



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Máirt, 7 Samhain 2017

Tuesday, 7 November 2017

Chuaigh an Leas-Cheann Comhairle i gceannas ar 2 p.m.

Paidir.

Prayer.

Leaders' Questions

Deputy Micheál Martin: Today again witnesses huge disruption for up to 155,000 passengers on our railway system, the DART and so on. These are people going to work and to hospital appointments on intercity routes. This huge disruption is not good for our economy. The rail workers have not had a pay increase in ten years. They do not want to be on the picket line and they are very anxious for an orderly, proactive resolution of this dispute.

The origins of and background to this lie in a lack of proactivity from Government, in particular the Minister for Transport, Tourism and Sport, in regard to public transport policy in general and in terms of investment in our railway system. In the aftermath of the bus strike the Minister made serious commitments to convene a stakeholders' forum involving the National Transport Authority, NTA; his Department, Irish Rail and the unions, but it was never convened. The whole idea was to try to prevent the industrial relations turmoil that, sadly, has been too much of a feature of the public transport system in the past two years. I would like to know why the stakeholders' forum has not been convened.

A national rail review was initiated 12 months ago and submissions were sought from everyone. Political parties made submissions, as did various interested bodies, but the review has never seen the light of day. Where is it?

There is an overall funding issue pertaining to Irish Rail and the railway system. The NTA has stated there are major issues and that, at a minimum and just to stand still in the next five years, Irish Rail will need €103 million over and above what it is receiving in order to ensure the tracks will be up to speed and existing deficits will be bridged. If we are serious about tackling climate change, public transport will be a key enabler in Ireland meeting its targets in that regard. Investment in public transport, including railways, will be essential if we are to meet the climate change targets we have set.

That is the policy background to today's industrial dispute. I argue that we are where we are because of a lack of proactivity on the part of the Minister and his lack of empathy towards the idea behind public transport. Given his public utterances during the years, he has a long track record of lacking basic sympathy for and empathy with Bus Éireann, Irish Rail and CIÉ overall. That has been his form. However, a country is now at stake. Instead of tweeting about

the fortunes of Manchester United or contemplating publicly a fantasy visit to North Korea, he would be far better off focusing on issues within his realm of responsibility, including industrial relations in the transport sector. It would be far better if he were to concentrate on having these issues resolved and proactively deal with them well in advance in order that we do not arrive at a situation like today's.

When will the national rail review be published? Why did the Minister not convene the stakeholders' forum? Does the Taoiseach accept that, in the context of an effective and viable rail network, a step change in investment will have to occur? Will we see more proactivity on the part of the Minister in terms of public transport policy?

The Taoiseach: I thank the Deputy. As far as I know, the stakeholders' forum has been convened, or at least efforts are being made to set a date for its first meeting, but I will double check with the Minister, Deputy Shane Ross. I do not have a date for publication of the rail review, but the Deputy will be aware of many public-----

Deputy Micheál Martin: I am sorry-----

The Taoiseach: I do not have a date for publication of the rail review, but the Deputy will be aware that there have been many other publications of rail reviews in the not too distant past. Today is the second day of the train strike. I understand the unions have now announced plans for three more strike days in the next few weeks. I agree with the Deputy that the strike is very much to be regretted. Some 150,000 passengers are being inconvenienced today - people who are trying to get to work, to go about their daily business and to get to hospital appointments. Of course, others are being very badly affected, too, in buses that are more crowded and because of much heavier traffic on the streets. Also, staff have lost income. People with associated businesses in train stations are losing out, too. The strike has further undermined the company's financial position. However, I have no doubt that, as is the case with all strikes in CIÉ involving train and bus services, the strike will be resolved. It will be resolved in the normal way, under the auspices of the State through the Workplace Relations Commission, WRC, and, if need be, the Labour Court. Certainly, I encourage both the unions and management to engage with the WRC or the Labour Court, as necessary, and let us have the strike settled and resolved there, as it always is. It is regrettable that, when it comes to CIÉ, for some reason it is always necessary to have a few days of strike action when other disputes can be resolved at the WRC or the Labour Court without a strike, but the time has certainly come for the unions and management to engage with the WRC or the Labour Court. Let us settle the strike and avoid further inconvenience, loss of income or damage to the company.

It is absolutely the case that during the recession funding for Iarnród Éireann was cut back significantly. It is important to tell the story of the last three years. Over the past three years, there has been a 35% increase in the subvention for Irish Rail, which is significant relative to other public bodies. The numbers of passengers has increased, which means more fares are coming into the company. Fares have also increased. The company has benefitted in three ways from additional revenue. There has been additional subvention, more passengers and higher fares.

The question which now arises is how those resources should be spent. Should they be spent on shoring up the financial position of the company, paying down its debt in order to secure jobs and services into the future? Should the money be used to improve services for passengers, such as more trains more frequently? Should it be used to fund pay increases? From the tone

of the Deputy's question, I think he shares the view that the money should go into investment in services, the company and infrastructure.

Deputy Micheál Martin: Presumably, that is what a rail review would come up with and why everybody was asked to make submissions 12 months ago. The Taoiseach is not in a position today to tell me when that will be published or the work completed.

The bus dispute was six months ago. He committed, prior to its resolution and acceptance of the Labour Court recommendation, to convene a stakeholders' forum. He is flailing around and asking people to come up with the type of forum he should convene. It is the job of the Minister to get on with it and convene a forum of that kind.

Given the febrile nature of industrial relations and public transport, he had an obligation to do that. He should have done so six months ago in the immediate aftermath of the bus dispute but he did not do so. We now find ourselves in another dispute. It stems from a lack of proactivity in respect of the public transport sector.

In terms of investment, a step change is required if one is to believe the assessment of the NTA on the current position of Iarnród Éireann and the need for an additional €103 million per annum simply to stand still. This might be unpalatable for people to take on board, but it is what it is. It has raised safety issues, train times becoming slower between cities and so on. It would have sent a very important signal, in the context of the rail review, if people were assured of a Government commitment to public transport and railways, in particular, given the wider Government objectives on climate change and so on.

Workers do not want to be on strike. The Taoiseach cannot casually say that they had to go on strike. They do not want to be there.

An Leas-Cheann Comhairle: I am not going to allow slippage today to the extent that one minute becomes two minutes.

The Taoiseach: As I said, now that we have some money we have invested in the railways. There has been a 35% increase in subvention in three years. Very few semi-State or public bodies have had a 35% increase in subvention in the past three years. Between 2008 and 2016, an extra €5 billion was invested in CIÉ companies, the bulk of which, some €3.7 billion, went to Iarnród Éireann even though it does not accommodate the bulk of passengers. Very many more people travel by bus than by train in Ireland.

I agree it will be useful to convene the stakeholders' forum and I will speak to the Minister, Deputy Ross about that. It would also be useful to publish the rail review. However, I do not think for a second that publishing the rail review or convening a stakeholders' forum will resolve this dispute. This is a pay dispute. Ultimately, it is about salaries, wages and money.

We are aligned on one thing, namely, that we need to invest more in public transport and make sure that our railways are safe. We need to improve line speeds and buy more carriages so that we can have a better quality of train service for passengers. We need a safer service and one which helps us to deal with climate change. That means the vast majority of additional revenue which goes into companies, whether through subvention, fares or additional passengers, should go into improving services and making them safer and better, rather than into pay increases.

Deputy Gerry Adams: Tá an cheist chéanna agamsa faoin stailc in Iarnród Éireann. Mar

a bhfuil a fhios ag an Taoiseach, tá a lán daoine faoi bhrú inniu agus iad gan traein. Creidim go bhfuil ceart ag an lucht oibre. Tá ceist mhór ann faoin Aire. Cá bhfuil an tAire, an Teachta Ross? An bhfuil sé ann? Níl.

The decision of workers to engage in industrial action is completely understandable. They have not had a pay rise in ten years. They are looking for fairness, which is an increase in line with the transport workers. The Taoiseach knows that in 2016, the revenues for Iarnród Éireann were a record high of €245 million. Passenger numbers have increased hugely and the company is looking forward to the best ever passenger numbers since its foundation, yet it refuses to pay its workers a fair wage and lectures them about the financial crisis facing the company. The financial crisis was not caused by the workers but rather by successive Governments. The Taoiseach is a former Minister with responsibility for transport and will not admit this but bad Government policy is at the heart of the transport chaos.

The question must be asked as to where the Government is in all of this. Where is the Minister? The Taoiseach claims not to be a keeper of his Ministers but where is the Minister with responsibility for transport? The National Transport Authority's 2016 rail review document laid out in black and white how much investment is needed by the company, but what is the Minister's attitude to this? We have seen little or no interest from him in addressing the matters raised in the report. The stakeholders' meeting has not been convened and it is an example of the way the Minister does not have a focus or the urgency required in all this. Given his efforts towards peace - perhaps he is Minister with responsibility for North Korean affairs in his own head - I suppose a rail strike is a very trivial matter for a man so preoccupied with such big matters.

Deputy Darragh O'Brien: The Deputy is not so bad at it himself.

Deputy Gerry Adams: It is little wonder a union official stated there is no point in calling for the Minister to intervene. The Government has a responsibility and is the sole shareholder in the company. Unless there is an intervention and the Minister faces up to the challenges facing the State's public transport network, we will have continued safety concerns, other difficulties and stress placed upon workers, their families and train users.

Will the Taoiseach step in to ensure the rail workers' very reasonable demands are met as a matter of urgency? Will he ask the Minister, Deputy Ross, to do his job? He is paid many times more than any Irish Rail worker and it is time he worked for it. Will the Taoiseach hold him to account?

The Taoiseach: Níl a fhios agam. Bhí an tAire ag an gcuinniú Rialtais ar maidin. Tá sé imithe anois, áfach.

Deputy Mattie McGrath: In North Korea.

The Taoiseach: No, he is definitely in Baile Átha Cliath.

Deputy James Lawless: A one-way ticket. We can all chip in.

Deputy Fiona O'Loughlin: Where is he? He is responsible for public transport.

Deputy James Lawless: The unions could advise him over there.

Deputy Niall Collins: A non-return ticket.

The Taoiseach: I can certainly assure the Deputy that the Minister, Deputy Ross, is in the country because he was at the Cabinet meeting this morning and briefed it on the rail dispute, the options open to us and the next steps that may follow.

I hear a real contradiction in the position being put across from Fianna Fáil and Sinn Féin. I am not sure if the Deputy hears the contradiction but it is there. Both the leader of Sinn Féin and of Fianna Fáil have said we need to invest in our railways, that we need to make them safer and we need to improve line speeds. They argue we need more carriages and capacity, better services for passengers and to deal with climate change. At the same time, the parties, or Sinn Féin at least, seems to be arguing that it supports demands for pay rises substantially above the increases being paid to others in the public and private sector.

Deputy Peadar Tóibín: Are they not exclusive issues?

The Taoiseach: It cannot be both. That is not honest politics. One cannot argue for pay rises in Irish Rail substantially above the pay rises that people are getting in the public service next year-----

Deputy Peadar Tóibín: What about Deputies' pay rises?

The Taoiseach: -----while at the same time arguing there should be investment in the railways for all those good reasons. That is just not an honest position.

The company has more money and, as I mentioned, the subvention has gone up and passenger numbers are increasing. The targets I set as Minister with responsibility for transport to increase the use of public transport are being met. Fares have gone up as well, so more revenue is going to the company. This must be split three ways, with the first paying the debt, making the company more solvent and securing its future in the long term. It must also improve services for passengers and pay for the staff. We must split the resources three ways and make priorities. The consensus of this House is that while there should be some form of pay increase, the priority should be investment in infrastructure, safety, line speeds and carriages while improving services for passengers and dealing with climate change.

Of course the Government can intervene, but it does not do so in such disputes through ministerial intervention, as that has not been the case for a very long time. The way that is done is through the bodies that are established by this House and funded by the State to manage industrial relations disputes. These are the Workplace Relations Commission, WRC, in the first instance and the Labour Court thereafter. I know that the Labour Court and the WRC are willing to intervene in this dispute if they believe there is sufficient willingness from both management and unions to come to an agreement. I hope that willingness exists, and if it does I am sure there will be a Labour Court intervention.

Deputy Gerry Adams: The Taoiseach is gaining a reputation for having a hard edge to his tongue. Supporting workers' rights is interpreted by him as, "Not honest politics". Within 12 months, Deputies and Ministers will have grand increases in wages - €10,000 for Deputies and €15,000 for Ministers - yet the Taoiseach lectures rail workers because they are seeking a reasonable pay increase, which they have not received for ten years.

I understand that the Cabinet met this morning. Was the Minister for Transport, Tourism and Sport, Deputy Ross, at the Cabinet meeting? Did he mention this issue? This is a rail strike. Thousands of people have been discommoded today. Was it mentioned, even informally

at the side of the meeting? Was it on the agenda? Some common sense is required here. The Taoiseach has recently spoken about removing the right of workers to strike and to ban them from standing up for their rights. Instead of that type of right-wing rhetoric, perhaps he should appreciate that the rail workers demands are very reasonable. The Government should make it clear that the ten year pay freeze should be ended, and the Taoiseach should take the opportunity to signal that now. He should remember that the Minister for Transport, Tourism and Sport, Deputy Ross, is the main stakeholder. He is supposed to act in the best interests of the public. Will the Taoiseach commit to doing this?

The Taoiseach: The Deputy is gaining a reputation for just not listening, or perhaps he does not understand what is going on around him. Perhaps, indeed, the supplementary question was pre-written and he was unable to depart from it. In my reply, in both Irish and English, I said that the Minister, Deputy Ross, was at the meeting this morning and that he did brief us on the dispute.

To correct Deputy Adams, Ministers will not be accepting any pay rise next year. The decision was taken some time ago-----

Deputy David Cullinane: The Deputy said Deputies.

The Taoiseach: -----to forgo any pay restoration during the period of this Government. I can absolutely guarantee that the Government is putting public services and the interests of others ahead of any pay restoration for ourselves.

It is also important to point out that what is happening for public servants next year is pay restoration, or the reversal of pay cuts that happened in the past. It will comprise a 1% increase in January and 1% later in the year. Those pay cuts were not imposed on Irish Rail.

Deputy Mick Wallace: I had planned on raising a different issue, but I got an email last night from a woman in Wexford called Jane Johnston, who is the mother of two severely autistic children, Daniel and Evan. She is at the end of her wits from trying to deal with the HSE. I will read a little of her email:

Evan is now 17 years old and was diagnosed with severe autism just before his third birthday. He did not develop any speech, and remains non-verbal, but has excellent comprehension. He has significant mobility issues, and due to a degenerative eye condition he also has significant visual impairment. Evan lost his dad due to a sudden cardiac arrest almost three years ago. His brother, Daniel, also has significant autism. Evan has been the survivor of more tragedy in his 17 years than most of us will witness in a lifetime. He never stops trying, and he has the same lust for life and adventure as any other boy his age. He deserves respect, the right to dignity, and to live the best life he can, but he is seen and treated as an inconvenience and a problem to our health service because he is different, and difference comes at a cost. Banners around our town in Wexford tell us that it is okay to ask for help, but since my husband passed away I have had to ask for help for the very survival of my family. I have been threatened with foster care, [and was] advised to call the Garda if Evan has a meltdown because the HSE failed to give him the support he needs. When I took issue with these threats I was told that I could be referred to Tusla in the absence of my consent.

A few months ago, when announcing the creation of additional and long overdue special needs assistant, SNA posts, the Taoiseach said, "Fine Gael in Government is determined to ensure that our recovering economy will pay dividends for all, particularly the most vulnerable".

The Taoiseach added that this announcement reflects the programme for Government commitment to ensure that all children with special needs can maximise their potential.

When the HSE encourages a parent to call gardaí to take into custody an autistic teenager who might develop behavioural problems at a time when the HSE has shut down for the weekend, does that sound as if it might maximise the potential of that child? For the autistic teenager who thrives on routine and who just needed to get out of the house for a few hours in a given week, but could not because the HSE would not provide respite care, does the Taoiseach think the psychological impact of being forcibly restrained and dragged away by untrained, unknown gardaí might maximise the potential of that child? When the parent says he or she will not call the Garda and the HSE manager then threatens to refer him or her to Tusla in the absence of his or her consent, does that sound as if it might maximise the potential of that parent's child? Is it fair on the gardaí who are already under-resourced and, more importantly, untrained in how to handle vulnerable children with special needs?

We have a serious problem with the HSE in Wexford, and the most vulnerable are the people who are being treated the worst. I have put four questions to the Taoiseach. How much potential is there for him to hold the HSE to account on these matters?

The Taoiseach: The Deputy will appreciate that I am not in a position to comment in the House on individual cases. I do not have any information on this case and even if I did I would be bound to respect the confidentiality of the person concerned. However, I am very sorry to hear about the experience the citizen the Deputy mentioned and the family have had. If the Deputy wishes to pass the information to me, the Minister for Health, Deputy Harris, or the Minister of State at the Department of Health, Deputy Finian McGrath, we will have it examined.

The Deputy has acknowledged the significant increases in supports that have been provided in the last year or so for people with disabilities, whether it is the medical card as a right for children with severe disabilities, the 1,000 extra special needs assistants, SNAs, or the fact that we now spend more on special education than on higher education. However, there is always more work to do. The Minister has set up a working group on autism to examine service provision and what is good and bad practice. He expects to receive that report in a few weeks. He is also developing Ireland's first national autism strategy, which every Member of the House will welcome. The budget provided for increased funding for respite care, home care, school leavers and emergency places for 2018 and the details of that will be included in the HSE service plan. In addition, it is also planned to pilot speech and language therapy in schools in 2018 as part of our ongoing efforts to improve services for our citizens with disabilities who need so much support.

Deputy Mick Wallace: Much of the extra money that has been allotted for this area is being swallowed up by private entities. The people trying to rear families that include children with severe autism will be the first to tell the Taoiseach that many of the private institutions that provide care do not represent value for money, although some of them do. In most cases, these entities are getting €24 per hour for this work. The money being allotted to this area could be used much better if the Government was not so obsessed with going to the private sector. This woman has been seeking a business plan for Evan's transition from child to adult services. The HSE will not even communicate with her. How she is being treated by the HSE is unbelievable. I will not name the people with whom she has had such a dysfunctional relationship, but it is not being done properly. The HSE has incredible questions to answer on this area. The Taoiseach

says he will ensure that all children with special needs can maximise their potential, but that is not happening. It sounds false to these people. They are frustrated to death with the problems they are facing. Unfortunately, the HSE is a problem, not a solution, for them. Nobody appears to be able to hold it to account.

The Taoiseach: Our duty is to ensure that all children in the country have the opportunity to grow up to be the best adults they can be and that people with disabilities, in particular, have all the opportunities possible to maximise their potential. We will never reach the point where anyone can say the work is done. There will always be more work to do in this area and more efforts that we must undertake.

The Deputy's fundamental point is correct. The money is not being spent across the disability services as well as it could be. That is not only the case with private sector providers, but also public providers and those in the charity sector. The solution we want to move to is personalised budgets which give people with special needs or disabilities a personal budget which they or their guardians can use in whatever way they decide is in their best interests. That will not be popular among some private or charity sector providers or even the HSE because it will challenge them all to provide a better service or have their service closed. Nevertheless, it is what we want to move to. Pilots have been done and a task force has been established.

In terms of greater accountability on the HSE's part, the Minister has already announced his plans to establish a HSE board. There is no board for the HSE and we believe its creation would improve accountability.

Deputy Róisín Shortall: I want to raise the matter of the Paradise Papers and the information which has emerged in regard to Apple's tax arrangements, the facilitation of these arrangements by successive Irish Governments and the considerably negative impact this is having on Ireland's reputation. The central theme running through the Paradise Papers is the relentless quest of the wealthy and powerful, the great and the good, to find ways of avoiding paying tax. We saw this most starkly in the operation of the double Irish and its use by Apple and the subsequent ruling by the European Commission that this favourable treatment constituted state aid. In that regard, it certainly seemed that the facilitation of tax avoidance was an intentional strategy adopted by the Government and its agencies in 1991 and updated in 2007.

It is very hard to understand why the Government, in September of last year, with the full benefit of hindsight, stood over the manner in which the sweetheart deals were done and vouched for their full compliance with the law. The public cannot understand why the Government is now spending considerable additional millions of euro on appealing the European Commission ruling.

The position of the then Minister for Finance, Deputy Michael Noonan, was very hard to understand. In 2013, he signalled that he intended to close down the double Irish on which the tax avoidance arrangement is based. The impact of this was considerable for Apple's tax liability. We know there was much engagement between Apple and the Department of Finance around this time. We also know, thanks to the Paradise Papers, that Apple went on a jurisdiction shopping spree in search of another tax-dodging deal, and that following the closing of the double Irish, Apple restructured its companies. It registered two of its Cork companies in Jersey and took up tax residency in Ireland for its remaining Cork company, Apple Operations Europe. This, combined with the changes made to the capital allowance regime in 2014, allowed Apple to sell its intellectual property back to the Irish-registered company and avail of

the massive tax breaks which this measure facilitated.

Was our capital allowance regime changed to allow Apple to keep its formerly stateless profits entirely untaxed? In other words, was it done to compensate Apple for the loss of the double Irish? Had Apple, or its representatives, requested a change to the capital allowances regime? How much has Apple benefited by this change and how much has the State lost?

The Taoiseach: The answer to the Deputy's question is "No", or not to my knowledge. She might wish to put the question to the Minister for Finance who might have more information on those matters than I do. I do not have detailed knowledge of any company's tax affairs or, indeed, any individual's tax affairs.

Tax avoidance is an international problem and international problems require international solutions. As we found when it comes to dealing with tax avoidance by large companies, when one country acts, the company will just move to another jurisdiction. That is why we need an international solution to this problem-----

Deputy Peadar Tóibín: It is inertia.

The Taoiseach: -----in order to bring about a situation where companies pay their fair share of tax. In that regard, Ireland is an international leader. The Organisation for Economic Co-operation and Development, OECD, which is based in Paris is the international organisation which deals with taxation issues and ensuring companies are not able to exploit differences in tax law from one jurisdiction to the next. It has designated Ireland as one of only 22 countries, of nearly 200 in the world, which are entirely compliant when it comes to tax transparency. We have also signed up to information sharing. We are going to share information from one country to the next on how much each company is paying in tax in different jurisdictions. That will prove very useful as for the first time we will know how much a big company has paid in tax in Ireland, how much it has paid in France and how much it has paid somewhere else. We did not know that information up until now. The double Irish is gone. Stateless companies are also gone. The Finance Bill 2017 will change the way in which we tax intellectual property. However, we do not accept at all that Ireland was involved in any special arrangement with, or in providing state aid for, Apple. That is why we are fighting the case.

Deputy Aengus Ó Snodaigh: That is the core of the problem.

The Taoiseach: It is simply not the case that Ireland was involved in providing state aid.

On the Paradise Papers, there are 13 million of them and I doubt that anyone has read them at this stage. I am sure this is still an evolving story. The Revenue Commissioners will examine the papers. The Minister for Finance has already spoken to the chairperson of the Revenue Commissioners about this matter and if further action is required to be taken against any person or company, it will be taken. It is important to point out that the Revenue Commissioners have been very active and effective in this area. In the past couple of years alone they have collected €1 billion in targeting offshore operations by companies.

Deputy Róisín Shortall: It is a cop-out to say the issue of tax avoidance needs international solutions alone. Yes, it does need them, but it also needs us in Ireland to close the loopholes which Governments have created, including the double Irish in 1991 and the changes to the capital allowance arrangements which the Taoiseach's Government introduced just last year. This greed fuelled quest to pay no tax is, of course, not victimless, of which the Taoiseach must

be aware. The victims are small and medium enterprises - indigenous industries which are tax compliant and which do not have access to the tax avoidance advice available to multinational companies. Compliant taxpayers are also victims. They are denied adequate funding for the provision of public services owing to the reduced revenue base.

The Taoiseach says the intellectual property arrangement has been closed. It has been closed but not before Apple was allowed a ten-year break as a result of the changes made last year. The Comptroller and Auditor General recently noted that the cost of capital allowances had doubled between 2014 and 2015. How much of this was due to Apple's restructuring? How can we allow one company to completely dominate and distort the national accounts? The Taoiseach is answerable for this. He is the leader of the Government and must answer for what his Government has done.

The Taoiseach: I do not accept that it is a cop-out. It is the case that, if one listens to what the Deputy is saying, she agrees with me. This is an international problem which requires an international solution. If a loophole is closed in one jurisdiction, companies simply move to the next. I do not accept that saying this is a cop-out. It is a statement of fact.

Deputy Róisín Shortall: The Government created a new one.

The Taoiseach: That is why we need an international solution to this international problem. I agree that we must close loopholes domestically. I gave the Deputy two examples of loopholes which we closed in recent years, one being the double Irish-----

Deputy Pearse Doherty: It is still operational.

The Taoiseach: -----and the other being a mechanism which allowed stateless corporations to avoid paying tax, but it is a constant game of cat and mouse. There are very smart tax lawyers who go through legislation looking for loopholes to exploit. It is never going to be the case that there will be no loopholes and we must keep on closing them. The Deputy knows full well that it is not possible to change the law retrospectively. That applies to citizens, as well as to companies. We could not pass a law here today to change the income tax rates four years ago and expect people to pay up. Laws have to be prospective, not retrospective.

Deputy Róisín Shortall: Why did Deputy Michael Noonan do it?

Order of Business

Deputy Róisín Shortall: Tuesday's business shall be No. 8, motion re terms of reference of Select Committee on Rural and Community Development, 14th report of the Committee of Selection and appointment of Chairman of Select Committee on the Implementation of the Good Friday Agreement; No. 9, motion re Financial Resolutions for the Finance Bill 2017; No. 20, Water Services Bill 2017 - Order for Report Stage and Report and Final Stages; and No. 21, Civil Liability (Amendment) Bill 2017 [Seanad] - Order for Report Stage and Report and Final Stages. Private Members' business shall be No. 146, motion re private rental sector standards, selected by Sinn Féin.

Tomorrow's business shall be No. 20, Water Services Bill 2017 - Report Stage (resumed) and Final Stage; No. 21, Civil Liability (Amendment) Bill 2017 [Seanad] - Order for Report Stage and Report and Final Stages; and No. 22, Heritage Bill 2016 [Seanad] - Second Stage (re-

sumed). Private Members' business shall be Second Stage of No. 41, Equality (Miscellaneous Provisions) Bill 2017, selected by Fianna Fáil.

Thursday's business shall be No. 20, Water Services Bill 2017 - Report Stage (resumed, if not previously concluded) and Final Stage; No. 21, Civil Liability (Amendment) Bill 2017 [Seanad] - Order for Report Stage and Report and Final Stages; No. 22, Heritage Bill 2016 [Seanad] - Second Stage (resumed); and No. 10, motion re report on scrutiny of the Cannabis for Medicinal Use Regulation Bill 2016. Private Members' business shall be Second Stage of No. 42, Garda Síochána (Amendment) Bill 2017.

With regard to the announcement of the proposed arrangements for this week's business, I refer to the report of the Business Committee dated 26 October 2017. With regard to Tuesday's business, it is proposed that:

(1) the motion re terms of reference of the Select Committee on Rural and Community Development, the 14th report of the Committee of Selection and the appointment of the Chairman of the Select Committee on the Implementation of the Good Friday Agreement shall be taken without debate;

(2) the motions re Financial Resolutions for the Finance Bill 2017 shall be moved together and decided without debate by one question and that any division demanded thereon shall be taken immediately; and

(3) Private Members' business shall take place for two hours not later than 9 p.m., that the Dáil shall sit later than 10 p.m. and shall adjourn at the conclusion of Private Members' business.

With regard to Wednesday's business, it is proposed that:

(1) the Dáil shall sit at 10 a.m.;

(2) the debate on the Equality (Miscellaneous Provisions) Bill 2017 shall be brought to a conclusion after two hours, if not previously concluded; and

(3) the Dáil shall sit later than 10 p.m. and shall adjourn not later than 11 p.m.

With regard to Thursday's business, it is proposed that:

(1) the Dáil shall sit at 10 a.m.;

(2) there shall be a suspension of the sitting for 30 minutes at the conclusion of the voting bloc;

(3) the motion re the report on scrutiny of the Cannabis for Medicinal Use Regulation Bill 2016 will be taken immediately after the sos, that the debate shall conclude within two hours, if not previously concluded, and will be taken in Government time - the breakdown of speaking times shall be as set out in Standing Order 91(4);

(4) oral questions shall be taken at the conclusion of the debate on the motion re the report on scrutiny of the Cannabis for Medicinal Use Regulation Bill 2016; and

(5) the Dáil shall sit later than 7.48 p.m. and shall adjourn at the conclusion of proceedings on the Garda Síochána (Amendment) Bill 2017.

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An Leas-Cheann Comhairle: There are three proposals to be put to the House. Is the proposal for dealing with Tuesday's business agreed to? Agreed.

Is the proposal for dealing with Wednesday's business agreed to?

Deputy Richard Boyd Barrett: It is not. We have had a break for a week and the issue of the Paradise Papers has arisen. They had already been referred to and might more accurately be called the "Parasite Papers". They reveal a really shocking nexus of bankers, wealthy individuals and corporations dodging taxes. According to some reports-----

An Leas-Cheann Comhairle: To what issue is the Deputy referring?

Deputy Richard Boyd Barrett: It would be unconscionable for the House not to debate these shocking revelations this week. I did not raise this issue for discussion today because I knew I would have been doing so at short notice-----

An Leas-Cheann Comhairle: That is a matter for the Business Committee.

Deputy Richard Boyd Barrett: Yes, but I am signalling to the Taoiseach that I hope the Government will facilitate a serious discussion on the matter, in respect of which billions of euro in tax revenue are at stake, and the shocking revelations about-----

An Leas-Cheann Comhairle: Deputy Boyd Barrett does not have a minute. It is at my discretion.

Deputy Richard Boyd Barrett: -----the collusion of banks, possibly of legislation brought in by this Government, and wealthy individuals in tax evasion.

An Leas-Cheann Comhairle: Deputy Boyd Barrett may be under a misconception that he has a minute. He does not. It is at my discretion. He has made his point.

Deputy Richard Boyd Barrett: I have made my point, indeed.

Deputy Mattie McGrath: Hear, hear.

An Leas-Cheann Comhairle: The question is: "That the proposal for dealing with Wednesday's business be agreed to."

Question put and declared carried.

An Leas-Cheann Comhairle: Is the proposal for dealing with Thursday's business agreed to?

Deputy Richard Boyd Barrett: It is not agreed.

An Leas-Cheann Comhairle: What is Deputy Boyd Barrett's point? It should not be a repetition of the previous point.

Deputy Richard Boyd Barrett: No, it is on a different point.

An Leas-Cheann Comhairle: Is the Deputy aware of Thursday's business?

Deputy Richard Boyd Barrett: I am indeed. Thank you, a Leas-Cheann Comhairle. In relation to the speaking arrangements for the Cannabis for Medicinal Use Regulation Bill, it

is completely unacceptable that a report on Deputy Gino Kenny's Bill will commence with 15 minutes from the committee Chair, who is recommending that the Bill, which passed Second Stage, goes no further, and then 15 minutes from the Government, which is also recommending that the Bill goes no further, and that there is no allocated, formalised slot for the proposers of the Bill to defend the Bill and explain why they believe it should continue to Committee Stage.

Deputy Alan Farrell: It is proportional representation.

Deputy Richard Boyd Barrett: It is not about proportional representation. It is about balance in argument concerning a Bill we put forward-----

An Leas-Cheann Comhairle: Deputy Boyd Barrett has made his point.

Deputy Richard Boyd Barrett: -----on a very important issue that affects tens of thousands of people with serious medical conditions.

An Leas-Cheann Comhairle: I am putting the question, "That Thursday's business be agreed to". Is that agreed?

Deputy Richard Boyd Barrett: It is not agreed.

Question put and declared carried.

An Leas-Cheann Comhairle: We move on to questions on promised legislation. I call Deputy Micheál Martin. I have 15 speakers offering in addition to the leaders. I will try to accommodate everyone. I hope for the co-operation of Members.

Deputy Micheál Martin: There has been a very significant increase in the number of homes in rural areas being attacked and burgled. We all listened in horror to the story of the farmer who lived on his own in Offaly being burgled, attacked and consequently hospitalised. The four-man gang made their quick escape in a powerful high-speed car. In the past six weeks there were 35 aggravated burglaries undertaken by gangs in County Cork. The gangs are well known to the Garda. They have become quite sophisticated in how they organise themselves. Apparently they no longer use the motorways but use the older primary routes. Senior security sources are quoted in the media as saying these gangs are winning the war and are taunting An Garda Síochána.

Rural communities do not feel secure. They do not believe enough is being done. CCTV is very limited on motorways. The Garda presence is historically down. Many rural Garda stations are closed. They have not had the same fortune as Stepside. The programme for Government is very clear that there would be increased support in investment in CCTV at key locations along the national road network and in urban centres to deal specifically with these issues. Will the Taoiseach or the Minister outline how much extra has been invested in CCTV and the Garda fleet to prevent rural crime? Is the Government considering a fresh crackdown to follow on from Operation Thor to address this latest phase of very violent attacks?

An Leas-Cheann Comhairle: I call the Minister for Justice and Equality, Deputy Charles Flanagan.

Minister for Justice and Equality (Deputy Charles Flanagan): I assure the Deputy that Operation Thor is continuing unabated. I advise the Deputy that the sum of €3 million is available over a period of three years, €1 million per annum, to increase CCTV presence across the

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country. Applications are open. I advise communities that they should consider making appropriate application to my Department. I am anxious to ensure that this money is expended, particularly across rural areas.

I remind the Deputy that the Garda Training College in Templemore has reopened, having been closed for many years under the previous regime. I recently attended an attestation ceremony of 188 new gardaí-----

An Leas-Cheann Comhairle: I advise the Deputy and the Minister that I am trying to accommodate 15 other speakers.

Deputy Charles Flanagan: -----all of whom have been allocated to stations around the country. The next attestation of 200 new gardaí will take place on 8 December. Full and detailed consideration is being given by An Garda Síochána to dealing with the issues, as mentioned by the Deputy.

Deputy Gerry Adams: The programme for Government commits the Government to actively fulfilling its mandate as co-guarantor of the Good Friday Agreement. As part of this, the former Taoiseach, Deputy Enda Kenny, agreed to hold regular debates in the House on the North. In March the Sub-Committee on Dáil Reform agreed to a proposal from Sinn Féin to introduce regular quarterly statements on the North. Given the failure of the latest phase of efforts to restore the political institutions and the absence of the rights-based foundation that they require, will the Government schedule the debates to take place as soon as possible? Given the Taoiseach's inability to communicate with me in a coherent way and his obvious frustration, perhaps he might limit himself, forget about the shallow silliness and answer the question I am asking him. When will the Government schedule the taking of the quarterly debate on the North, as determined by the Sub-Committee on Dáil Reform?

The Taoiseach: I understand the Business Committee agreed two weeks ago that we would start to have quarterly statements on Northern Ireland, which I very much welcome. The Deputy should be aware at this stage - it is 18 months since the general election - that the Government does not schedule Dáil business anymore. It is done by the Business Committee; therefore, I cannot answer the question.

Deputy Gerry Adams: Does the Taoiseach wish to answer it?

The Taoiseach: The Deputy and I had a very good meeting two weeks ago. I thought we communicated quite well and understand we are due to meet again next week.

Deputy Gerry Adams: I certainly did.

The Taoiseach: I am sorry to hear the Deputy does not believe it was as good a meeting as I thought it was.

Deputy Brendan Howlin: We read in the media that it was intended to bring proposals to the Government today in respect of the reconstruction and reorganisation of local authority electoral boundaries. In recent days I read what I regard as the Taoiseach's most ungenerous comments on the last partnership Government. What was decided by the Government? Will there be a restoration of town government? When will a proposal be brought to the House?

Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan): It was not discussed by the Cabinet today, but there is a report

on a review of local government concerning aspects to do with metropolitan governance, urban governance and electoral areas. As I understand from my officials, the report is due at the end of next week. The item raised by the Deputy is on the Cabinet agenda, but it was not discussed today.

Deputy Brendan Howlin: Are there plans to discuss it with the Opposition?

Deputy John Paul Phelan: I am open to discussions.

An Leas-Cheann Comhairle: The next speaker is Deputy Richard Boyd Barrett on behalf of his group.

Deputy Richard Boyd Barrett: To be helpful, the group is called Solidarity-People Before Profit.

Deputy John Brassil: That is what it is called this week.

An Leas-Cheann Comhairle: Sometimes I do not know who to call, but the Deputy is the only one here today.

Deputy Richard Boyd Barrett: I am happy to say the words.

My question relates to the so-called Paradise Papers. The Government was supposed to transpose in June this year the EU anti-money-laundering directive which requires that we have information on the ultimate beneficial ownership of companies and corporate entities. This relates very much to the tax dodging of the Irish rich and Irish corporations revealed in the parasite papers. When will the directive be transposed? Infringement proceedings have been taken by the European Commission against Ireland for its failure to transpose it. This is further evidence of the total unwillingness of the Government to tackle corporate tax dodging by the rich and multinationals.

An Leas-Cheann Comhairle: The question is about the transposition of the directive.

Deputy Charles Flanagan: I expect the general scheme of the Bill to be published at the end of the year.

Deputy Mattie McGrath: In the programme for Government there is a clear commitment to reform and strengthen the legal system in an effort to support the victims of crime. Will the Taoiseach or the Minister for Justice and Equality clarify whether elements of the Criminal Justice Act 2017, formerly the Bail (Amendment) Bill, have not been implemented? I believe that is the case. I raise this issue in the wake of a horrific crime committed on the border of counties Tipperary and Offaly. The perpetrators of these crimes are operating with impunity. The last people to receive support from this Government are the victims of crime. Why is this language used in the programme for Government and are there many other elements of the Bill that have not been enacted? What is the problem, especially regarding electronic tagging which should be used? Gardaí should know where these roving and marauding gangsters and criminals are.

Deputy Charles Flanagan: All Stages of the Criminal Justice (Victims of Crime) Bill have been completed by the House and we are awaiting the imminent enactment of the legislation. On the matter of a commencement order for a recent Criminal Justice Act, I will communicate with the Deputy on that.

Deputy Mattie McGrath: I asked a question about tagging.

Deputy Eamon Ryan: I very much welcome the announcement yesterday by the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, that he intends to introduce a levy on the use of plastic coffee cups. This measure would achieve the same objective as one of the elements of the Waste Reduction Bill 2017, Second Stage of which was completed earlier this year. While the Minister's approach differs from the approach we have taken in the Bill, the Green Party will support his measure as a means of achieving the same end.

We have received a copy of a letter from the Ceann Comhairle to the Chairman of the Joint Committee on Communications, Climate Action and Environment, Deputy Hildegard Naughten, indicating that the Government must state whether it will issue a money message to support the Waste Reduction Bill moving to Committee Stage. I apologise if this issue appears complicated. The Dáil has a significant problem in respect of how it progresses legislation that has completed Second Stage. Will the Taoiseach indicate whether the Government will be willing to introduce such a money message to allow us to use the Waste Reduction Bill to deliver the measure announced by the Minister yesterday and go further by introducing a deposit system for plastic bottles similar to the schemes introduced in a number of other jurisdictions? Will the Government support advancing our Bill to Committee Stage and introduce the money message the Ceann Comhairle has asked it to provide?

Deputy Timmy Dooley: The Fianna Fáil Party has the same issue regarding our Prohibition of Micro-Plastics Bill, which incorporates provisions similar to those to which the previous speaker referred but in respect of reducing use of non-recyclable tableware. We are also having a difficulty getting the Bill through the systems of the House. Unfortunately, we have not even had an opportunity to table the legislation. The Government must provide clarity on the concept of new politics and the idea of passing important legislation, rather than simply dealing with statements. I support Deputy Eamon Ryan's efforts in that regard. While the proposed measure on coffee cups is important, it was spun out yesterday to distract from the criticism levelled at the Government by the Citizens' Assembly on Sunday.

The Taoiseach: I will revert to the Deputies with an answer on the issue they raise. Before I can issue a money message, I need to know how much it would cost the taxpayer. As the budget has been done for next year, we do not have substantial amounts of unallocated money. I cannot issue money messages for money that is not available to spend.

I acknowledge, however, that we have a problem with the amount of Private Members' legislation coming through the House and, quite frankly, the quality of some of this legislation. What is required in that regard is that we embrace new politics. Mr. Aidan Dunning, a former Secretary General and independent person, prepared a report on how we can improve the processes by which the House is supposed to work, make new politics work and ensure Private Members' legislation coming through the House is of quality and can progress and be enacted. Unfortunately, we do not have all-party agreement on implementing Mr. Dunning's report. If we had agreement on it, I believe we could pass some of these Bills.

Deputy Niamh Smyth: The programme for Government includes a clear commitment to review the ambulance service and deliver safe pre-hospital care. On 8 July last, a married man in his 40s and the father of two young children suffered a cardiac arrest in Ballybay, County Monaghan. He was forced to wait more than one hour for an ambulance. A doctor on call ar-

rived 90 minutes after the emergency call was made. The Taoiseach will visit County Cavan in the coming days for a Fine Gael Party get-together. Ballybay is approximately 15 minutes from Monaghan General Hospital and, at most, 40 minutes from Cavan General Hospital.

An Leas-Cheann Comhairle: A question, please.

Deputy Niamh Smyth: Tragically, the young man in question lost his life before an ambulance arrived.

3 o'clock

Will the Taoiseach meet this family and insist on a full investigation as to why it took over an hour for an ambulance to get to this man, who lost his life? This is a matter of life or death.

The Taoiseach: There is no legislation promised.

Deputy Niamh Smyth: The programme for Government states very clearly that a review is to be done on the ambulance service. This man lost his life.

The Taoiseach: I will ask the Minister for Health to respond directly to the Deputy.

Deputy David Cullinane: On a related issue which is relevant to the previous question, there is to be a national review of cardiac services. The Minister for Health has provided Oireachtas Members with a document which sets out the background, the policy context, the terms of reference, the methodology and the structure of the review team which will be on this national review. I have concerns about the terms of reference. The Taoiseach will be aware that this is a big issue for patients in the south east. It talks about populations being based on the hospital groups and the regions that make up the hospital groups rather than the regions. My question is, what scrutiny will there be of these terms of references? Will it be scrutinised by the Joint Committee on Health? Will there be statements in this House? This is a big issue. It is of such importance to the people in the south east and elsewhere that we need to feed into those terms of reference. If the Taoiseach cannot answer now, I ask that he come back to me with a response on when or how Oireachtas Members will have an input into the terms of reference.

The Taoiseach: I will ask the Minister for Health to respond directly to the Deputy as he is dealing with this matter.

Deputy Charlie McConalogue: On the Government's programme for Government commitment to reduce the trolley waiting lists, when will the winter waiting list initiative be announced? I specifically point to a request from Letterkenny University Hospital in the summer for an additional €1.8 million which would allow it to open a 20-bed unit and staff it with nurses and supporting staff. It still has not received an answer and the hospital is running with on average 20 patients a day on trolleys. This proposal would address that. The Government has been sitting on it and it is unacceptable. I ask the Taoiseach when that announcement will be made and when Letterkenny will receive its answer to this proposal.

The Taoiseach: I am not sure whether the Deputy is speaking about trolleys or waiting lists, or both. These are obviously separate issues. The waiting list initiative, in terms of reducing the time people have to wait for hospital appointments for operations and procedures, is very much under way. I am not sure if it was ever formally announced but it is under way. That is why the number of people awaiting operations and procedures in hospitals has fallen for three months in a row and, I expect, within weeks will be at its lowest for a year. I would have to ask

the Minister for Health to respond on the specific funding for Letterkenny.

Deputy Fiona O'Loughlin: I ask the Taoiseach about promised legislation on revenge porn. I refer to revealing or explicit pictures or videos posted on the Internet without the consent of the subject. This is linked to very serious psychological harm to the persons involved. The aim is to humiliate and degrade the victim. There has been a significant increase in the numbers of victims. I know a young man in my constituency who sadly took his own life as a result of this. Victims are unprotected at present. Obviously, people should be very careful in terms of the type of content-----

An Leas-Cheann Comhairle: A question, not statements.

Deputy Fiona O'Loughlin: -----they put up, but when will we have legislation to protect these victims?

Deputy Brendan Howlin: There is a Labour Private Members' Bill on the matter.

The Taoiseach: I will have to check with the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, about that but I certainly agree that we require legislation in this area in order to make it a specific offence.

An Leas-Cheann Comhairle: I call Deputy Danny Healy-Rae on promised legislation - not a statement but a question.

Deputy Danny Healy-Rae: In recent days, there is a lot of talk about the review of the local authority boundaries and, indeed, the gerrymandering that is about to take place. Can the Taoiseach explain how one of his councillors in Kerry is already saying that the boundary review is sorted out in Kerry and that Castleisland is being taken out of the Killarney electoral area? How does he know that?

An Leas-Cheann Comhairle: I thank the Deputy. I will ask the Taoiseach-----

Deputy Danny Healy-Rae: It is gerrymandering, I think.

An Leas-Cheann Comhairle: -----whether he wishes to respond or not.

The Taoiseach: I can assure the Deputy that there will be no gerrymandering. The boundaries will be drawn by an independent boundary commission, just as they have been for many decades now. The issue that has yet to be decided is the terms of reference of the boundary commission, but certainly no boundaries have been drawn yet and I imagine that the person to whom the Deputy refers is simply engaging in idle speculation.

Deputy Danny Healy-Rae: He is one of Fine Gael's councillors.

