



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES
DÁIL ÉIREANN

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

Leaders' Questions	568
Visit of Austrian Delegation	571
Leaders' Questions (Resumed)	571
Questions on Promised Legislation	579
Petroleum and Other Minerals Development (Climate Emergency Measures) Bill 2017: First Stage	586
Ceisteanna - Questions	587
Cabinet Committee Meetings	587
Brexit Staff	594
Cabinet Committee Meetings	598
Estimates for Public Services 2017: Message from Select Committee	600
Topical Issue Matters	600
Ceisteanna - Questions (Resumed)	601
Priority Questions	601
Emergency Departments	601
Medical Products	604
Medical Card Eligibility	606
Mental Health Services Funding	608
Medicinal Products Supply	610
Other Questions	612
Mental Health Services Funding	612
Orthodontic Services Waiting Lists	614
Maternity Services Provision	616
Health Services Expenditure	618
Medicinal Products Regulation	620
Ambulance Service Provision	622
Mental Health Services Provision	625
Mental Health Services Staff	626
Topical Issue Debate	628
Planning Issues	628
Traveller Accommodation	632
Hospital Waiting Lists	636
Health Services Provision	638
Housing (Homeless Families) Bill 2017: Second Stage [Private Members]	641
Housing (Homeless Families) Bill 2017: Referral to Select Committee [Private Members]	669
Message from Seanad	669
Estimates for Public Services 2017: Messages from Select Committees	669
Diplomatic Relations (Miscellaneous Provisions) Bill 2017: Order for Report Stage	669
Diplomatic Relations (Miscellaneous Provisions) Bill 2017: Report and Final Stages	669
Health and Social Care Professionals (Amendment) Bill 2017: Order for Report Stage	670
Health and Social Care Professionals (Amendment) Bill 2017: Report and Final Stages	672
Message from Seanad	678
Criminal Justice (Corruption Offences) Bill 2017: Order for Second Stage	678
Criminal Justice (Corruption Offences) Bill 2017: Second Stage	678
Criminal Justice (Corruption Offences) Bill 2017: Referral to Select Committee	706

DÁIL ÉIREANN

Dé Céadaoin, 15 Samhain 2017

Wednesday, 15 November 2017

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

Paidir.

Prayer.

Leaders' Questions

Deputy Micheál Martin: We are in the midst of a housing crisis at all levels, with issues including homelessness, the cost of renting and the inability to get a council house or to buy an affordable house. The capacity of the Government to deal with the enormity of this crisis is again being called into question with the revelations in an article in *The Irish Times* today outlining the extremely poor performance in building council houses since the start of 2016. Less than 1% of the social housing that is needed in this State has been built since the start of 2016 and of the 1,093 social housing units built, 638 were built last year and 455 were built in the first six months of 2017. Local authorities only built approximately 459 of them according to this article and research. Across Dublin's four local authority areas, just 478 units have been completed with 324 of them completed by approved bodies. In the first six months of this year, no social housing was built directly by three of the capital's authorities. Fingal County Council managed to build ten houses and has a waiting list of approximately 7,000. In five counties, namely, Laois, Leitrim, Offaly, Roscommon and Wicklow, not a single unit of social housing has been built since 2016.

Even if people query these data, they really reveal a shockingly poor performance. Apparently County Wexford tops the list with 67 houses having been built, which is the highest in the country. There were poor outcomes in Limerick, Cork city and Galway, with 50, 59 and 42 houses built, respectively. No social housing has been built in Kildare since 2016. It seems to be consistent across the board and is widespread and long term. Mel Reynolds, one of the analysts quoted, stated:

There is almost nothing happening in social housing. It seems we are in a mad situation where the strategy is not to build local authority housing at all across the country.

Two years ago, at the formation of the Government, I recall being with independent Deputies and meeting officials in the then Department of the Environment, Community and Local Government and I came away with that impression. There seems to be an ongoing strategy to not go down the road of building council houses again. It seems to be a policy that is deeply

embedded. Given the enormity of the crisis, it is really shocking how it impacts on families, does the Taoiseach accept these figures represent a failure of the Government's housing policy and its attempt to get to grips with this enormity and to get houses built? Does he accept there is a deeply embedded policy within the Government and within the Department of Housing, Planning and Local Government, as well as filtering down through the Government's agencies, to avoid at all costs the building of council houses and to allow the public sector to resolve this crisis for us? Is this the reality of what has been happening over the last years?

The Taoiseach: We all recognise the severity of the housing shortage in this country, the impact it has on people's day-to-day lives, as well as the human impact on young people who are not able to afford their own home or on those who are living in overcrowded accommodation and sharing rooms when they need better housing. I do not believe that anyone in the House doubts that impact and the Government certainly does not doubt it.

I do not want to get involved in exchanging statistics with Deputy Martin. The Department of Housing, Planning and Local Government has a different view on the numbers. It is worth saying the Department of Housing, Planning and Local Government estimates that 2,000 new social homes - council houses or apartments - will be built in 2017. This is 2,000 in total through direct build. That figure will rise to 3,800 next year. From building very few social housing units a few years ago, it has gone up to a couple of hundred and will be 2,000 this year and 3,800 by next year.

Local authorities can acquire social housing in many different ways. It is not just a case of local authorities building units. The Deputy will be aware from the position in Cork, it certainly is the case in Fingal, that local authorities often provide public housing through approved housing bodies, AHBs, such as Clúid and Fold Ireland for example. Local authorities also can bring voids back into use whereby council houses that are no longer habitable are brought back into habitation. Local authorities sometimes also buy housing directly from private developers. This is done through Part V or through pure, direct acquisition. The Deputy made reference to Fingal County Council having built only ten units. I am sure that is not correct because Fingal is my local authority. Even if that is correct, I know for a fact that last year the authority bought at least 20 units directly from private developers in Waterville alone. There are lots of ways to acquire social housing and it is not just done through direct build by councils. It can be done by approved housing bodies, by purchasing from developers through the Part V system, which ensures integrated communities, and by bringing voids back into use.

With regard to Deputy Martin's question, there is absolutely no difficulty on behalf of this Government when it comes to supporting the construction of social housing. We agree that building social housing will be part of the solution to the housing crisis. This is why, in 2018, €1.9 billion has been allocated. This will allow for 3,800 new social homes to be built directly by local authorities and approved housing bodies. This is 1,800 more than will be built this year. In addition, a further 1,200 will be Part V builds. The Deputies are aware how that works. Private developers who build a housing estate must offer 10% to the local authority to purchase. That is a good idea because it means we have much more integrated communities. In addition to that, 900 will be acquired and bought directly by local authorities and a further 2,000 will be secured through long-term leasing arrangements. That is a total of 7,900 next year. It must be acknowledged, the Deputy would want it acknowledged, that the important point is that we provide houses and apartments for people who need them. Whether this is done through a voluntary housing body, directly through the council or bought by the council does not matter to the person getting the house.

Deputy Micheál Martin: The figures covered both approved housing bodies and local authorities. Even the figures the Taoiseach mentioned of 2,000 this year and 3,000 will go nowhere near dealing with the crisis. We all have families coming to us every week in dire situations. I have a family of a mother and three children living in a hotel in Cork who have been on the city housing list for ten years. To get a council house now in Cork, one has to be ten years on the list. The Government and its agencies seem paralysed by the scale of the crisis and the response is in no way proportionate to its severity. I have to put that to the Taoiseach. All this bandying about of billions and figures means nothing because we all know, deep down, that local authorities are not building houses at the rate they should be. They should not be buying houses in the private market at this juncture because they are competing with young couples and contributing to house price inflation. It is estimated that they could build houses for €200,000, at cost, yet they are going out there and paying €400,000 for housing in the leafy suburbs.

An Ceann Comhairle: I thank the Deputy.

Deputy Micheál Martin: It makes no sense. There must be far greater urgency and a sense of getting to grips with this. In the 1930s, 1960s and 1970s, this country was in a position to build far more houses far more quickly to take people out of tenements and house them.

An Ceann Comhairle: I thank the Deputy. Time is up, please.

Deputy Micheál Martin: These figures represent a damning indictment of the capacity of the Government and the State to make meaningful inroads and resolve this crisis. Even on the figures the Taoiseach is announcing, it is going at a snail's pace.

An Ceann Comhairle: Please, Deputy, the time has elapsed.

Deputy Micheál Martin: Nothing is progressing, unfortunately.

The Taoiseach: Deputy Martin is absolutely right to point out the extent to which housing was built in the past. However, he should not stop with the 1950s and 1960s, forgetting what happened in the 1990s and at the turn of the century when 80,000 houses were being built every year and up to 90,000 in one year. I recall my own county of Fingal building more houses one year than the entire country of Sweden. We know how that ended.

Deputy Micheál Martin: No, the local authorities.

The Taoiseach: It ended in a property bubble, a property crash, the collapse of the construction industry and the collapse of the banking sector. That was very much a consequence of Deputy Martin's party's period in government and his own role as a Government Minister. As a consequence of the mismanagement of our country when Fianna Fáil was in office, our construction industry and banking sector collapsed and we have been picking up the pieces ever since. The housing crisis is very much a symptom of Fianna Fáil's period in government.

Deputy Timmy Dooley: In the Taoiseach's time on the council, he allowed all that to happen.

The Taoiseach: What we need to do now is ramp it all up again.

Deputy Anne Rabbitte: Seven years of spin.

Deputy Timmy Dooley: The Taoiseach wants to normalise the housing crisis.

An Ceann Comhairle: Order, please.

The Taoiseach: What we need to do now is ramp it all up again from a very low base. That includes both a significant increase in social housing and a significant increase in houses being built by the private sector. We estimate that the number of new homes built in Ireland next year will be between 20,000 and 25,000, which is a very big increase on this and the previous year. It is going to take time, however, to get on top of this because we cannot ramp up housing construction overnight. We had a construction industry that was decimated, a banking sector that collapsed and a Government which, for years, did not have money to invest in social housing. That is now changing and 2,000 new homes will be built directly by local authorities this year while others will be provided in other ways. It is going to take time to get on top of this and, of course, we are doing it against the backdrop of a growing population and an increasing rate of household formation.

Deputy Micheál Martin: Fine Gael is in government for seven years.

Visit of Austrian Delegation

An Ceann Comhairle: Before proceeding with business, I wish on my own behalf and on behalf of the Members to offer a céad míle fáilte - a most sincere welcome - to Mr. Edgar Mayer, President of the Austrian Federal Council, Vice President Ingrid Winkler, council members, Mr. Martin Preiner and Ms Monika Mühlwerth, and His Excellency, the Austrian ambassador. They are all welcome to Dáil Éireann and I hope they find their visit useful and to our mutual benefit.

Leaders' Questions (Resumed)

Deputy Gerry Adams: Cuirim céad míle fáilte roimh na cuairteoirí. Yesterday, I had the opportunity to watch Leaders' Questions on television and I listened intently, as I always do, to what the Taoiseach had to say in response to Deputy Mary Lou McDonald's propositions for the resolution of some of the dreadful difficulties around housing provision. The Taoiseach's answer was not even in response to her questions or to the important issues she raised. As with his Ard-Fheis speech and other recent remarks, the Taoiseach was talking only to the Fine Gael base and that other section of the electorate that he hopes to win over in the next election. He may say that is an entirely appropriate thing for him to do and if being here is all about getting into or staying in power, that is fair enough. However, it should be a question of how he uses that power and whose interests he serves. If it is a case of governing fairly, building a decent society and guaranteeing people's rights, that is a different story entirely. That should be more important than the Taoiseach's efforts to reposition Fine Gael for the next election.

I acknowledge that the Taoiseach has just said the Government inherited problems created by Fianna Fáil and others but when Fine Gael took over from Fianna Fáil it followed its policies to the letter and managed collectively to destroy the largest Fine Gael mandate in the history of the State, as well as the Labour Party. That is because people elected Fine Gael to do something different from Fianna Fáil and because most people are decent they punished it. Now Deputy

Varadkar is Taoiseach, irony of ironies, by virtue of Fianna Fáil support.

All the problems remain and it seems to me that the Taoiseach's narrative is to minimise the scale of these problems to serve his electoral ambitions. It does not seem to matter how this affects those whose lives are miserable because of the Government's bad policies. A very obvious example is how it has dealt with homelessness. The solution is simple: it is for the State to build more homes and to make housing affordable. The levels of family, child and adult homelessness are the highest ever recorded in this State. The Taoiseach's public relations narrative has been picked up by others, including officials whose responsibility it is to solve these problems. The same is true of crèches and health services, the North, rural Ireland and Brexit. I appeal to the Taoiseach not to dismiss my comments in his usual glib way. I ask him to reflect on what I am saying and to consider that his approach will divide our society and fracture it even further. That in time will be desperately bad for everyone, except the Taoiseach's peer group, even if he succeeds in getting back into government in the next election. Surely the Taoiseach is obliged to do more than that. Surely his focus should be on those whose very lives depend on good government.

The Taoiseach: I thank Deputy Adams. I am glad he was able to join us today. I understand from his Twitter account that he took yesterday off to prepare his Ard-Fheis speech and I can see he is already practicing it here today.

Deputy Dara Calleary: The Taoiseach did not practice his.

Deputy Jim Daly: He did not need to.

Deputy Mary Mitchell O'Connor: He is a natural.

The Taoiseach: Deputy Adams took most of last week off to travel to the United States to raise funds from very wealthy Americans, which is something we will come back to at another stage.

The Deputy's contention is, of course, incorrect. All of the problems that we inherited from Fianna Fáil do not still remain. Unemployment, for example, is down from 15% to 6% and falling. The public finances are now in a much more stable position and our national sovereignty is restored. There are of course new and other problems, such as Brexit, which the Deputy mentioned, and of course the housing crisis. We will deal with these problems as soon as we can and will put the maximum effort behind all of those. I can guarantee we are doing exactly that.

As I mentioned already in my response to Deputy Martin, we are absolutely committed to increasing the provision of social housing in this State. Some 2,000 new homes will be built directly by local authorities and approved housing bodies this year, rising to just under 4,000 next year. We have invested in the local infrastructure housing activation fund, LIHAF, providing funds to local authorities to provide services to land, roads, utilities and so on, to enable those lands be released for housing and affordable housing. We have increased the vacant site levy to punish land hoarders, so that land is brought into use. In the Finance Bill 2017, yesterday, we brought in an examination of whether we should tax vacant homes. It is difficult to know whether we can do that because the numbers for vacant homes are unreliable. We have changed the planning regulations to fast-track planning making it much easier for builders to go for bigger developments and as well as that there are the building regulations which are being changed to reduce the cost of building housing. Across Government there is an enormous commitment to getting to grips with the housing crisis. There is also a factual realisation and understanding

that this is not a problem that will be solved easily or overnight. From a point where almost no houses were built in the country for a number of years, we have got to a point where thousands rather than hundreds are being constructed. Next year, there will be tens of thousands. Against a backdrop of a rising population and increasing household formation, however, it will take time for us to get on top of the problem. This does not in any way diminish our determination to do so.

Deputy Gerry Adams: The big difference between Sinn Féin and the Taoiseach's party is that we believe people have rights. When I have asked the Taoiseach about this matter in the past, he has said people do not have the right to get things for free. That is a line out of the rule book of right-wing ideology according to Margaret Thatcher. The Taoiseach is familiar with Sam, who lives in Louth and who is 18 years old. Sam has severe autism and complex needs and his behaviour is challenging. His mother is battling for him to receive access to respite care. His family is exhausted, stressed and worried about his future care. Sam's mother has met Ministers and the HSE. She also met the Taoiseach. I have raised Sam's lack of access to any kind of respite services with the Taoiseach previously. However, Sam is still invisible to the Government. Sam has rights and needs. He is a citizen. Will the Taoiseach not become a Taoiseach for all of the Sams in our society and for all of their sister citizens? Instead of being a Taoiseach for the elites, will he not become a Taoiseach for the homeless?

The Taoiseach: It is my role - and very much my role - to be Taoiseach for everyone in the country and that is exactly the way I intend to govern. This includes increasing funding and facilities for people with disabilities and we have done this. There was a €90 million increase in funding for disability last year and there is a further €75 million to come this year. For the first time ever in the history of the State, there are medical cards - by right - for all children with severe disabilities regardless of their parents' income. This is our record. We have had the first increases in eight or nine years in the disability allowance two years in a row. These are the facts. What we get from Deputy Adams is rhetoric. We are just getting a preview of his Ard-Fheis speech. The strategy of Sinn Féin is very obvious. Its aim is to exploit human suffering-----

Deputy Pearse Doherty: That is a disgrace.

The Taoiseach: -----and exploit this content-----

Deputy Dessie Ellis: The Taoiseach does not even know that there is homelessness.

Deputy Pat Buckley: He does not even know what suffering is.

An Ceann Comhairle: The Taoiseach is entitled to respond.

The Taoiseach: -----and to try to use that for political gain. Instead of putting forward solutions, what it does is exploit human misery and our country's problems in an attempt to gain votes.

Deputy Mary Lou McDonald: The Government has caused human misery. It is disgraceful.

The Taoiseach: That is not the type of politics this House will ever see from my party or those on this side of the House.

Deputy Brendan Howlin: As the Taoiseach is aware, my colleague, Deputy Kelly, has been

raising questions of fundamental importance with the Minister for Justice and Equality over the past week. Deputy Micheál Martin and others put some of these queries to the Taoiseach yesterday on Leaders' Questions. It is unfortunate that the Minister failed to make clear in his responses to those parliamentary questions that neither he nor his predecessor had knowledge or were aware of the legal strategy being pursued by the former Garda Commissioner against Maurice McCabe. That the Taoiseach was able to do so yesterday when asked in this House and subsequently by the media shows it was possible to answer these questions. I cannot see any legitimate reason for the Minister not to have done so.

While clarity has been bought to that aspect of the situation we are still unclear as to the level of involvement or knowledge of the Department of Justice and Equality in the strategy. Yesterday, the Taoiseach said that the Department of Justice and Equality is a big place and that many different people are in it but that as things stand the Department has not been able to find any record of being informed before the fact of the legal strategy the former Commissioner was going to pursue.

I would like the Taoiseach to confirm whether he has spoken directly to the Secretary General of the Department on this matter. Is he satisfied at the absence of sufficient reassurance for him to confirm to the House that the Department was not aware of the strategy to go after Maurice McCabe? Yesterday, the Taoiseach said the Tánaiste "found out about it after the fact, but around the time it was in the public domain when everyone else knew about it as well".

This matter came into the public domain when it was reported on by Mick Clifford and Katie Hannon after the commission had reported in May 2016, which was a full year after the strategy to go after Maurice McCabe was set out by the commission. If we are to accept that the Tánaiste did not become aware of this until the matter came into the public domain, we must believe two things. This House is expected to believe either that the Department of Justice and Equality did not receive any contact from Garda management about this issue, even long after the strategy had been dropped, or that the Department actually had this information but sat on it for an entire year without informing the Tánaiste about it. Which is it?

An Ceann Comhairle: Before I call the Taoiseach to respond, I wish to point out that Standing Orders are fairly explicit on matters that are the subject of court consideration or a judicial tribunal. Standing Orders provide that a matter shall not be raised in such a manner "that it appears to be an attempt by the Dáil to encroach on the functions of the Courts or a Judicial Tribunal". My predecessors have ruled on this issue and, in certain circumstances, have allowed questions on particular matters that were being examined by judicial tribunals. Such questions were allowed in a context where there was considered to be a public interest in having a limited engagement on certain matters, while having regard to the fact that we should not encroach on the activities and work of the tribunal. We need to be exceedingly careful not to undermine a tribunal that we have established.

The Taoiseach: I thank the Ceann Comhairle. I will bear his comments in mind in my remarks. I have spoken to the Tánaiste and the Minister for Justice and Equality. I have not spoken directly to the Secretary General of the Department of Justice and Equality. The information I have, which I believe, is that the Tánaiste had no hand, act or part in determining the legal strategy of the former Commissioner and had no prior knowledge of the legal strategy pursued by the former Commissioner. I am also informed by the Department of Justice and Equality that it was told about the approach taken by the Commissioner's senior counsel after the cross-examination had already taken place. As the Department was informed after the fact,

15 November 2017

it was certainly not in a position to express any reservations about the legal strategy. This issue has been going back and forth for a couple of days. I have seen newspaper articles on it. Letters have been exchanged. Parliamentary questions have been asked and answered. There have been many briefings to the effect that there is some explosive allegation here. I heard one briefing suggesting an allegation so explosive that it might bring down the Government. At this stage, if the Labour Party has an allegation to make, it should make it clearly in order that we might respond.

Deputy Mattie McGrath: Hear, hear.

The Taoiseach: If it is not willing to do that, it should give any evidence it possesses to the tribunal.

Minister for Justice and Equality (Deputy Charles Flanagan): On a point of order, a Ceann Comhairle-----

An Ceann Comhairle: It is unusual, but I will hear it.

Deputy Charles Flanagan: Having regard to the fact that the Deputy asking the question made specific reference to me, I ask the Ceann Comhairle for protection in this House. I will not have my good name and my professional reputation traduced by Deputy Kelly inside or outside the House.

Deputy Mattie McGrath: Hear, hear.

Deputy Charles Flanagan: My point of order is that if there are matters that are germane to the tribunal, that is the place for them. I ask Deputy Kelly to desist from engaging in a smear campaign against me both personally and professionally.

Deputy Alan Kelly: That is outrageous.

An Ceann Comhairle: Deputy Kelly has not said anything in my hearing.

Deputy Alan Kelly: I hope the Ceann Comhairle is going to protect me.

An Ceann Comhairle: We will try to protect everyone.

Deputy Mattie McGrath: Deputy Kelly will take some minding.

Deputy Alan Kelly: Deputy Mattie McGrath would know about it.

Deputy Brendan Howlin: I have been a Member of this House for some time. I recall a tribunal of inquiry finding that if people had answered questions here, it would have saved the State both millions and time. It is our job to ask straightforward questions and to hold Ministers to account. That is our job. I have no accusation to make against anybody. I just want the truth.

Deputy Charles Flanagan: I have made it quite clear that I had no hand, act or part in this.

Deputy Brendan Howlin: I believe-----

Deputy Charles Flanagan: The Deputy repeated it earlier.

Deputy Brendan Howlin: No-----

Deputy Charles Flanagan: Yes, he did.

Deputy Brendan Howlin: ---quite the reverse. I fully accepted the statement the Taoiseach finally made yesterday about the current Minister and his predecessor. I said that we now have clarity on that fact if the-----

Deputy Charles Flanagan: The Deputy made it clear at the weekend.

Deputy Brendan Howlin: The question concerns the state of knowledge of the-----

Deputy Charles Flanagan: It did not suit Deputy Kelly's agenda.

Deputy Alan Kelly: How long is the Ceann Comhairle going to allow this?

Deputy Charles Flanagan: It did not suit Deputy Kelly's agenda.

An Ceann Comhairle: The Minister cannot continuously interrupt.

Deputy Brendan Howlin: The question I am trying to pursue concerns the state of knowledge held by the Department of Justice and Equality. The Taoiseach told the House that the Department was aware of the strategy after the cross-examination of Sergeant McCabe. That took place in May 2015. The Taoiseach told the House yesterday that the Tánaiste was not aware of this until it came into the public domain, which was a full year later in May 2016. Just for clarity, is the Taoiseach telling the House that the strategy was kept from the Tánaiste, who was then Minister for Justice and Equality, for a full year by her officials?

The Taoiseach: I welcome the fact that Deputy Howlin has clarified that he is not making an allegation against anyone in this House. I accept the Labour Party's-----

Deputy Brendan Howlin: Or anybody else outside this House.

The Taoiseach: I am very pleased to hear Deputy Howlin, the leader of the Labour Party, say that neither he nor the Labour Party is making allegations against anyone in or outside this House. That at least puts this story into perspective. No allegation is being made against anyone. The answer I have given Deputy Howlin is the one that has been given to me. I spoke to the Tánaiste who told me that she had no hand, act or part in this decision and that she was not aware of it until after the fact around the time it entered the public domain. The Department of Justice and Equality has told me that it was not made aware of it until after the fact. However, the Department is a big place; it is not a person. It is a body with hundreds of staff. Can I put my hand on my heart here and say that there is not one person somewhere who might have been told something by someone-----

Deputy Mary Lou McDonald: What kind of answer is that?

The Taoiseach: I cannot give the House that answer but what I have been told is that the Department was not made aware of it until after the fact and the Tánaiste did not become aware of it until around the time it entered the public domain. I am answering Deputy Howlin's question as best I can. It is very difficult to answer questions for third parties or unnamed parties.

An Ceann Comhairle: We will take it that everybody here acts in the best faith.

Deputy Charles Flanagan: Absolutely. There is a tribunal here.

An Ceann Comhairle: Can the Minister contain himself? I call on Deputy Eamon Ryan to bring some calm to proceedings.

Deputy Eamon Ryan: I bring news of shame to our country; I do not know if that is calm. A report, the Climate Change Performance Index, has just been published. It was produced by the leading NGOs dealing with this issue across the world. The process relating to the report has been running for a long time. The report indicates that Ireland is seen as the worst country in Europe in terms of climate action and is ranked 49th out of the 60 countries assessed. This is a huge issue for this country and its future, reputation and direction. When the Taoiseach assumed office, he said that he wanted to make climate action a priority. I will explain why this is not true. It is not happening across a range of different areas. Climate Action Network, one of the authors of the report, said at the conference in Bonn which I attended earlier this week that when it comes to the European talks about climate, Ireland is nowhere to be seen except playing a negative role to try to hinder positive actions. That is what is happening in the European process under the Taoiseach's Government.

The Minister for Communications, Climate Action and Environment has just concluded a renewables strategy. In it, he says we should have no ambition to increase renewable power between now and 2030. That is the official Government position. We think we could easily accommodate an increase of 75% in this area, which would send us up the international league tables. If we did that, we might start holding on to some of the Apple investments that are now reading the tea leaves and heading off to Denmark - not just because our planning process delayed its project but because it senses that this country is not serious about the matter. That is a significant issue for the development of rural Ireland, including Mayo and Galway.

The position regarding transport is the same. The Government has just published the national planning framework which states that we want to cut emissions but is doing absolutely nothing about it. It is all roads and the same old model of sprawl and growth outwards. That is what it is actually doing. The Citizens' Assembly did a wonderful job looking at the issue. The sense of dismay in the assembly at the lack of leadership was absolutely tangible. It supported the recommendation from Alan Matthews that we should turn Irish agriculture towards a better and more profitable system. The Taoiseach's Ministers immediately debunked it and said "No". Last week, I asked the Minister for Finance what price he applies to carbon in the projects in his new capital plan. He said €7 a tonne when the better people, the World Bank and the European Investment Bank, have set it at €40 and €50 a tonne. In every area the Government is failing in climate action and it is starting to come home to roost where we are shamed in the world. Our green reputation is in tatters. The Government is spending a fortune on Origin Green branding but is doing nothing about it in reality. What will change? What leadership does the Taoiseach intend to show?

The Taoiseach: The report the Deputy refers to has only been published in the last hour or so. Neither I nor my staff have had an opportunity to read it. I am informed it is a ranking assessment published by three NGOs. It is not an official report and has no status other than as a commentary on individual countries' climate policies. In this respect, the commentary, while it purports to assess countries' national and international climate policies, provides little information on the basis for the compiling of the ranking. With regard to Ireland's performance against emission targets for 2020 under the EU effort-sharing decision, the Government has been very upfront that Ireland expects to miss these targets. Ireland will not be alone among EU member states in that regard. The latest projections of greenhouse gas emissions by the Environmental Protection Agency indicate Ireland's emissions in sectors covered by our EU targets could be

between 4% and 6% below 2005 levels.

The projected shortfall in our targets in 2020 reflects both the constrained investment capacity over the past decade due to the economic crisis and the extremely challenging nature of the target. It is now accepted that Ireland's 2020 target was not consistent with what would have been achievable on an EU-wide cost-effective basis. Notwithstanding this projected shortfall, Ireland's first statutory national mitigation plan, which the Government published in July 2017, provides a framework to guide investment decisions by Government in domestic measures to reduce greenhouse gas emissions. The plan sets out what is being done and what it is planned to do to further the national transition objectives set out in the Climate Action and Low Carbon Development Act. This first plan will not provide a complete roadmap to achieve the national transition objectives. It begins the process of the development of medium to long-term options to ensure we are well-positioned to take the necessary actions in the next few decades.

The national planning framework is a draft. I do not accept the Deputy's characterisation of it. The national planning framework goes against continued sprawl. It argues for a major increase in population in our existing cities in Dublin, Cork, Limerick and Galway. It calls for a population increase of 40% to 50% in Limerick, for example, a city in which there has been virtually no population growth in recent years. Why does it call for that? It is because it makes sense from a planning and climate change point of view to have more people living more densely in urban settlements. It means less commuting and driving and more people walking and using public transport.

Deputy Eamon Ryan: If the Taoiseach was serious, he would heed the recommendation of the Citizens' Assembly that the spending on transport, which is currently two thirds roads to one third public transport, should be reversed the other way. What the Taoiseach just said might turn into reality, but it is fiction. The Taoiseach constantly accuses other Members of the House of not being up to speed on the brief and of reading out what they have done. The Taoiseach has just read out the public service response to this. There is nothing new or different in it. There is no ambition. I thought the Taoiseach meant what he said on the first day and was going to do something about it. There is nothing happening.

The Taoiseach said this is just an unofficial report but they are experts in the field who are reading what anyone could read, which is that our emissions are rising and that we are in Europe negotiating to get lower emissions targets. The Taoiseach is always blaming high targets. It will come home to roost because this is the new, clean industrial revolution that the world is moving towards and we are not. We are selling ourselves as a green nation. We can only do that for so long before the reality catches up with us. The Government needs to change the national planning framework. The mitigation plan is nowhere near good enough. It will be legally challenged and that challenge will be successful because we signed up to Paris and we are doing nothing about it. The Taoiseach needs to start changing things.

The Taoiseach: I appreciate the Deputy's passion on this and his comments. He did not ask a question. As he is speaking about a report that was published in the last hour, I am afraid I can add no more. This is Leaders' Questions, by the way.

Questions on Promised Legislation

An Ceann Comhairle: We now move to questions on promised legislation and not statements on promised legislation. One minute, one question, one Member.

Deputy Micheál Martin: What is the status of the commitment in the programme for Government to produce a national rare diseases plan? The situation is becoming critical for people with rare diseases as the Taoiseach will be aware in terms of children and adults with PKU, for example, who are awaiting ratification of the drug Kuvan, which can have a very significant impact for people with PKU. The negotiations have stalled. There is an absence of any overall strategic approach to orphan drugs and rare diseases in this country. Increasingly as certain drugs are being developed we are having this unhealthy stand-off involving those in pharmacoeconomics, who acknowledge that the regime for orphan drugs is not strong enough and needs to be changed, revised and reformed. Meanwhile many children could benefit.

An Ceann Comhairle: I thank the Deputy. I call the Taoiseach.

Deputy Micheál Martin: I have talked to medics about those who could benefit from the application of Kuvan but are not getting it.

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

Deputy Micheál Martin: I appreciate that, a Ceann Comhairle.

The Taoiseach: I may be incorrect in this reply and I apologise in advance if I am. I think the national rare diseases plan was published two or three years ago. One of its recommendations was the establishment of a national rare diseases office. I recall that because I remember opening it as Minister for Health a number of years ago. Perhaps I am incorrect in that regard.

Deputy Micheál Martin: Kuvan-----

Deputy Gerry Adams: The programme for Government commits to the full implementation of A Vision for Change in a manner that recognises geographic accessibility. In my constituency of Louth, despite this commitment vulnerable people have wholly inadequate mental health services and parents have to travel very significant distances with their children. There is an excellent health services team in Ladywell but the building is not fit for purpose; it cannot house the services for the community needs.

Responses to parliamentary questions show that data on children's psychology waiting times are not available. Nor are data available to show how much of the HSE budget is spent on child and adolescent mental health services, CAMHS. That means that those responsible for delivering these services for our youngsters do not know how long children are waiting to see a psychologist. They do not know how much funding is spent on CAMHS. How can a Government plan, resource and deliver the service that is deeply needed-----

An Ceann Comhairle: I thank the Deputy.

Deputy Gerry Adams: ----- in areas such as Dundalk, if it does not have the basic data necessary to do this? How will the Government deal with this data anomaly in order that CAMH services can be delivered where they are needed?

The Taoiseach: The programme for Government commitment is to implement A Vision for

Change and to improve mental health services in Ireland. That is a commitment we will honour. As the Deputy knows, the budget for mental health in 2018 will be €912 million. That will help to bring us further towards implementing A Vision for Change. That is an increase from €853 million this year, €822 million the previous year, €791 million in the year before that, and €711 million when the party I lead came to office. That is a 25% increase in a relatively short number of years.

Data anomalies and data collection are not matters for the programme for Government or legislation. I encourage the Deputy to raise that matter with the Minister for Health.

Deputy Brendan Howlin: The latest ESRI report indicates that house prices could rise by 20% over the next three years. Meanwhile rent has also increased by 11% in the year to September, according to *daft.ie*. We all know that not enough homes are being built. However, we also need to ensure that the homes that are built are affordable for ordinary people to rent and buy. The State, obviously, has a very clear role to play in that. Some 700 publicly-owned sites have been identified and we need to get on with building affordable homes on those. When will the Government introduce the national affordable housing scheme?

The Taoiseach: I do not have a date for that but I will ask the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, to provide it to Deputy Howlin.

Deputy Mattie McGrath: The European Court of Auditors published a special report on rural development programming yesterday and it found that the process is very complex and vague and that not enough emphasis is being placed on achieving results. Is that not damning proof that there is no rural proofing of any legislation that has been passed? There has been great spin about rural development, massive reports have been published and there have been great expectations. However, no tangible results have been achieved. The report published yesterday is damning. Anyone living in rural Ireland or representing a rural constituency knows that. The programming is all aspirational in nature. We saw it with the Leader programme and the rural development programme. They have all been hijacked and abandoned. Funding is not getting to where it needs to go, namely, to the ordinary families, community groups and projects.

