each other to resolve, with the assistance of an impartial third party, matters arising from the offence or alleged offence;”.

I refer to the earlier comments of Deputy Martin Kenny which we will now have an opportunity to debate. Amendments Nos. 3, 6, 24 and 35 insert into the Bill provisions on the rights of victims who participate in restorative justice schemes. Deputies on all sides of the House are in favour of and have highlighted the need for such amendments to be made to the Bill. I am happy, following Committee Stage and a period of reflection since, to bring forward these amendments.

Everybody agrees that there are proven benefits under the concept of restorative justice in addressing the matter of criminal behaviour and giving the victims a real voice in the process. The schemes provide victims with an opportunity to challenge the offender and explain the impact the offence has had on them. However, bringing the victim together with the person who has harmed him or her is a pretty risky business; therefore, of course, it is important that appropriate safeguards be in place to protect the victim from even further hardship, suffering or trauma. That is the aim of the amendments.

It is worth noting that the delay in bringing forward the amendments was not due to any difficulty in practice in providing the necessary safeguards. The majority of these rights, for example, on the issue of informed consent and voluntary agreements, are intrinsic to the successful operation of any restorative justice scheme. They are already part and parcel of the schemes operated by the courts.

I will turn briefly to the specifics of the amendments. Amendment No. 3 defines restorative justice schemes. The definition broadly follows that included in the EU directive, with some revisions to reflect the administrative nature of the schemes we operate through the courts in the State.

Amendment No. 6 provides that information available on restorative justice schemes must be given to a victim when he or she first makes contact with the appropriate authorities.

Amendment No. 24 sets out the rights to which a victim is entitled when he or she elects to participate in a restorative justice scheme. The scheme cannot be used unless it is in the interests of the victim and, of course, the offender must acknowledge the essential facts of the offence. The victim and the accused must be fully informed about the process and the potential outcomes and both must freely consent and volunteer to participate. Other protections for the victims include the right to withdraw from the process at any time and a requirement that the person operating the scheme have regard to the need to protect the victim from further victimisation or intimidation. Separate provision is made in amendment No. 35 for the rights of the victims who participate in restorative justice schemes and in the process involving young offenders under the Children Act 2001. The rights provided for victims in this provision are essentially the same but the text is different, as several of the requirements of the directive have already been provided for in the existing provisions of the Children Act.

Again, I seek support for the amendments as tabled.

**Deputy Mick Wallace:** The proposed Government amendment to include restorative justice is a welcome development. Restorative justice can be an extremely valuable process for both victim and perpetrator, if done right. A victim being given the opportunity to confront somebody who committed a crime against them can be empowering. It can also have a profound effect on the perpetrator for the simple and obvious reason that when a perpetrator understands the effects and consequences of their actions, it can be a powerful lever for rehabilitation.

However, there are a few issues with the Government's proposal which our amendment seeks to address. Article 12(1)(d) of the victims directive provides that any restorative justice agreement is arrived at voluntarily and may be taken into account in any further criminal proceedings. We have to be careful because a victim may believe that an offender is only engaging in restorative justice with a view to getting some credit in a sentencing hearing. As a result, if the victim does not have the assurance that an agreement reached between parties will only be taken into consideration by a court with the consent of both parties, then they may not find the restorative justice process as valuable and useful as they might otherwise do.

Our amendment, therefore, seeks to fix this gap in the Government's amendment. The Government's amendment does not explicitly set out that an agreement will only be considered by the courts if both parties have consented. Our amendment does.

It is worth pointing out also that a victim may not engage in the process, or they may delay in engaging in it if they believe an agreement could be presented to the court. They may be nervous, concerned about confidentiality or any number of matters. To protect the integrity of the restorative justice process and to encourage victims to engage with it, it is crucial any agreement reached between the parties should only be disclosed to the court if both parties agree to it.

Article 12(1)(c) of the victims directive states that restorative justice should only be facilitated where the offender has acknowledged the basic facts of the case. Our amendment No. 38 will insert this important safeguard in the Children Act 2001. It is the same amendment as those tabled by Deputies O'Callaghan and Jonathan O'Brien.

**Deputy Charles Flanagan:** The only difference between my amendment No. 24 and amendment No. 25 is the requirement in section 25(4)(b) that the consent of both parties required for agreement reached as part of the restorative justice process can be admitted to court. I invite Deputy Wallace to agree with me that the consent of all parties is fundamental to the

entire process.

Looking at these amendments, I agree it is an important safeguard. Having regard to what Deputy Wallace said, I am prepared to accept amendment No. 25. By so doing, I will withdraw my amendment No. 24. That will address the concerns of Deputies Wallace and Clare Daly.

Amendments Nos. 37 and 38, proposed by Deputies O'Callaghan, Jonathan O'Brien, Clare Daly and Wallace, seek to add a requirement in respect of the Children Act that the offender acknowledge the basic facts of the offence. The reason this requirement has not been included in my amendment is that section 23 of the Children Act already requires the child to accept responsibility for his or her criminal behaviour before he or she can be admitted to the diversion programme. In fact, we have already catered for this as the restorative justice schemes are administered as part of youth diversion programmes. The child must have already accepted responsibility for the offence at an earlier stage in the process. The proposed amendments would duplicate this requirement, but without providing for a child to consult with his or her parents or to seek legal advice before doing so, as is provided in section 23 of the Children Act.

Will Deputy Wallace accept these provisions are already fully catered for in law, albeit in a different statute?

**Deputy Mick Wallace:** We will go along with the Minister and withdraw our amendment No. 38 when we reach it.

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendments Nos. 4 and 5 are related and will be discussed together.

**Deputy Charles Flanagan:** I move amendment No. 4:

In page 9, line 11, to delete "medical support,".

This amends section 6(1)(a) which provides that a victim shall be offered information on services providing support for victims. On Committee Stage, after much discussion on the matter, an amendment from Deputy Clare Daly was accepted that elaborated on the type of services for which information should be provided. It was agreed at the time that if the amendment required further changes, we could see about facilitating these amendments on Report Stage.

In most respects, the provision is acceptable. However, there is a difficulty which arises with requiring a garda or an officer to provide information regarding medical support to a victim. Difficulties arise about the nature and level of information required regarding medical support. Where immediate medical care is required, the garda at the scene of an incident already has an obligation to request such care. Aside from this, it is not clear how general information could be provided on medical support and, more particularly, on how a garda or officer could determine where such information is relevant without a level of questioning that may well be invasive. In such circumstances of first contact, a garda could face an obligation to provide information that he or she could only glean by way of first contact that might not be fully appropriate.

In addition, the first point of call for most medical support would be a GP. However, only the victim will know the identity of his or her GP. GPs act as private practitioners and, in the circumstances, it may not be appropriate for the Garda Síochána, or even in some circumstances for GSOC, to provide information for one GP without providing similar information for all

other GPs which may, from time to time, offer services in the district or the region. With this in mind, the amendment seeks to remove medical support from the list provided under section 6(1)(a).

Amendment No. 5 is a drafting amendment. It merely clarifies that psychological support services are a subject of an appropriate specialist service but it does not alter the substance of the provision.

**Deputy Clare Daly:** We have really benefitted from the discussion we had on Committee Stage. In fairness, the Government has taken on a huge amount of what was discussed. I am a little concerned, however, that one of the very small number of my amendments that actually got accepted on Committee Stage has been changed now. On Committee Stage, when it was accepted, the purpose was ensuring that we comply with the victims directive in its entirety whereby members of the Garda shall arrange for individuals to be referred to appropriate or specialist services, or both. The directive uses the wording, “shall facilitate the referral...to victim support services”. Article 8(1) uses the phrase, “in accordance with their specific needs.” We wanted to ensure this provision would be honoured in all circumstances. I hear what the Minister is saying but I would have preferred the original format, to be honest.

**Deputy Jim O’Callaghan:** On what the Minister was saying, the Garda has an obligation to provide information to individuals in their station in a number of circumstances. For instance, people who are accused of criminal offences are given lists of legal aid solicitors by the Garda. The intention behind Deputy Daly’s amendment was that the Garda would also be in a position to provide them with details of general practitioners and medical services. I understand the point the Minister made but we need to provide greater guidance to gardaí and Garda stations when it comes to the list of individuals available, be they legal aid solicitors or, as Deputy Daly sought to include, general practitioners or others involved in the provision of medical services.

**Deputy Charles Flanagan:** I acknowledge what Deputy Daly said but I fear there could be consequences owing to the onerous burden placed on the Garda officer at first contact whereby the provisions of the Bill, unless amended, might not be fully met. The spirit of what we all wish to see happening here is in no way adversely affected, lessened or weakened. That is why I am anxious to have amendment No. 4 accepted. There is broad agreement on amendment No. 5.

**Deputy Martin Kenny:** The removal of medical support would weaken the legislation. It states “where relevant”. One could say “where applicable” also. Having listened to the Minister, I do not fully get his rationale. Ultimately, medical support, or at least advice on where it can be sought or provided, is one of the first things one would expect a member of An Garda to be offering in the circumstances in question. I am not sure that the Minister’s rationale stands up.

**Deputy Charles Flanagan:** It is the offering of information relating to medical services that could very well pose a difficulty. How would a garda be in a position to provide information to somebody who is quite likely to be a registered patient or client of a designated medical practitioner in the area? In the circumstances, I believe the provision of such information may not be of any benefit to the particular person, having regard to the fact that it is information provided at the point of first contact. I would be concerned that, unless the appropriate amendment is made, it could give rise to undue difficulties that we really do not intend to see occurring.

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Amendment put and declared carried.

**Deputy Charles Flanagan:** I move amendment No. 5:

In page 9, line 12, to delete “including psychological support services,” and substitute “(which may include psychological support services)”.

Amendment put and declared carried.

**Deputy Charles Flanagan:** I move amendment No. 6:

In page 9, between lines 36 and 37, to insert the following:

“(m) restorative justice schemes, where available;”.

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendments Nos. 7 and 8 are related. Amendment No. 8 is a physical alternative to No. 7, and they are to be discussed together.

**Deputy Charles Flanagan:** I move amendment No. 7:

In page 10, to delete lines 9 to 11 and substitute the following:

“(a) he or she may specify in his or her request whether the information is to be provided orally or in writing, including by electronic means, and

(b) he or she shall be provided with such information—

(i) as soon as practicable, and

(ii) in so far as is practicable, in the manner specified in his or her request.”

Amendment No. 7 allows a victim to specify the means by which information should be provided to him or her and requires that the information, in so far as is practicable, be provided in the manner specified. The amendment is being introduced to address the concern raised by Deputies on Committee Stage that it would be for the Garda or GSOC to determine the manner in which information is provided to a victim. It is sufficient to address the concerns raised by the Deputies opposite without imposing any obligations on the authorities that might be open to misinterpretation or that might, in the circumstances, not be practical. The amendment meets the concerns of the Deputies. I will be happy to hear Deputy Daly on it, particularly in respect of the difference between amendments Nos. 7 and 8.

**Deputy Clare Daly:** We definitely acknowledge and appreciate that the Government has tabled amendment No. 7 in the first place. It arose out of the Committee Stage debate and issues we raised. It is broadly similar to amendment No. 8 but, as with many of our amendments, there are subtle differences. The subtle difference in this case is that ours provides that if a victim specifically requests that the information would be given to him or her orally, as opposed to in writing, or in writing as opposed to orally, the request “shall be” complied with. The Government’s amendment, by comparison, uses the wording “in so far as is practicable”. We believe that in the spirit of the victims directive, the obligation should be on the Garda. Where there is a deaf person, for example, there is no point in giving him or her the information orally. He or she should get it in writing. The Garda could say he or she has not time to be giving the informa-

tion in writing and that it is not practical but the obligation should be to meet the needs of the victim. The information we are talking about is critical information on which victims need to rely and that they need to understand. While we welcome the point made, if victims are to be discriminated against at this stage it would actually go against the spirit of the directive itself. It is better not to include “in so far as is practicable” and instead oblige the garda to give the information orally or in writing as the victim requests. Mine is a fairly minor request and I hope the Minister will agree with it.

**Deputy Charles Flanagan:** I refer the Deputy to what I said a moment ago about what might be practical or less than workable in the circumstances. We have to ensure that whatever legislation we pass here can be given practical effect by those who will be engaged by it. Obviously, the victim is of primary concern here but there are, of course, duties that will be placed on the shoulders of members of An Garda Síochána and, in certain circumstances, members of GSOC. The difference between my amendment No. 7 and amendment No. 8 in the names of Deputies Wallace and Daly is the caveat that the victim’s preference must be followed only in so far as is practicable. I am seeking to include the words “in so far as is practicable” in subsection (b) in order to make provision for and account for the likelihood of instances in which a Garda officer or a member of GSOC is not in a position to comply with a request with immediate effect. For example, this might well occur if the victim requests information via email where there might not be a proper and adequate email address or where the address is incorrect or invalid.

A similar situation might occur if the victim requests the information in a foreign language. This information cannot be provided orally but can be provided in a physical or an electronic document. There are some practical circumstances that will arise from time to time that will contravene something occurring with immediate effect. I do not believe the spirit of the legislation or the letter of the legislation is in any way weakened by including the words “in so far as is practicable”. Of course, there will be circumstances in which that will be tested. For example, in a subsequent hearing or any subsequent Act, the officer may well have to show that he or she acted with all due haste in the context of the victim’s preference, insofar as the circumstances are practicable. I would be concerned that the letter of the law might not be in a position to be valid.

**Deputy Clare Daly:** I blame myself for not explaining the differences between the amendments more sharply at the outset. I accept the points made by the Minister about “as soon as practicable”. However, our amendment keeps that and is identical to the Government amendment in that respect.

Let us be clear. This is about the victim’s directive and his or her interests being paramount. We do not want to impose ridiculous demands on the Garda. Both amendments state that the victims can request the information either orally, in writing or via electronic means. We are all saying that. Both amendments state that he or she shall be provided with that information “as soon as practicable”. We are allowing for a scenario in which a garda might be very busy on the night and is able to say that he or she cannot give the information at that moment, but will do so as soon as is practicable. We are allowing for the timeframe. What the amendment does not allow for is the use of time in order not to give the information in that format at all. The amendment does not go on to state, as the Government amendment does, “in so far as is practicable, in the manner specified in his or her request”. He or she should always be entitled to it in the manner in which he or she requested. However, we accept that that may not always be immediate. We do accept “as soon as practicable”, but do not accept it the second time around.

We are keen to push the amendment in that regard. I hope that makes more sense.

**Deputy Charles Flanagan:** I return to the point I made earlier. I am concerned that it would have an impractical consequence on the legislation. We gave very careful consideration to the point Deputy Daly raised. However, I believe amendment No. 7 deals with the issues raised on Committee Stage. I would be concerned that going beyond that with an undue obligation or an obligation that, in the circumstances, might not be in a position to be met could be a practice reaction or a practice process.

Amendment put and declared carried.

**An Leas-Cheann Comhairle:** Amendment No. 8 cannot be moved as it is a physical alternative to amendment No. 7.

Amendment No. 8 not moved.

**An Leas-Cheann Comhairle:** Amendments Nos. 9, 18 and 19 are related and will be discussed together.

**Deputy Charles Flanagan:** I move amendment No. 9:

In page 10, between lines 23 and 24, to insert the following:

“(6) Where a member of the Garda Síochána or an officer of the Ombudsman Commission, as the case may be, decides to exclude a person from accompanying a victim pursuant to *subsection (5)*, the member or officer, as the case may be, shall inform the victim that *subsection (4)* continues to apply and he or she may be accompanied by another person under that subsection and may make such arrangements as are necessary to be so accompanied.”.

In moving amendment No. 9, I remind Deputies that on Committee Stage, amendments were proposed that sought to ensure that where a victim is accompanied either during first contact when making a complaint or during an interview and the garda or officer of GSOC excludes the accompanying person, the victim would be given an opportunity to arrange for an alternative person to accompany him or her. There were difficulties with the amendments proposed at that Stage. Amendments Nos. 9, 18 and 19 address this issue. Again, I note that in each circumstance, the victim is present at his or her own volition and there is not a power on the part of the Garda officer or any other officer to compel the victim to stay or to continue with the contact, complaint or interview at all. The victim is at all times free to come or go and to make arrangements as appropriate in respect of any alternative accompanying person. With this in mind, the proposed amendments require the garda or the officer to inform the victim that although an accompanying person has been excluded, the victim still has a right to be accompanied and may make any appropriate arrangements to be so accompanied.

**Deputy Clare Daly:** I very much welcome the fact that the Government took on board the Committee Stage discussion.

Amendment put and declared carried.

**An Leas-Cheann Comhairle:** Amendment No. 10 has been ruled out of order due to a potential charge to the Exchequer.

Amendment No. 10 not moved.

**Deputy Charles Flanagan:** I move amendment No. 11:

In page 10, line 34, to delete “appropriate and/or specialist” and substitute “appropriate, and where relevant specialist,”.

This is a technical amendment to replace the use of “and/or”. The amendment is not intended to change the substance of the provision. The use of “and/or” is problematic in the Statute Book and is in general terms avoided. In legal drafting, “and/or” can be ambiguous as it leaves two words with different meanings in the text and does not choose between these words. From a drafting perspective, it is preferable to use the alternative wording that has the same effect. This is what amendment No. 11 seeks to do.

**Deputy Martin Kenny:** The only aspect of concern with regard to this amendment is towards the end of that sentence in subsection (8), which the amendment proposes to change to “appropriate, and where relevant specialist, service”. Where it states “service”, there should be the plural of “services” put in rather than the singular. In many cases, there may be a number of different agencies that a victim would have to be referred to rather than just one.

**Deputy Jim O’Callaghan:** This concerns subsection (8) of section 6. I know that the Leas-Cheann Comhairle ruled amendment No. 10 out of order. The objective here and what we are trying to do is to build up a mechanism-----

**Deputy Charles Flanagan:** I thought it was out of order.

**Deputy Jim O’Callaghan:** I am referring to amendment No. 11. I said that the Leas-Cheann Comhairle ruled amendment No. 10 out of order. The objective of the section is to try to create a framework by which members of An Garda Síochána will refer victims on to specialist agencies. We do not want to do so when there is a minor offence as that may not be appropriate. However, we need to ensure that there is a practice within An Garda Síochána so that people who are the victims of crimes and who report those crimes are referred on. I know the concern about other aspects of this was that it was put in but the Minister wished it to be a discretionary remedy on the part of An Garda Síochána while other Members wanted to make it mandatory. I support the amendment but there is more to it than simply the amendment. We need to build up the practice within An Garda Síochána whereby gardaí refer victims of crime to specialist agencies.

**Deputy Charles Flanagan:** I acknowledge what Deputy O’Callaghan said.

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendments Nos. 12 to 17, inclusive, are related and will be discussed together.

**Deputy Mick Wallace:** I move amendment No. 12:

In page 11, line 12, before “information” to insert “all relevant”.

I will break this group of amendments down into two mini-groups. I will discuss amendments Nos. 12 to 14, inclusive, first. They are pretty similar but slightly different. This first mini-group has the aim of ensuring victims are provided with all the information they need,

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including all the information they need to request a review of a decision by the DPP not to proceed with a prosecution. As it stands, this section provides that victims shall be provided with information relating to any significant developments in the investigation of the alleged offence, information regarding a decision not to proceed with or to discontinue the investigation and a summary of the reasons for the decision, information regarding a decision not to institute criminal proceedings in respect of the alleged offence and a summary of the reasons for the decision as well as the victim's right to request a review of a decision referred to in subparagraph (i) and the procedure for requesting the review.

Obviously, the ideal would encompass all information but that would likely be rejected out of hand because the gardaí and the DPP would have strong grounds to say that at least some information with regard to a decision not to proceed will always be too sensitive to be released. I understand the Minister will say that the term "all relevant" is not necessary and that victims will get all relevant information as a matter of course but I am afraid I just do not buy that. In particular, when we are talking about the DPP, I think it must be made crystal clear that the DPP cannot get away with fobbing victims off with dribs and drabs of information but must tell them everything that is relevant. It is only very recently that the DPP has started to open up at all about decisions to prosecute or not prosecute after years of stony silence. Gentle pressure needs to be brought to bear to keep up that culture change and to ensure the DPP does not fall back into old habits of stony silence.

Amendments Nos. 15 to 17, inclusive, add to the already long list in the Bill of types of information that are to be provided by investigators to the victim on request. They add a number of extra categories of information, including conditions under which a sentence is suspended or part suspended, any post-release supervision orders imposed on the convicted person, conditions of bail and the procedure the victim should follow if bail conditions are breached, for example, in the case of a sexual offence, if the offender approaches the victim. As the Rape Crisis Network points out, in sexual cases, there may be a very lengthy gap between the institution of proceedings and the first court date and between the first court date and the trial date. This leaves many victims feeling frightened that they or their loved ones will be intimidated by the accused and-or their associates during this period and it is important that they know not only whether there are any bail conditions restricting contact with themselves but also what they can do if some breach of same or separate intimidating or harassing behaviour occurs. It would also be very helpful and reassuring for victims to be told the details of any post-trial or post-conviction order other than imprisonment which is aimed at preventing them from suffering harm at the hands of the person accused or convicted. It would seem absolutely appropriate to provide information about things like bail conditions, post-release orders and harassment orders to, for example, victims of sexual crimes, as there are several different kinds of orders which may be made post-trial or post-conviction in this kind of case and it is important victims understand that these orders are available, that they may be applied for and that once made, they may be enforced.

**Deputy Charles Flanagan:** I acknowledge the points raised by Deputy Wallace in the context of this series of amendments dealing with the provision of information and do not doubt the sincerity of the points raised by him. A number of different issues are raised in these amendments and I will address them in turn. I see a difficulty with the insertion of the words "all relevant" in section 6, which is proposed in amendments Nos. 12 to 14, inclusive, in terms of workability. I go back to what I said earlier about ensuring that what we enshrine in legislation by way of explicit provisions has a practical effect and that the legislation will not be ambigu-

ous, uncertain or unduly cumbersome. Amendment No. 12 would require all relevant information regarding significant developments in an investigation to be provided upon the request of the victim. The scope of the information that could be designated as relevant could encompass the entire case files with many documents, some of which by their nature might be required to remain confidential or would be so on the basis of an investigation taking place.

Amendment No. 13 would require all relevant information regarding a decision not to pursue or, indeed, to cease an investigation to be provided. The reasons for not pursuing or ceasing an investigation could be based on a large number of sources and documents, all of which could be relevant to that decision.

The production of all relevant documents relating to a decision to discontinue a prosecution, as provided for in amendment No. 14, would require the DPP to produce a potentially vast number of files, some of which would be confidential, in order to satisfy this requirement. I have no doubt that such a requirement would place a pretty significant burden on the office of the DPP and I wonder what the benefit of what might be an unreasonable disclosure to the victim would be. I do not see how the victim would at all times benefit here.

We need to look at the objectives of the victims' directive, an important goal of which is to keep the victim informed of the progress of an investigation, not to give him or her access to all of the material that is relevant to it. These amendments could require vast amounts of information to be provided to victims going far beyond the scope of the directive or, indeed, going far beyond what in the circumstances might be the needs and requirements of victims. It is important we remain proportionate here and I do not believe these amendments are proportionate and even appropriate, so I am not in a position to accept them. I believe the legislation adequately covers in practice what in the circumstances might be required to fulfil the stated aim of Deputies Mick Wallace and Clare Daly.

The changes proposed in amendment No. 15 are already provided for in section 7(2) of the Bill. Section 7(2)(j) requires the victim to be given information on the sentence imposed or any orders related to the judgment. Any conditions under which a sentence is suspended form part of that sentence and any conditions attached to a post-release supervision order form part of the order in any event so the provision of this information is already required under the Bill. I do not believe the insertions of provisions for subcategories of sentences and orders is necessary because we have already provided for the outcome in any event.

*3 o'clock*

Amendment No. 16 seeks to add bail conditions which relate to the victim to the list of information he or she is entitled to receive. On Committee Stage we added to section 7(2)(a) an amendment which actually meets that issue. The remainder of amendment No. 16 seeks to have information provided for victims on the procedures to be followed where a bail condition is breached, including information on the offence of witness intimidation.

Amendment No. 17 would require additional information to be provided for a victim on request on various procedures and offences. I agree with Deputy Mick Wallace that this information is important and should be provided for victims. Most of it will be provided under section 14 of the Bill. Under that section, every victim must be individually assessed to identify his or her protection needs and protection measures required, in addition to special measures during the investigation, or special measures that may be necessary in the context of core pro-

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ceedings. The protection measures that must be provided for in every circumstance where the victim would benefit from them explicitly include information and advice on personal safety, information and advice on harassment orders, applications for bail add conditions of bail, all of which must be discussed with the victim at the time of the assessment. The section already provides in a more comprehensive and victim-focused manner for the making available of most of the information which Deputies Mick Wallace and Clare Daly seek in their amendments to have provided.

While I am conscious of the time - as we are on Report Stage, I might not get another opportunity to speak - in respect of the harassment order under the Criminal Law (Sexual Offences) Act 2017, a range of amendments to this Bill will be necessary to take account of the 2017 Act, particularly with regard to the provision of criminal evidence. The amendments are being prepared and will be introduced in the Seanad. Consideration is being given to whether information on harassment orders under the Act might explicitly be included in the definition and protection measures in this Bill. Where such an order is made, information will be provided for the victim under section 7.

**Deputy Clare Daly:** I am prepared to accept that the giving of information on some of the issues such as bail conditions and harassment orders is already provided for in a different arena. In that context, we want to strengthen that measure and add it as an extra burden. I am definitely pushing the first group of amendments in this broader category which are more important to us. I think the Minister has made a straw man argument in asking what information would be needed and if we are making it too cumbersome. That is precisely the point we make. Victims are entitled to the information. That is their prerogative and the Bill, in the way it has been designed, specifies that they are entitled to information. We do not say they should be entitled to receive all information. In fact, we have said our preference is that they be entitled to receive all information, but as that is not practical - particularly with reference to the Director of Public Prosecutions, some information will have to be confidential - we specifically do not say that. We instead refer to "all relevant information". Confidential information linked with the prosecution would clearly not be relevant in this scenario.

What it is really about is achieving a culture change and putting the rights and interests of victims first, which is what the directive asks us to do. When one is dealing with State bodies which are coming from a closed background where they have not had to justify or provide information on their decision-making, the legislation, as we put it forward, should encourage a process of openness, a right victims have. The Minister says somebody could lean on it and say to the Director of Public Prosecutions that he or she was going to take action against them because the Bill referred to "all relevant information" and that he or she had not received all relevant information. It would then become too cumbersome. One could make that argument based on the fact that the Bill already refers to "information", but we are trying to lessen the challenge to the Director of Public Prosecutions by forcing a culture change in the organisation or assisting of that process by saying it should be opened up to include all relevant information, not just the bare minimum. It would put a greater onus on the Director of Public Prosecutions and, because of the history of that organisation and what it has traditionally been, when we are in a transition period, it is important to insert the words "all relevant". In fact, by inserting the word "relevant", we have met the concerns of the Minister that it would be a free-for-all, that people would receive everything and that the Director of Public Prosecutions would not be able to do anything because the needs of victims were being accommodated.