An Leas-Cheann Comhairle: The next three contributors are Deputies Carol Nolan, Bernard Durkan and Frank O'Rourke.

Deputy Carol Nolan: The programme for Government, as the Taoiseach is aware, commits on page 98 to ensuring that there is "visible, effective and responsive policing" in all of our communities. We are all very aware of the incident that occurred in Offaly, where a farmer was viciously assaulted following a break-in. Prior to that incident, however, this issue was being raised constantly because rural crime, whether we like it or not, is increasing. The figures might not show that but it is increasing. What actions are being taken? How do rural communities

know that they are being taken seriously and are being listened to? I have had it brought to my attention that there are Garda cars parked outside Garda stations in Offaly because there are not enough gardaí to drive those cars and to patrol areas. That is unacceptable.

An Leas-Cheann Comhairle: A question on promised legislation for the Minister for Justice and Equality. I ask the Minister to focus on legislation.

Deputy Charles Flanagan: I am not aware of Garda cars being parked in County Offaly-----

Deputy Carol Nolan: They are.

Deputy Charles Flanagan: -----but I am very much aware of an increase in the Garda fleet not only in County Offaly, but nationally. That will continue, along with an increase in Garda numbers. We are firmly on target to have a Garda service with 21,000 members by 2021. I mentioned earlier that the Garda College in Templemore is open. We expect to have 800 new recruits next year, along with 200 new gardaí before the end of this year, added to the 188 who have recently been attested. This will ensure that the statistics continue to show a decrease in crime. That said, I do not wish in any way to take from the very serious and unacceptable incident that took place in County Offaly last week. There is a determination on the part of local gardaí, with whom I have spoken, to bring the perpetrators to justice.

Deputy Bernard J. Durkan: The Central Bank Consolidation Bill is promised legislation. Given the attitude of unregulated third parties now in the market in enforcing debt collection and repossessions, will the aforementioned legislation be brought before the House with some urgency in order to deal with this situation?

The Taoiseach: Work on drafting the Bill is under way but there is no date for publication yet.

Deputy Frank O'Rourke: Page 54 of programme for Government contains a commitment to increase the funding for the delivery of home care packages and home care services. There is a major problem with those services being delivered by approved care providers. There is a major disconnect between the HSE, the service provider and the end user which is causing serious problems. I have raised this in the House on numerous occasions and raised it directly with the Minister for Health when I met him in July in his office. We need this issue to be prioritised so that we can help the thousands of people who need these services but who are not getting them at the moment. I ask the Taoiseach to give a commitment that he will have this issue prioritised so that we can improve the services for the most vulnerable people who need them on a daily basis.

An Leas-Cheann Comhairle: Is anything promised in this area?

The Taoiseach: There was certainly additional funding this year for home care packages and there will be again in 2018.

An Leas-Cheann Comhairle: The next three contributors are Deputies Martin Kenny, Shane Cassells and Michael Healy-Rae but with their co-operation, I might get to a few more.

Deputy Martin Kenny: Page 98 of the programme for Government contains a commitment to building successful rural and community policing. At a recent meeting of the joint policing committee in Leitrim, we discussed the problem of burglaries. An issue came up at that meeting

which has also been debated in this House and elsewhere. It was agreed by senior gardaí that there is an issue with cash for gold shops which are being exploited by thieves. One of the main targets of the thieves who are breaking into houses is jewellery and gold items. They are not robbing them to wear them but to cash them in. They walk into these cash for gold shops, get cash for the goods and walk out. Simple regulations must be put in place to ensure that this can be stopped. The senior gardaí to whom I referred made three proposals in that regard. There needs to be photographic evidence of the gold that is brought in and a record to which the police can have access. There also needs to be photographic evidence of the person.

An Leas-Cheann Comhairle: The Deputy is depriving other Members. I call the Minister.

Deputy Martin Kenny: Rather than giving them cash, a cheque should be posted to the person's address to ensure this is open and transparent.

Deputy Charles Flanagan: I am not averse to dealing with that matter if the Deputy deems it appropriate and helpful. On the matter of resources, I want to add to what I said earlier in response to Deputy Martin, Deputy Nolan and others that, obviously, the matter of the allocation of resources in each individual Garda division is a matter for An Garda Síochána.

Deputy Martin Kenny: This requires no resources.

Deputy Charles Flanagan: I will be meeting the acting Garda Commissioner later this week and I will be happy to convey the concerns of the Deputy with regard to the north west.

Deputy Shane Cassells: On the issue of the local government report and the re-establishment of town councils, which by the way the Labour Party helped to abolish, if Deputy Howlin forgets-----

Deputy Brendan Howlin: I do not forget it. It was a mistake. The Deputy is making a childish point.

Deputy Shane Cassells: -----and which the Minister of State, Deputy John Paul Phelan, said was not discussed today at Cabinet-----

An Leas-Cheann Comhairle: These are questions to the Taoiseach.

Deputy Shane Cassells: I know. There was plenty of commentary over the past two days from Independent members of the Government, who seem unhappy about the proposal for the redrawing of the areas. On these plans, will the Taoiseach clarify whether he supports the Minister of State, Deputy Phelan, in regard to promising to certain county managers the return of borough councils in what appear to be side deals ahead of the open and transparent publication. Yesterday, on LMF radio, Deputy Fergus O'Dowd, from the Taoiseach's own party, said not once but three times that the Minister of State, Deputy Phelan, had met with the Louth county manager and the Mayor of Drogheda, and promised them both that Drogheda borough town council would be reinstated.

An Leas-Cheann Comhairle: A question, please.

Deputy Shane Cassells: How can we have a situation where, ahead of the publication of the report, side deals are being done, certain towns are getting preference, and this has been openly stated by the Taoiseach's backbenchers, yet towns like Navan, Trim, Killarney and Donegal are not getting the same preferential treatment?

The Taoiseach: On this issue, I think many people are getting ahead of themselves. I received the draft memo for the first time today and have not even read it yet. We are nowhere near making decisions on these things.

Deputy Shane Cassells: Deputy O'Dowd said on radio yesterday that the Minister of State, Deputy Phelan, has had discussions with the Louth County Manager.

An Leas-Cheann Comhairle: Order, please. I call Deputy Michael Healy-Rae.

Deputy Shane Cassells: It is okay if the process is followed formally.

Deputy Michael Healy-Rae: On the programme for Government, is the Taoiseach aware of the crisis with regard to the lack of respite facilities? We have situations where people of 70 and 80 years of age are taking care of young adults, whom they are trying to mind at home? They are desperately in need of respite but do not have it available to them. It is an awful situation and it is not just in my constituency, but in everybody's constituency. More resources need to be put into providing respite so these elderly people can take a bit of a break and a rest from caring for their loved ones.

An Leas-Cheann Comhairle: In future, I will be asking members to refer to the programme for Government or promised legislation. I call the Taoiseach.

The Taoiseach: I am very aware of this issue. The difficulty in getting respite is a huge issue in my constituency, as I am sure it is in the Deputy's constituency. There is the associated difficulty of people with disabilities who are perhaps in their 40s and 50s living with parents who are now in their 70s or 80s, and the need for them to move into a community home of some sort. It is a real problem and requires additional resources. There will be additional resources for it in the 2018 service plan and while I do not think it will be enough to meet all the needs that exist, there will be enough to make some real progress next year.

An Leas-Cheann Comhairle: I call Deputy Troy on the programme for Government or promised legislation.

Deputy Robert Troy: To be helpful, in fact, in 2014 the rail workers took a wage cut, which was to last 28 months and has not been fully reversed. The Taoiseach said they did not but they did.

In regard to the rail strike, if the Minister, Deputy Ross, advised the Cabinet of what the current situation is, how is the Taoiseach not aware or able to advise the House today when the stakeholder forum will commence and when the rail review will be published? One would imagine they would be key to the Minister's advice to the Cabinet earlier today. If the Taoiseach is not able to advise me now, can he give an undertaking to revert to me later today or tomorrow with that information?

The Taoiseach: If I am incorrect on that matter, I stand corrected, although I am informed from the Department that, since 2008, there has been a total increase in the average earnings of full-time workers of 2.2%.

Deputy Robert Troy: That is due to increments.

The Taoiseach: Where some people say there has been no pay increase for ten years, and the Deputy is saying there has been a cut and a part-reversal, the information I have from the

Department is that there has actually been a 2.2% increase in average earnings of full-time workers. This is exactly why these issues are best examined by the Labour Court, which can listen to both sides, assess the different claims and make a recommendation.

Deputy Robert Troy: What of the stakeholder forum?

An Leas-Cheann Comhairle: Many Members have waited patiently and there are a few more who wish to speak. With the permission of the House, we will take a few more. Is that agreed? Agreed. I call Deputy Pearse Doherty.

Deputy Pearse Doherty: The Taoiseach talked about ending the double Irish. The double Irish still exists and will exist up to 2020 because that is the amendment the Taoiseach supported when he was in Cabinet. He talked about country-by-country reporting. His Government, along with Fianna Fáil, blocked public country-by-country reporting under an EU directive, on which the Government raised the subsidiarity clause.

I make those points because the Government has been dragged kicking and screaming into the issue of tax transparency. It will rely again on that report in which only one country in the world was actually non-compliant.

An Leas-Cheann Comhairle: Ceist.

Deputy Pearse Doherty: Let us go down to the details. Four weeks ago I addressed this Chamber when talking about the sweetheart deal the Government did with Apple again. We have the Paradise Papers that confirm my fears that the Government did enter into another sweetheart deal. This deal is at the cost of hundreds of millions of taxpayers' money, which is money we should be investing in housing, health and roads.

An Leas-Cheann Comhairle: Ceist.

Deputy Pearse Doherty: If the Taoiseach is so hung up on transparency, will he publish all of the lobbying that took place in 2014 and 2015 for the decision by the Minister to change the intangible assets write-off against profits from 80% to 100%, which is costing this State €750 million *per annum*?

An Leas-Cheann Comhairle: Thank you, Deputy.

Deputy Pearse Doherty: The biggest beneficiaries are the Taoiseach's friends in Apple.

The Taoiseach: That is a question that is probably best put to the Minister for Finance but there is no such sweetheart deal.

Deputy Pearse Doherty: Publish all the papers.

The Taoiseach: I am sure that if there was such a one, I would have heard of it, and I would be very shocked if I suddenly found out in a few months time that there was such a deal.

Deputy John Brassil: Under promised legislation, I want to ask the Taoiseach about the finalisation of the Health and Social Care Professionals (Amendment) Bill 2017, which deals with the whole area of physiotherapy and physical therapy registration.

The Taoiseach: I understand that is going to Report Stage. I spoke to the Minister for Health about this in the past couple of weeks and I think that now, after some time, we have a

resolution in regard to the issue relating to physiotherapists and physical therapists. As it is at Report Stage, I hope it will be done by the end of year.

Deputy Declan Breathnach: The programme for Government has a commitment to invest further in education. Many schools, especially primary schools, are struggling financially, particularly where boards of management are not allowed overdrafts. Will the Taoiseach or the Minister for Education and Skills give a commitment to issue clear guidelines on minor works grant payment dates and capitation grant payment dates so schools will know exactly when they are going to get the payments?

Minister for Education and Skills (Deputy Richard Bruton): The position in regard to capitation is that, although there is a commitment in the programme for Government that we would increase capitation over the period of the Government, it has not been possible due to other areas of priority. As the Deputy knows, we have increased the number of teachers by 6,200 to meet particular pressures and we have increased SNAs and other areas of provision. However, capitation is still very much on the agenda, as are minor works grants, as and when we can afford to pay them.

Deputy Louise O'Reilly: A Programme for a Partnership Government commits the Government to have full regard to any new evidence which emerges which is likely to definitively establish the cause of the fire at the Stardust. I understand from media reports that this matter was discussed this morning at Cabinet and that the report of retired judge Pat McCartan was considered. It is also my understanding that the report rejects a commission of investigation. Sinn Féin supports a commission of investigation and I think that is important. Will the Taoiseach confirm that this matter was discussed? Can he update us on the status of those discussions, what the conclusion is and when exactly the families will receive a copy of the report? I note the Minister for Justice and Equality is here. Perhaps he might indicate if he is willing to meet with the families to give this full consideration?

Deputy Charles Flanagan: I can confirm that the matter was discussed at Cabinet this morning. I again acknowledge one of the most difficult and horrific tragedies in the history of the State - the Stardust fire on Valentine's Day 1981. I sympathise with all of those involved in the community. A report has been published and I understand the families received an early copy of it. It has been laid before the Houses. If the Deputy has not received a copy, I will arrange for one to be delivered to her straightaway.

Deputy Louise O'Reilly: I am sorry, but I asked a specific question about whether the Minister would meet the families.

An Leas-Cheann Comhairle: No supplementaries.

Deputy Louise O'Reilly: It is not a supplementary. It was part of my original question.

An Leas-Cheann Comhairle: The Minister can reply, if he so wishes.

Deputy Charles Flanagan: I have already met some of the families involved and would be happy to do so again.

Deputy Louise O'Reilly: I thank the Minister.

An Leas-Cheann Comhairle: Next to speak are Deputies Margaret Murphy O'Mahony and Joan Burton. We will then move on.

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Deputy Margaret Murphy O'Mahony: My question is about the ratification of the UN convention. The Minister of State with responsibility, someone who is part of the Government, Deputy Finian McGrath, is planning to visit North Korea, but what many people do not know is that that dictatorship is far ahead of Ireland in terms of ratification of the convention. Will the Minister of State be seeking advice from the North Koreans during his visit or will he actually do the job in hand in Ireland and have the convention ratified before the end of the year, as we were guaranteed? The same was guaranteed last year, but it did not happen.

The Taoiseach: I am not sure whether the Democratic People's Republic of Korea has ratified the convention-----

Deputy Margaret Murphy O'Mahony: It has.

The Taoiseach: -----but there are many countries that do not treat people with disabilities very well and in which they have fewer rights and services than here. However, they have ratified the convention. In itself that tells the story - different countries adopt a different approach. Most countries just ratify and then forget about it. We do something very different and something much better, as we actually honour and then ratify it.

Deputy Margaret Murphy O'Mahony: We need to have it ratified.

The Taoiseach: It is absolutely our intention to ratify it as soon as we possibly can.

Deputy Joan Burton: We are all familiar with the situation of people who are going for jobs who, instead of being given contracts of employment, are forced into bogus self-employment. When I was Minister, I commissioned a report on this problem based on data supplied by a variety of organisations. This problem is resulting in significant losses of employers' contributions to the PRSI system. I cannot understand why the Taoiseach who was the Minister responsible and the current Minister who has stated she wishes to do something about this scandal are refusing to publish the report on bogus self-employment. Why are they refusing to do so? I understand the report has been ready for practically a year, but it has still not been published.

The Taoiseach: An tAire Gnóthaí Fostaíochta agus Coimirce Sóisialaí.

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): There is no refusal to publish the report. It will be published once it has been considered within my Department. I have made-----

Deputy Joan Burton: It has been finished for months.

An Leas-Cheann Comhairle: Hold on.

Deputy Joan Burton: This is a scandal.

An Leas-Cheann Comhairle: I am sorry; the Minister to reply on the publication of the report. A brief answer, please.

Deputy Regina Doherty: I thank the Leas-Cheann Comhairle. I have been asked a question and the Deputy has to give me an opportunity to answer, if that is okay. There is no refusal to publish the report. It will be published when we have finished considering its contents and deliberated with the Revenue Commissioners on what should be done next. When we are ready, we will publish the report.

Deputy Joan Burton: The Revenue Commissioners already understand the issues involved, given the loss of revenue.

**Terms of Reference of Select Committee on Rural and Community Development and
Fourteenth Report of Committee of Selection: Motion**

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

That, notwithstanding anything in the Orders of the Dáil of 26th September 2017 or 16th June 2016, the number of members appointed to the Select Committee on Rural and Community Development shall be nine, and that Dáil Éireann:

(a) approves the Fourteenth Report of the Standing Committee of Selection in accordance with Standing Order 27F, copies of which were laid before Dáil Éireann on 26th October 2017, and discharges and appoints members to Committees accordingly; and

(b) pursuant to Standing Order 93(2), appoints Deputy Seán Crowe as Chairman of the Committee on the Implementation of the Good Friday Agreement.

Question put and agreed to.

Finance Bill 2017: Financial Resolutions

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I move:

THAT Part 16 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which provides for relief on investments in certain companies, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

THAT Chapter 1 of Part 23 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which relates to certain farming provisions, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

THAT Chapter 2 of Part 6 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which relates to the meaning of a distribution, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

THAT Chapter 6 of Part 19 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which contains provisions for relief on transfer of business assets, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

Question put and agreed to.

Ceisteanna - Questions

Cabinet Committee Meetings

1. **Deputy Gerry Adams** asked the Taoiseach when Cabinet committee B, social policy and public services, last met; and when it is scheduled to meet again. [44867/17]

2. **Deputy Gerry Adams** asked the Taoiseach the Cabinet committee that has assumed the responsibilities of the former Cabinet committee on justice reform. [43824/17]

3. **Deputy Richard Boyd Barrett** asked the Taoiseach when Cabinet committee B, social policy and public services, will next meet. [44043/17]

4. **Deputy Micheál Martin** asked the Taoiseach if he will report on Cabinet committee B, social policy and public services. [46348/17]

5. **Deputy Joan Burton** asked the Taoiseach when Cabinet committee B, social policy and public services, last met. [46483/17]

6. **Deputy Micheál Martin** asked the Taoiseach the Cabinet committee at which issues relating to justice are discussed; and the number of times it has met since June 2017. [47086/17]

116. **Deputy Micheál Martin** asked the Taoiseach the Cabinet committee in which justice issues are discussed; and when the last meeting took place. [46213/17]

The Taoiseach: I propose to take Questions Nos. 1 to 6, inclusive, and 116 together.

Cabinet committee B covers the areas of social policy and public service reform, including education, children, equality, social inclusion, Irish and arts and culture and continued improvements in and reform of public services. Issues relevant to reform of the justice system are also included in its remit. Cabinet committee B met on Monday, 11 September and is scheduled to meet again next week.

Cabinet committees also aim to ensure a co-ordinated approach to the delivery of commitments in A Programme for a Partnership Government. The commitments seek to provide opportunities for everyone living in Ireland, of all ages and backgrounds, to participate fully and benefit from a recovering economy. For example, I expect committee B to focus on the roll-out of improved child care services, implementation of the DEIS action plan and improving services for people with disabilities.

The Government is also determined to ensure substantial reform of the policing and justice systems. The Commission on the Future of Policing in Ireland is due to report next year but, in the meantime, the Policing Authority is overseeing implementation of the existing Garda modernisation and renewal plan. The Government expects to see further progress in the year ahead in areas such as civilianisation, a new divisional model of policing, improved ICT systems and victim support services.

Deputy Gerry Adams: I will concentrate on reform of the justice system, with particular reference to white collar crime. As part of the Fine Gael leadership campaign, the Taoiseach promised action on this matter. There was a fanfare of publicity last week when some measures were announced. For example, we were told that the Office of the Director of Corporate Enforcement, ODCE, was to be made an independent agency, but it already is under the Company Law Enforcement Act 2001. We were told that the Criminal Justice (Corruption Offences) Bill 2017 was important, but it has gathered dust as part of the legislative programme for the

past five years. I do not have the current figures, but in 2016 there were 35 staff in the ODCE assisted by five gardaí. This gives an insight into the State's attitude to white collar crime and corporate enforcement. What the Government should be doing - I would like to believe the rejigged committee will do so - is considering international best practice in tackling white collar crime, including appropriate, independent and properly resourced agencies and robust legislation. Will the Taoiseach update the House on these matters?

Deputy Richard Boyd Barrett: I wish to ask about the sub-committee on public services and whether it is considering the Government's responsibility for the current rail dispute. Subsidies for transport services, specifically rail services, have decreased dramatically since 2008, from €181 million to €117 million. If the Government was simply to restore the level of subvention to Irish Rail in 2008, Irish Rail would have more than enough money to fund the pay claims of rail workers who have not received a pay increase for ten years. If the Government raised its subvention to average EU levels, an extra €120 million would be put straight into Irish Rail's transport services, which would be more than enough to finance the modest pay claim of rail workers who do not want to be out on strike but who believe they have no other choice. Have the Taoiseach and the sub-committee accepted that it is the Government's failure to subvent public transport that is the cause of the dispute? There is a rigged game. It means that, even if Irish Rail does well and makes a profit of more than €3.5 million, that profit is taken away from it; therefore, it cannot possibly finance a pay increase. Unless we provide the subvention that we used to give or is common across Europe, this type of dispute will continue.

Deputy Micheál Martin: During the break between Dáil sittings we saw the first outing of the new communications union in national advertising - the colour ads and accompanying PR campaign that were rolled out highlighting the changes in funding by the Department of Employment Affairs and Social Protection for dental cleaning and polishing services. It seems that the new interest in paid advertising that the Taoiseach brought to the Department remains in place. Any expansion in a service is welcome, but what is not welcome is an advertising campaign being used to cover up a service which is in crisis.

I draw the attention of the Taoiseach to the appalling waiting lists for orthodontic treatment. People are waiting longer than 12 months - in some cases up to 24 months - for treatment. That bad news is never acknowledged and there are no advertisements about how bad the situation is. Thousands of children are waiting longer than 12 months for orthodontic treatment in every part of the country. In the grade 4 category, over 2,500 people have been waiting for over 13 months and a further 2,500 have been waiting for over 25 months, a total of 5,000. Close to 4,000 people are on waiting lists in the grade 5 category.

That gets to the core of the serious issues affecting children and teenagers waiting for orthodontic treatment. It is simply not good enough. People are annoyed when they see glossy full-colour advertisements from the Taoiseach's Department while at the same time the Government is failing to have any impact on issues affecting children in a significant way.

I raised the issue of hospices on previous occasions. People working in them are being treated very badly by the Government in terms of public pay policy. The Taoiseach said on the record of the House that hospices and section 29 companies were not subject to FEMPI. They were and I, and I understand Deputy Burton, met some of those affected recently. A documentary trail clearly illustrates that they were subject to FEMPI and were directed to take pay cuts by the HSE. They are now being denied pay restoration. Therefore, hospices have to pay their staff restored rates of pay. In many instances, they are €300,000 in the red as a result, depending

on the size of the hospice.

It is an appalling and cynical way for a Government to treat our hospices. I have raised this issue on Leaders' Questions and the Order of Business. Has the Cabinet sub-committee agreed that what was done is wrong? Can he confirm that the wrong in respect of hospices and section 29 companies will be rectified?

Deputy Joan Burton: I want to support Deputy Martin. I am conscious that the Taoiseach acknowledged last week that he is aware of the impossible situation in which hospices are being put. I take it he will respond in due course.

Have the Taoiseach or Government had a discussion on harassment and bullying in the workplace, specifically public employment and publicly funded institutions? We have had a slew of stories recently which have involved harrowing and grotesque allegations of bullying in the Gate Theatre, which has been a significant recipient of public funds over the years. In theatrical terms, it has a fantastic record. The description of what has been happening to women in partially publicly funded employment is hardly believable. I know the Taoiseach does not have a direct role in this, but as a public funder I ask him or his Government to take a leadership role.

This is an incredibly important issue, most obviously to women in the workplace. It is also important to young people in the workplace, whether men or women, who may be at the start of their careers. Powerful dominant figures may use their power and dominance to make life very difficult for other people and seek to extract behaviour and favours from them which they would not otherwise dream of attempting to do.

Having become Taoiseach, Deputy Varadkar is obliged to offer leadership. This is a policy issue. He cannot hide behind law. He has to make it clear what the standard of his Government will be in his approach to this. Do we require stronger legislation?

Deputy Brendan Howlin: I refer to the justice function of the Cabinet sub-committee. Was there any discussion on the staffing levels of the Office of the Director of Corporate Enforcement, ODCE, or was it brought to the attention of the Taoiseach, in particular the fact that the most senior Garda position, that of detective inspector, has been vacant since September of last year? The issue was raised in the House and the national media in May this year, with promises that the position would be filled speedily, but this has not happened to date. Will the Taoiseach provide assurance that this very important role will be filled without further delay?

I refer to the Government's pension policy. Has the committee discussed pensions policy? The Taoiseach began work on an action plan for pensions when he was Minister for Social Protection. There was talk of a universal auto-enrolment pension scheme. Where stands that now?

The Taoiseach: There was quite a range of questions on almost every topic, very few of which were dealt with by the Cabinet sub-committee. I am not in a position to answer them all in four minutes. I will try to answer what I can, starting with white collar crime.

On 2 November, the Government launched a suite of 28 measures aimed at enhancing corporate governance, increasing transparency and strengthening Ireland's response to white collar crime. I agree with the suggestion of Deputy Adams that we should look at best international practice and we can certainly do that. It is a priority for me and something about which I feel very strongly. I will personally spearhead the implementation of this initiative and the 28 actions. I do not necessarily think the actions should stop there. We can do what was announced

last week, as well as doing more. The public demands that there be greater accountability in justice when it comes to white collar crime, in particular.

The package of measures includes a review of the effectiveness of State bodies with a role in the prevention, detection, investigation and prosecution of those engaged in fraud and corruption. The establishment of the ODCE as an independent company law compliance and enforcement agency, provisionally named the bureau of corporate compliance and enforcement, will provide greater autonomy and ensure it is better equipped to investigate the increasingly complex breaches of company law. The sourcing of expertise and specialist staff will be enhanced under the agency model. The Department proposes that a structure similar to a commission, as is the case with the Revenue Commissioners and the Competition and Consumer Protection Commission, would be the most appropriate for this agency.

There will also be a joint agency task force to tackle white collar crime. The pilot will address payment fraud, including invoice redirection fraud and credit card fraud, a criminal enterprise which is increasingly exploited by sophisticated criminal enterprises and which can have a devastating effect on individuals and businesses, resulting in the closure of companies and job losses.

The Criminal Justice (Corruption Offences) Bill and Criminal Procedure Bill will, among other things, streamline criminal procedures to enhance the efficiency of criminal trials. The Protected Disclosures Act will be evaluated to ensure the legislation has been effective in line with its objectives and how it might be improved if necessary. Each of these measures includes milestones for delivery which are time bound and have been assigned to a lead Department for implementation.

On the vacancy to which Deputy Howlin referred in respect of a Garda detective inspector in the ODCE, I understand the duties and role have been undertaken by another detective inspector in addition to other duties. An ambitious programme of recruitment and promotion is now underway across An Garda Síochána. This is taking some time, but arising from the process a new appointment will be made to the post as soon as possible. In the interim, the Garda authorities have confirmed that they intend to assign the role on a full-time basis, effective immediately. It is important to note that there has been a full complement of gardaí at sergeant rank throughout this period.

The allocation of resources is, of course, a matter for the Garda, subject to the oversight of the police commission. The Government has made it abundantly clear that it is entirely committed to tackling white collar crime. This was evidenced by the significant package of measures we launched last week. The House will shortly have an opportunity to debate the Criminal Justice (Corruption Offences) Bill, which includes legislative provision for the recommendations arising from the Mahon tribunal and will substantially advance meeting Ireland's obligations under a number of international anti-corruption instruments. This major modernisation of corruption offences law will repeal and replace seven previous prevention of corruption Acts from 1889 to 2010. It is a major update and modernisation of our law in this area. I am advised that, at its peak, subvention to Irish Rail was €308 million in 2008. It was cut back substantially but it has been increased by 35% in the past three years. It now stands at 93% of the 2008 figure.

Deputy Richard Boyd Barrett: That is for all transport and not just Irish Rail.

The Taoiseach: That may be the case but as the Deputy knows, Irish Rail receives over half

of all the subvention that goes to public transport but carries only 20% of passengers. If we were to be fair and put passengers first, we would subsidise the buses much more as they carry much more passengers than rail services.

Deputy Richard Boyd Barrett: They should all be subsidised.

The Taoiseach: The Deputy has suggested rail subsidies should be raised to the European average, arguing that if we did so, it would meet the pay demands of the unions. I would have thought we should put the passenger and consumer first, and if we raised our subsidies to the European average, we should be looking for a European rail service. That is the priority I would attach to this and it demonstrates the contrast in our approach. My priority will always be safety and services, people and passengers, and it is what we should put first. On pay we could do European benchmarking. If it makes sense to have a European level of subsidy for railways, surely the same should apply to pay and we could pay staff whatever is the European average. If the logic applies on the level of subsidy, it should also apply to the level of pay.

Deputy Martin asked about the work being done by the strategic communications unit, SCU. I am glad to confirm it is doing exactly what I said it would. It is informing people of their entitlements, including new entitlements. This includes the campaign around the restoration of treatment benefits. Free scaling and polishing is available for people who pay pay-related social insurance, PRSI, including the self-employed for the first time. It is one of the new benefits that the Government is introducing for the self-employed and restoring for others. It is a good step forward and it is about making work pay.

Deputy Micheál Martin: What about orthodontics?

The Taoiseach: It is about making work pay and the contributory principle. It is also about ensuring people get value for their PRSI. It is only the first step in a new system of social insurance that will be developed over a number of years.

I acknowledge that we have had very serious delays and waiting times for orthodontic work. I do not agree it does not get acknowledged. If one turns on the news on any given day, it is 80% negative and 20% positive. It ought to be 50/50 but it is not.

Deputy Micheál Martin: It is never acknowledged by the Government's publicity machine.

The Taoiseach: This can be seen through two simple examples. When unemployment rates increased, it was the main item on the news but now they are decreasing, it is item No. 20 if it is even on the news at all. When the amount of mortgage arrears were increasing, it was the main item on the news but now they are decreasing and it is barely news at all.

Deputy Micheál Martin: Is the Taoiseach criticising the media?

The Taoiseach: The SCU does not go any way towards redressing-----

An Leas-Cheann Comhairle: We will move on as we are not making progress.

Deputy Micheál Martin: They are not giving the Taoiseach good enough coverage.

The Taoiseach: It does.

An Leas-Cheann Comhairle: We will move to Questions Nos. 7 to 9, inclusive.

Deputy Micheál Martin: Shocking.

Deputy Brendan Howlin: John Concannon will be getting a call.

Deputy Micheál Martin: I am beginning to think the Taoiseach will be going to North Korea as well for the publicity.

Deputy Joan Burton: The point I raised is very important to women. I understand what the Taoiseach spoke of is important but it ignores what has happened with the harassment and bullying of women.

An Leas-Cheann Comhairle: I have no control over that.

Deputy Joan Burton: It ill-behoves the Taoiseach not to respond to that.

An Leas-Cheann Comhairle: We have taken four minutes in excess of what is allowed for the questions.

The Taoiseach: That is a very unfair remark. I would be happy to continue to answer all the questions asked by Deputies-----

Deputy Joan Burton: I thank the Taoiseach. I advise the Leas-Cheann Comhairle to be reasonable.

The Taoiseach: -----but I am in the Leas-Cheann Comhairle's hands as to whether that complies with Standing Orders.

An Leas-Cheann Comhairle: We have exceeded the time. There are two other groups of questions.

The Taoiseach: I would be very happy to forget about all the other questions and just answer these.

An Leas-Cheann Comhairle: I am in the hands of Members. If they want to continue with this group for another 25 minutes, they can do so.

Deputy Brendan Howlin: We need another minute.

Deputy Joan Burton: I would like the Taoiseach to reply.

The Taoiseach: It would take more than a minute as there are number of other questions to answer.

Deputy Joan Burton: That is fine.

An Leas-Cheann Comhairle: There are 25 minutes left.

The Taoiseach: I am happy to reply but this system does not work.

An Leas-Cheann Comhairle: Are we moving to the next questions?

Deputy Micheál Martin: We can have another minute on these.

An Leas-Cheann Comhairle: We will not be taking the third group.

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The Taoiseach: The matter of the hospices is being examined and I have received Deputy Burton's correspondence on it in recent days. I understand the Labour Court will not deal with it because there is no dispute between the employer and the employees. I have asked the Minister for Public Expenditure and Reform and the Minister for Health to examine the matter and I am confident we will be able to resolve it by the end of the year, or certainly in line with the 2018 service plan.

Bullying in the workplace has not been discussed at Cabinet committee level, although I agree it is a very important matter. It is perhaps one we should discuss. There can be no tolerance of assault, sexual harassment or bullying of any sort in any workplace. I want that message to go out very clearly. The Gate Theatre is a private institution and not a public body. It has its own board and trustees, and it is incumbent on them to put in place an independent investigation to ensure the allegations made are thoroughly investigated. Separately to this, I have discussed the matter bilaterally with the Minister, Deputy Humphreys, and she will meet members of the Arts Council today to discuss the matter and see if we need to take some actions across the arts sector. I do not believe for a second matters like bullying or sexual harassment are unique to any one sector. They are probably prevalent in society and I am full of admiration for the people who have come forward in this and other countries to tell their stories. If they continue to do so, it may help to change the climate and make people who may consider treating fellow workers or people subordinate to them in the workplace in such a beastly manner. I hope it would cause them to think twice in future.

Brexit Documents

7. **Deputy Micheál Martin** asked the Taoiseach when his Department received the recent Revenue Commissioners report on Brexit; the actions being taken as a result; and his views on the observations made in the report regarding implications for a border on the island of Ireland. [43827/17]

8. **Deputy Gerry Adams** asked the Taoiseach if the recent Brexit and the consequences for Irish Customs report by the Revenue Commissioners was received by his Department; when it was received; and if he will report on its contents. [44868/17]

9. **Deputy Joan Burton** asked the Taoiseach if his Department received the recent Revenue Commissioners report on Brexit; if so, when; the actions being taken as a result; and his views on the report regarding implications for a border. [46484/17]

The Taoiseach: I propose to take Questions Nos. 7 to 9, inclusive, together.

The report referred to is a draft internal working paper and preliminary analysis prepared by the Revenue Commissioners in September 2016 of potential administrative implications on customs processes following the UK vote in June 2016 to leave the European Union. As I stated in the House on 11 October, I read the Revenue Commissioners desktop analysis report on the customs implications of a hard Brexit in the previous few days. The primary purpose of the working document was to identify matters arising from the view of both customs and trade. The document concluded many of these matters would require more detailed study in their own right and the final position would not become clear in advance of the outcome of Brexit negotiations.

Matters have moved on significantly since September 2016, and in particular since Article 50 was triggered in March 2017. The draft document prepared by the Revenue Commissioners was not finalised and was overtaken by consequent major developments and policy statements.

Deputy Micheál Martin: It is wonderful language with terms like “draft” report, indicating it was not completed. We have read such replies before. To cut to the chase, there has been a consistent pattern of Government in refusing to make plans available or publish reports. It is withholding basic information. The Taoiseach reversed position when he said the Government is preparing for different Brexit scenarios. When I raised this first, he rounded on me, saying he would not tolerate any North-South thing, which is fair enough and nobody agrees with it. Nonetheless, following a couple of days in Derry, the Taoiseach said the Government was examining all sorts of scenarios. He might indicate what specific scenarios are being planned for or considered, and what did he mean by the statement in Derry?

Last week, the British Government caved in to much pressure by agreeing to publish detailed sectoral studies of the impact of different Brexit scenarios for Britain, as it had previously tried to withhold them, claiming negotiations would be undermined if people the underlying facts behind different sectoral analyses. It has been stated that sectoral impact studies have been prepared under the auspices of the Department of Business, Enterprise and Innovation. Will the Taoiseach agree to follow the British example and publish these impact studies. InterTradeIreland this week stated three quarters of companies have not yet put in place Brexit contingency plans. This is a more urgent issue than one might think.

One of the reasons I called for the Revenue study to be published was to inform public debate and let people know the agenda. There should be no secret around the potential difficulties that Brexit will create in a post-Brexit scenario. There is much language amounting to the political elite covering tracks and hoping things work out better than they might. We all know we are subject to the division within the British cabinet, along with the civil war within the Tory Party and the inability of a coherent position to emanate from Britain. British business people and traders and Irish SMEs and traders need to understand the full implications of Brexit. People are assuming that it will be sorted out. Some people in this country even believe there will be a second poll. It is as if the political systems in Britain and Ireland want to protect people from the harsh realities that Brexit may result in. No one likes to be the bringer of bad news, but there is a need to be up front with people and to explain what Brexit will mean in various scenarios, for the agrifood industry, the haulage industry, for the ports, maritime and fishing, etc. The more people understand the nuts and bolts of this and the gravity of it in their individual sectors, the better the response will be politically, not just here, but more crucially in the United Kingdom, where opinion is divided across all parties, within parties and in the general public. That whole debate has been abandoned in the United Kingdom.

Withholding reports such as the Revenue report, in my view, is a mistake, and there is no need to do it. Saying it was only a draft report and that events have overtaken it is merely putting a gloss on it after the Government was caught out. We should not have to wait for the media to produce that report for us. It should have been put before the Dáil in the interests of transparency. I am asking the Taoiseach to publish any other available sectoral studies that have been undertaken by various Government agencies and bodies.

Deputy Gerry Adams: At the risk of annoying the Fianna Fáil leader, I agree with him on this issue. These reports should be brought before the Dáil and the Taoiseach should agree to publish all internal reports relating to Brexit and any option papers it has agreed. The leaked

report of the Revenue Commissioners makes for disturbing reading, although it is quite practical. It makes the case that if there is going to be a frontier or border it will be disastrous in terms of economic and physical effects, which we all now understand.

The British Government says it wants no physical barriers on the Border. This is complete and absolute nonsense, unless it is prepared to maintain the North within the European Union. Of course, it will not do that if the Irish Government is not making that demand as well. The Taoiseach spoke with the British Prime Minister last week. Did he raise any of these issues? Did he get any clarity from the British Government on how it proposes to achieve a border with no barriers? Is the Taoiseach yet to ask the British Prime Minister to accept special status for the North within the European Union? One of the outcomes, unless we push very firmly on that position, is that the European Union will insist that this State puts up border posts. I am aware that Fianna Fáil has solved this problem with its suggestion of M50-type tolls as border posts.

The point of all of this is that we should not have to rely on leaked documents and what is in the media on one day or the other, so could the Taoiseach agree to publish all internal reports and make sure that the Oireachtas and the public have any available papers relating to Brexit? Today, according to the *Financial Times*, the Minister for Foreign Affairs and Trade, Deputy Coveney, said that his preference is for a four or five-year transition period for Britain to exit the EU. Is that the Government position? Has that been discussed with our partners in the European Union? What is their opinion on extending the transition period?

Deputy Joan Burton: Everybody on this side of the House is anxious to co-operate with the Government and provide as much assistance as possible to achieve the best possible outcome for the island of Ireland. This is not a party political football.

The chairman of the Revenue Commissioners raised a number of points which are presumably being worked on. I want to call them to the Taoiseach's attention. One such point is the study on the implications and the assessment of the options under the new Union customs code. Another is the key issues of the Article 50 task force conducted through the communications channels that his own Department runs - perhaps via the strategic communications unit. A further point concerns the development of customs IT infrastructure to ensure that it is going to be possible to deal with transactions in the future. The final point is the deployment of additional staff to prepare for Brexit and the scaling up of resources as necessary. It is common knowledge that Revenue is overwhelmed at the moment in terms of the task it has to do. It is probably some 300 to 500 staff short, particularly in the context of Brexit.

I would appreciate if the Taoiseach could update us on the points laid out by the chairman of the Revenue Commissioners. In particular, on the key issue of the Article 50 task force, can the Taoiseach share with us who is on the task force, what it is doing and if there is an interim report from the task force? It is the responsibility of both the Department of the Taoiseach and the Department of Foreign Affairs and Trade. We need communication on that issue. Revenue has a very clear idea on how to guard the national interest and the island interest, but the Taoiseach needs to share that with us.

An Leas-Cheann Comhairle: I want to give Deputy Eamon Ryan an opportunity to speak because we will not be taking the next group until tomorrow.

Deputy Eamon Ryan: I was going to ask a question on the European Council but there have been enough variations on that question already so I will not avail of the opportunity. I

thank the Leas-Cheann Comhairle.

An Leas-Cheann Comhairle: The next group of questions will be taken tomorrow.

The Taoiseach: I absolutely agree with Deputy Martin that there is no need for secrecy around impact analyses. I have no difficulty with them being published. There may be good reasons they should be published but I do not believe those reasons involve secrecy. I accept the basic point that the Deputy makes, that it helps to inform the debate, not just here but also in the United Kingdom. There has to be a degree of secrecy around the negotiations, and any reasonable person here will understand that. Whether we are talking about the negotiations currently under way in Northern Ireland or those under way in Brussels, we cannot play them out here and show our hand to the people we are negotiating with. People will understand why that is unwise. The opportunity for confidential briefings on Brexit for party leaders is available from my Department, and I trust party leaders to treat those briefings in full confidence.

Many impact analyses have been published. I see one in the newspapers every other week, often from a Government body or a body associated with the Government, or indeed a non-governmental body. There is no shortage of impact analyses outlining the potential horrors of a Brexit that goes wrong. I am not sure we need any more of them, but I have no difficulty with them being published.

It is 18 months since the referendum on Brexit in the UK and it is worth reflecting on some of the things that have been done and have been achieved to date. It is very significant that the Government has managed to secure Irish issues as being among the top three issues in phase 1 of the talks, that those issues are part of the sufficient progress test and that there is an understanding that Ireland is unique when it comes to Brexit. We have secured a commitment from the UK and the EU that we will attempt to avoid a hard border and that there will be no physical infrastructure. We have a commitment from the UK and the European Union to protect the common travel area and the provisions of the Good Friday Agreement. We have widespread support for a transition phase now. I was asked how long that might be. Let us not forget that this was not even a part of the early discussions. Ours was the Government that first proposed that there might be and should be a transition phase; it was contained in the former Taoiseach, Deputy Enda Kenny's, Mansion House speech. We have also managed to dispel any suggestions that we too might leave the European Union.

4 o'clock

In the first few weeks after the Brexit referendum we were seriously asked by many people if Ireland would leave too. We managed to dispel any notion that we would ever consider it.

Deputy Micheál Martin: A huge achievement.

The Taoiseach: We have secured the Kenny text, that is, the text in the minutes of the guidelines setting out clearly that should there ever be a united Ireland the Six Counties can come into the European Union seamlessly. We have also reaffirmed the right of everybody born in Northern Ireland to Irish and European citizenship. Crucially, we have ensured we are not isolated. The worst position the country could be in is to be isolated and, somehow, piggy in the middle between the United Kingdom and the rest of the European Union. That would leave us very exposed at a certain point. We have ensured we have never been isolated and have been very much one of the 27. We are also forging new alliances and planning for the European Union without the United Kingdom. At the last European summit I attended the breakfast

meeting of the Nordic and Baltic states, states with which we have a great deal in common. The Dutch Prime Minister, Mark Rutte, also attended. He will visit Dublin quite soon. This week the Minister for Finance, Deputy Paschal Donohoe, attended the Nordic-Baltic dinner in Brussels. We are already forming new alliances and building new friendships.

In terms of the general preparations for Brexit, we have balanced the books, which is very important. We must pay down the debt, balance the books and get into surplus to prepare for any downturn if there is to be one as a consequence of Brexit. I do not believe there will be, but we must prepare for it. We paid off the IMF loans early and are setting out an ambitious capital plan in the next four and ten years to prepare for Brexit. Part of it might involve, for example, improving road infrastructure and potentially ports, depending on what happens. Today the Cabinet approved the low cost loans scheme for the agrifood industry and SMEs, companies employing fewer than 500 people. The Tánaiste and Minister for Business, Enterprise and Innovation will tell Members more about it next week. There is a €5,000 grant for businesses to help them to prepare for Brexit.

The number of the Attorney General's staff in Brussels has increased from one to five and will continue to increase. That is important because after Brexit Ireland will be the only common law country in the European Union. We will have to do for ourselves much of the work that was done for us by the the United Kingdom. We have also announced that we are opening five new embassies and missions next year. When I spoke in the House about the global 2020 plan, my plan to double our footprint globally, I was told by Members opposite that it was just more spin. It is not. The five specific embassies and missions that will open next year will be in New Zealand, Mumbai, Vancouver, Bogota and Santiago de Chile. We have also increased staff and resources for Tourism Ireland, Bord Bia, IDA Ireland and Enterprise Ireland.

That is just a brief synopsis of the enormous work the Government has done and the enormous progress already made in our preparations for Brexit.

Topical Issue Matters

Acting Chairman (Deputy Alan Farrell): I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Fiona O'Loughlin - the status of the day care centre in Monasterevin, County Kildare; (2) Deputy Willie O'Dea - to discuss the defined benefit pensions scheme in CIÉ; (3) Deputy Niamh Smyth - sexual harassment allegations at the Gate Theatre; (4) Deputy Thomas Byrne - Garda resources in Stamullen and Gormanston, County Meath; (5) Deputy Joan Burton - the allegations in the Paradise Papers and the involvement of Irish banks in international tax evasion; (6) Deputy Michael McGrath - the proposed closure of the Passage West health centre in County Cork; (7) Deputy John McGuinness - the risk to jobs at Morrisseys concrete company in Carlow; (8) Deputy Frank O'Rourke - the funding and delivery of home care packages nationwide; (9) Deputy Eamon Ryan - the steps being taken to secure the proposed data centre in Athenry, County Galway; (10) Deputy Clare Daly - the need to reform the pyrite remediation scheme; (11) Deputy Robert Troy - the ongoing industrial dispute at Irish Rail; (12) Deputy Mattie McGrath - the need to address the shortage of substitute teachers; (13) Deputy Eamon Scanlon - the provision of radiotherapy services in Sligo; (14) Deputy Martin Ferris - special needs students transferring to the adult school service; (15) Deputy Pat Buckley - the increase in the Cork County Council housing waiting list figures; (16) Deputy

Ruth Coppinger - the recent opinion poll on the eighth amendment; (17) Deputy John Brassil - shortcomings in the school leavers process for special needs children in Listowel; (18) Deputy Sean Fleming - the need to discuss issues at Portlaoise hospital; (19) Deputy Joan Collins - the need to address compensation and subvention payments in Irish Rail; and (20) Deputy Mick Wallace - data protection issues associated with the public services card.

