



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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# DÁIL ÉIREANN

*Dé Céadaoin, 4 Deireadh Fómhair 2017*

*Wednesday, 4 October 2017*

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

*Paidir.*

*Prayer.*

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## Leaders' Questions

**Deputy Micheál Martin:** The story for people with disabilities continues to worsen year after year. Access to therapies is simply appalling and respite care and opportunities for work for people with disabilities are very poor. The assessment of need statutory rules are continuously breached, but much worse is happening. I could go through a whole range of services for people with disabilities which are very poor indeed.

The latest survey on income and living conditions, SILC, data reveals the deterioration in the numbers of people with disabilities who are out of work due to illness. The situation has deteriorated between, for example, 2014 and 2015. There was a significant increase in the number of people with disabilities at risk of poverty, from 25% to 34%. The consistent poverty rate increased from 14% to 22%. The Taoiseach knows that living in poverty and social exclusion is difficult, but it is particularly difficult for people with a disability.

I refer to the assessment of needs under the Disability Act. At the end of May this year, there were nearly 4,120 children waiting longer than the three-month statutory rule for assessment. The Taoiseach knows that delays in getting assessments mean delays in interventions and this compromises the future development potential of any child in terms of their well-being and their future lives. We have now reached the stage where families are launching an action against the State to compel it to assess their children within the statutory guidelines.

We also know that the Government scrapped the mobility allowance and the motorised transport grant in 2013. An interdepartmental group was established. The Taoiseach was Minister for Health at the time and probably had some knowledge of this. The Minister for Health was given responsibility for bringing in a new scheme for people with disabilities. We have been waiting for the new scheme for four years and seven months, longer than the duration of the First World War. There is no excuse for this inertia and lack of progress.

In terms of essential therapies, particularly occupational therapy, the assessment waiting lists have surged by nearly 50% in two years. A total of 29,600 individuals are waiting, of

which 6,800 have been waiting over a year for an assessment for occupational therapy. The figures up to the end of May show an increase of 9,000-odd over the 2015 figure. The largest cohort consists of those under 17. Nearly half of people on that list are under 17. This is only for assessment. We all know about the long delays in terms of subsequent intervention and the provision of services and that those involved in disability are very disillusioned by the response in terms of the disability strategy and so forth. Does the Taoiseach acknowledge that things are bad, that they are getting worse for children, teenagers and people with disabilities and that there is an urgent need in the forthcoming budget and the Estimates to once and for all tackle this unacceptable blight on our society?

**The Taoiseach:** I acknowledge absolutely that there are lots of shortcomings and problems and that plenty more needs to be done. This is something that will have to form part of the budget and the Estimates process. I am sure we will find additional funding for disability services next year, as we did last year. On behalf of the Government, I want to say that we are very much committed to improving the lives of people with disabilities, supporting their families and providing more opportunities for people with disabilities.

The Deputy mentioned some of the shortcomings and failings. It is also important to balance that by acknowledging some of the progress that has been made, particularly under the leadership of the Minister of State, Deputy Finian McGrath. Examples include a €90 million increase in the budget for disability services last year, which was very significant; a 34% increase in people with disabilities accessing higher education, which is very welcome and has happened over the past number of years; the first increase in weekly payments for people with disabilities, the blind, the incapacitated, invalids and their carers in eight years as a result of the previous budget; the full restoration of the carer's support grant in the budget prior to that; and real progress on medical cards, which is hugely important. Any child with a severe disability whose parents must provide domiciliary care is now entitled to a medical card by right. This has provided an extra 10,000 medical cards for children with disabilities while 40,000 are no longer subject to reviews. This has been very much welcomed across the country.

Other decisions include the fact that somebody receiving disability allowance who takes up work keeps their free travel for five years while the requirement that the work be rehabilitative has been abolished. There are many other examples I could mention. It is important to acknowledge progress and the fact that more progress needs to be made and that more needs to be done in this space. There will always be more work to be done. That is why we have Governments. Disability will be taken very seriously in the Estimates process, the budget and the service plan for the year ahead.

**Deputy Micheál Martin:** There is a very disappointing complacency - almost a smugness - in the Taoiseach's response to issues of this kind. It is now standard practice and a mantra whereby the Taoiseach will just itemise what he sees as positives and so on but will not deal with the hard questions that are asked. If one asked the basic question about access to therapies for children, teenagers and indeed older people in any county in this country, the answer would be that they are appalling. The Taoiseach did not respond at all to the figures I outlined there and the crisis in access to assessment of need as per the Disability Act and with regard to getting proper services in occupational therapy, speech, physiotherapy and much more. It is not a good story. We can describe many cases. For example, there is one involving parents of a four-year old child who was referred for assessment in 2015. The child was assessed 14 months later. That is criminal with regard to that child's potential development. Another child of seven years of age was referred in 2014 and the parents were told that no funding was available for services.

Parents are being told by the services to complain. Another child, aged six, was aged two when diagnosis was applied for and four when diagnosed.

**An Ceann Comhairle:** The Deputy's time is up.

**Deputy Micheál Martin:** There are other such cases. Parents of a nine-year old child in a similar situation were told that no services were available. Those parents really do not want to hear the Taoiseach, Minister for Health or Minister of State with responsibility for disability reeling off statistics. They are fed up with rhetoric and publication of a strategy which Senator John Dolan has said has no targets.

**Minister of State at the Department of Health (Deputy Finian McGrath):** Back me up in the Estimates.

**Deputy Micheál Martin:** They are fed up.

**Deputy Finian McGrath:** They are on the list.

**An Ceann Comhairle:** The Deputy's time is up.

*(Interruptions).*

**Deputy Micheál Martin:** I am not worried about backing up the Minister of State.

**Deputy Finian McGrath:** I told the parents' lobby-----

**An Ceann Comhairle:** I thank Deputy McGrath.

**Deputy Micheál Martin:** I am interested in the families who are at the end of their tether-----

**Deputy Finian McGrath:** Now is Deputy Martin's chance.

**Deputy Micheál Martin:** -----and who really want-----

**Deputy Finian McGrath:** Support and services.

**Deputy Micheál Martin:** -----to get beyond rhetoric and beyond strategies, and want real services for them on the ground. They would expect the Minister of State, Deputy Finian McGrath, to deal with it-----

*(Interruptions).*

**Deputy Micheál Martin:** -----and the Government as well.

**An Ceann Comhairle:** The Deputy is way over time.

**The Taoiseach:** I assure the Deputy that I am just as interested in people with disabilities and their families as he is. I do not think any party in this House has a monopoly on compassion and I do not think any party in the House should claim to. I assure the Deputy that everyone on these benches, both Fine Gael and Independents, is doing their best to assist people with disabilities through constituency work and through our work as Ministers. Many of us have people with disabilities in our families so I do not think, in this House, we should engage in some way in trying to make out that some party or group has a monopoly on compassion be-

cause it is just not true.

**Deputy Michael McGrath:** Nobody ever claimed that.

**The Taoiseach:** I do not accept that my response is complacent. I am just offering balance and accuracy and if I can acknowledge that there are failings and shortcomings, surely Deputy Martin should be big enough to acknowledge that there has been progress as well? Everything I itemised is genuine progress and has really happened. To mention the sort of thing that is being done in the budget this year, there is a €1.688 billion budget for social care. Some 8,400 residential places will be provided, 182,000 respite overnight care nights, 1.4 million personal assistance hours for 2,400 people with disabilities and 24,800 day places, 41,000 day respite sessions, decongregation is happening at pace and people are being moved out of institutional settings and into community houses though not as many as we would like or as quickly as we would like-----

*(Interruptions).*

**Deputy Micheál Martin:** It takes up to two years to get an assessment of need in Cork.

**Deputy Billy Kelleher:** It takes up to two years.

**The Taoiseach:** Genuine work is ongoing. I am willing to accept that there are shortcomings and-----

**Deputy Micheál Martin:** We are not talking about shortcomings, but a crisis.

**The Taoiseach:** -----failings. More progress will be made and I guarantee the Deputy that more progress will be made in the years ahead but it is disappointing that the Opposition is unable to acknowledge any progress that has been made, which is substantial, and I gave examples which are certainly not made up, and I encourage people to check them.

**Deputy Billy Kelleher:** It is disappointing that the Government does not understand its failings.

**Deputy Gerry Adams:** This morning, members of the Irish Farmers Association have gathered at the European Commission's office in Dublin to protest against the Commission's offer of a 70,000 tonne beef quota to Argentina, Brazil and other Mercosur countries, as reported recently. All the main farming organisations across this island have quite rightly opposed this move. Farming organisations agree that there must be a commitment to remove beef and poultry from the agreement or risk destroying one of our biggest and most internationally reputable industries. If the reports of the 70,000 tonne quota are true, then our beef sector and livelihoods of farmers are being sacrificed for a deal with South America. This would create huge difficulties at any time but given the unfolding risk of Brexit, particularly for rural Ireland and its agrifood industry, these difficulties are magnified. Irish farmers have stood up in the past against Brazilian beef imports. They did so for economic reasons but also to safeguard our high standards in animal welfare and health. How can this quantity of beef be accepted from states which do not observe the most basic standards?

The Taoiseach will be aware - he was at the ploughing championships - that farm income is reaching disastrously low levels, especially for small farmers but instead of coming up with measures to tackle this problem to take farmers out of the risk of poverty, the Commission is pushing ahead with its cheap food policy as well as other free trade agreements, such as the

New Zealand free trade agreement and the Canada-EU trade agreement.

In a recent video message, the Taoiseach stated that he was very much in favour of the Mercosur deal because free trade makes everyone better off by creating jobs and revenues, although he has acknowledged that there is a particular concern for our Irish beef sector. This seems to be a completely contradictory statement. The Taoiseach then goes on claim that he wants to make sure that we insist on the highest standards of animal welfare and also health and safety, and also make sure that our beef farmers are competing on a level playing field. Riddle me this. What does that mean? Will the Taoiseach tell us exactly what that means because he does not state that he will block the deal?

The Taoiseach has been a cheerleader, like his Fianna Fáil partners, for free trade deals. For example, the Canada-EU trade agreement, which the Taoiseach defended yesterday, will allow for up to 65,000 tonnes of beef to be imported into the EU tariff free along with 65,000 tonnes of pork. The Mercosur states already supply up to 75% of third country beef imports to the EU market and giving them greater access would be a huge mistake. I am asking the Taoiseach to intervene and be clear, to make it plain to the Commission that it should not proceed with this trade deal.

**The Taoiseach:** First, I am glad that Deputy Adams is watching my video messages. They seem to be having some traction, at least in terms of getting accurate messages across, not only to the public but also to opponents. I have intervened already. I met President Juncker in Tallinn specifically to talk about Mercosur. I met the IFA about it. Deputy Adams can be sure that many of those at the ploughing championships and the Iverk agriculture show in Kilkenny raised it with me.

I left President Juncker in no doubt of Ireland's position with regard to our beef sector. I reminded him of his state of the Union speech in which he stated that we do not only export products and services, we also export our standards and values. I said that I expected that to be reflected in any free trade deal, that our standards of animal welfare, of animal health and of food safety would be reflected and written into any trade deal. I also expressed my opposition to an offer of the scale that Deputy Adams mentioned. That is the position of the Government.

We need to bear in mind, however, that free trade deals are not only about one sector or one part of one sector. They are about a whole picture. We have to judge what is best for the Irish economy in the round, what is best for Irish jobs in the round and what is best for Irish people's incomes in the round. That is how we approach free trade agreements. We look at them in the round. What I want is a Mercosur agreement, a trade agreement between the EU and Latin America, that would be of benefit to Ireland. I cannot see myself or the Government, or the Dáil - it would require the ratification of the Dáil - approving a free trade agreement that did not do that.

**Deputy Seán Crowe:** Is it another rubber stamp job like CETA?

**The Taoiseach:** Deputy Adams can be assured that any trade agreement between the EU and Mercosur will have to benefit Ireland if it is going to pass the Government and this Parliament.

Once again I detect an ambiguity in Sinn Féin's position towards the European Union. At present, Sinn Féin is campaigning against Brexit, it wants to keep Northern Ireland in the European Union and yet along the way it voted against every European referendum and opposed



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every free trade agreement. Essentially, the European Union is a free trade bloc. It is at the core of what the European Union does.

**Deputy Peadar Tóibín:** We could shape it, though. The Taoiseach does not have to descend down to them.

**The Taoiseach:** We have free trade among ourselves. We have a customs union. We have a Single Market. We negotiate trade deals with other parts of the world-----

**Deputy Seán Crowe:** We do not discuss them in here.

**The Taoiseach:** -----and we do so from a position of strength because we are the largest economy in the world with 500 million people and that allows us to negotiate beneficial deals with places, such as Canada, Japan and, at present, Mercosur. Sinn Féin really needs to decide whether or not it is a eurosceptic party because its position-----

**Deputy Peadar Tóibín:** We can engage with Europe without accepting everything.

**The Taoiseach:** -----is just an impossible contradiction. The party says that it does not want Northern Ireland to leave the European Union and that it is against Brexit and yet it consistently opposes what is fundamentally at the heart of the European Union, which is economic integration, free trade agreements with other parts of the world, a Single Market and customs union.

**Deputy Gerry Adams:** I assure the Taoiseach that I am an avid watcher of his videos. I think he could relax a wee bit in terms of his delivery but so far, so good. He is doing not so badly.

*(Interruptions).*

**Deputy Gerry Adams:** I would commend Twitter to him as well as a means of communication with the masses.

There is no ambiguity in Sinn Féin's attitude to the European Union. We are quite rightly critical of a two-tier Europe. I asked the Taoiseach to intervene in very plain words and very direct language and he said - he can correct me if I am wrong - that he is against an offer of this scale. That is not good enough. Everybody here knows that the agrifood industry is one of Ireland's big success stories. We also know that the rural way of life is under continuous threat from urbanisation and bad Government policy. We all agree that Brexit presents a huge difficulty so to even contemplate proceeding at this time, before the conclusion of the Brexit negotiations is foolhardy. The Taoiseach cannot take this deal in isolation. The Taoiseach spoke about ambiguity but his own track record in terms of the Canada and EU trade agreement and the New Zealand free trade agreement is a matter of grave concern. I am asking the Taoiseach to defend our agrifood industry. I said that there is an urgent need for him to intervene, not to just use soft words or ambiguous statements. He needs to say "No" to the European Commission and "Yes" to Irish farmers, farming families and to our agrifood producers.

**The Taoiseach:** Deputy Adams will be delighted to know that I am also an avid follower of his tweets.

*(Interruptions).*

**Deputy Michael McGrath:** There is a coalition on the way.

**The Taoiseach:** There is one thing-----

**Deputy Michael McGrath:** This is a love-in.

*(Interruptions).*

**The Taoiseach:** -----that I absolutely agree with Deputy Adams about and that is the success of our agrifood industry. Why is our agrifood industry successful? It is not because we produce for our own market but because we export. It is trade, and free trade, that makes agrifood successful in Ireland. It is the fact that we trade so much with the United Kingdom, the rest of Europe and increasingly, with China. On balance, trade is good for Irish agriculture. If we did not have free trade, we would only produce for our own market and huge numbers of farms would go out of business and become non-viable. That is why our starting position should be an openness to free trade because free trade and exports are what has made Irish agrifood so successful. That is why we should not come from a starting position of fear and protectionism; we should be open to free trade agreements.

This is an agreement that does not even exist yet. It is something that is under negotiation. The approach that Sinn Féin seems to be advocating, which is so often its approach, is to be against it before it even knows what it is. That is not a grown-up approach to government.

**Deputy Gerry Adams:** We know what it is.

**Deputy Seán Crowe:** We know what we have discussed in here.

**Deputy Joan Collins:** The Thirty-fifth Amendment of the Constitution (Water in Public Ownership) (No. 2) Bill 2016 passed Second Stage without any opposition last November. It seeks to enshrine ownership and management of our public water system in the Constitution by way of a referendum. The Taoiseach has outlined a programme of seven referenda over the next year or so but there is no mention of a referendum on water. The former Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, is on record as being in favour of a referendum and the current Minister, Deputy Eoghan Murphy, has indicated to me informally that he would also be in favour of such a referendum. In my view there is widespread support for such a referendum. One of the main factors behind the opposition to water charges was the belief that paying for water would eventually lead to privatisation in the future. The expert group on water charges, despite having no remit on the issue, took the unprecedented step of including in its report a recommendation for a referendum, given that virtually every submission made to it raised this issue. That recommendation was reiterated in the report of the Joint Oireachtas Committee on the Future Funding of Domestic Water Services. The Bill has been sitting in scrutiny for nearly a year now while the Minister responsible awaits advice from the Attorney General. This is because of some concern over the private group schemes and over wells on private land. My legal adviser, Séamus Ó Tuathail, SC, spoke at the committee and stated that there is a clear distinction between the public and private water systems and that the Bill makes it clear that it refers only to the former. If the Attorney General has concerns, however, I am sure that these could be met through the appropriate wording of the Bill.

My real concern is that there is a Government strategy, possibly supported by Fianna Fáil, to let this Bill sit in committee and wither and die. I ask the Taoiseach to give a commitment that this is not the case; to acknowledge that the Attorney General has had considerable time to scrutinise the legislation; to move amendments on Committee Stage proper so that they can be scrutinised; to send the Bill back here for final Stages; and to set a date for the referendum.



**The Taoiseach:** I understand that the Bill is still under consideration. As to the appropriateness of any wording, I have not spoken to the Attorney General about it for some time so I will have to do so in the coming weeks and see where he is with it. I would point out, however, that any urgency on the referendum on the ownership of public water has gone. When Irish Water was set up as a semi-State company with water charges to cover most of its income, I can understand that there was a concern, even if I do not agree with it, that it might have been privatised in the future. There is now absolutely no possibility of our public water services being privatised because they require a State subvention of €1 billion a year, both capital and current, just to exist. Privatising our public water services is like suggesting that somebody might want to privatise our national schools: it is impossible and absurd. I can understand that there was a worry about this, even though it was not a legitimate one, when we were going the commercial semi-State route. Now that we are not, however, it is hardly relevant anymore. I would like to prioritise referenda over the next few years that actually make a difference and might actually change something. I just do not see the value of having a referendum to say that we cannot privatise our national schools, our cemeteries or the like.

**Deputy Joan Collins:** I am obviously underwhelmed by the Taoiseach's response. There is popular support for this referendum, as the Taoiseach is well aware. Many Right to Change and Right to Water activists signed and campaigned for this. The reason there was such an intense and strong opposition to the installation of meters in communities was that there was an understanding that every meter installed brought us one step closer to privatisation. Practically every party and group in the Dáil has spoken in favour of this Bill, and during the debate on the Water Services Bill last week nearly every Deputy spoke on this referendum. The Taoiseach has stated that this referendum is not urgent. The question of excess water is on the agenda of Fine Gael's Water Services Bill, however. It is not in the form of a fine as agreed by Fine Gael and Fianna Fáil at committee; it is now in the form of a payment. The Bill also gives the Minister the right to reduce the excessive water limit in five years' time. We know that big multinationals are out there waiting to take our water and they are willing to wait a long time for it. It is really crucial, then, that this country enshrines the right to a public water system in our Constitution for future generations. It should be done.

**The Taoiseach:** I disagree with Deputy Collins's analysis of this. Irish Water is no longer a commercial entity. It requires a subvention from the taxpayer of €1 billion a year just to exist. Who is going to buy that? Nobody is. There are no plans and no realistic possibility of there being any privatisation of public water services in the future. The referenda which we have given an indicative schedule for are those which will actually make a difference to people's lives. It may be a minor difference in some cases, for example, ending the prohibition on blasphemy. In other cases the difference could be very significant, such as allowing people to get divorced more quickly. I do not see how this water referendum would make a blind bit of difference because Irish Water is quite simply not a commercial entity and there is no possibility of it being privatised.

**An Ceann Comhairle:** I call Deputy Catherine Murphy on behalf of the Social Democrats.

**Deputy Catherine Murphy:** Yesterday, while speaking on the Social Welfare, Pensions and Civil Registration Bill, I raised serious concerns regarding the so-called activation programme, JobPath. The company which has the contract to run JobPath is Seetec. In the United Kingdom, the same company, Seetec, has been the subject of a fraud investigation following its actions while contracted to the UK Department of Work and Pensions.

The case I raised yesterday referred to a father of two who had some casual employment which was being supplemented by a payment from the Department of Employment Affairs and Social Protection. In order to keep that payment, he was obliged to participate in the JobPath scheme, despite the fact that the nature of his casual work made him an unsuitable candidate, which was acknowledged by all sides at the time. As a result of the JobPath obligations, he lost the small amount of casual work he had and he became fully reliant on a social protection payment, which is the opposite of what the Taoiseach is trying to achieve. He claims he was repeatedly asked to sign documents verifying attendance at sessions he had not in fact attended and was threatened with his payment being cut off if he refused to sign. He was refused a training course of his choosing and instead given one he had no interest in but with the promise that there would be a job at the end of it, but there was no job at the end of it. He was prohibited from accepting any other external offers of employment during the training time and threatened with sanctions if he accepted work outside of the JobPath scenario. Eventually he could no longer refuse work and he took a job. It was at that point that Seetec really showed its teeth. He and his new employer became absolutely pestered by Seetec to fill in forms, fraudulently stating that JobPath had actually secured the employment for him, which it had not. When he refused to do so he was cajoled, shouted at, threatened and harassed. The same happened to his employer, so much so that eventually the employer signed the forms.

This man came to see me because he felt he had to highlight what appears to be, to all intents and purposes, systematic fraud occurring under the auspices of a Department. In the UK, Seetec was accused of artificially inflating the number of jobs it claimed it was finding people. It appears not much has changed. Was the Department aware of the very serious issues in the UK and the investigation of the UK Public Accounts Committee regarding the issues with Seetec before the JobPath contract was awarded. What due diligence was involved? If I were to read back over all the parliamentary replies from Deputy Joan Burton when she was Minister, I note that one of the point she made was that the potential for inflating figures has been taken into consideration when designing JobPath. Does that comment suggest there was an acceptance by the Department that fraudulent practices were unavoidable?

Given the Taoiseach's former role in the Department of Social Protection, as it was then titled, is he aware of similar complaints and concerns that were raised regarding JobPath or, indeed, Turas Nua and, if so, what has been done about it?

**The Taoiseach:** This, perhaps, would be a question better put to the Minister for Employment Affairs and Social Protection who would be more up to date on these details than I would be but I will try to answer the Deputy as best I can. First, there are two companies that have contracts under JobPath, one is Seetec and the other is Turas Nua. I am not sure what the UK company to which the Deputy referred is. Perhaps it is a company that is part of Seetec or part of the conglomeration, or whatever the term is, that forms Seetec, but it is would not be Seetec itself; it would be a different legal entity, as far as I recall. So far JobPath has been a very successful programme. It was originally introduced by the then Minister of State, the former Deputy Kevin Humphreys, and the then Minister, Deputy Burton, and it now continues. We see that from the fact that unemployment is now at 6.1% and, long-term unemployment, which other countries have struggled to get down, is now down around 3%. That is in large part due to the intensive one-to-one work that the JobPath companies do with people.

I cannot comment on an individual case, even if I had the details, which I do not, as there would of course be issues of confidentiality and privacy. What I can say is that there is a quarterly survey done of clients' satisfaction with Seetec and Turas Nua and the vast majority of

individuals who interact with Seetec and Turas Nua, the JobPath companies, report very high satisfaction levels. When dealing with hundreds of thousands of clients, there will always be a number who will have had a bad experience, for one reason or another. We should not base any policy on an individual case, rather they all have to be taken in the round. There is a complaints mechanism and a person can complain to the company. If he or she is not satisfied with how the complaint is being dealt with, a complaint can be made to the Department. I assume that has happened in this case, but, again, as it is an individual case, I do not know the details of it.

In terms of payment, I think the Deputy may misunderstand the contract. The way it works is that the JobPath companies receive an initial registration fee when someone is referred to them. They are only paid if someone is given a full-time job and holds onto it for more than 13 weeks. It is not that Seetec or Turas Nua have to find a job for the person concerned. They may do, but they do not have to. The key test for payment is whether the person has found a job for himself or herself, perhaps with the help of Seetec or Turas Nua, and holding onto it.

**Deputy Catherine Murphy:** Since I raised the issue, a range of people have come forward with similar scenarios and the same complaint has been made to the Committee of Public Accounts by way of letter, as I discovered this morning. It will be included in the correspondence to be dealt with. I hear from people that no referrals are happening. It appears that it is just about keeping people on the books for Turas Nua. I am not prepared to dismiss complaints made to me by members of the public who, at the end of the day, are the end-users of the service. When they come with convincing stories about their treatment, the Department has an obligation to follow up on them. There appears to be too many of them to ignore the issue, as appears to be the case from even a cursory glance of some of the things on the Internet.

**The Taoiseach:** I have absolutely no doubt that there are individuals who have had bad experiences of these companies and that many of the complaints are genuine. Complaints are welcome and should be made. There is a system by which people can make them about issues to the companies and the Department after that. It is a couple of months since I was in the Department with responsibility for social protection issues. However, if I recall correctly, out of 200,000 or 300,000 referrals, there were perhaps 100 or 200 complaints, which is in the 0.1% category. However, complaints should, of course, be taken seriously. They should be made and welcomed as they are often a good way to improve services. That applies to public services also, whether those provided by Intreo, health services or the education system, but the fact that there are complaints should not form the basis for bringing down a whole programme or service.

### **Questions on Promised Legislation**

**Deputy Micheál Martin:** There is a lengthy section in the programme for Government on disability objectives and legislation. Focusing on one area, it states:

Personalised budgets provide an individual with more control in accessing services, giving them greater independence and choice. We will devolve budgets to the person so that they may shop beyond traditional service providers to better fit their needs. To do so, we will establish a Taskforce within 3 months on the implementation of personalised budgets for persons with disabilities. Core to this Taskforce will be:

- The adoption of a single national coherent application system to develop budgets before end 2017

- The adoption of a single national coherent system of accountability for the spend

- Exploring brokerage models...

- Actively monitoring practice, usage and trends....

We are now in October 2017. Will the Taoiseach update the House on progress in the establishment of the task force and its work, as outlined, all of which is to happen before the end of 2017?

**The Taoiseach:** I will have to ask the Minister of State, Deputy Finian McGrath, to give the Deputy a full update, but-----

**Deputy Thomas Byrne:** Yet again the Taoiseach is not on top of his brief.

**An Ceann Comhairle:** Please, Deputy.

**Deputy Thomas Byrne:** Repeatedly-----

**An Ceann Comhairle:** Let the Taoiseach answer.

**Deputy Mary Mitchell O'Connor:** Yes. He had not finished.

**The Taoiseach:** To the best of my knowledge and recollection, the task force has been established and a personalised budgeting scheme has been piloted on a number of occasions. It is a tricky and difficult process because, essentially, it does not just involve giving an individual a personal account which he or she can use to purchase services he or she wants. It means taking money from the service provider who previously received it for the individuals involved.

**Deputy Micheál Martin:** That is what the Government stated it would do. That is the policy.

**The Taoiseach:** It is not straightforward.

**Deputy Thomas Byrne:** Who is in charge?

**The Taoiseach:** We had a Cabinet sub-committee meeting specifically dealing with disability matters last week. The task force has already been established and the budget has been piloted-----

**Deputy Micheál Martin:** The Taoiseach might send me a detailed note on it.

**The Taoiseach:** I will of course ask the Minister of State, Deputy Finian McGrath, to give Deputy Martin a detailed note on that.

**Deputy Gerry Adams:** Ba mhaith liom ceist a chur ar an Taoiseach faoin mhéid atá i gclár an Rialtais i dtaobh an drugs payment scheme. Tá an clár an-soiléir faoi shaoránaigh mhíchumasacha. The programme for Government is very clear that citizens with disabilities should be supported. Yesterday I attended a briefing in the audiovisual room hosted by Seanadóir Rose Conway-Walsh attended by the parents of three wee boys, William, Cathal and Lewis. We were told the drug Translarna could make a real difference for these children. Five year old Lewis

has been eligible for this medication for almost a year but he has not been able to access it as the Health Service Executive is refusing to reimburse the cost. Three year old Cathal, we are told, will lose the use of his legs and may need ventilation to help him breathe, and eventually his heart and lungs will fail.

**An Ceann Comhairle:** I thank the Deputy. Is there a question?

**Deputy Gerry Adams:** William faces a similar fate. In keeping with the Government's commitment in the programme for Government, will the Taoiseach instruct the Minister for Health and the HSE to facilitate the availability of Translarna by agreeing to reimburse the cost and giving these lads a chance to fulfil the potential they have?

**The Taoiseach:** The Deputy is well aware neither the Taoiseach nor the Government has the authority to instruct the HSE to approve any drug. The way drugs are reimbursed or not reimbursed is set out very clearly in legislation and it is a matter for the HSE to decide which drugs should be reimbursed and which are not. I understand in the case of Translarna, the HSE has come to the conclusion, based on medical and clinical advice, that there are limitations to the efficacy of the drug and there is also a very high cost. If something is not very effective and also very expensive, in general the HSE will not fund it.

I am aware that Translarna is available in public health systems in approximately 20 or so other countries. I have sought a bit more information on the decision because, as the Deputy knows, it is often the case that we are among the first countries in the world to approve the use of new medicines. That was the case with Orkambi, for example, which is available here and not in Northern Ireland, for example. That is something I ask Deputy Adams to take up with his MLAs in the North.

**Deputy Gerry Adams:** We have done so. The Taoiseach should note that Translarna is available in the North.

**The Taoiseach:** I know, and Orkambi is not. That is the point I am making. I could speak on behalf of people with cystic fibrosis in Northern Ireland and implore the Deputy and his party to use his influence to achieve that.

**Deputy Gerry Adams:** I will do so. I am sure these parents would be edified by the Taoiseach's partitionist approach to these ailments.

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

**The Taoiseach:** There is a further complication with Translarna with the quite unprecedented position that the pharmaceutical company making the drug has taken the Government to court. That is certainly making a solution much harder to find.

**Deputy Bríd Smith:** Even somebody as well known, media savvy and dynamic as the Taoiseach could easily have been missed at the massive demonstration for choice that took place in Dublin last Saturday. Among the tens of thousands of people were thousands of young students who were concerned and queried many Deputies there about the timing of the referendum next year and who would like to see it happen during the academic year rather than the proposed date of 8 June mooted by the Taoiseach. The reason is simple as many of them - thousands of students - leave the country as soon as their exams are finished to take up employment. Having campaigned very vigorously for the first time in their lives to have choice over their own bodily



autonomy and a say in this important matter, they would be deprived of a vote. The vote on the same-sex marriage referendum took place in May so could the Taoiseach at least commit to doing his best to have the vote when the students are still around rather than when they would exit the country?

**Deputy Mattie McGrath:** They can vote if they come back.

**The Taoiseach:** I like the new charm offensive from Deputy Smith. She called me well-known, media savvy and dynamic and I have not received such praise from the far left before.

**Deputy Bríd Smith:** I was slagging. It is not a charm offensive.

**The Taoiseach:** I thank her nonetheless.

**Deputy Bríd Smith:** I am not known for charm offensives.

**The Taoiseach:** No, but as always she was articulate and asked a very pertinent question. It is very much my preference that the referendum be held in May rather than June in order that we maximise the number who will be able to participate in it. I have met student groups and said this to them. There is an all-party committee which is to make a recommendation to the House on whether there should be a referendum and also on the wording. As almost all of us accept at this stage that there will be a referendum, I look forward to seeing the committee's recommendation on the wording. It will then be up to the Government, or the House, to propose a wording. We will require legislation and a referendum commission, as well as time for a campaign. Based on that process which is the only one we can follow, the earliest we can hold the referendum is May. That is certainly my preference, but it is not something that is fully under my control. Ultimately, the Oireachtas will decide the date of the referendum, not the Government.

**Deputy Mattie McGrath:** Commitments to improve child welfare services are outlined on page 75 of the programme for Government. This morning the organisation One in Four stated it was extremely worried that dangerous offenders might be continuing to abuse children, even though they had been brought to the attention of Tusla. When I raised this matter with the Taoiseach recently, I told him that Tusla had received a truly shocking 70,000 referrals for abuse between 2013 and 2016. Will the Taoiseach, please, ask the Minister responsible to ensure dangerous offenders will be targeted by Tusla and that vulnerable children will have every resource necessary made available to them?

**The Taoiseach:** I will. The Deputy will be aware that Tusla was established in 2014 as a dedicated child protection agency. Its budget for this year is €713 million, a 5% increase on its budget for last year. The Minister for Children and Youth Affairs, Deputy Katherine Zappone, is absolutely committed to ensuring and improving child protection in Ireland. The One in Four report states Tusla was unable to proceed with 79 of 91 cases because the alleged victim had declined to meet the Tusla social worker. Legally and in keeping with fair procedures Tusla is obliged to meet the victim directly to validate his or her statement before it can approach the alleged abuser. One in Four reported that 12 of its clients had made a statement to a Tusla social worker. In three of these cases Tusla was assessing whether the alleged abuser posed a risk to children. One case was deemed to be founded; five cases were deemed to be unfounded, while the three remaining cases were closed without an assessment of risk because the person concerned could not be located, perhaps because he or she had left the country or had died. It is important to point out that it is the role of the Garda to investigate historical allegations of



crime. Tusla's role is to assess whether there is a current risk to any child. That is what it does.

**Deputy John Brassil:** My colleague, Deputy Billy Kelleher, via a Private Members' Bill in 2013, raised the issue of the need to change legislation to allow for the use of biosimilar products to compete with biological medicines. Ireland is probably bottom of the class in dealing with this issue. There are 28 products available in the European Union, of which Ireland only allows the use of 11. We need to change the legislation to allow biosimilar products to compete. We need to take them off the list of medicines which are not interchangeable. Physicians are currently not allowed to interchange. Physician-led interchangeability is also not allowed. One example is a product called Enbrel which is used in the treatment of arthritis. In August 48,000 boxes of Enbrel were dispensed. There is a biosimilar product available called Bene-pali, of which only 56 boxes were dispensed in the same timeframe. There are huge savings to be made. We discussed the product Translarna this morning and Respreeza yesterday. There are millions of euro to be saved if we act on this issue. A simple change to the legislation would help to bring such savings about. I ask the Taoiseach to activate it immediately to enable us to access the products we currently cannot access.

**The Taoiseach:** I am not sure legislation is required in this area. I would have to check that with the Minister for Health. I understand we use some biosimilars but I will ask the Minister for Health to contact the Deputy directly.

**Deputy Danny Healy-Rae:** I have to raise again the question of orthodontic treatment for young girls especially, or the non-treatment of these girls. I am sure it affects boys as well in the county that I come from. What progress has the Taoiseach or the Minister for Health made with the Health Service Executive, HSE, in finding out why such a delay exists? I have been told there are five types of waiting list: priority, fixed, routine, emergency and a thing called the waiting list initiative, which was last offered in February or March 2016.

**An Ceann Comhairle:** Thank you, Deputy. The time is up.

**Deputy Danny Healy-Rae:** Why is it that there has been no funding for that waiting list initiative since 2016?

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

**Deputy Danny Healy-Rae:** This Government is giving millions of euro to the HSE and we are not looking after these vulnerable people. Is the Government going to deal with this or not? If it does not it should forget about it altogether and pull out. It has gone beyond-----

**An Ceann Comhairle:** The Deputy has gone beyond time anyway.

**Deputy Danny Healy-Rae:** It has to be dealt with.

**The Taoiseach:** There is funding for waiting list initiatives this year. There is €15 million provided for the National Treatment Purchase Fund, NTPF. Precisely how that is allocated to different procedures is a matter for the HSE and the Minister for Health.

**Deputy Danny Healy-Rae:** I am sorry to say we have got nothing in Kerry since 2016.

**Deputy Noel Rock:** Everyone in this House knows the merits of an independent permanent electoral commission: an increase in voter participation and in voter education, maintaining the electoral register and monitoring campaign finances among many other benefits. Is there an

established timeframe for the legislation this will require or for the establishment of this body?

**The Taoiseach:** There is no timeframe for it. It is very much a long-term project. In the meantime local authorities will continue to manage the electoral register and the Standards in Public Office Commission, SIPOC, will continue to carry out its role.

**Deputy Tony McLoughlin:** The programme for Government makes a commitment to developing and enhancing many rural towns and villages throughout the country. Many of these towns in my constituency, Sligo-Leitrim, are suffering badly as a result of the property-led economic crash and the recession. What proposals does the Government intend to put in place to enhance the towns and villages? Is the Government committed to the three-year plan for the village and town renewal programme?

**The Taoiseach:** There is indeed a programme for Government commitment to advance a town and village renewal scheme. Deputy McLoughlin may be interested to know that the Minister for Rural and Community Development, Deputy Ring, and the Ministers of State, Deputies Moran and Kyne, are in Longford announcing €21 million in funding for towns and villages, including 14 projects in County Sligo, including Tubbercurry, Strandhill-----

**Deputy Thomas Byrne:** Deputy McLoughlin should read his post. We all got an email about that.

**The Taoiseach:** -----Rosses Point, Gurteen, Easky, Coolaney, Carraroe, Carney-----

**Deputy Anne Rabbitte:** How come we got it and he did not?

**Deputy Thomas Byrne:** The Deputy must have missed it. He is not reading his post.

*(Interruptions).*

**The Taoiseach:** -----Bunnanadden, Banada, Ballymote, Ballygawley, Ballisodare and Achonry-----

**Deputy Marc MacSharry:** Deputy McLoughlin should tell Deputy Rock to take a leaf out of his book. The Deputy should read his email before asking a question.

**Deputy Thomas Byrne:** Deputy Scanlon has it.

**Deputy Eamon Scanlon:** I will give it to the Deputy by the end of the day.

**Deputy Michael Healy-Rae:** As a person involved in the planning process I wish to put on the record what could be perceived as a conflict of interest. With regard to the content of the programme for Government on tackling the housing crisis, how much longer must people wait to see the changes in regulations and the planning process that this Government is going to bring forward to help people trying to get and provide accommodation, who find obstacles and red tape in their way? When will the Government act on this and how much longer will people have to wait? There has been report after report-----

**Deputy Frank O'Rourke:** There is a Private Member's Bill in the afternoon.

**Deputy Michael Healy-Rae:** That is a Private Member's Bill or motion but I am asking the Taoiseach the question.

**The Taoiseach:** I understand the Minister, Deputy Eoghan Murphy, will announce changes to some of the planning regulations within the next ten days. The Deputy will also be aware of Deputy Barry Cowen's Bill which is before the House and which the Government is supporting which has been designed to make it easier for people to bring vacant units into residential use. The Deputy will also be pleased to know that County Kerry benefits from what has been announced to date to the tune of €868,000, which includes funding of over €64,000 for Killorglin.

**Deputy Barry Cowen:** Would the Taoiseach care to announce it?

**Deputy John Lahart:** In the programme for Government the Government outlines that its approach to governing will be seen clearly in how it addresses the issues of housing and homelessness. It goes on to state it will be expediting significantly the delivery of social housing. In 2014, when I was a councillor, South Dublin County Council initiated a Part 8 process in Rathfarnham in my constituency for 38 social houses. Of 40 councillors, 39 supported this process. Deputy Alan Kelly was then Minister for Housing, Planning, Community and Local Government at the time. When the Part 8 process was approved in November 2015, Deputy Simon Coveney was Minister. Two years later, despite councillors' approval and much community support, the sod has yet to be turned on the site and now Deputy Eoghan Murphy is Minister for Housing, Planning and Local Government. As I know that the delay is not on the council's side, what do I say to 38 of the 10,000 people on South Dublin County Council's housing list? How has the Government expedited the delivery of social housing?

**The Taoiseach:** I do not know the reason for the delay in the particular project. I will ask the Minister, Deputy Eoghan Murphy, to contact the Deputy about the matter. On the provision and funding of social housing, someone suggested we use the term "public housing" which I agree would be a better term than social housing. We have gone from the construction of only a few hundred units two years ago to over 2,000 this year.

**Deputy John Lahart:** Only ten will be completed in south Dublin this year.

**The Taoiseach:** The figure will increase to 3,500 next year. The number of planning permissions has increased by 49% year on year. The number of commencement notices has increased by 47%, while the number of active residential sites in Dublin has increased by 18%.

**Deputy John Lahart:** The Taoiseach is not answering the question of how the Government is expediting the process.

**The Taoiseach:** I do not know about the project mentioned, but I will ask the Minister to correspond with the Deputy on the matter.

**Deputy Charlie McConalogue:** The report of the expert panel on defective blocks was presented to the Government and published in June. It deals with up to 5,000 homes in County Donegal which are affected by defective blocks because of their mica content. A small number of homes in County Mayo are similarly affected. The report notes that remediation works will be required in order to address the problem. Has the Cabinet had an opportunity to discuss the report? Why has there not yet been a commitment from the Government to establish a remediation scheme in order that the 5,000 families waiting for an answer from the Government can have some stability and hope returned to them that their homes will be fixed?

**The Taoiseach:** This refers to the pyrite and mica issue. The matter is being dealt with by the Minister for Housing, Planning and Local Government. It has not yet come before the

Cabinet, but we will give the people affected an answer when we have one.

**Deputy Bobby Aylward:** On page 38 of the programme for Government there is a commitment to secure the future of the post office network. At a meeting in Kilkenny in May most postmasters told me that nothing had been done, despite all of the Government's talk and promises. Yesterday the Irish Postmasters' Union refuted plans proposed by An Post for future contracts between the two. It argues that most post offices are being closed by stealth and that when postmasters and postmistresses retire, An Post tries to close their former post offices. The Government is standing idly by, although we have been promised plans by the Minister. I believe he is due to meet the Irish Postmasters' Union tomorrow. What is the Government going to do to save post offices not only in rural Ireland but everywhere?

**The Taoiseach:** The Government is very aware of the importance of the post office network around the country and the value that people attach to it in their communities. It is important to point out the number of post offices closed between 2002 and 2011 during the last Fianna Fáil Government was 700. However, in the past five or six years, notwithstanding the economic downturn, the number of post offices that closed was 40. Ultimately, when post offices do close it is because they become commercially non-viable and it is no longer possible to find a postmaster to run them. I am very much of the view that we should not judge the success of rural Ireland based on the number of post offices. People in rural areas, just as is the case in urban areas, use post offices less and less because more people are at work and more people have broadband and tend to do things online. If we judge the success of rural Ireland it should not be based on the number of post offices, it should be based on the number of jobs, the population, the quality of infrastructure, schools and all of these factors.

*1 o'clock*

**Deputy Bobby Aylward:** The Taoiseach did not answer me.

**Deputy Marc MacSharry:** Page 60 of the programme for Government speaks about improving waiting times, and along the same lines as our Leader on Leaders' Questions earlier dealing with people with disabilities and other treatments, juvenile arthritis is a major crisis in this country. It might not affect every family, but it affects members of my family and it certainly affects families in every constituency. Young children in chronic pain are on waiting lists for up to two years. At present, we have the equivalent of two and a half paediatric rheumatologists available to treat these children. International best practice states we need to have in the order of six. Despite numerous meetings by lobby groups and organisations on behalf of the parents and many Deputies here raising the issue, it seems the word around the campfire in the HSE is that the cupboard is bare and no money will be available for additional paediatric rheumatologists. I appeal to the Taoiseach to include this in the forthcoming budget because not to treat these children will ultimately be counter-productive because it will cost the State more as these children's treatments become more complicated as their condition worsens.

**The Taoiseach:** The word around the campfire in the HSE is always that the cupboard is bare yet the facts say otherwise. We have the biggest health budget in the history of the State.

**Deputy Marc MacSharry:** A bit of balanced accuracy now, the same type as the Taoiseach was talking about earlier.

**An Ceann Comhairle:** The Deputy asked a question. Will he hear the answer?

**The Taoiseach:** We have the biggest health budget in the history of the State and it will rise

again next year. It will not be long before we are in the top two or three in the world in terms of spending *per capita*. We need to move the debate on from how much money we spend to how it is being spent and what difference it is making for patients. We have a couple of hundred more consultants now than there were a number of years ago. I cannot say specifically whether consultants will be recruited in that area-----

**Deputy Marc MacSharry:** Ceann Comhairle, which question is he answering? Did somebody else ask that question?

**The Taoiseach:** -----but given what the session is, a question like that would be best asked to the Minister for Health as a parliamentary question rather than-----

**Deputy Marc MacSharry:** So we are not answering. There are 400 children. There is no room for balanced accuracy on this one.

**Deputy Thomas Byrne:** I wonder whether the Taoiseach is aware of what appears to be a low-level industrial dispute in Bus Éireann at present, which is causing significant difficulty to my constituents in east Meath. I understand it is also causing difficulty in north Kildare and along the eastern region.

**An Ceann Comhairle:** That is not promised legislation.

**Deputy Thomas Byrne:** There is a commitment in the programme for Government to improve public transport.

**An Ceann Comhairle:** That is really stretching it.

**Deputy Thomas Byrne:** This is causing huge difficulty and I wonder whether the Government will get involved. Bus Éireann is making allegations about drivers. The drivers are denying them and all the while many bus users are being completely inconvenienced. The Government needs to get a grip on Bus Éireann and get it to do what is necessary or, as some constituents are pointing out, perhaps ask Dublin Bus to service some of the routes particularly close to Dublin, because there are huge difficulties at present and people are being left completely stranded, particularly students who cannot use the private bus services going directly into town or use them at different times of the day.

**The Taoiseach:** I understand this relates to a dispute over the introduction of new rosters in Bus Éireann. As it is an industrial relations matter it is of course a matter to be handled between the unions and the company.

**Deputy Bernard J. Durkan:** The health insurance (amendment) Bill is promised legislation. It relates to the risk equalisation credits and corresponding stamp duty levies on health insurance policies for 2018 to incorporate the lifetime community rating system, and will have an impact on public health insurance. When is the Bill likely to come before the House?

**The Taoiseach:** The Bill was approved by Cabinet this week, so it will come before the House and will be enacted, or it is intended it will be enacted, through both Houses before the end of the year, as it has to be. As the Deputy mentioned health insurance, I certainly welcome the news this morning that VHI, the biggest health insurance company, is going to reduce its premiums across a number of plans. That will be welcome news for people across the country because it is the first time we have seen health insurance premiums go down in a very long time.



**Deputy Michael Fitzmaurice:** In the programme for Government, in which the Taoiseach was involved, there is a commitment to a review of the air ambulance service across the country in light of very slow response times in some areas, especially the west. The Government is halfway through the term of its confidence and supply agreement. Will it be at the end of that term or at another stage that the Government will honour this commitment? Is there any commitment at all?