We have to see this for what it is. It is the victims directive and about victims' rights which

will put more of an onus on the State bodies that deal with victims, as it should, because that is what we are trying to deal with. Victims have rights, including a right to be heard and receive information. The last point is that we all know the damage that has been done where, for example, cases have not proceeded because people did not have access to information and the questions and uncertainties surrounding it. That, in some ways, revictimised them because they had been kept in the dark. We are precisely trying to avoid that scenario.

**Deputy Charles Flanagan:** “All relevant information” raises the question of to what it is relevant. Is it relevant to the decision or the victim? I do not disagree with what Deputy Clare Daly has said about the provision of important information. Of course, it should be provided for the victims and that should be required under the Bill, but many of these points are already provided for within the legislation in another area. What I want to do and will do between now and the enactment of the legislation is to ensure there are no gaps in it. I have found what the Deputies have said on Committee Stage and today to be helpful, but in essence I do not want anything in the Bill to be impractical, unworkable, uncertain or unduly onerous in circumstances where there would not be a benefit to the victim. That is the important point. We need to ensure what is in the Bill is of practical import.

I want to make the point on the matter of orders on sex offenders that it is the exception. The orders are not linked with a specific offence but rather the subsequent behaviour of an offender. It may occur many years later and might not have any connection at all with the victim or the offence. It may not be possible or appropriate to provide a victim with this information, but I will examine the points further. Having regard to the fact that we have had a constructive debate so far and not divided and that I have been prepared to accept a number of amendments, I ask the Deputies to accept my *bona fides* on this issue. I do not wish at any stage to do anything other than ensure the victim is at the heart of these proceedings which I think everyone will agree is the case. That said, I do not want to introduce in this legislation any aspect that would be unworkable.

**Deputy Mick Wallace:** We have made it clear that we are not saying all information should be given but “all relevant information”. The Minister has asked whether that is all information relevant to the case or the victim. We say it is all information relevant to the victim to ensure he or she would receive all of the information he or she might possibly require. The Minister might say that is too cumbersome, but we are not saying that. It is possible that there could be information relevant to the case that it might not be essential for the victim to receive. We are not going to push the matter to a vote either, but we ask the Minister to look at it. It is essential that victims receive as much information as they are due. Everyone would be better off in the long term if they were to receive it. The spirit of the Bill will be honoured more if we ensure that as much information as possible gets to who it should.

**Deputy Charles Flanagan:** I thank the Deputy. I have taken careful note of what he said.

Amendment put and declared lost.

**Deputy Mick Wallace:** I move amendment No. 13:

In page 11, line 23, before “information” to insert “all relevant”.

Amendment put and declared lost.

**Deputy Mick Wallace:** I move amendment No. 14.

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In page 11, line 25, before “information” to insert “all relevant”.

Amendment put and declared lost.

**Deputy Clare Daly:** I move amendment No. 15:

In page 12, between lines 31 and 32, to insert the following:

“(vi) any relevant conditions under which a sentence imposed on the convicted person, is suspended or part-suspended;

(vii) any relevant post-release supervision order conditions imposed on the convicted person;”.

Amendment put and declared lost.

**Deputy Mick Wallace:** I move amendment No. 16:

In page 13, between lines 26 and 27, to insert the following:

“(p) where a person is granted bail, information regarding—

(i) conditions of bail insofar as they are relevant to the safety and welfare of the victim,

(ii) any breach of bail conditions,

(iii) the procedure to be followed if any breach of relevant bail conditions by the accused occurs or is suspected,

(iv) the criminal offence of witness intimidation, and

(v) the procedure to be followed when witness intimidation by the accused is suspected and/or occurs.”.

Amendment put and declared lost.

**Deputy Mick Wallace:** I move amendment No. 17:

In page 13, between lines 26 and 27, to insert the following:

“(p) information on the procedures governing the issuing of anti-harassment orders under section 10 of the Non-Fatal Offences against the Person Act 1997, where relevant;

(q) information regarding any harassment order made or proposed to be made under the Criminal Law (Sexual Offences) Act 2017;

(r) information on the procedures governing the issuing of harassment orders under the Criminal Law (Sexual Offences) Act 2017;

(s) information regarding sex offenders orders under the Sex Offenders Act 2001.”.

Amendment put and declared lost.

**Deputy Charles Flanagan:** I move amendment No. 18:

In page 16, between lines 19 and 20, to insert the following:

“(3) Where a member of the Garda Síochána or an officer of the Ombudsman Commission, as the case may be, decides to exclude a person from accompanying a victim pursuant to

*subsection (2)*, the member or officer, as the case may be, shall inform the victim that *subsection (1)* continues to apply and he or she may be accompanied by another person under

that subsection and may make such arrangements as are necessary to be so accompanied.”.

Amendment agreed to.

**Deputy Charles Flanagan:** I move amendment No. 19:

In page 17, between lines 29 and 30, to insert the following:

“(4) Where a member of the Garda Síochána or an officer of the Ombudsman Commission, as the case may be, decides to exclude a person from accompanying a victim pursuant to

*subsection (3)*, the member or officer, as the case may be, shall inform the victim that *subsection (2)* continues to apply and he or she may be accompanied by another person under

that subsection and may make such arrangements as are necessary to be so accompanied.”.

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendment No. 20 is in the name of the Aire. Amendments Nos. 20 and 21 will be discussed together.

**Deputy Charles Flanagan:** I move amendment No. 20:

In page 19, line 22, to delete “member” where it secondly occurs and substitute “officer”.

These are technical amendments. Amendment No. 20 to section 14 corrects a mistake that refers to the “member” of the Ombudsman Commission instead of the correct reference to the “officer” of the Ombudsman Commission. The amendment does not make any change to the substance of the provision.

Amendment No. 21 is also a technical amendment. It amends section 19 of the Bill by the substitution of “representatives” of the press for “members” of the press. The term “representatives” is the more correct term and I understand to be consistent with other similar references on the Statute Book.

Amendment agreed to.

**Deputy Charles Flanagan:** I move amendment No. 21:

In page 23, line 23, to delete “members” and substitute “representatives”.

Amendment agreed to.

**Deputy Charles Flanagan:** I move amendment No. 22:

In page 23, between lines 26 and 27, to insert the following:

“(ii) a support worker of the victim’s choice,”.

Amendment agreed to.

**Deputy Charles Flanagan:** I move amendment No. 23:

In page 23, between lines 32 and 33, to insert the following:

“(3) In this section, “support worker” means a volunteer of, or an individual employed under a contract of service or under a contract for services by, an organisation which provides support to victims of crime.”.

Amendment agreed to.

Amendment No. 24 not moved.

**Deputy Jim O’Callaghan:** I move amendment No. 25:

In page 26, between lines 23 and 24, to insert the following:

**“Restorative justice**

**25.** (1) In respect of any offence or alleged offence, a body or other person shall administer a restorative justice scheme (in this section referred to as a “scheme”) only if the requirements of this section are complied with.

(2) The offender or alleged offender shall—

(a) acknowledge the basic facts of the offence committed or offence alleged to have been committed, as the case may be, against the victim, and

(b) give his or her free and informed consent to participating in the scheme.

(3) The victim shall—

(a) receive full and unbiased information about—

(i) the scheme and the potential outcomes of participating in the scheme,

(ii) the procedures for supervising and implementing any agreement that may be reached between the parties in the context of the scheme, and

(iii) his or her right to withdraw at any time his or her consent to participating in the scheme,

and

(b) having received such information, give his or her free and informed consent to participating in the scheme.

(4) Where a scheme is administered—

(a) any agreement between the parties reached in the context of the scheme shall only be so reached on the basis of the free and informed consent of each of the parties,

(b) an agreement reached in the manner referred to in *paragraph (a)* may, with the consent of both parties, be taken into account by a court in any criminal proceedings relating to the offence or alleged offence which is the subject of the parties' participation in the scheme, and

(c) any discussions between the parties which form part of their participation in the scheme and which are not conducted in public shall not be disclosed, save with the agreement of the parties or as required by law.

(5) The body or person which or who administers a scheme shall—

(a) prior to the commencement of the parties' participation in the scheme inform them of each of the matters referred to in *subsection (4)*,

(b) be satisfied that the victim's participation in the scheme is in the interests of the victim, and

(c) in administering the scheme, have regard to the need to safeguard the victim from secondary and repeat victimisation, intimidation or retaliation.

(6) Nothing in this section shall affect the operation of Parts 4 and 8 of the Act of 2001.”.

Amendment agreed to.

**Deputy Charles Flanagan:** I move amendment No. 26:

In page 26, between lines 25 and 26, to insert the following:

**“Amendment of section 20 of Criminal Justice Act 1951**

**25.** Section 20 of the Criminal Justice Act 1951 is amended—

(a) in subsection (4), by the substitution of “of that person or a support worker chosen by a person referred to in paragraph (b)” for “of that person”, and

(b) by the insertion of the following subsection after subsection (6):

“(7) In this section, ‘support worker’ means a volunteer of, or an individual employed under a contract of service or under a contract for services by, an organisation which provides support to victims of crime.”.

Amendment agreed to.

**Deputy Jim O’Callaghan:** I move amendment No. 27:

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In page 26, between lines 25 and 26, to insert the following:

**“Amendment of section 4I of Criminal Procedure Act 1967**

**25.** Section 4I of the Criminal Procedure Act 1967 is amended—

(a) by the substitution of the following subsection for subsection (3):

“(3) Subsection (2) is without prejudice to the right of—

(a) a parent, relative or friend of the accused or of an injured party, and

(b) a support worker chosen by an injured party, to remain in court in any case to which section 20(4) of the Criminal Justice Act 1951, section 6 of the Criminal Law (Rape) Act 1981, section 8 of the Criminal Justice (Female Genital Mutilation) Act 2012 or *section 19 of the Criminal Justice (Victims of Crime) Act 2017* applies.”.”.

Amendment put and declared lost.

**Deputy Martin Kenny:** I move amendment No. 28:

In page 26, between lines 25 and 26, to insert the following:

**“Amendment of section 4I of Criminal Procedure Act 1967**

**25.** Section 4I of the Criminal Procedure Act 1967 is amended—

(a) by the substitution of the following subsection for subsection (3):

“(3) Subsection (2) is without prejudice to the right of—

(a) a parent, relative or friend of the accused or of an injured party, and/or

(b) a support worker chosen by an injured party, to remain in court in any case to which section 20(4) of the Criminal Justice Act 1951, section 6 of the Criminal Law (Rape) Act 1981, section 8 of the Criminal Justice (Female Genital Mutilation) Act 2012 or *section 19 of the Criminal Justice (Victims of Crime) Act 2017* applies.”.”.

Amendment put and declared lost.

**Deputy Charles Flanagan:** I move amendment No. 29:

In page 26, to delete lines 26 to 30 and substitute the following:

**“Amendment of section 4I of Criminal Procedure Act 1967**

**25.** Section 4I of the Criminal Procedure Act 1967 is amended—

(a) by the substitution of the following subsection for subsection (3):

“(3) Subsection (2) is without prejudice to the right of—

(a) a parent, relative or friend of the accused or of an injured party, or

(b) a support worker chosen by an injured party,

to remain in court in any case to which section 20(4) of the Criminal Justice Act 1951, section 6 of the Criminal Law (Rape) Act 1981, section 8 of the Criminal Justice (Female Genital Mutilation) Act 2012 or *section 19* of the *Criminal Justice (Victims of Crime) Act 2017* applies.”, and

(b) by the insertion of the following subsection after subsection (3):

“(4) In this section, ‘support worker’ means a volunteer of, or an individual employed under a contract of service or under a contract for services by, an organisation which provides support to victims of crime.”.”.

Amendment agreed to.

**Deputy Jim O’Callaghan:** I move amendment No. 30:

In page 26, to delete lines 26 to 30 and substitute the following:

**“Amendment of section 6 of Criminal Law (Rape) Act 1981**

**25.** Section 6 of the Criminal Law (Rape) Act 1981 is amended—

(a) by the substitution of the following subsection for subsection (3):

“(3) Subsections (1) and (2) are without prejudice to the right of—

(a) a parent, relative or friend of the complainant or, where the accused is not of full age, of the accused, and

(b) a support worker chosen by the complainant, to remain in court.”.”.

Amendment put and declared lost.

Amendment No. 31 not moved.

**Deputy Martin Kenny:** I move amendment No. 32:

In page 26, to delete lines 26 to 30 and substitute the following:

**“Amendment of section 6 of Criminal Law (Rape) Act 1981**

**25.** Section 6 of the Criminal Law (Rape) Act 1981 is amended—

(a) by the substitution of the following subsection for subsection (3):

“(3) Subsections (1) and (2) are without prejudice to the right of—

(a) a parent, relative or friend of the complainant or, where the accused is not of full age, of the accused, and/or

(b) a support worker chosen by the complainant, to remain in court.”.”.

Amendment put and declared lost.

**Deputy Charles Flanagan:** I move amendment No. 33:

In page 26, between lines 30 and 31, to insert the following:

**“Amendment of section 6 of Criminal Law (Rape) Act 1981**

**26.** Section 6 of the Criminal Law (Rape) Act 1981 is amended—

(a) by the substitution of the following subsection for subsection (3):

“(3) Subsections (1) and (2) are without prejudice to the right of—

(a) a parent, relative or friend of the complainant or, where the accused is not of full age, of the accused, or

(b) a support worker chosen by the complainant, to remain in court.”, and

(b) by the insertion of the following subsection after subsection (4):

“(5) In this section, ‘support worker’ means a volunteer of, or an individual employed under a contract of service or under a contract for services by, an organisation which provides support to victims of crime.”.”.

Amendment agreed to.

Amendment No. 34 not moved.

**Deputy Charles Flanagan:** I move amendment No. 35:

In page 32, after line 36, to insert the following:

**“Amendment of Act of 2001**

**29.** (1) The Act of 2001 is amended—

(a) in section 3(1), by the insertion of the following definition:

“ ‘secondary victimisation’ has the same meaning as it has in the *Criminal Justice (Victims of Crime) Act 2017*;”,

(b) in section 26—

(i) by the insertion of the following subsection after subsection (1):

“(1A) Where the Director invites a victim to be present at the administration of a formal caution pursuant to subsection (1), he or she shall ensure that the victim—

(a) is provided with full and unbiased information about the process of administering a formal caution and the potential outcomes of the process under this Act, and

(b) is informed that he or she may withdraw at any time his or

her consent to being so present.”, and

(ii) by the insertion of the following subsection after subsection (2):

“(2A) The member of the Garda Síochána administering the formal caution shall, where a victim is present at the administration of the caution, have regard to the need to safeguard the victim from secondary and repeat victimisation, intimidation or retaliation while the victim is so present.”,

(c) by the insertion of the following section after section 32:

**“Attendance at conference by victim**

**32A.** (1) Where the facilitator invites a victim to be present at a conference pursuant to section 32(4), he or she shall ensure that the victim—

(a) is provided with full and unbiased information about—

(i) the process relating to a conference,

(ii) the potential outcomes of the process under this Act, and

(iii) the procedures for monitoring the implementation of, and compliance with, an action plan,

and

(b) is informed that he or she may withdraw at any time his or her consent to being so present.

(2) The facilitator shall, where a victim is present at a conference, have regard to the need to safeguard the victim from secondary and repeat victimisation, intimidation or retaliation while the victim is so present.”,

and

(d) in section 85, by the substitution of “32, 32A,” for “32.”.

Amendment agreed to.

**Deputy Charles Flanagan:** I move amendment No. 36:

In page 32, after line 36, to insert the following:

**“Amendment of section 8 of Criminal Justice (Female Genital Mutilation) Act 2012**

**30.** Section 8 of the Criminal Justice (Female Genital Mutilation) Act 2012 is amended—

(a) by the substitution of the following subsection for subsection (2):

“(2) Subsection (1) is without prejudice to the right of—

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(a) a parent, relative or friend of the girl or woman in respect of whom the offence is alleged to have been committed or, where the accused person is not of full age, of the accused person, or

(b) a support worker chosen by the girl or woman referred to in paragraph (a),

to remain in court.”, and

(b) by the insertion of the following subsection after subsection (3):

“(4) In this section, ‘support worker’ means a volunteer of, or an individual employed under a contract of service or under a contract for services by, an organisation which provides support to victims of crime.”.”.

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendments Nos. 37 to 41, inclusive, cannot be moved.

Amendments Nos. 37 to 41, inclusive, not moved.

**An Leas-Cheann Comhairle:** Amendments Nos. 42 to 45, inclusive, are out of order as they involve a potential charge on Revenue.

Amendments Nos. 42 to 45, inclusive, not moved.

Bill, as amended, received for final consideration.

Question proposed: “That the Bill do now pass.”

**Deputy Clare Daly:** Are we going to be allowed to say anything on the Bill?

**An Leas-Cheann Comhairle:** You have been so good that it would be difficult to refuse you, but it will be time-limited.

**Deputy Clare Daly:** Is that a “Yes”?

**An Leas-Cheann Comhairle:** Go on.

**Deputy Clare Daly:** Thank you, a Leas-Cheann Comhairle. Will the Minister speak first?

**Minister for Justice and Equality (Deputy Charles Flanagan):** I wanted to thank Deputy Daly.

**An Leas-Cheann Comhairle:** One moment, Minister. Deputy Daly may wish to respond.

**Deputy Mick Wallace:** We will let the Minister speak first.

**Deputy Clare Daly:** Perhaps the Minister could respond to a point. I wish to acknowledge the work of the Minister, the former Minister for Justice and Equality and the officials in the Department for taking on board much of the discussion on Committee Stage, even before we got here today. It is good when we are arguing over an “and” or an “or”. That is always useful because it shows we have scrutinised the Bill.

Having said that, I am keen to make one point about the amendments that were ruled out of order and that the Government did not take on board on Committee Stage. These related to the urgent need for the establishment of a victims ombudsman. On Committee Stage Deputy O'Brien in particular had urged that the Government might bring in some of our amendments. Unfortunately, the Government did not do so.

My only point is that the recital in the victims directive makes the point about the need for a sole point of access or one-stop-shop. There is an urgent requirement for a victims ombudsman. As was said before, many of the groups that deal with victims have engaged in numerous discussions with existing ombudsman offices. They could see a victims ombudsman being incorporated under one of the existing offices, for example, the Ombudsman for Children or the Garda Síochána Ombudsman Commission. It need not cost a great deal of money. A stand-alone victims ombudsman would be better. I strongly urge the Minister to return to this option.

I wish to acknowledge the excellent work and input from the voluntary organisations and non-governmental organisations that deal with victims at the coal-face all the time. Their input has been invaluable. In particular, I acknowledge the members of the Victims' Rights Alliance who addressed the committee and informed us so well. They have played a positive role in bringing this Bill to fruition. Maria McDonald from the Victims' Rights Alliance deserves our special thanks and recognition.

**Deputy Jim O'Callaghan:** I thank the Minister for Justice and Equality and the former Minister for Justice and Equality for the work done on this important legislation. I acknowledge the role played by the justice committee. We had good review of this legislation at the justice committee. As Deputy Daly said, we had presentations from the Victims' Rights Alliance. I too wish to acknowledge the role played by Maria McDonald.

It is important legislation. It may not get the same coverage that other legislation can get in this House. However, for the first time serious legislation dealing with the rights of victims has been put before the Oireachtas and has got through Dáil Éireann today. I hope it will not be long before it is fully enacted and in law.

For many years the criminal law has concentrated on the rights of the accused and on the obligations of prosecutors when it comes to prosecuting the accused for criminal offences. It is right and proper that those laws should exist in statute, but for too long the rights of victims and the place of victims in the criminal justice process has been ignored. I welcome the fact that this legislation will signify the fact that victims of crime are taken seriously by this State. Our legal system recognises that they have a role to play. Our legal system recognises that the State acknowledges that it and its officers have a responsibility to victims of crime. I hope that in future victims of crime will take their place as individuals who are acknowledged by this State as being individuals who have in many instances suffered life-altering experiences.

It is incumbent on all of us, not only legislators but those in An Garda Síochána, the Ombudsman and other individuals involved in the criminal justice system, to ensure that this legislation is actively used. We do not want this to become legislation that sits on the shelf and is sometimes availed of. That is why it is important to continue working on some of the provisions that are discretionary in the legislation. We should move to ensure that these become mandatory in future and that greater emphasis will be placed by the State agencies, whether An Garda Síochána or other agencies, on the fact that when a victim comes to report a crime, that victim has rights that will be acknowledged and respected by the State. It is a good day because

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this is being passed through Dáil Éireann.

**Deputy Charles Flanagan:** I acknowledge the importance of this legislation. It was a key commitment in the programme for partnership Government. I am pleased that, with cross-party support, it has reached the stage that we have now completed our deliberation in Dáil Éireann. I look forward to further engaging with members of the Upper House in due course.

I thank the Deputies opposite not only for their engagement but for the valuable contributions they have made today and throughout the earlier stages of this legislation. It is essential that we move towards a situation in Irish law whereby we acknowledge in statutory form the place and rights of the victims of crime. We have now passed legislation that will provide victims with a measure of information and support to help them through what has been a time of great difficulty and trauma as victims of crime.

I wish to acknowledge the comments of Deputy Daly not only today but at an earlier stage regarding an ombudsman for victims of crime. I am not against the idea but I believe that we need to embark on considerable research before we are in a position to establish such an office, as proposed by Deputy Daly. It could well be that at some stage in future we will be in a position to do so. I would be happy to revisit the issue but I believe it is important in the first instance that we proceed to enact for the first time legislation that will acknowledge in statute the place of victims at the heart of the criminal justice system and the rights of victims to information and support.

I thank Deputies for the constructive manner in which they approached this legislation. I thank Deputies Wallace and Daly for their amendments and comments. I thank Deputy O'Callaghan and his party. I thank Deputy Kenny for his input this afternoon and I thank Deputy O'Brien for putting forward several amendments.

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 names of the Member in each case: (1) Deputy John Brassil - to examine if arrangements can be made for the licensing in 2017 of mussel seed fishermen using UK registered boats; (2) Deputy Thomas P. Broughan - the operating parameters provided by family hubs for temporary accommodation for homeless families; (3) Deputy Noel Rock - to update on the primary care centre in Finglas; (4) Deputy Sean Fleming - the future of Portlaoise mail centre; (5) Deputy Pat Deering - to discuss securing an IDA Ireland facility for Carlow; (6) Deputy Maureen O'Sullivan - concern for Irish greyhounds being exported to other jurisdictions; (7) Deputy Carol Nolan - to discuss the cuts to home help hours in County Offaly; (8) Deputy Thomas Byrne - to discuss upgrading of the N2 from Kilmoon to Ashbourne in County Meath; (9) Deputy Marcella Corcoran Kennedy - public dental services for primary school students in the midlands; (10) Deputy Fergus O'Dowd - to review the case of a carers allowance for a person (detail supplied) that was withdrawn causing considerable hardship; (11) Deputy Martin Kenny - the impact of teacher appointment thresholds in rural schools such as Kiltyclogher national school, County Leitrim; (12) Deputy Niall Collins - the proposed support cuts by the HSE to post-mastectomy cancer survivors; (13) Deputy Mary Butler - to discuss the recommendations of Age Action Ireland on

regulating nursing home charges; (14) Deputy Brendan Smith - allocation of school transport services based on home to school distances; (15) Deputies Clare Daly and Mick Wallace - to discuss proposed changes to strengthen the Garda Síochána Ombudsman Commission and the Policing Authority; (16) Deputy Aindrias Moynihan - the status of a new secondary school at De La Salle College, Macroom, County Cork; (17) Deputy Martin Ferris – the impact of the UK withdrawal from the London Fisheries Convention; and (18) Deputy Mick Barry - the action taken by crane operators seeking improvement in pay and conditions.

The matters raised by Deputies Brendan Smith, Marcella Corcoran Kennedy, Niall Collins and Thomas P. Broughan have been selected for discussion.

### **Minerals Development Bill 2015 [Seanad]: Order for Report Stage**

**Minister of State at the Department of Communications, Climate Action and Environment (Deputy Seán Kyne):** I move: “That Report Stage be taken now.”

Question put and agreed to.

### **Minerals Development Bill 2015 [Seanad]: Report Stage**

**An Leas-Cheann Comhairle:** Amendments Nos. 1 and 25 are related and will be discussed together by agreement.

**Minister of State at the Department of Communications, Climate Action and Environment (Deputy Seán Kyne):** I move amendment No. 1:

In page 13, line 9, after “2013,” to insert “to amend the Continental Shelf Act 1968.”

These amendments focus on a legal anomaly that the Office of the Attorney General has requested be addressed in respect of the Continental Shelf Act 1968. The issue arises as a consequence of past transfer of function orders and Department title orders. The issue was identified in the context of the drafting of provisions for the Maritime Area and Foreshore (Amendment) Bill in regard to the introduction of a licensing regime for offshore renewable energy and offshore natural gas storage activities. The Minerals Development Bill 2015, which amends section 4 of the Continental Shelf Act, represents the first opportunity to address this issue. It will also allow my Department to continue to progress proposals for offshore renewable energy and offshore gas storage.

The Continental Shelf Act asserts the State’s right to the sea bed and sub-soil outside of our territorial waters, that is, our exclusive economic zone, EEZ, and designated extended continental shelf for the purpose of exploring such sea bed and sub-soil and exploiting its natural resources. Section 5 of the Act is the key element in the consent process for the placing of structures in the sea bed in the EEZ and the continental shelf. Sections 5, 7 and 12 of the Act currently reference two Ministers. Subsection (5) of the Act currently requires that the two Ministers each grant their consent for the construction of structures or the removal of objects from the sea bed. Section 7 of the Act authorises one Minister, with the consent of the other Minister, to make regulations prohibiting or regulating the discharge of oil, sewage and other harmful substances. Section 12 relates to the inquiry powers under Act which can be exercised

by either Minister.

Over the years the functions of the two Ministers in respect of these three sections have come to vest with one Minister, the Minister for Communications, Climate Action and Environment. However, the sections continue to reference two Ministers. To address this issue, the proposed amendments combine the references to the two Ministers into one Minister, the Minister for Communications, Climate Action and Environment. The amendments also propose to introduce a new subsection (2)(a) into section 5 of the Act requiring that the Minister for Communications, Climate Action and Environment consult with the Minister for Transport, Tourism and Sport with respect to the safety of an allocation before granting a consent under the section. These amendments will allow my officials, in liaison with the Attorney General's office, to proceed with setting legislative provisions to regulate offshore renewable energy projects and gas storage projects beyond the foreshore by way of the issue of consents under the 1968 Act.