The matters raised by Deputies Fiona O'Loughlin, Michael McGrath, Eamon Ryan and Pat Buckley have been selected for discussion.

Sitting suspended at 4.05 p.m. and resumed at 4.10 p.m.

Ceisteanna - Questions (Resumed)

Priority Questions

Departmental Agencies Reports

49. **Deputy Willie O'Dea** asked the Minister for Employment Affairs and Social Protection if all members of the Citizens Information Board unanimously signed off on the cost-benefit analysis report on the restructuring of MABS and the CIS; and if she will make a statement on the matter. [46918/17]

53. **Deputy Willie Penrose** asked the Minister for Employment Affairs and Social Protection if she has been furnished with a copy of the cost-benefit analysis prepared for the Citizens Information Board by a company (details supplied); if her attention has been drawn to the fact that there are concerns relating to same being expressed by the board which has resulted in the board not endorsing same; and if she will make a statement on the matter. [46922/17]

Deputy Willie O'Dea: My question is self-explanatory. Did the Citizens Information Board unanimously sign off on the cost-benefit analysis of the restructuring of the Money Advice and Budgeting Service, MABS, and the Citizens Information service, CIS? I want to know if the Citizens Information Board unanimously signed off on the cost-benefit analysis on the restructuring of MABS and CIS.

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I apologise for being late to the House. I am not usually caught on the hop, but I was today.

I propose to take Questions Nos. 49 and 53 together.

The Citizens Information Board, CIB, is a statutory body, established by the Oireachtas. In addition to its own statutory responsibilities on information and advocacy, it has statutory responsibility for the countrywide networks of Citizens Information Services, CIS, and Money Advice and Budgeting Service, MABS.

In February this year the board of CIB decided to change its governance from 93 individual service delivery companies to an eight region model, each with its own CIS and MABS regional company.

Also in February, the Citizens Information Board appeared before the Joint Oireachtas Com-

mittee on Social Protection regarding its planned restructuring of CIS and MABS. The committee recommended a cost benefit analysis on the new regional board model be carried out. Following a procurement exercise, the Citizens Information Board commissioned independent economic consultants to provide a cost benefit analysis. Its report was submitted to the committee on 21 September. I was also provided with the report and am pleased to note its findings indicate strong support for the implementation of the board's decision in February.

I understand the report was circulated to the board of CIB for information in advance of its last meeting on 20 September. It is also my understanding that the minutes of that meeting have not yet been approved by the board and so have not yet been published.

The report was prepared in response to the CIB's undertaking to the committee on social protection that it would have a cost benefit analysis carried out on the final governance arrangement model. The was written by economic consultants. Its purpose was to analyse the matter and deliver findings and recommendations. It is an analytical report and as such does not require approval or sign-off by the board of CIB.

I am not aware that the board of CIB has concerns about the report. If any individual member of the board has any objection to its findings, that is a matter for the board of CIB.

Deputy Willie O'Dea: I thank the Minister for her response.

My recollection is that when we discussed this matter with the Minister at the committee, she confirmed that the board had signed off on the report. I am open to correction, but the information available to me is that when the final report was produced, the consultants had not engaged with anyone other than the executive of the board. It is also my information that the board refused to approve the analysis by the consultants and requested that that should be made clear when the report was being circulated. That was not done. Will the Minister comment on that?

I accept that when I raised the matter at the committee, the Minister had been informed that the board had signed-off on the report. It is a serious issue if members of the board other than the executive are not happy with the report and asked that their dissent be recorded when the report was circulated. At a minimum it warrants consideration by the committee and the CIB. The Minister will be aware that so far the CIB has refused to come before the committee to discuss the matter.

Acting Chairman (Deputy Alan Farrell): I will allow the Minister to respond and then Deputy O'Dea before Deputy Willie Penrose, so that the Deputy may catch his breath.

Deputy Regina Doherty: If I told Deputy O'Dea at the committee on social protection that the board had signed off on the report, I jumped the gun since the board's minutes have not been signed off until its next meeting. It was not with a view to misleading the Deputy. I have no doubt that the minutes will be adopted at the next meeting, although I do not wish to pre-empt that.

There is a clear issue in so far as I recognise the independent statutory nature of this body. It is not my business or place to question how the board does its business over and above the budget that is given to the board through my Department annually. What it sought to do last year was improve its governance and that is what it has done. The cost benefit analysis in the report that both the Deputy and I have read says to the fullest extent that these moves will im-

prove governance. If nothing else, that should instill confidence in us as elected members that this body will be run to the highest standards. If people on the board disagree, they must make that known at the board meeting and where that will be discussed. It is not my place or that of the Deputy to tell the board how to conduct its business either at the board or in rearranging the governance of a body that must be held to the highest standards. I do not know what else I can say except that I recognise that it is a statutory body that is established by the will of this House, and it is only to this House that it is responsible. The CIB is trying to improve its governance, rather than the opposite, and that is to be welcomed.

Deputy Willie Penrose: I thank the Acting Chairman. I did not realise that Priority Questions could be grouped and I was at a meeting of the committee on agriculture earlier.

Section 2 of the report discusses the rationale for the study. It states that the Citizens Information Board had been requested by the Department of Social Protection and the Comptroller and Auditor General to undertake this work. Did the Minister or any officials from her Department issue a directive to CIB, because that would be totally at variance with what she said? The Minister said she was unable to intervene as the CIB was an independent body, yet according to section 2 she or rather her officials were involved. We are not surprised by this. According to page 6 of the report, the consultants have not undertaken a sufficient study of CIB and its activities from which to draw definitive conclusions on the efficiency of its network. Was that not the very essence of their task? I suggest that they could not do it because they never spoke to a single stakeholder on the ground. They spoke to all the top boys from whom the idea originated. This is nothing more than the application of we-know-best, top-down policy and telling people to sit down like little boys and do what they are told.

It is clear that substantial additional funding will be required to implement the proposed restructuring. That is clearly at variance with the excuse used for setting up the new structure in the first place. The set up costs will be about €2 million and will grow. There will be ongoing costs, which have been totally underestimated.

Will the Minister ask the board where it will find all the savings? Virtually none of the board claims even a penny of expenses. Did the consultants misunderstand when they said that an additional €14.97 million will be achieved in additional output as a result of the restructuring over eight years. There is a laugh on page 25 of the report where it says the release of 770 volunteers will free them up to volunteer elsewhere in the economy resulting in the additional value to the economy of €4.9 million. On the contrary, their expertise will be lost to MABS and the whole thing will implode.

The Minister says that she does not have power but if I were her, I would call in the head honchos who are acting like little dictators in trying to implement a policy that does not have the support of one Member of the Oireachtas and very few people to whom it provides a service.

Acting Chairman (Deputy Alan Farrell): I will vary the supplementaries to be fair to everyone.

Deputy Willie O'Dea: The Minister says it is not our business to interfere with how the board does its business but I disagree. It is very much our business. We are talking about two organisations which have done and continue to do great work for a section of the public. If that organisation is to be undermined or interfered with or if its capacity to help the type of people it helps is to be undermined or reduced, it is our job to protect what it is doing on behalf of so

many hundreds of thousands of people.

The Minister mentioned the cost-benefit analysis. It was conducted purely as a result of the joint committee on social protection having demanded it unanimously, including members of the Minister's party. We were presented with a scenario where widespread change was going ahead without even a cost-benefit analysis, so we looked for one and as a result it was produced. I have read it, as have the other Members here, and I find it seriously flawed.

When we discussed this last in the House, the Minister said she was precluded by the advice of the Attorney General from interfering in any way despite what the report says. The report itself states quite clearly that the Minister interfered. If that legislation were to be changed, would she be of the same opinion? Would she feel disposed to intervene if she could and if the barrier of the advice of the Attorney General was removed?

Deputy Regina Doherty: I want to put it clearly on the record of this House that the roles and services of MABS and the Citizens Information Board, CIB, in all of the towns and villages the length and breadth of this country are not going to be diminished. They are going to be exactly as state of the art as they have always been. The changes in governance will have no impact on the services of the CIB and MABS, which the men and women of our country rely on, which they have relied on for years and which they will continue to rely on. Let us be clear about that first of all.

Deputy Willie O'Dea: Nobody agrees with that apart from paid consultants.

Deputy Regina Doherty: The CIB did not seek to prepare a full cost-benefit analysis because it was on the basis of the benefits of the changes, as outlined in the Pathfinder report, that they were made. That report went as far back as 2014. That was together with the estimated costs which had been compiled on the various options which were put before it. Let us put this on the record. The cost-benefit analysis has now been completed. It indicates a socioeconomic benefit to cost ratio of 6.6:1. This bears out the view that the restructuring is not only necessary, but vital and cost-effective. The net public expenditure is estimated to be €4.1 million compared to net benefits of €18.9 million over an eight-year period. Although cost is not the driver, it is clearly going to save money. I also have to put on the record of the House that the cost-benefit analysis which was sought by the joint committee and delivered by the CIB and MABS, and which has been published on the CIB website, includes all the set-up costs, professional fees and the cost of the recruitment and salaries of the 16 regional operators who are to be appointed. The analysis very clearly suggests that this change of governance will enhance the role of the CIB and MABS in our community and will do nothing else.

JobPath Programme

50. **Deputy John Brady** asked the Minister for Employment Affairs and Social Protection if she has read Sinn Féin's report on JobPath as issued to her; her views on the report's findings; the actions she will take as a result of the report's findings; and if she will make a statement on the matter. [46920/17]

Deputy John Brady: Before the recess, Sinn Féin launched a report into JobPath and sent it to the Minister. I have a copy here. Has the Minister received it? Has she looked through it? What are her thoughts on the report and, more importantly, what actions will she take in light

of its content?

Deputy Regina Doherty: Yes, I did receive the Deputy's report. He is referring to a 22 page dossier of anecdotes. He has a copy of it, as do I. If he would like to refer to specifics within it I would welcome that, because this is something like the fifth time I have asked him for specifics. If I have specifics I can do something about them. Anecdotes are only sweeping statements which serve no purpose but to diminish a programme which has provided a huge and valuable service to 125,000 people in the last 18 months. There is no analysis in the report. There is no attempt at constructive critique. There is no structured or coherent set of recommendations arising from what the Deputy feels is happening on the ground. There are no suggestions as to how we should best engage with people who are long-term unemployed.

I have repeatedly explained to the Deputy that the only aim of my Department and its officials is to provide the best level of service to those people who need support for periods of their lives, whether they are periods of job seeking or caring or whatever. If the Deputy has specific reasons to believe there is a problem he should bring them to us. We will raise them specifically with the providers of JobPath and we will uncover whatever it is that the Deputy believes is going on. The problem I have is that every time I go to see these providers, or engage with them on behalf of my constituents - the Deputy will be aware I was in his constituency yesterday and visited the providers there - I see a level of excellence and a commitment and ambition to help people who are long-term unemployed, to develop relationships, to remove any anxiety or confidence barriers which they might have and which might prevent them from joining the workforce. I see a committed relationship which builds up over weekly and bi-weekly contacts with these people which support them in returning to the workplace.

A couple of weeks ago when I was before the House I said that it is the most successful programme which has ever been run by this Department in attempting to provide employment services for people. The reason it is so successful is that it is people-centred. The relationships which people who are out of work build with the employment advisers are crucial to rebuilding their confidence and helping them get back into employment. That relationship is so crucial that it continues even when somebody gets a job. The service provider in that JobPath office continues to call the person on a weekly and monthly basis for 12 months afterwards. That is commitment to the people. That is ensuring that we provide a valuable service.

Deputy John Brady: I encourage the Minister to speak to the people who are on these schemes, rather than speaking to the private companies which are rolling them out, Turas Nua and Seetec. I note the Minister was in Wicklow speaking to one of those companies. That is exactly what I did in this report. I went out and gave those people a safe space to tell their stories, without the fear of having their payments stopped or curtailed. I was totally inundated. Thousands of people came forward and gave their experiences. It is not anecdotal evidence. What emerged was story after story of similar situations in which people felt they were threatened and they were held to ransom and in which they were worried sick that their payments would be curtailed. The Minister threw down a challenge to me that last time I questioned her on this matter. She said that if there was any evidence that Turas Nua or Seetec were engaging with short-term unemployed people, that would be a breach of its contract. The evidence is there. I have solid evidence that people are not being referred. In some cases people are being penalised by Intreo offices and are being sent over to JobPath providers as some form of a penalty. There are many cases where short-term unemployed people have been sent to Turas Nua and Seetec. The evidence is there. The Minister cannot deny it.

Deputy Regina Doherty: I do not want to labour the point, but I hope it is clear at this stage that the 22 page report which the Deputy sent me does not have a single fact in it. It does not send me anywhere. It does not say that I need to go to the office in Ballycumber because there was a particular instance there with a Mrs. Murphy. If the Deputy did not want to name names he could have privately given me the examples of, I believe he said, the thousands of people who shared reports with him. I am sorry to say that I do not believe that he has any evidence because if he had he would have already given it to me. Listen to the language the Deputy has just used. He has said that people are being “penalised” in being sent to a service which is there to help them get work. What is wrong with the Deputy? This is probably one of the most efficient and effective tools which we have ever had to help people get work. Some 124,000 people have been through the doors of Turas Nua and Seetec in the last 18 months. To challenge the Deputy, I did not go to meet the staff in Turas Nua yesterday, I actually went to meet the clients. I sat down with a number of clients and some of them had genuine observations to make to me, which will make the service better, but not one of them had a criticism: not one.

Deputy John Brady: In making personal attacks on me, the Minister is attacking the hundreds and thousands of people who took part in this report.

Deputy Regina Doherty: No, I am not.

Deputy John Brady: They are not individual one-off cases. There is a pattern in Turas Nua and Seetec right across the board and right across the State. These two companies are operating totally outside of their contracts. The Minister has not addressed that point, which is the core point. This JobPath scheme was set up to engage long-term unemployed people and it has deviated away from that completely. There are people engaged who are short-term unemployed for weeks and, in some cases, days. I will certainly give the Minister the evidence. In attacking me, she is attacking the people who are being threatened, bullied and intimidated by the threat of having their payments stopped.

It is not just participants. Former personal advisers have also been in touch with me. They have questioned the whole concept. They have said that the main objective when someone comes through the doors is not to let him or her outside until he or she has signed the contract. The service providers’ main goal is to get these people to sign the contract because that is when the payments start flowing to them. There are serious issues here. The Minister said that if there was evidence that the providers are working outside their contracts she would act. Rather than calling me a liar in the Chamber, in light of the evidence which I have amassed over the last three months, I challenge the Minister to deal with the issues. They are not one-offs. They are not individual cases. They are systemic right across the board in Turas Nua and Seetec.

Deputy Regina Doherty: I certainly would not call anybody in this Chamber a liar. I will put it on record again that if the Deputy has evidence I ask him please to bring it to me. I am the Minister for nearly five months and we have been having this conversation for all that time. Without such evidence, all I have is the evidence of the 124,000 people who have been helped and aided and the 126 people in the office in the Deputy’s home town of Bray who have received new work in the last month because of their interactions with Turas Nua. These people are committed to helping find jobs and employment for people who are long-term unemployed. In case the Deputy or anyone listening does not know, that means a period of over 12 months. It does not apply to people who have been unemployed for a number of weeks or months-----

Deputy John Brady: So there are no cases-----

Deputy Regina Doherty: It is over 12 months. The Deputy keeps saying to everybody, inside and outside the Houses, that people are being grabbed off the street having lost their jobs only weeks previously. He should give me the evidence. If he gives me the evidence, I will be able to consider credibly what he keeps talking about. He has not provided the evidence to date, however.

Deputy John Brady: Deputy Doherty is the Minister. Has she spoken to them?

Deputy Regina Doherty: I am not the one making the allegations; the Deputy is.

State Pension (Contributory) Eligibility

51. **Deputy Willie O’Dea** asked the Minister for Employment Affairs and Social Protection when the report she has asked her Department to prepare on the post-2012 contributory pension band rates is expected to be published; and if she will make a statement on the matter. [46919/17]

Deputy Willie O’Dea: This question relates to the recent motion, passed unanimously by the House, on changing the pension contribution rules introduced in 2012. The Minister will recall that in her counter-motion, she made certain commitments, namely, that she would examine the problem, ask her Department to study it and get back to her, and then report to the Cabinet. Has that process started? If so, at what stage is it?

Deputy Regina Doherty: The Deputy is aware that it is my intention to bring forward the total contributions model for the calculation of pensions from 2020 onwards. We will be having a public consultation on that in the next couple of weeks or months, I hope. I have a document ready on the issue. I will be giving it to the Deputy and the other social welfare spokespersons in the House.

Arising from the anomaly that was created — it was not created in 2012 but exacerbated in that year — I committed to having my officials carefully examine the approaches we could take to address it. The process is actually very nearly completed. I had a meeting with my officials yesterday. I had hoped to bring the matter to the Cabinet today but I did not want to bring something that was only three-quarters baked. I have no doubt I will have it finalised in the next couple of days. It should genuinely prove my bona fides regarding my statement that we will fix this. I do not mean “we” as in Regina Doherty, Fine Gael or this Government. Collectively in this House, we will fix this anomaly, and I hope we will do so sooner rather than later.

The reason for the delay, from yesterday and over the next couple of days, is that some of the suggestions will create other anomalies. When we address one issue, we could find another needs to be addressed. Perhaps another, perhaps two steps removed, will bite us so I want to make sure that whatever decision we make to look after those who were disenfranchised over recent years will not result in a recurrence of the issue at another spot.

Deputy Willie O’Dea: I am happy with the Minister’s reply. I am glad she has moved so quickly to meet her commitment and that the study has been done. I am glad she is almost in a position to make a report to the Cabinet. Can she confirm to me again, for the record, that it is her intention to do something about this issue in the short term and that we will not be waiting until next year’s budget?

Deputy Regina Doherty: No, I cannot because it very much depends on how much doing so costs. The Deputy knows exactly what the social welfare budget is this year. He knows exactly where it is all pencilled in. There is not a resource somewhere that is not assigned to somebody. Addressing this and the options we choose will involve new money. The Deputy will have heard the Taoiseach state earlier that there is not in the overall budget new money sitting around. Whatever decision is made is one that will have to be made collectively by this House. We will have to find the money between all of us. I would like to believe we could do as the Deputy desires but I do not want to make a commitment in that regard right now until I know exactly how much it will cost.

Deputy Willie O’Dea: I am glad the Minister has not closed her mind to the possibility of doing something in advance of the next budget.

The Minister referred to the total contributions system the Government is preparing to introduce. Is she aware of a report by KPMG, produced at the instance of the Department, that a total contributions system would mean even fewer people, women in particular, would get at least 80% of their pension by comparison with now? I was fascinated to see the reference to the report because my understanding was that the total contributions scheme has not been devised yet. Whether the information is accurate will depend on the nature of the scheme. Has somebody asked KPMG to examine a particular type of scheme? I read the report but is it a reality? Perhaps the Minister could explain what it means and states.

Deputy Regina Doherty: Given that the Deputy has read the report, he will realise it is based on an examination of the next 30 years, asking what state the social contribution fund would be in if we did absolutely nothing and what options we could choose and what they would cost if we were to have it on a sustainable basis. I have said a number of times, and the Deputy is well aware, that when we move to any new model, there will be winners and losers. If one introduces a new total contributions model, there will have to be a grace period of a number of years to ensure people can pick from the new system or old system. If one does not have enough contributions to earn a pension at the full rate, one is well aware of it long before reaching retirement stage. The total contributions method is an absolutely fair way to reward people who have paid into a fund in that they can take money out of that fund on the basis of how much they paid in.

To answer the Deputy’s question on outliers, a decision has not been made. The outliers will relate to where the bands will start and finish and where the contributions for homemaker schemes will start and finish. None of those issues has been teased out. That is what the public consultation would be about.

Deputy Willie O’Dea: How did KPMG come to its conclusion?

Deputy Regina Doherty: These are actuarial geniuses and I am sure they have their methods and their models.

One-Parent Family Payment Eligibility

52. **Deputy John Brady** asked the Minister for Employment Affairs and Social Protection the reason lone parents are being forced to seek child maintenance from an ex-partner in order to retain their one-parent family payment; her plans to remove this rule; and if she will make a

statement on the matter. [46921/17]

Deputy John Brady: One of the conditions for receiving a one-parent family payment obliges lone parents to seek child maintenance from the other parent themselves. Why is that the case?

Deputy Regina Doherty: The current conditions for the making of the one-parent family payment include the requirement that the lone parent must at least make an effort to seek maintenance from the other parent in order to retain the payment. This is because parents have responsibilities. This always has been a condition of the one-parent family payment. It is not new. It is not some new measure that has been brought in. It was laid down in the social welfare regulations as far back as 2007. The “efforts to seek maintenance” condition is regarded as being satisfied once appropriate efforts are made by the lone parent to seek maintenance from the other parent, even if this does not result in getting any maintenance payment from the other parent. These efforts can include, but are obviously not limited to, evidence of a consensual agreement, participation in structured mediation and court proceedings. The condition is also considered satisfied in situations where there is domestic abuse or sexual violence, which unfortunately occur.

The Department has been reviewing aspects of the maintenance arrangements relevant to lone parents, including the “efforts to seek maintenance” condition. Since April, however, work on a statutory review of the one-parent family payment took priority. It is something we all needed and wanted. The review is now complete and the report has been laid before the Houses. Given that the same team is involved, we are now going back to continue the work on the conditions with regard to the payment. The requirement is not new; it has been always in place. It is simply a case of honouring the rights and responsibilities that go with being a parent. We all know that it takes two to tango, and people have to live up to their responsibilities.

Deputy John Brady: I acknowledge it is not a new condition but that does not mean it is a fair one. It is an unnecessary condition for the receipt of the one-parent family payment. Why should the lone parent have to make contact or try to make contact with an ex-partner to seek child maintenance in order to receive a payment to which she or he should be entitled in the first place? Lone parents are raising their children on their own. That should be the only condition for the receipt of the payment. Lone parents, many of whom who have been in touch with me, are being put in precarious and very dangerous circumstances trying to chase down ex-partners to try to get them to agree to making maintenance payments. The Minister touched on this. In some cases, there is horrific abuse, both physical and mental, which is putting lone parents in a very dangerous position. There are numerous examples around the world of models in which lone parents do not have to chase down the payment themselves. There are examples that this State should be considering.

Deputy Regina Doherty: There is absolutely nobody that would be ever required by my Department to put himself or herself in a dangerous position to acquire proof. That is why I clearly told the Deputy that a satisfying condition is somebody telling us he or she has been subject to domestic or sexual violence. Nobody is being asked to put themselves in any dangerous position. What we are here to do is to protect people and to mind them at the period in their lives when they do not have the means and the will to do it themselves. It is a condition because the solidarity behind the money we receive from taxpayers who pay into the Social Insurance Fund is to help people at times in their lives when they cannot otherwise help themselves. Why would we not make it a condition that when there is a second parent, he or she is

responsible for his or her children? Why does Deputy Brady think it is okay to have a taxpayer fund somebody's responsibility just because we have not gone after him or her to make sure he or she knows his or her rights and responsibilities?

I do not agree with Deputy Brady. It takes two people to make a baby and both of them have rights and responsibilities towards the child. The State kicks in to bear those responsibilities during periods when people cannot look after themselves to the extent they would like, but that does not let off the hook the parent who is missing in action. I totally disagree with Deputy Brady that we should take it out of the conditions that we would pursue people to ensure they bear their rights and responsibilities.

Deputy John Brady: I think the Minister is missing the point here.

Deputy Regina Doherty: I am not.

Deputy John Brady: I am not saying the ex-partner should get away scot free. On the contrary, what I am arguing for is the payment to be made to the lone parent and for the State to chase down the maintenance.

Deputy Regina Doherty: Why would the State do it?

Deputy John Brady: Unfortunately, the situation for many lone parents is that the maintenance payment is being treated as household income. That is contrary to what it should be. It is a payment for the child; it is not household income. Unfortunately, what we see is that the payment is means tested for family income support and other payments, whether it is paid or not. That is the reality. It is putting many lone parents in financially worse-off situations. There is a serious problem here. Why are lone parents being forced into messy, dangerous situations? There are many such cases. I must contradict the Minister. There is one case of which the Minister's predecessor was aware as I brought it directly to his attention where a lone parent was forced to go abroad to try to identify where the ex-partner was living and to try to get a payment put in place. Even if there is a court order, it does not mean the payment will be made. There is a serious problem at issue. Lone parents are being unfairly penalised and there need to be changes. I urge the Minister to examine the issue, which is unfair, unsafe and financially damaging to many lone parents.

Deputy Regina Doherty: The State entirely recognises that when a maintenance payment is made, the vast majority of the payment is for the children and that is not included in the household means test. Deputy Brady is well aware of that.

Does Deputy Brady seriously think it is the State's responsibility to chase down maintenance? That just beggars belief. Nobody will be put in a dangerous position. The condition will be satisfied immediately if anybody is subject to either domestic threats of violence or of a sexual nature. No payment is deducted on the basis of a court award or a mutual agreement. The only time payments are deducted is when there is actual means coming into a house arising from a payment. Deputy Brady can shake his head but if he has evidence to the contrary, he should please bring it to me and I will chase it up. In the absence of evidence, then it is just hearsay from Deputy Brady's perspective and I have factual evidence that we do not do that. I will say it again. I sound like a broken record but that is only when I am talking to Deputy Brady. If he has evidence of wrongdoing on the part of the people in my Department, he should bring it to me.

Deputy John Brady: Does the Minister speak to organisations such as SPARK representing lone parents?

Deputy Regina Doherty: Yes, I do.

Acting Chairman (Deputy Alan Farrell): Deputy Brady's time has expired. This is not a conversation.

Deputy Regina Doherty: What bears fruit in our Department is facts. I say sincerely to Deputy Brady that he should bring it to my attention if he has evidence of anybody being mistreated. We have 7,000 staff members and the vast majority of the people whom I have met to date are committed and wonderful people who want to serve people in public service. They go out of their way to make sure they get looked after because the people we are dealing with are vulnerable. They are at times of their lives where they need to be helped and minded. We are not some group of people who are just going out of our way to make it difficult for people. The whole purpose of the Department of Employment Affairs and Social Protection is to protect and to make sure that the welfare of people is upheld and that we do it with dignity and respect. For the last time, hopefully, today, if Deputy Brady has evidence he should bring it to me and I will investigate it.

Question No. 53 answered with Question No. 49.

Other Questions

Social Welfare Benefits

54. **Deputy Mattie McGrath** asked the Minister for Employment Affairs and Social Protection the supports she is putting in place to support self-employed persons if, for example, the business fails or closes due to unexpected sickness or ill health. [43366/17]

Deputy Mattie McGrath: I draw the attention of the Minister to the plight of the self-employed. We know how important they are in this country, especially in the recovery, in keeping employment going and keeping the coffers filled through the payment of taxes. Could the Minister outline what the Government is doing to support those very people when they get into difficulty, when they fall ill or get an injury? We made a lot of play of that in the talks prior to the agreement of a programme for Government but I do not see much happening and I ask the Minister to outline what is happening to support those people who are the movers and shakers, as far as I am concerned, especially employers who employ between one and ten people.

Deputy Regina Doherty: I thank Deputy Mattie McGrath for raising this question. The question comes within the remit of the Minister of State, Deputy Finian McGrath, but I will respond in his absence. It is a pity the Deputy cannot see anything happening because we are committed to enhancing the position of self-employed people through the provision of services based on the PRSI benefits that are available from what I hope will be a supportive tax regime going forward.

Since March 2017, class S contributions have enabled 300,000 self-employed people to access the treatment benefit scheme which then included a free eye test, a free dental examination

and a contribution to the cost of hearing aids. I hope the Deputy is aware from all of our radio advertisements and our Facebook pages that we have been adding additional benefits to the scheme which would reintroduce the dental scale and polish and some extensive periodontal treatment for teeth and either a free pair of glasses arising from payments made into the social insurance scheme or a subsidy towards a more expensive pair of glasses. What is more significant is that the self-employed contributions will also cover invalidity benefits from the end of December 2017 and for the first time that will give self-employed people access to the safety net of the State's income supports if they become permanently incapable of work, which was never the case previously.

Self-employed workers may also access social welfare supports by establishing eligibility to assistance-based payments such as jobseeker's allowance and disability allowance, which was never the case previously. A person may qualify for a means-tested jobseeker's allowance if their business ceases or they are on a low income as a result of the downturn in demand for their services, which we very much saw happening in recent years. Many people could not afford the services of self-employed people and as a result their income was drastically reduced.

I hope that is not all and that we will be able to do more. Depending again on how well the economy recovers I would like to see all the benefits that are enjoyed by employees to be extended to the self-employed. Deputy McGrath is aware the Taoiseach wanted to do that previously when he was in this Ministry.

Deputy Mattie McGrath: There is a totally unlevel playing field. The recession brought that home to so many. The Minister mentioned people who were not able to continue to get work but many of them did work and could not get paid for it and their businesses folded as a result. Such people were great generators of employment and they had good employees. They were the only people who were left with nothing and they had Revenue and others hounding them and charging them interest and penalties. We must be fair if we want entrepreneurs to get going. I am talking about ordinary people who are in jobs and who could go into self-employment. People who come out of college who are highly educated and want to go into business need to be supported. They need to know they have a safety net so they can put food on the table for themselves and their families. The amount of sickness, trauma and stress-related illnesses were the result of people not being able to get a penny. The measures outlined by the Minister are very welcome. We fought hard for such measures in the programme for Government as optical benefit and dental benefit. Getting an extra pair of glasses does not really bother people. What is important is to be able to provide food for the family and for the Government to provide some recognition of the effort they have made and the taxes and PRSI they have paid for their employees. They had a relationship with their employees and often looked after them even after they had to let them go, as should be the case. Employers and employees become very close. Employers need more supports when businesses fail or they close down through the mercilessness of banks or other people not paying them.

Deputy Regina Doherty: Deputy McGrath has described a number of reasons that people either lost their own job or small businesses closed in recent years. Thankfully, that situation is being rectified and we have a significant increase in the number of companies that are being registered currently with the Companies Registration Office, CRO. That bodes well going forward. Again, we need to make sure that the safety net of the State is available to those people who are gutsy enough to take their own initiative to either provide a job for themselves or others should, God forbid, any other economic crisis hit us in the future.

We have introduced a number of benefits. The invalidity benefit will be particularly welcomed by that sector. However, until we have jobseeker's benefit, carer's benefit and all the services that are available to an employed person based on contributions made available on an equal basis in the self-employment realm we will not be happy. We have to keep going until we get there.

Deputy Mattie McGrath: They say, *tús maith, leath na h-oibre*. However, we need to recognise and give more recognition to the people who have set up their own business, whether they are farmers, shopkeepers, undertakers, plasterer or plumbers. They are entitled to get some security. I honestly believe they would not mind paying a little extra in PRSI for some kind of insurance policy, because they have families, wives, dependants, partners and children to look after. Perhaps they have a good deal of debt incurred in loans for equipment or whatever else.

These are the real generators. I am not talking about the large multinationals, although they are important too. I am talking about our home-grown indigenous people, who have the skill-sets, gumption, wherewithal and vision, as the Minister has said.

Many of these people have been knocked back and get heavy treatment from Revenue, the banks and everyone else when they are unable to manage. It is not that they do not want to; they have done work and materials have been supplied but they cannot get paid for it. This has led to some awful situations.

The Minister referred to social welfare and other issues, including jobseeker's benefit and so on. It is difficult when everything goes "bang". I have met those affected - we have all met them. Some do not have enough food to feed the family.

Deputy Regina Doherty: I come from a self-employed background, and I have experienced some of the difficulties Deputy McGrath has described. I do not even need to meet anyone else to know about it. I have walked the walk and I know exactly what Deputy McGrath is talking about. Given the contribution that the self-employed already make to the Social Insurance Fund and society by providing their services or other jobs for other people as well as their own gumption, I am reluctant to charge them any more.

Deputy Mattie McGrath: I am not asking the Minister to charge them.

Deputy Regina Doherty: I know what Deputy McGrath is saying. A report was issued – we probably all read it – that referred to an acceptance that these people might take up to 5.5%, but I do not believe we should ask them to pay any more. We should extend from the Social Insurance Fund the benefits that everyone else enjoys.

I hope Deputy McGrath will work with me on this. I believe that some employers are using the system and manufacturing a situation whereby they do not pay the 10% plus of employers' PRSI benefits. That is the cohort of people we need to go after. That will put us in a situation where we can extend the benefits that Deputy McGrath, I and all the other Deputies want to extend to self-employed people.

Unemployment Levels

55. **Deputy Maurice Quinlivan** asked the Minister for Employment Affairs and Social Protection to explain the reason the summer economic statement projects the unemployment rate to

remain unchanged at 5.5% from 2019 to 2021; and if she has satisfied herself that having over 120,000 persons remain jobless over this period is a good Government ambition. [43033/17]

Deputy Maurice Quinlivan: My question relates to the projected unemployment rate as outlined in the summer economic statement. Page 13 of the statement refers to unemployment rates being expected to fall to 5.5% by 2019 - something I welcome - and remaining at this level over the remainder of the forecast horizon, which is until at least 2021. Using the unemployment figures provided, that would equate to circa 120,000 defined as unemployed each year. Are these figures correct? Will the figures be revisited to ensure that more people are helped to get a job and get back into the workforce?

Deputy Regina Doherty: The projections for 2020-21 in the summer economic statement are not targets but forecasts. They emerge from the overall economic analysis. Any forecasts over the horizon are, by their nature, tentative and depend on the environment. In particular, the impact of Brexit has to be factored into those figures.

It is commonly accepted in a normal labour market that, as people move between jobs and new people are attracted into the labour market, full employment is probably the equivalent to an unemployment rate anywhere between 4% and 5%. This means in Ireland a large number of people will be on the live register at any given time. In a full employment situation, the experience of unemployment will be relatively short for most people. However, on average there is still churn of 100,000 people at any given time during a year, even at full employment. Such people may be between jobs for a number of weeks or months.

One thing has become obvious to me in recent months as I have travelled the country and visited organisations providing training or employment, including the likes of Tús, CE schemes or rural social scheme participants. A large number of people in Ireland are distant and removed from being able to get a job by next Monday. This is not a stereotypical view, which would be wrong. It is not as simple as saying that a given person is a baker but the job available is that of a shopkeeper and the person is not trained correctly. Some people genuinely have real difficulties and disadvantages that will not be fixed by being sent on an Excel training course. We need to recognise this and tailor some of our supports towards those who have real difficulties in accessing the workforce. We need to recognise this and stop referring to these people as long-term unemployed. We should work specifically with people who have extra disadvantage to help them to access the workforce on a concerted basis.

Deputy Maurice Quinlivan: I thank the Minister for her response. Previously, I raised the same issue with the Minister for Finance, Deputy Paschal Donohoe, at the Committee on Budgetary Oversight. He seemed rather surprised by the fact that I had pointed out to him that the figure would stay the same over a number of years.

I appreciate there is a certain point which traditionally constitutes full employment. I agree with the Minister's point in that regard. However, I am concerned that many of the people affected are construction workers who are unable to re-enter the industry when they come back on-stream. Others affected may be young people who graduated from school or college at precisely the wrong economic time. Such people are trapped in what we call long-term unemployment. This is reflected in the higher rate of youth unemployment and the fact that over half of those unemployed are categorised as long-term unemployed. These are the people to whom I was adverting. My concern is that they will be left behind if the projections indicate the same rate for four of five years. It is important to find new ways to get these people back into the

workforce. Does the Minister have any specific initiatives aimed at the two particular groups – those in the youth unemployment and long-term unemployment categories?

Deputy Regina Doherty: I think I misunderstood Deputy Quinlivan. I am sorry if we were at cross-purposes. That is not to say what I just said is not true, because it is true. Others specifically affected are those over 50 years of age. They do not all fall into the category of construction workers. I was at a jobs fair in Croke Park two weeks ago and I met a gorgeous man from Tallaght. He is an eminently qualified architect, but he cannot get work. He has done all the re-training required. He is a classic example of someone who is long-term unemployed and on the register but he is ready for work. It is simply that the right work is not available for him today.

Two schemes are going to start in the new year. One is specifically for those under 25 years of age and the other is specifically for those over 50 years of age. I am hoping to work with business and industry to incentivise them to take on people from the live register who are in the over 50s category and keep them for 12 months and then to keep them thereafter. The idea is to recognise the skills, talent, confidence and life experience they have.

It is equally important to recognise the stubborn number of under 25s affected. It is not an issue for our graduates anymore, thankfully, because of the economy and the recovery. However, others in the under 25s category have never worked or trained. We are going to launch a scheme, probably at the end of quarter 1 or quarter 2 next year, aimed specifically at working on a voluntary basis with people under 25 years of age who want to be challenged and who have ambition. The idea is to provide them with life skills and lifelong learning to get into work or some sort of employment opportunities.

Deputy Maurice Quinlivan: I am interested in finding out more details of the two schemes mentioned by the Minister to target the over 55s and the under 25s.

My constituency is Limerick city. While there has been a recovery there without a doubt and a good number of job announcements in the past year or two, we still have a major problem. A total of 18 of the unemployment black-spots are in the city, which is the highest concentration throughout the country by a mile. I am keen to know the target. I raised this with the Minister responsible previously, but the portfolio has transferred to the Department of Employment Affairs and Social Protection. This is my first opportunity to raise it with Minister for Employment Affairs and Social Protection. I am keen to know how the Minister will reduce the number of black-spots of unemployment, especially in Limerick, which has eight of the top ten. Will the Minister outline what steps are being taken to ensure we will not be in the same situation?

Deputy Regina Doherty: I would rather have this conversation with Deputy Quinlivan in more detail. We are planning an analysis of the over 50s and the under 25s on the live register in order that we can specifically go out to industry in areas with large numbers in those categories. I do not believe it is as simple as believing that everyone who is over 50 lives in Limerick. Anyway, these two schemes will be rolled out nationally. Where there are larger cohorts of under 25s or over 50s I will go to particular industries in that area.

5 o'clock

There are particular black spots. The Deputy referred to Limerick, but there are a number of others, including in Waterford and County Offaly. We will propose the establishment of task forces. I would like to have a conversation with the joint committee to arrive at a broader view

on what does and does not work before we invest resources in these black spots. I understand I will appear before the joint committee in the next couple of weeks.

Question No. 56 replied to with Writtens Answers.

Pension Provisions

57. **Deputy Brian Stanley** asked the Minister for Employment Affairs and Social Protection her plans to bring forward measures to address the anomaly whereby persons here dependent on a British state pension are disqualified from receiving the household benefits package, fuel allowance and living alone allowance. [46526/17]

62. **Deputy Brian Stanley** asked the Minister for Employment Affairs and Social Protection her plans to review the position of returning emigrants who are in receipt of a British pension only and who are not entitled to the household benefits package, fuel allowance or living alone allowance. [46525/17]

Deputy Brian Stanley: The issue I raise relates to people who emigrated, perhaps during times of recession, and experience difficulties on their return owing to the difference between the rates of pension paid in Britain and Ireland. I refer specifically to the position on what I will describe as ancillary payments, including the household benefits package, fuel allowance and living alone allowance. These payments provide important supports for persons who are solely dependent on a pension from the United Kingdom and do not have an occupational pension.

Deputy Regina Doherty: I propose to take Questions Nos. 57 and 62 together.

It is important to note that people in receipt of a British state pension are eligible to receive both the household benefits package and fuel allowance on the same basis as Irish State pension recipients. It appears from the Deputy's questions that he believes that is not the case. Persons in receipt of a British state pension definitely are eligible for these benefits as there is no difference in the treatment of Irish and British state pensions.

For the household benefits package, pensioners aged 70 years or over who are legally resident in Ireland are entitled to avail of the scheme without being in receipt of any state pension payment, British or otherwise. They receive the package because they have reached the magic age of 70 years. While the package is not means-tested, because it is a household benefit, only one person per household is eligible.

For pensioners aged between 66 and 70 years, the same household conditions apply and the recipient must be in receipt of an equivalent social security pension from a country covered by European Union regulations or with which Ireland has a bilateral social security agreement. In addition, the household benefits package is means-tested for persons aged between 66 and 70 years. This may be the reason for the apparent anomaly referred to by the Deputy. In that regard, a person in receipt of a British social security pension is eligible for the scheme once he or she has satisfied the household conditions and means test.

The fuel allowance scheme is open to persons in receipt of a British state pension. Like all other recipients of the fuel allowance, the claimant must satisfy a means test, as well as all other qualifying conditions.

Persons in receipt of the British state pension are not entitled to receive the living alone increase. The living alone allowance is paid as an increase in the weekly rate of payment to pensioners and people with disabilities in receipt of qualifying payments who live alone. Clearly, persons in receipt of a British state pension do not receive an Irish State pension. There are no circumstances where the living alone increase is paid to persons not in receipt of a qualifying payment from the Department. This applies equally to individuals in receipt of an occupational or private pension but not a State pension.

If my reply does not clarify the position for the Deputy, perhaps he might contact the individuals who raised this matter with him to ascertain whether the issue arose as a result of a means test. This could explain his concern in that regard. If he is aware of persons in receipt of a British state pension who have been refused the household benefits package, I ask him to provide me with the details of the relevant cases and I will ensure the persons receive their entitlements.

Deputy Brian Stanley: I thank the Minister for providing clarity on an issue about which there are questions. According to the eligibility criteria, persons may qualify for ancillary benefits and the Minister has clarified that this means that persons in receipt of British state pensions will qualify on the same basis as persons in receipt of an Irish State pension. She has also pointed out that people aged over 70 years are not means-tested. In its alternative budget submissions Sinn Féin has sought to have the living alone allowance increased and it was increased by a small amount last year. At €9 per week, the payment is not a large sum, but it is important on a Monday or a Tuesday when money may be running out. I ask the Minister to revisit the decision not to pay the allowance to persons in receipt of British state pensions. I am referring to people who worked hard in construction, the health sector and so forth and paid hundreds of thousands of pounds in taxation. Their pensions from the British state flow into the economy here, although it works both ways.

I wish to raise another issue. Will I have another opportunity to contribute?

Acting Chairman (Deputy Alan Farrell): Yes.

Deputy Regina Doherty: I have not yet introduced the Social Welfare Bill and while nothing is final, the measure the Deputy seeks is not included in the Bill, nor was it provided for in the budget. I do not know how many people are affected and would like to see the relevant figures. I agree with the Deputy, however, regarding the valuable contribution made by emigrants to Britain who built roads, tramways and railways before returning to Ireland on their retirement. I cannot do anything about this issue at present, but I will see what I can do when I have the figures.

Deputy Brian Stanley: I would welcome a decision to keep the matter under review. In addition to the people in question working hard, money is flowing into the economy on the back of taxes they paid over a long period. The Minister will be aware that, depending on the value of sterling, the differential between the Irish and British state pensions fluctuates. Questions sometimes arise about how the gap in value between the two pensions should be bridged. Depending on the contributions a person made in Britain, his or her pension from the British state may amount to £130 or £140. Currency fluctuations mean that the value of the pension expressed in euro will change. Thankfully, the Irish State pension is higher than the British state pension, which means that bridging the gap in value is an issue. Do people have a statutory entitlement in that regard?

7 November 2017

In the context of Brexit, I read the criteria regarding the bilateral social security agreement with other member states. Is the Department discussing this issue with its counterpart in Britain in the context of Brexit?

Deputy Regina Doherty: Everyone has access to the non-contributory pension. If there is a difference between the value of the pension a person is receiving from the United Kingdom and the value of the non-contributory pension, he or she may apply for a payment to cover the difference.

Deputy Brian Stanley: Should he or she apply for a supplementary welfare allowance?

Deputy Regina Doherty: Anyone who does not have sufficient means can apply for a non-contributory pension and he or she will be eligible to receive a weekly non-contributory pension payment. If a pension from the British state does not reach the same value as the non-contributory State pension, the recipient can apply for a non-contributory State pension and while he or she will clearly not receive the full rate of payment, the payment may amount to the difference between the full rate and the value of the pension from the British state.

While I do not know what the position is on changes in value arising from currency fluctuations, I suspect that people would not be recompensed for such fluctuations as it would also mean recouping money when currency fluctuations benefited the recipient. The Department would have its hand slapped if it sought to do so. However, if the Deputy knows of persons who are in the position he and I described, they should be able to apply for an additional payment.

To respond on the other issue raised by the Deputy, we are not in a position to hold official negotiations because Ireland is part of the group of 27 member states negotiating Brexit. However, I had a number of meetings and conversations with my British counterparts. There is agreement and respect for Irish people living in the United Kingdom and British people living here. The reciprocal arrangements agreed long before Ireland or Britain joined the European Union are important to both nations and both countries wish to ensure they are enshrined in whatever is the outcome of the negotiations. We have not had official conversations.

Deputy Brian Stanley: I thank the Minister for her reply. I am flagging the Brexit issue because it is one of many problems and challenges we will face across every Department and aspect of commerce, business and public administration. People are concerned about this issue and some are asking what will happen to those who depend on a British state pension.

With regard to the fluctuation in the value of the British state pension, I understand from the Minister's statement that the recipient of a British state pension payment equating to €150 may apply for a non-contributory pension payment of €80 to bridge the gap between the value of the Irish and British state pensions. Is that the case or must he or she apply for a supplementary welfare payment of €80 per week?