An Ceann Comhairle: A question on rural proofing for the Taoiseach.

The Taoiseach: I have not seen the report to which the Deputy refers but the programme for Government commits us to implementing the Action Plan for Rural Development, which we are doing.

Deputy Mattie McGrath: I know it does.

The Taoiseach: The Deputy will be aware that employment is up and unemployment is down in every county. The number of premises that have access to high-speed broadband has risen from half, when the Fine Gael and the Independent Alliance came to office-----

Deputy Mattie McGrath: That is not true. It is worse now.

The Taoiseach: -----to two thirds now. It will be three quarters by the end of the year. Considerable investment is going into rural Ireland through programmes such as the town and village scheme, re-establishing the local improvement scheme to improve laneways and rural roads and many other initiatives.

An Ceann Comhairle: I call Deputy Boyd Barrett - my apologies for not doing so earlier.

Deputy Richard Boyd Barrett: No problem. The programme for Government contains a pledge to the effect that the Government would have full regard to any new evidence which emerged to establish the likely cause of the fire at the Stardust nightclub. The Stardust families are absolutely gutted and bewildered at the outcome of the McCartan report dealing with the review of the evidence that they brought forward and other evidence that came to light, which I understand the terms of reference did not allow the former judge, Mr. McCartan, to even consider, about possible scenarios for the ignition of the Stardust fire. Given the deep unhappiness and despair of the Stardust families regarding the outcome of this report, can the Minister commit, at the very least, that we will have a debate on that report in the Dáil in the very near future in order that we might assess it fully and be given the opportunity to raise issues that the families believe the report failed to resolve or of which it failed to take full cognisance?

Minister for Justice and Equality(Deputy Charles Flanagan): I very much share the deep sense of loss that has been felt by the families and the community in north Dublin for a long period - in fact, 36 years - since one of the most horrific incidents in the history of our State occurred, namely, the Stardust fire. I acknowledge the publication last week of the third report on this tragedy, which was presented by me to Government and given to the families in advance. I understand a deep sense of frustration and disappointment on the part of the families. If it was to serve the families and the community in any positive way for the House to debate that report, I am sure the Business Committee would be pleased to accommodate that. I, as Minister, certainly would do so. I would be happy to meet the families but I acknowledge the service that has been undertaken by the former judge, Mr. McCartan. I acknowledge the importance of his report and, as Minister for Justice and Equality, I accept its recommendations.

An Ceann Comhairle: I call Deputy Bríd Connolly.

Deputy Catherine Connolly: It is Catherine Connolly.

An Ceann Comhairle: Gabh mo leithscéal.

Deputy Catherine Connolly: Tá sin ceart go leor. Where is the health information Bill, which has been renamed the health information and patient Safety Bill? Almost two and half years ago, the Taoiseach, who was at that time the Minister for Health, was quoted as confirming that approval had been given in respect of the heads of the Bill and that it was specifically designed, among other things, to alleviate public concern about the safety and quality of some services provided in the private health sector and, in particular, to allow the private hospitals to come under the ambit of the Health Information and Quality Authority, HIQA. What progress has been made on that Bill?

The Taoiseach: I am advised that work is under way on the Bill but we do not have a date for publication yet. I do recall that some aspects of the patient safety package are in the Civil Liability (Amendment) Bill which we hope will come through both Houses this week. That includes periodic payment orders, so that if somebody has been damaged as a result of being harmed in the course of health care, instead of one lump sum payment they will receive a period of payments over the years that can be increased as needs be. It also includes provisions to protect open disclosure. It will be a very significant step forward if we can have that legislation through both Houses this week. The Deputy is correct to say that the regulation of private hospitals, which is long overdue, is provided for in this new Bill. I do not have a date for it yet

but will certainly pursue the matter with the Minister for Health.

Deputy David Cullinane: The programme for Government committed to a jobs action plan with regional targets. Yesterday at the behest of the Chair, the Joint Committee on Jobs, Enterprise and Innovation met in Waterford city. We heard from academics at WIT and senior representatives of Waterford City and County Council. We heard about shocking figures in respect of the IDA. While the south east represents 10.5% of the population, it only got 1% of the net jobs that were created last year. There were only nine site visits to Waterford and only two to Wexford. That was described by the council representatives as appalling. It was also said that unless the Government commits to providing the relevant funding for the North Quays project, of which I know the Taoiseach is aware and for which a potential €500 million investment is contingent on €90 million funding from the State, the project will not go ahead. Why is the south east the only region where the Government is not meeting its targets? What further action will the Government take to ensure it does meet its targets?

The Taoiseach: There has been a significant fall in unemployment in the south east and a significant increase in employment. There is of course much more to job creation than IDA jobs although I was pleased to be in Waterford not too long ago to announce the creation of extra jobs in the Bausch & Lomb facility there. I think probably a more detailed answer could be provided by the Tánaiste if the Deputy wishes to ask her a parliamentary question.

Deputy Danny Healy-Rae: The Taoiseach must be aware that many farmers in heavy land have been hit very badly this fall. This is on the programme for Government in respect of protecting farmers and their incomes. As a result, cattle and the whole lot have been housed for over three months. Many farmers have calculated that they will be short 50% of the fodder they need to feed their animals through to the springtime when they go out on grass again. Thousands of farmers are in the GLAS scheme. I am asking the Taoiseach to ensure that they are paid their GLAS money on time. This did not happen last year. It will be the finish of them if they are not paid on time this year. That is what I am asking the Taoiseach and the Minister for Agriculture, Food and the Marine to do.

The Taoiseach: I know there were significant delays in GLAS payments being made earlier this year, in fact, so certainly I will pass on the Deputy's concerns to the Minister for Agriculture, Food and the Marine and will ask that he ensure that the payments are made as soon as possible.

Deputy John Brassil: On page 45 of the programme for Government there is a commitment to providing significant funding towards developing a national greenway network. In my county of Kerry, there is a disused railway line from Tralee to Fenit. There has been a walkway proposed for it for a number of years but there has been no progress whatsoever this year or last year. The south Kerry greenway from Glenbeigh down to Renard was announced amid great fanfare in 2014. Again there has been very little progress. When will we see delivery of this commitment in County Kerry and across Ireland?

The Taoiseach: There has been significant investment in greenways in recent years, not least the Great Western Greenway in Mayo and the Deise Greenway between Dungarvan and Waterford city. I have yet to be on the latter but I am told it is fabulous and worth a visit. There is also the greenway on the Royal Canal which goes across several counties. I do not know to hand the progress with the ones in Kerry referred to by the Deputy. I will ask the Minister for Transport, Tourism and Sport to reply to him directly.

Deputy Michael Collins: The seafood and marine section of the programme for Government refers to fishermen's income. Due to the recent Storm Ophelia, fishermen along the south and west coast sustained serious losses where their pots were either destroyed or lost. One fisherman, among many in west Cork, lost 250 pots. At a cost €60 per pot, this is putting financial strain on fishermen and their families. Does the Government have any plans to put a compensation package in place for the fishermen affected?

The Taoiseach: There is no programme for Government commitment on this particular matter. I will ask the Minister for Agriculture, Marine and Food to provide the Deputy with a more detailed reply.

Deputy Michael Moynihan: The programme for Government has various commitments under the education heading to allow students to reach their full potential. There is a serious issue with regard to resource hours and how they have been allocated, however. Two schools recently came to me which will need more resource hours in the 2017-18 school year, but they have been allocated the same resource hours as last year. This will put enormous pressure on the schools to help and accommodate the extra children who will need more resource hours. The way resource hours were allocated is totally inadequate. Due recognition must be taken of the number of children who need help with resource hours rather than a blanket number of hours being allocated.

Minister for Education and Skills (Deputy Richard Bruton): The new resource allocation model involves 1,000 additional teachers being allocated to schools. It dispenses with the needs for diagnostic tests or labelling of children before they get access to the support of a resource teacher. It is a significant improvement. Schools have resources available for them to meet these educational needs.

If there was an exceptional intake in one year that was not reflected in previous years, there is a possibility of making a case to the National Council for Special Education, NCSE. The expectation is that schools have been accommodated with resources without the need for these diagnostic tests. They are in a position to meet the needs of the children from the profile of the school established in the past. By and large, this is working well. If the schools in question want to submit a case to the NCSE, it will be assessed.

Deputy Margaret Murphy O'Mahony: Will the Taoiseach give an update on the Red Cross amendment Bill, which would allow for a new legal framework for the Irish Red Cross Society? I want to acknowledge the fantastic work done by the Irish Red Cross Society right across south-west Cork.

The Taoiseach: I share the Deputy's acknowledgement of the fabulous work done by the Irish Red Cross Society in Cork and across the country. Heads of the Bill are being prepared but we do not have a date for it as of yet.

Deputy Stephen S. Donnelly: This morning, we had a good briefing from David Hall from iCare Housing. One of the points made was that several banks are getting ready to sell tranches of distressed mortgages. This is partly due to pressure from the European Central Bank, ECB, which is asking the banks to clean up their balance sheets. The programme for Government has a clear commitment to setting up a dedicated court service to deal with these and impose solutions on the banks. Where are we at with this court being available to distressed mortgage holders to use?

Deputy Charles Flanagan: This matter is under consideration. I will not be in a position to publish draft heads of a Bill this side of the end of the year. However, I am happy to communicate directly with the Deputy as to where we are with it.

Deputy Tony McLoughlin: The programme for Government has a commitment for the roll-out of the national broadband plan.

1 o'clock

Will the Taoiseach update me on the contract negotiations in respect of this vital infrastructural project because many people in my constituency of Sligo-North Leitrim, encompassing parts of south Donegal and north Roscommon, contact me on a weekly basis regarding their concerns in respect of broadband in the area.

An Ceann Comhairle: I call Deputy Frank O'Rourke on the same matter.

Deputy Frank O'Rourke: On page 38 of the programme for Government, there is a commitment to roll out broadband to every home and business in the country. That is not happening. The increased provision referenced in the statistics quoted by the Minister and Department is due to private operators providing this much-needed service which all Members agree is no longer a luxury but, rather, a necessity for businesses, education, people who want to work from home and so on. As Deputy McLoughlin mentioned, the timeline for the national contract going to tender is critical. I have tabled parliamentary questions in that regard but the answers from the Department are non-committal. This is a real priority. If the Government is serious about taking the lead on this, it must get the national broadband plan rolled out and the contract put out to tender as a matter of urgency. That is not happening. Will the Taoiseach update the House on the matter?

The Taoiseach: The contract negotiations are commercially sensitive and confidential and I am not a party to them. The Minister, Deputy Naughten, has informed me that he anticipates the contract will be signed next year.

Deputy Micheál Martin: Next year.

The Taoiseach: I agree with Deputy O'Rourke that broadband is not a luxury but, rather, is essential. It is the intention of the Government that Ireland will be the first country in the world in which every home and business has fibre broadband. Notwithstanding the delays in getting the contract signed, the private sector, in partnership with Government and local authorities, is providing more and more homes and premises with access to high speed broadband. Up to three quarters of all homes and businesses will have such access by the end of next year.

Deputy Anne Rabbitte: The affordable child care scheme was announced in budget 2018. There has been no ring-fencing of money thus far in 2018. When will legislation in respect of the affordable child care scheme come before the House?

The Taoiseach: It is intended to publish that legislation this session and bring it through the Houses next year. The main elements of the scheme have already been introduced, as the Deputy is aware, including the child care subsidy for all children aged between six months and three years.

Deputy Bernard J. Durkan: The Criminal Law (Sexual Offences) Bill proposes to provide for presumptive minimum sentences for repeat sexual offenders and to correct an anomaly in

regard to penalties for incest. When is it expected to bring that important legislation before the House?

Deputy Charles Flanagan: Work in that regard is well under way. I expect to ask for pre-legislative scrutiny of the Bill during the start of the next term or close thereto.

Deputy James Lawless: We have heard today about the Government's poor performance on climate change targets. I will not repeat the environmental and moral issues raised by Deputy Eamon Ryan. There is also a financial consideration. The Joint Committee on Communications, Climate Action and Environment has established that fines for failure to reach those targets could be in the amount of €1 billion to €1.5 billion. What financial provision has been made in the Finance Bill or elsewhere for the fines that will inevitably accrue from the Government's failure to meet those targets, which it has again admitted this morning?

The Taoiseach: No provision has been made in either the Finance Bill or appropriation Bill because there will not be any fines next year. Any fines to be levied will be imposed from 2020 onwards.

Deputy Martin Kenny: As mentioned earlier, there is great emphasis in the programme for Government on A Vision for Change and care for the elderly and those with disabilities. In my constituency, that seems to be occurring through the privatisation of services. That is particularly evident in respect of the respite service in Sligo, where Solas House has been closed and we have been told that private providers will be using it. Patients have been moved out of St. John's Community Hospital, many of them into private nursing homes. In other cases, no service is being provided with the result that many people are left without any respite service and many are being brought, in absolute distress, to CAMHS. When will the Government realise the extent of this problem? Will the Taoiseach do something to ensure that investment is put in place to provide services for people with disabilities, elder care and mental health services?

An Ceann Comhairle: I call on Deputy Scanlon, on the same matter.

Deputy Eamon Scanlon: As referred to by Deputy Martin Kenny, we had a respite house built specifically to cater for the people in the Sligo-Leitrim region. That house has now been closed down. It was being used for decongregation. The people who were availing of the service must now travel to Monaghan. It is a 170 km round trip from Sligo or that general area to Monaghan and even that service is no longer available. The Minister needs to get something done about this problem. This is not just happening in our area; it is happening in every area of the country, as far as I can see.

The Taoiseach: Additional funding for elder care, people with disabilities, respite and decongregation will be provided in 2018. Any particular local issue would be best raised with the Minister for Health or the Minister of State with responsibility for disability services by parliamentary question.

Deputy Eamon Scanlon: I have done that many times.

An Ceann Comhairle: A Topical Issue submission might help.

The Taoiseach: Yes.

**Petroleum and Other Minerals Development (Climate Emergency Measures) Bill 2017:
First Stage**

Deputy Bríd Smith: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Petroleum and Other Minerals Development Act 1960 to provide for a prohibition of the issuing of licences for the exploration and extraction of Petroleum, Natural Gas and Coal as an emergency measure to address the levels of atmospheric Co2.

I thank the House for giving me the opportunity to introduce this Bill. The Bill seeks to amend the Petroleum and Other Minerals Development Act.

I have just returned from the COP23 in Bonn. Despite what I said last week to the Minister for Communications, Climate Action and Environment, that I would be mortified representing the country there because of our bad record on meeting the Paris Agreement targets - and that was confirmed to me this morning by the report that has been issued - I was slightly mortified but not as mortified as I could have been because what I found in Bonn was an astonishing and quite scary lack of mention of the elephant in the room. In other words, the climate problem we face, that is, the continued use of fossil fuels throughout the world, was not really called out. There are many reasons for this, but I was flabbergasted by the political responses from the majority of delegates and diplomatic representatives there. At the interparliamentary meeting, I think I was the only delegate to use the dirty words “fossil fuels” and “fossil fuel corporations”.

Apart from Donald Trump and probably a few Members of this House, there is widespread acceptance of the science surrounding climate change. The earth is now 1° Celsius warmer than the pre-industrial average and is on course for an increase of 1.5°. The level of carbon and other greenhouse gases being emitted by industry and land use change means that if we keep on in a business-as-usual scenario, we will be locked into a 3° or 4° temperature rise in the future. This would be an extinction event. We are already seeing the disastrous consequences for large parts of the globe, particularly the developing world, with the rise of CO2 levels to 400 parts per million. Such CO2 levels are unacceptable and constitute a climate emergency. Unfortunately, even if the Paris Agreement commitments were delivered, we would still be on course for a 2° and possibly a 3° temperature rise. Large parts of the globe, millions of people on it and entire ecosystems face destruction. We know already that 80% of the proved reserves of fossil fuels need to remain in the ground if we are to have any hope of limiting temperature rises in line with the Paris Agreement. However, incredibly, here and elsewhere we are still issuing licences for the new exploration of sources of gas and oil, and this must stop. We must leave this in the ground and we must politically name and shame the actual causes of climate change, namely, the addiction of fossil fuel corporations to profits that is driving climate change, not the addiction of ordinary people to fossil fuels.

This Bill will simply mean that while there is a climate emergency, no new licences shall be issued from this country for oil or gas exploration. It is a simple but significant measure, and we would be the third such country to attempt to adopt such a measure, after France and Costa Rica. In doing so, we could be world leaders in the attempt to deal with climate change. We saw this morning how we played a huge role in being world leaders in dealing with marriage equality, with a great result in Australia and the role played by Irish people there. This country could play a leading role, as was repeated to me many times at the conference in Bonn, in dealing with climate change if we were to implement this simple measure. It is not because we are

15 November 2017

a significant player in fossil fuel exploration but that cumulatively, with France, Costa Rica and others that may follow, we will put pressure on Donald Trump, Saudi Arabia and so on to take the matter seriously. It is a significant measure and takes as its benchmark the figure of 350 parts per million of CO₂ as the maximum that humanity should seek to have in the atmosphere. Anything above that will define the world as being in a climate emergency. It is currently above 400 parts per million. This is the first time we have reached that in a million years of the earth's history. It is unbelievable. This figure does not come from me, but from scientists and campaigners such as James Hansen and Bill McKibben, who are very well-known in the science community.

It represents a small but historic step and we look forward to cross-party support. If we can follow that up with real investment in renewable energy and public transport, we would be on course to improve our current standing as one of the world's worst contributors to dealing with climate change. I believe what was said to us by global scientists in Bonn; it would be significant if a small country like Ireland could provide a positive lead to dealing with climate change by leaving fossil fuel in the ground and not issuing any more licences for exploration of gas or oil along our shores.

An Ceann Comhairle: Is the Bill opposed?

Minister of State at the Department of the Taoiseach (Deputy Joe McHugh): No.

Question put and agreed to.

An Ceann Comhairle: Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

Deputy Bríd Smith: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Ceisteanna - Questions

Cabinet Committee Meetings

1. **Deputy Brendan Howlin** asked the Taoiseach when the Cabinet committee E (health) will next meet. [47835/17]

The Taoiseach: Cabinet committee E met on 12 September and is scheduled to meet again on 23 November. Committee E covers issues related to the health service. As well as considering current issues and challenges faced by the health service, such as measures to improve access to scheduled and unscheduled care over the months ahead, the Cabinet committee will oversee the development of the Government's response to the Sláintecare report. As I previously stated, the Government agrees with the broad principles of the report, which align well with current policy direction in many cases. However, as recognised by the Oireachtas committee, further work is required on the costings and practical implementation challenges. Additionally, the Government needs to consider the phasing and sequencing of the recommendations, given budgetary and capacity constraints. The Government had a dedicated discussion on health

reform on 13 October at our Cabinet meeting in Cork during which the Minister for Health updated the Cabinet on the ongoing considerations of the Sláintecare report. This work will be taken forward under the auspices of the Cabinet committee.

Deputy Brendan Howlin: I welcome the discussions of Sláintecare, coming as they do after the absence of any resource allocation to the implementation of or any mention of Sláintecare in the budget. With regard to Cabinet discussions, I want to raise the provision of cardiac care across the country, in particular the provision of cardiac services in the south east. On Friday, I met with a number of groups in Waterford campaigning for 24-hour cardiac care support, including a second catheterisation laboratory on a permanent basis and the provision of a 24-7 emergency facility. The report commissioned by the Government, by Dr. Niall Herity, in July 2016, stated that any elective procedures would be carried out in the south east region, putting at risk people who live more than the 90 minute critical time space away from either the Dublin or Cork based hospitals. The Government promised to review the Herity report and the facilities to be made available in University Hospital Waterford.

More recently, the Minister for Health has announced a national review which, when it is put in place, will take 18 months to complete its work. That will be significantly resisted by people in the south east. They are working on the basis that they need facilities now. We absolutely support a national review of cardiac services but in the interim, we have to have a review of services currently available in the south east to make sure they are providing cardiac care for people who live in the south east that is on a par with the rest of the country. Will the Taoiseach give a commitment that, pending the welcome establishment and conclusion of a national cardiac review, there will be, as promised, an immediate review of cardiac services in the south east to be based at University Hospital Waterford.

Deputy Caoimhghín Ó Caoláin: Will the Taoiseach clarify when the Cabinet committee on health last met? I did not pick up his opening reference. Did he say December?

The Taoiseach: 12 September.

Deputy Caoimhghín Ó Caoláin: 12 September. Pardon me - it was not clear and I was not sure. I was wondering at the gap between the last time and the next scheduled meeting later this month. I am sure the Taoiseach is aware that over the first ten months of this year, record levels of people have been left on trolleys in hospitals throughout the State. I am sure many colleagues here have particular instances reflected to them, as a very distressing case was reflected to me in the recent past. As we progress into the winter, these figures are set to continue to rise. Over the period I refer to, up to this particular point over 2017, some 82,000 patients admitted have experienced time on a trolley. Throughout the month of October, the figure reached 9,000. Any extrapolation of those figures could indicate that between this month and next, we could very well reach almost 100,000 people or more. This is a 15% increase in the October figures compared to the figure for the same month in the previous year. This is a very difficult issue not only for staff in our hospitals, but for families coping with loved ones in hospital care.

The Taoiseach is familiar with the problem, having formerly been a Minister for Health himself. At this late point, what steps are being seriously taken to address this matter? It was an issue the Taoiseach flagged up himself in the course of his own tenure in office. When he took over as leader of Fine Gael, I recall him indicating that he would take a special interest in health. What is being done to address this serious issue? When will we see a detailed, costed overall plan with a timeframe? A plan is needed to tackle this unacceptable situation across our

public hospital network.

Deputy Micheál Martin: Whereas, in principle, the Government says that it is in favour of Sláintecare, reading between the lines, I do not get a sense that the Government is totally committed to Sláintecare at all. The Taoiseach's reply confirms that to me, since he says there is further work to be done on costings and implementation which is code for me for slowing down the implementation of Sláintecare. I have not had any sense of the Government deciding to hammer out the issues, whatever the issues are that the Department and Government seem concerned about. In the absence of Sláintecare, if that work is going to continue, there does not appear to be any real strategy governing health at the moment within the Government. There has been an absence of a strategy since universal health insurance was abandoned. It took five years to abandon a false promise that was made to the people in 2011. It was repeatedly promised that there would be universal health insurance and we got nowhere near implementing it. Senator James Reilly, then Minister for Health, abolished the board of the HSE and played politics with the whole thing, and then announced the establishment of hospital groups with no boards, just a chair and executive. The governance of health has been in limbo for the past six years. I now learn the Government, belatedly, will reappoint an external board to the HSE. The situation has been unsatisfactory and incoherent in recent years with regard to the governance side; nobody is in a position to make up their mind, people were appointed not knowing what their mandate was and what the future held for them. Over the past year or so, hospital groups in particular have communicated to us about being in a limbo situation with regard to legislation.

I echo Deputy Howlin's comments on the south east. Prior to the Herity report, a reconfiguration report and an earlier national cardiac report recommended emergency heart care cover for the south east. I do not believe that Cork can deal with the patient cohort from the south-east area. University Hospital Waterford was left very short in respect of the reconfiguration report. Wexford and Kilkenny moved out of the south-east health area, became connected to the Dublin region and Waterford was on its own. Prior to that Waterford had been the main hospital in the south east, or was meant to be, in the South Eastern Health Board's original strategy. Now, once again, it is in a limbo situation and, as a result, is losing a lot of vital services such as the emergency cardiac care.

The Taoiseach: Deputy Howlin's remark that there are no allocations for Sláintecare in the budget is incorrect. There is an allocation to establish the health reform office. One of the recommendations in the Sláintecare report was that one of the first actions to be done is the establishment of such an office to work on the implementation plan for Sláintecare. Sláintecare is a plan for a plan, it is not a plan in itself. It requires an implementation plan and it recommends that a number of reviews be done. Those reviews have to be done, one of which is the review of the public-private mix in the public hospitals and how it might be eliminated. The Minister for Health, Deputy Harris, has appointed a group to do that. This group is, I believe, led by Donal de Buitléir. The Sláintecare report also recommends that we begin, progressively over time, to reduce out-of-pocket expenses and costs for patients. There are two specific measures in the budget that do exactly that, namely, a reduction in the prescription charge for medical card holders under the age of 70 - having done it for the over-70s last year - and the reduction in the monthly charge for the drugs payment scheme, DPS, for those who do not have medical cards. That will be reduced by €10 per week-----

Deputy Micheál Martin: That was in all our manifestos. All parties had that.

The Taoiseach: -----from January.

On the emergency cardiology issue - specifically 24-7 primary percutaneous coronary intervention, PCI, which I believe is what the Deputies mean - a report was done on that matter by Dr. Herity, a Northern Ireland-based cardiologist and expert in the field. He determined that it would not be safe or sustainable to provide 24-7 primary PCI in University Hospital Waterford. I am aware that the report has been rejected by many of the campaigners there and the clinicians working in the cardiology service there. Nonetheless, I believe all in the House would agree that decisions on where national or regional specialist units should be located must be based on scientific advice, not on politics. The Minister for Health plans a national review, which will be different to previous reviews. It will not simply be an expert review. There will be much more room in it to hear other voices such as the voices of patients and others.

On a more positive note, the second cath lab is now in place. It is a mobile cath lab at University Hospital Waterford and is working on elective cases. It seems to be having some success in reducing waiting times for people who need cardiac procedures. In the interim, we will have to give consideration to whether that second cath lab should be kept in place. While it may not be providing 24-7 primary PCI, it appears to be reducing waiting lists and waiting times for patients who need cardiac procedures on an elective basis. That has to be a positive.

Reference was made to scheduling of Cabinet sub-committee meetings. I believe I have explained this before. The Cabinet meets each week, sometimes twice per week now, and that is where most business is done. The Cabinet sub-committees meet every six weeks, not to crisis-manage but to deal with strategic planning, strategies, reviews and long-term policy thinking. I meet bilaterally with Ministers all the time, more often than I am able to keep records of.

The Government is committed to the implementation of the Sláintecare report but we do understand what it is. As I have already said, it is a plan for a plan, not an implementation plan. We are committed to the principles such as public health and the need to improve our health as a nation and as individuals. We will not deal with any of the long-term problems in health care or ever get on top of the costs if we do not deal with that. On the investment in capital and ICT, there is an increase in capital spending for health happening already and into the future. There is also a great emphasis on primary and community care, reducing out-of-pocket expenses and reviewing the public-private split in our hospitals. Those principles are very much accepted by the Government.

There are, however, issues. Deputy Martin asked what these are. There are issues around the costings, which need to be interrogated. I had one costing looked at within recent days. I believe we would all agree that there should be a lower threshold for individuals on the DPS. It is currently assessed on a household basis and this does not properly recognise that individuals - single people - can lose out under such a system. The costings in the report suggest that the threshold could be halved and it would cost only €7 million. After interrogation, however, nobody is actually able to come up with an estimate as to what it would cost because there are no records of whether people live in single-person households. As a result, that costing is certainly wrong. That gives just one small example of how costings in the report are definitely wrong and need to be interrogated further.

The report leaves open the question as to where the money will come from for its implementation. The report does not say, for example, that the funding should come solely from general taxation. It suggests a number of different sources as to where money could come from, including co-payments and social insurance. That would need to be teased out.

15 November 2017

The report does not deal with one of the big questions we face in health care, which is why we spend so much and not get value for money for it. I have often said that spending on health in Ireland is in the top tier per head in the western world. We do not, however, have top-tier access. Any report about reform of our health service would have to deal comprehensively with that question.

The report does not come to conclusions; it recommends a number of different reviews. It recommends that further reviews be done on certain areas such as the public-private mix, which we have started.

Deputy Micheál Martin: So it is back to normal.

The Taoiseach: The sense I get from members of the Opposition is that they are accusing the Government of somehow paying lip-service to supporting Sláintecare, even though we are actually taking it seriously and doing some of what is recommended in it.

Deputy Micheál Martin: But all the commentary-----

The Taoiseach: It seems to me that the Opposition parties are actually paying lip-service to it. If we look at the Opposition pre-budget plans we can see that they did not provide anywhere near enough in health-----

Deputy Brendan Howlin: That is not true.

Deputy Richard Boyd Barrett: Yes we did.

The Taoiseach: I have not even finished the sentence. I confirmed this with the academic authors of the report. They recommend that an extra €1 billion would need to be allocated for health in year one. For next year Fianna Fáil and the Labour Party certainly did not-----

Deputy Micheál Martin: That is wrong. We wanted to transfer to a HSE budget.

The Taoiseach: Secondary to that I have-----

Deputy Brendan Howlin: This is unacceptable.

The Taoiseach: I have not heard members of any party saying that they accept the report hook, line and sinker because were they to so do, they would have to answer some of the follow-up questions, the most obvious of which being from where would all the money come. The report states it should come from a mix of measures such as co-payments and social insurance-----

Deputy Caoimhghín Ó Caoláin: Will the Taoiseach answer the question?

The Taoiseach: -----so a party that says it is signing up for this report hook, line and sinker should answer that question. What co-payments are wanted, how much would they be, what social insurance contributions would they agree-----

Deputy Micheál Martin: We do not agree with-----

An Ceann Comhairle: I will take one supplementary question from Deputy Howlin and then we will move on.

Deputy Brendan Howlin: I will be brief. The whole idea of-----

Deputy Micheál Martin: Everything is a negative-----

An Ceann Comhairle: Deputies, please can we hear Deputy Howlin's supplementary question.

Deputy Micheál Martin: The Taoiseach is presenting all the negatives.

Deputy Brendan Howlin: The impetus behind an all-party group perspective into which everyone could buy was the need to stop this bickering that is going on now with the Taoiseach accusing the Opposition.

The Taoiseach: In fairness, I have been accused as well. I am happy to stop it.

Deputy Brendan Howlin: The Taoiseach said he wanted to embrace this. Obviously, we have to drill down and be granular. I understand the costings of health care reasonably well. However, we need to proceed on an all-party basis. Let us try and let us have momentum on this. From what the Taoiseach has said, it appears this will go the way of all other reports. We will have no overarching issue.

I asked about cardiac care. Is the Taoiseach saying it is now settled Government policy that there will not be primary PCI in the south east? The second mobile laboratory, which the Taoiseach lauded, is on a fixed contract which is about to conclude. Since the Taoiseach acknowledges its success, will a permanent laboratory be provided at Waterford University Hospital?

An Ceann Comhairle: Will the Taoiseach be brief in response to those questions?

Deputy Caoimhghín Ó Caoláin: Can I ask a supplementary question because I received no reply from the Taoiseach?

An Ceann Comhairle: We have to move on. Will the Taoiseach reply to Deputy Ó Caoláin's question?

The Taoiseach: I will do my best. I agree completely with Deputy Howlin on this matter. Let us stop the bickering around this.

Deputy Brendan Howlin: Yes.

The Taoiseach: I would absolutely love to stop the bickering around health care reform. Let us not forget that the first accusation was made against me and my Government that we were not committed to Sláintecare. I explained that we were but that a lot of work needs to be done, as the report itself acknowledges, including on detailed costings, the reviews the report proposes and the unanswered questions. Let us do that. If it can be done on an all-party basis, I welcome that. It means stopping the bickering, however.

Deputy Brendan Howlin: Excellent.

The Taoiseach: The leadership in that regard must be shown by the Opposition because that is where the bickering almost always starts when it comes to these issues.

Deputy Micheál Martin: This is a Parliament, not North Korea. Come on.

The Taoiseach: Regarding the matter of 24-7 PCI in the south east, it is the settled policy of Government to decide the location of national specialist services on the basis of the best sci-

15 November 2017

entific advice. It is not a closed question. It depends on the best scientific advice. If that were to change, a different decision could be made. I ask the House to bear in mind that medical science changes also.

Deputy Micheál Martin: It is amazing how consultants-----

The Taoiseach: Services exist now which did not exist ten years ago. Services that exist now may not exist in ten years' time. Science changes as do population, demographics and lots of other things. One can never close the door on a decision like this. The second mobile cath lab is there on a temporary basis and the decision is that an analysis will be carried out towards the end of the contract on what has been achieved.

Deputy Brendan Howlin: It is only a few months away.

The Taoiseach: A decision will be made at that point as to whether it should continue. I acknowledge the enormous distress hospital overcrowding causes to patients who are required to wait for long periods on hospital trolleys for admission to a regular ward. I acknowledge also the distress it causes for staff. Having worked in three emergency departments, I know a little about that. I also have had relatives waiting on hospital trolleys for beds and I know a little bit about that too. I understand very much the distress it causes. While we have seen the trends going in the wrong direction all of this year, the figures are down significantly for November. Compared to November 2016, the figures are down approximately 25% according to the HSE's "Trolley Gar" figures. I do not know why that is. While it might be a blip, I hope it will be a sustained trend. The Minister has already outlined some of the actions he will be taking over the next number of months, including, in particular, greater investment in home care to allow more people to get home, which is the best place for them, as quickly as possible, thereby freeing up hospital capacity.

Deputy Caoimhghín Ó Caoláin: There are a number of critical things to be done.

An Ceann Comhairle: I point out to the House that we have already taken eight minutes from the second and third questions. The Members can continue to discuss this if they want, but it means we will not have the time for the other questions.

Deputy Micheál Martin: We will move on.

Deputy Brendan Howlin: We will go on.

Deputy Caoimhghín Ó Caoláin: I want to set something out. There are four areas that dramatically impact in terms of trolley usage, the figures for which are catastrophic this year.

Deputy Micheál Martin: This is not good enough.

An Ceann Comhairle: I thank the Deputy.

Deputy Caoimhghín Ó Caoláin: We need recruitment and retention of staff, the reopening of closed beds, adequate step-down facilities and proper primary and community care.

An Ceann Comhairle: Deputy, please. Question No. 2 is in the name of Deputy Micheál Martin.