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendments Nos. 2 to 5, inclusive, are related and will be discussed together by agreement.

**Deputy Brian Stanley:** I move amendment No. 2:

In page 30, line 3, to delete “may” and substitute “shall”.

The purpose of these amendments is to ensure greater accountability to the Oireachtas in respect of prospecting licences, environmental issues and environmental protection. Mistakes have been made in the past in regard to our natural resources, for which, unfortunately, parts of the country such as Silvermines in Tipperary, continue to pay. There are some good examples of mining and some bad examples of it also. Overall, this Bill is welcome in that it consolidates the legislation in this area.

Amendment No. 2 relates to the granting of prospecting licences. We need to ensure that the Minister shall make regulations in this area and report back. This will ensure that the manner of making the application for the company or the person, as well as the timeframe in that regard, is specific and regularly reviewed.

Amendment No. 3 seeks to ensure that regulations around the granting of licences is reviewed every five years, that these regulations will be on the public record and that they provide for a reporting mechanism. The five-year timeframe is important. We are being practical about this. We are not seeking to shorten the timeframe too much or to make things awkward or difficult for people in this sector. We believe a five-year review is practical.

Amendment No. 4 seeks to ensure that the Minister publishes a directive in regard to adherence to compliance to protect the environment. We need to be as firm, legally, as possible in terms of any potential environmental implications arising from the mining practice. This amendment seeks to place an obligation on the Minister to specifically ensure there is compliance in terms of environmental issues.

Amendment No. 5 proposes that the Minister shall report and review these environmental practices and directives every five years. Again, we are seeking a regular reporting mechanism under this Act to ensure accountability and transparency.

The aim of these amendments is to ensure accountability in terms of the industry and to

ensure we have good environmental practice to protect our natural resources. At the end of the day, minerals belong to the State and the people and it is important that we have a good regulatory system in place in this area but not regulation that prevents or inhibits legitimate mining. This is an important industry. In 2012, the turnover was €426 million and in 2011 it was €454 million, such that this is a substantial industry. We need to ensure it is not inhibited in any way and that we continue to enjoy the benefits of it in terms of jobs and revenue to the State in terms of taxation, PRSI, royalties and so on. I will comment further on royalties later. It is important we allow mining to happen while at the same time protect our environment, wildlife, wildlife habitats and so on. The aim of these amendments is to ensure we get that balance right.

**Deputy Seán Kyne:** I thank the Deputy for these amendments. Section 31 provides the Minister with discretionary powers to make regulations regarding the granting and renewal of prospecting licences and retention licences, including the manner of making the application and the period a licensee has to hold a licence before being eligible for a retention licence.

Section 40 provides that the Minister may issue directives in regard to adherence to good environmental practice. Compliance with the directives will be a condition of prospecting and retention. I am aware that there is a general concern regarding the frequency of the review period for prospecting licences and that the view is that companies are somehow permitted to rest on their laurels. However, this is not the case. Currently, prospecting licences are granted initially for a period of six years and during the six-year terms of the licences every licence is subject to a formal review at two year intervals and thereafter on renewal.

In regard to environmental practice directives, it is envisaged that these would be prepared and reviewed as required. Due to the changing nature of legislation a review every five years might not be appropriate. These issues are only expected to arise on an *ad hoc* basis and may require the issuing of a directive to ensure compliance with specific obligations. In accordance with custom and practice, directives issued under this section will be reviewed at regular intervals to ensure that they remain relevant. The Department issues guidelines on good environmental practice in respect of mineral exploration activities.

In regard to amendments Nos. 2 and 4, I am advised by the Office of the Attorney General that it is more appropriate to use the term “may” rather than “shall” in relation to the making and reviewing of regulations and as such I do not propose to accept these amendments.

**Deputy Brian Stanley:** On deleting the word “may” and substituting it with the word “shall”, I have never before heard of a legal impediment to doing this. I have spoken to the Minister of State’s officials about it. I wish to press those amendments because it is important we strengthen the legislation regarding the granting of licences and environmental practices.

Amendment put and declared lost.

**Deputy Brian Stanley:** I move amendment No. 3:

In page 30, between lines 9 and 10, to insert the following:

“(3) The Minister shall review regulations under this section every 5 years.”.

Amendment put and declared lost.

**Deputy Brian Stanley:** I move amendment No. 4:

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In page 34, line 5, to delete “may” and substitute “shall”.

Amendment put and declared lost.

**Deputy Brian Stanley:** I move amendment No. 5:

In page 34, between lines 14 and 15, to insert the following:

“(4) The Minister shall review the environmental practice directives under this section at a minimum every 5 years.”.

Amendment put and declared carried.

**An Leas-Cheann Comhairle:** Amendments Nos. 6, 7, 14, 15, 21 and 23 are related and will be discussed together.

**Deputy Seán Kyne:** I move amendment No. 6:

In page 44, line 28, to delete “Planning and Development Acts 2000 to 2014” and substitute “Planning and Development Acts 2000 to 2016”.

The Bill, as published, contained a number of references to the collective citation, Planning and Development Acts 2000 to 2014. The amendments propose to correct the collective citation to Planning and Development Acts 2000 to 2016, reflecting the enactment of the Planning and Development Act 2015 and the Planning and Development (Housing and Residential Tenancies) Act 2016.

Amendment agreed to.

**Deputy Seán Kyne:** I move amendment No. 7:

In page 47, line 12, to delete “Planning and Development Acts 2000 to 2014” and substitute “Planning and Development Acts 2000 to 2016”.

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendment No. 8 is in the name of Deputy Stanley. Amendments Nos. 8 to 13, inclusive, are related and may be discussed together.

**Deputy Brian Stanley:** I move amendment No. 8:

In page 49, between lines 33 and 34, to insert the following:

“(2) These regulations shall be reviewed every 5 years.”.

Amendment No. 8 deals with mining licence fees and proposes that the Minister would review them every five years. There is no mechanism under the legislation whereby fees can take account of market changes. For them not to be bound by that would be a bad deal.

We have to address the important issue of royalties and the ability of the State to gain the best value possible from our resources. We must ensure that the State receives a fair and reasonable return from our mineral resources because our people lost out in the past in terms of commercial developments. That has been a particular problem with our offshore resources but we do not seem to be doing very well with our onshore resources. I have some figures on that.

We need to achieve the best price possible. It is worth noting that the State receipts from mining licences and leaseholders was €6.16 million in 2009, €6.9 million in 2010, €9.68 million in 2011 and €8.6 million in 2012. They appear to be modest figures if we take account of the turnover figure for 2012. We know that turnover does equal profit. In some industries there can be a narrow margin of profit, which is understandable. Mining, in general, tends to have a good turnover depending on what cycle one is at in it. A benefit of €8.6 million to the State out of a turnover of €426 million appears to be on the slim side.

In amendment No. 9 we ask that the Minister shall seek a fair and reasonable return. Amendment No. 10 is connected to that. It proposes that the Minister may have regard to issue concerning commercial interests. Amendment No. 11 proposes that the Minister must review the royalty regulations every five years instead of every eight years. That is to allow for greater accountability and also changes in markets and so on.

Amendment No. 12 proposes that the Minister shall report to the Houses of the Oireachtas and to the Oireachtas joint committee on each review of royalty regulations and the rates that royalties are set, which is an important provision. That will provide for transparency. While new politics is something of a cliché, we have talked a good deal about strengthening the committees, giving them teeth and a strong role. We have seen that this is important. However, people outside this House might view that negatively as it slows down the passage of legislation. During this Dáil term not as much bad legislation has got through. There has been greater scrutiny. While some legislation has gone through with which we would not agree from our political perspective, best practice has been adhered to. The committees have a role to play.

Amendment No. 13 proposes that the Minister must report to the Oireachtas on the waiving or deferring of a licence fee or royalties from minerals or one-off royalty payments on projected benefits from royalties. That would ensure greater accountability to the Oireachtas. We do not consider that to be over-onerous. It would give the Dáil and the Oireachtas committee their place, ensure people's interests are protected and that we achieve the maximum benefit from our natural resources. I hope the Minister will consider these amendments in the spirit that Sinn Féin put them forward, thereby ensuring that the State and the people's interest are always protected.

**Deputy James Lawless:** I welcome the amendments in the spirit in which they have been made, although I am not sure about the detail of them. I agree with Deputy Stanley that it is desirable to involve the committee in deliberations of any kind and in a review of regulations. I am not sure if there is difficulty with the amendments in that, as they are worded, they do not refer to the Oireachtas Joint Committee on Communications, Climate Action and the Environment. The Minister might elaborate on that. While it is laudable and worthy to always put the interests of the State first in terms of commercial matters when we are trying to incentivise and attract investment, I wonder if it could be misinterpreted or give rise to some confusion when investors are weighing up the competing jurisdictions in which to invest and enter into commercial activities. We need to ensure that direct investment is attracted and that there is not an ambiguity about the potential return. Those are my observations on the amendments.

**Deputy Seán Kyne:** I thank the Deputy Stanley for his amendments. In respect of amendment No. 8, Deputy Stanley has proposed that the mining licence would be reviewed every five years. I have considered his arguments and I propose to accept that amendment.

In respect of amendments Nos. 9 and 10, the royalty regulations will take into account what

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is a fair and reasonable rate of return to the State and to private mineral holders. Mineral exploration and development is a high risk activity. In the event of a successful discovery, a company would hope to develop the ore body and to cover all costs and make a reasonable profit. Royalty rates should be set such that they are not punitive - punitive rates results in natural resources not being exploited or developed - but at a rate such that the company can make a reasonable profit and the country can benefit from the development of its natural resources. As such, I am not proposing to accept these amendments.

I note the debate on royalty regulations and, in that context, I propose to accept the Deputy Stanley's amendment No. 11, which proposes to reduce the frequency of receiving the royalty regulations from eight years to five years. The Bill also provides for the laying of an annual report before each House of the Oireachtas under section 223, providing details of licences granted, money collected, acquisition and rehabilitation orders made. It is currently the practice that details of mining licences and leases granted, including royalty rates and fees are included in six-monthly reports to the Oireachtas. Therefore I do not propose to accept this amendment.

I do not propose to accept amendment No. 13 as I believe flexibility is required in this section. There may be a case where, for instance, prices of minerals decrease considerably and the Minister may at short notice have to make a decision to reduce, waive or defer payments or royalties. Such a case might arise in order to keep a mine in operation and thus maintain employment. This would only be expected to arise in very limited circumstances and will require the agreement of the Minister for Public Expenditure and Reform. Deputy Stanley quoted a number of figures. He should know that there is also a corporation tax rate of 25% as well as royalties on mining licence fees and I believe the figures quoted were only royalty figures so there is additional tax as well as the tax generated from employment.

**Deputy Brian Stanley:** I welcome that the Minister is accepting amendments Nos. 8 and 11. That is positive and a welcome thing to see happen. Regarding royalties, I acknowledge that there are other benefits and that there are benefits arising from every job created, regardless of what the job is, in terms of revenue and employment and reducing the social welfare expenditure. It is always a benefit when a job is created and we want to do that. We are in favour of that and that is why we are being careful on this. In some offshore mineral extraction industries, royalties have been written off against corporation tax. I do not know if the Minister of State can clarify this, I know he is not the Minister for Finance, but I would be obliged if he or his officials could clarify this point before we proceed. Is that also the case with minerals? Are there occasions when corporation tax is written off against costs for developing mines, exploration and so on?

**Deputy Seán Kyne:** That is more a question for the Minister for Finance but we can provide clarity on that at a future point. There have been cases where royalties have been deferred but have been paid back to the State subsequently, as base metal prices recovered. That flexibility is important to ensure the viability of mines which may go through a period of months or years when there was a collapse in prices, for instance.

The royalty rates are consistent with international rates. The international rates for base metals are between 0% and 5% and Ireland's rate is between 3.75% for State minerals and about 1.5% for private minerals of net smelter return. Other countries including Sweden, Norway and Finland, do not charge royalties. Australia, which is a mining country, imposes a royalty rate of between 2% and 2.5%. As I noted earlier, there is also corporation tax.

Exploration costs and capital expenditure can be written off corporation tax but not royalties.

Amendment agreed to.

**Deputy Brian Stanley:** I move amendment No. 9:

In page 51, line 3, to delete “may” and substitute “shall”.

Amendment put and declared lost.

**Deputy Brian Stanley:** I move amendment No. 10:

In page 51, line 6, before “the” to insert “may have regard to”.

Amendment put:

<i>The Dáil divided: Tá, 22; Níl, 75; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Brady, John.</i>	<i>Bailey, Maria.</i>	
<i>Broughan, Thomas P.</i>	<i>Barrett, Seán.</i>	
<i>Crowe, Seán.</i>	<i>Brassil, John.</i>	
<i>Daly, Clare.</i>	<i>Breathnach, Declan.</i>	
<i>Doherty, Pearse.</i>	<i>Breen, Pat.</i>	
<i>Funchion, Kathleen.</i>	<i>Brophy, Colm.</i>	
<i>Kenny, Gino.</i>	<i>Browne, James.</i>	
<i>Kenny, Martin.</i>	<i>Bruton, Richard.</i>	
<i>Martin, Catherine.</i>	<i>Burke, Peter.</i>	
<i>Mitchell, Denise.</i>	<i>Byrne, Catherine.</i>	
<i>Murphy, Paul.</i>	<i>Byrne, Thomas.</i>	
<i>Nolan, Carol.</i>	<i>Cahill, Jackie.</i>	
<i>Ó Broin, Eoin.</i>	<i>Calleary, Dara.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Canney, Seán.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Cannon, Ciarán.</i>	
<i>O'Reilly, Louise.</i>	<i>Carey, Joe.</i>	
<i>O'Sullivan, Maureen.</i>	<i>Casey, Pat.</i>	
<i>Ryan, Brendan.</i>	<i>Chambers, Jack.</i>	
<i>Ryan, Eamon.</i>	<i>Collins, Niall.</i>	
<i>Stanley, Brian.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Tóibín, Peadar.</i>	<i>Creed, Michael.</i>	
<i>Wallace, Mick.</i>	<i>Curran, John.</i>	
	<i>D'Arcy, Michael.</i>	
	<i>Deering, Pat.</i>	
	<i>Doherty, Regina.</i>	
	<i>Donnelly, Stephen S.</i>	
	<i>Doyle, Andrew.</i>	

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	<i>Durkan, Bernard J.</i>	
	<i>English, Damien.</i>	
	<i>Flanagan, Charles.</i>	
	<i>Halligan, John.</i>	
	<i>Harty, Michael.</i>	
	<i>Haughey, Seán.</i>	
	<i>Heydon, Martin.</i>	
	<i>Humphreys, Heather.</i>	
	<i>Kelleher, Billy.</i>	
	<i>Kyne, Seán.</i>	
	<i>Lahart, John.</i>	
	<i>Lawless, James.</i>	
	<i>Lowry, Michael.</i>	
	<i>McConalogue, Charlie.</i>	
	<i>McGrath, Finian.</i>	
	<i>McGrath, Michael.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Madigan, Josepha.</i>	
	<i>Martin, Micheál.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moran, Kevin Boxer.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Murphy, Dara.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Murphy, Eugene.</i>	
	<i>Naughten, Denis.</i>	
	<i>Naughton, Hildegarde.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Keeffe, Kevin.</i>	
	<i>O'Loughlin, Fiona.</i>	
	<i>O'Rourke, Frank.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ring, Michael.</i>	

	<b><i>Rock, Noel.</i></b>	
	<b><i>Ross, Shane.</i></b>	
	<b><i>Scanlon, Eamon.</i></b>	
	<b><i>Smith, Brendan.</i></b>	
	<b><i>Smyth, Niamh.</i></b>	
	<b><i>Troy, Robert.</i></b>	

Tellers: Tá, Deputies Brian Stanley and Carol Nolan; Níl, Deputies Joe McHugh and Tony McLoughlin.

Amendment declared lost.

*4 o'clock*

**Deputy Brian Stanley:** I move amendment No. 11:

In page 51, line 7, to delete “at least every 8 years” and substitute “every 5 years”.

Amendment agreed to.

**Deputy Brian Stanley:** I move amendment No. 12:

In page 51, between lines 8 and 9, to insert the following:

“(6) The Minister shall issue a report to the Joint Oireachtas Committee on each review of the regulations in this section.”.

Amendment put and declared lost.

Debate adjourned.

### **Business of Dáil**

**An Ceann Comhairle:** I understand the Government Chief Whip has a proposal to put to the House.

**Minister of State at the Department of the Taoiseach (Deputy Joe McHugh):** It is proposed, notwithstanding anything in Standing Orders or the order of the Dáil of 4 July, that oral questions to the Minister for Education and Skills take place at the conclusion of the proceedings on Second Stage of the Independent Reporting Commission Bill 2017 or at 5 p.m., whichever is the later.

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

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## **Minerals Development Bill 2015 [Seanad]: Report Stage (Resumed) and Final Stage**

**Deputy Brian Stanley:** I move amendment No. 13:

In page 51, lines 10 and 11, to delete “of the Minister for Public Expenditure and Reform” and substitute “of the Oireachtas”.

Amendment put and declared lost.

**Minister of State at the Department of Communications, Climate Action and Environment(Deputy Seán Kyne):** I move amendment No. 14:

In page 51, line 35, to delete “Planning and Development Acts 2000 to 2014” and substitute “Planning and Development Acts 2000 to 2016”.

Amendment agreed to.

**Deputy Seán Kyne:** I move amendment No. 15:

In page 67, line 29, to delete “Planning and Development Acts 2000 to 2014” and substitute “Planning and Development Acts 2000 to 2016”.

Amendment agreed to.

**Deputy James Lawless:** I move amendment No. 16:

In page 73, between lines 30 and 31, to insert the following:

“(3) To facilitate the rehabilitation of mine sites, the Minister shall mandate the Environmental Protection Agency, in conjunction with local authorities, to identify historic mining sites and associated waste sites that were closed before 1977.”.

This amendment relates to the plethora of historical sites throughout the country, many of which predate the planning permission and environmental protection arrangements now in place. The logic behind the amendment is to have a survey conducted of these historical sites, to create a central register to be managed by the Environmental Protection Agency, EPA, to advise on decisions to allow for the prospect of remediation of these sites and to allow for a better informed decision-making process when considering planning permission applications and environmental remediation options for these sites in the future.

**Deputy Seán Kyne:** I thank the Deputy for raising this issue. In 2006, following incidents at active mine sites in Spain and Romania, the European Union introduced Directive 2006/21/EC on the management of waste from extractive industries. Article 20 of the directive requires member states to produce an inventory of closed mine waste facilities. The directive was transposed into Irish law by SI 566/2009, also known as the Waste Management (Management of Waste from the Extractive Industries) Regulations 2009. Article 20 of the 2009 regulations provides that the EPA shall ensure an inventory of closed waste facilities, including abandoned waste facilities which cause serious negative environmental impacts or which have the potential to become in the medium or short term a serious threat to human health or the environment, is drawn up and periodically updated. Such an inventory which was to be made available to the public was to be carried out by 1 May 2012.

In response to this requirement, a comprehensive historical mine site inventory was undertaken by the EPA, the Geological Survey of Ireland, GSI, and the exploration and mining division of my Department which carried out surveys and analyses of mine sites. The work completed was published and included drawings, maps and diagrams of each of the closed mine sites. The report on the study entitled, *Historic Mine Sites - Inventory and Risk Classification*, was produced in 2009 and has resulted in the most comprehensive inventory of closed mine sites in Ireland. Geochemical site investigations were carried out at each mine site, consisting of analysis of solid waste, surface water, ground water, stream sediments and soil. There is a detailed review of the geochemistry of each mine site studied for the project. The report classifies the sites that present the greatest threat to human and animal health and the environment. The project initially located 220 mine sites across the country at which there had been extraction of minerals using the GSI databases. Of these, 128 were screened and 110 individual mine sites were identified for inclusion in the historical mine sites study. In the historical mine sites inventory and risk classification study, 27 historical mine sites and districts were assessed using a source pathway receptor conceptual model and then scored and assigned to one of five classes. Three mine sites, at Avoca, Silvermines and Tynagh, were scored at the highest risk. The report is available on the EPA's website.

Given the existing requirement in Irish law for the EPA to maintain a list of mine waste sites and the implementation and publication of the historical mine sites inventory and risk classification study, the Deputy's objectives have already been achieved. As such, it is not proposed to accept the amendment.

**Deputy James Lawless:** That is a reasonable explanation. I am satisfied that the report has been conducted. On that basis, I will withdraw the amendment.

Amendment, by leave, withdrawn.

**Deputy Seán Kyne:** I move amendment No. 17:

In page 75, to delete lines 33 to 41, and in page 76, to delete lines 1 to 3.

Sections 137 to 139, inclusive, of the Bill address obligations under the Aarhus Convention which has been ratified by Ireland in respect of aspects of rehabilitation plans. Where any activity is permitted that may have a significant effect on the environment, the public has a right to participation and ease of access to justice to review decisions. This would normally be addressed through the planning process, but where planning is not applicable, the Minister is subject to the obligations of the convention in respect of any relevant decision. General provision is made for this in sections 203 to 206, inclusive, of Part 7 of the Bill. These sections, however, are intended to apply the same obligations where a person or body other than the Minister, that is, a person authorised under section 135, prepares, revises or adopts a rehabilitation plan. The Attorney General has advised that section 137 is no longer considered necessary and may be deleted. Environmental impacts in regard to rehabilitation plans will be dealt with through the planning process.

Amendment No. 22 is a technical amendment which has been recommended by the Office of the Attorney General on compliance with the Aarhus Convention in respect of public participation in activities which may have a significant effect on the environment. The amendment sets out the criteria that must be considered by the Minister in respect of exploration activities to determine whether they may have a significant effect on the environment and thus whether

Article 6 of the convention in respect of public participation shall apply.

**Deputy Brian Stanley:** I oppose amendments Nos. 17 to 19, inclusive, because they remove an entire section relating to a decision on whether a rehabilitation plan will have a significant effect on the environment. Amendment No. 18 removes an entire section relating to public participation. The new section defines the information relevant to the proposed decision with reference to taking account of the public interest. Amendment No. 19 inserts a new section that takes account of public participation, but it is substantially weaker than what is contained in the Bill. We welcome and support amendment No. 22 as it is a positive measure.

**Deputy Seán Kyne:** In essence, rehabilitation requires planning; therefore, the Aarhus Convention applies automatically. Section 137 is being removed on the advice of the Attorney General following the insertion of the new section which is comprehensive in dealing with rehabilitation plans.

Amendment put and declared carried.

**Deputy Seán Kyne:** I move amendment No. 18:

In page 76, to delete lines 4 to 40, and in page 77, to delete lines 1 to 38 and substitute the following:

**“Public participation in preparation and revision of rehabilitation plan**

**138.** (1) Where the rehabilitation authority proposes to prepare or, as the case may be, revise a rehabilitation plan it shall give public notice in accordance with this section and shall consider submissions in accordance with *subsection (3)*.

(2) The rehabilitation authority shall, for the purposes of *subsection (1)*—

(a) deposit in the offices of the Department of Communications, Climate Action and Environment and in one or more places to which members of the public have access that are in the vicinity of the area subject to the plan or revised plan, a map showing the boundaries of that area, together with a draft of the plan and the information on which the draft is based, and

(b) publish on the website of the Department of Communications, Climate Action and Environment, in a national newspaper and in at least one newspaper circulating in the vicinity of that area a notice stating that—

(i) the rehabilitation authority proposes to prepare or, as the case may be, revise the rehabilitation plan,

(ii) a map showing the boundaries of the area subject to the plan, together with a draft of the plan and the information on which the draft is based may be viewed at the places at which they have been deposited in accordance with *paragraph (a)*, and

(iii) the public may send submissions that meet the requirements of *subsection (3)* to the rehabilitation authority at an address specified in the notice.

(3) The rehabilitation authority shall consider any submissions that—

(a) are in writing and have been delivered to the address specified in the notice under

*subsection (2)(b)* within 21 days after the date of publication of the notice, and

(b) are relevant to the proposed plan.”.

Amendment put and declared carried.

**Deputy Seán Kyne:** I move amendment No. 19:

In page 78, to delete lines 1 to 13 and substitute the following:

**“Outcome of public participation on rehabilitation plan**

**139.** (1) Where public participation has taken place in accordance with *section 137\** the rehabilitation authority shall—

(a) take due account of the outcome of the public participation in its preparation or, as the case may be, revision, of the rehabilitation plan, and

(b) make a copy of the plan or revised plan available to the public at the offices of the Department of Communications, Climate Action and Environment and on the Department’s website.

(2) The procedure for seeking judicial review of the preparation or revision of a rehabilitation plan and the costs of any such judicial review are governed by Part 2 of the Environment (Miscellaneous Provisions) Act 2011.”.

Amendment put and declared carried.

**Deputy Brian Stanley:** I move amendment No. 20:

In page 79, between lines 15 and 16, to insert the following:

“(3) A bond shall be created by the Minister to be distributed among relevant local authorities for the purposes of repair of any public infrastructural damage caused by access and other mining activities. This bond shall be financed by means of a levy on applicable licensees.”.

We know that mining can sometimes cause a lot of damage to local infrastructure, for example, due to heavy goods vehicles going in and out of mines, with the resulting damage to roads, bridges and local infrastructure. It is important that the local authorities are protected. While there are mechanisms such as development levies, we believe these levies do not offer sufficient protection for the local authorities in terms of financing remediation of the damage done by HGVs carrying heavy loads in and out of mines. By its nature, mining is an industry which involves heavy materials being transported by road. Huge damage is caused, as we see. We are putting forward this amendment to ensure this would be recognised and provided for into the future.

**Deputy James Lawless:** While I agree with its spirit, again, I have queries about the letter of the amendment. I have seen the type of damage done to the environment and surrounding areas, to which the Deputy refers, be it in regard to mining, quarrying or landfill, with heavy goods activity or heavy engineering activity taking place at different locations. Very often, it is a case of “dig first and ask questions later” in terms of any kind of remediation or tidy-up. It has also been my experience that local authorities are not always best placed or best resourced

to manage the remediation that is needed, and sometimes the ship has sailed when they come to try to pursue the operators. However, I have been advised that the amendment may be slightly difficult to implement because the Department, acting on the Minister's behalf, may not be best placed to understand the local scene in regard to what roads remediation is necessary. Perhaps there is an argument that the councils might be better placed to do this and perhaps the planning permission process is the right way to proceed. While I support the gist of the amendment, there may be a better way to achieve it.