Deputy Regina Doherty: I will check the position in that regard and revert to the Deputy. Given that people without means who apply for a non-contributory pension will be granted the pension, if a person is receiving a pension payment from the British state that is less than the value of the non-contributory pension, he or she should be able to apply for a payment to bridge the gap in value. This does not mean that he or she must apply for a supplementary welfare payment. If the payment from the British state is consistent, he or she should receive a consistent payment here. I will check the position as I wish to be 100% certain before reverting to the Deputy later today.

State Pension (Contributory)

58. **Deputy Niamh Smyth** asked the Minister for Employment Affairs and Social Protection her plans to re-examine the situation where women who were in the workforce and left in earlier years for family duties are not in a position to receive the full State contributory pension when they reach retirement age; and her further plans to address this situation. [46645/17]

84. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection the progress that has been made in addressing the issue where women are deprived of a contributory pension having retired from the workplace while raising their families or owing to the marriage ban; if their cases can be re-examined with a view to crediting them with sufficient contributions to enable them to qualify for a State or retirement pension; and if she will make a statement on the matter. [46341/17]

Deputy Niamh Smyth: I heard the Minister speak about this issue already with my colleague, Deputy Willie O’Dea, but I ask her to outline her plans to re-examine how people, women in particular, are affected by the anomaly within the State pensions system.

Deputy Regina Doherty: I propose to take Questions Nos. 58 and 84 together, Deputy Niamh Smyth’s and Deputy Bernard J. Durkan’s questions, although he is not here.

Acting Chairman (Deputy Alan Farrell): They are listed together.

Deputy Regina Doherty: If I go off script just for one second, I will be murdered.

We are all aware - I know that it looks like I am blue in the face - but perhaps 99% of the people of the country have still not heard us say we are moving to a new model, to which I hope we will move in 2020. We will undertake a public consultation process, from the end of this month or the beginning of December, when everybody’s view and input will be vital because, as Deputy Niamh Smyth’s colleague will be aware, there will be winners and losers in the new model. Every Member of the House will have to help sell the new model, as otherwise it will not work. That is where we are going.

I often wonder why - I can say this to Deputy Niamh Smyth because she knows that I am not being smart - this issue only seems to affect women, but they are the only ones about whom we seem to have been concerned for the past couple of weeks. I am referring to women who stayed at home to mind their children. I know that they did, but 38% of those affected are poor fellows who either stayed at home to mind their children or went to college or to England to work and they are equally as affected by the anomaly.

What my officials and I needed to do in the past couple of weeks was to look at the 36,000 people who were affected by the anomaly and where they were affected, if the Deputy knows what I mean. Did some of the women in question work for only one year before they went home? Did some of the gentlemen go to England in the 1970s or the 1980s? I needed to know exactly what the circumstances were in order that whatever decision was made to rectify the anomaly would not fix 10,000 cases and leave 26,000 unfixed. If we can do something today, it has to be to fix the cases of all those concerned and, while fixing them, not to create another problem for those currently receiving 85% of a pension payment for reasons other than band changes. If we were to introduce a disregard, for argument’s sake, we would have to have a valid argument as to why the Minister could introduce a disregard for one group and not another.

When we make the full report available, it will be clear whether we can do anything in the short term, what it is and how much it will cost. If we cannot, perhaps we might look at the budgetary process as we move forward towards total contributions to see whether we could do something. I can assure Deputy Niamh Smyth - she has had women coming to her constituency clinics no more than I have had for the past few years - that we will fix this. I would like to think we would fix it sooner rather than later, but I am adamant that we will fix it.

Deputy Niamh Smyth: I welcome the Minister's response. I note how she states the issue also affects men. Of course, the irony is that, no more than in the case of the Minister, 100% of the complaints I have received in my clinic have been from women and we can all appreciate their frustration. They reach that point in their life where they think they will receive the full State pension and then realise, essentially because they had worked for a couple of years and then took care of and reared their children at home and did a valuable job within the home, they will not be so entitled. That is devastating both for them and, I add, their husbands, some of whom come to a clinic to support them. I appreciate what the Minister is saying, but it is important that in any review or assessment there not be another cohort who will slip through the net or who will be penalised in the way the women in question have been.

I have taken on board, too, the Minister's comments on a public consultation process. That is important and will give some comfort to the women who have been affected by this anomaly. I am delighted to hear - women in the constituency of Cavan-Monaghan will certainly be delighted to hear this - that the issue is being addressed. As my colleague reiterated, it would be good to see it being addressed before the next budget and as soon as the Minister can possibly do so. That would be appreciated.

Deputy Regina Doherty: The Deputy makes an interesting point. I never copped it before. I have never had a man come into the office at home to complain about this anomaly.

Deputy Fiona O'Loughlin: I have.

Deputy Regina Doherty: Maybe that is why we are talking about it. I was not being smart when I was talked about it being a women's issue. We are proud people. I am not there yet, but my mother is. Other people's mothers were in the situation where they got a surprise, as the Deputy said; when they had reached the end of their working life, they found that they would receive less than they had expected in their pension. That is why we need to fix it. It is as simple as that. It is not any less or more of an issue for the men who went to work, perhaps, in England, in the 1980s or any other period. People do not leave Ireland to travel the world unless they are young and ambitious. Most of the time when people leave the country, they do it because they have to. This anomaly that affects men and women needs to be addressed. I hope to be able to bring the report to the House in the next week or so.

Question No. 59 replied to with Written Answers.

Legislative Programme

60. **Deputy Willie O'Dea** asked the Minister for Employment Affairs and Social Protection when the heads of the Bill regarding protection for persons on insecure low hour contracts will be published; when the Bill will be introduced on Second Stage in Dáil Éireann; and if she will make a statement on the matter. [46855/17]

Deputy Willie O’Dea: It is the Government’s stated intention to introduce the legislation referred to in the question before the Christmas break. I merely want to know if it is on target.

Deputy Regina Doherty: In May we approved the drafting of the Bill. We were responding to the commitment in the programme for Government to tackle the problem, but I am also well aware and acknowledge that there are Private Members’ Bills to address the issue. The proposed legislation will deal with an area where current employment rights legislation needs to be strengthened without putting an unnecessarily onerous burden on the businesses that employ the people in question. The Bill is being drafted and I hope to be able to publish it in December. If there is not the usual rush here in the last couple of weeks in December, I might be lucky to have it started before Christmas. I say this while acknowledging we also have the Social Welfare, Pensions and Civil Registration Bill 2017 and will have the new Social Welfare Bill that will go to the Cabinet next. It is a “maybe”, unless I hog the House with Deputies Willie O’Dea and John Brady for the next couple of weeks. If the Bill is not brought forward before Christmas, we will bring it forward straight after it.

Deputy Willie O’Dea: As the Minister will be aware, my party supports such a measure which we had inserted into and enshrined the confidence and supply agreement which is now 18 months old. We support it because of the increased casualisation of labour and the resulting insecurity. Naturally, we are concerned to progress it as quickly as possible. I, therefore, ask the Minister to make every effort possible to have it brought to the House, at least on Second Stage, before Christmas. However, I realise the constraints. I realise we must also deal with the Social Welfare Bill and take Committee Stage of the Social Welfare, Pensions and Civil Registration Bill 2017. However, I ask the Minister to do her very best to ensure the measure will be brought to the House before Christmas. There is just one question I want to ask her Minister about it. On the Oireachtas committee’s report which outlines the difficulties with the Bill, the first recommendation was that the CSO engage with the Department of Business, Enterprise and Innovation, the Low Pay Commission and various employer and employee groups to develop statistical measures to better inform the debate on low pay. Has that process been started?

Deputy Regina Doherty: It has not and I will have to find out why. I do not know if there is a reason it has not commenced but it should. I will get instructions thereafter. I give the Deputy a commitment - I say this with tongue in cheek. I am responsible for the Social Welfare Bill and the one that has reached Committee Stage. The Deputy is aware that we are awaiting the amendments which, please God, I will have next week. I am also responsible for the total contributions public consultation process, the accident and emergency departments public consultation process and the report about which we have just spoken on the anomaly for pensioners who have been maligned by the changes made in 2012. I am well aware of the jobs I have to do and the responsibilities I have. I am privileged to have them and relish them. I would love to get this done before Christmas. If I can have the Bill drafted - that is the big part - I know that I will receive the co-operation of Members to either accept the Bill or make it better. Deputy Willie O’Dea has my commitment that if I can have the Bill brought here before Christmas, with his commitment, we will get the debate started.

Deputy Willie O’Dea: I am aware of the Minister’s enormous workload and know that she is well up for it. We have every confidence in her to bring the Bill before the House this side of Christmas. When does she envisage the Social Welfare Bill being published?

Deputy Regina Doherty: I hope to bring it to the Cabinet on Tuesday. If I do, it will be published immediately. The only reason for the delay is the other report. I did not want to pub-

lish a Bill and to then have to come back and say to the Deputy I had found a way. The Bill is practically ready. It will definitely be brought to the Cabinet on Tuesday next.

Citizen Information Services

61. **Deputy Willie O’Dea** asked the Minister for Employment Affairs and Social Protection her views on the Citizens Information Board’s refusal to appear before the Joint Oireachtas Committee on Employment Affairs and Social Protection to discuss the reorganisation of the Money Advice and Budgeting Service, MABS and the Citizen Information Service, CIS and the cost of same; and if she will make a statement on the matter. [46859/17]

Deputy Willie O’Dea: The question is self-explanatory. I am seeking the Minister’s views on the refusal by the Citizens Information Board, CIB, to attend a meeting of the Joint Oireachtas Committee on Employment Affairs and Social Protection to discuss the reorganisation of the Money Advice and Budgeting Service, MABS and the Citizen’s Information Service, CIS.

Deputy Regina Doherty: The decision to restructure MABS was made by the board of the CIB. I think the CIB declined the invitation because the Chairperson and chief executive officer had already met the committee at a meeting in February where they felt the matter was comprehensively discussed. They set out their position clearly, including the rationale for the decision and the details of the lengthy consultation process that took place before the board made its final decision. Deputy O’Dea may have a different opinion on all of that but he is aware that the CIB’s executive, on foot of a request from the joint Oireachtas committee, agreed to commission a cost, benefit analysis. It has done that and submitted it to the committee at the end of September.

The implementation of the new governance arrangements is expected to take up to two years to complete. Obviously we will have the few bob of the net cost to the Exchequer that will present itself over the next number of years. I think I am correct in saying that since the declining of the first invitation, after the cost, benefit analysis was submitted, the joint Oireachtas committee has issued another request for the CIB to come before it. I am not 100% sure on that as I am only recalling a conversation I had with somebody. I think that request is under consideration. I will check that and come back to the Deputy on it.

Deputy Willie O’Dea: The consultant’s report is very important. I have read it and I am sure all of my committee colleagues have read it too. There are a number of questions arising from it and I believe that the CIB should be prepared to come before the committee and engage on them, in fairness. There is a massive reorganisation going on. What the Minister says is true in that the Joint Oireachtas Committee met the board of the CIB last February but that was at the start of the process. We had a preliminary discussion then. It is an ongoing process, as the Minister has said and it is only fair and proper that the Oireachtas committee would have an input into that and would at least have the opportunity to discuss how the reorganisation is proceeding, as it goes on. From that point of view, it would be appropriate that the board of the CIB would come in and discuss those matters with the committee.

Deputy Regina Doherty: I know I said previously that I was not good at sticking my nose in but I will ask the CIB to very positively consider the joint Oireachtas committee’s request to come before it and to do so sooner rather than later. That is the best I can do for the Deputy.

State Pensions

64. **Deputy John Brady** asked the Minister for Employment Affairs and Social Protection the actions she is taking to address the ongoing discrimination against over 35,000 older persons in the calculation of their State pension payments; and if she will make a statement on the matter. [46704/17]

78. **Deputy Thomas P. Broughan** asked the Minister for Employment Affairs and Social Protection when the budget 2012 changes to pension contribution bands will be reverted back to four bands as per pre-2012; when repayments will be made to those persons adversely affected by these changes since September 2012 and to date in 2017 in view of the recent passing of a Fianna Fáil motion on correcting pension inequities; and if she will make a statement on the matter. [46542/17]

79. **Deputy Richard Boyd Barrett** asked the Minister for Employment Affairs and Social Protection her plans to ensure pension equality by removing the band changes made to the way in which pensions are calculated and reducing the number of contributions needed to qualify for the State pension from 520 to 260; and if she will make a statement on the matter. [46798/17]

Deputy John Brady: As the Minister may be aware, last December Sinn Féin brought forward a motion to address pension inequality for more than 35,000 older people, 68% of whom are women. What specific actions have been taken since then to address the inequality in the pension system?

Deputy Regina Doherty: I propose to take Questions Nos. 64, 78 and 79 together as they all relate to the same issue. I can give the Deputy the very long version or I can just give him the short version that I have already given. The Deputy is able to see the long version, which tells him exactly what we have done, where we are moving to in terms of the total contributions model and details the public consultation to which I have already referred in response to earlier questions.

In terms of action by my Department in the past couple of weeks, we are collecting the data of the tens of thousands of people who have had their situation exacerbated by the changes that were made in 2012. The reason for the length of time it is taking to collect that data is that all of our records prior to 1994 are paper records. They are not on the computer system which means we could not just do a data search. We had to go through all of the manual records. I wanted to ensure that when I sit down to figure out how we are going to fix this, the information in the report in front of me would be 100% accurate and I would know exactly who the 36,000 people are, what their circumstances are and what I need to do to fix matters. If we make a change, I want to know how many of the 36,000 it would affect and how many it would leave behind, so that we can make an informed choice. What I will not do is fix things for 20,000 people and leave 16,000 behind or fix things for 30,000 and leave 6,000 behind. We need to make sure that whatever changes we make address the anomaly in its entirety. It is also really important that we do not introduce a fix that causes an issue in some other area. I cannot be 100% sure about that when we sit down to deliberate unless I have all of the information so that is what is currently being compiled. We had a meeting yesterday evening and that process is very close to being finished. I would expect to be able to have a conversation with my officials before the

end of the week and get that full report. I will bring that to Cabinet next week so that we can make decisions about what we can do.

Deputy John Brady: I thank the Minister for her reply. I am not going to rehash everything that has been said about the approximately 36,000 older people directly affected but the changes that were introduced in 2012 were not brought in blindly in terms of the impact they would have, particularly on women. That information was available then, although there was no debate in here on it. The debate on the issue was guillotined in this Chamber and the changes were brought in with full knowledge of the negative consequences of same.

These people have suffered long enough. It is now time to end the inequality within the pension system. I welcome the review that is ongoing and I understand why it is a lengthy process in terms of compiling the data. In the next few weeks we will be dealing with the Social Welfare Bill. Before the recess a motion was passed which received support from all parties except for those in government. What action will be taken following that motion? The Social Welfare Bill will be debated in the House in the coming weeks. The Minister will have all of the data by then and will have an ideal opportunity to address the serious discrimination that exists in the pension system.

Deputy Regina Doherty: The Deputy is probably correct in saying that when the changes were introduced in 2012 their impact was probably known. I would go further than that. The authors of the pensions report from 2010 knew what the impact would be on particular women. It was an issue that was known on paper but which probably did not manifest itself fully until the women started to come to the office of Deputy Niamh Smyth, to my office and that of Deputy John Brady.

I cannot be as ambitious as Deputy Brady because in order to fix this in the Social Welfare Bill next week, we collectively need to find tens of millions of euro. There was no spare change in Sinn Féin's alternative budget or in anyone else's budget in this House to allow us to include it in this year's Social Welfare Bill. I cannot give a commitment that we will fix this next week or the week after until I know the scale of the problem. However, I can give a commitment that, whatever the scale of the problem, we will fix it. If I cannot do it in this year's budget - and to be very honest, I cannot see how I can - then we will be talking about it in the parameters of next year's budget. We are going to fix it but I will make it the responsibility of everybody in this House to help to fix it and not to use it as an issue. We have already had the debate about whose fault it is, why we cannot fix it now and so on. We need to speak clearly, respectfully and honestly to the people at home who are listening about the fact that this is not a case of just finding a few bob. A sizeable amount of money needs to be found to fix this anomaly and I am not sure that such an amount is just sitting around with no earmark on it. That said, I am going to fix it and will need the help of everybody in this House to make sure it remains a priority. I look forward to hearing Deputy Brady's response to the review next week and to hearing how he thinks we can fix this.

Deputy John Brady: I am not sure if the Minister actually read Sinn Féin's pre-budget submission. While we did not have any loose change at the end of it, we did put forward specific measures to address this serious problem which affects more than 35,000 older people. Our submission proposed reversing the changes that were introduced in 2012. That is a specific measure that could be implemented straight away, rather than kicking this issue down the road further, in terms of carrying out public consultation and so forth. A public consultation process is of no consolation to those affected. What they want is the pension payments to which they

would have been entitled prior to these changes being implemented in 2012. The Social Welfare Bill gives an ideal opportunity to address this discrimination. I put it to Fianna Fáil, which brought forward a nearly identical motion to the Sinn Féin one that was brought forward in December, that now is the opportunity to put its money where its mouth is. It is not good enough bringing forward these motions. If this is not addressed in the Bill by the Minister, I will be putting forward amendments. I hope Fianna Fáil will support those amendments to bring about the end of this discrimination, rather than kicking it further and further down the road and increasing the number of older people affected, which is currently 35,000.

Deputy Regina Doherty: First, the Deputy must have misunderstood me earlier. There will be no public consultation on this anomaly. We know what we need to do to fix it and we will do it. The public consultation is in regard to probably the most progressive changes we will be making as a State to our total pension contribution system, which will see sweeping changes in 2020. There is absolutely not a chance in hell that one would make the changes we are proposing to make without a public consultation.

Second, the Deputy might go back to check his party's budget proposal. Sinn Féin did not fix it; it decided to fix it over the next three years. The Deputy should not talk about kicking a can down the road when his party decided in its budget proposal that it would introduce a bit of the payment this year, a bit next year and a bit the year after. That is kicking it down the road.

Let me very clear. I am not playing politics on this issue. This is an anomaly that is affecting 36,000 Irish citizens, many of whom have come to our offices because they feel disrespected and feel their dignity has been taken from them. We are going to fix it and we are going to fix it as soon as I possibly can fix it. That is the only guarantee I can give the Deputy until I have the full report in front of me.

Working Family Payment

65. **Deputy Willie O'Dea** asked the Minister for Employment Affairs and Social Protection the reason she no longer plans on introducing a new working family payment, as committed to in the programme for Government; and if she will make a statement on the matter. [46857/17]

Deputy Regina Doherty: The Department's approach, my approach and that of my predecessor to the working family payment is guided by two principles: first, that we have to ensure that work pays and that it is worthwhile for people to go out to work, and, second, that it should have a positive impact on reducing child poverty in the country, which is still far too high. This is of particular importance to me. To advance the commitment contained in the programme for Government, the Department established the working group and an interdepartmental group comprising relevant Departments. We carried out an extensive analysis of the existing range of supports, which demonstrated to us that many in-work supports are effective and work well in assisting families and individuals make the transition from unemployment into employment. These findings were confirmed to us by the ESRI.

It is not for me as simple as changing the name from FIS to working family payment. I am proposing to put FIS under the umbrella of working family payments because we are not done in this regard. There are certainly more enhancements that we will plan and which I will endeavour to bring forward in the future to make sure that people who are either in lower paid jobs or are currently dependent on the social welfare system have the necessary supports under the

working family payments scheme, which we will be adding to in the future. This will ensure they understand, appreciate and accept it is far more valuable for them to work than it is to be entirely dependent on the State. Therefore, it is not just a change of the name, although it might have looked like that in the budget. New measures will be introduced under that scheme in the future.

Deputy Willie O’Dea: I am not absolutely clear as to what the Minister is saying. Is she saying she is going to allow FIS to remain in place and supplement it with the working family payment, or that she is going to have a working family payment which includes the measures which we know as FIS currently? Does she accept that her party’s general election manifesto pointed out that FIS can be very inflexible and is designed in such a way that it sometimes does not achieve its objectives? Is the change to the working family payment going to take out those inflexibilities which are a barrier to people taking up work in some cases although, admittedly, this was unintentional?

Deputy Regina Doherty: The Deputy is right that it was unintentional. He is also right in what he heard. FIS is going to stay but it may be that it is modified to take out some of the inflexibilities that currently exist. What I am intent on doing is making sure the payments that will be under the umbrella of the working family payments ensure that people who are transitioning from unemployment into employment, and from under-employment into full employment, receive State supports so they realise the value of work and that work pays. Given the introductions we made in the social welfare budget this year, such as the introduction of extra money for the qualified child payment and the back to work family dividend extension, and the increase of €10 in the threshold for FIS, it is clear certain changes did get made in this year’s budget, although it has not yet been passed. These will increase the flexibility of FIS but will also allow us to expand what will be a suite of working family payments to ensure that people, when they leave unemployment or under-employment for full employment, know the value of the work and their worth in society.

State Pensions

66. **Deputy Niamh Smyth** asked the Minister for Employment Affairs and Social Protection her plans to reinstate the State transition pension; her further plans to prevent persons forced to retire at 65 years of age having to apply for jobseeker’s for one year until they reach the State pensionable age of 66; and if she will make a statement on the matter. [46590/17]

Deputy Regina Doherty: The Social Welfare and Pensions Act 2011 provided that the State pension age will be increased gradually over time. This began in 2014 with the abolition of the State pension (transition), which was available to people aged 65 who satisfied qualifying conditions. This measure standardised the State pension age for all of us to 66 years and this will increase to 67 in 2021 and to 68 in 2028. I will allow the rest of the official reply be taken as read in the Dáil record.

No changes are planned in the immediate future - no changes in this year’s budget and no changes in next year’s budget. The reason for that is twofold. First, I want to ensure that anybody who wants to work over the ages of 50 or 55 is enabled to do so. More importantly, for those people who are not working and who are on the rural social schemes, CE schemes or Tús that they are acknowledged and valued for the contribution they are making. No man or woman should be on the live register between the ages of 65 and 66, or 67 and 68, going forward, who

does not want to be.

Additional information not given on the floor of the House.

In most cases, it is hoped that workers will continue to work up to the new State pension age. Where this is not possible, there are specific measures which apply to someone claiming jobseeker's benefit from a date after their 65th birthday. Where qualified, these recipients may continue to be eligible for that payment until reaching pension age.

We are well aware that people are living for much longer. Life expectancy at birth has increased significantly over the years and is now at 78.4 years for men 82.8 years for women. This is very positive. As a result of this demographic change, the number of State pension recipients is increasing year on year. This has significant implications for the future costs of State pension provision, which are currently increasing by close to €1 billion every five years. The purpose of changes to the State pension age is to make the pension system more sustainable in the context of increasing life expectancy. This sustainability is vital if the current workers, who fund State pension payments through their PRSI, are to receive a pension themselves when they reach retirement age.

The Deputies should note that there is no legally mandated retirement age in the State and the age at which employees retire is a matter for the contract of employment between them and their employers. While such a contract may have been entered into with a retirement date of 65, in the context of the previous State pension arrangements there is no legal impediment to the employer and employee agreeing to increase the duration of employment for one or more years, if both parties wish to do so.

Deputy Niamh Smyth: I appreciate what the Minister is saying. My experience is that more people are being asked to retire at 65 who do not want to, who feel they have a lot more to give and who are quite willing and anxious to keep working. There are many fit, able, capable and young 65 year olds out there who are quite anxious to keep working and who find it rather humiliating to have to retire and then go on jobseeker's payments when they have so much left to give. As the Minister said, it is important the contribution of people working on Tús and CE schemes is valued. Going forward, it is important people are not put into that demoralising situation where they are asked to retire when they do not feel that is where they should be at and, more importantly, that their contribution is recognised.

Deputy Regina Doherty: I agree with the Deputy. Others have suggested that I bring in legislation that removes the legal obligation for people to retire at 65, but there is none. We could bring in that legislation, and I think there is a Private Members' Bill on the books already.

Deputy John Brady: It is waiting on a signature.

Deputy Regina Doherty: It would not make any difference. The reason for that is because nobody can be made to retire at 65 today, unless it says so in their contract. That legislation, if one was to bring it forward, would not change those contracts. What we need to do is change society's view so somebody at 65 does not have to be retired if they do not want to be. I met wonderful people yesterday. Sixty is the new 40, and we will all be there before we know it - some of us are there now. We are living longer and we are vibrant and healthy. In this State we are living on average until we are 84 or 86. We should be encouraging workers. I believe the way to do that is to lead by example. If we can do that in the public sector, we might see the trickle effect. What we need to do is change societal norms. Just because a person gets to

65-----

Deputy Niamh Smyth: People already do it in the private sector.

Deputy Regina Doherty: The Deputy is right. From our own perspective, we have lost a huge and valuable cohort of people in certain sectors of the public sector because we made them retire at 60. It is mad.

Written Answers are published on the Oireachtas website.

Topical Issue Debate

Care Services Provision

Deputy Fiona O'Loughlin: I tabled this Topical Issue every day since we came back at the end of September. It is in regard to the day care centre on Drogheda Street in Monasterevin, which the Minister of State may or may not know. It is a lovely town of almost 4,000 people on the Kildare-Laois border. A part of County Kildare, it went into Laois for the last general election, but we are happy to have reclaimed it for the next one. It has a strong community that cares for its own.

The day care centre was an important focal point for elderly people, not just those living in the town itself, but also its rural hinterland. In 2014, the centre was closed on health and safety grounds. This did not just impact on the elderly who used it as a day care centre, but on Alzheimer sufferers using it as an Alzheimer's centre. We all know that a respite resource is important so that those with Alzheimer's can engage with their peers and their families can have an opportunity to get on with their lives outside of the significant work that goes into caring for someone with dementia or Alzheimer's.

When the centre was closed, the day care centre moved to the local football club - fair play to the club for putting facilities in place - and the Alzheimer's centre moved to Moore Abbey, which kindly gave over space so that visits could be run on a three-day basis.

Since then, we have been given a great deal of contradictory information on when the centre would reopen. No more than ten months ago, we were told that it would be opening this past September. This was especially important from the perspective of Alzheimer Society users. However, the latest news is that the centre will not reopen until 2019. That is far too long for a vibrant community to lack such facilities.

Insurance lapsed in respect of the service users who had been going to the football club. In early September, the committee resigned *en masse*. I pay tribute to its members for the hard work that they have invested for years. I can understand why they resigned, given that they were not hearing any positive news about the centre's reopening.

The Alzheimer's centre had to move from Moore Abbey and has been housed in temporary accommodation for the second time. I thank the Dunmurry Springs golf club for hosting the Alzheimer Society. People have settled in well. Importantly, I am hearing positive reports from family members.

The HSE area manager, Mr. David Walsh, has worked hard towards the reopening of these facilities, but this has gone on for too long, and I have been concerned by the latest answers to a number of parliamentary questions that I have submitted. Apart from the timeline issue, there is no sense that the premises on Drogheda Street will revert to day care and provide services for those with Alzheimer's. According to the answers, primary care and mental health services will be provided and additional-----

An Leas-Cheann Comhairle: The Deputy will have another opportunity to contribute.

Deputy Fiona O'Loughlin: This is urgent.

Minister of State at the Department of Health (Deputy Finian McGrath): I thank the Deputy for raising this important issue. She cares passionately about dementia and the 55,000 people who suffer from it. These numbers are expected to increase to more than 130,000 by 2041 as the number of older people increases.

The national dementia strategy emphasises that, with the right supports, people with dementia can continue to live well and participate in their own communities for a long time. As part of the strategy implementation programme, dementia-specific intensive home care packages are being rolled out in a number of acute hospitals and surrounding communities countrywide, targeting people at risk of acute hospital admission and people who have finished the acute phase of their treatment. In August 2017, some 241 people living with dementia benefited under the funding allocated from the programme and 139 people with dementia were in receipt of intensive home care packages. Other elements of the implementation programme include an information and awareness campaign, called Understand Together and launched last year, and a programme to upskill GPs and primary care teams in dementia diagnosis and management.

Social care services are an important component of enabling people with dementia to remain living at home and participating in their own homes and communities. They also provide valuable supports to carers.

Regarding the specific issue of the day care centre in south Kildare, the Alzheimer Society of Ireland receives annual funding from the HSE to provide services and supports in Kildare to people with dementia and their families and carers. These services are in addition to the supports provided directly by the HSE. Monasterevin day care centre services were historically provided from an old GP surgery on Drogheda Street. In 2014, for health and safety reasons, the HSE unfortunately had to restrict access to this building. The Monasterevin GAA club kindly agreed to host the centre until capital works for the Drogheda Street premises were completed.

The HSE met the chairperson and members of the centre's board on 29 August in respect of funding issues. Unfortunately, the board subsequently took the decision to cease operations with effect from 7 September at the temporary site of the day care centre. The HSE arranged a plan with the board for the continuation of the service. Regrettably, the centre was closed while a number of issues were resolved. All service users were notified of the temporary closure and the centre reopened at the GAA club on 25 September.

The HSE has made funding available for the design phase of the Monasterevin day care centre project. It is estimated that the design phase will be completed in the first quarter of 2018. Once it concludes, the HSE will establish the exact amount of funding required from the capital plan for construction. A feasibility study in 2015 suggested a construction cost of €540,000. A project timeline can be developed once the design and costing phases are complete.

7 November 2017

The HSE is committed to the Monasterevin day care centre project and will continue to work with the centre's board and its service users in the facility's development.

Deputy Fiona O'Loughlin: The Minister of State spent most of his time speaking about services for people with Alzheimer's. I agree that these are important. In Monasterevin, they also cater for people from Kildare town and Newbridge, where there is a dearth of services. However, equally as important for the people of Monasterevin are the day care centres that cater for the elderly who live in the town and its surrounds in terms of their social activities, meals, interactions and events. Every community is entitled to this.

The Minister of State referred to the board's decision. I can understand why it made that decision. Since 2014, it has been given inaccurate information. It was a board of committed volunteers. I am glad the HSE met them and was able to iron out some of the difficulties, but this is taking too long. Funding for construction had been approved for 2017 and the HSE originally stated that construction on the site was to have been commenced by now and concluded by early 2018.

The Minister of State did not address why there had been delays or why the service users, staff and community must wait until 2019 for the centre to reopen. Monasterevin cannot be left without these services. The elderly in the town rely on it and need it in their community. I want the Minister of State to bring a message back to the Minister for Health, Deputy Harris, and those in the HSE, namely, that we need the delivery of this service as soon as possible. We should not have to wait any longer.

Deputy Finian McGrath: I strongly agree with the Deputy on the importance of social activity for the elderly, in particular in the Monasterevin day care centre. The day care centre is partially funded by the HSE through a grant agreement to a total of €3,733 per annum and is also staffed by community employment staff, the funding for which comes from the Department of Employment Affairs and Social Protection. The Monasterevin day care centre is a very important local resource.

I apologise on behalf of the Minister, Deputy Harris, but we are in the middle of a Cabinet meeting. I left to take two Topical Issues. I will give a guarantee that I will go back to the Minister, Deputy Harris, and ask him to address these issues, in particular the delays involved. I will also bring this to the attention of senior people in the HSE.

As far as I am concerned, every senior citizen, including those in Monasterevin day care centre, have the right to services. Our senior citizens have to be respected and we have to ensure that those with dementia have meaningful social activities. That is very important to the Government, in particular given the fact that people are living longer now than they did 20 years ago.

Primary Care Centres

Deputy Michael McGrath: I wish to raise an important local issue with the Minister of State. It relates to the HSE's plans to close the local primary centre in Passage West, County Cork. The Minister of State knows the geography well because he has a very close friend living nearby in Monkstown. Between Passage West and Monkstown, the population totals over 6,000. It is a beautiful part of the Lower Harbour area of Cork.

The HSE's plan is to relocate the services currently being provided in the local health centre in Passage West to a new, state-of-the-art health centre currently being built in Carrigaline. The new facility will be outstanding for the local community in the area. It is not in the town, rather it is on the Crosshaven road in a local industrial estate. The impact of the closure of the health centre in Passage West has not been thought through. The current services being provided there include public health nursing, speech and language therapy and home help services. One might say that Carrigaline is only over the road. The new health centre is located 11 km away, which one might say is not the end of the world but the problem is compounded by the fact that there is no direct bus service between the two locations.

Somebody relying on public transport in Passage West to get to the new health centre which is being built in Carrigaline will have to get a bus to Douglas and another bus to Carrigaline or, if he or she is lucky enough, get a bus which is headed for Crosshaven. If he or she gets the latter, he or she can disembark from the bus on the Crosshaven road but will still have to walk for close to half a kilometre to get to the new primary care centre. If he or she has to get off a bus in Carrigaline, he or she will be close to 2 km away.

We have to think in particular of elderly people who do not have their own transport and are instead relying on public transport. For them, this is simply not an option. It is not acceptable that parents with young children, young mothers taking children for developmental checks with public health nurses or any other member of the local community who has to avail of the services in the current health centre would be required to find their way to the new health centre in Carrigaline.

I want the Minister of State and Government to give a commitment to revisit this issue. I acknowledge the work of local councillors who have highlighted this issue for some time, including Marcia D'Alton, Seamus McGrath and Michael "Frick" Murphy. They have raised the issue at council level and I have raised it in the Dáil. I also spoke with the Minister, Deputy Harris, about this issue today. The area is growing in terms of population and demand, but there was no consultation whatsoever on the part of the HSE with the local community prior to the decision being made. Rumours started during the summer and the issue was raised at council level. I raised it with the HSE, and tabled a Dáil question in September to which I received a reply in October that confirmed the closure of the local centre in Passage West.

People want an assurance that basic primary care services will continue to be provided in the local community of Passage West. Government policy is supposed to be the provision of essential primary care services at the nearest possible point to the people they are designed to serve. I ask the Minister of State and the Minister, Deputy Harris, to intervene with the HSE and prevent the outright closure of the health centre in Passage West which will leave many people in a very bad way. I suspect many will simply not be able to avail of the alternative services which will be provided in the new health centre. I look forward the Minister of State's reply.

Deputy Finian McGrath: I thank Deputy McGrath for raising this important issue. As he said, it is an area I know very well. I spent many years there.

A Programme for a Partnership Government commits to a continued shift towards primary care so that we can provide better care close to home for communities around the country. Primary care centres are an integral part of this because of the range of multidisciplinary services they can provide and the role they play in keeping people who do not need to be in an acute setting out of hospital. Supporting infrastructure, procured through a combination of public and

private investment, facilitates the delivery of this multidisciplinary health care.

With regard to the issue raised by the Deputy, I understand from the HSE that construction of the Carrigaline primary care centre is now complete and that this centre will provide primary care services to the surrounding areas, including Passage West. The new primary care centre will add to the 105 already operational nationally and the ten in Cork.

I am advised that the Passage West health centre provides access to speech and language therapy and public health nursing, and that home help services are also delivered from the centre. I am, however, also advised that the centre is in a deteriorating condition - apparently, it is in a very bad way. The services currently being delivered from Passage West health centre will relocate to the new primary care centre. The new centre is currently being commissioned and equipped for HSE services which are due to begin to move from the middle of this month, starting with nursing.

Other HSE services to relocate include physiotherapy, occupational therapy, dental, and a home support office. GP practices and a pharmacy opened in the centre in August 2017. Space will also be allocated for additional services not previously available in Carrigaline. In addition, the building will accommodate the children's disability team for the local network, as part of Cork children's developmental service roll-out. The centre will provide primary care and network services to the population of Carrigaline and the surrounding areas, including Passage West, which is the region of 26,000.

The HSE has advised that Cork and Kerry Community Healthcare does not have a finalised timeline for the closure of the Passage West health centre. However, it is expected that the provision of HSE primary care services in the centre will cease in early 2018. Planning in this regard is ongoing to ensure arrangements will be in place to meet the health care needs of the Carrigaline-Passage West catchment area.

I know the Deputy was in contact with the Minister, Deputy Harris, about this matter, and the HSE has assured us it will make arrangements to provide the required services at a location convenient to the small number of people who may not be in a position to travel to Carrigaline. I have been advised that local HSE management has offered to engage with any community or voluntary groups interested in delivering health related services from the building in Passage West, further to communication from local representatives in this regard. They are listening to the voices of local representatives.

I have also been advised that the HSE understands the concern from the community regarding access to Carrigaline primary care centre and is in discussion with Bus Éireann on improving public transport access.

6 o'clock

Deputy Michael McGrath: I thank the Minister of State for the reply. The bus service will not resolve the problem. Even if there is a direct bus service to Carrigaline, it does not take people directly to the new primary care centre and even if one gets on a bus going to Crosshaven, it still does not take the person directly to the new primary care centre. There are really serious and practical difficulties for people who do not have their own private transport and who rely on public transport.

The Minister of State indicated that, having consulted with the Minister, Deputy Harris, the

Health Service Executive has made assurances that for the small number of people who may not be in a position to travel to Carrigaline, the HSE will make arrangements to provide the required services at a location convenient to the person. That is a new statement and I welcome it but I am not entirely sure what it means. Does it mean that for elderly people who do not have their own transport or parents of young children who must avail of the service locally, there will a service provided in Passage West? Will the Minister of State elaborate on what he believes that means? If he cannot give an answer on the floor of the House of which he is certain, will he engage with the HSE to get an answer for me?

The bottom line is the people living in Passage West and some surrounding communities who do not have their own private transport rely on the services provided in the existing health centre. We are not wedded to that building or a model of delivering services but people are absolutely committed to the principle that services would be provided locally in the community of Passage West. The new facility in Carrigaline will be fantastic for those in a position to avail of it and it will have wider services. A number of people - I do not accept it will be a small number - will potentially be trapped and end up doing without a service. Will the Minister of State elaborate on the statement and if he cannot, will he please consult with the Minister, Deputy Harris, and the HSE to give us reassurance on its meaning? It sounds promising but I do not quite know what it means.

Deputy Finian McGrath: I accept many of the points raised by the Deputy about senior citizens and other service users. We must ensure services are accessible for such people. The Deputy refers to the indication that the HSE will make arrangements to provide the required service at a location convenient to the person. My interpretation is it will make provision for the people about which the Deputy speaks but I will follow up and ask the Minister, Deputy Harris, and the HSE what is the exact meaning.

Deputy Michael McGrath: Will the Minister of State come back to me on that?

Deputy Finian McGrath: Yes. It is important to acknowledge that the local HSE management has offered to engage with any community or voluntary groups interested in delivering services from the building in Passage West. They are also open to listening to the voices of local representatives. The Deputy mentioned that many councillors were supportive of his position as well. We must acknowledge that Bus Éireann must improve the public transport service in that area and discussions are ongoing in that respect. The core matter is making arrangements for the provision of a service at a location convenient to the people affected and I will follow that up, bringing the Deputy's concerns to the Minister, Deputy Harris. We will respond to that.

Planning Guidelines

Deputy Eamon Ryan: I am sure many Deputies, particularly those representing the constituencies of the west, are deeply concerned about the apparent failure of Apple to proceed with a data centre in Athenry, as was originally planned two or three years ago. It was held up in the planning system. I add a particular concern to the debate and put a case to the Minister. There were difficulties in the planning system, which was unfortunate, but people have their rights and we would not interfere with them. The Government has also been caught out with a complete lack of vision or support for the shift to a renewable future, and Apple can see that. It is not by coincidence it has gone to Denmark, a country committing to 50% wind power by 2020 and 84% wind power by 2035. This can be compared with Ireland, which will not meet

its target of 40% of electricity coming from renewables by 2020: we will not meet any of our targets and we will probably be the worst performer in terms of emissions reductions in Europe. Effectively, we cannot build anything in this country now as we have lost the public, and part of the reason is a lack of political leadership, as the Citizens' Assembly indicated last weekend.

The matter is ongoing. I read a recent submission from the Irish Government on work for new directives in the European Council relating to renewable power. It is hard to believe but our Government submitted an amendment to the effect that we should not be thinking long-term or be ambitious in setting 2050 targets and decarbonising power systems. I am sorry but when we keep doing that and shooting ourselves in the foot, we portray ourselves as old, out of date, backward and not green. It indicates we do not want to be part of a new digital modern economy and it eventually comes home to roost in the likes of the decision we are discussing. Apple understands and sees it. It knows it can build in Denmark, which wants a renewable future. Why would the company work with a Government which does not want such a future or do anything about it except paying lip service? That is one of the stories behind this Apple decision. The Government has been exposed on a problem of a lack of commitment to this transition we must make.

This is a real problem for the west of Ireland when it means this flagship project will not go ahead. My God, it says something. It comes on the back of us already saying we will not build out the grid to the west of Ireland as it is a politically difficult decision. I know it is tough but that has consequences. Sometimes we must stand up to the public and be honest. We know nobody wants to build out the grid and it is not easy but if we pull back, as we have done, there will be consequences for Galway, Mayo, Roscommon, Sligo and Donegal. Dublin is packed with data centres and we have no problem getting them because we have a grid and other infrastructure. If we do not provide the underlying infrastructure, the west will not develop and that is what happened because Fine Gael was asleep on watch. It stood back from the responsibility to provide infrastructure that would have allowed fibre cables and grid connections that allow modern industries to form.

What a loss that is and how will we turn it around? We can start with this Government looking to stand up for a green transition and being ambitious in terms of decarbonisation. That is not happening in any Department or with any Minister. Apple read that and understood it, just as the Citizens' Assembly did this weekend. They know there is no political leadership around decarbonisation. Why would Apple do its business here? It is now off to Denmark. That is the story of what happened in my mind.

Minister of State at the Department of Business, Enterprise and Innovation (Deputy Pat Breen): Before replying to the substantive matter, I should say I do not understand the Deputy's statement that Apple has gone to Denmark. Ireland and Denmark were chosen at the same time and it just happened that planning in Denmark was approved more quickly than in Ireland. It is not a matter of Denmark being greener.

Deputy Eamon Ryan: Apple will build a second data centre in Denmark.

Deputy Pat Breen: The Deputy stated that he accepts the planning process. I recognise that the project in question would be a landmark investment for Galway and the west. The Deputy left County Clare out of his contribution but it is very important to Athenry, which is just up the road from the county. Most parts of County Clare are accessible from Athenry within 20 or 30 minutes, especially with the new motorway. It is important to us and it is why, as Minister

of State with responsibility for data protection, I have taken a special interest in the project. It would have significant benefits for Athenry and the local area, as well as a real positive impact on the wider regional economy. That is why the Government remains very keen for the project to go ahead.

As we know, the Taoiseach visited the US last week and met senior management from Apple. He made it clear that the project has the full support of our Government and of the local community in Athenry. He also stressed that Ireland is a country that values and supports technological investment like that being proposed in this case. Members, including the Deputy, will recognise that this is ultimately a commercial decision for the company to make. We know such decisions can be informed by a range of different factors but we will continue to encourage Apple to proceed with the data centre project in Athenry.

More generally, the delays that have beset this project have served to underline the need to have an efficient and speedy planning process in place in this country. It is incumbent on us to ensure that similar projects are not unreasonably delayed again in the future. The Government has already been taking steps to avoid a repeat of this situation. This may include the designation of data centres as strategic infrastructure developments for planning purposes. That would help ensure that future data centre-related planning applications can move swiftly through the planning process. Other measures to streamline the planning process may also be considered. I can talk to the Deputy about that later on.

I want to be absolutely clear that while the company has not committed to proceeding immediately, it has not abandoned the project in Galway. The company has instead said that its potential investment in Athenry remains under active consideration. Given the planning issues have now been resolved, we are certainly optimistic that the data centre will proceed in the future. I can assure the Deputy that the IDA is in active dialogue with the company from their two offices in northern and southern California. It is talking to Apple on a weekly basis. I spoke with the chief of the IDA, Mr. Martin Shanahan, this evening about the issue and he assured me that no stone is being left unturned to ensure that projects like this come to Ireland. There is a future for data in this country. I am travelling to California myself in the new year and I hope to assure Apple of Ireland's importance as a centre for data centres.

Data centres remain an important aspect of Ireland's foreign direct investment offering. The strengths we have to offer for this type of project include our climate, which the Deputy referred to, our energy supply, our business environment and our educated workforce. These are well known and are committed for other investors as well. We are a digital leader in northern Europe. Many leading companies have announced significant data centre investments here, and the IDA continues to work day-in and day-out to secure further such projects for the country. The year 2016 was a record year for FDI in Ireland, both in terms of the number of jobs created and investments won. We are on track for more strong results for 2017 and this shows we are continuing to attract capital-rich foreign direct investment projects to Ireland and we will continue to do so. Data centres are extremely important for us, and will continue to be important.

Deputy Eamon Ryan: One of the reasons we seem to have lost this project - I hope we have not lost it but all the signs suggest we have - is that a 100% renewable power supply was required. The Minister of State cannot say that we are good in terms of meeting a zero-carbon energy demand. We are just not doing it. Denmark is doing it and that is why it is winning investment for data centres. Perhaps on the first plant it could be said that the countries were in a race and Ireland lost out because of planning. However, Denmark also got the second plant,

worth €950 million, ahead of Ireland.

I believe that one of the reasons for that is that Denmark can guarantee a 100% renewable power supply because it is committed to that idea. The Government here is not. Denmark is using animal waste in really sophisticated ways. For example, it uses methane to power the plant. Heat from the plant is used for district heating. There is clever balancing of energy systems. None of that is happening in this country. It is not because Ireland cannot do it or because the technology is not transferable, but because there is zero political leadership here in terms of renewable energy. The digital revolution and clean energy revolution go together. Fine Gael did not believe that. The public administration system here does not believe it. Irish representatives are in Brussels this week fighting against ambitious renewables targets. That is the reality of what Ireland is doing. We cannot then expect Apple, which is not stupid and which can read the same files that I can read, not to believe that Ireland is a regressive country in its arguments with the European Union. That has a consequence in terms of investment decisions like this, involving 100% renewable energy systems. It is one of the reasons that investment is not happening here. Apple can read what the Citizen's Assembly read this week, that Ireland does not do 100% renewable power.