**The Taoiseach:** If I recall correctly, that commitment is in the programme for Government, not the confidence and supply agreement. We are only about 20% of the way through the commitments of our programme for Government, which runs for five years. I do not believe the review has started yet but we will certainly do it. I had the experience of spending a few hours travelling with the air ambulance service as Minister for Health. It is a service that saves lives because it gets people to the right hospital quickly, particularly if there is major trauma, a heart attack or another condition requiring a certain form of treatment. It is something we are very committed to extending in the years ahead.

**Deputy Willie O’Dea:** I was about to launch a charm offensive but somebody beat me to it, obviously.

**Deputy Bernard J. Durkan:** Do not be shy.

**Deputy Willie O’Dea:** I want to ask the Taoiseach about the commitment on page 83 of the programme for Government, which states, “We will introduce a uniform homecare service so all recipients can receive a quality support, 7 days per week”. The Taoiseach will be aware that there is no more quality or uniformity in the home care service than there was when the document was written back in February 2016. Seven days per week is a joke; even seven hours per week would be an exaggeration. The service has ground to a halt in Limerick. When will we reach the nirvana set out on page 83 of the programme for Government?

**The Taoiseach:** Unfortunately, we shall never reach nirvana. Nirvana is a concept to aspire to but it is always good to have a concept to aspire to.

**Deputy Willie O’Dea:** The document states, “We will”.

**The Taoiseach:** There is public consultation under way - the Deputy is one of the people who led on this and helped to instigate it - on moving to a whole new system of home care, something similar to the fair deal scheme. We are keen to progress that as soon as possible.

**Deputy Kevin O’Keeffe:** While the Minister for Housing, Planning and Local Government is constantly developing strategies for the delivery of housing for social housing applicants, an issue arises. Local authorities have been directed to purchase houses at all prices. When will the Taoiseach direct the local authorities to focus on building? I have seen cases where private individuals were outbid by the local authority. I have been assured by some of those individuals that if they went to the bank to ask for a larger mortgage to outbid the council, the bank would not agree to give them a loan for the purchase of the house. The local authorities have an open cheque. Does the Taoiseach believe this represents value for money? When will he be in a position to direct the local authorities to build as opposed to buying houses in tranquil, settled estates that have already complied with Part 5? There are issues arising. When can we see a change of emphasis from buying to building?

**An Ceann Comhairle:** Is there legislation promised in this area?



**The Taoiseach:** There is no legislation but the Minister, Deputy Eoghan Murphy, announced a few weeks ago at the housing summit at the Customs House a policy change to do exactly as outlined. Instead of purchasing houses, local authorities have been asked to build them. Eight hundred houses that were to be purchased next year will now be built by local authorities instead. That is not to say the local authorities will never buy houses in private estates again. Sometimes it is appropriate that they do so, to ensure there is a social mix and particularly if a house is derelict or has been abandoned. Louth County Council, in particular, has been very progressive in using its CPO powers to purchase private houses and turn them into public housing. In general, however, the policy shift is away from local authorities bidding against young couples trying to buy a house in favour of building them instead. That announcement was made by the Minister, Deputy Eoghan Murphy, at the Customs House a couple of weeks ago.

## Ceisteanna - Questions

### Taoiseach's Meetings and Engagements

1. **Deputy Micheál Martin** asked the Taoiseach if he has spoken to Chancellor Merkel recently. [40409/17]

2. **Deputy Seán Haughey** asked the Taoiseach if he has spoken to President Macron recently. [40539/17]

3. **Deputy Micheál Martin** asked the Taoiseach if he will report on his meeting with Mr. Guy Verhofstadt on 21 September 2017; and the issues that were discussed. [40675/17]

4. **Deputy Joan Burton** asked the Taoiseach if he will report on his meeting with Mr. Guy Verhofstadt, MEP, on 21 September 2017. [40730/17]

5. **Deputy Richard Boyd Barrett** asked the Taoiseach if he has spoken with Chancellor Merkel recently. [41674/17]

6. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his meeting with Mr. Guy Verhofstadt and the issues raised. [41718/17]

7. **Deputy Micheál Martin** asked the Taoiseach if he has spoken to other EU leaders recently regarding Ireland and Brexit. [41866/17]

**The Taoiseach:** I propose to take Questions Nos. 1 to 7, inclusive, together.

Ongoing political engagement with our EU and international partners is crucial, especially as negotiations on Brexit proceed. I will continue to use every opportunity to ensure that other member states and EU institutions fully understand our particular concerns arising from Brexit in order to enable the best possible outcome for this country. Other Ministers, in particular the Minister for Foreign Affairs and Trade, Deputy Simon Coveney, who has special responsibility for Brexit, are also meeting their EU counterparts on a regular basis.

I attended my first meeting of the European Council in June. I took the opportunity to arrange bilateral meetings there with President Tusk, President Juncker, who was joined by

Michel Barnier, the German Chancellor Angela Merkel and the Estonian Prime Minister Jüri Ratas. I also spoke informally in the margins of the European Council with a number of other European counterparts.

Last week I attended the digital summit in Tallinn, where I also had a bilateral meeting with the Dutch Prime Minister Mark Rutte and invited him to visit Dublin before the end of the year. I spoke informally in Tallinn with a number of other EU Heads of State and Government, including French President Emmanuel Macron, with whom I will have a full bilateral meeting in Paris later this month. I also congratulated Angela Merkel on her re-election to her fourth term as Chancellor, and said I looked forward to continuing to work closely with her to solve the issues that shape the future of our shared Union. I have also had a number of other important bilateral meetings since taking office as Taoiseach, including with Prime Minister May, most recently in London last week, the President of the ECB, Mario Draghi, and the Prime Minister of Canada, Justin Trudeau.

I met Guy Verhofstadt, the European Parliament's lead Brexit co-ordinator, in Dublin on 21 September, having met him in June when I was a Minister. We discussed all aspects of the Brexit negotiations, with a particular focus on Irish-specific issues, namely, the Good Friday Agreement, the peace process, the Border and the common travel area. Mr. Verhofstadt was on a two-day visit to the island of Ireland and met community and business groups and political parties in Northern Ireland. I thanked him for his personal engagement on the issues and his very supportive statements towards Ireland. We also exchanged views about the future direction of Europe and I updated on our plans for public engagement on this important matter.

Preparing for and dealing with Brexit in a way that delivers the best possible outcome for the country remains a top priority for the Government. The particular issues affecting the island of Ireland are being given priority and considerable attention by our EU partners and the EU task force led by Mr. Barnier. They fully share our concerns and approach, and are working to ensure progress is made on Irish issues in the negotiations with the UK.

**Deputy Micheál Martin:** I thank the Taoiseach for his response. Yesterday, he said he was not asking for any special status for Northern Ireland because he was holding out for the UK remaining in the Single Market and customs union or for there to be a full free trade zone covering the UK and EU. I would argue that this is quite a peculiar position given the fact that the UK and EU have established as co-redlines demands which make this outcome literally impossible.

The UK wants free trade but no budgetary contributions and no role for EU law or courts. The 27 EU member states, including Ireland, say that these are fundamental requirements. The risk is that the failure to even table solutions specific to Ireland runs the risk of us being left with an agenda solely involving how to manage a customs border. Will the Taoiseach continue to refuse to raise any special measures in these discussions?

As well as using the Government jet to film a party political video, the Taoiseach did the same at the Irish Embassy when he met the Dutch Prime Minister. Yesterday, he used the dismissive tone that is sometimes his trademark during Leaders' Questions and implied that anyone questioning him was calling for a return to typewriters and fax machines. As the Taoiseach knows, for years every party has posted social media videos. However, the Taoiseach is the first to see no distinction between his official role and his party political role. To him, everything seems to be part of the campaign for Leo.

Can the Taoiseach confirm it is still his position that Government employees and facilities used during European Union summits can be used for creating and posting Fine Gael Party videos? How does he square that behaviour with past practice and ethics legislation? It is a very fundamental point. It is not about the mere utilisation of videos. Rather, as I have said, it is about the utilisation of Government employees and facilities for party political purposes.

**Deputy Seán Haughey:** I welcome the fact the Taoiseach is having a bilateral meeting with President Emmanuel Macron. Yesterday he informed the House he had read his recent speech in which he set out a vision for Europe. He called for a more sovereign, unified and democratic EU and for the re-foundation of Europe. We can all agree with that. There were things in his speech with which we in this country would agree and other things about which we would have concerns.

He mentioned tax harmonisation and saluted the Competition and Finance Commissioners. They have started pushing certain actors and countries. He said we must grow further and cannot allow structural funds to finance lower corporate tax rates - that is Europe backwards.

The Taoiseach will be aware that the European Commission has decided to refer Ireland to the European Court of Justice for failing to recover €13 billion in illegal state aid from Apple. We need to concentrate on the things we agree on in member states. When the Taoiseach has his bilateral meeting with the French President, can he discuss the issues of concern to Ireland and point out to him the important role small nation states can play in shaping the future of Europe?

**Deputy Richard Boyd Barrett:** The situation in Catalonia, about which the Taoiseach was asked yesterday, continues to escalate. What conversations has he had, and what does he intend to have, with other European leaders about the escalating crisis?

There was a narrative yesterday, partly echoed by the Taoiseach, involving the condemnation of violence in general and the need for dialogue. Judging from the unprecedented intervention of the Spanish King, it is absolutely clear that the Spanish state is totally intransigent. It is not interested in dialogue or mediation. The belief in Catalonia is that if the Catalonian people try to declare independence based on a 90% "Yes" vote in the referendum, there will be serious repression, more than we have seen to date.

What is the attitude of the Taoiseach towards that? What attitude, if any, has he garnered from other European leaders about what appears to be an intransigent and brutal effort by the Spanish state to suppress people without any willingness to discuss a democratic move towards self-determination by the people of Catalonia? Do European leaders recognise how serious the situation is? It is the most serious political and constitutional crisis Western Europe has faced in some decades. Do the Taoiseach and other European leaders have a sense of urgency about the situation? What stance are the Taoiseach and other European leaders going to take on this situation?

**Deputy Gerry Adams:** The Taoiseach's reply refers to a lot of contact, which is appropriate given the urgency of the situation and the centrality of the Brexit issue. It is difficult to know what the outcome will be because it is hard to figure out the Government's position on some of these issues. I refer in particular to the decision by the European Court of Justice. The European Commission confirmed today that it is taking the State to the European Court of Justice for the failure to recover up to €13 billion of tax due from Apple. The Taoiseach will remember that last August the Commission ordered Apple to pay unpaid taxes as it ruled the firm had re-

ceived illegal state aid in a sweetheart deal. Apple is appealing this, which is fair enough, but that is not good enough for the Government. Not only does it not want to get the money back for taxpayers, it is also appealing the decision. I am sure we will be told by the Minister for Finance next week that there is very little money available and that the priority must be to balance the books, whatever that means. Households cannot balance their books, but I am sure we will be told resources are limited, yet there has been no effort made to recover the money and now we must pay huge amounts in dealing with the court cases, the appeal and the Commission's decision to take us to the European Court of Justice. Will the Government drop its appeal which has already cost €3.6 million? When I raised the issue of the use of Translarna earlier, the Taoiseach said there was a cost factor. We could collect the taxes owed by Apple. It would go a long way towards dealing with these difficulties within the health service and the housing emergency and also save the taxpayer the millions we will now have to pay out in dealing with two court cases.

**The Taoiseach:** The Government notes the announcement made by Commissioner Vestager this morning. It is a decision with which we disagree. We believe it is wholly unnecessary and very much unwarranted at this time. We profoundly disagree with the European Commission's interpretation of state aid rules. It is our view that tax is a matter of national competence. It is a matter for this Parliament, not the European Commission. It is already on appeal to the European Court of Justice. Even so, in the meantime, we are making arrangements to collect the €13 billion from Apple. The NTMA is managing this process and has tendered for fund managers to set up an escrow account and someone to manage the money until the European Court of Justice decides to whom it belongs. I am aware that the budget will be announced next week and it is very important to say this is not money that could be spent this year or next year to solve any of our problems or do anything. It is money that must be held in a ring-fenced escrow account until the European Court of Justice decides to whom it rightfully belongs - Apple, Ireland or other countries.

On the ongoing Brexit negotiations, it is our preference and negotiating position that we maintain free trade in merchandise and services between Great Britain and Ireland. I know that the issues of Northern Ireland and the Border are extremely important, but from the point of view of Irish business and agriculture, the level of trade between Ireland and Great Britain is much greater than that between Ireland and Northern Ireland. As this is particularly the case for the agrifood sector, we are determined to secure a customs union partnership and a free trade agreement or area between Great Britain and Ireland in the post-Brexit scenario. We do not want to sacrifice or give up our free trade with Great Britain. That is very much our position. Of course, we will have fall-back positions if things do not work out. I do not think it would be in the interests of Ireland or the people for us to outline our fall-back or negotiating positions in a Chamber such as this for the obvious reason that they would all be transmitted to the people with whom we are negotiating. That would not be in our interests. There is a facility for party leaders to be briefed directly by my Department on the negotiations. We certainly do not rule out seeking special arrangements for Ireland and Northern Ireland, but that is not by any means our negotiating position or preference.

On the two videos referred by Deputy Micheál Martin, one from Baldonnell and the other from the Irish Embassy in Tallinn, I checked both yesterday and neither of them contains any political content. The content is entirely about the business and work of the day - my work as Taoiseach. There is nothing party political in them whatsoever, but in order to allay the Deputy's concerns, in the future I will post them on *merrionstreet.ie* before they are posted on

any other account. I am not sure that will make any difference in practice, but if it will help to allay the Deputy's concerns, I am happy to make the change.

In response to Deputy Séan Haughey, I will speak to President Macron about the role of nation states and the important role of small nation states. It is important that we have a European Union in which small members states will be respected and included and in which their full contribution to European Union integration will be harnessed. I do not like to see the big member states - France, Germany, Italy and Spain - meeting together to the exclusion of small member states. I will certainly have no difficulty in making that statement.

On the situation in Catalonia, I have not had any direct contact with other European leaders about the issue. There has, of course, been contact at official level in the past couple of days. My main business has been conducting business in this House and dealing with domestic matters. However, I am sure the issue will be discussed at the European Council the week after next. It is important to point out that while Deputy Richard Boyd Barrett is correct that 90% voted for independence in the referendum, only 42% of the people participated. This was, in part, due to the fact that the referendum was not lawful and was boycotted by millions of Catalans who wanted devolution, not separation. The contrast is with the referendum held in Quebec which happened under Canadian law and in which there was a massive turnout and the referendum held in Scotland which happened under UK law and in which there was a massive turnout. The fact that most people did not turn out to vote in a referendum on whether the country in which they lived should be a state really strikes at the legitimacy of the referendum. We must bear that in mind.

### **Ministerial Responsibilities**

8. **Deputy Gerry Adams** asked the Taoiseach if he will report on the delegation orders he has made in respect of Ministers of State assigned to his Department. [40533/17]

9. **Deputy Brendan Howlin** asked the Taoiseach the functions that have been delegated to Ministers of State assigned to his Department. [41720/17]

**The Taoiseach:** I propose to take Questions Nos. 8 and 9 together.

On 14 June 2017 the Government appointed Deputy Joe McHugh as Government Chief Whip and Minister of State at my Department and the Department of Culture, Heritage and the Gaeltacht with special responsibility for Gaeilge, the Gaeltacht and the islands and Deputy Paul Kehoe as Minister of State at my Department and the Department of Defence with special responsibility for defence. On 20 June the Government appointed Deputy Pat Breen as Minister of State at my Department, the Department of Jobs, Enterprise and Innovation, the Department of Social Protection and the Department of Justice and Equality with special responsibility for trade, employment, business, the EU digital Single Market and data protection and Deputy Helen McEntee as Minister of State at my Department and the Department of Foreign Affairs and Trade with special responsibility for European affairs.

At my request, on 5 July, the Government made an order delegating my statutory functions relating to the Central Statistics Office under the Statistics Act 1993, the Civil Service Regulation Acts 1956 to 2005 and the Public Service Management (Recruitment and Appointments) Act 2004 to the Government Chief Whip, Deputy Joe McHugh.



**Deputy Gerry Adams:** The Taoiseach has made many commitments on the issue of political reform. When I look at the delegation of responsibilities to various Ministers, it seems very light. There is also a commitment to examine the creation of unpaid roles of parliamentary private secretaries, as well as an examination of the balance of power and responsibilities between the Government and the Civil Service. As far as I can ascertain, that has yet to happen.

I would like to give the Taoiseach some friendly advice about Northern Ireland. I was going to do it privately, but I will do so now. Nobody in Northern Ireland is impressed when he refers to Northern issues, as he did recently in response to a question from Deputy Mary Lou McDonald which was not about Northern Ireland. He asked, "Is it any small wonder the people of Northern Ireland do not have an Executive or an Assembly? It is because this is the attitude of Sinn Féin." On mature reflection, I am sure he knows that this is an untruthful claim. Similarly, this morning, when I referred to the sad story of the little boys who had been denied Translarna in this State, the Taoiseach referred to the non-availability of Orkambi in Northern Ireland. I campaigned for the making available of Orkambi here and in Northern Ireland. I have not spoken to the parents of the little boys, but I am sure they are not impressed. I think the Taoiseach has fallen into the Deputy Enda Kenny trap which involves, as others here know, casting up issues in Northern Ireland that have nothing to do with the issues I raise. The Taoiseach must rise above this instinct and I wish him well. There are big challenges in dealing with all of these matters. If the Taoiseach is genuinely going to be reforming as he has said, then we need to see Ministers of State playing a more substantive role in policy formation and we need to see continuation of reform of departmental structures and Cabinet Ministers.

Whatever the Taoiseach says about the North does not take a whiz out of me, nor does whatever the leader of Fianna Fáil says about the North. I am trying to provide good, honest advice as someone who spends at least one or two days in the North each week and who was there last week, at the same time the Taoiseach made these remarks to Teachta McDonald, assisting Michelle O'Neill trying to get the process back on track. It is no matter to me personally but I think it is just good advice to the Taoiseach, who I wish well.

**Deputy Micheál Martin:** The very clear evidence produced in the media through freedom of information is that there was an effort to delay implementation of the request of the Department of Public Expenditure and Reform that overpayments be returned by Ministers of State, particularly those at the Cabinet. Why did this delay happen and why was there an attempt to mislead a journalist about the state of the issue? The legislation clearly limits the Government to two Ministers of State receiving the extra allowance but it is silent about how to decide which Minister of State gets the allowance. Traditionally, the Chief Whip would be seen as a senior Minister of State at Cabinet. How was it decided that the Chief Whip, rather than either of the Ministers of State, Deputies Finian McGrath or Paul Kehoe, would be the one not to receive the allowance? Now that the Taoiseach has expanded the number attending Cabinet to an unprecedented four - we will go through the specifics on delegation orders later - to sort out internal Fine Gael problems, will he explain what process he undertook to decide who would receive the allowance and who would not? Will he confirm whether the Ministers of State, Deputies Finian McGrath and Paul Kehoe, refused to forgo the allowance?

**The Taoiseach:** There is a number of questions and I did not get a chance to write them all down.

I always appreciate Deputy Adams' advice on the North. My point on Orkambi is that it is available in this jurisdiction but not in Northern Ireland and by forming an Executive and by



participating in government in Northern Ireland rather than just campaigning for it, Sinn Féin can actually have a position of responsibility and make it happen. As I mentioned earlier, the decision about Translarna was made under law by the HSE, not by the Government, but I have asked for more information about it because I am conscious that it is available in 20 or 22 other countries and not in this jurisdiction, which is unusual.

**Deputy Gerry Adams:** Including the North.

**The Taoiseach:** Given that the company that manufactures it is taking the Government to court it does not make it easy to resolve that issue.

I do not know everything about allowances paid to Ministers of State attending Cabinet because some of it happened before I was Taoiseach and the matter has largely been dealt with by the Minister for Public Expenditure and Reform. The position is that only two Ministers of State serving at Cabinet can be paid this allowance. A view was taken previously that it would be possible to pay a separate Chief Whip's allowance in the same way that party Whips receive allowances, including Fianna Fáil's party Whip. The former Chief Whip, Deputy Regina Doherty, was paid on that basis. It subsequently transpired that was not lawful and the Minister, Deputy Regina Doherty, has agreed to pay back the overpayment that occurred. It is important to say that she was in no way responsible for that. It was an overpayment, not something that she claimed, and she bears no responsibility for it whatsoever. Two people will continue to be paid the allowance and were already in receipt of it. They are the Ministers of State, Deputies Finian McGrath and Paul Kehoe. I did not ask them to give it up so it never arose that they would have to because they were in receipt of it. The other two, the Ministers of State, Deputies Mary Mitchell O'Connor and Joe McHugh, were not in receipt of the allowance and so will not be able to receive it unless this House changes the law.

### **Irish Prisoners Abroad**

10. **Deputy Gerry Adams** asked the Taoiseach if he will report on his conversation with the President of Egypt, Mr. Abdel Fattah al-Sisi on 28 August 2017. [40534/17]

**The Taoiseach:** I spoke with Egyptian President, Abdel Fattah el-Sisi by telephone on Monday 28 August. The call was instigated at my request to discuss the case of an Irish citizen, Ibrahim Halawa. I emphasised the importance that the Irish Government places on this consular case and received assurances from the president that he would intervene, if necessary, following the announcement of a verdict, to ensure Ibrahim was returned home as soon as possible.

I wholeheartedly welcome the announcement on 18 September that Ibrahim and his three sisters have been acquitted of all charges. I look forward to Ibrahim returning home to his family as soon as possible.

**Deputy Gerry Adams:** As the Taoiseach has acknowledged, it was three weeks ago, on 18 September, that Ibrahim Halawa and his three sisters were finally acquitted of all charges. It was a long time coming for his family, supporters and all involved, and especially for him, who was imprisoned. I am sure the family and Ibrahim felt this was an end of a long nightmare and there was an expectation that he would be released within days. However, he has still not been released as of today and I can ascertain no hard information of when he might be released. Arguably, he is illegally held. What is the basis of holding him in prison? We are advised that

there may be an issue with paperwork. Will the Taoiseach tell us if the Government has any information on the current situation? Have any Government officials visited Ibrahim since he was acquitted? If by chance, and I would be disappointed if the Taoiseach did not have information on this, the Taoiseach does not know why he is still in prison, will he, as a matter of urgency, find out and inform the Dáil?

**Deputy Micheál Martin:** I want to state that we warmly welcome the end of the trial of Ibrahim Halawa. There has been a sustained public campaign and support across the political divide and among the Irish people to ensure that his cause was always in the public profile and that he would be released. It is a source of concern and worry that he has not yet been released and that he is not home in Ireland. He and his family received considerable support from the Irish people, which has to be acknowledged.

In a situation like this, having been a former Minister for Foreign Affairs, I was of a view that I wanted the then Minister for Foreign Affairs and Trade and the then Taoiseach, Deputy Enda Kenny, to have as much space as possible to engage with the Egyptian authorities to effect the release of Ibrahim Halawa. In situations such as this, it is important that we create space for those in authority and I trust the Department of Foreign Affairs and Trade to do everything it possibly can in such situations. I also acknowledge the role of the Ceann Comhairle and others who led a delegation to Egypt. That was important and it helped to ensure that the Egyptian authorities knew the unanimous position of the Irish Parliament. Having said that about allowing space, the former Taoiseach, Deputy Enda Kenny, consistently indicated that he felt that it would perhaps be a guilty verdict at the end of the trial, because there was not much faith in the Egyptian legal system, and that perhaps the President would issue a pardon and Ibrahim Halawa would be released.

It is a matter of grave concern that it took so long and this cannot be let go where it relates to our relationship with Egypt. We had a strong relationship with previous Egyptian Governments, notwithstanding their authoritarian nature, and I was privately very disquieted and concerned at the fact that this went on for so long and that an Irish citizen could be held without trial and deprived of fundamental human rights for so long. This entire unsatisfactory and disgraceful event needs to be evaluated by Ireland. It should play a factor in influencing our future relationship and engagement with Egypt. We need to have some hard discussions with the Egyptian authorities because this cannot and should not be allowed to happen again. It serves nobody, neither the Egyptian people nor Government, and it deprived an Irish citizen of fundamental human rights.

**The Taoiseach:** I join with others in recognising the role of the Ceann Comhairle and the all-party delegation to Egypt which, I agree, was helpful in demonstrating to the Egyptian authorities that this was an all-party and non-party campaign in support of him. He received strong support from different parties and also from across Irish society. Now that Ibrahim Halawa has been acquitted, the Government remains focused on ensuring he gets home as soon as possible. The Department of Foreign Affairs and Trade and our embassy in Cairo are liaising closely with the Halawa family, including on travel arrangements. A number of steps remain to be gone through before Ibrahim is able to depart Egypt. A new passport has been issued to him and Irish authorities and Ibrahim's legal representatives remain in ongoing contact with the Egyptian authorities about this process.

The Minister for Foreign Affairs and Trade, Deputy Coveney, has been in direct contact with the Egyptian Foreign Minister, Mr. Sameh Shoukry, to request his help in expediting the

process and I have written to President el-Sisi about the matter.

We have no confirmation at this stage on when Ibrahim will be returning home to Dublin but his family have indicated that they wish to keep the arrangements for his return private, and I think everyone will want to respect that.

In terms of relations with Egypt being normalised, the case has rightly been the most significant issue in our engagement with Egypt over the past four years. We have maintained diplomatic relations with Egypt, and cordial relations at Government-to-Government level, throughout. This has been important in enabling us to look after his welfare and ensure that our embassy has consular access to support him. It ensured that our diplomats were able to observe the trial proceedings and engage in the crucial contacts at political level which resulted in the assurances that were given by President el-Sisi to the former Taoiseach, Deputy Enda Kenny, that he would be returned home.

During our engagement with the Egyptian Government over the past four years, issues of human rights and the rule of law have been front and centre in our dialogue. I have no doubt that we will continue the conversation on those and other issues of mutual interest, and build on it as we move forward.

I should point out that Ireland looks forward to moving our bilateral relations with Egypt back into the space where we can engage on the full range of matters concerned, including further developing bilateral trade and tourism relations and progressing Irish-Egyptian political relations into the future.

**Deputy Micheál Martin:** All is forgiven.

**Deputy Gerry Adams:** It was remiss of me not to mention the Ceann Comhairle's role today, although I have done so in the past. For the record, I commend the Ceann Comhairle once again for his role in this injustice issue.

I asked the Taoiseach if any Irish Government officials visited Ibrahim in the prison since he was acquitted and he did not answer that question.

**Deputy Micheál Martin:** I thank the Taoiseach for the reply. It is almost as if it is business as usual with Egypt and that we have moved on quickly from where we were. As someone who, as Minister for Foreign Affairs, enjoyed cordial, productive and constructive engagement with Egypt, the previous regime notwithstanding, it is important that we do not step back from advocating for respect for human rights and due process, within Egypt itself and elsewhere. It cannot be merely all is forgiven. There has to be some evaluation of the fact that a person, an Irish citizen, was four years without any due process. That is not satisfactory. There has to be some form of protest and some process by which we communicate that and continue to raise it.

At European level and elsewhere, we need to be a strong voice in favour of continuing to put pressure on countries, such as Egypt, which are important neighbours. Egypt has an important role to play in the Middle East. Notwithstanding whatever economic and trading ties we have, this chapter must inform the next chapter, but the next one has to be a different chapter. The practices of the present Egyptian Government are unacceptable, particularly in relation to human rights and due process. That is something that we have experienced in the form of an Irish citizen being deprived of his rights. We cannot simply close the chapter and move on quickly into other areas.

**The Taoiseach:** To answer Deputy Adams's question as to whether any officials visited Ibrahim since his acquittal, I do not know that for certain. I assume they have because they have visited regularly and I imagine they would have to have been there to give him his passport. I will check that out and make sure that is the case.

I assure Deputy Micheál Martin that we will not step back from raising human rights issues with Egypt or other countries. It is not my view that relations can go back to normal overnight once he returns home. Nonetheless, it is very much the wish of the Government that we normalise relations with Egypt. Egypt is an important partner. It is on the border of Europe on the Mediterranean. We would in the future like to improve relations with the country, particularly around trade and tourism, but we will never divorce that from human rights.

**An Ceann Comhairle:** I am in Members' hands. We normally take three groups of questions. That is what we have done but we have nine minutes remaining. We could proceed to take Questions Nos. 11 and 12, or we could proceed with questions to the Minister for Communications, Climate Action and Environment.

**Deputy Gerry Adams:** I propose we proceed with questions to the Minister.

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

## **Priority Questions**

### **Post Office Network**

22. **Deputy Timmy Dooley** asked the Minister for Communications, Climate Action and Environment his plans to address concerns that wholesale closures of post offices are imminent; his further plans for the post office network; and if he will make a statement on the matter. [42100/17]

**Deputy Timmy Dooley:** A procurement process has been under way for some time around the national broadband plan. The national broadband plan has been in the offing since 2012. At this stage, could the Minister give us some indication as to the date on which every premises in the country will be connected and can he give us some idea of a date when, or even within a range within which, the contractor might begin work on the roll-out of the plan?

**Minister for Communications, Climate Action and Environment (Deputy Denis Naughten):** Gabh mo leithscéal, my understanding was the first question was on An Post but I am happy to answer the parliamentary question. Am I correct?

**An Ceann Comhairle:** Sorry, Question No. 22 is on post offices.

**Deputy Brian Stanley:** On a point of order, Question No. 22 relates to post offices. Question No. 23, which is in my name, relates to the national broadband plan. Could the Ceann Comhairle provide clarification?

**An Ceann Comhairle:** Deputy Dooley is ahead of himself.

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**Deputy Denis Naughten:** Am I right?

**An Ceann Comhairle:** The Minister is right.

**Deputy Timmy Dooley:** I do not have the Order Paper in front of me. If that is what the Ceann Comhairle says, I agree.

**An Ceann Comhairle:** Question No. 22, as the Minister says, is on post offices.

**Deputy Timmy Dooley:** Very good.

**An Ceann Comhairle:** Does the Minister want to take the question that is started anyway and we will come back to Deputy Stanley? Is that all right?

**Deputy Denis Naughten:** Does the Ceann Comhairle want me to take the broadband question?

**An Ceann Comhairle:** I will take Deputy Stanley's question immediately after this.

**Deputy Brian Stanley:** With respect, if the Ceann Comhairle is going to deal with the one on the national broadband plan, and he is going in the order of the questions as listed on the Order Paper-----

**An Ceann Comhairle:** Sorry, it is the wrong Member. My apologies. Okay, we will go back and start again. Will Deputy Dooley introduce his own question?

**Deputy Timmy Dooley:** Take two. As the Minister is well aware, there is very significant concern, particularly throughout the vast tracts of rural Ireland, about the proposed closures of post offices. People fear that mass closures are imminent. I ask the Minister to outline the plans of An Post and of the Government with regard to the maintenance of the post office network.

**Deputy Denis Naughten:** It is Government policy that An Post remains a strong, viable company in a position to provide a high quality, nationwide postal service and that it maintains a nationwide, customer focused network of post offices in the community. However, the An Post group lost €13.7 million in 2016, with the core mail business losing over €30 million. An Post has entered a period of structural change and decline in activity mainly due to the impact of e-substitution on mail volumes and post office transactions. The environment in which An Post operates is changing and the network needs to change to thrive, particularly with the move to digital transactions. This involves harnessing existing strengths, such as its trusted brand and the relationship of postmasters with individual communities, to build the network of the future. There will be opportunities to develop new or enhanced product lines for the network and I am keen that this would include the concept of digital assist whereby the post office would become a default option for the provision of Government services for those who are not comfortable in the digital space.

The post office plays an important role in serving the needs of business and domestic customers alike and this is at the forefront of An Post's mandate. I am acutely conscious of the value placed by communities in both rural and urban areas on services provided by post offices and am concerned to ensure that the needs of those communities continue to be met. Government remains fully committed to a sustainable post office network which it sees as a key piece of economic and social infrastructure for both rural and urban areas.



In response to the challenges it is facing a strategic review of An Post, including the post office network, which will identify the changes and restructuring necessary to maintain the company on a sound financial footing was initiated and is nearing completion. All opportunities are being assessed by An Post in the context of that strategic review.

**Deputy Timmy Dooley:** That strategic review has been completed for some time now. An Post, through various different guises, has begun a process of closing post offices. Some are closing because, quite frankly, the level of transactions based on the current business model is not enough to sustain the employment of a postmaster or postmistress. They just cannot make ends meet and are being forced out by stealth. Others are closing when the end of the contract period is reached or on the death of the postmaster or postmistress.

What we need is Government intervention. The Minister talks about the importance of a wide area network and a sustainable network. However, the nature of the changes that are happening in the transactions that are taking place in post offices means that they are no longer viable in the way they were in the past. It will require Government intervention if we are to retain the network to the broadest extent possible to serve communities. I do not believe anything the Minister has said will give any confidence to the communities who believe their post office is under threat.

**Deputy Denis Naughten:** An Post brought in the firm of consultants, McKinsey, to assist with the strategic review. As Minister, I brought in NewEra to assist the company and to go through the financial projections. It is imperative that I have the best possible information available to me and having a resource like NewEra is of huge benefit in that regard. The Deputy is right that a do-nothing scenario is not acceptable. If one looks at the figures from 2000 to 2010, when Fianna Fáil was in government, one sees that 721 post offices closed because there was a failure by successive governments at the time to take definitive action *vis-à-vis* the post office network. I am not about that. Five Members of the Oireachtas made a submission to Mr. Bobby Kerr. I was one of those five. I feel passionately about this and believe that there is a future, as do the vast majority of my colleagues, particularly those from rural areas. We can plan out a future that involves digital. I do not think it is about holding back the tide; it is about exploiting that resource.

**Deputy Timmy Dooley:** I accept that Deputy Naughten supported the Kerr report prior to becoming Minister but I have not heard him offer much support for that report since taking office. He is now overlaying the NewEra agency and we have had the McKinsey review. We need decisions and the Minister knows what those decisions involve. We need to decide how many post offices we want and how widespread the network will be. If we believe in that then we, as part of the Legislature, must be in a position to provide appropriate funding from the central Exchequer to support that service delivery. We can then look to the model of services that will give a business model that will reduce the extent to which the State will have support the network. The Minister knows full well that key decisions have to be taken. How many post offices are needed? The Minister must be upfront with the people. If post offices are to close, the Minister must identify them and let people know. If post offices are to be preserved and protected, the Minister must identify them, get behind them and make them viable enterprises. In some cases, where there is a necessity, State funding should be provided so that the service can be delivered.

**Deputy Denis Naughten:** I disagree with the Deputy. I do not think it is a case of deciding how many post offices are needed. There is an opportunity to bring far more business into post



offices in order to make them financially viable. An Post is going to come up with a plan that can actually put more business, work and footfall into post offices. There is a real opportunity here because there is a cohort of people who are not using or exploiting the post offices at the moment, including all of us in the Chamber at the moment. The only time that any of us goes into a post office - if we are honest - is to buy stamps at Christmas, to renew our passport in the summer or to get foreign currency if we are going abroad on holidays. What we need to do is to change the model whereby post offices are not solely reliant on social welfare business. That said, we need to maintain the social welfare payments through the post office network. We also need to maintain the current funding through the National Treasury Management Agency, NTMA, but there are opportunities to bring in new business, particularly in terms of banking and parcel services involving the use of the Internet. By the end of next year, 97% of post offices in this country will have access to high-speed broadband, yet one in seven people in this country has never used the Internet. There are huge opportunities to provide services that are currently available online to communities that cannot access them at the moment.

**Deputy Brian Stanley:** On a point of order, can I ask a question before the Ceann Comhairle starts the clock on the next question?

**An Ceann Comhairle:** Certainly.

**Deputy Brian Stanley:** My question relates to the order of the questions. Sinn Féin has one question on the priority list. I understand that as Fianna Fáil is a larger party, it has three priority questions. I have raised with the Ceann Comhairle's predecessor an issue with regard to the order of the oral questions that are not on the priority list. I have been told that the order is determined by a computerised system, a bit like that programme on the television on a Saturday night in that we put them all in and see what comes out.

**An Ceann Comhairle:** Yes.

**Deputy Timmy Dooley:** I would prefer to be on the programme on a Saturday night.

**Deputy Denis Naughten:** It would be great if we could predict that.

**Deputy Brian Stanley:** Consistently, the five oral questions that I table are down at the back of the queue. For example, No. 54 is my first oral question this week. This is the first time I have raised this issue with the current Ceann Comhairle but I did raise it with his predecessor twice. The order for the oral questions is such that Sinn Féin never seems to be in a position to deal with the questions on the floor of the Dáil.

**An Ceann Comhairle:** Deputy Stanley is well aware that in terms of the number of priority questions for each Dáil grouping or party, that is fixed, while the other is done by the officials of the House in a lottery.

**Deputy Sean Sherlock:** It is the officials, Deputy Stanley.

**An Ceann Comhairle:** The Deputy is more than welcome, as is anyone else, to be present when the lottery is being transacted.

**Deputy Brian Stanley:** I thank the Ceann Comhairle for that clarification.

**An Ceann Comhairle:** I cannot do any more for the Deputy than that.

**Deputy Brian Stanley:** I am raising the point with the Ceann Comhairle because it is not as if I am coming out at the wrong end of it in just one month. Every month for the last 60 or 70 months-----

**An Ceann Comhairle:** Perhaps the Deputy should go in and watch them spinning the ball-----

**Deputy Denis Naughten:** I would advise Deputy Stanley not to buy a lottery ticket if he is so unlucky.

**Deputy Brian Stanley:** I do not, for that very reason.

**An Ceann Comhairle:** Anyway, let us move on to broadband.

### **National Broadband Plan**

23. **Deputy Brian Stanley** asked the Minister for Communications, Climate Action and Environment his views on whether he has sufficient control of the tender process of the national broadband plan to ensure that each household will have high speed broadband; if the date for completion will not be excessively delayed; if the cost to the State will not be excessive; and his views on whether there will be potential legal difficulties. [42025/17]

24. **Deputy Timmy Dooley** asked the Minister for Communications, Climate Action and Environment the procurement status of the national broadband plan; the date by which all premises in the country will have access to broadband; and if he will make a statement on the matter. [42101/17]

25. **Deputy Sean Sherlock** asked the Minister for Communications, Climate Action and Environment his views on whether the national broadband plan will deliver actual broadband; the number of times he or his officials have met tender companies for the project; the dates on which those meetings took place; and the reason one competitor dropped out of the tender process. [42026/17]

**Deputy Brian Stanley:** My question relates to the national broadband plan.

I want to raise with the Minister the fact that we have no timeframe for its completion, or even a tender date for the completion process. Does the Minister feel that he has sufficient control over the tender process, given developments in recent weeks? Will the cost to the State be excessive? I am very concerned about this.

**Deputy Sean Sherlock:** Can I just have some guidance before the Minister answers? I thought that this question was in a grouping, a Leas-Cheann Comhairle. How will this now be handled? Forgive me.

**An Leas-Cheann Comhairle:** It is a Priority Question.

**Deputy Sean Sherlock:** There are three priorities on the same issue, however, and they have been grouped.

**Deputy Timmy Dooley:** I would be happy to let the same question from all three of us be answered.

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**An Leas-Cheann Comhairle:** The others can raise questions, even though their questions are not priorities.

**Deputy Sean Sherlock:** To be helpful, a Leas-Cheann Comhairle, Questions Nos. 23, 24 and 25 are all on the subject and are being taken together.

**An Leas-Cheann Comhairle:** They will get 18 minutes.

**Deputy Sean Sherlock:** Just to clarify, Deputy Stanley will respond to the Minister's answers to him and then-----

**An Leas-Cheann Comhairle:** They will get 18 minutes and I will be sensible about it. We will go one-to-one for the first question, perhaps, and if time is running out for the other questions then maybe we can-----

**Deputy Brian Stanley:** I have only one priority.

**An Leas-Cheann Comhairle:** Was Deputy Stanley's question No. 24 or No. 23?

**Deputy Timmy Dooley:** There is no point in myself and the Deputy standing up and repeating the same question. We can use that time for something else.

**An Leas-Cheann Comhairle:** Yes. Let us just be sensible. Starting with Question No. 23, the Minister will have sufficient time to respond.

**Deputy Denis Naughten:** I propose to take Questions Nos. 23 to 25, inclusive, together.

Before responding to the question, I wish to inform Dáil Éireann that, as of today and under the commercial stimulus provided under the national broadband plan, Ireland has now become a global broadband leader with 13% of premises outside of our cities now with direct access to pure fibre, 1,000 megabits per second, super-fast broadband. I am not aware of any other country on the planet that has achieved this particular milestone.

The procurement process for the national broadband plan state intervention phase will select a bidder, or bidders, who will roll out a new high speed broadband network to remote and rural areas not served by commercial operators. The successful bidder or bidders will build, maintain and operate this State intervention network for the next 25 years. Last Tuesday, 26 September 2017, was the closing date for bidders to submit their "Detailed Solutions" in the procurement process and I can confirm that my Department received submissions from two bidders. These bidders were Eircom Limited and the Granahan McCourt, enet, SSE, John Laing Group plc consortium. This is a significant and positive milestone in the process and the path to a digitally equal Ireland. The submissions received means that we are at the final stages of this procurement process. This complex procurement process is being effectively managed by my Department's specialist NBP team. This detailed and extensive engagement has included over 150 hours of competitive dialogue between the NBP team and bidders, focused on the more than 2,000 pages of contract documentation provided to bidders. My Department's specialist team is now evaluating these two submissions.

The Department's team comprises a broad mix of expertise and experience which is ensuring a well managed procurement with the objective of delivering a quality and future-proofed solution for Ireland. The team is supported by expert consultants including KPMG, Mason Hayes Curran, Analysys Mason and Pricewaterhouse Coopers. These teams include specialists

in procurement, project management, engineering, commercial and financial analysts as well as legal advisers. There is also additional oversight in the form of a steering group, which oversees the strategy development, and a procurement board which oversees the procurement process. Both of these groups are chaired by my Department and comprise independent expert advisers. The National Development Finance Agency is providing specific assistance to the process as financial adviser to review the financial aspects of the project and act as an independent reviewer and evaluator on the value for money aspect of the national broadband plan. Just ahead of the closing date for “Detailed Solutions”, SIRO formally communicated its withdrawal from the national broadband plan procurement process. In doing so, however, SIRO remains strongly committed to its original commitment to invest €450 million to provide pure fibre broadband, 1,000 megabits per second, to 51 towns across Ireland on an open access basis. As of the end of last week, some 100,000 premises have been passed by SIRO. Notwithstanding SIRO’s decision, the fact remains that this procurement process is a highly competitive one involving two strong operators in the telecommunications field. As the level of State subsidy required for the national broadband plan will be determined through the competitive tender process, it would be premature and not in the public interest to discuss costs while that procurement process is still in train.

When I was appointed Minister 16 months ago, only five out of ten premises in Ireland had access to high speed broadband. Today, that is closer to seven out of ten premises and by the end of next year that will have risen to almost eight out of ten. By 2020, through a combination of commercial investment and State intervention, more than nine out of ten premises in Ireland, at least 91%, will have access to high speed broadband. Commercial operators have already committed to provide high speed broadband services, well above the minimum targets, to almost 1.8 million premises before 2020. This includes Eir’s commitment to 300,000 additional premises by end of 2018; Enet and SSE’s plan to provide high speed broadband to 115,000 premises in the west and north-west regions by 2019; SIRO’s plan to deploy to 500,000 premises in 51 regional towns; and Virgin’s plans to expand its high speed service to an additional 200,000 homes.

Just 12 months ago I released the 3.6 GHz spectrum for auction. As a result Ireland is the first country to have successfully concluded a spectrum auction to facilitate the roll-out of 5G. We are therefore in the vanguard of Europe in deploying 5G nationally by both fixed and wireless operators. This allows them provide faster fixed wireless and mobile services to their customers. A number of the successful bidders are now looking to deploy fixed 5G and I have been informed by one company that it expects to cover 85% of the land mass of Ireland by 2019. This spectrum release clears the way for operators to enhance greatly the quality of existing services, extend coverage to new locations and more easily introduce market leading innovations and services across Ireland, in both urban and rural areas. In a welcome development, Imagine has already commenced the deployment of enhanced broadband services using advanced LTE fixed wireless technologies, particularly in rural and often more remote areas previously considered not to be commercially attractive. The other operators who secured spectrum - Vodafone, 3 Ireland, Eir mobile and Airspan - are actively developing their strategies so that they can commence commercial roll-out at the earliest opportunity.

While the commitments by commercial operators, underpinned by competition and technological advances enabling alternative and more cost-effective network and service deployment, has accelerated the delivery of high speed broadband services, the Government will continue to progress the procurement process under the NBP as quickly as possible. This will ensure the

Government's objective and commitment of providing high speed broadband to every premises in the country will be achieved. I am confident that the combination of existing commercial investment and State intervention will make Ireland an exemplar in Europe and beyond, in terms of providing high speed services to all citizens regardless of where they live.

**An Leas-Cheann Comhairle:** I will give the Minister some extra time because of the importance of this. It will be one-to-one now for the first three questions. I call Deputy Stanley.

**Deputy Brian Stanley:** The Minister spent a lot of time talking about what the commercial companies are doing, particularly with regard to what is already happening. This has very little to do with the State. I am aware that SIRO has committed to 51 towns. There is a problem when it comes to the 300,000 households now cherry-picked by Eir, however, because Eir has a stranglehold on matters. If one looks at any county in the country one can see exactly what Eir is doing with its mapping process. It is occupying positions on roads where there are groups of houses and villages but not getting to the hard to reach places. Eir already has the infrastructure in place and copper wire already running through many houses. The Minister and his officials have not thought this through very well. When it comes to long-term competition in the area of rural broadband, there is very little incentive for Eir, if it wins the contract, to ramp this up and roll it out speedily. It can do it as slowly as it wants and turn the roll-out of it on and off. It is in the command position because of the 300,000 households but also because it already has copper going to many rural homes. The Minister knows the reasons SIRO pulled out of the process. It was because of the competition aspect and it said so in its statement, but any competitor that would be in the race to get this contract would have to roll it out much quicker because Eir already has a cable going to a house. It is already getting €30 or €40 a month from that house.

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

**Deputy Brian Stanley:** There is no incentive for it to roll out the fibre quickly to the house for the reason that it will not get anything extra out of it, or very little, whereas any competitor would have to reach the household and connect the fibre to it to get any payment of any kind. I do not believe the Department has thought that through.

