



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Céadaoin, 20 Meán Fómhair 2017

Wednesday, 20 September 2017

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

Paidir.

Prayer.

Leaders' Questions

Deputy Micheál Martin: The extent of the homelessness and housing scandal represents a damning indictment of our society and the Government's inability to come to terms with it. There are about 5,187 adults, 1,400 families and 3,000 children homeless. The impact on the children is quite shocking. Our system to deal with homelessness is close to collapse, if an additional burden is put on existing services which are very stretched. In 2014, Fr. Peter McVerry said it was a national emergency, but it has deteriorated seriously since. It is shocking that only 638 social houses were built in 2016, of which 384 were built by local authorities. Approximately 5,800 private houses were built in 2016.

I will address the various initiatives. Rents are exorbitant. The average rent in Dublin is €1,744 per month and €1,100 nationally. At all levels of the continuum of housing policy, the position is very serious and grave and the initiatives put forward have clearly failed. The development contribution rebate scheme has produced negligible results, while the infrastructural scheme for affordable housing has had very poor outcomes and results. So far seven units have been provided under the repair and lease scheme. On the much-vaunted planning change in respect of over 100 houses, did anybody see the advertisement placed by An Bord Pleanála on 1 August apologising for the delays in planning due to an inability and lack of staff to progress and process planning applications? Above all, there is no overall focus on or plan for affordable housing. Most of those who are homeless will continue to remain homeless for an undue length of time and more people will become homeless. It is reckoned that about 90 people become homeless every month, although the Government does not publish figures any more. Likewise, for the foreseeable future most people will struggle to afford to pay rent and to buy a house unless there is a fundamental shift in policy.

Does the Taoiseach accept that the Government's policies are simply not working and have not worked for the past few years and that there is a need for radical change in the provision of both council and affordable housing? The social housing list includes about 120,000 people and only 600 social houses were built last year. People want to be in a position to afford to buy

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a house. Does the Taoiseach accept that there is no overall plan to provide affordable housing, either for rent or to buy?

The Taoiseach: I want to start by saying some words about Jimmy Magee. It was with great sadness that we all learned today of the death of this iconic sports commentator. His commentaries were legendary and based on a breadth of knowledge of sport that was peerless. He also had an innate sense of timing, which often meant that his descriptions of events became as memorable as the events themselves. He was part of the fabric of Irish sport and lived and breathed sport. He would talk about, reminisce and recall sports events with anyone and everyone. Although his voice may now be silent, the wonderful memories created for us by the Memory Man will live on forever.

To answer the Deputy's question, on my own behalf and on behalf of the Government, I very much acknowledge the stress that is being endured by many families and people who are facing homelessness at present who are staying in emergency accommodation. As I have said previously, homelessness is a stain on our society.

When it comes to the larger issue of housing, which, of course, is much broader than homelessness, we are absolutely aware of the need to ensure that more affordable housing is available for people. It has long been the case in Ireland that those in their 20s and 30s can aspire to buy their first home. That is now increasingly difficult, not because house prices are higher than they were ten years ago but because mortgages are more difficult to get and, of course, the availability of new houses and apartments is very much less than it should be. These are issues that the Government is very much attuned to, and issues where we acknowledge that more progress needs to be made in the time ahead.

It is important to point out some of the progress that is being made. Deputy Micheál Martin accurately listed many of the problems. It is important to balance that by mentioning a little about the progress that is being made. For example, today, and indeed every working day, 80 individuals and their families will be housed by the State, that is, there were roughly 19,000 new tenancies last year. We anticipate 21,000 new tenancies this year, which is a significant response to a serious problem. Also, we have had the development of the family hubs, of which the Deputy would be aware. That has allowed us to reduce the number of children and families in bed and breakfast accommodation and hotels by almost half in the period gone by. The hubs provide much better and much more appropriate accommodation for families able to do their own laundry and cooking, etc.

We have a plan, which is Rebuilding Ireland. It is working. It is funded to the tune of €5.4 billion over the period of the plan but we acknowledge that more needs to be done. The Deputy will have heard already from the Minister, Deputy Eoghan Murphy, some of the additional measures that are taking place. For example, house building itself is ramping up considerably. We expect 2,500 social houses, that is, council houses and apartments, to be built this year. That number will rise to approximately 5,000 next year of which 3,800 will be built directly by local authorities, others will be acquired through Part V and others - long-standing voids - will be brought back into use. We are getting to the point where we are starting to see supply recover but we are very much in catch-up mode, but catch up is what we intend to do.

Deputy Micheál Martin: The Taoiseach's reply, with the greatest of respect, illustrates the disconnect between the Government rhetoric and talk and the reality on the ground. In quarter 1 of 2017, for example, how many houses have the four Dublin local authorities built between

them? Nil. Zero are completed. There were 638 last year. The situation is getting progressively worse.

The first decision of the Minister, Deputy Eoghan Murphy, was to abandon the plan by his predecessor, the Minister, Deputy Coveney, to end families living in emergency accommodation in hotels by July last. His very first decision was to state he was abandoning that plan. The Taoiseach will forgive me and the rest of the country for being a bit sceptical about saying the Government will reach targets. Only 25% of the 10,000 units so-called “in the pipeline” are on site - it will be 2021 before they come on stream - compared to the already too-low target of 26,000. We have got all the targets, we have got all the commitments but every year the reality falls far short of those targets. I outlined the initiatives that the Government announced over the last two to three years. The Government said these would make an appreciable difference and these would make an impact. They have made no impact. It is negligible.

An Ceann Comhairle: I thank Deputy Martin. The time is now up.

Deputy Micheál Martin: People are in a crisis. Young couples cannot buy houses. Even the private sector is not building - the whole financial model is not right - but on the social housing front, the Government could have done something. It can do something. It is vital, both on the social housing and the affordable housing side, that there is a significant step-up in terms of house construction that the State can get involved in, and the budget should flag that and should represent and signal a significant increase in council construction and affordable housing.

The Taoiseach: We are making real progress as evidenced in the fact, as I mentioned earlier, that today 80 people and their families will be housed by the State and that there will be 21,000 new tenancies this year.

Deputy Timmy Dooley: They are houses that people have left.

A Deputy: They are not new houses.

Deputy Sean Fleming: They are changing the name of the scheme to HAP.

The Taoiseach: There are 21,000 additional individuals and their families who are being housed this year.

Deputy Sean Fleming: There are not. They were previously in receipt of rent supplement. They are now in receipt of the HAP. The name of the scheme has been changed.

The Taoiseach: In some cases they are people-----

(Interruptions).

An Ceann Comhairle: Please allow the Taoiseach to speak.

Deputy Timmy Dooley: He finds it difficult to speak without Mr. Concannon beside him.

(Interruptions).

The Taoiseach: I see that we are going to have a repeat of the same pattern whereby Deputies will be allowed to ask questions and will be treated with respect but the minute someone gives a reply that they do not want to hear, one will be interrupted right away.

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Deputy Dara Calleary: Perhaps the Taoiseach might give an answer instead of a reply.

(Interruptions).

An Ceann Comhairle: Please, Deputies.

The Taoiseach: We will have 21,000 individuals and families housed this year. In some cases, people will be moving into newly built council houses, while in others they will be moving into voids that have been brought back into use. Others will be housed through the housing assistance payment, HAP, scheme which Deputy Micheál Martin's party supported, or the rent supplement scheme. There is a significant number of people who are being housed every year. The figures the Deputy gave, in some ways, tell the story of the progress being made. Only two years ago we were in a situation where virtually no council houses or apartments were being built. We got to the hundreds last year. The figure will be in the thousands this year and next year will be up around 3,800. It takes time to ramp up housing supply; it just cannot be done overnight, but it is something which we are committed to doing. Next year we expect between 20,000 and 25,000 houses to be built, of which somewhere between 4,000 and 5,000 will be social houses which will get us back to the point - this is good policy - where roughly 20% of new housing stock will be social housing. We have a €5.4 billion funded plan to do exactly that and there will also be other measures.

Deputy Gerry Adams: Go raibh maith agat a Cheann Comhairle agus cuirim fáilte ar ais romhat agus roimh an Taoiseach. Tá súil agam go raibh sos breá agaibh agus go bhfuil sibh réidh go mór leis an obair atá romhainn. Aontaím leis an méid a dúirt an Taoiseach faoi Jimmy Magee. Ba mhaith liom mo chomhbhrón a dhéanamh lena theaghlach. Mar a deireann an se-anfhocal, ní bheidh a leithéid arís ann. Ar dheis Dé go raibh a anam dílis.

The Government's failure in the health sector is especially evident in the unacceptable way citizens with intellectual disabilities and their families are treated. There is a scandalous lack of services for families with children with disabilities. There is an absence of scheduled respite care services, especially for adults with intellectual disabilities and complex needs, including autism. These families believe they have been abandoned by the State. They are living in a perpetual crisis, under continuous stress, with no break because they cannot avail of proper respite services. As I am sure the Taoiseach knows, it gets worse as parents get older, get sick or their loved ones develop more challenging behaviour. Last night on RTE's "Prime Time" programme we heard the story of Adrienne Murphy and her son Caoimh, a 14-year-old boy with autism. His mother was forced to make a desperate public plea to the HSE to provide residential care because she simply could no longer cope. He is in a hospital bed used to treat burn victims, not in a facility dedicated to meeting his particular needs.

Following last night's programme the Taoiseach may deal with Caoimh's case, but what about the others? In my constituency of Louth and Meath East I am contacted regularly by families who are in similar situations. Sam is an 18-year-old with severe autism, challenging behaviour and complex needs, which often result in violent episodes. His mother is battling to access a respite care service. Sam recently turned 18 years and is no longer eligible to avail of respite care services for children. As such, he is now without access to any respite care service. His family are exhausted and distressed and constantly worrying about what might happen if there is a family crisis or illness and they cannot care for him. His mother has met the Minister for Health, Deputy Simon Harris. She has built a campaign but believes her son's needs remain invisible to the Government.

Adam is a 42-year-old who is non-verbal and has high-support needs. His parents are elderly and at their wit's end. They have cared for him for all of his life with very little support from the State. This is another family who cannot secure a residential placement because no funding has been found. There is no real, fit for purpose, way to provide proper services for these citizens. The system is chaotic and disorganised and it is left to the endeavours and ability of individual families. Budget 2018 provides an opportunity for the Government to make real differences to these families. What measures will Government introduce to ensure citizens, such as Caoimh, Sam and Adam, receive the dedicated services they so urgently need?

The Taoiseach: The Deputy will appreciate that I am unable to comment on individual cases on which I do not have the details and that even if I do have the details of individual cases it is not possible for me to breach client or patient confidentiality without the permission of the client or patient to do so. That said, in regard to the case of Caoimh, the Minister for Health, Deputy Simon Harris, and the Minister of State, Deputy Finian McGrath, are very much aware of it and met this morning with officials from the HSE and the Department for an update on the discussions on residential placements. The HSE has been working on this case for some time and I understand that there will be further contact today with the young man's mother. We are informed that this is not a funding issue and that a residential placement will be funded once the application has been accepted. The HSE has been providing ongoing care to the family thus far in terms of home supports.

In regard to support for people with disabilities in general, it is important to acknowledge the work that is being done by the Minister for Health, Deputy Simon Harris, and the Minister of State, Deputy Finian McGrath. There was a €90 million increase in funding for services for people with disabilities this year and an increase in the disability allowance for the first time in eight years. Children with severe disabilities, those in receipt of the domiciliary care allowance, for the first time now receive a medical card by right regardless of their parents' income, which acknowledges the enormous cost of health care for many parents with children with severe disabilities. Approximately 10,000 children who previously did not have a medical card now receive one by right and a further 40,000 no longer face reviews.

Decongregation is very much under way. This is happening in my own constituency and, I am sure, in Deputy Adams's constituency. Old institutions, where people with disabilities were kept in Florence Nightingale-style wards, are being closed and those people are being moved into community houses, which is much better accommodation than they had previously. Dedicated funding has been put in place for emergency placements, which is of crucial importance. An issue that had been a big problem in previous years, namely placements for school-leavers, has been improved dramatically. It is important to acknowledge that progress, which is very real and is being experienced by hundreds of people and their families every year.

There is, of course, always more work to be done and we acknowledge that. This week, for example, the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, and the Minister of State, Deputy Finian McGrath, announced €10 million in funding for pre-activation supports for people with disabilities who might be able to move into employment. As this is an issue Deputy Adams has raised in this House many times, I hope he will take the opportunity to welcome that.

We acknowledge that there are two areas that will require additional investment in the years to come: first, respite, because respite provides a life line for families, giving them the break that they need while their loved one spends a period in respite and, second, the issue of people

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with disabilities who are living with parents who are now in their sixties and seventies and getting on in years and are understandably concerned about what will happen to their son or daughter with a disability who is still living with them when they pass on or they become unable to look after him or her. They are two areas that will require additional investment in the years ahead. However, it is important to acknowledge those many things done in this year alone to improve the lives of people with disabilities and, of course, their families.

Deputy Gerry Adams: With respect, Taoiseach, it is not good enough. It comes down to what one believes in. One either believes that citizens have rights or one does not. A person with a disability has rights irrespective of the disability. Society must be shaped to meet those needs. This cannot be left to individual Ministers regardless of how well-intentioned they may be.

The Taoiseach spoke earlier about a republic of opportunity. What about a republic of equals? What about the pulse of our people, which is about access to decent public services, the right to a home, the right to a health service and, particularly the right to proper services to citizens with disabilities? The Taoiseach is a doctor and he is bound to know the stress caused to the families concerned. I was greatly moved by an elderly woman I met recently, whose son, who she has cared for all his life, is approaching 50 years of age. Every night, he walks up and down the stairs continuously. She cannot get a break. Surely that should be a great priority for the Government, that they have a place in the Taoiseach's republic of opportunity. I want these issues to be dealt with and only use those cases as examples. Do these citizens have a right to equality? Can we also have an "Equality Yes" campaign for them? The Taoiseach has said what he and his Ministers have done. Will he advise us of the measures that will be brought forward in the forthcoming budget to provide these citizens with the care that they require?

The Taoiseach: We all believe in equal rights for people with disabilities. I will give the Deputy an example of what the Government has done just in the year gone by to improve the rights of and the support available to people with disabilities. We all believe in supporting the families concerned, whether it be through the provision of medical cards, increases in welfare payments, employment opportunities or services. We all believe in these measures and maximising the opportunities for people with disabilities. The Deputy's party has been in and out of government in Northern Ireland for most of the past 20 years, but let us consider the payments made to people with disabilities there.

Deputy Gerry Adams: Does that excuse the Taoiseach's conduct?

The Taoiseach: Let us consider the service deficits in Northern Ireland in terms of the cut-backs social care trusts are making in Northern Ireland. I do not accuse the Deputy of being uncaring or heartless because of the challenges faced in Northern Ireland, nor do I accuse him of abdicating his responsibility to look after people in Belfast or Derry.

Deputy Gerry Adams: I am not the Taoiseach.

A Deputy: That is a relief.

The Taoiseach: I have talked about the real progress made already and commit to making further progress in the years ahead.

Deputy Brendan Howlin: The Labour Party and I want to be associated with the Taoiseach's remarks on the passing of Jimmy Magee who was a man of humour and knowledge who

brought both enlightenment and entertainment to us all. We will certainly miss him.

I want to ask the Taoiseach about the forthcoming budget. With there being fewer than three weeks to budget day, it is important that we have an honest debate in this Chamber about the choices we face. During the past few days we have had the opening salvo in a phoney war between the Government and Fianna Fáil. On Monday the Taoiseach made it clear that he would like to increase the threshold above which people pay income tax at the higher rate. This proposal, designed to give no benefit at all to the poorest half of the working population, would clearly be regressive and its impact would be marginal. For someone earning €40,000, the gain would be the grand sum of €4 a week but only for the richest half of the working population. I hope it is clear that this bad idea should not manifest itself in the budget. Fianna Fail's view is that instead the 5% rate of the universal social charge, USC, should be lowered. Again, it would be a regressive measure, albeit marginally less so than the Taoiseach's proposal. It would benefit more people but only to the extent of €2 a week. It would be a tragedy if these were to be the only options with which we would be presented which would deliver a paltry dividend as against using the same sum of money, a modest enough €200 million, to make a real difference in the provision of services. Reducing college fees by €1,000 would cost €74 million; cutting class sizes in both primary and secondary schools would cost only €22 million; raising the wages of all those who work in the child care sector to a living wage would cost €63 million; and eliminating waiting lists for home care packages would cost €18 million. These are four substantial changes the Taoiseach could afford to make rather than giving a token amount to people who could really live without it when there are such pressures on services.

My question is straightforward. Will the Taoiseach accept that, having regard to the tight fiscal space available, that this year there is insufficient space to cut taxes? Will he give a commitment that instead, for at least the coming year, he will devote whatever resources are available which will be modest enough in the grand scheme of things to making a meaningful investment in public services that would make a difference to the people?

The Taoiseach: I should first state clearly that the budget has not yet been written or agreed to. It is still under negotiation, particularly among Ministers. The phoney debate, if there is to be one, is the one the Deputy wants to have, which is that budgetary policy is solely a trade-off between tax reductions and spending increases and, of course, the phoney debate that assumes that spending increases always result in better services which he and I both know is not the case. The truth about the budget is something different. It is that because of the way the Government has handled the economy-----

Deputy Brendan Howlin: This Government.

The Taoiseach: -----and because of the growth in employment and salaries in the past year or so, we can do three things in the budget and we intend to do them. The first is to balance the books. For the first time in ten years, we will produce a budget which will balance the books. That may not be a politically popular thing to do, but it is the most important thing to do because when an economy is growing, we should balance the books and pay down our debt. We will do both because we will not repeat the mistakes of the past made by other parties, although we will learn from them.

The second thing we will do is increase spending on public services and infrastructure. We estimate that when account is taken of the full-year cost of measures previously announced and commitments made, as well as the additional fiscal space, public spending will increase by ap-

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proximately 4.5% next year. That equates to a spending increase on services and infrastructure of between €1.5 billion and €1.8 billion. We will do that and also find some space for tax relief. We think that is the right thing to do because 2 million people work hard, of whom 1.4 million pay income tax and USC. They produce the wealth that allows us to do all of those other things and I believe they deserve a break in the budget. For that reason, we will find some space to give them an increase in their take home pay and a tax reduction that they deserve which, in turn, will allow them to spend more on their families and more in the economy, thus creating employment for others.

With regard to the statistic the Deputy used for the richest and the poorer halves, he should bear in mind that 30% of people have been taken out of the USC and tax net. We have taken 30% of the 50% to whom he referred out of the tax net altogether. Is it not right to say to people who are in the middle income bracket and still pay USC and income tax and who very often believe they pay for everything and get very little in return that there should be something in the budget for them also?

Deputy Brendan Howlin: The Taoiseach might acknowledge that I know something about forming budgets. It is, bluntly, a matter of taxation and expenditure. That is what all budgets come down to. I refer to the notion that the Taoiseach should dismiss the lowest paid in the country. Is it the case that they have got their bit? The line seems to be that the Government has taken them out of the USC net and that is enough for them. The 30% on the lowest incomes who are getting by will get nothing because they are not part of the coping classes on which the Taoiseach's focus groups are focused. He talked about learning from the mistakes of the past. If we have learned anything from them, it is that one cannot be all things to all men and women and that one cannot spread a bob for everybody and make a meaningful difference. If resources are scarce, the only progressive thing to do is to ensure we have quality public services which make a difference to the people who depend on them. I have instanced some examples, but many things could be done on the capital side. I will instance them again for the Taoiseach when we get closer to the budget, but let us have the debate, not a phoney war or kite flying by the Government and Fianna Fáil to test the temperature. Let us have a real debate in this House about what should the priorities be for the next year and the years beyond.

The Taoiseach: It is always a sign that one is on weak ground when one has to misrepresent somebody's position to make an argument. I merely pointed to the nonsense of the Deputy's point about having tax reductions for people who do not pay tax or who at least do not pay income tax or USC.

Deputy Brendan Howlin: I am arguing against tax cuts.

The Taoiseach: It is not possible to reduce USC or income tax for the 30% of people who pay nothing-----

Deputy Brendan Howlin: The money should be used instead for investment in services.

An Ceann Comhairle: Please, Deputy.

The Taoiseach: We again have this continual pattern. All of us here listen with respect to the questions being asked.

Deputy Brendan Howlin: And then the Taoiseach twists the words used.

Deputy Timmy Dooley: The Taoiseach is very thin skinned.

The Taoiseach: The minute Deputies get an answer or have to hear some facts, they get upset.

Deputy Michael Healy-Rae: The Taoiseach will have to get used to this.

Deputy John Brassil: I am not sure they are facts.

The Taoiseach: I did not twist Deputy Brendan Howlin's words; he twisted mine. He has tried to make out that I said there would be nothing in the budget for the 30% of working people who do not pay USC or income tax.

Deputy Brendan Howlin: That is what the Taoiseach said.

Deputy Timmy Dooley: The Taoiseach has become very sensitive. He had better take a chill pill.

The Taoiseach: The kinds of things that are included in our budget and economic policy for people who are on such low pay that they do not pay any income tax because we have taken them out of that net are increases in the minimum wage. This Government and Members on these benches increased the minimum wage twice since the Deputy left office.

Deputy Brendan Howlin: No.

The Taoiseach: It will be twice in two years.

Deputy Brendan Howlin: The Government raised it by 10 cent.

Deputy Regina Doherty: Next year it will rise by 30 cent.

The Taoiseach: We have also agreed wage increases for example, and only last week there was agreement from the Irish Congress of Trade Unions. Bear in mind the Deputy is the man who said Fine Gael could not negotiate a pay deal and that we did not understand the unions. Last week we saw agreement for the negotiated pay deal with ICTU, which will see pay increases in 2018, 2019 and 2020 for all public servants, particularly those on the lowest pay.

What other things can we do? We can expand social insurance benefits. In the next couple of weeks, for example, social insurance benefits will be extended to people who pay pay-related social insurance. There will be a restoration of treatment benefit, for example, which was cut by the then Minister for Social Protection - a member of the Deputy's party - but it was restored by me when I got that job.

Deputy Brendan Howlin: The Taoiseach was not there at the time I suppose.

Deputy Mattie McGrath: Where was the Taoiseach then?

An Ceann Comhairle: May we have order please?

Deputy Timmy Dooley: The Taoiseach will need a thicker skin for discussing Cabinet responsibility.

The Taoiseach: In the last couple of weeks we have begun the process of bringing in affordable child care for all families.

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Deputy Timmy Dooley: When thieves fall out.

The Taoiseach: The subsidy is worth approximately €1,000 per year for families who pay for child care.

Deputy Micheál Martin: I told Deputy Howlin not to take the job at the time.

Deputy Timmy Dooley: The Taoiseach needs to a bit thicker-skinned.

Deputy Brendan Howlin: It is very attractive to be a coalition party.

The Taoiseach: For those who pay tax and the universal social charge, USC, we will reduce their tax and USC so they can have more money in their pockets. For those who do not earn enough to pay USC or income tax, we will improve their lives by improving social insurance benefits and costs such as child care.

Deputy Noel Grealish: I congratulate Mr. Michéal Donoghue, the Galway senior hurling manager, and Mr. Jeffrey Lynskey, the Galway minor hurling manager, on the remarkable double they recently achieved.

Deputy Seán Canney: Hear, hear. Come on Galway.

Deputy Noel Grealish: It is a pity we did not get Sam to the west also.

Deputy Mattie McGrath: What about the Déise?

Deputy Noel Grealish: Perhaps it will be next year. I congratulate Dublin as well on the three in a row.

Deputy Finian McGrath: Hear, hear.

Deputy Michael Healy-Rae: What about the Kerry minor footballers? Four in a row.

Deputy Noel Grealish: Yes. The Deputy can bring that up on Leaders' Questions the next time. On 23 February 2015, Apple announced to major fanfare its biggest project in Europe to date, a €1.7 billion investment in two data centres to be located in Athenry, Galway, as well as in Denmark. It had plans to create hundreds of local jobs in construction and operations, providing amenities for local schools and residents, as well as running the plants on clean and renewable energy from the outset. Nearly three years on, the plant in Denmark is set to be up and running before the end of the year, as per Apple's projected schedule, while the plant in Athenry has not even secured full planning permission yet. Apple announced last month new plans to build a second data centre in Denmark at a cost of more than €800 million, which will also run entirely on renewable energy. Apple considered 19 countries before settling in Ireland for one of the data centres and there was great excitement about job creation possibilities, opportunities for small, local businesses and communities, as well as the spin-off benefit of other multinational companies coming to Ireland on the back of such a successful global company choosing Ireland as its base. Last week, Bloomberg reported that Apple is reconsidering its decision to locate in Ireland as it is concerned that even if the Commercial Court approves the application in October, there could be further objections down the line to further delay the project.

There is a serious worry that the second Danish plant could be a replacement for the plant planned for Galway. It is scheduled to begin operations in the second quarter of 2019. There is a bigger underlying issue of concern as Ireland is sending a signal to other large multinational

companies looking for a European base that planning in Ireland can be mired in delays, with large infrastructural projects being held up for years on the back of minor objections. The fear is that any multinational company examining Apple's experience in Galway may not consider Ireland. We will be bypassed for a country with progressive planning laws, where governments do everything possible to create inward investment.

This is not about Galway or Apple but rather it is about Ireland. Will the Taoiseach give a commitment to this House and the multinational companies across the world that Ireland's planning laws will be changed to ensure this scenario will not be repeated? What is the Government proposing to do to inform and modernise planning laws to ensure we do not have a repeat of what happened with Apple's application in Galway?

The Taoiseach: In continuing the sporting theme, we should also acknowledge the phenomenal success of the Cork camogie team on its victory a few weeks ago. All Members look forward to seeing the Dublin ladies Gaelic football team achieve a footballing double for the blue city this weekend.

Ireland is often referred to as the data capital of Europe. There are currently 27 data centres in the country and the Government is very keen for the Apple data centre in Athenry to go ahead. It involves a capital investment of €850 million which will provide 300 construction jobs and 150 on-site permanent jobs. It will be one of the biggest capital investments in the west of Ireland, matched only by the Gort to Tuam motorway. Planning permission was originally granted by Galway County Council in September 2015 and affirmed by An Bord Pleanála in August 2016. However, as Deputy Grealish mentioned, the planning permission is currently subject to judicial review in the Commercial Court. The Government looks forward to a speedy decision in that case.

I met the vice president of Apple approximately two weeks ago. We discussed Athenry. She reaffirmed Apple's commitment to going ahead with the project. Notwithstanding that another data centre is going ahead in Denmark, provided planning permission is granted Apple remains committed to the Athenry project, which I very much welcome. However, the Apple representatives made it very clear to me that they are frustrated at the planning and judicial delays and while that will not affect this project it will colour decisions that they might make about future investments and, therefore, I share the Deputy's concerns in that regard.

The Government is considering a change to the Planning and Development (Strategic Infrastructure) Act to include data centres as strategic infrastructure, thus allowing them to get through the planning process much more quickly. In July, my Department established a high-level working group comprising the Department of Business, Enterprise and Innovation, the IDA, the Department of Housing, Planning and Local Government, EirGrid and the Department of Communications, Climate Action and Environment. It will develop a strategic policy approach to the development of data centres in Ireland, including the possible designation of areas for suitable development as data centres and also the identification and resolution of planning issues and infrastructure requirements including the energy requirements of data centres.

The Government is very keen for this project to go ahead. I am reassured by Apple of its commitment to the project but the Government acknowledges that planning issues and delays in the courts undermine the case for future investment and it intends to act on that.

Deputy Noel Grealish: I thank the Taoiseach for his response. I also met with Apple ex-

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executives after planning permission was granted, in particular by An Bord Pleanála. I was the only politician to attend and speak in favour of the project at the An Bord Pleanála hearing. Several Apple executives met with me in that regard and at that time they gave a commitment that Apple would build the facility in Athenry, although that was before the judicial review was instituted.

Ireland has always been an attractive location for multinationals. As a nation, we have prided ourselves on our progressive policies and well-educated workforce which have brought over 1,000 US companies to Ireland and led to more than 200,000 people being directly employed in multinationals and thousands more indirectly employed in support companies. Companies such as Microsoft, Google, Facebook and medical device companies such as Medtronic, Boston Scientific and Merit Medical have been very successful as a result of their Irish operations. As can be seen from the issues encountered by the proposed Apple development, our planning laws now pose a very serious threat to Ireland's future investment potential. It is essential that the planning laws are addressed and a signal sent to the rest of the world that Ireland is very much open for business and that a situation such as this will not happen again.

The Taoiseach: I agree with Deputy Grealish. It is important that Ireland has a planning process that allows people to give their views on any planning application but it is also important that decisions are made speedily. It is frustrating to see so many of these important decisions being held up in the courts by means of judicial review. That does not only affect private sector projects such as this as important public infrastructure projects are also often held up in the courts. Any change to how the courts operate is difficult to put in place and can require constitutional change but in terms of the planning laws the designation of projects such as this as strategic infrastructure would allow them to receive planning permission much more quickly.

On my travels around the country over the summer I had an opportunity to visit Athenry, take a look at the site and meet with Councillor Peter Feeney and Deputy Ciaran Cannon. I know the strength of support for this project in the community in Athenry and that residents there see it as a real benefit to them. We will work very hard as a Government, without interfering in the courts, to bring this project to fruition.

Appointment of Ministers of State

The Taoiseach: I wish formally to announce the following change to the titles and functions of a Minister of State: the Government has appointed Deputy Seán Kyne to be Minister of State at the Department of Rural and Community Development and the Department of Communications, Climate Action and Environment with special responsibility for community, natural resources and digital development with effect from 19 September 2017. This is a technical reassignment following changes to departmental structures arising from the establishment of the new Department of Rural and Community Development.

Dáil Éireann
Order of Business

Deputy Mattie McGrath: I wish the Tipperary ladies the very best on Sunday in the all-Ireland match.

Today's business shall be: No. 8, motion re special meeting of joint committees for engagement with Mr. Guy Verhofstadt, MEP, European Parliament Brexit Coordinator; No. 9, motion re Broadcasting Act 2009 (Designation of Major Events) Order 2017 - referral to committee; and No. 18, Social Welfare, Pensions and Civil Registration Bill 2017 - Second Stage (resumed). Private Members' business shall be Second Stage of No. 35, Thirty-fifth Amendment of the Constitution (Right to Housing) Bill 2017, selected by Solidarity-People Before Profit.

Thursday's business shall be No. 9a, motion re Europol Regulation - referral to committee; No. 18, Social Welfare, Pensions and Civil Registration Bill 2017 - Second Stage (resumed, if not previously concluded); and No. 36, Wind Turbine Regulation Bill 2016 - Second Stage, will be debated in the evening slot.

In relation to Wednesday's business, it is proposed that (1) the motion re the special meeting of joint committees for engagement with Mr. Guy Verhofstadt MEP and the motion re Broadcasting Act 2009 (Designation of Major Events) Order 2017 - referral to committee, will be taken without debate and any division demanded on the motion re special meeting of joint committees shall be taken immediately; (2) there shall be no suspension of sitting within the meaning of Standing Order 25(1); Private Members' business will take place at 8 p.m.; and (4) the proceedings on Second Stage of the Thirty-fifth Amendment of the Constitution (Right to Housing) Bill 2017 shall conclude within two hours if not already concluded.

In relation to Thursday's business, it is proposed that the motion re Europol Regulation - referral to committee shall be taken without debate.

An Ceann Comhairle: There are two proposals to put to the House today. First, is the proposal for dealing with today's business agreed to? Agreed. The second proposal is in respect of the business set out for Thursday. Is that agreed?

Deputy Gerry Adams: No. We have raised this with the Offices of the Ceann Comhairle and the Chief Whip. It has to do with what is described on the Order Paper as "an exchange of views with Mr. Guy Verhofstadt" from the European Parliament. I understand that the MPs and MEPs on these committees will be denied their right to speak even though they normally have the right to speak in the committees they are part of. Deputy Michael Healy-Rae, Chairman of the Committee on European Union Affairs, Deputy Brendan Smith, Chairman of the Oireachtas Joint Committee on Foreign Affairs and Trade, and Deputy Kathleen Funchion have all indicated support for the members of their committees who are MPs or MEPs being able to speak at this engagement with the Member of the European Parliament.

I know we may have got ourselves caught up in a technical anomaly here but good sense should prevail. Here is a very clear indication of the all-Ireland aspect of this and the man has come here to see and hear what folks who represent citizens across the island want to say on the very important issue of Brexit. It would be ridiculous if we prevented these committee members from exercising their right to speak merely because it is sitting in this Chamber. This does not only affect Sinn Féin but also Fine Gael MEPs and others.

Deputy Michael Healy-Rae: I was contacted about this important matter by Deputy Martin

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Ferris and indicated my support for it. I raised it today at the Joint Committee on European Union Affairs where there were dissenting voices but we knew that it would be raised on the floor of this House this evening and decided we would wait and see what would happen on the matter then.

The Rural Technical Group's opinion is that what Sinn Féin seeks is acceptable and should be allowed and in this important matter it has the support of this group.

An Ceann Comhairle: I will clarify the situation for Members as I understand it. Standing Order 95 sets out how the orders of reference for the committees in question operate. The joint sittings of committees are regulated by Standing Order 87. Were the circumstances different, we could possibly amend and set aside orders to allow the Members to attend the meeting on Thursday. However, prior to the summer recess, the Seanad agreed a resolution which is at variance with what Deputy Adams wants to do, so that even if we were to set aside the Standing Orders to allow for the Members of the United Kingdom Parliament to attend, we could not do so because the meeting is one of a joint committee of the Dáil and Seanad and the Seanad already made its decision on this prior to the summer recess and we are bound by that. The Seanad will not return before the joint sitting takes place on Thursday and no matter how much we might want to comply with the Deputy's request, it is not technically possible to do so while adhering to our own Standing Orders. Whether we like it or not, we must adhere to our own Standing Orders.

Deputy Gerry Adams: We will be faced with a situation where the three committees will meet together and MEPs who are entitled to sit on these committees and who speak at the meetings which they attend will sit here and not be allowed to speak. Is this not ridiculous? How will that look or seem to anyone? The purpose of this meeting is given as an exchange of views. This has nothing to do with the fact that Sinn Féin is raising this issue. These people are on these committees by dint of their mandates and of the Good Friday Agreement which we are entitled and obliged to uphold. We might move a motion later, but I ask Teachtaí support the right of the members of these committees to speak, rather than the comic nonsense and undermining of democracy which may happen tomorrow if this is denied them.

An Ceann Comhairle: I very much appreciate the point being made by the Deputy and that it does not apply to Sinn Féin alone but the reality is that the rules are made by all of us here. We set out these rules. If they are idiotic rules they are idiotic rules that we have set out for ourselves and as long as they are in place we must adhere to them. If we had sufficient foresight before the summer recess, the Seanad might have made a different decision.

Deputy Eamon Ryan: Are MLAs included in the wording which the Seanad has agreed or may they take part in proceedings tomorrow?

An Ceann Comhairle: No they cannot.

Deputy Caoimhghín Ó Caoláin: On a point of explanation.

An Ceann Comhairle: I am only entitled to call on one Member from each group but I will allow Deputy Ó Caoláin.

Deputy Caoimhghín Ó Caoláin: I was not aware of the Seanad decision referred to by the Ceann Comhairle. Can he explain to the House how a decision of another House impacts on this House making a decision to facilitate other parliamentary voices? It is not just from North

of the Border. These are MPs from all parts of this island who are entitled, we would argue, to have their voices heard, if they so choose to participate.

An Ceann Comhairle: The explanation is quite simple. The committees that will meet tomorrow are joint committees, requiring decisions of the two Houses. The other House already made its decision, prior to the summer recess and, with respect, members of the Deputy's party are Members of the other House, where the decision was made.

Deputy Caoimhghín Ó Caoláin: What was the decision?

An Ceann Comhairle: The decision made did not provide for the amendment the Deputy has tabled today. Had that amendment been made in the Seanad it would not be impossible for us today to make a similar amendment. In other words, if the amendment was made by the Seanad before the break we could make a similar amendment today, were the Members amenable, but it was not, so therefore we cannot.

Deputy Gerry Adams: None of us knew these MPs and MEPs would be barred until we received notice a few days ago. We did not know.

An Ceann Comhairle: We cannot do the business of the Seanad for it. The 60 Senators are well capable-----

Deputy Gerry Adams: We can do the business of the Dáil.

An Ceann Comhairle: Yes, but we are impacted by the decision they made and it is as simple as that. We might not like it, but that is how it is. Can I take it that the proposal for dealing with Thursday's business is agreed to?

Deputy Gerry Adams: Not agreed.

Question, "That the proposal for dealing with Thursday's business be agreed to," put and declared carried.

An Ceann Comhairle: I call Deputy Martin on the Order of Business. We have one minute for each Member as 23 Members are offering.

Deputy Micheál Martin: I take the opportunity to express my sympathies, and those of my party, to the family of the late legendary broadcaster Jimmy Magee, who was part of the childhood memories of some Members of the House. My first memory of his commentaries was of Cork Celtic versus Shamrock Rovers some time in the late 1960s. Of course he covered many major events, from Olympics to boxing to soccer. He was known as the "memory man" because of his encyclopedic knowledge of all sports. He was a great quizmaster down through the years, involving many sporting clubs. Ar dheis Dé go raibh a anam dílis. He was one of the most knowledgeable people I have ever met.

With regard to the programme for Government, there has already been significant overcrowding in our country's hospitals, particularly in our emergency departments. Today, 400 people are on trolleys in emergency departments throughout the State, and this is only September. A Programme for a Partnership Government states, "In advance of, and in preparation for the 2017 review of the Capital Plan 2016-2021, the new Government will undertake a national hospital bed capacity review to establish the number, type and location of beds required into the future, recognising the need for a range of beds including critical care, palliative and day case

bed stock.”

Will the Taoiseach indicate whether this has been completed or when it will be completed? Will he give us the latest on the new emergency departments promised in the programme for Government for University Hospital Galway and Beaumont Hospital?

The Taoiseach: The bed capacity review is under way. Obviously it is not just about the number of beds, it is about the type of beds. There is a big difference between an ICU bed and a day-case bed, for example, or a paediatric bed. It is at an advanced stage and will be completed in advance of the capital review. It will be completed before the end of the year. We want to have it before the capital review because, obviously, it will inform what type of health care investments are included in the capital plan. There is already a commitment to build new emergency departments at Beaumont Hospital and University Hospital Galway, and they will proceed anyway. The bed capacity review is separate from this.

Deputy Micheál Martin: Are they proceeding?

The Taoiseach: They are proceeding to design, yes.

Deputy Gerry Adams: I have a ceist faoi the UN Convention on the Rights of Persons with Disabilities and the Disability (Miscellaneous Provisions) Bill 2016. The Taoiseach knows the UN convention was signed by the State in 2007. More than 174 states out of 193 in the UN have now ratified it, but this State has not ratified it. Yesterday, citizens with disabilities, many in wheelchairs, picketed the Dáil because the Government has failed to honour its commitments to them. The primary purpose of the Disability (Miscellaneous Provisions) Bill 2016 is to provide for ratification of the UN Convention. Sixteen months ago, the Minister of State, Deputy Finian McGrath, said it would be ratified within six months. That has not happened. It was referred to the justice committee for debate. That has not happened. As I said previously, this is an issue of rights. When will the Bill be passed? When will the State ratify the UN convention?

Can the Taoiseach inform the Dáil when he expects all the outstanding sections of the Assisted Decision-Making (Capacity) Act, which was passed two years ago, to be fully commenced?

The Taoiseach: It is our wish as a Government to ratify the UN Convention on the Rights of People with Disabilities this year. It is still our intention to do so. We have run into some difficulties, in particular with the enabling legislation and the deprivation of liberty. The Deputy will know that Ireland takes a different approach from that taken by other countries. Other countries sign a convention, ratify it and then introduce the enabling legislation. Countries such as Romania and Italy, which do not treat people with disabilities as well as we do in Ireland, have ratified the convention. Countries do take very different approaches. We are considering the possibility of ratifying the convention pending the completion of the legislation, but that is a matter that requires further investigation. It is very much our desire, however, to ratify the convention before the end of the year, ideally before December, or 3 December, which is International Day of Persons with Disabilities, as the Deputy knows.

On the new decision-making capacity service, the director has now been appointed. She is now in place and she is recruiting staff to get the service up and running.

Deputy Brendan Howlin: May I ask the Taoiseach about Opposition legislation the Government has promised to support? Second Stage of my legislation to ban rogue crisis pregnancy

counselling agencies was passed in this House almost a year ago. In response to the Bill, we were promised a statutory instrument before the summer recess. We have not seen that statutory instrument yet. Second Stage of the Gender Pay Gap Information Bill was completed in the Seanad in May. We were promised that the Government would table supportive Committee Stage amendments, but we have yet to see these. These measures have in common that they support women. When will we see a definitive timeline for the progression of these measures?

The Taoiseach: I will have to come back to the Deputy on both counts. Certainly, in regard to the regulation of crisis pregnancy counselling services, we very much support the approach outlined in the Deputy's Bill. Women who face a crisis pregnancy need to get accurate and impartial advice. It is of great concern to me and the Government that some people may be providing misleading or inaccurate advice and information. I will check with the Minister as to when the legislation can be progressed. He has mentioned it himself in discussions and is keen to develop it.