Deputy Pat Breen: The Deputy is completely missing the point. When Apple proposed this project it was quite clear to it that there was ample energy for its needs in the area. That is why it went ahead with the process. The problem is the planning process here and the Deputy failed to mention that. In fact, the Deputy acknowledged the planning process at the start of his question. We want to provide certainty in the future for new data centres in Ireland. I attended a number of data centre conferences in recent times and the interest here is phenomenal. Ireland is becoming an attractive location for data centres. I have outlined the reasons why this is the case - our climate, our education and our environment. We are also a digital leader in Europe. We can compete with any other country in northern Europe for these centres. Data is extremely important to digital. It is the gold of the future.

The delays were caused by planning. The planning process is cumbersome and lengthy and involves court processes. The Government wants to change that. That is why the Taoiseach has proposed fast-tracking these projects, because there is a lot of interest in them. Balanced regional development is very important to us. The Deputy himself said that Dublin is full of data centres. We want to attract data centres to different parts of the country, not just to the greater Dublin area. We are speeding up the process to ensure that we have strategic infrastructure for the country in the future. Data centres are the oil of the future. Currently there is a two step planning process, involving the local authority and An Bord Pleanála. We want to investigate the possibility of having a one step process and have more pre-planning consultancy. That would be important and would get that message across to other data centres out there.

It is important to repeat that Apple has not abandoned this project. It is part of its future and people such as the Minister of State at the Department of Foreign Affairs and Trade, Deputy Cannon, are very much part of this as well and are supportive of this project. I support this project; I am from County Clare, just over the border from Galway. The Deputy is missing the point. The problem here is the planning process; it has nothing to do with renewable energy.

(Interruptions).

An Leas-Cheann Comhairle: Both Deputies have had their time.

Dáil Éireann
Housing Provision

Deputy Pat Buckley: The House may not be aware, but council housing waiting lists have increased by 9% in the last 12 months. What this means in real terms is that the housing waiting lists for local authority housing has increased from 91,600 households in September 2016 to 99,555 in September 2017 in this State. In my county of Cork, Cork County Council local authority area waiting lists have increased from 4,241 in September 2016 to 6,948 a year later. This is an increase of 63%. In figures, 2,707 households are now on the waiting list. Something is not right here. It is quite simple; the Government is not building or buying a sufficient number of social and affordable housing units to meet the ever increasing demand. What is even more troubling is the very fact that in the same period there has been an increase of 18,671 households signing up for the housing assistance payment, HAP. When a household goes into HAP it is removed from its respective council list. HAP has increased by 18,671. The House could surmise that as a reaction to this scenario the council housing waiting list would come down, but unfortunately the opposite is happening.

Does the Minister of State know the kind of stress this puts on families and individuals and how many are suffering at the moment? It has to be soul destroying for parents, or a parent, to turn to a child or their children and say, “No love, it is not going to happen tonight, but maybe tomorrow”. This is the reality for so many people, including families living in hotels and in temporary accommodation. Do we know what it feels like for a child in school when their classmates find out that they do not live in a house? Do we know what it is like for a child when he or she cannot invite friends around to play because they do not have a garden? The whole family unit can be torn apart because it does not have a place to call home. Home is the vital word here.

I am delighted to talk to the Minister of State tonight, but I am appealing to him please to review the social housing targets for 2018 and beyond and to secure additional funds to increase the targets and to meet the ever-growing demand for affordable and social housing.

Minister of State at the Department of Housing, Planning, Community and Local Government (Deputy Damien English): I thank the Deputy for raising this important issue which concerns thousands of citizens not just in Cork, but throughout the country. The latest official figures available relating to local authority housing lists are those which were prepared on foot of the statutory summary of social housing assessments, SSHA, carried out in September 2016 by the Housing Agency. This identified 91,600 households nationally assessed by local housing authorities as being eligible and in need of some form of social housing support. Within this number, there were 4,241 households on Cork County Council’s waiting list, which represented an 11.7% decrease on the figures from the previous SSHA carried out in 2013.

The 2016 SSHA figures are the most up-to-date official figures available on waiting list numbers. They provide the most accurate and reliable record of the number of households qualified for social housing support under the social housing assessment regulations 2011 and whose housing need is not being met in any way. The data were compiled following a common methodology across 31 local authorities and a subsequent rigorous analysis of the data collected. The current national figure of 91,600 represents the “net need” position as at 21 September 2016 and was calculated having excluded duplicate applications, households appearing on multiple lists in different authorities, households already in receipt of a form of social housing support such as the rental accommodation scheme, RAS, or the housing assistance payment,

HAP, and households which have applied for transfers.

Other higher figures that have been reported in the media recently are simply not wholly accurate or reliable. For example, I note that data obtained by Deputy Ó Broin last week reported 6,948 households on the Cork County Council list. If true, this would represent a 64% increase on the 2016 SSHA data. However, these figures were not of “net” need, that is, they did not exclude the categories I mentioned earlier, namely, duplicates, persons in receipt of HAP or on transfer lists and so forth. They were essentially a snapshot of “gross” housing need at a point in time, September 2017. Clearly, these figures cannot be relied upon as they have methodological weaknesses.

The Department’s summary process, which involves all local authorities working together with the Local Government Management Agency, LGMA, to a common set of rules, delivers the most accurate and up-to-date count of those households most in need of social housing support across the country. I am emphasising this point not out of some misguided defensiveness but because it is absolutely vital that the unprecedented level of Government investment in social housing delivery over the lifetime of the Rebuilding Ireland action plan is targeted in the most efficient and effective way possible. We must have data on which we can rely. The right type of social homes must be delivered in the right places to the right people as quickly as possible. It is essential, therefore, that we work off the right data to set our social housing targets over the coming years and that we adjust them as required and as circumstances change. It is for this reason that this Government has moved to producing the SSHA on an annual basis.

We need the space and time to focus on housing delivery, which must be the absolute priority over the coming few years. Time spent arguing over spurious sets of raw figures put into the public domain is time wasted. It helps nobody. Currently, the Department is finalising the results of the 2017 housing assessment summary. I expect that the data will be ready for publication within the next few weeks at the latest. This will allow the Department, in partnership with the local authorities, to plan strategically the delivery of the bulk of the €6 billion Rebuilding Ireland investment programme over the period 2018 to 2021. The early indications are that, broadly speaking, the number of households qualified for and in need of social housing support is down nationally. This shows that we are slowly moving in the right direction. Rebuilding Ireland is working. I agree that it is not as quickly and as widespread as we all would like, but the progress is positive nonetheless. In addition, the trends are also positive and moving in the right direction.

The provisional data are showing, however, that a small number of authorities have shown an increase in waiting list numbers. One of these is Cork County Council, which is likely to see a moderate increase on last year. This is something which all involved are working hard to correct in a strategic and targeted way, through the full implementation of Rebuilding Ireland.

Deputy Pat Buckley: I thank the Minister of State for his frankness. We can argue about percentages but we will not fall out over that. The Minister of State referred to households appearing on multiple lists in different authorities. I am a little confused by that because it is extremely difficult to move from the county housing list to the city housing list in Cork. I assume there is airbrushing of figures there. We want to ignore it at present.

The Minister of State also said that the early indications are that the number of households qualified for and in need of social housing support is down nationally. Again, I must disagree with that. It is probably the bane of all Deputies and county councillors that 90% of the issues

raised in our constituency offices relate to housing, so we know there is a national emergency. In its alternative budget Sinn Féin proposed an additional spend of €702 million to the Government's original spend. The proposal has been costed and I appeal to the Minister of State to examine it so we can make a difference.

Finally, on a nicer note, I take this opportunity to congratulate the housing departments in the local authorities and, in particular, in Cork County Council and Cork City Council for their excellent work to date. I also congratulate my local county councillors, Danielle Twomey and Melissa Mullane, on their tireless work. It is unfortunate that the task has been made very difficult because the Government has not been providing enough money locally. Local knowledge is vital and when local authorities were building houses, the system worked better. I recall that around three years ago an individual in the housing department said to me, "You know, if this situation keeps going the way it is we will probably have a better chance of emptying the Red Sea with a bucket with no ass in it." That would be tough to do.

Deputy Damien English: We agree that we face unprecedented challenges regarding the supply of social housing. That has been the issue. Governments of different parties before the recession decided to withdraw local authorities from delivering housing and we are trying to put that capacity back into the system. We are asking local authorities, councillors such as those mentioned by the Deputy and the staff who are involved in this to get back into house building directly, as well as into greater provision of housing. They are taking on that challenge. That has meant increasing budgets and staff and we are doing that. It has taken the last 12 to 18 months to build capacity into the system but the Deputy will see far more delivery coming on stream in direct build, acquisition and voids being brought back into the system. It is important to do that.

The Deputy is correct to thank local authority members and their staff, but I ask them to do even more and to approach this in an urgent way. We are making the money available and there will be increased resources next year as well. The total national funding provision is €1.9 billion for housing next year, an increase of over 46% on 2017. It will allow us to meet the social housing needs of 25,500 households. A large element of that is for the delivery of almost 5,900 social houses - 5,000 through a range of construction and 900 through acquisition programmes. We will need local authorities to be able to fast-track more and to increase the pipeline of projects. That will require the co-operation of local authorities members to use all the powers they have, but that must happen.

I read Sinn Féin's alternative budget as well as its submission to the review of Rebuilding Ireland and its constant discussion of the magic figure of 50,000. We are on the same page with regard to the number of houses we wish to deliver. However, the Government recognises that it takes time to get the supply ramped up. I believe Sinn Féin understands that now as well. We must push it forward as quickly as we can, so I agree with the Deputy.

Unfortunately, County Cork appears to have experienced a moderate increase in its waiting list. However, we are confident that this position will change. Indeed, the level of investment in the county at present should see that change take place quite quickly. We will allocate increased resources if needed. I will give the Deputy the current figures. The construction projects planned at present will deliver approximately 262 units over the next two years with an approximate cost of €60 million. In addition, turnkey projects should deliver 350 social houses at a cost of €75 million. There are also significant acquisitions being funded by the Department through the local county council, along with an increase in HAP and voids. We wish to

see more in the pipeline, as that will not be enough to solve Cork's problems. We are asking all local authorities to increase the pipeline of projects over the years ahead. The resources are available. Taxpayers' money has been allocated to this, so we must make it happen as quickly as possible.

Water Services Bill 2017: Order for Report Stage

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I move: "That Report Stage be taken now."

Question put and agreed to.

Water Services Bill 2017: Report Stage

An Leas-Cheann Comhairle: All Members can speak twice on each amendment or group of amendments. The first contribution shall not exceed seven minutes and the second shall not exceed two minutes. Of course, the Member who moved the amendment has the right to reply, which shall not exceed two minutes. Amendment No. 1 is in the name of Deputy Eoin Ó Broin. He is aware from correspondence from the Ceann Comhairle that it is out of order.

The subsequent amendments Nos. 2 to 14, inclusive, are out of order.

Amendments Nos. 1 to 14, inclusive, not moved.

Deputy Mick Barry: I want to make a brief point about amendment Nos. 1 to 14, inclusive.

An Leas-Cheann Comhairle: Do you want to make a point on all of them?

Deputy Mick Barry: It is a brief general point.

An Leas-Cheann Comhairle: We are at amendment No. 14 now, but of course the Deputy may make his point. To which amendment does it relate?

Deputy Mick Barry: I want to make the point that 30 amendments to the Water Services Bill have been ruled out of order. It seems that a crude approach has been taken in ruling out amendments to this Bill. For example, my group submitted an amendment which would say that rather than the Dáil having the power to reduce the threshold for the so-called excessive use charge in five years, as proposed in the legislation, and is in our view an attempt to introduce water charges through the back door, that the Dáil would not be allowed to do that for 999 years. That has been ruled out of order. Will the Leas-Cheann Comhairle or the Minister explain to me and to the House why that amendment, and so many others which have been put down by the left and Sinn Féin - I notice that Fianna Fáil has not tabled a single amendment to this Bill, which is very instructive - have been ruled out of order in such a crude fashion in order to defend this Bill?

An Leas-Cheann Comhairle: The Ceann Comhairle did not rule them out in a crude fashion. He considered all the amendments in detail. Many of the amendments which were ruled out had been ruled out already at Committee Stage. If there is a query over any amendment in particular, I will give an explanation.

We are now at amendment -----

Deputy Jan O'Sullivan: I want to ask a question about my two amendments in that group

Deputy Richard Boyd Barrett: So do I.

Deputy Jan O'Sullivan: ----- which are amendments Nos. 4 and 9. They were specifically in relation to not commencing sections of the Bill until such a time as there is a date for a referendum on the maintaining the water infrastructure in public ownership. They were ruled out of order on the basis that they represented a cost to the Exchequer and on the basis that they were not pertinent to the Bill. However, the Bill specifically says that it is to implement recommendations of the Joint Oireachtas Committee on Future funding of Domestic Water Services and the very first recommendation of that committee was that a referendum should be held on public ownership. I cannot understand why my amendments are not pertinent to the Bill. Furthermore, considering there will be seven or eight referendums in the next couple of years, I cannot see why this one would be a cost to the Exchequer if it was held on the same day as some of the others. I have an issue with why it is being ruled out of order, particularly when it was the first recommendation on which we all agreed. We did not agree on many things in that committee but we were all agreed that there should be a referendum on maintaining the infrastructure in public ownership.

An Leas-Cheann Comhairle: When the Ceann Comhairle ruled these amendments out of order, a letter was sent to each Member to explain why. On amendments Nos. 4 and 9, although we have moved on and will be dealing with amendment No. 15 in a moment, while they are relevant to the subject matter of the Bill they are not relevant to the provisions of the Bill and could impose a cost on the Exchequer. Therefore they have to be ruled out of order in accordance with Standing Orders 154(1) and 179(3).

Deputy Jan O'Sullivan: I do not accept the reason but I cannot do anything about it.

An Leas-Cheann Comhairle: We are at amendment No. 15 to be moved by Deputy Brid Smith or Deputy Boyd Barrett.

Deputy Richard Boyd Barrett: Before that, I want to say something on the amendments being ruled out of order. I do not understand, and I say so genuinely, amendments Nos. 16 and 18 tabled by Deputies Coppinger, Barry and Paul Murphy have been allowed and we will be allowed to debate them, and rightly so. They regard the preparation of reports on swimming pools and large water features in private residences. They related to water conservation and the need, following the passing of this Bill, for the Government to prepare reports on water conservation issues, which is right and proper, yet oddly, a whole series of other amendments also dealing with matters of water conservation, which similarly call for reports to be produced on water conservation measures, water infrastructure improvement measures, and indeed, swimming pools, have been ruled out of order. I cannot understand that. How can one series of amendments dealing with those topics be allowed and a whole raft of others dealing with precisely the same topics not be?

Deputy Seamus Healy: I wish to make a point of order.

An Leas-Cheann Comhairle: What is the point of order?

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Deputy Seamus Healy: It relates to the amendments being ruled out of order. Three of my amendments were ruled out of order. I do not understand why. I got a letter from the Ceann Comhairle on the matter but it does not explain why they were ruled out of order.

An Leas-Cheann Comhairle: I will explain to the Deputy.

Deputy Seamus Healy: I do not accept that they are out of order. The whole Dáil has accepted that there should be a referendum to put water and water infrastructure into the Constitution to ensure that it remains in public ownership. To rule that out of order is unacceptable and is a slight on the House. It should be part and parcel of this legislation.

I put down an amendment to abolish Irish Water. The Leas-Cheann Comhairle will recall that the majority of Deputies in this House were elected at the 2016 general election on the basis that they wanted to see the abolition of Irish Water. It is a toxic entity and one which has no way of communicating with the public. In my view and in that of the majority of Deputies elected in the last general election, it should and must be abolished.

On amendment No. 32 -----

An Leas-Cheann Comhairle: We did not get that far.

Deputy Seamus Healy: -----that amendment says that the excessive charge will be -----

An Leas-Cheann Comhairle: We will deal with amendment No. 32 when we reach it but we must have some order.

Deputy Seamus Healy: This is total in order or unorder or whatever the Leas-Cheann Comhairle wants to call it.

An Leas-Cheann Comhairle: We will deal with amendment No. 32 when we reach it.

Deputy Seamus Healy: These are real issues. These are the issues on which Deputies in this House were elected at the last election and we are being stopped from discussing them.

An Leas-Cheann Comhairle: We will deal with amendment No. 32 when we reach it. I call Deputy Joan Collins.

Deputy Joan Collins: I want to speak to Part 1 of the Short Title, collective citation and commencement and the amendments being ruled out of order on that part of the legislation.

An Leas-Cheann Comhairle: Which amendment is this?

Deputy Joan Collins: No, it relates to the first section of the Bill.

An Leas-Cheann Comhairle: We are just on the amendments.

Deputy Joan Collins: I believe nine of the amendments which have been ruled out of order relate to section 1 of the Bill. I cannot understand how some amendments dealing with a request for a report conservation grants, swimming pools and a campaign in schools and so on, can be ruled out of order on one hand and on the other be in order.

In the amendments on a referendum, they provide that one would take place six months after the enactment of this Bill. It was a very important part of the debate at the Joint Committee on Future funding of Domestic Water Services and I am very surprised -----

An Leas-Cheann Comhairle: Deputy Collins must hold on one minute.

Deputy Joan Collins: I will finish on this point, because it is very important.

An Leas-Cheann Comhairle: No.

Deputy Joan Collins: Deputy O'Sullivan spoke on the referendum. It was the main point of principle. Fianna Fáil supported it; everybody supported it. We even have pictures of Deputy Barry Cowen signing the referendum charter for SIPTU-----

An Leas-Cheann Comhairle: We are not debating that amendment.

Deputy Joan Collins: -----indicating that he would support a referendum on public ownership of our water.

An Leas-Cheann Comhairle: There has to be-----

Deputy Joan Collins: It is really important that we register this part of the contribution.

An Leas-Cheann Comhairle: There must be some order in this debate. First of all, let me say very clearly that the Ceann Comhairle would not do anything that would be a sleight on this House. Let me make that clear. Let us move on from there. I will go through any of the amendments which have been ruled out of order. It is not the first time that many of these amendments have been ruled out of order. Many were ruled out of order on Committee Stage and have been retabled.

Deputy Joan Collins: They should not have been ruled out of order.

An Leas-Cheann Comhairle: I will give an explanation on any amendments which are being ruled out of order, including those to which the Deputy is referring, when we come to them. We are now at amendment No.15. It is in the name of Deputies Bríd Smith, Richard Boyd Barrett and Gino Kenny and arises out of committee proceedings. Will Deputy Boyd Barrett move the amendment?

Deputy Seamus Healy: On a point of order-----

Deputy Richard Boyd Barrett: I genuinely do not want to carry on this for no purpose.

Deputy Seamus Healy: On a point of order-----

An Leas-Cheann Comhairle: No.

Deputy Seamus Healy: The Leas-Cheann Comhairle has said he would explain why amendments are out of order. We have gone past amendment No. 12.

An Leas-Cheann Comhairle: Wait a minute. When I put it to the House that the amendment was out of order, the House agreed. No one raised an objection.

Deputy Seamus Healy: No one raised the question of the referendum or the existence of Irish Water.

An Leas-Cheann Comhairle: Hold on. When I went through amendments Nos. 1 to 14, I said they were out of order and no one raised the issue. We are at amendment No. 15 now.

Deputy Mick Barry: I objected.

(Interruptions).

An Leas-Cheann Comhairle: There was a general question.

Deputy Mick Barry: I objected to them all.

An Leas-Cheann Comhairle: There was a general question. The Deputies can check the record. The next amendment we are dealing with is No. 15. I call on Deputy Boyd Barrett to move the amendment.

Deputy Richard Boyd Barrett: I am sorry Leas-Cheann Comhairle, I will move it in a second but genuinely, at the first opportunity I had to get up and speak, I objected to the amendments prior to No. 15, which include amendments which I tabled, being ruled out of order. I asked a very specific question.

An Leas-Cheann Comhairle: On which amendment?

Deputy Richard Boyd Barrett: On amendment No. 7. I asked why it had been ruled out of order when other amendments of exactly the same character and content-----

An Leas-Cheann Comhairle: Which amendment?

Deputy Richard Boyd Barrett: Amendment No. 7. Why was it ruled out of order when other amendments such as Nos. 16 and 18, which deal with precisely the same subjects, are allowed? I just do not understand it. It is inexplicable.

An Leas-Cheann Comhairle: Amendments Nos. 5 and 7 seek to provide that the Minister shall, within six months of the Act, provide for a referendum, report on the establishment of a conservation grant, report on altering building regulations to incorporate conservation measures, report on plans to upgrade the water infrastructure, report on the number of private residences with swimming pools and propose a levy on these pools. Such extensive reporting is outside the scope of the Bill and therefore the amendments must be ruled out of order in accordance with Standing Order 154(1). That is the ruling.

Deputy Richard Boyd Barrett: That is precisely my question.

An Leas-Cheann Comhairle: Well that is the answer.

Deputy Richard Boyd Barrett: It does not answer the second part of my question, which is, if that amendment is out of order, why is it that other amendments which deal with exactly the same issues have, rightly, not been deemed out of order?

Deputy Eoghan Murphy: They were ruled out of order as well.

Deputy Richard Boyd Barrett: There is an inconsistency. I do not see how a Standing Order which rules out some amendments on a given basis, does not apply to others on the same basis. It just does not add up.

Deputy Mick Barry: The amendments are being butchered.

An Leas-Cheann Comhairle: That is the ruling.

Deputy Richard Boyd Barrett: It is not an explanation however.

Deputy Ruth Coppinger: The Leas-Cheann Comhairle said he would give an explanation.

Deputy Richard Boyd Barrett: It is not an explanation and it shows an inconsistency and incoherence to the-----

Deputy Joan Collins: To the Bill itself.

Deputy Richard Boyd Barrett: -----way in which amendments are being dealt with.

An Leas-Cheann Comhairle: I call on Deputy Boyd Barrett to move amendment No. 15.

Deputy Seamus Healy: The explanatory memorandum for the Bill talks about what is in the Bill. The third paragraph clearly mentions a “number of related issues”. Surely, a referendum to keep water services in public ownership is a related issue. Surely, the abolition of Irish Water, a toxic entity which has brought us to where we are tonight-----

An Leas-Cheann Comhairle: We are not going to have a debate tonight.

Deputy Seamus Healy: -----is a related issue. These issues should be allowed in the Bill.

An Leas-Cheann Comhairle: I have made the ruling and the amendments have been ruled out of order in accordance with Standing Order 154(1). If there are other issues as we go along we will deal with them. I call on Deputy Boyd Barrett to move amendment No. 15.

Deputy Richard Boyd Barrett: I move amendment No. 15:

In page 8, to delete lines 22 to 30.

This is really the only opportunity we will have to shoehorn in all the other issues. It should not be like that. It does, in my opinion, curtail a debate on the issues that-----

An Leas-Cheann Comhairle: My apologies to the Deputy, can I just say that amendments Nos. 15, 16 and 18 are related and will be discussed together.

Deputy Richard Boyd Barrett: Interestingly, the Government, through this Bill, seeks to allow, in the section which my amendment deals with, monitoring of water usage in dwellings. That is allowed and is deemed relevant to the Bill and yet a whole series of amendments which seek to deal with water conservation and water usage more generally, and particularly wasteful water usage, have been ruled out of order and deemed not relevant to the Bill. To my mind that is a very political decision. One type of monitoring of usage is legitimate - monitoring which opens the door to charges being levied against individuals and households. That kind of monitoring is allowed and we can have it in the Bill. Monitoring which seeks to address excessive usage by super wealthy people with swimming pools is apparently not relevant. Monitoring which looks at water conservation in the mains, where the real leakage happens, is not relevant to the Bill. A referendum which seeks to keep water services in public ownership so that private vultures do not pillage our water system for profit, which in places such as Britain has led to a disastrous collapse in investment in water infrastructure and leak prevention, is not deemed relevant and is ruled out of order. It is okay however to monitor the individual. Do not monitor the corporations or the Government’s failure to deal with the massive leaks in the system, but monitor the individual - the one area in which the expert commission said there was no wastage. Why does the Minister need this reference, which I do not fully understand, to a distinc-

tion between households of four as opposed to individuals? Why does he need the averaging of 2.75 people per household? If the charges are levied on that basis, what happens if a third or fourth person is in the house? The Minister shakes his head at that but that is how the legislation seems to read.

Deputy Eoghan Murphy: No, it does not read like that.

Deputy Richard Boyd Barrett: Why then does the Minister include these interesting distinctions? He can try to explain them but, to my mind, it indicates that he is trying to leave that back door open through this sort of mechanism. Then he will be able to vary what he considers excessive usage and levy charges, as soon as he thinks it is politically expedient or possible to do so. I take some comfort in the fact that it will not be politically possible for him to do it any time soon because he would suffer an absolutely extraordinary political backlash. It is the people's resistance which has forced the Minister to back-pedal as far as he has. This kind of measure is about leaving the back door open and trying to establish the principle of a threshold, above which people will pay. The Minister will then begin to move that threshold based on the monitoring of individuals' usage and new definitions of what excessive usage is, which he can introduce over time. That has been always the Minister's agenda. It was never ever about water conservation for him or for Fine Gael. It was always about getting a bridgehead in respect of charging individuals which would allow bills to be sent and a revenue stream to be generated from water services which, at some time, will allow for the privatisation of water services. That, of course, is also why the Government does not want to hold a referendum. It does not state it directly, but it cites the legal difficulties and constitutional complexities of defining public ownership. However, all of that is mar dhea because it actually wants to leave the door open for the reintroduction of water charges at some point.

A point we do not emphasise enough in this debate is that there have been three successive attempts by the political establishment to introduce water charges. It is not new. An attempt was made in the 1980s and another in the 1990s. There is also an attempt now. Therefore, it was not the troika that was responsible. The Government was not pushed into doing this. The decision predates environmental concerns. It was the Fine Gael-Fianna Fáil agenda from the word go, but they were not able to implement it because of popular anger and resistance. The logic of the amendment is to delete the problematic provisions in the Bill which are, at best, ambiguous and essentially leave the door open for the monitoring of usage by individuals, paving the way for the reintroduction of charges for usage below what the Government has defined as excessive.

Deputy Eoin Ó Broin: One reason we just had the argument about the amendments that had been ruled out of order is the deficiencies in the Bill. I wish to put my comments on the three amendments into context.

A number of us in the Chamber spent a very long period as members of the special water committee. We did so to go through a range of issues concerning the future funding of domestic water services. Some of us did not support the final report, but we did support many of its individual recommendations. What we were led to believe by the Government at the time was that legislation would be brought before the House to deal with the broad range of issues recommended to be addressed in the report. We were told legislation would be published in June. In fact, the former Minister, Deputy Simon Coveney, told us on two occasions when he was responsible that promised legislation would be published in June. It was then to be delayed until July because of the Fine Gael leadership election and it was further delayed for reasons

of which none of us was made aware until the very end of September - 26 September. It was introduced in the Dáil in October during budget week. What is most frustrating for most of us, however, is that many of the issues that attracted unanimous support in the water committee were not addressed in the legislation. Some colleagues have mentioned the referendum. The issue on which the largest number of submissions was received by the expert group on the future of water services - the single biggest issue of public concern, apart from water charges - was not included in the legislation and we are still disputing it.

The Oireachtas committee report referred to funding certainty. It also referred to ensuring water services would be subject to funding certainty beyond year to year budgets. That is not included in the legislation. We talked about equality for group water schemes and ensuring that, if people in the public system would not have to pay an annual standing charge, those involved in group water schemes would not have to either. It was stated there would be changes to the grant assistance available for maintaining these schemes, but that is not included in the legislation either.

There was quite extensive discussion and there are very good recommendations in the report on conservation measures, including a commitment to review planning legislation to ensure our desired approach would be taken in all new Bills, and on trying to introduce some new schemes for the retrofitting of existing buildings to conserve more water, but none of this is included in the legislation. Therefore, crucial measures that had cross-party support, in addition to public backing, are not included in the Bill. That is why there is such frustration among Deputies present.

With regard to the Bill and the amendment, all that is dealt with is the charge for so-called excessive use and refunds. We still have not got to the bottom of some of the crucial questions on how the system will operate. I agree absolutely with Deputy Richard Boyd Barrett that one of the main concerns which pertains to the amendment is that while the deal between Fianna Fáil and Fine Gael may see a charge applied only to a small number of households at the outset, perhaps 8%, the infrastructure for metered domestic water charges remains in place and can, at the decision of a future Government or the current one and its confidence and supply agreement partner, be extended to more households. That is our big fear.

Many of us now understand the way in which the so-called excess charge will be calculated, but there could be circumstances in which a household of five would end up using proportionately less water in excess of the threshold than a household of one but have to pay. There are still anomalies in how the charge is being calculated that simply do not make a lot of sense if, as the Government claims, the intention is to limit excessive use. It seems, in fact, that the provision in question is an incentive for one and two-person households to use water excessively, while punishing families of five or six, thus preventing them from using an appropriate amount of water according to their needs. This, of course, begs the question as to whether it has anything whatsoever to do with excessive use.

It is still not clear whether it is a volumetric charge. Perhaps the Minister might clarify the position. Will there be a charge for every cubic metre of water used above the threshold? If so, what will happen to the 46% of households with no meter? These are questions that were not answered on Committee Stage and we still do not have answers today.

On the question of refunds, Deputy Barry Cowen and the Taoiseach were communicating furtively with newspapers last week on who was responsible for the delays. The very large

number of Sinn Féin voters who had read the *Daily Mail* were banging down my door demanding to know why I was delaying the payment of refunds. The truth is that the people responsible for the delay with this legislation are the members of the Government. It was in June that the Bill was meant to be before the House and then it was meant to be before it in July. It was only brought forward in the week before the budget. Apparently, Deputy Barry Cowen said I had tabled too many amendments. I acknowledge that he has a difficulty with scrutinising legislation, particularly Bills such as this, which include such significant U-turns by his party. Our job, however, is to scrutinise legislation introduced by the Government in order that it will not contain mistakes or have unintended consequences. Not only did I not submit too many amendments but we got ours through in a full committee meeting. It was good to see Deputy Barry Cowen present for a full committee meeting for a change; he does not do so often when we are dealing with detailed amendments. Nobody should have to justify doing his job and scrutinising legislation that the two parties on either side of us have concocted and that will end up hurting households. Certainly, if anybody wants to know why his or her payment will not be made by Christmas, he or she should note that it has nothing to do with Sinn Féin or the other Opposition Right2Water Deputies. Rather, responsibility rests with the two parties which are responsible for this legislation.

My concern is that I still do not understand how the charge will reduce so-called excessive use and how it will be applied fairly and ensure any level of conservation. Despite the answers we have received so far from the Minister, Deputy Eoghan Murphy, who at least is willing to talk about the Bill, unlike Deputy Barry Cowen, I still do not understand how it will do what is being said.

Deputy Barry Cowen: We are talking about it for 18 months and getting a result. That is more than Sinn Féin ever got.

Deputy Eoin Ó Broin: We will see about that.

An Leas-Cheann Comhairle: Deputy Eoin Ó Broin to continue, without interruption. Every Member will have a chance to contribute.

Deputy Eoin Ó Broin: If Deputy Barry Cowen spent more time scrutinising-----

(Interruptions).

An Leas-Cheann Comhairle: All Deputies should speak through the Chair.

Deputy Eoin Ó Broin: I am trying to speak through the Chair.

Deputy Barry Cowen: If the Deputy is trying to bait me, he is doing a good job.

Deputy Eoin Ó Broin: If the Deputy spent more time doing what he was paid to do - scrutinising legislation - than spreading untruths to journalists about delays in passing legislation, perhaps he might know what we are talking about.

An Leas-Cheann Comhairle: We are dealing with the amendment, not individuals.

Deputy Barry Cowen: I do not see that in the Deputy's amendment.

Deputy Eoin Ó Broin: All of my amendments have been ruled out of order, as the Deputy well knows.

Deputy Barry Cowen: The Deputy should speak to the one to which he is supposed to be speaking instead of trying to take swipes at me.

Deputy Eoin Ó Broin: I believe it is the job of the Leas-Cheann Comhairle to tell me to what I should speak, not the Deputy's.

An Leas-Cheann Comhairle: We had a general debate at the start about what had been ruled out of order. I have explained it all.

Deputy Eoin Ó Broin: I am more than happy to support the amendments. I will talk about the other groups of amendments when they are under discussion.

Deputy Catherine Murphy: The way in which the Bill has been framed gives us a clue about how exactly this will play out. I do not believe anybody in the Chamber is opposed to water conservation. How one achieves it and how one invests public funds are important. The legislation suggests there is a requirement to have every household metered. If that is the case, it is to find excessive use. An awful lot of public money will go into putting meters into the ground.

7 o'clock

It is not just about putting meters into the ground, however. It is about taking readings from them, the administration that goes into that and maintaining a call centre. It strikes me that a lot of money is being used without achieving the greatest degree of conservation, that is, investing the scarce resources into dealing with the old Victorian pipes that are leaking and where we can calculate the loss incurred.

There is also very good telemetry available from some councils, which was well used in advance of Irish Water. There was a degree of controlled metering within estates that could pinpoint very large leaks. Essentially, when resources are scarce it comes down to a choice. If the approach is for there to be a continuation of the metering programme, that cannot happen without a decent cost-benefit analysis. I would like to hear what the Minister has to say in that regard. The danger is that we could use up very scarce resources and get no return in terms of conservation. There are other ways of doing it. There is a clue in how the legislation is framed. When one starts counting individuals in households, then we are getting into an extension of the mass metering programme involving maintenance, readings and administration. I would like to hear an estimate of how much that will cost or if a cost-benefit analysis has been done in terms of the return on the investment in terms of the 8% that are likely to find themselves getting a bill due to excess use.

Deputy Ruth Coppinger: I wish to speak to amendments Nos. 16 and 18. It is very clear that there are alternative sources of income that could be considered rather than levying water charges in the first place. I wish to comment on what has been included and excluded from the Bill. There has been a big panic in the media to get repayments into the pockets of people before Christmas. It seems to be something the Government is using to attack the Opposition which is raising serious questions about the Bill. No amount of repayments back in the pockets of people before Christmas and the creation of a feel-good factor is going to save votes or anything else in terms of water charges. It is not justified to rush through bad legislation in order to do that. The Minister could have introduced a separate Bill to repay the charges if that was so important.

While it is all very quiet tonight, it is quite momentous because this legislation is, on the one hand, a victory and recognition of the massive movement that took place three years ago against the water charges. At the time this country was in a serious political crisis as a result of the mobilisation of people and the boycott that took place. The Government of the day had to rush through new legislation and here we are again with another piece of legislation. The potential is still there to reintroduce water charges in the future through the excessive usage policy by gradually lowering the limits and we object to that. The Government should recognise defeat.

It is a bit bizarre to rule out a referendum in the Bill, in addition to conservation measures. Even though it is a water services Bill, we are not allowed to propose conservation measures. Does that not suggest that it was never about conservation in the first place?

Amendment No. 16 calls on the Minister to report to the Dáil within six months of the enactment of the Bill on the number of private domestic swimming pools and large water features that exist. The wasters of water that we heard about for the past three years are not ordinary households, but there are very wealthy people who are profligate in their use of water. I visited some picket lines of Irish Rail workers today. The issue is very pertinent to taxation and the proposed charges. One of the key issues that was raised was the strike but the second key issue was the Paradise Papers. There is a very high level of awareness among working-class people about the extent of tax evasion and tax avoidance that is going on. I will refer to some of the kinds of measures that could have been incorporated into the Bill. If we stopped opposing the European Commission's pursuit of Apple for back taxes, we would raise at least €17 billion. That is just one multinational that we found out about in the Paradise Papers but there are many more. A 2% millionaire's tax on wealth could bring in €2.7 billion. Depending on the rate, a financial transactions tax could bring in anything up to €1 billion. The enforcement of the headline rate of corporation tax as the effective minimum rate could bring in €2 billion. A 10% increase in tax paid by the top 10% would bring in €2.7 billion. A host of measures could be taken to avoid the introduction of a tax that would have led to water poverty among other issues. We won on water charges and hopefully we can now go on to win on those other issues as well.

Deputy Joan Collins: This is a water services Bill and it should be dealing with conservation and the leakages we know are happening from pipes. A finding of the Joint Committee on Future Funding of Domestic Water Services was astounding. Most people thought Ireland would have a higher rate of water consumption than other countries but, surprisingly, average domestic consumption in this country is 123 litres *per capita* compared to 140 litres *per capita* in the UK. In another way, that is not surprising as Irish people are aware of water usage. The problem is the 48% of water that is leaking into the ground through faulty pipes.

Amendment No. 16 attempts to introduce a conservation measure. When I was a member of Dublin City Council, Mr. Dermot Lacey of the Labour Party went on about all the water wasters with their swimming pools. The simple way to deal with that is to introduce VAT on the installation of swimming pools and then to have an annual tax on the amount of water they use. A Trojan Horse was used to justify the introduction of water charges to every single domestic household in the country.

It is a shame that so many amendments relating to conservation have been ruled out of order. Conservation is a very important part of a water services Bill. The retrofitting of housing stock is also important. I would love to get a grant, not a €100 grant as was given out as part of the previous Bill, but a real grant to be able to retrofit my home in order to assist me with the conservation of water. It is also regrettable that the Bill is silent on the need for new houses to

incorporate conservation measures. I am very surprised and angry considering the fact that all of the debate in the committee was about conservation and the future funding of water services. Slovenia introduced a change to its constitution last year to maintain water in public ownership not because there was any urgency to do that as there was no debate about the privatisation of water or the introduction of charges for water, but because they felt it was the proper thing to do to protect future generations against privatisation and the fat cats who are waiting to buy up water all over the world. We know this is the new blue oil. This is where capitalism is trying to grab water and make major profits. We have seen in Britain how it has been used in this way.

These amendments should be taken on board and the Minister should reconsider the amendments ruled out of order. Perhaps the Minister could examine the related issues and bring them to the relevant committee in the context of how we introduce legislation to deal with these issues.

The question of putting a figure on a family was raised. Originally, the so-called excessive water charge was supposed to be a penalty or a fine. Now, it is being brought in as a payment. This is the fundamental change that people on the street have been expressing concern about. They know this is a Trojan Horse for the future to try to bring the multiplier down after five years. Under another amendment, the Minister can review it and bring it down.

We should applaud our citizenry for practically the lowest consumption of water in Europe. We should applaud the people for playing such a key role. We should invest in fixing the leaks. The leakages are not in households, but in the public space. That is where we should invest our money to deal with these issues.

An Leas-Cheann Comhairle: Deputy Barry is next. We are discussing amendments Nos. 15, 16 and 18. Please focus on the content of the amendments.

Deputy Mick Barry: I will start by focusing on amendment No. 18, which states:

In page 9, line 26, to delete “State.”” and substitute the following:

“State.

(6) The Minister shall report to Dáil Éireann within six months of this Act coming into effect on the feasibility of implementing a public information campaign, and education campaign in schools and third level institutions on the preservation of water.””.

We know, and the majority of the people know, that the real agenda behind the water charges was the agenda of privatisation. The Government denies this and maintains it is all about conservation. Is the Government serious about conservation? If the Government is serious about conservation, it could not possibly oppose the idea of an education programme on conservation issues aimed in particular at young people. We rejected the water charges, and we reject water charges through the back door in the form of the excessive use charge. We are for conservation and the amendment is a practical conservation measure. We put it up to the Government. Is the Government prepared to support it?

Earlier in the discussion a particular point was raised about the amendments. A large number of amendments have been proposed and many have been ruled out of order. Others are being debated tonight. The point was made that the Fianna Fáil Deputies were not involved

as much as some other Deputies believed they could have or should have been on Committee Stage in putting down amendments. The reason is that the Fianna Fáil amendments were put down behind closed doors. This legislation is the result of a deal that has been hammered out by Fianna Fáil and Fine Gael. It is a joint production in that sense. The two Civil War parties are joined together tonight in supporting legislation that leaves a door open for water charges.

The legislation amounts to water charges through the back door. The excessive use charge is set at 1.7 times the average usage and will catch 8% of households. However, in five years' time the Dáil can lower the 1.7 multiplier catching more and more households in that net and in that way introduce water charges through the back door.

I know that the Fianna Fáil Deputies have been a little sensitive in the debate tonight about the criticism.

Deputy Barry Cowen: It was the personal nature of the comments from the Deputy across the Chamber.

An Leas-Cheann Comhairle: Deputy Barry, I suggest that you do not invite interruption.

Deputy Mick Barry: We know that the real negotiations were done behind closed doors and that there is a deal involving Fianna Fáil and Fine Gael together. They understand that they have to retreat on water charges because of the mass movement, but they are keeping the back door open. That is the reason we have no Fianna Fáil amendments tonight.

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I welcome the opportunity to take Report Stage this evening and to speak to the amendments put forward by Deputies.

Amendment No. 15 is the first in the group. Essentially, if we were to accept the amendment, we would remove one of the key elements or purposes of the Bill. Therefore, the Government cannot accept the amendment. The provision in the relevant section is for the payment for the excessive use of water. It has been drafted in line with the recommendations of the Joint Committee on Future Funding of Domestic Water Services. Therefore, I cannot accept the amendment.

People have spoken about the 1.7 figure relating to the calculation of the excessive use beyond average household use. That cannot be changed for five years. As Deputy Barry pointed out, it will be a decision of the Dáil rather than the Government. It will be a decision of the elected representatives of the people in respect of what exactly should happen at that point.

The allowance will cover eight people based on the average consumption patterns presented to the Oireachtas committee. If there are additional people above four, they can apply for an additional allowance per person. If there is a medical need, a person can apply for what will be in effect a waiver from any charge.

I am confused about amendment No. 16. It refers to swimming pools and water features. On the one hand, the Deputies who have put down this amendment claim this is water charges through the back door, that is, people in their houses will have to pay this charge. At the same time, they claim it does not capture the amount of water usage that would include a swimming pool and a water feature. There is complete inconsistency in the approach to the amendments and the arguments made in the Chamber this evening.

Legislation on a referendum on public ownership is already progressing through the House by way of the Bill sponsored by Deputy Joan Collins. That will be discussed in by the committee on 12 November, as I understand it.

Not all the recommendations made by the Oireachtas joint committee report require legislation. Further measures may come forward on conservation. They will be recommended to the Government and the Oireachtas by the water forum and the advisory body to be set up under this Bill.

This legislation is in essence a conservation Bill and measure - we all know that. There are no anomalies in how the figures will be calculated. Additional individuals above four can apply for an additional allowance per person. The allowance for four is generous enough, taking into account the excessive usage levy multiplier of 1.7, to accommodate on average eight people in a household.

The commission for the regulation of utilities will decide on the payment for excessive use in consultation. It is likely to be a metric charge for metered houses. For houses not metered, the commission may look at a range. Again, that will be a decision for the commission to make and it will do so in consultation over the course of next year.

Reference was made to the refunds process. There was more than enough time from an administrative point of view to allow all refunds to be made in advance of December were the legislation to have completed passage through both Houses by the middle of October. Much work was done over the course of June, July and August to ensure the refunds could be made if the legislation was enacted by both Houses by the middle of October. I made that clear to the relevant Deputies on the opposite side. My understanding was that I had agreement to do that.

Nothing is being rushed in this legislation. It has been debated in full in terms of what the special joint Oireachtas committee wanted to see by way of that legislation. The Bill comprehensively addresses the issues that are required in legislation, apart from the one issue being progressed through the House by means of separate legislation.

I welcome the comments from Deputy Coppinger. She sees this as a victory. I look forward to her support for the Bill.

The final amendment in the group, amendment No. 18, relates to an education campaign. Members will be aware of the significant number of education campaigns under way, including the Green Schools programme, which operates in 90% of primary and secondary schools. Other initiatives include the work being done by such bodies as An Taisce and Irish Water with over 200,000 students in schools throughout the country to increase their awareness of water conservation issues and what needs to be done. Further initiatives include surveys of schools awarded the green flag for water themes and the work done around water conservation in these schools as well as by Tidy Towns and Irish Water with the Value Water award. Irish Water also supports the EPA Live Green campaign. Finally, the water forum and the water advisory body will be in place to propose any additional measures that may be needed over the years as this new system beds down.

Deputy Richard Boyd Barrett: The thing that I do not understand is the failure to acknowledge the glaring hypocrisy and contradiction in the Government position. This contradiction which was evident from the beginning continues and persists even now that the mass movement against water charges has forced it to retreat on the levying of domestic water charg-

es on most people. I refer to the Government's consistent and dishonest attempts to justify its support for water charges by referring to the need for water conservation to deal with the water infrastructure problem and incentivise and encourage people to engage in water conservation measures. We never believed the Government; we always knew that the agenda was privatisation and getting a revenue stream because it had made several attempts before. If it is not going to stand up and admit it was lying to people, will the Minister please explain why he will not accept amendments which attempt to deal with water conservation and the big areas of water wastage? Most leaks are from water mains, with only 7% of water leaks in the system coming from individual households and the remainder coming from water mains. It was Fine Gael, and Fianna Fáil before it, which during the austerity period slashed the investment programme to deal with water mains. It was their fault that the water infrastructure got worse. It had nothing to do with opposition to water charges and everything to do with their decision to cut capital investment in water infrastructure.