**An Leas-Cheann Comhairle:** I ask the Minister to observe the allotted one-minute timeslot.

**Deputy Denis Naughten:** First, and it is not me who stated this, because no one in this House has believed me when I have said it on numerous occasions, but Adrian Weckler, in the *Irish Independent* on 6 July, who stated: "It is very possible that much of the current private-sector fibre rollouts from Eir...and...SIRO [and now Enet] would not [have happened] without the spectre of the National Broadband Plan hovering in the background". He is one of the experts in this field and not exactly a fan of mine. That is what he has said in this regard. Therefore, I would reject the Deputy's comment.

The reality is that by the end of next year the vast majority of villages in Ireland will have up to 1,000 Mbps pure fibre, super fast broadband available to them. That would not have been contemplated 12 months ago. The Deputy said that the winning bidder, whoever that may be, may drag their heels, or that one of them may drag their heels on the roll-out. I will cite the example of the Eir commitment agreement that I have signed. There are quarterly targets set out in it and penalties built into it if the company fails to meet those targets. Whoever the winning bidder or bidders are, they will be tied into similar targets with similar penalties and funding



held back until they achieve those targets.

**Deputy Timmy Dooley:** The Minister said that SIRO informed him just before close of business last week that it was not going to participate in this bid contract. The dogs in the street have known for the past six months that SIRO was not going to bid for this. That should have been no surprise to the Minister. Folklore has it that he was on bended knee to SIRO to remain in the race because he wanted to have at least the rules met with respect to having an effective competitive process. He does not have an effective competitive process now because it is down to two entities and there are two contracts to be awarded. That would be fine if we were speaking, to some extent, in isolation but the real losers here are the 520,000 households-----

**Deputy Denis Naughten:** No, 542,000.

**Deputy Timmy Dooley:** -----or 542,000 who are no closer to having broadband.

We have all sorts of experts and the Minister has identified them. Do we have a project management expert as part of that? The Minister listed an array of what he has at his disposal. Surely there is a project manager. Every project manager that I have met requires, as per project management 101, a start date and a finish date. Could the Minister enlighten us as to when the contract will begin? When will the contractor be able to put a shovel in the ground and begin the roll-out of broadband, and what is the projected end date? The Minister can have all the other fancy teams in place. He can dispute whether SIRO is affected by whatever. Adrian Weckler's comments are all relevant but they are only relevant in the context of when this process begins.

**Deputy Denis Naughten:** The quicker broadband is delivered to rural Ireland, the better. If it comes on a hare's back it cannot come quickly enough. We are all agreed on that. A significant amount of work has been done, which I will come to in later parliamentary questions, in facilitating the maximum deployment by the commercial operators in this regard. It is a complex procurement process. It is also an unusual one in that we are going through a competitive dialogue procurement process. It means that one is slower to sign the final contract, but it also means that the physical deployment will take place quicker.

As I have said previously, this is a 25-year contract. None of us can afford the mistakes that were made in the past in terms of the electronic voting machines or even the national broadband scheme which was obsolete the day it went live. Irrespective of what side of the House we are on, we are all committed to this. In fairness, every Member's heart is in the right place on this but we have a significant challenge. We must get it right and we will get it right, and it will stand the test of time.

**Deputy Sean Sherlock:** I want to focus on the procurement process. Notwithstanding what I believe to be the Minister's bona fides in seeking to get this project over the line, and I believe him to be genuine, we are getting bombarded with metrics, statistics and the use of a language that for many people who do not have broadband is indecipherable in terms of the political rhetoric around this.

The first question I have is very simple. Do EU rules on procurement allow the Minister to descope or make a tender less attractive to certain vendors, thus favouring others while the tender process is live? If SIRO has pulled out of this process, what is to stop it or any other bidder, who might not partake in this tender, from looking at the legal position and saying it signed up to a process and the Minister, the State or the Government has now made that process less attractive for it as a tenderer or bidder and why should it not take legal action to protect the

investment and commitments it has made?

The public is confused and I am confused because I do not believe that the transparency and the information that we require on this is adequate at this time. I do not believe it is right for the Minister to use the cover of the fact that this is a competitive tendering process. As Deputy Dooley said, it is down to two entities at this stage. The Minister can hardly use the cover of the tendering process in the language he is using to explain the process itself. What were the original EU rules on procurement? What was the language that was used by the State in regard to the EU so as to protect those people who have now come out of the process on the basis that the original tender is less than what was articulated and advised to them in the first instance?

**Deputy Denis Naughten:** I thank the Deputy for acknowledging the fact that we have now moved from a situation where the proposed intervention area, which comprised 900,000 premises across rural Ireland, is now down to 542,000 premises. The European Commission has been kept fully updated on an ongoing basis on all of this. It is fully conscious of every aspect of this, from the pre-notification decision that was made in July 2015. It is being kept fully informed throughout this process.

I wish to address an issue that has been raised by a number of people. It has been said that we do not have a competitive process because there are only two bidders in it. I will cite this example again. If one is building a one-off house in rural Ireland, one would probably go to one's neighbour to price the cost of it and get a second price for it, and if a similar house had been built in another part of the country, one would ask the owner of that house how much they paid for the construction of it. That is what we have done here. We have two competitive bidders in the process. We also have independent advice on the likely cost. We know what the indicative cost of this will be, the level of State support that is required and what will be the bids that come in for it. We have a very competitive process. I, as Minister, am not going to undermine this. A predecessor of mine is still involved and named, and my Department is still named, in legal cases that are taking place in the courts. I am not going to go down that road. I am keeping a watching brief over this. There are specialist teams involved with this on a day to day basis and I believe the project, once the contract is signed, will deliver far more quickly than people expect. Further, it will deliver not just for the next five or ten years but for the next 25 years.

**Deputy Sean Sherlock:** The Minister did not answer the question about-----

**An Leas-Cheann Comhairle:** Let us have some agreement. We will take three short supplementary questions together and then have one answer from the Minister.

**Deputy Timmy Dooley:** If he has all the information and knows what the price is and that the companies have the capacity to roll it out, how in God's name has the Minister found himself involved in such an intricate and open-ended scheme and that he cannot ask his own people to give us a beginning and an end in terms of the process? While the process remains open-ended, the Minister knows full well that it probably will not be completed by the time he leaves office. That he wants to protect the State is a fine statement for the Minister to make - so do I - but at some point he has to do his business or get off the pot. The reality is that households, young people, businessmen and farmers are crying out for access to this service. They are looking in here and wondering how it could be so complicated because the Minister keeps telling us that he has all this information and that it is a matter of picking one or the other to do it. He has done his deal with Eir, which will roll it out to 300,000 homes in a flash. Surely to God it is not beyond the Minister's capacity or that of those in his Department to identify one

or two people to deliver this and get it done.

**Deputy Brian Stanley:** The Minister has been saying for a week that the tender process is competitive and everything is okay with it but he knows and I know that it was significantly skewed once SIRO pulled out. It is also skewed by the fact that Eir has gone in and cherry-picked the 300,000 households. I welcome every connection that is made. We want to see connections. However, if a county council wants to put a new front door on a house and the front door costs €501, it has to get three tenders for it. Any public body or local county council doing that type of work would have to get three tenders for it. Here we have a multi-million pound project with hundreds of millions of taxpayers' money going into it, but we have no control over it and this House, the democratically elected Parliament of the State, has no answers at this point, and we are this far down the road.

The reason it is complex is because it is a muddle and a mess. I told the Minister that this has become the plaything of capitalism. It is no longer a State broadband scheme. All the taxpayer will do is shovel the money into it. That is my concern. On its roll-out, the 300,000 Eir households will not cover huge areas that are awaiting the national broadband plan. A constituent of mine who is living between Geashill and Mountmellick and is running a business has almost no broadband. It is chronically slow. Eir is rolling out to within 800 m of that business but it cannot get coverage across the length of six football fields. This constituent contacted the Department directly and was told that the Department thought it would take three to five years before they would get it. These people cannot wait five years. The businesses in counties Laois and Offaly and other counties throughout the country cannot wait five years for it.

**Deputy Sean Sherlock:** The Minister mentioned the auction for the 3.6 Ghz spectrum, if I am not mistaken. I would like to know the justification for it. My understanding is that there is not a definitive definition of 5G at this point in time. There is no proper definition because the technology is moving at such a quick pace and the innovation cycle is getting a lot shorter. What is the justification for the auction? What permutations will that auction have and how will it impact the provision for communications for the Garda and the emergency services in the country? Will they be adversely affected as a result of the auction?

We have not had in the Minister's own words an explanation or an understanding from his perspective as to why one of the bidders pulled out. We have read a lot in the press but we, in this House, as I understand it, have not heard directly from the Minister himself as to his perspective on why SIRO pulled the plug.

**An Leas-Cheann Comhairle:** I call the Minister.

**Deputy Sean Sherlock:** In his own words-----

**Deputy Denis Naughten:** Deputy Sherlock can read the blacks of last week when I read exactly the reason. As I have said here today, it was a commercial decision that the company took and, as the Deputy knows, it uses a different route to the door to that of the other two bidders.

Deputy Stanley spoke about the requirement to have three tenders. That is grand when we know what type of a door we want and how many windows and panels we want in it. We are not dealing with that.

**Deputy Brian Stanley:** We do know what we want.

**Deputy Denis Naughten:** The Deputy does not.

**Deputy Brian Stanley:** This has been debated here for six years.

**Deputy Denis Naughten:** This is the fundamental difference. What we are doing has never been done anywhere else in the world. I am open to correction on this but, as of today, we have broken all records. Some 13% of premises outside of our cities have access to pure fibre. This is not happening anywhere else in the world. We are at the cutting edge. Vint Cerf, who was at the Digital Data Summit on 16 June, said that Ireland is working on “one of the hardest problems” we know about, which is a “[h]ighly distributed, highly rural, low density population”. He continued, “So your success in this will be a real beacon for other populations that have this similar sort of rural population.” The globe is looking at what we are doing.

It is a different procurement process, which adds to the challenges, but this is about a 25 year contract. It is not just about the here and now but the medium and long term as well. We do not want a system that is installed and obsolete before it becomes operational, as has been the case in the past. Public money was spent on electronic voting machines and the personnel, payroll and related systems, PPARS, which was obsolete before it even went live. We will have a system that not only meets the needs of the current generation but future generations of this country, particularly those in rural parts of Ireland. We will have a situation where the people of Ballymacward by this time next year will have better broadband than is in Brooklyn, New York.

**Deputy Sean Sherlock:** I asked a question about the auction of the 3.6 Ghz spectrum.

**Deputy Denis Naughten:** It will not have any impact on the emergency services. It is being auctioned by ComReg and allows for the deployment of the new innovative technologies. Initially it will be 4G plus, but trials are already being proposed on 5G. There will be pilots by some of these companies.

**Deputy Sean Sherlock:** What is 5G?

**Deputy Denis Naughten:** It is 300 Mbps.

**An Leas-Cheann Comhairle:** The Deputy and the Minister will have to have a chat afterwards.

### **National Mitigation Plan**

26. **Deputy Timmy Dooley** asked the Minister for Communications, Climate Action and Environment his views on concerns that the national mitigation strategy will fail to reduce Ireland’s carbon emissions sufficiently resulting in significant fines from the European Union and dangerous weather change worldwide; and if he will make a statement on the matter. [42134/17]

**Deputy Timmy Dooley:** There are serious concerns that Ireland’s national mitigation strategy will fail to reduce Ireland’s carbon emissions sufficiently resulting in significant fines from the European Union and dangerous weather changes around the globe. Will the Minister enlighten us on where he is at on that particular strategy?

**Deputy Denis Naughten:** I published Ireland’s first statutory national mitigation plan in July 2017. This is an important initial step to enable the transition to a low carbon economy

and society. The plan identifies 70 mitigation measures and 106 related actions to address the immediate challenge to 2020 and to prepare for the EU targets that Ireland will take on for 2030.

The latest projections of greenhouse gas emissions by the Environmental Protection Agency indicate that Ireland is likely to fall short of our 2020 target to reduce emissions by 20% below 2005 levels. Emissions from those sectors of the economy covered by Ireland's 2020 targets could be between 4% and 6% below 2005 levels by 2020. The projected shortfall to our targets in 2020 reflects both the constrained investment capacity over the past decade due to the economic crisis and the extremely challenging nature of the target itself. In fact, it is now accepted that Ireland's 2020 target was not consistent with what would be achievable on an EU wide cost-effective basis. While Ireland is likely to have to purchase additional allowances towards compliance with our 2020 targets, the cost of compliance is not at this stage expected to be significant.

Given the complexity of the issues and the time horizon involved, it is not possible for the national mitigation plan to provide a complete roadmap to achieve our 2050 objective. Similarly, it does not yet provide a complete roadmap to meeting Ireland's expected targets between 2021 and 2030 under the draft EU effort sharing regulation. Instead, the plan will be subject to formal review at least once every five years and will also become a living document, accessible on my Department's website, where it will be updated on an ongoing basis as analysis, dialogue and technological innovation generate further cost-effective sectoral mitigation options. This continuous review process reflects the broad and evolving nature of the sectoral challenges outlined in the plan, coupled with the continued development and deployment of emerging low carbon and cost-effective technologies across different sectors of the economy. As this first plan moves into the implementation phase, the process will enable it to be amended, refined and strengthened over time and will assist in keeping Ireland on target to meet our obligations.

**Deputy Timmy Dooley:** The Minister spoke about the Environmental Protection Agency's report of March 2016, indicating that projected emissions in 2020 in Ireland could be in the 4% to 7% range.

**Deputy Denis Naughten:** In a 4% to 6% range.

**Deputy Timmy Dooley:** My reading is they will be 6% to 11% below 2005 levels. As we are supposed to have a 20% reduction on 2005 levels, we will be significantly below that figure, if my numbers are correct. I do not buy the contention that the fines will be somewhat small and irrelevant; they will be significant. It will depend on the cost of carbon credits, but fines may, of course, be very significant. It remains a mystery to me as to how the Government intends to pave the way towards meeting our even more ambitious targets for 2030. This is totally unacceptable and there is a lack of regard for the severity of the climate change challenges we are facing. The Minister now has a public that in the past two to three years has moved significantly towards accepting and recognising the real threat posed by climate change. We have seen various weather events, most recently in County Donegal and previously in the Minister's area and mine along the River Shannon. We have the potential to get a public buy-in, but yet again the Department and the Government are way behind on the matter.

**Deputy Denis Naughten:** The Deputy had an initial statistical point. The previous EPA projection indicated that emissions would be between 6% and 11% below 2005 levels. The target is a 20% reduction. I am saying the projection is now worse as the current figures from April 2017 indicate that the range will be between 4% and 6% below 2005 levels. I wish they



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were between 6% and 11% as that would be a far more positive position, but they are not. Ireland is projected to cumulatively exceed its obligations by between 11.5 megatonnes and 13.7 megatonnes carbon dioxide equivalent between 2013 and 2020, but it is not at all positive. These are the projections in respect of the 2020 target for carbon emissions.

With regard to energy targets for 2020, the overall objective is to reach a 16% reduction figure. Based on the Sustainable Energy Authority of Ireland's analysis, there is a 9.4% reduction. We expect, at a minimum, to be at a figure of 13.2%. The intention is to get it to between 15% and 16%.

**Deputy Timmy Dooley:** If the Minister is to make any meaningful progress towards reaching our targets, we need a plan and action. I get where the Government is when it speaks about the mitigation plans being an organic document.

**Deputy Denis Naughten:** To which target is the Deputy referring? Is it the 20% or 16% figure?

**Deputy Timmy Dooley:** Both. The Minister knows the decisions he must take in order to move the public. It requires much greater incentivisation to move people into electric vehicles, which will to some extent address some of our issues. We are way behind in the deep retrofitting of homes on the heating side. We may miss our target for the use of renewables in the electricity sector. There is still a very considerable way to go. The Minister has overall responsibility and said in the past that there are issues with certain Departments and that he cannot do it all on his own. We need some serious action and movement if we are to avoid paying significant fines.

**Deputy Denis Naughten:** The big risk with regard to paying significant fines is in not reaching renewable energy targets. I am confident that we will reach our electricity targets and the projections available to me indicate that we will reach a figure of 40%. It is important to remember that we are the global leader when it comes to supplying variable and renewable electricity on the grid. Currently, we can take a 60% loading of variable electricity, mainly produced from wind energy, which by the start of next year will go to 65%. Nobody across the globe has come anywhere near what we are doing on an isolated grid and we will be up to a figure of 75% by 2020. The renewable heat incentive scheme will significantly progress us towards the 12% target. Transport has been challenging and the target for 2020 is 10%, which is legally binding. It is not just about electric vehicles; it also concerns biofuel blending, on which we are engaging in consultation. We will get quite close to the targets and are determined to try to push as hard as we can to get to them. The Deputy is right in that there are potentially significant penalties that could occur or recur if we do not reach the targets.

## Other Questions

### North-South Interconnector

27. **Deputy Niamh Smyth** asked the Minister for Communications, Climate Action and Environment the status of the North-South interconnector project; and if he will make a statement on the matter. [41712/17]

52. **Deputy Shane Cassells** asked the Minister for Communications, Climate Action and Environment his views on the tendering process initiated by EirGrid to acquire 400 pylons for the North-South interconnector project before the independent expert group study has been completed. [41886/17]

53. **Deputy Shane Cassells** asked the Minister for Communications, Climate Action and Environment if he will direct EirGrid to cease the tendering process to acquire 400 pylons for the North-South interconnector project pending the outcome of the independent expert group's study. [41887/17]

**Deputy Niamh Smyth:** I ask the Minister the most up-to-date status of the North-South interconnector and to make a statement on the matter.

**Deputy Denis Naughten:** I am taking Questions Nos. 27, 52 and 53 together.

The 2012 Government policy statement on the strategic importance of transmission and other energy infrastructure states "The Government does not seek to direct EirGrid and ESB Networks or other energy infrastructure developers to particular sites or routes or technologies." On 19 December 2016 An Bord Pleanála granted planning permission for the North-South interconnector project in Ireland. The decision concluded a lengthy planning process which included an oral hearing completed over 11 weeks from March to May last year. My Department has been involved in one of two judicial review proceedings that have been brought against this planning decision. On 22 August this year the High Court upheld the development consent granted by An Bord Pleanála for the interconnector. A second judicial review is scheduled for hearing later this month.

Following the motions calling for an updated independent study that were passed by Dáil Éireann and Seanad Éireann earlier this year, I have commissioned two independent studies designed to address the main points of the motions, as well as key concerns expressed by parties opposed to the development of an overhead line. The first is an independent study to examine the technical feasibility and cost of undergrounding the interconnector. I have approved the appointment of independent experts to carry out this study and their work commenced in August. The consultants are Bo Normark who will chair the group, Professor Ronnie Belmans and Professor Keith Bell. The independent expert group is expected to deliver its final report by the end of next January. I have also commissioned a study of the levels of compensation provided for land and property owners in proximity to high voltage transmission lines in a European context. Work is also under way on this study and its results are expected in the first quarter of 2018.

In September 2017 the ESB published a tender notice for works related to the project, including the design and testing of equipment. These works have very lengthy lead-in times and I understand the procurement process will take a minimum of nine months to complete and can be cancelled at any time. The results of both commissioned studies will be published prior to the conclusion of the procurement process. In addition, no work will be commissioned during the procurement process. The planning process for the section of the project in Northern Ireland is ongoing, following the conclusion of an oral hearing on 27 February 2017.

**Deputy Niamh Smyth:** We have not yet had an independent review with support across the Chamber, but the key to any review of this thorny and important matter is public acceptance. We do not have that. Eirgrid has recently published its latest magazine and sent it to all the landowners in the area saying what is happening in autumn 2017. As the Minister well knows, a

Europe-wide tender for the design and manufacture of 400 pylons was issued recently, exposing the intent of Eirgrid to plough on with its project in its current form. Hundreds of land owners and concerned residents from Cavan, Monaghan and Meath attended a meeting in Aughnamullen community centre in County Monaghan on Monday. There certainly is no public acceptance of the project in its current status. Those people feel that Grid Link and Grid West know that the project is not accepted in its current state, and they feel very aggrieved to see this type of literature being sent out.

The Minister spoke about his review and the issue of compensation. There is not a landowner in counties Monaghan, Cavan or Meath interested in compensation.

**Deputy Denis Naughten:** The Minister for Culture, Heritage and the Gaeltacht, Deputy Humphreys, the Minister for Employment Affairs and Social Protection, Deputy Doherty, the Minister of State at the Department of Foreign Affairs and Trade, Deputy McEntee, and the Minister of State at the Department of Housing, Planning and Local Government, Deputy English, have all spoken with me about this issue, particularly on the publication of the ESB tender. A very lengthy process has to be gone through. The notice in the European Journal was published. That has to be given one month. The issue tendered to interested bidders, and that will take a three month period. The post-tender evaluation and negotiation will take four months, and then there is an approval and cool-off period for a month. That brings us up to June 2018. That allows for the planning process in Northern Ireland to be completed. The processes that we are involved in relating to independent studies will also be completed. The independent studies, particularly the study concerning compensation, were raised with me by the public representatives when they met with me in my office last July, and on foot of that we decided to investigate the situation across Europe on it and to see what information came from that investigation.

**Deputy Shane Cassells:** The Minister has said that Eirgrid has put out the tender for the design and testing of the 400 pylons, each carrying 400,000 volts for the North-South Interconnector project. The deadline for submission is 20 October, which is this month. This moves Eirgrid into conflict mode with the people of Meath, Cavan and Monaghan. The Minister knows this full well. It confirms that public acceptance is irrelevant to Eirgrid's strategies and plans, and it puts Eirgrid and the ESB on a clear path towards direct conflict and confrontation with the landowners and communities in the north east. I am sure the Minister for Employment Affairs and Social Protection, Deputy Doherty, has said that to the Minister. She has said it often. What the Government is saying and what the tender confirms is that the feasible and acceptable alternative of undergrounding will never be properly examined by Eirgrid. The provocative placing and timing of the tender is a clear confirmation of its determination on this project and its attitude of unaccountability to democratic process.

How is it that the tender for the 400 pylons includes the 100 pylon towers for Northern Ireland even though the project is still going through the planning process in the North and is awaiting decision?

How is it that the Fianna Fáil motion in February, supported by the majority of the Dáil and Seanad, calling on the Government to ensure that no further work is done on the interconnector until this analysis and a full community consultation has been completed, was blithely ignored by this Minister?

**Deputy Denis Naughten:** The works that are being proposed have a very lengthy lead-in

time. We are trying to appoint someone to look at it. The design phase has not been agreed to. Deputy Cassells is correct that this does include the pylons on both sides of the Border. As he knows, we are still in the planning approval process in Northern Ireland, so we cannot go ahead with the design phase until we have a decision on that. This is about looking at interested parties that would actually carry out this work. It can be withdrawn. There is a cooling off period next June. That will allow time for all of the issues, including the planning application in Northern Ireland, to be decided upon. It would not make sense to sign any contract to go to the design phase until we have that aspect of it concluded.

**Deputy Niamh Smyth:** The fact that the Minister is talking about compensation is acknowledgement that there are worries when it comes to health, land devaluation, heritage and the landscape of the area. The word “compensation” would not come into the conversation otherwise. Is the Minister really asking us to believe that the Minister for Culture, Heritage and the Gaeltacht, Deputy Humphreys, who is from my constituency, sat down with him and said that it was okay to plough ahead with this project in its current guise? It is simply not allowable.

**Deputy Shane Cassells:** Is the Minister saying that Eirgrid is flagrantly ignoring the democratic process and that it does not have his or the Government’s tacit approval to proceed in this way? The people in my county and the north-east pylon pressure group want to make it clear to Eirgrid that it may dictate to the Minister, the Government and Department officials how it plans to proceed with the interconnector, but when it enters the real world it will not dictate any of its discredited plans to the affected landowners or communities. The ESB should also wake up to the damage that will be caused to its reputation by aiding and abetting Eirgrid in supporting direct confrontation with the farming community, the landowners and the ordinary decent people of Meath, Cavan and Monaghan.

**Deputy Denis Naughten:** To clarify, the 2012 Government policy statement states that the Government does not seek to direct Eirgrid, ESB Networks or any other infrastructure developers to particular sites, routes or technologies. That was adopted by my predecessors, not by me. I am working within the confines of the rules that were laid down in the process and had been laid down long before I came in. I want to put on the record that I am the first Minister since Deputy Eamon Ryan who has actually met with the groups and genuinely listened to the issues.

On 16 May, when we met in my office in Leinster House, the issue of compensation was specifically raised. On foot of that I asked my officials to see if we could find out what is happening throughout Europe on that. Deputy Smyth raised the issue of heritage. The reality is that local tourism, health, landscape, agriculture and heritage all had to be taken into account as part of the An Bord Pleanála assessment and as part of the oral hearing that took place at that point. I as Minister have an overarching duty that unless lawfully challenging a decision I have to accept the decisions of lawfully established bodies. An Bord Pleanála is the statutory process, and whether it is the decision made here by An Bord Pleanála or in Northern Ireland, unless lawfully challenging it I cannot interfere in that.

### **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) Deputies Niamh Smyth and Mattie McGrath - to discuss proposed closures

in the post office network; (2) Deputies Pat Deering and Gino Kenny - to discuss availability of the Kuvan drug for PKU sufferers in Ireland; (3) Deputy David Cullinane - the impact locally following the recent closure of Kilmeaden post office; (4) Deputies Aengus Ó Snodaigh and Fiona O'Loughlin - to discuss the staffing levels in the Defence Forces; (5) Deputy Eamon Scanlon - withdrawal of OcuVite Lutein from the general medical services scheme; (6) Deputy James Browne - the position with the application for the new special school at St. Patrick's in Drumgoold, Enniscorthy; (7) Deputy John Brassil - to call on the HSE to negotiate with a pharmaceutical company on provision of Translarna medication; (8) Deputy Thomas P. Broughan - the need to tackle joyriding and criminal anti-social behaviour in the Dublin Bay North district; (9) Deputies Fergus O'Dowd, Gerry Adams and Declan Breathnach - the ongoing crisis in respite care services in County Louth; (10) Deputy Frank O'Rourke - if the child benefit age limits will be reviewed; (11) Deputy Tom Neville - Newcastle West Garda station, County Limerick; (12) Deputy James Lawless - Ireland's need to join the European southern observatory research collaboration in 2017; (13) Deputy Brian Stanley - the delays with a decision on 24 hour emergency services at the Midlands Regional Hospital, Portlaoise; (14) Deputy Maureen O'Sullivan - the developments for people living in direct provision and the Reception and Integration Agency; (15) Deputy Clare Daly - to discuss the controversial allocation of the Aer Lingus supplementary B scheme; (16) Deputy Anne Rabbitte - to discuss the regulation of the large numbers of childminders in Ireland; (17) Deputy Louise O'Reilly - the spending on a new headquarters by the Department of Health since 2016; (18) Deputy Mick Wallace - reports that NAMA may provide loans to developers for house construction; (19) Deputy Richard Boyd Barrett - the shortage of emergency accommodation for the homeless in Dublin; and (20) Deputy Dessie Ellis - the availability of county council lands in Dunsink lane for social housing.

The matters raised by Deputies Niamh Smyth and Mattie McGrath; Pat Deering and Gino Kenny; Fergus O'Dowd, Gerry Adams and Declan Breathnach; and Maureen O'Sullivan have been selected for discussion.

### **Ceisteanna - Questions (Resumed)**

#### **Other Questions (Resumed)**

#### **National Broadband Plan Implementation**

28. **Deputy Éamon Ó Cuív** asked the Minister for Communications, Climate Action and Environment when it is expected a contract will be awarded for the national broadband scheme; and if he will make a statement on the matter. [41703/17]

**Deputy Éamon Ó Cuív:** I hope the Minister does not read the answer he gave previously to very similar questions and that we start to get into the nitty gritty of this. Caithfidh mé rud amháin a rá i dtús báire. Ní haon mholadh é féinmholadh agus ba cheart don Aire cuimhneamh ar sin. Nowadays fibre is no more complicated than copper was 20 years ago. It is a little thing that is hung on the top of a telephone pole and run it from pole to pole and join it just like a cop-



per one in a slightly different technological way. The Minister should not give us the line that this is some technological revolution. It is not. Is it a fact that the Minister and the Department predict that by 2020 a total of 180,000 houses will not have fibre broadband?

**Minister for Communications, Climate Action and Environment (Deputy Denis Naughten):** I have given a detailed outline on the current status of the procurement process in my responses to the priority questions on today's Order Paper.

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

The Deputy will be aware that this procurement process will select a bidder, or bidders, who will roll-out a new high speed broadband network to remote and rural areas not served by commercial operators. The successful bidder, or bidders, will build, maintain and operate this State intervention network for the next 25 years. Last Tuesday, 26 September 2017, was the closing date for bidders to submit their detailed solutions in the procurement process and I can confirm that my Department received submissions from two bidders. These bidders were Eircom Limited and the Granahan McCourt, enet, SSE, John Laing Group plc consortium. This is a significant and positive milestone in the process and the path to a digitally equal Ireland. The submissions received means that we are at the final stages of this procurement process.

My Department's specialist national broadband plan, NBP, team will now evaluate these two submissions over the coming weeks, with the expectation that very early in 2018 bidders will be invited to submit final tenders.

I am confident that the combination of existing commercial investment and the State intervention will make Ireland an exemplar in Europe and beyond, in terms of providing high speed services to all citizens regardless of where they live or work.

Deputy Ó Cuiv is right. It is easy to physically string the cable from pole to pole. As he knows, because he travels across rural Ireland just as I do, it is not as simple as that because some of these poles are red rotten and have to be replaced. Some have overhanging trees, some are missing altogether. There is much labour intensive work to be carried out in advance. It is not just as simple as sticking one piece of fibre to the other because light is being transferred through it. The connection has to be seamless. There are very specialised staff who do that. That is why the two bidders in the State intervention phase of the national broadband plan have decided to roll out fibre rather than any other solution as the main source of high speed broadband across Ireland.

The Deputy is right. It is amazing that this is not being rolled out elsewhere. As I said before the Deputy came into the House, we are now the global leader, and I am open to correction on this, in that 13% of our premises outside of our cities have access to pure fibre. That is unheard of anywhere in the world. That will continue to ramp up over the months and years to come. I believe that by 2020 a minimum of 91% of premises will have access to high speed broadband. I believe it will be higher than that because of the progress we have made in the 3.6 GHz spectrum. We are the first country to auction off spectrum that can take 5G. Several companies that are considering rolling out high speed wireless and mobile point to point services have already been to me but I am not going to commit myself to a figure higher than 91% until I can stand over it. The Deputy knows as well as I do that people are sick and tired of promises that are not fulfilled. I am not going to give a figure until I know that I can stand over it. I believe it will be higher than 91% but I am not going to say that until I know exactly.

**Deputy Éamon Ó Cuív:** Can the Minister confirm that not one house in this country has been connected to fibre or anything else under his national broadband scheme?

**Deputy Denis Naughten:** That is not true.

**Deputy Éamon Ó Cuív:** Before Eir signed a contract with the Minister it had committed publicly to rolling out fibre broadband to 300,000 houses. Can the Minister confirm that Ireland is unusual in having a very high percentage of the population living in non-agglomerated areas? People call them rural areas, I call them the people with bigger back gardens. One would think there was some awful magic at work because we do not all have to live on top of each other. No matter what the world is doing it was a very simple objective for us in this island to decide that within the part of this State that we control that every house would have fibre broadband. That was not rocket science.

The Minister talks about overhanging trees and replacing poles. They have been doing that since the telephone was invented. Can the Minister give me a date on which he thinks that he would sign a contract with some company to provide broadband under the national broadband scheme?

**Deputy Denis Naughten:** Yes, Ireland is unique in European terms in respect of its dispersed population in that 38% of our population lives on 96% of the landmass of the country. A total of 27% of the population lives in villages of fewer than 50 homes whereas the Organisation for Economic Cooperation and Development, OECD, average is 11%. Vint Cerf, one of the founders of the Internet who was here at the Dublin Data Summit on 16 June, said, “[Y]ou are working one of the hardest problems we know about. Highly distributed, highly rural, low density population ... So your success in this will be a real beacon for other populations that have this similar sort of rural population”. International experts are looking to Ireland because what we are doing has not been done anywhere else in the world and under the national broadband plan, and through its commercial stimulus aspect, 10% of the premises that have been passed by the Eir contract to date, which is approximately 100,000 properties, have connected to pure fibre and I am told approximately 20% of those 100,000 have connected with the SIRO roll-out. Between 10% and 20% is the rate of connection to pure fibre on foot of the commercial stimulus aspect of the national broadband plan.

**Deputy Éamon Ó Cuív:** Can the Minister give me an estimate of when he hopes to sign a contract for the national broadband scheme? It is a very simple question.

I do not know what is wrong with the international experts that they think there is anything revolutionary or physically difficult in putting a little bit of fibre into every premises on this tiny island. If they have a problem with that, the kids on the street cannot see it. It is a problem purely in the head. It is obvious that we will have to invest, as we invest millions of euro in the basic infrastructure of our cities. For the whole country this will be half of the cost of the Tuam to Gort motorway. That is not a problem. If they have a problem with it the Minister should not start quoting them. Will the Minister please give me the date when he expects the contract to be signed?

**Deputy Denis Naughten:** Deputy Ó Cuív was the Minister in the Government that signed the national broadband scheme. Does he remember that?

**Deputy Éamon Ó Cuív:** Yes.

**Deputy Denis Naughten:** It was a simple scheme. The day it went live, it was obsolete.

**Deputy Éamon Ó Cuív:** That was not the question I asked.

**Deputy Denis Naughten:** The Deputy should listen to me. It was obsolete the day it went live. The problem is that there have been Ministers in the past who thought it was just as simple as that and we ended up with the disaster we have now. There are people around Ireland at the moment who are relying on the national broadband scheme and it is appalling. We are not even a decade down the road from that having been introduced.

We are rolling out a network that will stand the test of time, just as electricity did in the past when colleagues in this House at the time said who in God's name will be using all of this electricity that we are generating, that we started 90 years ago in Ardnacrusha. We were the first country in the world to bring electricity to every single home. There have been tomes published on how that happened. There will not be the same on this. It will be one small chapter in the story of Ireland because it will happen quickly and every single home will get access to high speed broadband.

### **Climate Change Negotiations**

29. **Deputy Gino Kenny** asked the Minister for Communications, Climate Action and Environment if he will be attending the Bonn COP conference in November 2017; if he will be able to give a commitment that the State will meet its obligations under the Paris treaty; and if he will make a statement on the matter. [41844/17]

**Deputy Richard Boyd Barrett:** Speaking of Ardnacrusha, that was a moment when the State made a radical decision which worked to build a hydro-electric energy station.

Will the Minister be attending the Bonn climate conference and will he have to admit there that on the critical question of climate change, the Government is failing to take the kind of radical action necessary to avoid massive fines for the State's failure to meet emission targets, and to take seriously the move to transition to a low carbon economy that will protect our environment and help to protect the entire planet? Does he agree that we are failing disastrously in this regard? We are nowhere close to meeting our targets.

**An Leas-Cheann Comhairle:** The Deputy has two minutes to answer.

**Deputy Denis Naughten:** We will be here for a while if we propose to take Questions Nos. 30, 33, 48 and 65 together.

**An Leas-Cheann Comhairle:** Which questions is the Minister answering?

**Deputy Denis Naughten:** I apologise, I am one question ahead of myself.

**An Leas-Cheann Comhairle:** We are on Question No. 29, which stands alone.

**Deputy Denis Naughten:** The United Nations Framework Convention on Climate Change, UNFCCC, will hold its 23rd Conference of the Parties, COP 23, in Bonn, Germany, from 6 to 17 November 2017. This meeting will be the second since the adoption of the Paris Agreement in December 2015, with negotiations since then focusing on developing the rule book necessary to give full effect to the Paris Agreement. I expect to attend the high level segment of

the conference and my Department will lead Ireland's delegation for the full conference. The Paris Agreement sets out a long-term goal to put the world on track to limit global warming to well below 2° Centigrade above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5° Centigrade. Additionally, the agreement aims to strengthen the ability of countries to deal with the impacts of climate change through resilience and adaptation, and to make finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development.

Ireland will contribute to meeting the objectives of the Paris Agreement via the commitment tabled by the EU on behalf of its Member States in 2015. This commits to a reduction of at least 40% in EU-wide emissions by 2030 compared with 1990 levels, which will be met through reductions of 43% in the EU Emissions Trading System, ETS, and 30% in the non-ETS sector compared with 2005 levels. The specific details of Ireland's contribution, as well as the contributions to be made by other member states, are currently being negotiated at EU level.

The parties to the UNFCCC are committed to finalising, in 2018, the structures through which the Paris Agreement will drive adaptation, mitigation, transparency and capacity-building action. The agreement also provides for a facilitative dialogue, scheduled for 2018, which will assess the adequacy of global efforts to date to meet the agreement's objectives. This will, in turn, lay the foundations for a global stocktake process which will drive, on a five year basis beginning in 2023, continual progress and increased ambition by all parties towards the achievement of the goals of the agreement.

The ambition of Ireland for the forthcoming COP meeting, together with our European Union partners, is to ensure that sufficient progress is made, across the full range of issues, to ensure that COP 24 in 2018 is in a position to formally adopt the key elements of the Paris Agreement rule book.

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

This will, among other things, provide that the Global Stocktake process will be able to commence and operate effectively towards meeting the overall objectives of the agreement. In addition, I expect that this COP will provide additional clarity on how the facilitative dialogue process will operate, as well as on the role of non-State actors in implementing the Paris Agreement through the Global Climate Action Agenda.

**Deputy Richard Boyd Barrett:** The Minister has not answered the question in so far as it applies to Ireland and this State's ability to meet its targets, to take climate change seriously and do something about it. Does the Minister accept that we are failing disastrously? Carbon emissions are increasing. They have increased from 56 million tonnes of carbon during the 1990s to almost 60 million tonnes of carbon dioxide equivalent now, so it is worsening. The EPA says Ireland faces significant fines and that we are nowhere near meeting our targets. We can forget about the 20% target, as it says we would be lucky to get as much as a 4%, 5% or 6% reduction in emissions. Friends of the Earth says that we are denial.

It is clear what is happening. I raised the matter of forestry recently. We are pathetically underperforming in our afforestation programme. We are nowhere close to targets we had in the past. Our public transport is very expensive. We have some of the lowest levels of subsidy in Europe and there has been no serious reduction in car use because we are not doing anything to significantly reduce the cost of public transport and improve its quality. We are still award-

ing licences for gas and oil exploration. The renewable energy scheme appears focused on big corporations and is not available to small businesses and communities. Is it not the case that we are failing?

**Deputy Denis Naughten:** I agree with the Deputy that we are coming from a very difficult position. Over the previous decade, the money was not available to make the investments that were needed. The targets that were set for 2020 did not accurately reflect from where we were coming. Nevertheless, my focus is on ensuring we can not only achieve our 2030 targets but exceed them. Undoubtedly, we face a very challenging road ahead in this regard. We are making significant progress in some areas. For example, we are a global leader in the development of ocean energy technology. We are also the global leader in variable renewable energy, such as wind on the grid, where we can take a 60% loading on an isolated grid, which is something that no other country in the world has done to date. We have genotyped 1 million cattle, which will have a direct impact in beef production. We are making progress. It is not as quick as it should be and it is correct that it will have to be increased significantly from here on.

**Deputy Richard Boyd Barrett:** The Minister mentioned a number of things. Take the area of forestry. We are all aware of the carbon sink but I am not aware of any attempt to ramp that up. There has been talk about it but nothing has been done. There will be no increase in the current levels of investment or changes in policy. Why is it that we do not slash public transport fares? If we want to get people out of cars, we should slash fares. They are very expensive. Where is a big insulation programme being rolled out, one that is easy and affordable for people to reduce their energy use? Why are all the research and development tax credits going to multinational corporations instead of into universities to develop sustainable renewable energy sources?

**Deputy Denis Naughten:** The Government has renewed focus in this area. We had a full day discussion on the area of climate and related aspects and that will be reflected in the budget next week. We will roll out the renewable heat incentive scheme later this year which will have an impact not only in stimulating biomass but also making the forestry crop far more valuable. I met Coilte yesterday in regard to mobilising forestry and timber production. Things are happening in the area. I understand the Deputy's frustration, and I equally share that frustration and the belief that things need to move and must move faster. It will take not merely a whole of Government approach but a whole of society approach. That is why the national dialogue on climate change is so vitally important to engage communities across the country. I met a group of young people from Ballinasloe last week who were talking about climate refugees. Each second, nine people are moving from their homes because of climate. That starts here in Ireland. We have it in the Shannon Callows where families who have been there for generations have had to move. It is happening in our own communities and we must motivate them.

*Question No. 30 replied to with Written Answers.*

### **National Broadband Plan Implementation**

31. **Deputy Fiona O'Loughlin** asked the Minister for Communications, Climate Action and Environment the status of the roll-out of high speed broadband in County Kildare to date; and if he will make a statement on the matter. [41710/17]

32. **Deputy James Browne** asked the Minister for Communications, Climate Action and



Environment his plans for the roll-out of rural broadband across County Wexford; and if he will make a statement on the matter. [41888/17]

43. **Deputy Thomas Byrne** asked the Minister for Communications, Climate Action and Environment the likely impact on homes in County Meath that are awaiting broadband connection in view of the recent withdrawal by a company (details supplied) from the national broadband plan procurement process. [41722/17]

56. **Deputy Charlie McConalogue** asked the Minister for Communications, Climate Action and Environment the position regarding the commitment to provide high speed broadband to every house and business in County Donegal; the deadline for same; the number of homes and businesses which currently have access to high speed broadband; the number of additional homes and businesses which will get access to high speed broadband in 2017; the number which will get access in 2018; and if he will make a statement on the matter. [41709/17]

58. **Deputy Fiona O'Loughlin** asked the Minister for Communications, Climate Action and Environment the number of homes in County Kildare that are currently without high speed broadband; and if he will make a statement on the matter. [41711/17]

**Deputy Denis Naughten:** I propose to take Questions Nos. 31, 32, 43, 56 and 58 together.

The National Broadband Plan is about connecting people in towns and villages across Ireland to high speed broadband through a State-led intervention and commercial investment. The State-led intervention is progressing, with my Department evaluating the bidders' submissions received last week, with a view to final tenders being received in 2018. In the interim, broadband roll-out continues through significant investment by commercial operators to a value of €1.8 million per day. This investment would not be taking place, connecting people at the rate they are being connected, were it not for the State's national broadband plan. The areas referenced by the Deputies in their questions are a prime example of this.

There are over 81,000 premises in County Wexford, 60,000 of which fall within the blue area of the national broadband plan map. This means that they are to be covered by commercial operators. Of these 60,000 premises, approximately 20,000 form part of eir's planned rural deployment to deliver high speed broadband between now and the end of 2018. The remaining 21,000 premises in County Wexford fall within the amber area and will be part of the State-led intervention under the national broadband plan.

There are over 90,000 premises in County Kildare, 77,000 of which fall within the blue area of the map and are covered by commercial operators. Of these 77,000 premises, approximately 7,000 are part of eir's planned rural deployment. The remaining 13,000 premises in County Kildare fall within the amber area and will be part of the State intervention phase of the national broadband plan.

There are over 101,000 premises in County Donegal, 68,000 of which fall within the blue area of the map and are covered by commercial operators. Just under 17,000 of these 68,000 premises form part of eir's planned rural deployment to deliver high speed broadband between now and the end of next year. The remaining 33,000 premises in County Donegal fall within the amber area and will be part of the State-led intervention phase under the national broadband plan.

There are over 83,000 premises in County Meath, 64,000 of which fall within the blue area

of the map and are covered by commercial operators. Of these 64,000 premises, over 10,000 form part of eir's planned rural deployment to deliver high speed rural broadband by the end of next year. The remaining 19,000 premises fall within the amber area and will be part of the State-led intervention phase of the national broadband plan.

This commercial investment will continue through 2018 and beyond. By early next year the State-led intervention will be at final tender stage and extend the reach of broadband to all citizens. By 2020 nine out of ten premises the length and breadth of Ireland will have access to high speed broadband.

The mobile phone and broadband task force was established in July 2016 to consult and engage with telecoms industry representatives in order to identify solutions which could be implemented in the short, medium and long term to alleviate telecommunications deficits, particularly in rural Ireland and particularly in relation to broadband, prior to the full build and roll-out of the network planned in the State-led intervention phase of the national broadband plan. Under the task force, engagement between telecommunications operators and local authorities through the broadband officers is continuing to strengthen. These broadband officers are acting as single points of contact in local authorities for their communities. Their appointment is already reaping rewards in ensuring a much greater degree of consistency in engagements with operators and clearing obstacles to infrastructure. There is a link to the list of local broadband officers on my Department's website.

**Deputy James Browne:** I thank the Minister. I asked this question because of the deep frustration felt by people in County Wexford. Fibre broadband to the home is the key to bridging the rural divide in providing access to digital technologies. In County Wexford there are areas that completely lack access to broadband. People are getting deeply frustrated, fed up and annoyed at this. In particular, lack of access to broadband is holding back rural economies which have potential. They want to develop their economies, but they are simply not able to do so. It extends out and does not just affect businesses. Pretty much everything done at home, whether it be homework, completing grant or medical card applications or whatever else, is now done online now and people cannot do it. Similarly, the farming community which wants to develop modern efficient technologies on their farms cannot do so without access to broadband. Providing access to high speed fibre broadband is absolutely critical for all rural communities.

**Deputy Denis Naughten:** I thank the Deputy. He is right and I understand his frustration. As the worst broadband speeds in Ireland are in Roscommon and east Galway, I understand exactly the frustration he is experiencing. As I said to Deputy Eamon Ó Cuív earlier, if we could provide high speed broadband for every home in Ireland on the back of a hare, it cannot come quickly enough as far as I am concerned. That is why the broadband task force is so important in dealing with those in the amber area who are not part of the current roll-out phase of the national broadband plan. They are waiting for completion of the procurement process, particularly in the last 7% or 8% of more isolated areas. On entering the Department 12 months ago, I released 3.6 GHz of spectrum. That auction took place earlier this year and allows for the roll-out of point to point mobile and fixed wireless 5G broadband services in the more isolated parts of Ireland. Already one operator bidding for the contract has come to me and expects to cover 85% of the landmass of the country by 2019. This will deal with many people in County Wexford and other counties who are in the amber area.

I was surprised when I was told by an operator within the past week that some local authorities still charged development charges for telecommunications infrastructure. I want to make it

quite clear to the House that I will publicly name those local authorities if they do not stop doing this. They have been issued with a request by the Department of Housing, Planning and Local Government on a number of occasions not to do so. This is curtailing the roll-out of wireless and mobile broadband services to those counties and they need to be held accountable for it.