**Deputy Seán Kyne:** I thank the Deputy for raising the issue and understand his concern where there are major industries and damage to infrastructure. With regard to the damage caused by access and other mining activities, the relevant local authority has the key role. Mining operations are subject to planning permissions and the local authority engages with the company concerned on such issues. Planning permission is purely a matter for the relevant local authority. Outside of planning requirements, the Bill makes provision for compensation for any damage or nuisance caused by a mining licensee in section 98(1), which states:

Where the exercise of-

- (a) a right under a mining licence,
- (b) an ancillary underground right, or
- (c) an ancillary surface right,

causes a nuisance, or damage to the surface of any land or to water supplies, the licensee is liable to pay compensation for such nuisance or damage.

In addition, section 79(1) provides that the Minister may make regulations setting out a number of conditions, including financial security. Section 79(1)(r) is the relevant paragraph, and refers to, "the provision of financial security in order to ensure that the licensee can pay compensation for damages or nuisance for which he or she may be liable under *section 98*".

These sections provide that the licensee has a strict liability to pay compensation in respect of any nuisance or damage caused and that financial security can be required from a licensee to ensure compensation is paid. The provisions as set out in sections 98 and 79(1)(r) take a broader approach than the Deputy's proposed amendment in that they are not restricted to either infrastructure or a local authority. The broader nature of this provision is appropriate. A provision was contained in the Minerals Development Act 1940 whereby a licence holder was liable to pay compensation in the event of any damage to the surface of any lands. In addition, all modern mining licences currently contain a condition in respect of financial security which must be put in place to ensure such compensation is paid. Section 79(1)(r) provides the legislative basis for the provision as currently contained in the mining licences and, therefore, I do not propose to accept the amendment.

**Deputy Brian Stanley:** I have listened to the Minister of State's reply. Given water is a huge concern, I am glad that he has given assurances that section 79 of the Bill caters for that issue. With regard to the local authorities, the problem is that their planning enforcement sections are under-resourced and at times hamstrung. They are at times going after minor breaches of the planning code while major breaches are ignored. In the light of experience during the years, I believe many other representatives would concur with this. The breaches by major companies are at times not followed through as diligently because the local authority may fear it is taking

on something that is too big and which it does not have the powers to pursue. I believe this is an issue. I am happy to withdraw the amendment on the basis of the assurances given by the Minister of State, but I ask that the point be noted. We have to equip local authorities better and get them to prioritise. There are big issues to be sorted out. Much time in court and ratepayers' money is tied up in going after the small fish while the sharks are left swimming around in the pool.

Amendment, by leave, withdrawn.

**Deputy Seán Kyne:** I move amendment No. 21:

In page 98, lines 6 and 7, to delete “Planning and Development Acts 2000 to 2014” and substitute “Planning and Development Acts 2000 to 2016”.

Amendment agreed to.

**Deputy Seán Kyne:** I move amendment No. 22:

In page 98, between lines 8 and 9, to insert the following:

“(2) For the purposes of determining whether an activity may have a significant effect on the environment the Minister shall have regard to the following:

(a) the characteristics of the proposed activity, in particular—

(i) the nature and duration of the activity,

(ii) the resource requirements, in particular land, soil and water, of the activity,

(iii) the type and volume of waste produced by the activity and the method proposed for its disposal,

(iv) the measures and protocols proposed in order to minimise environmental impact and the risk of potential pollution or nuisance;

(b) the location and zone of influence of the proposed activity, with particular regard to—

(i) any area proposed as a natural heritage area and the subject of a notice made under section 16(1) of the Wildlife (Amendment) Act 2000,

(ii) any area designated as, or proposed to be designated as, a natural heritage area by a natural heritage area order made under section 18 of the Wildlife (Amendment) Act 2000,

(iii) any nature reserve established or proposed to be established under an establishment order made under section 15 (as amended by section 26 of the Wildlife (Amendment) Act 2000) of the Wildlife Act 1976,

(iv) any nature reserve recognised or proposed to be recognised under a recognition order made under section 16 (as amended by section 27 of the Wildlife (Amendment) Act 2000) of the Wildlife Act 1976,

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(v) any refuge for fauna or flora designated or proposed to be designated under a designation order made under section 17 (as amended by section 28 of the Wildlife (Amendment) Act 2000) of the Wildlife Act 1976,

(vi) national parks, and

(vii) national monuments (within the meaning of section 2 of the National Monuments Act 1930);

(c) the likely impact of the activity on the environment, in particular on—

(i) surface water and groundwater, including the risk to human health from contamination of water sources,

(ii) any area designated as a special area of conservation pursuant to Regulation 14 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011), and

(iii) any areas designated by the State as special protection areas pursuant to Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds.”.

Amendment agreed to.

**Deputy Seán Kyne:** I move amendment No. 23:

In page 99, line 16, to delete “Planning and Development Acts 2000 to 2014” and substitute “Planning and Development Acts 2000 to 2016”.

Amendment agreed to.

**Deputy James Lawless:** I move amendment No. 24:

In page 104, between lines 27 and 28, to insert the following:

**“Research and Revitalisation**

**215.** (1) The Minister may undertake, commission, sponsor or facilitate research directed towards—

- (a) exploring for minerals,
- (b) developing minerals,
- (c) rehabilitating mine sites,

in the State and such area to which this Act applies, including, but not limited to, the following:

- (i) identifying the mineral potential of extractive waste;
- (ii) exploring the recycling, reusing or reclaiming of extractive waste, where this is environmentally sound;
- (iii) identifying practices that will facilitate the protection of the environment;

(iv) the potential to improve remediation of the mine and associated waste as part of a process of revitalisation.

(2) Any proposals emanating from this section which involve the revisiting of formerly disused sites shall engage in a period of public consultation prior to activity commencing at that site. During this period of consultation, members of the public and other interested parties shall be free to submit their views on the proposals.”.

The amendment has a broad and specific purpose, namely, to achieve a degree of reuse of abandoned mines. It follows from conversations with the Science Foundation Ireland centre, iCRAG, in regard to the dormant potential of abandoned mines, where rare earth minerals which were once thought to be of no use were included in tailings. Some of the material that was essentially thrown away or left behind is now understood through research to be of great value in the electronics industry and elsewhere. There may be significant merit to revisiting some of these mine sites to investigate their potential. In parallel, where there may have been less than perfect clean-up or closedown of these sites in the past, there is an opportunity to revisit them, both to re-extract commercial or valuable minerals still contained within the tailings and also to avail of the opportunity to remediate and do a better job on clean-up. This also ties in very much with the idea of the circular economy whereby, rather than doing everything from scratch, we re-use, revisit and recycle. To take something that was considered waste and turn it into something that is valuable in every sense is a very valuable thing to do.

That is the specific purpose of the amendment. As Fianna Fáil spokesman on research, I believe every Department should encompass a research element to its work. The broader concept of the amendment is to support and facilitate this in legislation in that the Minister and the Department would have a remit to commission or sponsor research along the lines of the various mineral rehabilitation opportunities that still present at some of these sites. The amendment states “any proposals emanating from this section which involves the revisiting of formerly disused sites shall engage in a period of public consultation prior to activity commencing at that site”. This is to assuage the concerns of local communities that there might be activity on a site that was thought to be closed down. It is recommended in the subsection of the amendment that there be a public consultation exercise to ascertain the views of the community and stakeholders prior to anything significant proceeding on such sites. I commend the amendment to the House.

**Deputy Brian Stanley:** I welcome the amendment which is very positive. We have obtained information in recent years which was not previously available on the potential of extracted waste. In the past mining was not as refined or as sophisticated as it is now. Certainly, people involved in the industry say there is much potential in the extracted waste that may be lying in mines or on mine sites throughout the country. The measures proposed for remediation are very important. I concur on the benefits for what the Minister termed the circular economy of reusing to gain further benefits from what has been extracted. The amendment is good for the environment and very good from an economic point of view and we certainly will support it.

**Deputy Seán Kyne:** I thank Deputy James Lawless for his amendment. He raised the issue on Second and Committee Stages. Under existing minerals legislation, State mining leases require the lessee to work minerals fully under the lease terms. It should be said the modern mines at Navan, Lisheen and Galmoy are better equipped to extract the full mineral potential of the mine material than older mine sites. There is some industry interest in reworking mine waste on legacy mine sites. However, this is at an early stage and will be driven by the economic potential.

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In 2015 the Geological Survey of Ireland commissioned a short call project, an economic assessment of Irish mining waste, to be undertaken by Aurum Exploration Services. The project aimed to analyse samples from mine waste sites throughout Ireland. Of the nine sites sampled, Avoca returned the most positive results. The study recommended further analysis of waste dumps at Avoca. Unfortunately, the majority of historical mine sites sampled were reported to have no economic value. The provisions of the Bill facilitate the potential reuse of abandoned mines and associated waste. The definition of minerals in section 2 of the Bill includes all substances, including scheduled minerals that occur naturally in or on land or that occur in extracted waste.

Deputy James Lawless' amendment identifies an omission in the Bill, as published, on the important role of the Minister in promoting sectoral research and innovation. While the Department has commissioned research such as the Aurum report and facilitated research activities such as iCRAG on an administrative basis, it is important that this role be formalised in the Bill.

The amendment also identifies two new focuses for research - research into recycling, re-using or reclaiming extracted waste where this is environmentally sound, thus supporting the concept of the circular economy, and research that may create opportunities where the reuse of mine waste could contribute to the rehabilitation of a legacy mine site.

I note the Deputy's concerns that communities in areas where there is legacy mining may wish to express their views on potential research in this area and he has provided a mechanism for same. I commend him for his work on the issue and propose to accept the amendment.

**Deputy James Lawless:** I thank the Minister and Deputy Brian Stanley for their support of the amendment. I am very happy to see it accepted.

Amendment agreed to.

**Deputy Seán Kyne:** I move amendment No. 25:

In page 112, to delete lines 19 to 27 and substitute the following:

**“Amendment of Continental Shelf Act 1968**

**244.** The Continental Shelf Act 1968 is amended—

(a) by substituting the following for section 4:

**“Application of Minerals Development Acts 1979 and 2017 and Petroleum and Other Minerals Development Acts 1960 and 1995**

**4.** (1) The Minerals Development Acts 1979 and 2017 apply to any minerals (within the meaning of those Acts) within a designated area.

(2) The Petroleum and Other Minerals Development Acts 1960 and 1995 apply in relation to petroleum (within the meaning of those Acts) within a designated area.”,

(b) in section 5 (inserted by section 5 of the Energy (Miscellaneous Provisions) Act 1995)—

(i) in subsection (1), by deleting the definition of “relevant Minister”,

(ii) in subsection (2), by deleting “and the Minister for the Marine”,

(iii) by inserting after subsection (2) the following:

“(2A) The Minister shall consult with the Minister for Transport, Tourism and Sport in relation to safety of navigation before granting his consent under this section.”,

(iv) in subsection (3), by substituting “The Minister” for “A relevant Minister”,

(v) in subsection (5), by substituting “the Minister” for “the Minister for the Marine”,

(vi) in subsection (6)—

(I) in paragraph (a), by substituting “the Minister” for “a relevant Minister”,

(II) in paragraph (c), by substituting “The Minister” for “A relevant Minister”, and

(III) in paragraph (d), by substituting “the Minister” for “the relevant Minister”,

(vii) in subsection (7), by substituting—

(I) “the Minister” for “a relevant Minister”,

(II) “the Minister” for “that Minister”, and

(III) “the Minister” for “the relevant Minister”,

(viii) in subsection (9), by substituting—

(I) “the Minister” for “a relevant Minister, being the Minister”, and

(II) “the Minister” for “that Minister” in each place that it occurs,

(ix) in subsection (10), by substituting—

(I) “the Minister” for “a relevant Minister, being the Minister for the Marine”, and

(II) “the Minister” for “that Minister” in each place that it occurs,

(x) in subsection (11), by substituting “the Minister” for “the relevant Minister”,

(xi) in subsection (12), by substituting—

(I) “the Minister” for “a relevant Minister”, and

(II) “the Minister” for “that Minister”,

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and

(xii) in subsection (13), by substituting “the Minister” for “a relevant Minister”,

(c) in section 7(1), by substituting “The Minister” for “The Minister for Energy, with the consent of the Minister for the Marine,”, and

(d) in section 12(1), by deleting—

(i) “or the Minister for the Marine”, and

(ii) “or the Minister for the Marine (as the case may be)”.

Amendment agreed to.

Bill, as amended, received for final consideration.

Question proposed: “That the Bill do now pass.”

**Minister of State at the Department of Communications, Climate Action and Environment (Deputy Seán Kyne):** I thank the officials from the Department. I also thank the members of the Oireachtas committee and its Chairman, Deputy Hildegard Naughton, for their work on Committee Stage. I thank Deputies James Lawless and Brian Stanley, in particular, who have sat through all Stages of the Bill. I also thank all those involved on Second and Committee Stages. The Second Stage debate provided a valuable insight into concerns and opportunities associated with the Bill. I acknowledge the work of previous colleagues in the Department. I acknowledge the Minister, Deputy Denis Naughten; the Minister of State, Deputy Joe McHugh; the former Minister Pat Rabbitte and others involved in dealing with the Bill which had a gestation period of 11 years.

**An Ceann Comhairle:** It did not take the Minister of State long to get it off the ground when he hit the Department. Well done to him.

Question put and agreed to.

### **Independent Reporting Commission Bill 2017: Order for Second Stage**

Bill entitled an Act to make provision in relation to the Independent Reporting Commission established by the Government and the Government of the United Kingdom of Great Britain and Northern Ireland under the Agreement between those Governments done at Dublin on 13 September 2016 and to provide for related matters.

**Minister for Justice and Equality (Deputy Charles Flanagan):** I move: “That Second Stage be taken now.”

Question put and agreed to.

## **Independent Reporting Commission Bill 2017: Second Stage**

**Minister for Justice and Equality (Deputy Charles Flanagan):** I move: “That the Bill be now read a Second Time.”

I am very pleased to present the Bill to the House. It has been brought forward to give effect to one of a number of commitments arising under the Stormont House Agreement implementation plan, known as the Fresh Start agreement. Deputies will recall that in September 2015 the Irish and British Governments convened a talks process in Northern Ireland to address the issue of implementation of the Stormont House Agreement of 2014, as well as trust and confidence issues stemming from the legacy of paramilitarism in Northern Ireland that had led to difficulties at the Northern Ireland Executive in the course of 2015. Following ten weeks of talks, the Fresh Start agreement was concluded on 17 November 2015. The agreement provides a road-map for implementation of many aspects of the Stormont House Agreement of 23 December 2014, including measures to support institutional reform at the Northern Ireland Assembly and the Executive, as well as financial and welfare reform in Northern Ireland. The agreement also sets out a strategic approach to ending paramilitarism in Northern Ireland and tackling organised crime, especially cross-Border crime. It contains a firm commitment to achieve a society free of paramilitarism, to work for the disbandment of all paramilitary organisations and their structures and to challenge paramilitary attempts to control communities.

An important thread that ran through the talks was the need to tackle the legacy of paramilitarism in Northern Ireland on a cross-cutting basis, if you will, to see it as a whole of society issue, rather than solely through the lens of security and policing. In that regard, among the key elements of the agreement is the establishment of a joint agency task force as provided for in the agreement. The task force is a cross-Border, multi-agency body which has been established to enhance co-operation between police, revenue and other law enforcement agencies, at both strategic and operational levels, in tackling cross-Border organised crime. It is led by the police and revenue services in both jurisdictions. It has been taking forward a range of targeted actions to tackle serious criminal activities which exploit the Border and impact, in particular on Border communities.

Another key element is the Northern Ireland Executive’s strategy to end paramilitarism. In line with the agreement, the Executive appointed an expert panel to develop recommendations for the disbandment of paramilitary groups. The panel comprised Lord Alderdice, Professor Monica McWilliams and Mr. John McBurney. It reported to the Executive in June 2016. Based on the panel’s report, the Executive published its action plan on tackling paramilitary activity, criminality and organised crime on 19 July 2016.

The action plan adopts an Executive-wide strategic approach to measures aimed at ending paramilitary activity, including measures to promote a culture of lawfulness, to support persons moving away from paramilitary activity to do so, to tackle criminality linked to paramilitaries and to address broader societal challenges, such as educational and economic disadvantage that can be exploited by paramilitarism.

The Fresh Start agreement also provides for the establishment by the two Governments of a body to monitor and report on the implementation of the various measures in the agreement aimed at ending paramilitary activity in Northern Ireland. This body is the Independent Reporting Commission. In my previous capacity as Minister for Foreign Affairs and Trade, I signed an international agreement between Ireland and the United Kingdom on the establishment of

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the Independent Reporting Commission on 13 September 2016. The agreement, which is included in the Schedule, outlines the agreed structure, functions, objectives and other necessary arrangements for the commission. The Bill before the House will provide for these in law. It is the intention that reporting on the implementation of the Executive's action plan will be a priority for the commission to help to support and to ensure its implementation by the Executive.

The Bill has 12 sections which provide for the establishment of the commission in accordance with the terms of the international agreement between Ireland and the United Kingdom.

Section 1 contains the definitions of terms used. Section 2 provides for the establishment and status of the commission as an independent body with the legal capacity of a body corporate. Section 3 articulates the objective and functions of the commission. These are set out in the agreement between the Governments establishing the commission and they follow directly from the Fresh Start agreement.

The commission's primary objective is the promotion of progress towards ending paramilitary activity connected with Northern Ireland in the interests of long-term peace and stability in society, and stable and inclusive devolved government in Northern Ireland. Regarding the functions of the commission in dealing with the remaining threat of paramilitary activity, the commission will report on the progress being made towards ending continuing paramilitary activity connected with Northern Ireland.

Section 4 provides that the Minister will provide the commission, on a basis to be determined by the Government, with funding, premises, facilities and other services as may be necessary for its proper functioning. The costs of the commission will be shared between the Governments.

Section 5 provides for the necessary privileges, immunities and inviolabilities of the commission. These provisions are particularly important given the sensitivity of some of the matters with which the commission will be dealing.

Section 6 sets out certain duties for the commission in the performance of its functions, notably that it will not do anything that might put at risk the life or safety of any person, have a prejudicial effect in Ireland or the United Kingdom on national security interests, legal proceedings, or the prevention, investigation, detection or prosecution of crime. These provisions in sections 5 and 6 are particularly important given the obviously sensitive nature of the matters with which the commission will be dealing. They are also important in ensuring there is no unintentional interference with the work of An Garda Síochána and the PSNI in their ongoing work to tackle paramilitary groups and criminal gangs.

Section 7 provides for controls on the disclosure of information obtained in the performance of their functions, unless authorised by or on behalf of the commission. It also facilitates cooperation between the commission and An Garda Síochána. The lifespan anticipated for the commission in the course of the Fresh Start agreement talks was about five years. Section 8 provides for the future dissolution of the commission by mutual agreement of the two Governments.

Section 9 amends the Freedom of Information Act 2014 to preclude the application of the Act to the commission. This is required by the nature of the sensitive information with which the commission will deal.

Section 10 provides for the laying of the commission's reports to the two Governments before the Houses of the Oireachtas. The commission will report at least annually. Sections 11 and 12 are standard provisions for legislation relating to the expenses arising being paid out of moneys provided by the Oireachtas, as well as the Short Title and commencement arrangements.

As provided for in the Fresh Start agreement, the commission will be a four-member body. The Governments and the Northern Ireland Executive have advanced matters by nominating the four commissioners. The Irish Government has nominated Mr. Tim O'Connor, a former Secretary General to the President and a respected former diplomat. The British Government has nominated Mr. Mitchell Reiss, the US special envoy to Northern Ireland between 2003 and 2007. The Northern Ireland Executive has nominated Mr. John McBurney, a well known and respected Northern Ireland solicitor and Professor Monica McWilliams, who has a long experience in politics and public service in Northern Ireland. Mr. John McBurney and Professor Monica McWilliams were members of the Executive's expert panel on the disbandment of paramilitaries which reported in June 2016. All four nominated commissioners have extensive experience of the situation in Northern Ireland. They will have the full support of the Irish and British Governments and of the parties in Northern Ireland in bringing forward their work.

There is an ongoing process of talks at Stormont aimed at establishing the Executive following the Assembly elections earlier this year. While much progress has been made in reaching agreement on a range of important issues, it has not yet proved possible to finalise an agreement which will facilitate the formation of the Executive for the time being. That is, of course, a disappointment shared by every Member. The Government maintains its strong, ongoing commitment to the success of the institutions established by the Good Friday Agreement and we will continue to play our full part in supporting the resumption of power-sharing in Northern Ireland. My successor, the Minister for Foreign Affairs and Trade, Deputy Coveney, has encouraged all the parties in Northern Ireland to maintain contact with each other over the coming weeks with the aim of securing agreement.

The Bill is not without precedent. It follows in many respects the arrangements successfully put in place in regard to other bodies established to further the objectives of the Good Friday Agreement, notably the Independent Monitoring Commission. The Independent Reporting Commission will have an important role to play in bringing forward work aimed at bringing an end to paramilitarism and its insidious legacy which impacts on all communities in Northern Ireland.

I commend the Bill to the House.

**Deputy Declan Breathnach:** It is the first occasion on which I can publicly thank the Minister, Deputy Charles Flanagan, for his work as Minister for Foreign Affairs and Trade. I wish him well in his current role in the justice ministry.

Fianna Fáil supports this legislation which is one of the key outcomes of the Fresh Start agreement of November 2015. The Bill creates a new monitoring body to review and report on any paramilitary activity in Northern Ireland. It is a sad reflection on both Sinn Féin and the DUP that such a body is still required almost 20 years on from the Good Friday Agreement. The peace process was always about more than the absence of violence. However, the zero-sum attitudes taken by the two main parties, which has led to the current impasse in Stormont, has hobbled the immense potential and optimism of the Good Friday Agreement.

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This sterile political environment has allowed paramilitaries to continue to blight Northern Ireland in both communities. This Bill was necessitated by the MI5-PSNI confirmation of the continued existence of the IRA and its role in formulating Sinn Féin policy. Sinn Féin has fundamental questions to answer around its links to the IRA which has no part in a democratic state. It is now time for Sinn Féin and DUP to move beyond tribal partisanship and work to ensure Northern Ireland is capable of addressing the most important challenge of our lifetime, namely, Brexit. The existence of the IRA, its highly lucrative criminal network and role in setting the political agenda raises fundamental questions for Sinn Féin. It must ensure there is no role for such armed groups in a democratic state. That we are still dealing with paramilitarism in 2017 is a sad reflection on Northern politics. The *rigor mortis* of the approach of both Sinn Féin and the DUP has stifled development and fostered deepening cynicism that is leaving many communities behind. These communities are ripe territories for paramilitary groups from which to operate. The current crisis is the latest in an exhausting series of difficulties. In the face of Brexit, the most serious geopolitical challenge this island has faced in generations, the Northern Executive remains in deep freeze. The parties have to get their act together and find a compromise, recognising that it involves movement on both sides.

The purpose of the IRC is to promote progress towards ending paramilitary activity connected with Northern Ireland in the interests of long-term peace and stability and stable and inclusive devolved government in Northern Ireland. An international agreement between the Irish and British Governments was signed on 13 September 2016 and provides for the establishment of the IRC as an independent body. The IRC will need to be established in the domestic law of each jurisdiction, as appropriate. The nominations for the membership of the IRC have been announced by the Irish and British Governments and the Northern Ireland Executive. We in Fianna Fáil welcome the nominations. The names have been mentioned by the Minister.

In July 2005 the IRA formally ended its armed campaign and ordered all volunteers to assist in the development of purely political and democratic programmes through exclusively peaceful means. It stated volunteers must not engage in any other activities whatsoever. It subsequently decommissioned in September 2005. The St. Andrews Agreement, dated October 2006, saw Sinn Féin agree to the PSNI and the re-establishment of the Northern Assembly in May 2007 following its suspension in 2003 after the Sinn Féin spy ring controversy. In the intervening years, however, a number of serious incidents occurred that underline the fact that the IRA has not, as Deputy Gerry Adams said, “gone away”. Events such as the brutal murder of Paul Quinn in October 2007 in County Monaghan, revelation of the systematic cover-up of sex abuse in republican ranks and the recent tit-for-tat murders expose a continued presence.

The political crisis that led to the 2015 Fresh Start agreement arose from the investigation into the murder of Kevin McGuigan in 2015 which was believed to have been in retaliation for the murder earlier that summer of Jock Davison, a senior republican involved in the murder of Robert McCartney in 2005. The investigation revealed the PSNI’s belief the IRA continued to exist and was possibly involved in the murder. Subsequently the Garda Commissioner backtracked on a February 2015 letter to state her belief the IRA existed. The former Secretary of State for Northern Ireland Theresa Villiers also confirmed that she believed it existed. The Sinn Féin Northern chair Bobby Storey was arrested but not charged in connection with the murder. It is not credible for Deputy Gerry Adams or any other member of Sinn Féin to say Sinn Féin has “no special responsibility” for the IRA. They are one and the same and any objective commentator or historian recognises that, behind the spin, that is a fact.

In October 2015 MI5 and the PSNI issued a report on paramilitary activity that had been re-

quested following the McGuigan murder. It reached very disturbing conclusions about the continued existence of the Provisional IRA, its army council and ongoing role in criminality and the belief of Provisional IRA members that the army council set out strategy for both the IRA and Sinn Féin. That the army council decides Sinn Féin strategy is profoundly anti-democratic as it means that a political party operating in both jurisdictions is being directed by an illegal armed gang. There is absolutely no space for this in any democracy.

A separate Garda report set out how €28 million worth of criminal assets had been extracted by the Criminal Assets Bureau from 50 IRA members since 1996. This is part of a broader criminal empire worth a total of €500 million, or €70 million per annum. One has to ask where this money goes.

Northern Ireland remains engulfed in yet another political crisis that has led to a protracted paralysis in the institutions. The lack of progress in getting the institutions up and running is deeply disappointing and underlines our concerns that zero-sum politics is sustaining fertile ground for paramilitaries.

Let me mention some paramilitary incidents involving both loyalist and republican groups. A report entitled, Police Recorded Security Situation Statistics, makes for alarming reading in regard to paramilitary activity on both sides. In 2007-08, one death due to paramilitary activity was recorded, whereas in 2016-17 the number was five. In 2007-08 there were 42 shooting incidents, whereas there were 61 in 2017. In 2007-08 there were 23 bombing incidents, whereas there were 29 in 2016-17. In 2007-08 there were 45 casualties of paramilitary-style assaults, whereas there were 66 in 2016-17. The list goes on, with the exceptions being reductions in the numbers of firearms, rounds of ammunition and quantities, in kilograms, of explosives found. These statistics, in themselves, show the uncertainty, instability and the continuing paramilitarism that needs to stop. That is why Fianna Fáil welcomes this legislation.