I will come back to the Deputy on the gender pay gap legislation, which I believe is with the Department of Justice and Equality at the moment. Separately, the Tánaiste, as Minister for Business, Enterprise and Innovation, is in the process of consulting industry on carrying out gender-related pay surveys. Key to that is identifying the reasons behind the gender pay gap in various companies and the extent to which it has to do with hours worked, different levels of qualifications and so on. There are often more factors at play than simply gender.

Deputy Brendan Howlin: The Bill is about transparency.

The Taoiseach: Yes.

Deputy Richard Boyd Barrett: In December of last year, this House made a unanimous decision to send the Cannabis for Medicinal Use Regulation Bill of Deputy Gino Kenny to Committee Stage. Shamefully and disgracefully, a joint health committee, comprising members from Fine Gael, Fianna Fáil, Sinn Féin, the Labour Party, the Rural Independent Group and some other Independents, has ignored the opinion and advice of the Irish Medical
3 o'clock Organisation, which represents the doctors, Professor David Finn, president of the Irish Pain Society, and Professor Mike Barnes, who produced the definitive report on the issue of medicinal cannabis, and it has recommended that the Bill not proceed to Committee Stage. I would like to know, on a matter of Dáil procedure, what standing the recommendation has. It seems that if the Dáil completed Second Stage and agreed to send the Bill to Committee Stage, it has to proceed to Committee Stage or come back here for a decision to be made to reverse it.

What is the attitude of the Government going to be to that? Does the Taoiseach think it is a good idea for the Joint Committee on Health to ignore the IMO and Professor David Finn? As a doctor, does he think it is sensible to ignore what the IMO is saying on this matter, in particular in regard to the 20% of our population who suffer with chronic pain?

The Taoiseach: As far as I understand it, the committee voted democratically to decide that the Bill should not progress. Whether it comes back to this House is a procedural question and perhaps one best addressed to the Whips or the Business Committee.

Cannabis is available in Ireland as a medicine under certain circumstances and can be applied for under licence from the Minister for Health, but of course-----

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Deputy Richard Boyd Barrett: One person has got it.

The Taoiseach: -----what is required is that a doctor qualified to do so determines that it is a medicine which is necessary in those cases. The IMO it is a trade union and, of course, I always listen to the views of trade unions. It is not a scientific body.

Deputy Richard Boyd Barrett: Is Professor David Finn a scientist?

The Taoiseach: When it comes to taking the advice of scientific bodies, one takes a wide range of advice and not just one scientist. One would listen, for example, to the Royal College of Physicians and the Health Products Regulatory Authority.

An Ceann Comhairle: The Business Committee will consider the report from the Joint Committee on Health which has been laid before the House and will consider coming forward with a motion to address the issues raised by the Deputy.

Deputy Michael Healy-Rae: I wish to raise the life-threatening decision taken by the drug company CSL Behring. It is withdrawing the Respreeza drug at the end of September. It is a most serious situation facing 21 people who are citizens of the country. Their health will go into decline at the end of September if this vital drug is taken away from them. It is immoral.

I am not blaming the Taoiseach, the Department or the Minister for Health. Will the Taoiseach use his influence? In no other country in Europe or the rest of the world would patients who are dependent on a life-saving drug have it taken away from them. If I am wrong about that, I would like to Taoiseach to correct me. I understand there is no precedent for this happening anywhere else. I ask the Taoiseach to address this most important matter.

An Ceann Comhairle: I cannot call on another Deputy on a matter that has been raised by one of the party or group leaders.

The Taoiseach: I thank the Deputy for raising this important issue. I am fully aware that a number of patients have been on a compassionate access scheme for Respreeza which is operated by CSL Behring. Following recent media reports, it appears that the company could be considering terminating the scheme. However, no formal notification has been received by the HSE from the manufacturer of its intention to discontinue access to the scheme which, as the Deputy said, is unprecedented.

It is completely inappropriate and unethical for any company to link reimbursement decisions to a compassionate access scheme and I would consider it unscrupulous if the company was not to honour any commitments which it has made to patients. The Minister for Health has directed the HSE to seek assurances from the relevant hospital, that is, Beaumont Hospital, that appropriate care arrangements are in place in the event of the access problem being this continue by the company and that appropriate ethical guidelines has been adhered to for this access programme.

The HSE has carefully considered the pricing and reimbursement of the medicine through its decision-making process and there is insufficient evidence to suggest patients would drive a clinically meaningful benefit from this treatment. At the heart of the assessment process is the rationale that decisions about the reimbursement of medicines in Ireland are made on an objective and scientific basis, taking into account expert opinion, as appropriate, and recognising the health needs of the population and other factors.

Deputy Eamon Ryan: In an article in the *Sunday Independent* the Taoiseach set out his vision for the country to 2027. Central to that was the national planning framework which he said would be published shortly. It was a bit of a one for everyone in the audience job which the oldest, cutest Fianna Fáil spin doctor in the past would have said was the right thing to do.

Should we not debate the planning framework before it is published? Will a draft version be published which can then be amended? What is the space for us to have dialogue around the sort of country we are planning? How do we influence the national capital plan? Will the plan be presented, along with the capital plan, with no discussion about the key strategic issues and how we concentrate development in the centre and put sustainability at the heart of everything we do? That is my concern. We can go into the details of revision but my concern is that the national capital plan and the planning framework will be published and it will be a case of “it is all done” and we will be debating after the fact and will not be able to influence it. This is not the way I thought it was meant to be done. I thought this planning framework would be different and that it would be an iterative process rather than the framework and the capital plan being published and it being a case of, “There you go”.

The Taoiseach: I do not know much about Fianna Fáil spin doctors. I have not had the pleasure of working as closely with them as did the Deputy for five years so perhaps he can educate us. The proposal is that the national planning framework and the ten-year capital plan will be two parts of the same document - that there will be a new national development plan, the national planning framework will be one document and the ten-year capital plan will be the other and they will be published together because it is important that one adheres to the other. There is no point in producing a planning framework that says the country will look like this in 2040 and then producing a capital plan that does not align with that. There has already been public consultation. I understand that there is a procedure in the Dáil under which the national planning framework must be debated and adopted - that is in legislation so there will, of course, be a Dáil debate on it. However, I would not be at all hostile to having an open-ended debate about it in the coming weeks. I think that would be welcome and a good idea.

Deputy Marc MacSharry: Page 54 of A Programme for a Partnership Government speaks of the need to build GP capacity to respond to patients’ needs. Later in the document, it mentions guaranteeing the future sustainability of rural practice. Last weekend, Our Lady’s Community Hospital in Manorhamilton in County Leitrim was left without any doctor on call to service it. Last June I raised in the House the fact that this county will lose 50% of its GPs to retirement over the next seven years. What is the Government’s plan to implement the aspiration outlined in the programme for Government? Clearly, it is failing in the context of Leitrim. What will the Government do to ensure that patients in Our Lady’s Community Hospital have access to a GP out of hours when emergencies arise for the population of the hospital? What will it do for that county to ensure that it does not lose the benefit of 50% of its current population of GPs over the next seven years?

The Taoiseach: As the Deputy may be aware, the rural practice allowance was increased and expanded about a year ago so it is now easier to qualify for and there is more funding for it. This has helped to improve the situation somewhat when it comes to recruiting GPs in rural areas. However, times are changing and the willingness of GPs to work as sole traders is not what it was and there is an increasing expectation that people should be able to work as teams, which inevitably means a smaller number of centralised practices. I cannot give the Deputy any specific details on Manorhamilton or Leitrim. I will ask the Minister for Health to respond to the Deputy in that regard. In terms of the bigger picture, contract negotiations are now un-

derway with the IMO, which is the union that represents doctors. I hope they will come to a conclusion quite soon and that we will be in a position to begin funding it from next year.

Deputy Tony McLoughlin: As has been discussed on numerous occasions before the summer break, the programme for Government makes a commitment regarding the roll-out of the national broadband plan. Could the Taoiseach advise me about its current status because I have been asked by many people in my constituency of Sligo-Leitrim, south Donegal and north Roscommon about the status of the plan?

The Taoiseach: The implementation of the national broadband plan is very much underway. Every minute of every working day, two doors are now being passed with 1,000 megabits per second of high-speed broadband so in the hour we have spent here in the Dáil, an additional 120 premises have been passed in respect of high-speed fibre thus allowing them to access high-speed broadband. Every week, an additional 300 farms are connected. When this Government came into office in April 2016, 52% of premises in the country had access to high-speed broadband. That is up to 65% already. That is a 13% increase in only a year and a bit. It will be up to 77% by the end of next year. We are making good progress on its implementation. Having gone from 52% last April to 65% now, we anticipate getting to 77% by the end of December and continuing to increase it from there until we become the first country in the world in which every home has access to high-speed broadband.

Deputy Timmy Dooley: The statistics and numbers that the Taoiseach has outlined are a result of the commercial decisions of a number of operators in this State, with no reference whatsoever to his Government. He has identified 500,000 premises in the State which are to be covered with State support under the national broadband plan. Will the Taoiseach tell the House when he intends to issue a contract for this work to be done, what the start date will be for the work and when he expects that it will be completed? Will he desist from taking credit on behalf of the State for the work of private companies?

The Taoiseach: The Government engages with these private companies and facilitates them. One of the particular facilitations has been appointing broadband officers in local authorities to make sure that they get through the planning and compliance that they need.

Deputy Micheál Martin: Come on.

The Taoiseach: The contract is, as the Deputy knows, being handled by the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, and it has to go through all sorts of different compliance and other issues.

Deputy Micheál Martin: The Taoiseach is talking about a few years ago.

The Taoiseach: We would certainly anticipate that being signed next year.

Deputy Micheál Martin: Next year.

An Ceann Comhairle: That concludes questions on promised legislation. I apologise to the 16 Members who had indicated and whose questions were not raised.

Deputy Sean Sherlock: On a point of order, it seems to me that week on week, more and more Deputies are being excluded from this process because of the time constraints.

An Ceann Comhairle: More and more Deputies are indicating.

Deputy Sean Sherlock: Is there any way that we can facilitate time in this House for this very important segment? We all have a number of issues to raise. I think it would be appropriate for us to review the practices and procedures of this House.

An Ceann Comhairle: I am happy to do that if that is what the Deputy wishes.

Deputy Sean Sherlock: It would allow for more Deputies to be included in the process.

Special Meeting of Joint Committees with Mr. Guy Verhofstadt MEP: Motion

Minister of State at the Department of the Taoiseach (Deputy Joe McHugh): I move:

That, notwithstanding anything in Standing Orders:

(a) two or more Joint Committees, in accordance with their orders of reference, may hold a joint meeting or meetings in this Dáil for an exchange of views with Mr. Guy Verhofstadt, European Parliament coordinator in relation to the United Kingdom's decision to withdraw from the European Union, as notified under Article 50 of the Treaty on European Union on 29th March, 2017: Provided that the Ceann Comhairle may act as Chairperson for the purposes of the meeting, and may make an opening statement; Provided further that the Cathaoirleach of the Seanad may make a closing statement at the end of the meeting; and

(b) to facilitate the exchange of views with Mr. Verhofstadt, the Dáil shall sit at 2 p.m. on Thursday 21st September, 2017, when Leaders' Questions shall be taken; and the weekly division time under Standing Order 70(2) shall be taken on the conclusion of questions on promised legislation under Standing Order 28(3).

An Ceann Comhairle: Is Deputy Gerry Adams moving his amendment?

Deputy Gerry Adams: I move amendment No. 1:

To insert the following after "that the Cathaoirleach of the Seanad may make a closing statement at the end of the meeting; and":

"(b) notwithstanding Standing Order 87(c), Members of the Westminster Parliament elected from constituencies in Northern Ireland and Members of the European Parliament elected from constituencies in Ireland, including Northern Ireland, shall be allowed to exercise the speaking rights which apply in the Joint Committee on the Implementation of the Good Friday Agreement and the Joint Committee on European Union Affairs for the purposes of a joint meeting or meetings in this Dáil for an exchange of views with Mr. Guy Verhofstadt; and"

Deputy Brendan Howlin: What is the amendment?

Deputy Micheál Martin: What are we doing now?

An Ceann Comhairle: The amendment has been circulated.

Deputy Brendan Howlin: I do not have it.

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Deputy Joe McHugh: I do not have a copy.

An Ceann Comhairle: Will Deputy Adams inform the Members?

Deputy Brendan Howlin: I assumed that the Ceann Comhairle had ruled the amendment out of order.

An Ceann Comhairle: It is not out of order.

Deputy Brendan Howlin: What is the amendment?

Deputy Micheál Martin: I thought a vote was called.

Deputy Richard Boyd Barrett: Does the Ceann Comhairle want me to read it out?

Deputy Gerry Adams: Ba mhaith liom é a dhéanamh. First of all, the amendment simply allows for the-----

Deputy Micheál Martin: On a point of order-----

Deputy Brendan Howlin: Does anyone have it?

Deputy Richard Boyd Barrett: I have it.

Deputy Gerry Adams: -----MPs and MEPs to speak. Will I read it, Ceann Comhairle?

An Ceann Comhairle: Deputy Adams wants the MPs to attend and be able to participate here in the debate.

Deputy Micheál Martin: I thought we dealt with that.

An Ceann Comhairle: We discussed it and we dealt with it, but it is still on the order paper before me.

Deputy Micheál Martin: On a point of order, I thought earlier, when the Business Committee proposal was made by Deputy Mattie McGrath, that he made a proposition regarding Thursday's sitting. It was then put to the House that we agree to the arrangements for Thursday's sitting or not. I think Sinn Féin said that it did not agree - fair enough - and what normally happens then is na Teachtaí atá ina thaobh agus na Teachtaí atá i gcoinne indicate and then someone calls a vótáil, and nobody called a vótáil. I thought then at that stage and I think most people in the House thought that it was dealt with. Can someone bring clarity to what we are doing now, because the Order of Business is over?

Deputy Brendan Howlin: We are still debating it now.

Deputy Richard Boyd Barrett: On a point of order-----

An Ceann Comhairle: Wait now.

Deputy Richard Boyd Barrett: It is a genuine point of order.

An Ceann Comhairle: We got an outline of Order of Business proposals. Arising out of any Order of Business, specific motions fall to be taken to be agreed or not agreed. This is this motion coming before us, arising out of the Order of Business. I presume we will vote in ac-

cordance with the manner in which we indicated we would vote earlier on, if Deputy Adams chooses to press it, and he says that he wants to.

Deputy Richard Boyd Barrett: On a point of order, which is a genuine question to the Ceann Comhairle, if we vote for this motion, what standing does it have?

Deputy Brendan Howlin: That is my point.

An Ceann Comhairle: It cannot be implemented because the Seanad will not be in a position to undo-----

Deputy Brendan Howlin: How can it be in order to put it then?

Deputy Gerry Adams: If I may-----

An Ceann Comhairle: We are independently entitled to transact our own business.

Deputy Brendan Howlin: But then are we not-----

Deputy Gerry Adams: An bhfuil cead agam caint, a Cheann Comhairle? Tá daoine eile ag caint.

An Ceann Comhairle: It is academic. It is all academic.

Deputy Gerry Adams: I have a letter from the Ceann Comhairle's office, from the private secretary to the Ceann Comhairle, to our bainisteoir here, and this was an interpretation. I do not argue with the Ceann Comhairle's interpretation. It is that unless the House otherwise decides, neither MEPs nor members of the Westminster Parliament elected from constituencies in Northern Ireland can attend and participate in the meeting - in other words, unless the House otherwise decides. I ask the House to otherwise decide and to give these elected representatives their right to speak. It is a right which they enjoy on committees of which they are members.

An Ceann Comhairle: Subsequent to that correspondence issuing, it emerged that the other House, which we are not responsible for and do not operate any control over, made another decision, which has implications.

Deputy Gerry Adams: The first I heard of it was today when the Ceann Comhairle said that.

Deputy Caoimhghín Ó Caoláin: May I speak?

Deputy Micheál Martin: I beg the Ceann Comhairle's indulgence in this. I only learned last week, and I do not know whether it was from communication between his office and all the whips or what, that the mechanism to hear the rapporteur from the European Parliament was via three committees, which I thought was an unusual construct. Would it have been possible for the Dáil to go into committee, for example, to hear Mr. Verhofstadt?

An Ceann Comhairle: Yes, of course it would.

Deputy Micheál Martin: I thought that might be better. I was actually anticipating that we might be speaking as leaders. I only heard last week that we would not be and that it would be the joint committees coming together, which would seem potentially to prevent that and I know it is not the intention because apparently we can all go and attend the joint committees. I

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understood originally that we would speak as party leaders in response when making contributions, just like we did with Michel Barnier. I understand that Michel Barnier is not a head of state, but he spoke to the Dáil. Maybe we can get clarity on that. That might have been a better option than three committees.

An Ceann Comhairle: We can give the Deputy absolute clarity on that. The question of Mr. Verhofstadt addressing the Houses or the committee of the Houses was discussed at the Business Committee prior to the summer where, to the best of my recollection, all of the parties were represented. The nature of the sitting was discussed, which included the three joint committees meeting in session. That approach to Mr. Verhofstadt reflects the priority and the traditional protocols that would apply to people coming to speak before the Houses and nobody, prior to the summer recess, had any problem with that procedure. It was my understanding that everybody who participated in the agreement to go down that way understood what they were agreeing to.

Deputy Gerry Adams: To be very clear for the record, we only learned that these folks would be denied their speaking rights just before 15 September. We immediately raised that with both the whip's office and with the office of the Ceann Comhairle, in some detail, as he is aware. When the Fianna Fáil leader became aware, he did not make any representations on this. We did this properly and by the book. We understand that the Ceann Comhairle is caught in a bind. I think it is like a Greek tragedy in that we are going to have a situation in which we are discussing Brexit with the European Parliament's co-ordinator and have brought together the three committees and there are going to be folks from those committees who normally speak who, for whatever reason, are going to be denied their right to speak. It makes it clear in the letter from the Office of the Ceann Comhairle that this House can decide otherwise.

Deputy Caoimhghín Ó Caoláin: May I speak?

An Ceann Comhairle: Yes, in a minute. Deputy Howlin, then Deputy Ó Caoláin.

Deputy Brendan Howlin: Whatever the merits or demerits of the position put forward by Deputy Adams, and there is a great deal of merit in it, my question relates to the status of the amendment now. We are on thin enough ice in this House in terms of public confidence in the way we do our business, but the notion that a motion could be put and passed that cannot be implemented brings us into disrepute. What is the point of allowing a motion to be put and voted upon which, if it is passed, cannot be implemented?

An Ceann Comhairle: With respect, many motions have been put before this House on very many matters which if passed or not passed cannot be given effect.

Deputy Brendan Howlin: No. They were not given effect rather than could not be given effect.

An Ceann Comhairle: No. There were occasions on which they could not be given effect.

Deputy Caoimhghín Ó Caoláin: I also reference what Deputy Adams pointed to, namely, the Ceann Comhairle's correspondence of 19 September stating, "unless the House otherwise decides". It was the point I put to the Ceann Comhairle in the brief interjection I made earlier, that surely we have the authority to decide on the business of the House.

I second the amendment and I appeal to all Members of the Dáil to support the right of at-

tendance of Northern MPs of all opinion at tomorrow's special meeting on Brexit with the European Parliament Brexit co-ordinator, Mr. Guy Verhofstadt, and their right to be heard - rights they already have as attendees at the Joint Oireachtas Committee on the Implementation of the Good Friday Agreement which was established by a previous Dáil under the leadership and instigation of the former Taoiseach, Mr. Bertie Ahern. I was here during all that time and well remember the decision - one we supported.

The amendment seeks to extend the same rights to all MEPs elected from across the island of Ireland, not only north of the Border - rights they too already enjoy as attendees at the Joint Oireachtas Committee on European Union Affairs. The issue for address, namely, Brexit, is, of course, of shared concern to almost all these elected voices of the Irish people across this island. The MPs and MEPs have a just entitlement to be present and, as appropriate, to be heard. I would not expect they would all take up speaking time - that would not be the case.

It is not about the where. That this joint meeting of three Oireachtas committees is being held in the Dáil Chamber should not be used as a means of silencing our MP and MEP parliamentary colleagues of all political opinion, north and south of the Border. In the spirit of mutual respect and in the interest of as near to unanimity on this issue as we can possibly achieve, I appeal to all Members of the House to record their support for this facilitation.

An Ceann Comhairle: We have just had a debate on something that we were not to have a debate on. Notwithstanding that, I will attempt to be clear. The correspondence that issued from my office issued before it was aware of the decision the other House had made. Just as the other House made its decision without any regard to any decision we might make, we can make a decision without initially having regard to what it has done. However, the decision we make cannot be given effect because it is a joint committee and it requires a similar decision of both Houses. Therefore, we are in a procedural logjam out of which we cannot get within the timescales available to us.

Deputy Adams is entitled to move his amendment to the motion. He proposed it and Deputy Ó Caoláin seconded it. I will put it to the House now.

Amendment put and declared lost.

Motion agreed to.

Broadcasting Act 2009 (Designation of Major Events) Order 2017: Referral to Joint Committee

Minister of State at the Department of the Taoiseach (Deputy Joe McHugh): I move:

That the proposal that Dáil Éireann approves the following draft Order:

Broadcasting Act 2009 (Designation of Major Events) Order 2017,

copies of which were laid before Dáil Éireann on 22nd June, 2017, be referred to the Joint Committee on Communications, Climate Action and Environment, in accordance with Standing Order 84A(4)(k), which, not later than 12th October, 2017, shall send a message to the Dáil in the manner prescribed in Standing Order 90, and Standing Order 89(2) shall accordingly apply.

Question put and agreed to.

Ceisteanna - Questions

Cabinet Committee Meetings

1. **Deputy Joan Burton** asked the Taoiseach if he will report on the Cabinet committee on infrastructure, environment and climate action. [32150/17]

2. **Deputy Joan Burton** asked the Taoiseach if he will report on the Cabinet committee on housing. [32151/17]

3. **Deputy Brendan Howlin** asked the Taoiseach his plans to establish a Cabinet committee on infrastructure and housing. [32693/17]

4. **Deputy Richard Boyd Barrett** asked the Taoiseach when Cabinet Committee D (Infrastructure) will next meet. [39619/17]

5. **Deputy Gerry Adams** asked the Taoiseach if all of the new Cabinet committees have met; and if Cabinet Committee D (Infrastructure) was one of these. [39623/17]

The Taoiseach: I propose to take Questions Nos. 1 to 5, inclusive, together.

As I outlined to the House in July, the Government agreed to streamline the Cabinet committee structure and approved the establishment of new committees. Cabinet Committees A, B, C, D and E met last week. The next meeting of Cabinet Committee D has yet to be scheduled.

Cabinet Committee D covers housing, climate action, infrastructure investment and delivery, and the national planning framework. Among other issues, this committee will provide political oversight of our efforts to deal with the housing and homelessness crisis and our transition to a sustainable, low-carbon economy.

Providing affordable, quality and accessible housing is a priority in A Programme for a Partnership Government. The previously constituted Cabinet committee on housing met regularly to oversee the development and implementation of the Action Plan for Housing and Homelessness.

On 14 June, I outlined to the House my view that while Rebuilding Ireland is working, it may not be enough. I tasked the Minister, Deputy Eoghan Murphy, to review the plan and to consider what additional measures may be required.

The first set of measures, with a particular focus on homelessness, was presented following the recent summit with local authority chief executives. Yesterday, the Minister, Deputy Eoghan Murphy, announced a further set of measures in relation to the rental market. Further announcements will be made over the coming weeks. Work continues on implementing the actions already in the plan.

In addition to housing, the new Cabinet committee covers a wide range of infrastructure investment and climate action. These are two of the most significant challenges facing the coun-

try and were considered at a special meeting of the Government on 19 July 2017 in Kildare. Following this meeting, the Government published Ireland's first national mitigation plan. Prepared in accordance with the provisions of the Climate Action and Low Carbon Development Act 2015, the plan is an initial step to set Ireland on a pathway to achieve decarbonisation by mid-century in line with the Government's policy objectives. The Cabinet committee will help to ensure a co-ordinated approach across all Departments to this transition.

The Government recognises that increasing capital investment in our public infrastructure is also required. Targeted increases in capital expenditure will support the efficient growth of our economy and the delivery of Ireland's climate objectives.

Decisions in relation to this increased capital expenditure will be informed by the review of the capital plan, published last week.

The Cabinet committee will help drive the development and delivery of infrastructure and associated policy through the forthcoming national planning framework and new ten year national investment plan, both currently under preparation. This long-term approach will provide clarity and certainty in planning and capital expenditure, while facilitating a sustainable approach to meeting Ireland's future investment needs.

An Ceann Comhairle: There are four Deputies offering. Is it agreed that we take all the questions and then go back to the Taoiseach for a response? Agreed.

Deputy Brendan Howlin: In the Taoiseach's reply during Leaders' Questions I missed whether he gave a date for the publication of the capital plan and the related planning framework. Is there a date in mind? During Leaders' Questions, the Taoiseach talked about facilitating, and in fact welcoming, a protracted open-ended debate on the capital plan and planning framework. Will the Taoiseach produce some grounding documentation so that we can have a base on which to discuss that before any final decisions are made? I would be interested in the Taoiseach's thoughts on that.

I ask the Taoiseach to put clearly on the record of the Dáil that there is sufficient money available now to build the national maternity hospital. We read in national newspapers a strong suggestion from the Department of Health that it warned that it did not have enough money to build the national maternity hospital and other key infrastructural projects to be undertaken, including primary care centres and a major refurbishment of information technology, IT. It is important for the people who have invested so much effort in preparing so long for the national maternity hospital that we put it completely to bed today with a very clear and unambiguous statement from the Taoiseach. I must refer to the additional amount of €2 billion sought by the Department of Health. The Taoiseach will know that it is always a nice round figure from the Department of Health when it looks for additional money-----

The Taoiseach: It used to be €1 billion.

Deputy Brendan Howlin: That is true; it was €1 billion. Everything was in bundles of €1 billion. I am interested in hearing the Taoiseach make it crystal clear that these projects are going ahead.

On social housing, I was interested in remarks made by the Taoiseach during the summer about the need for a bespoke agency to drive a housing plan. I suggested a year ago - it was a strongly held view of mine in the latter period of my time in government - that it would be a

suitable role for a reconfigured NAMA because it had access to capital and land banks and had negotiated with developers as a matter of course during the years. Will the Taoiseach outline his views on whether it would be a good idea to reconfigure NAMA as a new national housing delivery agency to supplement and complement the work done by local authorities which obviously also have to be prime drivers in these matters.

Deputy Richard Boyd Barrett: Six years of failed and flawed policies by a Fine Gael and Labour Party Government and, more recently, a Fine Gael, Independent and Independent Alliance Government have left us with a national housing and homelessness emergency. I want to know more about the references the Taoiseach belatedly made - six years too late - to the possibility of NAMA, instead of flogging land and property as it has done for the past six years, being transformed into an agency to deliver social and affordable housing. I know that the Taoiseach is fond of jogging and will be familiar with the Nike slogan, "Just do it". I am wondering if he will just do it, albeit six years too late. Will he just do it and transform NAMA into what it should always have been, namely, a vehicle to deliver social and affordable housing, using what is left of its land banks and assets?

Today Dr. Rory Hearne and Dr. Mary Murphy from NUI Maynooth added their voices to those of Fr. Peter McVerry, the Mercy Law Resource Centre, MLRC, and the Simon Communities on the necessity to insert the right to housing into the Constitution. Dr. Murphy pointed out - this is related to the NAMA question - that states within the European Union that had such a constitutional imperative had gained flexibility within the EU fiscal rules. This is very relevant in the context of our capacity to deliver housing, if what she says is true. Will the Taoiseach heed the advice of the academics in the area of housing, the MLRC, the Simon Communities and Fr. Peter McVerry, and pass our Bill tonight which seeks a constitutional amendment to insert the right to housing into the Constitution?

Deputy Gerry Adams: We are all now aware of the stats, as they are called. There are 90,000 homeless households, including 3,000 homeless children, while three homeless citizens died over the summer. It all comes down to an ideological question. Sinn Féin believes every citizen has the right to a home. We believe it should be a constitutional right, but the Taoiseach's Government does not share that belief. It is clearly of the view that this fundamental right should be subject to the whims of the market. In other words, the profit motive dictates the way in which the Government deals with the homelessness crisis. In my constituency and across the north east the number of homeless children has increased, but the Government has ignored the gravity of the issue. There is a special need for the Government to limit the grounds on which landlords can evict citizens; we should be keeping citizens in their homes. This week's Residential Tenancies Board quarterly rent index report found that rents in Dublin were 10% higher than they were at the peak of the Celtic tiger. The Government is failing to protect renters. Fine Gael and Fianna Fáil have opposed motions we have introduced to introduce rent certainty, with rent reviews being linked with the consumer price index. I welcome the decision to extend the rent pressure zones to include Drogheda which should have been included in the first instance. Will the Taoiseach tell us if the return of the bedsit was discussed by the Cabinet committee? Will he also explain why the Government does not accept that a citizen has the right to a home?

Deputy Micheál Martin: Last week we had a very curious situation when the Taoiseach announced that NAMA would be taking a role in providing housing but subsequently said nothing had been decided. It was the latest in a lengthening list of policy announcements, both anonymous and claimed, by the Government which are not actually announcements. Will he explain the status of his statement about NAMA? Has the issue been considered by the Cabinet

committee or the wider Cabinet or is it just something that was inserted at the last minute to try to grab a headline? The Taoiseach knows that for nearly two years we have been pushing for a significant role to be played by a changed NAMA in helping to make up the huge deficit in social housing. It is extraordinary that 4,000 units offered by NAMA last year to local authorities were turned down. That is extraordinary when there are 3,000 children in emergency accommodation in hotels. We do not have the luxury of being able to turn down the offer of 4,000 houses. Will the Taoiseach indicate why he has suddenly reversed course on this approach?

The Taoiseach: We do not yet have a date yet fixed for the publication of the new national development plan, but it is intended to publish it before the end of the year - most likely in November or December. There will, of course, be additional capital allocations which will be assigned to Departments on budget day. They are additional allocations for the years 2019, 2020 and 2021. The existing capital plan, with which the Deputies are familiar, runs to 2021; therefore, there will be additional allocations for Departments announced on budget day, but the ten year plan will not be published until the end of the year.

I am very pleased that planning permission has now been granted for the national maternity hospital. The project will go to tender as soon as possible. The amount provided in existing capital plans is €150 million, but, obviously, it is only when something goes to tender that one will know how much it is going to cost. It is absolutely my intention, without offering a blank cheque to anyone who might tender for the project, to make sure it will go ahead. Deputy Brendan Howlin will recall that when we were working in government together, there was a discussion back and forth on the national children's hospital, how much it would cost and how we would fund it, but no one ever doubted that we would fund it. It is under construction and Deputies will know-----

Deputy Brendan Howlin: There is also a sum of €200 million which has been ring-fenced from the sale of the national lottery licence.

The Taoiseach: There is, but that is for the national children's hospital, not the national maternity hospital. Deputies will know that while we have extended and renovated a lot of hospitals, no new hospital has been built from scratch since 1997. Next year I anticipate that we will have at least three new hospitals under construction - the national children's hospital, the new mental health and forensic hospital and the national maternity hospital. Perhaps we might build even more after that.

My principled view is that social housing should be built by local authorities and approved housing bodies, not by NAMA. Local authorities are in place to build social housing and they are now getting back into that business. Approved housing bodies have been doing it for quite some time. They are the best vehicles to build social housing. What I said in my speech in Clonmel was that we were examining the role of NAMA with a view to giving it a new role in the provision of housing. NAMA will soon complete the job it was asked to do. It will be able to repay all of the senior debt over the coming months.

Deputy Micheál Martin: Has a decision been taken?

The Taoiseach: No, a decision has not been taken because many of the details have yet to be finalised. There has been a great deal of discussion with NAMA by the Departments of Finance and Housing, Planning and Local Government. Any change in the remit of NAMA would require primary legislation, which would have to come before the Houses for debate, and

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consultation and discussion with the European Commission because, as Deputy Howlin will be aware of having been in government at the time, NAMA was established under particular conditions to be off-balance sheet, to which we must have regard. It is not a case of just doing it because were we to do so we could quickly find we do not have the finance to build any houses and that would not be particularly useful to anyone.

Deputy Micheál Martin: It was a handy announcement.

Deputy Richard Boyd Barrett: What about the right to a home?

The Taoiseach: I will come back to it.

An Ceann Comhairle: The Taoiseach may respond now if he wishes.

The Taoiseach: As I understand it, the proposal for a constitutional amendment will be referred to the finance committee, where it can be given full and due consideration. I believe that is appropriate. I am sceptical of the claim that a constitutional right as exists in other countries provides some sort of flexibility when it comes to the fiscal rules. I would like to see that in writing from a European body, not an academic. If I did see that in writing from a European body I would certainly be interested. As in the case of all capital spend, not only housing spend, there is capital smoothing provision under the European rules which allows for only one quarter of it to be counted in the first year. I would be interested in any European document that states that there is some sort of exception made if a country has a right to housing in its Constitution. I would also be interested to know whether countries that have a right to housing in their constitutions have a homelessness problem, which I suspect they do; whether they have people on housing lists, again I suspect they do; and whether they have people who cannot afford homes, which I expect they do because a right in a constitution does not build homes. Developers and local authorities build homes and this, I believe, is where the solution lies and not in rights that may not be realised on the ground. I would be interested to learn if those countries have a homelessness problem. I expect we will find out that they do.

The wording of the proposed amendment put forward by one of the parties opposite appears to suggest that there would be no limits on eligibility such that everyone in the State would be entitled to social housing, which I imagine would be akin to what was done in eastern Europe in the Communist countries, whereby everyone would be required to live in a government-owned apartment block. I would have a difficulty with that.

Deputy Richard Boyd Barrett: That is disingenuous.

The Taoiseach: It is the secret plan of those proposing the amendment to make everyone the same and put them in a box.

An Ceann Comhairle: We will move on to Question No. 6.

Deputy Brendan Howlin: I would like to ask a brief supplementary question in regard to my Question No. 3. The Taoiseach touched on the issue of bed capacity in our hospitals, which has been an issue of much focus, and he mentioned additional hospital build. In terms of acute hospital bed numbers, is the Taoiseach of the view that we have the required bed capacity or do we need more as per the broad spectrum of opinion now and, if so, will Government be providing additional acute beds within existing hospitals or in new hospitals?

In regard to NAMA, having a bespoke organisation like NAMA that is already off-balance

sheet provides a great advantage. I would not re-open a discussion with the European Commission on keeping it off-balance sheet. I believe it is possible to alter the focus of NAMA without having to seek fresh permission to keep it off-balance sheet. I would be very concerned that would not happen if we went down the road proposed.

An Ceann Comhairle: We are running over time. I will allow only brief supplementary questions.

Deputy Brendan Howlin: I have not spoken to the next question.

An Ceann Comhairle: I understand that. We are still on Questions Nos. 1 to 5, inclusive.

Deputy Gerry Adams: I have two questions which the Taoiseach neglected to answer. Was the return of the bedsit discussed by the Cabinet subcommittee and will he explain the position of Fine Gael or the Government on the principle that I have expounded, that a citizen has a right to home?

Deputy Richard Boyd Barrett: To be helpful to the Taoiseach in his consideration of the question I asked, the proposed amendment to the Constitution seeks to define the common good as specifically including the right to secure and affordable housing and further requires the Government to prioritise the allocation of resources and its policies to vindicate that right. There is no compulsion to live in social housing as he suggested. Somebody has misinformed the Taoiseach. Given that I have clarified the matter, and bearing in mind, as I said, that the Mercy Law Resource Centre, Peter McVerry, the Children's Rights Alliance, academics and just about everybody who knows anything about housing have been saying for the last ten years that this would help clear the way for securing housing and removing obstacles to the provision of housing for everybody who needs it, would the Taoiseach have a problem with inserting that proposal into the Constitution?

An Ceann Comhairle: I ask the Taoiseach to give a brief response to those supplementary questions.

The Taoiseach: I will do my best. The bed capacity review is not yet complete and as such we do not have a figure on the number of acute hospital beds.

Deputy Brendan Howlin: Does the Taoiseach have a date for completion of the review?

The Taoiseach: It will have to be completed before the capital plan so that it can inform what health investments may be required in the years ahead. The review is not just about beds, it is also about types of beds. There is an active debate in health policy circles on whether we need more acute hospital beds or not. Some people say we do. They point to overcrowding and waiting lists as a reason for additional acute hospital beds. Others would point to the fact that on a *per capita* basis, the NHS has as many hospital beds as we do yet it does not have the type of overcrowding or waiting lists that we have because it uses them more efficiently and it does a lot more outside of hospitals.

Deputy Brendan Howlin: It deals with an older population too.

The Taoiseach: Yes, and as such it should need more beds than we do. These are the complexities that always need to be considered in health policy. We will need to examine what can be done in primary care rather than hospitals and how we can use our beds much more efficiently than we currently do. It is evident they are not being used as efficiently as they might be.

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On the return of the bedsit, the issue was discussed at the Cabinet subcommittee. No decision was made but the proposal is under consideration. I gave my view at the committee, as I have done in the media. I do not favour any diminution of safety standards or fire standards, which some people have tried to conflate with the issue. I would not be interested in entertaining that.

I absolutely believe that every citizen has a right to a home. Whether that right should be a constitutional provision is a different question. Before we put anything into the Constitution we need to consider what the consequences of doing so might be. We have previously put into the Constitution measures which have been interpreted by the courts in a manner other than was intended. We need to tread carefully when it comes to our Constitution because changes to it take power away from this House and put it in the hands of the courts, which is something we should always be very cautious about doing.

In saying that a citizen has a right to a home, I am not saying that everyone should have a free home because I do not believe that is possible. I do not believe that everyone should be housed for free. It is appropriate that people would contribute to the cost of their accommodation. In fact, I believe that is the only way to deal with the problem. Also, I do not believe it is possible for everyone to have the home of their first choice. These are the kind of complexities that always need to be considered.

Cabinet Committee Meetings

6. **Deputy Joan Burton** asked the Taoiseach if he will report on the Cabinet Committee on Social Policy and Public Service Reform. [32097/17]

The Taoiseach: In early July, the Government approved the establishment of Cabinet Committee B which will primarily cover the areas of social policy and public service reform. The new committee met for the first time on Monday, 11 September.

The committee provides a forum to ensure that relevant Departments work together to deliver on commitments in the programme for partnership Government in areas such as education, children, equality, social inclusion, supports for particular vulnerable groups and continued improvements and reform of public services.

The work of this committee will help realise the Government's ambition to provide opportunities to everyone living in Ireland of all ages and backgrounds to participate fully and benefit from a recovering economy.

Some of the particular initiatives this committee will focus on include improved child care services, implementation of the action plan for educational disadvantage - I am pleased there have been significant improvements in the number of people with disabilities and the number of people from non-traditional backgrounds entering higher education - and improving services to people with disabilities. While social welfare income supports continue to be an important part of reducing child poverty rates in Ireland, achieving real progress in this area will also require improved access to public services, particularly early years and continuing education, reducing the cost of accessing services and increasing the number of parents who are at work.

The work of the committee will complement other approaches including bilateral meetings

with Ministers to discuss and progress priority issues within their areas of responsibility.

Deputy Brendan Howlin: Was the UN Convention on the Rights of Persons with Disabilities discussed by the Cabinet committee? It was raised earlier in Leaders' Questions. It is time we in this House give a firm date for whatever needs to be done - as this process has been going on for a very long time - and that it will be completed in order that people who have been campaigning and are dependent on this convention to vindicate their rights will know that it will be enacted by a given date. I ask the Taoiseach to give a date for the formal ratification of the convention by Ireland.

On a second matter, with respect to employment, thankfully, there has been a discernible and measurable decrease in the number of unemployed to a rate of 6.3%. I understand the Government target is to reduce it to 5.5%. I also understand there is no target beyond that. I would like the Taoiseach to focus not only the unemployment rate but the employment rate. Only 65% of our working population actually works, which is much lower than that found in many developed countries. The UK and other countries have achieved a rate of 75%. If we consider those who are not in the labour market, and therefore not counted, it is primarily women and people with disabilities. The last census found that only 30% of people with a disability were in work. That is a miserable standard which we need to address. Will we, as a State, set new standards not only to provide jobs for the working population who are registered but consider excluded individuals, particularly people with disabilities, to ensure that their right to participate in our economy is fully vindicated?

Deputy Micheál Martin: A decision was taken by the previous Government not to publish standard income distribution tables from budget documentation. That was clearly because of a desire to hide the impact of budgets, which the Taoiseach has described as unfair. Can he give a clear undertaking that this data will be provided in the context of the forthcoming budget?

Separately, the Taoiseach will recall that in August the Minister for Employment Affairs and Social Protection announced in *The Irish Times* that old age pensions would come after other payments to social welfare recipients, if increases were to be proposed. A few days later she announced in the *Irish Independent* that the opposite would be the case, that old age pensions would be the number one priority and would get a substantial increase. Given the Taoiseach's policy when serving as a Minister, is it now the case that members of the Cabinet are free to make whatever statements they wish about the budget? He might indicate what the Government's priorities are in terms of the social welfare budgetary provision.