Ironically, People Before Profit and Solidarity are the only parties to put forward in their budgets a real water conservation grant linked with implementing domestic water conservation measures. Why does the Government not support our proposal? Given that the Minister did not address this issue in his first reply, it seems that the Government has never been interested in water conservation, and that it is only interested in a back door to domestic water charges.

An Leas-Cheann Comhairle: I ask the Deputy to withdraw the allegation that the Minister was lying.

Deputy Richard Boyd Barrett: I said the Government was lying about its concern for-----

An Leas-Cheann Comhairle: I am only concerned about what the Deputy said, not what he was thinking of saying.

Deputy Richard Boyd Barrett: In that case, can I say the Government was lying?

An Leas-Cheann Comhairle: No. Can I take it the Deputy is withdrawing the allegation?

Deputy Richard Boyd Barrett: I withdraw any personal reference to the Minister, but the Government was lying.

An Leas-Cheann Comhairle: The allegation is withdrawn.

Deputy Catherine Murphy: I would like the Minister to respond to my question about a cost-benefit analysis. If the Government is to introduce a system such as this, install additional water meters and impose a charge per household, how much will it cost to administer the system, read and service meters and operate a call centre and what will be the return? It is important that Deputies have this information.

An Leas-Cheann Comhairle: As no other Deputies are offering, the Minister may make a final contribution on this group of amendments.

Deputy Richard Boyd Barrett: We will now hear from the Minister who always tells the truth.

Deputy Eoghan Murphy: I thank the Deputy; I want his comment noted. The Government did not lie to anyone. The agenda is not privatisation which essentially will become impossible following the enactment of the Bill, if that is the decision of both Houses. I did not rule any

amendment out of order as that is not my job as a Minister. I believe in water charges, but the Bill does not provide for them. It is the intention of the Bill that there will not be any additional funding stream from the excessive use charge. We want to tackle the 8% of users who are responsible for 30% of water use. That is the purpose of the Bill. Deputy Richard Boyd Barrett stated the Bill did not include conservation measures, when it is, in essence, a conservation measure. We are trying to achieve certainty for consumers of water and ensure we will have a modern and robust water infrastructure for citizens.

To address Deputy Catherine Murphy's question, the metering will be done in line with the recommendations of the joint committee. In terms of cost effectiveness, how this will operate and the cost recovery model, all of these matters will be examined by the new Commission for Energy Regulation, namely, the Commission for Regulation of Utilities. Its role will be to make sure the system is in line with the Irish Water business plan following the policy statement from my office. That work will commence once the Bill has been enacted.

Amendment put and declared lost.

Deputy Mick Barry: I move amendment No. 16:

In page 9, between lines 21 and 22, to insert the following:

“(4A) The Minister shall report to Dáil Éireann within six months of this Act coming into effect on the number of domestic swimming pools and large water features in private residences in the state for the purpose of levying a charge on such pools and water features.”.

Amendment put:

<i>The Dáil divided: Tá, 33; Níl, 78; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Adams, Gerry.</i>	<i>Aylward, Bobby.</i>	
<i>Barry, Mick.</i>	<i>Bailey, Maria.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Barrett, Seán.</i>	
<i>Brady, John.</i>	<i>Brassil, John.</i>	
<i>Buckley, Pat.</i>	<i>Breen, Pat.</i>	
<i>Collins, Joan.</i>	<i>Brophy, Colm.</i>	
<i>Collins, Michael.</i>	<i>Browne, James.</i>	
<i>Connolly, Catherine.</i>	<i>Bruton, Richard.</i>	
<i>Coppinger, Ruth.</i>	<i>Burke, Peter.</i>	
<i>Crowe, Seán.</i>	<i>Burton, Joan.</i>	
<i>Cullinane, David.</i>	<i>Butler, Mary.</i>	
<i>Daly, Clare.</i>	<i>Byrne, Catherine.</i>	
<i>Doherty, Pearse.</i>	<i>Cahill, Jackie.</i>	
<i>Ellis, Dessie.</i>	<i>Calleary, Dara.</i>	
<i>Ferris, Martin.</i>	<i>Cannon, Ciarán.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Carey, Joe.</i>	
<i>Funchion, Kathleen.</i>	<i>Casey, Pat.</i>	
<i>Healy, Seamus.</i>	<i>Collins, Niall.</i>	

<i>Kenny, Martin.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>McGrath, Mattie.</i>	<i>Cowen, Barry.</i>	
<i>Mitchell, Denise.</i>	<i>Creed, Michael.</i>	
<i>Munster, Imelda.</i>	<i>Curran, John.</i>	
<i>Murphy, Catherine.</i>	<i>D'Arcy, Michael.</i>	
<i>Murphy, Paul.</i>	<i>Daly, Jim.</i>	
<i>Nolan, Carol.</i>	<i>Deering, Pat.</i>	
<i>Ó Broin, Eoin.</i>	<i>Doherty, Regina.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Donohoe, Paschal.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Dooley, Timmy.</i>	
<i>O'Reilly, Louise.</i>	<i>Doyle, Andrew.</i>	
<i>Quinlivan, Maurice.</i>	<i>Durkan, Bernard J.</i>	
<i>Shortall, Róisín.</i>	<i>English, Damien.</i>	
<i>Tóibín, Peadar.</i>	<i>Farrell, Alan.</i>	
<i>Wallace, Mick.</i>	<i>Fitzgerald, Frances.</i>	
	<i>Fitzpatrick, Peter.</i>	
	<i>Flanagan, Charles.</i>	
	<i>Fleming, Sean.</i>	
	<i>Griffin, Brendan.</i>	
	<i>Harris, Simon.</i>	
	<i>Harty, Michael.</i>	
	<i>Haughey, Seán.</i>	
	<i>Healy-Rae, Danny.</i>	
	<i>Healy-Rae, Michael.</i>	
	<i>Humphreys, Heather.</i>	
	<i>Kehoe, Paul.</i>	
	<i>Kelleher, Billy.</i>	
	<i>Kelly, Alan.</i>	
	<i>Kyne, Seán.</i>	
	<i>Lahart, John.</i>	
	<i>McConalogue, Charlie.</i>	
	<i>McEntee, Helen.</i>	
	<i>McGrath, Finian.</i>	
	<i>McGrath, Michael.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>MacSharry, Marc.</i>	
	<i>Madigan, Josepha.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moran, Kevin Boxer.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Moynihan, Michael.</i>	

Dáil Éireann

	<i>Murphy, Eoghan.</i>	
	<i>Naughton, Hildegarde.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Rourke, Frank.</i>	
	<i>O'Sullivan, Jan.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Ring, Michael.</i>	
	<i>Rock, Noel.</i>	
	<i>Ross, Shane.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Sherlock, Sean.</i>	
	<i>Stanton, David.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Mick Barry and Richard Boyd Barrett; Níl, Deputies Joe McHugh and Tony McLoughlin.

Amendment declared lost.

An Leas-Cheann Comhairle: Amendment No. 17 has been ruled out of order as it involves a potential charge on the Exchequer.

Amendment No. 17 not moved.

Deputy Ruth Coppinger: I move amendment No. 18:

In page 9, line 26, to delete “State.”” and substitute the following:

“State.

(6) The Minister shall report to Dáil Éireann within six months of this Act coming into effect on the feasibility of implementing a public information campaign, and education campaign in schools and third level institutions on the preservation of water.””.

Amendment put and declared lost.

Acting Chairman (Deputy Bernard J. Durkan): Amendment No. 19 has been ruled out of order on the basis that it is not relevant to the provisions of the Bill and represents a potential charge on the Exchequer.

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Deputy Richard Boyd Barrett: It is very relevant.

Acting Chairman (Deputy Bernard J. Durkan): I did not make this declaration. I am reading what is in front me. I do not have any authority to change it, I am sorry to say. I would love to oblige the Deputy but I cannot.

Amendment No. 19 not moved.

Acting Chairman (Deputy Bernard J. Durkan): Amendment No. 20 has also been ruled out of order.

Deputy Eoin Ó Broin: The Acting Chairman is only prolonging our pain.

Acting Chairman (Deputy Bernard J. Durkan): This is something I learned many years ago, when I brought forward what I thought were very useful and progressive amendments and I was very disappointed to find that if they put a charge on the Exchequer, they were out of order.

Deputy Richard Boyd Barrett: Is the Acting Chairman saying that he feels our pain?

Acting Chairman (Deputy Bernard J. Durkan): In actual fact, I am paining along with the Deputies.

Amendment No. 20 not moved.

Acting Chairman (Deputy Bernard J. Durkan): Amendment No. 21 has been ruled out of order on the basis of a potential charge on the Exchequer.

Deputy Mick Barry: I have a question on that. The amendment provides that rather than the Dáil having the power to lower the threshold for the so-called excessive use charge in five years' time, thereby bringing more and more people into the excessive use charge net and implementing de facto water charges through the back door, the Dáil shall not have that power in five years' time and shall not have it for a period less than 999 years. I am querying the precise grounds upon which the amendment has been ruled out of order.

Acting Chairman (Deputy Bernard J. Durkan): It has been ruled out of order because it impacts on the time in which legislation might be introduced or postponed which, in turn, would have an impact on revenue. I am sorry to say-----

Deputy Richard Boyd Barrett: That is a big admission.

Acting Chairman (Deputy Bernard J. Durkan): I want to be helpful to the Deputy and I do not want him to be out of order for too long.

Deputy Mick Barry: I want to be helpful to the Acting Chairman.

Acting Chairman (Deputy Bernard J. Durkan): The Deputy might resume his seat so that we can move on to the next amendment. He can be out of order for a minute on the next one as well.

Deputy Mick Barry: I propose that I would resume my seat in less than 60 seconds but-----

Acting Chairman (Deputy Bernard J. Durkan): No, in actual fact I would prefer the Deputy to resume his seat now. I will entertain him further later on. He is entertaining already

but he is still out of order. I know the Deputy wants to be helpful and he is about to be even more helpful by resuming his seat-----

Deputy Mick Barry: I am going to be very helpful-----

Acting Chairman (Deputy Bernard J. Durkan): -----which he can do with very little effort.

Deputy Mick Barry: -----by making-----

Acting Chairman (Deputy Bernard J. Durkan): I am so sorry. It really hurts me to say this but the Deputy is going to have to resume his seat.

Deputy Mick Barry: It hurts me too.

Acting Chairman (Deputy Bernard J. Durkan): I know it hurts him; I can see the hurt in his face.

Deputy Mick Barry: I would just make the observation-----

Acting Chairman (Deputy Bernard J. Durkan): The Deputy has made the observation already and it is still out of order.

Deputy Mick Barry: The observation is that if the Acting Chairman feels that this amendment might impact on the financial position of the State, that is an indication that the State might be looking at the idea of reducing the threshold in order to increase its income from the hard-pressed householders of this country.

Acting Chairman (Deputy Bernard J. Durkan): I ask the Deputy to resume his seat now. His imagination knows no bounds.

Deputy Richard Boyd Barrett: It is a bit of a give away, a bit of a reveal.

Acting Chairman (Deputy Bernard J. Durkan): The amendment is out of order, sadly.

Amendment No. 21 not moved.

Acting Chairman (Deputy Bernard J. Durkan): Amendments Nos. 22 to 32, inclusive, have also been ruled out of order.

Deputy Seamus Healy: On what basis has amendment No. 32 been ruled out of order?

Acting Chairman (Deputy Bernard J. Durkan): On the basis that it involves a potential charge to the Exchequer.

Deputy Seamus Healy: I ask the Acting Chairman to explain that to me. How can changing the name from a “charge” to a “fine” and making that payable to the local authority be a charge on the State?

Acting Chairman (Deputy Bernard J. Durkan): I will do my best to explain it again.

Deputy Seamus Healy: Explain that to me please because this is a complete and absolute charade.

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Acting Chairman (Deputy Bernard J. Durkan): Obviously my explanation has not been adequate to date but-----

Deputy Seamus Healy: No, it has not. It is quite clear that this is just blackguardism of the highest order.

Acting Chairman (Deputy Bernard J. Durkan): I did not make the ruling but I have a long history of putting down amendments to Bills. Once one wanders into the territory of -----

Deputy Seamus Healy: I want to know specifically why amendment No. 32 is out of order because-----

Acting Chairman (Deputy Bernard J. Durkan): -----reducing a period within which legislation will be introduced-----

Deputy Seamus Healy: -----any normal reading of the English language would show that the amendment is in order.

Acting Chairman (Deputy Bernard J. Durkan): -----one is automatically impacting on revenue and one is also out of order. I am sorry to have to say that but the Deputy knows it himself.

Deputy Seamus Healy: I am very sorry too but the Acting Chairman has still not explained to me how this amendment could be out of order.

Acting Chairman (Deputy Bernard J. Durkan): I will say it slowly.

Deputy Seamus Healy: How could a charge arise?

Acting Chairman (Deputy Bernard J. Durkan): If the Deputy resumes his seat, I will explain it.

Deputy Seamus Healy: I am very sorry but I want to know how, in practice, this could be out of order. All it does, as the Chair is aware, is change the name from a charge to a levy, a fine or a penalty, and it makes that payable to the local authority. How is that out of order?

Acting Chairman (Deputy Bernard J. Durkan): If the Deputy resumes his seat, I will explain it.

Deputy Seamus Healy: I will resume my seat until I hear what the Chair has to say.

Acting Chairman (Deputy Bernard J. Durkan): Any time that a Member makes a proposal by way of an amendment that impacts in any way on the finances of the State or on revenue, incoming or outgoing, that is out of order.

Deputy Seamus Healy: This does not impinge on the revenue of the State in any way.

Acting Chairman (Deputy Bernard J. Durkan): The Deputy is a very nice guy and I love listening to him but, sadly, he is now well out of order and he is going further out of order.

Deputy Seamus Healy: This is blackguardism of the highest order.

Acting Chairman (Deputy Bernard J. Durkan): It is here in black and white. Will the Deputy resume his seat?

Deputy Seamus Healy: If there is a penalty or a fine of €10, and someone calls it a charge and I call it a fine or a penalty, and it is payable to the State through the local authority, how is that out of order?

Acting Chairman (Deputy Bernard J. Durkan): It impacts on revenue. Anything that impacts on revenue is out of order.

Deputy Seamus Healy: How does that affect the revenue of the State? It does not affect the revenue of the State and the Chair knows it bloody well.

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

Amendments Nos. 22 to 32, inclusive, not moved.

Acting Chairman (Deputy Bernard J. Durkan): Amendment No. 33, which is in the names of Deputies Bríd Smith, Richard Boyd Barrett, Gino Kenny, Eoin Ó Broin, Ruth Coppinger, Mick Barry and Paul Murphy, imposes a potential charge on revenue and is out of order.

Amendment No. 33 not moved.

Deputy Catherine Murphy: I move amendment No. 34:

In page 17, lines 32 and 33, to delete “section 22.”” and substitute the following:

“section 22.

(7) Recognising that Irish Water is a fully State funded entity, Irish Water shall be required to report, as required, to the Comptroller and Auditor General and to be amenable to all reporting guidelines and inspection and audit powers of the Office of the Comptroller and Auditor General as provided for in the Comptroller and Auditor General (Amendment) Act 1993.””.

When Irish Water was set up, it was a full cost recovery model and it was intended to be a commercial semi-State company that was going to be able to raise funds off-balance sheet. That is now very different, on foot of a very big public campaign and, essentially, it is fully publicly funded. This year, 2017, the amount that was provided to Irish Water is estimated to be €753 million and it is very important that we have proper oversight when such a large amount of money is at stake. We know there are issues that require scrutiny, for example, procurement. A very large number of people transferred from the local authorities to Irish Water, which means there will be pay and pensions issues. We know that some 70% of the amount that was allocated will be spent by Ervia and a significant amount of money will be transferred between both elements of Irish Water. Ervia is currently hiring consultants and there were headlines earlier this year when there was a €70 million spend on consultants. While that may be money well spent, we do not know. What we require is the scrutiny to ensure the money is well spent.

This issue has arisen on a couple of occasions to date in the Committee of Public Accounts, where we looked to see that there was the kind of oversight one would expect to be in place. If this company was constructed from scratch, there would have been a full role for the Comptroller and Auditor General. It is essential, when such large amounts of public money are at stake, that we do not end up in a year's time asking why did we not have this oversight and scrutiny. We can do this now in a proactive way so that we end up with the kind of oversight and regulation that should be in place. I ask for the support of the Chamber to make sure this happens.

Deputy Richard Boyd Barrett: I strongly support this amendment. One of the shocking examples of the waste of money in this whole debacle of Irish Water was the installation of household meters. Anybody looking objectively and impartially at value for money for the public would have said this was madness. The amount of money that was spent on putting in these household meters was to capture what Irish Water itself said was only 7% of the leaks in the system, that is, only 7% of the water leaking out of the system leaked from households to the mains whereas 93% of it was leaking beyond that, and the meters which have cost us close to €1 billion will not capture that. If that €1 billion had instead gone into ramping up the capital investment programme to deal with upgrading the mains infrastructure and dealing with the leaks, we would be in a much better place now.

On a point that is not highlighted enough, it was those who claimed that water charges were about water conservation - Fine Gael and, before it, Fianna Fáil - who slashed the capital investment programme in the austerity years by hundreds of millions of euro. When they got up time and again to justify household water charges, they would ask us to look at all the water that is leaking from the system, and look at how decrepit the water system is, while failing to mention that it was decisions made first by Fianna Fáil and then by Fine Gael to slash hundreds of millions from the capital investment programme in the austerity years that had worsened an already bad situation in that regard. That was then compounded by saying that, with the money available, we were going to pay Denis O'Brien to put in household meters which will not deal with any of that problem and will not compensate for the years of under-investment that they had worsened. I think the Comptroller and Auditor General would look at that and say it is not good value for money, and it might also raise questions about how Mr. Denis O'Brien got the contract, because that is also the kind of thing the Comptroller and Auditor General looks into.

When we think about the enormous expenditures beyond that to consultants, shocking money was spent on billing and administration and, of course, on obscene salaries, hourly rates and what-not for these consultants, who were brought in by Irish Water to set up the systems, there was enormous wastage. The public were horrified in so far as they were made aware of this. Indeed, what helped sink the already sinking ship of the water charges were the revelations about the extent of expenditures for the metering programme and on consultants. I think the Comptroller and Auditor General might have called a stop, or at least would have put question marks over all that expenditure and whether it represented good value for money. It is imperative, given the absolutely rotten record of Irish Water to date and its enormous wastage of money, that there be proper oversight and accountability for its expenditures of money. Obviously, the far better solution would be just to abolish it, full stop, but seeing the Government is not willing to do that, at the very least it could accept Deputy Murphy's amendment.

Deputy Joan Collins: I strongly support Deputy Catherine Murphy's amendment. When we see how toxic Irish Water has become, to my mind, it has been a huge waste of money. Advertising expenditure totals €2.85 million to date, with €717,000 going to RTÉ alone. A total of €574 million was spent on water metering, although it is a fact that only €473 million was spent and the other money is being put back into other aspects of Irish Water. Maintaining the meters was potentially going to cost €54 million a year.

8 o'clock

Some €70 million was spent on consultants and €25 million per year was spent on billing. This was all a significant waste of money.

I met some Irish Water workers who told me of how when there was a maintenance problem with certain parts of the water structure, Irish Water contacted a company that would have charged €25 per hour. Suddenly, that arrangement changed and the work was given to a better known company, which demanded €139 per hour but got the company that had been charging €25 to do the work anyway. The better known company was making money on the project in that way. We know of consultants who have got €80,000 to bring in engineers only to pay those engineers €65,000 or €70,000. Much is happening with money that should be going straight into fixing our water pipes and addressing the issues at treatment plants. A check like the one in this amendment is important, as it would look into these matters, ensure that money was spent where it should be and highlight issues like the ones raised with me by those Irish Water workers.

Deputy Mattie McGrath: For a strange reason, I will support this amendment. I opposed the Irish Water setup right from its first day. It was a big dream in the sunrise or sunset clause - I do not know which to call it - of the former Minister, Big Phil the enforcer, the then Deputy Hogan.

Acting Chairman (Deputy Bernard J. Durkan): There will be no “Big Phils”. Everyone has to be addressed by his or her position.

Deputy Mattie McGrath: Yes. He is now Commissioner Hogan, with his pension in Europe for the devastation that he wreaked on the Irish people not only through this, but also through the abolition of local democracy. He thought that he could walk on water. That is why he called it “Irish Water”, I suppose. He thought that it was his water and he could walk on it, but he found out quickly that he could not. A mess has been left behind.

I am not opposed to meters. Every house should have one. Indeed, a meter should be somewhere accessible inside a house so that it can be read and monitored. The majority of people accept that water is a valuable resource and needs to be used sparingly. This is especially so for treated water. We should be using untreated water for many other functions in schools and houses and there should be grant schemes for that. Meters should be accessible so that people can see what they are using.

I do not agree with the notion that only 7% is being lost beneath houses. Lots more is being lost. There are leaks, including under old houses, through old lead pipes, etc. There are many reasons for leaks. Nearly 50% of water in Dublin is leaking out, but the Government wants to bring water from Tipperary up to Dublin so that it can leak out here. It does not make sense.

The cost of the water metering contract was outrageous. I had issue with three or four villages in Tipperary. Deputy Healy, who is present and will speak later, and I fought for years to get money for rehabilitation schemes in those villages. I could name them. We had just installed new meters underneath the footpaths and outside all of the households when, six to eight months later, the contractor came along - it had the contract, so I do not blame it - and dug them all up, threw them into a lorry and carried them to a scrapyard in Clonmel. They were near meters and had only been installed a year beforehand. The wanton waste that went on was a shambles.

People in every town in Tipperary are suffering with sewerage systems. The council always maintained the systems. I salute the council workers involved in every area. If an old woman of 90, 95, 80 or whatever years has sewage rising in her backyard or back porch now, Irish Wa-

ter will not touch it. Somewhere in the transfer of services, reservoirs, treatment plants, sewage plants and other infrastructure from county councils to Irish Water, some clever boyo - this did not happen by accident - failed to hand over the quasi-communal pipes. That is what they are. They are behind people's council-built houses, with sewerage pipes running up the back. These got blocked regularly, especially as they grew older. Some have had extensions built over them after planning permission was sought from and given by the relevant council. Irish Water has disowned these pipes, which has left people in perilous situations in all kinds of weather, especially heat, with sewage in their backyards that no one will go near. Council workers want to do the job as they always did, but they are not allowed to do so on behalf of Irish Water. That did not happen by accident. The same happened in England, but its legislation was amended to make people take the pipes over again. They are a part of the infrastructure that was developed in conjunction with water schemes. They were cleverly left behind, allowing people to sink in their own you-know-what. It is disgraceful. All Deputies have received representations, especially from older towns. If they have not, something is wrong and they know that this issue exists. It should have been sorted out instead of fighting over other issues.

I have a great deal of sympathy for the pioneers who developed their own water schemes and the private householders who sank their own wells and must maintain them with their electricity supplies and treatment commodities. If their pumps go, they must replace them. The grant funding to Tipperary for supporting semi-private group water schemes has been diminished by over 60% in recent years in conjunction with the waste in Irish Water. The Acting Chairman knows this to be the case, as does everyone else present, given that we have all met people. Those schemes are being left out to dry.

I backed a recent amendment on private householders' swimming pools because something like that should be paid for, but the water charge on every hairdresser, undertaker, shop, hotel, farmer, stonemason and other type of business has been doubled. There are double charges if people have taps on different pieces of land, yet we now have this nonsensical fallacy of debating paying back money. It is unfair on rural dwellers who must supply their own water or maintain their group schemes.

Irish Water tried to take over some of those schemes, but the people resisted, and rightly so. Significant effort was made during the storm. Everyone, including council workers, were out fixing water supplies and doing their best, but the information flow from Irish Water was archaic and disgusting. I am not blaming the people on the desks. The storm was on a Monday, but Irish Water turned off the helpline for Oireachtas Members on Friday evening. People everywhere were without water. We were getting misinformation, disinformation and careless information about the situation. There is a disconnect from the ordinary people on the ground and they have been let behind on a number of issues.

There is no conservation now, or at least little incentive to do so even though there should be. A magical component was fitted to the meters to allow for drive-by readings. The batteries in those are the same as the ones in our watches and will die after three, four, five, six, seven or eight years, rendering them useless. Three years have passed already, so they will all be useless in a short number of years. That is a con job. What happens when the meters cannot be read with drive-by electronic equipment?

For years, caretakers in the water schemes and county councils watched over our water services, monitored leaks and dealt with and listened to the public. If members of the public approach them about leaks now, they cannot do a thing. The leaks must first be logged with

Irish Water regardless of what happens. If the sky falls in, there must be a log and a number. We cannot get any meaningful communication.

There is much wrong in the setup of Irish Water, and if a house is built on shaky foundations, it certainly will fall.

Deputy Seamus Healy: While I strongly support this amendment, I want to see the abolition of Irish Water. I tabled an amendment to effect that, so I object to it being ruled out of order. It is not out of order. In light of the explanatory memorandum, it is centrally related to the Bill and should have been allowed to be debated.

There is no doubt in my mind that Irish Water has been a toxic entity from day one. There was a considerable waste of public money through large payments to consultants when setting it up. The €50 million rose to something like €100 million. The installation of water meters was also a significant waste of public money. The operation of Irish Water on the ground leaves everything to be desired. There is absolutely no contact with local people, communities and individuals. There are no Irish Water staff or offices on the ground. There are major problems in contacting Irish Water. There have been major problems since the transfer of water and sewerage services from local authorities to Irish Water. Irish Water should be abolished and the services handed back to local authorities. That is what I had in my amendment, which was in order and should not have been ruled out of order. I support this amendment. If not in this Bill, I hope we will get to a situation whereby Irish Water will be abolished.

Acting Chairman (Deputy Bernard J. Durkan): I remind Members that we are on amendment No. 34, in the name of Deputy Catherine Murphy. It arises out of committee proceedings. The amendment is quite clear. It proposes to replace a section with another section. I remind Members to stick to the subject matter of the amendment.

Deputy Catherine Connolly: I will stick to the amendment. I thank Deputy Catherine Murphy for tabling the amendment. I sit on the Committee of Public Accounts, as she does, and I realise the invaluable work the Comptroller and Auditor General and his small team do. If the Government is seriously interested in restoring any faith in it, its handling of the water crisis and Irish Water, this is the most basic step it could take in restoring confidence.

I can see no reason the Government would refuse to allow Irish Water to come under the scrutiny of the Office of the Comptroller and Auditor General. I look forward to the Minister's reply and to hearing whether he agrees with this. I would be delighted if he does. If he does not, I am anxious to hear what reason he might give for not having public scrutiny of a body, in particular when, as the Taoiseach has repeatedly confirmed, there is no intention of privatising our water service. It is a basic human right. I once again thank Deputy Catherine Murphy for tabling the amendment.

Deputy Barry Coven: Amendment No. 34, in the name of Deputy Catherine Murphy, was one of the better and more obvious amendments. I supported it on Committee Stage, but withheld my support on foot of the commitment of the Minister to refer to Government with a view to elaborating on the contention that, for this to be the case, it would require an amendment to the Comptroller and Auditor General Act rather than what was contained within the Water Services Bill.

At that time, he committed to referring back to the committee and its Chair, having, as I said, consulted with the Government and legal advisers. He gave a commitment on their part to en-

sure that Irish Water would be held accountable under the remit of the Comptroller and Auditor General in respect of how it disburses public funds, notwithstanding that its Vote would be part of the Department Vote, into which the committee would have an input as is normal. I ask that the Minister respond to this forum, as he intends to respond to the committee Chair.

I beg the indulgence of the Acting Chairman in respect of some comments made by Deputy Ó Broin. I had difficulties with many of the amendments he and his party tabled. That was personified by the first one, which stated, “In page 5, line 22, after “Services” to insert “(Water Charges by the Back Door)”.” This demonstrates the type of rubbish the Deputy was bringing forward and the games he was playing in an effort to appease his supporters.

This was despite the fact that he could not comprehend that when his party took a ten-week holiday after the last election, other parties took it upon themselves to ensure the country and electorate got a Government which might be able to bring some stability to the economy and country. In order for that to have any chance of success, it was obvious this issue had to be dealt with. If the Deputy’s party had its way, it would not have allowed the Government to proceed for another month because it would have played on people’s fears in respect of this issue. It would not be the first time the Deputy or anybody belonging to his party compromised the stability of the country or the economy.

On matters of a personal nature, the Deputy referred to my attendance at committee meetings. Fianna Fáil has been represented at every committee meeting to which the Deputy referred, as was the case with Sinn Féin. Any time the Deputy was not present, I am sure somebody deputised on his behalf. I will not have him lecturing me about my attendance, irrespective of the fact that my party was well represented at all times and reflected the opinions and policy of my party, as it was elected and given the right to do.

On who pays me, how they pay me and what they pay me for, the electorate of Laois-Offaly will decide that, as is their right and will, and I will accept that, as I always have done. I accept the democratic will of the majority, something the Deputy cannot stand over in terms of his party’s history.

I never sought to personalise this issue in the manner in which the Deputy has done. I take great offence to it, and it will not be forgotten. He played his game and raised the bait, as he wished to do in order to generate a response such is this. He has succeeded. For what it is worth, I do not know. I and my party committed to resolve this issue and to put a process in place which will allow the Dáil to be in a much more informed position to be able to make a decision than it was previously.

Democracy and the rules and processes associated with it have been upheld at all times. I will not stand in the way of the Deputy’s silly amendments. It is not my right, and I cannot nor should I be able to so do. I will recognise them for what they are. All he is doing is playing silly games. It appears he wants to make sure that people do not get their refunds before Christmas, as is committed to in the Bill because, for some reason or other, he feels that will create a feel-good factor for those who will receive them. That is far from the case. We are reflecting the will of those who supported us and gave us a vote. We gave some value to that vote by putting in place this process to ensure it was taken off the table so that we can deal with much more pressing items, as he knows but will not admit.

Deputy Eoghan Murphy: Deputy Cowen captured accurately my intention regarding this

amendment. We discussed this on Committee Stage. I too sat on the Committee of Public Accounts and have worked with the Comptroller and Auditor General. I know the excellent work that committee does. The Deputy is accurate when he says this would not be the appropriate place to make such an amendment, rather, the Comptroller and Auditor General Act would be the appropriate place to do it, and that is something I want to do.

I brought this matter to the Government at a Cabinet meeting today and have responded to the committee Chair. It is a lengthy letter, but I will read out the last paragraph so that people can be clear. It states:

To restate my position for clarity, it would be my intention, once there is a further understanding on what needs to be done, to see Irish Water come within the remit of the C&AG. I have today brought proposals to Government to initiate the necessary work in this regard. I hope this work will be completed in the shortest timeframe, given its priority, and that, with all-party support, agreement can be reached on the appropriate role for the C&AG with respect to Irish Water as soon as is practicably possible.

I therefore cannot accept the amendment.

Deputy Catherine Murphy: I would have thought that if a national, rather than a commercial body, was established and was named Irish Water that within that there would be a role for oversight. I do not understand why this has to be separate and why it cannot be contained in the Bill. The provision is immediate. We would not have to wait any length of time.

In a reply from the Minister in September, I was told: “State funding to Irish Water in respect of domestic water services, as determined through the regulatory process being channelled in future through my Department’s Vote... [means that] the future funding for Irish Water in respect of domestic water services will therefore be from general taxation.” There is no doubt that the money is coming from general taxation.

The idea that this is something that has to be pushed off into the future is of significant concern because a number of issues have already arisen at meetings of the Committee of Public Accounts, which we know we cannot deal with because the Comptroller and Auditor General does not have legal responsibility for this area. I honestly do not understand why it cannot be embedded in this legislation. It would be entirely appropriate, given it relates to the same matter, the oversight of Irish Water by the Comptroller and Auditor General. Too often we hear that we must bring different pieces of legislation forward, but that takes ages. In six months or a year, we could find ourselves in a position where if we had provided this oversight, we would not have ended up there. This is about ensuring there is value for money and proper oversight in the most expeditious way. For that reason I will most certainly press this amendment.

Deputy Eoghan Murphy: I ask the Deputy to accept my bona fides on this. I brought it to the Government this morning, together with an earlier signature motion for the Irish Water Bill when it passes the Houses. This would allow us to commence the process of refunds as quickly as possible, getting as many refunds to people as we can before Christmas. Regrettably, we will not get them all because of the time it has taken for the Bill to pass through the Houses.

Deputy Catherine Murphy: This amendment would not delay that.

Deputy Eoghan Murphy: I know but I am making the point about what I also brought to the Cabinet this morning when I raised the issue in the Deputy’s amendment. We discussed

this on Committee Stage and I was quite clear on what I would like to do. I am the Minister responsible and I am telling the Deputy it is my intention to do that. The advice I received and on which I am going to act is that this is not the appropriate legislation in which to deem what the Comptroller and Auditor would or would not audit. We must also be mindful of the manner in which Irish Water has been established. It has a separate auditing process now because it comes under companies legislation. I want to move it to the position we all want in this House with regard to the Comptroller and Auditor General. I cannot just allow the amendment to fall into the Bill as I have been told it is not the correct way in which to do this. I must consult further with the Attorney General as a priority to see how quickly we can get to the right mechanism whereby we can have a role for the Comptroller and Auditor General when it comes to Irish Water. That is as I expressed on Committee Stage, at Cabinet this morning and I have just expressed to the Deputy again here in the Dáil this evening.

Deputy Catherine Murphy: We are pushing something to the future that we can deal with now. I see no reason not to press the amendment.

Amendment put:

<i>The Dáil divided: Tá, 42; Níl, 73; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Adams, Gerry.</i>	<i>Aylward, Bobby.</i>	
<i>Barry, Mick.</i>	<i>Bailey, Maria.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Barrett, Seán.</i>	
<i>Brady, John.</i>	<i>Brassil, John.</i>	
<i>Broughan, Thomas P.</i>	<i>Breen, Pat.</i>	
<i>Buckley, Pat.</i>	<i>Brophy, Colm.</i>	
<i>Collins, Joan.</i>	<i>Browne, James.</i>	
<i>Collins, Michael.</i>	<i>Bruton, Richard.</i>	
<i>Connolly, Catherine.</i>	<i>Burke, Peter.</i>	
<i>Coppinger, Ruth.</i>	<i>Butler, Mary.</i>	
<i>Crowe, Seán.</i>	<i>Byrne, Catherine.</i>	
<i>Cullinane, David.</i>	<i>Cahill, Jackie.</i>	
<i>Daly, Clare.</i>	<i>Calleary, Dara.</i>	
<i>Doherty, Pearse.</i>	<i>Cannon, Ciarán.</i>	
<i>Ellis, Dessie.</i>	<i>Carey, Joe.</i>	
<i>Ferris, Martin.</i>	<i>Casey, Pat.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Collins, Niall.</i>	
<i>Harty, Michael.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Healy-Rae, Danny.</i>	<i>Cowen, Barry.</i>	
<i>Healy-Rae, Michael.</i>	<i>Creed, Michael.</i>	
<i>Healy, Seamus.</i>	<i>Curran, John.</i>	
<i>Kenny, Gino.</i>	<i>D'Arcy, Michael.</i>	
<i>Kenny, Martin.</i>	<i>Daly, Jim.</i>	
<i>McGrath, Mattie.</i>	<i>Doherty, Regina.</i>	
<i>Martin, Catherine.</i>	<i>Donohoe, Paschal.</i>	

Dáil Éireann

<i>Mitchell, Denise.</i>	<i>Dooley, Timmy.</i>	
<i>Munster, Imelda.</i>	<i>Doyle, Andrew.</i>	
<i>Murphy, Catherine.</i>	<i>Durkan, Bernard J.</i>	
<i>Murphy, Paul.</i>	<i>English, Damien.</i>	
<i>Nolan, Carol.</i>	<i>Farrell, Alan.</i>	
<i>Ó Broin, Eoin.</i>	<i>Fitzgerald, Frances.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Fitzpatrick, Peter.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Flanagan, Charles.</i>	
<i>O'Brien, Jonathan.</i>	<i>Fleming, Sean.</i>	
<i>O'Reilly, Louise.</i>	<i>Griffin, Brendan.</i>	
<i>O'Sullivan, Jan.</i>	<i>Harris, Simon.</i>	
<i>Quinlivan, Maurice.</i>	<i>Haughey, Seán.</i>	
<i>Ryan, Eamon.</i>	<i>Heydon, Martin.</i>	
<i>Shortall, Róisín.</i>	<i>Humphreys, Heather.</i>	
<i>Stanley, Brian.</i>	<i>Kehoe, Paul.</i>	
<i>Tóibín, Peadar.</i>	<i>Kelleher, Billy.</i>	
<i>Wallace, Mick.</i>	<i>Kyne, Seán.</i>	
	<i>Lahart, John.</i>	
	<i>MacSharry, Marc.</i>	
	<i>McConalogue, Charlie.</i>	
	<i>McEntee, Helen.</i>	
	<i>McGrath, Finian.</i>	
	<i>McGrath, Michael.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Madigan, Josepha.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moran, Kevin Boxer.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Naughton, Hildegarde.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Keefe, Kevin.</i>	
	<i>O'Rourke, Frank.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ring, Michael.</i>	

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	<i>Rock, Noel.</i>	
	<i>Ross, Shane.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Stanton, David.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Catherine Murphy and Róisín Shortall; Níl, Deputies Joe McHugh and Tony McLoughlin.

Amendment declared lost.

Acting Chairman (Deputy Bernard J. Durkan): Amendments Nos. 35 and 36 are related and may be discussed together.

Deputy Mick Barry: I move amendment No. 35:

In page 17, lines 32 and 33, to delete “section 22.”” and substitute the following:

“section 22.

(7) Within six months of this Act coming into effect the Minister shall—

(a) commission a report on the upgrading of the water infrastructure and the volume of unaccounted water, and

(b) commission a report on the changes to building regulations required to ensure there are water conservation measures in all newly built properties.””.

Amendment No. 35 provides that the Minister should report back in six months on the volume of unaccounted water and the cost of infrastructure upgrading, that is, pipes, and should report back on new building regulations that are required for water conservation in newly built houses.

Amendment No. 36 provides that the Minister will report to the Dáil within six months on establishing a water conservation grant. I will comment briefly on them because they more or less speak for themselves. The biggest waster of water is the State. Some 48% of treated water is unaccounted for. We are looking here at leaks which are not the responsibility of households, but the responsibility of the local authority on its side of the stopcock. An incredible amount of treated water is being wasted. We have argued consistently that the money that has been wasted on installing individual meters outside households should instead have been ploughed into fixing those leaks and bringing the level down from 48%. That should be done now and we are seeking to provide that the Minister should bring a full report on that to the House in six months.

The proposal to establish a water conservation grant speaks for itself.

Deputy Michael Fitzmaurice: With regard to the leakage of water, unless there are district

flow meters one will never find where the leak is occurring. As anybody who understands water supply knows, one must use loggers from one district flow meter to another. One also needs to have meters in the different areas because a large amount of water is leaked and finding the leak is the problem. All of these things cost money.

I agree wholeheartedly with a conservation grant. Years ago in rural Ireland, before water was brought into houses, every householder had a tank beside the house. The tank was used for many different purposes. We must ensure we give incentives for tanks or other measures to be put in place. It could be an intermediate bulk container tank given the amount of water that runs off gutters and so forth. However, one must ensure there is a filtering system. Incentives must be put in place for that.

Ultimately, however, there is the issue of pipes, especially in Dublin. I worked on this in Dublin. There are pipes around Dublin that have been in place for a long time and they will have to be replaced. There must be district flow meters, loggers and meters to find out where the problems are. The one thing required for all of that is money.

Deputy Richard Boyd Barrett: Many points have been made but it is worth underlining that if one talks to people in the local authorities, and this is true with regard to both housing and water, they always know what needs to be done. The problem has been that they were not resourced to do it. There are not enough people employed in the local authorities because we have run down the staffing numbers, particularly of outdoor workers directly employed to do work such as identifying leaks and fixing them. The capital investment programme was chronically deficient and, as I mentioned earlier, it was slashed by Fianna Fáil and Fine Gael successively in the aftermath of 2008. The slashing of the capital investment programme to upgrade the water infrastructure, which is Victorian and decrepit, and running down the number of directly employed outdoor workers in water departments in local authorities are the problems. That is why we have a problem. If the Government was serious about dealing with the water infrastructure, which it never was, it would be employing lots of people to fix the water mains. They would be directly employed by the local authorities, where the expertise is.

The SLAs between Irish Water and the local authorities proved all of this. It was a complete joke. We set up this quango, paid millions of euro to Denis O'Brien to install meters and paid tens of millions of euro to consultants for billing and their big salaries. It was all a waste. What we needed to do, as Irish Water ultimately did, was go to the local authorities and ask them to do the work. However, it is now more inefficient because there is another layer, a quango called Irish Water, leaching money out of the system but handing the work back to the local authorities anyway. It is just laughable. It is another proof, as it were, that Irish Water was never about dealing with those problems, because they could and should be dealt with directly via the local authorities being resourced and staffed, but was always about something else, which was setting up a company that could get revenue from water charging and ultimately move towards privatisation. A proper audit of what must be done to deal with the massive amount of unaccounted for water and putting the resources into the local authorities to do that work is the way to deal with the problem.

On the conservation grant, I wish to underline that Solidarity-People Before Profit is the only party that has included an allocation of €100 million for a water conservation grant in its pre-budget submissions for the last three years. No other party has done so. The Government introduced a water conservation grant which was not linked to water conservation measures. It was nothing but a bribe. It gave the money to try to soften the bitter pill of domestic water

charges. We have proposed a water conservation grant which would be given to households that carry out water conservation measures such as retrofitting their houses and so forth to put in systems that would reduce their usage of treated water. If the Government is to be believed, and whatever I might think about Deputy Eoghan Murphy's bona fides, I do not credit the Government's bona fides on this matter at all. To use less colourful language than I used earlier, where is the conservation grant if it cares about this? It is not there; it is not even in the Government's head. If it was serious about this stuff it would support the introduction of a genuine conservation grant linked to and supporting householders who are trying to install water conservation measures.

Deputy Eoghan Murphy: Amendments Nos. 35 and 36 are being discussed together. Amendment No. 36 requests two reports on two issues: upgrading the water infrastructure, and changes to the building regulations to ensure there are water conservation measures in all newly-built properties. I do not believe that additional requirement is required in primary legislation. Irish Water's business plan sets out an ambitious capital investment programme of €5.5 billion to 2021. Some €4 billion of this will be invested during the 2016-21 capital investment plan. This investment is vital for upgrading our drinking water treatment and wastewater infrastructure, improving water quality and reducing leakage. That business plan tells us about the infrastructure upgrades that must take place over those years. Under the provisions of the Bill, the proposed water advisory body will be tasked with advising the Minister for Housing, Planning and Local Government and reporting on a quarterly basis to the Oireachtas housing committee on Irish Water's implementation of its business plan. That will give Members all the oversight they need in that regard. That refers to the first report being proposed.

With regard to the second report, Part G of the building regulations, relating to hygiene, currently provides for measures around toilet facilities, conservation and flushing. Part H of the regulations refers to drainage and wastewater disposal and allows for rainwater harvesting and grey water reuse. With regard to a report, and this is of interest because we are working on the housing issue as well, a study on the indicative cost associated with building a three-bedroom semi-detached house found that the figure for incorporating rainwater harvesting technologies amounted to €4,250 per house. That figure would be likely to be much higher for larger, more complex buildings.

In so far as the water conservation grant is concerned, the first fix free scheme will continue and will assist in fixing leaks and ensuring households do not use water above the threshold set for domestic use which, as the Deputy noted, is very generous. The legislative provisions in the Water Services Act 2014 relating to the water conservation grant are not being repealed. This means that it will be open in the future to reintroduce a grant scheme as resources allow and if it is deemed necessary. The water forum which is being established in this Bill will also play a key role regarding water conservation. One of its principal functions will be to advise the Minister on Government water policy, taking account of water conservation. The fundamental purpose of this Bill is water conservation, so that runs throughout it. On that basis, I cannot accept the amendments.

Deputy Richard Boyd Barrett: In so far as the Minister claims that this Bill is geared towards water conservation, it is not directed at the majority of people but at a very small group which is identified as excessive users. We do not accept that is the main motive and we have expressed the view that it is a means of keeping a foot in on domestic charging so that over time the thresholds will be lowered bringing more people into the charging net. If the Minister was serious and this was actually a water conservation Bill and the matter is as urgent as he says

it is - which it is - he would do something about this now. Rather than wait for some stage in the future when resources allow, he would support people, through grants, who are trying to reduce treated water usage. These can be for things such as flushing toilets which can be very substantially reduced with a little investment but is something that many people cannot afford. People want to do the right thing by the environment and conserve our water resources. They never accepted that the Government's water charges were designed to do that, seeing them as designed to punish them on top of all the other financial punishments they suffered. We are proposing a positive incentive to people, so that where people install water-harvesting measures or measures that will reduce their treated water usage, the State will support them by providing them with a grant. If it is important it should happen now, not at some distant point in the future.

Deputy Eoghan Murphy: I do not accept the Deputy's interpretation of why we proposed the introduction of domestic water charges but that is a debate that has finished and we are discussing the Bill which is before us.

To put aside the 1.7 and the excessive use charge, the essence of this Bill is conservation. Every investment we make in our infrastructure will help us in that. There are already a number of measures underway, some of which I have mentioned, which relate to conservation and further safeguards have been put in place in this Bill in relation to the forum and the advisory body to advise the Government but also report back to the House on how that plan is being implemented and if further conservation measures were deemed necessary in the future, what they might be. Therefore I cannot accept the two amendments.