Owing to the tight numbers in the House of Commons, the Tory Government is reliant on DUP support. The DUP has secured a deal that will see £1 billion over two years and further flexibility, amounting to around £500 million, already committed to. The deal appears to bypass the Barnett formula used in allocating funding across the component nations of the United Kingdom. This has drawn criticism from other devolved administrations. We hope there will be a focus on the key Stormont House Agreement and Fresh Start agreement measures, with the emphasis being placed on projects such as the A5 motorway to Derry which will be a key piece of infrastructure that will benefit the north west of the country. In addition, the Narrow Water bridge project, in my county, should be completed, using some of the moneys to be made available. It would be of great benefit to counties Down and Louth, in particular, given the tourism opportunities offered. The Irish Government should uphold its commitment in respect of these measures.

The botched renewable heat incentive scheme which could cost up to £490 million acted as the catalyst for the crisis. Behind the immediate problems, however, lies a deeper malaise that has afflicted the institutions in recent years. The political system has to move on from this addiction to crisis politics. In the past few years there have been annual problems with the institutions, punctuated by a series of new agreements and arrangements designed to keep the system ticking over. Since 2013 alone, there have been the Haass talks, the Stormont House Agreement and the Fresh Start agreement which aim to reinvigorate a stagnant political process. History has shown it requires both Governments to engage fully and honestly to keep the peace process moving forward. The DUP's leverage cannot be allowed to stymie progress and

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undermine long-established British policy for the sake of short-term political gain.

*5 o'clock*

**An Ceann Comhairle:** I ask Deputy Breathnach-----

**Deputy Declan Breathnach:** I am just about to finish.

**An Ceann Comhairle:** I ask Deputy Breathnach to propose to the adjournment of the debate.

**Deputy Declan Breathnach:** Yes, I am just finishing my sentence. I will do that.

Likewise, Sinn Féin has painted itself into a corner and must have the honesty to agree a way out of this impasse. With Brexit looming, all parties and none need to work together to ensure that there is no hard Border. It is time for real maturity and leadership for all on this island.

If time has expired, though I think it has not-----

**An Ceann Comhairle:** It has not. I misread my own note.

**Deputy Declan Breathnach:** I thank the Ceann Comhairle. In the interest of letting the debate continue, I will conclude.

**An Ceann Comhairle:** I call Deputy Nolan, who is sharing time with Deputy Martin Kenny.

**Deputy Carol Nolan:** Gabhaim buíochas leis an gCeann Comhairle as ucht an deis labhairt ar an mBille seo inniu. I take this opportunity to wish Deputy Flanagan well in his new role as Minister for Justice and Equality.

I welcome this Bill, which gives effect to the international agreement between the Irish and British Governments in September last year to establish the Independent Reporting Commission. The Independent Reporting Commission mechanism was agreed as part of the Fresh Start agreement in November 2015, which Sinn Féin negotiated and supported along with other parties. All and any steps that contribute to the ending of violence and criminality on our island are to be welcomed. The establishment of the Independent Reporting Commission is a positive step forward in that regard.

Its objective, as outlined in section 3 of the Bill, is to support long-term peace and stability. No one in this House can argue against that objective. It is what all of us want to see: peaceful communities and a peaceful country. There are those, however, who do not want to see that objective fulfilled. The continued activity of so-called paramilitary groups impedes the development of peace and imposes hardship and inflicts great harm on citizens and communities. The Bill before us this evening quite rightly reflects the need for greater all-Ireland co-operation to tackle crime and criminal activity. I welcome the realisation from both Governments and all parties, North and South, that we are better able to tackle issues like this on an all-island basis.

The argument has been made here many times that together we are better equipped to tackle the big issues that face all on the island. Sinn Féin is totally and absolutely opposed to criminality of all kinds and we stand with communities across this island, with An Garda Síochána and the PSNI in opposing criminal gangs and criminality in all its forms. As a consequence, Sinn Féin members' homes and families have been attacked. Our party will continue to try to reach

out to others and to robustly face down violent loyalism and so-called republican dissidents.

Despite that fact, there have been deliberate efforts to criminalise and demonise republicans, Sinn Féin activists and other citizens, especially those in cross-Border communities in places like south Armagh and north Louth. Contrary to the image portrayed by some elements in the media and some in this place, such portraits are a fallacy, conjured up for the purposes of pathetic political point-scoring. There is no doubt that criminal gangs who masquerade as republicans for whatever reason exist. They are not republicans. They are criminals. No doubt, the Independent Reporting Commission will come to that same conclusion.

There is also a major problem relating to ongoing loyalist paramilitary violence, which should concern us all. The recent killing of a man in Bangor, purportedly as a result of a feud within the UDA, is deeply concerning and there can be no room for such grievous acts in a civilised society. I urge those involved to stop and to stop now in the interests of all citizens.

The Independent Reporting Commission is a mechanism on which we can all agree. It was agreed as a result of all-party talks and agreement between both Governments. The latest round of talks in the North has regrettably not proven successful, despite the very best efforts of Sinn Féin to find agreement with the DUP, the other parties and the two Governments on outstanding issues. It is disappointing but perhaps not surprising that a deal has not been done. Such a result is a direct consequence of the British Prime Minister, Theresa May, supporting the DUP and the DUP supporting her. It is a monumental failure by her and her Government. Decades of work are being put on hold to keep her in power.

It should be very clear by now that a restored assembly and Executive is only sustainable and tenable if it is based on fairness, respect and equality. The rights-based issues, whether they be Acht na Gaeilge, a bill of rights, marriage equality or the rights of families to coroners' inquests, independent investigations and information recovery, are not solely Sinn Féin demands. They are citizens' demands. They are basic rights that are protected in England, Scotland, Wales and the rest of Ireland. The denial of these rights would not be tolerated elsewhere on these islands and therefore should not be tolerated in the North. However, the British Government is prepared to facilitate such a failure because it is in hock to the DUP. It is prepared to say "No" to fundamental human rights to appease its partners in the DUP. It is totally unacceptable. Sinn Féin was, and is, prepared to work through the issues involved. We will continue to try to do that but we will not tolerate the denial of basic human rights.

It should not be a shock to anyone that unionist parties want to delay nor that they come to the issues of rights slowly and reluctantly but they cannot do that forever. The reality is the Sinn Féin electorate will not consent to be governed by the DUP on the DUP's terms. We do not and would not expect the DUP electorate to consent to be governed by us on Sinn Féin's terms. Therefore, it is really quite simple. It is all about rights. It is about equality and respect. It is all about agreement and on how these rights are to be delivered. That is the only way to get the institutions back in place. We have said that very directly to the DUP. We have said the same thing to the British Government. Mrs. May is prepared to tolerate in the North the denial of rights that are enjoyed everywhere else on these islands. That is not acceptable to us, nor will it ever be. It should not be acceptable to anyone else and we look especially to the Taoiseach to make this clear to Theresa May.

**Deputy Martin Kenny:** To be honest, I was not going to speak on this Bill at all. I was up in the office watching on the monitor and listening to Deputy Breathnach. While I was angry

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for a moment, it soon turned to regret that Fianna Fáil Members have come to a place at which they see any opportunity to speak about this conflict as an opportunity to attack Sinn Féin. To go to such places as to talk about child sex abuse in the context of a debate of this nature displays something that Fianna Fáil certainly should be well above at this stage as the political party that has been in power for so long in this country. It is more than disappointing that this is where it is.

**Deputy Declan Breathnach:** Criminality.

**Deputy Martin Kenny:** The truth is that the conflict in Ireland has thousands of different dimensions to it - not one, but thousands. Thousands of people were hurt and thousands of people made an effort to take us to a different place. Many of us from a republican community worked very hard to engage and do everything we could to bring things forward. We went into the hard places and sat in rooms to talk to the people who were totally opposed to our position. We moved things forward. We did that in a sense of generosity. We held our ground when we had to, moved forward and brought people to a new place in this country. We will not be ridiculed in the way that Fianna Fáil has done so today.

**Deputy Declan Breathnach:** Some of you.

**Deputy James Lawless:** Facts.

**Deputy Martin Kenny:** It would do Deputy Breathnach no harm to spend a bit more time North of the Border. We see people's judgment of these things reflected in the elections. In the last election, Fianna Fáil, Fine Gael and Labour supported the SDLP. Where is the SDLP? The people made their choice. If the people of the North are so wrong to support Sinn Féin, then Deputy Breathnach needs to go and learn a little bit from them because that is not the case.

**Deputy Declan Breathnach:** Do not lecture me.

**Deputy Martin Kenny:** The truth of it is that the Irish people have decided that peace is the way forward. That is a peace with justice, not a peace for any sake. I am not here to try to say that republicans were correct in everything they did throughout the conflict. That is not the case. However, we are certainly not going to be attacked by a political party whose only motivation in all of these things is to gain political points, score strokes and pull little fast ones for themselves and their cronies. That day is over. We are moving to a new politics in this country and it is time we did so.

**Deputy James Lawless:** We are shining a light.

**Deputy Martin Kenny:** The power-sharing Executive that we have had in the North for the past number of years has not been about power-sharing. From a unionist point of view, it has been about power-dividing and about dividing up power and people. That is what we want to end and we will stand firm to ensure this does end. Acht na Gaeilge and the other issues are about not just respect for the Irish language but respect for Irish identity. That is the key thing Acht na Gaeilge represents. Anyone who spends any time up there can understand this is what this is about and this is why we have stood so firm with regard to that.

The other issues that are still outstanding with regard to the talks in Northern Ireland are issues that make a big difference to ordinary people's lives - issues relating to rights. If people have rights in one part of this island, they should have rights in all parts of this island and we

will stand firm to make sure this will happen.

We support the Independent Reporting Commission because it is one of the conclusions of an agreement that was put in place by all parties to the conflict, all parties in Northern Ireland and the British and Irish Governments, which have a responsibility to stand over it and make sure these things are put in place. If we are to move forward, Fianna Fáil and other political parties in this arena must realise that the old days of just throwing dirt around must end. We need to grow up and recognise that the Irish people have a future, their future is at stake and we cannot continue in this manner.

**Minister for Justice and Equality (Deputy Charles Flanagan):** I thank the Deputies for their contributions to the debate on this Bill. I acknowledge the broad support that has been expressed for the Bill and the objectives of the Independent Reporting Commission. I also acknowledge the traditional cross-party support of this House for measures that have been brought forward over the years in support of the process of seeking peace and the ongoing process of reconciliation in Northern Ireland building on the many initiatives and the achievements of all Governments throughout the decades of the Troubles and since then. I am very pleased to see the cross-party approach being maintained here this evening. I acknowledge the contribution of Deputy Breathnach, the support of his party and the interest the Deputy has shown in this issue over a long number of years. I acknowledge that he represents the constituency of Louth along a Border area so it comes as no surprise that he has a deep interest in matters pertaining to Northern Ireland. I acknowledge the contribution of Deputy Nolan. I do not suppose it is premature of me to say that we are now constituency colleagues in a way that happened suddenly and without notice. I look forward to working with Deputy Nolan as both of us strive to represent the enlarged constituency of Laois-Offaly, which I had the pleasure of representing for a long number of years. I did not expect that I would have the opportunity to represent it again so soon. No doubt, Deputy Nolan and I will meet outside the House in a way we have not done to date, representing as we do different constituencies. I acknowledge the comments of Deputy Martin Kenny, who, again, is a new Deputy representing the important Border constituency of Sligo-Leitrim. He also brings a wealth of experience to the House in terms of day-to-day life in Border areas. There are many issues we have in common in terms of the economic and social well-being of people in Border areas.

I regret that the talks of recent weeks have not produced the restoration of the Executive and a working assembly, as we would have hoped. I note that the talks have been paused for a few weeks but I encourage all parties involved to go that extra mile in pursuance of what were the objectives of the people of Northern Ireland when they voted as far back as 2 March 2017. They voted for an assembly and an Executive. They voted to not only elect their politicians but to have these politicians work for them at Executive and assembly level. I know there are parties here that could be in a position to exercise a greater degree of influence on the talks and on others and I appeal to them to ensure that the Executive can be re-established and the assembly restored at the earliest opportunity, not least because of the economic and social well-being of the people of Northern Ireland, but also because of the urgency and importance of the withdrawal of the United Kingdom from the European Union. I am sure we will have an opportunity to resume debate on these important issues.

Deputy Breathnach made reference to the security assessment of the status of the Provisional IRA. The assessments relate to security issues and not to any political conclusions that might be drawn from them from time to time but it is important that those who have been committed to democratic principles all our lives make one thing clear. This is that the legacy of the

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Provisional IRA is appalling and those with whom it was inextricably linked cannot shirk their responsibilities with regard to it. Neither is it acceptable on any part of this island for anyone for whatever reasons to seek to retain the substance or indeed the shadow of a gunman in any respect. These assessments raise deeply troubling issues about the legacy of paramilitarism and I know that this important legislation will go some way towards ensuring that the objectives of the Independent Reporting Commission are realised.

I also stress that the Bill gives full effect to underlining the strong importance we all attach to the continued positive developments in politics, society and across the economy of Northern Ireland which, of course, is of great benefit to the people of this island but particularly to communities along the Border area that have been blighted and suffered economic disadvantage. I acknowledge the superior experience and first-hand knowledge of Deputies like Deputies Breathnach and Martin Kenny, whose constituencies are in close proximity to Northern Ireland.

I thank Members for their contributions. In commending the Bill to the House, I refer to the fact that it was my wish, which I know is shared, that we would complete this legislation in its entirety prior to the summer recess. I wish to inform the House that there is all-party agreement in that endeavour and I hope we might be in a position to complete Committee and Remaining Stages during a short period next week, subject to the Business Committee and having regard to the fact that we have had a discussion on the Bill by interested parties on Second Stage, because we are dealing with an international treaty. I do not expect, and I am sure Members of the House can confirm, that we will not have amendments but this is not an issue we can decide now. However, I wish to flag it. I hope the Business Committee will be in a position to table Committee and Remaining Stages in the Chamber for a short period next week. I acknowledge there is cross-party support and agreement to facilitate the passage of this legislation in its entirety prior to the summer recess.

Question put and agreed to.

### **Independent Reporting Commission Bill 2017: Referral to Select Committee**

**Minister for Justice and Equality (Deputy Charles Flanagan):** I move:

That the Bill be referred to the Select Committee on Justice and Equality pursuant to Standing Orders 84A(3)(a) and 149(1) of the Standing Orders relative to Public Business.

Question put and agreed to.

### **Ceisteanna - Questions**

#### **Priority Questions**

**An Ceann Comhairle:** We congratulate the Minister of State, Deputy Mary Mitchell O'Connor, on her appointment to the Department of Education and Skills.

## European Court of Human Rights Judgments

1. **Deputy Thomas Byrne** asked the Minister for Education and Skills if he will discuss the execution of the European Court of Human Rights judgement in a case (details supplied); and if he will address concerns that the planned redress for survivors of child sexual abuse that took place in national schools is mean spirited and against the spirit of this judgment. [31910/17]

**Deputy Thomas Byrne:** This question relates to the sorry legacy of sexual abuse in our schools and the judgment of the European Court of Human Rights in relation to that on a limited number of cases, and the implementation by the State of that judgment, which is proving deeply unsatisfactory and is leaving many former pupils who were sexually abused without any form of redress. It is creating significant difficulties and the State is not only failing to comply with obligations under the European Court of Human Rights, but it is failing to show common decency to some of the individuals involved in this case. I look forward to the Minister's response.

**Minister for Education and Skills (Deputy Richard Bruton):** I thank Deputy Byrne for raising this issue.

The legacy of sexual abuse against children and young people, whether in residential institutions, in day schools, or in any other setting, is appalling. It is impossible to even imagine what some of these people have gone through. It has been a major project of this Governments and those before it to deal compassionately, humanely and fairly with the victims and survivors of abuse. It is obviously important to distinguish between those cases where the State has some fault or liability as a result of its failures in the past to intervene to protect children and those cases where it does not. We must be bound by the judgments of the courts in this respect.

The European Court of Human Rights judgment in the case of Louise O'Keeffe, delivered on 28 January 2014, determined that there had been a violation by Ireland of certain articles of the convention and awarded the applicant €30,000 in respect of pecuniary and non-pecuniary damages and €85,000 in costs and expenses. The Government agreed in December 2014 that out of court settlements will be offered in those extant cases of school child sexual abuse being brought against the State where the cases come within the terms of the judgment and satisfy the Statute of Limitations. In this regard, the State Claims Agency, which manages such cases on behalf of the State, has made settlement offers which have been accepted in six cases.

In July 2015, the Government approved proposals to offer *ex gratia* payments up to a maximum of €84,000 to those who initiated legal proceedings in such cases against the State but who subsequently discontinued their claims against the State where, similarly, the circumstances of the claims come within the terms of the European Court of Human Rights' judgment and where the claims were not statute barred prior to the proceedings being discontinued. In addition, where other plaintiffs institute claims against the State in relation to historic school child sexual abuse which are not statute barred and their circumstances come within the terms of the court's judgment, the State Claims Agency is authorised to make settlement offers in those cases.

Persons who believe that their cases come within the criteria can contact the State Claims Agency and provide supporting evidence. Where there is a disagreement between the agency and the individual as to whether their circumstances come within the terms of the European Court's judgment, provision will be made for the application to be reviewed by an independent assessor.

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I am aware of the view that the State's interpretation of the judgment is overly narrow, because of the requirement of a prior complaint of sexual abuse. I do not accept this. It is the State's view, based on advice from the Attorney General, that the court's judgment, in assessing whether there was a breach of Article 3, took into consideration the failure to act on the prior complaint of sexual abuse and that our interpretation of the judgment is a reasonable interpretation.

There has been consistent legal advice from the Office of the Attorney General, State Claims Agency, solicitors to the State Claims Agency and senior counsel to the effect that the approach being taken by the State is legally sound and our interpretation is consistent with the circumstances of the Louise O'Keeffe ruling.

**Deputy Thomas Byrne:** The Minister has tried to pre-empt what I was going to say, which is fair enough, because as I said to him when we met privately, there is a narrow interpretation of the Louise O'Keeffe case. The Louise O'Keeffe case is about the State's failures in general in the education system with regard to inspection, supervision and child protection. There was a prior complaint in that particular case. I do not think it is reasonable in any way to say that for everybody else there must be a prior complaint exactly as it was in the Louise O'Keeffe case. It is completely unreasonable. There are people there who have been abused by people who have been subsequently convicted. There is no doubt about these people's cases. These are not the floodgates opening. These are people who have had abusers convicted and cannot get redress from the State. What is happening to these people is that they are being forced through the courts by the Department - I would say in a wholly cruel way - where eventually, if they have the resources, willpower and physical and mental ability, some will end up in the European Court of Human Rights again, and the State will lose again in my view. In my view, a clear reading of that judgment puts a much wider obligation on the State. Nobody is looking for floodgates to open or to create a bananza for anybody, but merely to get justice for those people who were abused in schools and let down by failures of the State and Irish Government.

**Deputy Richard Bruton:** I understand what the Deputy is saying, but the advice I receive is consistent. Where the liability of the State fell clearly on the State, that occurred in residential institutions, where the State was responsible for overseeing these institutions. As the Deputy knows, the liability, which was met by the State, came to €1.5 billion and continues to grow. We have sought, to some degree unsuccessfully, contributions from the religious orders in that respect. My understanding is what the Attorney General and others have said is that the reason, in the Louise O'Keeffe case, that liability fell on the State was because there was advance knowledge about this person. There had been prior complaints against the individual. That is what created the liability for the State. The State should have been in the position when there was such a complaint to provide protection. That is why a claim was successfully achieved against it, and that is the principle that is being applied in these other cases. If the State was not aware or there was not prior knowledge of this complaint, the establishment of liability on the State for sexual abuse in primary schools - which is what we are talking about and which is a very substantial number of children over many years - is not established, so I cannot make decisions that would potentially expose the State to very substantial sums of money, as the Deputy suggests.

**Deputy Thomas Byrne:** The Minister takes a different view on the Louise O'Keeffe case, but the view that I have expressed is shared by academics as well. In fact, my view is influenced by those academics and the authority they have. In some of these cases, there could not have been a prior complaint because some of the disgusting teachers who did this were straight out of

college. In some cases, in some of the orders, they probably did not go to college. They went straight into schools to start abusing, so there could not have been a prior complaint. It simply was not possible. The reading of the Louise O’Keeffe judgment narrows that down and rules those people out completely, and in fact rules in some other students who were abused subsequently. There needs to be a fresh look at this legally. I urge the Minister to consult not only the Government’s legal advisers, but to look at the academic material that exists and research that is being done. It is very serious stuff. I am not in any way being political about it. I am being passionate here because I feel that right is on the side of the case that I am making, and the overly legalistic approach does not serve the State well and I do not think it serves politics well.

**Deputy Richard Bruton:** I can absolutely understand the concern that the Deputy has for people who were abused in this way. We have, as a State, a responsibility to support them in their difficulties. That has to be done through health services and through all the other services. The issue that the Deputy is raising is whether the State becomes responsible for what occurred in these schools and, therefore, liable to pay damages. The advice coming from the Attorney General there is that what the Louise O’Keeffe case established was that the State could be considered liable where there was such information available in advance and the State had failed to intervene. Where there was no such information available in advance, the State was not in a position to take precautions and therefore the judgment is that it was not liable. That is the interpretation. Of course lawyers will differ, but I have to rely on the Attorney General, the State Claims Agency, and solicitors to the State Claims Agency. These are the people who have to advise. One cannot avoid the fact that once one starts moving the posts and admits other circumstances, moving away from the ruling, there is no end and no principle that one can apply. That is the difficulty. One potentially opens the State to huge claims.

### **School Accommodation Provision**

2. **Deputy Carol Nolan** asked the Minister for Education and Skills the reason a school (details supplied) has been allocated a new classroom teacher but has not been given approval for additional classroom accommodation to provide for increased numbers. [31914/17]

**Deputy Carol Nolan:** I ask the Minister the reason a school, Scoil Náisiúnta Naomh Eoin, in Rath Birr in County Offaly, which had been allocated a new classroom teacher, has not been given approval for additional classroom accommodation to provide for the increased numbers in the school. I tabled a parliamentary question to the Minister on this issue and would like to ask him why this school has not got that.

**Deputy Richard Bruton:** The delivery of school projects so that all schools in an area can, between them, cater for all students seeking a school place is the main focus of my Department’s capital budget. To this end, my Department uses a geographical information system to identify the school planning areas under increased demographic pressure nationwide.

The area in which the school, referred to by the Deputy, is located has not been identified as an area of demographic growth. The Department considers that there are sufficient primary school places in the school planning area to meet pupil demand and in that context, the application for additional accommodation was not approved.

While my Department will keep the enrolment position in the planning area under review, it is important that school size is monitored and that a balance is preserved among all schools

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in school planning areas to ensure that one school is not expanding at the expense of another school.

In that context, my Department has suggested to the school that it use its available accommodation to meet immediate accommodation requirements.

**Deputy Carol Nolan:** I thank the Minister for his response but I am disappointed with it.

The board of management of this school submitted an application to the capital appraisal section of the Department of Education and Skills for additional accommodation because it is a growing school. The Minister mentioned increasing numbers. There are certainly increasing numbers in this school and the fact that it had been allocated another teacher proves this. I do not buy in to that excuse.

The school received a letter from the capital appraisal section in the Department on 24 April advising that its application for additional accommodation has been refused due to funding. The Department also advised that the school use the multi-purpose room as a classroom. This multi-purpose room is totally unsuitable. It does not have toilet facilities and the room currently is used as a multi-sensory room for children with special needs. The Minister is making announcements about special needs and how things are improving in that end, but how can this school possibly take this room from those children? It does not make sense. The children with special needs use this room and it is unfair not to meet their needs by giving this room.

I hope the Minister will revisit this issue. If he wishes to call to the school or visit the school at any time, I am sure it would be delighted. I ask the Minister to look at it. It makes no sense that one section of his Department sanctioned the teaching post and another section then refused to give the classroom for it. Are we going back to hedge schools? What is happening? It does not make sense.

**Deputy Richard Bruton:** The difficulty for the planning department is that while this school is growing, there are several other schools in the neighbourhood which are declining and which have available spaces. That is where the dilemma occurs.

When the Department is confined to a budget where we build 20,000 additional places every year, we have to apply a rule. These rules apply in all of the 314 planning areas where they look at whether there is a need for places across the catchment. Where one school is popular and others are not so popular, one school is expanding and others are declining, unfortunately, the Department has to take the view to be able to manage the increased demand that it cannot continually see, if you like, the popular schools grow and new spaces provided while a school down the street is emptying out. That is the dilemma that the Department faces in decisions like this and that is the problem the Department has.

Of course, as I stated in my reply, we will keep the enrolment position in the catchment under review. I can understand the Deputy's concern and I will ask them to ensure that children are properly catered for. They have reviewed this case. They believe, based on the facilities available, that the school can manage within this. They apply the same rules in every catchment. That is the difficulty that occurs in these cases.

**Deputy Carol Nolan:** I thank the Minister for his response.

I am deeply concerned. If this room is used, it will put the children with special needs out

into an overcrowded classroom. They will not get the same attention. They will not get the same level of teaching. As the Minister will be aware, those children require extra teaching, often in a very quiet environment so that they can learn. This now means that they do not have facilities. They do not have a classroom now because of this decision.

I understand the Minister is keeping it under review but more than a review needs to be done here. If the Minister needs to see it for himself, I encourage him to do so.

**Deputy Richard Bruton:** The Department has listed the accommodation - I am sure this has been discussed with the school in detail - four mainstream classrooms, one general purpose room, two resource rooms, a staff room, office area, storage etc. The Department has to assess the school's need when it reaches the threshold for an additional teacher as a result of its enrolment. It has to weigh the accommodation with the pupils and weigh the fact that other schools are in decline and that there is not a need for additional space in the planning area. That is the difficulty. If there was need for the additional space, of course we would be saying it is a growing school and we should be applying additional space, but when there is not growth in pupil numbers across the catchment, these are the rules it has to apply to manage the capital resources to ensure that in every area there are enough places for all the children who will turn up in September. It is a constant balancing act and it has to apply these catchment rules to be equitable to all children.

I appreciate the concern and I will ask the Department to have a look at it. It is trying to apply in an equitable fashion the rules that it applies in every area. Where there are oversubscribed schools, we run into this problem frequently where a school will be very popular and is saying it needs more facilities but other schools have available space. That is the dilemma.