Deputy Richard Boyd Barrett: Is the Taoiseach considering changing or inserting serious conditions and penalties in public contracts and public procurement where firms awarded contracts by the State are found not to be in compliance with the tax code, are fraudulent in their tax affairs or are, as is the case, I would argue, with some accountancy firms here, encouraging tax avoidance strategies for wealthy people? I refer to some construction or consultancy firms that are awarded big State contracts and are then often found to be up to this sort of practice. For example, on foot of a question I raised in the Dáil prior to the summer recess, a raid was carried out on the building site where the regeneration of Dophin's Barn is taking place during the summer because the workers on that site had not received payslips for two months. They were working on a public contract project. That raid was carried out subsequent to my raising the issue here, but, as of the last report I heard, those workers still have not received payslips. Is that not incredible? This is a public contract for a major job and those workers are not getting payslips. I contend that is due to bogus self-employment practices, but that needs to be

investigated. Any firm found guilty of that practice should never ever be awarded another public contract. Will the Taoiseach consider measures like that for firms that are awarded public contracts and then found to be up to this sort of sharp practice?

Deputy Gerry Adams: Will the Cabinet committee on social policy and public service reform examine the crisis faced by young people in receipt of jobseeker's benefit, who, as a result of Government policy, have had their income sliced from €193 to €102 a week? Focus Ireland and the National Youth Council of Ireland have been highlighting the consequences of this since 2009 and have called for these discriminatory cuts to be reversed. Will the Government consider providing an increase or ask the Cabinet committee to examine this issue in order to provide an increase in payment to these young people in next month's budget?

The Taoiseach: I would state again that no decisions on the budget or the welfare package have been made but obviously the priorities will be informed both by what is in the programme for Government and in the confidence and supply agreement with the main opposition parties. Therefore, what is in those will be prioritised but no decisions have been made.

Regarding unemployment, the target is to reduce unemployment to between 5% and 6% and to reduce long-term unemployment - there will always be a certain number of people who are in between jobs or out of work for some reason - to less than 2.5%, which is a target we can achieve but it is not one that will be easy to achieve. Those targets are updated and reviewed from time to time.

Deputy Howlin was correct in what he said. The participation rate - it is a different thing - is the number of adults who are working or involved in the workforce. Our participation rates are still relatively low by European standards and they are lower than they were the last time the economy was this strong. We want to see those increase significantly in the years ahead. The action plan for jobless households, published by the Minister for Employment Affairs and Social Protection, very much sets out how we can do that in terms of extending activation to more groups of people and increase participation rates.

In terms of participation rates by people with disabilities, I very much agree with other Members of the House that I want to see the number of people with disabilities who are able to take part in the workforce improve in the time ahead. A number of measures have already been taken in that respect. Only last week the Minister of State, Deputy Finian McGrath, and the Minister, Deputy Regina Doherty, announced €10 million in funding for pre-activation supports for people with disabilities to assist them to enter the workforce. Before I finished my term of office as Minister for Social Protection, I changed the rules around the free travel pass to provide that if a person in receipt of a disability allowance or an invalidity payment takes up employment, he or she will retain their free travel pass for five years. Also, the Department of Employment Affairs and Social Protection is changing some rules around the disability allowance because many people in receipt of that allowance fear that if they take up a job and it does not work out, they will find it hard to get that allowance again. The Department will change the rules to provide that a person can have their claim suspended for a period of time, 12 weeks or longer, to enable them to try working and if it works out for them, that is great. If it does not, they will be automatically reinstated on their disability allowance. In addition to that, we will change the income limits around medical cards for people who are on disability allowance and other disability payments. From the survey we have done, we have found that the biggest single fear people with disabilities have is that they will lose their medical card if they take up employment. We have already agreed to change the income limits for people who are on disability pay-

ments. The Minister for Health intends to legislate for that in 2018. We will also raise the target for the percentage of people with disabilities employed in the public service from 3% to 6%.

I am delighted to see the Minister for Employment Affairs and Social Protection in the House because her Department is almost at the figure of 6%, but other Departments and agencies are not doing quite so well. One of the things we discussed at the Cabinet committee was having a bespoke recruitment campaign or bespoke access to positions for people with disabilities because if somebody who has a disability goes up in an interview against somebody who does not, he or she will be at a disadvantage. Perhaps what we should do is have dedicated positions or a dedicated entry route for people with disabilities. They were the things that we discussed and on which we agreed to make progress at the Cabinet committee. The main discussion was about the ratification of the UN Convention on the Rights of Persons with Disabilities. I have explained the reason for the delay in that regard.

On the young jobseekers issue, it is welcome that the number of young people who are unemployed is falling rapidly and much faster than the general level of unemployment, which is extremely encouraging. In Great Britain and Northern Ireland, for example, the jobseeker's payment for young people is £50 or £60 which is unbelievably low and it is not the case that welfare rates are set in London. One of the changes we have made is that any young jobseeker who does anything else will receive the full adult payment. If he or she take a place on a community employment, Tús or Gateway scheme or goes back to education or if he or she is a carer, he or she will receive the full adult payment.

Deputy Richard Boyd Barrett: The Taoiseach did not answer my question.

The Taoiseach: That is the answer.

Deputy Richard Boyd Barrett: About public procurement and public contracts.

An Ceann Comhairle: We are out of time.

Brexit Issues

7. **Deputy Gerry Adams** asked the Taoiseach if the Cabinet Committee on Brexit will be retained when Cabinet committees are re-established. [32321/17]

8. **Deputy Gerry Adams** asked the Taoiseach the status of the all-island civic dialogue. [32896/17]

The Taoiseach: I propose to take Questions Nos. 7 and 8 together.

The Government has approved the establishment of a total of six Cabinet committees, one of which will deal with EU affairs and Brexit. In particular, this committee will assist the Government in its ongoing consideration of Brexit issues, including input to the negotiation process, both on the issues that are of unique or particular concern to Ireland and more generally. The committee met on 11 September.

The third plenary session of the all-island civic dialogue on Brexit will take place on Thursday, 28 September. It will provide a forum for civic society groups from both parts of the island, with political representatives from across the political spectrum. It will be an important

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opportunity to update participants on the Brexit negotiations and the Government's policy response to Brexit. The session will also focus on how both enterprise and communities can best prepare for the challenges of Brexit. To facilitate the widest possible audience, the event will be streamed live on www.merrionstreet.ie and a report will be published following the event.

Building on the plenary sessions, 19 all-Island sectoral dialogues have been hosted by Ministers since December, attended by more than 1,500 industry and civic society representatives from across the island. Most recently, on 8 September, the Minister for Health hosted in Dundalk an all-island sectoral dialogue on cross-Border health co-operation.

Deputy Gerry Adams: It is very welcome that the all-island civic dialogue on Brexit will meet next Thursday. It has been a good initiative, both in the sectoral and plenary session gatherings. It has been useful in informing the Government and I hope citizens across the island have some sense that we need to come at this issue in an all-island manner. If I understand the Taoiseach's answer properly, it is also welcome that the committee which will be re-established will have Brexit as a major component of its responsibilities.

I attended the national ploughing championships yesterday. I offer my condolences to the family of the former national ploughing championships title holder, Mr. Martin Kehoe Jnr, who was tragically killed in a farm accident. Most of the talk at the national ploughing championships was about Brexit. Farmers in the entire agrifood sector are concerned about what is coming at us. I very much welcome the remarks of Mr. Guy Verhofstadt, MEP, in the North earlier. He said the North should remain in the customs union and the Single Market. That would effectively be special designated status for the North for which the House voted and which a majority of MLAs in the Assembly support. The people of the North voted to remain in the European Union, something the Government must uphold. I acknowledge that time is limited, but perhaps the Taoiseach might give us indication of where he understands the negotiating process to be between the British and the European Union. There appears to have been a complete failure thus far by the British Government to make progress on the issues that have been set aside. Will the Government insist on the Brexit negotiations not being allowed to move to the next stage of discussions until these issues are satisfactorily dealt with?

An Leas-Cheann Comhairle: There are five minutes left. I will give the other party leaders one minute each and three minutes to the Taoiseach in which to respond if that is acceptable.

Deputy Brendan Howlin: Agreed.

Deputy Micheál Martin: Will the Taoiseach clarify whether he is responsible for overseeing Brexit policy? The Brexit unit is in his Department, as is the official in charge of the negotiations on our behalf. In spite of this, this week his office transferred a direct question on the issue to the Department of Foreign Affairs and Trade on the basis that it was not the Taoiseach's responsibility. I have had many bad experiences in questions being transferred. Will the Taoiseach explain why this happened and will he make sure it will not happen again? He has just replied to questions on Brexit.

In the civic dialogue on the last number of occasions we have met different sectors and communities have expressed their fear of major damage being done. In most cases, there has been a promise to take action but no specific action has been outlined. Has the Taoiseach discussed sectoral support plans with Mr. Michel Barnier and the European Union and the need to come up with solutions on our side with an accommodation on the EU side?

During his trip to Belfast the Taoiseach said we would not help London to design a border. That is fine rhetoric, but in reality if there is to be an EU border, we will have to try to influence it, even though we do not want it. Given that the British Government has rejected the trial balloon of having the border in the middle of the Irish Sea, what is our specific negotiating position other than hoping Brexit will disappear? I have said publicly that I believe there should be an economic zone to include the North and the Border counties. There is a need to engage with the European Union to get some idea of where it stands on the idea of an economic zone post-Brexit to include Northern Ireland and the Border counties. Has the Taoiseach asked his officials to present any material on a special economic zone?

Deputy Brendan Howlin: I am becoming increasingly concerned about the British negotiating position. Over the weekend the British Foreign Secretary directly challenged the stated position of the British Prime Minister. It seems that there is no coherent view within the British Government which is extremely worrying, particularly in the context of there being no clear solution to the problem of having a border on this island which none of us wants and given the lack of a voice in Northern Ireland in a functioning Executive. I understand the very good reasons the Government disengaged or halted the bilateral work on contingency planning, but we all cannot stand back and look at an emerging train wreck and allow it to happen before being flabbergasted by the consequences. As Deputy Micheál Martin asked, what specifically has the Government fed into the EU negotiating position in respect of the island of Ireland and the solution if the United Kingdom leaves the customs union? Is it a bespoke all-island solution or something else? We need to hear exactly what is the negotiating position of Ireland.

The Taoiseach: I join others in expressing my condolences to the family of Mr. Martin Kehoe Jnr.

Deputy Brendan Howlin: Martin was a constituent of mine and it was remiss of me not to refer to his tragic death. He was a well known figure in a very well known family.

The Taoiseach: Of course. The condolences of the House go to his family and friends at this time. It was the 16th farm fatality this year, something that concerns us all.

Deputy Gerry Adams is absolutely right to express the concerns of the agrifood sector about Brexit. It was certainly the main talking point at the ploughing championships last year and I imagine it will be the main talking point this year as well. We share those concerns and the Government is very much aware of the scale and value of exports to Britain from this island, particularly but not exclusively with beef. We are working to maintain as close a trading relationship as possible with the United Kingdom so trade can continue. That is what we are working towards. Initially there will be a long transition phase, during which the rules of trade would remain the same, and after that a free trade agreement with the United Kingdom in which the rules of trade would remain much the same. We are clearly just one of the parties negotiating in this space.

On the North all I can say is I strongly encourage the political parties in Northern Ireland to come together to form an Executive and have the Northern Assembly up and running. Deputy Adams has expressed the wish that Northern Ireland would stay in the customs union and European Single Market. It would be useful if the Assembly and Executive said that, and it would certainly strengthen the position of those who wish to ensure there is no economic or trade border between North and South. It would strengthen our position if the Executive and Assembly, representing the people of Northern Ireland, met and said that and did not leave it to politicians

in London to speak for them. That is something I encourage the parties in the North to do.

On Brexit, Deputy Simon Coveney is the Minister for Foreign Affairs and Trade with special responsibility for Brexit. That means in practice that he is responsible to the Dáil, initially, for matters related to Brexit. He is the vice chairman of the Cabinet committee dealing with European affairs and Brexit.

Deputy Micheál Martin: The Taoiseach's predecessor answered questions on Brexit since the decision was taken.

The Taoiseach: Yes.

Deputy Micheál Martin: Is the Taoiseach saying there has been a change?

The Taoiseach: I am outlining to the Deputy the division of responsibilities, which has changed. Deputy Coveney is the Minister for Foreign Affairs and Trade with special responsibility for Brexit.

Deputy Micheál Martin: That is not on.

The Taoiseach: I announced that on the day he was appointed. I will obviously continue to answer questions here through Leaders' Questions and questions for the Taoiseach, as I have before.

Deputy Brendan Howlin: The Minister for Foreign Affairs and Trade takes questions every six weeks.

The Taoiseach: The role is Minister for Foreign Affairs and Trade with special responsibility for Brexit. He will be responsible to the Dáil for matters related to Brexit.

Deputy Micheál Martin: The person briefing us is from the Taoiseach's office.

The Taoiseach: I am explaining the division of responsibilities. If the Deputy wishes to ask further questions, he might allow me to answer his first question.

Deputy Micheál Martin: I want to table questions.

An Leas-Cheann Comhairle: The Taoiseach may give a clarification.

The Taoiseach: The Minister will be vice chairman of the Cabinet committee dealing with European affairs and Brexit and he will lead on Brexit in the media. Memos relating to Brexit will come from the Department of Foreign Affairs and Trade and he will lead and co-ordinate the all-island civic dialogue and sectoral meetings. I will, of course, retain responsibility for the European Council as the person who represents Ireland and for any dealings with heads of state and government. We will work closely on these matters.

Deputy Micheál Martin: This is important. Is the Taoiseach saying that from now on-----

Deputy Brendan Howlin: Will the Taoiseach answer questions on it?

The Taoiseach: I answer questions through Leaders' Questions and questions to the Taoiseach. I will be happy to continue to answer questions in this Chamber on Brexit. Written questions will be referred to the Department of Foreign Affairs and Trade.

Deputy Micheál Martin: I had a question for the Taoiseach that was referred to the Minister for Foreign Affairs and Trade.

An Leas-Cheann Comhairle: We can have two extra minutes for clarification of this.

Deputy Micheál Martin: The precedent has been that during questions to the Taoiseach, we could ask him questions on Brexit and the Taoiseach of the day would respond.

Deputy Brendan Howlin: He said he will continue to do that.

Deputy Micheál Martin: There was never an issue.

An Leas-Cheann Comhairle: I am anxious that this is clarified. Far be it from me to offer an interpretation but it seems from what the Taoiseach said, he will take oral questions and the Minister for Foreign Affairs and Trade will take written questions.

Deputy Gerry Adams: I have a brief supplementary question. The Taoiseach knows well that Sinn Féin wants and is working to see the institutions in place in the North. He also knows the largest party in the Assembly, the Democratic Unionist Party, DUP, has signed up to a confidence and supply agreement not unlike Fine Gael's relationship with Fianna Fáil. It will support legislation on Brexit. We will not get the Executive speaking with one voice, even as a majority of MLAs support the position we have advanced for a designated status. The Taoiseach knows that so why does he feed false information into the debate?

The Taoiseach: It is not false information. The DUP is a political party in Northern Ireland and Sinn Féin is a political party in Northern Ireland. There is no Assembly or Executive to speak on behalf of Northern Ireland. The Assembly could, of course, adopt a resolution and the Executive could, of course, take a particular position. I encourage the parties to do exactly that. It is not the case that either the DUP or Sinn Féin can speak on behalf of the people of Northern Ireland as Northern Ireland does not have an Assembly or Executive. It is regrettable.

Messages from Seanad

An Leas-Cheann Comhairle: Before moving to questions to the Minister for Employment Affairs and Social Protection, I will deal with messages from the Seanad. Seanad Éireann has passed the National Shared Services Office Bill 2016 without amendment, the Asian Infrastructure Investment Bank 2017 without amendment, the Financial Services and Pensions Ombudsman Bill 2017 without amendment, the Independent Reporting Commission Bill 2017 without amendment, the Planning and Development (Amendment) (No. 2) Bill 2017 without amendment and the Minerals Development Bill 2015 without amendment.

Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Brendan Smith - infrastructural requirements and roads in Cavan and Monaghan arising from the Brexit impact; (2) Deputy Thomas Byrne - secure water supply in Meath and Drogheda; (3) Deputy Jim O'Callaghan - the proposal to build a school at the

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Harolds Cross stadium site; (4) Deputies Michael Healy-Rae, Martin Ferris and Sean Sherlock - provision of Respreeza for sufferers of emphysema; (5) Deputy Seán Crowe - to discuss ethnic cleansing in Myanmar; (6) Deputy Peter Burke - the future of medical services at Coole surgery in Westmeath; (7) Deputy Tony McLoughlin - the provision of the nivolumab drug for public patients; (8) Deputy Thomas P. Broughan - the need to tackle joyriding and criminal anti-social behaviour in the Dublin Bay North district; (9) Deputy Gerry Adams - the withdrawal of pupils from a national school at Faughart, County Louth; (10) Deputy Clare Daly - the allocation of an Aer Lingus supplementary B scheme; (11) Deputy Mattie McGrath - the impact of regulations in the wholesale and retail tyre industry; (12) Deputy Donnchadh Ó Laoghaire - the McKinnon report on local government in Cork; (13) Deputy Mick Wallace - the ongoing bombardment of Yemen; (14) Deputy Robert Troy - the implementation of the EU directive on noise at Dublin Airport; (15) Deputy Paul Murphy - the recent deportation of Irish citizens from Israel; and (16) Deputy Margaret Murphy O'Mahony - supervision for children using the ferry from Sherkin Island to attend school.

The matters raised by Deputies Brendan Smith, Jim O'Callaghan, Gerry Adams and Tony McLoughlin have been selected for discussion.

Ceisteanna - Questions (Resumed)

Priority Questions

Community Employment Schemes Administration

30. **Deputy Willie O'Dea** asked the Minister for Employment Affairs and Social Protection if her attention has been drawn to the fact that the community employment scheme known as Pathways to Employment at Southill, Limerick, has been threatened with closure due to the failure of its insurance company to renew its insurance; her plans to rectify this issue; the implications for CE schemes nationally; and if she will make a statement on the matter. [39692/17]

Deputy Willie O'Dea: This refers to a matter brought to my attention in my constituency but it may have wider ramifications. That is the reason I am seeking clarification on the matter.

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): The Deputy is probably aware that since he put down the question, events have moved on a little. Local officers from my Department have been in ongoing communication with the Southill Pathways to Employment scheme. I am pleased to advise that they have resolved the matter and obtained adequate insurance for the scheme.

By way of background, the responsibility for acquiring insurance cover for community employment, CE, schemes rests with the CE sponsoring organisation as the legal employer. The annual budget provided to CE schemes includes an amount to cover consumable services and materials, including insurance, necessary for the effective operation of the project. The Deputy is aware that in last year's budget, the capitation grant was increased. My Department has become aware in recent times of an increase in insurance premiums for CE schemes. A number of representatives from CE schemes whom I have met since my appointment in June have brought

this to my attention. The main reason cited for this is an increase in claims frequency over recent years by such schemes. In this context, schemes are asked to be especially mindful of their obligations under the Safety, Health and Welfare at Work Act 2005.

It is important to be aware that CE employers are at all times independent contractors for all purposes and, in those circumstances, it is not possible for the Department to become an insurance agent. Adequate insurance is required to cover schemes' legal liabilities. My Department recommends that schemes seek alternative quotes to ensure they get value for money, as has happened in this case. Also, if CE schemes are not filling their contracted number of participants, it is recommended that they align their insurance requirement with actual participant numbers. We are all aware a number of CE schemes around the country have a number of vacancies. In any cases where a scheme is experiencing particular difficulties, as this one was, the sponsor should contact the local Intreo centre or my office, where assistance will be given in as much as is possible.

Deputy Willie O'Dea: I thank the Minister for confirming that the matter at Southill has been resolved and my constituents will be delighted with the official confirmation. The Minister stated in her reply that the Department does not propose to become an insurance agent and nor am I suggesting it should. At the same time she states that it provides a sum as part of the capitation grant to cover insurance. How is that calculated and how does it anticipate what the insurance will be from year to year?

There is a broader question. I know the people in Southill, both participants and staff, went through a great deal of anxiety and distress, feeling obligated to contact their public representatives because for several weeks it looked as if the scheme would close because of a lack of insurance. It is a CE scheme but is there a policy to prevent other CE schemes in other parts of the country from having to go through such a process?

Deputy Regina Doherty: The capitation grant is based on the size of the scheme and the number of people working with it, as well as the type of work it does with regard to required equipment. An intrinsic base and requirement of the community employment scheme is that it provide insurance cover for its own employees, as is the case for any business. The rise some community employment schemes have experienced in recent years has nothing to do with the capitation grant and probably more to do with current societal issues. It is fair to say that because of the 72 actions the former Minister for Finance, Deputy Michael Noonan, took in regard to the insurance industry, insurance companies have started to reduce their premiums by approximately 20% to 25%. That was probably the reason it was possible to get better value for the Southill scheme when it shopped around. I am not blind to the fact that others have expressed a difficulty in getting the same premiums they had last year or the year before, but I hope to see the 20% to 25% reduction filter through to all. If there is an issue, as there was with this scheme, the Department is able and willing to help and will not let anybody down.

Deputy Willie O'Dea: I thank the Minister for that assurance. There could be a separate debate on insurance and the extent to which premiums are decreasing. I have encountered many people in my clinics and so on and not yet met anybody who has told me his or her insurance premium has gone down, nor has mine decreased. The Minister is saying that if a similar problem arises elsewhere and a particular community employment scheme has a difficulty in getting insurance cover, the Department will be very eager and anxious to assist and will have its doors open to help in any way possible. Is that correct?

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Deputy Regina Doherty: That is nothing new. It has been the case under every former Minister in my Department which facilitates and supports community employment schemes which are an extremely valuable service. The Deputy is aware that there are several issues with community employment, Tús and rural social schemes. In the coming months there will be a review of participation in the schemes. However, they are a hugely valuable source of social inclusion and social services and it is the job of the Department to ensure they are supported. If there is an issue, the local Intreo office is the first port of call and if a person does not find satisfaction there, he or she can certainly come to me.

JobPath Programme

31. **Deputy John Brady** asked the Minister for Employment Affairs and Social Protection if her attention has been drawn to the numerous ongoing issues facing persons seeking employment who have engaged with JobPath; and if she will make a statement on the matter. [39597/17]

Deputy John Brady: The privatisation of the job activation programme through JobPath has been a nightmare for job seekers across the State. I have raised this issue on numerous occasions with the Minister and her predecessor. Is she aware of the serious difficulties within the JobPath programme and that JobPath is going above and beyond what it was set up to do?

Deputy Regina Doherty: I can only look at the facts. All the evidence available to me indicates the experience of customers who have engaged with JobPath has been exceptionally positive. That is not drawn from anecdotal evidence. We did a customer satisfaction survey over the past couple of months which indicated that up to 81% of customers were satisfied with the service provided by JobPath and that it had improved their chances of securing employment. Only 5% to 8% expressed dissatisfaction. In real terms, of the 120,000 people who have been assisted under the scheme in the past 18 months, 368 have made a complaint, which is a tiny proportion. It is not a huge issue. People are not jumping up and down saying they have an issue. It shows thousands of people are saying the experience they have had with JobPath has been entirely positive. Results are what count from our perspective. JobPath was targeted at a results-based approach and the results have been exceeded. A target we gave was 8% and it is currently at an activation level of 4%. My Department and I are very happy with the over-achievement and the treatment provided by and the interaction with JobPath. What speaks volumes is that the vast majority of the 120,000 who have interacted with the offices in the past 12 to 18 months have indicated an 81% satisfaction rate. Some people have had interactions that they have not appreciated. The Deputy and I discussed one case a number of months ago. I have discovered the root of that problem and it will not happen again. Of the 120,000 who have interacted with JobPath, most have an entirely positive outlook and only a tiny number do not. I can only go on results.

Deputy John Brady: JobPath was set up initially to assist the long-term unemployed. The Minister made reference to a figure of 120,000 people, only a small number of whom have made complaints. The reality is that people are afraid to complain because of the powers JobPath has to stop or curtail payments or withhold a portion of a payment. It is not working and there are serious problems in relation to what it was initially set up to do - to get long-term unemployed persons back into work - but it is not doing that. One concern is that Intreo offices are now referring people who are weeks and, in some cases, days unemployed and certainly by

no stretch of the imagination long-term unemployed to Turas Nua and Seetec. Another is that people engaged in part-time work such as looking after children or other family members and so on, or other work that suits their needs and means and who only sign on for a couple of days a week are now being referred to JobPath and hounded by Turas Nua and Seetec. When did JobPath cease to be a programme to try to target long-term unemployed persons and become a tool to deal with anybody who signs on to receive jobseeker's allowance?

Deputy Regina Doherty: JobPath only looks after the long-term unemployed. The situation described by the Deputy does not occur. If he has actual evidence as opposed to anecdotal statements, I suggest he bring that evidence to me. If it did happen, JobPath would be operating outside the terms of its contract. I have had several discussions with the Deputy on this issue and I am always surprised by his view of an organisation that was contracted to activate persons on a long-term unemployment register and help them to find work and which is actually working, as indicated by the fact that jobs have been found for 14% of those who have attended JobPath programmes, significantly ahead of the 8% target. It is paid only if it achieves a positive result. If it does not find a person a job, it is not paid. It is only paid when it finds a job for a person who has been long-term unemployed. If the Deputy can find statistics which show me that it is working outside its remit, I will deal with the matter. However, he cannot escape the fact that this activation programme was established and sub-contracted to two companies who employ 1,000 Irish people to work with other Irish people who are long-term unemployed in order to find them jobs. That is being done and the programme is working. Up to 81% of the 120,000 who have been through the doors of Turas Nua and Seetec in the past year have a positive attitude towards the service.

Deputy John Brady: I hear what the Minister is saying, but the evidence I have which I will present to her indicates that the companies are working totally outside the contracts in place. For example, substitute teachers are being forced to attend Seetec and Turas Nua. People straight out of college are being referred to JobPath which is going above and beyond its remit. The Government has privatised an essential service and created a monster which now, because of the nature of the contract in place, needs to be fed. I recognise that unemployment levels are down, but it now appears that, in order to keep feeding the privatised model that has been put in place, others are being looked at such as the short-term unemployed, including teachers and those directly out of college. I have evidence which I will present to the Minister. Substitute teachers who do not know the days they are going to be working and do not have contracts are being hounded by JobPath, Turas Nua and Seetec. The survey the Minister referenced is meaningless. She should engage with the people who are being hounded and fearful that their payments will be stopped. I ask her to carry out a full reboot of the service.

An Leas-Cheann Comhairle: I ask the Deputy to allow the Minister to respond. I have been lenient. Deputies must respect the allotted time.

Deputy Regina Doherty: The service has not been privatised, it has been sub-contracted in the same manner a large number of services in social protection offices across the country have been sub-contracted. Talk of privatisation is ill-informed. The purpose of this scheme was to help people who were long-term unemployed get meaningful jobs and it is working. A total of 14% of the people who have gone to these people in the past 18 months now have work, whereas we targeted only 8%. There is nobody in terms of the long-term unemployed being hounded.

The survey was anonymous therefore there was nobody unwilling to put down something on a piece of paper with their name for fear, as the Deputy has incorrectly suggested, that they

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would be hounded. The Department of Employment Affairs and Social Protection is there to support people - we are concerned here with jobseekers - when they do not have work to get back into work. It is not to hound people but to help them, to activate them and to put them on the right path through training and support to make sure they are ready to go to work. It is working, 14% of the 120,000 people who have gone through the doors have got work and 81% have a satisfaction rating of very high.

Public Services Card

32. **Deputy Willie O’Dea** asked the Minister for Employment Affairs and Social Protection her plans to extend the scope of the public services card; the measures currently in place to ensure data protection and confidentiality; and if she will make a statement on the matter. [39693/17]

Deputy Willie O’Dea: I am aware that there are 2.7 million public services cards in circulation but as the Minister is aware, concerns have been expressed recently about plans to extend the scope of the public service card and about how confidentiality of the information contained on the card can be maintained.

Deputy Regina Doherty: The purpose of the public services card, PSC, is to enable individuals to gain access to public services more efficiently and with a minimal duplication of effort, while at the same time preserving their privacy to the maximum extent possible. The purpose of SAFE 2 registration, underpinned by legislation, is to verify a person’s identity to a substantial level of assurance. Once identity is verified, a public services card can be issued. My Department makes it clear to our customers that they need to complete a SAFE 2 registration to access, or continue to access, payments and entitlements. This is not an unreasonable condition given the value of payments made to customers and the overwhelming majority of customers have no difficulty in completing the process. I have no plans at this time to introduce any changes to the PSC other than those which are contained in the Social Welfare, Pensions and Civil Registration Bill 2017 which is coming before the House in an hour’s time.

As part of the Department’s commitment to ensuring data protection and confidentiality, all customer data is stored in its secure data centres which are subjected to regular security tests. Access to the data is restricted to those who have a business need.

All such accesses are logged and audited. All staff must, on an annual basis, sign undertakings that they will act in accordance with data protection policies and guidelines. Substantiated allegations of breaches of these policies could result in disciplinary action, including possible dismissal, legal action and possible claims for compensation by a customer.

The PSC is produced in a secure facility in Ireland and the data to produce it is immediately destroyed on card production, in accordance with the advice of the Office of the Data Protection Commissioner. The systems used in the card production are subjected to audit by external experts.

Deputy Willie O’Dea: The Minister is saying there are no plans to extend the range of services which will require production of the public services card from now.

Deputy Regina Doherty: By my Department.

Deputy Willie O’Dea: By her Department, for now.

Deputy Regina Doherty: Yes, my Department - that is key.

Deputy Willie O’Dea: Does the Minister accept that concerns have been raised and that they are legitimate? They have been raised by ordinary citizens, by the Data Protection Commissioner and her predecessor, by distinguished information technology lawyers who say that clear information is needed on what data has been collected, the purpose of the data and who exactly will have access to it. Is the Minister aware of the statement by the Data Protection Commissioner on 30 August last that there must be clarity regarding the mandatory use of the PSC in accessing certain public services? What will the Minister do to bring that about? If the Data Protection Commissioner made this complaint on 30 August it is clear that she is not satisfied with the situation in place.

Deputy Regina Doherty: The Deputy is right, several eminent people, none less so than the Data Protection Commissioner, legal experts and normal citizens have expressed concerns arising from statements made over the summer. The Data Protection Commissioner has asked for several things to be clarified. Staff from my office met with her and we are in the process of clarifying those issues. I do take on board that if there is ambiguity about why the card is issued, where the legislation came from, what public services it will entitle someone to access, what other Departments the legislation allows my Department share that information with, we are very willing to run the publicity campaign we ran some years ago again. I certainly did not help the situation during the summer with my description of the card as a requirement to access public services but it is a requirement to access public services in the Department Employment Affairs and Social Protection. It has become a requirement for other Departments. I will certainly address the 49 questions the Data Protection Commissioner sent to our office. That process started with a meeting between the Secretary General and the commissioner and we will respond in writing and publish the statement then.

Deputy Willie O’Dea: When does the Minister envisage that this information will be published? The Department has got the questions from the Data Protection Commissioner and I presume it envisages issuing answers to those questions. What is the approximate timescale within which that will be done?

Deputy Regina Doherty: Very soon. I do not wish to mislead the Deputy. We have been working on it for the past two weeks.

Low Pay Commission Remit

33. **Deputy Willie Penrose** asked the Minister for Employment Affairs and Social Protection her plans to amend the remit of the Low Pay Commission to provide for the achievement of a living wage; and if she will make a statement on the matter. [39691/17]

Deputy Willie Penrose: As the Minister knows the living wage technical group said in July last that the wage required for a minimum acceptable standard of living in Ireland is €11.70 an hour. Can the Minister set out a pathway to close the gap between the minimum wage and the living wage, taking account of the fact that it cannot be done instantaneously but over a period of time as suggested by the Labour Party?

Deputy Regina Doherty: I suggest to the Deputy that is not the question that he asked me. The question he did ask was about the remit of the Low Pay Commission.

The Low Pay Commission was established through the National Minimum Wage (Low Pay Commission) Act 2015. Its principal function is, once each year, to examine the national minimum hourly rate of pay and to make a recommendation to the Minister regarding the rate, ensuring that any recommendations are evidence based, fair and sustainable, and do not create significant adverse consequences for employment or competitiveness. The 2015 Act also allows the Minister to request the commission to examine and report its views and recommendations on matters related generally to the functions of the commission under the Act.

It is important that Ireland's statutory national minimum wage and the living wage concept are not conflated. The living wage is a voluntary societal initiative centred on the social, business and economic case to ensure that, wherever it can be afforded, employers will pay a rate of pay that provides an income that is sufficient to meet an individual's basic needs, such as housing, food, clothing, transport and health care.

In doing this, the living wage concept does not distinguish between types of earners, for example, between primary breadwinners and second earners such as students in part-time jobs.

I currently have no plans to amend the remit of the Low Pay Commission. On the basis that there was a significant difference between what it returned last year and this year I have made discreet inquiries as to how the deliberations take place, the exact listings for considerations put in place and how they differ from those of the body that deliberates on, considers and arrives at a living wage. I am happy that members of the Low Pay Commission are working very effectively and strongly together. Although I was in Estonia the week it was announced I welcome the 30 cent increase in the minimum wage this year.

Deputy Willie Penrose: I was not confused. The living wage was based on the concept that we should provide an adequate income to enable individuals to afford a socially acceptable standard of living. The Low Pay Commission recommended a 30 cent increase in the minimum wage to come into effect in January which will bring it up to €9.55 an hour. Last year there was a derisory 10 cent.

It is almost 18 months since the Government was formed and it has yet to provide any guidance to the Low Pay Commission to even allow it work towards its target of €10.50 an hour which is in the programme for Government, let alone a real living wage of €11.70 an hour. The Labour Party proposed that the mandate of the Low Pay Commission should be changed to target the minimum wage to 60% of the median wage by 2021 to deliver a living wage for all. I ask the Minister if she will change the remit of the Low Pay Commission to at least deal with her own target of €10.50 per hour. A snail would get from Mullingar to Dublin quicker than the Minister will do this, and that is some 90 km. That is all I am asking. There is a pathological opposition within the Government to ensure this happens. It may not reside with the Minister but I recall that a number of her colleagues were not very happy when I fought to ensure that the reduction of the minimum wage was reversed in 2011.

Deputy Regina Doherty: With respect, and the Deputy knows I have respect for him, opposition Deputies have an ability to make sweeping statements about Fine Gael before adding "Oh, well you might be different". Let me be very clear: I am privileged to be the Minister for Employment Affairs and Social Protection with the Low Pay Commission under my remit.

There is no doubt in my mind that during the duration of this programme for Government we will achieve the target of €10.50 set down therein, assuming that the three year supply confidence arrangement with Fianna Fáil in opposition survives.

There is no reason for me to change the remit of the Low Pay Commission. It has not asked for it and the standard formula that it uses is still very current and is reflective of society. I will reiterate for clarity that as long as I am Minister for Employment Affairs and Social Protection the commitment made in the programme for Government to ensure that the minimum wage is increased to €10.50 will stand.

Deputy Willie Penrose: I welcome that commitment in so far as it goes and accept the Minister's bona fides but she should not tell me that there is not pathological opposition towards pay rises among some of her colleagues. I am clear about that and if she wishes me to name names, I will do so, if pushed. In all wage increases there is an opt-out provision for employers who will be unable to pay them because their balance sheets or turnovers will not allow that. I accept that but 10% of people are earning the minimum wage, a percentage that is too high. I appreciate that there would be a 10% elimination, but let us try to get that. I acknowledge that the Minister is committed to getting the rate to €10.50 and her bona fides cannot be questioned on this. We will be there to support her in case of any recalcitrant colleague or two in government who want to stop her.

Deputy Regina Doherty: I cannot put it more strongly. It is in the programme for Government. I am in the lucky position of being responsible for achieving that goal and can genuinely say there is no ideological opposition from this cailín.

Money Advice and Budgeting Service

34. **Deputy Willie O'Dea** asked the Minister for Employment Affairs and Social Protection the efforts she has made to halt the restructuring of MABS and CIS until such a time as the concerns of the many staff and volunteers have been comprehensively addressed; and if she will make a statement on the matter. [39439/17]

Deputy Willie O'Dea: The Minister will be aware that not only myself but colleagues on all sides of the House have had representations throughout the summer from MABS and the community information centres to the effect that the proposed reorganisation is going full tilt ahead despite the views of this House and the Joint Committee on Social Protection. I made representations to the Minister about this during the summer and she agreed to consider it. Has she concluded her consideration, is she still considering it or do the noises from the Department reflect her having made up her mind to go ahead with the reorganisation?

Deputy Regina Doherty: As the Deputy is aware, the Citizens Information Board, CIB, which has statutory responsibility for the Citizens Information Services, CIS, and the Money Advice & Budgeting Service, MABS, decided on 15 February 2017 to restructure its governance arrangements to a regional model, comprising eight CIS and eight MABS companies.

As a statutory body, the board has the sole right to make decisions on its day-to-day operations as it sees fit. The Deputy made representations to me as did a very small number of others, and arising from that as well as being new to the portfolio, I sought advice from the Attorney General. He advised me that it would not be lawful or appropriate for me, as Minister, to seek

to intervene in such a decision taken by the board and so I did not.

I made gentle inquiries and was told that the CIB has not taken this operational decision lightly. It follows years of analysis of options and detailed consultation with all its stakeholders on the need for a more streamlined governance model. The CIS will tell the Deputy that their former governance model did not live up to scrutiny and was compelled to restructure by its accounting officer, which is what it did. What CIS has done and the decision it has made, which was its decision to make alone, was done in what it sees is the best interest of running CIS and MABS into the future.

In May of this year, 300 representatives of staff, management and volunteers, as well as chairpersons and representatives of local CIS and MABS services, attended regional consultations organised by CIB. It was not that they were not engaged with or involved in discussions. Over the summer months, 238 volunteers attended eight focus groups at which service delivery strategy, board structures, linkages and staff roles under the new company model were discussed and agreed. I understand that CIB plans to hold a further discussions with volunteers in October.

Therefore, CIB is seeking to implement its board's decision in a consultative way and is making genuine efforts to allay concerns of staff and boards of local services - which are small in number given the size of the two organisations and the levels of funding involved - and we are trying to make sure that they do this productively.

Deputy Willie O'Dea: The Minister refers to the bodies' present unsatisfactory structure. She is as aware as I am that the organisations are not wedded to that particular structure on which they are prepared to compromise. She is aware of that and there is no point in us focusing on the two organisations sticking to present arrangements which is an argument that does not exist.

When she mentions extensive consultations over a five-year period, which she mentioned to me in a letter dated 15 August, the Minister must also be aware that the first people in both organisations heard of alleged problems was when the consultants produced their report. If this extensive consultation took place over a five-year period, why was it that when we forced a debate on the matter in the House, another consultation process was organised, as if there had been no consultation in the first place?

Why, until we raised it in the Dáil, was no cost benefit analysis done? The Minister must be aware that the volunteers, the staff and the people who depend on the service, as well as this Dáil by a two to one majority, along with all members of the Joint Committee on Social Protection, including members of the Minister's own party, are all against this proposal. There is a precedent for this sort of thing. One of the Minister's predecessors, the late Séamus Brennan, when a Fianna Fáil Minister, stopped this in its tracks. Nothing has changed and if Séamus Brennan could do it, the Minister can. I do not care how few representations the Minister received, she must be aware of the number of her own backbenchers who have approached me to say they hope to God that I can get this thing stopped because they have to vote with the Government.

Deputy Regina Doherty: A couple of swallows do not make a summer. I have acknowledged that a few representations have been made to me but that does not mean that there has been a swell of opinion on this. I will reiterate what I said on my appointment as Minister for Employment Affairs and Social Protection. I followed up the small number of concerns which

were raised with me. As I told the Deputy, I asked the advice of the Attorney General on the basis of what had happened, which was not a consultation over five years. The consultation was started internally at board level in February this year and then consulted extensively with members in May. I do not know where the Deputy got his period of five years but it started in May of this year, arising from internal deliberations. I am led to believe that the reasons they are changing the structures is because their old structures did not live up to the good level of governance that we expect from our statutory bodies. I am being told that what we now have is a response to having a new, improved and efficient level of governance as required under the statutory law for these bodies' accounting officers to report at the end of the year.

Deputy Willie O'Dea: I can tell the Minister where I got the period of five years from. It was in a letter from herself dated 15 August in which she says that this decision was taken after "five years of analysis, consideration of options and extensive consultations with all stakeholders". Five years of that. There was no consultation and there is still no meaningful consultation with stakeholders.

The Minister referred to the handful of representations she received. The Dáil voted 2:1 to stop that process. The all-party committee, which, as far as I know, contains a majority from the Government side, voted unanimously, and expressed the view unanimously and publicly that it should be stopped. What we seem to have here is a small group of bureaucrats overriding the will of the Dáil, the will of the all-party committee, the opinion of the volunteers, the opinion of the people at the coalface of the service and, most importantly, the will of the people using the service, who know well that what will happen will leave them with something quite useless and ineffective.