Brexit Staff

2. **Deputy Micheál Martin** asked the Taoiseach the number of staff in his Department that are working on Brexit specific issues. [47900/17]

The Taoiseach: The Department of the Taoiseach has an amalgamated international, EU and Northern Ireland division headed by a second Secretary General, who also acts as the Irish sherpa for EU business, including Brexit issues. Staff resources vary from time to time but currently amount to approximately 25 full-time equivalent posts across the full range of policy areas.

The work of the division includes supporting the work of Cabinet committee C, which deals with EU affairs, including Brexit, and supporting me in my role as a member of the European Council. In particular, this Cabinet committee assists the Government in its ongoing consideration of Brexit issues, including input to the negotiation process on the issues that are of unique or particular concern to Ireland as well as more generally. The division prepares me for engagement on a wide range of EU issues, as well as the debate on the future of Europe, and supports efforts to develop our strategic alliances in a post-Brexit scenario. The division also supports me in my international role and in all of my international engagements, ensuring that they are strategically aligned with and effectively advance the Government's priorities, with a particular focus on driving job creation, sustainable economic development, trade, tourism and investment and on protecting and promoting our strategic interests internationally.

The division also provides advice to support me in relation to Northern Ireland affairs, British-Irish relations and Brexit issues in that context. Staff in other divisions also contribute to the work on Brexit. For example, the economic policy division advises me on economic policy aimed at supporting sustainable economic growth, with a particular focus on jobs and competitiveness, including the possible economic impacts of the decision of the United Kingdom to leave the European Union. In all of its work across international, EU and British and Northern Ireland issues, my Department works closely with other relevant Departments including, in particular, the Department of Foreign Affairs and Trade, which has lead responsibility for most policy matters in these areas.

Deputy Micheál Martin: I thank the Taoiseach for his reply. For the last year and a half, we have been arguing very strongly for a step change in the numbers we have working on the Brexit issue, in particular, and the future of the European Union. The Taoiseach has indicated that there are 25 full-time equivalent staff in the new amalgamated unit dealing with Northern Ireland, the European Union and, I take it, Brexit. Is that what the Taoiseach is saying? I received correspondence yesterday that there will be 11 staff working in the strategic communications unit.

Deputy Brendan Howlin: Is that 11?

Deputy Micheál Martin: Yes. There are seven already, in addition to an administrator and the director, with four more staff members to be recruited. It illustrates that this is a very rapidly growing unit whereas Brexit is the overriding issue which faces the country. Has the Taoiseach recruited any sectoral expertise to the Department to address Brexit issues of trade, customs, agri-food and economics? In an earlier reply to Deputy Stephen Donnelly, it was unclear whether the sectoral analysis undertaken by the Government will be published? Where is the sectoral analysis right now? It would be very useful for the debate if it was published. The Taoiseach

might indicate the position in that regard.

There is a significant level of activity in the political realm in Britain relating to Brexit. Parliament is very clear now that it will have a say in the final Brexit deal. Can the Taoiseach indicate what the up-to-date position is now on a breakthrough or a breakdown? As I said yesterday, there was an announcement of a breakthrough this day last week which was followed by the announcement of a near collapse of the talks.

An Ceann Comhairle: We have time constraints to be fair.

Deputy Micheál Martin: I understand it is fluid, but can the Taoiseach give an indication?

An Ceann Comhairle: I call Deputy Ó Caoláin.

Deputy Caoimhghín Ó Caoláin: Yesterday, the Taoiseach spoke in the House about concerns relating to the agrifood sector in the wake of Brexit. Those are we all share, none more than those of us who have the privilege to represent Border constituencies. Last month, three reports were presented to the European Parliament's agriculture committee which exposed not only how badly Ireland's largest indigenous sector will be affected by Brexit, but also just how unprepared the authorities here and in Europe are to cope with the changing landscape. The reports make for very grim reading, especially for Ireland where the brunt of the economic shocks will unquestionably be felt. Irish farmers are particularly vulnerable, not just because of their reliance on British markets to sell their produce but also as a result of consumer tastes and processing routes. Almost all of the processed foods that we deliver, even to the Continent of Europe, are transported across Britain at some point. When Britain leaves the EU, there is a possibility that Irish hauliers will be stopped up to four times in a single journey. This will have a very serious impact on their competitiveness and their ability to hold their share of the market. What is the Government's most up-to-date thinking on what I and many believe to be the best way of achieving the least worst scenario out of all this, namely, designated special status for the North of Ireland within the European Union? Where does the Taoiseach think that matter stands now?

Deputy Brendan Howlin: There seems to have been no increase in the number of staff in the Department of the Taoiseach working on Brexit since September even though things have changed - probably for the worst - since then in light of the possibility of a hard Brexit. I asked yesterday what contingency planning is being done for that possible outcome. I would like the Taoiseach to answer that question. The Taoiseach said he is not afraid of a no-deal scenario. I do not know what "I am not afraid of it" means because all the analysis I have read indicates that the consequences would be disastrous for this country. Perhaps the Taoiseach could do two things. Last week, he indicated that he is confident and at the weekend that he is prepared for a hard Brexit. What is his analysis of the prospect of being able to move on - with a satisfactory conclusion for Ireland - to phase 2 at the December Council meeting? What specific preparations are being made in the event of a no-deal scenario?

Deputy Joan Burton: Last week, the Taoiseach was very confident in his statement that sufficient progress had possibly already been made or could be made by the end of December that would allow us, in the appropriate circumstances, move forward to the next round. I am not saying he made a definitive statement. He indicated a degree of positivity or optimism about the possibility. I am concerned because we are up against an almost dysfunctional British Government that is conducting negotiations while there is an internal war over Brexit among

the principal negotiators, the Tories. Have strategic risk assessments been carried out in the Departments of the Taoiseach, Foreign Affairs and Trade or Finance on the implications for the development of Irish tax policy, particularly corporation tax, post-Brexit?

Understandably, the Taoiseach also indicated last week, during his visit to the United States, that he is very excited at the developments in robotics and so on and that we should be at the cutting edge when it comes to the development of driverless vehicles. I believe he was referring to lorries in that regard. The tax and jobs implications of that, coming together with Brexit, are enormous. When Britain has left the EU, we will face a much more concentrated requirement from countries such as France to become much greater collaborators in the context of EU tax processes.

The Taoiseach: I will start by replying to Deputy Micheál Martin. I am not sure where the figure of 11 comes from. He may be double counting or counting two different units together. As I have often said, staffing within the Department is entirely a matter for the Secretary General. It would be inappropriate for me to get involved in it and I do not do so.

Deputy Micheál Martin: It is in a letter. On a point of clarification, the Secretary General wrote to me. I received the letter, which details the staffing arrangements for the special communications unit, SCU, yesterday.

The Taoiseach: I often see articles in the newspaper about me requesting staff, etc. That is never the case. Staffing-----

Deputy Micheál Martin: The Taoiseach picked and appointed the director.

The Taoiseach: Staffing in the Department, as is the case with every Department, is entirely a matter for the Secretary General. The Deputy was a Minister for 14 years or something like that and he well knows-----

Deputy Micheál Martin: What is the problem? I just said 11 and the Taoiseach seems to be-----

The Taoiseach: In respect of the 25 who are working in the international affairs unit, the Deputy should bear in mind that is 25 working in the Department of the Taoiseach. There are lots of other people -hundreds in fact - working on international affairs, on Brexit and on issues relating to Northern Ireland within the Department of Foreign Affairs and Trade. Additional people in the various agencies - IDA Ireland, Enterprise Ireland, Bord Bia and so on - area also engaged in this work. We do not need to replicate the work they do in the Department of the Taoiseach but we do need to oversee and coordinate it. That is the role of the Department of the Taoiseach and 25 people is an adequate number to do that at this stage.

In respect of Deputy Micheál Martin's reference to the announcement of a breakthrough or breakdown, I do not recall anyone making an announcement of a breakthrough or breakdown in the talks. That is an interpretation or misunderstanding on the Deputy's part. The situation is very fluid and is changing all the time. For that reason, I will not give a running commentary on the negotiations and I will not provide an analysis in respect of them because things change a lot from day to day. I will be in Gothenburg on Friday to meet other Heads of State and Government. I will have an assessment after that which may be different from one I might give now. I do not want to cause confusion or distress for other leaders or Deputies by being obliged to provide different analyses on different days.

As Deputy Ó Caolain knows, the proposal for designated special status has been rejected by the United Kingdom. It has not been sought by Northern Ireland because there is no Executive or Assembly to seek it. If they existed they probably would not seek it. A very unhelpful motion tabled by Sinn Féin MEPs and calling for special status for Northern Ireland was rejected by the European Parliament because, of course, using a term such as “special status” sets off alarm bells for other countries. It speaks to separatism within their own countries and to a view within the European Union that the *acquis* should apply and that there should not be exceptions created for other areas. This conversation about and demand for special status - and particularly the use of that term - is detrimental to our national interest. From time to time, we speak about unique or special arrangements. However, those are quite different.

On contingency planning, as I have said before, the kind of contingency planning we are doing is for different scenarios and there are many that could arise and that is the planning we are doing. It does not, however, extend to hiring border guards or training dogs or scoping out sites for border posts. Nor would it extend to designing information technology, IT, systems or customs forms or anything like that because trade is an exclusive competence of the European Union and anything done on that basis would have to be done on a European level not by a member state or domestic government.

On corporation tax, I do not know the details of any analyses carried out by the Department of Finance on these issues but I am sure it does carry them out from time to time. Our position on corporate tax is straightforward. We believe in tax sovereignty. Corporation and income taxes should be set by national parliaments and national taxes should fund national budgets. That could only ever be changed by unanimity in the European Union. There certainly is not unanimous support for any change to that. We do not need to do a lot of analysis in respect of it because our position on that is exactly as it is, namely, that there will be no change. As for embracing new technologies, I can understand the fears Deputy Burton may have around future technologies, artificial intelligence, robotics and driverless vehicles, but history teaches us that there have always been people and political forces afraid of new technologies. Going back to the agricultural revolution-----

Deputy Joan Burton: I did not say I was afraid of them. I have no fear of them.

The Taoiseach: -----and the industrial revolution people predicted that adopting new technologies-----

Deputy Richard Boyd Barrett: Luddites.

The Taoiseach: -----would result in unemployment and loss of jobs and actually something different has happened. Countries that have embraced new technologies have moved up the value chain and produced more jobs and better jobs.

Deputy Micheál Martin: I asked about publication of the sectoral analysis.

The Taoiseach: There is no date for that.

Deputy Micheál Martin: Sorry?

The Taoiseach: I do not have a date.

Deputy Micheál Martin: Why not?

An Ceann Comhairle: Only six minutes remain for the last question.

Cabinet Committee Meetings

3. **Deputy Micheál Martin** asked the Taoiseach if he will report on Cabinet committee F on national security. [47898/17]

4. **Deputy Brendan Howlin** asked the Taoiseach when Cabinet committee F on national security last met; and when it will next meet. [48129/17]

The Taoiseach: I propose to take Questions Nos. 3 and 4 together.

The role of Cabinet committee F is to keep the State's systems for the analysis of, preparation for, and response to, threats to national security under review and to provide for high-level co-ordination between relevant Departments and agencies on related matters. The Cabinet committee will allow greater ministerial involvement in preparing for and managing major security threats.

The committee last met on 9 November 2017. It is expected that the committee will meet again early in the new year.

Deputy Micheál Martin: I presume the Taoiseach has heard the news that France has won the competition to host the world cup. President Macron or whoever managed to get in ahead of South Africa even with the recommendation. It has made a very difficult end to a disappointing 24 hours for Irish sport generally. We pay tribute to all of those who made an effort and put a huge effort into preparing our national bid for it.

With regard to the Cabinet committee on national security, does the Taoiseach think it will become a trend that prior to every meeting a photograph will be taken of the members who will attend and that it will be tweeted? I would appreciate the Taoiseach's thoughts on this because one might say a storm is not a security issue but sometimes the national security committee might have to meet because of a terrorist or ISIS threat. I am interested to hear what the security advice is on this. It may not be a huge issue but in some respects it is an interesting development.

For a number of years, the number one risk identified in the national risk assessment is cybersecurity, due to the probability of an incident and the likely scale of impact. The Minister for Health is adjacent to the Taoiseach, and perhaps due to some luck the health system escaped the last attack, which hit the National Health Service in the UK. It is fair to say our critical infrastructure remains exposed to a cyberattack. Will the Taoiseach indicate what has been done to address this recently? Has he agreed to support President Macron's reasonable proposals to promote the issue of cybersecurity?

Deputy Brendan Howlin: I note the Minister for Housing, Planning and Local Government - and we all know who attended because of the tweet - attended the security meeting. It came a month after Storm Ophelia caused such devastation in our country. The Taoiseach will recall the day after the storm I raised with him in this House the matter of clear guidelines for employers on what they should do in the event of a status red warning. The widow of one of those tragically killed during the storm spoke last week. Pamela Goss called for no ambiguity on this issue. Has the Taoiseach reviewed the situation since? When will he be in a position to

15 November 2017

present guidelines? Because of climate change we do not know when the next disastrous storm will arrive on our shores. We need clarity on what every aspect of our society should do in the teeth of a red alert.

An Ceann Comhairle: I call Deputy Ó Caoláin very briefly.

Deputy Caoimhghín Ó Caoláin: I would like to ask a couple of questions.

An Ceann Comhairle: We have just two minutes left.

Deputy Caoimhghín Ó Caoláin: Does this new committee complement the role of the existing national security committee or is it replacing it? While there has been, probably understandably, the need for confidentiality in respect of the work of the national security committee, last week the Taoiseach, as Deputy Martin has referenced, tweeted a picture of those present at a meeting of the Cabinet committee. Surely this is unprecedented and an unwise thing to do in the circumstances. Certainly it suggests to me, with all respect, the Taoiseach is more Trump than Trudeau. Will the Taoiseach please outline the accountability and scrutiny mechanisms in place for overseeing the role of the committee?

From a justice and equality committee point of view, there has been some mention in recent times, in light of reform of the Garda, of the possibility of establishing an overarching more structured agency with responsibility for security. Will the Taoiseach outline his view on this?

The Taoiseach: I have heard the recent news that France has been successful in its bid to secure the Rugby World Cup for 2023. Obviously on behalf of Ireland I am very disappointed at the decision. I do not regret for a second putting forward the bid. Ireland put forward a very good bid and we would have hosted a really good tournament had we had the opportunity to do so. I particularly thank the IRFU, officials in Departments, the GAA and others for their work in putting the bid together. I congratulate France on winning the bid. It will put on a fabulous tournament. It has our congratulations.

The membership of the national security committee is separate to Cabinet committee F. Cabinet committee F involves politicians and the national security committee does not. The membership of Cabinet committee F is public knowledge and is not a secret and certainly not a national security issue. I recall the first meeting of Cabinet committee F had the RTÉ cameras in to pan a shot of the people at the table, which garnered no comment whatsoever at the time yet a tweet has garnered so much comment. It says a lot about some people's terror and fear of modern media that it is perfectly acceptable for the RTÉ cameras to come in and pan a shot of a Cabinet committee meeting, as they have done for decades, and yet a tweet is somehow a threat to national security. It really does demonstrate the terror some people have of modern communications. They just do not understand, do not know what it means, cannot cope and even think it is a threat to national security. Never have I seen a criticism scrape the bottom of the barrel more so than such nonsensical criticism.

Deputy Micheál Martin: The Taoiseach needs to relax a bit.

The Taoiseach: When the United States conducts or has just conducted a major military operation-----

Deputy Micheál Martin: Or foreign policy.

The Taoiseach: -----it sends photographs from it. I am subjected to plenty of ridiculous

criticism-----

Deputy Micheál Martin: Cybersecurity.

The Taoiseach: -----but that is the most ridiculous that I have seen. I thought, when I saw the initial tweet from Deputy Lisa Chambers, it was a joke and I laughed. I cannot believe people take it seriously.

An Ceann Comhairle: The time is up now so we must conclude.

Deputy Richard Boyd Barrett: He is on a roll.

The Taoiseach: It is demonstrative of the terror that people have of modern communications.

An Ceann Comhairle: It may be, but we are out of time.

The Taoiseach: The fact it is perfectly acceptable-----

Deputy Caoimhghín Ó Caoláin: Will the Taoiseach answer some of the questions?

Deputy Billy Kelleher: At the risk of being repetitive-----

An Ceann Comhairle: We have to conclude.

The Taoiseach: RTÉ cameras can come in and pan a Cabinet meeting or Cabinet sub-committee meeting and nobody comments but somebody uses modern technology and it is a threat to national security.

An Ceann Comhairle: The Taoiseach is blazing a trail.

Estimates for Public Services 2017: Message from Select Committee

An Ceann Comhairle: The Select Committee on Rural and Community Development has completed its consideration of the following Revised Estimate for public services for the year ending 31 December 2017: Vote 42 - Department of Rural and Community Development.

Topical Issue Matters

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Catherine Murphy - the recent decision on the Celbridge local area plan; (2) Deputy Willie O'Dea - to discuss the defined benefit pension scheme in CIÉ; (3) Deputies Sean Fleming and Brian Stanley - the future of the Midland Regional Hospital, Portlaoise; (4) Deputy Danny Healy-Rae - the lack of nursing support for sufferers of Parkinson's disease in County Kerry; (5) Deputy Joan Collins - today's report by *daft.ie* on soaring rents and less rental property and the ESRI report on house price increases of 20% over the next three years; (6) Deputy John Brady - funding of Purple House Cancer Support in Bray, County Wicklow; (7) Deputy Brendan Smith - to discuss the ongoing human rights violations in Myanmar; (8) Deputy Frank O'Rourke - the need to review the housing assistance payment limits in north

15 November 2017

Kildare; (9) Deputy Martin Ferris - full-time residential care for adults in need; (10) Deputy Dessie Ellis - to discuss loading of car insurance policies for the elderly; (11) Deputy Clare Daly - the need for legislative reform in regard to pension benefits; (12) Deputy Peadar Tóibín - the situation with the bus service in County Meath; (13) Deputy Eoin Ó Broin - funding for Traveller-specific housing and implementation of Traveller accommodation programmes; (14) Deputy Billy Kelleher - to discuss the National Treatment Purchase Fund and hospital waiting lists; (15) Deputy Anne Rabbitte - cancellation of surgeries due to building works at Merlin Park University Hospital; (16) Deputy Pat Buckley - the need to connect the R630 to the N25 Cork road at Lakeview roundabout; (17) Deputy Mick Barry - the poor level of delivery of public housing by local authorities and approved housing bodies over the past year as reported in *The Irish Times* today; (18) Deputy Charlie McConalogue - the need for urgent Government action to address the emerging fodder crisis on many farms due to the impact of the unprecedented wet weather; (19) Deputy Mattie McGrath - the challenges facing the operation of the Court of Appeal; and (20) Deputy Mick Wallace - to discuss the local authority social housing completion rate in County Wexford.

The matters raised by Deputies Catherine Murphy, Eoin Ó Broin, Billy Kelleher and Danny Healy-Rae have been selected for discussion.

Ceisteanna - Questions (Resumed)

Priority Questions

Emergency Departments

21. **Deputy Billy Kelleher** asked the Minister for Health the reason for the record overcrowding in hospital emergency departments to date in 2017; and if he will make a statement on the matter. [48416/17]

Deputy Billy Kelleher: What is the reason for the record overcrowding in hospital emergency departments to date in 2017? Will the Minister make a statement on the matter? He is aware that all overcrowding records have been broken in hospital emergency departments this year to date. As recently as this morning, Temple Street Children's University Hospital has advised people not to attend its emergency department because of overcrowding.

2 o'clock

The issue, as it is now November, is very worrying. Are the hospitals prepared for winter? Will they be able to cope? I ask the Minister to make a statement on the record overcrowding in our emergency departments.

Minister for Health (Deputy Simon Harris): I thank Deputy Kelleher for his question. We all acknowledge the distress caused to patients and families, and indeed the impact on staff, when cramped and overcrowded conditions are experienced in some of our hospital emergency departments. I have outlined on many occasions what we need to do to break that cycle. I have referred to the bed capacity review and the need for significant capital investment. We need to

turn Sláintecare into a reality and take some services out of our acute hospitals and put them into primary care. I opened a primary care centre in Castlebar, County Mayo, last Friday. In April of this year, there were 517 people were awaiting X-rays at Mayo General Hospital. That figure has now been reduced to zero as a result of the decision to provide such facilities in the primary care system.

By the end of September, emergency department attendances had increased this year by over 1.8%, or more than 16,000 patients. This includes a 5% increase in emergency department attendances by people over the age of 75. In this context, trolley numbers and patient experience times are showing some small improvements on this time last year. That is not to suggest there is anything to be triumphalist about. HSE data show that on 13 November 2017, over 1,000 fewer patients were waiting on trolleys this year compared to last year. It is important to acknowledge the progress that is being made by our hospital and our front-line staff.

According to the HSE's TrolleyGAR figures, which are published on the HSE website at 8 o'clock every morning, every day so far in November there have been fewer patients on hospital trolleys than there were on the same day last year. There have been fewer patients on trolleys 15 days in a row. Winter started on 1 November, presumably, and it is now 15 November. On every single one of those days, there have been fewer patients on trolleys. I accept that the number of patients on trolleys is still far too great. I do not accept the idea of constantly referring to new records at a time when some of our front-line staff and management personnel are making significant progress.

Several hospitals are showing significant overall improvements in trolley numbers. According to HSE data for the period to the end of September, the number of people on trolleys at Mayo General Hospital, Our Lady of Lourdes Hospital in Drogheda and Beaumont Hospital has reduced by between 30% and 40% compared to the same period in 2016. The Deputy is right when he suggests we have an awful lot more to do. I think we all share a view on what needs to be done in the medium term. What are we going to do right now as we come into the winter? I am happy to confirm that €40 million in additional funding has been made available as part of budget 2018 to address winter pressures and waiting lists over the rest of this year. A further €45 million has been allocated for measures to improve access to unscheduled care and other acute hospital priorities. That means more home care packages.

Additional information not given on the floor of the House

Some of this funding is already being utilised within the system, with an additional 45 home care packages and 20 transitional care beds being provided each week for the duration of the winter period. This funding will allow patients to return home or go to an appropriate community setting, when clinically appropriate, thereby helping to alleviate some of the pressures our hospitals are experiencing. Funding will be provided to increase bed capacity this winter and as part of service planning for 2018. The Department of Health is undertaking a health service capacity review in line with a commitment in the programme for Government. The findings of this review, which are due to be published before the end of the year, will provide an evidence base for future capacity decisions. All hospital groups and community health organisations have developed and put in place integrated winter preparedness plans for their localities focused on planning and escalation preparedness, maintaining patient flow processes and ensuring public health preparedness.

Deputy Billy Kelleher: The Government is making an effort to normalise misery and medi-

ocrity in all areas of Irish life. The Taoiseach recently spoke about the normalising of homelessness. This can be seen in the crime statistics as well. Now there seems to be an acceptance that having 500 people on trolleys is the new norm. It is simply not acceptable. I recently received information in replies to parliamentary questions about the number of people over 75 years of age who are waiting 24 hours or more on trolleys in emergency departments. The Government is failing to achieve the targets it has set for itself. Elderly people are lying on trolleys. All the clinical evidence shows that if proper wards are not accessed in a timely manner, there are adverse health outcomes. Overcrowding is costing us lives. The statistics are there. This can be seen every day of the week. The individuals behind the statistics are lying on trolleys. Some of them are having adverse health outcomes because of the extraordinary lengths of time that people are waiting in our emergency departments on a daily basis.

Deputy Simon Harris: With regard to the question of misery, when I refer to publicly available data to counter the figures put forward by the Opposition, why is it acceptable for me to be accused of trying to normalise a bad situation? Nobody, least of all me, has said it is good to have anybody on a trolley. Of course it is not. It is socially unacceptable. We have to do a hell of a lot more. I am not going to stand here and allow Deputy Kelleher to decide the narrative. I am going to follow the evidence and see where it brings us. Every single day so far in November, there have been fewer patients on trolleys. I will send a copy of those figures to the Deputy. Perhaps I will put them on the record of the House. The idea that the Deputy has decided that this is the worst winter ever, even though the winter period just started at the beginning of this month, is not factually backed up. That is not to say we do not need to do much more. The Deputy is particularly right when it comes to older people on trolleys. That is why we are putting in place a programme of frailty teams. This will mean that older people are streamed to geriatricians when they come through the doors of our emergency departments. We need to do more with home care packages. Funding has been provided for an additional 45 home care packages each week from now until the end of the year. This will be sustained throughout 2018. More transitional care beds are being provided. More hospital beds are being opened. An additional 60,000 flu vaccines are being given out this year. We have a lot to do. The statistics show that some hospitals are making progress.

Deputy Billy Kelleher: The Minister is quoting statistics for November, but the annualised figures show the reality that the health services are still under huge stress.

Deputy Simon Harris: Absolutely.

Deputy Billy Kelleher: Our emergency departments are the point where this is most obvious on a daily basis. The Minister can pick out statistics to show there has been a small reduction in the number of people on trolleys so far in November, but the overall position points to the fact that our hospitals simply do not have sufficient capacity. I refer to the numbers of beds, clinicians and front-line staff dealing with patients. That is manifesting itself in the consistent need to keep elderly people on trolleys for long periods. Front-line staff are saying that this is jeopardising patient safety. With the onset of winter, the concern is that this could have profound implications for the ability of our emergency departments to cope in the event of an outbreak of flu or the winter vomiting bug. I do not believe we are prepared to deal with that if it happens, as it probably will.

Deputy Simon Harris: I do not disagree with the Deputy's analysis. Our hospitals are overcrowded. There is not enough capacity. We need a bigger health service in terms of bed capacity. The Sláintecare report, which the Deputy helped to co-author, provides a roadmap

in this respect. I look forward to going before the Joint Committee on Health and Children next Thursday to outline the steps we have taken in this regard. The bed capacity review I will receive by the end of this year will tell us how many hospital beds and other beds we need right across the health services and for the next 30 years. It will set out how many beds will be needed if we stand still and do nothing and how many beds will be needed if we implement Sláintecare. The Deputy is right when he says we need to get on with expanding capacity. As of today, I have to use all the levers at my disposal, including more social care, more community intervention teams, opening transitional care beds, encouraging people to get the flu and trying to encourage people to go to the appropriate place, which is not always the emergency department.

An Ceann Comhairle: I am sure the Minister means that people should get the flu injection.

Deputy Simon Harris: Very much so. People should get the flu vaccine, rather than the flu.

Deputy Louise O'Reilly: I am pretty sure the Minister does not want to encourage people to get the flu, especially after last year.

Deputy Simon Harris: Certainly not.

Medical Products

22. **Deputy Louise O'Reilly** asked the Minister for Health when his attention was drawn to the side effects and complications of transvaginal mesh implant procedures; the steps he has taken to address and take control of the situation; if he will instruct the HSE to establish a register of women impacted by complications from the procedure; and if he will make a statement on the matter. [48282/17]

Deputy Louise O'Reilly: This fairly simple question relates to the complications associated with transvaginal mesh implants. The details of some of the serious complications do not make for easy reading for anyone. Those who have met the people affected by this issue will appreciate that it is serious. This question gives the Minister an opportunity to tell me what he is doing about this matter.

Deputy Simon Harris: I thank Deputy O'Reilly for bringing this serious matter to my attention. I have been made aware of concerns about complications arising from the use of transvaginal mesh devices in women. Recent media reports here and elsewhere have highlighted concerns that have arisen for some women. A number of women who had these devices inserted for the treatment of specific medical conditions have reported negative experiences. It is important for me to say that these devices have been shown to be as effective as more invasive surgery, with the advantages of shorter operating and admission times, a quicker return to normal activities and lower rates of complications. My Department is not aware of any scientific evidence which concludes that these devices are unsafe when used in line with their intended use. These mesh devices continue to be certified as compliant with EU legislation and have not been removed from the market by regulators in Europe.

As the Deputy will appreciate, there is no such thing as a medical or surgical procedure that does not carry some risk. That is why the Health Products Regulatory Authority monitors the

safety of medical devices placed on the market and monitors international data on such matters. The authority has received six incident reports in relation to these devices, four of which have been received following recent media coverage. Perhaps this suggests that more people are coming forward as they are being made aware of this issue. It is important that clinical facts and evidence determine the further response I give to the issues raised by the Deputy. I have asked the Chief Medical Officer to provide a report on the issues raised. He has informed me that the engagements he will require with national and international bodies, the professional colleges and others will require some months to complete before he can make recommendations to me. I ask the Deputy to await the completion of that work. I will keep her and the House informed. In the interim, I advise any woman who experiences or suspects that she has experienced such a complication to discuss this with her GP and indeed with the hospital from which she received the implant. I will ask the Chief Medical Officer to undertake the body of work I have mentioned.

Deputy Louise O'Reilly: To be honest, I do not think the Minister is taking this matter at all seriously. I asked him when his attention was drawn to this issue. He has advised me that he read about it in the media. It strikes me as odd that his officials have not kept him informed about this problem, especially because multi-party actions in this respect are under way in a number of other countries. We discussed such class actions, as they are also known, in the House last night. I raised this matter over a month ago and I am doing so again today because I think we should all be worried about it. The complications as a result of this device need to be addressed immediately. I welcome the fact that the chief medical officer will compile a report. It is worrying that we cannot put our hands on the number of these devices that have been used. If we were standing here talking about trans-penile mesh or a men's health issue, we would not be having this conversation. It is outrageous that there is no register of the number of devices that have been used and the women who have used these devices so that at least we would know what the scale of the problem might be. More people are going to come forward as this issue receives more attention.

Deputy Simon Harris: I thank the Deputy for raising an important issue. She can do so without the political partisanship she brought to the issue or the suggestion that she has a monopoly on concern for women's health and nobody else gives a damn, which she should really reflect on very carefully. Nobody in this House-----

Deputy Louise O'Reilly: I did not use that language.

Deputy Simon Harris: The very clear implication that if this was a male rather than a female condition, she would get a different response is utter tripe and the Deputy should reflect on that based on knowing me and all colleagues in this House who take issues seriously regardless of that issue. What I do is follow the evidence and ask the available experts to carry out the necessary studies. I told the Deputy very clearly that the chief medical officer will look into all of the issues that have been raised. He will engage with national and international bodies, professional colleges and others and come back with a series of recommendations. As of today, this device is a regulated device in this country. I have given very clear advice that people can go to their doctors should they have a concern. In terms of having an idea of the number of complaints, the HPRA is able to provide current and up-to-date data on that. I note that last month in the UK, the need for an inquiry was dismissed. I want to follow our own evidence here so that we have the best advice available. Anybody with any concerns should go to their GP.

Deputy Louise O'Reilly: Regarding the phrase "give a damn", I do not use language like

that in here but I stand over what I said. The issue of women's health has been discussed here time out of number and the Minister is aware of that, as am I. It was not intended to be in any way personal. Of course, I welcome the fact that the chief medical officer will examine this but I would like to hear the Minister say that he will instruct the HSE to compile a register of those people who have used this device. I am learning that it does not know how many women have used it and in what context so we do not know. It would be very helpful if the Minister would instruct the HSE to indicate the numbers who may be involved in this. I have spoken to some of the women involved. They are in constant pain. I believe we have an opportunity to get out in front of this issue rather than chase along behind it as we so often do when issues involving women's health come to the fore.

Deputy Simon Harris: That is a contribution with which I can agree fully. I will ask the chief medical officer to ascertain as part of his work how many women have availed of this procedure and the international experience in this regard. This involves talking to regulators and expert bodies in Ireland and abroad. If anybody in this country has experienced any pain, suffering or difficulty as a result of a procedure performed here or abroad, I take that extraordinarily seriously. I will keep the Deputy informed about this. I am happy to liaise with her with regard to any women she is aware of. I make the point that six women have come forward to the HPRA. If there are other women who have experienced adverse impacts, I respectfully ask that they consider coming forward as well, which would be helpful in terms of getting a full sense of the scale of the challenge, in addition to the chief medical officer's work. The very important message we should all send out is that no woman should suffer or be left in pain and if anybody is, they should revert to their GP or the hospital where the device was fitted so they can receive appropriate medical attention.

Medical Card Eligibility

23. **Deputy Margaret Murphy O'Mahony** asked the Minister for Health his plans to review medical card eligibility criteria for persons with disabilities in order to facilitate their participation in the workforce and if he will make a statement on the matter. [48417/17]

Deputy Margaret Murphy O'Mahony: Could the Minister tell us his plans to review medical card eligibility criteria for persons with disabilities in order to facilitate their participation in the workforce and to make a statement on the matter?

Deputy Simon Harris: I thank the Deputy for raising this important issue, which I know she has been pursuing in the Oireachtas Committee on Health and with the Minister of State, Deputy Finian McGrath, and me. An interdepartmental "Make Work Pay" group was set up under the Government's comprehensive employment strategy for people with disabilities. This group was independently chaired by Professor Frances Ruane and I thank her for the wonderful work she did. The group's report sets out findings and recommendations, some of which deal with the potential loss of a medical card, which can act as a barrier to take-up of employment for persons with disabilities who wish to engage in work and have the capacity to do so. When that report was published, I was struck by the concern people with a disability had about losing the medical card. Be it a real or perceived concern, it was one of the biggest barriers in many cases.

The report made two principal recommendations regarding medical cards and people with disabilities. The first was to raise the medical card income disregard from its current level of €120 per week for people on disability allowance or on partial capacity benefit. I am strongly

committed to the implementation of this recommendation. To that end, my Department is working with the HSE and the Department of Employment Affairs and Social Protection in order to assess the number of people who would stand to benefit under this measure and, most importantly, to examine the best administrative route to implementing a change in the earnings disregard. I am pleased to inform the Deputy that this work is expected to be completed shortly and it is my intention to implement the recommendation by the end of 2017.

The second recommendation was that the medical card guidelines be amended to remove a requirement that employment be of a “rehabilitative nature” in order for the associated income to be disregarded from the calculation of income when a person with a disability is being assessed for a medical card. I am pleased to inform the Deputy that this recommendation has also been accepted and is being implemented by the HSE.