### **Ministerial Responsibilities**

3. **Deputy Thomas Byrne** asked the Minister for Education and Skills if he will discuss the new delegation of ministerial responsibility within his Department to the Ministers of State; and the way in which it is proposed that this will work. [31911/17]

**Deputy Thomas Byrne:** This question relates to the role of the Ministers of State within the Department, particularly in light of the appointment of the Minister of State, Deputy Mary Mitchell O'Connor, whom I wish well in her job. I suppose there are a lot of questions about what everyone does in the Department. There have not been any delegation orders made. There is confusion about what exactly the Minister of State, Deputy Mitchell O'Connor, will be doing. I also want to raise briefly the question of the Minister of State, Deputy Halligan, having responsibility for school buses which, in my view, jars with the rest of his responsibilities. Someone, maybe from the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, should be put into the Department of Education and Skills as well to deal with that issue.

**Deputy Richard Bruton:** First, the Taoiseach makes the decisions about the allocation, not I.

I am pleased to have the support of two excellent Ministers of State in the Department. As the Deputy will be aware, the allocation of responsibilities is: the Minister of State, Deputy Mary Mitchell O'Connor, will be handling higher education; and the Minister of State, Deputy John Halligan, will continue to handle training, skills, innovation, research and development,

and as the Deputy states, school transport.

The relevant delegation orders are in the course of being prepared but the areas of allocation are clear. Under higher education, there is student support, the Technological Universities Bill 2015, the Action Plan for Access to Higher Education, internationalisation of higher education and quality in higher education. I refer to the whole higher education remit. The Minister of State, Deputy Halligan, has the area of skills, further education and training, adult education, the research area, school transport, ICT skills etc. As always is the case, I retain an overseeing policy direction role. I am keen to ensure that as we develop new opportunities for young people, we see these two sectors grow in harness and together.

This as an appropriate decision by the Taoiseach because we see the need for growing investment in higher education. The Deputy has often pointed out that there is need for additional investment. At the same time, we need to see the balanced expansion of apprenticeships, traineeships and opportunities that, in my view and in the view of the Minister of State, Deputy Halligan, have been neglected over the years, and we are trying to ensure that those evolve. These appointments are appropriate to that challenge.

**Deputy Thomas Byrne:** I welcome the answer. If the announcement is that the Minister of State, Deputy Mitchell O'Connor, will have delegated responsibility for the area that she has been given, I am delighted with that. If higher education has that completely separate voice at Cabinet, that is important. I think Deputy Mitchell O'Connor was treated pretty badly and if this is the job that is envisaged, that is a different story altogether. It is an important role, but one that we would expect a Minister sitting at the Cabinet to have full delegated responsibilities for, and that she would be the one answering questions on third level. As a senior academic said to me yesterday, and Dr. Kissinger said of Europe, "Who do we talk to?"

**Deputy Mary Mitchell O'Connor:** Mary Mitchell O'Connor.

**Deputy Thomas Byrne:** I am delighted to hear it. I welcome this appointment. That has not been clear. I believe delegation orders were before the Cabinet this week in respect of other Departments. They have not cropped up in this case. I believe the way the Cabinet reshuffle was dealt with has created uncertainty. While the issue of the salary is not a matter for the Minister, I believe it is discriminatory that the senior person - who happens to be a woman - is not getting the allowance and that the allowance is being given to two men who are actually junior to her in the Cabinet order of precedence.

**Deputy Richard Bruton:** I am pleased Deputy Byrne is supportive of the new team and the work we will be doing in this Department. I believe the two briefs are important. I have a strong belief that we have neglected apprenticeships and traineeships and the associated skills. We are seeing new opportunities regionally and nationally to strengthen the skills offering. That is why we have regional skills councils. Equally, higher education is going to be central to regional development and to innovation as part of the agenda. Deputy Byrne will be pleased to see that we will be working as an effective team to try to respond to the challenges, which are considerable in this brief.

**Deputy Thomas Byrne:** I welcome what has been said today. I hope this brings an end to it. We will be keenly looking out for the delegation orders as, I imagine, will the Minister of State, Deputy Mitchell O'Connor, and she will be right to do so. Certainly, we support that.

I appeal to the Minister to consider the position of the Minister of State, Deputy Halligan.

He has an important role in research in the other Department but I am referring to skills and training. I am concerned at the idea that he has to deal with school transport as well. That is going to take up a good deal of his time over the summer, in particular. In fairness, the Minister of State deals with representations and he cannot change the rules unless he gets a budget or whatever. He will spend a great deal of time dealing with that. Is there someone else who could do that? It is an important job. It is a live issue in rural Ireland and, finally, it has become live in the Fine Gael party too, or so we read in the media. Someone else who could put a little more time into that should be appointed to allow the Minister of State, Deputy Halligan, to focus on his important responsibilities.

**Deputy Richard Bruton:** The allocation of areas of responsibility in the different Departments is a prerogative of the Taoiseach. We, as a team, manage the responsibilities that we have, and these include school transport. We are providing in our delegation orders for the Minister of State, Deputy Halligan, to continue to deal with that area. It is an important area with an allocation of €175 million. I believe the Minister of State has proven rather adept in dealing with this issue, which is a tricky one.

### **School Accommodation Provision**

4. **Deputy Joan Burton** asked the Minister for Education and Skills if his attention has been drawn to the delays experienced in commencing the construction of the permanent buildings of a school (details supplied); if his attention has been drawn to the fact the 2017-18 first class needs to be accommodated off campus at a site in Broombridge; if his attention has been drawn to the concerns parents have regarding the part of the school to be relocated off site and fears that the school will not remain on its existing campus; and if he will make a statement on the matter. [31913/17]

**Deputy Joan Burton:** The question deals with the issue of the Educate Together school that opened in Pelletstown in September 2015. It appears that children will now have to be bussed to and from the school. The suggestion that is worrying some of the parents is that some of the lessons are going to be on a bus. The Department has had plenty of notice about this school, which is serving 2,000 apartments and houses in a lovely area of Dublin called Pelletstown. The Department seems to have lost all sense of activity and urgency in facilitating this essential new school for the community.

**Deputy Richard Bruton:** I wish to advise the Deputy that my Department has been liaising with the patron body of the school referred to by the Deputy with regard to additional accommodation required for September 2017.

As the Deputy may be aware, this is a developing school located in rented temporary accommodation in Rathborne, Dublin 15, which will require two additional classrooms for September 2017. Work is ongoing to provide additional prefab accommodation at this location as soon as possible.

In the interim, a number of options were explored with the patron body of the school. Following a board of management meeting in May 2017 the preferred option of the school, supported by the patron body, was to temporarily accommodate two of the classes in the nearby Broombridge Educate Together national school, Bannow Road, Dublin 7, which is in the Department's ownership, as a short-term arrangement, pending delivery of the additional prefab-

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cated accommodation. Broombridge Educate Together national school is a new 16-classroom school that opened in its permanent accommodation only last year, with most of its purpose-built rooms available for use.

Once the prefabs are installed, the classes temporarily located in Broombridge Educate Together national school will move back to the existing rented accommodation in Rathborne, Dublin 15.

I wish to clarify for the Deputy that the current site of the school in Rathborne is a temporary site. A suitable permanent site for the school's permanent accommodation has been identified. Discussions are ongoing with the landowner with a view to acquiring this site. Following this, the project for the new school building can progress into architectural planning.

**Deputy Joan Burton:** I imagine the Minister is familiar with Pelletstown. It is just behind Ashtown. It is on the railway line. Is the Minister seriously saying to parents that this is the best he can offer? This is a 2,000 home development. They are mostly apartments but there is housing too and more housing is being built. The community has been building for ten years and the school has been open for almost three years. It is somewhat unbelievable that the Minister is unable to move to have the prefabs built on the marketing suite site by the end of September. Can the Minister give us a date for when the prefabs will be on-site?

The Minister made a somewhat ambiguous comment on the second issue. Let us be clear about it. I invite the Minister to visit the site. The parents and community want the permanent school to be built on this site. I understand the site is owned by the same landowners who own the other proposed site. Perhaps the Minister can confirm this. I have visited the other site but in my view it has many deficiencies.

This is a primary school. It is important for the new community to send out a message that it is their lovely primary school on a nice site. By the way, the school has already been in fairly unsatisfactory temporary accommodation. The school got into the marketing suite site. Can the Minister please explain to me why his Department will not now seek to acquire the marketing suite site and make it the permanent site for this school? The school is going to help to define and build a great community of people.

**Deputy Richard Bruton:** I will outline the position in respect of prefab accommodation in the Rathborne site. It is anticipated that the temporary accommodation at the Rathborne site should be available prior to the end of the first term of the coming school year. However, it is not possible at this point to give a definite completion date. As the Deputy will be aware, standard timeframes are involved in the planning process. The project is a high priority for my Department and we will endeavour to have the temporary accommodation in place as soon as it is feasible to do so.

Unfortunately, the site acquisition process has taken some time to date. A number of complex technical issues arose in the process. These required detailed consultation with the relevant stakeholders. These issues have since been resolved and the acquisition is now at conveyancing stage. It is not possible at this point to give a timeframe for the completion of the acquisition, as legal complexities can arise during this stage. However, all parties are working towards completion of the acquisition at the earliest possible date.

**Deputy Joan Burton:** The Minister seems to be washing his hands of any concern for the parents and children involved. A 2,000 unit development is, by any standards, a large develop-

ment. A school represents cornerstone infrastructure. The site for the school is now the marketing suite. This requires the Minister to have an open mind to enable him to do the best for children and parents.

We can go on and on about regulations and so on. The prefabs might not be in until the end of the first term. The children will be going on their Christmas holidays when the two prefabs arrive. That is simply not adequate. The Minister's predecessors were able to address these matters far faster. I believe the Minister can do the same and I imagine he would be willing to do the same, but he needs to do some work on it.

The Minister knows the area. The school in a prominent site that will link into the local district development centre. That would provide a key building in terms of community infrastructure.

The population in Pelletstown is extraordinarily diverse. There are people from all over Ireland, all over Dublin and from the rest of the world. Can the Minister not see it? Does he not have the vision as a politician to see that, as the Minister for Education and Skills, he has an opportunity to make a mark that will provide a basis for this community to flourish and prosper?

**Deputy Richard Bruton:** As I indicated in my earlier reply, the site acquisition process is at conveyancing stage, following detailed consultation with the relevant stakeholders in the community. The Deputy is suggesting now that a different site be acquired.

**Deputy Joan Burton:** No, I was speaking about the current site.

**Deputy Richard Bruton:** What the Deputy suggests would result in further delay. The pretext on which Deputy raised the question was her concern, and rightly so, about unnecessary delays. On the installation of temporary accommodation, I respect the planning process, as did all of my predecessors. The statutory planning process must be complied with and my Department and I will comply with those obligations.

### **Special Educational Needs Service Provision**

5. **Deputy Thomas Byrne** asked the Minister for Education and Skills if he will discuss the lack of notice given to schools of SNA allocations for the coming year; and if he will address concerns that SNAs do not know whether they will be in employment in 2018 in view of the fact that the 2016 to 2017 school year has now ended. [31912/17]

**Deputy Thomas Byrne:** This question relates to the allocation of SNAs, which, for some reason, was inordinately delayed this year and took the good out of the announcement the Minister made yesterday. Owing to the failure of the Department to make this announcement a month ago, schools were left in confusion, SNAs suffered deep insecurity about their jobs and parents were left extremely worried for their children. I note what the Taoiseach said about changing the system for not next year and that any change made now would be too late in terms of the forthcoming school year, but I am interested to hear what the Minister has to say on this matter.

**Deputy Richard Bruton:** I thank the Deputy for raising this issue. I am glad that I was in a position this week to announce that 975 additional SNAs will be made available for allocation to schools from September 2017. Schools have been informed of this, following on from

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a Government decision this week on the matter.

This represents an increase of 7.5% in the number of SNAs for this year and a 32% increase over the years since 2011 in the allocation of SNAs. The method of allocation followed this year, which provides for the allocations to be made in late June-early July, is the same method that has been followed for the past six years. The Deputy is correct that this is not satisfactory. It was done in this way because there was not a satisfactory forecasting model for identifying at Estimate's time the level of necessary provision. This allocation requires Government decision each year after the NCSE has done an assessment, which creates an additional bureaucratic obstacle in making these decisions. We intend, for the coming year, to make these decisions at Estimates time.

The NCSE has been working on a more reliable forecasting model which is now proving itself in terms of the reliability of the data for this year. The NCSE is undertaking a comprehensive assessment of this model, as the Deputy knows. We are keen to improve the SNA model. We have had consultations and people have indicated that they believe improvements can be made to the way in which the SNA service is delivered and other needs of children are met. The Deputy will be aware of the commitment in the programme for Government that speech and language should be delivered in-school to make it easier for children to access it.

**Deputy Thomas Byrne:** None of what the Minister said explains why this year the process took a month or more longer than it did last year. As far as I am aware, this is the first time this decision was made during the summer, after schools had closed. People with children with special needs, SNAs and schools have been done a disservice and there has been no explanation given for why the process took so long. The system which has operated for the last number of years, which may be imperfect but nevertheless operates, has been blamed. Why did the system fail so spectacularly this year? I accept that there is a lot of manual work involved in determining need without a forecasting model but what was the reason for the late announcement of the allocations?

Given what happened, does the Minister believe that he and the Department owe the children, the SNAs and the schools an apology for the stress caused to them this week in terms of the delay in the making of this announcement?

**Deputy Richard Bruton:** The announcement this year was earlier than the announcement in 2015 and only a few days off from the announcement made in 2016. A regular feature of this process is that it has to go through a whole of Government process of approval. Approximately €30 million is being committed to in the coming year and so not surprisingly agreement on that has to be processed through Government.

We have done the work to be in a position to discontinue the practice that has applied for the past six years, which has been unsatisfactory as the Deputy rightly pointed out. Work is under way for the forthcoming year and for the Estimates process to deal with it in a more satisfactory way.

**Deputy Thomas Byrne:** If the Minister is not prepared to give an apology will he at least give a guarantee that this will not happen next year and that the system will be sorted by then? The €30 million to which the Minister referred was allocated in the budget last year and was approved by these Houses at that point, so I am not sure what the rigmarole about it is now if it was already approved.

**Deputy Richard Bruton:** I made the point earlier that this year we are providing an SNA service for 34,000 additional children, which is 4,000 more than were available two years ago. We are expanding this service. We are providing a very necessary support to allow more children to fulfil their potential in the education system. I set as a major goal that we should seek to be the best in Europe in accommodating children with disadvantage or disability coming to the school system. I am delivering in that area. There has been a 41% increase in resource teachers over the last number of years. This year, I am providing 900 additional resource teachers and over the last two years, 2,000 additional SNAs have been provided. We are putting huge commitment into supporting the children about which the Deputy expressed concern. I am satisfied that the work that the NCSE has done means that we will have a better system for the future.

## **Other Questions**

### **Schools Building Projects Status**

6. **Deputy Niamh Smyth** asked the Minister for Education and Skills the status of the development of a new school (details supplied); and if he will make a statement on the matter. [31577/17]

**Deputy Niamh Smyth:** I am seeking an update from the Minister on the status of the development of the new Holy Family school in Cootehill, County Cavan.

**Deputy Richard Bruton:** The Deputy will be aware from the reply given by the Minister of State, Deputy John Paul Phelan, to her Topical Issue matter last week of the current status of this project.

The stage 2(b) detailed design report was recently submitted to my Department by the board of management and its design team. Following receipt of this submission, my Department authorised the board of management to instruct its design team to commence the pre-qualification process for the assessment of suitably qualified contractors to which the project can be tendered. This authorisation was granted by my Department in order to expedite the tender process for this project by running the pre-qualification in tandem with the finalisation of stage 2(b). The design team has commenced this process and the closing date for the e-tenders advertisement was 19 June 2017. The design team has informed my Department that it expects to complete its assessment of the pre-qualification submissions in the coming weeks and it will then submit its report on the shortlist of contractors to my Department.

Following examination of the stage 2(b) report, it became apparent that the submission was incomplete and some additional items which should have been included in the original submission were requested by my Department. A revised submission has been received, which is currently under review. Upon completion of the review of the revised 2(b) submission, my Department will immediately revert to the school with a timeframe to proceed to tender and construction stage.

The stage 2(b) submission is a vital part in the design process and is the final stage prior to the seeking of tenders for the construction of the school building.

**Deputy Niamh Smyth:** The Department first approved the project for provision of the Holy

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Family school in 2015. The Minister will be aware there have been many delays since then. It has taken almost 15 years to get to this point. The Minister will be aware that the design team submission was returned to the school five weeks after it was originally submitted on the basis that information was not correctly labelled or in the right order. I hope that the Department does not intend to further delay progress of this project on the basis of the manner in which a submission is made. There are three weeks remaining within which the Minister must approve stage 2(b). Will he confirm today that the Department will give approval to proceed with the tender and will he give a commitment that his Department will work with the board of management to ensure approval of a contractor at the end of August because I do not want to have to raise this matter again with the Minister in September?

**Deputy Richard Bruton:** A number of Deputies have raised this matter in the House. I note Deputy Brendan Smith has similarly tabled a question on this issue, which we will come to shortly. The Department is aware of the local concern.

*6 o'clock*

I do not need to tell the Deputy that a number of matters caused the delay which were not within the control of the Department. A consultant mechanical and electrical engineer was replaced on the design team. As the Deputy is aware, the original proposal was different from the current one. It was based on a two-phase construction programme, but it was decided at the request of the school that this should be changed and we now have a different proposal, which is advancing. The delays in the stage 2B report were caused by omissions, the details of which the Department requires. I am pleased to say the problems identified with the first submission have been addressed but the report has to be fully reviewed. The Department has to provide objective reviews to make sure that this project, when approved and released to tender, will be constructed in a way that meets the timeframe and all the other requirements. This process must be done thoroughly. Neither I nor the building unit is in any doubt about the urgency of this case.

**Deputy Niamh Smyth:** I welcome the Minister's response. I am delighted he is present unlike last week when he was not able to be in attendance. It is unfortunate we have had to raise this matter again. As the Minister is aware, the students and the staff in the school are working in what I can only describe as deplorable and appalling conditions. It is unfortunate we have had to raise this matter so many times in this Chamber, but we will keep doing that until this work is progressed. It is one of the most important educational facilities in Cavan-Monaghan. As the Minister is aware, it is providing education for both primary and secondary school students. I was contacted by one parent who told me that four children in his family have had to go through this school. I am not exaggerating when I say that the conditions in the school are deplorable.

I hope the Minister can work with his Department and that it, in turn, will work with the board of management, that there will be no more delays, that this project will be progressed, that work on it will proceed and be executed as quickly as possible, and that a contractor will be in place by August.

**Deputy Thomas Byrne:** I want to add my voice in support of what Deputy Niamh Smyth said and what Deputy Brendan Smith would also say. This is an extremely important issue that is causing much angst locally. This is a common experience of schools. They find interfacing with the Department difficult. That is no disrespect to the Department officials who are over-

worked and very busy, but school authorities find it difficult to communicate and get matters right. There must be some other way of reaching out to them to help them get their submissions right in order that matters can proceed at a normal pace.

**Deputy Richard Bruton:** I can sympathise with what Deputy Thomas Byrne said but the Department is dealing with about 2,000 projects at any given time. It has to operate on the basis of devolved responsibility where design teams develop these proposals on behalf of the patron and make submissions. The decision here to move from a two stage to a one-stage phase was the right one. That decision caused a delay but it was the correct one. There are mistakes in this process but in this case the correct decision was made. It caused a delay but it will mean that a fully integrated project will be completed in one piece for the pupils concerned. That is what we want to deliver.

### **School Staff**

7. **Deputy Joan Burton** asked the Minister for Education and Skills his plans to implement the recommendations of the teacher supply in Ireland technical working group report *Striking the Balance*; and if he will make a statement on the matter. [31560/17]

**Deputy Joan Burton:** Will the Minister confirm if he proposes to establish a standing group to supply, and plan for, the future needs of the teaching profession in our schools at primary and at secondary level? Does he accept the recommendations, which are a simple set of regulations, of the technical working group to plan for an adequate and appropriate supply of teachers at primary and secondary level?

**Deputy Richard Bruton:** The final report of the technical working group on teacher supply, *Striking the Balance*, was published on 9 June 2017. The report focuses on the development of a model of primary teacher supply, while outlining the work which will be required to establish a sustainable long-term model of post-primary teacher supply.

Officials of my Department are now considering how the development of a model can be progressed, from within available resources. The necessary actions will include engagement with the Higher Education Authority, HEA, in order to ensure that the supply of teachers meets demand and there is the correct balance of teachers in each of the various subject areas, as well as measures to address data requirements, in particular at post-primary level.

The Deputy will be aware that, in conjunction with the publication of the report, I announced a number of measures to increase the pool of teachers available to schools, in particular, to fill short-term vacancies. These measures are to be considered over the coming period with a view to having them in place, where appropriate, for the beginning of the 2017-2018 school year. They include: ensuring, in as far as is possible, that as many retiring and retired teachers remain on the Teaching Council register; increasing the limits for employment for a teacher while on career break; bringing to the attention of schools that final year BEd and professional masters in education students may be employed in schools for periods of up to five consecutive days.

**Deputy Joan Burton:** I thank the Minister for his reply but I am not any the wiser. Is he going to establish a standing group? He said he had just published this report but it has been available for some time. Does he propose to accept the recommendation in the report on the establishment of a standing group? The report references what is required in primary educa-

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tion. There would seem to be a very broad consensus around that. It also suggests approaches in regard to secondary education and teacher supply.

With respect to secondary education, can the Minister indicate how many extra teachers at primary and secondary levels he proposes will be employed next year to meet the growing population of the country? A bad practice has developed at secondary level - not primary level - that should be ended. There has been a practice in some schools of splitting full-time jobs where two or more teachers end up getting bits of jobs and only a relatively small number of hours. That is very unfair to many people entering the teaching profession. Does the Minister propose to do anything about that?

**Deputy Richard Bruton:** At this stage, the Department is considering whether to establish a steering group and it is assessing what would be the nature, role and composition of such a group if it was put in place, and whether the internal resources of the Department could contribute to achieving some of the new data that are necessary to develop a model. The Teaching Council when it examined this admitted that it was a highly complex area. Despite its working group having worked on this for quite a considerable period, it was not able to develop a model that it considered to be robust. A good deal of work would have to be done to achieve this. The Department is quite rightly examining if it can we do this within existing resources and, if not, obviously it would be a matter that would have to be considered in the budgetary context. We have taken some short-term measures to deal with that. We will examine other potential short-term measures such as conversion courses and so on.

In terms of the projection for next year, we have already made provision for the coming September, and with respect to the following September, it is anticipated there will still be demographic growth at primary level but it is coming to an end. The main area of growth in enrolments after that will be at second level, as the bulge moves through the population pyramid.

**Deputy Joan Burton:** Will the Minister indicate if he will end the practice I mentioned, which is unfair to new people entering the teaching profession. For the past three years hundreds of extra teachers have been employed every year and some schools are splitting the jobs at second level, part of that obviously is a function of subjects. It is not fair that quite a number of younger graduates in their third and fourth year of teaching at second level are ending up with bits of hours or travelling between one school and another when, with the type of co-ordination that was talked about in the standing group's report, they could get a full-time job. If we want some of our brightest and best young people to commit to becoming involved in teaching and building a rewarding career, there comes a time, certainly when they are in their third or fourth year of professional work, that they should have a full-time job. That is what the country needs. We voted the resources to the Minister's Department to do that. That is what a committee or standing group such as this would do. It would address some of these issues. It would not necessarily land on the Minister's desk on every occasion, where he would have to reinvent the wheel. It could be done by the teaching profession itself at the various levels. There are also issues with Gaelscoileanna and how they are provided with an adequate supply of teachers.

**Deputy Richard Bruton:** Between September of last year and this coming September, my Department will have employed 4,800 additional teachers. We are making a very substantial investment to respond to the demographic pressure. To date, we have not had difficulty in recruiting. There are difficulties in some areas, such as substitution, as the Deputy noted correctly, but we have also made some changes to make it easier for teachers to get permanency and to develop posts for promotion. Part of the negotiations that we successfully concluded

with the unions will make teaching more attractive and we hope we can meet the need even in these more difficult areas where there are particular subject problems.

The difficulties identified by the Teaching Council were not those of inactivity by the Department. They were the sheer difficulty of forecasting things such as migration, subject choices, the choices which might be made by people with, for example, a degree in physics, how many of them might choose to go into education, and how a reliable forecasting model might be developed for that. The council recognises that these are very difficult issues for which to find a satisfactory forecasting model which is why this work will take some time.

### **Teachers' Professional Development**

8. **Deputy Joan Burton** asked the Minister for Education and Skills the way in which his Department supports and the total investment involved in teacher continuing professional development at primary and post-primary levels; the detail as a percentage of education spending overall; and if he will make a statement on the matter. [31563/17]

**Deputy Joan Burton:** This is related in a sense to the previous question. It relates to continuing professional development for teachers. The Minister made a number of pointed comments about the real importance of leadership in schools at primary and secondary level. I share that view, it is critical, but the Minister should remember that every teacher, and I am surrounded by them at the moment, is a leader in his or her own classroom. A teacher who is a leader, who has an opportunity to get continuing professional development education, is what provides the best experience for pupils. Will the Minister tell us his thoughts on this? He is in the job for some time.

**Deputy Richard Bruton:** The Deputy's question is not just about leadership, so I will have to answer the question she originally tabled.

**Deputy Joan Burton:** Continuing professional development is critical to developing leadership.

**Deputy Richard Bruton:** That is correct, but continuing professional development applies to all teachers, not only to the leaders in the schools.

**Deputy Joan Burton:** What I am saying is that every teacher is a leader in their own classroom.

**Deputy Richard Bruton:** I will answer the question. A key objective in the Action Plan for Education 2016–2019 is to develop the continuum of teacher education to equip teachers with the right skills for 21st century teaching and learning and improve school leadership. The quality of our teaching profession is a critical factor in sustaining and enhancing the quality of education outcomes. Specific targets for 2017 are outlined in the action plan.

My Department spent approximately €46.5 million on teacher continuing professional development, CPD, in 2016. The teacher CPD budget represents 0.56% of my Department's overall net expenditure, and also includes higher education, because that was the question that was asked. The expenditure of €46.5 million includes all costs associated with the provision of CPD at primary and post-primary level funded by the Department.

The professional development needs of serving teachers are being addressed through the provision of an induction programme for newly qualified teachers, support for new and revised curriculum areas, including junior cycle, the new primary language curriculum and ongoing support for the curriculum generally with a particular focus on priority areas: literacy and numeracy, well-being, support for school leaders and for teachers to meet the needs of children with special educational needs.