Deputy Regina Doherty: The consultation process that started in May of this year resulted in 238 people attending eight focus groups over the summer, where service delivery, strategy, board structures, linkages and staff roles under the new company model were discussed and agreed. I do not know whether the Deputy likes that or not, but it is a fact that is what happened. The Deputy is also very well aware the body is governed by statute, and no motion of the House or any committee can overturn the responsibilities given to a body under statute. The only way to do this is to change the law.

Deputy Willie O'Dea: Does the Minister have any regard or respect for the will of the House?

Deputy Regina Doherty: I am sorry, but it is a statutory body authorised under law to provide the services. If the Deputy does not like what it is doing the only way it can be changed is to change the law. Having a motion here does not instruct it what to do. It tells the body the Deputy is not happy about it-----

Deputy Willie O'Dea: Seamus Brennan stopped it. A previous Minister stopped it.

Deputy Regina Doherty: I am sorry, but I am not a previous Minister. I am taking the advice of the Attorney General, who tells me I do not have the scope, and it certainly would not be appropriate for me, to interfere in the operations and day to day running of MABS, no more than if I went into my local MABS office and told it to rearrange the furniture. I would be told to hump off.

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Other Questions

Jobseeker's Benefit

35. **Deputy Bríd Smith** asked the Minister for Employment Affairs and Social Protection if she will change the way in which jobseeker's benefit is calculated for those in casual or part time work or on temporary reduced hours, whereby it is not based on days worked but on income, so that no person is living below the poverty line; and if she will make a statement on the matter. [39683/17]

Deputy Bríd Smith: Will the Minister consider changing the way in which jobseeker's benefit is paid to casual and part-time workers and temporary workers on reduced hours? At present, it is calculated before it is paid based on the number of days worked rather than on the level of income people receive. Any supplementary income they receive from the State is based on the days they work rather than the income they receive. As I will argue with the Minister later, I am increasingly coming across many people who are below the poverty line and who cannot receive support income because of the way in which the payment is calculated.

Deputy Regina Doherty: The jobseeker's benefit and jobseeker's allowance schemes provide income support for people who have lost work and are unable to find alternative full-time employment. The 2017 Estimates for the Department provide for expenditure this year on the jobseekers' schemes of €2.5 billion.

Both schemes provide significant support to individuals so that they can work up to three days a week and still retain access to a reduced jobseeker's payment. At the end of July 2017, approximately 54,000 people were in the category described by the Deputy as casually employed or in part-time employment. The current days-based system can provide significant income supports to jobseekers who are casually employed. For instance, an individual can earn a little over €19,760 per year and still retain jobseeker's allowance payment for the two days not worked, while the equivalent threshold for an individual with a qualified adult is almost €34,000 if they are both working. There is a significant difference.

The Department does not collect data on the number of hours a jobseeker works, as this information is not necessary to make a decision on the application for the payment. The cost associated with moving the jobseeker's benefit scheme to an hours-based system cannot therefore be ascertained.

It is recognised that a changing labour market has resulted in a move away from more traditional work patterns. However, any changes to the current criteria, such as moving to an hours-based system, could result in significant numbers of additional individuals becoming eligible for a jobseeker's payment with the substantial corresponding costs for the Exchequer.

In addition, if there were a change from a days-based to an hours-based system, existing casual jobseekers could lose out if their current hours worked over three days exceeded the new hours threshold, creating a disincentive to work longer.

There are other schemes to support families with low incomes such as family income supplement and the back to work family dividend. The part-time job incentive scheme can provide assistance to long-term unemployed who can only find part-time employment for less than 24

hours per week. I hear what the Deputy is saying, but doing what she would like us to do would have enormous financial ramifications and IT ramifications with regard to providing a platform to work in the system.

Deputy Bríd Smith: If I have heard the Minister correctly, she has answered the wrong question because I am not asking for the system to be changed based on the hours worked but rather on the income received for the time worked. I will give the Minister an example. At present, people employed, for example for three days, receive supplementary income for the two days they do not work. If someone works 15 hours over five days, with three hours a day, and receives €130 from his or her employer, that person will receive the part-time job incentive scheme payment for up to one year. What happens to that person after the year? Recently, I had the case of a cleaner at a famous shop in Ballyfermot, who all of a sudden was told the supplementary payment of €120 a week she received from the Department of Social Protection would be stopped because the year was up. This very distressed woman came to me, and I went to the Intreo office, where the payment was extended for two months. That time is up this month, and the woman will be living on the poverty line or will have to give up her job because her boss is not willing to pack all of those hours into two or three days as that does not suit him. Increasingly it does not suit employers to facilitate workers, and workers are being forced into precarious hours, whereby the advantage is to the employer and the disadvantage is to the worker.

An Leas-Cheann Comhairle: Deputies cannot exceed the time.

Deputy Regina Doherty: I do not have the details of the specific case the Deputy is speaking about. People need cleaners on a five day a week basis and that work will not be squeezed into two days. From the perspective of an employer I totally get this. There is an anomaly and the Deputy has highlighted it. Will the Deputy send me the details of the lady in question and it will give me grounds to look further afield to see whether it affects other people? The purpose of these payments is to ensure people in low paid work get an income supplement. The last thing we want to do is to give people an income supplement and then cut them off a year later and put them back where they were a year previously. If the Deputy gives me the details I will take care of it.

Deputy Bríd Smith: I will do so but I would like my question to be answered in terms of the income received rather than the level of hours worked. That is the change we need to make, that we look at the income people receive from their jobs and we do not supplement them based on the days or hours that they work, because increasingly Ireland is becoming a low-paid economy. We earn lower wages than most of the other developed European Union countries. A total of 38% of part-time workers earn low pay. Increasingly in this country we see people fall into a poverty trap. They are not able to receive a living wage. They might be on the minimum wage but they are certainly not able to receive a minimum wage, even combined with payments from the Department. Now we find there are anomalies whereby they are not able to receive these payments. It does not suit the employer to rearrange the employee's hours to suit the Minister or the person in receipt of poverty earnings. This must be looked at and must be changed.

Deputy Regina Doherty: I am not sure where the term "poverty earnings" comes from. People go to work and they earn wages for the work they do.

Deputy Bríd Smith: The minimum wage is poverty.

Deputy Regina Doherty: From a jobseeker's perspective, with regard to either jobseeker's

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benefit or jobseeker's allowance, the answer is we are not willing to change the current system. The reason we do not have to do so is we have other schemes that support families on low incomes, such as family income supplement and the back to work family dividend, which are all based on thresholds of income earnings.

Deputy Bríd Smith: A single person is not entitled to family income supplement.

Deputy Regina Doherty: I go back to the individual that prompted the Deputy-----

An Leas-Cheann Comhairle: We cannot-----

Deputy Regina Doherty: They are all based on income thresholds. If the Deputy knows of an individual customer who would like to come to me, I will have a look at it individually. That is no problem.

Deputy Bríd Smith: I probably have 10,000 of them.

Employment Rights

36. **Deputy Willie Penrose** asked the Minister for Employment Affairs and Social Protection her plans to review the employment legislation that has been transferred to her remit; and if she will make a statement on the matter. [39643/17]

Deputy Willie Penrose: On 1 September, the Department was renamed the Department of Employment Affairs and Social Protection. The Minister is now the lead on employment rights policy and legislation, including 11 primary Acts governing employment rights and related policy issues. There are a number of issues, including if and when contracts and combatting bogus self-employment. What are the Minister's plans to progress legislation on these important issues?

Deputy Regina Doherty: I thank the Deputy for the question, and I am very glad he raised it because it is an important part of the Department now, as the very large mammoth that is the Department of Employment Affairs and Social Protection. Employment affairs, employee rights, employee engagement, the participation of unions and representation rights will all be very much to the fore of what we will do in the coming months.

The details of the employment legislation that transferred to my Department following the Government decision earlier this year are set out in the Labour Affairs and Labour Law (Transfer of Departmental Administration and Ministerial Functions) Order 2017, SI 361 12 o'clock of 2017. The transfer of functions involved 11 pieces of primary legislation in the area of labour affairs and labour law that were previously the responsibility of the old Department.

My priority, on which we have already made a little progress in the past week - I have met members of unions and made some fine inroads on what they are looking for in their representations - is to publish the Employment (Miscellaneous Provisions) Bill which is being drafted. The Deputy is aware that the Bill is in response to a commitment in the programme for Government to tackle the problems caused by the increased casualisation of work and, in particular, to strengthen the regulation pertaining to precarious employment. The proposals contained in the Bill are the result of extensive consultations. They include public consultation by the for-

mer Department, the Department of Jobs, Enterprise and Innovation, following the University of Limerick study of zero-hour and low-hour contracts, in addition to detailed dialogue with ICTU and IBEC for several months. The Bill aims to address a number of issues that have been identified where current employment rights legislation can and must be strengthened to the benefit of employees, particularly low paid and more vulnerable employees, without imposing unnecessarily onerous burdens on employers and businesses. Officials of my Department are working closely with the Office of the Parliamentary Counsel. I met the Attorney General last week to raise certain queries arising from the heads of the Bill to determine whether I could enhance them. I am giving a commitment that I will have the Bill published before Christmas. If I were to be really ambitious, I would hope to bring it to the House before Christmas, but it is definitely among my top three priorities.

Deputy Willie Penrose: The first defeat of the Government was on the Labour Party motion that called for a legislative package to combat, in particular, if-and-when contracts and bogus self-employment and that sought their regulation. I am glad that the Minister is progressing this legislation. My colleague, Senator Gerald Nash, initiated the University of Limerick study of this matter. With regard to zero-hours contracts, I put the Minister on notice. There is no one better at manipulating legislation than those to whom I refer. I want to send a message to the bureaucrats. The measure will put people within bands to reflect the reality of their working hours. Some might be guaranteed 15 or 20 hours and might be getting 30 hours. The Minister will be introducing in the legislation a number of bands between 20 and 30 hours. Many workers and I do not want to see people being placed at the lower end. Cleverly, people are allocated only 20 hours, the lower end of a band between 20 and 30 hours. I put the Minister on notice that there will be holy war if there is sleight of hand to leave people on 20 rather than 30 hours. Those who desire a loan to help the children with their education or to do anything else get nothing if they are bedded down at the minimum figure. If there is to be a spectrum, let us put them at the top rather than the lower end. With regard to employers, there could be a flanker. I have no doubt that there is somebody who is already fighting for inclusion at the lower end. I am signalling that we want people to be put at the upper end when the bands become available.

Deputy Regina Doherty: In fairness, given the way the heads of the Bill were drafted and the design of the bands, it is fairly obvious that the conclusion to which the Deputy has jumped probably reflects the practice, but that is not in the spirit of what we are trying to achieve. Without telling the Deputy what I am hoping to do, I hear him loud and clear. I do not want circumstances in which new legislation we will introduce would allow an employer to put somebody who has been getting 25 hours for the past 18 months on a new 20-hour contract. My intention is to make sure that will not happen.

Deputy Willie Penrose: I will not waste time. If that were to be an absolute guarantee, it would be of consolation to so many. In this House we are all motivated by the very best ideas and aspirations but very often when we pass legislation, something happens and we are left outside trying to explain something that reflects badly on us. From the Minister's experience in business - fair play to her - she has seen the hole in the bucket and is mending it before it become a big hole.

Deputy Regina Doherty: I thank the Deputy. He knows from where I am coming.

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Pension Provisions

37. **Deputy Richard Boyd Barrett** asked the Minister for Employment Affairs and Social Protection if she will consider in budget 2018 extending the homemaker's scheme to ensure women who took time off work to raise their families will not be at a loss; and if she will make a statement on the matter. [39629/17]

Deputy Richard Boyd Barrett: When will we receive the report on how we will deal with discrimination against homemakers who brought up their kids in the 1960s, 1970s and 1980s and who, because the homemaker's credit does not extend back to those years, are being discriminated against in their pension entitlements? I refer also to the issue of the averaging of pensions after former Minister for Social Protection Joan Burton's changes to the bands in 2012. We were promised a report by the former Minister and now Taoiseach, Deputy Leo Varadkar. Where is that report? When will the changes happen?

Deputy Regina Doherty: I do not like to admit that I am ignorant, but I do not have a clue what report the Deputy is talking about and I am not aware of any being drafted. Therefore, I will be honest with the Deputy and tell him the current position. No more than in the Deputy's own office, this issue comes across my desk in my office in County Meath quite regularly. It has been raised by women in the past two years and will obviously accelerate in the coming years. The women in question, on reaching pension age, are being told when they seek their pension that they are not entitled to what they expected to receive and they are seriously aggrieved about it. When we consider the overall sum of €20 billion that comes out of the Department every year, we note that €7.5 billion goes towards pensions. It is a sizeable amount. An extra €200 million was added to the pot this year just because of the number of people who turned 66 years this year. The rate of payment, as the Deputy and all of us know, is based on a yearly average, a condition that was introduced in 2012.

I will not read what is contained in my written response because the Deputy already knows what it states. To do what the Deputy and I would wish to do would cost hundreds of millions of euro. Given that we were having a spat earlier about who would get an extra fiver or €2 per week, we are all aware that the money is not available to fix the anomaly in question. All I can do – I propose to do it later this year – is proceed to public consultation on moving the entire system to a total contribution system. I am told that we will be able to have the public consultation process in a number of months. A maximum period of 12 weeks should be sufficient to engage in public consultation with the industry, unions and affected individuals. More importantly, it is question of starting the development of an IT system that will allow me to move everybody's pension payment to a total contributions pension payment. The discussions we will have will involve some winners and some losers. That will be politically difficult because nobody ever wants to see anybody losing. We need to have a conversation collectively about how we will pay pensions, on what they will be based and how they will be calculated. As we all know, the pot of money from which they come is in surplus, but it will not be for the next number of years. It is a question of from where the funding will come. Much and all as I would love to tell the Deputy that I am going to fix the problem, we just do not have the money to do so now. I have to fix the whole pot as opposed to fixing the problem in question.

Deputy Richard Boyd Barrett: On the question of where the additional money can be obtained, I accept that additional money is needed, but I will tell the Minister where it can be found. The employers' PRSI contribution in this country is so far below the norm elsewhere

in Europe that it is shocking. In fact, the big gap in tax revenue by comparison with most of our European counterparts is precisely the shortfall in employers' PRSI contributions. It is precisely the source from which one would want revenue to pay for pensions and to end what the Minister has accepted is completely unacceptable discrimination, mostly against female pensioners. The position on the commitment made by the former Minister for Social Protection and now Taoiseach, Deputy Leo Varadkar, who said he understood the issues involved, promised that we would move towards lifetime contributions and said that he would deal with the inequities resulting from the averaging system and that there would be a report within six months, is slightly alarming. Now we hear that there is no report, that something will happen and that there will be a public consultation process but that the Government does not really have the money. That is really not good enough.

Deputy Regina Doherty: Let me be very clear. First, there is a difference between employers' PRSI contributions in Ireland and those made in other continental European countries. The difference is that what those countries give for the insurance payments is vastly different from what we give in benefits in this country. I am absolutely sure that if in this country there were to be an increase in PRSI payments, or if employers were asked to increase PRSI contributions, one would want to get a hell of a lot back, as opposed to paying for something for which they are already paying.

As I said, I do not know what report the former Minister was talking about. A large amount of work has been done in the Department around the anomalies in the scheme. A new scheme which will involve total contributions over the average life span of everybody's working life is the model towards which we are moving. I cannot do that unilaterally and certainly cannot do it unilaterally politically. More importantly, the millions of people in this country whose lives will be affected need to be consulted and told what our plans are, and we need to get their input as to how we get there. That is what is going to happen over the next couple of weeks.

Deputy Richard Boyd Barrett: I repeat that in parliamentary questions last year and again this year we confirmed that if we created a new band for employers' PRSI for people who are employed on incomes over €100,000, it would result in hundreds of millions in additional revenue. That would be fair and would help to generate money.

Another big area is tax relief for wealthy pensioners. Hundreds of millions of euro are spent on pension reliefs for very wealthy people. I do not mind such measures for ordinary people who are putting away a few quid for their pensions, but very wealthy pensioners - multimillionaires and so on – are putting money away and receiving significant tax reliefs for gold-plated pensions. The Minister could collect some extra money by closing off some of the reliefs for the wealthiest in Irish society. That would give us the sort of money we need to end discrimination and have a fair pension system for all pensioners.

Deputy Regina Doherty: First of all, I refer to the first comment the Deputy made. When people pay into a social insurance fund they expect to get something back. The Deputy is in the business of expecting everybody over a certain threshold to give absolutely everything away so that they can pay for everything else, which is not fair. One puts something in and get something out. That is what a social insurance fund is for.

My job and that of whichever Government happens to be in office is to be responsible for ensuring that the system is fair and money is available to make sure that people have enough money to live on in their older years. That is in new system towards which we are going to

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move and what the public consultation we will launch later this year will involve. We are moving to a total contributions model which will solve the anomalies which I acknowledge currently exist.

Question No. 38 replied to with Written Answers.

Social Welfare Code

39. **Deputy Bríd Smith** asked the Minister for Employment Affairs and Social Protection if she will disregard means testing of family income supplement with rent assessments; and if she will make a statement on the matter. [39685/17]

Deputy Bríd Smith: I refer to the means testing of family income supplement, FIS, for rent assessment. I ask the Minister to disregard the means test. When a person is due for a rent assessment FIS is taken into account. Given the current climate, where rents are very high, it negates the purpose of having family income support when it is taken into account for the payment of any support. I ask the Minister to negate that and make a statement on the matter.

Deputy Regina Doherty: We are all aware that rent supplement plays a vital role in housing just over 38,600 families and individuals at a cost of €253 million in 2017. Rent supplement is a statutory means-tested scheme, paid at differentiated rates of payment according to an applicant's means and accommodation requirements. It is normally calculated to ensure that a person, after the payment of rent, has enough income at the rate of supplementary welfare allowance, SWA, appropriate to his or her family circumstances, less a weekly minimum contribution. This ensures that the payments are targeted at those most in need of assistance.

The standard weekly minimum contribution which recipients are required to pay from their own resources is €30 for a single person and €40 for a couple. Many recipients pay more than this amount as they are required, subject to their income disregards, to contribute any additional assessable means over and above their appropriate SWA rate towards their accommodation costs. Income from employment and family income supplement in excess of the standard SWA weekly rates of payment attract an additional income disregard and are assessed as follows: the first €75 of such additional income together with 25% of any additional income above €75 is disregarded for means assessment purposes.

Any changes to the rent supplement scheme can only be considered in a budgetary context and within the scope of the overall resources available, not just to my Department but to the Government. The Deputy will be aware that the strategic policy direction of my Department is to return rent supplement to its original purpose, that is, a short-term income support while we roll out the HAP scheme which has been very effective and successful to date.

Deputy Bríd Smith: I take issue with the Minister's last sentence. HAP has not been very effective. Every Deputy in the House knows that and during today's debate on housing we will point that out clearly to the Government. The Government is not listening.

The point is that one arm of the State gives a payment to people who are in receipt of low income, namely, FIS. Another arm of the State then assesses them for rent supplement, but in so doing takes FIS into account. As I said, this negates the impact of providing the support to some of the poorest people living and working in this country.

We are robbing Peter to pay Paul. It is not the only situation in which this happens. I refer to the Department's disability payments. People engaged in rehabilitative work have been told that they can work up to 20 hours a week, but Dublin City Council or other local authorities take the 20 hours into account when calculating rent. Again, it is robbing Peter to pay Paul. If we were able to calculate it, we would find the administrative costs far outweigh the cost of allowing people to hold onto their supplementary payments.

Deputy Regina Doherty: First of all, it is not robbing Peter to pay Paul. FIS supplements the income of tens of thousands of families who are working in casual employment or are in receipt of very low incomes. All income has to be taken into account in rent supplement cases. The fact that a payment has come from a different arm of the State does not mean it is disregarded. It is given from one arm of the State in order to supplement a family's income. From a HAP or rent supplement perspective, in assessing that payment it forms part of a family's income and cannot be disregarded.

I take issue with the Deputy in regard to HAP. I admit it has had a slow start, even in my own county. As of 11 September, 12,700 new HAP tenancies have been set up during 2017. There has been a sizeable reduction in the number of families involved and the amount of money we are spending on rent supplement. Ideally, we would like to reduce rent supplement so that families are in longer term lets or their own homes.

Deputy Bríd Smith: Ideally the Government would like to not have to pay HAP and supplement landlords. People should have a home as they are entitled to under the social welfare system. That is a debate for Private Members' business.

Deputy Boyd Barrett corrected me. The Minister is actually paying Peter to rob Peter. It is an ideological intervention to tell families they will be paid a family income support on the one hand while on the other taking it back because it is being calculated as part of assessments for rent allowance. Whether we are robbing Peter to pay Paul or Paul to pay Peter, factually I am correct. Those who are driven into poverty in this country are those who are being penalised the most by the system.

I would like the Minister to comment on the situation whereby rehabilitative payments which are allowed under disability payment schemes are taken into account in the payment of rent to local authorities.

Deputy Regina Doherty: In the time I have, I will tell the Deputy that is not true. When someone applies for rent supplement his or her income is taken into consideration. There is an income disregard, but all of his or her income, regardless of whether he or she is working in a full-time or part-time job and in receipt of FIS, is taken into account. The reason family income support is so effective is that it gives an income supplement to people who are on low incomes. From a rent supplement perspective, we are not going to treat people differently, whether they have a full-time job and cannot manage to look for rent supplements without supports or whether they are in receipt of FIS as well as a low-paid job when seeking rent supplement. That is the current situation and we have no plans to change it.

Social Welfare Benefits Reviews

40. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection the extent to which she monitors the number of applications for disability allowance, invalidity pension, carer's allowance or other similar payments with a view to ensuring the elimination of hardship; and if she will make a statement on the matter. [39648/17]

Deputy Bernard J. Durkan: The purpose of this question is to identify areas in which the Minister might be able to intervene and streamline the procedures in cases where decisions are taken to reduce, curtail or cease payments of one kind or another which subsequently go to an appeal which could take up to six months.

Deputy Regina Doherty: I do not want to flog a dead horse. We are all aware the primary purpose of the Department of Employment Affairs and Social Protection system is to provide income supports to individuals and families when their circumstances, through loss of income or hardship, require it. My Department provides a broad range of income support payments for such circumstances including illness or disability and to support the valuable service provided by care givers.

These payments account for a significant proportion of the Department's budget with expenditure on illness, disability and carers' payments amounting to just under €4 billion this year, which is nearly one fifth of the Department's overall spend. In this way, income support payments such as disability allowance, invalidity pension and carer's allowance are designed to play an important role in addressing social exclusion and minimising the possibility of hardship for recipients. The application and decision procedures reflect this overall objective.

Evidence from national income surveys such as the CSO's Survey on Income and Living Conditions, SILC, shows that social transfers do play a very significant role in reducing poverty and hardship by cutting the risk of poverty for people with disabilities in half. These results demonstrate effective social protection spending and Ireland continues to be among the best performing EU countries in reducing poverty and inequality through social transfers.

Nonetheless, I can assure the Deputy that a reduction in measured poverty rates for people with a disability is a key priority of the Government. We will continue to keep the range of supports under review as well as implement the comprehensive employment strategy for people with disabilities. I think the Deputy will be aware that we launched the Ability programme on Monday, a new structure is being rolled out in all of our EmployAbility services and the Make Work Pay strategy is implemented. We need to ensure better outcomes and incomes for people with disabilities with regard to employment and State support services.

Deputy Bernard J. Durkan: I thank the Minister for her reply. Could particular attention be drawn to the appeals sector and the length of time it takes to reach a decision? While in most cases, a payment is in place while the decision is pending, it does not happen in all cases and there are situations where people suffer a great deal of hardship and mental pressure during that period. I wish to ascertain the extent to which the waiting time for appeals can be shortened.

Deputy Regina Doherty: I have only become aware from the past couple of months that the targets we set down in the Department for all of the services regarding the payments we facilitate are fairly ambitious. An appeal should take no longer than 12 weeks although clearly that is not always the reality. I am not apportioning blame to either the Department or to people

but there is a sense, which I have experienced, that some people are holding back information for when the Department says “No” so that we can pull something out to give them something else. If people give all the information at the outset then hopefully they will never get to an appeal because if they are entitled to something, they should get it. If they give all of the information required for a successful outcome, they will get a successful outcome. I can say genuinely that some people expect to be refused so they hold something back for the appeal and when the appeal comes, they give the Department further information. If I can do nothing else, it is to reiterate to people applying for any social welfare payment that it is their money and that they are entitled to it. If they have made contributions, they will get the benefit and if they have not, they will get an allowance that will be mean-tested but it is taxpayers’ money and it is a social contract that is designed to ensure that people are uplifted at a time when they need it most - be it through a disability or the loss of a job. People should give all of the information at the start of the application and it will be much easier.

Deputy Bernard J. Durkan: I fully agree with the Minister’s response generally but what I am trying to point is that there are specific instances where the general rule does not seem to apply and that may be for a variety of reasons. I do not mind what they are, I am merely interested in how they can be dealt with and whether it might be possible to carry out an internal review within the system to identify the cause or causes and thereby eliminate the potential for hardship, which in some cases, can have tragic consequences for families.

Deputy Regina Doherty: I take the Deputy’s point on board. I do not need to conduct a review because we carry out one on a monthly basis. Every month, at a management meeting, we ask what the turnaround times for payments and appeals are. There are difficulties. The Deputy is probably aware that domiciliary care allowance applications have increased quite dramatically over the past couple of months so, therefore, the 12-week target is not being met but we have redrafted new staff, are training them, have put them in the Longford office and are hoping to bring it back from 16 weeks at the moment to 12. Where peaks and troughs exist, we look at them. There is constant monitoring regarding the appeals office but the turnaround time would be much faster if people were more willing to give all of the information in the first instance.

I take on board what the Deputy is saying and we will certainly look at it. If there are individual cases of hardship, as described by the Deputy, and I know we could all come up with them, they need to be brought to the attention of either the local Intreo office or higher up to the local principal officer to make sure people are looked after from a community welfare perspective.

Jobseeker’s Payments

41. **Deputy John Brady** asked the Minister for Employment Affairs and Social Protection her plans to end reduced jobseeker’s payments for those between 18 and 25 years of age and if she will make a statement on the matter. [39586/17]

46. **Deputy Richard Boyd Barrett** asked the Minister for Employment Affairs and Social Protection if she will consider in budget 2018 restoring both reduced rates of jobseeker’s payments for those under 25 years of age in order that they are equal to those over 25 years of age and if she will make a statement on the matter. [39630/17]

Deputy John Brady: The Government has continued the age discrimination for jobseek-

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ers introduced by Fianna Fáil. This has had and continues to have damaging consequences for young jobseekers. Are there any plans in the forthcoming budget to address the discrimination the Government presides over regarding young jobseekers?

Deputy Regina Doherty: I propose to take Questions Nos. 41 and 46 together.

Lower weekly rates for younger jobseeker's allowance recipients were first introduced in 2009 and extended in subsequent budgets. These measures were introduced to protect young people from welfare dependency. In many cases, they have had a very positive outcome because our youth unemployment figures have gone from here to here, which is very positive. I do not think it is just because the payments have been reduced but I do think it has been a factor. In short, the answer right now is "No". The simple reason for that is because if young people under the age of 25 do anything else other than receive jobseeker's benefit or allowance, they will get the full payment of €198 so if young people at home want to be carers or take part in a community employment scheme, back to education or training with their local ETBs, they have a variety of ways of increasing that payment from either €100 or €147, whatever the age happens to be, right up to €198. As of today, there are no plans to change that.

Additional information not given on the floor of the House

Should a young jobseeker on a reduced jobseeker's allowance payment participate on an education or training programme they will receive a higher weekly payment of €193 which is the maximum personal rate for jobseeker's allowance.

The CSO's August 2017 monthly unemployment report showed that the seasonally adjusted youth unemployment rate - persons aged 15-24 years - was 12.7%. While this remains a high figure, it is notable that it represents a decrease of 4.5 percentage points from 17.2% in August 2016.

I am committed to ensuring my Department continues to identify effective measures to incentivise and support young people in finding and securing sustainable jobs. The best way to do this is through engagement processes and by incentivising them to avail of educational and training opportunities thereby enhancing their employment prospects.

The National University of Ireland Maynooth is examining the effectiveness of the reduced rates in encouraging young jobseekers to avail of education, training, employment programmes and opportunities. Initial results of the research were published as a working paper and these are being considered by the Department.

The 2017 Estimates for the Department provide for expenditure this year on jobseeker's allowance of €2.16 billion. The full-year cost of increasing the age-related reduced jobseeker's rate to the maximum jobseeker's rate of €193 per week is estimated to be just over €109 million in 2018. This estimate is subject to change over the coming months in the context of emerging trends and associated revision of the estimated numbers of recipients for 2018.

From March 2017, rates of jobseeker's payments were increased for claimants of all ages as a result of measures introduced in budget 2017.

Deputy John Brady: I have a very serious question for the Minister. Could she live on €100 or €102.70 - the €2.70 increase that was given to people under the age of 24 and a marginal increase if they were 25? I know I would be unable to do so and I dare say she would be

unable to do so but the Government expects people of that age to live on that amount. One of the consequences of this discrimination, which was introduced by Fianna Fáil and presided over by Fine Gael and Labour, is youth homelessness, which is a growing problem. According to the Department of Housing, Planning and Local Government, in July, 826 people between the ages of 18 and 24 were homeless. A total of 789 young people were homeless in January 2017. There has been a 78% increase in youth homelessness over the past three years. Those figures are provided by Focus Ireland. It is a serious problem. Does the Minister agree with the organisations that see the direct link between the discriminatory cuts introduced by Fianna Fáil and presided over by the Government and the youth homelessness crisis in this State?

Deputy Regina Doherty: In response to the Deputy's question as to whether I could survive on €102 per week, the answer is "No". I am a 46-year-old woman with four children and a husband. If you gave €102 per week to my 18-year-old son at the moment, he would be absolutely delighted. Let me address the fact that the Deputy believes that this is discriminatory. It is not discriminatory. There are some EU member states that do not even allow young people under a certain age to access social welfare payments at all. All the Deputy has to do is go up to Northern Ireland where his party should be in power and where the payment is something like £60. It is £65 in the rest of the UK. Is it discriminatory in the UK? No, it is not. It is not discriminatory.

Deputy John Brady: The Minister has responsibility.

Deputy Regina Doherty: I absolutely have responsibility. What I am telling the Deputy is that there are no plans to change the payment as it stands but that if anybody between the ages of 18 and 25 wants to do anything else under social welfare schemes, such as be a carer, go back to school or undertake further training, they can afford to take the €198 per week if they want to change their practices.

Deputy Richard Boyd Barrett: It is absolutely discriminatory. What happens, for example, if somebody gets a job and then loses the job, but the job that he or she had and the earnings that he or she got from that were what enabled them to put a roof over his or her head, then that person loses the job through no fault of his or her own and then is back to the half-rate of a jobseeker's payment? That person is then homeless if he or she cannot go home, or possibly is left in overcrowded conditions. Yesterday, we were at a very good seminar organised by the Ceann Comhairle about mental health issues. One of the big focuses of that was the absolute crisis in youth mental health. Does the Minister think there might be any connection between youth homelessness, the serious problem in youth mental health, and the low incomes that young people who are not 18, living at home with their mums, but who are 18, 19, 20 or 21 who cannot do that, or the young people who are leaving the country?

Deputy Regina Doherty: It is categorically not discriminatory. If it was, somebody would have already taken and tested a case against it, and that has not happened. It has not because there is a choice for young people under 25 years of age so that if they need €198 to live on, they will move to one of the other schemes that is available to them to move to at any time during it. There are additional lower rates of payments for the people the Deputy has just described that it does not apply to. Anybody who had a job who loses it does not go back down to the payment of €102. People who are under 26 who have a qualified child stay on the higher rate of income. People who transfer to jobseeker's allowance immediately after exhausting their entitlements from jobseeker's benefit stay on the higher payment. People who make claims for jobseeker's allowance where the claim is linked to a jobseeker's allowance claim within the

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previous 12 months stay on the higher rate. The Deputy should know his facts before he comes in and makes sweeping statements that are completely untrue.

Deputy Richard Boyd Barrett: Only if their benefit contributions are sufficient.

Deputy Regina Doherty: The reason that there is a lower payment here is to try to be ambitious for our younger people. It is to try not to box them off into what the Deputy would wish to box them into. It is to try to encourage them to do something other than staying at home and collecting a payment of €102 a week. Let them become a carer. Let them go back to school and undertake further education. Let them do community employment or some of the social inclusion schemes. They are all on offer with €198 payment. The biggest ambition that this Government and State should have for our younger people is work and full-time employment.

An Leas-Cheann Comhairle: I call Deputy Penrose to ask Question No. 42.

Deputy John Brady: May we ask supplementary questions?

Deputy Richard Boyd Barrett: We are supposed to be allowed to ask supplementaries.

An Leas-Cheann Comhairle: Short supplementaries.

Deputy John Brady: The Minister talks about facts and figures. I have presented her with figures. They are not my figures but those of the Department of Housing, Planning and Local Government. In July of this year, 826 young people were homeless. I am sure they have aspirations. They do not want to be homeless. They do not want to be unemployed. They want to be out there. The reality is that the measures the Minister's Government is presiding over are impacting detrimentally on them. It is compounding the difficulties that they are experiencing. The Minister's own predecessor, Deputy Leo Varadkar, acknowledged that and made some minor changes in the budget last year because of the representations from Focus Ireland and other organisations. The reality is that no analysis was done. No research was carried out by Fianna Fáil when these measures were introduced. Will the Minister outline any research that has been done of the potential impact that these discriminatory measures are going to have? No, because there was no research.

An Leas-Cheann Comhairle: Deputy, please. I call Deputy Richard Boyd Barrett.

Deputy John Brady: Will the Minister look at this in this year's budget, to end the discrimination, to end the homeless crisis for our young unemployed people and homeless people in this State?

Deputy Richard Boyd Barrett: The subtext of the Minister's response is that young people just want to sit around collecting money.

Deputy Regina Doherty: Please do not put words in my mouth.

Deputy Richard Boyd Barrett: That is the subtext.

An Leas-Cheann Comhairle: The Minister will have an opportunity to respond.

Deputy Richard Boyd Barrett: That is the implication of what the Minister is saying. The reason young people have taken up employment is not because the Minister cut their benefits, but because young people want to go out and work. They want meaningful, properly paid work, which is very difficult to find, and work that will enable them to pay to put a roof over their

heads is even more difficult to find for many young people. Slashing their payments when they are not able to find employment that will allow them to do that and putting them on this discriminatory rate as against when one reaches an arbitrary point of 25 years of age, before which one is expected to live on virtually half the money, is discrimination. There is no other way for it. For the Minister to imagine that is helping young people is preposterous.

Deputy Regina Doherty: I never ever said it was helping. Let me be very clear. There is nothing shy about me and I am well able to speak for myself. I would very much appreciate if the Deputy did not put words in my mouth or pertain to tell people that he knows what I am thinking or saying. I am very well able to say it myself.

Deputy Richard Boyd Barrett: The Minister more or less said it.

Deputy Regina Doherty: The purpose of this lower payment is to encourage younger people to provide themselves with opportunities such as back to education, to provide community employment schemes or any of the activation measures that are available to support, assist and help younger people into employment and into the workforce. Let me point out something to the Deputy. It is working. One of the largest drops in unemployment has been in our younger people, and particularly in our younger graduates over the last number of years. The Deputy's ambition for younger people might be entirely different from mine, but my ambition for younger people who still remain on the live register is to help to work hard and to do everything that we can to support them into full-time, meaningful, well-paid employment. That is what we are going to focus on.

Social Insurance

42. **Deputy Willie Penrose** asked the Minister for Employment Affairs and Social Protection the steps she is taking to tackle bogus self-employment; if her attention has been drawn to the fact that the amount collected under the national training fund levy on employers is nearly 9% below profile; if this is also impacting on employer PRSI returns; and if she will make a statement on the matter. [39646/17]

Deputy Willie Penrose: My colleague, former Minister, Deputy Joan Burton, set up a working group on bogus self-employment in July 2015, that is, over two years ago. It has not yet reported. Will the Minister indicate when this report will be forthcoming and will she outline what action will be taken? This aspect of bogus self-employment is a scourge, and there is only one set of losers.

Deputy Regina Doherty: I have taken a big interest in this in the last couple of months. I was of the view that the Deputy has just described but I was very much surprised by the results that I got back. I will outline an excerpt and then I will discuss it with the Deputy.

In 2000, a national training fund levy of 0.7% was introduced by the then Fianna Fáil Government and it was incorporated into the employer's social insurance contribution in classes A and H, with no charges for anybody else. Social insurance receipts up to the end of August 2017 were €6.6 billion. This was almost €178 million or just under 3% ahead of profile. The anecdotal story that we are told that there are millions of euro not being paid by employers because they are manipulating or controlling of certain types of employees does not add up to the figures that come in. Then I have to delve deeper and say that we genuinely know that people

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are employed in very casualised environments. The construction industry is probably the most obvious to us, but other industries are doing the same.

I have taken some time to look at how we can address those issues. It is much more complex than I expected. I expected to be able to introduce an employers' levy for people who are not self-employed, because the easy way is to increase the employee's PRSI from a self-employed perspective, and that is the last thing that I am going to do. While I am adamant that I am going to improve and expand all of the social insurance benefits that have been available to people on other classes to self-employed people, and actually improve the social insurance benefits to everybody else, I am certainly not going to increase the employee's PRSI contribution. I am looking at how I can best address the issue of probably a relatively small number of people or businesses in that space that are taking advantage of people and to provide some sort of levy or penalty to address the ongoing issue.

At the same time, and if the Leas-Cheann Comhairle can give me a little latitude, there are thousands of people who have never heard of Scope and do not have a clue that there is a body.

Additional information not given on the floor of the House

This includes an amount of €282 million for the national training fund. This was €7.8 million ahead of profile, also 2.7%. Bogus self-employment is where employees and employers wilfully evade income tax and social insurance liabilities.

Social welfare inspectors carry out visits to a wide range of businesses, as part of their ongoing compliance operations. Inspections are occasionally undertaken jointly with other State agencies such as the Revenue Commissioners and the Workplace Relations Commission. Where evidence of non-compliance is detected, this will be pursued.

Officials will also investigate details of specific cases supplied to my Department's Scope section. This section deals with employers, employees and the self-employed, who may apply to have an employment or self-employment status investigated and the correct class of pay-related social insurance, PRSI, determined.

Where the misclassification of workers as self-employed is detected, the correct insurability status of the person concerned is determined and social insurance arrears are collected. Under the Social Welfare Consolidation Act, there are specific offences in regard to employment contributions, their remittance and the maintenance of prescribed wages and employment records. On conviction, fines and or imprisonment can ultimately be imposed.

Any worker who has concerns about their employment and PRSI status should contact my Department and the matter will be investigated.

My Department has concerns that some types of employment structures may be being used to reduce the amount of PRSI and tax being paid, with a subsequent loss to the Exchequer and the Social Insurance Fund. An interdepartmental working group, comprising officials from my Department, the Department of Finance and the Revenue Commissioners has been examining the issue and I expect to receive a report shortly.

An Leas-Cheann Comhairle: I will give the Minister latitude. The balance of her response will be in the Official Report.

Deputy Willie Penrose: I am concerned that people are being forced to present as self-

employed to get work. It is an issue in the construction industry. We are not all living in cloud cuckoo-land, because it is. The returns to the national training levy - the 0.7% levy was correctly applied - is now 9% or €21 million less than profile. Why is it less than profile when employment is increasing and there has been a mass of returns? Is it because there is a large increase in self-employment in many businesses? The Minister is right that we do not want to impose levies on people, etc., but there is some reason for that.

There is much disguised employment. There are innovative people in disguised employment. There are people setting up as companies with one employee in employment. Then there is an individual who is dependent on and under the control of the employer and who is forced into accepting self-employed conditions and being classified as in self-employment. As I have spent my life being self-employed, I know it is a different system.

Deputy Regina Doherty: I agree with Deputy Penrose. Both of us are on the same wavelength, except in one regard. We are not behind profile. We are €278 million ahead of profile. That is why it does not make any sense to me. My gut is telling me that there are people out there who are in vulnerable positions who do not know that we are here to help. I will make sure that they know while at the same time improving the employee rights, improving the employee benefits through the social contribution fund, and extending it to all self-employed to ensure that they are looked after as well as someone who is in employment.

The big part of this that is a puzzle to me - I am far from finished looking at it - is how I get to the employers to ensure that those who are manipulating the system get to pay into the Social Insurance Fund the same way as everybody does. That is a little more complex than I originally thought when I took over a few months ago.

Deputy Willie Penrose: The Minister will be aware that employers, trade unions, professional bodies and individuals made some 23 submissions to that working group. When will the working group report? Will the report be available to us soon, or what is the position, because that might be a help?

I am all in favour of self-employment - people starting up their own businesses have provided 300,000 jobs in the economy and they are very important - but I do not want some unscrupulous employers pulling a stroke, then disappearing and people who have been classified as self-employed not having any contribution record when the whole shebang collapses under them and being left high and dry. Of course, then such self-employed are subject to all sorts of investigations and everything else. The buck stops with them as opposed to the unscrupulous employer who has pulled a stroke on them. I want to protect the rights of those people who should be classified as employees but are classified as self-employed.