**Deputy James Browne:** I thank the Minister. I certainly hope no local authority is holding up the development of broadband services which are absolutely critical for the development of communities. The Minister has explained very well and clearly how this will happen. The mechanics have been quite well explained, but this probably adds even more to people's frustration as they see that it is not rocket science but more bicycle mechanics and they cannot understand how it is not happening by now. Particular areas, whether it be Enniscorthy, Wexford, New Ross or Gorey, are blighted by the lack of broadband. I certainly hope to see services developed as soon as possible in all of these areas in order that we can free rural communities to maximise their talents, opportunities and ideas which are being held back.

**Deputy Denis Naughten:** I am disappointed that some local authorities are doing this and the Deputy might assist me in that regard. I would appreciate his assistance and ask colleagues in the House to do it also. I am working with the Minister, Deputy Eoghan Murphy, to exempt 4G antennae and other telecommunications infrastructure to fast-track the planning process to try to deploy this technology as quickly as possible. The other work I am doing with the Minister, Deputy Michael Ring, and the Minister of State, Deputy Seán Kyne, who has taken over responsibility for this aspect as and from the Cabinet meeting held last Tuesday, is looking at how we can exploit the broadband that will be brought into every village across rural Ireland in the next 12 months. We are looking at whether we can have hot desks in local community centres and local GAA clubs in order that instead of lads who are playing with the local football team or even the local hurling team having to commute to Dublin five days a week, they can actually work from their local GAA pitch or their local community centre. It is not perfect and not ideal, but it is a damn sight better than what they have had up to now. All of this is happening and I need everyone's assistance in the House to progress it.

**An Leas-Cheann Comhairle:** Deputy Thomas P. Broughan has been waiting patiently and with his agreement the Minister will answer the question and we will have one supplementary question.

*Question No. 33 replied to with No. 30.*

## Energy Policy

34. **Deputy Thomas P. Broughan** asked the Minister for Communications, Climate Action and Environment if he is conducting a review of his Department's strategy to combat energy poverty 2016 to 2019; the way in which he plans to further reduce energy poverty in 2018; and if he will make a statement on the matter. [41700/17]

**Deputy Denis Naughten:** I thank the Deputy for raising this issue. The strategy to combat energy poverty published in 2016 sets out the actions that will be taken between 2016 and 2019 to alleviate the burden of energy poverty on the most vulnerable in society. It focuses on a small number of high impact actions that will make a real difference to the lives of those living in energy poverty. In 2019 my Department will undertake a public consultation process to review the strategy. This consultation will review the progress made in understanding energy poverty

in Ireland, allow for a broader debate on whether the general policy direction is reducing levels of energy poverty, and whether new approaches are required.

The better energy warmer homes scheme, which is administered by the SEAI, is the Government's main scheme for addressing energy poverty. It delivers a range of energy efficiency measures free of charge to low-income households, allowing them to heat their homes adequately while making them less vulnerable to increases in energy costs or decreases in income. To date, nearly 125,000 low-income households have received a free energy efficiency upgrade under the scheme.

The better energy warmer homes scheme will continue in 2018, and I intend to continue working with the Department of Employment Affairs and Social Protection to ensure eligibility for the scheme is consistent with its income support schemes. If data on social inclusion demonstrate that particular groups are vulnerable to deprivation, an amendment of the scheme will be considered to ensure these groups receive support. This was already done in 2016 when eligibility for the scheme was extended to lone parent families in line with evidence gathered under the survey on income and living conditions, which suggested that basic deprivation is particularly acute for lone parent families.

In 2016, my Department launched the warmth and well-being pilot scheme in partnership with the Department of Health, the HSE and the SEAI. It is accepted that housing is a social determinant of health and, as such, a cold, damp house can contribute to poor health and poor well-being of the residents. The scheme will measure the impact that an energy efficiency upgrade can have on the health and well-being of people living with chronic respiratory conditions and build an evidence base for expansion. This scheme will continue in 2018, and I expect to allocate at least €20 million in funding to the pilot by the end of 2018 to provide for the upgrade of at least 1,500 homes.

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

People living in rented accommodation are generally more vulnerable to energy poverty. My Department has worked with external experts to examine the impact of introducing minimum energy efficiency standards for rented properties. My Department is now working to update the research findings with updated data from the 2016 census. When this is done I intend to present the findings with a view to publishing the research and engaging in full public consultation.

The Commission for the Regulation of Utilities, CRU, formerly the Commission for Energy Regulation, CER, is responsible for ensuring a high standard of protection for all energy customers, including those in energy poverty, and delivers on this by publishing guidelines and requirements such as the supplier's handbook. The handbook sets out minimum service requirements that suppliers must adhere to in their dealings with energy customers. All suppliers are required to have in place a code of practice on vulnerable consumers.

**Deputy Thomas P. Broughan:** I thank the Leas-Cheann Comhairle for his kindness in allowing a few extra minutes. I thank the Minister for his reply. Regarding the actions he has taken, has he set up the independently chaired energy poverty advisory group, which I believe he promised as part of the strategy? He is very aware of how huge a problem this is. All Deputies are. It is estimated that 400,000 households live with some kind of energy poverty, and Age Action states perhaps 2,000 senior citizens die from energy-poverty-related illnesses each

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year. The Minister mentioned the warmth and well-being energy efficiency programme, which I welcome. Is it possible to extend that? The pilot scheme was in action in the south side of Dublin. When does the Minister intend to extend the programme to the postal areas of Dublin 3, 5, 9, 13 and 17, the postal areas in the area I represent, Dublin Bay North?

The Minister mentioned SEAI and the work it does through the warmer homes initiative. He promised there would be free upgrades. He reported that 120,000 homes had gone through the better energy warmer homes scheme. Was there more action on that?

The EU programme Horizon 2020 was the background to the Minister's promoting and financing of energy efficiency in Ireland. The associated event took place earlier this year in Dublin. What was the outcome of that? Is the Minister in a position to secure further EU funding to tackle this very real problem? It is huge European problem, as the Minister knows. Some 54 million people are affected by energy poverty in the European Union.

**Deputy Denis Naughten:** It is a problem. I spoke at the International Energy Agency meeting in Paris before the summer and talked about the pilot warmth and well-being scheme. It took me half an hour to get down through the auditorium afterwards given the number of Ministers who were coming up to me from right across the globe in regard to this.

With regard to the warmer homes scheme for 2017, up to the end of August 4,515 homes received an energy efficiency upgrade under the scheme, with capital expenditure of €11.5 million. By the end of the year, we expect to spend €21.2 million in providing upgrades in relation to that.

On the expansion of the warmer homes scheme, the Deputy's question is one I ask myself because there is a small bit of ground west of the River Shannon to which it would be nice to see it extended. It is a phenomenal scheme. It needs to be ramped up significantly right across this country. The decisions on locations were made by the HSE, not by our Department, sadly. I know of a few locations I would like to be considered. The empirical evidence that will start coming through from the end of this year will give us grounds for making a case to expand the scheme, not just to other parts of Dublin but to parts across the country.

*Written Answers are published on the Oireachtas website.*

## Topical Issue Debate

### Post Office Network

**An Leas-Cheann Comhairle:** The first issue, tabled by Deputies Niamh Smyth and Mattie McGrath, is for the Minister for Communications, Climate Action and Environment, who is still with us.

**Deputy Denis Naughten:** Deputy Smyth is picking on me all day.

**Deputy Niamh Smyth:** It is the Minister's lucky day, and again we are talking about services that affect rural areas. I, along with many postmasters and postmistresses across the country, was horrified to see the headline in the *Irish Independent* some days or weeks ago. It



stated 400 post offices are to close. As the Minister well knows, the post offices provide an invaluable piece of the fabric and integrity of rural areas. We cannot stand by any longer and see no changes and movement towards making progress on post offices and bringing them into the 21st century such that they will have the technology and services to make them sustainable and worth having in communities.

As the Minister knows, the post offices have to be sustainable. They are businesses. We need to offer a broader range of services within them. We need to consider the financial pressure that the postmasters and postmistresses find themselves under. It requires some fresh thinking and the implementation of new ways of doing things.

There has to be an emphasis on the Kerr report. It was launched almost a year ago, with some practical solutions as to how we can proceed. We will all be the first to admit the figures do not lie. The post offices have suffered significant losses, of between €12 million and €15 million in 2016, and a much greater loss is anticipated for 2017. Postage currently represents 64% of An Post's revenue, down from 74% in 2016. These are facts we cannot get away from. It is largely attributable to the fall in mailing and also to better use of technology. We have talked about broadband so we realise better use of technology is not always a feature in certain areas. There are rural areas in our constituencies that do not have broadband and probably depend on An Post a lot more than areas that do. One facilitates the other.

**Deputy Mattie McGrath:** I am glad the Minister is here to hear this. We in the Rural Independent Group brought in a Bill here last September. It was agreed by the Government. My secretary spent time negotiating with the Minister's office, for which I thank him, and the Taoiseach's office and the Department of the Minister for Rural and Community Development, Deputy Michael Ring - God help us - to agree on wording for it. We agreed on a Bill that committed to doing something about the post offices. We had the Kerr report, and report upon report. It is blatantly obvious that diminishing the business is diminishing the incomes of the postmistresses. That is what is going to happen. Reviews a year or two after a diminishment show diminished income, and the advice is to close the post office. It is closure by stealth.

We have had the Kerr report. I am depending on the Minister, Deputy Naughten. The Minister for Rural and Community Development, Deputy Michael Ring, did a complete Pontius Pilate exercise; he washed his hands of it. He does not care about post offices. He talked about a hurdy-gurdy or some kind of mobile post office and then ran away from it. It was left to a different Department, that of the Minister before us, Deputy Denis Naughten. It is in the hands of the latter. I acknowledge from the negotiations on the formation of the Government that this is a very high priority for the Minister. We expect him to deliver. We expect that the Minister for Transport, Tourism and Sport, Deputy Ross, and the other independent Ministers will insist that the Government cry halt because all the reports, activities and talk are useless.

What does the unanimous acceptance of our Bill in this House mean? Does it mean anything to the postmistresses, their staff and families? I met many of them on Sunday night in Cork on the way home from the meeting in Athlone. They are depressed because the Government is tying their hands behind their backs, blindfolding them and taking away the business. What will offering to give the post offices bank accounts do? It will take further business from them. They should be given responsibility for dealing with car tax or such business. The Government should consider the banking system in Iceland and bring in the credit unions also, if necessary, but it should not be all talk and do nothing for the post offices. It is in the hands of the Minister. I hope he does not wash his hands of the matter; I know he will not. It is bad enough for the

Minister for Rural and Community Development, Deputy Michael Ring, to do that. The people deserve better. The post offices are the hubs of the community. They are the tourist offices and they are the facilitators. If anything goes wrong and it is noted that somebody is missing of a Friday, owing to sudden illness, for example, his or her life may be saved in many cases. The Government should have some respect for the post offices at this stage. They are being kicked around like a political football for the past ten years. It is time for action.

**Minister for Communications, Climate Action and Environment (Deputy Denis Naughten):** I have a lot of respect for postmasters and postmistresses across the country. I should declare an interest, namely, that my aunt in Galway who is also my godmother is the postmistress in Killimor. It is something in which I have a significant interest. I was one of five Members who bothered to make a submission on the Kerr report because I felt so strongly about the issue. Many services can be channelled through the post office network. The payment of motor tax is one very small example.

It is Government policy that An Post will remain a strong and viable company in a position to provide high quality nationwide postal services and maintain a nationwide customer-focused network of post offices in the community. However, the An Post Group lost €13.7 million in 2016, with the core mail business losing over €30 million.

As we know, the post office network comprises just over 1,100 outlets nationwide and reaches over 1.7 million customers. It is the Government's front-office provider of choice for many citizens and seen as a trusted, local, reliable and friendly service.

The four major strengths of An Post are its strong brand; the fact that the organisation is trusted by the public, in particular by older people; it is a nationwide network and that it guarantees delivery and collections five days a week, 52 weeks of the year. These strengths have been built on over the years by the postmasters and postmistresses, in conjunction with An Post. With its nationwide reach, the company brings vans and postal workers to every premises in Ireland five days a week, 52 weeks of the year. It is a valuable service, particularly in rural areas for rurally based businesses. To protect the network, I repealed the cap on the price of a stamp because, despite advice to the contrary, I believe the five-day a week service is an asset to be developed, not undermined. The Government is fully committed to having a sustainable post office network which it sees as a key piece of financial and social infrastructure for urban and rural areas. Part of the strength of the post office brand and one of its selling points is that it reaches all parts of the country and can be accessed by anyone. I expect this to be a cornerstone of any future strategy for the company and the post office network.

An Post has entered a period of structural change and decline in activity, mainly due to the impact of e-substitutions on mail volumes and post office transactions. The environment in which An Post operates is changing and the network needs to change in order to thrive, in particular given the move to digital transactions. This involves harnessing existing strengths such as the trusted brand and the relationship of postmasters and postmistresses with individual communities to build the network of the future. There will be opportunities to develop new or enhanced product lines for the network and I am keen to ensure this will include the concept of digital assist, whereby the post office would become a default option in the provision of Government services for those who are not comfortable in the digital space. The post office plays an important role in serving the needs of businesses and domestic customers alike and this is the forefront of the mandate of An Post. I am acutely conscious of the value placed by communities in rural and urban areas on services provided by post offices and determined to

ensure the needs of those committees will be met. The Government remains fully committed to having a sustainable post office network which it sees as a key piece of economic and social infrastructure for rural and urban areas.

In response to the challenges it faces a strategic review of An Post, including the post office network, which will identify the changes and restructuring required to maintain the company on a sound financial footing was initiated and is nearing completion. All opportunities are being assessed by An Post in the context of the review. Until such time as it is finalised and assessed, it is not possible to comment further. The Government will be briefed once a definitive strategy has been agreed.

**Deputy Niamh Smyth:** I wish to make some simple suggestions. An Post services could be extended to allow post offices to act as a central office for State payments and charges. They could deal with the processing of motor tax, local authority and hospital charges and provide banking services. We could ensure the post office would become a hub for shared community State services, as well as an office providing access to broadband and printing facilities. The Department of Social Protection contract could be extended.

It has been many months since the formation of the Government, yet there has been little movement on outlining a plan to safeguard the future of the An Post network. The Government's responsibility for post offices and future network renewal resides with two Departments and three Ministers. The Government received the Bobby Kerr report which outlined a number of practical solutions to address the problems in An Post, but almost one year on, there has been no action. Post offices are an important strategic State asset and play an invaluable role as the centre point of community and commercial activity in urban and rural Ireland. They comprise the largest retail network in the country, with over 1,100 post offices employing almost 3,000 people. The Minister does not need me to emphasise further the importance of the integrity of the network for rural Ireland.

**Deputy Mattie McGrath:** I must declare that my sister runs a post office. Her staff member, Helen, had a stroke and I wish her well in her recovery. I hope the Minister's aunt is not watching the debate or she will have a stroke. It is a good job that he has made his First Holy Communion and Confirmation because he would receive no envelope. She would instead give him a red card. It is up to the Independent Members in government to deal with this issue because it is clear that Fine Gael will not deal with it. The Minister, Deputy Michael Ring, washed his hands of it and is not interested. I have been a Member of the House since the time of former Deputy Mary O'Rourke when lip service was paid to the post office network.

Deputy Niamh Smyth outlined all of the good things about the post office network. Post offices in Kilmeaden, County Waterford and Terryglass closed recently. They might be given a reprieve. Post offices are being closed every day and disappearing before our eyes like snow off a dish when the sun comes out. It is time for the Minister to act. We have had enough reports and strategic reviews. How many staff are working in the GPO? Postmasters and postmistresses are not causing losses in An Post; rather, it is over-staffing in places such as the main post office. When An Post was struggling, the price of a stamp was increased by 30 cent. If any other person was to do that, he or she would go out of business within a short time. It is the sabotage of a wonderful institution and wonderful people.

**Deputy Denis Naughten:** To answer Deputy Niamh Smyth's question, I am the Minister in charge. There may be technical issues, but the buck stops with me. An Post is accountable to

me as Minister and I am accountable to the House for An Post.

I disagree with Deputy Mattie McGrath. It is not a question of sabotage. In my contribution I outlined why I had to increase the price of a stamp. I will not do what my predecessors did, namely, bury my head in the ground in the hope the problem will go away. Last year I was left with a situation, which I outlined for the House on numerous occasions, where I either had to reduce postal services in rural areas to a three-day week service or increase the price of a stamp. If I had done what the Deputy had wanted me to do and not increased the price of a stamp, he would have been the very first to criticise the impact it had had on rural Ireland and businesses. I categorically refute the suggestion and would not tolerate such a situation.

Deputy Niamh Smyth made some very cogent points. When I was on her side of the House, I made the exact same points. I encourage her to talk to my Cabinet colleagues and make the same points to them because she is correct. Myriad Government services could be delivered through post offices. The websites and technology are available. Every single post office in Ireland, with the exception of 34, will have high speed broadband outside the door. That should not be a threat; rather, it should be an asset to be exploited.

The Deputy is also correct in respect of collecting health charges and so forth. An Post needs to provide financial services. The banks have pulled out of provincial towns and rural Ireland. An Post can not only meet that challenge head on but also provide new and innovative financial services.

My final point is relevant to all of us in the House. The only time any of us go into a post office is to buy stamps at Christmas time or during the summer in order to renew passports to go on holidays or buy foreign currency. We need to change the business model of An Post and to get more people, rather than just older people, to use the post office network. We have to hold on to the social welfare service and expand others.

### **Medicinal Products Availability**

**Deputy Pat Deering:** PKU is a rare genetic disorder that affects a person's metabolism. People with PKU are unable to break down an amino acid called phenylalanine, phe, a natural substance found in food. This results in a build up of phe in the blood and in the brain, which can cause serious health problems, including, if untreated, severe brain damage. There is much more to it than the dietary effects. It also involves irritability, lack of concentration, stomach pains and just not being like every other child.

The only medical treatment for PKU is the drug Kuvan, which can vastly improve the quality of life of some people with PKU. The drug enables more "normal" food to be eaten and critically improves cognitive functioning thus reducing the real threat of long-term irreversible brain damage. Kuvan received EU regulatory approval in 2009 and is currently approved for use and reimbursed in Austria, Belgium, Bulgaria, the Czech Republic, Estonia, France, Germany, Hungary, Italy, the Netherlands, Luxembourg, Norway, Portugal, Romania, Russia and the UK and certain areas in Sweden, Lithuania and Denmark so why is this not the case in Ireland?

The PKU community cannot see any justification for the drug not being available in Ireland on such a relatively small scale when it is widely available across EU, the rest of Europe and

worldwide. Since 2010, Kuvan has been assessed by the National Centre for Pharmacoeconomics, NCPE, twice and rejected on both occasions in 2009 and 2017. The PKU community is frustrated with this process and feels it is unfair as it is designed to fail orphan drugs, which do not have the necessary data. It is an expensive and lengthy process for small organisations such as the PKU Association of Ireland, PKUAI, while also being costly for the HSE. The drug review with the NCPE is set up to fail orphan drugs. These drugs are put through endless assessments which they can never win due to their poor scoring on quality of adjusted life, QALY. To get a reliable QALY, one needs big clinical trials, which are common for things such as oncology or heart disease. In simple terms, for example, a cancer drug could give an additional year of life for €10,000 so the cost of that QALY is €10,000. Sadly, PKU and other rare diseases cannot show examples for orphan drugs because one simply cannot do the clinical trials to produce good QALY. There is a misconception that these orphan drugs are expensive. While this sometimes is the case, the reality is often the fact that the QALY is unreliable. However, this will always be the case in orphan drugs because one cannot get reliable clinical trials with small amounts of patients and data.

The PKUAI strongly urges the HSE to engage with the manufacturers of Kuvan and approve funding for the only drug treatment available for PKU. It is already available in nine other EU countries. Giving access to this life-changing drug for all those eligible could transform the future health of people with PKU throughout Ireland and would be of huge benefit to everybody in the community

**Deputy Gino Kenny:** Like all Deputies in this House, we received an email from an impassioned mother whose six year old daughter Maria lives with PKU. I had not heard of PKU until I read the email. Ireland has the highest rate of PKU in the world. As Deputy Deering said, the drug Kuvan has been approved by over 20 countries in Europe. This drug has been proven to be medically beneficial for those living with the condition. Sadly, Kuvan has been rejected twice by the NCPE in the past eight years. This has had a devastating effect on the PKU community. My question is fundamental to many things that happen in this House, to orphan drugs and to people who have rare conditions, not because of their choosing but because of circumstances. The NCPE has said twice that the drug is not to be approved. Obviously, the reason it has not been approved is because the NCPE thinks it is not cost-effective. Will the Minister override its decision and tell the manufacturer of this company to sit down and agree a price? It has been done previously with the cystic fibrosis community regarding the drug Orkambi, so I am asking the Minister to override the NCPE's decision because this drug can greatly benefit those suffering from PKU.

**Minister of State at the Department of Health (Deputy Jim Daly):** I wish to thank Deputies Dino Kenny and Deering for raising this issue. Medicines play a vital role in improving the overall health of Irish patients. Securing access to new and innovative medicines in a timely manner is a key objective of the Irish health service. However, the challenge is delivering this objective 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 fees and ingredient cost. 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 settings, for example, in 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. This is most welcome and can have a transformative impact on the health



of patients. However, as the Minister has stated previously, the cost that some companies are seeking to charge for their medicines may result in a situation where certain treatments may never become available to patients. This is the case not only in Ireland but across Europe. That is why it is essential that Ireland has a scientific, robust and evidence-based assessment process in place. This ensures that decisions relating to the reimbursement of medicine are made on an objective and scientific basis recognising the health needs of the population and other factors.

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 for the assessment of all drugs. In reaching its decision, the HSE examines all the evidence which may be relevant in its view for the decision and will take into account such expert opinions and recommendations which may have been sought by the HSE, including, for example, advice from the NCPE.

Sapropterin, or Kuvan, was previously considered under the national pricing and reimbursement processes in 2009. At that time, insufficient evidence was available to support the pricing and reimbursement application submitted by Merck Serono for Kuvan. In December 2015, Merck Serono advised the HSE that the market authorisation for Kuvan was transferring to Biomarin in 2016. The HSE met with the new market authorisation holder Biomarin in May 2016 and was advised that it would be submitting a health technology assessment dossier relating to Kuvan. The NCPE assessment of the Biomarin dossier was completed on 15 September 2017. The NCPE did not recommend Kuvan for reimbursement as it was not deemed to be cost-effective. The HSE assessment process is ongoing and the HSE will take into account the expert advice of the NCPE when making its decision in line with the Health (Pricing and Supply of Medical Goods) Act 2013.

**Deputy Pat Deering:** I thank the Minister of State for his reply. Like Deputy Gino Kenny, a constituent of mine has a child with this disease. Obviously, it is a hugely debilitating disease and the family is very concerned in that regard. Fortunately, it was picked up by the heel prick test, which is carried out after the child is born. I disagree with one point made by Deputy Gino Kenny. I am not looking for the Minister to overrule the decision. I am asking him to change the assessment process because this drug will never succeed in being passed under the assessment process at present. As I mentioned in my initial contribution, the assessment process at present only suits tests relating to oncology or other more prominent diseases. This is a rare disease and the structure and the criteria that are there will never allow this drug to be used, which is the crucial point. The criteria for testing drugs dealing with these very rare diseases need to be changed. The process of assessing the drugs needs to be changed in order for this drug to be approved. I suggest that the Minister goes back and looks at the criteria.

**Deputy Gino Kenny:** This statement does not really mean anything. It is hollow, to say the least. What this comes down to is putting a price on somebody's life. Somebody has made a decision - I do not know if it is the Minister of State - that the price of somebody's life is not worth the price of medication for that. This goes further than providing Kuvan for people with PKU; it involves other orphan drugs like Translarna for people with muscular dystrophy, as was mentioned by Deputy Adams yesterday. Will the Minister of State override its decision and review the assessment done by the NCPE on orphan drugs? The assessment is fatally flawed. People who have conditions not of their choosing but because of circumstances are being medically discriminated against because of price. I ask the Minister of State to review and override the NCPE's decision.

**Deputy Jim Daly:** I am acutely conscious that there are real lives behind these speeches. Sometimes these speeches can come across as very harsh departmental responses but I am acutely aware that real people and children are involved, including mums, dads, brothers and sisters. We are talking about real life and I am not going to forget that for a second. I will have the assessment process looked at and will ask my officials to review it. There is a difficulty in that very clear guidelines are set out on how to assess the process and that is done in law. The process for it is under Schedule 3 of the 2013 Act. The NCPE has made a recommendation but the HSE has not yet made a decision and I want to clarify that. Some recent media reports have presented it in such a way as to indicate that the decision has been made. The decision has not been made, just the NCPE recommendation. It has looked at it under a variety of criteria to assess it, as it is duty-bound to, under the Act, and it has not recommended it but the HSE has yet to make a decision on it and that assessment process is still ongoing. I appreciate the opportunity that both Deputies have given to give air time to the matter and to add a human side to ongoing deliberations.

We spend €1.7 billion on prescribed drugs in this country and that is a challenge. We cannot have an open chequebook scenario when an international pharmaceutical giant comes to Ireland to offer prescription drugs at sometimes twice the rate they are sold for in other countries. There is a negotiation process and unfortunately a business model underpins it. It is of course about human life at all levels, but I reassure the Deputies that the final decision has not been made and the HSE's deliberations are ongoing. I welcome the Deputies' contributions to that process.

### **Respite Care Services Provision**

**An Leas-Cheann Comhairle:** Bogfaimid ar aghaidh anois go dtí an chéad cheann eile in ainmnithe na Teachtaí O'Dowd, Adams agus Breathnach. Níl an Teachta O'Dowd anseo. Níl sé ábalta bheith i láthair. Glaoim ar an Teachta, Gerry Adams, who has two minutes.

**Deputy Gerry Adams:** Go raibh maith agat a Leas-Cheann Comhairle. Gabhaim buíochas leis an Cheann Comhairle as an deis an t-ábhar tábhachtach seo a phlé inniu. I thank the Ceann Comhairle for the opportunity to raise the serious ongoing lack of scheduled respite services for people with disabilities in County Louth. Táim buíoch as an tacaíocht ó na Teachtaí eile atá i láthair ón Dáilcheantar sin. Tá muintir Chontae Lú buartha agus tá imní mór orthu i dtaobh an drochscéil faoin easpa seirbhísí. People with disabilities and their families live in a state of perpetual crisis, especially in Louth and east Meath. I am contacted regularly by families who are in dire need and they all have a similar tale of never-ending fights to access services from the State which should be theirs by right. There is a particular absence of sufficient scheduled respite services for citizens with intellectual disabilities and complex needs. I have raised many examples of this in the Dáil with the Minister and recently with the Taoiseach himself.

I raised the situation faced by Sam and his family. Sam is an 18 year old man with severe autism, challenging behaviour and complex needs. He is now 18 and as a result he cannot avail of previous respite services that he once attended. The family is constantly worried about what may happen if there is a family crisis and they cannot care for him. His mother has met with the Minister, Deputy Simon Harris, and the Minister of State, Deputy Finian McGrath, and she is meeting with the HSE's early years manager. She built a community-led campaign which has submitted proposals to the Government yet it seems that her son's needs are invisible. The

Minister is aware of these cases and he cannot abdicate responsibility to the local HSE area because it has not been given sufficient resources to expand services.

I think the Minister of State, Deputy Finian McGrath, has a good heart in these matters, and it should not fall upon parents, families and community activists to be responsible for ensuring funding. That is the Minister of State's job. I ask him to ensure that urgent and immediate emergency funding for existing respite service proposals that are in the possession of the HSE should be provided with all speed.

**Deputy Declan Breathnach:** As the Minister of State is aware, we have highlighted the plight of families in Louth who have been looking for respite for their loved ones since this Dáil began. We have organised meetings with the Minister of State and other Ministers and have had numerous representations on behalf of the families. Deputy Adams referred to a perpetual crisis; I would describe it as breaking point. It is wrong that this is allowed to continue. The families themselves could end up seeking residential care since they are under such stress and that would create an even greater cost for the State. There is a proposal to provide respite care to give these families a much-needed break which represents real value-for-money and cannot be ignored any longer. I am dismayed that no funding is available in the short term to fund this facility or indeed any additional respite facilities and services. Following a meeting with the head of social care in Louth HSE and the regional director of St. John of God Drumcar, we were told that HSE capital funding is being used for the ongoing programme of decongregation. Surely, of the overall funding in the Louth HSE, respite care should be a priority. The identified proposal would cost €300,000 each year, representing real value for money. This would purchase 13 weeks of respite care per annum in a six-bed facility with premises and staff suitably trained for adults with challenging behaviour. Up to six persons could receive respite care at any one time and breaks could be for a few days or even a week.

The situation in Louth and the need for resolution has the support of all five Members of this House and, indeed, the single Member of the Seanad from that area. We have met the Minister of State about it. The situation is deteriorating, these families are at their wits' end and we need action rather than talk.

**Minister of State at the Department of Health (Deputy Finian McGrath):** I thank my colleagues for raising the important issue of respite and for giving me the opportunity to outline the position on the provision of respite services in County Louth. This Government's ongoing priority is the safeguarding of vulnerable people in the care of the health service. We are committed to providing service and support for people with disabilities which will empower them to live independent lives, provide them with greater independence in accessing the services they choose, and enhance their ability to tailor the supports required to meet their needs and plan their lives. The provision of respite services has come under additional pressure, and I accept that aspect of the debate, particularly in the last years. These services were devastated for seven or eight years. More children and adults are now seeking access to respite and the changing needs of people with a disability are also having an impact, as they, along with the rest of the population, live longer lives, which is an important aspect of the debate. A Programme for Partnership Government recognises the need for respite services to be developed further and I am committed to ensuring that this happens. I have been in talks about these issues with the Minister, Deputy Paschal Donohoe, in the last few days and respite services are at the top of my agenda for the Estimates.

A number of factors impact on respite capacity. One problem is that a significant number of

respite beds are regularly used to allow unplanned emergency admissions, leading to the number of available respite nights being down against planned activity. The regulatory and policy context has also changed the manner in which residential and respite services are provided, as agencies comply with regulatory standards. Capacity has generally decreased with requirements for personal and appropriate space. Beds can no longer be used for respite where residents go home at weekends or for holidays. These are the current rules. Implementation of the national policy on congregated settings is also reducing available capacity.

*4 o'clock*

In the HSRs social care operational plan for 2017, 6,320 persons with a disability are expected to avail of centre-based respite services totalling 182,506 overnights. There is work going on, but that does not mean that I do not accept the issues in Louth the Deputies have talked about.

Based on existing levels of service and in addition to the centre-based respite service, it is planned that between 2,000 and 2,500 persons will avail of respite services, such as holiday respite or occasional respite with a host family. It is also planned that based on existing levels of service, a further 41,100 day-only respite sessions will be accessed by persons with a disability.

Furthermore, the HSE has been funded to provide 185 new emergency residential placements and new home support and in-home respite for 210 additional persons who require emergency supports has been allocated. This marks a significant change in the way that respite services are delivered.

The HSE social care division has also committed to further developing home sharing as a person centred and community inclusive type of support for people with disabilities involving the development of an implementation plan in 2017. This will address the priority recommendations of the national expert group report on home sharing published in 2016. It will be led by the national designated disability lead in this area.

In the context of respite services in County Louth, further discussion is ongoing at CHO 8 level regarding the emerging need for additional respite services and the options to be developed to meet these needs. The HSE continues to work with agencies to explore various ways of responding to this need, crucially, in line with the budget available. As I said earlier, that is something I am pushing strongly during the Estimates negotiations.

The HSE has advised me that additional funding would be required for the development of respite services in Louth but that no such funding is available in the 2017 budget allocation. From my point of view, I will continue to seek additional funding for respite and residential places as part of the ongoing discussions on the 2018 Estimates process. That is the key point here in relation to delivering respite services, particularly in this context in the County Louth area.

**Deputy Gerry Adams:** I know the Minister of State a long time and I stated earlier that he has a good heart on this issue, but I ask him to leave aside his script. The Minister of State has not answered the question. My party has put forward a proposal, which is with the HSE, for a dedicated respite service for citizens in County Louth and east Meath. That is what we asked the Minister of State to make a statement on.

In the previous budget, we were told that funding for badly needed respite services was a budget priority. We have not even been told that on this occasion.

The reality is that when an emergency respite care facility has to be provided for one person all the scheduled respite services for others are cancelled. As I have stated previously, what I found in dealing with these family members is the issue of stress. The stress upon parents and carers, and in some cases grandparents, is awful to behold.

There is an opportunity to sort this out. My party has brought forward practical propositions. There are people prepared to provide this service.

I come back to what my credo is about, and I am sure the Minister of State will agree.

**An Leas-Cheann Comhairle:** Tá an t-am caite.

**Deputy Gerry Adams:** Because one has a disability does not mean one does not have rights. Society has a responsibility to provide one with one's needs.

**An Leas-Cheann Comhairle:** Tá an t-am caite.

**Deputy Gerry Adams:** Tá a fhios agam. I ask the Minister of State to depart from the script and forget the Civil Service speak. There is a straightforward proposition being put to him. The Minister of State should tell us that he will ensure that this is a budget priority.

**Deputy Declan Breathnach:** I do not often find myself agreeing with Deputy Adams but as the Minister of State spoke, I wrote down, "Not one word other than further discussion exploring options." That is of no benefit to the family of a 26 year old severely disabled daughter who have been looking for proper respite care for three years. Even when she gives a few months' notice, she is told there is none available. I will not go into the story of Sam. We have heard it often here. A 93 year old man looking after a 53 year old son with Down's syndrome needs respite for him to get a break. His daughter helps out but has her own teenage daughter with Down's syndrome to look after. Finally, an 80 year old lady who suffered a stroke in April is the main carer for her with Down's syndrome of 36 years of age. The Mum now has her own care needs and they do not know how they will cope. I could go on *ad infinitum* on this but time does not allow me.

We need action. I said that at the outset. I understand the constraints. Deputy Adams, Deputy O'Dowd and the other Deputies who cannot be here have made it clear €300,000 will solve this problem covering Meath, Louth and a large part of north Dublin. The Talbot Group is in a position to provide what Deputy Adams has referred to. Indeed, other discussions have taken place with other organisations.

We met the Minister of State in July. I respect the Minister of State's office equally but this cannot be allowed to continue indefinitely. In fact, when I came into the Dáil, I asked the then Ceann Comhairle that we would champion the issue of disabilities in this House. That is certainly not championing it in County Louth or right across the country.

**Deputy Finian McGrath:** I disagree with some of the tone of my two colleagues in relation to championing. First, let us get a couple of issues off the pitch here. I totally support the rights of all people with disabilities. When I entered into negotiation last year, we got €1.68 billion. That is an increase of €92 million. Second, of course, I accept the Deputies' argument that there are huge problems in Louth. Of course, I accept that it is my responsibility to do something about it. That is the first point - get that off the pitch.

I am open to all practical proposals. Since our last meeting in July, I went back to the HSE



and put some of those proposals on the table. Over the past ten days or two weeks, and over the summer period, I have been putting in my own proposals in that regard but I remind Deputies as well that I will need support in there. There is a certain amount in the so-called “pot” and I am pushing for those issues. It is important that I get support from all Deputies in the House.

On respite, I will give the Deputies reassurance here today. The Minister is well aware that respite is top of my agenda when it comes into negotiations and over the past four or five weeks it was on it. I accept that we have problems in Louth. I have problems down in Kerry. I can name the counties where the problems are. Equally, I can name the countries that have the services, and good luck to them. The point is we have to deal with those issues.

From my point of view, I will give a commitment today in the House that I will do my best in pushing that agenda. I will also give the Deputies a commitment that I will come back to them on the debate today. Also, I will need the Deputies’ support in relation to these particular issues on the broader political agenda.

It is also important to be aware that within six months of this Government’s creation we were the first to restore the respite care grant. There are 121,000 people - some of those families the Deputies are talking about - getting €1,700 to buy their own respite services independently in the meantime until we fix the problems that have been neglected for many years. That is the situation.

As far as I am concerned, every person in the State with a physical or intellectual disability has to be treated the same as the rest of us. Such people and their families should be guaranteed respite services as of right. I will keep pushing that agenda. As for how I get on, I will let people judge that.

### **Direct Provision System**

**Deputy Maureen O’Sullivan:** I thank the Leas-Cheann Comhairle. I am glad to have the opportunity to raise this issue which is causing a lot of stress and concern to those affected who are living in direct provision.

We are aware of the difficulties and the issues in direct provision, some of which are being addressed. There have been improvements, but there are other issues ongoing.

This most recent controversy concerns those letters that have been sent to some asylum seekers. Some of them are on deportation orders. Some are waiting on the outcomes. There are some whose status has been resolved. Basically, they have to leave where they have been living. Of course, this marks a major shift in Government policy. It also marks what can only be described as a lack of compassion and humanity. Those who received the letters were given a certain date by which they had to leave. The letters inform the mainly single, male asylum seekers that the Reception and Integration Agency, RIA, has no role in the provision of accommodation for persons once a decision has been made on their application. Some of those who received the letters telling them to leave have been subject to deportation orders for several years, orders that have not been effected. Some are from countries to which we really could not deport anyone. Until now, the RIA has housed asylum seekers subject to deportation orders, but the recent letter means that it is now reneging on what is set out in the 2010 value for money and policy review, which reads as follows: “The RIA accommodates persons at every stage of

the asylum process and beyond that to a point of resolution of the case. The RIA will accommodate persons who have effectively failed the asylum process ... and that accommodation will only cease where a deportation order or other removal has been effected”.

What we are seeing is pushing more and more people into homelessness, emergency accommodation or rough sleeping. The directive will increase the numbers of homeless persons at a time when the homelessness figures are rising. We do not need additional homeless persons. The agencies and local authorities working with the homeless are already overstretched. They do not have enough accommodation to house the people who are on their lists.

I understand the principle behind this move, which is to get people out of the direct provision system, which is what the people themselves want. However, the unintended consequence is that such persons are moving into homelessness. I have met one gentleman living in direct provision accommodation who earnestly wants to move into private rented accommodation. He has told me about the call after call and visit after visit he has made looking for accommodation, all of which have been unsuccessful. Another gentleman has had refugee status for over a year, but he has been unable to find accommodation. He has been looking in places other than Dublin but to no avail.

Asylum seekers, including those subject to deportation orders, have no entitlement to social welfare payments. There also appears to be a problem for those outside the direct provision system in accessing homeless services. Of course, once they leave the direct provision system, they do not receive the weekly allowance of €21.60. The housing assistance payment, HAP, scheme has been beneficial for some, but in reality, if Irish people with families and connections are finding it difficult to find a landlord to accept housing assistance payments, one can only imagine the difficulties involved for someone subject to a deportation order. Surely, there is a duty of care on the part of the Department to those who are claiming asylum, many of whom have fled horrific circumstances in their country of origin. That duty of care should last until a person is granted asylum or leave to remain, leaves voluntarily or is deported.

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** The question to which I was asked to respond was about developments for people living in direct provision accommodation and the Reception and Integration Agency, RIA. The answer I have, therefore, is general and may not actually address the specific issue raised by the Deputy. However, I will try to address it if I have time to do so.

I thank the Deputy for raising this important matter. Direct provision is the system whereby State services are directly provided for protection applicants through the relevant Department or agency. We are talking about asylum seekers or refugees. We do not know who or how many will arrive on our shores in need of or claiming protection. What we do know is that all applicants are immediately offered shelter, full board accommodation and a range of services such as health and education while their application for international protection is being processed.

Of course, no system is without room for further improvement. The Government commissioned the retired Judge Dr. Bryan McMahon to chair a working group to carry out a report on the protection process and the system of direct provision. That report was published in June 2015 and forms the basis for ongoing improvements across the entirety of the system involving all relevant Departments and agencies. In June 2017 the third and final audit of the implementation of the recommendations contained in the report was completed and is available on the website of the Department of Justice and Equality. The audit shows that the vast majority of

recommendations have either been implemented or partially implemented or are in progress.

The International Protection Act 2015 was commenced on 31 December 2016. A key feature of the legislation is the introduction of a new single application procedure which will, in time, accelerate the protection determination process and reduce the length of time applicants spend in State-provided accommodation. A number of recommendations made in the McMahon report are related to accommodation and services are being rolled out, including full independent living at the Mosney accommodation centre, cooking facilities in many other centres, proactive engagement with residents and agencies through the “friends of the centre” model and the engagement of an independent assessor to carry out a nutritional audit in centres that are currently catering fully for residents. In addition, the remit of the Ombudsman and the Ombudsman for Children has been extended to cover those living in State-provided accommodation. The Department has also co-ordinated the preparation of a multi-departmental information booklet for persons who have been granted any type of leave to remain in the State and a number of NGOs have been awarded moneys under the EU Asylum, Migration and Integration Fund, AMIF, specifically to provide assistance for persons who have been granted status to move out of State-provided accommodation. It is clear that significant improvements have either been or are being implemented across all aspects of the system of supports for those in the protection process.

When a final decision is made on a person’s application, that person is either granted or refused permission to remain in Ireland. For those who are granted leave to remain, we are working with the NGO community, housing agencies, local authorities and religious groups to provide assistance for them to enable them to move into permanent accommodation in communities throughout Ireland. On the other hand, it is incumbent on those subject to deportation orders to remove themselves from the State. It is an integral part of the immigration regime of all developed states that those who have been given due process and determined to have no right to be in the state should remove themselves. If they fail to do so, they will be forcibly removed. A deportation order arises after an extensive process, including various appeal stages. This is the final step and most people voluntarily comply with a deportation order. In fact, they receive a warning letter beforehand, telling them that one is on the way. In that context, it is unreasonable to expect that persons who are the subject of deportation orders can continue to remain in State-provided accommodation indefinitely. If persons wish to comply with a deportation order, they may contact the Irish Naturalisation and Immigration Service, INIS, which will assist them in that process, in other words, pay their fare out of the country. I ask Deputies to encourage people to make contact with the INIS and tell them that they will be helped to leave the state. Prior to the making of a deportation order, assistance and support are available from the INIS for those asylum seekers who wish to leave the state.

I must correct the Deputy on one point. Asylum seekers are not receiving the letters to which she refers. The recipients are not asylum seekers because a determination has been made on their status.

**Deputy Maureen O’Sullivan:** I thank the Minister of State for his response. One of the people I have met has refugee status and been trying for over a year to find accommodation but without success. Some of the people who are the subject of deportation orders do not, for various reasons, believe it is safe to go back to their country of origin and are going to try, for obvious reasons, to fight the deportation order for as long as it takes.

I welcome what the Minister of State said about people being supported in finding accom-

modation. However, we know that there is a crisis in the provision of accommodation and I feel for those who have been granted leave to remain but who are still living in direct provision accommodation because they have nowhere else to go. They are under terrible stress because they have been told they will have to move out. I know that they have been offered a meeting, although I am not sure if it is with the Minister or departmental officials. I am concerned about the way in which letters arrive to people who are extremely vulnerable, some of whom have been here for a long time. I accept the Minister of State's point that some of them should have left, but they are still here. In some cases, their children were born here. They are in a really difficult situation. The letters also state the RIA has a limited supply of accommodation to cater for new applicants, but according to RIA data, as of the end of August, there were 464 spare places available in direct provision centres.

As the Minister of State is aware, there was a recent Supreme Court case on the right of asylum seekers to work. A task force has been given six months to look at the implications of the court's ruling. One can only imagine how demoralising it is for those who are unable to work. The day stretches out endlessly in front of them. There are people here who have valuable skills who want to contribute to society and would be able to do so. However, they are unable to work. When does the Minister of State expect to receive the report? I know that the task force was given six months in which to report, but does the Minister of State have any idea whether it will report within six months or whether it will take longer to do so?

**Deputy David Stanton:** As far as I know, we are still awaiting the report of the task force. I cannot comment on the report or pre-empt its findings until I receive it.

I am not aware of any person with children who is subject to a deportation order who has received a letter telling him or her to leave the country or reminding him or her that he or she should leave. My understanding is 23 letters were sent, all of them to single persons who will be helped to leave the country. They have been through every hoop and loop of which one could think and every appeals process possible. They still have not proven their right to be here. Deputy O'Sullivan also mentioned people in direct provision who have status and leave to remain. I have met many NGOs and other groups and we are doing everything we can to get accommodation for the people in question. We want to help them move on with their lives. As I mentioned earlier, everybody who comes here looking for asylum is given a position straight away. Things are getting tight now, however, and I am getting worried about the coming winter. We currently have only 150 beds or so left, which is why it is imperative that we help people move on into accommodation. The letters they received can be used to show that they need to move on. Nobody is going to be forcibly removed from a direct provision centre. That will not happen unless there is a deportation order, in which case the people in question should be gone anyway. If they present themselves to us we will help them fly out of the country and return to where they want to go.

It is certainly not the case, as far as I know, that children are involved here. I would also be interested in any NGO group that might like to come forward to assist with this. I have met the groups and invited them to let me know and I look forward to working with them. People have said we should get rid of direct provision but I have yet to see anybody come forward with an alternative that will work. Somebody coming into Ireland today will have a bed tonight.

**Deputy Maureen O'Sullivan:** I thank the Minister of State.

**An Leas-Cheann Comhairle:** Go raibh maith agaibh. Tá an Dáil ar fionraí ar feadh 40

bomaite.

*Sitting suspended at 4.21 p.m. and resumed at 5.01 p.m.*

### **Vacant Housing Refurbishment Bill 2017: Second Stage [Private Members]**

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

This Bill creates a one-stop shop, which we would like to see, for approving refurbishment projects in local authorities, which will remove many of the existing administrative hurdles to redeveloping vacant commercial and residential dwellings. It seeks to establish a planning and building control approval process in each local authority, which will enable the faster development of upper floors of older and-or commercial structures that require a change of use in town and city centres for housing, which are frequently vacant.

With this Bill safety standards and the necessity of full compliance with building regulations remains unchanged. Our belief is that setting up a one-stop shop will increase the number of refurbishments in vacant structures which are fully compliant with building regulations. At present, refurbishment projects in older buildings or upper floors above commercial units in towns and city centres are frequently not fully compliant with building regulations or building control regulations. That is one reason for the higher number of retrospective retention applications currently in our planning system. Our Bill aims to change this.

As has been well documented, Census 2016 reveals that almost 260,000 thousand homes - 15% of the housing stock - are vacant across the country. That is shamefully wasteful. This figure also significantly under-counts vacant property throughout the country, as it does not count vacant spaces in commercial or derelict properties that are currently not suitable for residential habitation. There are thousands of square feet of liveable space in above-the-shop units which, as anyone who walks around a city or town in Ireland can testify and clearly see, unfortunately exist in very large numbers.