Deputy Margaret Murphy O’Mahony: I very much welcome the Minister’s news in this regard. Since my appointment as party spokesperson on disability a year and a half ago, I have met with many groups and advocates for people with disabilities. Across the range, this concern is the biggest fear. It is probably the most mentioned issue. People are very afraid that they will lose their medical card. The medical card opens many doors. It is not just about their medicine. Medical support will be required, particularly for people with a permanent disability, which will improve their quality of life but quality of life extends beyond medical care. These people should be allowed to reach their full potential and get a job for which they are qualified.

Deputy Simon Harris: The Deputy is entirely correct, which is why it is so important that things like the comprehensive employment strategy for people with disabilities are implemented in full. It is the commitment of the Government to do that. The Deputy is right. People with disabilities that the Deputy and I meet do not just want the State to provide them with a support and say “there you go”. They want to be able to get on with their lives and be empowered to do so. When one reads the report published by Professor Ruane and the group in April, it is very clear that one of the reasons why people were often afraid to access the workplace was because they could not manage without that medical card because it is a passport for many other services. I am very pleased to accept the recommendation in full. I expect the new income disregard to be brought in by the end of the year. That, coupled with the removal of the necessity for the work to be rehabilitative in nature, should, hopefully, help fulfil two very important recommendations and make a real difference to people with disabilities.

Deputy Margaret Murphy O’Mahony: I will be watching closely for that threshold to be changed. A young person in my constituency and that of the Minister of State, Deputy Jim Daly, had an accident in secondary school. He pushed himself through college and faced many barriers in doing so but is now in a very low-paid job. He is totally overqualified for his position but, again, this is down to his fear of losing his medical card. I can only describe him as a bird with his wings caught. He is a very bright and talented young man and the only reason he cannot pursue a career for which he is qualified and able is his fear of losing his medical card. I ask the Minister to keep all that in mind.

Deputy Simon Harris: Again, I agree with the Deputy. There are many men and women in positions similar to that of that young man. The interdepartmental “Make Work Pay” group was set up as part of our comprehensive employment strategy. It prepared a report with findings and recommendations, some of which deal with exactly the issue referred to by the Deputy, namely, the interaction between holding a medical card and its potential loss as a barrier to persons with a disability fulfilling their employment ambitions. This concern arises due to

the way the current system operates because for persons on disability allowance to retain an automatic entitlement to the medical card, an earnings disregard is applied. This means they can only have weekly earnings of up to €120 per week. This is doing exactly what the Deputy said. There are people who can and want to work more, be promoted or go on to new and exciting job opportunities but they need to hang on to that medical card for very good reasons. The good news is that the majority of people would still qualify for the medical card. However, we need to remove any ambiguity in that regard and that is what the new income disregard will endeavour to do.

Mental Health Services Funding

24. **Deputy Mick Barry** asked the Minister for Health his views on the increase in mental health problems reported in the most recent census; the impact of the level of mental health funding in this regard; and if he will make a statement on the matter. [48284/17]

Minister of State at the Department of Health (Deputy Jim Daly): According to census 2016, the number of people with psychological or emotional conditions increased from 96,004 in 2011 to 123,515 in 2016. The Government has taken action to address this and the consequent increase in demand for services. Over the period in question, there has been a substantial parallel increase in awareness of mental well-being in society and a reduction in the stigma associated with mental health issues.

In budget 2018, the Government provided almost €60 million in additional mental health funding, including €35 million for the development of new services. This means the mental health budget has been increased by approximately €200 million since 2012. A Programme for a Partnership Government contains a clear commitment to increasing our mental health budget annually, as resources allow, in order to expand existing services.

This new investment has facilitated the approval of around 1,500 new posts and a subsequent increase in mental health staffing numbers. At the end of September 2017, there were 9,744 whole-time equivalents employed in the mental health division as opposed to 9,404 in December 2015. The investment in question has also enabled the HSE to provide for an additional 130 undergraduate psychiatric nurses and 40 postgraduate psychiatric nurses each year. In addition, the funding increase has made possible the introduction of 114 assistant psychology posts and 20 psychologist posts in primary care. These will enhance early intervention-primary care counselling services for those under 18 in particular and relieve pressures on specialist child and adolescent mental health services, CAMHS. This new investment has also led to an increase in activity. For example, the number of children attending CAMHS in 2016 was 12,386 while the expected number for 2017 is 14,365.

While the substantial funding increase has helped to fund vital mental health services, it is important to ensure these services are delivered as efficiently and effectively as possible. With this in mind, a number of policy initiatives are being progressed. These include the development of a refreshed policy for mental health and the development of an implementation plan for the Connecting for Life suicide reduction strategy. As well as these, I will be bringing the final recommendations of the national task force on youth mental health to Government in the coming weeks. This initiative will help to develop resilience and coping mechanisms among children and young people. The fourth policy initiative is the pathfinder project on youth mental health. It will address the challenges of implementing youth mental health actions on a

cross-departmental and whole-of-Government basis.

When taken together, these policy initiatives illustrate the Government's integrated response to the growing demands on the mental health sector.

Deputy Mick Barry: Census 2016 tells us there was a 122% increase in mental health conditions for females aged between 13 and 22 in 2016 compared with 2011. The equivalent figure for males was 82%. This is quite clearly connected with the economic and social system and capitalism, which have given rise to precarious work, housing insecurity, increased education costs and so on. The increase in the problem is not being matched by an increase in resources. There is less money going into it than was the case ten years ago. There are fewer staff employed by the State in this area than was the case ten years ago and the percentage of the health budget going to mental health services is less than it was at that time. The latter is a failure by any standards and I challenge the Minister of State to defend that position.

Deputy Jim Daly: I do not agree with the Deputy's analysis or with how he looks at everything being less ten years on. The €200 million increase in the mental health budget is very substantial and I challenge the Deputy to point to any other area the Government is in charge of that experienced an equivalent *pro rata* increase during the recession the State has endured.

On the more substantive issue of mental health, it is a very narrow definition. I know the Deputy likes to engage in these narrow, focused analytics. The issue of mental health is not just a function of the Department of Health, it also comes within the ambit of the Departments of Education and Skills, Justice and Equality, and Children and Youth Affairs. Mental health is being addressed across a range of Departments and money is being spent. Comparing the percentage of the mental health budget with the overall health budget is wrong.

Deputy Mick Barry: How we deal with mental health is really important. Is the Minister of State aware of the report that has emerged in Cork in the past two days of a 14-year-old boy with Asperger's and anxiety who wrote to Cork County Council explaining that he was stressed out because of his family's situation of being on the housing waiting list? Shortly afterwards, his mother received correspondence from Tusla wanting to talk to the family about this letter and the situation in the household. Tusla looked into the matter. The case is now closed because, having interviewed the mother and young fellow, Tusla says there is no case. The social worker has written to the council to say the family should be housed, putting the authority of Tusla behind that. We can leave aside the fact that if anything is to be investigated here, it is the Government's housing policy. I want assurances there will be no repeat of such a situation, whether in Cork County Council or any other council.

Deputy Jim Daly: I will not comment on a case regarding Cork County Council. If the Deputy has an issue with how Cork County Council dealt with a particular case that has come to his attention, I respectfully suggest he take the matter up directly with Cork County Council, which, I am quite sure, will be more than happy to provide any clarification required on the matter.

Medicinal Products Supply

25. **Deputy Thomas P. Broughan** asked the Minister for Health the status of the HSE's approval process for the health technology assessment report from the National Centre for

Pharmacoeconomics, NCPE, on the drug Kuvan, which is used to treat persons with phenylketonuria; when he expects the drug to be approved for treatment of these persons; and if he will make a statement on the matter. [48283/17]

Deputy Thomas P. Broughan: The Minister is very familiar with the rare genetic disease phenylketonuria where patients have difficulty processing the amino acid phenylalanine and therefore must live on a very restricted, low-protein diet. We have had the report of the NCPE, which the HSE was considering. We have had two recommendations against sapropterin dihydrochloride, Kuvan, in the past nine years. A meeting was scheduled with the relevant drug company before Storm Ophelia occurred. Has a meeting happened and has information from the meeting been forwarded to the HSE drugs group? When will we get approval for the drug?

Deputy Simon Harris: I thank the Deputy for raising this issue. The HSE has statutory responsibility for decisions on pricing and reimbursement of medicines under the community drugs scheme, under powers this House gave to the HSE in the Health (Pricing and Supply of Medical Goods) Act 2013. In reaching a decision, the HSE examines all the evidence which may be relevant in its view for the decision and will take into account such expert opinions and recommendations which it has sought including, for example, advice from the NCPE.

Kuvan was considered under the national pricing and reimbursement process in 2009. At that time, insufficient evidence was available to support the pricing and reimbursement application submitted. In 2016, the HSE was advised that a new health technology assessment dossier would be submitted on the drug. The NCPE completed its assessment of the new dossier in September 2017 and did not recommend the drug for reimbursement as it was not deemed cost-effective at the price sought by the company. I highlight that point. The HSE assessment process is ongoing and the HSE will take into account any relevant expert advice when making its decision.

I have been assured by the HSE that commercial discussions are ongoing. I cannot answer the Deputy's question about whether the meeting has taken place. I do not know but I am told commercial discussions are ongoing. I am also told the HSE has received additional submissions from patient groups, via a Member of this House, which will be considered as part of the process. Both the commercial negotiations and the consideration of the patients' submissions will take place before the drugs group finally reviews the matter and takes a decision to the HSE leadership.

I have heard parents campaigning for this drug make a very valid point. They are concerned the system we have in place for assessing drugs for rare diseases is not adequate. A new committee called the rare diseases medicinal product technology review committee has been established by the NCPE. The terms of reference of the committee have been finalised and its responsibilities include the review of proposals for funding of new products for rare diseases or expanded indications for existing products for rare diseases. It will also contribute to the development of clinical guidelines. It is a valid point. We have quite a good assessment process. Parents argue about the need for a better review when it comes to rare diseases. This committee will carry out a review that is in addition to and separate from the assessment process.

Deputy Thomas P. Broughan: I welcome the comments on the quality-of-life criteria for all rare diseases. The National Centre for Pharmacoeconomics report seems to make it clear that on clinical grounds there is a positive approach. As the Minister has said, it seems to come down to the economics and the difficulty of measuring costings for a very small cohort.

15 November 2017

Like the Minister, I am very familiar with this disease and with the needs of families with experience of PKU - my family is one of those concerned. From listening to the PKU Association of Ireland and the various families involved, the Minister will know of the ongoing struggle of trying to live on a low-protein diet. It is a very small cohort. One in 4,500 babies is born with PKU in Ireland with about 20 referrals to the National Centre for Inherited Metabolic Disorders at Temple Street every year. Most Deputies will have received very valuable information from the PKU Association of Ireland.

An Leas-Cheann Comhairle: Go raibh maith agat.

Deputy Thomas P. Broughan: Many parents have outlined their daily struggle and the greater freedom-----

An Leas-Cheann Comhairle: Go raibh maith agat. The Minister has one minute.

Deputy Thomas P. Broughan: ----- having access to a wider protein diet would have-----

An Leas-Cheann Comhairle: The Deputy will have another minute.

Deputy Thomas P. Broughan: ----- if Kuvan were authorised. I know the Minister is sympathetic, but we need to act soon.

Deputy Simon Harris: I agree with pretty much everything the Deputy has said. While the PKU Association of Ireland is absolutely campaigning, as would any of us, for their loved ones to have access to this drug, it is also making the broader point about the need to review the equality in the assessment process for rare diseases. I assure the House that process is under way with a new working group of the NCPE.

As I did in my original answer, I assure people, who are wondering about the availability of Kuvan, that this process has not ended. The HSE has informed me that commercial negotiations are ongoing and it is also considering information it has received from patient groups, presumably including the PKU Association of Ireland.

When it comes to drug negotiations pressure is rightly put on me and on the HSE. It is important in a negotiation that companies also negotiate in the interests of patients in terms of a fair price for this country.

As the Deputy probably knows better than I do, PKU is an extraordinarily challenging condition. We have recently expanded the list of products available to PKU patients through our pharmacy and we need to do more in that regard. I will keep the Deputy informed on the process.

Deputy Thomas P. Broughan: The cost outlined in the report for 100% uptake is relatively tiny in the health budget at €12.7 million over five years or €2.5 million a year. The European PKU society which has strongly supported the PKU Association of Ireland has made the basic point that the EU regulatory agencies approved the drug in 2009 for use in 20 European countries at the time. A range of our European partners, including France, Austria, Germany, Bulgaria and Romania as well as the US have access for parents of children with PKU. Given that there is a genetic aspect to our community, it is extraordinary that Ireland is the one country where this medicine is not available. It is potentially life changing for those 800 individuals and their families. I know the Minister is sympathetic. Many of the advocates for rare diseases have forwarded their cases to him and I have supported those also. In this instance it should be

approved.

Deputy Simon Harris: I wish to be very factual. The decision to approve or not is a matter for the HSE leadership team, which will hear from the drugs group under the legislation passed by this House. There may be a view that the process has come to an end and that is it. The NCPE has made its views known and they are a matter of public record. However, commercial negotiations are ongoing. In my 18 months as Minister for Health I have stood in this House quite a few times discussing drugs that patients have sought. Even though it looked extraordinarily difficult to obtain them, through negotiations we have managed to make drugs available. I hope we will continue to make new and innovative medicines available.

The international aspect the Deputy raised is something on which I have been working quite hard. Ireland is a very small country. While he is right in highlighting the comparative incidence of PKU, it is important that we collaborate internationally and share information with other countries on challenges we are experiencing. We need co-operate and scan the horizon jointly. In the coming weeks I hope to be able to make an announcement about how Ireland could formalise its involvement in working with other countries to get better access to new and innovative medicines and better value at the same time.

Other Questions

Mental Health Services Funding

26. **Deputy Robert Troy** asked the Minister for Health his budget allocations for a service (details supplied). [47977/17]

Deputy Robert Troy: Good2Talk Counselling and Psychotherapy Support Services in Mullingar is a counselling service that offers crisis intervention and long-term crisis prevention, helping clients to develop healthier coping strategies, preventing suicide and high-risk behavioural patterns. It deals with financially disadvantaged clients aged from 16 years and many different ethnic groups. It has made an application for funding. Its funding was cut by the HSE in previous years. Can it look forward to good news in 2018?

Deputy Jim Daly: Good2Talk Counselling and Psychotherapy Support Services is a counselling service based in Mullingar that covers County Westmeath.

Good2Talk was awarded funding through the HSE resource office for suicide prevention of €25,000 for 2014 and €39,600 for 2015. In addition, it received €18,000 under the National Lottery grant scheme for 2016, and has, I understand, made an application under the National Lottery grant scheme for 2017.

The HSE funding was accessed by the resource office for suicide prevention under the community resilience funding stream financed by the National Office for Suicide Prevention. This funding stream ended in 2015 with the advent of the national strategy, Connecting for Life, in 2015. The ending of the community resilience funding stream after 2015 was communicated to all of the recipients of the funding, including Good2Talk. All future needs for funding will be assessed under the provisions and implementation of the new county suicide prevention plans, which aim to develop and implement consistent multi-agency suicide-prevention action plans

to enhance communities' capacity to respond to suicidal behaviours. Good2Talk has been informed about the development of the Connecting for Life implementation plan for Longford and Westmeath and has been invited to participate in the plan's consultation process.

Deputy Robert Troy: It is noticeable that the Minister of State failed to outline the funding for 2016 and 2017, which was cut. It was cut because of what happened in Console. Rightly the Department had to ensure that State money that was being allocated was going to help the people who needed it.

Good2Talk is governed by a board of directors. It complies with the CRA requirements. It works within clear guidelines, policies and procedures, working towards transparency and accountability. Its accounts are audited every year and presented at its AGM. Its clinical work is guided by best-practice guidelines and ethical guidelines of the IACP. In 2013 it dealt with 167 clients; in 2014 it dealt with 397 clients; in 2015 it dealt with 480 clients; in 2016 it dealt with 444 clients; and this year it has dealt with approximately 485 clients. It is dealing with people who need help and it is filling a gap the HSE is leaving wide open. It needs to know if it will be eligible and in receipt of much-needed State funding for 2018.

Deputy Jim Daly: This is not a reflection on Good2Talk; it is a change in the system for allocating funding that was announced to all organisations, including Good2Talk, in 2015. Many of the organisations are admittedly doing very good work but on an ad hoc basis. We need to streamline that and understand what everyone is doing. It is one of the reasons I want to see the introduction of a national phone line which co-ordinates all of these services and directs people appropriately. It is not possible to have a bottom-up service delivery system; we need a nationally co-ordinated system with localised delivery. That is what we announced in 2015 with the Connecting for Life strategies that are being rolled out in every county. Every county has its own specific means and demands on it. From here on in funding will be allocated on a countywide perspective and not on a nationwide perspective. This was communicated in 2015 to Good2Talk in 2015, as it was to all other organisations.

Good2Talk has made an application for national lottery funding. It also takes contributions towards the delivery of the service and organises many charitable collections. That is the way matters will remain until the local Connecting for Life strategy is rolled out countrywide and then decisions on funding will be made by it. I suggest that the Deputy take this matter up with the people involved with the strategy. It is a local issue. It is not a matter for my Department and neither the Department nor I will be making a decision on the allocation of funding.

Deputy Robert Troy: When will the local people be making the decision? This organisation has failed to secure any State funding for the past two years despite the large number of people it is supporting. The Minister of State was correct in what he said. This organisation has organised bucket collections and fundraising cycling events. The former Taoiseach, at my invitation, participated in a fundraising cycle event not alone to raise money but to create awareness of this service. It is not right or proper that people are out in wet weather shaking buckets and selling scratch cards and lotto tickets in order to provide a service that the State should be providing. I accept the service needs to be streamlined to avoid duplication but there is no duplication of this service in Mullingar. These are the people providing the service in Mullingar. They still do not know the funding for which the organisation will be eligible next year. That is not right. They must be given a clear timeframe in order that they might know the funding for which they will qualify next year. It is not fair to expect people to provide a service voluntarily and for tens of people to fundraise voluntarily for that service, which should

be provided for by the State.

Deputy Jim Daly: I appreciate the Deputy's passion with respect to this service. He has a serious conviction and commitment to the cause, and I salute that. I will ask the HSE to outline the answers to the questions he has posed. I cannot answer as to what it will do locally. Therefore, I will ask the HSE to communicate directly with the Deputy to provide clarity on that. I appreciate that every organisation wants to know where it stands into the future in the context of its requirements and the funding resources on which it can depend. I will ask the HSE to clarify the position. I am aware that the former Taoiseach, Deputy Enda Kenny, visited the organisation in June 2014. This is not a reflection on Good2Talk or the work it is doing; this is a changing of the systems. I will ask the HSE to clarify the position for the Deputy.

Orthodontic Services Waiting Lists

27. **Deputy Michael Moynihan** asked the Minister for Health the action being taken to address the long waiting times for orthodontic services in counties Cork and Kerry. [48208/17]

Deputy Michael Moynihan: Will the Minister address the issue of the waiting times for orthodontic services in counties Cork and Kerry?

Deputy Simon Harris: I thank the Deputy for his question. The HSE provides orthodontic treatment to those who have the greatest level of need and have been assessed and referred for treatment before their 16th birthday. An orthodontic assessment determines if the referral meets the criteria for the service and, if so, what priority the patient is given. Those with greatest clinical need are prioritised, which is appropriate, and are seen within one year. Some patients will particularly benefit from treatment coinciding with their growth. These patients are generally seen within 18 to 24 months. While too many are waiting, it is important that we factor in the clinical view regarding treatment coinciding with a patient's growth and appropriate age.

A Programme for a Partnership Government contains a commitment to providing timely access to orthodontic care. In order to address long waiting times, the HSE has procured orthodontic services in primary care from a number of private service providers and a budget of €1 million per annum is being dedicated to this initiative, which commenced in 2016. To date, 142 patients from Cork and Kerry have been treated under this initiative. The Cork and Kerry community health care organisation, CHO, has also commenced a capacity planning review of orthodontic services. This will identify whether changes may be required to the current allocation of resources, including staff, in order to be more responsive to patients' needs.

Nationally, the HSE is also working on a programme to upskill dental hygienists and dental nurses to become orthodontic therapists. This will facilitate a greater throughput of patients, which has been very much welcomed by those working in dentistry.

The national approach to future oral health service provision will be informed by the national oral health policy, which is currently being finalised. I expect to publish that in early 2018. Resources are being finalised as part of the service plan. I expect more funding to be available to help utilise private providers while building up capacity in the public service, including in Cork and Kerry, in 2018.

Deputy Michael Moynihan: The report may determine that more funding is needed. A

total of 1,200 children in Cork and Kerry are in need of orthodontic treatment, with the vast majority in the grade 4 and grade 5 categories of higher-level need. There is an outcry about this characterised by the large number of parents who are calling into our clinics trying to get orthodontic treatment for their children. It is an emotive issue and there are other issues associated with it. There is a crisis in terms of those waiting for treatment, particularly in Cork and Kerry. For us to have to wait for a report or a paper to state that more resources may be needed is fantasy stuff. More resources are needed. Something needs to be seriously done to tackle this issue and to discover how treatment can be secured for these children in a faster and more efficient way to ensure they get the treatment they require. Rather than waiting for a report, we need to act now.

Deputy Simon Harris: I assure the Deputy that we are certainly not waiting for any report and that, as I already outlined, under the procurement procedures being put in place, a number of children in Cork and Kerry and a significant number of children throughout the country have had offers of treatment and received orthodontic treatment in a primary care setting through private providers. In addition, as we speak, we are upskilling dental hygienists and others to perform the function of orthodontic therapists, which will help to increase the capacity within our existing primary care structures.

The Cork and Kerry CHO has decided that it wants to examine what it considers it needs in terms of current resources, including its staffing and service level agreements. I assure the Deputy that as soon as it comes back with that information, we will look at acting upon that in the context of the HSE's service plan for 2018. I would like to see much more done on this area. We are providing additional funding for this year and substantial additional funding for next year in terms of addressing waiting lists and longest waiters. I do not see why we cannot direct more of that to the Cork and Kerry area. After these questions, I will link with the CHO, through the HSE, to see when I can expect that ask from the Cork and Kerry CHO.

Deputy Michael Moynihan: When will the Minister get that document or information in order that we can have a resolution to this issue? As Minister for Health, does Deputy Harris agree that it is completely unacceptable that people have had to wait so long for fundamental orthodontic treatment? I ask that he give a "Yes" or "No" answer to that question. Will he consider availing of the National Treatment Purchase Fund? That is the only way we can reasonably address the numbers on the waiting list, not only in this sector but across the health sector. Is he prepared to consider using the National Treatment Purchase Fund to source funding and resources and to avail of services outside the State to alleviate this problem?

Deputy Simon Harris: Regarding when the report is due back from the CHO, I will find that out directly from the HSE and revert to the Deputy. I absolutely find this unacceptable. Who could find it acceptable? What I am going to do to solve the problem is probably what citizens and the Deputy's constituents want to know. I am very much open to using the National Treatment Purchase Fund as a vehicle. In many ways, we are doing the equivalent by already procuring through private service providers. There is a more effective way of doing that in a co-ordinated way with the National Treatment Purchase Fund that might even drive better value for money and a greater volume of patients. I am due to meet representatives from the National Treatment Purchase Fund this afternoon and I will discuss that matter with them in this context. I have no difficulty whatsoever in considering orthodontics in the context of the putting together of our waiting list plans for 2018.

Maternity Services Provision

28. **Deputy Robert Troy** asked the Minister for Health when anomaly scans will be available in the Midland Regional Hospital Mullingar. [47978/17]

39. **Deputy Mick Barry** asked the Minister for Health if the provision of anomaly scanning for all pregnancies will be expedited; and if he will make a statement on the matter. [48181/17]

Deputy Robert Troy: When does the Minister envisage anomaly scans will be available in the Midland Regional Hospital Mullingar?

Deputy Simon Harris: Is this question being grouped with Question No. 39?

An Leas-Cheann Comhairle: Yes, Nos. 28 and 39 are being taken together.

Deputy Simon Harris: I propose to take Questions Nos. 28 and 39 together.

I thank Deputies Troy and Barry for their questions. I accept that the provision of anomaly scanning is not uniform throughout the country. However, we are working to address this. I want to assure Deputy Troy of that. The national maternity strategy is very clear that all women must have equal access to standardised ultrasound services. The strategy will be implemented on a phased basis over the coming years - I have just published the first implementation plan - and this work will be led by the HSE national women and infants health programme. This is a specific programme office within the HSE very similar to the way we delivered improvements in cancer services in the past. Last month, I was pleased to launch the programme's detailed implementation plan.

I am advised that anomaly scans are available in each hospital group, as distinct from each hospital. I am also advised that those maternity hospitals and units which currently provide anomaly scans accept referrals from other maternity units. This occurs where the medical team in the referring maternity unit considers that such a scan is clinically indicated. I am informed that the Midland Regional Hospital Mullingar provides anomaly scans to women when clinically indicated to do so. One of the current challenges to increasing access to anomaly scans is the recruitment of ultrasonographers. In this context, it is expected that the establishment of maternity networks across hospital groups will assist in the development of a sustainable model that ensures all women can have access to anomaly scans routinely. They are already happening where clinically indicated. I think what the Deputy is asking me is when they will be available routinely for all women. I am assured that the programme will continue to work with the maternity networks to assist in increasing access to anomaly scans for those maternity units that currently have limited availability. The additional funding that will be provided for anomaly scanning in 2018 will be set out in detail in the national service plan, which I hope to publish in the coming weeks. I assure the Deputy in the interests of clarity that specific funding will be provided for the recruitment of additional ultrasonographers in 2018. The exact details will be outlined. I expect, and the national women and infants health programme expects, that we will have more sonographers working in our health service next year. That should enable us to further increase provision beyond just where clinically indicated and to offer anomaly scans on a routine basis. I will keep in touch with the Deputy as the service plan details become apparent.

Deputy Robert Troy: I thank the Minister. He is right that the national maternity strategy states there must be equal access to standardised ultrasound services for every pregnant woman, not just where there is a potential risk to the child or the mother. That followed the identifica-

tion of a geographic inequity in the availability of 20-week foetal anomaly scans. The Midland Regional Hospital, Mullingar does not just serve Mullingar. It serves all of Westmeath and Longford, and parts of Offaly, Meath, Louth and Roscommon. It actually services quite a large geographical area. I know this matter is a priority as part of the hospital business case for 2018. I stand to be corrected but I am led to believe that the hospital has the highest rate of births outside Dublin. That is an indication of the large number of people it serves and shows how urgent it is for it to be in a position to offer anomaly scans to all pregnant women from 2018 onwards.

Deputy Simon Harris: I thank the Deputy. He is entirely correct. The national maternity strategy is clear that it wants to make detailed routine scans available for 100% of women within the public health system. It wants to make them available on the basis of a woman's choice rather than on the basis of specific clinical indications. That is where we need to get to. I think it is right and proper that we start with clinical indications, in the interest of women's health and wellbeing, and that we make sure the scans are available in every hospital group, which is the current situation. The regional hospital in Mullingar is doing an excellent job in that regard and I thank its staff for that.

We will be looking at how we can deploy the extra ultrasonographers we will be hiring in 2018 to best ensure geographic equity. Mullingar will be considered in that context as well. It is estimated that for everybody to have absolutely routine access to such an anomaly scan, we would need an additional 52 ultrasonographers - 35 for anomaly scans and a further 17 for dating scans. It is important to note that the benefit of this planned recruitment will be released incrementally because, let us be very honest, the likelihood of finding all of that cohort in one go is slim. We will be increasing the number of ultrasonographers in 2018. I will talk to the HSE about the point the Deputy makes about Mullingar and the fact that it is very much a regional hospital.

Deputy Robert Troy: I appreciate that the Minister has undertaken to look at Mullingar hospital given its location, the number of counties it serves and the high level of births that take place there, as I said at the outset. On the recruitment of the additional 52 sonographers, obviously that will not happen in one year. Has the process of recruiting the additional staff commenced? Quite often what happens with the HSE is that it makes an allocation for a particular calendar year, for example, 2018, but does not commence the recruitment process until well into that year. The full benefit of the services is therefore not realised in the calendar year. How long is the recruitment process going to take? Has the Minister identified exactly how many additional staff are going to be hired in 2018?

Deputy Simon Harris: No, we have not because that will be a matter for the HSE service plan, which is the subject of ongoing discussions within the HSE. It is due to be presented to me and published by the HSE in the coming weeks, and one would hope this will be the case. That will provide the more granular detail of how many and in what year. It is the very clear aim of the programme and the national maternity strategy to ensure that all women have access to routine anomaly scans by 2019. That is where we want to get to. We want to make progress in 2018.

The Deputy's point is well made in respect of the recruitment process. There is no point in the HSE saying it is going to do something in 2018 and starting in the middle of that year. I will give the Deputy my assurance that once the service plan is finalised, I will ask the HSE to prioritise the recruitment process. It should start immediately once the service plan is signed off on so that we can have actual ultrasonographers in place in our hospitals in 2018. I expect

that will happen.

Health Services Expenditure

29. **Deputy Richard Boyd Barrett** asked the Minister for Health the portion of the additional €658 million allocated to the health service in budget 2018 that will deal with changing demographics; the amount allocated to new or additional services; and if he will make a statement on the matter. [48131/17]

Deputy Richard Boyd Barrett: Every year, the Government propaganda machine states that it is spending more this year than has ever been spent before on health. Every year, the number of those on waiting lists increases and the number of those on trolleys increases or stays the same. Given that the Government is doing it again this year and spending €600 million more than we have ever spent before, I want to know whether that sum is actually going to cover the increased demographic demand for those services, produce anything like new services, or deal with the massive crisis we face in respect of waiting lists.

Deputy Simon Harris: I thank Deputy Boyd Barrett for the question, although I can assure him that it could not have been said every year by every Government. Before my party came into Government, the health budget was cut in the previous three budgets. It has not risen every year. The Deputy is right, however, that it has risen significantly again this year.

The gross current budget for the health sector for 2018 will be €14.798 billion. This is equivalent to a €646 million or 4.6% increase compared to the 2017 allocation of €14.152 billion. The increased level of funding available to the health sector in 2018 seeks to address the challenges facing the health services into the future posed by demographic pressures, including a rise in chronic diseases and an ageing population, technological developments and health inflation. These challenges are being addressed through the implementation of strategic initiatives such as ongoing initiatives to improve access and the continued focus on the shift to primary care, while continuing to address effective management of resources to ensure that services are delivered in line with the national service plan and within budget.

Let us break down that figure of €658 million, which I think is what the Deputy wants me to do. Of the increase in funding, over €200 million was provided for new developments, which will include expansion of existing services - things we are not doing this year and wish to do next year, and things we wish to do more. It includes funding for the National Treatment Purchase Fund, NTPF, to reduce waiting lists, and a primary care fund. It includes expansion of services in the areas of mental health, disability and home care. The balance is available to maintain the existing level of services taking into account demographics, central pay decisions and other increases in cost. The costs of central pay decisions including national pay increases and the nursing agreement is €278 million in 2018.

To summarise, that is €278 million for central pay decisions and just over €200 million for new developments, out of an increase of €646 million. The exact quantum of services to be delivered in 2018 will be set out in detail in the 2018 national service plan currently being prepared by the Health Service Executive, which will be published before the end of the year. It is, however, not just about funding, but also about reform. I will come back to that in a moment.

Deputy Richard Boyd Barrett: I was going to say, “Blah, blah, blah” but actually the Min-

ister did give a bit more detail, in fairness, to back up his assertions.

Deputy Louise O'Reilly: The Minister is on a roll.

Deputy Richard Boyd Barrett: There is a credibility problem, however, with what he is saying. In 2015, we had 386,000 people on waiting lists and there was a budget increase in 2016 of about €1 billion. In that year, the highest number of people on trolleys on a single day was 330. The following year, despite the increase, we had 490,000 people on waiting lists and a high point of 470 people waiting on trolleys on a single day. We had another approximately €1 billion spent, yet in 2017, despite supposedly covering demographics, we are up to 685,000 on waiting lists, which is a spectacular increase. Today, as we speak, the figure for people waiting on trolleys happens to be 470, exactly the same as it was in November 2016.

3 o'clock

Can we believe what the Minister just said when all the indications are that the allocations he is making for health, although being flagged as big increases, are not even keeping pace with demographics, never mind actually delivering new services?

Deputy Simon Harris: I was encouraged by the start of the Deputy's supplementary question but it went downhill after that.

Without wishing to damage the Deputy's credibility, I agree with him that if we continue to just pour resources into the health service without looking at the outcomes rather than the outputs, we will find ourselves in a cycle where we continue to increase investment but do not necessarily tackle the core issues. That is why I am disappointed that the Deputy's political grouping is the only one which did not sign up to the Sláintecare report. The report is a genuine effort by Deputies on all sides of the House to agree there is a need for increased resources, but it is how one spends them. If one continues to do everything in the acute hospital setting, it will continue to cost more money. As demographics continue to rise, with more older people and a rise in chronic diseases, the health system will then find it difficult to be sustainable.

I do not agree with the Deputy's waiting list figures because the figures for this year include data never published before. I have published more data as Minister for Health than any of my predecessors. The pre-planned list and the suspended list are both published, as a result of the RTÉ documentary on waiting lists. The Deputy is not comparing like with like in that regard. The waiting list trends for the past three months show some improvements.

Deputy Richard Boyd Barrett: Last week, I was contacted by a man who has been two years on a waiting list for spinal surgery and is in intense pain. He recently received a letter from St. Vincent's hospital, stating it was no longer in a position to offer appointments in the orthopaedic department for spinal review and, therefore, his referral would be returned to his referring doctor with a view to that doctor securing a spinal appointment for the man in another hospital. This is the reality of the so-called increased allocations, as against the actuality of waiting lists getting longer and being told to go back to the start while suffering chronic pain. The evidence on the ground, despite the game of statistics and so on, is that the situation gets worse because the allocations are not sufficient to meet increased demands. We get overruns, which next year's new allocation will just about cover, never mind dealing with backlogs or the need for increased services in several areas.