Deputy Regina Doherty: I will make two points to Deputy Penrose. The report will be ready for publication shortly. I had one concern. Some 23 submissions were received but only four came from self-employed people. It is a bit of a misnomer when one has public consultation on self-employment that 19 of the 23 submissions are from employers. I was a bit miffed by that. I am considering seeking submissions again, specifically to target self-employed persons. The report might otherwise be complete. I could issue an interim report, but I think we will wait for the complete picture.

An Leas-Cheann Comhairle: I thank the Minister.

Deputy Regina Doherty: With the Leas-Cheann Comhairle's indulgence, I would say that

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anybody who finds himself or herself in the position Deputy Penrose described can retrospectively go back to Scope and get his or her social insurance contributions reinstated. That is the merit of Scope.

Public Services Card

43. **Deputy John Curran** asked the Minister for Employment Affairs and Social Protection her plans to extend the requirement for the public services card; her views on whether other Departments and agencies should be able to insist on using this card for identification purposes; her further views on whether the public services card is effectively becoming a national identity card; her views on whether, if the Government wants a national identity card, it should introduce such a system through primary legislation; and if she will make a statement on the matter. [39140/17]

An Leas-Cheann Comhairle: There are four minutes left. If Deputy Curran forfeits his 30-second introduction, the Minister can answer and I will allow the Deputy one supplementary.

Deputy Regina Doherty: The purpose of the public services card, PSC, is to enable individuals to gain access to public services more efficiently and less duplication of having to give the same information to a variety of different public bodies, while at the same time preserving their privacy to the maximum extent possible.

The purpose of SAFE 2 registration, as underpinned by legislation, is to verify the person's identity to a substantial level of assurance. Once identity is verified, a public services card can be issued. My Department makes it clear to our customers that they need to complete the SAFE 2 registration to access, or continue to access, payments and entitlements. This is not an unreasonable condition given the value of payments made to customers and the overwhelming majority of customers have no difficulty in completing the process. As of yesterday, we were at 2.87 million.

As I explained to Deputy Curran's colleague earlier in regard to a similar question, my Department and I have no plans to introduce any changes to the PSC other than those proposed in the Social Welfare, Pensions and Civil Registration Bill 2017 which will be before the House this evening.

To completely dispel the view of some people, the PSC is not a national ID card as it does not bear any of the characteristics of one. It is not necessary for a person to carry it or have it on him or her. One can stick it in a drawer at home. If a person does not need to use it again, that is entirely up to him or her. It cannot be demanded by the Garda. In fact, if gardaí asked for it today, they would be committing an offence under the Act we passed here in 2013.

Furthermore, it cannot be requested by any body or person not named specifically as a body in Schedule 5 of the Social Welfare Consolidation Act 2005, as amended. It can only be used by those specified in the legislation in the context of conducting a public transaction with the person concerned. Therefore, the legislation narrows its application considerably and proves that the intent of the card is, as it always was, just to access public services.

Deputy John Curran: As the Minister will be aware, there was quite a lot of controversy

over the card. I understand the intent, but the concern in terms of the greater mandatory use of the card and the data that is collected is who else may view it, where it would go and where it might be used. It is all very well to say go home and put it into the drawer and that one might never have to use it again, but it is worth noting what other Departments have to say about it. What is the data to be used for? The Department of Finance when talking about the Revenue Commissioners states that it is in line with Government policy to develop a single authentication mechanism for customers to access public services. It goes on to talk about the PPS and MyGovID. In terms of the Department of Education and Skills, it talks about MyGovID using the same data from the 2018-19 academic year and it being mandatory at that stage. The driver and vehicle online portals speak of using the same data. The Passport Office also speaks of using the same data. The Minister for Children and Youth Affairs references it in relation to accessing the affordable child care scheme. The National Transport Authority even states that it is supportive of a move to mandatory electronic validation of the PSC for free travel.

The point I am getting at is the Minister is saying one thing and she is doing a certain amount but other Departments and agencies are in discussions with her Department. I am not opposed to it but there is merit in looking at where this goes. There should be a proper debate on the card rather than individual Departments trying to have individual agreements.

What is the purpose of this public services card outside of the Department of Employment Affairs and Social Protection? As the Minister can see from what I pointed out, quite a number of Departments and agencies have an interest in it.

Deputy Regina Doherty: The Deputy is absolutely right, but it is not a change. I repeat that the public services card is to do nothing other than access public services. The reason the Deputy gets authenticated the first and only time is that if he goes through the SAFE process and he proves he is John Curran, he will never have to do it again. The Deputy will have proven with the Department of Employment Affairs and Social Protection that he is John Curran. When the Deputy goes to get a driver licence or if he makes a SUSI application, he will have proven he is John Curran. Rather than duplicate the whole effort of giving them his ID dataset again, the Deputy will have already proven who he is once and all he has to do is tell these people that he has been SAFE 2 passed and they will have access to all the Deputy's data and they will know the Deputy is the one and only John Curran.

There is no change to the remit of the card other than what we all agreed here in 2011. The people who can share the dataset are listed in Schedule 5. They are SUSI, the Passport Office staff, the driver licence staff and the health identifier staff. It is all listed there. There are 50 bodies, in which there are 102 sub-sections, but it is only to access public services. The Deputy will never be asked to whip out his PSC from his back pocket and prove he is John Curran.

With regard to national identity cards, for what it is worth, I would be totally opposed to them.

Written Answers are published on the Oireachtas website.

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Topical Issue Debate

Brexit Issues

Deputy Brendan Smith: I thank the Leas-Ceann Comhairle. I appreciate the Ceann Comhairle selecting this Topical Issue. It is an issue of huge concern in the Cavan-Monaghan area and in the general Border region, namely, the need to upgrade our infrastructure, particularly road infrastructure. I welcome the fact the Minister, Deputy Ross, is here. From my observations in this Chamber, in previous debates he is a very good attender and replies to the Topical Issues put to his Department. That is a welcome development but unfortunately, it is not one that is followed by all Ministers.

As the Minister will be aware, Cavan, Monaghan and Donegal are more heavily dependent on road infrastructure than other counties in the State because we do not have a rail service. Allied to that dependence on the road network is the fact that the local economy is very heavily dependent on the agrifood, construction products and engineering sectors. By and large, these are bulky products that are transported by heavy goods vehicles, HGVs, either to the domestic market outside Cavan and Monaghan or to ports and airports for export to foreign destinations. Those HGVs, in transporting the finished products from our region, need proper roads and proper infrastructure to get the products to markets within Ireland and to the ports and airports in good time. In previous debates in this House, through both parliamentary questions and topical issues, I have highlighted the need for additional resources for the Department's road works programme in the mid-term review of the capital programme. In those debates I made a special appeal to the Minister to address the infrastructural deficits of the Border region. This is particularly urgent in the context of the difficulties and challenges we face as a Border region. If enterprises in Cavan, Monaghan and the general Border area are to have any hope of remaining competitive, the Government must invest urgently in infrastructure.

Again, I refer to the fact that our local economy is very heavily dependent on the agrifood, construction and engineering sectors. These are also the three sectors in our economy that are most heavily dependent on the British market for exports. The economies of Cavan and Monaghan and North of the Border in Fermanagh and Tyrone are heavily dependent on these three sectors and in turn, these three sectors are most heavily dependent on the British market. These sectors are already facing difficulties because of the serious decline in the value of sterling since the middle of 2016, following the Brexit referendum. There is an obvious need to try to assist enterprises to remain competitive. The Government, we as public representatives and non-governmental organisations, NGOs, will put the very best case forward to Europe and to the British in regard to the best possible deal and the fact that we cannot countenance the return of a border on our island. Those issues are all up for negotiations but there is one decision that is totally within the competence of our own Government, namely the decision to invest in infrastructure and to provide additional financial resources to upgrade a road infrastructure that is deficient. There are many historical reasons, as the Leas-Cheann Comhairle will attest, for the deficits in the Border region, including the impact of decades of the Troubles on our doorstep and the lack of investment that followed on from that. Thankfully, since 1998 we have had huge positive developments in all of the province of Ulster and throughout our State following the signing of the Good Friday Agreement. We have had an increase in North-South trade and the development of enterprises on an all-Ireland basis. Those enterprises that are based in the

Border region face very serious challenges in trying to remain competitive. We must ensure that at Government level extra investment is targeted at the Border region to try to assist those companies to remain competitive. If we are to have any hope of those enterprises retaining their current complement of employees, not to mention creating much needed additional jobs, there is a huge onus on Government to prioritise investment in the deficient infrastructure in that region.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I thank Deputy Smith for his tireless representation on this and other issues affecting his region, particularly through the raising of topical issues in this Chamber. The impact of Brexit is a major concern for the country as a whole. As regards road infrastructure, as the Deputy is aware, while I have responsibility for overall policy and funding in relation to the national roads programme, the planning, design and implementation of individual road projects is a matter for Transport Infrastructure Ireland, TII, under the Roads Acts 1993-2015, in conjunction with the local authorities concerned. Within its capital budget, the assessment and prioritisation of individual projects is a matter in the first instance for TII in accordance with section 19 of the Roads Act. The improvement and maintenance of regional and local roads is the statutory responsibility of each local authority, in accordance with the provisions of section 13 of the Roads Act 1993. Works on those roads are funded from local authorities' own resources supplemented by State road grants. The initial selection and prioritisation of works to be funded is also a matter for the local authority.

The capital plan published in September 2015 outlined proposed transport investment priorities to 2022. Maintenance and renewal of the road network will continue to be the main priority over the next period and the bulk of the roads capital budget, approximately €4.4 billion, is earmarked for such essential work with a further €600 million allocated for implementation of the public private partnership, PPP road programme which is already underway.

The capital plan provides for significant investment in transport links impacting on the wider Border region including the N4 Collooney to Castlebaldwin upgrade scheme, the rolling schemes on the N56 from Dungloe to Glenties and Inver to Mountcharles, strengthening links in Donegal, and subject to necessary consents, the N2 Slane bypass on the Dublin, Monaghan route. The capital plan also restates the Government's commitment to contribute £75 million to the development of the A5 in Northern Ireland. In addition TII announced in July that it is reactivating planning work on the N2 Clontibret to the Border scheme to narrow down the number of options to a single preferred route. Further action being taken on the N2 relates to a safety review of the section between Drumgeeny and the Castleblayney bypass. The draft engineering advisor's report concluded that the rate of fatal collisions on this single carriageway road exceeds the rate from a reference class of similar national primary roads. The report also identifies a number of measures to improve safety on this section of the route. Arising from this report, TII has committed to provide additional funding to develop the recommendation for an online upgrade of the N2 extending from north of Ardee to the south of the Castleblayney bypass. The intention is to progress the preliminary design and the achievement of planning consent as soon as possible. As I have said many times, as Minister I have to operate within the budget available to me and the capital plan allocations set the parameters for what I can do. The review of the capital plan was initiated earlier this year and I put forward a strong case for additional funding. The Minister for Public Expenditure and Reform, Deputy Donohoe has now published a report setting out the conclusions reached in relation to the additional global amount available to boost capital investment. While I was heartened to see transport identified

as one of the priority areas for consideration for additional funding, decisions on specific allocations to Ministers remain to be made by the Minister for Public Expenditure and Reform.

Deputy Smith makes a good case for his region. In the present circumstances, obviously anything that is particularly affected by Brexit must get special consideration when funds are being allocated.

Deputy Brendan Smith: I thank the Minister for his response, in particular his references to the necessary upgrading of the N2, the Border to Clontibret road design reactivation, the Castleblayney bypass and the need to implement safety measures there because unfortunately there has been a considerable loss of life on that stretch of road in recent years. I have highlighted one particular route in this House previously. In the early 2000s, the development of an east-west route from Sligo to Dundalk was identified. At that time, it was concluded that the best route would be from Sligo, through Enniskillen, Belturbet, Cootehill, Shercock and Carrickmacross to Dundalk. Substantial funding was provided to upgrade the route through the development of the Cavan bypass and the Belturbet bypass, both of which were integral parts of the proposed route. Then, in 2009, Cavan County Council was identified as the lead local authority - to work along with Monaghan and Louth county councils - to plan and design the upgrade of the route. Substantial funding was provided in the road works allocations in 2010 and 2011.

Substantial planning and design was carried out at that time, the details of which I will communicate to the Minister in writing. I would like to see that project re-activated because there are many substantial employers on that route, including Abbott and a number of engineering companies in Cootehill, Manor Farm, the Carton Brothers poultry enterprise, in *6 o'clock* Shercock and a number of other major enterprises in Dundalk. The time delay in terms of transporting the finished products from those factories and manufacturing facilities in Cootehill to Larne, Warrenpoint or the ports in this State, because roads are not up to the standard required for heavy goods vehicles, is a substantial additional burden on those enterprises. It is a route that I would like to see upgraded.

I recall that when planning was under way in respect of the development of the N3, I made a presentation at the then Oireachtas transport committee, which was based on research carried out by Glanbia. One of the Glanbia manufacturing facilities is located in Virginia, Cavan, in my own constituency. The Glanbia analysis dealt with the delays and costs to it arising from its trucks sitting in traffic on the N3 and the impact of this right back to the primary producer and reduced prices. If enterprises in the Border region are to have any hope of maintaining existing employment or growing employment the local infrastructure must be upgraded.

In regard to the final sentence of the Minister's initial response, I sincerely hope that he will ask the Minister for Public Expenditure and Reform, Deputy Donohoe, to ensure that the prioritisation of the road infrastructure needs of Cavan-Monaghan is given urgent consideration.

Deputy Shane Ross: I do not like off-the-cuff commenting on specific issues or roads, such as has just been bounced on me, because I am not qualified to speak about them ad lib but in light of what the Deputy said I will ask my officials to contact the appropriate people and have the matter examined. It is only reasonable that I would do so. I appreciate that infrastructure in the Border areas is well below par, as it is all over the country, particularly the roads. I was in Cavan-Monaghan recently. I do not think the situation there is all doom and gloom. I acknowledge it is the job of Deputy Smith to bring these matters to my attention but in my view some of

the roads are in fairly good condition and there are signs there of prosperity. I appreciate what the Deputy said about the need for competitiveness and the effect of the fall in sterling on the Border areas and the enterprises to which he referred but when I was in the area I noted a light of bright spots, including a new greenway, which is a cross-Border greenway and an important piece of infrastructure, the opening of which I was honoured to be associated with.

I will raise the specific points made by the Deputy about the roads and I will report back to him.

Schools Building Projects

Deputy Jim O’Callaghan: I welcome that the Minister for Education and Skills, Deputy Bruton, is here this evening to respond to this issue concerning the land in Harold’s Cross which was purchased by his Department during the summer and the purpose for which that land will be used by it, which is an important issue for the people in my constituency and beyond.

The Minister will be aware that a number of years ago his Department approved the opening of a new post-primary school to service the Dublin 2, 4, 6 and 8 postal districts. It has been communicated to the persons involved in the new school that the school will open in September 2018. As the Minister will no doubt be aware, following a patronage process announced by his Department in early 2016, Educate Together was approved the patronage of the new secondary school. Since then, in May of this year it was announced that the Department of Education and Skills had purchased the former greyhound track in Harold’s Cross and it is to be used to accommodate new schools. In terms of this Topical Issue, I am asking the Minister to consider the use of the land in Harold’s Cross to accommodate the new Educate Together secondary school. It is a priority in the area that this school is constructed as soon as possible.

For the purpose of determining whether a new school was required, the Department carried out a report on the patronage of the school and what catchment area was suitable for a new school. As I said, it was concluded that a school was needed to serve the Dublin 2, 4, 6 and 8 areas. Taking that area of land, the meeting point in terms of the areas to be covered by the new school is an area near my constituency called La Touche Bridge. It is the centre point of the catchment area. In terms of the land available at the former greyhound track in Harold’s Cross, it is the ideal location for the new school as it is only 1.4 km from La Touche Bridge. I suggest that it would be an ideal location. It is important that steps are taken to establish a new multid denominational, co-educational, non-fee paying secondary school in the area. Many of the secondary schools in the area are single-sex fee paying schools. They are all excellent schools but there is limited choice for parents who wish to send their children to a non-fee paying school or a secondary school that is multid denominational and co-educational.

I understand that Educate Together has done a considerable amount of work in respect of assessing the demand for this school. The demand exists. There is ample land at the former greyhound track to facilitate construction of a school and playing fields. There is an urgency around this issue in light of the announcement that the school will open in September 2018. There are many stands beneath the former greyhound stadium that could be converted to classrooms on a temporary basis. I urge the Minister to give consideration to constructing the new school on this land, which is in the centre of the catchment area, has been purchased by his Department, and would be hugely popular in the area.

Minister for Education and Skills (Deputy Richard Bruton): I thank Deputy O’Callaghan for raising this issue. This is a very significant purchase by the Department. From our point of view, it is an area where it is difficult to get land and we were very pleased to get the opportunity to acquire this site. As the Deputy will be aware, courtesy of Dublin City Council the land has been rezoned from recreational and part residential zoning to Z15 zoning, which is to protect and provide for institutional and community uses. This rezoning, agreed by the city council only this week, will facilitate the provision of a school on the site. Conveyancing and so on must be completed before plans for the development of the site can commence.

The Deputy is aware of how the system works. There are 314 school planning areas across the country. While this site is directly in the Dublin 6-Clonskeagh area, there are four other adjoining planning areas whose trends we would examine. The expectation of the Department is that in the future there will be very significant requirement for additional school places at post primary level in these areas. It is projected that as many as 5,000 places will be needed over the medium term. Against that background, this is a very significant acquisition by the Department. It will help us to plan for pressures both at primary and post-primary level.

The precise usage of the school will have to be determined by the Department. A demographic review is taking place. If it reveals pressure for an additional school, that would go through the system the Deputy described under which Educate Together was selected for a post-primary school. There would once again be an opportunity for parents’ preferences to be expressed in regard to whose patronage should arise.

I have carefully noted the Deputy’s comments regarding the suitability of this site for a particular school. As he can understand, any such issues will have to be carefully evaluated by the Department. It will not be a political decision, rather it will be a decision based on the best interests of planning the future of the area. Given the capacity of the site, although it is constrained, I believe the Department would hope it could have both a primary and a post-primary school on it, if it can be developed. Good design of such a site would be the first matter the Department would examine, namely, the potential of the site and what are the best ways to deploy that resource to meet the needs. I will pass on the Deputy’s points about the particular patron and about the school that is developing. As he will be aware, there is an early stage after a school starts up and builds up its numbers where there is usually time to anticipate what is the best way to meet the needs of the school as it develops.

Deputy Jim O’Callaghan: I thank the Minister for his response. I appreciate that he cannot give a definitive answer in respect of whether the land will be used for this Educate Together secondary school, but I would urge him and his Department to bear in mind that a decision should be made on this as soon as possible. The Educate Together secondary school is due to open in September 2018. That is what the Department had indicated. As a result of that, the patronage and the parents have indicated that it is already heavily subscribed. It is already fully subscribed for its first year with a significant waiting list. That reflects the level of demand and the necessity for such a school in the area. I urge the Minister to take that on board in order that decisions can be made on a prompt basis.

The new secondary school will ultimately provide up to 1,000 secondary school places. I note what the Minister said about the intention being to perhaps house a primary school and a post-primary school there. That would be an excellent idea. There is a significant amount of land available there in an area of Dublin where it is hard to get land. There would be a benefit in having a primary and post-primary school together but there is no reason that cannot occur

with the Educate Together secondary school using that site on a temporary basis. It would only start off with one year there and the works could be done at the same time.

I know that individuals associated with this school are concerned about the fact that a decision has not as of yet been forthcoming from the Department as to where the school will be based. I have spoken to Vanessa Barcroft, a representative of the school, who is anxious to ensure that it is up and running as soon as possible. Educate Together is also anxious and is awaiting confirmation from the Department on the location of the new school. As it is the case that the school is to open in fewer than 12 months but no confirmation has been received to date as to its location, it is incumbent upon the Department to communicate with the patron and the individuals involved.

This is a hugely positive project. It is enormously supported by people in the locality, the Harold's Cross council, which looks after the issues affecting Harold's Cross. It would be a great development for the future. I urge the Minister not to let the potential for an Educate Together school to be on that site to be lost. There is an opportunity for that but we need to align the timings so that it can happen.

Deputy Richard Bruton: I have noted what the Deputy said. I have attended Harold's Cross on many occasions, not for schooling, only for the schooling dogs. Whether it would be appropriate to use that site as a temporary one for education while its longer-term potential is being designed and assessed by the Department is an issue that I would have to refer to those who are expert in designing and planning. I note what the Deputy said and I will bring it to the attention of those who are more intimately involved in evaluation of how this site can be best deployed to meet the local school needs. I am delighted our acquisition of this site has been received so positively in the community and that people see the potential of this. It is important in areas of the city like that where, as the Deputy said, there is a need for non-fee charging post-primary schools to develop that we have a site now where we can plan for the future.

School Management

Deputy Gerry Adams: Gabhaim buíochas leis an gCeann Comhairle as an deis an t-ábhar tábhachtach seo a phlé anseo um thráthnóna. Táim buíoch as an Aire as a bheith i láthair.

Tá muintir mo dháilcheantar buartha. Tá an chás millteanach agus tá eagla mór agus inní ar dhaoine i dtaobh an ábhair seo.

Tá daoine ag lorg freagraí faoi Scoil Náisiúnta Bhríde i gContae Lú.

I thank the Ceann Comhairle for the opportunity to raise the serious ongoing situation at Scoil Náisiúnta Bhríde in Faughart, County Louth. I previously raised my concerns directly with the Minister, and I thank him for his attendance here this evening. I have also raised my concerns with the school management and the school patron regarding the welfare of pupils, the morale of the school and the danger that the school might close if the problems were not resolved urgently. They have not been resolved and the situation has been made even worse. We now have a situation where a once thriving school, which had more than 100 pupils, in Faughart now has no pupils left, and has effectively closed its doors. The school has been a hub of activity for the local community for generations. Grandparents and parents of today's children all attended that school. No one wants to see the school closed. There have been ongoing difficul-

ties for a long period of time and for that to be allowed to happen is very sad and disappointing.

The Department of Education and Skills undertook an inspection earlier this year. The whole school evaluation report, published in May, made a number of critical findings. The inspectors reported that “leadership for learning within the school was not prioritised sufficiently”. The report stated that “the oversight role of the Board of Management was not being discharged satisfactorily”. It found “a significant variation in the quality of teaching of certain subjects, ranging from outstanding to poor”. We might ask ourselves what we would do if our children were attending that school. The report stated that action should be taken as a matter of priority to “rebuild trust within the school community and to improve enrolment”.

The whole-school evaluation report confirmed the parents’ concerns and as a group they took the decision to escalate their efforts to peaceful protest. They have privately and publicly justifiably raised their concerns about their children’s education. They have engaged with the board of management, the school patron - the Archbishop of Armagh - and the Minister.

As a result of a lack of a resolution, this has culminated in a decision for them to withdraw their children from the school and to seek alternative school places for them. There are now no pupils left. We are seeing the decimation of a rural thriving school community. It is no exaggeration to say that those in the community are devastated. I have met and spoken to families directly affected and they have all told me that their hope against hope is that the Department and school management would resolve the issues at hand. It is unacceptable that a rural school can close the way that Naomh Bríd school has. We can ill afford the closure of any rural school. The people of Faughart deserve better.

This is a close knit school community within a wider community who feel let down. They fear that the survival of the school, with no pupils attending it, is in danger. They believe that, with the intervention of the Minister directly, the school patron and the new management, the school can flourish again. I am sure the Minister will agree that simply standing back and allowing a rural school to close its doors is totally unacceptable. He should meet and speak to the families. I ask him to do so as soon as possible.

Deputy Richard Bruton: I thank the Deputy for raising this issue. It is disturbing and he has accurately outlined the backdrop to it.

A whole-school evaluation of the school in Faughart was conducted in March this year and the report was published in May on the Department’s website. As the Deputy indicated, the report found a number of significant problems with the capacity of the school to deliver on its mission and made a number of strong recommendations, including that the board of management, in consultation with the staff, the wider community and the patron, formulate, implement and monitor a strategic plan for the operation and development of the school in order that its mission statement could be implemented satisfactorily. The report stated the oversight role of the board of management needed to be strengthened significantly and that within the school leadership for learning should be greatly developed and, to that end, leadership and coaching supports should be accessed by the principal.

Following the completion of the inspection, senior officials of my Department held a meeting with the school management and the patron of the school on the issues identified during the inspection and the need to implement the recommendations made in the report. Responsibility for implementing recommendations rests, in the first instance, with the management and

patron of a school. As section 15 of the Education Act makes clear, it is the duty of the board of a school to manage the school on behalf of its patron and for the benefit of the students and their parents. The patron then began the process of dissolving the board of the school and appointing a single manager to manage the school on the patron's behalf. However, the board resigned and a single manager was appointed by the patron in June 2017 to manage the school. The manager is taking on the responsibility, acting on behalf of the school's patron, to take the steps necessary to address the issues identified. I have outlined in the written reply the normal support provided to assist in that work, including follow-up by the Department and access to support services.

As the Deputy outlined, despite having an enrolment of 55 pupils this time last year which would warrant a staffing complement of a principal and two mainstream classroom teachers, no students are now attending the school as their parents have opted not to send them to the school. My Department is concerned about this. It is not its policy to see schools such as this close, but, ultimately, these decisions do not rest with it. The decisions and the authority to make them rest with the patron and the school community, but the Department is working to try to find a solution. As recently as today, officials had a meeting with the school authorities and the patron. We will continue to engage with the school management and the patron to address the matter. It is our desire to achieve a solution, whereby parents will have the confidence to send their children back to the school. I am informed that the school manager is taking this task seriously and I hope that, with the support of the wider community, we can find a solution that will protect the continuing role of the school which has a proud tradition dating back many years. It is a difficult issue, but we are working vigorously with local interests to find a solution and open to continuing that work.

Deputy Gerry Adams: I thank the Minister for his response. I do not envy him his job. This is a small school in a small community and he has a huge Department to manage, but a solution to what is now a crisis should have been found months ago. The Department had been aware of the problems in Faughart for some time and I had brought them directly to the Minister's attention, but the Department decided not to intervene and to leave it to the patron to manage the school. The Minister has said the Department does not have authority in that regard, that it rests with the patron and the school community. However, it is now a school without pupils and the mind boggles. The school manager has a role to play in place of the board of management and although I have serious reservations about whether schools should have patrons - I certainly believe this issue should be reviewed to meet modern needs and ethos of our society and attitudes in a changing Ireland - the patron has a role to play, as does the community. The Department, however, should be the driver in the relationship and I welcome the Minister's remark that it is engaging locally. I sincerely hope we can save a school that has been in place and served the community well for generations. There is a fabulous school community which comprises parents who want the very best for their children. I appeal, as I did previously, to the Minister to meet the parents. I note that he did not respond to me, but he should listen to them first hand and then use his common sense and goodwill. If he was a parent placed in his dilemma, the last thing he would want to do is to remove his child from education. That so many parents have done so to the point where the school has no pupils shows how seriously they feel about the issues involved. As it would not take up much of the Minister's time, I ask him to take a hands-on approach. The issues can be resolved, but only if the process is driven by him and the Department.

Deputy Richard Bruton: I am taking a keen interest in this matter, but we deploy profes-

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sional staff, including inspectors and others who have decades of experience, to support patrons, school managements and communities. One should not seek to politicise the solution because, from a departmental point of view, we are committed to providing the funding required. We stand ready to provide the teaching resources required, the capitation grant and all of the standard supports. Following the inspection report which set out a path to a solution, locally the patron-cum-management-cum-board has been unable to convince the parents to enrol their children. We stand ready to provide support packages to improve the quality of delivery in the school and the Department will not be found wanting in the provision of professional support and so on. We have long experience of doing so. Ultimately, however, there has to be a desire locally to make this work. We have to rebuild the parents' confidence at local level through the work of the school management supported by the professional staff we are making available to it. It is not a political scenario where someone goes in and bangs heads together. The parents will have to be content with it for a long period. They have to work with those taking responsibility and be convinced that it can work for them.

We absolutely stand by small schools. There is a commitment in the programme for Government not to close schools unless that is the desire locally. Parents have voted with their feet as to their view on this issue. We need to retrieve the position. I am putting in the professionals in my Department to work with the community to come up with an answer. We will continue to offer that support in order to find a solution which the Deputy is clearly keen to see.

Medicinal Products Availability

Deputy Tony McLoughlin: I thank the Ceann Comhairle and his staff for giving me the opportunity to raise this important issue which is a matter of life and death for a constituent of mine and many others throughout the country. It relates to the provision of the life-extending drug, nivolumab or nivo for short, by the HSE and the Department of Health. Nivo is an immunology drug that can be used by oncologists to treat a range of cancers, such as melanoma, non-small cell lung cancers, renal cell carcinoma, Hodgkin's lymphoma and a host of other illnesses. It is a drug that is readily available to patients in the United Kingdom via the National Health Service. However, it is only available in this country to private patients who can afford the extreme bill of between €100,000 and €140,000 per year. I ask for an urgent update on the status of the drug today.

I thank the Minister for taking my recent calls. From them he knows that a number of people throughout the country are currently sitting in hospitals and will die if they cannot access this drug soon. In particular I will mention one patient from County Sligo who is suffering an advanced form of kidney cancer. Mr. Peter Milne, a retired teacher, is a good person and has given his time and energy freely to so many good and worthy causes in Sligo. He ran a youth theatre for young people in Sligo for many years. Before his admission to hospital, he continued to teach English to asylum seekers, and he also helped to guide young people through their university applications process in his free time. When Peter was told two and a half years ago his cancer was back and inoperable, he set about climbing the four highest peaks in the British Isles to raise thousands of euro for the cancer support centre in Sligo. It is the type of person he is. He is a good neighbour and friend to many and, most importantly, a loving husband and father. As I speak tonight, Peter and his family desperately await access from the HSE to the only drug that can prolong his life. I am not here tonight asking for the impossible or for the impossible to be done for Peter. I am simply asking that he and other patients like him are given

accurate and up-to-date information by the HSE after recent announcements as to when they can hope to access this drug. I am assured by the HSE that this is very close to being made available.

The Minister might recall that during May 2017, there was a positive update from the HSE on the provision of the drug for a number of different illnesses, bringing delight and happiness to many families nationwide. The head of customer services at the HSE indicated in a letter dated 18 July 2017 that the nivo drug had been approved by the HSE as being effective for advanced renal cell carcinoma. He stated that the HSE notified the Department of Health in July that it had completed its assessment of nivo for use in Hodgkin's lymphoma and advanced renal cell carcinoma. I have since learned the Department of Health has sanctioned the funding for this drug and a decision on its reimbursement will occur shortly. The Minister is aware the patient and family I mentioned need to know when the drug, announced as being effective by the HSE in May 2017 and which I am advised will be funded by the State, will be made available to Peter.

Minister for Health (Deputy Simon Harris): I begin by thanking Deputy McLoughlin for raising this issue and constantly advocating on behalf of the people of Sligo and bringing forward concerns of importance to them regarding health services to my attention. I greatly appreciate that. As the Deputy very eloquently outlined, medicines play a vital role in improving the overall health of patients and securing access to new and innovative medicines in a timely manner is a key objective of both the Government and Irish health service. However, the challenge, as always in delivering on this objective, is to do so in an affordable and sustainable way. Under the community pharmacy schemes alone, over 70 million prescription items will be dispensed in 2017 at an estimated cost of approximately €1.7 billion, taking account of both fees and ingredient costs. In addition, the HSE will spend in excess of €500 million in 2017 on medicines through a range of other schemes in hospitals and in other care setting, including nursing homes.

Expenditure on medicines represents one of the largest areas of expenditure across the health service and will continue to grow in the years ahead as our health service continues to meet the needs of our citizens. In addition, the pipeline for new medicines is very strong and it is estimated that in the region of 45 new molecules are due to receive market authorisation in Europe each year over the next five years. Innovation by pharmaceutical companies is delivering treatments and in some cases cures for diseases that were previously untreatable. This is most welcome and can absolutely have a transformative impact on the health of patients. However, as I have stated previously, the cost some companies are seeking to charge for their medicines may result in a position not just in Ireland but globally where certain treatments may never become available to patients. This is not just an Irish phenomenon but one evident globally and we must find that spot where we can manage to purchase drugs and do so in a way that is affordable and means we can purchase many drugs that we wish to for our patients. That is why it is essential that Ireland has a scientific, robust and evidence-based assessment process in place, rather than one where the Minister makes the decision. The evidence should be followed closely and this ensures decisions on the reimbursement of medicine are made in an objective and scientific basis, recognising the health needs of our population.

The Health (Pricing and Supply of Medical Goods) Act 2013 provides the legal framework in Ireland for such a process. This Act gives full statutory powers to the HSE to assess and make decisions on the reimbursement of medicines, taking account of expert opinion as appropriate. The HSE follows the process set out in the Act passed by this House for the assessment

of all drugs.

With regard to the specific treatments mentioned by Deputy McLoughlin, it is important to state, as I have outlined, that it is a matter for the HSE and not me or my Department, to make decisions on drugs. However, in certain circumstances, as the Deputy correctly outlines, where the HSE wishes to fund a treatment but does not have the resources to do so, it may inform my Department of its decisions. The HSE has received separate applications for the reimbursement of nivolumab for eight separate indications, including for use as a combination therapy. I am pleased to inform the Deputy that following an assessment by the HSE and consultation with the Department of Health regarding the funding implications, nivolumab has been approved by the HSE for the treatment of melanoma, renal cell carcinoma and Hodgkin's lymphoma. I understand the HSE expects the reimbursement of nivolumab for these indications to commence in the coming weeks. I know that is the information sought by the Deputy this evening. In addition, it is important to put on the record of the House that the HSE has decided not to support its use in the treatment of locally advanced or metastatic non-small cell lung cancer. The remaining applications are currently being considered in line with the decision making criteria and are at different stages of the assessment process.

I will be clear. Each of the conditions that my Department was informed of by the HSE and for which it sought reimbursement has now seen reimbursement agreed. The reimbursement for those conditions will take place in the coming weeks and patients should absolutely know that. On the floor of the Dáil I cannot determine any patient's clinical needs and that is a matter for doctors. I am clear in saying it is my responsibility to provide funding and ensure it is in place. In this case, the funding has been agreed with the HSE for nivo for those conditions and reimbursement will take place in the coming weeks.

Deputy Tony McLoughlin: I thank the Minister. In my comments and those of the Minister there was reference to timing, which is of the utmost importance. Time is of the essence. I spoke to Peter's wife earlier today. That man is in a private hospital currently and I cannot understand why the drug cannot be administered there. It has been approved by the HSE and time is most important. A special effort must be made for a number of patients in a similar position to that of Peter. It was stated the process would take some weeks and it might happen by the end of September. I appeal to the Minister to use his good office to ensure the timeframe will not be extended further in facilitating Peter's treatment with nivo. He and his concerned family desperately need it.

Many others have contacted me over the past number of weeks on behalf of the family. I am speaking about Peter this evening and I am sure many other families or people around the country are in a similar position, pleading for treatment like this Milne family in Sligo. It should happen as quickly as possible. I appeal to the Minister to use his good office and ensure we can reduce the timeframe as much as possible so the drug can be administered to this man and many others.

Deputy Simon Harris: I want to reassure Deputy McLoughlin and all patients that in so far as my Department has any role to play in terms of clarifying funding arrangements for drugs, it has discharged that in relation to nivolumab and eight other drugs in July. There is agreement between the HSE and my Department on the funding requirement for this and in that regard, the HSE has, in discharging its own legal responsibilities, now proceeded with the provision of nivolumab and eight other drugs and I expect that will be reimbursed in the coming weeks.

I cannot comment on individual cases for very obvious reasons, nor am I qualified to make decisions about individual patients' clinical needs. Obviously I send my best wishes to the constituent of Deputy McLoughlin and, indeed, any patient experiencing illness who wants to know about the availability of drugs.

There is an important point to be made in the context of the reference by the Deputy to private hospitals. The HSE provides drugs for the public health service. If a patient is in a private hospital or, indeed, with a private insurance company, it is a matter for the individual private hospital or insurance company to engage directly with drug manufacturers in the best interests of its customers and there is no need whatsoever for it to wait for the HSE reimbursement to have those conversations. There is absolutely no reason such engagement must await the HSE's finalisation of the reimbursement. That issue should be raised with private hospitals and insurance companies by public representatives. There is nothing to preclude a private entity making available a drug that is available in Ireland. It does not need to wait for the HSE to resolve the reimbursement situation. In such cases, it is important that hospital consultants and insurance companies should be clear and upfront with their patients that the availability of a treatment in the private facility is not decided by the HSE but is an individual decision that they could make in relation to their own facility.

In regard to public hospitals, the public health service and public patients, I want to assure people that nivolumab will now be funded by the HSE for the conditions I have outlined on the record of the House and will be reimbursed by the HSE. I expect that to take place in the coming weeks.

Social Welfare, Pensions and Civil Registration Bill 2017: Second Stage (Resumed)

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

Deputy Fergus O'Dowd: Is ceist phráinneach í seo. Molaim an Bille. Tá gach duine ar gach taobh den Dáil i bhfabhar an méid atá ann. We are fully behind this Bill and it has cross-party support. It addresses a significant problem that could arise and has arisen in some cases.

One of the provisions of this Bill will prevent employers stopping contributions to a pension scheme for a period of 12 months. Until the legislation is passed, there is nothing to prevent employers from abandoning schemes with no notice or minimum notice to the scheme trustees, regardless of the financial position of the scheme or the damage to scheme members' pensions. That is why this Bill is urgent, important and necessary. It will allow time, which I understand will be a 12-month period, within which discussions, consultations and negotiations can take place so that there will be a better outcome, in particular for those who paid into pensions for a significant period of time. Closing off that loophole is hugely important.

The Bill also gives power to the Pensions Authority to impose an obligation on employers to resolve pension scheme funding problems where there is no plan in place to do so. This must be done if schemes are to make their way back to a healthy position where they can pay members benefits. Obviously as people get older their health does not necessarily improve and they look forward to their pension entitlements and the security of their old age. That is what they are entitled to and that is what this legislation is supporting and making sure that, if anything acts against them in relation to their employer, the Government will take the necessary steps to ensure fair play. It also contains a provision that will allow civil partners and same sex spouses

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who are members of occupational schemes with marriage age rules to obtain a spouse's pension in certain circumstances and there is, again, broad support for that.

I welcome the interest that the new Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, has shown in her brief and her willingness to listen to Deputies from all sides of the House. I would like the Minister to listen to the voice of a constituent of mine, a female farmer, regarding pension equality for women. She wrote setting out her concerns about the inequality and injustice experienced by women farmers and, indeed, many women within the current pension system. Many women farmers are facing an old age in poverty because the State still fails to recognise their work as unpaid carers for both the families they have raised and for other relatives. Many more are still disadvantaged by the historic legacy of the marriage bar which barred people from working in the past. She says that the gender pension gap, which measures the gap between the value of pension payments to women and to men, is 37%. It is the fifth-widest pension gap in the EU. As our economy is improving and as more money is available, this significant inequality needs to be addressed, in particular for women. It is clear the current averaging system discriminates against women in particular who may have worked within the PAYE system for a number of years and then left due to the marriage bar, to raise a family or to care for an older relative and returned to insurable employment in later years. My constituent calls on the Government to address past injustices for Irish women at or near pension age by introducing a total contribution system in 2018 for the purposes of calculating the level of contributory pension. In addition, the pension scheme must recognise the significant and crucially important role that women play in providing unpaid care. Men also fulfil that role, and all Members know of such people in their constituencies.

When pension contributions start is determined by the age of entry to work. If one starts work at the age of 18, one's period of work until the age of 66 is much longer than that of a person who begins work at 30 or 40 years of age. However, if, having started work at 18, one leaves work for ten years to look after one's family or for whatever good reason, one is at a disadvantage compared to other people. I am sure the Minister is knowledgeable of this area, as are all Members. We need to take steps to close the gap and ensure that women in particular, and also some men, do not continue to be disadvantaged.

Contributions were changed in approximately 2012 when the country was in very difficult economic circumstances. One previously could get a pension equivalent to 98% for the yearly average of 21 stamps but that was changed to 85% without any notice whatsoever, which was unfair and unjust. That needs to be addressed because many people in that situation, women in particular, are at a significant loss of at least €40 per week, which is unfair and unacceptable as the economy improves. I was on the side of the Government at that time. I acknowledge that very difficult decisions had to be made. We must now start to address those inequalities.

There is another inequality with which I wish to deal. I thank the Minister for listening to this case and for the interest she and her staff have shown in relation to carer's allowance, which is an entitlement that only goes to those who look after family members or those in their community who are significantly ill and need full-time care and attention and need this allowance to help them cope with the cost and the effort they put in to caring for their relative. The case that has come to my attention involves a child who has been in an intensive care unit in a Dublin children's hospital for six months because the child is very ill. Thankfully, the child's condition has improved. Once the child had been in the intensive care unit for 13 weeks, the Department cut the carer's allowance of the child's carer. It cuts the carer's allowance because the regulations governing the allowance state that if the person being cared for is in institutional

care, which is understandable, or in an acute hospital setting, the carer loses the allowance. For a person from the country to have a seriously ill child in intensive care in a Dublin hospital is a cause of huge emotional and personal trauma. It is a trauma for the child, the family and indeed the whole town of Drogheda which supports this case. How is the injustice righted? If somebody spends 13 weeks in an acute hospital their carer should not lose their allowance. That bar should be removed from that family. That is fair and reasonable. I have not yet tabled a question to find out how many people have suffered in this way but I have discussed it with the Minister. I acknowledge her understanding and appreciation of the situation. It must and should be addressed in the next budget.