The responsibilities of the centre for school leadership cover the range of leadership development from pre-appointment training and induction of newly appointed principals to CPD throughout leaders' careers. Other areas of expenditure include training for child protection, board of management training, a teacher fee refund scheme, teacher professional networks and a number of postgraduate programmes to meet particular identified needs such as the teaching of mathematics and special educational needs.

**Deputy Joan Burton:** The Minister misunderstands me somewhat. I said two things, first that the Minister has referred to leadership in schools in the sense of people in posts of responsibility and principalships. In my view of education, every teacher is a leader in his or her own classroom because when the door to the classroom shuts, what happens in that classroom is influenced enormously by the interaction between the teacher and the pupils in the classroom. This is where continuing professional development is so important. It will also send a message of confidence to those thinking of joining the teaching profession and those in it already. In my own constituency of Dublin West there is a great number of very young teachers in new schools because we have had a population explosion. If their skills, enthusiasm and talent is to be retained, it is important that they get adequate opportunities to develop as professionals.

**Deputy Richard Bruton:** The Deputy did not get around to asking a question.

**Deputy Joan Burton:** What is the Minister doing about it?

**Deputy Richard Bruton:** I agree with the Deputy entirely on the importance of teachers in transforming the learning environment. It is probably the most effective thing we can do to improve education standards. That is proven by international data as well as our own. It is heartening to see the progress we are making in mathematics, science and literacy standards. We are seeing huge improvements in these areas and that is due to the leadership of teachers in the classroom. Equally, we want to develop a stronger planning capability within the schools. We have developed systems of self-evaluation in schools in which the school principal and staff engage. That is why the centre for school leadership has been established to provide additional supports to leaders within schools who are doing that kind of planning. My own inspectorate is also working with those schools and we now have school visits that are not the usual type of thing with an cigire coming in with his red pencil to see what was going wrong but are advisory and supportive visits to schools. These are very successful and I want to see more of that done. I also want to evaluate the quality of the CPD we are doing. The Deputy is correct. It is an investment of €46.5 million. Perhaps it should be more, but we should do a deep dive to see its quality and impact, establish what is working best and how we might improve it as we go along.

**Deputy Carol Nolan:** Similarly, I recognise the importance of CPD in developing leadership. However, newly qualified teachers feel that induction workshops are being imposed on them. I have been contacted by a number of newly qualified teachers who have said it is a waste of time. We need to look at how we are doing it. It is fine if teachers feel they want to do extra CPD, whether in special education or IT, but it is wrong to impose anything on our newly quali-

fied teachers, and I ask the Minister to look at those induction workshops.

**Deputy Richard Bruton:** There is a genuine difference between these. Most teachers do classroom practice as part of their training, but equally there is a process of people transferring from the college to the classroom setting. Principals and other members of staff are key in helping such a student develop into a member of staff and deploy their skills that they learned in college in the most effective way. They will probably have the most progressive skills available. Induction programmes, where appropriately designed, can also help to make those transitions. We often speak of the importance of transitions in education, and the transition from the education training to practical application is something to which we should devote time, but if the Deputy has particular concerns about the programme and what goes into it, we can look at improving induction supports.

### **Third Level Funding**

9. **Deputy Thomas P. Broughan** asked the Minister for Education and Skills the status of the feasibility study his officials are reportedly undertaking on the possible introduction of income-contingent loans for third level students; his views on income-contingent loans and the general funding of higher education; and if he will make a statement on the matter. [31575/17]

**Deputy Thomas P. Broughan:** A few weeks ago, Deputies, including myself, received a very good briefing from the Union of Students in Ireland and specifically from Mr. Kevin Keane, Ms Eleanor Nyhan and Mr. Kieron Pierson. They remain very opposed to the concept of income-contingent loans, which is the third option in the last year's report. The Minister told me he was preparing a technical evaluation of that option in response to previous questions and I also asked the former Taoiseach, Deputy Kenny, a while back. The Minister mentioned he hopes to deliver an extra €160 million in funding over three years to the higher education sector and a national training fund levy. Is it now time to abandon that proposal and get on with funding third level education?

**Minister of State at the Department of Education and Skills (Deputy Mary Mitchell O'Connor):** I wish to emphasise at the outset that no policy decisions have been taken in this area pending the outcome of examination of the Cassells report by the Oireachtas Joint Committee on Education and Skills. The Cassells report, as the Deputy rightly states, considers a number of potential funding options, including the deferred payment of student fees. The report was referred to the Oireachtas committee on education and skills by my colleague, the Minister, Deputy Bruton, in order to build political consensus on the most appropriate sustainable future funding model for higher education. I look forward to receiving the recommendations from the joint committee once it has concluded consultation and engagement with relevant stakeholders.

Arising from the future funding options presented in the expert group report, technical work relating to income contingent student loans is being undertaken by an interdepartmental group chaired by the Department of Education and Skills. This work of the interdepartmental group is intended to address some of the practical issues that will have to be considered if there is a policy decision in the future to introduce an income-contingent loan scheme. It is clear that doing nothing is not an option when it comes to the future funding of higher education. To this end, the Minister, Deputy Bruton, secured additional funding in the last budget of €36.5 million. This is part of a three-year package amounting to €160 million for the sector. This is the first

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increased funding that was received for higher education since 2009.

**Deputy Thomas P. Broughan:** I wish the Minister of State well in her new role in looking after higher education.

**Deputy Mary Mitchell O'Connor:** I thank the Deputy.

**Deputy Thomas P. Broughan:** There are powerful arguments against income-contingent loans. We can consider the evidence from the UK, where 75% of students are expected to not pay off student debt and combined student debt now exceeds €100 billion. Those are incredible figures. We had an excellent study from Dr. Charlie Larkin from Trinity College Dublin and Dr. Shaen Corbet. Dr. Larkin's report, Public Education and Civic Responsibility in a Constrained Financial Environment, highlighted the fact that national debt would increase by approximately €10 billion over the first ten years if an income-contingent scheme was operated. Senator Bacik of the Labour Party has a motion in the Seanad on this exact subject and I have advocated that we would follow the French, Scottish and German model. The Minister and I represent constituencies where there are problems of access and there are parishes, as he knows, with less than 15% or 20% of people going to college, which is totally unacceptable. We do not want to make things harder for those people. We are an emigration nation and we do not want our children to emigrate.

**Deputy Mary Mitchell O'Connor:** I hear what the Deputy is saying. I noted at the outset that no funding model has been agreed and we are waiting for the Oireachtas education committee to come back to the Department and me on this. Last night I watched a programme on Sky about the funding model and its difficulties in the UK. I am taking all that on board. With the Minister, I will make a decision on this.

**Deputy Thomas P. Broughan:** A Deputy drew the Minister of State's attention to the fact that third level pharmacy students are being asked to pay big fees for their final year before qualification. The Minister was to address that issue. Fine Gael and Fianna Fáil-led Governments cut third level funding by a third during the austerity years. We need an extra €600 million. Although people know what is needed, it is a key vital service that people are prepared to support. With regard to the improvement of access in areas of north and west Dublin, Waterford, Cork, the midlands and all around the country, it would be a disastrous route to follow as many counties have a poor enough third level record. We had the example in New Zealand where people were being stopped at the airport and not being allowed to leave the country because they owed income-contingent loans. I urge the Minister to abandon the idea. I hope the Taoiseach, Deputy Varadkar, will not come in to the House, as he did the other morning on another matter, and announce something on this education matter without consulting both the Minister and Minister of State.

**Deputy Joan Burton:** The Minister of State indicated she watched a programme on Sky last night. A report was published in the UK yesterday and it serves as a very clear warning about the proposed system. I disagree with the people who have proposed it but they have done much interesting work. Yesterday's report makes for devastating reading for working class children if the system is introduced here. In England, the amount of debt a student has as he or she exits the system is approximately £57,000. The banks are gouging people with interest rates in the UK with the cheap rate of 6%. The Minister, Deputy Bruton, can do the compound interest maths problem, as 6% is an alarmingly high interest rate. The equivalent debt burden would be over €80,000 in Ireland as we have many four year degree programmes. It would be

disastrous for working class children. How could any working class person take on a debt of €80,000?

**Deputy Mary Mitchell O'Connor:** I stated no decision has been made and we are waiting for the Oireachtas committee to come back on the matter. We will examine it. Deputy Broughan said funds were cut by a third. I am not sure it was quite a third but they were certainly cut severely. I wish to put on the record that numbers have grown in our third level sector. I thank the colleges that took in students and educated them while needing to have bigger classes. I understand that situation. No decision has been made and we will certainly consider the issue. I am able to do the compound interest calculation and I taught it in schools.

**Deputy Joan Burton:** What is the figure?

**Deputy Mary Mitchell O'Connor:** We know exactly what are the difficulties for a working family. I know them as a mother who has lived on her own and who put two children through college. We will take all that into account.

### **Schools Building Projects Status**

10. **Deputy Brendan Smith** asked the Minister for Education and Skills if a building project at a school (details supplied) will proceed to construction stage without further delay in view of the urgent need to provide additional and upgraded permanent school accommodation; and if he will make a statement on the matter. [31731/17]

**Deputy Brendan Smith:** As the Minister, Deputy Bruton, is well aware, this project, the Holy Family School at Cootehill, is of utmost importance. This school was established in 1966 and one of its founders was our former colleague in this House, Dr. Rory O'Hanlon. It serves the catchment area of Cavan and Monaghan and it is the only special needs school we have in either county. Since 2002, the school population has doubled. The enrolment in September is 168. The main buildings were constructed in 1973 and the school is now on two sites. As I discussed with the Minister - I appreciate our recent meeting - there is an urgent need to progress to construction stage the proposed permanent accommodation.

**Deputy Richard Bruton:** I thank Deputy Brendan Smith for raising this again. I acknowledged earlier the Deputy's interest and question. I fully understand the concerns. As I stated earlier, the right decision was made not to have a two-phase development, and the board took that decision on the development. There were a couple of delays, which were unfortunate. They were not caused by the Department, but delays are a feature of any project. I understand the Deputy's concern. He has spoken to me about it at private meetings as well as publicly here in the Dáil. I assure him that we will do our utmost to ensure that unnecessary obstacles are not put in the way of this project. There were some shortcomings in the original stage 2b report, which had to be corrected. They were sent back to be corrected. Those have been overcome. While I cannot say how long the process of approval will take, I assure the Deputy that we are determined to push this ahead. We hope to get to a point where we can release this for tender at the earliest possible date.

**Deputy Brendan Smith:** I thank the Minister. I raised a Topical Issue on 6 April. At that time, the concern of the board of management and the parents association was the detailed stage 2b submission and the Department had not given permission for the pre-tender qualifica-

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tion process to commence in tandem with the examination of the submission. That evening, I requested the Minister to ask the Department to issue the approval in respect of commencing the pre-qualification process. I want to record that the next day, the Department contacted me to say that approval had issued to the school to allow both processes proceed in tandem. I appreciate that.

The Department sought clarification from the school's consultants on a number of points about the stage 2b detailed submission. Those questions have been answered. All the data has been returned to the Department. If I was to paraphrase the representations I have received from members of the board of management, the parents association, the principal and staff it would be that they want this particular stage finalised as quickly as possible. They want the project to proceed to the next stage. None of us are talking about taking shortcuts. We fully appreciate that where major projects are about to proceed to construction, processes have to be completed in a proper manner. However, I cannot emphasise enough the need to ensure that the examination of this stage 2b process is concluded as rapidly as possible so that the Minister will be able to issue approval to the school for the project to proceed to construction stage.

**Deputy Richard Bruton:** I absolutely understand the position. The Deputy raised this issue previously and I was pleased to be able to release that pre-qualification tender. This is slightly complex because the full decant is part of the overall tender. I understand why people would like to see that move forward, but that is conditional on the tender completion. That means it is urgent that we move it forward. My Department is very much aware of the anxiety locally and we will do everything we can to keep it moving. I will keep in touch with the Deputy.

**Deputy Brendan Smith:** I thank the Minister. Those of us who have the privilege of representing the constituency of Cavan-Monaghan and having had interaction with the school on many occasions over the years know that it is a school of which we are all proud. Successive principals, the current principal, Rachel Moynagh, all her staff, the board of management and successive parents associations have worked to develop a great school community and they are anxious that they would have modern accommodation. The school is currently on two sites, which creates additional pressure both on the teachers and their support staff, but also on the pupils and the families concerned. We need to get to a point where we have modern, permanent accommodation on one site to ensure that those children are taught and that services are provided in modern, proper accommodation and that the staff can deliver those services in that environment.

## School Curriculum

11. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills the extent to which he remains satisfied regarding the adequacy of the school curriculum at primary and second level to cater for the creation of an education and skills base adequate to meet the requirements of a modern, competitive economy, with particular reference to the maximisation of access to opportunities in the workforce; if the third-level institutions in their turn are in a position to ensure graduates have the requisite skills and qualifications to meet the challenges globally; and if he will make a statement on the matter. [31753/17]

**Deputy Bernard J. Durkan:** This question seeks to ascertain the extent to which each stage in the education system dovetails into the next to give the students every advantage in extracting from it the requirements needed to meet the challenges they will face eventually in

the workplace.

**Deputy Richard Bruton:** I thank Deputy Durkan for tabling this question. The curriculum has to evolve if our schools are to successfully equip young people with the capacity to meet the requirements of a modern, competitive economy and the needs of a modern and changing society.

The Action Plan for Education details clear curriculum change and other commitments that will secure the step-change needed to equip learners with the skills necessary to participate in the modern economy. It includes: actions to promote science, technology, engineering and mathematics, STEM, at primary and post-primary levels; the introduction of a new leaving certificate computer science subject from September 2018; the development of a new primary mathematics curriculum that will support all children in the development of algorithmic and computational thinking, which form the basis of coding; and the implementation of a digital strategy in schools will seek to enrich the teaching, learning and assessment environment.

The entire thrust of junior cycle reform is to enrich the learning experience of pupils with new curricula, new opportunities for project work, team work, short courses and the new junior cycle profile of achievement, which can showcase this work. This approach puts a higher value on the competencies which employers seek.

As part of the framework for junior cycle, a new science specification was introduced in September 2016, while the new mathematics specification will be implemented from September 2018. A short course on coding is also in place.

The higher and further education systems are responding strongly to the challenge of meeting Ireland's human capital needs. Graduate output increased by 7% over the past four years and there will be a further 3% increase in 2018. One thousand additional STEM graduates will graduate from the colleges in the next two years compared to 2016. Graduate employment is increasing, and employers report strong satisfaction levels with the quality of the graduates.

New opportunities are also being developed in regard to apprenticeships, and the curriculum for apprenticeships has been updated, and traineeships. Under Springboard+, 6,500 students will have opportunities this year to participate in upskilling their existing skills in areas such as ICT, advanced manufacturing, financial services, entrepreneurship and hospitality. The education system is responding robustly to the changing nature of expectations on young people.

**Deputy Bernard J. Durkan:** I thank the Minister for his reply. I ask further about the degree to which any research takes place on the completion of each stage and induction into the next stage and the degree to which the student is best placed to progress to the following stage and, eventually, to third and fourth level and on into the workplace, whichever is the optimum.

**Deputy Richard Bruton:** That is a crucial point. I mentioned earlier that the transition from preschool to primary level, from primary level to secondary level and from secondary level onwards is often the occasion when children fall by the wayside. It is a very important area. Research is ongoing and a group chaired by the Secretary General of the Department considers initiatives we can take in this area. There is increased emphasis on the hand over in terms of the emerging preschool area and primary level. The primary level curriculum is being re-assessed to try to have stages within it that allow those transitions to be more successful so that the early stages are more akin to preschool and at the late stage more akin to the expectations that will be in secondary school. A good deal of work is going into that, both on the curriculum side and

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on more practical issues as well such as access at third level for children who could fall by the wayside, either because of disadvantage or disability. All of those metrics are improving. We are seeing more successful transitions to third level.

**Deputy Bernard J. Durkan:** Are any comparisons made with other jurisdictions in like-for-like cases? To what extent has information been gleaned from any such comparisons with a view to maximising the benefit from the point of view of the students?

**Deputy Richard Bruton:** The Department participates in a number of international fora one of which, the Atlantic Rim Collaboratory, has been particularly useful in providing examples of successful educational reform. This is not rocket science. As Deputy Nolan said earlier, it is often around the leadership and the quality of teaching. There is no magic bullet in Marlborough Street. It is about equipping teachers to allow them do their job effectively. There are initiatives, but we could do more of what the Deputy suggests in terms of learning from international standards. That is the reason we set the standard that, within a decade, we would be the best in Europe, which forces us to examine those other international players.

### **Special Educational Needs Service Provision**

12. **Deputy Carol Nolan** asked the Minister for Education and Skills the way in which he plans to ensure sufficient autism units are provided to address local demand. [31571/17]

**Deputy Carol Nolan:** I want to ask about the Minister's plans to ensure a sufficient number of autism units are provided for children throughout the country.

**Deputy Richard Bruton:** The National Council for Special Education, NCSE, through its network of local special educational needs organisers, SENOs, in consultation with the relevant education partners, is responsible for the establishment of special classes in various geographical areas where there is an identified need. The NCSE, in looking to open special classes, must take into account the current and future potential need for such classes, taking particular account of the educational needs of the children concerned. The NCSE will also take account of location and sustainability in looking to establish special classes in certain areas.

Since 2011, the NCSE has increased the number of special classes by over 100%, from 548 in 2011 to 1,152 across the country now, of which 887 are autism spectrum disorder, ASD, special classes. The NCSE will establish an additional 145 ASD special classes for the coming school year, increasing the number of ASD special classes to 1,032. While it is not always possible to ensure that a special class placement will be available in the child's local area, the NCSE has informed my Department that, in general, it is satisfied there are sufficient ASD special class placements to meet existing demand.

As the Deputy knows, given that this was raised by Deputy Thomas Byrne and others, we are planning to introduce a Report Stage amendment to the admissions Bill, which will provide, based on reports from the NCSE, that there will be a power to direct schools to open a special classes, if necessary. As this power will require a school to provide land or alter existing property, I am of the view that the power should be with the Minister who can engage the patron or trustees and that there should be adequate safeguards to ensure people's rights are protected.

**Deputy Carol Nolan:** The Minister said it has been reported there is an increased number

of units in order to meet demand. I assure him that is not the case on the ground. I have met many parents and teachers who are totally frustrated. They feel very strongly about this issue and that their children are being failed. I am sure many Deputies concur with what I am saying because they have met the same stakeholders. The fact is there are not enough units.

I was very disappointed to see that a number of amendments which sought to address this issue were ruled out of order last week on the admissions Bill. It is a huge issue, as we have all been saying in the House. I am sure the parents who have contacted the Minister have told him the same thing. I welcome that the Minister has indicated he will deal with this issue on Report Stage of the admissions Bill but will he elaborate on this? Will he indicate whether this Bill will be dealt with before the recess?

I emphasise the need for inclusive education. The reports I am getting from parents are that they have to travel long distances in order for their child to attend a unit. That is wrong. It is not inclusive education and it is not giving children fair play or the chance to achieve a high quality education, far from it.

**Deputy Richard Bruton:** The figures speak for themselves. Since 2011, we have had a 136% increase in the number of ASD special units. We are massively expanding this area. Across the range of children on the ASD spectrum, many parents, some 61%, choose that their children are in mainstream classes, and they are supported there with resource teachers and with SNAs, where they are needed. The increase in resource teachers has been of the scale of 50% over that period and, in addition, there is a 32% increase in the number of SNAs. While there is a growing need and that is identified in early assessments, we are also seeing children with disabilities staying longer in our education system, completing programmes and progressing to third level. The system is having a tangible impact on the future of these children.

In terms of the debate in the House, I indicated to the committee that I would bring forward a Report Stage amendment. That will now be dealt with in September when we return. I am very conscious of the concern of Deputies on the need to do this, particularly Deputy Byrne, who tabled an amendment. We are fully committed to providing that power. It would be wrong to suggest we are not seeing many schools across the country gladly and openly welcoming the provision of these units.

**Deputy Carol Nolan:** I believe the only way forward is for the NCSE to have the powers to designate a unit where there is local demand. That is the only way we can provide an inclusive and proper education to all of the children of this nation. It is problematic that there is a huge issue at second level in terms of the lack of resources, which has been emphasised time and again. I wonder how the Minister is going to address those issues. This needs to be taken on board. I am glad the Minister has acknowledged it is a problem but the figures the Minister has trotted out are not the solution to the problem. Even with increases, there is still a huge problem which we have to address in a timely manner in order to give fair play and equal opportunities to all of our children.

**Deputy Richard Bruton:** I do not know what the Deputy means if she says resources are not the solution. We are investing €1.68 billion in services for children with special needs and it is an absolutely correct investment. We have expanded that massively. Even in the very difficult years when there was no money available, we continued to expand the number of resource teachers and SNAs. We protected resources and we expanded the school transport service for children with special needs, and we are seeing the results. We are seeing more children identi-

fied earlier, completing their programmes at first and second level and progressing to third level.

The system is working. The extra resources, which the Deputy says is just the trotting out of numbers, are real teachers. There are thousands of teachers going into our schools. We now have 13,000 resource teachers and 13,000 SNAs providing support to 49,000 children who are in these categories in one shape or another. This is a huge commitment of resources. It is unfair of the Deputy to suggest there is not a commitment here because there is a massive commitment and it is growing. Even this week, we announced a 7.5% increase in resources specifically for the groups about which the Deputy is expressing concern.

### **Pupil-Teacher Ratio**

13. **Deputy Thomas Byrne** asked the Minister for Education and Skills his plans to reduce the pupil-teacher ratio across the school system. [31748/17]

**Deputy Thomas Byrne:** The question concerns the pupil-teacher ratio. I want to find out the Minister's plans to address this, knowing it is a key issue in the Irish education sector and knowing there is very little about in the Action Plan for Education. Nonetheless, it is a key condition of the confidence and supply agreement that Fianna Fáil and Fine Gael have entered into.

**Deputy Richard Bruton:** Between the school year just completed and the school year commencing in September, my Department will have provided 4,800 additional teachers across the school system. At primary level, 830 additional teachers have been allocated to meet demographic needs and a further 840 resource teachers and 300 teachers to reduce the staffing schedule by one point, which occurred last September. At post-primary level, 800 additional teachers have been allocated to meet demographic needs - an additional 660 second level resource teachers, 420 teachers in respect of school leadership, 400 teachers in respect of guidance and 550 teachers in respect of junior cycle professional time. It is expected that this additional allocation will improve the overall ratio of teacher to students when the statistics section of my Department releases the 2016-17 statistical data later in the year. The improvements made in budget 2016 improved the ratio of teachers to students from 16:1 to 15.7:1 at primary level and 14.1:1 to 13.7:1 at post-primary level.

The confidence and supply agreement and the programme for Government has a commitment to reduce class sizes at primary level and it is my intention to make further improvements to class sizes over the life of the Government. However, I recognise there are needs across the system which have to be balanced in the decisions made in each budget.

**Deputy Thomas Byrne:** This is an issue that has been allowed to go off the boil politically for a little while but it has not gone off the boil in our schools across the country. This is a key demand of the INTO in particular and of the second level unions. Shockingly, 10,000 pupils are in primary level classes of over 35 students. That is incredible but it is a fact; that is what is happening on the ground. The children in these super-sized classrooms receive an inferior education and there is no question about this. It is not because of the quality of the teaching, the ability of the teachers, or the students; it has to do with the fact that there is shocking overcrowding. We have to take steps towards addressing this. We have to give the pupils a better deal at school, and also give the teachers a fairer chance to do the job they love to do.

**Deputy Richard Bruton:** I agree. The reason I answered the question in the way I did was

just to show we are putting teachers into the schools. Most Deputies are aware of the importance of the 1,500 additional resource teachers we have put in over the past two years. Deputy Carol Nolan just emphasised it. People recognise the importance of leadership and guidance, which Deputy Byrne has emphasised very often, and also the importance of resourcing junior cycle reform. I recognise exactly what the Deputy is saying, but I am trying to balance all these other needs within the school system. As I said, I recognise this is not only a very important issue, but also an issue within the confidence and supply agreement. We are seeing progressive improvement on all fronts and I hope we can sustain this in the coming years.

*Written Answers follow Adjournment.*

## **Topical Issue Debate**

### **School Transport Eligibility**

**Deputy Brendan Smith:** I appreciate the selection of this subject by the Office of the Ceann Comhairle. I am very glad the Minister of State, Deputy Halligan, is here to deal with this Topical Issue. I appreciate his engagement with me and other Members in regard to school transport. The issue pertains in particular to the start of the school year last year. The Minister of State facilitated meetings with constituents of mine, which I appreciate. Deputy Thomas Byrne mentioned earlier that there is a huge volume of work in July and August. Those of us who represent very rural constituencies know that much of our case work during August covers school transport issues.

As the Minister of State, Deputy Halligan, and Deputy Byrne, the Acting Chairman, Deputy Durkan, and all of us in the House are well aware, school transport is a huge resource for rural Ireland. At times we do not factor it in enough as a necessary ingredient to ensure we retain population in rural Ireland. Recently, in reply to a parliamentary question, the Minister of State mentioned to me that approximately 116,000 children avail of school transport on an annual basis. It shows the huge importance and value of the school transport system. By and large it works well, but there are always difficulties, and we all know that wherever we have a boundary or a border there will be a difficulty. That is the problem.

I have a particular concern about the changes introduced some years ago. Members of a family may have traditionally attended a post-primary centre but after changes were introduced younger siblings were not entitled to transport to the same centre their older siblings attended. We cannot have a situation where all siblings may attend one primary school but two older siblings then attend two different post-primary centres. The method of calculation is that people have to go online to apply for a ticket and Google Maps provides information on the distance. Some of the suggested routes to calculate the distance between the home and the post-primary centre take people along roads that are not passable for a motor car never mind a minibuss or a large school bus.

I would appreciate if some greater flexibility could be given to Bus Éireann in making decisions literally on the ground. I know of one case in my county where on a particular loop road one family is deemed eligible for transport to a school, but it is further away from the school than another family, and whatever way the calculation was made it is the reverse of what it

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should be. We have to allow the Bus Éireann personnel, who do a good job often in difficult circumstances, to be practical and measure the distance from the home on the basis of the passable route and the route people use.

All of us who represent rural constituencies know that traditionally some parts of a parish may have a different village or town as its town or village to the other half of the parish. There are boundaries and natural catchment areas. The least that could be done in this case is where older siblings have attended a specific post-primary centre that younger siblings should not be denied the same level of school transport as the older siblings to that centre.

I know granting concessionary tickets is a very welcome development but there is a cost to it for many families. All of us know families with primary and post-primary school children. They have huge costs. We should ensure younger siblings are entitled to the same level of service as their older siblings who went to the school deemed to be their local post-primary centre.