Deputy Simon Harris: I will reiterate the point I already made. That is why it must be

about reforming the system. It has to be about looking at what we are doing in the acute hospital setting that we could do in the primary care setting. For example, recently, we had the primary care eye review. Ophthalmologists working in the community pointed out they can do much of what their counterparts do in hospitals. This would free up hospitals to do more complex and expensive procedures. High-volume and often relatively low-level complexity cases can be dealt with in primary care. That is why we need to do more of that. We need to shift more and I will show that when we publish the 2018 service plan.

We are making progress with waiting lists. If the Deputy wants to believe my statistics or not, it is up to him, but they are the National Treatment Purchase Fund, NTPF, statistics. The number of persons on the active waiting list for a hospital operation or procedure has fallen for the past three months and is now at its lowest in 12 months. The number of people waiting for an outpatient appointment has fallen for the past two months. The overall number on those lists has fallen over the past two months.

We have a hell of a lot more to do, however. It must be remembered we are coming from a lost decade of investment in public services. I am not going to make the mistakes made in the Celtic tiger by reducing the debate to purely one about funding. Even if one gave an extra €1 billion on top of the budget without reforming the system, it will not be sustainable in the future.

Medicinal Products Regulation

30. **Deputy Louise O'Reilly** asked the Minister for Health his plans to undertake an investigation into the current and historical use of the drug, sodium valproate; if a State-wide register of those women who were on the medicine during pregnancy, and of the children affected by foetal anti-convulsant syndrome caused by exposure to sodium valproate during pregnancy, will be established; if appropriate pathways for the diagnosis and treatment of foetal anti-convulsant syndrome, in addition to providing additional services for children affected by this syndrome, will be put in place; and if he will make a statement on the matter. [48112/17]

Deputy Louise O'Reilly: I hope the two issues I am raising today will not be matters we will be discussing for a long time but will be addressed. The first issue relates to sodium valproate, more commonly known as Epilim, taken by women with epilepsy during pregnancy. The HSE is aware it has been shown to have serious health implications for pregnant women in particular.

Deputy Simon Harris: I thank the Deputy for her question which she highlighted last Thursday on Leaders' Questions.

Sodium valproate is a medicine licensed for use in Ireland to treat epilepsy and bipolar disorder. It is now well established that children exposed to valproate in the womb have an increased risk of congenital malformations and developmental disorders. In 2014, the European Medicines Agency, EMA, conducted a review of valproate and issued advice placing additional restrictions on the use of valproate in women and girls.

In March 2017, the EMA's pharmacovigilance risk assessment committee initiated a new review of the use of valproate in the treatment of women and girls who are pregnant or of child-bearing age. It is expected this review will be concluded before the end of the year. When it is, the Health Products Regulatory Authority, HPRA, will communicate its outcome and recom-

recommendations to Irish patients, health care professionals and relevant stakeholders, including the HSE.

The HSE national clinical programme for epilepsy is developing a draft protocol for the effective management of women with epilepsy. It includes prescribing guidance and detailed advice on the management of clinical issues relating to epilepsy in pregnancy. This guide will be for consideration and approval by the HSE before the end of 2017. The national clinical programme for epilepsy will consider the outcome of the EMA review when finalising this protocol.

Patients taking valproate-containing medicines are advised not to stop taking these medicines. If they have any concerns about their specific drug treatment and management of their condition, they should discuss these with a health care professional.

Health-related therapy supports and interventions for children can be accessed through both the HSE's primary care services and its disability services. We have a duty to meet the health care needs of our people, regardless of the situation. At my request, officials from my Department are scheduled to meet representatives from the foetal anti-convulsant syndrome, FACS, forum, on 23 November. I hope they find the meeting useful in exchanging information, ideas and their concerns. It will be an opportunity to be updated on the Department's perspective.

We have several important developments in the next few weeks with the EMA and the national clinical guidelines.

Deputy Louise O'Reilly: Those developments are welcome. Information is available that sodium valproate should not be prescribed to girls or women of child-bearing age or pregnant women unless alternative treatments are ineffective or not tolerated.

Yesterday evening, I received an email from a woman of child-bearing age, which I am happy to share with the Minister outside of the Chamber, in which she described how she picked up Epilim from a pharmacist in a plastic bag with no information leaflet. When she asked, she was told that was because she was getting fewer than 100 tablets. If it is 99 tablets or 1,000 tablets, the risk is the same. The risks are known. In advance of any reports, since we know the potential risks to women of child-bearing potential - the HSE's phrase - who are taking this drug, the Minister should instruct his officials to ensure that information is communicated. The woman in question communicated with the pharmacy, part of a large chain. It has apologised but it is not fair to ask patients to police this.

Deputy Simon Harris: The Deputy has a fair point. In advance of my departmental officials meeting with the FACS forum on 23 November, I will ask them to give consideration to this issue.

The HSE's medicines management programme launched its sodium valproate toolkit, an online resource consisting of a patient information booklet, a summary guide for prescribers and a patient-prescriber checklist. This information highlights that sodium valproate should not be prescribed to girls or women of child-bearing age or pregnant women unless alternative treatments are ineffective or not tolerated. The management programme is in contact with the HPRA regarding the EMA's review and any further safety recommendations which might arise from that work.

The Deputy made the point that there should be action now. I will ask my Department to

contact the HPRA to discuss the matter in advance of its meeting with the FACS forum on 23 November. I would be happy to discuss the outcome of that meeting with the Deputy.

Deputy Louise O'Reilly: It is welcome that such an instruction would go out. We are not saying the medicine is necessarily dangerous but it is in certain circumstances. The more awareness there is, the better. The actions being taken now are somewhat for the future.

I have met some of the women affected and their children, some of whom are adults. They have been profoundly affected by this drug. I am not a scientist or a doctor. I cannot make that equivalence but I have met them. These children suffer from a range of conditions. As the Minister is aware, it can give rise to spina bifida, heart defects, breathing difficulties, overlapping fingers, clubfoot, hip dislocation and distinctive facial characteristics, all of which contribute to making life extremely difficult for these women. I have met them. They are fighting very hard for services but there is no recognition of what has caused them to need the additional services. The Minister should not forget some families who have already been impacted by the issue and also need to be looked after. It cannot just be a project for the future.

Deputy Simon Harris: That is a fair point. We must ensure that all appropriate information and advice is followed but the Deputy raises the legitimate issue of what to do in respect of affected children. The Health Products Regulatory Authority, HPRA, advice notes that up to 10% of children exposed *in utero* to valproate are at risk of a congenital malformation and it is further estimated that up to 30% to 40% of such children are at risk of serious developmental disorders. The European Facts Forum estimated that up to 400 children in this country could be affected. A paper published in 2016 indicates that the use of sodium valproate in pregnancy has declined between 2008 and 2013 and an analysis of HSE pharmacy claim data from January 2014 to August 2016 indicates a decline from roughly 2,000 to fewer than 1,700 women aged 16 to 44 who were dispensed sodium valproate medicines under the community drugs scheme in that period.

The service needs of these children should be the primary purpose of the meeting on 23 November. Health services are available regardless of diagnosis or condition but if there is a sense that there is not a proper understanding or realisation of the needs of these children I hope that can be teased out at the meeting.

Ambulance Service Provision

31. **Deputy Pat Casey** asked the Minister for Health the proposals in place to expand the ambulance service in south and west Wicklow; and if he will make a statement on the matter. [48197/17]

Deputy Pat Casey: Is there a proposal in place to expand the ambulance services in south and east Wicklow because, as the Minister is aware, both areas suffered a reduction in service in 2012?

Deputy Simon Harris: I thank the Deputy for raising this issue concerning a county I know well. The National Ambulance Service has embarked on a strategic reform programme to reconfigure the management and delivery of pre-hospital emergency care services. The programme aims to deliver a service that is safe, responsive and fit for purpose through the development of a modern, clinically driven and nationally co-ordinated system supported by

technology and data.

The National Ambulance Service capacity review was published in 2016 and examined overall ambulance resource levels and distribution against demand and activity. It made several recommendations to improve performance and indicated the only practical way to improve first response times in rural areas is through voluntary community first responders schemes. It is interesting that the first external review of our ambulance service specifically discussed voluntary community first responders schemes. There are 22 such groups linked to the National Ambulance Service operating across Wicklow and I thank them for all their work.

The programme for Government commits to additional annual investment in ambulances, personnel and vehicles. A total of €7.2 million in additional funding was provided in 2016 and an additional sum of €3.6 million was made available in 2017. I am happy to confirm that increased funding will be made available for more ambulances and paramedics in 2018. The national service plan is due to be published in the coming weeks and the detail of the increased funding will be set out therein. I appreciate the need for additional ambulance resources in the parts of Wicklow the Deputy referenced. That will be considered by the National Ambulance Service in the context of putting together its plan for 2018. The Government is providing additional funding.

In Wicklow town there are two emergency ambulances during the day from Monday to Sunday, two during the night on Mondays, Tuesdays, Fridays and Sundays and one during the night on Wednesday and Thursdays. In Arklow there is one emergency ambulance during the day on Mondays and from Wednesday to Sunday and one during the night from Monday to Sunday. In Baltinglass there is one emergency ambulance during the day from Tuesday to Sunday and one during the night from Monday to Sunday. I am very eager for that to be increased and approved, as the Deputy can imagine. I expect the National Ambulance Service will outline the details of its plans for 2018 when it publishes its report.

Deputy Pat Casey: I thank the Minister for his response. I wish to put on record my understanding of and appreciation for the work done by the 22 first responder groups in Wicklow. They do an incredible amount of work and are a huge benefit to the health service.

Arklow and Blessington-Baltinglass both lost a half-day service in 2012. Under new rostering arrangements they have lost 136 day hours service. It is disappointing that there is a two-tier ambulance service in County Wicklow. The Minister knows the geography of west Wicklow as well as I do. The cover for that area is provided by ambulances in Tallaght and Naas. However, the service in Tallaght is closed on the same day as that in west Wicklow and the area is, therefore, relying on Naas at those times. If one lives in the centre of the county one might have to wait up to an hour or an hour and a half. In my area of Glendalough an ambulance will sometimes come from Naas even though it is not meant to cover that location. Although efficiency needs to be considered, there needs to be a level playing pitch across the county.

Deputy Simon Harris: I agree with the Deputy. There is an issue of geographic inequity depending on where one lives in Wicklow, with west Wicklow often experiencing more geographical challenges than other parts of the county. It is not just the Deputy and I, as persons from County Wicklow, who understand that. The National Ambulance Service capacity review found there was a need in the eastern region, which covers Dublin, Kildare and Wicklow, for additional emergency resources, primarily rapid response vehicles. Therefore, I expect that following the implementation of the national capacity review, the ambulance service will act upon

that in the context of the forthcoming service plan because it is important we have an evidence base for all we do and the National Ambulance Service capacity review is very clear on the need to plug deficits in the eastern region, which includes County Wicklow and west Wicklow.

The Deputy is right to praise the community first responders groups. Wicklow has led the way in that regard, with 22 such groups in operation there. Three community engagement officers have been appointed to the National Ambulance Service operational areas in north Leinster and the west and south of the country to support the existing community first responders network. The number of such community first responders groups has increased from 133 in January 2016 to 158 at the end of September 2017. We thank those groups for all they do. It is a very important component of the health service.

Deputy Pat Casey: I thank the Minister for his contribution. There was an accident during a football game in Arklow involving a boy who broke his leg. The air ambulance had to be called for him because there were no ambulances available from Arklow, Wicklow town or west Wicklow. There was a very sad incident involving a fatality in a car park that is only 50 m from the ambulance base in Arklow. However, because it was a Tuesday, there was no service at that base and an ambulance had to come from Wicklow town. This is why we question the system that is in place. There needs to be fairness. I appreciate the Minister's commitment to trying to achieve that. It is in all our interests for the Minister to sort out this issue before the next general election because if he does not, he might not be allowed to canvass in west or south Wicklow.

Deputy Simon Harris: I will bite my lip in respect of all the partisan comments I could make. I have too much time for Deputy Casey.

He is correct that there are deficits in the eastern region, which comprises Dublin, Kildare and Wicklow. That was identified by the national capacity review, which was the first report to land on my desk when I became Minister for Health. It was carried out by Lightfoot Solutions and was the first external review of the ambulance service. It discussed putting more resources into the ambulance service. However, it also noted that even were that done, a community first responder network also would be needed because of the layout of the country and that is why we are trying to support that network. Since I received the report, I have increased the ambulance service budget at every opportunity available to me. I will again do so in 2018. I expect that the National Ambulance Service will address some of the deficits in the eastern region, including Wicklow, based on the evidence base in the capacity review.

In terms of technology, a "nearest available to the incident" system is being used, which means that the nearest ambulance to an incident, regardless of where it occurs, is sent to the location. That is a clever way of ensuring an ambulance gets to a patient as quickly as possible, no matter where in the country he or she is.

Mental Health Services Provision

32. **Deputy Eamon Scanlon** asked the Minister for Health when he expects the number of community child and adolescent mental health services, CAMHS, posts in CHO 1 to reach the level recommended under A Vision for Change. [48217/17]

Deputy Eamon Scanlon: To ask the Minister for Health when he expects the number of community child and adolescent mental health services posts in the CHO 1 area to reach the

level recommended by A Vision for Change. Deputy Marc MacSharry and I have recently met several concerned parents in the region. There is a lot of frustration among parents of children who need to avail of these services which, unfortunately, are unavailable to many people.

Deputy Jim Daly: A Vision for Change, published in 2006, set out a ten-year policy framework for Ireland's mental health services. It recommended that interventions should be aimed at maximising recovery from mental illness and building on service user and social network resources to achieve meaningful integration and participation in community life.

The Government is committed to increasing the mental health budget annually, as evidenced by the substantial additional funding of some €200 million provided for mental health from 2012 to 2018. The implementation of A Vision for Change has been given specific priority in recent years with the additional ring-fenced funding specifically aimed at modernising mental health services in line with the programme for Government commitments. A key focus has been approval of some 1,550 additional posts to strengthen community mental health teams; enhancing specialist community mental health and forensic services, increasing access to counselling and psychotherapy; and developing suicide prevention initiatives. These posts are directly facilitating the policy of moving away from traditional institution-based care to a patient-centred, flexible and community-based mental health service. Staff recruitment and retention have been a challenge for the HSE for various reasons, with approximately two thirds of these posts filled so far in certain CHO areas. Recruitment continues and the HSE has also prioritised in particular the staffing of CAMHS units and community-based CAMHS teams.

CHO 1 serves a population of 103,778 people aged from zero to 18 years. Adjusted for population changes, A Vision for Change recommendations would result in a total of 107 whole-time equivalents being required across all community CAMHS teams. There are currently 75 whole-time equivalents in post, and a further seven whole-time equivalent approved and funded posts undergoing recruitment, that is, 76% of the recommended level. CHO 1 continues to work with the HSE mental health division to influence the prioritisation of additional funding for ongoing investment in CAMHS teams. The commitment to the continued programme for Government funding will support implementation of the Vision for Change recommendations.

Deputy Eamon Scanlon: According to the written response I got to a question about the number of posts, in 2016 there were 60 posts, and in 2017 the number had fallen back to 57. A Vision for Change recommended in 2006 that the number of posts for this area be 108. We are fortunate enough to have a consultant who is dealing with the cases as best he can. Quite recently he had to write to all the general practitioners in the area to ask them not to refer any more young people to him as he was not in a position to deal with them. As the Minister of State can well imagine, this puts significant pressure on parents trying to deal with a difficult situation. I know employing people is an issue, but something will have to be done about this because it is at a very serious stage.

Deputy Jim Daly: I again thank the Deputy for his focus on this matter. Any focus he puts on this area is always welcome, and we all want to work together towards achieving the best outcomes we can. A Vision for Change was a very ambitious document for its time. It was formulated in 2006 in a very different Ireland that had a strong, burgeoning economy. We were very ambitious back then, and rightly so. That is how it should be. We are 11 years into that ten-year plan, and to be at 80%, or almost 80% in CHO 1, is not the worst case scenario. Significant progress is being made on this. It is not enough, and I would be the first to agree with the Deputy on that and to share his concern, but it is a significant development towards that

journey in that period. I am not being political or facetious about this, but one should consider the journey we have come through in those ten years and the crisis with which we had to contend as a nation, losing the financial means to do so many things. Then we had mass emigration, unemployment and so on so we lost much of our talent pool. To be at 80% is therefore not the worst case scenario. I am not saying that defensively; I am just putting a little perspective on our position. We are at almost 80% in CHO 1 with the CAMHS team. I would like to see improvements in other areas, including this area. It is not just about money. If it were, it would be great. In fairness, the Deputy acknowledged that in his contribution.

An Leas-Cheann Comhairle: The Minister of State will have another minute.

Deputy Eamon Scanlon: I thank the Minister of State for his response. It is very easy to criticise, but if I might make a suggestion, could a 24-hour helpline be introduced for GPs when young people - young children in some cases but also young adults - with their parents present with suicidal tendencies? At present these young people are referred to an accident and emergency department, which is totally unsuitable. Nine times out of ten they are sent back home with their parents, which causes serious anxiety. A helpline for GPs could be put in place whereby someone would be qualified enough to speak to these people. Perhaps that is all it takes sometimes. Might the Minister of State consider this into the future?

Deputy Jim Daly: I certainly will. I am already working on a mental health helpline for more appropriate referral. The Deputy makes a very good point about GPs having access to 24-hour guidance and direction on what to do in such a situation. We will actively consider that and are considering it at present. Skype is also a very useful tool as people can talk in real time to very qualified people. There need not be a qualified consultant psychiatrist at every crossroads. It can be someone on Skype with whom people can communicate. Everyone has an iPad now. There are many ways we can look at how we do what we do, and I very much welcome the Deputy's suggestion. This is the kind of politics I like to see us engage in here, that we are all actively pursuing better ways of doing what we do rather than the traditional demands for more money and more resources and so on. I will add the Deputy's suggestion into the mix.

Mental Health Services Staff

An Leas-Cheann Comhairle: We move to the final question, in the name of Deputy Thomas Byrne. I ask the Deputy to forfeit the 30-second introduction to the question. Doing so will give him an opportunity to ask a supplementary question.

33. **Deputy Thomas Byrne** asked the Minister for Health when he expects the number of community CAMHS posts in CHO 8 to reach the level recommended under A Vision for Change. [48225/17]

Deputy Jim Daly: The Government is committed to increasing the mental health budget annually, as shown by the substantial additional funding of €200 million for mental health from 2012 to 2018. The implementation of A Vision for Change has been given specific priority in recent years with the additional ring-fenced funding specifically aimed at modernising mental health services in line with the programme for Government commitments. A key focus has been the approval of some 1,550 additional posts to strengthen community mental health teams; enhancing specialist community mental health and forensic services, increasing access to counselling and psychotherapy; and developing suicide prevention initiatives. These posts

are directly facilitating the policy of moving away from traditional institution-based care to a patient-centred, flexible and community-based mental health service. Staff recruitment and retention have been a challenge for the HSE for various reasons, with approximately two thirds of these posts filled so far in certain CHO areas. Recruitment continues and the HSE has also prioritised in particular the staffing of CAMHS units and community-based CAMHS teams.

There are currently 12 CAMHS teams in CHO 8. This represents 80% of its target resource set out in A Vision for Change. In recent years there has been a significant increase and investment in staff in the CAMHS service. CAMHS teams will continue to benefit from development funding in the coming years, supporting the implementation of Vision for Change recommendations.

The HSE national service plans of recent years also highlight the broad range of ongoing reforms in mental health services, including CAMHS. The Department of Health is currently advancing a review of A Vision for Change. Having commissioned an expert evidence review, completed in February of this year, an oversight committee was established to begin the process of updating our mental health policy.

Deputy Thomas Byrne: If we were to listen to the Minister, the position regarding child and adolescent mental health services is absolutely fantastic and could not be better. That is not the experience of those in a crisis and those who need support in various aspects of dealing with their mental health. Figures provided to my colleague, Deputy Kelleher, at the Oireachtas committee showed there are ten community CAMHS posts available in CHO 8, as the HSE likes to call the region in which I live in Meath and Louth, Laois-Offaly and Longford-Westmeath. Under A Vision for Change, and allowing for demographic changes and the population changes with which we constantly seem to be playing catch-up, there should be 179 posts in place, so we are way below where we should be. Ten are in place; there should be 179. There are just not enough. There is a massive shortage in the north east and the midlands and it is having a really adverse effect on children's and young people's mental health. We are not living up to A Vision for Change or its recommendations. The Minister of State can talk about reviewing A Vision for Change, but it is not enough. We want in place what we need now to deal with the children and adolescents who need the services.

Deputy Jim Daly: I am not sure which Minister the Deputy was referring to when he referred to a Minister who says everything is fantastic and wonderful and so on. No one is saying that. I am saying we need to acknowledge how far we have come with a view to improving and building on that further. We cannot always focus on the negative. That is merely the point I am making.

The answer to the Deputy's question is the very same as the answer I gave to his colleague. I am more focused on how we do what we do and more appropriate referrals of people to CAMHS and other such services. There are many inappropriate referrals. Many people are left on waiting lists and are not appropriately referred, unreferred or sent back down, and on a continual appraisal and priority basis they are being deemed not appropriate for a consultant psychiatrist. Not everyone with a mental health issue needs to see a named consultant psychiatrist. Many lower-level interventions that can happen can be just as powerful and appropriate for individual cases. I will continue to work with the Deputy and his party to make sure we reform how we do what we do to bring the CAMHS up to the standards to which we all aspire.

An Leas-Cheann Comhairle: I call on Deputy Byrne to make a final short supplementary.

Our time has expired.

Deputy Thomas Byrne: The bottom line is, whether or not people are appropriately referred, in every case they are referred by their GP, so presumably a GP deems it necessary that they be put on the CAMHS list. Has the Minister of State intervened to take people off the child and adolescent mental health service, CAMHS, list because a general practitioner, GP, was wrong? Has he put himself in a position to do that? Many children are missing out and much more has to be done to make sure they can get these services. We cannot say that we need to do things better and that people may not need a psychiatrist or consultant. These children and young people are missing out on a service that their GPs recommended as being necessary for their mental health. A more substantive answer than that is required, with an acknowledgement that we cannot just move this to voluntary organisations, if that is the Minister of State's plan. A certain amount of people need to see consultant psychiatrists or doctors in the CAMHS system.

Deputy Jim Daly: I could not agree more. A certain amount of people will always need to see a consultant psychiatrist. My job is to ensure that people are appropriately referred and where they are not appropriately referred, my job is to ensure that we have policies so that does not happen and that those people do not clog up the system and prevent those who really need to see a psychiatrist from doing so. My job includes much more than just looking at negatives. I have to look at the whole picture and to realise the best system I can for the constraints we operate within.

Written Answers are published on the Oireachtas website.

Topical Issue Debate

Planning Issues

Deputy Catherine Murphy: The immediate reaction to the Minister of State's decision to overturn decisions made by Kildare County Council on the Celbridge local area plan is, predictably, negative. People wonder what the point is in the public process that they are encouraged to engage in when it is a forgone conclusion. The decision is pretty much made in the Custom House. Utterly disheartened people have contacted me. Some say they are contemplating moving because of the mess that will be made of the town and the total disregard for the views of the public from which there have been thousands of submissions. People have questioned the point of electing councillors when the real power lies with the council CEO and the Custom House. This is not a rogue group of councillors. They have respected the process and listened and engaged with the public but that has counted for nothing. Democracy is sullied. The sheer scale and extent of the development now provided for, the location of some of the development and the absence of supporting infrastructure and services are matters that people have real concerns about. It is a pattern that people have got used to. It is not a planning system that avoids chaos but one that creates chaos and then responds to it. People in Celbridge are not opposed to new housing - far from it - but it is not enough on its own.

The directions the Minister of State made relate to two locations. The first is Donaghcumper, a location of significant historic importance adjacent to the internationally important Castle-town House. An expert study commissioned by Kildare County Council in 2006, carried out

by UCD's school of architecture, landscape and civil engineering, stated:

This study has clarified the extraordinary degree of design and planning evident in the composite design of three demesnes; those of Castletown, St. Wolstan's and Donaghcumper. With their key spinal town of Celbridge they form a remarkable instance of the quality and vision of eighteenth-century landscape design.

This is at the heart of Celbridge and is why it is a historic town. Following thousands of submissions from the public, people who value their heritage, the council rezoned the land in Donaghcumper demesne as strategic open space. The council CEO had proposed zoning for a town centre extension. The Minister of State has overruled the councillors and instead says that the Donaghcumper site is centrally located and is the most appropriate location for town centre zoning for future commercial retail and other related facilities. This site is small, at 6.5 ha. It is not a gigantic site but it is important.

If it was not of historic importance, this would be fine. There is a great irony in that the Minister of State's Department, on 22 July 2009, expressed concerns at the potential of a previously proposed development and how it might impact on the character and setting of Castletown House and its designed landscape and protected views. I quote from the correspondence from the Department at the time, which states the issues of particular concern would be the potential adverse effects on the built heritage and their settings which would include Castletown House, Donaghcumper House, the built heritage of the area, the built heritage of the town, protected structures and recorded monuments. There is history to this site. Some of the lands were zoned as residential and for town centre extension. Planning applications followed in 2001. They were approved by the council but there was a lengthy oral hearing when there was an appeal to An Bord Pleanála.

An Leas-Cheann Comhairle: The Deputy will have a further two minutes.

Deputy Catherine Murphy: I am just finishing. The board overturned the proposals on the principle of building on this historically important site and said that it was unfortunate it was zoned in the first place.

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): I thank the Deputy for giving me the opportunity to address this important issue. I thank all our colleagues who engaged with me over the months about this site and this development plan, including many councillors who have engaged through the system. I also thank the residents, many hundreds of whom have emailed me personally or taken time to make submissions to the process. That is part of it. Everyone's submission was listened to, as was the council. I have visited the site and spent time in the area, as well as at Castletown House, to look at the views and see how this would affect the overall area. I take this part of my job very seriously.

I have a statutory function under the planning code whereby I monitor statutory plans to ensure that they are consistent with established national planning policies and comply with the relevant legislative requirements. Where this does not happen, the power to issue section 31 directions provides a safeguarding mechanism and is only used in a limited number of cases, relative to some 300 statutory development plans and local area plans across the State. In the case of Celbridge, I used those powers on Friday, 10 November 2017. The simple fact of the matter is that Celbridge is a strategically located town within that fast growing cluster of towns

including Maynooth and Leixlip, and is earmarked to grow by about 10,000 people over the next five to ten years. We have to ask if we want Celbridge and towns like it just to be dormitory towns, full of commuters but with no commercial heart. Celbridge has a very weak, some say declining, but historic town centre. All I am trying to do is to uphold national policy in ensuring that the one small area it can grow into is not lost forever. If I did not do my job and allowed local planning policies to make these kinds of decisions, in the future those local communities would regret the situation they would find themselves in having to provide the shops and services they need at the edges of their towns and, worse than that, maybe not in those towns at all but in neighbouring towns. It will be important to get the balance right on the development of the centre of Celbridge. We will need to respect its historic urban and landscape character. I believe we would benefit from really well designed new housing right in the centre, to give new life to it and create new footfall for its struggling main street, the vitality of which should be the key focus. I emphasise that this is also to support that main centre. I have been on that street and many businesses there have seen a decline in business over the years because people cannot access it. This plan would put some housing right beside it and I support that.

There will also be a new public park and riverside amenity, which will be a major attractor for the town centre. We need to get working on putting this into practice. The land that was previously zoned a number of years ago has much less housing. There is also a portion of land that has been handed over which was owned by the local authority since 2012, which can be developed as a top-class amenity and park and protect the character of the landscape and the house and lands there. Great efforts have been made to do this right. I have seen previous planning applications and footage of what could have happened and the scale that could have happened. We are not allowing for that or envisaging that here at all. I look forward to working with Kildare County Council and others to make this vision happen and deliver it properly.

The site offers an ideal opportunity to revitalise and regenerate the core of Celbridge for new and existing residents alike and to integrate sensitively with the recognised assets of the River Liffey, Castletown demesne and the historic main street. The alternative would be the creation of more poor quality, car-based shopping and commercial developments that occupy peripheral locations and undermine the distinctive character and attraction of an important town like Celbridge. My Department is ready to work with Kildare County Council to ensure that those lands to the south of the main street at Donaghcumper are developed in a manner and at a pace that will protect the commercial vitality of the town centre, the heritage value of the adjacent Castletown demesne and will enable the creation of a new riverside public amenity as set out in the local area plan.

I have read all the submissions myself. We have engaged with the OPW, which owns the house in question, since everyone has been asking that. This is a zoning matter. It is not a matter of planning permission and anyone who wants to develop that has to bring forward plans that are sustainable, pass all the tests and that will address all the concerns of the residents in Celbridge.

Deputy Catherine Murphy: I acknowledge that I have spoken to the Minister of State on several occasions about this matter. Celbridge has some 6,500 houses at the moment. There are an additional 3,500 houses proposed over the next six years. This is a nearly 70% increase. The site we are discussing today is a very small site at the centre that is historical and critical to the heritage of the town. It is the reason Celbridge is a heritage town and I question whether the national planning framework is being undermined by some of what is being proposed. Kildare, for example, has a population of 220,000 people with 80,000 extra people proposed

over the next six years. We are not talking about a minor increase. Like the Minister of State's own county, Kildare is one of the areas that has done the heavy lifting in respect of residential development over the years. People engage with this process in their thousands. They do it every time. They did it with planning applications in the past and they have engaged at every stage of this process. They have the right to make their views known, but they do not feel that their views were listened to and they feel that their councillors were disrespected in the view they took. This is not just any site; this is an historically important site with an 18th century designed landscaped that is a reference point for Castletown House, of which people are rightly very proud.

The Minister of State spoke of commercial viability. That door is well closed. There is a huge 24-hour Tesco, a Lidl, an Aldi and a big SuperValu all located outside the town core. As these stores developed, the town's core businesses started to deplete. That is well gone and is not going to come back. I really wonder what the Minister of State was looking at.

Deputy Damien English: We do not share Deputy Murphy's view that it is well gone and cannot be saved. We believe this is an opportunity to save the town centre and its core. This is why this land, as a key piece of town centre land, was zoned many years ago for much more increased development. That, however, is not what this is about. This is about trying to develop a plan that can support the town, the people who live around the town and new housing on the site. Other housing was proposed for the outskirts of the town, which we have moved. We are not inflicting more houses in Celbridge with the overall number of units. It is wrong to say that. We are looking for a better balance and we are looking to develop the core centre of the town.

I have seen areas where, as the Deputy said, retail units are on the edge of the town. That does not support the town centre. We are quite happy now, and I will write to Kildare County Council on this matter, to try to work with the council on developing this site on a proper, phased basis that will work with the existing commercial town centre to get the balance right. Some new custom will be developed for those businesses through the new housing right in the centre of the town where people want to live. People do not always want to drive a car constantly. They will have a choice, with the opportunity to live beside a town centre, and to avail of all the services including the fabulous lands around Castletown House and the new park that hopefully will be developed by Kildare County Council. The council owns the land and I urge the council to bring the development forward in a very sensitive way. There is an ideal opportunity to do this right. I have read the submissions of the owners of the Castletown House and I wish everyone else would read them also. We try to respond to all the needs here.

I accept that many of the residents have raised concerns and I believe that we have managed to address those issues. With regard to some of the issues they were concerned about, compared to some of the maps that show how bad it could have been years ago with previous owners, I believe this plan is appropriate and is right. It is my job to do that. The national planning guidelines are there not to be paid lip-service, but to be used and implemented where we believe it is right. I engage with local councils often, and they generally do a great job when it comes to planning. In some cases, they do not always get it right. In this case, we believe it was not aligned with national policies and we had to intervene to make changes. It is not a decision that is taken easily and that is the reason I spent a lot of time on this decision. I went there on numerous occasions and I walked the lands to be absolutely sure we were doing the right thing. I am happy to work with all parties to develop it, but I will be clear that this is a zoning application, not a planning application.

Traveller Accommodation

Deputy Eoin Ó Broin: The Minister of State is aware that two very important reports on the issue of Travellers and Traveller accommodation were published in the past four weeks. The first report was commissioned by the Housing Agency and the Minister of State's own Department was involved in it. It was conducted by independent researchers looking at the Traveller accommodation programmes since their inception. The second report was the Behaviour & Attitudes Traveller Community National Survey, commissioned by the national Traveller data steering group. This report provides a very useful insight into the views of those members of the Traveller community who were surveyed on a range of issues. I will address the housing related issues today.

Both reports make for pretty grim reading about the current state of accommodation provision for many people in the Traveller community. For example, the Housing Agency study shows that at the end of 2016, only 39% of the targets contained in the 2014-18 Traveller accommodation programmes across the State have been achieved. This is very below target, and is substantially below previous programmes. From the report and from our own experience, we know there are real problems in accessing land and securing Part VIII planning permission in local authorities. This is due to opposition from the political system, communities or others.

My own research shows the startling number of councils that were not drawing down any of their Traveller accommodation programme funding in 2015 and 2016. Other councils make up that shortfall by drawing down more than was originally allocated. There are counties that are simply refusing to draw down funding that is available to them for programmes they have actually agreed themselves. It is remarkable. I do not have more recent figures but as of July 2017 only 9% of Government funding allocated for Traveller accommodation this year has been drawn down - €800,000 of €9 million.

The Behaviour & Attitudes Traveller survey also produced some startling figures. One in three Travellers was forced to move in recent times. For those Travellers who are under 25 years of age, it is one in five people. This is a significant level of forced displacement. A total of 40% of people surveyed answered that they were no longer a Traveller in a nomadic way because they had, essentially, been stopped through legal or other mechanisms.

There is an increasing and unhappy reliance on the private rental sector, which is very insecure and for Travellers it presents additional forms of discrimination. The survey showed a clear desire for secure accommodation close to family networks and in a range of accommodation types to suit their needs.