There is a human reason: the lives of people caring for family members who are in intensive care are turned upside down. They have to travel more and spend money on meals they would not normally have to buy. They are put at a huge financial and emotional disadvantage. In the case I have raised the community welfare officer, CWO, assisted but why should somebody have to go to a CWO to get something he or she should be entitled to? If the child or adult who was in intensive care had been in long-term care the barrier as defined to me would be understandable but not when he or she is in a life-threatening situation and need acute hospital care.

I acknowledge the cut we made in the telephone allowance but it is having a serious adverse impact on services for those entitled to it. Those people would not make many calls and one might ask why they could not use their mobile phone but most of the assistance services operate from a landline. We did not appreciate the stress this cut would cause people. Of all the issues we can address that is one the Minister could consider in the next budget.

The economy is improving. There is more money available in this republic of opportunity and I welcome that in the context of tax relief. We need, however, to address the hurt visited on people who could not get up early in the morning because they were sick and on pensioners who did not have the capacity to work. When we decided in 2012 to change the requirements for the 98% pension entitlement that affected a defined number of people who could not go back to work for the period that was left to qualify because they would have reached the age of 66. The Minister should consider restoring the years which people could not avail of because that came out of the blue in 2012. Someone who was aged 64 then could not possibly address the deficit he or she faced going into their golden years, unlike someone who was aged 50 or 55 at the time.

I welcome the work the Minister is doing, her interest, knowledge and concern, which percolates through her office and staff. The Department of Employment Affairs and Social Protection is always extremely helpful. The staff available on telephone hotlines to give information and help clarify an entitlement are extremely well trained and committed to helping people. They are a beacon for how Civil Service, local government and all State services should be delivered. The service is humane, person-centred, knowledge-based and easily accessible.

Deputy John Lahart: This is the first opportunity I have had to congratulate the Minister on her appointment. The purpose of this Bill is to provide for amendments to the Social Welfare (Consolidation) Act 2005, the Pensions Act 1990 and the Civil Registration Act 2004. Fianna Fáil does not intend to oppose the Bill on Second Stage. One of the main provisions of the Bill is to amend the Social Welfare (Consolidation) Act 2005 to allow for the publication on a quarterly basis of the names and addresses of persons convicted of social welfare fraud. This made the news earlier in the year. Fianna Fáil does not condone welfare fraud in any shape or form but it will not condone the perception created by the Taoiseach when he was Minister for

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Social Protection in launching his “welfare cheats cheat us all” campaign that there is widespread social welfare fraud. Most of those in receipt of social welfare payments, as all public representatives know, are genuine claimants. Fianna Fáil will table an amendment to this Bill to ensure that only those convicted of social welfare fraud in excess of €5,000 will have their names published.

Earlier in the year when the then Minister, Deputy Varadkar, launched his campaign to much fanfare he stated that anti-fraud and control measures saved the taxpayer €506 million in 2016, a staggering sum of money. It would be particularly staggering if fraud was involved. We know however from answers secured through parliamentary questions from Fianna Fáil that just 8%, only €41 million, of the €506 million savings claimed by the then Minister is actually attributable to fraud. There is no place for fraud in our social protection system. It needs to be weeded out and it can never be condoned. As we know, however, there is a significant body of research available to the Department and the Minister, as there was to her predecessor, on the difference between fraud and error, deliberate or accidental. I imagine that the complexity of the social protection system can lead to multiple genuine errors and I have a great deal of experience of dealing with that on behalf of constituents. It is not always deliberate and I trust the Department to know the difference between the two. We need to get around that kind of misrepresentation, the headline issue, the impression given when the Minister mentioned a figure of half a billion euro that there is widespread fraud, whereas the fraud amounted to only 8% of that headline figure. It created the impression of the Department and Minister as gamekeepers, trying to catch people out whereas the role of the Department of Employment Affairs and Social Protection is to support people who need the State’s assistance, generally at vulnerable times in their lives.

Yes, we need to crack down on fraud and ensure that the State’s funds are used to support those who genuinely need help but we do not need to make a political virtue out of scapegoating an entire section of society.

The legislation on public service cards that exercised the Minister’s mind during the summer is an interesting matter. I had sympathy for the Minister. It happened during the so-called silly season and significant media attention was focused on it but it is something on which we need to spend some time. We are not wholly opposed to the legislation but we are cognisant that there is widespread opposition to the introduction of a compulsory identity card
7 o'clock and we will seek reassurances from the Minister that the questions raised by the Data Protection Commissioner will be fully addressed and there will be full transparency on how the data is collected, secured, who has access to it and whether it is shared with third parties, organisations or other State bodies. That is critical. Personally, the idea of a national identity card does not present any issue for me. In the age in which we live it is a very useful thing, but when one delves into the matter, it is not a simple identity card with basic details, and people need to know what personal information it holds and who has access to it. These are basic questions.

I accept the card has been in operation for those who require social protection services since 2011 and this is not the first time that a national identity card was mooted. In 2009, a report by the Joint Committee on Social and Family Affairs recommended the introduction of a national identity card to coincide with the development of a public services card. I accept it is not a national identity card. This is where some of the confusion needs to be clarified. I have not got mine yet. I keep meeting people who have them and I am intrigued as to why they have theirs and I do not but I assume that over time we will all have one and it will become an identity card by stealth.

The use of biometric data being incorporated into the public services card in order to eliminate the possibility of fraud and to improve the efficiency of public services is bound to bring matters of personal rights, such as the right to privacy and personal liberty, into sharp focus so it is essential that both Houses are given the opportunity to debate it and consider the human rights and-or data protection implications of introducing such a system and particularly if it is extended to being a national identity card.

There are advantages. There are plausible arguments for and against this but many will vigorously challenge the possible infringements on a person's privacy. We, as legislators, must determine if the concept of mandatory cards challenges the inalienable right to individual privacy which is protected by the Constitution.

The Bill also provides for a number of amendments to the Pensions Act 1990 in relation to defined benefit pension schemes and I welcome this. During the Minister's speech introducing this Bill on Second Stage, she indicated that she would introduce amendments to the legislation pertaining to that section of the Bill on Committee Stage. This issue is particularly complex, with significant implications for employers and employees. However, given recent events relating to the closure of defined benefit pension schemes, it is clear that more needs to be done to prevent solvent companies from walking away, leaving employees who had an expectation of a reasonable income in retirement high and dry. In recognition of the problems we have witnessed with defined benefit pension schemes, where solvent and profitable companies walk away from their obligations, Fianna Fáil has brought forward a Bill which has gone through Second Stage and has been referred to the Select Committee on Social Protection to amend the Pensions Act 1990 which would provide for an appeals mechanism where a pension scheme is being wound up by the trustees of that scheme.

We need to have a serious debate on pension provision in Ireland. Deputy O'Dowd referred to this earlier where we have a situation where many people, mainly women, are being denied a full State pension on retirement. There is not an estate in my constituency, and I am sure it is the same in the Minister's, where one does not meet at least one woman who has suffered this predicament, having taken time out of service, in most cases to raise a family, she is denied the full pension. We also have a situation where people are being forced to retire at 65 years but cannot access their entitlements to a State pension until they are 66 years. We have what has often been described as the pensions crisis where the rate of supplementary pension coverage in Ireland is estimated at just above one third of the working population when the private sector is considered in isolation. Fine Gael has been in office for six years and it is well past time that this was addressed. We would welcome the opportunity to address this in the House.

The Minister mentioned a number of provisions in the Bill. I welcome that in the quarterly publication of those who have committed fraud the names of those who appeal successfully are not published. On some of the administrative changes, the Minister has had a few weeks to mull over the difference between mandatory and compulsory and I look forward to hearing her clarification on this as will the public. The Minister's remarks caused confusion among people who cannot see much of a difference between mandatory and compulsory, and her response seemed to imply that there was one. Anything I have experienced which was mandatory seemed compulsory.

Welfare fraud plays a significant part in the Bill. The press release which accompanied the publication of the general scheme of the Social Welfare, Pensions and Civil Registration Bill stated that while the outcomes of individual prosecutions for welfare fraud are covered

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routinely in local and national media, the publication of a list in this way will send a stronger message to the number of people who are prepared to risk defrauding the welfare system and their fellow citizens. I deliberately left the word “small” out when I read this sentence in terms of the number of people who are prepared to risk defrauding the welfare system.

I have had experience, particularly in the last eight or nine months, of vulnerable people, elderly people and not-so-elderly people who, having applied for services from the Department of Employment Affairs and Social Protection have had an unannounced call to the house. I understand why the Department of Employment Affairs and Social Protection does this, and it does so quite regularly, but it really frightens people. It intimidates many people and unsettles and distresses people who are already on the back foot. They do not know why the person has called. I have written to the Minister on this subject and she was generous and sensitive in her responses but it happens. If a social protection official arrived at my house unannounced my natural reaction would be to wonder what I had done wrong. It has to be handled sensitively. I also recognise that the Department of Employment Affairs and Social Protection officers are handling taxpayers’ money and I appreciate that but there must be sensitivity.

When we talk about fraud the context of the size of the Department’s budget must always be considered. It accounts for one third of the entire public expenditure which is €58 billion. The figure for fraud amounts to €41 million. If one does a very rough and crude calculation, that means there is €20 fraud for every €29,000 spent by the Department.

Deputy Regina Doherty: The Department’s budget is €19 billion.

Deputy John Lahart: Does the Minister mean discretionary?

Deputy Regina Doherty: Sorry for interrupting but the social protection budget is just over €19 billion.

Deputy John Lahart: Sorry, yes, that is one third of the €58 billion.

Deputy Regina Doherty: I would love €58 billion. It would be deadly.

Deputy John Lahart: Sorry, it is one third of the €58 billion.

Deputy Regina Doherty: I would be the most popular social welfare Minister ever.

Deputy John Lahart: The level of fraud, relatively speaking, is minute in regard to the budget. To be correct, the Minister has one third of the overall State budget.

I wish to speak on the difference between fraud and error. We have fraud and corruption, which are intentional, and we have customer and official error. It would be very helpful in the debate on this if the Minister could categorise what is intentional and corrupt and break down the amounts with regard to the figures on customer error and errors on the official side, as they have been included in the savings. The Minister may not be in a position to do so now, but she may be able to at some point in the debate. There is a significant difference between fraud and error.

Moving into the various categories, how many examples of deliberate customer dishonesty are there, in terms of undeclared income or failing to report changes in material circumstances? How many deliberate attempts at exploiting the system arise from year to year? It would be helpful to know not just the monetary figures but the number of people involved. This should

be set against the context of the complexity of the social protection system. Many people from various backgrounds find the social protection system difficult to navigate. It has nothing to do with their level of education, background, upbringing or environment. It can be very complex and people can make mistakes. A narrative on this would help. Available international research shows other errors. Errors can be caused because staff have excessive workloads and very simple administrative errors can happen. Errors can also arise because of the failure of a payment system or IT system, or problematic information management. We need to know far more about this, and perhaps the Minister can address these issues, to reassure people she is not acting as gamekeeper but that she wants to ensure people are protected. This is one of the reasons I made the points I did at the beginning of the debate, to which I will return. Claimant error is quite significant.

I would also like to know where is the fraud. Can it be broken down into particular categories? Is it predominantly in pensions? It does not seem to be, because internationally people over the age of 65 are least likely to commit fraud. Is it in income or employment supports? Is it with regard to illness, disabilities or in the area of carer's allowance? Does it concern children's payments or supplementary payments such as rent supplement?

The Minister will appreciate we are dealing with people who are in a vulnerable position, particularly new entrants to the social protection system. They can be at a new phase in their life, in terms of claiming the State contributory pension, but payments with regard to a disability, having lost a job or an illness benefit are related to a time in a person's life when they are particularly vulnerable. This means we are dealing with the most vulnerable of people.

Perhaps I will table a parliamentary question on the system of departmental officers calling to people's homes and the rationale for this. People need to know about this and it needs to be explained to people that they can expect this, not as part of a systematic approach to fraud or error but as part of the process. The Department needs to call to a home to know people are real and exist and that they live at the address.

We support absolutely the concept of eliminating fraud from the system. We have demonstrated through parliamentary questions that the level of fraud in the system is quite minor, so only the names of those convicted of fraud in excess of €5,000 should be published on the register, and we would like the Minister to take this on board in her consideration.

Deputy John Brady: I thank the Ceann Comhairle and the Minister for the opportunity to speak on the Bill. I did not get a chance to speak before the summer recess. The Minister and her predecessor stated it was their intention to try to get the Bill passed before the summer recess. It was being pushed and rushed through, and at the last minute it was decided to stall the process and we are back here today. The social welfare Bill affords an opportunity for the Minister and the Government to address issues of concern in the social protection system. Certainly there is no shortage of issues to choose from in the social protection system.

The Bill before us is completely different from the general scheme of the Bill presented to us in pre-legislative scrutiny a number of months ago. I genuinely question the motives for this substantial difference. If the Bill before us was what came before us in pre-legislative scrutiny there would have been a totally different reaction to its content. After the contents of the Bill were broadly welcomed in pre-legislative scrutiny it was changed, and much of what was welcomed was subsequently removed without notice or notification. This certainly does not look like, and is not, new politics.

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The glaringly obvious changes refer to the removal of a number of provisions regarding defined benefit pension schemes. It was the intention of the Minister, who has left the Chamber, to introduce amendments to this area of the Bill on Committee Stage because it was not possible, given the complexities involved, to have these amendments included earlier. I do not buy this. The issues regarding defined benefit schemes are not new. They were identified a number of years ago. They have been widely spoken about, debated and publicised. Issues on direct benefit schemes have been affecting employees for years. There is no excuse for these provisions not to be in place at this stage.

Any amendments to direct benefit schemes must tackle the root of the problem, which is healthy companies choosing to walk away from direct benefit schemes and choosing to renege on their pension obligations to employees. Timeframes are well and good but they do not deal with the substantive issue. They simply allow time to deliberate and debate when, in some cases, the direct benefit schemes simply should not be wound down or allowed to be wound down in the first instance. We can take Irish Life as an example of this. Its scheme has a huge surplus and has never been in deficit. It is moving to close the direct benefit scheme and move to a defined contribution scheme. This certainly raises serious alarm bells. Many other profitable companies are actively progressing to close down their direct benefit schemes.

The provisions in the Bill will do nothing for employees. It will not act in their interests and it will not protect their pensions. I ask the Minister who, unfortunately, is not here, to have a look at a Bill I introduced to the House in January when she is drafting her amendments. I will be submitting my own amendments to reflect the Bill I introduced to the House.

This Bill consists of a number of tidy-up measures in various areas. I welcome some of those measures. I welcome, in particular, the changes being made for those in receipt of a disability allowance or the blind person's pension to remove the rule allowing the disregard of earnings only where employment is of a rehabilitative nature, as confirmed by the general practitioner. I note this is in line with the recommendations from the interdepartmental report Make Work Pay. I wholeheartedly welcome this move.

Another issue I want to raise concerns the provisions in the Bill on publishing the names of those convicted of so-called social welfare fraud. There has been a lot of talk about this issue, much of it brought on by the current Minister's predecessor at a very opportune time when he was going for election in his political party. As we know, that campaign, Welfare Cheats Us All, was based on all sorts of incorrect figures, offensive perceptions of jobseekers and calculations of savings based on assumptions. I do not want to get into the numerous flaws and inaccuracies in that campaign but there were certainly very many. It was very interesting to read some of the freedom of information material released to a journalist over the summer. It showed the concerns of senior officials in the Department on the use of language, the material and the figures. I and many others who saw this campaign for what it was saw the real motives behind it. It was not about dealing with fraud, which my party and I want to stamp out, be it in respect of social welfare or the white collar sector. There is substantially more fraud in the white collar area. It is not being tackled or dealt with, and there have been no high-profile campaigns initiated by the current Taoiseach or his predecessors.

The flaws in the campaign have been well highlighted and discussed. I wish to register my opposition to the publication of names, on the Department's website, of those who commit welfare fraud. The actual evidence shows it is minimal. First, there is no need for a second list of convictions. The data are already provided. There is no need for them to be duplicated. Sec-

ond, I am concerned about possible data protection breaches if this legislation is to be passed. It is alleged the list will be left online for up to three months before being removed. There is no stopping it being copied and used elsewhere. Has the Data Protection Commissioner been consulted on the potential ramifications of such a measure? The Minister has previously said that the names published will relate only to welfare fraud in excess of €5,000, as put forward by her friends and colleagues in Fianna Fáil. Again, I see no need whatsoever for the duplication of this list.

On the public services card, regarding which there has been much confusion, largely brought about by the Minister herself through her use of language over the course of the summer, we are still awaiting clarification. There are numerous concerns raised by experts in the field, even including the Data Protection Commissioner and legal people. I wish to ask the Minister in her absence about the 49 questions submitted by the Data Protection Commissioner in regard to the public services card. They are critical because many of the concerns revolve around people's personal data. It would be helpful if the Minister released and made public the 49 questions. More important, how will she respond to the serious concerns that were raised by the Data Protection Commissioner?

The provisions included suggest the card is a national identification card. I refer to the inscription of the date of birth and the confirmation of identity. Big questions have been raised by many about how all the personal information will be stored, who can access it and the legislative basis on which registering for the card is required. None of these questions has been answered. There has been no debate on any of this whatsoever. If this is an attempt to introduce a national identification card by stealth, it will be rigorously fought and opposed, certainly from these benches.

We have yet to see a comprehensive statement from the Government setting out in full the collective Government plan for the rolling out of the card and the legislative basis for its requirement across multiple Departments and agencies. It is ridiculous that we are still waiting for answers on these provisions, yet we are being asked to support this legislation. In regard to enabling certain social welfare payments and benefits to be awarded online, can the Minister clarify exactly what payments and benefits are being referred to? With the domiciliary care allowance and the current waiting times in mind, I have written to the Minister. Unfortunately, I am still awaiting a reply on what action is being taken to deal with the matter. When we talk about the domiciliary care allowance, we are talking about the most vulnerable children in the State, those aged under 16 with a severe illness or disability. The current waiting time for the processing of the domiciliary care allowance is 20 weeks, or five months. I raised these concerns in May, at which time the waiting time was 18 weeks, which had jumped up from 15 weeks. I raised this with the current Minister's predecessor, the now Taoiseach, Deputy Leo Varadkar, and asked him what measures would be put in place to tackle the serious delays in processing this critical allowance. It is very apparent that nothing has been done to tackle this issue because the waiting times are increasing. To me, that stinks. It is appalling that the most needy children in the State and their parents and families, all of whom need this payment, are left waiting for five months or more. I ask the Minister to revert to me, acknowledge the correspondence I sent to her and, more important, let me and the families who have been waiting for five months or more know what is being done to process the applications.

Having spoken to many families who are waiting and trying to obtain information on this, it now appears that the telephone lines for the domiciliary care allowance have been closed since last month, meaning that applicants can get no information whatsoever. There seems to be a

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shut-down of all systems. There is a blanket refusal to give any information to me or the families who have applied. Answers are needed, and they are needed straight away.

I listened to Deputy O'Dowd, who is not present at the moment, and found myself strangely nodding in agreement when he spoke about the inequality in our pensions system, particularly gender inequality. We know that it was his Government which brought about that inequality, along with his cohorts in the Labour Party and the then Minister for Social Protection, Deputy Joan Burton, who made the changes to the PRSI bands in 2012 which have impacted mainly on women.

We know that since those changes were introduced in 2012 over 40,000 women have been directly impacted by the inequality measures. They are receiving reduced pensions. We know why that is the case. It is mainly women who take time out of their working lives to raise families, look after elderly family members and so on. I agree with Deputy O'Dowd that measures need to be put in place to change that.

Unfortunately, there is hypocrisy in the Chamber because Deputy O'Dowd, along with his colleagues in Fine Gael, voted against a motion my party brought forward in December 2016 to deal specifically with this issue which, as he rightly said, is affecting many women in the State. The motion would have brought about a change to the inequality which exists. Unfortunately, Deputy O'Dowd spoke out of one side of his mouth in the Chamber and did something completely different when he had an opportunity to do something.

The budget, which is coming up in the next number of weeks, provides another opportunity to address the matter. The current Minister for Employment Affairs and Social Protection acknowledged earlier that there is a serious problem, but said the Government does not have the money to deal with it. In the same breath, Fine Gael is able to talk about giving tax breaks to the wealthy in society who do not need them. It is able to create the perception that it cares about the women which its policies have directly affected. In our pre-budget submission last year, Sinn Féin showed that, using the same money the Government had at its disposal, we could bring forward measures to end inequality and reverse the bands that were introduced in 2012 which have directly impacted on over 40,000 women.

The National Women's Council of Ireland, Age Action Ireland and many other organisations have called for change over a sustained period of time. They called on Deputy O'Dowd and his colleagues in Fine Gael to support the Sinn Féin motion last December to end this inequality. That obviously fell on deaf ears.

I will conclude on a number of points. The Taoiseach said he wants to build a republic of opportunity. The Bill is an opportunity to deal with inequalities and issues across the social welfare spectrum which are having a negative impact. Unfortunately, the Bill, as presented to us, does not deal with those issues and is, essentially, a lost opportunity.

There are many issues within social protection and the provisions in the Bill ignore them. The Bill is about naming and shaming individuals and a useless and unnecessary public services card - even the Government is unsure as to its purpose.

There is nothing in the Bill to assist lone parents or young jobseekers who are discriminated against based on their age. There is nothing in the Bill to tackle the growing levels of child poverty which exist in the State. There is nothing in the Bill, as it currently stands, to deal with pensions, in particular defined benefit pension schemes which are being closed by profitable

businesses as I outlined earlier.

The mantra coming from Fine Gael is that it wants to build a republic of opportunity. It should go back to the drawing board on that because it is presiding over something which is not a republic but, rather, a society of inequality.

Sinn Féin will bring forward a series of amendments when the Bill goes to Committee Stage to deal with all of the inequalities and issues around defined benefit pension schemes. We need to address those issues as soon as possible. Profitable companies are actively winding down defined benefit pension schemes as we speak.

An Leas-Cheann Comhairle: Deputies Paul Murphy and Mick Barry are sharing time.

Deputy Paul Murphy: The advertising campaign which lies behind this Bill blared, “Welfare Cheats Cheat Us All”. It was designed to be a launch pad for the then Minister’s successful dog whistle campaign for Taoiseach. The Bill gives backing to one of the most cruel and cynical attempts to whip up the idea that there is widespread welfare fraud and in doing so to create a cynical and self-serving narrative that would justify increased repressive measures against those who claim welfare payments as well as justifying cuts to welfare.

The Bill is not about welfare fraud. Rather, it is about portraying the then Minister, Deputy Leo Varadkar, as tough on welfare cheats and those who fail to get up early in the morning. People within his Department disagreed with him on the use of the word “cheats” and the figures on which his campaign was based were completely bogus. It referred to a supposed €500 million last year, when in reality the figure was just over €50 million, or one tenth of the figure, according to a fact check in the *journal.ie*. That is out of a total expenditure by the Department of €20 billion.

Former welfare fraud inspector, Bernadette Gorman, estimated the fraud level to be lower again at €41 million, which is in line with the Department’s fraud initiative report which found that the rate of fraud was 0.127%. Who is the cheat? Is it people who are in receipt of social welfare? I do not think so. I think it is the Taoiseach, Deputy Varadkar, and Fine Gael who are cheating. They were cheating in terms of the figures and cheating us all in terms of using public funds to have what was, in effect, a State-sponsored election campaign aimed at Fine Gael members which cost us over €200,000.

If one believed the propaganda one would think that the level of fraud is skyrocketing. However, the actual level of overpayments due to fraud has been declining in recent years. It was €41 million in 2016, €49 million in 2015 and €52 million 2014. The loss in State funds from overpayments is minimal and is largely due to genuine errors. The Department’s fraud initiative progress report backs up the theory that error rather than fraud is the main reason for overpayments.

Total overpayments for last year were €110 million, with customer error contributing €46.7 million to the amount. The Taoiseach and then Minister, Deputy Varadkar, said his Department recovered €82 million in overpayments last year. This shows that where mistakes happen people, in the main, pay back the money owed.

Let us contrast the massive resources and propaganda around the detection of welfare fraud with the resources put into detecting underpayment of tax by business. For example, of 385 audits on companies in 2013, additional liability was found in 77% of cases resulting in a total of

almost €6 million. Revenue got €61 million from 276 of the 800 hospital consultants who were audited this year. Despite consistently bringing in large amounts of undeclared tax, Revenue's risk-based audits have decreased 30% since 2012.

The criminalisation of the unemployed and the sick is graphically seen in a project currently under way in the Department to share data with the RSA in order to link car registration data with welfare records. It is an attempt to be able to set up Garda checkpoints, with Department officials on hand, to use driver licence data to check if a person is claiming benefits. It would be a scandal if this was allowed to continue. It has significant civil liberties implications, as does the public services card, and is a major waste of Department and Garda resources.

Another section of the Bill which Solidarity and the Socialist Party are strongly opposed to is that relating to expanded automated decisions. This is clearly about reducing staff levels. The Minister says it is already in place for simple requests such as increasing child benefit for the second or subsequent child. However, this Bill would see it extended to more complex decisions. It will lead to a poorer service and would almost definitely result in people under-claiming or leave applicants open to being overpaid due to errors being made in applications and then being accused of fraud. It will especially be the case for those who have literacy issues or who do not have access to computers.

The Minister claims that where a decision is made to reject a claim, it must be made in person. However, clearly, it will initially be rejected by a computer - computer says "No" - and that decision will have to be reviewed. In the context of staff shortages and the pressure of work, one can imagine a situation where, in many cases, it will involve a rubber stamping rather than a real review.

What is this about? It is about two things. It is about the immediate short-term advantage of Varadkar appealing cynically to a right-wing base as part of this "get up early in the morning", "republic of opportunities", "people on the minimum wage are middle class" nonsense-----

An Leas-Cheann Comhairle: I do not have to tell the Deputy that when referring to the Minister or the Taoiseach, he should use the terms "Minister" or "Taoiseach", as I would say to anyone who referred to the Deputy as "Murphy".

Deputy Paul Murphy: It was about the Taoiseach's short-term benefit but it was also about a deeper process of shifting responsibility for unemployment onto the unemployed. It is a repeat, or the implementation, of the Thatcherite notion that there is no society; there is no societal unemployment. There is no unemployment caused by the crisis, bankers or developers. Instead, there is only the lazy, the work-shy, those who cannot get up in the morning. A key part of this that has become very clear over the summer is JobPath, the so-called employment activation scheme into which people are being pushed on a very widespread basis. It involves private companies getting paid on a results basis of getting people into some form of employment. Apparently, the Taoiseach went to see "I, Daniel Blake" a few months' ago. He must have seen it because he seemed to get ideas from it. In fact, he copied wholesale the same ideas and implementation that are graphically condemned in that film and brought them here. It is that notion of privatised employment activation with coercion and sanctions that is behind the horrific stories told in that film. Not just that, the Taoiseach brought the same companies to operate here - Seetec and Working Links, the parent company of Turas Nua, that are involved in scandals, including allegations of fraud in Great Britain.

The whole concept of JobPath kills two birds with one stone for the right-wing ideologues in government. It blames and demonises the unemployed for their unemployment and it simultaneously privatised a key aspect of social welfare. Unsurprisingly, it has its roots in the Troika memorandum of understanding with its call for “the application of sanction mechanisms for beneficiaries not complying with job-search conditionality”. I met two women a month and a half ago who got these so-called letters of invite. These are threatening letters telling people they have to turn up. Well, they invite people to turn up but if they do not turn up, they may lose social welfare payments or have them cut. The women turned up to the meeting under that threat. Their story of being infantilised, of being treated like idiots, of pointless travel, of being forced to sit there and apply for jobs in a room with people supervising them when they could do it more effectively at home and of soul-destroying experiences is typical. Good articles on *rabble.ie* and *broadsheet.ie* illustrate that typical story.

In addition, like a certain number of other people affected by this scheme, they had community employment scheme offers which were likely to lead to real jobs but which they were unable to take up because they went into JobPath. Effectively, because Seetec would not make any money from it, they were blocked from taking up a position that could have led to a real job. They are imprisoned in this so-called JobPath. The entire system is perverse. The private companies get paid a registration fee for every so-called personal progression plan and then they get more fees for a time when someone is employed for 13 weeks on the basis of 30 hours per week or more, i.e., they have an incentive to meet that amount but no more - to get them into some type of job even if it is a job that will go nowhere or is only for 13 weeks. The case of two women I spoke to illustrates the point perfectly. It is not about the best outcome for people on social welfare. It is about profit for a company and meeting their incentives. It is a crucial part of this race to the bottom in terms of wages and conditions - forcing people into low pay and low-security jobs.

Let me finish by warning the Government. When we started the ScamBridge campaign to expose JobBridge exploitation, the Government responded confidently. It had its Indecon report and huge success rates and everything was great in the same way as it sometimes points to a 99% success rate for JobPath. It claimed everything was rosy. Through people’s experiences, and let us remember that over 100,000 people have been pointed in the direction of and forced into JobPath, and through it being exposed continuously, it was undermined and eventually the Government was forced to scrap it. The same will happen here as part of people getting organised and rejecting the Government’s ideological demonisation of the unemployed and its policy of privatisation and Thatcherism and fighting for a socialist society where people have an opportunity to have decent, meaningful jobs and properly-funded public services.

Deputy Mick Barry: I want to address the issue of the public services card. Section 5 of the Bill allows for the public services card to have dates of birth on it at the request of the cardholder. The card can then be used as ID with non-State bodies, banks, etc. Currently, the card does not have a date of birth and cannot be used as ID with non-State bodies. We oppose the use of the public services card as ID as it can become another step towards a national ID card by the back door. This provision is a definite step in that direction as it will explicitly allow the card be used as ID. The comments of the law lecturer, T. J. McIntyre, are interesting and worth noting. He said, “Our position would be that the Public Services Card has been introduced as an identity card by stealth, and that it isn’t allowed by law.”

The public services card contains very sensitive data, including sensitive data such as biometric information, date of birth and PPSN. The databases behind the card are linked to, or will

be linked to, a variety of important public services. Therefore, the databases behind the card will have highly sensitive information such as address and previous addresses, family information, tax information, medical information, applications for grants and so forth. Who will have access to this information? Thousands of people could potentially have access, which increases the chances of abuse of the data and increases the chances of leaks.

The data is so sensitive that if a leak did occur, it would give access to permanent data such as biometric data on people. There is also no guarantee that the data will not be transferred to outside agencies, private companies and so forth that are supplying public services, which leads to further security risks. Data is also big business. In Ireland alone, €445 million was spent on digital advertising. Having information on potential customers is vital in this context. Can we see a situation where this data is traded as a commodity like any other? In the UK, an NHS trust in London sold information on patients to DeepMind, a subsidiary of Google. The data included sensitive patient records. This was found to be illegal in the courts. However, it shows the potential abuses that could be happen.

Data protection legislation contains the principle that data should only be collected that is proportionate to its use. The public services card is far from this. There is no need to collect the range of data that is collected in order to prove one's identity when availing of a public service. For example, there is no need for biometric data in order to avail of a driving test or to get access to the Revenue Online Service. Another principle is that data should not be held indefinitely. Normally, in data protection laws, data need to be deleted when no longer needed. This is not the case with the card where the data is held indefinitely after first use. Another principle is that it should only be used for a defined purpose. It has already been flagged that it will be needed for a whole extra range of services. A list reported in *thejournal.ie* which comes from an internal survey of Government Departments says many services have been flagged, including Revenue, SUSI grants, motor tax, health patient verification and even visitors to prisons. International experience is that the use of cards expands over time. For example, Belgium is currently expanding its card for use in libraries.

The Government position on whether it is compulsory or obligatory is positively Orwellian in its language. Over the summer, Deputy Regina Doherty stated, "Let's be very clear. Nobody is required by law to have a card. So, therefore, it isn't compulsory, but for my Department it's mandatory." There are severe consequences for not availing of the card. It would result in no welfare payments, no passport and no driving licence. Therefore, it is obligatory unless one is rich enough to never need a welfare payment and does not wish to drive or leave the country. There have been media reports about how a woman in her 70s had her pension cut off as she did not avail of the card. It was cut off for 18 months, costing her €13,000. That was reported in *The Irish Times* on 23 August. The woman said that she felt bullied. Age Action said that it was very concerned that the new mandatory requirement for the card would lead to older people losing their entitlements. We want to put those arguments against it and those objections on the record. The Dáil will hear more from us with regard to this issue if that proposal is not put where it belongs, which is in the bin.

I want to comment briefly on ESRI proposals to increase the pension age to 70. The pension age is already 68, or is in the pipeline to be 68 by 2028. The argument that is used to justify this is that people are living longer. If there was an economic system which was healthy, progressive and creating more wealth on a year-by-year basis, it would take life expectancy in its stride and handle pensions on the older basis. It is a sign of a stagnating, regressing economic system, a stagnating, regressing capitalism that it cannot absorb increased life expectancy within the

framework of the old pension system, and puts forward proposals such as this, which serve to drag society backwards. What would the impact be on workers in stressful jobs having to keep working until the age of 70? What would be the position and the impact on people who have to engage in hard physical labour as part of their jobs, who would retire at 70 if this proposal comes through? What impact will it have on unemployment and unemployment levels for young people? It is negative in all respects. Therefore, we would like to issue a clear call to the trade union movement to join this debate, take this issue up and campaign strenuously and seriously against these proposals, which are backward and offer nothing by way of progress for society or ordinary working people.

An Leas-Cheann Comhairle: I call Deputy Bernard J. Durkan, who will propose the adjournment at 8 p.m.

Deputy Bernard J. Durkan: I welcome the opportunity to speak on this particularly important Bill, having over the years and always, like everybody else in this House, experienced first-hand how a certain number of people, obviously, need the support of social welfare. It is a very large number of people, in fact, be it pensions, various social welfare payments, unemployment alleviation measures or whatever. I listened to the comments of other speakers relating to welfare fraud. I think we need to be very careful not to give the impression that we tolerate fraud, whether it is welfare fraud or any other fraud. The word fraud suggests that it is deliberately set about or deliberately done, and is acceptable in some circumstances. In actual fact, it is not. It deprives other people who are entitled to a particular payment, for the purposes of this exercise, and makes it more difficult to fund the services that are provided for them.

However, my experience has been that most overpayments that I have come across - I have come across as many as anybody else - come as a result of the individual not knowing what he or she was supposed to do in particular circumstances. In some cases, in fact, the Department has been informed, for example, that the person has gone back to work, presuming that as a result of that the arrangements were made to ensure that no further welfare payment was forthcoming. That does not always happen. I do not know why that is. It should be fairly simple. In today's age of modern technology, it should be very simple. One should be able to press a button and, presto, it takes place. There is a need for an improvement of this system whereby when people tell the Department that they do not qualify for a payment anymore because of a change in circumstances, it should automatically follow that they do not have to undergo any further examination or penalty with regard to that, which very often revolves around repaying, over a period of time, a sum that is quite beyond their ability in some cases. I know there is a 15% minimum deduction, but it is a disincentive to going back to work. The person who is back to work is still worse off by virtue of having to repay. I am not suggesting for a moment that they should not, but I am suggesting that earlier intervention and recognition by the Department of Employment Affairs and Social Protection will result in there being no need to go that route at all.

The other issue that needs to be dealt with and is ongoing, which I have spoken about many times before in the House as have others, is the question of self-employed or partners of self-employed people, be they shopkeepers or professional people or their spouses, who by virtue of their professions are self-employed and have a spouse who works with him or her in the course of the employment. The Department has to decide whether a partnership exists. It does not always follow that the Department will approve that partnership, which it should to allow both respondents to avail of a contributory old age pension in view of the fact they have made their contributions. I know a provision was made some time ago by the previous Minister to

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address the issue of those who have made contributions and are short. However, it did not address the issue in its entirety. It addressed part of it. A person who was one or two years short of contributions which would enable him or her to qualify for an old age contributory pension found himself or herself still short by a small number of contributions. I know there has to be a cut-off point somewhere, but there is one point that I am absolutely certain about and it is this. If deductions are made to somebody, self-employed or otherwise, in respect of his or her old age pension or whatever pension, then if he or she is not going to get a payment, he or she should get those deductions refunded. It is as simple as that. That is about to happen in law too.

There are other issues that need to be addressed. One that has come up in recent times is where Intreo staff interviews the recipient and says that he or she has to go back to work. Say it is a mother with three children. She cannot go back to work. It is as simple as that. If she goes back to work, she has to get child minders to mind the children while she is at 8 o'clock work. She cannot go back to work. The result is that her payment is cut off. As a result, a serious situation naturally arises, particularly if they live in private rented accommodation. The private rented accommodation means that if the spouse is at work on low pay employment, they suffer serious difficulties and a serious disadvantage as a result of being in that particular situation and are dependent on social welfare for rent support, which they probably will not get.

I realise that I will have another opportunity to pursue this particular issue a little further.

Debate adjourned.

An Bille um an gCúigiú Leasú is Tríocha ar an mBunreacht (Ceart chun Tithíochta), 2017: An Dara Céim [Comhaltaí Príobháideacha]

Thirty-fifth Amendment of the Constitution (Right to Housing) Bill 2017: Second Stage [Private Members]

Deputy Richard Boyd Barrett: Tairgim: “Go léifear an Bille an Dara hUair anois.”

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

I wish to share time: eight minutes for myself, seven minutes for Deputy Bríd Smith and five minutes for Deputy Coppinger.

It is a shameful decision of the Government to decide not to support a Bill to insert the right to housing into the Constitution. In doing that, the Minister is ignoring the views of the Simon Community, Fr. Peter McVerry, the Children’s Rights Alliance, the Mercy Law Resource Centre and the Constitutional Convention which voted, by 84%, to insert the right to housing into the Constitution. It appears, in the face of the worst housing and homelessness emergency in the history of the State, an emergency generated by six years of failed misguided policies by Fine Gael-led Governments, that the Minister knows better than Simon, Fr. Peter McVerry, the Children’s Rights Alliance, all the housing NGOs and, indeed, the Constitutional Convention.

Even the Taoiseach’s new best pal, Justin Trudeau, the Prime Minister of Canada, is about to bring forward a right to housing into Canadian law. Some 81 other countries in the world have

it but the Irish Government, in the face of a catastrophic housing emergency, will not put a basic right to secure, affordable, dignified housing into the Constitution so that it is a right of every resident of this country to have a home and, as our Bill proposes, that it should be a requirement and an obligation on all Governments to vindicate that right to housing through the allocation of resources and through their policies. The Government has set its face against that. It seems, rather than establish the right to housing which we so desperately need, the Minister wants to bury it in another committee and reject the advice of those who know and who are working on the front line.

I want to make clear that neither I nor anyone who advocates inserting the right to housing into the Constitution believes it is the panacea for all aspects of this current crisis. We have been saying to Fine Gael since 2011 that the answer to the housing crisis, that we could see was even building up at that point, is: to have an emergency programme of public housing construction; to have used compulsory purchase powers to get hold of vacant properties and building land that is being hoarded for use for public and affordable housing; to use NAMA as a vehicle to deliver social and affordable housing using its land, its assets and its cash; to stop all economic evictions and repossessions; to guarantee security of tenure to people privately renting; and to introduce effective rent controls that actually ensure affordable rents. For seven years we have been saying this. For seven years this Government and the previous Fine Gael-led Government ignored this advice and did exactly the opposite. It abandoned the construction of council housing and used NAMA to flog off tens of billions of euro worth of land, housing and assets to vulture funds which are now evicting people. The Government has allowed economic evictions to continue unabated, mortgage repossessions to happen in huge numbers, and rents to spiral out of control and beyond the affordability of large numbers of our citizens. The Government has done all of these things in the face of a growing crisis and against the pleas of those involved in housing and, indeed, ourselves and others in the Opposition.

Those are the measures necessary. However, in addition, everybody who works in this area has said inserting the right to housing into the Constitution would make a substantial difference. The Mercy law centre states:

A right to housing in the Constitution would mean that the courts could look at the State decision or policy as to whether it was ‘proportionate’ by reference to that right. It would mean that Government and State policies and actions would have to respect the right. Legislation and policy would have to be “proofed” to ensure they reasonably protect the right to housing. It would mean that the policies in relation to housing and homelessness could not be a political whim but would have this grounding, this obligation to respect the right to housing.

Had that been in the Constitution since 2011, the Government could not have made the desperate mistakes that it has made and we would not be in the mess that we are currently in. There is no case for not supporting this Bill.

I really have to ask what the Government has got against rights for citizens. For that matter, if Fianna Fáil does not back the Bill, I will ask its Deputies the same question. The Government will not ratify the rights under the UN Convention on the Rights of Persons with Disabilities. It does not want to give women the right to control their own bodies, their own fertility and their own medical treatment. It does not want to give people the right to housing.