Various financial incentive schemes over the years have not been successful in reducing vacancy and underutilisation of such spaces in city and town centres. Dublin City Council, for example, recently undertook a visual inspection which estimated there are 4,000 vacant spaces above commercial units in the city with potential for use as residential dwellings. A vacant building study completed last year by planners in University College Cork, UCC, estimated that in a typical city centre street in Cork, conversion of vacant sites and vacant upper floors could increase residential populations in urban areas by more than 260%.

This Bill represents a genuine attempt to overcome many of the existing administrative faults in our planning and building control processes that have been identified as holding back urban regeneration. We are open to taking suggestions or amendments that will improve the Bill and we respect the fact that the Government has indicated it will not oppose the Bill and that it will facilitate it to Committee Stage. We are seeking all-party agreement for it to move to Committee Stage and allow improvements to be made to it through amendments and so forth.

We have worked on this Bill in conjunction with a number of practitioners and experts in their fields and consulted widely with other stakeholders, including officials working in housing



and planning in local authorities, including the Dublin City Council, multiple housing bodies working on the ground, such as the Peter McVerry Trust, the Simon Community, builders and architects. All have given their support to the thrust of the Bill.

The one-stop shop is a relatively simple and easy-to-implement proposal, which was originally made in the Dublin City Council South Georgian Core report. The idea is to get all regulatory sections such as building control, conservation, disability access, fire certification and planning together to agree on a solution in the case of a refurbishment or conversion of an older structure or commercial premises to residential use. Essentially, it means that an applicant could have one meeting with all the required officials such as a planner and those in the regulatory sections I mentioned rather than having to undertake several separate applications simultaneously, which is currently the case and which can have a prolonged effect in such an application process.

In terms of the new application process, while a building owner will not have to submit their application via the new one-stop shop procedure but if they do, they will get an expedited process. There will be an optional pre-application consultation, which advises on whether an application meets the requirements to be processed via the one-stop shop solution. This will be in person and a decision will be processed either on the same day or no later than two weeks after such a meeting. The application will take place in person in front of a group of experts who will sign off on the full application thereafter. This will involve the arranging of an on-site inspection checklist and schedule. The one-stop shop will issue a works permit that replaces a fire safety certificate and a disability certificate and verifies compliance with other parts of the building regulations, allowing construction to begin immediately. Approved inspectors will inspect the checklist on-site to ensure that there is compliance.

The one-stop shop planning application procedure pertains to three categories of development, which most frequently require a section 5 exemption, or a dispensation from building regulations and-or a conservation order. In the Bill these developments are listed in three categories. Category (m), as described in the Bill, is a “development consisting of the change of use or partial change of use of any existing building where the height of the top storey is no more than 10 metres above ground level from any use other than residential to residential use and the works ancillary to such change of use, subject to conditions and limitations to be determined by the Minister, including a section 5 declaration from the planning authority via a one-stop shop application procedure.” Category (n) is a “development consisting of the carrying out of works for the maintenance, improvement or other alteration and provision of escape windows and doors of any structure for the purposes of residential use of any older structure, subject to conditions and limitations to be determined by the Minister and including a section 5 declaration from the planning authority via a one-stop shop application procedure.” Category (o) is a “development consisting of the sub-division of any existing dwelling to provide two or more new dwellings, subject to conditions and limitations to be determined by the Minister and including a section 5 declaration from the planning authority via a one-stop shop application procedure.”

The Department will draft and publish revised technical guidance documents to accompany each part of the building regulations for use by the one-stop shop on these type of refurbishments. The objective here is in no way to dilute the building regulations or standards in regard to the refurbishment of older buildings or upper floors. Rather it is to give more standardised guidance to officials in deciding on applications and their inspection on-site. It does not in any way reduce regulatory requirements. In fact, its central objective is to increase compliance with

building regulations. It will do so by creating a more standardised approach to section 5 exemptions in each local authority. Exemptions or dispensations from some technical standards in the building regulations are commonplace on most refurbishment projects in older buildings, as it currently stands. However, a common complaint from building inspectors is that the technical guidance documents relating to each building regulation give little in the way of substantive guidance for projects that most frequently require such dispensations such as those in upper floors of commercial buildings.

As such, there are varying standards and approaches adopted across, and even within, local authorities. In theory, building regulations enable fire officers and disability access officers to take a common-sense view in regard to dispensations from building regulations. However, in reality, this is hugely variable and there is not much practical guidance on what dispensations are allowed. Fire officers have little help in technical guidance documents as they mostly detail the application of building regulations in new developments rather than refurbishments in more complicated structures in urban centres. It is thought necessary to simplify and standardise technical guidance in regard to building regulation compliance in older buildings and above-the-shop units. Moreover, while most refurbishment projects require a section 5 exemption and-or dispensations under the building regulations, these are rarely applied for, but mostly assumed, by builders or architects. This is one reason for the large number of unauthorised developments that currently exist. The one-stop-shop application procedure simply aims to standardise processes for applications for such exemptions or dispensations. While making it easier for building owners to convert such spaces, it requires local authorities to take a more hands-on approach to inspecting the plans for such developments and ensuring these design plans are carried out, as stated, via site inspections. It is envisaged that this will also create synergies as building inspectors will work together and work mostly on the same type of refurbishment projects. This will create a pool of experts in local authorities with specific expertise and experience in refurbishment projects of this nature.

The Bill provides that local authorities shall establish a one-stop-shop application procedure in their planning area for any development in the prescribed categories. However, it enables local authorities whose executives do not believe there is a need or demand for an expedited planning procedure for refurbishments to opt out with the approval of the Minister. It is envisaged that local authorities with cities or large urban areas requiring regeneration are most likely to benefit from this new procedure. However, it is acknowledged that all local authorities may not require an expedited planning procedure for this category of refurbishment or conversions.

It may be perceived that the main contribution of this Bill is to establish a panel of approved inspectors in each planning authority for refurbishment-conversion projects, which will be given powers of an “authorised person”. “Authorised person” has the meaning given to it by section 11 of the Building Control Act 1990. An authorised person is generally an inspector who has powers of enforcement, rights to enter the site and inspect records, and duties to report to the local authority. Approved inspectors will be independent of the building owner and their agents, unlike assigned certifiers under the current building control regime. While these inspectors will not be employed directly by the State, they will be paid standardised fees and be accountable to local authorities via a three year framework agreement. Vitaly, this removes the financial link between certifiers and builders-developers that currently exists.

Being on an approved list will also help certifiers get professional indemnity insurance and latent defects insurance, which is currently virtually unheard of in the Irish market. While this new approved inspector system will be initially for refurbishments, once in place it can

be tasked with ramping up inspections and enhancing retrospective compliance with building regulations in existing rental units. In this way, the Bill also attempts to deal with the issue of non-compliance with fire safety and other building regulations in multi-unit developments in town and city centres.

In recent years there has been a proliferation of illegal sub-divisions of rental units in Dublin city which are non-compliant and often do not have valid fire certification. Yet, under the current inspection system there is very little that can be done with such properties due to the lack of personnel and resources being supplied to local authorities. I am led to believe that at the moment, there is one person inspecting the Dublin city area for fire safety in rental accommodation and the inspection rate is estimated to be less than 10%. Moreover, responsibility for inspecting rental properties for fire safety also falls between three public bodies, namely, the Residential Tenancies Board, local authorities and the HSE. It is thought none of them has enough staff or enforcement powers to enter a building it thinks may be non-compliant. This Bill aims to clamp down on illegal sub-divisions, over-occupancy and non-compliance with building control regulations.

While the Bill is not a finished product, it represents a genuine attempt to overcome many of the existing administrative faults in our planning and building control processes that have been identified as holding back urban regeneration. We hope those of all parties and none will offer us their support for the Bill. As I stated, I am glad the Minister will not oppose the Bill and will allow it to proceed to the next Stage. I hope there will be full participation by those of all parties and none to ensure that where it can be improved it will be improved so that it can have the desired effect of bringing about the potential to bring these vacant units into use in the short term rather than the medium and long term in order to address the horrible crisis and emergency in terms of the provision of accommodation for those who need it most.

**Deputy Pat Casey:** This Bill is a practical, common sense and constructive measure that forms part of Fianna Fáil's determined focus to provide workable solutions to the housing crisis. The radical increase in the supply of homes for the thousands of families who require them needs constant crisis management by Government. Fianna Fáil's approach to this national crisis is to be proactive and the Bill is reflective of our analysis that the housing crisis can be fixed if political capital and policy formulation are relentless in their application. I ask any Member of this House to walk down the main street of any city, town or village in their constituency and to look above the shop fronts. How many are occupied? How many lie vacant and dark while outside, on our streets, people are sleeping in the doorways of those shop fronts and working families are putting their children to bed in hotel rooms?

Dublin City Council, which is the ground zero of the housing and homelessness crisis, has identified 4,000 vacant units over commercial properties. Nationally, we estimate that more than 20,000 additional homes for families could be provided reasonably quickly if the Bill is adopted. One of the key reasons so many vacant units exist is the bureaucratic nightmare that owners of such properties face when they attempt to refurbish these spaces into homes. It takes up to five months to get the various permissions, certifications and applications approved, if not longer. Planning, disabled access, fire certification, building control, commencement notices and monitoring are all necessary to ensure basic standards of accommodation. However, for each of these items to be handled separately is nonsense. In the context of a national housing crisis, it is simply a failure of public service that cannot be allowed to continue.

The Bill will essentially allow a one-stop-shop to be established. It will process all these

applications in a timely and co-ordinated manner. We can reduce a planning application system that lasts months, and which can drain the money, energy and determination needed to get on top of this crisis, to one that concludes within a two week period. The incentive to property owners is obvious, but within two weeks each property owner or the builder or architect will have secured all the permissions needed to convert these units into homes. This is a real incentive to those property owners to be proactive in realising the full potential of their properties, particularly those in urban areas but also those in towns and villages. In my constituency of Wicklow, there are many properties in Arklow, Wicklow town and Bray that can avail of the these legislative changes and opportunities. They are also in smaller towns such as Blessington, Baltinglass and Rathdrum and villages such as Aughrim, Carnew and Shillelagh.

The only possible opposition that anyone could have to the Bill is the argument that somehow accommodation standards would be compromised. The Bill addresses that argument head on and puts in place vital and independent improvements to the maintenance of accommodation standards. Let me be clear: the Bill enshrines the requirement not only that standards are maintained but that properties are independently inspected. This is an improvement to the building and safety standards that exist today. The independent inspectorate, which will be accountable to the local authority, will remove the problematic financial link that exists currently between developer and certifier. This has resulted in substandard accommodation being certified, with disastrous results for all involved when discovered. This independent inspectorate will not only ensure that safety, planning and building standards are maintained but will provide a level of expertise in the provision of this type of above-shop accommodation that is welcome and needed.

It is my view that the Bill is a substantial step in the urban renewal of every city, town and village in Ireland. Our urban centres have for too long been simply seen as commercial and recreational spaces. The ideal model for urban spaces globally, both large and small, is mixed-use urban centres. Main streets should encompass commercial and recreational use but, crucially, also have living spaces in which people can make a home. The Bill will go some way towards helping Ireland to achieve that goal.

**Deputy Frank O'Rourke:** I take the opportunity in the short time available to me to commend Deputies Barry Cowen and Pat Casey for bringing forward this Bill. It is very important that we use a collaborative and partnership approach to deliver the units needed for the many who are homeless and in a bad way. In my constituency of Kildare North the housing crisis is at a significantly bad level, with up to 8,000 people on housing lists and many sleeping in temporary accommodation. As my colleagues stated, the current problem in many villages and towns is that the units over commercial buildings remain empty. The business and property owners who come to me in my constituency on a regular basis say it is too difficult to transform the buildings into living accommodation, something they would be more than willing to do. The proposed process would definitely fast-track such action, as the current planning process can take up to five or six months to complete, which is way too long. We need to be proactive if we are serious about delivering on this issue and making a meaningful change. We must stop talking and start to deliver, particularly for the families who need accommodation so badly.

A partnership and collaborative approach, taken in a meaningful way that would not compromise planning guidelines, best practice or specifications and standards, must be commended. This should be positively supported and needs to be proactively put in place. It would make a massive difference not alone to those who need to access these homes and properties but also to the main streets of towns and villages, on which the vacant units are evident. I support the Bill and acknowledge the good work done by my colleagues.

**Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):** I thank Deputy Barry Cowen for bringing forward the Bill which is timely. I welcome the opportunity to discuss and outline a number of important initiatives in the area. We can all broadly agree with and support the intention and objectives behind the measures proposed in the Bill which aims to facilitate and streamline the bringing back into use of existing vacant buildings for residential purposes. This type of constructive engagement which is solutions-driven is what citizens expect from us, as legislators, in tackling this crisis.

We all know that town and city centres contain a large amount of under-used building stock, with largely unused or under-used floors above many ground floor retail premises. There would be obvious benefits in returning these for residential use at a time of an acute supply shortage. With some upgrading and modification, they can be made ready for immediate use. Wider benefits include supporting the revitalisation of local town centres and making more efficient use of accommodation in serviced areas with existing amenities. We simply must make better use of the existing housing stock. We have to make better use of vacant buildings in urban areas, particularly empty upstairs units over ground floor premises such as shops and vacant offices that could be converted or used for residential purposes. Many of these properties remain under-used because restoring them to use can be complex and may come with a significant degree of uncertainty. Costs can be higher than expected for many reasons such as compliance with planning and building control standards, construction on difficult to access urban sites, engagement with adjoining owners, licences, permits and so on. Funding for such refurbishment can also be difficult to source owing to lender concerns with uncertainty and the possible unforeseen costs and risks involved in developing existing older buildings. We have identified the potential barriers to such re-use, particularly in the area of regulatory approvals and processes, such as planning and building control. In that context, I will discuss the specifics of the Bill before us and also highlight how the Government is already addressing and intends to address some of its key provisions. I will also take the opportunity to respond to some other elements of the Bill which need very careful consideration and about which I must indicate some reservations at this stage.

Section 2 of the Bill proposes amendments to the Building Control Act 1990 and provides that details of proposed works to existing buildings to convert them to residential units should be submitted to the local authority to decide if it can be considered under a new one-stop-shop application procedure. If considered suitable, it is then proposed that the works would be automatically exempted from statutory requirements for a fire safety certificate, a disability access certificate and a certificate of compliance on completion and from being recorded on the building register. In lieu of this, the local authority would issue a works permit verifying compliance with the building regulations, including a requirement for one or more site visits by an authorised person. It also recommends amendment of certain building regulations relating to structure, fire, sound, ventilation, stairs, energy efficiency and accessibility. I support the broad intention, but it is equally prudent that I raise some concerns about the proposals to alter the performance requirements of building regulations in respect of fire safety, structural safety and ventilation.

These are fundamental issues that protect the health and safety of people in and around buildings which is the primary purpose of building regulations. Any proposal to dilute the relevant standards for a particular subset of buildings must be weighed carefully against any potential risk to people's health and well-being. As I am sure the Deputy is fully aware, many incidents of building failures and severe non-compliance with building regulations have come to light in the past decade. The economic and personal consequences of these situations have



been very significant. In response, new building control requirements were introduced by my Department in 2014 to address what were seen as the key deficits in the system by empowering competence and professionalism in construction projects and establishing a clear chain of responsibility that began with the owner. The new regulations require the owner to assign competent persons to design, build, inspect and certify the building works and the competent persons concerned, in turn, must account for their contribution through the lodgment of compliance documentation, inspection plans and statutory certificates. These measures have brought a new order and discipline to bear on construction projects. Therefore, I have reservations about the proposal to exempt works to develop existing buildings for residential use from these requirements without appropriate alternative arrangements that would maintain the integrity of the standards and process. The proposal could have an unintended impact on the quality and compliance of often complex works to existing buildings such as their conversion into multi-unit apartment type buildings. As we consider the proposals made in the Bill as the legislation is progressed, it is crucial that we ensure the appropriate balance is struck in seeking to facilitate the speedy redevelopment of vacant properties while ensuring quality and compliance with building regulations. I am confident that the appropriate balance can be found during the next Stage in dealing with this legislation.

Certain works to existing buildings need to comply with the building regulations such as works that address fire safety, structural stability and so forth. My Department publishes technical guidance on compliance with the building regulations, but they are geared largely towards new buildings and, therefore, are unduly restrictive or impracticable to be applied to existing or historical buildings. Alternative approaches based on the principles set out in the technical guidance may be more relevant and proportionate and I have asked my officials to consider these matters.

A multi-disciplinary working group has been established by my Department which includes expertise in building regulations, fire safety in buildings, planning, design and heritage. The working group has been tasked with developing new guidance in order to provide clarity on what regulatory requirements should apply in these circumstances and to provide advice for both the construction industry and local authorities on how best to facilitate the re-use or development of under-used older buildings in the context of the regulatory requirements. I will fully consider recommendations made by the working group and should a need for flexibility through a relaxation of or dispensation from certain parts of the building regulations be identified, I will ensure there will be a facility to do this within the framework of the existing building control legislation. In addition, an online application system for fire safety certificates, disability access certificates and dispensation and relaxation is also being developed which will help to further streamline and speed up the certification process.

Sections 3 and 4 of the Bill propose amendments to the Planning and Development Act 2000. Section 3 relates to the exempted development provisions and proposes three new classes of exemptions, for works relating to the change of use of a building above ground floor level for residential use; the maintenance, improvement or alteration of an older structure for residential use; and the sub-division of any existing dwelling to provide two or more dwellings. The section proposes that these new exemptions would be subject to certain restrictions to be determined by me, as Minister, and the need, on a mandatory basis, to obtain a section 5 declaration from the relevant planning authority. A section 5 declaration confirms if certain works are exempted development or if they require planning permission.

Section 4 provides that the new one-stop-shop application procedure mentioned earlier in

the Bill be used to expedite requests for section 5 declarations and that it be determined by a panel of “authorised persons”. In the context of the proposed exemptions, it is worth noting that the Government has already committed in Rebuilding Ireland to reviewing planning legislation to allow the change of use of vacant commercial units into residential units without the need for planning permission. To give effect to this action, my Department has been redrafting proposed amending regulations that I propose to bring forward for Oireachtas approval by the end of October. Acknowledging that exempted development proposals can be provided for in regulations, as opposed to through primary legislative amendment, a positive resolution from both Houses of the Oireachtas is required before the proposed regulatory amendments can come into effect. Whereas the Oireachtas will have a chance to review and consider the proposed exempted development regulations shortly, it is worth pointing out at this stage that my proposals differ somewhat from those proposed in the Bill, particularly in the requirement that a section 5 declaration must be obtained. I will be proposing a more streamlined arrangement where a developer will immediately be able to avail of the exemption without the need to engage with and get confirmation from the planning authority. This will be ensured by providing clarity in the regulations on when and how the change of use exemption applies. Notwithstanding this approach, I have asked my officials to examine the proposals made in the Bill relating to change of use exemptions so as to inform, as appropriate, the finalisation of my own proposals later this month.

Another concern I must raise relates to the proposed exemption for the sub-division of one dwelling into two or more dwellings. This is particularly problematic as, in the first instance, it conflicts with existing provisions of the Planning Act. The Act states that such development is a material change of use which requires appropriate consideration by a planning authority – through the planning application process – on the basis of protecting residential amenity and other critical planning considerations.

Similar to points I raised on the building control proposals, we must be careful of any unintended consequences, where removing appropriate and necessary planning controls could have a negative impact on the quality of the resulting housing, or undermine the proper planning and sustainability of a community. These provisions need to be carefully thought through.

In conclusion, I think we can all see the benefits of tapping into the potential of using the buildings and homes that lie vacant or under-used to add to the supply of housing much more quickly than building new units. We need to make good on that potential but in a balanced way, by removing unnecessary regulatory barriers and streamlining processes as much as possible, while still ensuring that we maintain and enforce important standards and provide good quality housing for people who will be living there.

Those are some of my initial comments on the Bill and I look forward to the discussions this evening. The Minister of State at the Department of Housing, Planning and Local Government, Deputy English, will contribute later in the debate, as will Deputy Bailey, who is chair of the Joint Committee on Housing, Planning and Local Government.

**Deputy Eoin Ó Broin:** I thank Deputies Cowen and Casey for bringing this important Bill to the House today. Sinn Féin fully supports the intention behind the Bill. Whenever we have conversations about vacant properties many of us express a certain degree of frustration. We have somewhere between 90,000 and 189,000 vacant residential units across the State and, as Deputy Cowen rightly pointed out, that does not include the very significant potential that is there to convert retail units to residential. It is almost one and a half years since this Govern-

ment was formed and we do not have a vacant homes strategy. There are a number of initiatives, but the targets in terms of bringing units back into social or affordable use are very low, and the funding resources allocated to those schemes is nowhere near what is required. Walking through urban centres in the cities, or indeed in parts of rural Ireland, the huge opportunities that are being lost on a daily basis to provide homes for families is obvious.

We have all been speaking about the length of time it takes to get a new building back on track. The most frustrating thing is that while we are waiting for that new building to come on stream, these units provide huge opportunities to provide homes for families in the short term at far lower cost. On that basis the Bill before us today is very welcome and, as Deputy Cowen said, it has been strongly advocated by the Simon Community, the Peter McVerry Trust, by academics who presented at the Oireachtas housing committee, and others.

I also welcome Deputy Cowen's commitment to engaging on Committee Stage to tease out some of the issues that I am going to raise, and indeed which were raised by the Minister. I am raising them not because I believe that they are issues which Deputy Cowen is not attuned to, but if we are to seriously work this piece of legislation through committee we need to make sure that it deals with these things in the most robust manner possible. Without going back over all the ground the Minister outlined I want to put on record those issues which we would welcome more detailed scrutiny on at the pre-legislative stage and formal Committee Stage.

I welcome the fact there is a stronger level of local authority involvement through the amendment to the building control amendment regulations, BCAR, system that is proposed here. That is a good thing, but we have to tease through the implications of that for the certification process very carefully. We need to ensure that not only is there a greater degree of local authority control but also that the inspections are not just limited to registered professionals but could also be carried out by, for example, local authority staff if such a thing was appropriate in the given cases.

We all share a concern that anything we do in terms of fire safety meets the highest possible standards. The Minister made the point well. That is something that needs particular scrutiny at the pre-legislative stage and Committee Stage to ensure that whatever we agree ensures the absolute gold standard in fire safety certification.

I emphasise that there should be no drop in standards. That is particularly important when we talk about sub-division, and we need to ensure that whatever is proposed does not lead to a drop in standards and that the highest possible standards are maintained.

Some consideration should be given not only to an ongoing review of this process but also the possibility of a sunset clause. The reason we are having this discussion is because of the urgency of bringing a potentially large number of vacant units in parts of the country back into use. If these were ordinary circumstances and we had no supply problem we probably would not be discussing such a Bill. Not unlike the fast-track planning process for the strategic housing developments, some kind of an in-built sunset clause would be worth considering on Committee Stage.

Sinn Féin fully supports the intention behind the Bill. I hope that we can bring this to Committee Stage quickly and that there is no foot-dragging. One of the common difficulties with Bills that the Government does not object to is that we never actually get to deal with the substance of them. Given what Deputies have said, if we were to bring this to Committee Stage in

a relatively speedy time, go through all the processes and come out with a much more robust piece of legislation, we would do both ourselves and the people we are representing a great service, and people would see that cross-party politics is finally working in the interests of those people who most need houses as opposed to party political interest.

**Deputy Dessie Ellis:** The figures released during the census of 2015 showed that 183,000 vacant homes throughout the country. Some 35,293 were in Dublin. This does not reflect the true figure of vacant homes, because local authorities just do not have the resources to deal with this and to ascertain what the true figure is. To properly identify them and determine the true figures vacant home officers must be employed and a State-wide vacant home register established. It is very important that we get the actual figures and that we have a proper register.

It is also clear that it is important to have an accurate figure for vacant shops throughout the country. We also need a register to deal with that. During the so-called Celtic tiger period thousands of shops were built, along with houses and apartments. To this day, ten or more years later, they are still unoccupied throughout the country. They can be seen across the country, from Ballymun, Kildare, Limerick, Galway and Sligo, in urban and rural areas. There are 29,000 vacant commercial spaces throughout the country. Edenderry in County Offaly has the highest vacancy rate for commercial properties, with 31% left vacant in the fourth quarter of 2016. That is an awful shame. These places could be utilised. We need to look at the different sections in the planning Acts and what can be done to ensure that these properties are brought back on stream.

Dublin City Council uses very few compulsory purchase orders, CPOs. There have been between 20 and 26 CPOs which have been brought on stream by Dublin City Council which have not been completed. In other areas across the country, such as Louth and Rathdown, they are used on a far greater scale. The largest local authority in the country is not using CPOs as much as it should be. We need to look at that. Dublin City Council uses derelict sites first and then compulsorily purchases the buildings. We need to look at the idea of CPOs, and we need to identify the best way to use them quickly. There are various reasons properties are left vacant. There may be disputes between banks or owners or there might be probate issues. We must find out whether we can speed up these processes. Is there any mechanism we can use or introduce so that we can use these properties?

I welcome Deputy Cowen's Bill. There is a lot in it, and a look at this whole process is long overdue.

**Deputy Peadar Tóibín:** There are 5,000 vacant houses in County Meath. One in nine commercial properties in my county is still vacant ten years after the crash. In towns such as Navan and Ashbourne the level of commercial vacancy is as high as one in seven properties. The current level of house vacancy in the State is twice what it should be in a normal housing market. Towns such as Clonmellon, Delvin, Athboy and Oldcastle have been literally gutted by vacancy. As Deputy Ellis mentioned, there are a number of reasons for these vacancies. My view is that speculators are sitting on vacant, derelict houses waiting for prices to go up before they put them back on the market. According to the census, there are more vacant houses in County Meath than there are people on the housing waiting list. It is an incredible figure. A constituent contacted me recently to say that in the main street in Enfield, 50 people could be housed in the boarded-up houses.

Last year I tabled several parliamentary questions and found out that there were 570 vacant

State-owned buildings throughout the country. The State heats, looks after and pays for the security of these buildings but refuses to permit people to live in them or to use them as a resource. Many of them are in commuter towns that are resource hungry. That this would exist in a housing crisis is shocking. That the Government cannot link a resource with a humanitarian need is an example of its sheer and utter uselessness. That such vacancy sits side by side with such need shows the inept, rudderless spatial planning that exists in this State. The outcome of this State inaction is massive. There are 8,000 people homeless and 100,000 on the waiting list and the vibrancy of town centres across the country is greatly diminished. Boarded-up houses and shops are blighting communities. Anti-social behaviour in these vacant houses is rife.

There is a series of streets in my town, Navan, which is completely derelict. Every now and then one of the houses there is set on fire which imposes a massive cost on the fire service and also threatens human life. The Government plans to resolve this issue have been paltry. The repair and lease scheme, which aimed to bring vacant and damaged properties back into circulation around the country, has had very little take up. In County Meath at the end of summer only two properties had availed of this scheme. Meath County Council, which began setting up a vacant sites register since the start of the year, had registered no sites by summer. We support this Bill and wish it luck in its passage through the Dáil. We urge the Minister to get serious, not to think of all the reasons it cannot happen but to come up with solutions for it to happen.

**Deputy Carol Nolan:** Gabhaim mo bhuíochas leis an gCeann Comhairle as ucht an deis chun labhairt ar an topaic fíorthábhachtach anseo anocht.

I commend my constituency colleague, Deputy Cowen, on bringing forward a Bill on this very important issue. I am happy to say my party will support the Bill's passage to Committee Stage and will table some amendments.

It comes as no surprise to me that this Bill was brought forward by a public representative from my home county, Offaly, where the growing number of vacant buildings is of great concern to many people. Time and again, I have raised the need to address the issue of vacant buildings. Edenderry, a town with untapped potential, has one of the highest numbers of vacant commercial buildings in this State. That is unacceptable. The town is being held back by the lack of political will and action.

Tullamore and Birr have commercial vacancy rates of 16% and 15%, respectively. Towns and villages across rural Ireland are losing vital services. Some are dying on their feet. These towns need a population to thrive, to retain services and to become vibrant and bustling. One way to do this is to encourage people back into towns, living on the main street over local shops. Approximately 2,500 people are still languishing on the social housing waiting list in Offaly while 3,000 buildings in the county are vacant. There is no reason for that to be the case. Urgent action needs to be taken on this. It cannot continue. It needs to be tackled with action, not words, or promises.

The action plan on rural development states that current planning legislation would be reviewed in order to allow the use of vacant commercial units as residential units. Little or no action has been taken to implement this relatively simple and cost-effective proposal. It is another example of this Government paying lip service to the important issues affecting people but doing very little to address them. The Government's delay on this issue is inexcusable and unacceptable. It is letting people down and is holding back investment in our towns. I hope the Government will support this Bill going to Committee Stage so there can be progress on this



matter and it can be addressed once and for all to the good of our communities.

**Deputy Jan O’Sullivan:** We will not be opposing this Bill on Second Stage. We all want to work constructively on the underuse of existing buildings when we have a housing crisis. The conciliatory and carefully scripted response of the Minister might not have been the same had the Bill come from any other party or group within the House. Confidence and supply can be a useful thing at times.

**Deputy Pat Casey:** The Deputy is very cynical.

**Deputy Jan O’Sullivan:** The concept of a one-stop-shop is very positive. We need it in other areas apart from this one of living over the shop which this Bill deals with because many would say that one of the delays in regard to planning is in the pre-planning meetings. There has to be a meeting with the different parts of the council such as transport, roads, water, etc. and it would be better to bring the various areas of the planning and decision-making process together and avoid delays.

We need to ensure there is proper compliance and that there are no loopholes with regard to access for people with disabilities and areas such as ventilation, safety and so on, which the Minister also referred to. There is a shortage of trained and appropriate personnel to deal with issues generally around inspection and so on. There is a proposal for a panel of approved inspectors but I am not sure whether they would be within or outside the local authority system. Presumably, however, they would have to be somehow linked into the local authority. I am not sure where that capacity is coming from. As an Opposition Bill it should not have a charge on the State. Where will the resources come from?

I agree there is a need for a vacant home strategy. It is extraordinary that the vacant properties pillar of Rebuilding Ireland is the one that is left to last because it is the quickest win. However one disputes the figures, there are between 100,000 and 200,000 vacant homes around the country that should be available for people to live in. Even a fraction of those would make a huge dent. Deputy Tóibín referred to his home county but the same is true of all the areas we represent. Even a fraction of those empty properties could provide homes much more quickly than the construction process at the moment.

I know the Minister has said he will publish the strategy soon, and maybe he is waiting for the budget but I urge him to do this. I agree that we need vacant homes officers in our local authorities and to have the register speeded up so that we can use the vacant homes around the country. A register is being drawn up and the local authorities are required to address vacant sites, if not vacant homes.

I know that the nursing homes support scheme, the fair deal scheme, has been somewhat controversial and I do not think there should be any attempt to push people or force people to dispose of, or rent out, their properties if they are in nursing homes but there should be incentives. Something similar to the rent a room scheme for students would be appropriate but it should not be offset against the income and qualification for the fair deal scheme. Discussions were to be held between Departments on this and I hope they are going on because there is scope for that.

We have seen a living over the shop scheme and the living cities initiative but the current repair and lease scheme does not appear to be gaining much traction in terms of take up. The living over the shop scheme did not seem to have much traction either. Incentivising people

with commercial properties to have residential units over them seemed like a good concept. Clearly, we need a scheme that will work and will bring these places back to use for living in.

I have experience of the living city initiative in Limerick city, which is in my constituency. We are beginning to see a take up of that but a number of issues remain. I do not know if it will be reconsidered in the budget but I know the Minister will not tell me if that is the case this evening.

Some years ago, I visited a particularly good scheme run by the Midlands Simon Community. I cannot recall which midlands town it was in but it had been a commercial premises and the Simon Community had adapted the upstairs part of it for a number of tenants to live in. It was a difficult building to adapt but it had succeeded in doing that. There is potential here and maybe this is a good area for the voluntary housing sector to get involved in. There is much to be developed in relation to the Bill. I have questions, particularly around the N, M and O developments. Deputy Cowen outlined the categories covered under that.

I refer to the works permit that would replace the fire safety certificate and the disability certificate and verify compliance with parts of the building regulation. The Bill states that before signing the works permit the authorised person shall take reasonable care in forming their opinion that the construction of the dwelling, common area and route to place of safety conform to the approved plans and with the checklist under this section. That is fine but it concerns me that taking reasonable care is quite loose. The Bill contains an exemption for any responsibility and it states that the authority shall take reasonable skill and care in forming its opinion that the design of the dwelling, the related common area and the route to a place or places of safety comply with the requirements of the Second Schedule to the building regulations, including the amendments to the building regulations made by the Schedule 1 of the Act of 2017 but that the authority shall not be liable to any person in respect of any non-compliance which is subsequently found or alleged. That raises alarm bells with me because I am unsure who is responsible if the authorised person has signed off on the construction in question. The Schedule 1 reads, "Part M (Accessibility) - No lift or ambulant accessible stairway is required". That is of particular concern to me and there are also issues regarding fire safety, ventilation, sound, stairways, ramps and guards and thermal insulation.

The Minister has raised alarm bells around ensuring that we do not have substandard developments, particularly in those areas which are very important to whoever lives in the accommodation. I also have concerns about that and would need to be assured that there are no loopholes. That exemption for the person who signs off on it worries me.

In the previous building regulations - the Joint Committee on Housing, Planning and Local Government looked at aspects of this earlier - there was a requirement for professionals to sign off on work. We all know that during the boom building period, many substandard buildings were put up quickly and the consequences were very serious. All of us could list them, from Priory Hall and so on. I am concerned that there would be any dilution of the safeguards which are absolutely needed for public safety and protection.

**Deputy Michael Fitzmaurice:** I welcome the opportunity to speak on this Bill and I commend Deputy Cowen on bringing it forward. Like the Deputy, I am from a rural area and in many towns, there are many vacant properties that might be put to use at our time of need when there is a housing shortage. The biggest problem that is stalling many people from doing this type of work is the rigmarole they must go through in the planning process for change of use. I

have seen the exact opposite of this proposal where the owners of a house wanted to turn it into a small restaurant. They had to go to hell and back with the council to sort it out and it took a long time. That type of thing puts people off.

We have an opportunity here and it is welcome that the Minister is not objecting to the Bill and, from what I hear, there seems to be unanimity in the House that this needs to be done. There must be a quick system. The one thing I worry about was mentioned earlier. I know we need a fire officer who will sign off on the relevant parts but will people make these decisions quickly or will they pass the buck and say it is a decision for someone else? We need to make sure that it is done quickly. There are many towns across the country where at one time there might have been 20 or 30 pubs but now there are only three or four. Many of those buildings are empty. Some of them are in an average condition but it would be a good thing if there was an incentive so people knew they would not have to go through the rigours of the expensive planning process. It does not matter what a person is building, it is an expensive process. It would be one thing to help people in certain parts of the country to put a badly needed roof over their head.

I welcome Deputy Cowen's Bill. When it goes to committee, we should progress it as quickly as possible so that it is up and running, so those in planning offices are not scratching their heads wondering when it might be enacted.

**Deputy Richard Boyd Barrett:** The fact that, through the CSO, we have identified 180,000 empty residential units as well as perhaps over 25,000 above shop units, which could potentially be available for residential property, indicates the chronic failure of public policy in the face of an enormous housing and homelessness emergency. In so far as this Bill attempts to address one aspect of that, I welcome it and commend Fianna Fáil, which is a rare enough thing for me to do, but it is right to identify it and seek to address it. However, the issue is whether the Bill actually addresses the problem. The proposers of the Bill have rightly and humbly acknowledged that it will have to be examined in detail. We need to look at many aspects of it and I would underline those points. We cannot have anything that leads us back to tenement style living, overcrowding, bedsits, shoddy quality, unsafe, hazardous or low quality accommodation which exploits the housing and homelessness emergency to degrade standards of accommodation for the people who need it. I do not suggest that is what the Bill intends to do - I know it is not - but we must be extremely careful that is not the consequence. We must also be extremely careful that the consequence is not profiteering in the other direction.

6 o'clock

Even if we free up these units as we must, if there are no conditions around it or if we do not have the right type of regime to do it, there is nothing to stop the private owners of those properties charging extortionate rents and contributing absolutely nothing to dealing with the housing and homelessness emergency. We could just facilitate them making a lot of extra money out of their property and not really helping in any way with the crisis. That does not help anything. While the target of this legislation is correct in stating we have to free up these units for people who desperately need housing or accommodation, and I agree and it is right that we should progress the Bill and discuss it very seriously, we need to remember that there are two aspects to our failure to do this to date. One is a failure in public policy and a failure of the State to intervene in the housing market, and the other is the fact the majority of vacant units of all sorts are in private hands, and the private market has shown no interest in making them available to people who need them because its primary interest is the value of the asset or the money that can be made off it. We need to bear that in mind when we are trying to come up

with a regime that will free these up, that it should make them available and that it should not degrade the standards.

Absolutely, fire safety cannot be sacrificed in this. This is absolutely critical. Even if Deputy Cowen says this will not degrade the current controls, let us remember the current controls are not actually being enforced anywhere. It is one thing to have legislation, but if we do not have people to enforce the legislation it is meaningless, and this could potentially become a licence for people to build substandard accommodation. This cannot be allowed to happen.

Even if this does pass with all of these checks, there is no guarantee that the owners of those properties would still consider it viable from their point of view to make these properties available, and we need to consider local authorities getting hold of these vacant properties and putting the money in themselves to refurbish them rather than simply waiting for private owners to do so.

**Deputy Mick Barry:** The housing crisis exposes the reality of capitalism today. There is an urgent need to build thousands of new homes. The Government has presided over a 25% rise in homelessness from August 2016 to August 2017 according to Focus Ireland. There were 1,442 homeless families in August, and 3,048 homeless people are children. These are shameful facts and are an indictment of capitalism, but also of the Government that happily implements policies that deliver this homelessness. The cause of the housing crisis is running the economy on the basis of profit. We have an economy based on capitalist greed and not human need. It is not totally accurate to call the housing crisis a crisis. It is a crisis for the majority of the population, those who struggle with rent and mortgages, those in overcrowding and those still living with parents, but it is not a crisis for property developers, banks and landlords. It is actually a very profitable time for them.

While we have 130,000 families on the council waiting lists we also have vacant homes. We have an irrational unplanned capitalist economy that is not able to match resources with the needs of society. According to the 2016 census, there are more than 180,000 vacant homes. Approximately 16.5% of them were vacant on census night for reasons such as renovation, being for sale, a death or the usual resident being in hospital or a nursing home. This still leaves us with 153,000 vacant units.

It is worth looking at where these vacant units are. Another aspect of capitalism is the inability to make balanced regional economic development. This results in housing being vacant in some parts of the State while there is an acute crisis in Cork, Dublin and surrounding areas. Fingal, south Dublin and Kildare local authority areas have lower vacancy rates than areas in the west. For instance, Leitrim has the highest level of vacancy. Many regions are neglected when it comes to economic development. We see the areas with the highest level of vacancy being long-neglected towns and villages. Blacklion in Cavan has 46% vacancy as does Keshcarrigan in Leitrim. Towns with the highest vacancy are Ballaghaderreen with 33%, Castlerea with 28% and Bundoran in Donegal with 30%. Of larger towns, Letterkenny, Longford and Ballina have the highest vacancy levels.

Between 2011 and 2016, in Dublin county and city and Cork city we saw more than 60% of vacant houses become occupied. Action needs to be taken to open up vacant housing in all parts of the country. Solidarity believes this can be done through economic development in all regions and the proactive role of local authorities. An audit needs to be done of vacant housing and real action taken to make these units available. Tackling the issue of vacancy could bring

as many as 50,000 units into the local authority housing stock. This does not take away from the need for local authorities to build thousands of new homes.

Solidarity supports potential residential units above shops or other such locations being opened up for residential use. Many of these units may be vacant and require refurbishment to be made available, and many units may have another purpose and need refurbishment to make them fit for residential use. A benefit to such refurbishment is not only more units being available sooner but it can also be very good for our towns and cities to have people living in them and not have a situation where after working hours areas of our towns and cities are without people and without a community. In saying this, we have a number of concerns about the Bill. We are concerned that the fast-track process outlined in the Bill would end up with lower standards. If the Bill progresses, the housing committee should examine these issues in detail. Building regulations are important. We only have to look at the recent scandals of apartments in Sandyford and Priory Hall having serious problems with non-compliance with fire safety regulations. All new units should be of high quality and fit to live in, and not low quality units that were fast-tracked through the usual planning process resulting in benefit only to landlords. The Bill should also not allow a Trojan horse, whereby bedsits or unsuitably small accommodation can be brought in by landlords.

**Deputy Joan Collins:** I welcome the Vacant Housing Refurbishment Bill 2017. It would deal with a very small niche section of our housing crisis and would probably play an important part, but I too am concerned about watering down any regulation that is there for a reason. We have building regulations for specific reasons. As has been said, in many cases they are not being adhered to. Enforcement and having the bodies to be able to respond and check on these premises while they are being built and occupied will be absolutely crucial. We cannot bring in changes unless we have this in place.

Today, Dublin City Council went to court because it obtained an enforcement order to close down the premises at Nos. 12 to 14 Old County Road, next door to my constituency office. Last November and December, we noticed there was a change of use regarding the part of the premises above two shop units. We asked an enforcement officer from Dublin City Council to check the premises. The enforcement officer did so, and perhaps at the time it was not clear what was going on inside the premises, but it transpired last Thursday, when the fire officer went in, that the building was holding 62 people and charging €250 per person per month. Work out the mathematics on that. A slum landlord has been abusing people in that form and making approximately €15,000 a month out of these people. It is absolutely scandalous. They had subdivided all the rooms, and four bunk beds were put in to have as many people in there as possible. These were mainly Brazilian people. We saw people coming and going. There is no way one would have thought there were 62 people in there. My office is open from 9.30 a.m. to 5.30 p.m. and we saw a certain number of people going in and out. This sort of thing has to stop. It is only through enforcement and inspection all the time in this regard that we can check these things out. We know there are more premises around Dublin in the same situation. It is very similar to the case in Dún Laoghaire, which happened not so long ago, where units were being abused. Unless we have enforcement and the bodies and fire officers to be able to check these premises, no legislation will change the outcome of what could happen. One thing we do not want is to build substandard premises for people to live in.

**Deputy Catherine Connolly:** I have serious concerns about the Bill, although I understand where it is coming from. I have serious concerns about what might be the unintended consequences leading to substandard accommodation. I also have concerns that the Bill is being



put forward as a solution to the housing crisis, a crisis which has been driven by Government policy. Successive Governments have utterly relied on the private market and have failed to build houses to the standard we require and in sufficient numbers.

Just a few days ago, COPE in Galway city launched its annual report. It confirmed in that report that it worked with 702 homeless adults in 2016, and that the children numbered 512, which number had increased substantially from between 400 and 500. If the Minister could listen to my point on the homeless children on the streets of Galway, who are there directly as a result of Government policy, I would appreciate it. The Hope Foundation resorts to fundraising and to statements at mass on Sundays asking us to contribute to it as a charity. The county manager in Galway has resorted to sleeping on the streets to feel and see what homelessness is like rather than doing something about the housing crisis. There is no way out of this crisis without a commitment to a public housing construction programme. We have adequate land zoned as residential in Galway and we need to build houses. We also need to know from the Minister, who has just left, what has happened to the national vacant housing reuse strategy. Has the relevant committee met? If so, what report has it come up with? We need to know the result of the buy-and-renew scheme and the uptake thereof. The same applies to the repair-and-leasing scheme. What is the position on the vacant site levy? There is no update on any of these schemes.

We are proceeding as if this were a jigsaw rather than a policy from a Government stating we are going to provide homes for our people because a house is not an asset or something to be traded but a home where people can have security so they can concentrate on what matters. What we are left with is this Vacant Housing Refurbishment Bill. I will give guarded support to it, and I look forward to it being teased out on Committee Stage but I have the most serious concerns about unintended consequences. I see special units being set up as one-stop facilities and no mention of an appeals system, of how local authorities have been deprived of essential staff or of how councils are not in a position to deal with the volume coming before them. I would have thought we would have had basic statistics on these matters so we could formulate policy.

**Deputy Mick Wallace:** I welcome the Bill. While it is not going to fix our housing crisis, it is certainly a start. Rome was not built in a day but it was started. There are some interesting ideas in the Bill. I can understand that people have concerns. Sometimes people believe that if one reduces bureaucracy, one actually threatens regulation but bureaucracy does not equal good regulation. It is not necessarily the case. Sometimes it can help but sometimes it does not.

Ms Orla Hegarty and Mr. Mel Reynolds have had an input into this. Both have a good idea about what they are talking about. Currently there are not many people availing of the change-of-use provision, and there is a good reason for that, namely, because it is too expensive and does not pay. That is a fact. There are too many unnecessary costs involved. This Bill would potentially address some of them.

There are so many issues related to local authorities and our failure to restructure them and make them fit for purpose so they can actually play a serious role in the supply of housing. They are not being allowed to do so at present. I understand that under this legislation, there would be an independent panel of inspectors. They should be employed by the local authority. As far as I know, there are only four building control officers in Dublin. They could have 15 or 20 people working for them. I refer to people with experience, who have been on site and who actually know how things work. There would be an inspection halfway through the work and another at the end in respect of all the change-of-use contracts. Thus, we would have something

we do not have at present. As Deputy Cowen already pointed out, the current inspection rate is lower than 10%. It has been that way for many years, which is outrageous.

By introducing this Bill, Deputy Cowen has done us a favour. Good things could come from it, even though it is only a drop in the ocean towards challenging all the problems we have regarding the supply of housing.

**Deputy Michael Collins:** I am very happy to be able to speak on this important issue. I commend my colleagues in the Fianna Fáil party for bringing this legislation forward.

The housing crisis is one of the major challenges facing the current Government and to have faced its predecessor. Recent figures show there are 1,442 families homeless in the State at present. This represents an increase of 25% since this time last year. It is very clear, in light of the current housing crisis, that there is an urgent need to provide more social housing and other affordable houses.

While it is clear that the long-term solution to the housing dilemma can be achieved only through building more houses in areas where people want to live, there are short-term ways of resolving this problem. According to the 2016 census, 260,000 houses throughout the country are vacant. Common sense dictates that they could go a long way towards solving the immediate housing crisis. In order to achieve this, or fast-track the utilisation of these vacant or derelict buildings, the building control and regulation process must be changed. It is estimated that there are 4,000 vacant spaces above commercial units in Dublin city alone. These could be refurbished to provide much-needed residential dwellings. The pattern of vacant units above shops is replicated in every city, town and village.