Amendment put and declared lost.

Deputy Mick Barry: I move amendment No. 36:

In page 18, line 3, to delete "dwelling." and substitute the following:

"dwelling.

(1B) Within six months of this Act coming into effect the Minister shall report to Dáil Éireann on the establishment of a grant to domestic households for the purposes of water conservation.".

Amendment put and declared lost.

Acting Chairman (Deputy Bernard J. Durkan): Amendments Nos. 37 and 38 are related and will be discussed together.

Deputy Mick Barry: I move amendment No. 37:

In page 22, between lines 9 and 10, to insert the following:

"(4) When prescribing the regulations under *subsection (3)* the Minister shall ensure one third of the membership of the Forum consists of trade union representatives and one third consists of local community representatives.".

The essence of this amendment is that the composition of the water forum should include one third of trade union representatives and one third community representatives. The essence of amendment No. 38 is that the water advisory body should include a trade union representative, which would mean one of five of its members.

I will not speak at any length on these proposals, they speak for themselves. There is an issue here of democracy and accountability and having genuine representation on these bodies from both the workforce and the community.

Acting Chairman (Deputy Bernard J. Durkan): Does Deputy Boyd Barrett wish to speak?

Deputy Richard Boyd Barrett: Yes.

Acting Chairman (Deputy Bernard J. Durkan): If everyone is very co-operative we can finish the Bill tonight. It will take a little imagination.

Deputy Richard Boyd Barrett: We will not get it finished tonight.

Acting Chairman (Deputy Bernard J. Durkan): The Deputy should not be fatalistic.

Deputy Richard Boyd Barrett: Who knows.

Acting Chairman (Deputy Bernard J. Durkan): One can never tell.

Deputy Barry Cowen: One would not want to rush it.

Deputy Richard Boyd Barrett: It will be through in the morning.

This is quite an important amendment. It speaks to how seriously we take the question of conservation and who we think can help inform a policy or a conscientious approach towards the management, conservation and protection of our water resources.

I made the point already that the first answer to that question lies with those who work in water services in the local authorities. These are the people who know and they need to be very strongly represented. It is worth pointing out that year in, year out, the workers in local authority water departments told elected councillors in local authorities that they needed more investment in water infrastructure. It was political decisions by councils, dominated by Fianna Fáil and Fine Gael, not to put investment into water infrastructure. It was a political failure by the very same political parties who wanted to introduce water charges. It was not the fault of the workers.

If we had listened to the workers and the directors of services and so on, in the local authorities, the investment would have happened. It was not regarded as politically useful or expedient or a priority for Fine Gael and Fianna Fáil and when the time came to cut things in 2008, that is where they started and we are suffering a bitter price as a result. Having workers and trade union representatives in substantial numbers to represent those workers on the water forum is a good idea.

The other part is to have local community representatives. If one wants real buy-in from the community on how we manage, protect and conserve our water resources, then one will facilitate significant representation from communities in a water forum which will overlook things such as seeing if we are implementing EU water directives, as this Bill says this forum is supposed to do. Are the customers being looked after? I hate the phraseology of “customers”. The corporate-speak gives away what Irish Water is really about, rather than referring to citizens who have rights. However, that is the wording in the legislation. We should have real community involvement in the management, oversight and protection of our water resources.

These are very reasonable, sensible amendments.

On the advisory body, it is critical that we have representatives of the trade unions because they will be dealing with issues relating to industrial relations such as pay and conditions of those working in water services. It is particularly important since another impact of the setting up of Irish Water in the longer term will be an attempt to undermine the conditions of those working in water services as we move to a more privatised, commercially focused model in Irish Water. It is the other side of the coin; the running down of staff numbers in proper pensionable jobs.

Debate adjourned.

9 o'clock

Private Rental Sector Standards: Motion [Private Members]

Deputy Eoin Ó Broin: I move:

That Dáil Éireann:

notes, with alarm, the revelations regarding breaches of minimum standards in the private rental sector contained in last weeks RTÉ Investigates documentary ‘Nightmare to Let’;

further notes that:

— in 2016 only four per cent of private rental properties were inspected by local authorities;

— in 2016 two thirds of inspected properties were not compliant with minimum standards regulations;

— local authorities have failed to adequately enforce standards in the private rental sector;

— central government has failed to adequately resource local authorities to carry out their enforcement functions with respect to the private rental sector; and

— significant numbers of tenants continue to live in unacceptable and substandard private rented accommodation; and

calls for:

— the Minister for Housing, Planning and Local Government to set out, as a matter of urgency, a plan for ensuring compliance with minimum standards regulations in the private rental sector;

— the Government to adequately resource local authorities, to ensure that a comprehensive inspection and enforcement regime is put in place;

— the Government to support the proposal by Threshold for an NCT-type certification system for private rented housing to further strengthen compliance with legal standards;

— the Government to review the penalties faced by landlords, to ensure adequate sanctions for those that fail to register tenancies or who fail to meet minimum standards; and

— the Government to publish an annual report detailing levels of private rental sector inspections and enforcement in each local authority.

Many people watching “Nightmare to Let” last week will have been shocked by what they saw. Barry O’Kelly and the “Prime Time Investigates” team deserve great credit for their programme. They exposed breaches of fire safety regulations which put tenants’ lives at risk, they highlighted levels of overcrowding which many people assumed had vanished with the clearing of the tenements in the 1940s and 1950s, they detailed the failure of landlords to respond to requests for essential maintenance and repairs and, worst of all, they highlighted the failure of the State to enforce minimum standards and to protect tenants. According to the programme, last year only 4% of the 325,000 registered private rental tenancies were inspected. Two thirds of these were not compliant with minimum standards. In some instances, when breaches were brought to a local authority’s attention, emails were not even opened or read.

Unfortunately, those of us who work on housing issues every day will not have been surprised by what we saw. Flagrant breaches of fire safety minimum standards in the private rental sector are unfortunately all too common. Levels of overcrowding in clear breach of the provisions of section 63 of the Housing Act 1966 are widespread and refusal to carry out basic maintenance is a regular complaint of tenants across the State. While a small number of local authorities have an acceptable level of inspections, the overwhelming majority do not. Last year, the National Oversight and Audit Commission report on the private rental sector made for some very stark reading. Some seven local authorities had inspection levels of less than 2%. Some five councils had inspection rates of between 2% and 4%, ten more had inspection rates of between 4% and 10%, while five councils had inspection rates of between 10% and 12%. Only four local authorities, which deserve mentioning, had rates of between 20% and 34%. They are Roscommon County Council, Monaghan County Council, Cavan County Council and South Dublin County Council. Of the 64 staff working in local authorities on private rental sector issues, a mere 29 were dealing directly with inspections of private rental properties in the year which the report surveyed.

If rogue landlords know that their chances of being inspected are less than 4%, and even less in some cases, of course abuses are bound to occur, especially in a housing market where supply is low, demand is rising and prices are high. However, it is important to acknowledge that local authorities should not shoulder all of the blame for the failure of the inspection and enforcement regime. They have seen levels of staff slashed by up to 30% since 2008. We all know that local authority housing departments are struggling to cope with an ever-deepening housing and homelessness crisis and ever-increasing demands on front-line staff time. Increasing the number of inspections to an adequate level will require additional resourcing from central government. If some councils can achieve inspection levels of 25% annually, that should be set as the target for all as a matter of urgency. Resourcing should not be an obstacle.

There is also a need to place greater responsibility on landlords for compliance with mini-

imum standards. Vulnerable or lower income tenants are often too scared, as many of us know, to complain or raise concerns with the Private Residential Tenancies Board, or indeed with local authorities and HSE environmental health officers, for fear of losing their tenancy. Threshold, among others, has been arguing for an NCT-type certification system for landlords, which is absolutely vital if more vulnerable tenants are to be protected. It would mean that a property could not be rented out without an adequate compliance certificate. Like an NCT, this can be done in a very simple way and at low cost to landlords. Crucially, it could be done in a way which is cost-neutral to the State. Nobody should underestimate the impact that such a certification requirement on landlords would have on changing standards and culture at that end of the private rental sector. Crucially, it would also ensure that law-abiding and compliant landlords would not be undercut by rogue traders, so it should be something which landlords who abide by the rules should welcome just as much as tenants.

Questions also have to be asked about the levels and strength of enforcement of fire safety requirements and other minimum standards. My understanding of the current legislation is that fines of up to €5,000 or imprisonment for six months could be applied where a landlord fails to comply with an improvement notice or re-lets a house which has been served with a prohibition notice. However, there appears to be no sanction under legislation for the initial breaches themselves. As we saw in the “Prime Time Investigates” programme, a landlord who crams more than 60 people like sardines into a fire trap of rental accommodation, clearly putting their lives at risk and taking in tens of thousands of euro a week in rent, can avoid any sanction if he or she just complies with the improvement order or prohibition notice. That is almost an invitation for some people at the fringes of the rental market to break the law. It clearly needs to be reformed.

There needs to be a change and a comprehensive review of the sanctions and punishments for landlords who break the rules. We need to see a broader range of offences and punishments commensurate with the breaches. It should include the clear possibility of imprisonment for those landlords who wilfully put people’s at risk, even as a first offence.

The “Nightmare to Let” programme was not just a reminder of the problems in the private rental sector, it was also a call to action. Tonight thousands of people, including children, will sleep in accommodation which is substandard, unsuitable and unsafe. What they want, and what they deserve, is action from every single Deputy in this House. They do not want us to turn the issue of private rental standards into a political football and they do not want us to use their plight to score political points. They want to know what we collectively are going to do to clear up the private rental sector; to ensure that all landlords are compliant in the areas of fire safety, overcrowding and minimum standards; and to make sure that those landlords who break the law will be caught, problems will be rectified and, if necessary, rogue landlords will be punished for their actions.

Sinn Féin’s motion is an opportunity for all Members of this House to stand united, to put aside our political differences and to stand up for tenants. It calls on the Minister to set out, as a matter of urgency, a plan for ensuring full compliance with standards in the private rental sector. It calls for increased inspections, increased resources for local authorities, an NCT-type certification system for landlords, and a review of penalties for those who break the law. What stronger signal could we send out to both rogue landlords and to those living in substandard accommodation tonight than to speak with one single voice and call on the Government to act to ensure that all those living in the private rental sector have a safe and secure place to call home? If the Minister is willing to support this motion he will not only have our support but our active praise as he starts to make the changes which are required to ensure that nobody lives in

the kind of rental accommodation we saw on our television screens in that “RTÉ Investigates” documentary last week.

Deputy Aengus Ó Snodaigh: I, like others, watched the footage on “Prime Time Investigates” last week in disgust, in horror, and then in anger. I was aghast, and ashamed in many ways, that anybody would cram humans into a home like they were sheep on the way to market. How could this happen again? Most of the properties on that programme were in Dublin south central, an area which is crying out for housing. There was not one, but four separate fire traps, three of which were owned by the one slum landlord. How could slum landlordism be thriving again in this city? In plying their greedy trade, these evil landlords are reminiscent of a bygone era. They exist, however, because this State and the political establishment allow them to. They exist and are basically encouraged to exist by a State which prefers property rights to the common good. One should remember it is only a fortnight ago that members of the two big parties in this House voted against declaring a national housing emergency. The scenes we saw last week are all part of that crisis. The crisis is not just about social housing supply. It is as much about an improperly regulated rental market as it is about homelessness, social and affordable housing and private rental accommodation.

One of the immediate actions the Minister can take having watched the RTÉ programme is ensuring there is proper funding for Dublin Fire Brigade to carry out the inspections that will allow for the immediate closure of those buildings where people’s lives are at risk. Second, a message needs to go out from this House to the scum landlords, such as Andrew O’Neill, who was highlighted in the programme, that those people who are involved in this type of overcrowding will not get away with it or walk away. The Revenue Commissioners should immediately serve them with notices or a tax demand for their ill-gotten rents. Also, the Criminal Assets Bureau should be brought in to seize their assets.

Deputy Imelda Munster: The Minister will recently have seen investigative journalism that produced a raw, unvarnished and factual account of the horrifying reality for thousands of tenants right across the State. I refer to thousands of tenants who are living in what can only be described as slum accommodation and grossly substandard accommodation. Many of us on the ground are more than familiar with these stories because we are speaking to and dealing with people in our clinics week in, week out. These are people who are forced to live in poor and totally unacceptable private rental accommodation. The only people who do not seem to be able to grasp that this is a reality for so many people are the Minister and the other members of the Government. One could not possibly be unaware of it. The only explanation is that the Minister does not have the will to deal with it in any meaningful way. He is not prepared to tackle it in any meaningful way.

Let us talk about the housing assistance payment, HAP. It is a means of forcing people on the housing list into private rental accommodation. Why? It is because the Government is not building social housing. When people are pushed into private rental accommodation, their names are removed from the housing waiting list. This is done to make the housing list look shorter. By doing so, the Government is subsidising landlords, including greedy slum landlords, with taxpayers’ money. It is creating even more problems and solving nothing. Let us look at this. Under the Government’s watch, not only are there people sleeping in doorways and along riverbanks but there are also people living in seriously substandard accommodation for which they are forced to pay through the teeth. They have no choice, however. The reason my party introduced this motion tonight was to try to push the Government to take action and ensure there is protection for tenants in private rental accommodation. It is to try to push the

Government to provide funding and resources in order that inspections can be carried out and in order that one can ensure there is compliance and a minimum standard of regulation in the private rental sector. There is no protection at present.

What will it take? Up until now, the Government has not done anything. As I stated, it could not possibly have been unaware of the problem. It is about time, therefore, that it woke up to the reality faced by people living in private rental accommodation, not just in the winter months but all year round. There is nothing in this motion that anyone with a semblance of a social conscience would not support and commit to. It is action that we need and, in all fairness, no more of the Minister's defensive bullshit. We need action and support for this motion.

Deputy Dessie Ellis: We all know from history the atrocious conditions of the 19th century that led to Victorian slums. We also know about the unscrupulous individuals and the conditions that led to the rise of Victorian slums and slum landlords: a housing shortage, overcrowding, homelessness leading to poor sanitary conditions, and the lack of tenants' rights. Shockingly, these factors are no different from those that have led to today's 21st century private rental slums and slum landlordism. Earlier this year, it was reported that one property management company in Dublin was renting a number of houses to up to 70 people at a time. Up to 15 people were living in some rooms. People were effectively squeezed into every available space. These slum dwellings — that is what they are — usually have some common characteristics: rooms filled with bunk beds, non-existent health and safety features, and fire hazards. Advantage is often taken of nationals from other countries and they are often preyed upon by the unscrupulous landlords. In many cases, tenants have no lease and pay their rent with cash in hand. Toilet and sanitary facilities are minimal or virtually non-existent. Many tenancies are unregistered. Most people who live in these atrocious conditions do so out of desperation and certainly not by choice. These dwellings comprise health and safety risks, particularly in the event of a fire. They lack proper light and ventilation. They almost certainly do not comply with the housing regulations of 2009. There are landlords who comply with housing regulations and provide good-quality accommodation for their tenants, but unfortunately the term "slum landlord" has never left us. The problem arises in the way the issues are being addressed and because of the lack of enforcement. People fear reporting the conditions in their dwellings because, by doing so, they would most likely find themselves out on the street. That is what often seems to happen.

Where is the protection for those who report slum conditions? It should be taken out of the hands of the tenant to report such conditions. The Government needs to have a proper inspection regime and enforcement procedures in place to tackle the scandal in some areas of the private rental sector. At present, where is the evidence of pursuing those who are responsible for these inhumane conditions? I have no doubt that Deputies across this Chamber can relate to much of what I have said and do not want people to continue to live in substandard conditions. This is not an issue I believe anyone here would want to turn into a political football so the motion should be supported.

Some 55% of properties inspected in 2014 were below standard. This is a massive percentage. A number of years ago, there was a survey of a large number of dwellings in Phibsborough. The results were absolutely appalling. Warning shots have been fired across the bow for a long time so we need to act and we need the Government and Opposition to support our motion.

Deputy Denise Mitchell: We can all safely say we were shocked by the RTÉ programme "Nightmare to Let", which showed how some landlords are exploiting tenants to rack up huge

profits. We were shocked but I very much doubt that we were surprised because the housing crisis has been growing every year. The response of the Government has been slow and, frankly, it has been too little, too late. The undersupply of social and affordable housing and rocketing rents have allowed the return of what used to be called “slum landlords”. These individuals are exploiting vulnerable people. They are putting people’s lives in danger by cramming them into unsafe buildings. In some instances, there were 16 people in one room. The landlords get away with this because of the lack of inspections and resources to carry out enforcement in the sector.

I welcome the proposal by the housing charity Threshold that calls for an NCT-style system to ensure private rental accommodation is up to standard. It is a common-sense idea that needs to be pursued. Those landlords who either refuse to register their properties or who are not meeting the minimum legal standards must face serious penalties. A slap on the wrist or a small fine is not good enough. We need to get tough with them because they are placing the lives of citizens in danger while they make huge profits. That cannot be allowed to continue.

I call on all parties to support this motion. It is long past the time for the Government to get serious and to introduce serious measures to deal with the rental market. This is just one concrete proposal that can make a difference until we bring about an end to the housing crisis. We all know the crisis will only end by building social and affordable housing.

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I thank the Sinn Féin Deputies for providing the opportunity this evening to discuss the appalling revelations regarding breaches of standards in the private rental sector, which were aired in last week’s “RTÉ Investigates” documentary. What we witnessed was horrendous and degrading. No one should have to live like that and no one should be allowed to live like that. The properties shown have been closed down and the landlord is being pursued, as is only right and proper. It would seem that this was not an accidental breach of standards; rather it would appear to be the wilful and deliberate exploitation of a powerless group of people in our community. That is not the Ireland we stand for – not for the people in this Republic or those we invite to come to live and work and contribute here. That such appalling conditions can exist, almost undetected and uninterrupted it seems, shows how much we need to implement the rental reform agenda that we have already put in place, with more still to come.

This RTÉ documentary has put a public focus on standards that persist in some of our private rental accommodation. That is a good thing because people should be made very aware of some of the living conditions that people in this country still have to put up with. However, this is not a new focus for the Government as we have been working towards new solutions and protections for quite some time. Our rental reform agenda is under way and I am determined to see it through, together with the new proposals that I announced in September.

To step out of the current context of this debate for just a moment, it is important to note also that the images shown in the documentary do not represent the vast majority of people’s experience of the private rental sector. The vast majority of small independent landlords are good landlords. They look after their accommodation and they look after their tenants. But in every walk of life it seems, there are those who will break the law and who will give a bad name to a good enterprise.

Returning to the context of this debate, people can be assured that the Government is absolutely committed to tackling this problem and to addressing comprehensively substandard accommodation in the rental sector. While not subscribing to every single word of the Sinn

Féin motion, the Government will not be opposing it. In the time available, I wish to take the opportunity to outline some of the actions that have been taken to date and that are planned to improve the quality and management of rental accommodation, so that citizens can live secure and safe lives wherever they call home. Essentially those actions involve: The introduction of new standards, which has already happened; a commitment of funding for increased inspections, already given and now ring-fenced for 2018 and; a new system of compliance that will be progressed as part of the change management plan for the Residential Tenancies Board, RTB, which I announced in September of this year.

The Government's strategy for the rental sector, published in December 2016, set out a wide range of measures to be introduced under the headings of supply, security, standards and services - many of which have already been progressed. The most important of those for the quality of private rental accommodation are the standards and services. Those encompass greatly enhanced inspection and enforcement standards. They include the updated Standards for Rented Houses Regulations 2017, which came into effect in July, and are clearly focused on tenant safety. They introduce significant new measures covering heating appliances, carbon monoxide and window safety. Local authorities have been given a comprehensive guidance document by my Department to assist them in the implementation of the regulations. However, we also need the resources to enable increased inspections. While a total of €7.5 million has been provided to local authorities for inspection purposes over the four years to the end of 2017, we recognise the need for additional resources to ensure greater compliance with standards. Therefore, we have made greatly increased provision for inspections, with €2.5 million in funding to be provided in 2018. I intend to provide further annual increases in the period up to 2021, when it is envisaged that €10 million will be provided. That will enable us to increase our inspection rate to 25% of rental properties annually which means that a rental property will be inspected every four years but, more important, the properties that really need urgent or regular inspection will be prioritised, namely, those particularly at-risk properties that include very old buildings and instances where there has been a complaint.

It is not enough to simply raise standards and increase inspections, especially when we know there are unscrupulous people out there determined to subvert the law and put people's lives in danger. We need to be sure there is a robust enforcement and sanctions regime, and that will be at the core of the change management programme for the RTB that I announced almost two months ago. In the current situation, there is little disincentive for unscrupulous landlords who let poor quality, unsafe or overcrowded dwellings and take advantage of the most vulnerable renters in the sector. Such landlords may be tempted to try to operate undetected for as long as possible and, if discovered, simply discontinue the use of the accommodation and move on to somewhere else. What that means is a landlord can currently provide substandard accommodation without the prospect of being subject to any immediate penalty as an offence is only committed and a penalty imposed when an improvement notice or a prohibition notice is served and is not adhered to. That has to change, and it will change as part of the Government's continued reform of the sector.

While the sentiment behind the call this evening that the Government would support an NCT-type certification system for private rented housing is understandable, the reality is that establishing and rolling out such a system would take a significant amount of time and would not be an effective means of dealing with the immediate problem we face. Under the changes coming to the RTB to make it a strong regulator of the sector and to allow it to effectively represent the concerns of tenants as well as landlords, landlords will be required to register their

tenancies on an annual basis. A more effective way of addressing the issue of certification and sanction is to require landlords, when registering a tenancy with the RTB, to certify that the property in question is compliant with regulations in relation to standards for rental accommodation, overcrowding and fire safety. That will mean a legally enforceable requirement on landlords to certify the quality and safety of their rental properties. Failure to provide certification, failure to register the tenancy or, very important, the provision of an untrue certification, will all constitute offences, prosecutable by the RTB. That will protect the good landlords as well as expose the bad. That is how we can quickly come to greater protection for tenants from unscrupulous landlords by introducing a more meaningful sanctions regime.

The RTB will play a key role in terms of standards and enforcement in the rental sector, and will be given the powers and the resources required to take on this enhanced regulatory responsibility. That will require legislative change and that is a priority for the Government. I have previously stated that reforming and strengthening the RTB is a substantial programme of work that must be undertaken over a number of years. However, priority is being given to exploring, as a matter of urgency, the changes needed in legislation and in the board's financing arrangements in order to make early progress in the process that will progressively see the RTB become the sector's regulator over the next two years. The work began in September 2017.

Particular attention will be given to possible amendments to the provisions in relation to overcrowding, both in terms of its legal definition and the enforcement actions and sanctions applicable to such situations. I take the view that enabling or causing deliberate and unsafe overcrowding is a very serious offence and I will treat it as such in the legislation to come.

The proportion of inspected properties found not to meet rental accommodation standards, cited by RTE as 69% nationally, is high. However, that should not be extrapolated to imply that non-compliance is at this level across the sector. Local authority inspections currently target properties that are identified as being at risk of not complying, namely, older properties and those with a history of quality problems. Many inspections are conducted as a result of a complaint received. For that reason the rate of non-compliance among inspected properties will inevitably, and properly, be higher than the rate across all rental properties.

I accept there are issues of inconsistency and significant differences in inspection and enforcement capacity across local authorities. That is also being addressed under the rental strategy. Work is under way to build a more efficient, standardised and transparent inspection and enforcement approach across all local authority areas. My Department, the Residential Tenancies Board, and local authorities are working together to develop a national system of shared support services covering ICT, legal services, training and capacity development and resource and performance management. That will mean all local authorities will have access to the most up to date and effective tools and systems to increase their level of inspection and expedite enforcement processes so that rates of compliance increase and opportunities to operate under the radar are eliminated.

In addition, we will increase stakeholder engagement and awareness-raising to educate landlords as to their statutory responsibilities and obligations, as well as making tenants fully aware of their rights. The RTB will offer a voluntary landlord accreditation scheme by which landlords and their agents will gain knowledge on best practice and a more thorough understanding of both the rights and obligations of landlords, including in relation to safety and the quality of their properties. After the Grenfell Tower tragedy, under the fire task force that was set up the RTB prepared an information leaflet on the fire safety measures which landlords are

required to ensure are in place and that was delivered directly to all registered landlords.

We face significant challenges in the rental sector at this time. Substandard and dangerous accommodation is not something we can tolerate, no matter how bad the current shortage of housing. However, things are improving on the build side. Implementation of the Government's Rebuilding Ireland action plan is working to address the issue of supply of new housing for ownership and the rental sector, while the strategy for the rental sector is driving changes to improve standards and increase the coverage and efficiency of the inspections system to underpin improved compliance. Moreover, the new changes for the sector I announced in September will allow us to properly deter the wilful breach of accommodation standards, as well as sanction it where it occurs.

The bulk of the measures included in the motion are already covered by the Government's work to date in terms of actions completed, work under way or measures planned in our already-announced programme of work. We will remain resolutely focused on delivering on this programme in the months and years ahead. On this basis, the Government will not oppose the motion.

Deputy Barry Cowen: I move amendment No. 1:

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

"notes:

— the disturbing evidence of gross breaches of minimum standards regulations in the private rental sector uncovered by the RTÉ Investigates documentary 'Nightmare to Let';

— that according to the National Oversight and Audit Commission in 2015 less than six per cent of private rented properties were inspected and in 2016, according to Freedom of Information (FOI) material obtained by RTÉ, this fell to four per cent, the second consecutive year of a drop in the level of inspections;

— some 55 per cent of inspections failed in 2015 and 66 per cent in 2016;

— that 65 full-time equivalent staff were working on private rental accommodation in 2015;

— only €1 million was spent nationally on inspections in 2014;

— the resources devoted to these functions varied considerably amongst authorities, with the proportion of staff to tenancies ranging from 0.007 to 1.263 per thousand tenancies;

— the additional time specified burden of Housing Assistance Payment (HAP) inspection requirements, with some 32,000 HAP tenants and rising across the country; and

— the need to ensure private rented accommodation is up to standard for all tenants; and

calls on the Government to:

— review inspection processes and systems for proactive, reactive and emergency

inspections to achieve maximum efficiency, effectiveness and greater sector-wide standardisation of content;

— ensure that the review covers processes and systems for recording inspection data as well as the categorisation of dwellings based on risk and enforcement procedures when non-compliance is found and look at more specialised Rental Accommodation Scheme (RAS) and HAP requirements and opportunities for co-operation in areas such as staff training;

— clarify and eliminate the gap that appears to exist between findings of non-compliance and enforcement action;

— introduce an NCT-style private rental accommodation check as originally called for by Fianna Fáil in 2015;

— ensure that, pending the development and implementation of such an NCT-style approach and the carrying out of appropriate awareness measures, authorities set inspection targets that would enable all dwellings to be inspected every five years;

— ensure inspections should confirm that tenants have received the specified details of the tenancy and statement of information set out in the Schedule to the Rent Books Regulations;

— review the content and accessibility of local authority website information relating to their rental sector functions;

— establish a clear and transparent system for setting out follow-up actions to be taken whenever non-compliance is found and for annual reporting to the Department of Housing, Planning and Local Government about the actions taken to address non-compliant dwellings;

— explore how to involve tenants in the follow-up process, including the copying to them of inspection reports and subsequent communications to the landlord;

— make greater use of the Prohibition Notice procedure with a view to achieving rectification of compliance issues prior to any re-letting of a dwelling that was found to be non-compliant and could not be remedied while the tenant was in occupation;

— launch an awareness campaign, targeting tenants, landlords and their agents and focussed on the key risk factors encountered in inspections, which might usefully complement inspection work;

— ensure there is specific budgetary provisions that align resources to targets;

— examine a more equitable alignment of the cost of inspections with the allocated funding;

— introduce local performance indicators for key stages of the process and by the establishment of associated targets; and

— ensure the performance against target data should be included in the monthly reporting by Chief Executives to the elected members and present an annual, publicly available report to the Minister for Housing, Planning and Local Government.”

Although I have moved amendment No. 1, I will not be opposing the Sinn Féin motion. I recognise and welcome its contents. Moreover, I welcome that other parties have come around to the proposal we made as far back as April 2015 relating to an NCT-style system of inspection to be carried out on all leased residential properties, as should be the case.

Last week's television programme was shocking and disturbing. As others speakers have said, it was not surprising to many of us, unfortunately. We are well aware of the lack of resources, funding and personnel within local authorities, despite the fact that they are charged with responsibility to carry out inspections on private properties.

The information emanating from the programme as a result of a freedom of information request carried out by RTÉ adds to the information emanating from national statistics on how local authorities do their business. In 2015, the relevant figure was 6%. It is not only in respect of private properties, unfortunately. The State is subsidising the rent to many private landlords through housing assistance payments and rental assistance schemes as well.

There is a failure to do everything that should be done in respect of the safeguards one expects to be in place for those properties to be inspected. I raised this issue directly with the Minister in June at a committee meeting, when we were discussing the ability of the State, the Department and local authorities to respond to the fears expressed by many in this State following the terrible tragedy in Grenfell Tower, London, not to mention what happened in Carrickmines some years ago, when ten people, including five children, lost their lives in an encampment that did not meet the relevant safety standards. That was and remains the great fear throughout the State. It became a reality for many people in a shocking way when they saw what was on television last week in the "RTÉ Investigates" programme.

The failure to adequately deal with our responsibilities in this sector, especially in the crisis we are in at present and given the way in which sections of society would seek to take advantage of that, is one of the greatest failures and shames of the Government. The failure to adequately deal with this issue is putting lives at risk and they remain at risk. Although we are told the economy is thriving and racing ahead, services are not being adequately resourced or funded for the most basic of needs in this area. I saw as much recently in my constituency. The story featured in the news last night. The sister of a person who was affected by a violent burglary talked about her elderly brother going to bed and locking the bedroom door. Regardless of whether the Minister likes it, the Government is not adequately funding or resourcing policing to allow people to have more faith in the protectors of society.

This is another example of it. The Minister does not acknowledge - he needs to acknowledge it - that he has failed to adequately resource local authorities to date. Since we are talking about this housing crisis and the many facets of it, let us nit-pick at what the Minister, his colleagues and predecessors have said. The reason the Minister maintains funding is not an issue in respect of the provision of public housing is because it can take two to three years from the date a site is identified to the date construction vehicles and personnel are on site. As a consequence, of course funding is not an issue. However, if the Minister really means or contends as much, why can he not adequately resource local authorities under such a system as proposed by Fianna Fáil or Threshold or this motion?

When dangerous cars were to be taken off the roads, a system was put in place to ensure they were taken off the roads, and it succeeded, largely. Now, it appears there are dangerous properties in the marketplace and they have to be taken out. This is a way in which it can be

done. The Minister says the Residential Tenancies Board can be resourced. Unfortunately, the RTB is not doing the job it was charged to do. I have no faith in the board being in a position to do this task either. If every property that was leased had to obtain a certificate from the local authority to confirm that it was in compliance with planning permission, fire safety measures, building regulations and all the laws pertaining to the way in which property can be leased, then it would be fine. If the process were repeated every few years, that would be fine too. However, I believe the system the Minister was talking about smells of self-regulation and it mentions providing certification. The Minister is depending on goodwill and I have no doubt but that he would get it from many. However, as others have said, in the context of the crisis in which we find ourselves, there are people who will take opportunistic means to better themselves at the expense of others. That is our society. That is the way it is. That is what we have to expect, unfortunately.

In the current system only 65 people are charged with the relevant responsibility in housing in the country. I made this point last June and on other occasions as well. Now is the time to act on this. In my county one person deals with this matter among many other things, including the responsibility in respect of environmental protection, reports of illegal encampments and unauthorised developments, failure to comply or discharge development levies or charges associated with planning permission, as well as all complaints made in respect of any issues surrounding planning, health and safety and the built environment. As one person could not be expected to do all of this, it is no wonder the rates are at 4% or 6%.

I accept the Minister's comment that there is greater compliance with the complaints that are made. That is no surprise. The Minister should understand and believe my comments, however, since they are based on the representations I receive on an all-too-regular basis. Many people come into my clinics and those of other Members knowing full well that they are living in squalor and danger. They know danger is associated with the buildings they are in. However, they fear the prospect of the State not being able to provide them with an alternative, even in the short term. That is why they stay where they are and that is why their lives are at risk. This is why we cannot turn our back on these people any longer. The whole country knows it, not because of what I said here or because of what anyone else here has said, but because the "RTÉ Investigates" programme showed it in a clear light.

No matter what way we look at it, it is a terrible indictment for a Department, Minister and Government to stand over a system under which only 4% to 6% of the properties are being checked. I am as frustrated as the others in this House who hear in their constituencies the heartfelt cries for help from people who do not want to become a statistic or be added to the terrible vista created and placed on families in Carrickmines. We do not know how fortunate we are that this practice has not resulted in deaths. We can wait no longer. When members of the public hear the Minister say that money is not an object when it comes to his response to the housing crisis, they expect him to prove it.

The Minister will have the full support of the House if he establishes a process that takes advantage of local authority personnel. Having been a member of a local authority for many years, I am aware they have staff with the qualifications required to perform this function, including architects and engineers. The Government must allow them to do so.

I understand the cost of an inspection is approximately €175. If it was €250, no one would give out and the local authorities would have a source of income. God knows, the local authorities have had enough powers removed from them. Now the Minister is proposing to remove

funding for this function and transfer it to the RTB. The latter has been a major disappointment. It is clearly not adequately funded and resourced and has fallen far behind in dealing with cases which take a long time to conclude. The Minister now proposes to add inspections to its functions. Inspecting accommodation is a function of local authorities and they have been short changed for too long on this issue.

As I stated, the House does not come together very often but it can come together on this issue. I do not want, at some point in future, to hear Deputies paying tribute to people who lost their lives as a result of our failure to act and the Minister's failure to adopt the proposal before him. He indicated that money is not an object. While we do not agree with his proposal on the RTB, a system similar to the NCT and policed by an independent authority, namely, the relevant local authority, would enjoy universal support and could be successful.

Deputy Pat Casey: The housing crisis is a perfect storm. Not one element of the housing sector is functioning normally. While I accept that this makes it difficult to address the crisis, if anything, the scale of the crisis dictates that the Government must respond with the same focus on pragmatic solutions as it put into communicating the crisis.

Before referring to the private rented sector, I request again that the Government work with all those Deputies who are genuine in seeking solutions to address the housing crisis. I regret and condemn the recent communications campaign by the Government in which it stated the housing crisis is normal when compared with other countries such as the United Kingdom and some of our European Union partners. There is nothing normal about the housing nightmare that is shared by many people in Ireland, the UK and other EU member states. The lack of determination among many western governments has resulted in housing again becoming a major social need. That appalling housing provision has become widespread and normal does not allow the Government to spin its way out of its responsibility for fixing the crisis. If anything, the Minister and his counterparts in the UK and rest of Europe should work together to ensure European countries co-operate to ensure that all citizens have somewhere safe to call home. Rather than normalising the abject failure of western governments to respond, their priority should be to achieve this objective.

Tonight, we are discussing another broken element of housing, namely, the appalling conditions that prevail in some parts of the rented housing sector. I use the word "some" because it is important to acknowledge the significant number of landlords who are not only accidental and under severe strain but also responsible and good. The majority of them ensure their rental properties are maintained to a high standard, which makes good business and civic sense. Unfortunately, however, a number of landlords are using the scale of the housing crisis to make maximum profits at the expense of safety and human dignity. This is a scandal and I am pleased to note the House unanimously condemns those who would profit from human misery.

The Fianna Fáil Party has been warning about the lack of an adequate inspection regime since 2015. While I thank RTÉ for highlighting the disgraceful conditions people are being forced to endure, I regret that, once again, it has taken an in-depth focus by our colleagues in the media to elicit a response from the Government. As usual, somewhere in Government Buildings the crisis communications clock is ticking down on this debate in order that the media focus will move on. Sadly, this is the nature of modern politics and it diminishes citizens' belief in our ability to solve problems, which is a dangerous development.

Deputy Cowen and others in the Fianna Fáil Party have called for the implementation of

a process that empowers local authorities to establish a simple, straightforward and workable inspectorate based on the successful NCT model. The pragmatic and responsible Government response would be to accept the motion as a priority, have the Joint Committee on Housing, Planning and Local Government analyse it immediately and have legislation passed with Government support as quickly as possible. We, in the Fianna Fáil Party, do not want thanks but the implementation of a practical solution. While I hope this will happen, I am doubtful that it will. Instead, the Minister will probably thank us for our sincere contributions to the debate and indicate he is working on a solution that will be brought forward shortly. He will not accept that only 8% of almost 7,000 private rented properties in County Wicklow are inspected every year or that local authorities have been starved of resources and talent for many years. He will not give a commitment that the Government will ensure local government will be at the centre of delivering solutions to the housing crisis. The reason he will take such an approach is that the Government views the housing crisis as normal.

Deputy Marc MacSharry: I welcome the opportunity to address this important issue in Sinn Féin's Private Members' time. I support the amendment and, as Deputy Cowen stated, the Fianna Fáil Party will not oppose the motion because we all want the same thing. We heard about the RTÉ programme and, as Deputy Cowen also stated, we want NCT-style inspections of private rented accommodation.

The disparity in the level of inspection activity by various local authorities is testament to the lack of consistency among local authorities nationwide. The average cost of inspections ranges from a low of €147 in one local authority - I forget which - to a high of €800 per inspection in County Louth. I would love to be working in the private sector and getting €800 for inspecting houses. I do not know what is going on in Louth County Council given that a full report from a structural engineer on a 3,000 sq. ft. mansion would cost in the region of €300 plus VAT. I do not know what Louth County Council is doing in terms of allocating costs or who is carrying out this work on its behalf because an average cost of €800 per inspection is a problem.

While we depend on local authorities to carry out inspections, we have established other bodies to regulate the private rented sector, including the RTB. While the RTB is, in theory, a very good organisation which was established for all the right reasons, it is chronically under-resourced. It is akin to having a regulator for drink driving when everyone is driving around drunk. While it is great that the RTB is in place, the organisation is under-resourced. For example, its helpline is only available at certain hours of the day. As a former auctioneer, I had dealings with the board on behalf of landlords and tenants and I experienced serious inconsistencies in turnaround times. It can take up to three years to get a case to court and the tenant or landlord is expected to pay the costs of going the court route. This is a problem.

An NCT-type system is required for the private residential sector. Some local authorities, including Sligo County Council and Dublin City Council, are doing their business well. A good starting point would be to consult those local authorities which are carrying out inspections at a low cost, with a view to mimicking their approach or directing local authorities elsewhere to mimic it. While we need a new NCT-type system, while we need to have situations improved, we do not need to set up another quango with a pricey administration in terms of back office, that we cannot afford to resource and that, in theory, does this great work but in practice ticks boxes and we do not see the tangible evidence on the ground of penalties being imposed and, ultimately, these properties being brought up to a standard where we have an accommodation crisis in the country. We need to be careful and clever about how we do this.

Why are we here? Why are people being forced to go into the kind of premises that we saw on the RTÉ exposé some weeks ago? The reason for that, of course, is lack of supply. The lack of supply has pushed prices through the roof. People cannot afford it and now we have people going in to substandard properties with 13 or 14 beds stuffed into every corner.

There will always be rogue elements in society. What we must have is a system that can root them out without engaging ourselves as busy fools running around trying to inspect those who perhaps are quite compliant. It is a difficult job. While mimicking the good work that is being done in certain local authorities, as a first step in establishing the NCT-type system we must also increase supply. We have had five or six opportunities over the last number of weeks to outline how we should do that. I gave the Minister tangible suggestions which, I hope, he can act on in that regard.

Deputy Jan O’Sullivan: I support the Sinn Féin motion.

I thank “Prime Time” because it was the essence of public service broadcasting. RTÉ is a public service broadcaster and its programme has allowed this agenda to move forward in a way that, perhaps, if it was only us politicians talking, might not have happened. Being on the national airwaves has been hugely helpful in this regard.

As I said, my party fully supports the Sinn Féin motion and thanks the party for bringing it forward. I had originally thought about putting down an amendment until I read the email sent to all Members of the Dáil by former Senator Aideen Hayden, the chairperson of Threshold, in which she asked us all to reach consensus. She wrote:

We are calling on all parties to unite in defence of vulnerable tenants living in modern day tenements, often at the mercy of rogue landlords. We want to see a genuine commitment to real and effective change and that our NCT proposals are enshrined in legislation.

Former Senator Hayden then goes on to ask for consensus.

If I had proposed an amendment, it would have been only to slightly strengthen the motion. I would have amended the first section, which calls on “the Minister for Housing, Planning and Local Government to set out, as a matter of urgency, a plan for ensuring compliance with minimum standards regulations in the private rental sector”. I would have added, “including the immediate commencement of an investigation into the activities of underground unregistered landlords”. I am sure that can be incorporated in the intent of the motion anyway.

I do not know the intention of the others who have tabled amendments. I welcome the fact that the Minister has said the Government is not opposing this and that Fianna Fáil has said it is supporting the Sinn Féin motion. Everybody in this House should unite on this issue and, as Threshold has said, it should not be a political football.

We need an immediate inspection regime led by the Minister. The reason I wanted to put in the extra bit is that I believe the regime specifically needs to find those rogue underground unregistered so-called landlords who are exploiting the desperation of those who are looking for a home which we saw clearly in the “Prime Time” programme. One of my first reactions to the “Prime Time” programme, apart from being horrified at the conditions tenants were living in, was that there was criminal activity. I was looking at what I saw as criminal activity where tenants could not get out if there was a fire. There were literally dozens of tenants on corridors, a fire door locked in one situation and no proper access to getting out. I suspect that is criminal

endangerment but, obviously, that would involve a legal case. Certainly, that is what I felt I saw on that programme, and that is extremely serious. Others mentioned Grenfell Tower. We must ensure that there is not that type of fire danger for anybody.

I have an intern who is from South America. She is not from Brazil but from another South American country. When I told her today what I was coming in to speak about tonight, she said it was easy to find those sites on Facebook. She printed off some advertisements for me today, that is, after the programme was aired. I can give them to the Minister later. These are mainly in Portuguese but my intern speaks some Portuguese and she explained it to me. One, for example, is in Dublin 12. It is a house being shared with 24 other persons - Brazilians. I have a couple of photographs of mattresses on the floor and bunk beds right beside them being advertised at €200 a month for one particular vacancy. In at least three of these cases, there are addresses. There is an address on the Old Cabra Road. There is an address in Ash Street. There is an address in Charles Street. It does not give the numbers but it gives the streets, and it says roughly where they are in Dublin. These are currently on websites. It should not be too difficult to find a lot more of these. I would hope that this debate tonight will precipitate the finding of many more of these accommodations that are being advertised to very vulnerable persons, who cannot afford accommodation and who accept these on the basis that they are affordable, but clearly they are entirely unacceptable.

There is real urgency about this. This is not something that was only occurring in those particular premises that we saw in the programme. We need something much more proactive. I accept the good work of the Residential Tenancies Board, RTB, does in many situations but I am not sure that it is the right body to do this, and I note that others have said that. For example, there should be local authority staff whose job is to be proactive and go out and find such premises. As Threshold suggested, a certificate should be obligatory and the penalty should be “severe” so that there is no incentive for being outside the system, and “Inspections would then focus solely on whether the landlord held a certificate of compliance”. We need that kind of immediate and strong action in relation to those who operate outside the law. I accept that we need a system whereby registered landlords are inspected but, more urgently, we need to get to those underground black market landlords who are not registering and who are advertising in places, such as Facebook.

The Peter McVerry Trust proposed, for example, in relation to empty properties, that local authorities should have empty homes officers whose role would be to proactively go out and identify empty homes and find a way in which at least some of them can be brought into use for people to be housed. We need that type of proactive action on this as well. We do not need to wait until somebody reports or finds out that these kind of practices are going on. We need somebody to go out and find where they are. Local authorities have access to a lot of information on who is living where and they should be able to find it, if they had the wherewithal in terms of resources but also the power and the functional role of going out and doing this. As a public representative, I do not want to be standing up in here after some place has gone on fire, there have been whatever number of tenants living in the premises and it has not been registered, examined or discovered. We cannot merely wait for a long drawn-out process of identifying where this is going on. It is urgent.

There are many other issues in relation to housing that we have discussed here practically every week in the past several months, and I am sure we will do so again, but this is one situation where we all need to unite for a single action that is being required. I refer to this NCT-type system, but also to the need to ensure that there are strong deterrents to ensure that landlords

do not operate outside of the system and that we have a safe regime for those in rented accommodation. Whatever their financial circumstances, they should not be exploited because they cannot afford more expensive properties and there should be no tolerance of substandard, and particularly dangerous, accommodation.

10 o'clock

An Leas-Cheann Comhairle: I propose, with the agreement of the House, to call Deputy Michael Healy-Rae for three minutes. We will then revert back to the original running order.

Deputy Michael Healy-Rae: I thank my colleagues for giving me the opportunity to speak now as I have an engagement later on. I believe that I must declare what could be construed as an interest in this matter before I speak.

I thank those involved in “Prime Time Investigates” for the great work they did in highlighting this very serious issue. If that television programme can make the living conditions of people such as those highlighted in the programme better, that is to be applauded. There are several things that those involved in providing rental accommodation should be doing. First, they should be providing a safe and proper place for people to live - a proper environment. They should also be registering their property, paying tax on their income and doing everything above board. In saying all of that, there is one thing of which we must be very careful. These types of accommodation - and rightly so - are not going to be here in the future but where are the people who have to move out of such places going to live? We must ensure that they can have a safe, affordable and proper place to live. We are sorting one problem but we are creating another one. Where are these people going to go? We are talking about people - families and individuals - who are entitled to respect and who are entitled to have a proper place to live. We must be very careful in that regard.