As much as Fianna Fáil’s Deputies praise the European Union, for instance, they will roll

out the red carpet for Mr. Verhofstadt tomorrow and they are always talking about how they love the European Union, when the European Union proposes rights they want nothing to do with them. For example, in 2000 the European Social Charter proposed a right to housing. Ireland sought an opt-out. That was Fianna Fáil. I am not sure whether Fine Gael raised objections at the time. Why did we specifically opt out of the European charter obligation on the right to housing? Of course, the answer is because at every hand's turn they have protected the interests of developers, speculators and vulture funds instead of vindicating the rights of citizens to a secure, affordable roof over their head, and we are in a mess because of it. Will the Minister please change tack and, as a first step, support this Bill and change the Constitution to establish that right to housing in law?

Deputy Bríd Smith: The Taoiseach talked earlier today about the progress that has been made in dealing with the housing crisis and sounded very proud indeed of the Government's achievements. He is bound to say so but I think we need a reality check in this House. The housing solutions have included everything from family hubs to emergency accommodation, contracting out the State's responsibility to house its citizens to private landlords at huge cost to the State and uncertainty for tenants. That progress sees more need, more suffering, more distress and, as winter approaches, more fear as a result of the Government's failure, not its success - more than 100,000 people on the waiting lists and more than 8,000 in homeless accommodation.

One of the more amusing narratives is to suggest that in dealing with the housing crisis we have not been able to completely solve it because there is a minority Government and if only we had a strong majority Government we could sort it all out. The reality is that we have a majority Government. It is one led by Fine Gael and propped up at every hand's turn by Fianna Fáil. The housing crisis persists because we do not have the political will to solve it. It persists because groups and individuals who support those parties and who form the backbone of those parties to whose class they owe allegiance are doing very well out of this crisis, thank you very much.

This is the fourth piece of legislation that our group has put before this House to try and deal with the crisis. We proposed changing the remit of NAMA to provide social and affordable housing and to stop selling off public land and public housing. That was rejected by this House and by the Government. We proposed an Anti-Evictions Bill to keep people in their homes and that was rejected by this House. In fact, there was a tied vote and the Ceann Comhairle used his casting vote to scupper that legislation. We proposed rent control legislation that would reduce rents to 2011 rates, which is where most workers' wages were at, and to control the rampant profiteering of landlords, real estate investment trusts, REITs, and vulture funds and that was rejected by this House and by the Government. We now propose to give citizens a constitutional right to decent housing and to join other European countries like Belgium, Finland, Greece, the Netherlands, Portugal, Spain and Sweden. Around the world, the right to housing is included in 81 constitutions, so what is wrong with this little country, with one of the fastest growing economies and one of the biggest housing crises ever? Why, having failed to get this House to reduce rents, to prioritise the building of social housing and to stop evictions, have we now turned to putting the right to housing into the Constitution? We have done so because in every debate, the adherents to the free market and to private property rights in this House have told us that our proposals are unworkable, unconstitutional, would be struck down by the courts, would result in an increase in the ghettoisation of poor people and would be a breach of the EU's fiscal rules. This is an attempt to scupper those excuses, which are really masking what Fianna Fáil

and Fine Gael constantly do, which is to back up the builders, developers, corporate landlords and speculators who form the backbone of their parties' support. It is a fig leaf to justify a policy that sees people living in hotels or bed and breakfasts and allows them to stay there in one room, just like they did in 1913.

This crisis sees more than 100,000 people in housing need and on the social housing list. It also sees, on the other side, some people doing very well out of it. The three main owners of Cairn Homes made more than €20 million from selling their shares in the company, now valued at over €1 billion. This year they built 100 homes while last year, they built just 90. The crisis allowed these rich people to accumulate so much wealth that they now own 20% of zoned development land in Dublin. It means they can buy nine acres of prime land from RTE for more than €100 million. Cairn Homes, like other developers, are not in the business of meeting housing need. They do not, as the Taoiseach suggested earlier today, build homes; their concern is to make profits and that actually means it is not in their interests to see this housing crisis solved. It is also not in their interest to build homes on the scale that is needed and certainly not social and affordable housing. We have 8,000 homeless, as well as people dying in tragic circumstances on the streets, record rising rents and landlords using loopholes to evict people and raise rents beyond levels that are tolerable. We have boom times for estate agents and REITs. We see so-called affordable student accommodation now coming on stream at a rent of €250 per week.

Giving all citizens a constitutional right to a home will not solve this crisis overnight and we do not claim it will do so. Of course it will not but it will remove the fake arguments put up here and in the media to explain why we cannot invest in and build public housing to the effect that property rights mean that we cannot control rents or that fiscal rules preclude serious State investment to provide massive public housing, which would be scuppered if we had a right to housing enshrined in our Constitution.

I will finish by commenting on something the Taoiseach said today, which struck me as incredible because it shows the level of ignorance and the sheer class bias on this issue and the concept of public and social housing. The Taoiseach, Deputy Varadkar, stated he is opposed to giving everyone a house for free. That is a dig at those who live in social housing. It is a dig that shows his ignorance and his class bias because nobody gets a house for free. Those who live in social housing pay a differential rate, in case the Taoiseach did not know. This is actually the reality and his own stupidity or class bias is blinding him to that reality. We need to build mass numbers of good quality public housing that we can finance. It is not just the poorest who have no option now - it is all sorts of people. It is people who have good jobs and people who want to buy a home but who have no option. It is the people who are witnesses to that situation one constantly hears on the radio. This is not just about the poorest of the poor or those who lived in the squalor of the ghettos of 1913 but is about many ordinary, average-earning workers. It is now clear that the market will never provide decent, affordable accommodation in order that the majority of our citizens can live with dignity. This Bill would allow the State to prioritise housing in a way that has never been done in its history, to view housing as a fundamental human right that is not left to the market or to the whims of those seeking the maximum profit but to the State to provide, as a human need. This Bill will prioritise the need for housing over the owners of companies like Cairn Homes, IRES REIT and the multitude of vested interests whose wealth is growing on the backs of the misery this crisis is producing.

Deputy Ruth Coppinger: Another day, another housing Minister. We have had Deputies Alan Kelly and Simon Coveney and now we have Deputy Eoghan Murphy. The faces are certainly changing but the policies are not. In the context of this Bill, the continual refrain we

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heard from all of the Ministers I have named when asked to deal with the crisis was that it was unconstitutional. Rent controls allegedly were unconstitutional, as were a ban on evictions, the acquisition of any of the 200,000 vacant units or compulsory purchase orders. None of this is true because the housing committee heard last year that the common good overrides private property. It is an excuse used by the parties that continually back landlords and the market. Tonight we are removing this excuse by proposing to remove any impediments. We have 8,000 homeless people, including more than 3,000 children, and it will be 10,000 next year, if the current Minister is still here. No statistic seems to move the Government or Fianna Fáil from this pro-market, anti-public housing position.

Fingal County Council has almost 400 homeless families in the Dublin area. Most of them reside in Dublin West, which is mine and the Taoiseach's constituency. I estimate that there could be in 1,000 homeless people in Blanchardstown alone. I say this based on the fact that between 250 and 300 of the homeless families are from Blanchardstown - I am trying to get a breakdown from Fingal County Council. They include families like the Geoghegan Kellys, who the Minister may have seen, with a premature baby who was born in the back of a van, potentially have to return and be evicted from their home. Another woman with whom I am in contact in the Blanchardstown area was homeless for ten days. She was pressured by Fingal County Council to return to a dangerous home situation. She was told that she would not get emergency accommodation unless she went to the gardaí and pursued a case. We all know that is not always possible and can sometimes put people in more danger in situations involving domestic violence. Is there no depth to the horror stories that must be told to move the Government?

Dublin West is an area that is home to many different ethnic groups, with 25% of the population having been born outside the country. People who came here 15 to 20 years ago are now becoming homeless. There is a real potential for racism to develop here and in many other areas of the country. Immigrants and Irish alike are being evicted. However, migrants have less family support, for obvious reasons, given that they are not from here. More of them are in the private rental sector so they are becoming disproportionately homeless, as happened the Irish in Britain, America and elsewhere. The most vulnerable go first. There should not be competition between any marginalised groups for housing, be they Travellers, refugees or migrant workers who live in this country. We know the situation with regard to Travellers, with money unspent by councils and we know that refugees were brought here and placed in direct provision in horrific circumstances. Solidarity says the resources exist in the Ireland Strategic Investment Fund, in NAMA, which also has funds - the debt that was paid while this Dáil was not sitting could have built 50,000 public homes - and in the AIB proceeds. There is land available, either in the ownership of local authorities or NAMA, on which to build all of the homes needed. What does not exist is the political will to do so because the market puts profit ahead of the common good.

In Dublin west, which is at the epicentre of the homelessness tsunami, there are 30 hectares of land, owned by the council, lying idle and undeveloped for many years. Approximately 1,200 or, at least, 1,000 houses could be built on that land, comprising a mix of affordable homes with mortgages provided through the council and social housing. All of the councillors in that area should agree to this. Solidarity-People Before Profit will bring forth a proposal in that area and others to force the inactivity of the local authorities and the Government on this issue.

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I

move amendment No. 1:

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

Dáil Éireann declines to give the Thirty-fifth Amendment of the Constitution (Right to Housing) Bill 2017 a second reading and instead, taking account of previous Government decisions to have the broader recommendations in the Eighth Report of the Convention on the Constitution (i.e. that the State shall progressively realise economic, social and cultural (ESC) rights subject to maximum available resources and that this duty shall be cognisable by the Courts, and that specific additional rights should also be inserted into the Constitution of Ireland, including housing rights, social security rights, essential health care, rights of people with disabilities, linguistic and cultural rights) considered by an Oireachtas Committee, have the right-to-housing issue considered by the Oireachtas Committee on Finance, Public Expenditure and Reform, and Taoiseach, to review the implications arising in terms of balance of rights, good governance (including the separation of powers) and resource prioritisation.”

I welcome the opportunity to discuss this important issue. I do not doubt the sincerity of the Deputies proposing this Bill for a constitutional amendment to the House. It is important that, as Parliament, we debate issues and take a rights-based approach to our debates. It is an important function of what we do. I am not ignoring anybody, Deputy Boyd Barrett. I am not ignoring the voluntary sector. I work with it every day of the week. A great deal of money is funnelled through the voluntary sector to provide these important services to people who need them. If the Deputy proposes to take its advice on this particular issue, in terms of this constitutional amendment, he must also take its advice in terms of welcoming the outcomes from the recent housing summit. The Deputy cannot have it both ways.

Ireland’s housing emergency is more than six years old: it stretches back at least two decades. It is a long time since we had a functioning housing market in this country. Fine Gael did not abandon the construction of social housing but it is taking it back as a priority of this Government. I am not dismissing the Bill. It merits further consideration and I mean that genuinely. I do not dismiss the importance of debating or deciding a rights-based approach to the provision of public goods. I have said a number of times that I have left ideology at the door as I address this crisis. That is not to suggest that there should not be a policy or a political philosophical underpinning to our actions but I would rather set down some key principles that would guide us as a Government, principles that would out-live whatever Minister is in charge of the particular brief. In regard to the principle that social housing should not be outsourced to the private sector, I believe in that. That was a mistake of the past, one which this Government is committed to undoing. I will focus all of my efforts in regard to social housing provision on direct build by local authorities and housing bodies. In regard to Part V and void conversions, these are treated as a bonus figure so that we are not relying again on the private sector to meet our social housing needs.

I also believe in the principle that a percentage of new stock in any given year should be social housing. That is an important principle. In terms of the houses that will be built next year between the public and private sectors, between one quarter and one fifth of them will be social housing homes newly built by local authorities and housing bodies. A conservative projection is that 20,000 new homes will be built next year between the private and public sectors, 3,800 of which will be built by local authorities and housing bodies, with 1,200 delivered through Part V and void conversions, voids that have not been in use for many years. That is not a small thing

when one considers where we have come from, which basically was zero building either in the private sector or the public sector.

The Housing Agency has stated that we need to build 25,000 new homes every year. This is what is required in a steady state. Next year, we will build 20,000 new homes and we will use vacancy and other measures to deal with pent up demand and to get other forms of housing into the market. I have no objection to using compulsory purchase orders. I have asked the Attorney General to look at this proposal to ensure that local authorities in moving to use CPOs can be confident that they can use them to get homes back into use. This is not about the State trying to take someone's property. It is about ensuring houses are brought back into use as homes to meet the crisis we are facing.

Deputy Barry Cowen has said that the crisis we currently face in housing is beyond party politics. I agree with him. I hope that we can all rise to meet that challenge and, working together, come up with constructive proposals for our citizens who need homes. It must be recognised that a significant amount of work is being done. It must also be recognised that new homes are being built, because they are. I recognise also that we need more houses to be built more quickly and, crucially, as the Deputies opposite have pointed out, we need more affordable homes - affordable to build, affordable to buy and affordable to rent.

There are now 1,500 families being supported in emergency accommodation. One family in emergency accommodation is one family too many but thankfully we have been able to direct our resources to help those families out of hotels and into hubs and social housing homes, HAP-supported tenancies and more permanent forms of accommodation. Approximately €25 million will be spent this year on moving families from hotels and bed and breakfast accommodation into family hubs, with all of the supports and wrap around services they need. An additional €10 million has been provided, which will be drawn down and a further €10 million is in place as a contingency, if we can get those hubs in place before the end of the year. The hubs are working. If Deputies visit them they will see this. Families are better off in hubs and they are moving quickly out of them into more permanent forms of housing. Different families have different needs and we must be sensitive to those needs. Some families will be in hubs longer than we would like but we must be sensitive to their concerns.

Unfortunately we have also heard of recent deaths of individuals who were homeless and using homeless emergency services. They died for different reasons in very different circumstances. I know it has been a very difficult time for their families and for our emergency care workers who are on the front line. We can try to make available every possible resource, and we do, and we can try to do all that we can. Sometimes it is not enough but that does not mean we should not keep trying, and we do. I am pleased to confirm that following on from the recent housing summit, an additional 200 emergency beds will be in place before the end of the year. We now have a national director for Housing First coming online with an additional 100 Housing First places outside Dublin. We have new exit co-ordinators for homeless people to prevent them falling back into homelessness, which is very welcome, and we have a new interagency team to manage all of the different supports that are being put in place to help people beyond their housing needs, including health, mental health and other needs.

Our budget for homelessness has more than doubled since 2014, and rightly so.

Deputy Ruth Coppinger: That is because homelessness has doubled.

Deputy Eoghan Murphy: This year it will be more than €100 million and next year it will be more than that. It is important that we commit our resources in this way. It should not be forgotten that, every working day of the week, 80 new households will be supported in tenancies through social housing supports. This means 21,000 new households this year will be supported by taxpayers' money. It is right that we do this. Next year, we will support more households. We know that there are a great many more people who cannot afford to buy or rent a home. Many people are paying too much in rent and, as such, they cannot afford to save a deposit to buy a home. Some cannot afford their rent but still they make do by moving back in with their parents or by sleeping on a couch in a friend's home. These people have nowhere else to go. As well as those on the social housing lists, these people need houses built. Our focus must be on building supply and that is where it is constantly. Increasing supply will relieve each of the different pressures that we face in the housing system. We face these problems as a society because they reach into every aspect of Irish society today.

Availability is on the way. It is happening. We know that building is happening. Planning permissions are up 42% on last year. Construction commencement notices are up a similar percentage. Connections to the ESB grid are up by one third in Dublin alone. Fast-track planning measures have been introduced to enable houses to be built more quickly. Government money has also been made available to quickly open up sites that can be developed. There is more that we can do and we know that. We are constantly looking at new measures to bring on-stream to help build more houses. As I said, availability is on the way. We have to continue to focus our resources on emergencies, on co-ordinating resources more efficiently so that they are in place to help people, on affordability, on ensuring builders build houses and apartments in the parts of the country where they are needed and on ensuring individuals are able to buy or rent their homes. There is not an ideological road block to any of this. There is no lack of will or public money. Some €5.3 billion has been ring-fenced out to 2021. No other Government expenditure is committed in this way or has ever been committed in this way. There is more coming in budget 2018. In regard to prioritising housing, as provided for in the programme for Government, we are prioritising it. This commitment is evident not only in terms of money but in the amount of time and effort we are putting into this area.

The Taoiseach tasked me with reviewing Rebuilding Ireland, not because it is not working but because there are areas on which we can improve, one year further from the recession, a year into a new plan, with a new Government and renewed ambition. Rebuilding Ireland is working. By taking a rolling analysis we can drill down deeper into those actions that we can take to see what can be improved. For example, Rebuilding Ireland did not provide for a national roll-out of the place-finder service but we can provide for that now. Rebuilding Ireland initially focused on local authorities buying homes, competing in the market with young couples and families, but now local authorities are focused on building. As a result, the number of new homes built next year by local authorities and housing bodies will be 30% higher than anticipated. Rent pressure zones under Rebuilding Ireland did not give a definition of "substantive refurbishment". Rebuilding Ireland does not provide a definition of substantive refurbishment. We know from anecdotal evidence that landlords are using this to get around the rent caps we have put in place but we now have a definition for that, which we did not have a year ago. The rent pressure zones are working. They have capped rent increases in Dublin and that means people are paying less rent as a result. These are all small changes in their own way but they are all very important. None of them is a solution in and off itself but this is a complex area and they all add to the totality of measures this Government is devoting time and money to in terms of resources to try to solve this problem and ease this crisis for the people who are experiencing it.

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The purpose of the Bill is to amend the Constitution by inserting “the right to secure, affordable, dignified housing, appropriate to need, for all residents of Ireland”. We all want this for our friends and our neighbours but the question is around whether the Constitution is the most sensible place to enshrine this detailed right. I am not saying it is not. All I am saying is that I believe it needs further consideration. The Rebuilding Ireland programme of work will continue to be rolled out without such a provision in the Constitution.

We will continue to bring every resource necessary to bear to meet the housing needs of our people. We will continue to spend the money on homeless services because that is right. We will continue to invest in family hubs to support families as a first response because that is right. We will continue to invest in the housing assistance payment, HAP, scheme, in void conversions and in leasing to support 20,000 new tenancies this year because that is the right thing to do. We will continue to focus our resources on building new social housing homes through local authorities and housing bodies because that is the right thing to do.

We will have 3,800 new homes next year. In 2015, the number of new homes built was between 500 and 600. The figure for new builds for next year represents a substantial increase on the number we have seen previously. We will continue to focus on building new homes that are affordable for people throughout the country, whether they are seeking to start a new home, move to a new home or rent for the first time having started a new job. These are the needs our people face and the Government is prioritising the supporting of those needs.

In not supporting this Bill and in saying it should be considered by the committee that deals with finance, reform and the Department of the Taoiseach, we are saying that, as we consider the Eight Report of the Convention on the Constitution and all the different rights it wants us to consider, we believe they should be considered in totality and they should have a considered view in that committee, and after that considered view we would then see where we would go from there.

An Leas-Cheann Comhairle: There are 18 minutes in the Fianna Fáil time slot. I call Deputy Cowen.

Deputy Barry Cowen: We believe that this Bill should be delayed to allow the housing committee to consider the report of the Constitutional Convention on this matter and other economic, cultural and social rights. Broadening the Constitution, our fundamental law, should be done carefully and should take into consideration the wide range of consequences. We believe the committee is best placed to do that work. The most important task of the Government and of this Dáil in regard to the housing crisis is not necessarily the holding of a referendum that will cost €15 million but ensuring that supply is increased. The upcoming budget and the review of the new capital plan are key in that and they should be the Dáil’s and the Government’s immediate priorities regarding this issue.

Regarding the Constitutional Convention on economic, social, cultural and constitutional rights and housing, the convention voted to enhance the level of protection for economic, social and cultural rights, making them amenable to supervision by the courts in certain circumstances. It also voted to highlight certain rights which should be expressly stated in the Constitution, namely, housing, social security, essential health care, rights of people with disabilities, linguistic and cultural rights and rights covered in the International Covenant on Economic, Social and Cultural Rights.

The programme for Government contains a commitment to send this recommendation to the Oireachtas committee on housing and other committees, where appropriate. We believe this is the appropriate forum to thrash out the issues involved. We recognise and have seen that the Government has been ridiculously slow in bringing forward legislation on foot of recommendations, motions and Bills that have been brought before the House and passed. For example, we can reflect on the arrears phenomenon and the recommendation from the Dáil for an independent commission on recommendations of solutions rather than the veto system we have, which was amended but which we see the courts interpreting as applications or appeals having to be in the name of the personal insolvency practitioner, PIP, representatives rather than of the individuals concerned, which again delays that whole process. In regard to what was passed earlier in the year, there is an opportunity to address that by virtue of that Bill, but again it joins a long list of Bills that remain on the waiting list. We would like to see an improvement in that regard in this term and it is wholly appropriate that would be the case, especially in issues pertaining to this terrible crisis and emergency we are facing in regard to housing.

Regarding housing priorities, it is important, despite the best intentions of those who have put forward this proposal, not to give false hope or fall into the politics of gestures, which we have seen in recent times in regard to this issue, rather than real action. Adding housing to the Constitution, make no mistake about it, unfortunately will not resolve the housing crisis. It is important therefore that we recognise that fact and that inserting this into the Constitution should only be taken after full consideration of the issues involved. More importantly, it cannot be allowed to divert attention away from practicable steps that have to be taken in order to increase supply and tackle escalating rents.

I use this opportunity to place on the record of the Dáil what we believe should be done in the immediate and in the short term to address the housing crisis. We have to increase social housing capital expenditure. We have been told on many occasions during recent months and years that the funding issue is not a problem, that money is not an obstacle to the provision of social and affordable housing. The social housing capital budget is 50% below the rate it was at in 2008. Therefore, it clearly is a problem and it needs to be addressed. By virtue of that, it is important that up to €400 million extra is put in place in order to ensure extra units are brought online. A new regulatory regime should be established to allow vacant units and above-shop units to be converted into residential units. As we all know, this would open up thousands more units in established areas. We would like progress to be made on that and for a regulatory regime such as that to be put in place in the immediate term in order to have immediate resolutions.

We want to see the re-establishment of an affordable housing scheme. There is no affordable housing scheme currently in place under this Government's watch. The previous Government took away the affordable element of the Part V provisions. We want to see that re-established. In addition to that, we would expect in any ratcheting up of local authority housing building that it should include building programmes with an affordable housing element to purchase and to rent. That is a remit that needs to be given, shown and put in place. These are practical steps that can be taken in the coming months that can have a positive impact and that can address the 130,000 applicants who are on social housing waiting lists, the unfortunate cohort of people who find themselves facing the threat of, or are in, homelessness, and the huge issues in regard to the rental market.

I do not wish people to interpret our opposition to the proposed constitutional amendment to be us merely saying that it has to go to a committee. There are practicable reasons that need

to be analysed and scrutinised in order for the right decision to be taken ultimately and the right question to be put to the people and, therefore, thereafter enshrined in the Constitution, as it could and should be.

For example, the principles of social policy enshrined in Article 45 set out the rules of general guidance for the Oireachtas in setting out laws. However, the rights included in this article are not cognisable by the courts, that is, a citizen cannot take the Government to court for breaching them as they are for guidance only. This article would be subject to judicial review. This may transfer too much power into the hands of the courts rather than the democratically elected representatives.

The proposed amendment refers to residents rather than citizens, which is used in other articles in the Constitution. It should be clarified, for example, whether this broadens the right to housing above other rights that are enshrined in the Constitution.

Another point is that the constitutional review group report of 1996 advocated amending Article 40.3.1^o to restrict wide-ranging judicial interpretation and to list explicitly the fundamental rights contained in the Constitution. Enshrining housing rights without amending this article may lead to a further extension of judicial power as a creative approach to the Constitution could enable the Judiciary to widen its influence over areas that are considered the remit of the day-to-day political system and the democratically elected representatives of the people in this Dáil in respect of their responsibilities, rights and duties in distributing taxpayers' funds to address this emergency that engulfs the country.

Despite the best intentions behind this legislation, and I understand from where they come, a methodology is in place to analyse and scrutinise the consequences of this proposal to ensure that it is implemented correctly and properly but that will not solve the housing crisis in the short or even medium term. There is a responsibility on us to ensure that the Government is held to account and does what is necessary to address this and bring supply to the fore, thereby allowing the graph that is drastically skewed at present to adjust to where it should be and to ensure people have some hope that the House has grasped the issue properly and can effect change and bring about solutions over which we can all stand. We can play politics another day because this is the greatest, gravest issue facing the State. As a result, we must leave politics outside the door and come together to deal with this in a way whereby everyone can see light at the end of tunnel and whereby people can be given some hope that progress can be made.

Deputy Marc MacSharry: I thank colleagues for tabling this Bill in Private Members' time. I do not doubt at all their commitment to the issue and their wish, like all of us, for a resolution. I would love if we could include this in the Constitution as a right and fulfil it but, as matters stand, we would be as well enshrining the right to the winning lottery numbers because, sadly, more would be left without them than would have them. That is the sad reality. I support the amendment and the proposal to have the relevant Oireachtas committee examine this matter and bring forward recommendations on how best to implement the legislation and, more particularly, take action in respect of the provision of the housing that is needed throughout the country.

There is a housing emergency, yet we are kicking the issue around like a football, blaming one another about what should, could or might have been done. We are no closer to a workable solution. I do not doubt the Minister's commitment to the job. I had the pleasure of working with him for two years on the banking inquiry and I know how diligent he is in approaching any

topic. I am sure he will try to do his best with this issue. Even before he walked into the Department to take up his role, he was strangled by bureaucracy and process. I have a document that is quite heavy and that outlines the Department's streamlined approval process for social housing. God help us all if this is the streamlined version. I examined four schemes that are before the Department and by means of which approximately 80 units will be provided. None is in County Sligo and, therefore, I do not want anybody to beat up the local authority there. The date of origin of the schemes was May 2015. None has proceeded beyond stage 2, with one still at stage 1 and awaiting approval. The lead time for the provision of a social housing unit is between two and a half and six years from conception to turnkey. The equivalent time in the private sector is three years maximum assuming finance is available, although that is an issue currently. We cannot tackle an emergency with such bureaucracy. The reason for this arduous, interminable process is the obsession with cost certainty at a level that is impossible to secure. We must, of course, get value for money and we must get the price as close as we can to the forecast outcome but, unfortunately, it is not a precise science. Architects, engineers and administrators within the Department deal with architects, engineers and administrators within local authorities who, in turn, bring in private sector expertise such as consulting engineers and so on. The level of duplication and repetitiveness in this process is strangling the Minister before he even begins. If he signed off tomorrow on the construction of 50,000 houses in Dublin and gave the cash to the four local authorities, there would not be a key turned in one of them, if the process outlined in this document was followed, in under three years. How many more people would be homeless or living in hotels, bed and breakfast accommodation or converted Garda stations or Army barracks in that period?

Before he gets to money, the Minister needs to be radical. He needs to tear up the existing document and get it down to a few pages. That is not about reducing quality, standards or anything else; it is about applying common sense to getting the job done. There is delay on the part of the Department, which is being blamed on local authorities, and *vice versa*, even though the unit in Ballina will say off the record that there is no cash and that it cannot do this and that, even if there was cash, it would have to go through this process. Perhaps the process would be shorter if more cash was available but the Minister needs to take this 100-page document and tear it apart because nothing will happen in the meantime.

The second issue is that 933 housing units in Dublin alone have been boarded up for more than ten years. This is replicated, relatively speaking, in every county. That should be a priority. How much would it cost to refurbish every unit? Why have local authorities an innate objection to purchasing houses on former council schemes? They are cheaper but the local authorities refused to do that during the recession and now they are paying between €300,000 and €600,000 for units all over the country, particularly in Dublin. They also refused to buy houses on private sector schemes, which were boarded up or which were bought by somebody, before being put up for sale on the open market, at a lower price. That is a matter we need to address. Deputy Cowen mentioned units over shops in towns and so on and that should also be examined.

Another aspect of the four-stage process for social housing is local authorities are told to begin the process and bring in however many staff they need to approve the schemes. They have to get staff in whether they are architects, engineers or whatever. There is no certainty that the scheme will be approved within three or four years. All of a sudden, the local authorities have obligations because they have given these people full-time jobs with pensions and so on, which are costly. I can think of two instances where local authorities are refusing to recruit

these staff because of their experience in dealing with the Department. During the boom, when the Department's policy was that local authorities should buy land and not be subservient to builders and developers, they did that. Smaller local authorities such as Sligo County Council got into significant debt. Then Mr. Paul Lemass, an assistant secretary in the Department, and his colleagues threw them under the bus and said they were reckless and should not have spent all this money. I am sorry but that was not the case. Sligo County Council, like every other local authority, is engaged in the provision of services to the people. The buck stops with the Department, which approved the loans, purchases and schemes years ago. That is making local authorities reluctant to engage in the process.

From a private sector perspective, money needs to be made available, apart from to the chosen few at the very top who have the ability to refinance throughout the world. Their names have been thrown about in the debate. The average builder who constructed two, five or ten houses in towns and villages around the country is now subservient to a vulture fund. Many people have been taken out of the industry. They cannot get money and if they applied for funding, they would have to match it themselves. We must press ahead with establishing a bank dedicated to housing, which we proposed in our election manifesto, as did Fine Gael, and which would be similar to the ICC-ACC model of the 1970s and 1980s that successfully helped farmers and industry. We have An Bord Pleanála, An Taisce and other bodies that want planning to be correct but there is a crisis in Dublin. Five or six apartment and office blocks were refused planning permission near the airport over the past year because of congestion but we cannot go over so many storeys because An Bord Pleanála or whoever has stated we cannot go up 20, 30 or 40 storeys.

Deputy Ruth Coppinger: Not near the airport anyway.

Deputy Marc MacSharry: We do not want to create ghettos but we must take control of the matter. We cannot take decisions in here, saying we want more houses, while not putting in place the very specific and tangible things needed for this to happen. I am grateful for the opportunity to speak.

Deputy Michael Fitzmaurice: I also welcome the opportunity to speak on the Bill. I would have worded it differently, mentioning "accommodation" specifically. We should live in the real world and if we said everybody in the country had the right to a house the money would not be there to go around if the Government decided to act on it. Much can be done. There are 400 or 500 acres of State land around the country lying idle, with nothing being done by the Department. That is well known in the Department. Currently, the people of middle Ireland - for the sake of argument, two working people - cannot afford a house in Dublin, Galway or Cork. There is land there with a site value and even if the State has to take a hit, it should do so and provide affordable social housing.

We need to cut to the chase. The Department or councils are not fit to build houses; there is proof of that. We must ensure we can change that situation. I heard representatives of NAMA saying that if something is bought at a 50% discount, it is not great if the agency does not make a few quid from it. The Department has policy and we can argue if it is good or bad. That is fine but the Department is at this all its life. The councils deal with planning, but who has the expertise in delivery? We need to put a body together to ensure delivery or we will continue talking about this issue. Such a body should be able to get money at less than 1% now so that we can build houses. Houses are not complicated to build. We have the land so if we get money and people who know how to deliver, we can hand the properties back to the councils and let

them run the process. We must also think of the people in middle Ireland.

Everybody is aware that there is now a major problem with homelessness. We must also address other issues. Unfortunately, almost every family in the country is affected by somebody who may have a problem that puts them in that scenario. I am referring not to everyone but to some people. We need to consider the social aspects of this issue also. There is a big problem coming down the line. I see what is happening with banks and people with distressed mortgages. They are getting buoyant trying to put people out of their houses. The vulture funds have bought the loans but they will not sell at the price at which they bought. If the Minister does not address it, we will hit more problems.

An Leas-Cheann Comhairle: Deputy O’Broin is sharing time with Deputies Ellis and Quinlivan.

Deputy Eoin Ó Broin: I warmly welcome the Bill and state very clearly that Sinn Féin will support it today. Listening to part of the debate, it seems people just do not understand the purpose of a constitutional right to housing and the positive role it can play in addressing our housing crisis. To fully understand that, one must fully understand why we are in our current emergency.

I agree with the Minister, Deputy Eoghan Murphy, that this housing crisis has not just been created in the past number of years and it has been decades in the making. There have been decades of actions and inactions of successive Governments leading us to where we are today. There has been chronic under-investment and an inadequate supply of social and affordable housing by the State. There has been chronic under-regulation of the private rental sector, leading to rising rents, insecure tenures and, in too many cases, substandard accommodation. There has been a failure to put in place real protection for those people living in properties, including buy-to-let properties, in serious mortgage arrears. Crucially, there has also been a failure to regulate the market for land, control land prices and stop land hoarding and speculation. These are all clear failures of governance that have led us to where we are today.

I know the Minister, Deputy Eoghan Murphy, is new to the job and still learning but if he continues to say what his predecessor, the Minister, Deputy Coveney, indicated that money is not a problem in tackling the matter, with €5.4 billion over six years being adequate investment in social housing, he will never be able to tackle the current crisis. It is that simple. The sum of €5.4 billion is an average spend of €800 million per year. Deputy Cowen is right about the €733 million being spent this year and the €788 million being spent next year, as it is half of what the funding was when Fianna Fáil was last in government at the peak of social housing building in 2007. At that stage, the fund did not provide an adequate supply of social housing. We know that because the number of families on housing waiting lists was increasing, as was the number of families dependent on rent supplement. I worked for Focus Ireland and, at the time, the number of people in emergency accommodation was increasing as well. The figure of €1.4 billion spent in 2007 was not adequate then, so what makes anybody think €800 million is adequate now?

The first thing any Minister who is serious about addressing this crisis needs to accept is that we need a supply of real social housing owned by local authorities and approved housing bodies of at least 10,000 units per year, costing somewhere in the region of €1.5 billion to €2 billion, depending on the mechanism of delivery. How many real social units will be provided this year? It will be approximately 4,500, and there were just over 4,000 provided last year.

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The figures for next year are over 5,000 but that is nowhere near what is required, and that is before we even start to speak about an adequate supply of affordable housing.

What does this have to do with the constitutional right to housing, which is the crucial matter? The Mercy Law Resource Centre produced a really important report last year and its representatives came to the special Dáil committee considering issues of housing and homelessness. We had very detailed discussions and deliberations on the matter. It made clear to those of us on the committee that a constitutional right to housing does not guarantee everybody in the State a home or a set of keys. It does not place an obligation on the State to provide homes for free. However, it allows citizens and the courts to ensure the Government progressively realises that right in a proportionate and reasonable way. Where the State in its decisions or inactions is not progressively and reasonably vindicating that right, particularly for those people in greatest need, the State could be held to account. That is the real problem.

I do not believe for a second that Fine Gael is interested in a constitutional right to housing. That is not because I doubt the sincerity of the Minister's remarks but I sat on a Dáil committee considering housing and homelessness, and Fine Gael was opposed to putting that as a central recommendation in our report. The party members told us in that committee that they were not convinced it was necessary and valuable. They were really saying that if one enshrines a constitutional right to housing, a Government would not be able to have the failures we have had for decades, as citizens would go to courts to vindicate those rights and force action.

This is absolutely about ideology and none of us leaves our ideologies outside the door. That does not mean we cannot be open to listening to the arguments of others. None of us leaves party politics outside the door when we come here and nor should we, but that does not mean we should not listen to the arguments of others. If a Deputy is unwilling to support the progression of this Bill to an Oireachtas committee where we can deliberate it and discuss the matters in exactly the manner outlined by the Minister, Deputy Eoghan Murphy, and Deputy Cowen, the Deputy would really be saying that ideologically and politically he or she would not support this. Fine Gael did not support it last year in the committee when we deliberated the idea and it is not supporting it now. I suspect that, when the time comes and we deal with the matter at an Oireachtas housing committee, Fine Gael will not support it. If it does, it will force the party to make the kinds of policy decisions it has refused to do for six years. I suspect from the announcements of recent days that the party will continue to refuse to take such decisions in the weeks ahead. That is deeply disappointing but Sinn Féin will support this Bill nonetheless.

Deputy Dessie Ellis: Housing should be a right and not a privilege. The right to housing should apply to all those in need of housing and who qualify for it. The right applied in this manner should be applicable not just to families, but to individuals as well. We must also be aware that in today's society, the concept of family can be understood in a wider sense. This should be applied regardless of age, economic status, ethnic grouping, disability or any other factor. The right should be devoid of any form of discrimination and such a right to housing must not be interpreted in a narrow sense beyond just four walls and a roof. It must be seen as a right to live as defined under international law as somewhere in security, peace and dignity.

The right to adequate housing is already protected in the International Covenant on Economic, Social and Cultural Rights. These same rights are also laid out in the Universal Declaration of Human Rights. Similar rights are also laid out in the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and other conventions.

Ireland needs to recognise formally the right to adequate housing. The obvious and most reasonable way of recognising this right is to enshrine it in the Constitution. Such a right would be of particular value to those living with disabilities or who are particularly vulnerable to housing issues. This would also have the effect of strengthening our hand in Europe and has the potential to unlock impediments to how we borrow money and allocate it as a country, as has been the case for other European countries.

Supporting this Private Member's Bill is not a panacea for the housing crisis and no Member is suggesting it is. One of the main ingredients in solving the housing crisis, however, is building social and affordable housing because it can be seen that when that stopped being done, these problems developed in recent years.

Deputy Maurice Quinlivan: I thank the Deputies of Solidarity-PBP for bringing forward this Bill. It is a very important Bill which highlights the homelessness and housing crisis that is the number one issue facing our country. It is a disgrace that in 2017, in a rich country with the fastest growing economy in Europe for the fourth year in a row, the Government cannot house our people, in particular the homeless. Thousands of houses are lying vacant but there is no real progress in bringing many of them back into use. Land is being hoarded by developers and Fianna Fáil comes up with a proposal to give developers a tax break. Rents continue to escalate and that is forcing people out of their homes, but areas such as Limerick, which I represent, are not designated as rent pressure zones. More money needs to be set aside to build more houses for everyone, including the homeless, first-time buyers and adults living with their parents. However, the Government will cut taxes instead of investing the money in building more homes. The causes are there and the solutions are available but the hard decisions and leadership are absent.

Enshrining the right to housing in the Constitution would not solve the homelessness or housing problems and no Member on this side of the House has said it would. It would, however, put in place a basic floor of protection. It would require the State in its decisions and policies to protect reasonably the right to housing. It would recognise that a home is central to a person's dignity and that everyone should have the possibility of attaining a home.

Many statistics and figures have been mentioned during this debate. However, behind the figures are people. There is a human crisis in the city of Limerick, where I am from, where there are often three generations of families living in one house and 297 people are in emergency accommodation, which is the highest outside of Dublin. Fifty families and 80 children have no home in the mid-west. Those figures do not convey the daily hardship and suffering that those people have to endure. Children are in crisis emergency accommodation and no solution is forthcoming. It is time for a new approach from the Government. The Minister is new to his role and I will not put all the blame on him, but the Government has been in power for six years and it is to blame. The crisis has deteriorated significantly over those years, and whenever the Opposition suggests alternative solutions or ideas, those suggestions are shot down by the Minister's side of the House to the detriment of the people behind the figures I have referenced.

I welcome the Bill and thank the Deputies who brought it forward.

Deputy Jan O'Sullivan: I, too, commend Solidarity-People Before Profit for bringing the Bill before the House. The Labour Party will support it.

I am on the side of those who say that enshrining such rights in the Constitution will make

a difference. It will not solve all the problems but I believe it will make a difference, and I am not alone in that. Other Members have referred to the eighth report of the Constitutional Convention which recommended this back in 2014, as has the Mercy Law Resource Centre and several academics, including Mary Murphy and Rory Hearne of NUI Maynooth and Gerry Whyte of Trinity College Dublin. I recently attended a conference in Trinity College which was organised by Independent Senator Colette Kelleher, the Simon Community and the Mercy Law Resource Centre. It specifically addressed enshrining the right to housing in the Constitution. Another organisation whose opinion should carry weight is the Irish Human Rights and Equality Commission which says in its publication, *The Provision of Emergency Accommodation to Families Experiencing Homelessness*:

The Commission notes the commitment in the Programme for a Partnership Government to refer the Eighth Report of the Constitutional Convention, which recommends the constitutional recognition of right to housing, to an Oireachtas Committee. The Commission is of the view that socio-economic rights, including the right to housing, should be enshrined in the Constitution of Ireland.

It also quotes, as have others, Article 11 of the International Covenant on Economic, Social and Cultural Rights which Ireland ratified in 1990.

Mary Murphy made a very interesting point at the Joint Committee on Housing, Planning, Community and Local Government this morning in the context of competing rights in the Constitution were the right to housing to be added as there is also the right to private property and issues involving the common good and so on. However, she said that adding it to the Constitution would be to give a policy direction which would hold sway. She also brought up a point raised by Deputy Ellis regarding the possibility that the Government might be able to challenge the fiscal rules if it needed money for building houses. She suggested that Germany has done so previously. There are very good, solid reasons a constitutional right would make a difference.

It would also strengthen the hand of Government in several ways. I welcome that the Minister has asked about compulsory purchase orders and is seeking legal advice in that regard concerning vacant homes. It would strengthen the Government's hand in that regard if there were a constitutional right to a home. It would also strengthen the idea of having a vacant homes tax, the vacant sites levy, which will retrospectively come in at the beginning of next year, and also, as the Labour Party has proposed by way of legislation, the implementation of the Kenny report to control the cost of building land and to stop developers from hoarding land. All these measures would be strengthened if there were a constitutional right to a home. It is not a panacea, as has been said, but it would very much strengthen the hand of the State in those kinds of ways.