During the discussion on housing in the talks on the formation of the Government in 2016, I raised awareness of this issue and gave the example of my home town, Schull in west Cork, where I said there are very few families who have lived over commercial premises. This trend, which has been evident over the past 20 years, has affected our towns and villages very negatively. I propose that we encourage families to take up residence over shops and commercial units by offering refurbishment grants. The refurbishment of the existing vacant residential and commercial units would serve a number of purposes. It will provide much-needed homes for families. It would enhance the appearance of the street, town or village and improve overall cohesion. It would give the residents a greater sense of ownership of the street, town or village and a greater sense of community, which invariably promotes a degree of responsibility and commitment. In rural areas, in particular, it would result in much-needed additions to the populations of small towns and villages, which in turn would boost local services. As the larger retail stores continue to locate outside our towns and cities, we need to ensure the heart does not go out of the town centres.

This Bill will accelerate the progress on the refurbishment of vacant houses nationwide, and I am fully supportive of it.

**Deputy Mattie McGrath:** I, too, compliment Deputy Cowen on bringing forward this Bill. He has shown through his freedom of information requests to each local authority that there were over 2,600 vacant units in the country in council ownership. That they were in council ownership is very important to note. The information provided to the Deputy also shows that, in 2014 and 2015, there was a reduction of €6.1 million in refurbishment funding. The Minister of State opposite is writing. An bhfuil sé ag éisteacht? Despite all the talk by Ministers and

announcements and despite Rebuilding Ireland, the Government should show me the money. It should give the money to the councils and they will do the work. It is not being done.

I agree there is an emergency, yet there are only talk, reports and paper. We could build houses. We will be flooded or smothered with reports but it is all poppycock. I said this to the former Minister responsible for housing, Deputy Coveney, and now I say it to the current Minister. I said it to the five or six Ministers for housing we had in recent years. I referred to it during the talks on the programme for Government last year.

The change-of-use policy should be changed. I refer to rigorous planning. Towns in County Tipperary, such as Carrick-on-Suir, Clonmel, Cahir, Tipperary town and Cashel, have streetscapes littered with buildings or shop units that have been closed for years. I propose that where a premises is closed for five years, or definitely ten years, people should be allowed to turn it back into a residential unit without a change-of-use application. They will not reopen shops because there are so few people.

As Deputy Collins said, a number of things could be done. We could bring back a living town, reduce the numbers on the housing list and provide housing for the homeless. We would remove dereliction from street scapes and enhance towns. I do not know where the blockages are. I have told the Minister of State umpteen times to telephone county managers and get the relevant fixes in the Department.

We need to cut out half of the red tape and let people make changes. I know a man who wanted to build a shower because he was frail and could not go up and down the stairs. His shop had been closed for ten years, but he was not allowed to make changes and had to apply for a change of use for the corner of a large shop. That is the kind of nonsense that is going on in county councils.

Deputy Cowen referred to VAT a number of weeks ago. People said he was in the pockets of the builders. Never mind the builders. We should reduce VAT for people who are doing work, buying equipment and paying builders and tradesmen. That would give work to local businesses and tradesmen and support local hardware shops which are barely surviving following the recession. It is nothing short of common sense.

We need to cut out the red tape, reports and visits to various places. I am on the housing committee and am invited to go on visits, but I do not go because I know it is all poppycock and balderdash. We need to allow people to convert units, rejuvenate our towns and get people off the streets. It is not rocket science. It is basic common sense.

Some 53% of the cost of the change of use of a premises in Clonmel town goes on VAT, planning fees and development charges. We should cut out such things and we would then have a living town and people would be off the streets. Some of the consultants and spin doctors would be out of a job, but people would be in comfortable homes and we would not be in this crisis.

**An Ceann Comhairle:** Deputy McGrath is in fine fettle.

**Deputy Danny Healy-Rae:** I too wish to support the Bill and thank Deputy Cowen for giving us the opportunity to highlight some of the blockages in the system and the things that need to be addressed. While I am in support of the Bill, we have to adhere to fire regulations. They cannot be relaxed and people's lives cannot be put in danger. We have to ensure that regula-

tions are in place and builders comply with standards in Ireland. Local authorities will have to ensure that those standards are in place. I am sure Deputy Cowen is not suggesting otherwise.

I would be in favour of whatever would speed up the planning process. Incentives need to be put in place for the owners of properties. I do not agree with Deputies Barry and Boyd Barrett when they say they do not believe that anyone should make a profit. The truth is that if people do not have money they cannot refurbish, renew or make living quarters out of properties. There needs to be some incentive put in place, as is the case for those building private housing.

We need private builders to build houses, but they cannot do so because VAT and levies do not allow them to do so. If they build a house at a cost of €219,000, they make a profit of only €4,000 or €5,000. Given all of the rules and regulations, we cannot entice property developers or small builders to work for such low levels of profit. Instead, they are sitting back and waiting and will not play their part when there are no incentives to build.

NAMA and the banks own many vacant properties and should be tackled and compelled to release them. They should play their part. The Department should interact with local authorities and give them funding to buy and reopen units.

I have to praise the local authority in our county which has done great work in the past 12 months. Some rural cottages are lying idle and an evaluation of them needs to be carried out. People have asked me why houses are not being opened up and made available. We need to compel local authorities to evaluate all such properties and bring them into the market. People will live in them, but cannot do so until they are refurbished.

**Deputy Catherine Murphy:** I wish to share time with Deputy Seamus Healy.

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

**Deputy Catherine Murphy:** While I am grateful to have the opportunity to speak again on the housing issue, we have to ask ourselves how many more times we have to do this before the Government accepts that for all its fancy words and promises there has simply not been enough action. The problems are well known at this stage. We have a problem with affordability, land hoarding, vacant units and security of tenure.

However, despite all those problems, one trap we cannot allow ourselves to fall into is that of a lapse in standards and quality control measures in order to expedite supply. The measures in this Bill regarding safety standards and inspections are most welcome. While we are in favour of removing administrative burdens, we must be careful that their removal does not lead to a lapse in standards.

I note a report in the *Dublin Inquirer* today about an issue raised here a number of months ago in respect of emergency accommodation in Lynam's Hotel on O'Connell Street. Some of us raised concerns about the fire safety procedures in the building which has been used to accommodate families and young children. We saw pictures of fire escapes padlocked shut and exposed wiring on the premises. In response, the Minister, Deputy Murphy, stood in this Chamber and told me that the concerns were unfounded and that all fire regulations were in place. The information obtained by a number of city councillors and reported in the *Dublin Inquirer* today now shows that was not in fact the case. The Minister should correct the record.

Once again, we see Government spin and bluster being used to cover the reality of the

housing situation instead of being open and honestly acknowledging the problems. Surely everybody accepts that the first step in any problem is to acknowledge its full extent. Only by doing that will the Government provide the opportunity to engage fruitfully with all of us in this House across the political spectrum who want an end to children in emergency accommodation and people sleeping rough on the streets.

For our part, the Social Democrats has proposed a Bill on vacant site levies, with progressively higher levies the longer the land remains vacant, a new land hoarding levy on zoned serviceable land and more land to be taken from developers as part of a reintroduced affordable housing scheme. It is imperative that all of the solutions on the table are judged on their merits rather than on who is proposing them. We charge the Government to accept our urban regeneration Bill, just as we will support this Bill.

The number of voids is an absolute disgrace which has not been resolved. We should re-examine the source of our construction figures. It is very clear that the BER rating which the Commission for Energy Regulation produced is a far more accurate reflection of the numbers than the number of electricity connections.

**Deputy Seamus Healy:** I support the intention behind the Bill. Deputy Cowen has requested that the Bill be allowed to pass Second Stage and go to Committee Stage. I have no problem with that. The Bill needs detailed scrutiny on Committee Stage.

The proposal for a one-stop shop is attractive. As many other speakers have said, we cannot compromise on standards dealing with fire safety, health and safety and disabled access. They are absolutely vital and it is essential that the highest standards are adhered to.

The Bill contains a reference to independent authorised persons. I certainly hope this means an authorised person from the local planning authority because we cannot have any suggestion of self-regulation or light touch regulation. We have seen what these forms of regulation meant in the past, particularly in the case of fire safety where there was either no regulation, self-regulation or light touch regulation. Standards simply cannot be compromised and must be dealt with by the local planning authority. Where there are standards laid down, they must be enforced. As another Deputy said, standards on paper are all very good, but if they are not enforced, they are simply not worth the paper on which they are written.

Protected structures, heritage and the need for public consultation cannot be overlooked in dealing with this legislation. That is why I believe detailed scrutiny at committee level is necessary. I am not sure whether the proposals made in the Bill will be successful. I certainly hope they will be, but urban renewal schemes have appeared previously, as have repair and leasing and buy and renew schemes, and they certainly did not seem to be successful. If this Bill was even to be mildly successful, it might help to bring life back into the centres of towns, particularly larger towns. We all know that the main shopping centres, the main street and high street of towns are dead after 6 p.m. There are significant vacancies on the main streets of my town of Clonmel, County Tipperary. There are also significant vacancies in Carrick-on-Suir, Tipperary town, Cashel, Cahir, Thurles, Nenagh and Roscrea, all of which are main towns. If this legislation was to be successful, it would certainly help in bringing life back to the centre of towns.

One of the difficulties with vacant properties concerns ownership. Frequently there are defects in title that affect the making available of buildings for housing. I make no apology for again raising the proposal I have made consistently for quite some time. While this legislation



is welcome, it will certainly not resolve the housing crisis. To do that we need a number of measures. We need a declaration of a housing emergency by the Oireachtas. We need to ensure the banks we own will stop demanding voluntary surrender, repossession of homes and evicting people from their homes. We need to ensure that when properties are sold, tenants can remain *in situ*. All of these measures could be achieved by this Dáil if we had the political will. I support the intention behind the Bill and would like to see it proceed to Committee Stage to allow us to engage in its proper and detailed scrutiny.

**Deputy Shane Cassells:** I pay tribute to Deputy Barry Cowen for bringing forward the Bill because this is the one issue on which people want to see real progress. In fairness, there is genuine goodwill in the Department of Housing, Planning and Local Government towards the work of Ministers and hope people will all pull together. The Minister's comments were fair, constructive and very helpful, even when he was probing the clauses on sub-division and trying to make sure any proposal would not have undesired consequences. I have seen poor examples of where loopholes were exposed. Therefore, probing the Bill to get the right result and have the Government pull with us is positive.

On the objectives of the Bill, I spoke last week to the motion on housing and about the targets the Taoiseach had set out earlier that day in the Chamber. Central to them is the core issue of deliverability and whether what is planned and envisaged can realistically be achieved. Using everything at our disposal, as envisaged in the Bill, is key. The number of vacant units above commercial properties in urban centres across the country is pronounced, but it is important to say many local authorities have conducted extensive work in researching the square footage available in order that they can demonstrate to statutory bodies the office space available when pitching on the opportunities available. Of course, the open plan office space required by major modern companies working with IDA Ireland or others makes the units in old urban centres redundant as they do not meet what companies want today. That is the reason we have the available opportunities, as envisaged.

There are many aspects to consider when it comes to the suitability of buildings for use as residential dwellings. In that regard, fire safety standards will have to be met. However, we all should recognise that town centre living is actually an implicit objective of many development plans across the country. In our own development plan in County Meath and specifically Navan going back over 20 years the main objective, when we were young councillors, was to see town centre living actively promoted as something that was vibrant. What I learned during that period was that the policy conceived in forward looking planning sections of councils and its implementation on the ground were often solar systems apart for one very simple reason. An idea is always just an idea unless someone picks up the ball and runs with it. Listening to the Simon Community earlier this week I could see that what we needed to see to tackle the housing emergency were ideas such as this that utilised existing stock to tackle the needs of people in the here and now. We have an opportunity, if done correctly, to work in tandem with the broad objectives of city and town development plans and actually achieve the lofty aims that are often spoken about but that never come to life. It would involve people living in town centres and replicating some of the success stories elsewhere. Here in the midst of the crisis is perhaps the focus needed to accomplish this objective.

Deputy Barry Cowen mentioned the statistic of 15% of vacant properties nationwide. I look at the position in my county. During an Oireachtas briefing we learned that there were 1,583 vacant residential properties in County Meath, of which 600 were to be found in half a dozen towns. This figure does not take account of the vacant commercial space on upper floors

referred to by Deputy Barry Cowen. Therefore, if we can make advancements on this and the commercial front, it will be a good day's work. I implore the Government to work constructively to achieve that end. The towns in my county fought bravely through the dark years of recession. In case anyone who listened to earlier proceedings when Deputy Peadar Tóibín spoke about burned out streets in Navan thinks An Uaimh is crumbling, I pay tribute to the brave new businesses that opened in the past month on Metges Lane, Bridge Street, Brews Hill and Kennedy Road. Perhaps when Deputy Peadar Tóibín is painting a picture of our home town in the future, he might show the full picture, with all of its colours, the bright colours, as well as the greys and blacks with which he and his colleagues in Sinn Féin like to paint.

**Deputy John Curran:** I thank Deputy Barry Cowen for bringing this Bill before the House. It would be remiss of me not to acknowledge that significant work went into this in the form of consultation with stakeholders and experts in a range of fields related to this area. We have gone through the outline of the Bill in considerable detail and the idea of bringing together a one-stop shop to facilitate refurbishment works at these properties is a welcome development.

I am taken by the fact that, over the years, there have been various schemes to try to advance refurbishment, whether the living city initiative or living over the shop or so on. In particular, there was the repair and leasing scheme recently. Unfortunately, those schemes did not yield the results we might have expected. The repair and leasing scheme really has to be re-evaluated. I am not opposed to the scheme but it simply is not working and there is no point in letting something run on. The latest figures that I received were that there were no offers of properties in the South Dublin County Council area, Dún Laoghaire-Rathdown or Fingal and eight properties were offered in the Dublin City Council area of which I understand that seven were deemed to be suitable and have not gone beyond that. The scheme was ambitious and intended to provide 800 units this year. It seems to be way off target. I am not opposing and am not giving out to the Minister of State but pleading with him to find out why it is not working-----

**Deputy Damien English:** I agree with the Deputy.

**Deputy John Curran:** -----and why those offers are not coming because we need to revisit that.

I listened to Deputy Barry Cowen and the Minister, Deputy Eoghan Murphy, about the Bill proposed here this evening. Deputy Cowen set out clearly the advantages of the Bill in trying to fast-track and support people who want to redevelop projects. He acknowledged and made the point that current building regulations are much more applicable to new buildings than refurbishments. The Minister, Deputy Eoghan Murphy, in his response to Deputy Cowen, identified particular areas that may have been of concern to him. That was fine as part of Second Stage. The concern I have, on which all sides of the House need to work together, is that a substantial number of Private Members' Bills have been brought forward that make no progress. If we are to be serious about this Bill and it is to have the impact that we want it to, then we need to find a mechanism to advance this Bill and address the concerns that the Minister, Deputy Eoghan Murphy had, between Government, Opposition and all Members of this House. I acknowledge that the Government side of the House has far better expertise available to it to assist in amending this Bill.

I am strongly of the view that, in the midst of a housing crisis, our progress in bringing vacant properties back into use is not what it should be. There is probably a range of factors. Many people underestimate the scale but things have changed and we need to look at it differ-

ently. I was recently in the city centre and walked from the big tree at the top of Dorset Street, coming back from Croke Park, all the way down past Bolton Street and Capel Street. As I had time on my hands, I was looking around and people are actually living upstairs in some of the properties while adjacent properties are vacant. One can see where opportunities exist. Our challenge is to turn those opportunities into realities.

In my own constituency, I was recently driving by the Coldcut Road at the back of Liffey Valley Shopping Centre. There was a fabulous big glass building that used to be a gym. That type of gym is no longer what it was and the demand is not there for it. I noticed, and checked about this, that it is being converted into residential units. The outer exterior with the glass front is retained and it is that type of imaginative use of properties that we should attempt. When I look around our suburbs, particularly in Dublin - others will refer to rural Ireland - because of the development of large, out-of-town shopping centres, whether Liffey Valley, Blanchardstown, Dundrum or whatever, properties exist in many of our towns and villages that afford us an opportunity and we need to address them urgently. My concern is that in both the report we did as a Committee on Housing and Homelessness and in Rebuilding Ireland, it was recognised that vacant properties had a role to play and the vacant properties strategy was to be developed, and now that we are a long way on from those reports the detail of those strategies should be published.

While complimenting Deputy Cowen for bringing the Bill forward, it needs the support of Members, not just to pass Second Stage. If people believe that this Bill has a meaningful role to play and understand and buy in to the concept of the one-stop shop with regard to the administrative role and refurbishment, then this Bill needs to reach Committee Stage and to be dealt with. That requires a change in how we do our business.

**Deputy Maria Bailey:** Like Deputy Cassells, I will be speaking to the Bill and not going off on a tangent like speakers earlier in the debate. This Bill seeks to fast-track the planning and building control process in each local authority so that properties currently requiring a change of use from commercial or industrial purposes to residential can be fast-tracked to allow, for example, for use of space over a shop, where it is currently vacant, for housing purposes. I welcome this Bill as it unlocks another source of currently untapped accommodation that can be brought into use and will not only provide additional housing but will also benefit towns around the country by putting people back into town centres and giving life and vitality back to those deserted towns. The one-stop shop application procedure referred to in this Bill is a way to try to deal with this change of use issue but, at the same time, we have to be conscious that we safeguard the security of future tenants in these buildings and that they comply in totality with the fire safety and building control regulations that we all have to adhere to.

The concept of living over a shop or “the lots”, as we used to call it, has existed in planning policy in practice for some time and in my own county of Dún Laoghaire-Rathdown, a living over the shop policy is contained within the current county development plan. It allows for such change of use in the county’s towns of Dún-Laoghaire, Glasthule, Dalkey, Sandycove, Blackrock, Monkstown and Dundrum, and planning applications under this policy allow for the development and management standards for offsetting private open space, parking, unit size, etc., to be left at the discretion of the planning authority. Data from Dún Laoghaire show that from 2013 to 2016, only eight applications were received and Deputy Curran alluded to this earlier with regard to different localities. Under that policy, only 75% were granted planning permission and in the late 1990s to the early 2000s, a national scheme targeted at Dublin, Cork, Limerick, Waterford and Galway sought, via tax incentive, to encourage owners of buildings

that had vacant upper floors to bring them into residential use. A review of the scheme by Goodbody Economic Consultants in 2005 found that the take-up of the scheme was limited to only 132 projects in the five included cities.

Rebuilding Ireland also recognised the need to examine regulatory controls for planning and building and removed the potential barriers to such reuse. The Government is advancing a number of initiatives in this regard including one about setting up a working group. A dedicated Department with a multi-disciplinary working group will prepare additional guidance in a regulatory context. Guidance will advise local authorities and the industry about how to better facilitate the use of alternative approaches to reuse or redevelop underused other buildings in the context of regulatory requirements. The development of a new online application process for a building control management system will streamline the certification process. Such certificates are for fire, safety, disability access, etc.

There are planning exemptions in the Rebuilding Ireland commitment to review the planning legislation. The Minister is proposing amendments to the exempted development in planning regulations to allow for the change of use of vacant commercial units in urban areas to residential use without the need to obtain planning permission. It is unfortunate that Deputy Mattie McGrath has left the House, as he left the Oireachtas joint committee earlier. He said that they are talking shops about balderdash and poppycock, which is really unfortunate because, this morning, by coincidence, the Oireachtas Joint Committee on Housing, Planning and Local Government was attended by witnesses from the Royal Institute of the Architects of Ireland, Society of Chartered Surveyors Ireland and Engineers Ireland to deal with the construction industry regulation bill, which is about the standards of workmanship. It also requires that builders and subcontractors register or be currently registered as part of that process so that we know the workmanship is of the required standard. They have to produce certificates or show experience in this field, and show where they have delivered good building in order to qualify, so that the consumer is protected and knows that the builder he or she employs is of the appropriate standard and that we expect, and not have the problems we had of the past of substandard building controls. If Deputy Mattie McGrath wants to call that balderdash and poppycock, he was at a very different meeting than the one attended this morning by Deputy Casey, Deputy Cowen and myself. We heard valuable qualified contributions. It definitely was not a talking shop for any of those attending.

While I welcome the intention of the Bill, I will be putting down some amendments. We need flexibility around the Part M regulations and others. I look forward to the Bill progressing to Committee Stage and to working with the other committee members to seek a solution in this.

**Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English):** I will add some comments to those of my colleague in the time that is left.

I welcome this opportunity to speak on the Bill as it gives us a chance to bring a focus to this area. I thank Deputy Cowen and his colleagues for bringing it forward. As most speakers have said, it addresses an important area.

I reiterate what Deputy Cassells has said. Using vacant properties and over-the-shop properties is an essential way to restore life to our streets and to deal with some of the dereliction that is on some of them. It is also a good use of resources. We ourselves say this, with Rebuilding

Ireland and all the discussions we have had here. We want to bring vacant units back into use. I refer to empty houses, previous shops on the high streets that are now empty and properties over the shop that are lying empty. We want them back in use. It is common sense. This Bill will help bring a focus to that.

How we can make this happen is something we ourselves have been discussing for months at the working group I chair as well. The working group, which involves all the different aspects of this to drive this on, met again today. This Bill will help that and we will tease through the matter on Committee Stage.

As Deputy Curran said, we have to achieve the intention of this Bill, one way or the other, either through this Bill or through other ways, but certainly through focusing the resources. That is why it is right that the Government supports this, and that we drive that on as well.

We talk a lot about the different schemes that are there to help this. We recognise at the start that a big issue with this is the financing of these works. We put in place the repair and lease-back initiative and other schemes to provide the cash to those who have not got it, but who might own these properties, to bring them back into use. I am disappointed - I agree with Deputy Curran - that the scheme has not worked for the numbers we want but I recognise these properties are in private ownership and we cannot force them to bring their properties back into use.

That was a good scheme. We are looking at it and we are prepared to make changes to make it more attractive. Probably, much of what is outlined in this Bill will help make it more attractive because there is the fear, if one goes to bring a vacant property back into use or to change the use of property, that one gets into all of these complications and red tape, and hassles with planning. The one-stop shop is probably a good way to do this and that is why I agree with the intention of the Bill, and to focus people's minds.

I had this discussion with the Heritage Council as well. It wants to be part of this too. We all agree we want these buildings back in use and if we do not get them back into use soon, they will fall away and it will be too hard to work on them. Ideally, these are for housing, but certainly, there are many other options they could be used for on the high streets as well. I accept many companies do not want to locate in these office types, but other enterprises, such as social enterprises, are ideally suited to operate some of these buildings on the high streets, along with housing accommodation. I am attending an event tonight and many of those present will be social entrepreneurs. They have a role. They could bring life back into a lot of the streets as well.

In the repair and lease-back scheme, the target was 800 this year. There are 500 or 600 applicants who are interested in that throughout the country. The majority of them are outside of the greater Dublin region, outside of where the pressure zones are. They are beyond Dublin, Meath, Louth, Wicklow, etc. I wish that we could see in our own counties a lot more interest in that scheme or a revamp of it because this Bill rightly addresses the issue of rules and regulations. There are also other ways of funding the changes. Together, the two options should be able to achieve what we want here.

The properties in question are generally private properties. There has been a lot effort made, supported by this House in spending over €100 million on bringing back into use voids belonging to the local authorities. Over 7,000 houses that were lying empty for years have been brought back into use, and rightly so. There are still some continuing voids. There is money to



be spent this year to bring most of them back into use, but as far as I am concerned, this year, and certainly early next year, should see the end of publicly-owned voids. Let us at least lead the charge here. I am glad that was supported by Fianna Fáil. We will drive that on over the next couple of months as well.

I agree with Deputy Cassells. We have had Deputy Tóibín in here trying to blacken our town. We all will be aware in all our towns there are areas we want to improve. There are areas we want to bring back into use and we have to focus on that but one does not ruin a whole town in that conversation. Navan town is an example. As our town, it is open for business. It is a vibrant town. It is full of people who want to contribute, who want to drive a town and want to grow with it, with new businesses and existing businesses expanding as well. We want to encourage and reward that, and neither talk it down nor run it down. I want to be clear that we are open for business. It is an active town with a lot of opportunity and options.

The same Deputy is a self-appointed chair of the housing group of Meath and yet he has never contacted me, as the housing Minister in the county, to discuss housing problems. Here we are again. Sinn Féin likes spreading misery. That is what they do best. They do not really want solutions. If one was a chairperson of a housing committee and if one really was interested in solutions, one's first act would be to contact the Minister in the area who might be able to help.

I am glad that this Bill is being brought forward by Fianna Fáil. We will have to discuss changes to it through the committee, but it is solution focused. That is what Fianna Fáil is trying to do. That is what we are in this House for, to bring solutions and not always try to spread misery.

I thank the Acting Chairman, Deputy Durkan, for the time. I look forward to working with my colleagues on this Bill as it passes through the Houses.

**Acting Chairman (Deputy Bernard J. Durkan):** I call Deputies Mary Butler, Lahart and Cowen in that order.

**Deputy Mary Butler:** I welcome the opportunity to speak on this much needed Bill to fast track procedures for vacant housing refurbishment. A new planning procedure is needed in Ireland and this Bill can achieve this. I congratulate Deputies Cowen and Casey on their work on this Bill.

Vacant spaces which would be suitable for residential purposes are found all over the country. Census 2016 revealed that almost 260,000 homes are vacant across the country. Whether these figures are completely accurate remains to be seen in regard to the availability of these properties for refurbishment. There are thousands of square feet of liveable space in over-the-shop units available. We all have rural towns and villages in our constituencies that have seen the main streets decimated with emigration, recession and relocation to larger towns and cities. The Bill will help to refurbish thousands of vacant units in older and commercial buildings in cities and towns. Other initiatives provided, including financial incentives, have not been effective and there are also many administrative hurdles which stand in the way of the refurbishment of such dwellings into residential spaces.

The Bill creates a one-stop shop for the approval of refurbishment projects in local authorities. This will remove the existing administrative hurdles which stand in the way of development and will enable the development of upper floors of older or commercial buildings in towns

and cities. Essentially, it means that an applicant seeking to refurbish a building could have one meeting with all of the required officials, such as the planner, fire officer, disability access and, if necessary, conservation, rather than having to undertake several separate applications to get the refurbishment project off the ground. This should fast-track and simplify the whole process to encourage people to utilise these empty spaces.

It is predicted that local authorities within cities and large urban areas are most likely to benefit from this new procedure. However, it is acknowledged that not all local authorities may require an expedited planning procedure for this category of development. The Bill will also set in place a new inspection system where 100% of vacant buildings undergoing refurbishment will be directly inspected by approved inspectors. These will be private sector inspectors but they will be hired directly through the local authorities as opposed to the current procedure whereby the assigned certifiers are employed directly by the developer.

All parties can agree that we are in the midst of a housing crisis in this country. The Bill strives to overcome the existing administrative faults and hurdles in the planning and building process which is holding back urban regeneration and development. We hope that Deputies can offer us their support in pushing this Bill forward. As the Minister will be well aware, the housing and homeless situation is at crisis point and any measure that will see vacant or derelict houses put to new use which can be used as homes has to be welcome.

I also welcome that the Minister, Deputy Eoghan Murphy, and his colleagues are supporting this initiative.

**Deputy John Lahart:** I commend my two colleagues, Deputies Cowen and Casey, for bringing this forward.

I am a great believer that in a crisis - we are in the midst of a crisis - one exercises control of what one can exercise control of. There have been a lot of solutions put forward by the Government over the past year and a half. The summer saw a lot of kites being flown, acting as a screen for some of the things that were not working. A classic example was when the Minister, Deputy Eoghan Murphy declared that we have to build higher, particularly in Dublin city, as though this decision had not been taken. The decision has been taken. The challenge that the Minister has to face is why there is not a queue of planning applications for development on the locations where high rise has been allowed by Dublin City Council.

There are no easy answers to the housing crisis, but there are two key principles. The first, on which there is consensus, is that we should build houses, while the second is that we should maximise use of the existing stock. That is the theme that has come through consistently. On building houses - despite what the Government states - I look at my local authority which, after Dublin City Council, is the largest housing authority in the country and the area of which includes two of the most challenged areas in the country, Tallaght and Clondalkin, and see that it will complete ten social homes this year. That is an indication of the lack of progress being made. I indicated on the Order of Business this morning that in 2014 when I was still a member of the council, a Part 8 process was initiated in Rathfarnham in my constituency for the construction of 38 social homes. Deputy Alan Kelly was Minister when we were discussing the initiation of the process; Deputy Simon Coveney was the Minister in charge when the Part 8 application was approved by the council and lodged with the Department, while Deputy Eoghan Murphy is now the Minister in charge, but three years on, not one sod has been turned on the site. There are processes that need to be managed and the fault in this case does

7 o'clock

not lie with the local authority.

In his closing remarks the Minister made reference to the fact that this was a solution-focused attempt to deal with the issue of maximising the use of the existing housing stock, particularly commercial units with empty space above them. The Government needs to work hard on the vacancy issue. Having spoken to senior council officials, I know that 600 vacant properties were identified in Dublin 24, but on a drive-by basis, the local authority has actually suggested there are probably only 30 or 40 vacant residential units. In terms of over-shop developments, all of the utilities required are already in place, including public lighting, water, sewerage and so forth. No new utilities are required, but obviously such units would have to be developed sensitively. As the Minister said, this is a solution-focused attempt by my party to contribute to efforts to deal with the housing emergency facing us.

**Deputy Barry Cowen:** In summing up the debate on the Bill we have put before the House, I thank all of the contributors to it. I acknowledge the support voiced by members of all parties, as well as independent Deputies, for the thrust of the Bill and the sentiments contained within it and the willingness on everybody's part to ensure this process can lead to a solution in the short term. I also acknowledge the contributions of Government speakers and the Minister to the debate. I welcome their support for the Bill and their indication that they are willing to work with us on the Bill in order to ensure progress is made in dealing with the matter.

I am not precious about the Bill or what is contained therein. I am not precious about any idea that I bring forward. I am merely reflecting the will of my party and its members in bringing forward credible and constructive solutions to address the terrible housing crisis and acknowledge the contribution of this aspect of housing policy and the positive effect it can have in dealing with the situation we face.

Reflecting on some of the contributions made by various speakers, a common thread throughout the debate was compliance, certification and ensuring standards were not compromised. The Bill and the proposals contained therein will in no way dilute standards or safety precautions in terms of fire certificates and so forth. It will, in fact, enhance standards. What we have, as several other Deputies have confirmed, is a less than 10% level of inspections of properties being used for rental purposes. What we have is self-certification. If people say they are worried about what is contained in the Bill, does that mean that they are happy with the *status quo*? I doubt it. Only today the High Court ordered the closure of what it termed a "fire trap" hostel in Dublin. The attention of the fire officer in Dublin was brought to the hostel in an "RTE Investigates" programme last week. That is the current system and what we are trying to address. I hope people will read the Bill in its entirety, but I reiterate that they can be sure and safe in their own mind that there will be no dilution of standards but their enhancement. I welcome the commitment of the Government to address that issue. It is something that needs to be done as soon as is practicably possible because the last thing we want to see is a repetition on any scale of the terrible incident we witnessed in London in recent months.

I acknowledge the contribution of the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy. He mentioned that a working group in his Department was looking at the technical guidelines and regulations from his Department to local authorities for the refurbishment of existing buildings. I welcome his acknowledgement and that of his Department that the slant is more towards new buildings. It is also welcome that he is seeking to address that issue. He has acknowledged that what is contained within the Bill can help in that regard. It is welcome that there is a willingness on his part to ensure the process will improve

the guidelines and regulations in order to ensure there will be standardisation across local authorities in dealing with this issue.

We have heard speakers from various parts of the country and various parties in the past couple of hours, including from counties Offaly, Wicklow, Kildare, Dublin, Meath, Limerick, Galway, Roscommon, Cork, Tipperary and Kerry, and the common thread, to which I also alluded in my own opening remarks, is that this problem is prevalent throughout the country. There is no town or village not scarred by it. The inhabitants of towns, villages and constituencies throughout the country are infuriated, frustrated and more than anxious to see progress. If this can be the start of a new momentum in the workings of this Dáil, it will have been a worthwhile project. The issue has to be addressed.

The day began with the Taoiseach alluding to the announcement by the Minister, Deputy Michael Ring, of the town and village renewal scheme awards throughout the country. Of course, we welcome them as it represents an investment of €26 million. However, despite the fanfare and the plaudits that will be attributed by Government Deputies in the coming days, to be fair and honest, much of the work that will ensue because of the funding being made available is work that local authorities did in their sleep in the past. It will help to improve the aesthetics of various towns. In my constituency last year there was approval for work to be undertaken in Clara, Shannonbridge and Edenderry and that work is about to commence, despite the lateness of the process in ensuring the work would be done. Today we heard about work to be undertaken in Shinrone, Banagher and Geashill, but there are similar towns and villages throughout the country where people are lauding the prospect of enhancement work being undertaken and the provision of money that will help and assist in that regard. It will, of course, improve the aesthetics, but it will not revitalise, regenerate, reinvigorate or repopulate those towns and villages. I was reared in a town centre where I had a hugely enjoyable childhood. There was great vitality and engagement on the streets because people lived at their place of work, but that is no longer the case, including on the street where I grew up. It is initiatives, the provision of assistance and help to streamline the administration process and reduce the costs associated with the revitalisation of buildings that will make a difference in getting people back living in these areas. It is they who will give them new energy, revitalise them and improve the retail trade in them. It is imperative that Government do everything it can in addition to this. If, for example, it is in the provision of finance to the building sector or to those property owners who wish to undertake this and take advantage of the opportunities that may result from this, then they have to be offered competitive rates that are a lot better than those currently being offered by the banks.

As I said earlier, I hope that a new emphasis and momentum can come out of the budgetary process this year so as to address this. The way the Government has dealt with this issue is the most damning indictment of its performance in recent years. A new momentum and emphasis will have Fianna Fáil's support, however, and that can be realised by making funds available for what is contained in this to work.

I thank everybody for their contributions. I look forward to seeing the Government being true to its word with this Bill, in a way that it has not been recently with other Bills that had the support of this Chamber, by ensuring that it reaches the relevant committee as soon as is practically possible; that the relevant scrutiny then take place; and that there is a willingness from all parties and none to ensure that it gets to Committee Stage thereafter. We can then move along a path where the public can see that this momentum will produce results and action in the end.

Question put and agreed to.

### **Vacant Housing Refurbishment Bill 2017: Referral to Select Committee [Private Members]**

**Deputy Barry Cowen:** I move:

That the Bill be referred to the Select Committee on Housing, Planning and Local Government pursuant to Standing Orders 84A(3)(a) and 141.

Question put and agreed to.

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

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

**Acting Chairman (Deputy Bernard J. Durkan):** Deputies Denise Mitchell and Pat Buckley have ten minutes each.

**Deputy Denise Mitchell:** This is a very important piece of legislation. I always give credit where credit is due so I will start by welcoming some aspects of the Bill. One section deals with making sure that the guardian of an orphan is not adversely affected due to payments made to them in that capacity. This has to be welcomed. The same goes for section 9(2), which deals with the rights of people with disabilities to work. People with disabilities should not be in fear of losing a medical card or any other disability supports because they want to enter the workforce. Unfortunately, here in Ireland people with disabilities are only half as likely as others of the same age to be in employment. Some of this is down the fear of losing some of the vital supports that they need and to which they are very much entitled. This part of the Bill clarifies the status of rehab work and of work in general and it is to be welcomed.

I take issue, however, with other parts of the Bill. I am disappointed to see that no element of it looks to chase down companies who owe over €450 million to the Department of Employment Affairs and Social Protection in unpaid redundancy payments and insolvency costs. Some of these companies are now back up trading under different names, having left employees in the lurch and the State to pick up the tab. We talk about welfare fraud, but this behaviour is certainly in a league of its own in terms of cost to the taxpayer.

I would also like to raise with the Minister the concern I have over section 5(2), which deals with the public services card. I have heard Ministers claim that this is not a national identity card, but it is becoming ever more mandatory in dealing with the Department. If the Government wants to roll out a national identity card, let us have that debate, but it should not be rolled out by stealth, as is the case in this Bill. I also have concerns with the section that allows for decisions to award payments to be made by an automated information system. What happens if an overpayment is awarded? How can it be decided who was at fault for this? Will the claimant be declared a welfare cheat for being awarded a slightly higher payment than he or she was entitled to? I would welcome clarification on this.



Back in May, the Bill contained the aim to ensure that same-sex couples enjoy the same rights and entitlements to occupational pension schemes as any other married couples. Can the Minister explain why this was removed from the Bill? What does the Government intend to do now in this area? On a further point, we are still seeing discrimination against young people when it comes to social welfare allowances and benefits. We need to move towards ending this unfair discrimination: there should not be different social welfare bands for young people. There are other areas in which we will hopefully see some action from the Minister when it comes to the upcoming budget. Women, for example, are still facing discrimination when it comes to the State pension because of changes introduced by Fine Gael and Labour back in Budget 2012. These changes are affecting 36,000 people, mostly women who are now on a reduced State pension. This is a big issue for the public right across the State. While assurances on gender-proofing future Government decisions are welcome, we need to correct the injustices dealt out by the system first. I urge the Minister to make pension equality a central priority for the future, and we in Sinn Féin will be happy to work with the Minister and with all parties and none in achieving this.

I would also like to take this opportunity to address the issue of JobPath. Deputy John Brady and I have been meeting people who have been on this scheme and who have been working for the companies involved. Some of their stories are horrific, and the way in which some of these people have been treated is an absolute disgrace. It seems that no attempt is being made by the companies to deliver the scheme and put people in appropriate employment. Instead, it seems as if these companies just want to stuff people into full-time jobs so that they themselves can collect a payment from the Department of Employment Affairs and Social Protection. One of the worst examples I have seen of this is the treatment of substitute and part-time teachers, who say that they are being hounded because they are not in full-time employment. One woman contacted me and I will take the opportunity to share her story here. She told me that she had only qualified as a teacher last year but has been tormented by this JobPath scheme. She has had to leave her teaching job as a result and was never given the opportunity to interview for any teaching jobs. Her teaching qualification cost €12,000, which she now feels to be wasted. How on earth are we forcing a highly qualified teacher out of her profession and into a low-paid unskilled job, just because it is full-time? This is no benefit to society. I have met people and heard horrific stories from people, particularly from women, about how they have left JobPath interviews in tears. I hope that the Minister will look at this matter. I am also very concerned at the fact that this JobPath programme is causing local community employment schemes to dry up.

I hope that the Minister will take some of my concerns on board into the future and I look forward to working with her.

**Deputy Pat Buckley:** I will share my time with Deputy Martin Kenny.

**Acting Chairman (Deputy Bernard J. Durkan):** The Deputies can work out the allocation of time between them.

**Deputy Pat Buckley:** We will work it out.

I welcome the thrust of the Bill. I wish to raise with the Minister some points on it, on some of which she will agree, on others she will not, and on others of which she will laugh. She will be looking forward to hearing those.

There is a provision for the setting of reduced fees for birth certificates and death certificates. Surely an arrangement could be made that such certificates would be provided free of charge.

Regarding the proposal to access social welfare benefits online, it is similar to the provision requesting many farmers who are over the age of 70 to apply for certain grants online. They are not tech-savvy. I hope the Minister will look favourably on people of a certain age or who have not had the necessary education over the years and ensure they are assisted to access services online or given some training on how to do that. I would like more clarity on the benefits that can be assessed online. A list of those benefits should be given. That would flag that change for people. Some people will be fearful of going into a post office and putting their hand up and saying look they are not able to do this online. We have seen that over the years.

I welcome the change proposed for those in receipt of disability allowance and the blind person's pension. It is vital. I find it confusing that it is proposed that the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs will have a handle on all the information related to civil records. I thought that come under the remit of the Department of Employment Affairs and Social Protection.

My colleague, Deputy Mitchell referred to the community employment schemes. I have a concern participants on those schemes being able to access electronic payments, some of whom may have mental health issues and not have much confidence. Will there be supports provided for them in accessing their payments? Perhaps the Minister could consider allowing some of those participants to stay on those schemes indefinitely to help them along.

The Minister will enjoy what I am about to say about the public services card. I tried to figure out if was compulsorily or mandatory for people to obtain it. I tried to go on to the Revenue Online Service, and this is the crux of the issue with the card. I inserted my personal public service, PPS, number and lo and behold, I am not registered on the system as Pat. I cannot get a public service card because my name on birth certificate is Anthony James, the name Patrick is not included on it. Revenue telephoned me twice on a Friday. I thought that was very unusual, wanting to know who I was, but they surely knew who I was when they phoned me. I was elected a Deputy as Pat Buckley. I was christened Anthony James Patrick. Many people will enjoy that when they see these proceedings replayed. I have phoned Revenue on number of occasions. I cannot claim back tax because I do not exist on the system as I cannot access a public services card, and nobody can tell me whether it is mandatory or compulsory that I have that card. I would like to speak to the Minister about that issue after the debate or even tomorrow. This has been an ongoing issue and I have been in contact with a few Departments. It has been frustrating and I am trying to hold on to the bit that I have left. I can thank my Mam for that, for the triple hammer name.

With respect to welfare fraud, I would question if what is proposed would involve double-digitting or a repetition process. We have a Department that deal with payments. Do we need a separate Department to log all these payments? If one has been overpaid by the Department, it does not take it long to tack one down. It would involve duplication and we would end up with cross wires, something similar to what we have had with the public services card. It raises the issue of data protection. It is safer to have all this data and information in one area. I did not see much information on the control of this data and protection the information on the public services card.

Jobseeker's benefit does not go far enough to assist young people. They are also discrimi-

nated on the basis of their age. That provision does not go far enough to assist lone parents. While we can debate this, we should also address pension and domiciliary care allowance payments. Compared to the last debate I had with the Minister, I thought I would take it easy tonight and make it a more amenable occasion. I would like to speak to her in private about the ongoing issue I have with the public services card. I am concerned that they will cause a great deal of confusion. Many people have come into my office inquiring about them and I have not been able to tell them whether it is compulsory or mandatory for them to have it. I would like the Minister to answer that question. I will now hand over to my colleague Deputy Martin Kenny.

**Acting Chairman (Deputy Bernard J. Durkan):** There are six minutes remaining.

**Deputy Martin Kenny:** I welcome the broad thrust of the Bill. On reading through the heads of the Bill, I noted that No. 6 deals with births, deaths and marriage certificates. There is an anomaly in that area, which could be addressed in the Bill, if such a provision was included in it. Certificates are issued when a person is born, gets married and dies but when a person gets divorced, which unfortunately is the experience of many people, there is no divorce certificate issued. Ireland is one of the few countries that does not issue one. If a person is a divorcee and wants to apply for social welfare, they must prove that they are divorced. Evidence of a divorce is the court order. It includes much detail about why the marriage broke up. It is a large file and also includes custody arrangements for children, matters that are very private and personal, that the person would certainly not want to fall into the hands of other people. I know of a case where a divorcee who had taken her former husband's name on marriage wanted to have her original name on her passport. She had to provide the court decree and the court order dissolving the marriage. That involved a great deal of documentation, which she had a big job to try to get and make sure everything was right with it. It was way over what was required. Most other jurisdictions have a single certificate just like a marriage certificate which states that this marriage which was contracted on such a date was annulled or resulted in divorce on such a date. That is stamped and it is clear and it is done. We do not have such a certificate in Ireland. There is an opportunity in this Bill to bring that about. Many people find themselves in the trap of having to provide evidence of their situation. That is the first thing they will be asked for. If a person is applying for any social welfare benefit, I am sure it is one of the things they will be asked for. We know separation agreements are asked for. Evidence of a divorce is often required and there is not a clear divorce certificate in place in Ireland. That is something that needs to be addressed. Is there an opportunity to provide for that in this Bill? It is one of the issues I wanted to raise with the Minister.

The other issue relates to JobPath, which was referred to by previous speakers. JobPath has been raised with me in the past 12 to 18 months. A private company has been set up to deliver the service. It is a work action scheme focused on getting people back into employment. The experience of it by a great number of people has been very negative. I note the Minister is shaking her head at that but I would beg to disagree. Given their negative experience of it, JobPath needs to be reviewed. I know of the case of an elderly woman in her 60s, who has been looking after her parents, who does not drive a car and lives in a rural area. When her parents passed away, there was no work possibilities for her where she lived. She applied for jobseeker's benefit. She was then immediately called to JobPath. She was almost 30 miles away, had no transport and there was no means to provide money to her to hire a car or get a taxi. The woman was in total disarray as to how to handle the situation. Then she was being taught how to write CVs for jobs that, first, do not really exist in County Leitrim and, second, even if they did, she

was not in appropriate circumstances to take. Other schemes would have suited her perfectly such as the community employment scheme, which she was anxious to go on but was banned from because she was tied into JobPath. There is an issue about how appropriate some people are for the JobPath scheme. That a private company is operating it means that in many cases it is being done for profit. It gets paid for everyone it places, and that is the problem at the centre of the issue.

I, therefore, urge the Minister to review JobPath. Other schemes have been re-examined in the past and Governments have put up their hands and said they were changing them. Perhaps they did not put up their hands but they said that they had reviewed it and do not think it is a good idea any more. No one is going to beat up anyone for mistakes made in the past. The Minister is a new Minister in the job and I wish her the best. I think this is the first time I have conversed with her in this role. However, JobPath is a mistake and I urge her to use this opportunity to quietly get someone to have a look at it. Push it to one side and find something better and more appropriate because it does not work for a lot of people.

The key point I wish to raise, however, is the certificate for those who are divorced. There is an opportunity in the Bill to do something about it. It can easily be done and is worth examining.

**Deputy Donnchadh Ó Laoghaire:** Ní bheidh mé i bhfad. I wish to raise two issues. I echo the points made by Deputy Martin Kenny on JobPath. My experience is also that the experience of constituents of mine was not positive. People feel shunted into it and uncertain and uncomfortable with it. Another defect is that public representatives have little ability to engage with those providing the JobPath service on behalf of constituents in comparison with the engagement we would have with the Department of Employment Affairs and Social Protection or branches of it. My experience of JobPath is not positive in that regard.

The primary issue I wish to raise is that of the public services card. One of the main reasons a lot of attention was drawn to this was the case of an elderly woman being deprived of her pension for a lengthy period of time due to her not having a public services card. The policy of the Department of Employment Affairs and Social Protection was that such a card was required. Indeed, the policy of many other Departments is that the public services card will be required for additional services. At the time, I commented that in my view, and I believe it is the view of many, the legal basis to the requirement is debatable.