I raise these points with the Minister of State today because, on the back of this information, we have a real opportunity - I know he shares this view - to come together as political parties. Over the next year or so, as a result of the work I am sure the Minister of State is about to outline in his initial response, we can start to design out of our housing, planning and local government system the structural barriers, and in some cases the structural discrimination, experienced by the Traveller community in accessing quality and culturally specific accommodation. If that is the Government's intention, it will have our full support and we will put aside any party political differences or any constituency interests to ensure we do the right thing by this important section of our community.

It is important not only to remove those barriers that clearly exist, and the studies I have

outlined highlight this, but to deal also with some new challenges especially the population growth in the Traveller community, the changing nature of family formations and the need to give Travellers, as we try to do with for wider community, real choice in meeting their accommodation needs. For those Traveller families that want it, this means secure, appropriate and Traveller specific accommodation.

Deputy Damien English: I thank Deputy Ó Broin for raising this issue today and for all the discussion we have had around this topic. I know the commitment is genuine in trying to address the issue. I am happy to have the opportunity to update the House on the Traveller accommodation programme, TAP, and to review the next steps.

In accordance with the Housing (Traveller Accommodation) Act 1998, housing authorities have statutory responsibility for the assessment of the accommodation needs of Travellers and the preparation, adoption and implementation of multi-annual Traveller accommodation programmes in their areas. My Department's role is to ensure that there are adequate structures and supports in place to assist the authorities in providing such accommodation, including a national framework of policy, legislation and funding. I am also trying to ensure the funding is spent.

A Programme for a Partnership Government commits to establishing a special working group to audit the current delivery and implementation of local authorities' Traveller accommodation plans and to consult with stakeholders on key areas of concern. This commitment was underpinned in Rebuilding Ireland, which provided for the commissioning by the Housing Agency, on behalf of the Department, of an expert, independent review of capital and current funding for Traveller specific accommodation for the period 2000 to date, having regard to the targets contained in the local authority TAPs and the actual units delivered, the current status of the accommodation funded and the funding provided for accommodation maintenance and other supports.

Following a tender process, a research company was selected by the Housing Agency to conduct the review. The researchers gathered and analysed all TAPs to date and related data from the Department and other sources. Based on this analysis, a series of surveys, specifically tailored to each local authority, was created. Following analysis of outcomes from this survey phase, a number of key stakeholders were identified for consultation. In all, 11 Traveller representative groups and seven local authorities were engaged by the researchers to explore issues arising from the earlier phase of research in greater detail. Where targets were not met, the review provided an analysis of the underlying reasons, in order to identify the particular challenges that need to be addressed to underpin future progress.

The report was finalised and submitted to the national Traveller accommodation consultative committee, NTACC, for consideration at its meeting on 28 August 2017. The NTACC is a statutorily-appointed committee comprising key stakeholders, including Traveller representative groups, to advise me on Traveller accommodation matters. On foot of its consideration of the report, the NTACC collectively agreed to advise me to establish an expert group to examine and make recommendations on issues regarding Traveller accommodation policy, strategy and implementation. This in keeping with the programme for partnership Government and, as such, I have agreed to proceed with the establishment of the group. I have also agreed that a review of the Housing (Traveller Accommodation) Act 1998 should be part of the work of the expert group. The composition, terms of reference and methodology of the group are currently being formulated with a view to it being put in place as soon as possible. I am happy to engage around

that process.

I am aware of the national Traveller survey prepared by the philanthropic organisation, the Community Foundation for Ireland, the work of which I am familiar with in many other cases. The foundation does a great deal of good work and I am happy to engage with it on this also. The survey was not commissioned by my Department and is independent of the Government. However, my Department has taken note of the survey outcomes and, where appropriate, relevant elements of the survey will be taken into account by both my Department and the NTACC in its future Traveller accommodation policy and strategy work. I hope to have an opportunity myself to engage with the authors of the report.

To underline the Government's commitment to providing safe, Traveller-specific appropriate accommodation to members of the Traveller community, €9 million was announced for the delivery of Traveller-specific accommodation in 2017. This was an increase from €5.5 million in 2016. A further €4.22 million will also be paid to local authorities for specific accommodation-related supports under the current budget. These include salaries for social workers employed by housing authorities to engage with Travellers and their accommodation needs, caretaker salaries and site maintenance. Additional funding of €3 million was announced in the budget for Traveller-specific accommodation projects and developments in 2018, bringing the annual allocation to €12 million.

We hope to continue to increase the funding for this area in the years ahead, which is why I welcome the commitment from Deputy Ó Broin and his party to work with us to review the policy and make changes where necessary as well as to ensure that we achieve our targets. I accept that we are going to set higher targets as we allocate more money. I agree with Deputy Ó Broin on that. However, we have to be able to change the way this is delivered to ensure we get the results on the ground across all relevant local authorities. None of us is completely happy that every local authority is playing its part here. It will require all Members working on a cross-party basis to address this and solve the problem. We have a duty to do that. As we discussed earlier, the current element of the budget for this year will certainly be spent. We expect before the end of the year that the full capital spend will be drawn down. It is approximately 67 units out of 90, which means there is a bit of work to do. We hope to get it all spent and fully expect that will happen in the months ahead.

Deputy Eoin Ó Broin: I thank the Minister of State for his reply and acknowledge, again, the commitment we have given to work with the Government on this to ensure we get the right result. I welcome the establishment of the expert group and look forward to the announcement the Minister will make following the receipt of correspondence from the national Traveller accommodation consultative committee. I welcome also the consultation that will form part of the work of the expert group. The membership of the group is crucial in terms of expertise, independence and adequate buy-in from the Traveller community and its advocacy organisations. I know the Minister of State accepts that. I would like to see the Oireachtas housing committee involved in some formal way. We will discuss that at the committee and come back to the expert group and the Minister of State with some recommendations early in the new year.

It is very important that all of this work is done within 12 months. If the group is established before the end of the year and really starts to work next year, not only its report and recommendations but any potential legislative changes should be got through by the end of next year in order that everything is in place as the framework through which the new batch of city and county councillors elected in 2019 will be working. That does not mean we do not have to

look very hard at planning permission and the issue of Part 8 provision, in particular for those local authorities which have a long history of failing to adhere to their own obligations. We need to look at greater involvement in decision-making by the Traveller community because they sometimes feel consultation is more of a box-ticking exercise than a real form of decision-making. We must also look at the overall level of funding and move back towards the 2008 level of €40 million.

I welcome the Minister of State's comments on the 2017 spend. I suspect, however, that there will still be local authorities which have not spent any or very little of their allocations while others will have taken up the shortfall. We must get into the business of naming and shaming those local authorities publicly, which is why I have requested the information. Those who are doing a good job should be commended but those who repeatedly fail should be named and shamed so that the public knows who is responsible.

Deputy Damien English: Deputy Ó Broin asked me at the end of his initial contribution about giving the Traveller community full choice, which is something I agree with completely. The Government is committed to enabling all households to access good quality housing appropriate to household circumstances in their communities of choice. It is open to Travellers to opt for any form of State-supported accommodation. Traveller accommodation needs are addressed to a significant extent through mechanisms other than Traveller-specific projects, for example general social housing or the private rental sector with supports such as the housing assistance payment. I accept, however, that while that is allowed for, it does not always happen or is not always easy. We need to improve that choice. It is there but it does not always happen. We need to work on that, which is something about which I also agree with the Deputy. Like members of any community, people want to have a choice, which is what we are trying to achieve through our Action Plan for Housing and Homelessness across all the sectors. People should feel they have a choice no matter what their record, their community, or their age, including people of older years. They have different circumstances and different choices. We all know that choice is very limited for many groups of people due to the pressures on the housing sector. We want to improve on that as well.

The recently completed review of the Traveller accommodation programme gives us the factual information and will be a key platform for the special expert group to progress its work effectively. I agree with Deputy Ó Broin that it is important to get the expert group right. I will take on board any advice in that regard. The process is there at the moment such that names will come back to us. We can then tease through that to ensure we have all the expertise. There is a desire to get this right and find ways to spend our money and increase resources to deliver choice for people effectively and in such a way as to secure value for money for the taxpayer. Every local authority must play its part. That is key. I share that view with the Deputy. I see no reason this cannot happen within 12 months. It is a very long timeframe. We should be able to do it sooner if we can. That will be our target. It would be ideal to have this report and be up and running as soon as we can.

Hospital Waiting Lists

Deputy Billy Kelleher: I raise this issue on foot of the grave disquiet earlier in the year when the "Prime Time" programme, "Living on the List" unearthed the fact that the information on which we depend to know about the varying degrees of lists, the number of people on

them and for how long they are waiting is not always collated correctly, efficiently or accurately. I have always said that we are especially good at waiting lists. We have 685,000 people on some list or other in our health services. This cohort is from one half of the population, as the other half has private health insurance. In effect, it is 685,000 people out of approximately 2.3 million or 2.4 million people who depend on the public health system. Clearly, there is a huge difficulty in dealing with patients on waiting lists in a timely, effective and clinically sound manner. On top of that, we are not collating the information correctly.

On foot of the “RTÉ Investigates” programme, the National Treatment Purchase Fund was requested to audit waiting lists and come up with recommendations. The key findings of the audit were exceptional and extraordinary. The hospitals audited did not comply with national protocols on date capture. The audit team found evidence of a combination of non-compliance and inconsistent practices in how date captures were being recorded across all hospitals for outpatient, inpatient, day-case and planned procedure pathways. In some cases, the audit team found evidence of long delays in wait-listing patients, as well as retrospective wait-listing of patients. As a consequence, there were implications for overall waiting list management, including incomplete tracking of patient journeys and incorrect waiting times. All of this resulted in inaccurate reporting of patient waiting times at local and national level.

The audit team observed a number of patients across all hospitals who had been directly listed on an inpatient or day-case waiting lists. The findings are extraordinary in view of the fact that we at least assumed the information we were getting in the Dáil was always accurate as to the number of people on waiting lists and how long they were waiting. It was also assumed that information as to when they were transferred from one consultant to another was accurate. Interestingly, the audit team found evidence that direct listed patients were either referred to the listing consultant by another hospital consultant or community physician, for example a community ophthalmologist, or seen by the listing consultant in another hospital. The audit team observed variation in the management of referrals to ophthalmology services, in particular for cataract surgery.

4 o'clock

”Some referrals from community ophthalmologists were accepted onto an inpatient and day case waiting list, by-passing the outpatient service, whilst other patients referred from community ophthalmologists were placed on an outpatient waiting list to be seen prior to listing for their surgery.” In that case it was wholly inaccurate:

The Audit Team found evidence of significant variance in the ‘date placed on waiting list’ as a result of the length of time between receipt of referral and the clinical decision to ‘direct’ list patients for cardiology and ophthalmology. As a result, there were inconsistencies in how patient wait times were recorded.

This is highlighting the problems. We need to ensure that the recommendations of the audit and quality assurance report presented to the Minister at the end of September, and carried out on behalf of the National Treatment Purchase Fund, NTPF, are implemented and that we can now depend on wholly accurate information when we raise these issues in the Dáil.

Minister of State at the Department of Health (Deputy Catherine Byrne): I will be taking this matter on behalf of the Minister for Health, Deputy Harris. The “RTÉ Investigates” programme in February highlighted the deeply moving personal stories of people waiting for

treatment in public hospitals. Following the programme the Minister was determined that the health service must learn from those patients' experiences. Patients deserve timely, effective and safe treatment from a compassionate and caring health service.

For these reasons, the Minister asked the NTPF to examine waiting list practices in the hospitals highlighted in the programme. The NTPF has now reported to me on its findings and last week the Minister published the findings of the special audit. The NTPF's report has a number of actions to be implemented by the individual hospitals and across the public hospital system as a whole, to drive better performance in how waiting lists are managed in our hospitals. Arising from the audit, the HSE has taken immediate steps to put in place a plan at national level that will focus on driving system-wide implementation of performance and process improvement in waiting list management.

As part of this plan, the HSE will assess, review and oversee implementation of performance and process improvement to address the special audit findings across all hospitals. Addressing the special audit report's recommendations will also be a priority for the HSE for the remainder of the year and will form a core pillar of the waiting list action plans for 2018 as well as the HSE's national service plan. In addition, the Minister has asked the NTPF to develop a plan to extend the special audit process in 2018 to other public acute hospitals.

The Government's commitment to addressing waiting times is clear. Funding of €20 million was allocated to the NTPF in 2017 for waiting list measures and for three months in a row we have seen reductions in the total numbers of patients on the inpatient-day case waiting lists. To continue this strong focus on waiting lists, €55 million will be allocated to the NTPF in 2018 for waiting list measures and a further €10 million will be made available to the HSE for waiting lists, including scoliosis and paediatric orthopaedics.

Addressing waiting lists is, however, not only a question of funding. Since the "Living on a List" programme, several initiatives have been under way to reform and improve how our health service manages hospital waiting lists. These initiatives seek to drive sustainable, multi-faceted and innovative approaches in waiting list management. These include a range of initiatives including a study ongoing by the NTPF working with Trinity College to examine international best practice in how waiting list information is collected and reported, and progressing towards more integrated approaches in waiting list management at hospital group level as part of the feasibility study recently carried on by the NTPF. In addition, the HSE is undertaking a national waiting list validation project run by the HSE, to improve the quality of our waiting lists and get an up to date picture of how many patients are actually waiting for care so that the hospitals can plan better and manage waiting lists more efficiently. Initiatives are also ongoing to develop capability in our hospital system in waiting list management best practice and to utilise technology to best effect to support more responsive, effective and efficient waiting list management. The Minister is committed to the idea that the health service learns from the NTPF special audit and the experiences of the patients concerned in order to improve services for all patients.

Deputy Billy Kelleher: The key recommendations are the important points in this report. Having unearthed what it did we need to address that. The heading "Date captures along the patient journey" is critically important. Under "Direct referral/direct listing of patients onto an inpatient and day case waiting list" it states: "The current pathways for managing patients who are 'direct' listed either as a result of a 'direct' referral from another hospital consultant, community physician or having been seen by the 'listing' consultant elsewhere should be re-

viewed by all hospitals.” That must be carried out immediately. As a Deputy the Minister of State knows that when clinicians write “urgent” on a list it is meaningless. I know of people being marked “urgent” for a hip or knee replacement who have to drag themselves around their kitchens and put rails in their houses so they can move around them. There have been amazing instances of people being referred as “urgent” by their physician or their general practitioner which the system parks on a waiting list like any other. We are debasing the word “urgent”. More important, we are debasing the patients who need this urgent treatment or diagnosis. “Clinical Prioritisation” is recommendation No. 3: “All hospitals should review their systems tracking capability to ensure that revisions to clinical priority are clearly documented and are visible from a waiting list management perspective.” That is a fundamentally important recommendation in this report, that they be clearly visible so the system will highlight clinical priorities which are deemed urgent, and that clinically urgent requirements do not get lost in a black hole. I urge that this recommendation be prioritised.

Deputy Catherine Byrne: I agree with Deputy Kelleher that when information comes to the Dáil it must be correct because we can only act on correct information. He is right to highlight the fact that some of the information we received in the past was not as clear as it should have been. Many of those who work in the health service, clerical staff, doctors and nurses, do their jobs very well but only when proper management and chief executive officers are in place can any hospital function properly. It is up to the board and management of the hospital to make sure that things are in order. The audit and the RTÉ programme truly identify the need for all hospitals to provide correct information.

I appreciate Deputy Kelleher’s knowledge and his recommendations based on the audit. I spent some time with him on the Oireachtas health committee and he was always very straight in bringing issues to the fore. We all know there are many cases around the country where personal stories have been highlighted and have in many ways clarified for those of us in government and in other parties how important it is to act on emergencies. I have taken note of Deputy Kelleher’s concerns and will highlight them for the Minister who may give the Deputy a response to some of them.

Health Services Provision

Deputy Danny Healy-Rae: I thank the Leas-Cheann Comhairle for allowing me to highlight Parkinson’s disease and the need for services for those who have developed this disease and especially for the carers and family members who have to help them. Parkinson’s is a progressive neurological disorder caused by the shortage of the chemical dopamine in the brain. The diagnosis of a serious movement disorder can be very challenging. It presents those affected with numerous emotions and obstacles and a combination of solutions are required, including care, support and information. The management of common chronic diseases, such as Parkinson’s, is now one of the most significant challenges our health care system faces. It requires us to find ways of providing health care services to help patients and their families. I hope that events such as this help to highlight the need for funding and services to be provided so that the patients can be partners in the management of their condition and cope better with it. We know of almost 12,000 patients in the country, and approximately 600 of these are in Kerry. In 2016, Dr. Richard Walsh, a consultant neurologist in Tallaght hospital, published a landmark Irish study on Parkinson’s disease in partnership with the Parkinson’s Association of Ireland. The study showed that the number of people living with the disease in Ireland is predicted to

double over the next 20 years but treatment in Ireland is shamefully well below international standards.

Older people are some of the most vulnerable people in our society. We have a large population moving into advancing years and living longer, which would give rise to a surge in Parkinson's diagnoses over the next 20 to 30 years. It is critical that those of us in public life do our utmost to address the deficit in services for those with Parkinson's.

A significant issue facing those with Parkinson's disease is the number of Parkinson's nurse specialists in Ireland. We have five but the recommended number is between 27 and 30. I remind the Minister of State that three of those nurse specialists are in Dublin and the other two are for the remainder of the country. I ask the Minister of State to provide nursing specialists distributed fairly throughout the country. We should have two in Kerry but we are well entitled to have one.

Another issue is to secure an all-Ireland deep brain stimulation service. Deep brain stimulation is a device-aided therapy involving an implant into the brain. The Oireachtas Joint Committee on Health reviewed this and recommended a link with Northern Ireland to provide the surgery, with the Mater hospital in Dublin providing aftercare. This would mean we would need more buses like those for people going for eye and cataract treatment in the North but so be it. Will the Minister of State provide these therapies which we need?

Deputy Catherine Byrne: I thank Deputy Healy-Rae for raising this very important issue of support for sufferers of Parkinson's disease. It is estimated that 700,000 persons in Ireland are affected by neurological disease, 6,000 of whom have been diagnosed with Parkinson's disease.

Working in collaboration with consultants, nurses, health and social care professionals, patient support groups, patients and carers, the national clinical programme for neurology has developed a model of care to address the need for the strategic development of neurology services. The model of care, which was published in 2016, details a number of care pathways, one of which is the pathway for patients with Parkinson's disease.

The patient pathway for Parkinson's outlines that the nature and severity of the symptoms of Parkinson's disease and the rate at which it progresses will be individual. Symptoms may take years to progress to a point where they cause major problems. Drugs are the main treatment to help control the symptoms of Parkinson's disease. These treatments are most effective when supported by access to multidisciplinary input from health and social care professions.

With regard to nursing, the patient pathway also sets out the role of the clinical nurse specialist in the management of patients with Parkinson's disease. This includes assessing the person with Parkinson's disease and identifying their needs, developing care plans and monitoring symptoms as well as providing lifestyle support. As with all service developments, the implementation of the neurology model of care, including the Parkinson's patient pathway, will be addressed in the context of competing priorities for the limited service development funding.

The Health Service Executive funds a range of community services and supports to enable each individual with a disability, including persons with Parkinson's disease, to achieve their full potential and maximise independence, including living as independently as possible. Services are provided in a variety of community and residential settings in partnership with service users, their families and carers and a range of statutory, non-statutory, voluntary and commu-

nity groups. Services are provided either directly by the HSE or through a range of voluntary service providers. The range of services provided includes assisted living services such as personal assistant and home support services.

The Government is committed to protecting the level of personal assistant and home support services available to people with disabilities. In 2017, the HSE's priority is to provide 1.4 million hours of personal assistance to more than 2,000 people with disabilities, which is an increase of 100,000 hours over the 2016 target. In 2017, the HSE will also provide 2.75 million hours of home support to adults and children with disabilities, an increase of 150,000 hours over the 2016 target.

Therapy services for adults and children are generally delivered through primary care teams or community therapy services through specialist disability providers. People with disabilities may also be eligible for medical or surgical aids and assistive devices that facilitate and maintain mobility and functional independence. People with Parkinson's disease can benefit from therapeutic assistance, including physiotherapy, occupational therapy and speech and language therapy as well as a range of medical interventions.

I assure the Deputy that we are aware of the challenges facing people with Parkinson's disease and the Department of Health continues to work with the HSE to ensure the delivery of services to meet the needs of these patients. I will come back to the Deputy on some of the questions he has raised.

Deputy Danny Healy-Rae: Only 3% of Irish Parkinson's patients have access to deep brain stimulation, which is established as a standard treatment for patients with medication frequency issues. Therefore, the implementation of the neurorehabilitation strategy is critical to people with Parkinson's. This strategy was published in 2011 but there is still no implementation plan in place. There is a commitment in the programme for Government to publish an implementation plan, but investment will be critical and we need investment in this area. Ireland has less than half the number of rehabilitation beds that we need for our population. We have the lowest number of consultants in rehabilitation medicine in Europe. This is completely unacceptable.

With regard to Parkinson's nurse specialists, there are only five in the country and three of these are in Dublin. I ask the Minister of State to think about this. There is one in Limerick, one in Galway and three in Dublin. I ask the Minister of State to provide this service for all of the patients throughout the country on a fair basis. I am asking especially for Kerry. It is up to every Deputy to stand up for his or her own community. I am standing up for the people of Kerry and I thank those in the local branch of the Parkinson's association in Kerry. Its president is Grace McCrae, and Connie Dillon and Brenda Edmonds are also involved. Dr. Helena Moore, a neurologist in Tralee, does tremendous work for all of the Kerry patients who come to her.

This is a serious problem. These are people in trouble. It is not a reversible disease. Once someone presents with it, it progresses and get worse and worse day by day. I ask the Minister of State please to take this to the Government and work to ensure we get fair play for people who present with this disorder.

Deputy Catherine Byrne: I thank the Deputy. With respect to the Deputy and his devotion to the people of Kerry, he is always in the Chamber speaking about his constituents. We all have constituents. I know how when people have Parkinson's it affects not only the individuals, but their families. In saying this, I am sorry some of the statistics do not cover Kerry in

particular, about which the Deputy is speaking, and I will ask that further details can be given to the Deputy. I have taken note of the fact he has said there are only five nurse specialists in the country, with three of them in Dublin and two in the rest of the country. This is something that needs to be addressed.

With regard to deep brain stimulation, I was a member of the health committee for a long time. I remember being at two or three meetings where individuals who had undergone the procedure came before the committee. I was really struck by the fact that many of these people came on so well after they had deep brain stimulation procedures. I will raise this matter with the Minister and ask him to come back to the Deputy on it. I have taken a number of other notes that I will decipher when I go back upstairs. I thank the Deputy again. I will raise all the issues he has brought to my attention with the Minister.

Deputy Danny Healy-Rae: I thank the Minister of State.

Deputy Catherine Byrne: I am sorry it has not been more centralised around County Kerry.

Deputy Danny Healy-Rae: It is said that we have 600 patients in County Kerry, but the figure could be as high as 800.

Sitting suspended at 4.20 p.m. and resumed at 5 p.m.

Housing (Homeless Families) Bill 2017: Second Stage [Private Members]

Deputy Jan O’Sullivan: I move: “That the Bill be now read a Second Time.”

I thank the many people, including some Deputies, who have already indicated their support for this Bill, which I commend to the House. No child should have to sleep on the streets. No child should be sent to a Garda station in the middle of the night for want of a place to go. No child should spend months on end with only a hotel room, shared with the rest of his or her family, to call home. The referendum to put children’s rights into the Constitution was passed five years ago. It has to mean something to the most vulnerable children. According to the latest figures, there are 3,124 children in homeless services. Each one of them is vulnerable. When a child’s family finds itself homeless, there should be a recognition of the particular needs of that child and the housing authorities should have a duty to respond to those needs.

This simple Bill is designed to have a wide application. When 12 families, with 30 children among them, presented as homeless in Dublin one night last summer, they were sent to a Garda station. It was reported that at least one of those families slept in a park. This led to Focus Ireland rightly calling for protection from such an outcome. Its director of advocacy, Mike Allen, said at the time “there must be a clear statutory responsibility that no family sleeps rough”. We drafted this Bill in response to that incident. Having introduced it on First Stage in the Dáil last summer, we are now using the Labour Party’s Private Members’ time to debate it on Second Stage. I welcome the indications of support that have been received from other parties and Members. There has previously been cross-party support on other aspects of the housing and homelessness crisis. In light of the serious and complex nature of this issue, the best service we can give the people caught up in this crisis is to work together to bring solutions.

The purpose of this Bill is to oblige housing authorities to recognise a homeless family as a family unit and to have specific regard to the best interests of the children of homeless families

in crisis accommodation situations. The Housing Acts currently refer to a person as homeless if there is no accommodation available which the person “together with any other person who normally resides with him or who might reasonably be expected to reside with him” can reasonably be expected to occupy. While a homeless person is entitled to apply to a housing authority for accommodation or other assistance, there is no explicit recognition in our current legislative scheme of the “other person” mentioned in the Housing Acts as a person in his or her own right with entitlements under law. Specifically, there is no statutory recognition of the needs of a homeless family as a family unit. Despite the passing of the constitutional amendment on children’s rights, there is no statutory underpinning of the constitutional rights of homeless children.

Our intention is that requiring housing authorities to consider specifically the needs of families will affect how they make decisions in a broader range of circumstances. A child who is living in a hotel room when he or she is learning to crawl and subsequently to walk is not having his or her needs as a child met. A child who is living in a hotel room that is a long distance from his or her school and his or her friends is not having his or her needs as a child met. Living in a hub does not allow a child to enjoy many of the normal freedoms needed by children. It is intended that giving legislative force to the constitutional article on the rights of the child will have the effect of focusing the attention of the Government and the local authority sector on ensuring families spend the shortest possible time in inappropriate accommodation, including hotels and hubs.

Last Friday, I attended a seminar on family homelessness organised by Novas, which is a charity that works primarily in Limerick but also in other parts of the country. At that seminar, Kate O’Loughlin gave evidence of her experience of living in a hotel with her four children and of going into labour with her fifth child while in the hotel. She explained that she went into labour surrounded by her four other children while they stayed in emergency accommodation:

So I was in the hotel room, in one double bed, pregnant, with all the kids, in the one bed, and I went into labour. I’ll never forget it.

Thankfully, she was offered a home to bring baby Michael to after his birth. Kate said it was like moving from darkness into sunshine. One of the most traumatic experiences for the family was when Kate had to decide to send her daughter Ellie to live with friends because the hotel could only take three children. I understand that this is the general position in hotel and bed and breakfast accommodation. Kate described how Ellie was just eight years old when she went to live elsewhere:

One day I looked over at Ellie and the tears were streaming down her face. It was heart-breaking. So I snuck her into the hotel room. Myself and my daughter Ellie always had a great bond. But then she just wasn’t my Ellie anymore. I felt like I was losing her.

Getting a home brought the family back together. Kate said:

When we all sat down for our first cooked meal in the house, I could see the tears in Ellie’s eyes. She said, “Mum, this is what I love - this is the best part of the day - we all get to sit down and have our dinner together”.

Many Deputies will have seen Kate and Ellie on RTÉ news last Friday. There are many other testimonies from families and those who work with them. A Barnardos social worker who described the life of a two year old who was living in a hotel when she visited her at Christmas

said that “her entire world was the space between those two beds”. It is essential that these lived experiences of young children are not swept aside in the statistical analysis that represents so many human stories and damaged lives.

Unfortunately, all indications are that the situation is worsening and I refer to two reports published yesterday. A report from *daft.ie* showed that rental prices are continuing to increase throughout the country while a report from the ESRI showed a continuing upward trend in the cost of homes. Both reports predicted that homelessness will increase rather than decrease, which is a stark prospect. I agree with those who say that increasing supply is crucial to reversing this unacceptable trend. We need more social homes that are provided through local authorities and voluntary housing bodies. We need more private homes that are affordable. We cannot allow the market to ramp up when it suits and when profits are high. Last year, the Labour Party introduced legislation that proposed a number of measures, including the implementation of the Kenny report to deter land hoarding at a time when house construction is needed.

We need to see a lot more urgency about getting some of this country’s more than 180,000 empty homes back into use. The Minister might confirm the indications from yesterday’s Cabinet meeting that the Department of Finance is to be asked to produce a report on the feasibility of a vacant homes tax. I understand the Minister has also spoken about this prospect. While such a measure would be a start, a report will not cut the mustard. It is long past time we had a strategy for using empty properties. One of the few examples of successful programmes to revive empty homes is the local authority voids scheme, which we started in 2013. This scheme has restored over 5,000 council houses and apartments that are now lived in. There is a great deal of potential in empty homes that are in private ownership. Many Deputies have spoken in this House about the urgent need to deal with this issue. I have often referred to the Peter McVerry Trust’s call for vacant homes officers to be deployed to ascertain proactively which houses are empty in each local authority area, who owns them and what can be done to bring them back into use. We know this has worked well in Britain. It is urgently needed here. As Niamh Randall of the Simon Communities has said, this is the low-hanging fruit. It is much quicker to restore a house that already exists, even if it needs some work to be done to it, than to build a house from scratch. We need this low-hanging fruit to be brought back into use.

Another tentative move by the Government, which does not yet have much flesh on its bones, is the announcement in the Budget Statement that a redesigned role for NAMA is being examined. Last year, the Labour Party proposed that NAMA should be refocused and merged with the Housing Finance Agency to address the serious shortage of supply of residential accommodation. Its expertise, experience and resources should be put to use in this time of crisis given that the previous crisis for which it was established has been confronted.

Leadership is required in respect of the current crisis. It is not sufficient - and it is clear what is required is not being delivered quickly enough - to tell local authorities to ramp up construction. Local authorities have nearly 700 sites suitable for housing between them. There are approximately 30 or 40 more owned by other public bodies that are suitable for housing. There is funding for the infrastructure such as the fund that has been set up but there is no blueprint and each council literally has to reinvent the wheel. It must design a scheme for each one of those sites, send it to the Department and get approval. As with all matters of this kind, things will go backwards and forwards but local authorities do not have an affordable housing scheme. My party leader, Deputy Howlin, raised this issue this morning during Questions on Promised Legislation.

We need a national affordable housing scheme as a matter of urgency in order to have the thousands of sites these sites can accommodate built. Social housing, affordable housing and accommodation for affordable leasing and the kind of mixed tenure accommodation to which the Government has said it is committed can be built on these sites. To date, however, delivery has been really slow because we do not have an affordable housing scheme. We have not had a blueprint into which each local authority can simply link rather than having to invent its own scheme for every single site in its possession.

Rapid build has a lot more potential to deliver quickly. Last year, there were targets in Rebuilding Ireland that, of course, were not met but rapid build was set out as an opportunity to build houses quickly. However, it certainly has not delivered that. Many of us have been impressed with the Ó Cualann model of co-operative housing. Ó Cualann entered into a relationship with the local authority where it got the sites for €1,000, an arrangement with regard to infrastructure and buy in from people who were going to live in the houses. It was able to provide very affordable homes in the Dublin area. We know this can be extended to other parts of Dublin and other local authority areas. Everybody has been very positive about that model as a way of delivering affordable housing. Again, we need to see that moved forward. We are not short of ideas. What we are short of is action.

I will briefly describe the provisions of the Bill. Section 1 amends the Housing Act 1988 by inserting a new section 10A after section 10. The new section is headed “Homeless persons and children” and applies where a request for accommodation or other assistance is made to a housing authority by or on behalf of a homeless person and another person who normally resides or who might reasonably be expected to reside, with the homeless person is a child. In such a case, the housing authority must, when making a decision relating to the request - including one about the provision of interim or urgent assistance - recognise the persons concerned as a family unit and must regard the best interests of the child as a paramount consideration. The housing authority must also have particular regard to the need by practical means to protect and assist families, including by providing them with safe accommodation, in order to support and encourage the effective functioning of families and the development, welfare and protection of children within a family home. Section 2 provides, in standard form, for the short title and collective citation and construction of the Bill.

We accept that the Bill is only one of the many actions that are needed in this area. It will, however, give some protection to the most vulnerable victims of the housing shortage and I hope it will get the full support of the House.

Deputy Barry Cowen: I welcome the Bill from Deputy Jan O’Sullivan and the Labour Party and confirm that it is Fianna Fáil’s intention to support it and to impress upon the Government the need to address this matter within the existing Housing Act. The reference to the State’s intention to house applicants - the primary applicant and those who normally reside with him or her - is something that needs to be amended and we accept the need to do so. We are also conscious of recent motions of a similar nature that came before the House and referred to the European Social Charter and housing. The Government gave a commitment, not only on foot of a motion that was then before the House but also in its programme for Government, that those items be brought before the relevant committees with a view to advancing that issue. The purpose of this commitment is to ensure that, in the context of the various mentions within our Constitution of housing and, in particular, to the family and children, the State is unified in its approach so that there might be no contradiction within the Constitution regarding these matters. The 1916 Proclamation and the later Declaration of Independence refer to civil liberties

and equal rights for all and to cherishing our children. Unfortunately, that is not borne out in the figures for homelessness, particularly the 3,000 children not to mention the other 5,000 people in emergency accommodation who find themselves in this terrible predicament.

There have been many debates here since this Dáil was formed. The Government's first task was the establishment of an all-party committee on housing to make recommendations to the then Minister, Deputy Coveney, regarding his efforts to bring forward a document, having consulted various stakeholders, that was reflective of this. As was often said, it was a very worthwhile process. There was good engagement with the relevant sectors, stakeholders and ourselves and recommendations emanated from our committee, many of which were taken on board and many of which were not. It is the right and duty of Government to do as it wishes in that regard. There was a period of reflection, the process had a chance to bed down and there was an opportunity for that policy to become a reality and for action to reflect the rhetoric spoken at the time. Members on all sides of the House always said that it was about implementation and the Minister driving the Department, the Department driving local authorities and local authorities being beholden to the representatives in an effort to address this issue. I was not unique in that regard.