It is not easy to draw up a national scheme that will meet all requirements because of geography, topography, roads and natural catchment areas that evolved and are not coterminous with the parish boundary of the school catchment area. Bus Éireann does a good job on the ground. Give it the flexibility to make decisions and submissions to the Department to deal with those anomalies that arise.

**Minister of State at the Department of Education and Skills (Deputy John Halligan):**

I thank Deputy Smith and I congratulate him on his extensive knowledge of school transport. I have met him on a number of occasions. I could read out a long prepared script and answer based on the question he asked. What he has said is correct. It is an extensive operation managed by Bus Éireann on behalf of the Department. It covers more than 100 million km annually and approximately 116,000 children, including almost 12,000 children with special needs, are transported in approximately 4,500 vehicles on a daily basis to primary and post-primary schools. It is complicated and complex.

I tend to say things straight, and I agree with what the Deputy has said. There should be a little more flexibility. Many Deputies are aware of the changes to the school transport scheme announced by the then Government in budget 2011. They derived from the recommendations contained in what was known as a comprehensive value for money review of the scheme. This was an independent value for money review of the scheme, as far as I am aware. The changes announced included the cessation of the catchment boundary area system to determine the eligibility at post-primary level and to increase from seven to ten the number of eligible children required to establish or retain our school transport service.

I have some difficulty with this and I am speaking with Bus Éireann and the Department about it currently. We have buses that may have eight or nine pupils but not the ten required. The Deputy may not be aware that in the past two weeks I had been requested to take 90 buses off their routes and I refused to do so. These were buses that had fewer than ten pupils. I indicated that at the very least if the schools could show that next year or the year after they may be able to bring the number of pupils on the route to ten, that the buses would be kept in the system, and this will happen.

In general, children are eligible for post-primary school transport if they reside not less than 4.8 km and are attending their nearest school. It is important to note that children who were eligible for school transport prior to the introduction of the changes retain this eligibility for the

duration of their education at the school. This is provided there is no change in their circumstances. However, all new pupils, including siblings of existing pupils, are assessed for school transport eligibility under the revised criteria.

To answer the question the Deputy has asked, I will have a look at it. Next week, I plan to meet departmental officials on school transport again, and I will keep the Deputy up to speed on whether we can move forward on the suggestion he has made. Next week, I will also meet a number of Deputies from various parties, and if the Deputy would like to be part of the meeting he would be very welcome for a number of minutes. I ask him to email me the proposal and suggestion he has made before I meet the departmental officials next week, and we will see whether we can move forward on the very issue he has spoken about, with which I have some difficulty, I may as well be frank with the Deputy.

*7 o'clock*

**Deputy Brendan Smith:** I welcome the Minister of State's forthright response and his obvious determination to bring about a resolution to these difficulties. It will not cost millions of euro. The moneys involved are small amounts, yet it is so important to families. We know families are stressed out at the beginning of the school year with various back-to-school costs. Additional difficulties with school transport and concerns about getting children to school just add awful further stress to families, in particular if both parents are working or there is only one parent in the home. Any measures to deal with the difficulties on the ground are welcome.

We do not factor in enough the importance of the school transport service in regenerating rural areas and keeping rural Ireland alive. Every rural Member will have had a call from a couple intending to set up a family home in a rural area inquiring about the level of school transport in a particular rural area. It determines whether people will live in particular areas. It is a practical matter with which parents have to deal.

I welcome the Minister of State's commitment to bring a practical approach to this issue. I have come across some instances of children who had school transport to a primary school but none when they went on to post-primary school, even though they were both in the same catchment areas. Either we have feeder primary schools into second level or not.

I would be glad to participate in the meeting proposed by the Minister of State. It would be welcome if he was able to give out a clear message that common sense will prevail on the ground. We cannot be measuring routes over mountains and bog roads as the nearest distance between a home and post-primary school.

**Deputy John Halligan:** There has been no change in the method used to calculate the distance that determines a child's eligibility for school transport. That is determined by Bus Éireann by measuring the shortest traversable route from the child's home to the relevant school. I understand there are difficulties with mountain passes and so forth. There is no question, however, that it will have to be examined.

The budget allocated for school transport is €182 million per year. I am restricted in that I cannot increase that budget. If I were given an extra €10 million or €20 million, there would be no problem with eligible children or concessionary children using school transport. However, it is difficult.

I have some difficulty with the method using the shortest traversable route. We are speak-

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ing to Bus Éireann to deal with that issue. However, I am bound by the legislation introduced in the Dáil in 2011 and 2012. I must work within that to the best of my ability. I try to manage outside it and to bring common sense to bear. In 2017 and 2018 we may need to look at how the scheme operates and come back from what was agreed in 2011 and 2012. Circumstances, geography, bus routes and ability have changed. We should have a look at bus capacity to see whether it should be ten, seven or eight children.

I am curtailed by the amount of finance my Department has. We are right up to the edge with 116,000 children, 12,000 special needs children, 4,500 vehicles and the current budget.

### **Dental Services Provision**

**Deputy Marcella Corcoran Kennedy:** I welcome the opportunity to raise this issue which is of such importance to parents of primary school children in counties Offaly and Laois. I am raising this issue as a result of numerous representations which I have received from parents who are extremely concerned that dental check-ups or screenings are not being carried out as frequently as was the norm in the past by the midlands public dental service.

We know from our census figures that our population and that the children eligible for and requiring the service has seen a considerable increase in recent years. From 2008 to 2017, County Offaly has seen an increase of 4%, while County Laois has seen a much larger increase of 25% in the same period. In fact, if we go back as far as 2002, the figures are even more concerning, especially in County Laois which has seen an increase 46% in numbers of children aged five to 12 years of age.

What is the problem? There has been a reduction in dental surgeons available to provide basic dental care. This has led to significant concerns for parents who were depending on the programme which had been rolled out to first class, fourth class and sixth class pupils. Despite the increase in the number of children eligible to avail of the service, the number of whole-time equivalent dental surgeons has reduced dramatically in counties Offaly and Laois by 56%. As far back as 2009, fourth class had to be dropped from the service altogether, while only first and sixth class targeted for routine treatment. Now in 2017, only sixth class is being targeted. As for first class children, preventive treatment will be provided to them only if resources are available.

The midlands public dental department needs an increase of at least 3.5 whole-time equivalents to return to the previous provision of the service to first, fourth and sixth class. We know best practice guidelines advise that, at the very least, children should have an annual check-up. We are slipping further away from that target. Accordingly, it is imperative the dental department in the midlands gets sanction from Health Service Executive, HSE, management to recruit a vacant dental surgeon position. A major recruitment drive for dental services must be a priority for approval by the HSE. I know the parents of primary school children in counties Offaly and Laois expect no less and their children deserve no less.

**Minister of State at the Department of Health (Deputy Catherine Byrne):** I am taking this matter on behalf of the Minister, Deputy Harris.

I thank Deputy Corcoran Kennedy for the opportunity to address the issue of dental services provided by the HSE in the midlands. Dental services for children up to 16 years of

age and persons of all ages with special needs are provided by the public dental service of the HSE through its dental clinics. HSE dental clinics provide a screening and fissure sealant programme for children at key stages of development, that is, children aged 11 to 16; children aged six to eight; and, where resources are available, children aged nine to 11. The service includes referral for further treatment, including orthodontic treatment, where necessary. Emergency care for children up to 16 years of age and treatment for special needs patients is also provided.

The issue raised is an operational matter for the HSE. Officials in the Department of Health have contacted the HSE about services in the midlands. I am informed by the HSE that, based on current staffing levels, the dental service in the midlands has targeted children in sixth class in the school year 2016-2017. Where resources permitted, children in first class were also targeted for preventive treatment. The HSE anticipates the service will target sixth class again in the next academic year.

The Minister, Deputy Harris, has asked the HSE to investigate this matter and write directly to the Deputy. There is a commitment in A Programme for a Partnership Government to introduce a preventive dental health programme for children under 12 and adult medical cardholders. The national oral health policy, which the Department is currently developing, will inform future provision of dental services. The aim of the policy, which is being led by the chief dental officer, is to develop a model of care that will enable preventive approaches to be prioritised, improve access, and support interventions appropriate to the current needs. These are matters which the Minister intends to consider in the context of the implementation of the health commitments in the programme for Government and having regard to the funding available to facilitate such measures.

**Deputy Marcella Corcoran Kennedy:** I thank the Minister of State, Deputy Catherine Byrne, for her reply. I welcome the fact that she stated the Programme for a Partnership Government contains a commitment to introduce a preventive dental health programme for children under 12 and adult medical card holders.

The thrust of my Topical Issue matter concerns children in primary school. Children in primary schools in Offaly and Laois are being put at risk of undiagnosed oral disease because the HSE is not providing the staff numbers required. We are fast heading towards having the service reduced to an emergency service instead of one with proper routine care. This is absolutely unacceptable. The HSE's management must be urged to take action. I appeal to the Minister of State to ensure the Minister, Deputy Harris, immediately requests that the filling of the vacant dental surgeon position be sanctioned. This matter arose in May 2016 and the post still has not been sanctioned. It is crucial that we try to return to the level of service we were rolling out a little less than ten years ago. I realise, of course, we have been through a very difficult crisis in this country but it is unacceptable in 2017 that our primary schoolchildren are being exposed to the risk of oral difficulties.

**Deputy Catherine Byrne:** I have noted carefully the Deputy's concerns and frustrations. In the good old days, when we were on the ERHA and we travelled around the country with the South-Western Area Health Board, one of the topical issues was orthodontics. Children in the early stages of their schooling were not looked after properly and got worse as they got older. I know the Deputy is well aware of what is needed in the area and the number of posts that need to be filled. The proposal will be considered. As stated, it is part of the Estimates for 2018. The Deputy has highlighted an urgent need to recruit someone at this very early stage. Children cannot wait until the Estimates are completed for a service to be put in place.

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I concur with what the Deputy has said and I make the Minister aware of her frustration and concerns and, above all, the fact that children are waiting to be seen in classes other than first and sixth classes. They are developing very serious dental and oral health needs. I will make sure that I bring to the attention of the Minister the statistics I have taken down on the populations in the areas the Deputy mentioned.

### **Cancer Services Provision**

**Deputy Niall Collins:** The issue I have sought permission to raise is a very important one for women who are survivors of breast cancer and find themselves seeking support from the HSE after a mastectomy. The backdrop is that breast cancer is the second leading cause of cancer death in women in Ireland, second only to lung cancer. It affects a significant number of women nationally. Statistics show that approximately 2,500 women per annum are treated for or are at least diagnosed as having breast cancer. It affects them directly and also their families.

It was brought to my attention late last week that the HSE had decided off its own bat to introduce a policy on the provision of post-mastectomy products. I will quote several lines from an email that was sent to me. It claims that, after surgery, a lady is currently supplied and fitted with a breast prosthesis and two surgical bras to hold it in place. If this lady has a medical card, she may then be fitted and supplied with two surgical bras every year and a new breast prosthesis every two years, if required. Yesterday, the person who sent me the email received an email from the HSE stating that, from 1 July, there has been a new allowance in place and that ladies will now only be provided with an allowance of €68.50 for one breast prosthesis every two years and will no longer be provided with surgical bras other than those supplied when leaving hospital. The cost of a breast prosthesis, the email states, is between €150 and over €200, depending on the specification. The concern was considerable.

The Minister of State's colleague, the Minister, Deputy Harris, moved quite quickly to postpone the implementation of this new policy. What we want is certainty from the Minister of State and the Government on this policy because it appears nobody was consulted apart from the Irish Cancer Society. No survivors of breast cancer or clients of the HSE were canvassed or consulted directly.

With regard to public policy, I am not aware of any public representatives having been consulted through the HSE forums that now exist around the country. Given the impact on those who have had a mastectomy and who are dealing with the physical and emotional fallout from a cancer condition, it is unacceptable that the support the HSE was providing was suddenly halved overnight. The sums of money I have quoted in the context of the overall HSE budget seem tiny. Could the Minister of State shed a little light on this in her reply? There is a pause until August, as we now know. What will happen after August? Will the Minister of State also address the inconsistency or lack of uniformity in the application of the policy throughout the country? Will the same supports be available to medical card holders and non-medical card holders?

**Deputy Catherine Byrne:** On behalf of the Minister, Deputy Harris, I thank the Deputy for the opportunity to address the issue of supports provided to breast cancer survivors. The provision of wigs and hairpieces by the HSE to patients who are being or have been treated for cancer and other illnesses is operated by means of a grant voucher system administered by the community healthcare organisations, CHOs. Patients can select their preferred wig or hairpiece, and

the HSE refunds the service user or service provider up to the value of the voucher issued. The Minister became aware, through media reports on 30 June, of the HSE's intention to introduce revised arrangements for the provision of supports to the patients in question. I understand that the HSE's objective was to develop more equitable arrangements for the provision of such products and to extend these supports to a broader cohort of patients. The HSE established a working group to undertake a full review of the operation of this service and develop national guidelines to ensure uniformity of approach in the provision of these products at local CHO level. This was part of a wider community-funded schemes service-improvement programme. The guidelines were developed by the HSE on an overall cost-neutral basis. This would have meant gains in some areas and reductions in others.

While the Minister understands that the health service is working with a range of stakeholders, most importantly patients, to try to improve the supports throughout the country, this cannot take place before plans are put in place to ensure there is no hardship or reduction of supports for patients who are already receiving a particular level of service. Neither the Department nor the Minister for Health were involved or consulted in the course of this process. At the Minister's request, the HSE has deferred the introduction of the proposed changes. He has asked the HSE to re-examine the matter with a view to devising a plan that will achieve an equitable outcome but not lessen the level of provision for patients who are already coping with a very serious illness. The HSE has confirmed to the Department of Health that it has deferred changes to its guidelines pending further review and a consultation process, which will include engagement with the Department of Health, suppliers, patient groups and other stakeholders.

I assure patients and Deputies that anyone receiving post-mastectomy products, or wigs or hairpieces, will continue to receive the same level of support. It is essential that such patients not be subjected to any additional worry or stress at what is a very difficult time for them and their families. I cannot give the Deputy any details on what will emerge from the review but I will ensure that the Deputy receives a full reply from the Minister as soon as I speak to him, which will be tomorrow. Everything has been put back where it was. Nothing is happening and everything has been deferred until a proper system and plan can be put in place. As a woman, I was very concerned when I heard what had happened. I know that other Deputies were too. Deputy Tom Neville and others on this side of the House were really struck by the fact that that this had gone on and been broadcast and that people had been sent letters. It caused huge strain for patients who were already in difficult circumstances, for which we apologise. It was terrible that it happened.

**Deputy Niall Collins:** I thank the Minister of State for her reply. I do not think anybody blames her or the Minister for Health, Deputy Simon Harris, for the decision that was taken which completely blindsided him as head of the health service and everybody around the country. I was very heartened by his robust reaction when he was challenged and it was put to him. It has been reassuring for breast cancer survivors and those dealing with the fallout.

I have been lobbied by a group in Limerick and can only speak for my part of the country, as Deputy Tom Neville can. About 200 clients attend the breast cancer clinic at University Hospital Limerick. They have formed a group and will be seeking to meet the Minister shortly. The Minister of State might convey that message to him. They would like him to hear about their experiences and how these supports are critical. Part of what came out in the past few days through a discussion on our local radio station, Limerick's Live 95FM, was that women would need ongoing support after a mastectomy. The policy was to provide initial support and leave women on their own after that. That is not acceptable. I ask the Minister of State to impress on

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the Minister the need to clear up the anomaly. Will it be just medical card holders or will non-medical card holders be able to avail of the supports available on an equal basis? We obviously need to standardise the service across the country. Will those engaged in the consultation process please consult the survivors of breast cancer? Will the Minister of State tell the Minister that there will be a communication on its way to him shortly requesting him to meet a group which represents breast cancer survivors?

**Deputy Catherine Byrne:** As I said, the consultation process will include engagement with the Department of Health's suppliers, patient groups and other stakeholders. I firmly believe the group about which the Deputy is speaking must be part of it also. What happened should not have happened which, as a woman, I can perfectly understand. I have family members and friends who had a breast removed. It is a very difficult time for everybody. What we want to do is make sure everybody receives a decent service at a time when they are very seriously ill. What happened in the last couple of weeks should not have happened. and I cannot relate to the Deputy on a basis such as this why it happened. However, when I spoke to the Minister about it, as others did, action was taken rapidly to put things right aside, as the Deputy said. The consultation process will have to involve all those patients who are suffering, as well as stakeholders. Only then will those who, unfortunately, will end up being so ill that they will have to have a breast removed believe the service available meets their needs. That has to be the case for medical card holders and for others also. I will relay a very strong message to the Minister because it is something that cuts to the core of every person in the country, not just women but also family members, including husbands and partners. What happened was shocking and should never have happened.

### **Emergency Accommodation Provision**

**Deputy Thomas P. Broughan:** During the week of 22 to 28 May there were 1,312 homeless families, including an astonishing 2,777 children, in homeless accommodation around the country. They are really shameful figures. Some 852 of these families were single parent families and there were almost 1,100 families with 2,266 children in Dublin alone. Seven weeks ago, on 18 May, I raised a Topical Issue about the Government's commitment to end the placing of families in hotels and guesthouses by 1 July and the failure of the then Minister to ensure good communication and give notice to the families concerned. On 23 May I received a reply to my questions from the deputy chief executive of Dublin City Council, Mr. Kenny, on the breakdown of homeless families. He told me that, of the 1,454 accommodation places to be made available for homeless families in hotel rooms by 1 July, 625 or almost half would be in family hubs, which essentially are homeless hostels for families. He also stated hubs were regarded as emergency accommodation. Does this mean that they will be classified as supported temporary accommodation, STA, or private emergency accommodation, PEA, within the Minister's homeless statistics?

We have been told that there are nine of these hubs in Dublin city - at High Park, Drumcondra; Ashling House, Clontarf; Mater Dei, Clonliffe Road; Greencastle Parade, Coolock; Kinsealy Lane in the area of Fingal County Council; the famous Lynam's, O'Connell Street, about which we heard on the floor of the House a few weeks ago; Clonard Road, Crumlin; Sarsfield Road, Ballyfermot; and Millmount, Dundrum. In all, they provide 254 places for families. We were then told that Dublin County Council had obtained five-year leases on several hotel properties in Dublin for the same purpose.

I have been in contact with some impressive civic society groups that are working for people living in homeless accommodation such as the North Dublin Bay Housing Crisis Committee led by Ms Aisling Hedderman and Ms Aisling Kenny. They put a number of key questions, to which I have not received adequate or even basic replies. First and foremost, for how long will families be kept in these homeless hubs? What guarantee can the Minister of State give that they will not be there for much longer than six months? Dublin City Council will not give a guarantee that it will be for a six-month period. As the Minister of State knows, international best practice is that six months is the longest period for which people should be kept in certain accommodation. What happens if a family refuse a place in a hub or if they are very unhappy going into HAP-type accommodation? What is the cost of the family hubs to the State? I understand there are to be up to 18 hubs to house approximately 600 families at an estimated cost of €25 million. Will that be the cost per year? The obvious question constituents will ask is: how many houses could be build for that amount of money if we were to start an emergency local authority housing programme, for which I have asked many times in the House? Of what will the accommodation consist? Will it just be one big room or will there be a number of rooms per family, depending on the ages and gender of the children? There are reports of adults sleeping in bunk beds. How will the rosters to access cooking and laundry facilities be managed? These are very basic questions and when one starts to ask them, one wonders how the Minister, Deputy Simon Coveney, got this chaotic idea off the ground in the first place.

It has been reported that rents in the hubs will be between €37 and €45 per week and that there will be extra charges on top of these amounts for laundry facilities, etc. How were these figures reached and why? Some of the families in question might be saving towards HAP scheme deposits. What level of local access will there be to and what safety measures will be in place in the hubs, given that we are talking about thousands of children?

I tried to raise an issue with the Minister of State's colleague, the Minister, Deputy Katherine Zappone, but my question was not reached. It was related to the provision of support these vulnerable families would need, including mental health, addiction and education services and training. There are a lot of questions to be answered and there is great unhappiness among my constituents. It is a huge problem in Dublin and many other areas around the country.

**Minister of State at the Department of Housing, Planning, Community and Local Government (Deputy John Paul Phelan):** I will try to answer as many of the Deputy's questions as possible. If some questions are not touched on, I will certainly endeavour to obtain further answers afterwards.

One of the key commitments in Rebuilding Ireland is to only use commercial hotels and bed and breakfast accommodation for homeless families in exceptional circumstances. The Minister, Deputy Eoghan Murphy, is absolutely committed to achieving this. Hotels are not a suitable or secure form of accommodation for families and especially for young children, as the Deputy pointed out. In terms of overall progress, since Rebuilding Ireland was published last July, it is worth noting that over 830 families have exited hotels and B&Bs and that over 400 families have been prevented from entering hotels in the period up to the end of May of this year. However, despite this, at the end of May, there were still 647 families in commercial hotels and B&B-type accommodation. While it should be acknowledged that this is a considerable reduction on the 871 such families recorded at the end of March, this number of families in hotels and B&Bs needs to reduce and reduce fast.

With regard to the 647 families, the Dublin authorities have confirmed to me that all of the

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remaining families have been personally contacted and have been given written indications of the accommodation solution envisaged to allow them exit their current commercial hotel or B&B arrangement. Roughly one third of these families will move to permanent social housing in the coming weeks in accordance with their place on the housing list. One third will move into private rented tenancies with the assistance of social housing supports, primarily via the housing assistance payment, HAP, scheme while the remaining families will be relocated into newly developed family-focused temporary accommodation facilities or “family hubs”.

The Dublin authorities have been working on the delivery of 15 family-focused facilities at a total estimated cost of €25 million, all of which will be in place in the coming weeks. These 15 facilities will provide supported temporary accommodation for some 600 families at any point in time. The Minister recently announced an additional €10 million in funding for the development of further family-focused facilities. This funding will provide additional accommodation for at least another 200 families. The provision of new custom-developed, family-focused facilities will provide more appropriate and suitable temporary accommodation for families offering family living arrangements with a greater level of stability than is possible in hotel accommodation. The facilities will offer on-site access to required services, such as welfare, health, housing services, cooking and laundry facilities and appropriate family supports and will facilitate more co-ordinated needs assessment and support planning.

However it is important to note that these facilities are not a long-term housing solution and families will be moved into independent tenancies as quickly as possible. While families are accommodated in these facilities, they will still be considered as “homeless” for the purpose of their social housing assessment and their homeless status will be reflected in monthly homeless reports. In delivering these new facilities, it is the responsibility of the housing authority to comply with all statutory requirements, including planning, building and fire regulation, and there are strict quality controls in place to ensure this. There are also guidelines in place, which were developed by my Department in consultation with the Dublin authorities, regarding standards for the various forms of temporary accommodation for families. This guidance includes standards relating to minimum sizes for family units and the provision of living spaces and bathroom facilities. Furthermore, the Dublin authorities are also guided in the provision of temporary accommodation for families by the national quality standards framework for homelessness services, which was developed by the Dublin Region Homeless Executive. This framework provides for a minimum level of quality in the provision of temporary accommodation to homeless families.

The Minister is confident that these new facilities will provide more security and stability for homeless families than would be possible in hotel accommodation. Of course, our ultimate objective remains to provide long-term accommodation solutions for the families concerned and this will continue to be the focus of concerted priority supported by the €5.35 billion in funding committed under Rebuilding Ireland.

**Deputy Thomas P. Broughan:** I wish the Minister of State well and congratulate him on becoming Minister of State. What is the new target date? When does the Minister of State expect that there will be no more families in hotels? The Minister of State spoke about fire safety and living standards of a legal standard yet only a couple of weeks ago, people were sent into Lynam’s Hotel, which is basically a building site and where there is real danger in terms of fire safety. I believe there were chains on entrances, which is pretty outrageous.

One of the sites is the Bargaintown warehouse on Greencastle Parade in Coolock in my

constituency, which will be converted to turn it into a family hub for 40 families. According to one of the reports I received, minor alterations would be necessary for what is essentially a factory building. In fact, it used to be a Data Products electronics factory. How can alterations be minor if the building is to be turned into a liveable, fire-safe and totally accessible residence for that many families with many children? We have been told that it may cost €3.5 million. The Salvation Army is supposed to be the estate manager. Could the Minister of State confirm that this is the kind of money we are talking about?

The Government is forging ahead with this model. Clearly, supply is still the problem. When we look at the report from Mr. Brendan Kenny from Dublin City Council, we can see the breakdown of figures is as follows: new family hubs involve 254, re-classification involves 371, rapid build involves 131, HAP involves 300, acquisitions involve 150 and social housing involves 248. Mr. Kenny comes up with a total of 1,454 homes for families in distress who could be on the housing waiting list for very long periods of time. I often represent people who have been on the waiting list for eight, ten or 12 years, are in desperate accommodation, are faced with eviction or are in hotels. They will now be in hubs. The Minister of State's job is to move on housing supply. This is not a solution. As the Minister of State said, this cannot be regarded as a solution. The Minister of State is the former Chairman of the Committee on Budgetary Oversight, of which I am a proud member. Quite clearly, we need a housing programme that will deliver safe, secure and long-term local authority or voluntary housing body homes for our constituents. The hubs are not the answer. They are a deplorable development.

**Deputy John Paul Phelan:** I thank the Deputy for his kind comments. In the committee of which we were both members, the level of agreement on the direction housing policy needed to take was striking. In my answer, there was no attempt to say anything other than that hubs are a temporary arrangement, albeit a much better arrangement than B&B and hotel accommodation. I reiterate that these facilities must meet fire standards and planning requirements. I will endeavour to get specific answers from the Department about the changes that must take place in the Bargaintown warehouse in the Deputy's constituency. Suffice to say that if upwards of €3 million is earmarked for it, as was suggested by the Deputy, it would indicate that there will be significant adjustments to that particular building but I will endeavour to get a specific answer.

There are approximately 10,000 new social housing units in the production pipeline from planning stages, to design stages to accommodation being built, finished and opened. I will be doing a bit of this tomorrow in Urlingford in County Kilkenny. We can all agree that it is not quick enough but it would be unfair to say that significant progress has not been made. Even in respect of temporary accommodation of people in hotels and B&Bs, the fact that the number of people in such accommodation has dropped from 870 to 647 in the past couple of months shows that there is a significant movement in the right direction. It will take more time before this figure of 647 is reduced and eliminated. There is an obligation on the Government and the housing authorities to ensure that those families who find themselves in this emergency receive better treatment than being put into a B&B or hotel. I will endeavour to get a direct answer regarding the issue in the Deputy's constituency.

The Dáil adjourned at 7.30 p.m. until 2 p.m. on Tuesday, 11 July 2017.