My recollection is that the Department was relying on section 247C of the Social Welfare Consolidation Act 2005, as inserted by the Social Welfare and Pensions (Miscellaneous Provisions) Act 2013. This section provides that the Minister may require any person receiving a benefit to satisfy the Minister as to his or her identity and that failure to do so could lead to disqualification. It is a reasonable provision in the Act that a person would be required to prove who he or she is so that the right person receives a benefit and someone who is not entitled to a benefit does not claim it fraudulently. However, my reading of the provision is that the Minister could be satisfied as to a person's identity by any number of means other than production of a public services card. The woman in question, although this does not refer to one particular individual, had regularly engaged with services by providing copies of bills, her passport, driving licence and other forms of documentation that should easily have satisfied the Department as to her identity. I do not see how the section requires the use of a public services card. It appears to me that there is no basis in law for such a requirement and, consequently, she should not have been deprived of her pension for such a lengthy period of time.

This is relevant in that there are additional provisions on the public services card in this Bill. I refer in particular to section 5. However, it does not appear to me that section 5 or any other section of the Bill - I am open to correction - makes the compunction any clearer. It would be welcome if the Minister could clarify the situation. I do not think the public services card should be mandatory. The legal basis relied on, however, is shaky and I am not convinced that it is now any stronger. The Minister is shaking her head but I cannot see how the previous section prevented a person from satisfying the Department as to his or her identity by means other than by production of a public services card.

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** I thank not only the Deputies present here tonight but all the Deputies who have contributed to the debate over the past number of months. I welcome their feedback. I do not necessarily agree with all of it but I welcome it.

I challenge Deputy Martin Kenny to call any woman in her 60s “elderly” to her face. I guarantee him that none would thank him for it.

**Deputy Martin Kenny:** Fair enough. Hands up.

**Deputy Regina Doherty:** I will contain my remarks to what is in the Bill although I recognise that Sinn Féin Deputies, and only Sinn Féin Deputies, have repeatedly raised their issues with JobPath, not only in this session but in previous sessions. I suggested a number of weeks ago to their spokesperson who apparently has a large dossier of complaints that he might give them to me. I am still waiting on them but I cannot do anything about their expressed concerns, if they are genuine, if the Deputies do not give me the information. I am quite happy to look at it, although I dispute the claims they have made so far. JobPath is one of the most successful activation programmes we have ever introduced.

Again, I thank all Deputies on all sides of the House for their contributions on Second Stage. I will not be able to respond in detail to all of the issues raised in the time available to me but I want to touch on some key specific points. Obviously, we will have an opportunity on Committee Stage to tease through some of the issues in greater detail.

Deputy O’Dea, among others, including Deputy Denise Mitchell who raised it again tonight, raised the issue of the payment of maintenance and how this is treated differently to guardian’s payments. I want to emphasise at the outset that the Bill does not provide for anything new in terms of the guardian’s payment. The sole purpose of the section is to clarify and confirm the existing policy and practice relating to these payments. Social welfare legislation provides that the means test for schemes such as jobseeker’s allowance and one-person family payments takes account of the income and assets of the claimant and his or her spouse or partner, if applicable. Income and assets include income from employment, self-employment, occupational pensions and maintenance payments as well as property owned, other than the family home, and capital such as savings, shares and other investments. The assessment of means is a way of checking if a person has enough means to support him or herself and to determine the amount of payment, if any, for which they may qualify.

All cash income to the person and, where relevant, the person’s spouse, civil partner or cohabitant is assessed except for specific exclusions which are set out in the legislation. Child benefit and guardian’s payments are fully disregarded in the means assessment as are foster care allowance payments by the HSE. Maintenance payments, whether or not they are paid in



respect of a child, are assessed by first disregarding any housing costs incurred up to €4,952 per annum, or €95.23 per week, and then assessing the remainder at 50%. Therefore, the total value of any maintenance payments is never fully assessed as means and, accordingly, a family in receipt of maintenance will always be better off than a family where maintenance is not a factor. Means-tested payments are based on the premise that recipients do not have adequate income to support themselves. Disregarding all maintenance payments could lead to a situation where well-off people qualify for means tested payments which are aimed at low-income families, thereby spending taxpayers' money in cases where there is no real financial need for assistance.

Matters related to the public services card, PSC, have been raised both in the course of this debate and more widely in the past number of weeks. I want to address a few of those points. First, I will ask the question raised as to whether the PSC is becoming a compulsory identity card. Quite simply and categorically - I will state this as clearly as I can - it is not compulsory to have a PSC. It is not a national identity card. To respond to Deputy Denise Mitchell, it is not the Government's intention to bring in an identity card. If it were any Government's intention to introduce a national identity card, the first place it would have to come is this House and have that discussion with all opposition parties, no matter who is in power.

**Deputy Pat Buckley:** I do not want to cut across the Minister but it is mandatory.

**Deputy Regina Doherty:** The Government's point is not to bring in a national identity card. The public services card does not have the characteristics of a national identity card that may exist in other countries. It is absolutely not a requirement to have a public services card on one's person. A member of the Garda Síochána cannot ask to see a person's PSC as it would be against the law. The card cannot be requested by any public or private body or person not included as a specified body in the Social Welfare Acts and particularly the legislation passed in this House in 2011. It can only be used by public bodies specified in that legislation in the context of conducting a public service with the person concerned. The legislation therefore narrows its application considerably and provides the clearest evidence that the intent of the public services card has always been limited to the provision of public services. Accordingly, it is required for the receipt of certain public services. In the same way that other services require identification documentation or tokens, such as bank cards, membership cards for clubs and colleges, etc., it is appropriate for public service providers to similarly require people to prove their identity when accessing public services. That is underpinned by the Social Welfare Acts, as amended in 2011.

Deputy O'Dea sought reassurance around the issue of the use of the PSC in commercial transactions. I am quite happy to provide that reassurance. Under current legislation, only bodies specified in the Act or their agents can ask for and use the PSC. There is absolutely no legislative proposal to change this or to remove this important protection for public services card holders. Section 5 of the Bill seeks to provide a practical solution to the potential difficulties that could arise where the holder of a PSC wishes to produce the card voluntarily for identity purposes to a body that is not specified in law. The holder of a public services card may wish to use the card, for example, to verify the person's identity for the purposes of signing up to a utility company contract or to open an account with a financial institution. The public services card is proof that the identity has been authenticated using the standard authentication framework environment, SAFE, process underpinned by law.

Currently, by accepting the card, the recipient may be committing an offence. Bodies that accept a PSC that is offered to them voluntarily by the holder should not be prosecuted or at risk

of prosecution. The volunteering of the card is the critical issue here as it is the person's will and intent to do this. If this provision is passed it will continue to be the case that only public bodies can ask for the card to be produced and it will continue to be an offence for private sector organisations to do so. To be absolutely clear about it, this proposal in no way allows a private sector body to access the customer data on the card chip or on any Government database. It simply allows the body to view and accept the card as a form of identity and to stop it being an offence for it to be accepted, as it is today. This measure will be very beneficial to card holders and, in particular, those who do not hold a driving licence or passport. It is also provided free of charge. I reiterate here that the inscription of the date of birth on the public services card will be done on a voluntary basis only. Nobody will have a date of birth on a card without having requested it in the first place.

I want to touch briefly on issues of data protection and the security of the card. My Department takes its data protection obligations very seriously. It works extensively with the Data Protection Commissioner and consults regularly with her office on any major developments or proposed changes, including over the years relating to the PSC. The Data Protection Commissioner is clear that all uses for the PSC must be set out in legislation and I agree entirely with that. The Department has provided considerable information on its website about the PSC and identity services generally but we are working to improve that in keeping with recent recommendations from the Data Protection Commissioner.

On the question of the security of the PSC, the position is that it has multiple protection mechanisms, all of the highest current international standards, to prevent and detect tampering with the physical card and its contents. As well as some hidden security features, there are visual measures such as the overall graphical design, branding, the use of optical variable ink and a kinegram, which is a particular type of hologram. In addition, a PSC and a card reader communicate with each other by cryptographic means. Only card readers specifically programmed to accept PSCs can undertake this functionality.

I will move to some of the matters raised before tonight. A number of concerns were expressed by Deputies that certain provisions set out in the general scheme relating to defined benefit pension schemes have not been included in the Bill before us on Second Stage. As I had set out in my opening remarks introducing the Bill, in light of the complexities involved, it simply was not possible to have those amendments included in the published Bill. I assure all Deputies, as well as defined benefit pension scheme members, that a key priority for the Government is to provide additional protections for scheme members' pension benefits. It is essential that any new measures recognise the current pensions landscape in Ireland so that a balanced and proportionate approach is developed. I intend to introduce a number of amendments to the Bill on Committee Stage that will ensure an employer cannot walk away at short notice from the pension scheme it is supporting.

The amendments will provide for a 12-month notification period where an employer seeks to cease making contributions to a pension scheme. This period will enable stakeholders to enter into discussion and negotiations on all relevant matters and to develop a plan to sustain the scheme. The Committee Stage amendments will provide that where these steps have failed to resolve difficulties, for example, where no funding proposal is agreed and put in place by both parties, the Pensions Authority may determine a funding obligation on the employer in the form of a schedule of amounts and dates by which those amounts have to be paid to the trustees of the scheme. The amendments will act to support existing provisions in the Pensions Act and will encourage employers to ensure that schemes are well-funded and managed. Taken collectively,

the amendments to the Pensions Act seek a middle road between the current position where employers can abandon defined benefit schemes and full and immediate debt on employer provisions. The amendments are designed to ensure the sustainability of defined benefit schemes for scheme members and continued trust in the pensions system as a whole. I should say also that other amendments to be brought forward on Committee Stage will allow for entitlement, in certain circumstances, to a spouse's pension for civil partners and same-sex spouses who are members of occupational pension schemes.

A number of other matters in the pensions area were raised by Deputies in the course of this debate. One such issue relates to the funding standard, which provides a benchmark against which the health of a scheme can be tested. The funding standard is also how Ireland meets its legal requirements under the relevant EU directive in respect of occupational pensions. When a scheme fails the funding standard, that means that unless some action is taken, the scheme will not be able to pay all the benefits promised. The funding standard is a wind-up standard and is intended to approximate the moneys needed to secure the benefits if the scheme was wound up and the accrued benefits bought out. Any reduction in the funding standard would not improve a scheme's ability to pay the benefits as they fall due.

The existence of the funding standard itself is not the central issue in whether a scheme is properly funded. Rather, the responsibility rests with the employer and the trustees for ensuring the scheme is properly funded and managed. However, the funding standard provides the regulatory mechanisms for ensuring a scheme can live up to a base level of pension benefits. I agree, however, that the difficulties facing defined benefit schemes in Ireland could be assisted through greater flexibility in calculating the funding standard. In this regard, the Pensions Authority reviewed the funding standard with a view to identifying measures that may be employed. The following are examples: there could be better tuned risk reserve calculations for schemes with liability matched investment strategies; simplified procedures where the employer commits to continue or increase funding proposal contributions; and smoothing, by averaging results over a period and avoiding overstatement of annuity costs. The funding standard liability for retired members is based on the quoted market cost of buying annuities. Concerns have been raised that the quoted costs may overstate the cost of an annuity purchase. In reality, many scheme actuaries have addressed this by getting quotations for bulk purchases. These measures identified by the authority are currently being considered by the officials in my Department.

As regards the provisions in section 8 relating to the arrangements governing the recovery of benefits from compensators, I can assure the House that there is no impact on the position of claimants and no question of double deductions from them.

As to section 7, which deals with automated decisions, Deputies will be aware that the legislation allows that, in cases where child benefit is in payment and another child is born, once the birth of the additional child is registered, the rate of child benefit is automatically increased without human intervention. That is an example of efficient customer service.

It is now time to bring in a more general approach in the legislation to allow my Department to take full advantage of the speed and efficiency that is now available through technology, in order to make payments to our customers as quickly as possible. While I cannot predict what technology will be able to do in the future, the plan for now is that the simpler and more straightforward decisions will be taken by automated systems for decisions in the affirmative. Those which require more judgment will continue to be taken by human deciding officers. This

means that trained staff resources can be used to best effect. In other words, processing simpler and more positive decisions by computer frees up staff to undertake the more complex decisions and other work, thereby speeding up the process for everyone. This is not about reducing staff numbers, as was suggested. Deputies are well aware that we have a service level contract to make sure that certain claims are processed within a certain amount of time. During the year different stresses are put on those claims. This is about using the resources of a 7,000 strong Department to the best effect to provide the services that we do for our client base.

I am conscious that the decision to award or refuse a social welfare payment, particularly for long-term payments, can have huge implications for our customers. My Department's customers come from all sectors of society. Some will welcome quicker processing based on online applications, while others may be less familiar with technology and may feel more comfortable with the idea that human intervention is possible. This would particularly be the case if the decision is that they do not qualify for a payment. That is why we are only going to use computers in the affirmative. The legislation provides for a balanced approach. The new measure will allow for an automated system to take decisions to award payments, but any decision that a person does not qualify for a payment must be taken, as it is now, by a deciding officer, i.e. a human being. There is no question of this being a rubber stamping exercise. The staff in my Department are extremely aware of the importance of making the correct decision.

Deputies mentioned the issue which has been raised by Deputy Éamon Ó Cuív outside of this House to disregard, for means-testing purposes, foster care payments which originate in the UK. I am advised that legislative changes will not, in fact, be required to allow for equivalent amounts of such allowances to be disregarded.

Several Deputies raised the issue of JobPath. I want to reiterate what I said at the outset of this speech, namely, that JobPath specifically provides an externally contracted activation service for those customers who have been unemployed or underemployed for at least 12 months. It is there to assist customers who are seeking full-time employment. There is some suggestion that customers are being consistently harassed. It is simply not true. People who are underemployed or unemployed long term - for longer than 12 months - are engaging with employment advisors to try and help them get the employment that they have registered an interest in. Anybody who is registered for a social welfare payment is declaring that he or she is looking for work. All JobPath is doing - in an exceptional way - is helping those people find jobs. That is all it is there to do.

All persons who have been unemployed for over a year and in receipt of payment from my Department, including casual employees and those returning from other supports such as community employment and back to education allowance, are eligible for referral to JobPath, because by engaging with the Department of social welfare they are saying that they are underemployed or unemployed and want to find work. That is what JobPath does for them, and it does it very successfully.

Almost 150,000 jobseekers have engaged with JobPath to date. A customer satisfaction survey was conducted - anonymously, before anyone says there was a fear of telling the truth - over the past couple of months indicated that up to 81% of customers were satisfied with the service. Of the 150,000 people that have gone through the doors in the last 18 months, only around 300 people have made a complaint. I cannot work out the figures, but that is a tiny percentage. JobPath has exceeded its target of helping people become employed or find employment far in excess of what we ever expected them to do.

I want to be clear that there is no harassing of customers. Customers are referred to JobPath for help in guiding them to try and find work or obliterate obstacles that they may have found during their own 12-month period of searching for work. Anybody who has evidence of the claims that are being made within this House should provide it to me and I will investigate it. If spurious claims are made in this House without any information then that is all they are. Only Sinn Féin have made these claims about JobPath. They are spurious claims to attack what is probably the most successful employment activation programme we have ever run in this country.

Deputy Brady raised the issue of waiting times for the domiciliary care allowance. I am happy to confirm that progress has been made on that issue and the average waiting time for a decision is now just under 17 weeks. When the Deputy raised the issue it was 20 weeks. It is still too high. The target we have set for ourselves in the Department is 12 weeks, but we have had an enormous surge of claims in this particular scheme in the last couple of months. We are working our way through to try and reduce them by using staff we have transferred from different Departments to make sure we bring down that backlog, because 17 weeks is still too high.

I appreciate that Deputies raised a range of issues during the course of the Second Stage debate, some of which are budgetary matters and, therefore, are not going to be discussed in the context of this Bill. We will be discussing them in the next couple of days, and I hope that Deputies will be in a position to join with the Government in welcoming some of the decisions that we hope to make in the next couple of days.

I welcome the generally positive response to the Bill, both here in the House and in private meetings I have had with every party. While it has not been possible to address all of the issues raised in these concluding remarks, I look forward to the debates on Committee and Report Stages in the next couple of weeks where we can engage in detail, particularly on the amendments to be brought forward on Committee Stage. I commend this Bill to the House.

Question put and agreed to.

### **Social Welfare, Pensions and Civil Registrations Bill 2017: Referral to Select Committee**

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** I move:

That the Bill be referred to the Select Committee on Employment and Social Protection pursuant to Standing Orders 84A(3)(a) and 149(1) of the Standing Orders relative to Public Business.

Question put and agreed to.

### **Water Services Bill 2017: Second Stage (Resumed)**

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

**Deputy Mary Butler:** Fianna Fáil supports this Bill, which gives effect to the recommendations of the Committee on the Future Funding of Domestic Water published in April 2017. This legislation abolishes water charges and introduces fines or levies on those who waste



water. After many hours in the committee, the following recommendations appear in the Bill. Now that the spin is over the facts remain. The facts are clear - water charges are gone for 92% of the population.

People who paid will be repaid. This is extremely important as there had to be equality. Those who complied could not be treated any less favourably than those who did not pay. Under the legislation, refunds will issue within one month of the Bill passing. Some 30,000 cheques per day can be sent out. The bulk of the 970,000 or so refunds should be completed by the new year once this legislation has been passed. The refunds are being financed via under-spend from other Departments and will not have an impact on the fiscal space for budget 2018.

With this Bill, 92% of households will not pay a charge while those who waste water will have until July 2019 to rectify excessive water use, apply for an exemption or utilise the first fix policy. The regulator will determine normal usage in that time and it was agreed by all parties that homes can use 1.7 times that level. This formula can only be changed by agreement of the Dáil and accusations from the hard left that water charges will be back are completely false and populist propaganda. There will also be extra usage allowed for those with families of five and more, and those with medical conditions. People will have time to moderate their usage. An information campaign will also commence as that was part of the joint committee's recommendations. Any households above this usage level will be given an opportunity to fix leaks and reduce usage before being subject to a levy. If they waste water, they will be penalised. The Oireachtas joint committee committed to providing funding certainty for water infrastructure to ensure Ireland meets its Water Framework Directive obligations.

A new water services policy statement will be published under the legislation. This will link into the Irish Water strategic funding plan. Irish Water will have an annual budget reflecting that plan and the annual bill for domestic water usage. Irish Water funding will come straight from the Department, which will pay for every household's water bill as well as capital funding to Irish Water. This has already been built into the calculations of the fiscal space for 2018 so it will not have a direct impact on the budget for 2018. The report by Kevin Duffy on the funding of domestic public water services in Ireland recommended that water should be paid for by the Exchequer. Motor taxation will now go directly into the Exchequer rather than into the local government fund. This is to compensate for the fact that the Department will now pay the water usage bill.

Rural water schemes and group schemes also have to be dealt with fairly and equitably. The subsidy increase to the schemes will be maintained. The working group on verifying the subsidy levels to rural dwellers and those on the public water supply will be established after this legislation. Fianna Fáil has already boosted funding to group water schemes under the confidence and supply agreement. We will press on with this working group as a matter of priority to ensure equity between urban and rural dwellers' water supply costs.

The new framework will draw a line under the water charges fiasco introduced by the Fine Gael and Labour parties. The Fianna Fáil Party believes it is time to draw a clear line under this fiasco and move on. That is why we drew up a detailed pathway to reform Irish Water and ultimately abolish water charges. This Bill is the climax of that work and compromise over the past 18 months.

**Deputy John McGuinness:** I extend my congratulations to the Minister of State, Deputy

John Paul Phelan, on his appointment. I wish him well in office and I have no doubt that he will bring his wisdom and experience of local government to the task before him. Undoubtedly while he does his national work, Carlow-Kilkenny will benefit immensely.

I am also delighted that the committee has concluded its work on this needlessly long drawn out issue. It shows a complete failure in politics that for so long we had to endure the debacle of Irish Water in its infancy, and the various scandals that tumbled out about consultancy fees and so on. That €0.5 billion spent on meters that are no longer required is something the political system should reflect on because another situation like this should be avoided at all costs and we should learn from our mistakes. There is a reference in the Bill to measuring the consumption of water and to penalties for those who abuse the system or waste water. It will be interesting to see how that works for the many households that do not have a meter. Whether it is a guesstimate or someone who sits in a house to watch what people do with the water, I do not know. It shows a continuation of the poor management of the introduction of a system to manage the water services.

I am concerned for the many employees of local government who are now used by Irish Water. It seems a circuitous route for complaints to have to make them to Irish Water which sends a former employee of the local council out to fix it. I acknowledge, however, the efficiency of the email system operated by Irish Water for responding to such complaints. That goes to show that this is an overlaying of a bureaucratic structure on a system that was working reasonably well but that was starved of funding by successive governments. That is all that was wrong. What will county managers around the country do now? They do not collect waste, housing has been outsourced, and they will not have to worry about water or commercial charges. They have more time on their hands to produce reports and to manipulate councillors into positions of accepting the various rates and so on that are put before them. I am anxious that this legislation makes clear that the Comptroller and Auditor General will be in a position to audit the spending of taxpayers' money by Irish Water. I think €2.6 billion went into Irish Water up to the end of 2017. It will require €1 billion a year. It will collect, and is already collecting, commercial water charges. A significant amount of money is going into Irish Water and that explains why it should be held accountable by the Committee of Public Accounts and the Comptroller and Auditor General. While I understand that part of that fund may be subject to an audit by the Comptroller and Auditor General, I would like it to be more specific in the legislation so that there is no ambiguity about it and there is a clear message that we are now counting what is spent and we want to see value for taxpayers' money.

The local property tax will go directly to the local government fund. I am concerned that we would say in this House that road tax, while going to the Central Fund, will inevitably contribute in some way to the funding of Irish Water. It would be far better to say the local property tax and road tax will go to local councils to fund the much-needed services that they are now finding it hard to deliver because the funding in various areas has been cut. It would send out the right message that road tax is for roads, local property tax is managed through the local government fund for something else and that the taxes to run Irish Water come from the Central Fund. That is a very important message to clarify in the context of this Bill. The Bill does not necessarily make that statement. In fact it makes quite a different statement.

It is now left to the Minister to introduce some guidelines on the reductions for medical use. Whatever those guidelines, I would not like to see the bar set so high that it would inflict further difficulty on families who are dealing with medical issues and require more water than the norm. When one gets down to dealing with that, the Minister of State will see it is a complex

question that requires an answer. I hope that the Minister of State or the Minister will fall in favour of the citizen and not put a further obstacle in that person's way.

I also want to draw attention to the absence of any criteria for the connection fees that are now being imposed by Irish Water and that will be imposed in the future. Under the councils, the cost was different and cheaper. The cost under Irish Water is significantly higher. In my constituency office, I have seen complaints registered about single household connections for water running at a rate of €10,000 to €12,000. It may be a once-off, although I do not think it is, but I believe it is another way of raising money from people who are hard pressed. It is not right for people setting out to build their homes, receiving little or no support from the banks or anyone else, to be faced with an enormous charge. The Government must set down some form of guidelines and limits in order that Irish Water does not run away with itself and see this as another soft touch way to raise funds.

On rural schemes, whether it is water or sewerage, there is a need for a clear message, one that insists that Irish Water co-operates with the many volunteers throughout the country who run these schemes and work with them in a positive and proactive way to bring the schemes under their care for the purposes of repair and funding. In so doing, we would acknowledge the current volunteers and enhance the scheme itself, whether it is water or sewerage. It is crucial that the Government do this.

There is a great deal of suspicion of this Bill. The multiplier of 1.7 in terms of the usage could be changed by a majority in this House if Deputies so wished and it was recommended to them. We are in a strange kind of politics now, but that could also change. It could be that the majority on the other side of the House might decide to introduce or reduce the amount of water limited to a household, which would lead to substantially more households paying for water. The whole debate around the 2016 election, and in the period before it, was about eliminating water charges. Had a vote been taken on the matter, a majority in this House would have been against water charges and Irish Water. What I see missing from this Bill is that Irish Water, which we on this side of the House described as a gold-plated quango, has survived, although it now has a five-man posse looking over its shoulder. This legislation is the best and most tangible way to explain the farce of what we call "new politics". It is neither here nor there. It has taken up a lot of time at committee and in debate in parliamentary party meetings and so on, but the sooner we get real with the electorate and tell it exactly what is in the legislation and how it will work, and remove any ambiguity around many of the issues, the better. Our actions must reflect the desire outside the House in terms of managing our affairs. I do not mean that merely in terms of opposition to water charges but more generally. I wish our Minister, Deputy Eoghan Murphy, well. When he introduced this Bill, I think he said that he was not particularly proud of it, or words to that effect. That also explains how uncomfortable some Members are with this legislation, and other legislation too. The information that one can get directly from officials is much more clear than some of the information which comes through the political parties, for one reason or another.

I ask the Minister of State to note some of the issues I have raised as I believe they are of concern to the public. I encourage greater clarity in some aspects of the legislation because it is not clear. It is wrong to put local government taxes, such as road tax particularly here but also the local property tax, LPT, into a fund where people can see it being diverted into Irish Water. I am sceptical about the arrangement with Fine Gael. This legislation is a piece of fudge and I hope that in the future we will put the country and the affairs of the State first before we tinker around politically with issues that must be addressed.

**Deputy Denise Mitchell:** Here we are, once again discussing the matter of water charges. It could have been easily avoided but in 2010 Fianna Fáil had the great idea to sign this State up for water charges, even though it was well aware of the public outcry it would cause. Since then, Fine Gael has done Fianna Fáil's work for it. Unfortunately for them, the public could see what was going to happen from a mile away. If the Government had had its way, it would have resulted in huge bills for water charges and the privatisation of water services. Instead, the Government was met by tens of thousands of citizens on the streets and at the ballot box who made it clear that they were against water charges and metering and that they are against any attempt to privatise the water network.

I have some concerns about the wording of the Bill, especially on the calculation of excessive use and allowances. It seems that regardless of the recommendations of the commission, the Government may decide to lower the allowance and the threshold over time. In a few years, we could see water charges return by the back door. That is not good enough. So-called excessive-use charges can also be increased over time. I note particularly that the Bill states that when the threshold amount is being recalculated, it cannot exceed 1.7, so the allowance is only going one way, which is down. This means that in five years, we will be back in this Chamber discussing why water charges have made a massive comeback. It is a loophole to allow the gradual introduction of water charges down the road. The people marched in their tens of thousands and made it clear they will not accept water charges. I had assumed that the Government and Fianna Fáil had got that message, but the people know they cannot be trusted on the issue of water charges.

We were also promised a referendum on retaining water services in public ownership. This Bill contains no provision of the sort. Perhaps the Government wants to bring forward separate legislation, but in media reports over recent days Government representatives have been out playing down the need for a referendum. I do not think this is acceptable. I am getting the impression that the Government is intentionally dragging its feet on this matter. The referendum needs to happen. The right to water and the public ownership of our water network needs to be enshrined in the Constitution to ensure there is no way this State's water network system will be sold off to a private for profit operator.

**Deputy Donnchadh Ó Laoghaire:** This legislation, which is quite considerable, is also quite noteworthy for some of the gaps contained in it, but I will return to this. I want to pick up briefly on a comment made by Deputy John McGuinness regarding local government. While in principle I have no objection to a single utility, it is fair to say some local authorities get undue criticism for their management of water services over many years. I happened to be in Cork City Council recently for a briefing and I asked where the water cooler was to get myself a drink. I was told there is none in City Hall because the local authority was always very confident in the quality of its own water and it felt its own staff and management should drink water from the tap. It was always my experience that the quality of water in Cork city was of a very high standard. This was not the case with all local authorities, but a regular point made by representatives of this and the previous Government is that local authorities were somewhat in dereliction of their duties. Like anything, when there is such a multiplicity of them there is variation in standards, but many discharged their duties perfectly well.

It is the case on a national basis, in particular in areas that saw rapid development, in some of the commuter belt areas in particular but also in other areas, that there was underinvestment in our water infrastructure. This is the reason that has been given or posited by the Government for the introduction of water charges. I do not agree with this principle, and I have my

doubts about this motivation. In reality, if the Government wanted to ensure there was additional investment in water infrastructure it could have easily done so with additional capital infrastructure. The amount that local authorities spend on roads and housing in any given year is dependent on the national grants, and it would have been perfectly possible for the then Department of the Environment, Community and Local Government, and now the Department of Housing, Planning and Local Government, simply to provide additional funding and, if it so wished, to constrain it to investment in water infrastructure. There was no need for the considerable expense and cost of the metering project. There was certainly no need for water charges, the response to them and the considerable public anger.

I certainly got a very strong sense of the anger in my local community in Cork. It was one of the first places to protest against the installation of water meters. It is my belief that it proved to be the issue that tipped people over the edge, because they could nearly see austerity out their front door, as opposed to some of the other charges and cutbacks. When the contractors came into their estates they could actually see what was going to happen, and they could trace down the line what it would mean for them and the money in their pockets. This had a real impact on people's psychology.

The principle of water, which is such a ubiquitous and essential thing and something that is core to our everyday lives, is a large part of the reason there was such a response. We have seen probably one of the biggest political movements since the establishment of the State, in terms of the number and the scale of the marches. It was also quite notable for the fact that, and I say this with no sense of ego, it was not inspired or pushed by any political party. While supported by political parties, it was ultimately an organic movement from communities supported by trade unions and political parties, and it was one of the most organic political movements that has developed in the country for many years.

Returning to the point, it is absolutely my belief there was no need to introduce water charges to ensure investment in our water infrastructure. Around the same time that Conor Murphy ensured there would be no water charges in the North, there was also a very substantial package, one of the largest packages the Executive has overseen, invested in water infrastructure in the North. This would have been perfectly within the gift of the Government. It was clear that Fianna Fáil and Fine Gael wanted to introduce water charges. Both of them made commitments to that effect. There were manifesto commitments in 2011 on the part of Fine Gael, and by Fianna Fáil in the memorandum of understanding with the troika. There was a clear desire to do this. I do not believe it was seen with a view to conserving water, but as an additional source of revenue, and this is the reason they embarked upon this policy. They did not want to spend the money required and consequently designed a very complex off-balance sheet funding model, which led to the absolute mess and extremely arcane and Byzantine structure involved in Irish Water, and all the waste involved in that and all the controversy related to it. When they set about this funding model it required water charges and consequently required meters. As I have said, I do not believe any of this was to do with reducing waste of water; it was to avoid direct State investment.

We are opposed to this. We are opposed to water being commodified. We are particularly concerned about the potential for financialisation and privatisation. Minister after Minister, during the course of this debate and others, have said they have no intention of privatising our water supply and I believe them. I believe this is very likely the case and very likely the intention. In many other countries I am sure that was the intention where metering was introduced. It is often 15 or 20 years down the road before such a thing happens, but in country after coun-



try, and where it has devolved to local authorities in local authority after local authority, this has happened. Water systems are expensive to run. For cash-strapped local authorities and Governments where there is a charging structure and metering, the temptation will exist in times of difficulty, because it is a source of considerable finance that can be realised quite quickly.

Arguments can be made that it can be kept within certain constraints, but inevitably it has happened in country after country. We have seen it in England in local authority after local authority, in France for a very lengthy period of time, throughout South America where water is considerably more scarce, and in other parts of Europe also. It is my view that water will become more and more profitable and more and more of a commodity throughout the world over the coming years, and will more and more become a target for business. If we have something that is there ready to be privatised, with a model that is capable of being financialised, the temptation will exist. This is one of the primary reasons we oppose this, as well as our belief that water is a fundamental right and something that should be provided as of need and right, and can be provided as of need and right.

I have already alluded to the movement developed to fight water charges, and it really was quite an historic moment. It has adjusted Government policy on this particular issue more than any movement has, although perhaps it could be argued there is a movement at present on the eighth amendment, which is equally beginning to shift public opinion and shift the ground. It certainly adjusted the establishment's analysis, however. There was a great deal of hostile commentary from the establishment media but it has also moved both Fianna Fáil and the Government considerably on this issue. It has moved us onto the ground we are on and while this ground is not where we want to be, it is certainly far removed from where this debate began. We are in a position in which the metering programme is effectively halted and there is a commitment to enshrine public ownership of water in the Constitution. I will return to the latter point.

Having come under pressure, Fianna Fáil and Fine Gael decided this issue should be dealt with by an expert group and a special Oireachtas committee. There was much toing and froing on that and there was a great deal of back and forth between some of the Deputies, particularly those from Fianna Fáil. At one stage, it looked as if legislation of this kind would not be possible, or certainly would not be recommended. At the last moment, yet again, Fianna Fáil did an about-turn on its position on water. Consequently, we are in our current position.

This is complex and quite detailed legislation, which amounts to over 40 pages. The point has been made by a number of my colleagues that the time for scrutiny is somewhat insufficient. I believe there are a number of amendments forthcoming.

There is nothing in this legislation on the referendum. I do not believe there is a date for it as yet. It was one of the clearest demands of the movement and one of the clearest recommendations of the committee. It is a position held by parties opposed to water charges and also by parties in favour, such as the Green Party. Therefore, I see no reason such a referendum could not be scheduled and why progress could not be made in that regard.

Some of the previous speakers stated the group water schemes will be dealt with at a later date. Again, there is nothing about equity for group water schemes in this legislation. There is also nothing about building regulations or education. Much of the research our party has done on our position is that there is considerable scope for reducing water wastage through public education programmes. As with a number of other policy areas, such programmes can deliver

considerable behavioural changes.

The gaps I referred to concern the detail on the threshold and allowance amounts. Considerable latitude is being allowed to the Minister in this regard. Allowing the legislation to proceed in this manner is a particular concern for us and a criticism we have of the Fianna Fáil position. We are opposed to this proposal as it stands. While the threshold amount and the allowance set by the Minister might be modest to begin with, there is always the potential for them to be adjusted. It is likely. My understanding is that the Minister can reduce the multiplier after five years but not increase it.

If this trend continues, one is in the territory of asking whether the charge is a fine for excess use. The point was already made about the households without meters and how the calculation would be made in regard to them. There is considerable uncertainty in this respect. One is debating whether there is a fine or a charge through the back door. As we have said in this debate and previous ones, we believe this is a case of water charges through the back door. The infrastructure is being left in place.

Making reference to wastage and education, I made the point that much of the leakage is through the mains system and our creaking public water system, as we have said on record numerous times. Domestic users are not the big offenders. We are leaving the infrastructure in place for charging and excess-related charging. The path forward for what we are concerned about is clear. Excess charges can increase. The threshold can be adjusted, as can the allowance, and then one effectively has charges in all but name, in the same manner as registration fees were used to introduce quite considerable third level fees through the back door.

There is a considerable lack of detail on the medical exemption. That is to be set by the Minister. I am anxious to ensure that it is generous and considerable and takes into account a wide range of medical circumstances.

We are very disappointed with this legislation and the approach taken by Fianna Fáil, in particular, at the committee and subsequent to it. I am disappointed we are in this position where there is the potential for water charges to be introduced at a considerable level through the back door.

**Deputy Bríd Smith:** I wish to criticise very strongly the reaction of the Taoiseach, Deputy Leo Varadkar, to Deputy Joan Collins's point on Leaders' Questions this morning. His response was quite shocking. He said the question of a referendum on water does not matter, does not affect the Irish people, does not have any impact on our lives, is neither here nor there, is an academic question, and does not bother any of us. He implied the other referenda that he wants, on blasphemy, etc., do bother us and have an impact on our lives. His remark was disgraceful because, from 2014 to 2017, the biggest response of a people's movement in the history of the State was seen in respect of something Governments tried to impose on those people. That response included many communities being treated and manhandled very badly not in scenes reminiscent of those in Catalonia, including Barcelona, but in very serious scenes of abuse and violence by gardaí in working class estates on the north side where people were blocking meters. Some of this activity resulted in people going to prison. Some resulted in many residents having to sacrifice much of their ordinary lives to get up early in the morning and mobilise on the streets in the freezing cold and in all sorts of weather. It affected people in areas such as Clondalkin, Drimnagh, Donnycarney, Coolock, Finglas, Dún Laoghaire and in places with which I am not so familiar, such as Togher and Ballyphehane in Cork. They mobilised and

organised to protest. Furthermore, they mobilised and organised on an estate and road-by-road basis to ensure every member of the community would be aware of the issues concerning water changes and understood why it was necessary to mount a campaign of resistance that included non-payment. A major objective of the opposition was to prevent the privatisation of our most precious resource.

In early 2014, I organised a conference with my union, Unite, to examine the question of the commodification of water. We had a woman over from Bolivia called Marcela Olivera whose brother had led a campaign in that country to stop the privatisation of its water by Bechtel, Suez and other major multinationals who had moved in to gobble up a precious commodity of a people who were already impoverished and excluded. Thankfully, the campaign in Bolivia resulted in the prevention of the privatisation of water. However, it also resulted very tragically in major riots and the deaths three of its citizens. When Marcela Olivera came to Dublin, she explained this very carefully. We also had people from Paris, Hamburg and Munich, all of whom were ordinary citizens campaigning for the re-municipalisation of their precious commodity, water.

In different parts of the world, including Europe, there is resistance to the privatisation of water. This was a key feature for people who marched, refused to pay and encouraged the development of an awareness in their communities that once a price is put on a commodity and an essential service, it becomes subject to the rigours of the market. It is open for competition, to be bought and sold and used and abused by giant multinational corporations which make extraordinary profits from the fundamentals of life.

Water is a fundamental of life. People can live for many days without food, as Bobby Sands and others have proven in the past. One cannot survive more than three or four days without water. It is the essence of life itself, along with the air we breathe. Perhaps someday there will be an attempt to privatise air. Some would argue that this has already been done because, for example, the poor in Mexico City live in the dirty, smelly and polluted part and the wealthy live in the hills, where the clean air is to be found. An inverted form of privatisation has already taken place, particularly in the Third World because of the polluted conditions in which people are forced to live.

Privatisation of water was absolutely central to the objective of the tens of thousands of people who fought, and marched and organised through the country. I am afraid that, once again, the Taoiseach is way behind the people and has got them wrong. He does not really get the ordinary people in this country. He does not get them on the question of choice and the eighth amendment or on strikes and how people fight to improve their wages and stop the privatisation of buses. He certainly does not get them on the question of water charges. How he responded to Deputy Joan Collins and, therefore, to the population at large, was an extraordinary insult. People should check out his response, which was nothing more than class snobbery. It was disdainful towards the people of the country who, like their counterparts in Bolivia, successfully prevented the privatisation of water. The argument that water will always and forever be saved from privatisation is as spurious as the Bill before us. The Bill is as full of complications, loopholes, obfuscations and different interpretations as a complex set of molecules one would look at under a microscope if one were trying to figure out chemistry.

It is obvious that this is an attempt to keep water charges open for the future, not just by the back door but by the front door, the windows, the skylight or whatever means necessary. The question of the sell-off and commodification of our water is being left open by the Government. That is why we need a better response from the Taoiseach to the need for a referendum. Our

Bill has passed Second Stage and, as Deputy Joan Collins said, the Government would like to leave it there to rot, die and wither away rather than deal with this very fundamental and crucial issue. I would argue that it absolutely does matter to the people and will make a difference to their lives if it were enshrined in our Constitution that our water could never be privatised.

I want to respond to those who are pushing the Bill, that is, the Minister of State, Deputy English, the Minister, Deputy Eoghan Murphy, and their assistants, namely, Deputy Barry Cowen and Fianna Fáil. They are giving the Ministers the cover they require after the fact. The country rose up, resisted and won on the question of water charges being abolished. The Minister claimed as a fact that the great work done by Irish Water in recent years is proof of the necessity to create the utility. He counterposed the reduction in boil-water notices and the leaks treated to the efforts made before the creation of Irish Water. This is an hilarious and ridiculous comparison. Fianna Fáil and Fine Gael have, over decades, consistently and deliberately underfunded local authorities and overseen the systematic neglect of basic water services.

When he was Minister for Finance, Brian Cowen crowed about all of the extra fiscal space we had and the billions we had to spend. During his tenure as Taoiseach and Minister for Finance, he never did anything to fix a leak, ensure clean water or stop sewage flowing into our rivers. Underfunding of water services was dramatic on his watch, on that of Fine Gael and on that of successive coalition Governments involving Fianna Fáil, the Green Party and the Labour Party.

There is no comparison with Irish Water, at which millions of euro were thrown in order that people could pay themselves bonuses, engage consultants and give contracts for metering to Denis O'Brien and Siteserv. I do not have all of the figures in front of me, but everybody has become familiar with them. There was a deliberate running down of local authority funding and water utility services over previous decades. The arguments put forward do not, if people will pardon the pun, hold water.

The fiction recited by Deputy Barry Cowen may be worth a literary Nobel Prize some day. There was desperate attempt by Fianna Fáil to rewrite history and call the defeat of water charges to its credit. I do not recall Fianna Fáil out blocking meters, advocating non-payment and mobilising hundreds of thousands of people, nationally and locally, time and again to ensure that this, first, became the major issue of the general election campaign and, second, forced a deal between the two major conservative parties. In this fiction, Fianna Fáil has looked into its heart and decided that, for some reason, people do not pay water charges. Given that the very idea of water charges originated from the soldiers of destiny, how could Deputy Barry Cowen believe he was free to engage in this fiction? The reality that cannot be changed is that those who marched, protested, blocked meter installation, resisted and organised day and night know it is different, regardless of the fictional ramblings of Deputy Barry Cowen.

Much of what I want to say has been highlighted by others, but I will make a general point. Many here and in the media try to justify water charges by invoking environmental concerns, dismissing the charge itself and disparaging those who are active and who took on the forces of the State. We were told that it is just a small charge, that water has to be paid for and that the usual suspects do not want to pay for anything. We were given a litany of reasons to justify this, that and the other. I still hear bitter commentators make bewildered statements about why water charges caused such a huge movement to challenge the powers that be after so many years.

I hear the anger expressed by Deputy Barry Cowen and I understand it. Those to whom I

refer thought that the Irish people would, after eight years, accept any amount of austerity and they were shocked and outraged when, finally, the population stood up to them. This rising was not based on ignorance or misunderstanding. Rather, it was based on knowing exactly what the game was, namely, that the charges were about commodifying an essential public good for which we already pay and that commodification was the prelude, as is anything else, to privatisation, increased charges and allowing Denis O'Brien and other industry bosses to make huge profits.

We know what happened across the world when charges followed privatisation. There was a lack of investment and services were often polluted. I remember in Britain the whole of Yorkshire was without water for months after Maggie Thatcher privatised the system because private utility companies could not deliver clean water services. There were outbreaks of cholera in South Africa when it privatised its water. In Brazil and elsewhere people have suffered Veolia's treatment of water services and at the hands of multinationals to which profit, and not the environment, is god.

It has been clear from the expert report that a major red herring was created around the question of average use in Ireland. I do not want to go into the complexities of the issue because people with better minds have done so, including those on my side of the fence. I refer here to comments made previously by Deputies Paul Murphy, Ó Broin and Boyd Barrett. There is a significant attempt to confuse the Irish population and, as I said, to leave not just the front door open but also the back door, the windows etc. to bring in water charges in the future. The crucial issue is that while all this was happening and while there is an attempt to implement some kind of charge for overuse, there is no evidence that the average Irish man, woman or child is guilty of overuse of water or of wasting water. Irish Water has given the Government figures that show that average usage here is below average usage in Great Britain, Denmark, etc., where they have meters and charges. What we are trying to do here is bring in a system whereby the average use will be reduced over a period of five years. By that time, there will be another Government and more and more people will be charged. There is confusion about whether a household of four, five or six is then calculated on the basis of having more allowances. A person could live on their own and use the same amount of water or live with two people and use the same amount of water but, generally speaking, they would need to use more if there are two, three or four people in the house. That is not rocket science. It is obvious. In a society where the average occupancy in households is increasing because the crisis has led so many young people and other extended family members to remain at home until they are in their 30s, there is an increasing number of households that are made up of four adults. According to the statistics, the average household is 2.75 but if there are four adults in the house and they use slightly more than the average, are they water wasters? Are they guilty of wasting this precious commodity? Are they more guilty than Irish Water for not fixing the leaks? Are they more guilty than the Government and previous Governments for not investing in the infrastructure and attempting to address the real problem where over 40% of our water - clean treated water - leaks through the system? An individual usage figure was something Fianna Fáil argued for, but we still have an overall household figure. We did the sums. If the average is 133 litres per person per day, the average household allowance will be 622. For four adults using the average amount, it will be 540 between them. It only requires them to use not even 20% extra water per person to face charges.

By hook or by crook, the Government, with the help of junior Minister Deputy Cowen and his Soldiers of Destiny party, is determined to bring in water charges. If it cannot do it in its



lifetime, however long its confidence and supply agreement lasts, it is leaving it open for whichever party is in Government and possibly both parties together in coalition, because if they were honest with the people, that is exactly what they would do after the next election because there is not the thickness of a cigarette paper of difference between them in terms of policy. All of this is a charade, cosmetic and fictitious. To claim that Fianna Fáil has saved the Irish people on the question of water charges is a great joke and I am sure it will do the rounds in the water movement and the communities about how funny Deputy Cowen is. He is actually a scream when it comes to describing the history of this movement.

I will finish by saying that the Bill will probably get through because the Government has the backing of Fianna Fáil. The two big conservatives blocs here back it. In the past, it had the backing of the Green Party or the Labour Party at times to pursue water charges and to pursue people for them. However, there is a growing radical movement in this country that can see through it and the neoliberal agenda of the class it represents, which is to take every commodity - everything that moves - including health, transport and all of the decent public services. It did it with the bins. Look at the disaster waste management has become in this country. I know the knee-jerk reaction will be, "But Bríd Smith, you told people not to pay for it." Our movement argued that once we commodify an essential service and begin to pay for it, it becomes the subject of the market, as per the rules of the EU. No Government, local authority or State body can maintain control over a service that is paid for without allowing the private operators in on the act, and that is the very reason we said all of our essential services should be paid for through direct taxation.

Where are we going to find more taxes? One word: Apple. It is all over the media tonight. The Minister for Finance has been told to take the money off Apple or we will be brought to court and sued. The figure is €13 billion and possibly even €19 billion if we add in the interest. What is wrong with the heads of the people who run this country? Imagine what could be done with that money and yet we are saying to a greedy corporation like Apple that it is great, it brings loads of jobs here and it has not made enough profit so we will not touch those billions that it owes us in taxes. It is not the only one because as we will see during next week's discussion on the budget, there are at least 13 other giant corporations in this country that are paying tax at an effective rate of less than 1%. There is an average so-called effective tax rate of about 9% but there are 13 declared corporations of enormous proportions with enormous profits that are paying less than 1%, yet the Government wants to tell ordinary working families, the disabled and pensioners to pay more when it knows that they have already paid for their services through their taxation. Extra money was taken from the car tax to cover water service charges in the past. When Fianna Fáil had to do a U-turn on this, it said extra money would be taken from PRSI to cover water services. All of the conservative parties in this House need at some point to own up and just declare that, really, they are not for the little people. It is only the big guys they care about because that is what we see as the little people. As the ordinary people, we see all their efforts going to support, help, bail out and bring leniency for the big guys and the rest of us can go to hell, go to jail or go out marching. At the end of the day, these two parties will do deals with each other. The Government has a junior Minister on this side of the House who will back it up very nicely. Shame on Fianna Fáil. It really ought to be called out on this one. Obviously, shame on the Minister of State, Deputy English, and his Government but the people on this side of the House who are trying to hide, go for cover and pretend they are the heroes of the Irish people really need to be called out. I will leave it at that. I hope we get another chance to debate this further next week.