Unfortunately, the figures have consistently got worse so it is our duty to bring forward proposals and offer solutions and initiatives. It is the duty of Government to recognise its failure, not to seek to give the impression, as was the case in recent days, that the figures, as stark as they are, are somehow normal. They cannot and should not be construed as normal. They should only serve as a means to redouble our efforts to ensure that the commitment which has been given on many occasions is honoured, that schemes relating to affordability or rapid-build units are honoured, that commitments relating to this process yield results and that people are held to account.

We are at the coalface in respect of this matter by virtue of the constituency clinics we hold on a regular basis and the large numbers of representations we receive from people who find themselves in terrible and unfortunate predicaments. I refer to those individuals who are living in rented private accommodation, those who are in receipt of HAP from the State, those who are languishing in the homes of their families or friends, those who are couch surfing, etc. The Government has tried to give the general population the impression that this is somehow normal when one compares and contrasts matters as per an OECD report, on the first page of which it is stated that it should not to be used for the purpose of comparing the situation in different countries because many of the methodologies used to gather the data in the various countries are different. It might be a report compiled this year but if we look at the material relating to Ireland, we can see that the 2015 figures are used and that the report does not take account of many circumstances in which people who are homeless or who are seeking help and assistance from the State find themselves. It belittles those who spoke in favour of that being normal. When one hears Fr. Peter McVerry or Brother Kevin Crowley on the radio earlier today expressing the frustration and anger they feel, it only serves to remind us that we need a much more inclusive approach and an understanding and recognition of failings in this area. The Taoiseach spoke at his party's conference the weekend before last about his and his party's ability to be inclusive and work with other parties to ensure they achieve results. In the same week he gave that speech, the House suggested a way to deal with the lack of inspection of private accommodation by local authorities following the overcrowding issue highlighted on "Prime Time". The majority of the House supported the introduction of a new mechanism, such as an NCT-style system in which local authorities would be funded to vet properties for health and safety issues,

fire safety and adherence to planning and building regulations. The Government did not agree with that. The Taoiseach should practice what he preaches and take on board the suggestions coming from the majority of the House. He would then be in a position to tell the electorate the Government has been as inclusive as one would expect it to be considering the convoluted composition of the Dáil and that it acts in accordance with an agreement between the two major parties to pursue various objectives in our economy and society and that results emanate from that. To date we have not seen that. I am only taking five minutes of the time allocated to my party so I do not have enough time to go through all I have proposed since the Dáil came into being or more recently.

I was led to believe that €245 million was spent on social housing by local authorities up to 1 November 2017. I need the Minister to tell me how many units it delivered. If it was 1,000, as was indicated, it could not correlate to €245,000 per unit. We can compare it with the likes of the Ó Cualann housing body in Ballymun which can get State land for €1,000 a site and offer houses for sale at €140,000 to €200,000. People ask me what is affordable by today's standards. That is affordable by today's standards. It is something that should be replicated throughout the country. It is the best model and best use of State lands I have heard of to date. Many local authorities have said they have embarked on a path of seeking expressions of interest with regard to how such land can contribute to dealing with the crisis. That has gone on for 12 or 18 months and there has been no progress. In Meath, for example, historically sites were bought at an exorbitant price. When such a site is brought to the market with a view to providing social and affordable units, the unit cost has to be recouped. In that instance we are starting at €100,000 and that is replicated again throughout the country. I cannot go into greater detail on this Stage of the Bill. However, I support the content of the Bill and the good faith behind it. I hope all parties and none can come together to ensure the Housing Act to which the Bill refers will reflect the needs of children and families, which are of various natures these days, and that local authorities are given the authority to prioritise that in housing.

Deputy Anne Rabbitte: I thank Deputy Jan O'Sullivan for introducing the Bill. The Deputy is a colleague on the children's committee, where her voice is heard at all times representing the voice of the child. That is what the Bill is about - the voice of the child and laws that govern matters concerning children. The voice of the child is not considered by local authorities. The Ombudsman for Children has said that under Irish law, there is no specific law providing for the voice of the child to be heard. The person making the application has such a right but it does not cover the rights of the child. Article 27 of the UN Convention on the Rights of the Child, UNCRC, provides for the right to food, clothing and a safe space. That means a child must have a roof over his or her head. A child's world should not revolve around two beds. When one is a mother of kids and rears a family, one understands the value of having a roof over one's head. We also have to acknowledge the right of children to be educated with their friends, to be able to travel to school in a community and to grow up in a community. It is incumbent on the councils to look after people who present to them. It is incumbent on them, when people present as homeless, not to tell them they have a good family and can place children with different family members while remaining on the housing list. That is not correct. At all times we must ensure the voice of the child is heard. We had a referendum to enshrine the rights of the child into the Constitution but we are neglecting it. When parents or guardians present as homeless, the voice and rights of children should be considered. Does the child have a disability and does that come into consideration? Are they part of a team or a club? That voice needs to be heard. Those receiving people as they present to the various county councils throughout the country must recognise it is not only the parents or guardians who are presenting but a whole

family unit. We have to recognise the value of that family unit. That is what the Bill is about. It is about acknowledging the value of the family and the child. My party and I commend and wholeheartedly support Deputy O'Sullivan and her Bill.

Deputy Frank O'Rourke: I welcome the opportunity to speak on the Bill. I commend Deputy Jan O'Sullivan on bringing it forward. We have to be mindful of families when we speak about homelessness. It is a difficult situation for anyone to be homeless but particularly for families with young children, especially children with special needs. Sometimes they are left outside of the discussion which is particularly sad. It is particularly sensitive for everyone involved in that situation. They need to be given priority to assist them in having delivered some type of social housing or supports through whatever mechanism is possible. We must go back to the root cause of the issue that brings us here this evening. There are a number of different categories which we have all spoken about and which affect families, particularly those with young children and children with special needs. Lack of supply is a massive issue at the moment. We have to double our efforts to ensure we make greater attempts to bring supply into the market. Supply affects everything. We have engaged with the Minister on this issue on numerous occasions. It is a massive problem on which we need to double our efforts.

Evictions are another issue. Some of the families we are talking about here this evening have children with special needs while others do not but it does not matter, as we are concerned with the family unit. Families have been evicted by the banks as a result of mortgage arrears. It is a massive problem. We have brought forward a number of Bills to try to deal with that issue and to prevent homelessness. The difficulty in accessing the private rental market is another problem because of the lack of supply. Current market rents are very high and supports such as the HAP scheme are not adequate to deal with current levels of rent. People cannot afford to pay the rent differential, which leads to homelessness. It is a problem I have highlighted on a number of occasions here and we need a short-term solution to deal with it. There are also families that meet the criteria to get on the housing list but get no support because they are marginally over the financial means threshold. Those limits need to be reviewed because people are caught between two stools and are suffering. Nobody is reaching out to them. It is another issue for families. My own local authority, Kildare County Council, which I deal with regularly, is doing its best under extremely difficult circumstances while being under-resourced. It does not have the flexibility to give families priority in particular circumstances. That is a problem that needs to be addressed. Families with children are living with parents and other family members, which is causing all sorts of welfare and social problems. We need to look at cases of families who have been on the housing list for a year. One such case presented to me last week. They have been on the housing list for a year and have a young child who is blind. It is very sad. They have been told it will be at least nine years before the local authority can deal with them as a family unit. They were advised to find housing they can rent and were offered support through HAP. However, they cannot get a unit because they need to access all the medical services and supports their child needs. That is an issue. If the local authority had a level of flexibility, it could consider prioritising housing that family given their child's needs. I support this very timely Bill and I hope it gets the support of the House.

An Ceann Comhairle: Just over three minutes remain and we have three Deputies to speak, Deputies Murphy O'Mahony, Breathnach and O'Loughlin.

Deputy Margaret Murphy O'Mahony: I thank Deputy Jan O'Sullivan for bringing the Bill before the House. I agree with the principle of the Bill.

All Deputies will confirm that they are inundated with constituents attending their office with issues relating to housing and homelessness. I represent a rural constituency and while statistics on paper may show little homelessness, some houses in Cork South-West have three and four generations living in the one house rather than having people on the streets. This obviously leads to other problems, such as depression and different things to which overcrowding can lead.

Homelessness is a stark reality of our time irrespective of how much the Taoiseach and the Minister, Deputy Eoghan Murphy, might try to normalise it. I could go on forever, but we are obviously constrained for time. I would just like to focus on a family living in my constituency with a child with a disability. They would be rendered homeless were it not for the child's grandmother taking in her daughter and that child. It is a major problem and I support the Bill.

Deputy Declan Breathnach: Ireland's rate of child homelessness, which has risen by 287% in three years, is unmatched anywhere in Europe, according to the Irish Society for the Prevention of Cruelty to Children. Indeed, it was widely quoted that the figure of 3,124 homeless children in Ireland announced yesterday is set to continue to rise in the coming months by 20 children per month.

In Louth, 60 people presented as homeless in September 2017 with 35 in Dundalk, 22 in Drogheda and three in Ardee. My local authority is certainly to the fore in trying to tackle this problem. This month 35 were offered help including fast-tracking for renting. Homelessness and child homelessness will continue unless we offer a solution through improving housing supply. A tiny 5% of all housing allocations across the country go towards homelessness. To date this year, Louth County Council has housed 36 family units but in order to keep pace with those presenting we need initiatives in addition to housing supply.

While I am an ardent advocate of all landlords partaking in the HAP scheme, the reality is that many landlords in the private rental sector are not co-operating with it. Once again success has been achieved in Louth. In this year alone an additional 48 families were placed in emergency accommodation through encouraging those reluctant HAP landlords and through more contact with letting agents. My point is a proactive approach is needed by the homeless officers in the housing departments with letting agents. When it is known that a family will have to vacate that property for the purpose of a sale, the local authority should be given the opportunity to discuss the purchase of such units.

I have much more that I would like to say, but I will conclude. Approved housing bodies employ approximately 6,500 staff. If these were distributed among the local authorities, we could get back to building houses.

An Ceann Comhairle: Before I call the Minister, I wish to make a point. Obviously, it is not my job to arrange speakers, but it seems to be unwise to list more people to speak in a slot than can reasonably be expected to be accommodated.

Deputy David Cullinane: Hear, hear.

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I thank Deputy Jan O'Sullivan for providing this opportunity for the House to discuss the various actions on homelessness that are being implemented, and the various challenges and difficulties that remain.

Significant work is being carried out across the sector by housing authorities, approved housing bodies and homeless service providers to tackle and address the housing crisis and the serious challenges facing us. When I took up office, I made it clear that tackling issues of housing and homelessness would be a top priority for me and the Government. As I have stated consistently in this House, one homeless individual or family is one too many. A lot has been achieved in this regard in a short space of time but clearly, a lot more remains to be done.

I acknowledge the good intention behind Deputy O’Sullivan’s Bill, intentions that I share and for that reason the Government is supporting her Bill.

Homelessness is about people, not statistics. Homelessness is about families and individuals in great difficulty and requiring great support. I see that when I meet individuals and families who are experiencing homelessness. They all have their own story and it is right that we help and support them. While the existing system has proved successful in providing for the emergency accommodation needs of homeless families with children, we can always do more and we will.

Deputy O’Sullivan has presented a Bill that puts children at the centre of decision-making by a housing authority when a family including a child requests accommodation assistance. The Bill requires the best interest of the child to be the paramount consideration, as does the Constitution, following an amendment that I am proud to say was put to the people by Fine Gael and Labour when in government. Protecting the best interests of children is already at the centre of our approach to housing families requesting assistance for accommodation.

It is why we ensure that any family presenting with children is housed safely overnight and why we seek to work with each family to address not just their accommodation needs but also their other support needs that may run alongside their immediate need for housing.

This afternoon, I want to set out for the benefit of Members, exactly what happens where a family with a child presents to our services looking for accommodation assistance. When I say our services, of course I am including Focus Ireland, the Simon Community and the Peter McVerry Trust, all of which are directed by the State to provide services to people in need of accommodation, in addition to the Dublin Region Homeless Executive and other local authority services.

In most cases, our experience is that families at risk of homelessness will begin to engage with homeless services before their existing accommodation has become unavailable, whether that be days, weeks or months before they are actually homeless. Where this can be done, it can help prevent homelessness because it allows the housing authority time to consider the various requirements of homeless families and to tailor supports and consider accommodation options.

In many such cases homelessness can be prevented from occurring. To date this year in the Dublin region, almost 600 households that engaged with the homeless executive at an early stage have avoided entering emergency accommodation and have secured a new private rented tenancy under the housing assistance payment scheme.

State-funded prevention service is available through Threshold, which can provide support and advice to families at risk of homelessness and can examine for validity any notice to quit they might have received. Furthermore the Dublin Region Homeless Executive’s prevention officers will also work with the families presenting to consider if they are eligible for social housing and assist in the submission of an application if appropriate. They will also engage

with the landlord on the family's behalf on issues where advocacy can assist.

However, often prevention is not possible and families will require immediate temporary accommodation. As I have outlined, families requiring emergency accommodation will usually have already been in touch with the Dublin Region Homeless Executive prior to becoming homeless but even where they have not, we can still help them as I will now outline. The executive's central placement service, which I visited recently, conducts face-to-face assessments with families on a daily basis until 4 p.m. The executive's freefone helpline number operates from 2 p.m. to 1 a.m. Monday to Friday and 24 hours at the weekend. Any family that has been previously in touch with the central placement service will have an existing reference number and consequently accommodation can be arranged for them via the freefone number if necessary.

Where a family seeks out-of-hours homeless services for the first time, they will be referred to the Focus Ireland family homeless action team, which provides the contact point under a funded service level agreement with the Dublin Region Homeless Executive. The action team will consider the presenting family's immediate needs and will work with them to secure hotel accommodation for that night. The next day, a more thorough assessment of the individual family's requirements will be conducted. Following this assessment and information session, the family will be allocated a caseworker, who will work with the family throughout their homelessness episode with a view to ensuring that they avail of the available supports. Occasionally it may not be possible to secure hotel accommodation for a family presenting late, particularly for larger families. This can occur during peak season. There are a number of contingency family units available in existing homeless facilities in such instances.

Our focus is as follows: no child will fail to be accommodated. The best interest of children is first and foremost a secure safe place to sleep and we will ensure this for any family who comes to us. What happens next is just as important and I want to take the House through our supports for day two, day three and the days after that in providing the supports that families need. We accommodate children and families in hotels as an alternative to them having nowhere to go. However, let me be very clear that hotels are not a suitable or secure form of accommodation for families and especially for young children for anything other than a short period and as an emergency need. I am absolutely committed to this objective. I want to get to a point where no family presenting to a housing authority as homeless has to rely on hotel accommodation. This is one of the key commitments contained in Rebuilding Ireland but in the interim we have to use this accommodation as an emergency first step. I am pleased to say that the number of homeless families being so accommodated in hotels and bed and breakfast accommodation in Dublin is falling; it is still too high but it is falling. On the last day of September, a total of 690 homeless families were accommodated in hotels and bed and breakfast accommodation. That number is down from 871 such families recorded at the end of March.

The number of families in emergency accommodation in the Dublin region reduced in both August and September, which is the first time in three years there has been a reduction in consecutive months. We do not want families in hotels and, therefore, we are focused on providing more suitable transitional accommodation that is family friendly and has the services available to meet the development and welfare needs of a child, which a hotel clearly cannot.

These family hubs are family-focused and are a better response than a hotel but they are still only a first response. An amount of €45 million in capital funding has been allocated for these family hubs. There are now ten family hubs operational in the Dublin region and one

15 November 2017

in Limerick, providing temporary accommodation to approximately 300 families. Works are progressing on the delivery of a further seven hub facilities which should become operational before the end of the year, providing temporary accommodation for a further 180 families. Over the course of the coming two weeks I will open two new family hubs in Dublin alone. A further five hubs are already scheduled for delivery in 2018 and they will cater for more than 230 additional families.

These family focused facilities will offer family living arrangements with a greater level of stability than is possible in hotel accommodation, with the capacity to provide appropriate play space, cooking and laundry facilities, communal recreation space, while move-on options to long-term independent living are identified and secured. These arrangements facilitate more co-ordinated needs assessment and support planning, including on-site access to required services such as welfare, health, housing services and appropriate family supports. However, this requires a whole of Government response. Therefore, we have ensured that further additional family support services are being made available through the Department of Children and Youth Affairs by Tusla, the Child and Family Agency, such as a special provision under the existing community child care subvention programme of free child care for children from homeless families; Tusla's school completion programme is placing an emphasis on children from homeless families; schools with home school community liaison co-ordinators are proactively engaging with the parents from homeless families to assist access to any other supports that may be of assistance; and children in homeless accommodation are being prioritised within the school completion programme for services such as breakfast and homework clubs.

This debate also requires that we acknowledge the significant activity that is, and has been, taking place to address issues of homelessness. The long-term solution to the current homelessness challenge is to increase the supply of homes. Accordingly, Rebuilding Ireland is designed to accelerate all types of housing supply; in particular, it seeks to increase the delivery of social housing by 50,000 additional homes over the period to 2021. I could quote a number of other statistics but I know statistics can be cold comfort to people, be they individuals or families, who are facing this crisis in their personal lives.

I thank the House for providing us with the opportunity to discuss this important issue. We must always discuss it. As Members of this House and people in public life, we must always keep this crisis in our focus because we know the very difficult circumstances that people are facing in these situations and we know our responsibilities to cater for those people, look after them and make sure we can help them through this crisis period into more secure, sustainable accommodation.

I am aware of the values held by our society and the threat posed to these values by homelessness. We are taking urgent action to tackle these issues. That requires more than housing and buildings, we have to look at affordability and new schemes that will help people to secure their own accommodation for themselves. That is why €25 million was announced in the budget for a new affordability scheme. To answer some of Deputy Jan O'Sullivan's questions, that is being developed as we speak. It will be announced very shortly. We have looked at the Ó Cualann model, which we know is successful on a small scale. We want to deliver that now at a greater scale and to secure those options for people who need our help. Sometimes a small bit of help can go a very long way.

With regard to the vacancy issue, we have established vacancy teams in each local authority in the country. We have an empty homes unit in the Department since July of this year. We

have figures coming in from each local authority in the urban areas as to what vacancy potential they think is there. We know it is low-hanging fruit. By the end of the year I will have those figures from other local authorities around the country.

In the budget announced for 2018, a new incentive scheme for bringing vacancy out of the private stock into private use was announced. We also will be announcing changes to the repair and leave scheme to help bring vacancy into use for social housing purposes. A report from the Department of Finance will be commissioned to examine the potential of introducing a vacancy tax to see how that could also work as a stick to try to get more vacant stock back into use.

We recognise the problem of overcrowding, and Deputy Cowen referred to this. We are not rejecting the fact that we need to do more in this area. We have already announced ring-fenced funding for increased inspections next year. It is not that we do not think that an NCT-style system for private rental accommodation might not be an option worth pursuing. We believe that the option that is already being pursued by the Government might be a better, quicker and more powerful way of putting sanctions on rogue landlords - to call them landlords is a mistake - who seek to abuse people's human rights for their own personal profit. It is correct to say that we are not short of ideas but we are not short of action either. If we look at some of the figures, they will show there are improvements in many areas when it comes to the Rebuilding Ireland programme and other aspects of the challenge that we face, but other figures show that there have not been improvements and that matters have got worse. We must recognise that. We can learn from what others are doing but we can also learn the mistakes we have made ourselves on previous policy interventions that have not been successful.

I will continue to drive our actions on behalf of the State, the taxpayer and every citizen and implement them with compassion because compassion and care is what is needed. Homelessness is not normal. We must never, nor will we ever, treat a homeless individual or homeless family as being normal. We must always ensure that our interventions and supports that are put in place to help people in these very difficult times of crisis are put in place in a way that assures those individuals and families, and every other citizen in this State because we all have a stake in this, that we are meeting the housing and accommodation needs of our families and children. We are doing that to provide dignity for everyone to help them in this time of crisis and to make sure that their welfare and care is always paramount in the work we do with the voluntary sector and the local authorities.

Deputy Eoin Ó Broin: I thank Deputy Jan O'Sullivan for tabling this valuable legislation for our consideration. I am happy to hear it will be supported by the Government. This is not just a theoretical piece of legislation, it will have a real, practical impact. The Deputy outlined some of the families she has dealt with in her constituency and elsewhere who have been affected by the lack of protection, the addressing of which this legislation will now provide.

We all have experience of dealing with families who have presented as homeless seeking emergency accommodation who have been split up either, as the Deputy outlined, where children are left with extended family members or the two partners are split up and sent to opposite sides of the city with children split up, sometimes for lengthy periods of time. That idea that the law would recognise the family unit is quite important in tackling that particular problem.

The Minister's description of what happens when a family presents as homeless is not the experience that many families on a daily basis live through. That is not to say this is not way it should be or is not the way it is for many families, but many people are coming to us telling us

that their experience is different. It is important that the Minister hears that and acknowledges it.

There are many families who present and are told when they present that there is no emergency accommodation, and that is when they present early in the day and often day after day for several weeks on end. They are given a list of hotels and told to self-accommodate. To add to the stress of, for example, reaching a notice to quit date, they have to then ring a long list of hotels, day after day, to try to find emergency accommodation. If they have nowhere to go that night, they have to ring the freefone number. As the Minister is aware, on any given night, the freefone service might not be able to provide emergency accommodation, or the family might be genuinely fearful of the type of emergency accommodation they might end up with, late on a night, particularly in this city. The in-take service will also advise that, on occasions, they have placed families in emergency accommodation and then the Dublin Regional Homeless Executive or the local authority after several days has instructed the in-take team to cease the payment for that family and they are then back out of the hotel.

There is a problem for some of these families - I am not saying it is for all or for the majority of them - which needs to be addressed. There is also a case of increasing numbers of young families who have lost private rental accommodation, have then gone into extended family accommodation where stress and strains force them out of that, and when they present to the emergency accommodation section of the local authorities they are simply sent away and not even given the options that I have just outlined. There is an increasing trend of people coming from the extended family overcrowded stressful situation who have been turned away. That is also creating a problem.

It is very timely that we are having this general discussion on homelessness because it has been a very bad number of days for the public debate on homelessness, particularly from the point of view of the Government and State agencies. The comments of the chair of the Housing Agency and the director of the Dublin Regional Homeless Executive are deeply unfortunate and have caused a real level of hurt among people in emergency accommodation and people who have experienced homelessness, and we heard some of that today, but, more worryingly, the idea that, for example, homelessness will always be with us or that homelessness is the result of bad behaviour displays a set of values which I thought were long gone from our understanding of homelessness and homeless services. This betrays a Victorian attitude that somebody's being homeless is a result of their own decisions, bad lifestyle choices or character, as opposed to the result of a housing system that is designed in a particular way and cannot meet the needs of various groups of people.

Deputy Gino Kenny: Hear, hear.

Deputy Eoin Ó Broin: For me, though, the most disturbing comments were those made by the Taoiseach at the weekend.

Deputy Gino Kenny: Yes.

Deputy Eoin Ó Broin: In response to questions he said: "By international standards, compared with our peers, we have a low level of homelessness. They are the stats and we can provide them for you. Of course it is a good thing that in Ireland we have a low level of homelessness compared with our peer countries." I have in my hand the statistics and the report from the Taoiseach's press office which we all have now. There is not a shred of evidence in this report

that allows the Taoiseach to make that claim. It does not allow anybody to say that our level of homelessness is high or low. On that basis, the Taoiseach should withdraw his comments. It is not acceptable for the Taoiseach of the country to deliberately, which is what he is doing in my view, downplay the level of homelessness or to present the picture as something other than what it is. The Minister, Deputy Eoghan Murphy's defence of the Taoiseach at the housing committee this morning was, I think, regrettable.

I do not have further time to go through other points I would like to make but I do not think the Government is doing enough. I am not saying it is not doing anything, but it is not doing enough and that is why the problem is getting worse. Until it accepts that, the figures month on month are going to continue to go in the wrong direction.

Deputy Dessie Ellis: Go raibh maith agat. Ba mhaith liom tacaíocht a thabhairt don Bhille seo, atá curtha chun cinn ag an Teachta O'Sullivan. Táimid an-bhuíoch di.

In the Taoiseach's world, everything is going just right. That is what the Taoiseach and his Department of spin seem to want us to believe anyway. This entitled Taoiseach has a feckless and dilettante attitude to the most vulnerable in society. He is starting to believe his own propaganda and wants us to believe it too. If we are prepared to be taken in by this spin, then the homeless crisis really is not a crisis - "it is not as bad as it looks, lads". It is more important to the Government that we massage the figures and sweep the shame that is the homelessness crisis under the carpet. It wants to present to the world a different image, one that ignores the realities of everyday life in Ireland and has no place for those left behind during the years of austerity. It is an image that is as false and fake as the Government's effort to end this homelessness crisis.

Fr. Peter McVerry is not talking down this country when he speaks of the homelessness crisis. Neither I nor anyone else who works with the homeless, and sees the effects of homelessness on families, individuals and the community each day, intends to talk down the country. If that is what the Minister genuinely thinks is happening, he should do something about ending this crisis. He should allocate the resources required to end homelessness and divert them away from pet projects that benefit the few, usually the comfortable or well off. It can be as simple as that.

As the Minister, Deputy Eoghan Murphy, and the Taoiseach step over the rough sleepers on their way to their respective offices from Dáil Éireann, as they pass the memorials to those homeless who have died a stone's throw from this Chamber, and as Christmas fast approaches, they should know that this is beyond urgent. Something needs to be done about these problems and it is an emergency issue. The Government should put its efforts into ending this crisis and stop trying to silence people. The real problem is the homelessness crisis, not the coverage of it. Hopefully this Bill will help correct an anomaly by recognising the family as a unit and will consolidate and protect the rights of children within the family unit who have unfortunately found themselves homeless. This Bill is but a small step and we support it.

Deputy David Cullinane: The housing crisis has been with us for years. Every day, week and month it is getting worse. The Minister takes debates in this Chamber almost on a weekly basis now and he gives essentially the same recycled speech, that the Government is doing its best, this problem cannot be solved overnight, and we have a strategy and a plan. Despite all of that, the situation is getting worse. We heard from Deputy Eoin Ó Broin last week that the overall number of people on the housing waiting lists has gone from 91,000 to 99,000. We have

heard that there is an increase in homelessness. The figures speak for themselves almost every month when they are published. The problem is real.

The Taoiseach's response to Teachta Adams this morning on the issue of housing was an absolute disgrace. He accused my party of seeking to manipulate people's sense of hurt and suffering because of the fact that they are victims of the housing crisis, that we somehow thrive on their suffering and that we do not have solutions. That is absolutely not true. The Taoiseach knows that and it is quite cynical coming from a Government that has done precious little really to deal with the housing crisis.

Teachta Ó Broin and many Members of this Dáil sat on the all-party Oireachtas Committee on Housing and Homelessness. They were diligent, did their work and listened to witnesses. That committee did excellent work, produced a report and set targets that the Government should be meeting. The Minister will not even work to implement those objectives, modest as they were, that would actually solve the housing crisis. My party has put forward dozens of solutions and Teachta Ó Broin has published dozens of policy positions on how we can address the housing problem. The Minister and his Government have simply ignored them. It is not good enough.

I will never, cynically or any other way, play on people's emotions or fears who are victims of the housing crisis. I represent them. I come into this Chamber and represent them. We put forward solutions. That is what we want, not hollow words or honey words. Teachta Ó Broin has gone through those solutions. The Minister knows what they are and all I can say is that, at the very least, he needs to commit to implementing all of the recommendations of the all-party report into which so much work and effort was put.

Deputy Mick Barry: We are discussing homeless families. The number one reason for homelessness is when someone or a family receives a notice to quit from a private landlord. The number one excuse being given these days is substantial refurbishment. If a landlord wants to raise the rent, get people out, get new people in and charge them more, substantial refurbishment is the way to go. This is particularly the case with mass evictions, since the Tyrrelstown amendment came in. The Minister must close this loophole.

The organisation Threshold states tonight in the *Cork Evening Echo* that there is a mass eviction pending in Cork city.

An Ceann Comhairle: I do not mean to interrupt the Deputy, and the same applied to Deputy Cullinane, but we are talking not in a general sense about housing but about the Labour Party Bill. It would be more appropriate to actually focus on the content of the Bill.

Deputy Mick Barry: I will focus on the content of the Bill. There are families being made homeless here. At Leaside Apartments, on the corner of Grattan Street and Bachelors Quay, 70 households have received notices to quit with the reason alleged to be substantial refurbishment and renovation. These apartment blocks were sold earlier this year. The property piece in the *Irish Independent* said that the rental income is currently €676,000 and could be increased to €970,000. The apartments were bought by the Larea Fa Fund II DAC. It has two directors. In respect of one of them, 24 of his 25 directorships are based in a building in Molesworth Street. All 12 of the other directors are based there. That Molesworth Street building is the home of 593 companies which leads me to think we are looking at a vulture fund-style operation here.

An Ceann Comhairle: That is all very well and it is very important, but we are talking

about a Bill.

Deputy Mick Barry: On the issue of the Bill-----

Deputy Seamus Healy: Everybody who has spoken so far has spoken on the wider issue of housing and homelessness.

Deputy Mick Barry: That is true.

An Ceann Comhairle: We will be coming to Deputy Healy in a minute.

Deputy Mick Barry: I believe that people and families who have notices to quit hanging over them should be included in the homelessness figures. In this apartment block, we have young families with children who go to school in the vicinity. One family I spoke to pays €700 per month in rent. They have gone out to look for alternative accommodation. The prices being asked are from €1,000 up to €1,300. There are queues going out the door at those properties.

6 o'clock

Homelessness is a real threat for these families. We are looking at mass evictions. The reason for this is profiteering. It is outrageous. People should organise and fight against what is happening. The Minister must close this loophole. People with notices to quit hanging over them should be counted in the figures. We will support this proposal.

The Minister said that homelessness is not normal. He is contradicting the chair of the Housing Agency. If he really believes this, he should ask the chair to withdraw his comments. Or are we looking at a game of good cop-bad cop, with the Taoiseach claiming the homelessness figures are low, the responsible Minister of State saying we will be viewed poorly internationally if people keep talking about homelessness and the chair of the Housing Agency saying the figures are normal? There is an attempt to normalise and minimise the homelessness crisis. It is cold, calculating and co-ordinated. The Fine Gael Ministers involved should be ashamed of themselves. However, I do not believe they will fool the people on this issue.

Deputy Gino Kenny: People Before Profit will support this good Bill. Any measure that will keep families together in a crisis, such as that relating to homelessness, is good.

The problem of homelessness seems to have no end. For the Taoiseach to claim we have a situation of normality with homelessness is an insult to everybody's intelligence. I accept that the Government is trying to address legacy issues relating to the homelessness crisis. However, I cannot understand how anybody can believe that having over 8,000 people in emergency accommodation is normal. It is abnormal; it is almost social whitewashing when claiming that this is normal practice in Ireland and across the world. That is an indictment on our society, our housing system and international systems of housing people. How can one find it normal that people are living on the streets when there is an abundance of housing? How can it be normal for hundreds of families and children to live in emergency accommodation? If anybody in the Government or an NGO finds that normal, he or she should resign immediately.

There is a bubble in Leinster House where people think it is acceptable that families are in an emergency accommodation. As a Deputy for the Dublin Mid West constituency, I see the problem every day. It is an embarrassment that, in 21st century Ireland, people are living in emergency accommodation while the country is so wealthy and there is an abundance of housing.

A new phenomenon has emerged whereby private landlords will ask potential tenants what level of HAP they are on. If the potential tenant is on homeless HAP, the money the landlord gets is exorbitant. For example, a one-bedroom flat in Clondalkin was recently rented for €1,700. That is criminal. The people asking for this kind of money should be wearing balaclavas. However, they will extort that money from tenants and the Government. Private landlords are asking if people have homeless HAP meaning that other HAP recipients are being discriminated against. The whole system is crazy. When we find homelessness normal, we should walk out of this building because this place is no longer fit for purpose.

Deputy Catherine Connolly: I support the Bill but I do so with a sense of nausea at the cynicism of the Labour Party in failing to recognise its contribution to the homelessness crisis through its policies. Sneering from Labour Members is not an answer. They should recognise the role they played when part of a majority Government that pursued policies which actively led to this crisis.

The Bill is an indictment of local authorities and our society when, five years after we amended the Constitution to give rights to children, we need to introduce legislation to direct housing authorities to consider the family and to recognise persons of the family unit. While I support the Bill, it has to be put in perspective. When Labour was in government with an overwhelming majority, it actively brought in policies that created the crisis relating to housing and homelessness. It put an end to affordable housing and lowered housing standards.

Deputy Brendan Howlin: Rubbish.

Deputy Jan O'Sullivan: We put money into housing.

Deputy Catherine Connolly: I would appreciate if Labour Members did not interrupt me. I did not interrupt them. The truth must out on this matter. We have again what we had in the time of Bertie Ahern, when we were told to take our own lives rather than whining. We had the exact same language from a Fine Gael Minister of State earlier. I read with horror what he said about our reputation abroad:

Some of this narrative has seeped into international coverage of our housing system, and it is damaging to Ireland's international reputation that our social response to this issue is being portrayed as dysfunctional.

The housing crisis is dysfunctional. The response of this Government and that which preceded it is dysfunctional. Let us make the English language mean something *nó an Ghaeilge* - is cuma liom. Tá sé thar a bheith tábhachtach go mbeimid ionraic sa Dáil seo. Ba cheart dúinn an fhírinne an insint. The Government created a housing crisis with its reliance on the private market, claiming that it would provide. It has utterly failed to do so, however. The Government stood over legislation which enshrined HAP as the only game in town. When I was a member of Galway City Council, we were repeatedly told it was the only game in town. HAP is taxpayers' money going into the landlords' pockets at a capped level. In Galway city, as in other cities, no tenant can get a property at that capped level. To add insult to injury, the tenant or applicant has to get extra money to top up the rent. That used to be regarded as an under-the-counter payment whereas now it is a recognised official payment. HAP applicants are struggling to pay rents way beyond their capacity.

Over the years, I watched this problem grow. When I was a councillor, we appealed to the then Minister, Deputy Jan O'Sullivan, to come to Galway.