We must also be very mindful of the fact that there are countless people involved in providing accommodation who do it right. They do everything above board. They have proper properties, they pay their taxes and they are inspected by their local authorities. I want to compliment local authorities, such as Kerry County Council, which are stringent about carrying out checks on RAS and HAP properties and other properties with which they are involved. I do not want to see a situation arising where everybody is tarred with the same brush. I do not want to see respectable people who are involved in the rental of properties being tarred with the same brush or to hear people saying that they are all the same because they are not all the same. There are respectable people who rent properties and who run their affairs as a proper business. They keep their noses clean and they do it right. The behaviour that we saw the other night would be shocking to anybody - so many people living in one room together should not be tolerated.

I thank Sinn Féin for tabling the motion before us and I also thank my colleagues for giving me the opportunity to speak on it.

An Leas-Cheann Comhairle: We will revert back to the rota. Deputy Mick Barry is next.

Deputy Mick Barry: We are debating how to combat slum landlordism. I will start with a very simple, practical proposal, namely, that undocumented migrants should be permitted to make complaints about their accommodation standards without any fear of deportation or other legal consequences. That is a guarantee that should be given to undocumented migrants by the Minister and I am asking him to give a direct commitment tonight in that regard. Such guarantees are in place, for example, for undocumented migrants in the fishing industry because of

the levels of exploitation that have been reported there and the same should apply with regard to accommodation.

The “Prime Time Investigates” programme gave a glimpse of what is happening here. Why did the councils not do that? It is because they are massively underresourced. There are 64 inspectors in the entire State trying to follow up on this issue and less than half of them are actively involved in going door to door at the moment. That is a scandalous position which must change. I support the proposal for an NCT-type of system but it should not be outsourced to private operators. It should be in the hands of the councils rather than the Residential Tenancies Board, RTB, because there is more democratic accountability to elected members in the local authorities.

The current position is that each year one property out of every 25 is inspected. The Fianna Fáil proposal, as I understand it, is for one property out of every five to be inspected on an annual basis, while the Government’s proposal is for one property in every four to be inspected on an annual basis by 2021. How many fires might we have between now and 2021? Our amendment proposes that there would be an inspection of each property at the very least every two to three years. That would require the immediate hiring of between 500 and 750 inspectors and for those people to be in action next year.

On RTB registration, 495 landlords got a second warning letter last year. In reality, they received five pieces of correspondence. They got a general letter, two follow-up letters, a first warning letter and then a second. A total of 495 landlords got to the second warning stage but there were only 12 convictions. Those 12 landlords were fined €94,260 which is an average of €7,855 each. That is not a sufficient deterrent by a long shot. That is only a couple of month’s rent at the rate that these guys charge. There must be a punishment to fit the crime. What is the crime? It is not just the risks to children in terms of child protection or to people’s mental health in terms of living in overcrowded conditions; these landlords are put people’s lives at risk in terms of fire safety standards. The question of prison and the seizure of assets must be on the agenda and be part of any new legislation. The legislation needs to be toughened up in this regard.

Deputy Richard Boyd Barrett: I thank Sinn Féin for tabling the motion and the “Prime Time Investigates” team for highlighting the issue. The landlords who exploited and profited from the conditions that we saw on “Prime Time Investigates” are just animals. They are flipping animals and they should be in prison. Nothing like that should be tolerated. They are the lowest of the low. What is scandalous is not just those extreme cases but the scale of non-compliance with regulations in the private rented sector. It is shocking. In a number of counties including Kilkenny, Louth, Offaly and Limerick, the non-compliance rate was 100%. In other counties the rate was in the high 90%, including in south Dublin, and in the high 80% in places like Galway, Meath and Clare. This is a shocking level of non-compliance with standards. While not all may be as bad as the horrific conditions that we saw on television, this is not a question of a few bad apples. This is chronic and endemic.

Someone said that it is a pity that it had to take a “Prime Time Investigates” programme to wake us up and that is certainly true. I remember coming into this House in 2012. I was a year in the Dáil at the time and was doing Leaders’ Questions with the then Tánaiste, Eamon Gilmore. I said that we were on our way to a return to tenement conditions. The current Taoiseach, Deputy Varadkar, was giving out on television yesterday about the left and Sinn Féin heckling people but I certainly got heckled that day. There were hoots of derision from across

the Fine Gael benches. Deputies said that I must be joking, that I was over-dramatising things. I referred to Seán O'Casey and tenement conditions and said that we were on the way back and there was laughter from across the Fine Gael benches. The Ceann Comhairle at the time had to stop proceedings in order to try to shut the Fine Gael Deputies up, such was the level of heckling. I was warning back in 2012 that we were heading towards tenement conditions. It has taken until now for an acknowledgement but it was predictable - it was all so predictable. On the famous supply and demand equation, if the Government does not provide council housing, if it does not have enough staff in the local authorities and is, in fact, slashing staff who are supposed to inspections, all of this was eminently predictable. Now, will we get the sort of radical action we need? I agree completely with the NCT-style proposal but we have to have the staff, which means hundreds of people being put into the local authorities to do the inspections.

Critically, however, there will always be underground slum landlords if there is a situation where there is not enough quality social housing that is affordable and provided by the State itself. Indeed, and it is for another debate, the State's own housing stock has big problems. We just had a finding against us from Europe under the European Social Chapter in regard to the conditions in local authority housing complexes where there is chronic damp. I know from my own local authority, where, when we tell staff there is chronic damp, and because they do not have the resources, they say people need to open the windows because ventilation is the problem. Ventilation is not the problem; it is the deplorable and unacceptable conditions. If that is happening in the public sector, God knows the shocking situation in the private sector.

Deputy Joan Collins: I wish to share time with Deputy Thomas Broughan.

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

Deputy Joan Collins: I welcome the Private Members' motion from Sinn Féin but it horrendous that we are in a situation where we are discussing this issue. While I welcome the "Nightmare to Let" programme, it is a terrible indictment of our society that this situation was there for it to investigate. That programme showed several scenarios. There were private landlords who were registered with the RTB, one was a HAP dwelling and one was particularly bad, with 64 people living in one property on Old County Road. I want to give a bit of background to this last case as I think it is important. It was a hidden hellhole.

In early 2016, there were two commercial premises on the bottom floor of that building. One was a distribution centre for food and the other was a furniture shop. The distribution centre closed in January 2016 and the furniture shop closed about June 2016. All of a sudden, a big sheet of plastic went up, with a sign advertising commercial premises to rent, with a phone number and so on. As it is right next door to my constituency office, we started noticing a few people going in with suitcases. We knew from residents to our rear that work was being done and windows were being opened up at the back of the premises. In December, Councillor Pat Dunne from our office put in a request to the Dublin City Council planning enforcement office for an investigation of that premises to take place, along with residents who were also concerned about it. We got a reply from the enforcement officer in April of this year saying, "Case closed, nothing to see here", even though we continued to see people going in and out.

When the fire officer went into the building, we went out to him and he explained to us what was going on. He said the terrible thing was that, disgracefully, the emergency door at the back was locked, even though there was a light on it. Councillor Pat Dunne asked where the emergency door was and he was told it was on the left of the building. There is a laneway at the back

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of our constituency office which is overgrown, so nobody goes into it. Councillor Dunne had let in a service officer to check some electricity wires at the back of the laneway only a week before that. He came out white and said he had to show us the laneway, because when he went there, he noticed there was a bricked-up doorway. He did not know it was the emergency door, which was bricked up from the inside by this guy, Andy O'Neill, who quite consciously went in there and tore the place down.

We went in afterwards and there were not even frames on the doors, there were just drilled-in holes in the walls, going from one premises to the next. On the door was written for the students going in there: "Do not talk to anybody", "If anybody asks who you are, you are a student", and "Do not gather outside in the open". We never saw a bin outside the building. There was a situation where the tenants put their waste into a doorway and that man came along, in the evenings or at night, and collected that waste, put it into a trailer and brought it off, so we never saw bins. There was no indication; it was a hidden hellhole.

We know there are a lot more of them around the city. There was a report in the *Irish Independent* only last week from Amy Molloy about such properties, revealing more than 40 houses and apartments-----

An Leas-Cheann Comhairle: Deputy, you are an experienced politician. You should not name names of those outside the House.

Deputy Joan Collins: Excuse me, this man is known. He was in the public arena.

An Leas-Cheann Comhairle: That is not the point.

Deputy Joan Collins: He should be named and shamed. How dare he do that to people, and leave them in the situation they were in.

An Leas-Cheann Comhairle: You cannot do it. You have to conform to the rules of the House.

Deputy Joan Collins: I have no qualms at all about naming that man.

This was a report done by a journalist in the *Irish Independent*, revealing that 40 houses and apartments are being run by a group. One house was previously the address of more than 2,000 offshore firms and another house was split into 14 bedrooms. The reports are there; we know it is happening.

These landlords are not even registered. I totally support the idea of having an NCT-style inspection. Any landlord who is not registered for such an NCT for a premises should be jailed immediately for allowing this to happen. They are illegal, dangerous and criminal and they should be jailed.

Deputy Thomas P. Broughan: In looking at media quotes from 2014, I read: "Close to 60% of all private rental premises that were inspected by local authorities last year [2013] failed basic minimum requirements – prompting calls for landlords to be compelled to undergo 'NCT-style' inspections on their properties." There were 100% failure rates in some local authority areas, with failure rates of over 90% in others. The article, by the journalist Allison Bray of the *Irish Independent*, concluded, "Tenants are suffering in silence". One would think these were quotes following the recent programme, "Nightmare To Let", but we knew this was the situation for three years. The current Government has done nothing to try to ensure that tenants are

given some kind of safe and decent accommodation. Vulnerable people are still being exploited and placed in grave danger.

As a result of my growing concerns about the rental sector, I requested a research paper from the Oireachtas Library and Research Service on landlord obligations. In particular, I asked that it look at the UK Housing and Planning Act 2016 and the UK housing Department's guidance for local authorities on civil and criminal sanctions for landlords. The research indicated a number of measures which were introduced in the UK, namely, civil penalties up to £30,000, extending rent repayment orders to cover other areas of breaches, a database of rogue landlords and agents and banning orders for particularly bad landlords. The research paper concluded that the essence of that legislation could easily be introduced in this country. I believe that Part 2 and Schedule 9 of the UK Housing and Planning Act 2016 could be brought forward tomorrow morning, if the Government wanted to do so.

On Thursday last, the country was shocked by the horrendous exploitation of tenants by some landlords in Ireland. We saw young migrant workers desperately trying to access affordable accommodation in this city. The programme, "Nightmare To Let", showed the appalling disregard for human life and dignity in some properties around Ireland. What was particularly astonishing is that it took eight weeks to reply to an email of complaint on fire safety. It reminds that, seven or eight years ago, I referred the Priory Hall complex in Dublin Bay north to the chief fire officer, as well as to Dublin City Council. Of course, it eventually led to the closure of the complex. The kind of conditions we saw in Priory Hall go on and on, and we have seen even worse conditions in the past few days. That is why many people will be sympathetic to the recent call of Councillor Éilis Ryan of the Workers' Party for a total management change in Dublin City Council because there has been such significant risk to residents. I note the deputy city manager, Brendan Kenny, has called for fines of up to €1 million for landlords flouting the law and also asked for 100 additional inspectors.

In light of the statistics provided in that programme and elsewhere, how many of the thousands of dwellings in respect of which legal actions were initiated relate to repeat offenders? Is the Department investigating whether any council knew that tenants were living in fire traps? Has the Minister ordered an investigation into the management of local properties in this regard? We need urgent action on this matter. Sympathetic words and talk of NCTs and so on from the Fine Gael-Fianna Fáil party, if we want to call it that, have come too late.

An Leas-Cheann Comhairle: Deputies Michael Collins and Danny Healy-Rae have three minutes in total.

Deputy Michael Collins: I welcome the opportunity to contribute on this important motion. I thank my colleagues in Sinn Féin for tabling it. The housing issue facing Ireland is beyond crisis point. Viewing the "RTÉ Investigates: Nightmare to Let" programme, it was appalling to see the situations in which some people have been forced to live by rogue landlords. Tenants' lives are being put at risk by unscrupulous landlords' disregard for basic health and safety and fire standards.

To say that there is a significant shortage of available properties around the country is an understatement. However, going by figures released in the 2016 census, there are 260,000 vacant houses. This is a disgrace. It is commonsensical that these houses would go a long way towards solving the immediate housing crisis.

I spent weeks with the Minister of State and his colleagues discussing matters during the formation of the Government. I was glad that the Government took on board the issues and suggestions raised by my colleagues in the Rural Independent Group and me about changing the use of units from commercial to residential and included them in A Programme for a Partnership Government, which reads, "The Action Plan will look at existing housing stock that is uninhabited, and vacant commercial units, with a view to incentivising the refurbishment and change of use to homes." However, I am disappointed that little progress has been made in this regard. Urgent action is needed to solve this problem.

While it is an imperative that standards be applied, there is also a duty on local authorities to minimise the time that houses are left vacant. There should be a strict limit on the turnover time for social housing from when it becomes vacant to when it is reoccupied as opposed to the position of those in Wetherton, Bandon, who have been waiting weeks on end to have people appointed to houses that have been completed and are ready for habitation. This is only to mention one example in west Cork, but there are many more, which is unacceptable.

Deputy Danny Healy-Rae: The way that the people in the RTÉ programme were treated was shameful. The landlords involved should hang their heads in shame. An animal welfare Bill was before the House a number of weeks ago. Around the country tonight, most cattle are bedded better than the poor people in those shameful conditions. However, most landlords run a good show and operate their properties to a high standard. Due to the lack of supply, rents are too high and many tenants are suffering the consequence. Most landlords pay more than 50% tax on the rents they take, and many will not even think of renting their vacant properties because of it. A landlord who gets €150 is left with €75 for all of his or her trouble and regulation. If the Government is serious about the provision of housing, it should reduce the tax rate on rental income.

I want to correct the Minister of State-----

An Leas-Cheann Comhairle: The Deputy is taking advantage of my leniency.

Deputy Danny Healy-Rae: -----concerning the repair and lease scheme. When he answered me during a previous debate,-----

An Leas-Cheann Comhairle: The Deputy is eating into Deputy Fitzmaurice's time.

Deputy Danny Healy-Rae: -----he said that it extended to rural areas. It does not. It is only applicable where there is an urgent-----

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

Deputy Danny Healy-Rae: -----and serious demand for housing around highly populated towns.

Deputy Damien English: Anywhere there is a need.

Deputy Danny Healy-Rae: If the Government is serious about opening up houses in rural areas-----

An Leas-Cheann Comhairle: Deputy Danny Healy-Rae is depriving Deputy Fitzmaurice of time.

Deputy Danny Healy-Rae: -----it has to extend the scheme to those.

Deputy Damien English: I stand over everything I said. Anywhere there is a need.

Deputy Danny Healy-Rae: The Minister of State is wrong.

Deputy Michael Fitzmaurice: I welcome the opportunity to contribute to the debate on this motion. This Dáil is reactive, not proactive. Mr. Barry O’Kelly had to bring what was happening to our attention. Where people are living is scandalous, but let us be straight about it - this situation will continue for the simple reason that we have not put in place the necessary resources to conduct checks.

The national framework plan is an insult to people who have put effort into this. If the Government keeps driving people to one part of the country, we will end up with these ghettos. The Government cannot see this. We need balanced regional development.

Something within the Department’s remit needs to be addressed, namely, the number of idle houses that have not been flipped quickly and put right. Simple schemes could be put in place to ensure that people are lined up to do up houses quickly and turn them over. From what I can see, however, the leadership at the top of some councils is falling apart. This is a major problem everywhere.

As Deputy Danny Healy-Rae mentioned, people down the country would not treat an animal like the tenants in that programme were treated. It should not be tolerated. Measures should be put in place to ensure that such landlords do not get away with it. Unfortunately, the Minister of State will not be able to flick a switch and change this overnight. We need people to be out there conducting NCTs on houses at least once per year in order to ensure that the rogue landlords are removed.

The more jobs that are driven into an area, especially lower paid ones, the higher the number of people living together in rooms because that is all that they can afford. If we keep doing this instead of pursuing balanced regional development, that is the Ireland that we will end up with. The same Department needs to examine the national planning framework. What has been done on that front outside Dublin is a disgrace.

Deputy Damien English: It is only in draft form. It is not finished yet.

Deputy Catherine Martin: Tá an Comhaontas Glas sásta tacaíocht a thabhairt don rún seo. Last Thursday’s “RTÉ Investigates: Nightmare to Let” presented a stark and appalling reality of renting in Ireland in 2017. It was a shocking surprise to many but, to many others, it was not a surprise at all. To anyone who has been searching for a place to rent, renters who spend days, weeks, months and years searching for accommodation that is substandard and overpriced, this was only another cruel reminder of what is sometimes on offer.

This is not only a question of quality of life. The conditions that we saw in the programme on Thursday clearly constituted serious threats to public health and the health and well-being of those living there. This is not an issue that has sprung up overnight. Five months ago, I tabled a motion in Dáil Éireann calling for a review and evaluation of our local authority building control sections, which are under-resourced and stretched too thin to have any substantive safety impact. Regrettably, there has been no change or movement from the Government since then.

One in five people resides in private rental accommodation, yet we only have 65 employees

in the building control sections of local authorities across the country. Local authorities have an inspection rate of 4% of all private rental properties listed on the RTB website for last year. That rate is mere tokenism and is not reassuring. It does not instil confidence. In fact, it can have the opposite effect and give a signal to rogue landlords that they and their death trap properties will not be detected and they will not be apprehended. Also, 69% of the relatively tiny 4% that were inspected failed the inspections. This would indicate that we may be dealing with the tip of the iceberg. I say “may” because of the worrying outcome from the dearth of information gleaned to date. One would think that the 69% figure, with the recent RTÉ exposé, would trigger the Government into action and reassure the tens of thousands of renters. Alas, no.

If landlords are not detected or among the 4% investigated, they will continue to have nothing to fear because the local authorities are simply not armed with anything like the necessary resources. The Government must institute an NCT-like system for certification for private rental accommodation. The overarching priority underpinning the provision of rented accommodation must be the safety of the residents. It is essential that we move from a reactive system based on dealing with complaints to a proactive system that polices. If landlords are not properly aware of the prospect of having their properties inspected and the prospect of heavy penalties for breaches, they will continue to rent overcrowded, substandard accommodation because they know they can get away with it.

The Government must seek to introduce robust regulation to specifically tackle overcrowding. Threshold has stated this can be done by a ministerial regulation but the question to the Minister of State is: what evidence is there that this is being done as a matter of priority? The Government must also seek to tackle split incentive issues whereby investment in a property such as retrofitting is discouraged because the occupier and not the owner pays the energy bill. Therefore, there is no real incentive for owners to invest in their properties. This also provides a further disincentive for landlords to ensure that properties are warm, energy-efficient, of good quality and well maintained.

The Government might only have become aware of the situation since last Thursday but this is and has been the reality of daily life for many renters across Dublin and the country. The need for strict regulation and well-resourced regulators is an urgent matter of public safety in order to ensure the horrific conditions all Members saw last Thursday are not allowed to continue. Inept token regulation should not ever be tolerated. We must place the health and safety of the tens of thousands of people who rent to the front and centre in proper regulation.

Deputy Seamus Healy: I welcome the opportunity to speak on this Private Members’ motion and compliment Sinn Féin on bringing the motion forward. It is a consequence of decisions taken by successive Governments, going back to approximately 2000 when the then Fianna Fáil Government decided to outsource the building of public social housing to the private market in a policy that has been continued by successive Governments. Buildings were let by private landlords for social housing but there was no reasonable or effective arrangement to inspect the properties.

There is no doubt that the NCT-type certification proposed and championed by Threshold is the method best placed to ensure the proper inspection of properties takes place. I was shocked earlier today when I heard the Minister speak. I may have misheard him but I understand he referred to self-certification and self-regulation. We all know what that means. We saw it in the past under various other guises. We know self-certification and self-regulation is no regulation. I hope I misheard the Minister but I do not think I did. It would not be acceptable to introduce

self-regulation.

We need proper NCT-type certification of properties before letting takes place, and thereafter on an ongoing basis throughout the life of a tenancy. NCT-type certification should be carried out by local authorities. As we speak, local authorities are not adequately resourced to do that. I understand there are about 64 inspectors countrywide, which is simply not enough. We need at least 500 or 600 inspectors in order to put a proper certification system in place. That should be done without delay.

What we saw on RTÉ last week was simply unacceptable. It was an absolute scandal and a very poor reflection on the Government and local authorities. Local authorities need to be funded and resourced properly in order to be able to undertake a proper NCT-type certification.

Deputy Maurice Quinlivan: I thank my colleague, Deputy Ó Broin, for bringing forward the motion. I am delighted the Government is not opposing it. It is very important that the Dáil is taking note of the disgraceful behaviour of some landlords. The lack of resources provided to local authorities is resulting in a lack of inspections and, as a consequence, the total disregard of standards in the private sector. However, taking note is not enough and real action needs to be taken by the Government to address the problem.

We are calling for an NCT-type system for private rented housing to further strengthen compliance with legal standards, as suggested by Threshold. Almost every citizen in the State must spend some of his or her life in rented property, therefore making sure these properties are safe and properly regulated is of the utmost importance. Like everybody else, I was shocked but not surprised by the conditions in which renters were living, as shown on RTÉ. The level of greed and disregard for people's lives is absolutely disgusting and shames us all.

The housing crisis is being exploited by unscrupulous landlords because tenants are forced to accept substandard accommodation as there is simply no alternative. Yet again, it is the investigations unit of RTÉ which investigates and exposes wrongdoing this country, this time in the private rented sector. This is not the first time the team has done so. Other high-profile investigations include highlighting the case of Grace and exposing conditions in the Áras Attracta nursing home, as well as the mismanagement of charitable moneys. I do not want to take away from the great work of the investigations unit, and I hope it keeps it up, but why has it been left to a broadcasting organisation to reveal such wrongdoing in our country? What would happen if it did not investigate this particular issue? How long would we have to wait to address it? Only a terrible tragedy in one of the properties highlighted would have brought this issue to light.

In 2016, only 4% of private rented properties were inspected by local authorities. Of the paltry number examined in Limerick city, every single one failed. That is a failure rate of 100% for a very low rate of inspections, and I do not believe the figure would be much higher if there was a greater number of inspections. Regulatory regimes are practically non-existent in many sectors of our society, and this needs to change. We need a proactive system of regulation for private rented accommodation. That is why we are calling for an NCT-type system which will provide tenants with assurance that their accommodation meets the required standards and prevent abuses like cramming more than 60 people into one property from happening again.

Deputy Pat Buckley: Any decent human being would be disgusted by what he or she saw on "RTÉ Investigates" last week. I do not think anybody with a shred of respect for human

dignity could stand over the conditions we saw on television. It was like something out of a Dickensian drama. As disgusted as we were, can we really and truly say that we were shocked?

As public representatives, we deal every day with people who are living in unacceptable housing conditions. While Dublin might be the focus of media attention in term of housing, Cork too has serious problems of which anyone who would care to listen should be well aware. Last year, 90% of the rental accommodation inspected in Cork county failed to meet basic standards. Only one of the 179 housing assistance payment, HAP, properties inspected met the required standards, which is less than 1%. A year later, 97% of properties inspected failed to meet basic standards. There were similar findings in Dublin when inspections were carried out.

In my area, houses were thrown up during what I call the dizzy days of the Celtic tiger. They now have serious structural issues. They are damp, cold and falling apart. One woman told me she was at breaking point. She pays €750 a month for an apartment for herself and her child in rural Cork. She had no choice but to live with the black mould which grew on her walls, in her carpet and around the windows. The landlords did not give a damn and were fully aware that they would face no consequences. The tenant had no option. There were rotten carpets and no proper heating.

This is what people have to live with every day and for which they pay extortionate rents. The parasitic behaviour of unscrupulous landlords has to be challenged and stopped. Quite frankly, they need to be punished. I commend the motion to the House. We need real inspections with power behind them. If we stay silent while slums develop in our towns and cities, we are complicit. I refuse to do that.

Deputy Caoimhghín Ó Caoláin: I doubt there were many in this country who were not appalled by what they saw on last week's "RTÉ Investigates: Nightmare to Let" programme. As elected representatives, I suspect we have all been confronted by substandard housing conditions in our respective constituencies. I have dealt with cases over the years where families and individuals were living in conditions that were so bad, they were a danger to physical and mental health.

This matter has an impact on those on lower incomes predominantly. A lack of housing options means they are forced to remain in these conditions. At present, the onus rests on the tenant to report inadequate or a breach in standards. This motion calls for that to change and for an NCT-type certification system for private rented accommodation to strengthen compliance further with legal standards. Only 4% of private rental properties were inspected by local authorities across the jurisdiction in 2016 and two thirds of those were not compliant with minimum standard regulations. Local authorities have failed to enforce standards adequately in the private rental sector and this motion is a chance for us to change that. It calls for greater action from central and local government to ensure tenants' rights are upheld and for the Minister with responsibility for housing to set out a plan for ensuring compliance with minimum standard regulations in the private rented sector. It also calls for the adequate resourcing of local authorities in order that they can put in place a more comprehensive inspection regime.

I reflect with some surprise that I was somewhat heartened that both Cavan and Monaghan county councils in my constituency reported high compliance rates following inspections in 2014. I hope that position maintains. That said, there are landlords with the audacity and the nerve knowingly to put people at risk in properties such as those exposed by RTÉ last week, which is shameful. Therefore, as highlighted in this motion, there is a need for a review of the

penalties faced by landlords when they breach minimum standards. This important motion is an opportunity for us to change things for the better. Le bhur dtoil, tabhair bhur dtacáiocht leis an tairiscint seo.

Deputy Peadar Tóibín: The Fine Gael legacy in housing has many facets, including rough sleepers, thousands of homeless children, hundreds of thousands of people on waiting lists and a rent and house price bubble. There are also tens of thousands of people in mortgage distress. Another critical element is the exploitation of the most vulnerable tenants. The graphic reality of this exploitation was brought effectively to people's screens last week by "RTÉ Investigates: Nightmare to Let". The lives of thousands of people are being materially threatened by a small number of thug landlords who pack tenants in and stack them high. Picture one example of a woman and newborn baby living in a room without a window on a floor shared by many strangers above a restaurant next door to the office of the Fine Gael Minister of State with responsibility for housing, who is in the Chamber now.

Meath County Council is so inundated with emergency housing that it faces a Hobson's choice. For Meath County Council to enforce standards, it would literally have to put people on the street. There are 6,922 private rented accommodation properties in Meath and only 89 are inspected in a single year. It is the fourth worst rate in the State. Of these, 72% failed to meet standards. At the current rate of inspection, the council will manage to inspect the rented accommodation in Meath in 78 years. If we have learned anything in this House over the past seven years it is that if there is a negligible rate of inspections, there is negligible enforcement and non-compliance, and that is what is happening now with landlords.

It does not have to be this way and I commend Deputy Ó Broin on putting together tonight's Sinn Féin motion which seeks as a matter of urgency a plan for ensuring compliance with minimum standards. We seek proper resourcing of inspections, as these will not happen without such resourcing. We also support an NCT-type certification system for private rented housing. We also seek the putting in place of proper penalties for people who put other human beings' lives at risk. That is what is happening around the country. The penalties must equal the threat to the most vulnerable people in our society.

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): I thank the Sinn Féin Deputies, particularly Deputy Ó Broin, for tabling this motion tonight as it enables us to discuss what worries the Government in this area and also what we witnessed in last week's programme. In this House, we are not easily shocked, as people have said, and we have seen many things over recent years. What was shown in the programme was a blatant disregard for people's lives and action that puts tenants at risk. That is what would worry most of us. We should be clear that no legislation permits that and these conditions are unacceptable under any standards. We do not need legislation to tell us that. All the inspection regimes in the world will only catch so much - we can always inspect properties - but we need to rely on the public, tenants and others to tackle the wider problem. I am concerned about what Deputy Joan Collins saw from her office over the past year and we will have to chase that up as well. It is not acceptable. We are very clear that it is not just the tenants of a house, hostel or makeshift hostel who can make a report. Others can make a report and that should be acted on. It is not acceptable that what the Deputy describes went on for over a year in the city. We will check it out because she raised it, and I have heard her refer to it before.

Tonight's motion gives us the chance to consider what we can do and want to do. I know Deputy Ó Broin wants agreement and that is why the Government is certainly not opposing the

motion. We might differ on how to go about it but that does not mean we are ruling out the NCT-type approach in the long run. We also want to have direct action that can have a quick impact. We all agree this is an area in which we should act. This has not gone unnoticed and in December last year we stated that we wanted increased inspections and more funding for this as we want a rental sector of which we can be proud. We want to encourage more investment from providers of accommodation for those who need it, as not everyone wants to or can own a house. We want the option of a properly functioning rental market. We have been focusing on the area. Last week's programme brought great attention to the extreme parts of the sector and tonight's motion deals with the broader issue.

The rental sector needs to be an attractive option for tenants as a long-term tenure of choice. A strong and viable private rental sector should be a key component in any healthy housing market, providing a housing option to those who either cannot or choose not to enter the owner-occupied market. We accept the housing market is not totally healthy, and that is why it has been the focus week after week in discussions in this House. We all agree that housing is a number one priority, and last week's programme will encourage us to work on that area even more. In general, we know housing is taking up much of our time, which is only right. It is why we are putting in the guts of €6 billion of taxpayers' money into the housing sector to fix the problem. We cannot address it in one night, one month or even a couple of years, but we are certainly making inroads and we will continue to do so by investing money.

Tenants who are renting need to have the certainty that as long as they pay their rent and meet their obligations, their rental property will be a safe, efficient, durable, comfortable and sustainable home for them to live in for either the short or long term. The quality of rental accommodation is critical to the success and sustainability of the residential rental sector and to its attractiveness as a long-term accommodation option for households. We are acutely aware of the impact of substandard accommodation in the rental sector and we are taking urgent action to tackle it.

The strategy for the rental sector acknowledges the fact that there are low rates of inspection of the private rental stock, low rates of compliance and little consistency in approach to implementation of the regulations across local authorities. This must be addressed. It also sets out a clear roadmap to address these weaknesses and improve the quality of rental accommodation. The Department is working closely with the Residential Tenancies Board and the local authority sector to develop a national system of shared support services. This will mean that best practice approaches that work well in some local authorities will be developed and replicated across the system, taking advantage of economies of scale and ensuring that all local authorities have the appropriate personnel and systems in place not only for inspection but also to act promptly and effectively when non-compliance is found. We are very clear about this as in many areas, different local authorities excel in certain parts of service. We want to be able to copy such cases and we discussed this at the recent housing summit. We want to copy best practice and there is no point in reinventing the wheel going from one local authority to another.

There has been an allocation of €2.5 million in 2018 to assist local authorities with enforcement activities, with further funding increases envisaged. The plan is to get this to €10 million per year, leading to 25% of properties being inspected. We are a long way off as 4% are currently being inspected. We hold up our hands in that respect and there is no denying it. The new requirements for landlords to certify annually the quality and safety of the property would end the apparent impunity some have felt in obliging their tenants to live in squalid, demeaning and downright dangerous conditions. They must know it is wrong. I have been very clear on

that, and if we have to clarify that again in legislation we will do that, to ensure that there is no grey area.

In addition to the actions specific to the issue under discussion tonight, there are also a number of other significant actions underway to improve the conditions in the residential rental sector. High and rapidly rising rents are drivers of substandard and unsafe accommodation. The changes we are making to the rent pressure zone system following the review we carried out over the summer will further slow the growth in rents. Charging rents above those permitted by the legislation will become an offence and the RTB will be provided with the powers to investigate and prosecute transgressors. It will no longer be solely up to the tenant to initiate a dispute. The conditions under which properties can be exempted from the rent increase limits will be more closely specified and landlords will have to notify the RTB when claiming an exemption. Landlords will also be required to notify the RTB when terminating a tenancy, irrespective of the ground for termination. The Minister for Housing, Planning and Local Government, Deputy Murphy, decided earlier in the year that the RTB will play a more central and proactive role in the residential rental sector. It will be given the powers and the resources required to take on its enhanced responsibilities in the sector. This is a substantial programme of work that will be undertaken over the coming two year period, which will involve exploring, as a matter of urgency, the changes needed in legislation and in the board's financing arrangements in order to make early progress in the process that will progressively see the RTB become the sector's regulator.

I want to be very clear on this, because Deputy Cowen, among others, raised the question. We are not taking local authorities out of the inspection process. We are giving increased powers to the RTB, which will become the regulator, but the local authorities will have increased resources and will still have the job of inspecting properties. They are still in charge of that. There is no issue of the local authorities being removed from that sector. There will be clear, ring-fenced money for this job, and work will be carried out with limits set over the years.

The strategy for the rental sector is driving changes to improve standards, and to increase the coverage and efficiency of the inspections system to underpin improved compliance. It is intolerable that unscrupulous landlords have the impunity to take advantage of our most vulnerable citizens and we are taking steps to address this problem. This is practically criminal activity. These people are not landlords, and we should not call them landlords. What they are doing is not permitted under any legislation. They are not registered landlords. An inspection regime that was inspecting 20% of properties probably would not have caught them either. However, if they were reported by Deputies or councillors or anybody else it should have been followed up on. Any criminal activity requires the participation of everybody to stop it.

Substantial progress is being made in this area and there is an ambitious programme of work in place. People speak about inspection rates and full non-compliance in some cases. This is because the inspections, even though they are at a low percentage, are generally targeted and take place on receipt of information, which explains why they show a very high non-compliance rate. They are targeting properties that have been reported. It is useful, but I am aware that it does not inspire confidence in the overall rental sector. We want that confidence in the sector, and that is why we are prepared to put more money into this, both to prevent what we saw last week, but also to improve the rental sector and make it a genuine choice for people who want to rent and who do not want to commit to a property long-term, or who would rather rent in order to follow a job or their families in different circumstances. It is part of Rebuilding Ireland, so we will invest in that for all the different reasons that were put forward here tonight

as well.

I know that Deputy Ó Broin is genuine when he says that he wants to have full agreement on this, and that is why we are not opposing it. I understand the sentiment behind the idea of introducing an NCT-type certification system for private houses. Most people want that. It is a reaction to last week's programme for some. Others have spoken about this in the past. However, we do not believe that such a system will give us results as quickly as we want them. The NCT system works very well for cars, but it was implemented over a long number of years. It did not achieve magic results at the start but as it became fully operational it did. We are all used to that system. It works very well and has greatly improved the quality of cars on our roads. However, the same system might not provide the same result and make the desired impact on rental properties. We are not ruling out the NCT-type system. I said last Friday that we would not rule it out, that any idea is worth looking at and that we are prepared to look at it. The working group preparing proposals for the standardised national inspection will consider this.

We need to act quickly, and to have an impact in the short term. The self-certification process that we are going to introduce will do this, and it will result in prosecutions and end the impunity that some landlords feel. Again, however, some of these people would never register, no matter what system is in place, because they are not landlords. They are involved in other activity, and we want to deal with that as well. I believe that the certification process is the quickest way to make an impact. It has made an impact in the planning process because it makes people responsible. Hopefully Members understand that it is a step in the right direction. It might not be everything that some Members want in the Motion, but it is certainly something that we will agree with.

With the changes that were announced over the summer and which the Minister for Housing, Planning and Local Government, Deputy Murphy, referred to earlier, we recognise that the RTB will need more resources. It is already reviewing its workforce and is planning for the new proposals and new responsibilities it has. This year already the RTB has requested an additional ten staff in full time posts, and these positions were sanctioned and are in place already. That is something that we are willing to do.

The Minister for Housing, Planning and Local Government, Deputy Murphy, announced in September that the financing arrangements of the RTB are also being reviewed to ensure that it has the resources for its expanded role. We have also decided to move to annual registration of tenancies, and it is intended that the RTB will be run on a self-financing model in the very near future. By 2019 this should provide increased money for the local authorities. We have ring-fenced €2.5 million for 2018 to cover inspections by the local authorities, but that will increase to €10 million a few years later. We are committed to this area, and if we need to strengthen legislation that is something that we are prepared to do as well.

Deputy Seán Crowe: I commend my colleague Eoin Ó Broin on his contribution to the debate tonight. The debate appeared to focus all of our minds on finding solutions. It was not the usual blame game.

We all accept that there is a housing crisis. No one in this Chamber denies it. We come across those difficulties every day of the week.

The "Prime Time" programme showed another symptom of that crisis. It was extreme, raw and shocking. I have never seen anything like what was on that programme, with so many

people crammed into rooms. I have been dealing with the housing crisis for a long time. I remember one occasion where foreign nationals were the tenants and the landlord was turning a toilet into a bedroom to claim money. That situation took place in the South Dublin County Council area, and no one was monitoring it.

In another example, an owner of a business had staff - foreign nationals - living in a container, and he invited me along to meet the staff. The staff were quite happy living in a container beside a power unit over a shop. That was shocking.

I had a young woman with two children in my constituency office within the last two weeks. She outlined the accommodation that she was living in. She does not live in my local authority area, but she wanted advice. She is living in a house with bars on the windows. There is a gas boiler in the bedroom. There is water running down the walls. The electricity works sporadically, and sometimes sparks. There is mould in the room. There is a shed and garden at the back of the accommodation that is covered in drug paraphernalia. She asked me what to do. I can report this to the local authority, but the sad reality is that I do not have alternative accommodation for that young woman. That is the crisis we are in. There is nowhere to refer people to. That is the difficulty.

I am in a local authority area that is second on the list in terms of inspections. It is fantastic that there are inspections going on, but I am aware of different housing stock in the area where people are living in overcrowded conditions. I am aware of houses where foreign nationals are living and where neighbours complain that there are families moving in all the time. People are moving in the middle of the night and it is impossible to say how many are living in one house. Who investigates? It is a private house. The local authorities are not really that interested.

I know of situations where the local authorities have put people in two bedroom accommodation. That was when these people had perhaps one child and now they have two, three or four children. It is not a priority for the local authority to transfer those people. Its priority may be for homeless people.

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I also know of families where there might be five, six or seven adults living along with the parents in the house. There might also be children in that house. They are all packed into local authority housing. I am just offering this example of the crisis that exists. Every Deputy can give other examples.

Different things bring about change. We like to think that the Grenfell Tower fire will bring about change in respect of fire safety and so forth. There must also be change in this area. What we are seeking is quite reasonable and has cross-party support. It is about more resources, more inspections and the NCT.

Deputy Eoin Ó Broin: I will respond briefly to some of the points made in the debate. When I was writing my opening speech, one of my questions was about how widespread breaches of minimum standards in the private rental sector are. I live in that sector and have done for 11 years. I have had three very good landlords. The straight answer, however, is that we just do not know. The reason is that there is an insufficient level of inspections. The Minister, Deputy Eoghan Murphy, said that one of the reasons the compliance rates as recorded are very high is that the level of inspections is very low. In fact, that is not what the figures tell us. Last year's National Oversight & Audit Commission report shows that one of the local authorities with the

highest level of inspections, South Dublin County Council, in whose area Deputy Crowe and I both live, had a 29% inspection rate but 60% non-compliance. There are local authorities that have high inspection rates and low non-compliance but there is simply no correlation between the two. Until we have a far more robust inspection regime we will not know the situation.

I welcome that the Government is not opposing the motion and that the Minister, Deputy Eoghan Murphy, is committed to examining the issue of penalties. However, the suggestion that there will not be 25% inspection rates until 2021 is far too slow given that it would only cost an extra €2.5 million each year. There must be a way of fast-tracking that by two or three years. If it is only an extra €2.5 million each year, surely that money can be found earlier in the budgetary cycle to ensure those inspections take place, particularly inspections of older properties or properties that are not covered by the HAP or RAS.

One element in the Minister's remarks that was very disappointing, and the Minister of State, Deputy English, also raised this, was the self-certification. On the one hand, it is being stated that a NCT-style certification system cannot be set up quickly enough and will not yield the results we think it will, yet, on the other, it is stated that we can set up self-certification and it will yield results. I do not believe those two things make much sense. Nobody is saying this NCT can be set up overnight, but it is not the same as setting up the car NCT. We already have the minimum standards and the expertise in the local authorities. It is about making it a legal requirement and phasing it in. I believe it could be done very quickly and in a reasonable way.

I stress to the Minister of State that expecting tenants or third parties to make those complaints ignores the type of situation Deputy Crowe mentioned. How can somebody who is fearful of losing their tenancy and being unable to get another tenancy because of the high asking price for rents be expected to make a complaint? That applies not just to vulnerable people but also to working families who have a rent of perhaps €1,100 or €1,200 while the asking rent in the local area is €1,800. They are genuinely nervous of getting into difficulties with their landlords.

I acknowledge that Fianna Fáil has been calling for the NCT-style certification system for some time. The fact that we are all now on the same page and that, with a little pulling and dragging, we might be able to get the Government on that page too is very positive.

In response to Deputies Mick Barry and Boyd Barrett, I agree with the proposition that undocumented migrants should have the right to make complaints without fear of potential legal consequences. That is eminently sensible. We considered including in the motion the need for full regulation for social rental tenants in the local authority housing sector, but we wanted to keep the focus clearly on the private rental sector. However, there is an anomaly whereby HAP and RAS tenants and approved housing body tenants are now governed by aspects of the RTB regime while local authority tenants are not. That is clearly an area that requires attention.

I also fully agree with Deputy Jan O'Sullivan. It struck me watching the RTÉ documentary that we have a black market rental economy alongside the standard rental economy. That is clear, but it is not invisible. The fact that Deputy Jan O'Sullivan was able to produce advertisements for accommodation in that part of the sector, and after the RTÉ investigation was broadcast, shows that it can be tracked down and rooted out. That must be part of the system.

To conclude, I appeal to Fianna Fáil and Solidarity-People Before Profit not to press their amendments, and that is not because the items in those amendments are not worthy. I have

mentioned some of them. If the House concludes this debate by unanimously focusing on three crucial issues - the urgent need for more inspections and more resourcing of local authorities to do that, an NCT-style certification system and tougher penalties for those who wilfully break the law - we will send out a positive signal. We can deal with some of the other issues as we proceed but if we get to divisions on amendments it weakens the message. Threshold, whose representatives have been in the Visitors Gallery throughout the debate, have appealed to us to send a clear, united signal that what we saw on our television screens last week is unacceptable and that we are united on a course of action to try to eradicate it once and for all.

Amendment put and declared lost.

Deputy Mick Barry: I move amendment No. 2:

To delete all words after “further notes that” and substitute the following:

“— successive governments have put in place a system of regulation for the private rental sector dependent on vulnerable tenants complaining about breaches of regulations to councils or the Residential Tenancies Board (RTB) rather than preventative State enforcement;

— in 2016 only four per cent of private rental properties were inspected by local authorities;

— in 2016 two thirds of inspected properties were not compliant with minimum standards regulations;

— local authorities have failed to adequately enforce standards in the private rental sector;

— central government has failed to adequately resource local authorities to carry out their enforcement functions with respect to the private rental sector;

— significant numbers of tenants continue to live in unacceptable and substandard private rented accommodation whereby people’s lives are being endangered by the drive for profit of unscrupulous landlords; and

— the inadequate legislation in relation to overcrowding, which is not covered under current minimum standards regulations for the private rental sector, and the lack of regulation of student accommodation; and

calls for:

— the Minister for Housing, Planning and Local Government to set out, as a matter of urgency, a plan for ensuring compliance with and improving minimum standards regulations in the private rental sector;

— the Government to review the penalties faced by landlords, to ensure adequate sanctions, including seizing assets of non-compliant landlords, prison sentences and large fines to allow increased compensation for tenants, for those that fail to register tenancies or who fail to meet minimum standards;

— the Government to support the proposal for an NCT-type certification system for private rented housing to further strengthen compliance with legal standards, and

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as part of this to adequately resource local authorities to ensure that a comprehensive inspection and enforcement regime is put in place, including by hiring 500-750 new local authority inspectors to establish and oversee the new certification system and to ensure that one third to a half of all rental properties are inspected annually from next year;

— the Government to guarantee that undocumented migrants be permitted to make complaints about accommodation standards without fear of deportation or other legal consequences;

— the Government to publish an annual report detailing levels of private rental sector inspections and enforcement in each local authority;

— the Government to democratise the RTB to ensure tenant representation and significantly increase resources to the agency to enable it to properly police registration and compliance with private rental sector regulations, including rent caps under the Rent Pressure Zones, and the introduction of a deposit protection scheme;

— the Government to reverse the burden of proof from tenants to landlords in relation to breaches of rent caps under the Rent Pressure Zones, by mandating that landlords receive a certificate of compliance from the RTB before setting rents on a property;

— the Government to close loopholes in the Residential Tenancies Act 2004 that allow landlords to circumvent Rent Pressure Zone regulations under the guise of property refurbishment and to apply the rent caps to new properties;

— the Government to introduce new legislation on overcrowding, particularly in relation to pre-1963 properties;

— the Government to review legislation on multi-occupancy units and on student accommodation, which currently falls outside of the Residential Tenancies Act 2004, to improve protections for students; and

— the Government to reverse its failed policy of outsourcing ‘social housing’ to the private rental sector through the Housing Assistance Payment and to build or acquire at least 40,000 new public social and affordable homes next year instead.”

Amendment put.

An Leas-Cheann Comhairle: In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 9 November 2017.

The Dáil adjourned at 11.05 p.m. until 10 a.m. on Wednesday, 8 November 2017.