**An Leas-Cheann Comhairle:** Ba mhaith liom mo chomhbhrón a dhéanamh le muintir an iar-Thaoisigh, Liam Cosgrave, a fuair bás inniu. Go ndéana Dia trócaire air agus ar dheis lámh Dé go raibh a anam uasal dílis. Beidh deis ag Teachtaí a gcomhbhrón a dhéanamh amach anseo. I call Deputy Joan Collins.

**Deputy Joan Collins:** I spoke last night. I am here listening to the debate tonight.

**An Leas-Cheann Comhairle:** As there is no representative from the Government side present who has not spoken, I call Deputy Thomas Byrne of Fianna Fáil.

**Deputy Thomas Byrne:** Ar son pháirtí Fhianna Fáil, ba mhaith liom ár gcomhbhrón a dhéanamh le muintir Liam Cosgrave.

**An Leas-Cheann Comhairle:** Beidh deis ann amárach é sin a dhéanamh.

**Deputy Thomas Byrne:** Deputy Bríd Smith, who, unfortunately, is not with us, forgets that this legislation resulted not from any pact among conservative parties but from an all-party Dáil committee. It is important legislation in this regard. From the activities in the street, illegal activities in some cases, and to legitimate peaceful protests - I was part of a couple of them in my constituency - this legislation has come to try to solve the problem and bring peace and resolution to the situation that, by and large, most people can accept, agree and live with. I know some people on the left flank of politics will be disappointed if it means less protest, but what we want is a sustainable funding mechanism for water in this country, fairness for people and to give people a bit of a break in terms of what they have to pay. The problem with water charges the last time was that it was the straw that broke the camel's back. It was just one thing after another imposed by the previous Government throughout the period of austerity and people simply could not afford it. This is a way of solving this problem and trying to bring the country together and look after everybody, from the poorest to the richest, with everybody giving their share to society. That is what this legislation is about.

I will concentrate my remarks on the major interaction I would have had with Irish Water, which was during last summer and which related to the water outage at the Staleen water treatment plant in Donore, County Meath. This treatment plant covers a wide area encompassing all of Drogheda, south Louth and all of east Meath as far as Ashbourne and Ratoath and even as far as Kilbride and a lot of rural areas near Navan, including as far up as Skryne. The water outage that occurred at the plant had a devastating effect on this major region of approximately 90,000 people during the summer. People literally could not get a drink of water in some cases.

In other cases, I saw people coming from the River Nanny in Duleek after collecting water. Children were not washed for days, though I suppose we could live with that during the summer holidays, but that is what happened. This week, Irish Water produced a report, which is written by itself for some reason, about what happened. Perhaps it can give the history lesson, but I am not satisfied that this will end here and the report that Irish Water has issued describing the history of what happened during the summer will end with that. Somebody independent needs to examine this because a number of issues which arise from this incident.

The most positive thing to happen during the crisis was that, in a system which is demarcated by Berlin walls between counties where the water system is concerned, where the Louth system does not meet the Meath system, even in adjoining housing estates, avenues were discovered to connect the different systems. It was discovered that Ashbourne could be connected

to the Dublin network. There was a possibility of connecting Ardcath and Garretstown and Louth to Meath. It worried me that these discoveries were made almost by accident or by engineers who happened to have corporate memory or knowledge from county councils a few years ago. There did not seem to be anything on file about how to deal with the issues that arose and how these opportunities might arise, or what the map of the network was. This did not seem to be readily available. In the case of connecting Ashbourne to the Dublin supply, it was a case of one engineer remembering and copping on to it. Fair play to him since he saved a number of days' hardship for many people by remembering that but it was very *ad hoc*, and nothing seemed to be in place globally. Things were found out on a very *ad hoc* basis.

I would like there to be more focus by Irish Water and the Department of Communications, Climate Action and Environment on the opportunities that can arise. Irish Water would have been sold as an effort to connect the grid for water supply between counties. That is what it was sold as and I do not know what effort has gone into actually achieving that, which is a worry. Another worry, which is mentioned in Irish Water's report, are the circumstances in which it was unable to gain access to the source of the problem with the pipe for almost a day. Irish Water was prevented by the owner of the field from accessing the source of the problem. It is mentioned a number of times in the report as a case of Irish Water not appropriately closing a previous burst pipe in that field. As I understand it, what actually happened is that a particular individual was not paid what he was owed by Irish Water. While there was a massive inconvenience to the rest of the area, Irish Water was prevented from going on-site and it was its own fault, as it has said in the report.

We need a full investigation into how Irish Water handles these issues. Even if Irish Water says the pipe was not appropriately closed off, while it does not say what the issue was, somebody needs to look at it and the Department needs to haul representatives of Irish Water in to ask what they are doing. It is outrageous. If someone had been able to get into the field on that day, perhaps Irish Water would have been able to fix it. There were a number of failed attempts to fix it, but it was prevented from going into the field for a considerable period. Irish Water says that was its fault. I want the Government to look at this and to bring in Irish Water. The Oireachtas committee should also examine the issue. If that is happening there, it could be happening in many other places. When we met Irish Water on the day, it said it was its fault. It has said it here too. That is not good enough. Where else is this happening and where else could it cause a major problem?

What improvements could be made to the network? A number of issues have been examined over the years, including connecting the Dunshaughlin water supply to Ratoath. Local politicians have called for that for a considerable period. That happened to a small extent during the crisis but if the proper pipework were laid - and I believe the cost was very low - this would have a dramatic effect on insulating particular areas, Ratoath in that case, from problems that might arise and protect them from outages in other parts of the network.

I have nothing but praise for the actions of staff of Irish Water and the local authority that I met on the ground but the report illustrates difficulties that they had. This issue arose towards a weekend. The pipe burst on a Thursday, the issue continued into Friday and the emergency response only started on Saturday. It was the following Saturday before every house was finally reconnected to the network. It was difficult to source the equipment that was needed to deal with the emergency because it happened close to a weekend. That was a major problem that needs to be looked at. If something happens at the weekend, we think it is bad enough that we cannot ring someone to find out what is happening or citizens have to ring an 1890 number to

get information from a call centre. The officials on the ground also had tremendous difficulty accessing necessary equipment because it was a weekend. That needs to be examined by the Department of Housing, Planning and Local Government and the Department of Communications, Climate Action and Environment.

It is disgraceful that the loss of income suffered by many small businesses as a result of this crisis and a lack of water has not been dealt with in this report and there needs to be a Government response to it. Cafés, hairdressers and factories had to close because of a lack of water. I was talking to a major employer who had to close because of the situation. In one case, a major employer was able to stay open because tankers of water were provided for the premises, very belatedly in that case, and there were communications difficulties. The manager simply would not have known who to ring in this sort of situation. Who knows who to ring in those cases? It was the holiday period, so many people who would ordinarily be responsible were, through no fault of their own, on holidays and other people stepped into their shoes and did tremendous work. Nothing has been given by Irish Water in the form of a concession that compensation would be provided for loss of earnings. These are small businesses on the whole, and some larger ones, that have paid their commercial water charges for a considerable period, which are hugely out of pocket. They include hairdressers, launderettes, cafés and so on that had to close for that period.

I am glad that Irish Water has issued a report. I cannot dispute it as a history of what happened at the time but it is not complete and it needs to be looked at by the Government and probably an Oireachtas committee, because there are certainly lessons to be learned from this that could be applied to other parts of the country. Fixes could be implemented now that would give us a much more robust water supply and not have it depend on one particular line from one particular water plant. I do not know if the Minister of State is in a position to comment on that when he is summing up, but I would like to see further action on it and for it not to be the final word for the citizens of the region or a water company on such a major crisis, unprecedented in my time in politics.

**Deputy Imelda Munster:** One has to ask if this Government will ever listen to the will of the people. Here we go again. The Government is so determined and desperate, as is Fianna Fáil, to introduce water charges through the back door that we now have this legislation that is not only not credible but deliberately leaves the option of extending and increasing charges for any future Fianna Fáil or Fine Gael Government.

I want to address the excess water usage myth or claim. No evidence exists that we have any deliberate domestic water wastage in this State. Irish Water's own data show that household water consumption in this State is one of the lowest rates in the OECD. Irish families use, on average, 123 litres per person per day, which is much lower than people living in England, Sweden or Italy.

How does the Government plan to measure excess usage if 42% of households do not have a meter? That is not outlined in the Bill. Does it plan to charge one household for excess usage and not its neighbour? How will that work? The Minister states that there is an allowance for households of five people or more. Does that mean that a person living alone will be able to use the same amount of water as a family of four? That is not explained either.

We all know that 40% of treated water is wasted as a result of leaking pipes in the public system. Given that 42% of households do not have meters, how will the Minister determine

whether there is excessive water usage by a household or whether water is leaking from a pipe in the public system unless, of course, the he is allowing for a future Government to extend the roll-out of domestic water meters for the remainder of the households? Everybody knows that is the plan. The Government just does not have the backbone to say it. The Government thinks it will con people all over again.

That is exactly what the Government wanted and it is what Fianna Fáil wanted. All that stopped them was people power. People power ground them to a halt. It is as if they have learned no lessons from that. This Bill is another pathetic attempt on the part of the Government and Fianna Fáil, and their wishy-washy way around it, to reintroduce charges after their previous attempt failed dismally and the Right2Water movement brought it down.

My party and I will have no hand, act or part in supporting this Bill. The Government should start to acknowledge the will of the people.

**Deputy Carol Nolan:** Gabhaim buíochas leis an Leas-Cheann Comhairle as ucht an deis chun labhairt.

As outlined by many of my colleagues here tonight, Sinn Féin will be opposing this legislation and all it stands for. The Government is again rejecting the will of the people. It is ignoring the mass movement of people who went out onto the streets to protest against this unfair charge. It is undemocratic for a Government to do that and it needs to be challenged.

My party's spokesperson, Deputy Ó Broin, has rightly called out this legislation as the latest instalment of the long and sorry saga of Fianna Fáil and Fine Gael's water charges regime, a regime that has been rejected by many citizens in this country. As we know, Fianna Fáil first put water charges on the table and Fine Gael enthusiastically took up the baton when its turn came. All of this could have been avoided. If the Government had secured an exemption under Article 9.4 of the water services directive, we could have funded water services directly and fairly from general taxation.

The establishment of Irish Water was simply a means of continuing with a failed strategy of underinvestment in this critical public service. From being a Deputy and, indeed, a councillor beforehand, I am aware that many of the pipes date from Victorian times. These should be replaced first. That is common sense, not rocket science. Why could the Government not see the need to fix the pipes before coming up with this ridiculous legislation and charges? It should fix the pipes first. It is ridiculous that the Government has ignored all of that.

It was never about conservation, and a growing body of research has clearly demonstrated that domestic water charges do not result in long-term reduction in domestic water usage. The people clearly saw through the lies and spin. They mobilised in their tens of thousands across this State - citizens, communities and trade unions - supported by political parties. They forced Fianna Fáil into embarrassing flip-flop after flip-flop on this issue. They called for the public ownership of water to be enshrined in the Constitution and for the funding of water services through general taxation and increased investment to meet the level of service need. They called for the abolition of water charges and metering and the replacement of Irish Water with a publicly accountable board. This has been the biggest quango ever set up. Millions of euro have that could have gone into hospitals, schools and infrastructure were spent on consultants' fees. That makes no sense, and never will.

Only two of the key demands to which I refer were upheld in the recommendations of the



expert group on the funding of water services. That group recommended that domestic water services should be funded, in the main, through general taxation and that public ownership of water should be enshrined in the Constitution. As we all know, that relates back to 1919 and the First Dáil, which stated quite clearly that the natural resources of this country belong to its people. That should always be protected. The special Oireachtas report also includes a recommendation for the constitutional protection of the public water system. The expert group made a number of other recommendations, such as equity of treatment for those in group water schemes and an ambitious programme of water conservation.

Those in group water schemes in rural communities are not being treated equitably. They are not even getting a look in here, and that matter has not been addressed. Those rural communities are being abandoned. This is another instance of their being abandoned by the Government, which has not thought about putting anything forward in that regard and which does not even think in terms of equality.

I fail to understand how the majority of these recommendations, for which there was widespread support, are not reflected in the Bill. There is nothing in the Bill regarding a referendum on the public ownership of Irish Water. A Bill on a referendum was passed by this House almost a year ago, and that seems to have been ignored. That legislation has not made it through Committee Stage and it is becoming increasingly clear that the Government is dragging its heels on the matter. We have seen many other items of legislation rushed through this Dáil. We have seen flaws in legislation and yet we see this crucial Bill, which relates to the need for a referendum, being ignored and left on a shelf somewhere. It will not go away, nor will we. As a party, we will stand with the citizens on this issue.

The Minister has indicated that the Government is still awaiting advice from the Attorney General. In such circumstances, one cannot but ask whether, if this was a priority issue for the Government, would we still be waiting, almost a year later, for the Bill to proceed through formal Committee Stage.

I fail to understand the delay in addressing the recommendation relating to group water schemes. Those schemes are not being treated in a fair manner. From my constituency offices throughout County Offaly and in north Tipperary, I am aware that this is an issue of concern. The people there feel strongly that the Government is neither listening to them nor behaving in an equitable manner.

I cannot understand the rationale for further delaying the establishment of the working group until after this legislation is passed. The Government has had a year to address the matter. It is a huge issue in rural communities. I will continue to represent and agitate on behalf of those communities. We have working class people in rural Ireland, we have people who are struggling and we have people who get up for work every day. However, they are being ignored. Their needs are not being met and they are not being represented by the Government. They continue to pay twice for water.

The data provided to the committee on this issue suggest that a relatively small amount of money would address this problem but it is important that the Government clearly commits to this recommendation in the report. Group schemes receive an annual subsidy of only €70 per household but that does not cover the full cost of accessing water supply. Equity would require the State to cover the full cost of group water scheme users in accessing that water supply. The Minister has stated that he can find the €170 million required for refunds. It would cost a frac-

tion of that amount to address this issue should the Government choose to make it a priority.

This Bill, like many other items of legislation that have been brought before the current Dáil, is seriously flawed. It appears to be the case that if there is excess usage, there will be a metric charge depending on how much is used. Given that a significant proportion of households do not have meters, this creates an absurd situation. Many of my colleagues have addressed this.

If we pass this legislation, there could be two houses side by side using the same amount of water and yet one could be hit with a charge while the other may not. How is that fair? How can that be justified? How can it be common sense? There are issues with the medical exemption and it is not clear how that will operate in practice. The legislation also fails to provide sufficient supports and assistance to those who have identified leaks on their property.

This Bill is not comprehensive and fails to put this matter to bed once and for all. Indeed, it ignores the will of thousands of citizens throughout this country. It is proof that the water charges agenda pursued by Fianna Fáil and Fine Gael is not dead. It may affect only a relatively small percentage of households today, but what about tomorrow and the day after that? Do we trust Fianna Fáil and Fine Gael to confine charges to excessive use? It is my firm belief that once the infrastructure for domestic water charging remains in place, Fianna Fáil and Fine Gael will eventually extend the charge out to growing numbers of people. For that reason, Sinn Féin will strongly oppose this Bill and will work to ensure the problems with this legislation are fully exposed, should this Bill proceed.

It is also time for this Government to recognise rural water schemes. They are being ignored here and, as a rural Deputy, I put the Government on notice that I will continue to raise this matter. I urge the Government to act on it.

**Deputy Pat Buckley:** It seems like a very long time ago that Sinn Féin started to raise the alarm about water charges and water privatisation. We had always maintained vigilance against the creeping privatisation agenda of Fianna Fáil and Fine Gael but we rightly saw in the economic chaos caused by the mismanagement of the economy and banking system what some would relish as an opportunity to asset strip the State and accelerate that process. The political fellow travellers of the Irish right in Europe, which designed a bailout programme to save their own corrupt banking systems, also saw this opportunity and proceeded with even greater gusto than the Government at the time or others could have imagined. We were told that water charges were no longer prohibited, as claimed by Fianna Fáil a few years earlier, but an actual imperative for the Irish State and that anything less would be deeply irresponsible. To please our European master who had so graciously allowed us to do penance for sins we had not committed and to avoid the shame of being labelled by such paragons of virtue as defaulters, we were forced to introduce an entirely nonsensical, unfair double taxation on a basic human right.

The asset stripping had already begun in earnest and now our water services were on the auction block too. Many in the political elite or media doubted in public our claims that this was the start of privatisation. They did this shamelessly even as bin services across our capital city provided the perfect model for anyone who cared to look. The classic tactics of privatisation were on display- run down services, introduce charges, create a revenue stream and then sell to whatever cartel will take the service off one's hands. The rapidly disimproving service to bin customers was also clear evidence of the flaws in this kind of behaviour. Later we would see bin charges hiked, workers mistreated and even lockouts.

Sinn Féin and others were primed to mount a campaign of opposition. Despite our readiness to oppose this and our absolute understanding of the agenda of privatisation behind it, even we were taken aback by the overwhelming opposition by the public to this move. The Irish people utterly rejected these charges. Many working-class communities, especially those who had put faith in the ever unfaithful Labour Party, simmered with a palpable anger compounded by cuts at every other turn. An austerity Government which had taken so much was not going to be charging people for every drop of water, whether to make a cup of tea, bathe the children or do a load of washing. The spirit which saw families waiting at their driveways to launch their rubbish into passing bin lorries in defiance of the bin charges was ignited again, not just in Dublin but all across the entire State. Community organisations against water charges sprang up everywhere. People who had not known one end of a placard from another threw themselves into the action and became known as water warriors.

However, this was about so much more than water. It was about working-class people coming together and finally saying “enough is enough”. They had taken so much and had borne too heavy a load for too long. They had worn the green jersey only to discover it was all a myth. They would not let the Government take the water from the taps as well. They faced every slur from the political elite and media imaginable, including comparisons to ISIS and to feral animals. The Dáil debased itself more than ever in recent memory in its discussion of this amazing grassroots movement of mothers, fathers, sons and daughters. There are quite a few in this House who should be truly ashamed of the slurs they cast on the working-class people who organised the resistance, particularly those who, from ivory towers, sought to send children to prison.

Most shocking of all is that the warriors won. They gave Fine Gael one almighty bloody nose at the ballot box, having pounded the streets of Ireland for months. They nearly drove the Labour Party out of existence, though really the blame for that lies at its own door. They made water charges the point past which Fine Gael, the Labour Party and Fianna Fáil could not - try as they might - go. They did our country proud, when we had been so shamed by the actions of the few. A risen people took what the Government would not give and here we are, talking about refunds of water charges. This Government would do well to let that really sink in and know when it is beaten. What it needs to do now is scrap the whole plan for good. Water charges are not coming back, not in the way the Government tried before, nor by stealth. We know that is the Government’s plan. It has not changed. The right never does. The Government thinks it will eventually get rid of all the responsibilities of state and free itself from doing anything that goes beyond helping its friends in high places to make more money and step on those under them.

That is why we demand that Irish water be protected as a public utility, always in public hands, run by public bodies and paid for by public money raised from progressive and fair taxation. The privatisation agenda for water is dead and the Government must now act as the people have demanded. That is what Deputies are elected to do. We are in here to listen to the people and to represent their views. I appeal to the Government to bring forward the Thirty-fifth Amendment of the Constitution (Water in Public Ownership) (No. 2) Bill 2016 and enshrine water in public ownership. It must get its ducks in a line and make it happen. Let the Dáil vote on that Bill and then put the question to the people. Let the people show the Government what they want. Perhaps the Government is afraid of what the people want. Does the Government finally want to admit that privatisation is the endgame as it sees it? Let us have it out tonight and admit that. It is not fair on the people whom we are supposed to represent. Regardless, that

ship has sailed. The people have spoken loudly and clearly on the streets, in their communities and at the ballot box. The Government must give up any pretence that its agenda has not been soundly rejected by the people. It must put this issue in the hands of the people in order that they can ensure our water services never fall into the grubby hands of the Government's friends.

**Deputy Michael Collins:** I am happy to speak on this very important topic this evening. Like many of my colleagues, I was very much opposed to the introduction of water charges in this country. I welcome the fact that this Bill provides for the discontinuation of the domestic water charges fiasco that was set up under the 2014 Water Services Act. It also sets out provisions for the refunding of payments made to Irish Water by a large number of taxpayers. I am embarrassed that we have had to reach this point. Had the Government listened to the people of Ireland we would not now have to refund €173 million, thus creating a further deficit of at least €5 million for administration costs. I also note that the Government recently announced that there would be eight referenda over the next two years, yet the long-promised referendum on Irish Water and the fear of its privatisation has not even been mentioned. This is very disappointing. I recently responded to a letter to the editor of a hugely popular local magazine in south-west Cork, *The Opinion*, in which a concerned citizen raised the issue of the payment of water charges through general taxation. This is a huge problem to my constituents, many of whom supply their own water. The plan to pay for water through general taxation will now mean a double charge for these people and for people on group water schemes. It is only fair that these people be able to avail of a tax-free allowance for the money that they have outlaid. I understand that this would not fully compensate those on group schemes but it would help in some small way to ensure they will not be hit by double taxation. This is a Bill that people will not be able to cope with. In west Cork we have seen the closure of our banks, our Garda stations, and many other local services. In addition to this, the previous Government hit us with property tax and the universal social charge as well as the loss of carer's allowance, debt grants, child benefit and many other payments. At the time, I warned the Government that the introduction of water bills would be one step too far for the ordinary people of this island. As we know, however, the previous Government put people's concerns into second place. It did not listen, thus leading to the biggest movement of people across the country shouting "stop". They eventually won through. As a public representative, I hope that those who were charged will get back their payments.

**Deputy Danny Healy-Rae:** It may be construed by some that I have a conflict of interest as owner of a company that repairs and replaces water brakes and has been doing so for the past 50 or 60 years.

I am amazed that in all of the debates over water there has been no talk at all of the people in rural areas who have their own water supply and who have received little or no assistance to organise their own gravity supply, deep well pumps, or pumps to pump water out of low-lying streams and rivers. They have had to bore wells and improvise in whatever way they could and use whatever ingenuity they had to bring water into their homes. I feel that these people have to be recognised and have to get some help to in some way ensure that they will always have a safe and adequate water supply. The people in these rural areas have had to put in high-specification septic tanks at a savage cost. The septic tanks also had to get planning permission, which was not always easily had. So many people in rural Ireland, including many in my own county, have septic tanks and their own water supply, yet there is no mention of them at all in this whole debate over water. That is not fair, but then the people of rural Ireland are used to being neglected in so many ways at this stage.

It is very unfair when people like John Moran say that the people of rural Ireland are a burden to the State. The people of rural Ireland have always paid their way to ensure they live to the highest standard possible and I do not agree with those who claim they are a burden. If the critics of rural Ireland had their way then nobody would be allowed to get planning permission and there would be no one-off houses. If these people got their way everybody in rural Ireland would have to move to Dublin or other urban areas. What kind of mess would we have then? It is hard enough to house the people already there. We are now hearing mad rumours that planning permission is going to become harder to get when this new report comes in before the end of the year. There are rumours that the report is already there but that people are afraid to bring it out. It will be much harder to get planning permission in rural areas. What will happen then? Do we bring everybody in to urban areas like Dublin? The traffic jams will be worse. Every morning we wake up and hear on the 7 o'clock news that someone else has been shot or stabbed in Dublin. People are down on top of each other there. They are not able to cater for those who are already there, never mind bringing more people in.

It is a constant battle for people in rural Ireland to get their rights. It is a constant battle to get the road done. At this point I will thank the Minister, Deputy Ring, for providing the money for rural improvement schemes for 27 groups of people in Kerry. Those people are now very grateful, and I am grateful on their behalf, though I remind the House that they have been waiting since 2009. I also remind the Minister that there are still 100 people on the priority list and another 500 waiting to be assessed. That may give the House the full extent of the problem. People in rural Ireland are every bit as entitled to good roads to their door as people in Dublin 4. These are not private roads, as the Department has claimed; they are public roads that were never taken over by the local authority. These people pay their way but they are getting left behind all the time. All they are looking for is the planning permission to be allowed build a house, with most of them providing their own water and septic tank.

I will give the House one example of our strict planning laws. Areas around the towns of Killarney and Tralee are now deemed to be under what is known as “urban generated pressure”. That means that anyone who tries to come out of the town and buy a site to build a house for themselves will be denied planning permission. This is also affecting the local young fellow a hundred yards away from where he wants to buy the site. As his parents do not own the site, he will not be allowed to get planning permission either. That is what is happening. Everyday we talk about housing here; we talked about it this morning. These people would build houses themselves if they could get the planning permission. It is sad to see this happening.

We also have the other extreme. Five families on the N72 into Killarney were refused planning permission to come out onto a perfectly straight road, a mile long and straight as the barrel of a gun. They will not be allowed out onto that road, which is very unfair. Despite the fact that the engineers from Kerry County Council gave them the go-ahead, some regulation signed into law by our present Taoiseach back when he was a Minister in 2012, directed the NRA, or the TII as it is now known, not to allow permission in cases like this. People in rural areas who have their own water supply and septic tanks are not getting any recognition. I am glad that Deputy Nolan mentioned the group schemes. Very little recognition is given to those in group schemes. It is impossible to get an extension of a group water scheme or of a group sewerage scheme. No consideration is given to those in group schemes. If they go to the local authority to seek an extension of a group scheme, they are told to forget about it. There is no funding for those schemes. These are honest, good people who want to live like everyone else, but they are being denied services and hit very hard in this way.



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As I said about the roads, if we have decent roads, if one Minister got his way, no fellow would be able to drive on them. He is trying to deny a whole group of people in rural Ireland the right to go to the local village or the local pub and have just one pint and a half pint. I hope the Deputies in this Chamber and those who are listening to this debate outside it will not vote for that Bill if it comes before us. I certainly hope that Minister does not get his way on that Bill.

**Deputy Maurice Quinlivan:** It is very disappointing that we are having this debate a year after 90 of us were elected to this Chamber by the people on foot of the Right2Change-Right-2Water campaign. That was probably the biggest mass mobilisation of people on the streets that I have ever seen, apart from probably the 1981 hunger strike. In my city of Limerick we had rallies of 10,000 to 15,000 people on the streets. Communities all across the city and county came out onto the streets, and some villages in County Limerick had, as was described to me by local residents, the first ever protest in their areas. It was a massive issue. We are here a year later, despite the fact that 90 candidates were elected on the position of abolishing water charges.

I am not sure which of the speeches the Taoiseach made today was the most offensive, whether it was the comments he made on water or those he made on the attempt by the people of Catalonia to have a referendum to determine their own future. It would not be the first time that Fine Gael has done that. I am aware that my own council disgraced itself in 1930s when Barcelona fell to Franco's people and it sent him flowers and congratulations. We all know what happened after that: Franco's massacre of people on streets.

With respect to the Taoiseach's comments today about the people who protested about water charges, he should not go there. The campaign was not just about water. It was about people moving on from austerity. People were fed up with the way everything went. We all saw the battering that the Labour Party - its members are not even present for this debate - got in the election, a deserved one as far as I am concerned. It abandoned its own core people. Its members were elected on foot of promises. We saw more of that on the streets today when students asked the party's members to leave the demonstration over the issue of tuition fees.

We have a democratic mandate to abolish water charges. Why are we debating this issue a year after the election when we should be talking about other important issues. During the past month, 902 people were on hospital trolleys in the University Hospital Limerick in my constituency. Those are the issues we need to be talking about and on which we need to have special debates. I tabled a Topical Issue matter on that issue for tomorrow and hopefully it will be selected.

It perplexes me as to why the Government will not agree to have a referendum on water charges. My colleagues have also spoken about that. We will probably have a referendum year next year when we will have six of seven referenda, important ones, including the repeal of the eighth amendment, which I will be supporting. Why can we not have a referendum to keep water services in public ownership? This is what we all believe in. I think it was Deputy Ó Laoghaire who said that he does not believe that the Minister of State's Government wants to privatise water services, but others do. This is what has happened in other countries. It starts with a Bill being introduced. Water will be one of the most sought after natural resources in the world. It will be a commodity that will be very profitable and ordinary people will be forced to pay for it.

Ireland has very little water poverty at present, and we want to keep it that way. We will

campaign to ensure that. One of the first campaigns in which I got involved was in Limerick in 1990 when we were campaigned against water charges. A picture carried in the *Limerick Leader* under a section on memories from the past showed us protesting outside City Hall at that time, burning water bills that had been issued. Believe it or not, my nephew, who was 18 months old at the time, was summoned to court. Obviously, the judge agreed that an 18 month old child should not have been summoned to court. There was a mass mobilisation of the people in Limerick in 1990s and there was another one a number of years ago. People voted in the election in 2016 on the basis of water charges. They elected us to this House and they would not expect us to be still talking about water charges a year later.

Many people marched because they wanted a referendum on water charges and to keep water services in the ownership of the people. It might not be the Minister of State's Government that wants to privatise water services, but the people are definitely worried that it could happen down the line.

My council in Limerick has had a very good record of dealing with water leaks. The much-quoted statistic is that more than 40% of the leaks have been fixed. The council did good work on tackling the leaking pipes during recent years before Irish Water came on the scene. The council staff had considerable experience, and they were very good at their job and able to fix the pipes. I will give an example, however, of where that has not worked recently. Many people will be familiar with the Hyde Road in Limerick. A person heading towards the city centre from the west side of the city would go up the Hyde Road. We were told for many years that this road always floods in heavy rain and that nothing could be done to fix it. We got the council eventually to fix it, but the people who first came out did not have the experience to know what the problem was. I took a picture of them trying to fix the leak and put it up on Facebook. I was contacted by a former council official who said that from his knowledge of when he worked in the water services, they should have been 15 ft away from they were working and they would have done the job properly. The people who were contracted from Irish Water did not have the skills or the knowledge of where the pipes were leaking. They said they fixed the problem, but it turned out that they did not. When it next rained a few days later, people's homes were flooded again, but then it was just a working-class area in Limerick and it had been allowed to flood for 40-odd years. When the council did listen to what I and other people told them, namely, that they needed to move and work 20 ft across the road, Irish Water officials came out and listened to the people who had the knowledge, and who unfortunately do not work for Irish Water, who told them where to go to fix the pipe. That has solved the problem in that area where there had been flooding for years.

I was at the Pride rally in Limerick last July when I got a phone call to say that there was flooding in Bengal Terrace in the city. I thought there could not be flooding there because it is not near a river. It is on a hill up by the graveyard. I went to visit the homes and about a dozen of them had been flooded, all with different levels of damage. Those people are still not back in their homes. Some of them left last week as the work is just about to commence. Irish Water was very late on the scene. Limerick council emergency staff came out to help those people get accommodation. Some of what happened was shocking because there was nobody from Irish Water that we could talk to on that Saturday. People who were homeless were presenting at hotels. These were ordinary working people who woke up one morning to find their homes had been flooded. One elderly lady had been sleeping in a downstairs room and she was lucky not to drown. Some of those people had to stay in emergency accommodation in the local hotel, which unfortunately would not take the booking the council had made for them because they

did not have the credit card in the name of the council and there was nobody to talk to in Irish Water. Some of them had to stay in emergency accommodation, which was the local hotel. Unfortunately, however, the hotel would not fulfil the booking the council had made for them because they did not have the credit card in the name of the council and there was no one available to speak to in Irish Water. I rang the hotel twice and the hotel told the council that I should not be ringing it. The council official then went out to the hotel herself with her own credit card and offered to pay for it. She also had the council's credit card with her but the hotel would not take it. It was a big mess and the people ended up having to go to a different hotel. We got them into that hotel and the council official, who was a brilliant star on the day, ensured the people got into the actual rooms before she left. She went beyond the call of duty.

The reason I raise the issue of Bengal Terrace is that Irish Water is not accepting any responsibility for the flooding. A pipe burst outside one of the doors and there was a massive rush of water in through the door which destroyed a number of homes. Irish Water is refusing to accept responsibility because, it says, the pipe never broke before. How is that logical? The pipe never broke before so it is not Irish Water's problem. These people are still waiting to get back into their homes. The Minister of State knows how long it can take to fix up a home that has been flooded.

I come back to what I said at the outset, which is one of the main reasons people marched, would not pay their water charges and sought to defeat them. People rightly believed that perhaps not this Government but a Government to come would seek to privatise what is a valuable resource. That is a huge concern that has not been addressed in the Bill. Why will the Government not give us a referendum? I ask the Minister of State again if the Government will consider giving us one. As I said, people marched in their thousands. These were the largest demonstrations that many younger people will have seen. We elected a number of Deputies to this Dáil to abolish water charges and we have not respected their democratic wish.

**Deputy Martin Kenny:** Water is one of those things in life that we cannot survive without. It is like air. If we do not have oxygen, we do not live. If we do not have water, we do not live. When people look to outer space and scientists look for life on planets that we cannot see with the naked eye, they look to see if there is water. It is fundamental to life and existence. From that point of view, it is logical that we should have it in abundance and free of charge. Most people would acknowledge this basic principle as being realistic, normal, acceptable and logical. Yet, we have a situation here in Ireland where, as Deputy Pearse Doherty told me earlier, houses are being flooded in Killybegs due to all the rain that fell this evening. We have that all over the country. There is so much water coming out of the sky on top of us that we are trying to deal with the floods. I appreciate that water has to be treated and pumped and that there is a cost involved, but there is not a huge scarcity of water in this country as there is in other countries. The problem is that water is being made into a commodity. That is the issue most people have.

The rural-urban divide is often involved when we speak about water, particularly in regard to group schemes. Some of the Deputies mentioned how people in rural parts of Ireland on group schemes are in a different place. I remember the first protests about water charges and the establishment of Irish Water. In Carrick-on-Shannon, Manorhamilton and many other places in rural parts of Ireland where I attended those protests, most of those who were there were on group schemes. In a sense, they were already paying for their water. Communities had come together, formed a committee and applied to the local authority to get a fund to put pipes in the ground and bring water to their homes because the State simply refused to do it. They had no other option but to do it that way and the system meant that a charge was placed on each

household. In a sense, when we think of what was provided in urban areas, that was unfair, but it was an act of necessity that brought them to that situation. Yet, those same people were out complaining and protesting against Irish Water. Many of them had their banners from various group schemes around the country. They knew that this was a slippery slope and that it would go out of the control of the community and into the control of a corporate entity. That is the problem people have with it.

Many people speak about how group schemes are different and how people in rural areas have meters at their houses. I am on a group scheme and I have a meter outside the door of the house. To the next house, however, it is the most of a kilometre and the next person after that is probably another kilometre away. In rural parts of Ireland, it is an entirely different scenario. Metering is used as a means to measure the water, find the leaks and see where it is all moving around.

Let me give an example. A number of years ago there was a huge problem with pipes leaking in the group scheme that I am on. The pipes were first put in some time in the early 1960s and it was probably not done as professionally as it would be nowadays. The kind of pipework was certainly not as good as it would be nowadays. There were an awful lot of leaks and bursts, particularly on roads where there was soft ground with heavy lorries rolling across them. The pipes were always bursting. A number of years ago, the local group scheme applied for a grant from the council to get the scheme upgraded. One of the conditions of the grant was that sluice valves, meters, various control points, pumps and checks etc. would have to be installed. Everyone in the community on the scheme had to pay towards it.

In a sense, that was a microcosm of the whole country because that is the problem we have in the whole of Ireland. We have a massive scheme, if one likes, to provide water and an awful lot of the water is leaking and the scheme is failing and having huge problems. When we went back to the people in the community and said we would try to solve the problem, take care of the leaks and sort it out, we said the first thing we were going to do was lay new pipes across all of the area. We were going to sort everything out and it was an all-inclusive scheme. What if that committee had to go to the people on the group scheme and say the first thing it would do was install a meter and blame a particular person for the problem? That is how this Government got it so wrong when they invented Irish Water. It blamed the people for the problem. The consumer of the water is not the problem, but the provider. If the provider had to come out and say it would fix all the leaks, lay all the pipes and sort it all out, people would have had a greater understanding of what was going on. However, the Government made the fatal mistake of blaming people for what it was doing. That is the main reason so many people throughout Ireland were so adamant that Irish Water had to be stopped and got rid of.

I remember council meetings when we met people from Irish Water. They were telling us all they were going to do. This is interesting because in County Leitrim more people receive their water through group schemes than any other supply. All of those people were out protesting against it. When the issue came up as to what was going to happen, these group schemes were going to be left out on a limb. They were encouraged by councils and many others to come in under the auspices of the local authorities. Many did and were taken in charge by the local authorities just before Irish Water came on board. The reason was so that there would be some grant aid provided to help them upgrade the schemes.

I know many of those schemes. One of them is in Corraleehan, just outside of Ballinamore in County Leitrim. We get about ten calls a month because people have no water. The reason

they have no water is that the pumps providing the water in that scheme are overheating, burning out and tripping due to the number of leaks. People then have to reset the pumps and they keep doing it. The simple solution is to mend the leaks in the pipes but Irish Water will not do that. Its latest proposal is to replace the pumps. It will spend taxpayers' money putting in new pumps to pump water that will leak and those pumps will burn out again. This continuous waste is really getting under people's skin.

I remember the day I was listening to the "News At One" when the spokesperson from Irish Water said it had already spent €80 million on consultants. That was a pivotal turning point. People wondered what the hell was going on. They could not get water to their homes. At least when they had control of it themselves they were able to sort out the situation. However, now they had this bureaucratic mess. It was another layer of bureaucracy on top of the problem that was already there and it was not solving the problem but adding to it.

The reality for most people is that they want a service provided. It was interesting to listen to the Deputies from the Rural Independent Group speaking about rural parts of Ireland being neglected and left behind.

All of that is certainly true. Key to solving the problems of rural Ireland is ensuring we get infrastructure into it. We speak of broadband, roads and all these elements, but one part of the infrastructure is water supply. For example, if a large company decided to locate in one of the rural counties in the country, a number of years ago it would have approached a local authority. It is interesting because in County Leitrim we have a company called Masonite on the banks of

*10 o'clock* the Shannon and a big factor in running the company is a vast supply of water. If that or another company like it came to another area seeking an assurance from the local authority that it could have a large supply of water for the business, the local authority could not give that guarantee. It would have to go back to Irish Water and that company would not give a hoot. The first thing it would do is employ some consultants and pay them a fortune to decide how the process would work. That is the kind of nonsense going on. When we remove control from local areas and give it to a big conglomerate, there are problems. That is the mistake being made by the Government throughout this process.

It is interesting that today we saw how the Government will be taken to the European Court in a bid to force the recovery of the €13 billion Apple tax because it has not succeeded yet in recovering that money. It is clear to all of us - let us call a spade a spade - that the money has not been recovered because the Government does not want to do it. It is embarrassed about how this came about in the first place. This company was evading tax in Ireland and a blind eye was being turned. Those in Europe tapped people on the shoulder, saying we were telling them about all the problems in the country but we were allowing this company away with €13 billion. If that were given to local authorities to fix leaks and look after the water supply around the country, how much would it do? It would make an immense difference. We must get real in what we are doing tonight. If we are interested in sorting out this problem, the money must be put into it.

**Deputy Aengus Ó Snodaigh:** Níl raibh sé i gceist agam labhairt faoin ábhar seo anocht so níl mé go hiomlán ullamh. Bhí sé i gceist agam labhairt amárach. Bhí mé ag iarraidh a chinntiú go mbeadh an deis agam mo ladar a chur isteach sa scéal seo. Níor labhair mé chomh minic agus ba chóir dom faoi tháillí uisce. Thar na 15 bliana a raibh mé sa Teach bhí mé gafa leis na feachtais agus le bheith istigh anseo ag cur i gcoinne reachtaíochta ar tháillí uisce. Le bliain anuas níl an oiread sin ráite agam mar measaim gur léir don domhan ar fad an phraiseach



a rinneadh nuair a bunaíodh Uisce Éireann nó Irish Water. Táim fós ag déileáil leis sin agus is sampla de an reachtaíocht seo. Is trua go bhfuil an reachtaíocht seo ag déileáil le haisíocaíochtaí ar thaobh amháin agus, ar an taobh eile, go bhfuil sé ag iarraidh réimeas nua a thabhairt isteach a bheadh in ann táillí a ghearradh ar siúd atá, dar leis, ag úsáid an iomarca uisce. Is é sin an bunfhadhb a bhí leis na táillí faoi réimeas Uisce Éireann sa chéad dul síos. Luafaidh mé a lán eile faoi nuair atá mé ag tabhairt faoi seo. Ag deireadh thiar thall, tá praiseach á déanamh arís.

They are making another mess. Legislation that seeks to repay charges forced upon society should be welcome but what has happened? As usual, where there is an opportunity, the Government and bureaucrats have slipped in a negative element. That element in this case is exactly what the committee debated back and forth. Anybody involved with the committee dealing with this matter saw how parties took up totally different positions until the vote came about. While people were voting, they were changing their mind. Some members did not even know what way to vote. In many ways, this is like every attempt made to introduce water charges, whether it was in the 1980s or 1990s in different councils. They made a mess of it and they have done it again in this instance. That is why I will oppose this legislation.

I am mindful there are charges for excessive use in this legislation but how can we define excessive use? Anybody who read the transcripts of the committee, sat through the meetings or engaged, as I did towards the end when I substituted for Deputy Ó Broin, one of our representatives, could see there was advice flying left, right and centre from the legal adviser on excessive use. The adviser argued this area could not be regulated but other legal advice appeared in the middle of the meeting, as the vote happened, so people changed their mind.

Ultimately, the regime has collapsed and Irish Water has been disgraced. We need to ensure now that proper funding for local authorities can be put in place. There must be proper funding to tackle the years or even decades of underinvestment in the pipes in this city and throughout the country. The problem with raw and treated sewage, including the scale expected to be treated by plants, must also be addressed. There will be a cost to the Exchequer regardless of whether we like it. There is a public health element and the Government should over the years have gone to Europe to ask for special funding to address our legacy. We had wooden or lead pipes, at least in this city. Anybody who lived in council houses, as I did, would remember the lead pipes that went under the stairs and swelled until they popped or cracked. A person might have had to fix those pipes at his or her own cost, whether it happened inside the house or outside. The pipes might have been split between two houses in most council houses in this city. The problem might have been in somebody else's property but it would have been shared with the neighbour.

There is also the matter of asbestos pipes. Even to this day, I cannot fathom why we have asbestos pipes that everybody knew about. We are told they are safe but they are only safe until they break. What happened in Louth only recently? The pipe broke and there was no talk of quickly replacing the full length of pipe. They tried to fix it and they made a mess of that as well. That was Irish Water. Deputy Munster was informed that the council in Louth was offered help from Dublin City Council, which has expertise in the area, but it was rejected. Irish Water denied that help was offered. People dealing with such matters day in and day out had the spare parts sitting in a depot in the city. They could have addressed the problem so people would not have been without water for a full week. If one is offered expertise, one usually takes it. It is suspected that Irish Water did not take the offer because it did not want to expose the fact that local authority workers in water works had the expertise and were knowledgeable. It would have shown up Irish Water. Instead, they went through the process of ordering special fittings

from Belfast, saying how great they were to engineer the pieces over the weekend. Meanwhile, the parts were and still are sitting in a depot in this city. There were other leaks of a similar scale afterwards in Meath. It has even been addressed in this city. In my own area of Bluebell there was a major fault, and a long time was spent dealing with it, but in comparison with what happened in Louth, it was quite quick. There are residual problems, because in the city there are lead pipes. When the pressure drops and goes up again, the lead expands and drops much quicker than in the asbestos pipes.

My colleagues, among others, mentioned the group water schemes. I admit I know absolutely nothing about them other than they exist. I have read the rural water newsletter, which comes in infrequently nowadays, to try to educate myself. I understand a little about them from friends of mine who have wells on their land in order that they can have some type of water. I have always thought that it was strange. Why should any citizen in this day and age have to drive a well into their ground to get clean water? Why are they not supplied with clean water by the State, with sewerage services at the other end? That is the job of the State. It has always been my opinion that the State should pay for the subsidy or the cost of group water schemes and that it should never have been a burden on rural dwellers.

The biggest problem over the years has been that the councils have been starved of funds which they could have used to replace antiquated systems. Nobody is saying that we should keep the system as it is. I have been in this Chamber for 15 years and have been asking every single Minister in charge of the environment when the Vartry tunnel is going to be fixed. It was only decided last year that it should be replaced. The Vartry tunnel supplies a third of the water to this city and has been in a state of collapse for the past 25 years. Luckily, the decision has been taken to fix it. It is not fixed yet, and if it collapses, one can imagine the chaos we would have. It would be comparable to what happened in Louth except that it would last for two years rather than two weeks.

There is immediate need for huge investment. Even given the restrictions on funding that the EU has placed upon us, I believe that Ireland should go to the EU and make the special case to fix the lead water pipes in this city and to fix the major asbestos pipes outside the city. They need to be replaced immediately on public health grounds.

In terms of wastage, this whole episode of Irish Water reminds me of the electronic voting machines episode. It has been an absolute waste, and we have nothing to show for it other than the fact the public has been awoken and has seen the political parties of the right for what they are. It is clear that their intention all along was privatisation. Some will insist that it was not and that there was an intention to retain public ownership and a willingness to support constitutional change. Look back to when Fianna Fáil was in government with the Progressive Democrats. The agenda that was implemented then and by every political party that has been in government since then has been continually to pursue the privatisation of public services and to undermine public services. This debacle is part of that. I for one do not believe it is at an end. I believe that this is going to come back to haunt us, because there will be other attempts to try to bypass this legislation or other legislation, or at least to reintroduce water charges in a different format.

**An Leas-Cheann Comhairle:** Iarraim ar an Teachta Ó Snodaigh moladh a dhéanamh an díospóireacht a chur ar athló go dtí lá éigin eile.

**Deputy Aengus Ó Snodaigh:** Go dtí cén lá?

**An Leas-Cheann Comhairle:** Níl fhios agam.

**Deputy Aengus Ó Snodaigh:** Muna bhfuil an Whip isteach ní féidir leis teacht istighroimh 12 meán lae amárach.

**An Leas-Cheann Comhairle:** Níl an Rialtas chun rud ar bith a athrú.

Debate adjourned.

The Dáil adjourned at 10.15 p.m. until 12 noon on Thursday, 5 October 2017.