In regard to the more than 700 sites that are publicly owned, most of them by local authorities, if there were a constitutional right to housing, it would help with the bureaucracy referenced by Deputy MacSharry in terms of making these things move more quickly. Members have discussed these sites with the previous Minister, Deputy Coveney, in the House and the need to make things happen quickly. A letter I recently received from my local authority suggests it will take a long time for them to be developed. I agree with those who have called for an affordable housing scheme in order that local authorities can at least move on those sites. However, all these things would make local authorities and the Department move much more quickly in terms of addressing these bureaucratic issues and the interminable amount of time it seems to take to get from the idea of doing something to doing it. For all these reasons, I believe it would be effective.

The children's rights referendum added a provision to the Constitution under the previous Government which is making a difference to the lives of children. It did not in itself make a difference straight away, but it has brought about actions that have since improved the lives of children. On behalf of the Labour Party, I published the Housing (Homeless Families) Bill which I hope to be able to get some Private Members' time to introduce in the House. I introduced it on First Stage. It aims to implement that constitutional right for children who are homeless and to have their position within the family dealt with in order that they will not be sent to Garda stations when there is nowhere for them to go. Constitutional provision strengthens action and make things happen, perhaps not immediately but over time and in terms of policies and priorities.

Deputy Quinlivan raised the issue of rent pressure zones and the fact that Limerick has again been left out, as has Waterford. Good luck to Drogheda and Greystones on being included. Members have heard about rent pressure zones and whether they are working, but there would be some chance of it working in Limerick if there were one there. Rents in Limerick increased by over 12% in 2016 and it is still excluded from the rent pressure zones. When the previous Minister, Deputy Coveney, introduced that legislation, I said that the formula being used was inadequate, especially in regard to the use of local electoral areas. It does not work in certain areas. I urge the Minister, Deputy Murphy, to re-examine that. It is not fair that certain parts of the country that are experiencing significant rent hikes and pressure on families are excluded from the rent pressure zones. It is not the ideal solution. I would have much preferred, as would others here, to have seen rent increases linked to the consumer price index but it is what we have so let us see it being fair around the country. We are happy to support the Bill. It is disappointing that it is not being supported by the two largest parties here. It has been adequately examined by a variety of bodies and does not need to be debated further by a committee. We should pass the Bill here this evening.

At the conference I attended, one of the strongest and most convincing speeches was made by Kitty Holland of *The Irish Times*, about children living in hotels and how their lives were thwarted by not having a home. They have nowhere to play, nowhere to do homework, they cannot bring their friends in, they are frightened, they are told to be quiet, and they cannot run around the place. This concerns the lives of real people as many have said tonight. It is a serious issue and underpinning it in the Constitution would help address the issues that face so many of our fellow citizens.

An Ceann Comhairle: Deputy Broughan is sharing time with Deputies Catherine Connolly and Joan Collins.

Deputy Catherine Connolly: I thank Solidarity and People Before Profit. I have no hesitation in supporting this draft legislation. I have two and a half minutes speaking time. It is significant that the two major parties who are colluding in not supporting this legislation are at pains to reduce our speaking time. We have seven and a half minutes between us, which I hope we will use effectively.

Eighty one countries have enshrined the protection of housing or a home in their constitutions. It is nothing unusual. Included in that number are Belgium, Finland, Greece, The Netherlands and Portugal. Other countries that have protected it in legislation include Austria, France, Germany and Luxembourg. Significantly, none of these countries has a housing crisis. The Minister might look at that.

I thank him for his statement that he is going to leave ideology at the door because, if that is true, we are certainly turning a new page in this book of crisis after crisis. If he is leaving behind the ideology that has created this crisis continuously over the life of successive governments, I welcome it. The Simon Community gives us a snapshot of the result of this crisis. In August of this year, over three days it examined 11 areas in the country only to find that 91% of rental properties were unavailable to those in receipt of rent supplement or the housing assistance payment, HAP, which is the only show in town certainly in Galway city. In addition, it found that 8,000 people were in accommodation and that number was rising. In Galway city, approximately 15,000 people have been waiting for a house since 2001. The crisis has been deliberately created. In Galway city, rent is 213% more than rent supplement or HAP. Crisis after crisis has come from an ideology that said the market will provide, but it has signally failed to provide. If the Minister is telling me tonight that he is leaving ideology at the door, I welcome it. If he is telling me that he has suddenly realised a fundamental solution to this problem is the direct construction of social housing, I will be the first to praise him and champion that.

Deputy Joan Collins: I support the Thirty-fifth Amendment of the Constitution (Right to Housing) Bill 2017 and commend People Before Profit and Solidarity on putting it forward, as indeed I will support the removal of the eighth amendment from the Constitution and the referendum on the amendment to the Constitution (water in public ownership) Bill. The Constitution is not fit for purpose and needs replacement. It was written by a Catholic priest in the 1930s and reflects the ethos and values of a society dominated by the Catholic Church and conservative thinking of the time. It does not correspond to the needs of the Ireland that we live in today, in the 21st century. We need a constitution which prioritises the rights of citizens as opposed to those of private property, the State, and the Catholic Church.

Having a right and being able to exercise it are, however, two different things. What stands in the way of people being able to access decent and affordable accommodation are the links between developers and Fianna Fáil and Fine Gael which means the right to make profit comes before the right to housing. In the past week we have been treated to a storm in a teacup between Fianna Fáil and Fine Gael over the tax cuts in the budget with an implied threat by Fianna Fáil to bring down the Government. This squabble will no doubt be resolved in the next two to three weeks. Where is the storm and the threat to collapse the Government over its outrageous lack of urgency in tackling the housing and homelessness crisis? The Nevin Economic Research Institute, NERI, partly funded by the Irish Congress of Trade Unions, ICTU, has put forward a very sensible, workable, costed proposal to establish an Irish housing company to initiate a programme of public housing using the European cost recovery model which could provide 20,000 affordable housing units per year, using existing State-owned, re-zoned land. The Government has apparently been considering this proposal as I know because I have tabled several questions on it to the Minister. Instead, we now have talk of some half-baked scheme to use the National Asset Management Agency, NAMA, in conjunction with private developers to somehow or other play a role in the provision of affordable housing. One of the definitions of stupidity is to keep doing the same thing and expect different outcomes. We are in the mess we are in today because of pandering to developers and the suspension of house building by local authorities. This needs to be reversed with a public housing programme at the centre of an emergency response to the humanitarian crisis we face today.

Deputy Thomas P. Broughan: I am delighted to support this Thirty-fifth Amendment of the Constitution (Right to Housing) Bill 2017 and I warmly commend our colleagues in People Before Profit and Solidarity on bringing it before the House. This afternoon at Leaders' Ques-

tions, I listened in disbelief as the Taoiseach kept spinning about 80 citizens being housed each day. We all know that this mainly refers to citizens and families entering HAP and so-called family hubs and that the delivery of social and affordable housing continues to be non-existent or a trickle.

In my constituency in the three months since the Minister was appointed, and Deputy Varadkar has been Taoiseach, and in the six months before that when Deputy Enda Kenny was Taoiseach, we have had nothing, with hardly a single house provided. At the end of July, on behalf of my constituents who are homeless, threatened with homelessness or up to a decade or more on housing lists, I made a lengthy submission to the Minister's review of the Rebuilding Ireland action plan. My first and core recommendation was that he would bring forward housing emergency legislation similar to the financial emergency measures in the public interest, FEMPI, legislation to deal with the banking emergency. He should take very vigorous steps to address the complete disaster and catastrophe we have in the so-called housing market.

I called for at least 10,000 additional new social housing builds each year for the next five years with an additional capital investment of at least €1 billion a year. I also asked that local authorities and social housing bodies again have a primary role in directly building homes.

This NAMA proposal was made off the cuff by the Taoiseach at the Government's recent think-in. There are different proposals from NERI and others. Many people think that some kind of housing executive is necessary in the greater Dublin area because the four surrounding counties seem to operate as almost a single housing market. Dublin city, in particular, however, has grave problems in trying to create any kind of an efficient housing programme. I also submitted a wide range of other proposals to the Minister. It is deplorable that the Minister's party and Fianna Fáil while talking about being non-ideological have on ideological grounds refused to accept the Thirty-fifth Amendment of the Constitution (Right to Housing) Bill 2017 tonight. I urge the House to support the Bill.

Deputy Michael Collins: I am happy to have the opportunity to speak on this Bill tonight. The housing crisis is not only an issue in my constituency of Cork South West, but an issue of great national concern and one that I do not see being resolved over the next few years. There are many verbal plans to resolve this crisis but little or no physical action, no shovel-ready projects, especially in West Cork.

Census figures in 2016 showed that there was an 81% increase in the level of homelessness since 2011. During the programme for Government talks, I spoke at length of a regeneration programme for small rural towns and villages and the ability to rebuild areas that had been decimated by emigration, places in west Cork such as Ballineen, Eyeries, Goleen, Kilcrohane, Kealkill, Timoleague, Durrus, Drimoleague, Ballydehob and Schull, to name but a few.

This would have helped in some small way in easing the housing pressure where 8,000 people are left homeless, 3,000 of whom are just children. Advice we gave on the regeneration programme then went unheeded and, a year and a half later, such programmes are headline news. In that year and a half, how many people have been made homeless?

People are caught in a trap. On one hand, good, honest and hard-working couples cannot get a mortgage as their income is too low yet, on the other, they are not eligible to go on the housing list as their income is too high. Rents are rising at an extraordinary rate throughout many parts of west Cork, where HAP payments and rent allowance are falling far short of what

is being sought. Furthermore, far too many landlords are refusing to accept HAP, a practice which must be stamped out immediately.

Numerous people call to my constituency clinics every weekend, as they will to those of other Deputies, who have either lost their homes or are on the verge of such, with unscrupulous banks putting families under huge pressure. This stress is adding to the high levels of poor mental health in the country.

I do not envy the Minister's task in trying to turn this crisis around but if his Government fails to listen to the advice of the people on the ground, I fear to think what the future holds for homeless people.

Deputy Mattie McGrath: I also support this Bill. A half decent effort by anyone in this House on this matter is worthwhile. We are just talking about this. I wish the Minister well but he is the fifth Minister with responsibility for housing during two successive Fine Gael-led coalition Governments and the situation is getting worse. We can talk and get reports. I am on the Joint Committee for Housing, Planning, Community and Local Government and I am blue in the face from reports, from site visits and visits to this place and the other, and from experts. We had more people in before the committee this morning who told it as it is. It is getting worse.

Only last Christmas, it was reported that up to 500 families were about to become homeless in Tipperary. That is only in one county - my county of Tipperary. The Minister is allowing people to be made homeless by his support for the banks and the vulture funds. He is playing catch-up and he has no idea. Deputy John McGuinness and I, along with Senator David Norris, sought to secure cross-party support for a Private Members' Bill aimed at establishing an off-balance sheet national planning co-operative with the sole intention of keeping families which are in mortgage distress in their homes. It would keep them there and borrow money. The group which produced it and the former Master of the High Court went to America recently. They will get funding for this and they will embarrass the Government because they went to the effort of going out to get funds that are there to be borrowed at low interest rates in an effort to sort out this problem, not papering over the cracks and making the situation worse and worse.

I say to the Minister the same thing I said to his predecessor, and I believe it is the reason he did not get to become Taoiseach. I told him he kept talking himself into a bigger hole because the houses had not been built. The hole was getting bigger and the morass was getting bigger and the distress for traumatised people was getting bigger and we have reports, visits and the rest and nothing happened. I will not use the adjective that I would like to use to describe what is happening - it is sweet something something.

The Minister mentions the council. Deputy Healy-Rae came into the Committee for Housing, Planning, Community and Local Government, of which he is not a member, and he spoke sense. There are too many reports up and down the country. There is this report and that report, people are shovelling paper instead of shovelling clay to get the houses built.

Deputy Michael Healy-Rae: I do not blame the Minister for this crisis which is not of his making but it is his position to find the solutions to the problem we have. The one thing our parents, our grandparents and our great grandparents wanted was a home to call their own without being strangled by a mortgage or exorbitant rent. What we want for our children and grandchildren is that they will have homes which will be affordable.

I am asking that local authorities be put in the correct position on this. I very much ap-

precipitate the work of Kerry County Council, for example. The people who work in its housing department, whether in the homeless unit, the people in management or the girls at the reception in the housing department, are doing their best with the resources they have but I am asking the Minister to increase the resources. Please start building houses. Start building single rural cottages. Start acquiring affordable houses and making them local authority homes and giving them to local authority applicants who are waiting for years for housing. The Minister knows I appreciate his efforts. I am not a critical person, I am a positive person who will support good work where I see it being done but I ask him to reapply himself to this job. It is an enormous task. I know he can be up for it but he will have to fight to ensure adequate resources are made available to ensure these young people are looked after when all they want is a corner of the world that is their own.

Deputy Danny Healy-Rae: It went out under the Minister's name. I am not blaming him, but his statement said that he was going to take people out of urban areas and take them out to rural areas to house them. I want him to tell me how many vacant houses or how many houses are ready for habitation in County Kerry which I represent. We do not have houses for the people we have on our own housing lists. Forget about taking people out of Dublin and bringing them down to Kerry because we do not have houses ready for habitation there yet. There are vacant houses but they are a long way from getting them ready or making them fit to put people into them. The Minister must acknowledge that.

The pace at which we are going at these houses is as slow as it took the snail to get to Jerusalem. The Department demands four stages of approval. Imagine what one of those stages was with Kerry County Council. We are building 20 houses in Killarney, the first in about eight years. One of the stages was that the Department wanted the council to lower the cost of the 20 houses. That was very wrong and a needless waste of time. The cost of the houses cannot be determined until the contract goes out and the tender comes in. Those stages of approval being demanded by the Department only hold up the project. I am asking the Minister to say honestly if he has the money to build the houses. If he does not he should come out and tell us and everyone will accept it. I am sure they will because one cannot get blood out of a turnip and one cannot build houses without money. At the housing committee this morning, a Deputy said the local authorities had lost their way in building houses. That was very unfair of him to say. The former Taoiseach said so as well. The local authorities will build the houses as they always did if they have the money and the Government will release it to them to allow them to build the houses. Otherwise, the houses will not be built.

Finally, VAT and levies are demanded on the building of private houses. If the Government could do something about that it would allow private builders to build houses as well. Until it does that, no houses will be built.

Deputy Catherine Murphy: Article 43 of the Constitution guarantees that the State shall pass no laws attempting to abolish the right to private ownership. However, the same article also recognises that such rights of private ownership ought to be regulated by the principles of social justice and may, as occasion requires, delimit by law the right to private ownership if it comes to be at odds with the common good. When read as intended the Constitution is robust on this issue and, if utilised, could become a tool of action to fight the ever worsening housing emergency that we face.

If that were the case and the Constitution was interpreted as intended, this Bill would not be necessary. However, the Social Democrats will support the passage of this legislation through

Second Stage because it provides an opportunity to interrogate why we are not challenging the way in which the Constitution is being interpreted. We welcome the opportunity to have the conversation about how the Constitution can be used in conjunction with other measures to address housing issues. We believe this Bill should be allowed to proceed to Committee Stage and can be amended and discussed in order to arrive at solutions. The Social Democrats have proposed a number of measures and legislation to make this happen, to free up vacant sites, put an end to land hoarding and speculation and ensure housing delivery. As we have done consistently, we call for the establishment of a dedicated housing delivery agency that would act as a powerful co-ordinating body charged with proactively activating publicly-controlled landbanks in a way that would co-ordinate local authorities, housing associations and private builders, because we need to build cohesive sustainable communities.

Recently, we introduced the Urban Regeneration and Housing (Amendment) Bill 2017, which would raise levies on vacant sites. Those levies would increase accordingly each year a site remained vacant. There must be an impediment. We urge the Government to accept this legislation. We are submitting another Bill aimed at ensuring transparency regarding land ownership and land price sales. It is important to know who owns what, because development costs are a big factor. Construction costs are less so, but development costs and land prices are big factors. Knowing who is buying the land to hoard it and subsequently sell it is a major issue.

We know there is evidence of such landholding on a very large scale. It is being tolerated and this needs to stop. This is why we believe a use-it-or-lose-it policy is absolutely essential. We do not believe it is in the common good to tolerate a situation where profit seekers sit on vast acres of land waiting for the price to climb higher. We believe that if the Government is not prepared to challenge the incorrect notion that the Constitution gives precedence to private property over the public good, then the Constitution must change. Either challenge the Constitution or seek to have it changed. We cannot accept the interpretation as it stands at present because it is not in the interests of the common good.

Deputy Seamus Healy: I welcome the Bill and will support it. A right to housing in the Constitution is a key element in tackling the housing crisis, but we must not wait - and we do not have to wait - for a referendum to tackle the crisis. We can and must tackle it now. Government policy has been and continues to be disastrous and disingenuous. The Taoiseach's claim earlier today that Rebuilding Ireland, the housing policy, is working only proves he is completely out of touch with ordinary people. Hundreds of thousands of citizens, including thousands of children, are being damaged by this Government policy which has created a housing emergency and which has left 1,400 families, 8,600 people, including 3,000 children, homeless and, of course, led to three deaths in recent times.

We must stop families becoming homeless. We need to take measures immediately to stop this. We must stop the State-owned banks, our banks, namely, Allied Irish Banks and Permanent TSB, demanding the surrender and repossession of family homes and we must stop them evicting families from their homes. No new legislation is needed to do this. A simple instruction from the Minister for Finance to these banks is all that is necessary. It is an absolute disgrace that this has not been done already. The Minister should ensure that it is done immediately.

Emergency legislation must be rushed through the Dáil to stop vulture fund speculators, banks and others demanding vacant possession of purchased apartments and houses. Tenants must be entitled to remain so in purchase situations. If the political will was there, this could be done overnight. Recently, emergency legislation on the Rugby World Cup was put through the

House in a matter of hours. These measures would go a long way to stopping families falling into homelessness.

Crucial to solving the housing and homelessness crisis is a formal and legal declaration by the Oireachtas of a housing emergency. If there was political will, this could be done quickly. There is already precedent for such an emergency declaration in the financial emergency measures in the public interest legislation introduced by a previous Government.

I welcome the recent statements - in July and again today - of the Irish Congress of Trade Unions on housing and homelessness. It stated that in light of the extent of the human suffering caused by this public policy failure, as well as the economic damage it is doing, the housing situation should be treated as an emergency. It further stated that this is not a matter of choice but an absolute necessity. The Irish Congress of Trade Unions also stated, quite rightly, that the policy of reliance on the market has failed disastrously and that a key priority of the State must be to avoid reliance on the private sector and dramatically increase the building of social housing by local authorities. Local authorities should drive this programme, targeting a sharp increase in the output of social housing to a rate of at least 10,000 houses per year. As a result of the disastrous failure of Government policy, some authoritative body must take this issue by the scruff of the neck and make it a national priority. The Irish Congress of Trade Unions is ideally placed to do this and I call on it to call a one-day general strike in order to demand a solution to the housing and homelessness crisis created by successive Governments.

Deputy Mick Barry: I will start by asking a question: what exactly is going on in the Dáil Chamber this evening? The radical left has proposed that a right to housing be in the Constitution, something which exists in more than 80 other countries around the globe. Every single party represented in the Chamber has indicated its support for this proposal with the exception of two. Fianna Fáil and Fine Gael, the Civil War parties, are joining forces against all others in the Dáil and, I suspect, the wishes of the clear majority of Irish people in order to vote down a proposal that the right to housing be included in the Constitution.

I want to take up a point raised by Deputy Healy, because I also welcome the fact the Irish Congress of Trade Unions issued a call this morning for a national housing emergency to be declared. I take this opportunity to call on the Irish Congress of Trade Unions, in the face of the attitude we see revealed by Fianna Fáil and Fine Gael, to call and organise a major national demonstration to demand the right to housing and the declaration of a housing emergency, and to place centre stage in that demonstration the call that the State should build social and affordable housing for our people on a massive scale. The trade union movement, with hundreds of thousands of people in its ranks, has the potential to organise a major demonstration on this issue and I call for it to do so.

According to the Central Statistics Office, the 2016 census shows that 500,000 young adults are living at home with their parents. This is double the number indicated by the census conducted ten years previously. These young people are members of a locked-out generation. They may never own homes themselves. They may be at the mercy of landlords for decades to come. A total of 83% of their parents' generation owned homes by the age of 36. Today, a mere 50% own homes by that age. It is estimated that by 2020 the average age of first-time buyers of houses will be 40. Why is that? It is because the system is rigged.

The Cairn company owns a landbank of 20% of all undeveloped zoned land in the Dublin area. It is valued at €835 million. A total of 12,000 homes could be built on that land. How

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many will be built this year? The answer is 300. This week, 2.1% of the shares in the company were sold and three people became cash millionaires as a result.

At a meeting of the Joint Committee on Housing, Planning, Community and Local Government this morning, Dr. Rory Hearne and Dr. Mary Murphy of NUI Maynooth presented a report containing staggering, mind-blowing statistics and information. They told the committee that, in order to give payments to a private landlord through the housing assistance payment over a 30-year period in the Dublin area, it would cost the State €274,128 more than it would cost it simply to provide a council house. They took the Rebuilding Ireland target of 87,000 private rental units and said that, if this were translated over a 30-year period, the State would spend €23.8 billion more on paying private landlords than on building the houses itself. These are mind-blowing figures. They show that the policy of this Government is criminal. It is a Government of landlords concerned with enriching landlords on the back of the misery of those who have been locked out and is at the expense of society.

The people who profit from the housing crisis are tied to Fianna Fáil and Fine Gael by a thousand strings - political, economic and social. Indeed, many of the Deputies from these parties profit directly from the crisis. With rents at an all-time high, 36% of Fine Gael Deputies are landlords and 33% of Fianna Fáil Deputies are landlords. Moreover, they worship the very market that caused the crisis in the first place. That is why they are so ineffective in the face of the crisis. Is it not telling that one of the Government's main proposals to tackle the crisis is the return of the bedsit? The essence of a bedsit is shared bathroom facilities. They are cramped and often unsanitary. The Government is using the housing crisis to row back progressive legislation and force people to accept a deterioration in housing standards, going back to the conditions of the 1950s, 1940s and beyond.

On the left, we say what is needed is security of tenure, a ban on economic evictions, a ban on sale as grounds for eviction, and the tackling of the scandal of landlords using minor refurbishment as grounds for big rent hikes. Threshold pointed out last week the example of a Cork landlord who recently hiked rent by 30% after putting on a lick of paint and putting down a few new carpets. We want to put out a call to people who receive notices to quit and face economic eviction this winter to consider seriously refusing to co-operate with their eviction. They should stay put, defy the eviction and defy the notice to quit. In many cases, neighbours, families, friends, housing campaigners, we on the left and others will rally round to support them. We need real rent controls and a ban on rent increases. We must claw rents back to the levels of a number of years ago. A massive programme of direct State building of social and affordable homes is needed.

In 2006, more than 4,000 council homes were built. There were 42,000 people on local authority waiting lists at that time. Last year, when there was more than double that number on the list, 91,600, there were 75 homes built. It is absolutely pathetic. If the rate of social house building that we saw in 2009 had been carried through in the years 2000 to 2016, there would have been an extra 31,136 local authority houses in this country. Their absence is a major contributing factor in the crisis. For that reason, we feel entirely justified in saying that if the local authorities that meet in November to pass budgets for next year do not have sufficient cash and housing plans in those budgets to tackle seriously the housing lists in their jurisdictions in the ensuing 12 months, they should refuse to pass them. They should knock the ball over into the court of the Government and ask it what it is going to do about it. They should provoke a political crisis in the country, if necessary.

At the Fine Gael think-in, the Taoiseach, Deputy Leo Varadkar, said the possibility of repurposing NAMA to develop lands on behalf of the State to step in where the private sector has failed must now be considered for affordable housing. The left has called for that for many years. Let us be clear: the lands and the initiative should be for affordable and social housing alone, not housing for profit or for private contractors or direct builds.

If one wants to see the reality of capitalism today, one need only consider the housing crisis in this State. That is capitalism in action. It entails a bonanza for landlords and developers and a locked-up generation with a growing number of homeless, including thousands of children. The Taoiseach says he is a politician of the European centre. There is no centre about this. This is a right-wing agenda that serves the interest of capitalism, which is red in tooth and claw.

I repeat the call on the trade union movement to have a major national demonstration. Now is the time and place for applying pressure for real action. Meanwhile, we will redouble our efforts to build a political alternative to the bankruptcy of the right-wing parties on this and other issues. We will redouble our efforts to build the left challenge and to have a left Government that will look out for and fight for the needs of the many, not the profits of the few.

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): I am grateful for the chance to answer some of the questions in the debate and to add a few thoughts. I thank all the Deputies who contributed. I had a chance to listen to some of the debate when in my office going through submissions in regard to Rebuilding Ireland and housing. I wish to add to the speech of the Minister, Deputy Eoghan Murphy, and share thoughts on this issue.

I have listened to some of the comments and am constantly hearing about ideology. I have listened repeatedly to Deputy Ó Broin and many others in this Chamber talking about rights, responsibilities and so on. We can discuss responsibilities at a later stage. I want to be very clear: it is not a question of ideology on behalf of this Government and parties that support us. We have had a strong record of investing in social housing when we could and now again we can-----

Deputy Mick Barry: Rubbish. The Government has a strong record on-----

Deputy Damien English: I did not interrupt the Deputy.

An Ceann Comhairle: Nobody interrupted Deputy Barry.

Deputy Damien English: Could the Deputy calm down for a couple of minutes?

Deputy Mick Barry: I am very calm.

Deputy Damien English: I am going to speak for only nine minutes and I speak quickly. The Deputy is just looking for something to be campaigning about. That is grand if that is the way he wants to operate but we are solution focused.

An Ceann Comhairle: The Minister should direct his comments through the Chair. If Members control themselves, we will all be much better off.

Deputy Damien English: It might help. Let me return to the question of ideology and the comments of Deputy Ó Broin and many others. This debate has mainly been very reasonable. Most want to get back to building 10,000 social houses per year. We are committed to that.

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Those who support the Government are also committed to it. We recognise, however, that one cannot just do it overnight. One cannot just flick on the switch because the capacity in the system to build any houses, private or public, was removed. Construction dropped by about 90%. We have to bear that in mind. Much of our work has been to revamp it and increase capacity in the private sector and certainly the public sector. We are committed to social housing. We want a minimum of 47,000 social houses, either built or acquired. That is the same figure that Deputy Ó Broin talks about, bearing in mind an annual rate of 10,000 per year. Therefore, we are on the same page. We wish we could build them overnight but it takes a little time. The Minister, in the review of the plan and in including more actions and driving it on, is increasing the targets to get where we want quicker, but we are talking about the same figure.

I refer the House to the original Rebuilding Ireland document. Like the jobs action plan, it must be updated every year. We have been asked to increase the urgency. Pages 43 to 46, inclusive, refer to increasing the numbers and they imply we want to be building or acquiring 10,000 houses per year. That is what we are trying to do. We are on the same page so it is not a case of ideology. There might be slight timing differences. The Deputies should please park the false argument about ideology. If we want to have a debate about rights, let us have an honest one. We all want the social housing and recognise the need for it. Let us also bear in mind the facts, however. We will go quicker when we can.

I have listened to people saying there is nothing being done and that we are way behind. We are also committed in the plan to revamping and restarting private building. We hope to return to the rate we all want, namely, 28,000 per year. We believed it would take three or four years to get there. The ESRI confirmed in its figures this week that, by 2018, the State will be delivering about 24,000 houses. As it turns out, a good 20% plus of those will be social houses. The percentages are in favour of what the Deputies want. Again, we are on the right trend. I wish that some of the work we have been doing for the past year was more visible to everybody so we could have a better argument here. We can see some of the trends going in the right direction. Some of the data prove that. We recognise on our side, however, that it is not enough to deal with the emergency. We will do more. We will put more money into it and push on.

I can assure the Deputy it is not ideology. Again, the Minister, Deputy Eoghan Murphy, has referred to trends. Planning permissions have increased by 42% or 43%, commencement notices have increased by 40% and the number of housing projects on site has increased this year in the Dublin region and around the country. More than 2,000 social houses will be delivered whereas two years ago, the figure was 75 and last year the figure was approximately 700. Next year the figure will be 4,000. The trends are going the right way. We are trying to get to the figure of 10,000 units. Whoever is in government thereafter can add to and build on that but we need to be realistic as it takes a little more than one or two weeks to achieve that.

The money is available. Deputy MacSharry and others have asked whether the money is real. It is real. We have travelled to every local authority in the country over the past year. In the past couple of months the Minister, Deputy Eoghan Murphy, has engaged with each local authority to tell them straight up, face to face, that the money is available and to get pipelines in place and bring projects forward. That is what we are asking and we will back them.

I can confirm that no project has been refused on funding grounds in any local authority. We have repeatedly asked councillors and colleagues from all parties to drive this agenda at local level. People have referred to affordable housing and using State-owned lands. We have identified 800 sites belonging to the State, 770 of which are in local authorities. The most recent

proposal from Dún Laoghaire-Rathdown was driven by Fine Gael councillors. Every party and councillor can roll in behind this process and drive plans forward. Affordable housing plans on all of those sites are in addition to our commitment to 47,000 social housing units. I ask Deputies not to tell me that we are holding them back. The options are there, the mechanisms are in place and we must drive the process on.

Part of having an action plan for housing is to move things forward at pace and with a sense of urgency. That is part of the reason for having a review in order to determine whether we can do things even faster and add more changes. That is what is happening. People have quoted timelines for the delivery of social housing projects that are out of date. We have improved the system and made changes to speed up the process. In some cases it has not happened quickly enough and we will re-examine the process. A new delivery team is being established to build on the housing delivery office to drive that process even faster and push the system even more to make it even more urgent. We recognise that quite a number of people in emergency situations are declaring themselves homeless on a weekly basis. We will drive on and do more.

The Minister, Deputy Eoghan Murphy, has made it very clear that money is not an issue in tackling emergency homelessness. Money is available for whatever is required, be it the HAP scheme, the hub scheme, acquiring houses, repair and lease back or voids. Everything is happening and we will work as quickly as we can to bring houses on board. Deputy Cowen said people need to see hope and change. Let us reflect on the figures. Last year, more than 3,000 people left a homeless situation and found a housing solution. In the first three or four months of this year, more than 900 people found a housing solution. Last August and September we stood here and made a commitment to move people out of hotels. At that stage, there were approximately 1,100 living in such accommodation. One thousand families have left hotels and are in other accommodation. I acknowledge that more have required hotel accommodation and there has been an increase in presentations in the past three or four months. We will deal with that and some progress is being made.

I do not state that the Government is looking for a pat on the back because it is not enough until everyone is out of emergency accommodation and living in a house. People need to know that progress is being made because taxpayers' money is getting to the root of the problem in some cases. We will build on that and do even more. I ask Deputies not to come to the House and say nothing is happening because that is not the case and the facts do not back that up. We want to do more as quick as we possibly can.

Most Deputies who have spoken have been constructive and tried to put forward good suggestions. The Taoiseach, Deputy Leo Varadkar, and I, have made the same point. I refer to the Action Plan for Jobs. When the then Minister, Deputy Bruton, set out that the Fine Gael and Labour Party Government would create 100,000 jobs over three or four years many, including some Deputies in the Chamber, said this would never be done. In the first year of the plan we received a lot of criticism and people asked where the jobs were because they could not see them. As a Government, we kept saying we were making all the right changes, putting all the resources in place and were making all of the right moves and policy decisions to deliver those jobs. In the second, third, fourth and fifth years of the Action Plan for Jobs the jobs started coming. The private sector worked with us and we were way ahead of target by 2016, when more than 200,000 jobs had been created. The process for the Action Plan for Jobs was right.

The housing process will deliver results. I am confident that all the measures we are putting in place, as well as the new measures that are being added on a weekly basis, will fix the hous-

ing crisis, shortage or emergency – whatever one wants to call it. I was involved in the jobs process and saw what happened.

Deputy Barry mentioned hundreds of thousands of young people. I am not sure of their ages. He said they cannot get houses and are stuck living in family homes. In a debate three or four years ago, Government Members were being told hundreds of thousands of young people had no future in Ireland, would never have a job here and could not be educated. We were asked where they would go. All of that has now changed. Those young people can stay in this country and have the option of getting jobs and developing careers. Our job now is to make sure we can provide accommodation for them and we will do that. As we gave them hope of staying in this country and having the choice, we will do the same when it comes to housing. It means driving on these actions.

I welcome all of the suggestions on how to improve things. Some people in the House made submissions to the Rebuilding Ireland review and others did not bother. Of those that did, we will take them on board and drive them on as best as we possibly can. I ask Deputies not to tell me this is to do with ideology because it is not. We will put the required resources in place and drive the process forward as quickly as we possibly can.

People have talked about rights and how this debate is about inserting rights into the Constitution. I am not sure how that would help to fast-track the supply of private or social housing. The Minister, Deputy Eoghan Murphy, and others have said it is fine to have the conversation. In the programme for Government, we agreed to have the matter dealt with by the appropriate committee, to review the report published a couple of years ago and to have this conversation. There is nothing wrong with having the conversation and making the right decision. The Bill will not solve the housing crisis today, tomorrow or in the next six months or year. We must drive on and keep our focus on the delivery of social, private and affordable housing and ensure people have the choice to rent.

Deputy Barry put forward some suggestions around the rental market. We have made changes. The Government has recognised that if people are to have the choice to rent, which they have in the many countries to which the Deputies referred, it is because there is investment in rental properties from an affordable and cost rental point of view from both the State and private sector. There needs to be investment in property or people will not have choices.

We have rental plans and strategies. The Minister, Deputy Eoghan Murphy, announced more changes yesterday to strengthen the rights of tenants and provide them with more confidence of supply and security. We must recognise the need to balance that with providing investment for housing. People want that choice. As a Government, our job is to do all of the different things to make sure we tackle housing supply. We will do that and I thank Deputies for their support.

Deputy Paul Murphy: The Minister of State, Deputy English, said this is not about ideology, not once, twice or three times but seven or eight times in a ten-minute speech. The Minister of State doth protest far too much and gives the game away. What proposal are Members debating? We are debating whether the right to a home should exist in the Constitution and whether the right to private property — in reality the right to profit from private property — should be limited to ensure the right to a home can be vindicated. It gets to the heart of what the housing crisis is about. It is about the so-called free market and the right to profit versus the right of people to a home. How do Fine Gael and Fianna Fáil answer that question? They answer it without hesitation – they say the right to profit. They say one could not possibly seriously

interfere with the private market. That is ideology but they do not see it as such. The ruling ideology in any society is never recognised as ideology. Rather, it is recognised as common sense.

They may genuinely think that the best way to deal the housing crisis is to incentivise the private sector to build more homes and do some things around the edge. The other mantra is that progress is being made. It is like the debate on jobs, where we were told they were coming around the corner. I came in here in October 2014 and heard that about the housing crisis. I have heard it ever since. The houses and homes have never arrived.

I have no confidence that the Government will deliver the homes because it is not willing to invest seriously in social and affordable housing. It is completely hamstrung both by its ideology and world view and by the rules that codify that world view, namely, fiscal rules which state it cannot use the money that exists in respect of NAMA and the Ireland Strategic Investment Fund, ISIF.

That refusal to interfere in the private market is the reason we have people dying on our streets, 8,000 people homeless across the State, people sleeping in cars, on couches and in tents, tens of thousands of people facing rents they cannot afford, and people trapped in their parents' homes unable to have their own homes. The housing crisis is not an accident. It is a direct result of putting the greed for profit of developers, landlords and bankers before the right of people to a home. That is what exists in this country and that is why we have this Bill.

Last year, we introduced an anti-evictions Bill. It was a simple Bill to ban landlords from evicting tenants, a huge crisis that would be acknowledged. We were met with opposition from Fine Gael and Fianna Fáil who told us that we could not do that because it would be unconstitutional because of the right to private property in the Constitution. At that time, *10 o'clock* we said that was wrong and that it was a narrow interpretation of the Constitution designed to justify not taking those actions. We still stand over the argument. We are saying that even if the Government is right, we are proposing to change that balance in the Constitution by inserting the right of people to a home. Now they say that they could not possibly do that because, in Fianna Fáil's words, it would be like putting a right to the winning lottery numbers in the Constitution. It is nonsense.

This is all rooted in a class reality, that the interests of big landlords, developers and bankers are counterposed to the interests of people on the streets, people facing unaffordable rent hikes and people facing mortgages they cannot afford. A major problem in the Dáil is that it is the class interests of the first group that are represented — what James Connolly described as the committee of the rich. That is what the Government fundamentally is and it is reflected in the ratio of landlords in this place and even more in the Government — the Ministers, Deputies Michael Creed, Regina Doherty, Simon Coveney, Paul Kehoe and Charles Flanagan, and the Chief Whip, Deputy Joe McHugh. This is 13% of the Cabinet compared to 5% of adults in normal society. Are they against the right to housing because they are landlords? No.

An Ceann Comhairle: It is not fair and is without precedent for the Deputy to come in here and make an imputation against named individuals.

Deputy Paul Murphy: There is no imputation whatsoever. These are people who according to the register of interests own-----

An Ceann Comhairle: The Deputy is not saying it to compliment them.

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Deputy Paul Murphy: It is no individual compliment or insult to them.

Deputy Eoghan Murphy: In the context, it is absolutely relevant in how the Deputy raises those names.

Deputy Paul Murphy: Absolutely. Of course, it is very relevant. The point is that-----

Deputy Eoghan Murphy: The Deputy is trying to impugn their good name.

Deputy Paul Murphy: No. The point is that the Government represents the interests of landlords. This is not about individuals in Government but it is wildly out of whack with society as a whole and this is not accidental. It is the world view and the interests they represent. This is fundamentally the point and, as a socialist, I believe that building homes for profit and housing provision generally for profit is incompatible with the right of people to a home. That is why we have this crisis and the answer to this crisis is challenging the basis upon which our housing is provided and upon which our society is organised to put people's needs and rights first.

Deputy Richard Boyd Barrett: I do not want to assert the dominance of ideology for the sake of it because this crisis is too serious but is it seriously a coincidence that Fianna Fáil and Fine Gael refuse to support inserting the right to housing in the Constitution when 84% of people in a randomly selected Constitutional Convention said we should insert the right, when all of the housing NGOs say we should assert this right, and when parties ranging from Sinn Féin to Independents to Solidarity-People Before Profit, the Labour Party, the Green Party and the Social Democrats all say this would be a good idea? Is it a coincidence that Fianna Fáil decided to opt out of the right to housing provision in the European Social Charter? Is it a coincidence that when the Residential Tenancies (Amendment) Act 2016 was being debated and we pointed out to the Government the loopholes that would be exploited by the landlords and which the Government is finally acknowledging, Fianna Fáil and Fine Gael resisted our amendments on those things and our attempts a year ago to close them down?

This has consequences. In my area, the case of the residents of St. Helen's Court is before the RTB. A vulture fund called Apollo Global Management is evicting these residents because it tried to get a 60% rent increase, felt it could not get away with it and came back a couple of months later saying it needed to carry out substantial refurbishments and that the residents needed to get out. Robin Hill apartments were in the hands of NAMA. These 20 or so apartments were sitting empty for the past four or five years. NAMA refused to sell them to the council and now the people who own those apartments, our friend Cerberus, which the Department of Finance met, along with holding 60 other meetings with vulture funds and which was invited to buy this property, is evicting people and because it cannot increase the rent, it is adding over €100 and, in some cases, €200 in additional charges per month for heating and hot water which never existed previously. We pointed out all these loopholes to the Government. These people will be evicted so already the Government's ideology has got in the way of preventing these things from happening. There is no explanation other than ideology.

This Bill is very clear. It is about re-balancing the common good provisions and strengthening them over the rights of private property specifically in respect of the right to housing, but the Government resists. Why? It has not given an explanation other than to say it needs to consider it. The Constitutional Convention made its recommendations in 2014. The Government has had three years to consider it. There have been multiple papers on this, and there have

been conferences and recommendations. It has been done across the world but the Government still resists it. Why? There can be no explanation other than it is because the Government's ideological default position is to defend the landlords and the vulture funds. What is it going to do about the fact that Cairn Homes has 20% of zoned building land? We could build 12,000 units on that land but we are not going to do so because Cairn Homes, a private, for-profit entity, only wants to build 300 units because it is more profitable to do it that way. I say that the State should go in, take that land and build the houses we need. What will Cairn Homes do if we try to do that? It will scream that we are interfering with its private property rights but to hell with its private property rights. The right to housing for the citizens in homeless accommodation comes first. That is what we are saying and we want the Government to agree with and act on that, build the public housing, stop the evictions and profiteering by landlords and vulture funds, get the land that is being hoarded by these people and use it to provide housing for our citizens. The Minister knows damn well what this is about. We need that action because Fine Gael and Fianna Fáil have dragged their heels at every single point of this crisis.

Cuireadh an leasú.

Amendment put.

An Ceann Comhairle: In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 21 September 2017.

The Dáil adjourned at 10.10 p.m. until 2 p.m. on Thursday, 21 September 2017.