Deputy Jan O’Sullivan: I did go to Galway.

Deputy Catherine Connolly: This crisis did not happen when Labour went out of power. It happened as a result of what it did when it was in power.

Deputy Jan O’Sullivan: We gave a great deal of funding to Galway.

Deputy Catherine Connolly: Not one single social housing unit has been built in Galway city since 2009. There was money but the previous Government made choices about it and decided not to build one single social house.

Deputy Brendan Howlin: What Deputy Connolly says is completely untrue.

Deputy Catherine Connolly: This year, we will build 14 social houses in Galway when there are 13,000 people there who have been on the housing waiting list since 2001. How many Governments have held power since then? Not one single social house has been built but we had plenty of money for the rental accommodation scheme and the HAP scheme. Then we came up with the land aggregation scheme. Is the Government even aware of this scheme? How much land from various local authorities has been taken back under it? Up to 13,000 people in Galway, some of them waiting since 2001, are on the housing list. In addition, there is a major crisis in the context of homelessness. It would be great if the officials in Galway treated those presenting as homeless as families. That would be marvellous.

It is unfortunate that the resources of the local authority have been run down and, as a result, staff are strained beyond belief, moved from department to department and not allowed to build up an expertise or a feeling in respect of homelessness. They are now functioning as estate agents and looking for houses all over the city. If the Minister of State does not believe me, he should listen to the auctioneers in Galway, who would tell him there is no supply of private housing there. He should take a trip to see the homeless on the streets of the city. He should go the men’s hostel in Eyre Square in the middle of our lovely city. When men turn up there, they are told the hostel is full and its staff can only give them sleeping bags so that they can be a little warmer while sleeping on the streets. I am not given to exaggeration, rather I deal in facts. These are the facts in Galway city.

Two weeks ago, I sat in a beautiful apartment in Salthill in which there were at least eight people from other apartments, all of whom got a notice to quit, ostensibly to facilitate the sale of the apartments. However, those people know it is to allow the apartments to be rented on Airbnb. It was reported in *The Irish Times* yesterday that a six-bedroom apartment in Dublin made an annual income of €163,000 through Airbnb. The Government has utterly failed to regulate in that regard. A similar situation obtains in Galway city.

What are the solutions? The Bill is part of the jigsaw. However, the main answer is to declare a housing emergency. The Government should tell Members what residentially-zoned land each local authority has in its possession. Members should be told what land in Galway that is zoned residential is now unavailable because a road cannot be built and will not be built in the next five years. Why is the Government not providing co-operative housing? That cannot be done in Galway because the land was brought at such a premium and high rate of interest that council officials cannot conceive of giving it at a reduced rate because of the debt incurred on the purchase.

I support the Bill but have the utmost cynicism about the motivation of the Labour Party in

bringing it forward.

Deputy Brendan Howlin: The Deputy's final comment was viciously bitter.

Deputy Danny Healy-Rae: I am glad to again have the chance to discuss housing and people losing their homes. Private landlords seem to be blamed all the time by some Members. I do not condone the conditions of the properties of the landlords featured on a television programme recently or anyone who treats tenants in such a manner. However, there are good landlords. If a landlord has several houses, he or she has to pay 50% tax on the rent he or she receives. The Government should do something about the amount of tax landlords have to pay because it is driving up rents for tenants. I blame the tax take that is demanded from landlords, good and bad.

People lose their homes in different ways. They might have bought or built their homes and lost them through bad luck, misfortune and other things. It is very hurtful to see parents and their little children having to move out and present as homeless to local authorities and then be put up in bed and breakfast accommodation for weeks on end. There could be no end to it. It is very hurtful to see people finishing up in that situation. As I have highlighted and asked for before, when houses are being taken back by the banks, local authorities should be given funding by the Government to purchase those houses and rent them to those who are about to lose them. Such people should become tenants of the local authority and down the road it could be the case that their luck might turn and they would be able to buy back their houses from the local authority. That should be considered.

Deputy Mattie McGrath: I am delighted to speak on this issue. Unfortunately, homelessness in Ireland is increasing year on year. Between December 2014 and August of this year there was a net increase of 5,412 in the number recorded as homeless, an increase of 189%. The upward trend has existed for several years and the number becoming homeless is still increasing. Figures supplied to the Dáil by the former Taoiseach, Deputy Enda Kenny, showed that 2,700 people exited homelessness in 2016. If 2,541 people were accessing emergency accommodation in December 2015 and 7,148 were recorded as homeless in December 2016, the net increase in homelessness in Ireland during 2016 would be 4,607. That net increase can be broken down to 13 people per day. The estimated number of rough sleepers in Dublin on the night of the official count in spring 2017 was 161, which is the highest figure for the count since records began.

Who is coddling whom? It is a bit rich of the Labour Party to bring forward the Bill, particularly as it was in government for five years. All Members know money was scarce at that time. There were multiple announcements by the then Minister for the Environment, Community and Local Government, Deputy Alan Kelly - or AK-47 - about what he was going to build. I told him he would not build a hen house in Toomevara or a dog house in Carrick-on-Suir and he did not do so. I am sick of the spin. It goes on and on. I asked the Minister last week and I ask again tonight that the Government bring up the chief executive of Tipperary County Council, Mr. Joe McGrath, and its director of housing services to meet the Minister. I will sit down with those people and other Members who represent Tipperary if they want to come. We are playing fox and goose. Eleven council houses were built in Tipperary in the years 2012 to 2016, inclusive. Someone is coddling someone. We have announcements of money, this initiative and that initiative. It is all balderdash and whitewash. Unfortunately, homeless people get no solace from it.

An Ceann Comhairle: I call Deputy Michael Collins. He can try to follow that.

Deputy Michael Collins: I am happy to have the opportunity to speak on this Bill. I thank Deputy Jan O'Sullivan for putting it forward. I support the Bill, which will amend the Housing Act 1988 and provide for a housing authority to recognise related homeless persons as a joint family unit when making decisions regarding their rehoming. As over 3,000 children live either on our streets or in emergency accommodation, it is very important that we make provision to protect their family units and childhoods as much as possible. The emergency accommodation available to such families is neither safe nor sufficient for the huge demand that exists. We owe a major debt to charities such as Focus Ireland, the Simon Community and the Fr. Peter McVerry Trust that assist the homeless community throughout the country on a daily basis. However, it is extremely disappointing that we are debating what kind of emergency accommodation we will provide for homeless people and families and whether we can accommodate parents and their children together in emergency accommodation, be that in shelters or hotel rooms.

This and previous Governments have done little to fix the housing crisis. It has been more than 15 months since A Programme for Partnership Government, which contains a section dedicated to ending the housing shortage and homelessness, was introduced. However, just over 2,076 new homes were built in the State last year, which is a fraction of the Government's estimate of 15,000. Nearly every week there are new motions from all sections of the Opposition in an effort to tackle the housing crisis but there has been little action on behalf of the Government. Recent figures show there are currently 1,442 families homeless in Ireland, an increase of 25% on this time last year. I am inundated by requests from constituents for housing, as is every other Deputy. People from Castletownbere, Kilcrohane, Bantry, Clonakilty, Skibbereen, Dunmanway, Bandon and Kinsale have pleaded with me to find them accommodation. Sadly, I have no answer for them.

Every day we hear Ministers, Ministers of State, Deputies and ordinary councillors stating that we are building more houses in places such as Clonakilty. When I became a councillor, the first thing I heard was that 40 or 50 houses would be built, and they were never built. Not a single block of those houses has yet been laid. Young people trying to apply for planning permission cannot get loans from banks because they do not earn enough, and the same families cannot get loans from Cork County Council because they are earning too much. It is scandalous. I plead with the Minister of State to accept this Bill to help these homeless families but, more importantly, to implement some real, significant action to increase the housing supply and permanently rehouse these families in this country.

Deputy Catherine Murphy: This Bill should not be needed. I refuse to believe we cannot house those who are homeless and cannot deal with this housing crisis. It has been in the making for five or six years at its most extreme. I have concerns about the Bill, yet I can see it is not right for families to be separated. Local authorities sometimes take the view that the relevant section in the 1988 Act was for a cohort of people who had other complex needs but the basic point is that no child should be homeless. It is not acceptable for us to consider that any child should be homeless, and I do not want children to be labelled as homeless.

Some of what we have heard in the past week or two - the normalisation of homelessness, the comparisons to other countries, the attempts to minimise the extent of the crisis - is a backdrop to tonight's debate, unfortunately. The minute we accept family hubs as replacements for homes or accept child homelessness, we start dealing with the issue differently, and I have major concerns from that point of view. We have a Taoiseach who forcibly defended

his comments that things are not that bad while more than 3,000 children will spend Christmas in emergency accommodation, and he has been supported by the chair of the national Housing Agency in some of his views. We are not dealing with reality here but with propaganda, and that propaganda is having a very detrimental impact on people who are suffering. Children are worrying about things that children should not have to worry about. Children's best interests surely are served by considering their constitutional rights in a very real way, by challenging the Constitution if it does not allow for the flexibility to use compulsory purchase orders, for example, or limit the extent of the rents that can be charged. I am not specifically talking about the Bill now but I saw the Minister on one of the "Prime Time" programmes in the past week listing all the things he was doing just to stand still or go backwards.

Acting Chairman (Deputy Declan Breathnach): Is the Deputy sharing time?

Deputy Catherine Murphy: The children's fairy tale about the emperor not having any clothes very much comes to mind because this needs to be called out at this stage. There is no viable solution under way. The numbers we are talking about are so tiny that they are not making an impact-----

Acting Chairman (Deputy Declan Breathnach): Is the Deputy sharing time?

Deputy Catherine Murphy: -----and the situation is getting worse.

Deputy Seamus Healy: The Taoiseach, Deputy Varadkar, must issue a public apology to homeless families, children and individuals. The Taoiseach's dishonesty is breathtaking, and he and his Government are homelessness deniers. He deliberately and dishonestly abused an OECD report to deny and downplay the housing and homelessness emergency. The OECD report specifically states that its findings must not be used for comparison purposes. The statistics are not and never were comparable from one country to another. Into the bargain, the statistics are two years old. The Taoiseach must be called out on this issue and must do the decent thing and issue an apology.

Fr. Peter McVerry said today, and I agree with him, that the only solution to this problem of homelessness is to build social housing at a very intensive rate. It is quite obvious that this House and this Government are all talk and very little action. The Government is obviously not doing enough and will continue to put its faith in the private market, which has been a disaster for families. What will the Government's coalition partner do about this issue? I refer to Fianna Fáil. Fianna Fáil's hands are dirty on this issue and they are getting dirtier with every day. It has a supply-and-confidence arrangement with the Government and is keeping it in power. Fianna Fáil has a responsibility to sort out the housing issue once and for all and ensure that the Government builds large-scale local authority housing.

I will support the Bill but the hypocrisy of the Labour Party on this issue is monumental. It was in government for five years and has made the housing and homelessness crisis worse. During those five years, it held the housing portfolio at Minister of State and senior ministerial level and made matters worse.

It is now obvious that major demonstrations of people power will be necessary to ensure that this issue is solved and that large-scale social and affordable housing is built. I also call on the trade union movement to call a one-day general strike on this issue to ensure it is treated with the seriousness it deserves.

Deputy Brendan Ryan: The cynicism of the Tipperary Deputies knows no bounds.

I congratulate my colleague, Deputy Jan O’Sullivan, on bringing forward this very important Bill. As Deputy O’Sullivan set out earlier, children have no rights to protection, safety or a roof over their heads except as dependants of their parents, even though the rights of the child have been written into the Constitution. There is also no statutory recognition of the needs of a homeless family as a family unit. The vast majority of us in this House who have constituency offices and advice clinics will have met and dealt with too many families over the past few years who have found themselves in bed and breakfast accommodation, hotels or worse. This is a terrible time to be in an insecure tenancy. Homelessness can hit almost anyone who cannot afford the ever-increasing rents. Homelessness has evolved and is striking a broader section of society and, as is always the case in crises, children are suffering the most. In my constituency of Dublin Fingal, Fingal County Council works hard to ensure families remain together if they have to avail of emergency accommodation or short-term housing. However, this needs to be underpinned with legislation. Unless we do this, the passing of the children’s rights referendum five years ago will have meant very little.

It seems like the most oft-quoted line in Irish politics over the past few years has been “We need to start building homes”. However, why, when money is available, as it appears to be now, are homes not being built quickly enough? Has the Minister seen data for the delivery times for local authority housing projects which have gone through the Part 8 and Part 11 processes but have not progressed any further? We have projects in Fingal which have not yet been delivered, despite having been approved for over a year. I believe - it is the view of the Labour Party - that the local authorities are not adequately resourced to deliver housing projects. We know local authorities stripped out tradesmen, architects, quantity surveyors and other specialists over the Fianna Fáil years, as public housing delivery was left almost solely to the private sector. We need to get real on housing delivery. The market will not solve the housing crisis because the market is not interested in so doing. The market is motivated solely by self-interest and profit. The only actor invested in resolving the housing crisis should be the State, and the State is not doing enough. The answer is not just money. It has to include a delivery plan and local authorities are the key to this.

Housing staff in local authorities are currently over-stretched. They are managing homeless figures, leases for long-term rentals, RAS, the HAP schemes, etc. All of these have an urgency to them which usually requires immediate action. If that action is not forthcoming, then leases will break or fall and another family will turn up at the homeless desk the following morning. These officials work long hours, as we have to acknowledge, to meet these immediate concerns and they are losing days, weeks and months in pushing the building and delivery of new housing stock because their workload is spread across a range of functions. The hands-off approach will not work any more. The Minister of State needs to direct the chief executives to build homes quicker and, as part of the bargain, he needs to resource them adequately to achieve this. They need officials who are solely dedicated to the delivery of new housing stock. Purchased stock from the private market is a useful short-term response by local authorities but it does nothing to increase supply. It will contribute to pricing other young families out of the market by gobbling up the short supply that currently exists.

Local authorities need to focus on delivery of new homes, built from the ground up, as they did in the past and were very good at in the past. The statistics on homelessness continue to horrify and disappoint in equal measure. With children sleeping in Garda stations, in cars, in tents and on the street, the changing nature of homelessness needs to be recognised in law. A

Garda station may be a safe overnight location for an adult, but it is not an appropriate place for a child or a family. Our Bill would change that by requiring housing authorities to regard the best interests of the child as paramount and to protect and assist families, including by providing them with safe accommodation. It will also ensure that there is a holistic response to support the needs of families in hotels and hubs with not just a roof over their heads, but also the wider requirement to support and encourage the effective functioning of families and the development, welfare and protection of children within the family setting. Homelessness charities, including Focus Ireland, have told us that it is important that the law is strengthened and changed to support families in crisis situations. Mike Allen has said there must be a clear statutory responsibility that no family sleeps rough. This Bill goes some way to achieving that and while it will not solve the housing and homelessness crisis, it would be a positive step along the way.

I thoroughly enjoy my work as a Deputy and public representative. I relish the challenge of finding solutions for my constituents in Dublin Fingal. However, the most frustrating aspect of all of that work relates to housing and homelessness in circumstances where I know that the only advice I can give to people who come to my clinic is to do exactly what I know that every one of them has been doing every minute of every waking hour of every day. This will continue until sufficient supply comes on stream, as the Minister of State knows. No stone can be left unturned until this is achieved. Our Bill will help to drive that imperative and I urge all parties and individuals, including those from Tipperary, to support it.

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): I will add a few comments to the debate. The Minister, Deputy Eoghan Murphy, has already addressed most of the issues. I compliment Deputy Jan O'Sullivan on bringing forward this Bill and I am glad that we are in a position to support it. I know that the Bill and the motives behind it are genuine. It is unfair that others engaged in roundhousing and used the occasion to try to give a kick to Deputy Jan O'Sullivan, the Labour Party or others because they are trying to bring forward solutions and focus attention on families.

There are aspects of the Bill we want to change and work will have to be done to get it legally correct but the concept and the principles are right. It reflects the change in the situation of homelessness. Even in the good times at the height of the boom, approximately 4,000 individuals would have been homeless but they were not families. We now have a situation where 8,000 people are homeless and over 3,000 of them are children and families. A change in the nature of homelessness has happened in the past couple of years, which the Deputy is right to reflect in tonight's debate in what she is trying to bring forward in the Bill. I am glad we are able to work with the Deputy on that and that the Bill has the support of the House.

It is not the occasion for people to try to blame the Labour Party, Fine Gael or anybody else. They do not recognise that the situation is how this country was and, thanks to the great work of Deputies Howlin, Michael Noonan and Enda Kenny, as Taoiseach, the finances of this country were brought back to order and we were put in a position where we could try to address all the concerns we have with homelessness, emergency housing and the need for more housing. We are all politicians. If we had the money, we would have spent it four or five years ago. Deputy O'Sullivan was Minister of State at the Department of Housing and Planning and Minister for Education and Skills. Likewise, we would have spent more on education if we had the money too but, in the first chance, we have got over the past couple of years, towards the end of the term of the previous Government and the first year of this Government's term, we are allocating the money where it is needed. We we could not do that four years or five years ago, even if

we had wanted to, because there was no money. There was no money in the private sector or the public sector. Thankfully, since the country has been restored to some order with the previous Government and this one, we have finances again and, on behalf of the taxpayer, we have committed in the region of €6 billion to solving this housing emergency across all the different categories, including social housing, people who are rough sleepers, homeless people in temporary accommodation, those in need of affordable houses, those in private sector housing and so on. We are intervening and trying to tackle the situation. We cannot do so overnight but the resources are present and I have no doubt, as I have repeatedly stated, that if we can stick to the plan, make changes - I have no problem doing that when people have good ideas - and spend the money, we will fix this. I wish we could do it yesterday but we cannot. We will intervene as quickly as we possibly can.

In the meantime, it means putting in extra money into services for those who are homeless and in emergency accommodation. In some cases, it means having to rely on private sector landlords, who have houses that they own throughout the country and that we use through the HAP scheme. We know it is not ideal. We would rather own them all ourselves but we do not. As we rebuild our housing stock, we have to depend on the HAP scheme or rental subsidy schemes.

Deputy Brendan Ryan asked about local authorities. They are central to fixing this. The Minister, Deputy Eoghan Murphy, the Minister of State, Deputy Phelan, and I travel throughout the country with officials from our Department to meet local authority managers and housing officers - we did so as recently as yesterday - on a weekly basis. We engage with them through our Department, their council offices and on sites and have conversation. We tell them this money is real. It is taxpayers' money and it is there for local authorities to spend on driving forward housing solutions. We tell them that they are central to fixing this. They were prevented in the past by other parties that decided to restrict their abilities in this area and then, during bad times, we could not put them back up. However, now we are putting the capacity back into the system. The solutions to this will be led by local authorities. They are central to delivering the 33,000 or more houses that we want to build directly but they also have a role in working with approved housing bodies when it comes to leasing and buying houses, and in other areas. They are the drivers of this and they are up for it. We are giving them the extra personnel they need to try to do this and to strengthen their teams.

Likewise, we are strengthening the delivery system. The Minister attended the housing summit, at which all the housing managers, including the Tipperary housing manager and his team, were present in September. We engage with Tipperary a lot. Deputy Mattie McGrath never waits to listen to the answers but always scoots off afterwards since all he wants to do is make a show like many others around here. We engage on a regular basis and we are changing the structures of delivery. We made changes last year to the delivery system where we sat with all the housing officers. We will meet them again on 22 November to discuss the new delivery method that will be on a par with the private sector. It will be a system of which we can proud in the context of delivery. The day of waiting two, three or four years to get a site will be gone. We are putting in place a system that will match the industry norm. Our housing teams throughout the country are buying into that and putting a system in place. All of our jobs will be to drive it on. That also means our councillors doing their job too with Part VIII schemes and holding their executives to account. We all have a role to play here on a cross-party basis.

Tonight, I have heard many views to the effect that we are doing nothing and that nothing is happening. I tried to discuss that last night. The Taoiseach never said, as Deputy Catherine

Murphy said tonight, that it is not that bad. That is fake news. That is not what the Taoiseach said. I did not say it either. None of us said it and none of us is trying to hide it. We publish the figures every couple of months. Over 8,000 people are homeless and no one is hiding that. The rough sleeper count is approximately 150 or 160. It could be less or more - the figure varies. We provide that information. No one is hiding this. We want to debate all the solutions. We accept criticism that we cannot do it quickly enough but please do not keep saying that we are doing nothing. That is the point I made last night because that is not fair on this country or on anybody looking in. It is not fair on all the people working night after night to provide solutions either in the short term, the long term or for emergency accommodation. Earlier today, after a committee meeting, I went to an event relating to the Irish Council for Social Housing community housing awards initiative. It had its awards a few weeks ago in Limerick and is launching the brochure today, reflecting the winners of that and putting across a number of class projects to prevent homelessness, help people who are homeless and older people, rejuvenate old buildings and bring them back into use, as well as a range of other initiatives. I visited some and they were excellent. They all say likewise. They are fed up that no one recognises their work and of all the commentary about nothing being done. These people are out there. Some of them are in voluntary housing associations and some are in pooled housing bodies. Day in and day out they are working to bring forward projects that may have been started ten years ago but over the past few years, there was no money to finish them. Now they are being finished and they feel a bit hard done by that nobody mentions the work that is being done. Collectively, we all know that it will not be enough to solve the problem, and I cannot say that enough. The Taoiseach has said it is unacceptable. The Minister, Deputy Eoghan Murphy, has also said it, and I am saying it. We know it is not acceptable but there are solutions and we are working through them.

In some cases, the trends are coming right. It comes back to the supply of housing and thankfully the trends in that area are right. Planning permissions and commencement notices are up and we will be able to get our infrastructural funding on-side to open up sites that we believe are key. A lot is happening to bring forward the supply of housing. A lot is also happening to bring forward supply of social housing and next year we will see a commitment in local authority capacity to build the 3,800 units, which is double what it will be this year and double what it was last year. We are way back up from three or four years ago when we were building 75 houses. We are up to 3,800 houses next year. We know that 3,800 houses will not be enough when there are 7,000 or 8,000 people who are homeless, but it is where we are going. We are putting the capacity back in the system. The commitment is there to match what every Deputy in the House wants, which is to deliver 10,000 social houses per year. We are committed to doing this under Rebuilding Ireland and this is what we will achieve.

We have been in this space before. Local authorities were able to deliver that many homes, and way beyond that figure, years ago when they had the teams and the capacity to do it. They want to do it again. Through all the good work of the committee, individually as parties and as a Government, this House is putting the authorities back into that space. They will be able to be proud of their work, of the quality of design and of the cost effectiveness and good value of what they produce. They are ready for that and we will give them the resources to do it. We have to recognise that while there is some progress, one person who is homeless is one too many. No one is denying this but we have to be realistic because this will take time.

The chairman of the Housing Agency did not say it was “normal”. He said that given the situation we have been in for the past number of years, we could expect some of it. He was not trying to normalise it or make excuses for it. He was trying to have a factual debate. If we are

to work together to solve the housing problem, I ask Deputies at least to deal with facts and stop always throwing quotes around and making up information and spin around one's own line. There is no point in doing this as it does not get us anywhere. It does not serve all the people who work in this sector and it does not do them justice. They are out there every night of the week, bringing forward projects, and we must respond to that and work with it in the best way we possibly can.

Deputy Danny Healy Rae always asks reasonable questions but manages to be gone from the Chamber when I get the chance to answer them. There are opportunities to keep people in their homes, such as the mortgage-to-rent scheme, which has been revamped. It did not work the way we wanted in the past. When Deputy Jan O'Sullivan was the Minister of State, she tried to make it better. It is an improved scheme now and if a person has an unsustainable mortgage, he or she will have the option to deal with it through their local authority or approved housing body, remain in their home, pay rent and have the option to buy it back in the years to come if they need it. I ask that more people look at the scheme. We can fund the expansion of it as we have different ways of doing it now. The scheme could help thousands of people. There are also other schemes. Some contributors to the debate have said thousands of people are being put out of their houses every year. That is not the case. There are far too many, but the figures are not in the thousands. The threat, however, is over thousands of people who are afraid that it might happen. They need to engage with us through the different services such as the MABS Abhaile service, and other ways, so that we can find solutions.

We also buy vacant properties. At a meeting yesterday, I said that the Housing Agency is out there and has viewed 900 houses. It will buy some 500 or 600 of those over the year. There are also some vacant properties where situations are not sorted out between the bank and the original owner of the house. It would be easier for us if the original owner came forward to try to do a deal to sell the house because sometimes the banks cannot sell the house until there is an arrangement made with the original owner. We try to engage with all the different players and I ask them to come forward. I ask that Deputies liaise with their local councillors about the different schemes for vacant properties. These schemes could be the quickest win for us all. There are schemes that, for whatever reason, are not being utilised. We will tweak them and make them better but all Deputies are in a position to spread the word to find solutions.

People want to keep commenting on the situation and that is grand. In fairness, most of the Deputies who are in the Chamber now contribute solutions on a weekly basis. There are other Deputies, however, who hang around the back. They come into the Chamber, throw darts and then head off again. They do not really bring solutions and that is not helping the situation. If Deputies have solutions, we will take them, but we must also recognise what is happening in some cases.

Deputy Brendan Howlin: I will respond to the debate on behalf of the Labour Party. I commend my colleague Deputy Jan O'Sullivan on introducing this legislation. The Minister of State, Deputy English, is right that our job here is to find solutions. That is why people send Deputies to the House. We have tried to find solutions and I welcome the support of every Deputy who spoke. One or two Deputies who begrudgingly supported the legislation instanced the Labour Party's own time in government, as if by design we set about cutting public expenditure and we went into government to be unpopular. We went into government in 2011 during the worst crisis in the history of the State. We went in with our eyes open, knowing that our job was to try, and without any certainty of success at that time, to restore the economic fortunes of a country that was in economic crisis. I remember being briefed by the troika in advance of

going into government and I remember the individual briefings I received from the National Treasury Management Agency, the Department of Finance and so on. I do not want to rehash all of that but there is a fatuous ignorance in the argument that does not recognise how perilous the situation was. It also does not recognise what happened in other countries like Greece, which took a different path to Ireland. Greece remains in mortal economic peril and its social protections have been destroyed.

We can argue about individual issues but it cannot be argued that at the end of that period of government Ireland is not now in a much more favourable economic position where the State can actually make choices. In the second last budget that I had the privilege to introduce we said that the biggest social issue to be addressed was housing and homelessness. The first few bob I could expend was allocated to local authorities to enable them to build houses for people as they had done for decades and to get that going again. That was no easy task because the capacity of local authorities had been hollowed out. We had to allocate 450 scarce positions to allow the local authorities to rebuild their housing departments, which had been destroyed during the boom time when there was a complete dependence on the private sector to provide houses. It strikes me as very odd that we have not made more progress in that regard. That allocation of money was several years ago. Why is it taking so long? I am heartened to hear the Minister of State say that he, the Minister, Deputy Eoghan Murphy, and others are travelling the State. The housing officers in each local authority talk with us and I have spoken with the Minister, Deputy Murphy, about what they say. They tell us that the levels of sanction required, step by step, by local authorities is hampering their capacity to build houses. Can we not just stop that? Can we just give the local authorities the wherewithal through an allocation of funding and tell them to spend it and to be accountable for it at the end? Let us not have this absolute dead hand upon them.

I also spoke to the Minister about two other points regarding time and costs in planning. There are developers who want to build social affordable housing in my county. One developer told me that nobody was going for the fast-track planning. He said that he wanted to build 400 houses but he would have to apply for them through the local authority in groups of 99 because the fast-track process is slow track. This was some weeks ago. Nobody has got through the fast-track process. I ask the Minister of State to look into this. The costs involved in the fast-track process are more expensive because of the additional impositions that are put on builders. I also spoke with a smaller builder who wanted to build 27 houses in Wexford, which would be 27 very valuable houses. He has had full planning permission since last January but it was appealed by a third party and it took until September for An Bord Pleanála to make a decision on the appeal. An Bord Pleanála told him that it did not have the capacity to make quicker decisions. These are things we can and should fix. I will not mention some of the comments made over the past number of days which others have referenced. The Minister of State is a quintessentially decent person, but it is unfortunate that there was a confluence of commentary which seemed to minimise what everybody agrees is the biggest social issue we have to overcome. If we are seen to somehow seek to make it normal or whatever the unfortunate phrase was, it is simply that - unfortunate. Let us put that behind us now and have a consensus in the House that the biggest social issue this Oireachtas has to resolve has two subsets, namely, the homelessness issue and the housing issue. We have the financial wherewithal to do it, but we must insist on it being done.

It is the Minister of State's job to say nice things about the local authorities, which, by and large, are good. However, they are not uniformly good. Some are better than others and some

are not building the local authority houses they should be. I was pleased to hear the leader of the Fianna Fáil Party instance my own county as the most successful house builder this year, but we need to ensure that the Department of Housing, Planning and Local Government insists that a quota is set and the houses are built by each local authority. We heard Deputy Connolly talk about staffing. If there are individual issues, let us address them case by case in an open manner so that no one can hide behind an issue. These are fundamentally important issues.

I return in the last two and a half minutes I have to the Bill before us. Our job is to find solutions, as I said. We have proposed solutions to the House before. The last housing Bill Deputy Jan O'Sullivan produced in the House dealt with a number of things. We should be bold and revisit that. It is unfortunate that the Government decided not to support the Bill. Fianna Fáil did not support it either and it died. However, it had three important components. First was the implementation of the Kenny report after decades to control the price of building land. If we do not do that, we will head into another crisis. I have listened to learned legal opinion that this is a constitutional issue which would require a referendum. My view is a simple one. Let us do it and, if someone wants to take a constitutional challenge, off with them. We can then determine the matter. Can we just legislate for the Kenny report? I ask the Minister of State to do that.

Why not have uniform rent controls across the country until the supply side issue is addressed? The supply side issue must be addressed and it will be. The Minister for Foreign Affairs and Trade, Deputy Simon Coveney, who is just joining us, started the process himself in pulling together an all-party consensus. Until it is done, why not have a national strategy on rent controls which ties rent increases to the consumer price index as an interim measure until supply is normalised? That is not an unreasonable expectation or demand. The control of the price of building land and giving tenants certainty could stabilise problems that manifest themselves in terrible hardship until such time as we solve the problem. From the time I started talking about this in government, we have all known that everything we do in terms of schemes or plans are ancillary to the main objective of providing sufficient houses. That is done simply by requiring local authorities to do what they did for generations, namely, build more local authority houses.

Question put and agreed to.

Housing (Homeless Families) Bill 2017: Referral to Select Committee [Private Members]

Deputy Jan O'Sullivan: I move:

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

Question put and agreed to.

Message from Seanad

Acting Chairman (Deputy Declan Breathnach): Seanad Éireann has passed the Water Services Bill 2017, without amendment.

15 November 2017

Estimates for Public Services 2017: Messages from Select Committees

Acting Chairman (Deputy Declan Breathnach): The Select Committee on Housing, Planning and Local Government has completed its consideration of the following Revised Estimate for public services for the service of the year ending 31 December 2017 - Vote 34.

The Select Committee on Culture, Heritage and the Gaeltacht has completed its consideration of the following Revised Estimate for public services for the service of the year ending 31 December 2017 - Vote 33.

Diplomatic Relations (Miscellaneous Provisions) Bill 2017: Order for Report Stage

Minister for Foreign Affairs and Trade (Deputy Simon Coveney): I move: "That Report Stage be taken now."

Question put and agreed to.

Diplomatic Relations (Miscellaneous Provisions) Bill 2017: Report and Final Stages

Bill received for final consideration and passed.

Health and Social Care Professionals (Amendment) Bill 2017: Order for Report Stage

Minister for Health (Deputy Simon Harris): I move: "That Report Stage be taken now."

This Bill is relatively short and technical containing a total of nine sections. It passed Committee Stage on 11 July last, without amendment. The Bill will amend the Health and Social Care Professionals Act 2005 and has three main purposes. It will address gaps that have been identified relating to the appointment of professional members to the Health and Social Care Professionals Council and to registration boards.

7 o'clock

It will permit a registration board to apply training and education conditions to applicants for registration who are qualified for a specified period of time but have not yet practised their profession, and it will amend the Act to allow me to implement decisions taken last year that will result in the protection of the title of physical therapist for the exclusive use of those granted registration by the Physiotherapists Registration Board. These decisions were taken following a consultation process and were welcomed by the professional bodies concerned.

I thank Deputies for the valuable and thoughtful contributions made on Second and Committee Stages. Deputies had proposed a number of amendments on Committee Stage. All except one related to the Bill's provisions to permit the registration of qualified users of the title of physical therapist in advance of the proposed protection of that title for the exclusive use of registrants. During the debate, I said that the Department would, before Report Stage, engage further with the two professional bodies involved, the Irish Society of Chartered Physiotherapists, ISCP, and the Irish Association of Physical Therapists, IAPT, on the provisions that were of particular concern to them.

I also undertook to consider the possibility of addressing the concerns of both bodies in ministerial amendments that could be tabled on Report Stage. On that basis, Deputies withheld their amendments and I thank them for providing me with that space. Over the summer recess, and following meetings and correspondence between Department officials and representatives of the ISCP and IAPT, it was agreed that the outstanding concerns of the two professional bodies would be adequately addressed by amendments in two main areas. These related to the codes of professional conduct and ethics that are adopted by registration boards and to the assessment of professional competence for existing practitioner users of the title of physical therapist. The Department also undertook to review concerns about the closing date for applications from current students and recent graduates of the Institute of Physical Therapy and Science, IPTAS.

The Report Stage amendments to the Bill that I will be proposing have been drafted by the Office of the Parliamentary Counsel and address these three issues. The first three amendments amend section 5 of the Bill to provide that the codes of professional conduct and ethics adopted by registration boards must specify that registrants act within the limits of their knowledge, skills, competence and experience. The next five amendments amend section 6 of the Bill. They are drafting amendments to clarify and put beyond doubt the provision in the Bill that 31 December 2019 is the closing date for applications for IPTAS students and recent graduates. The final amendment amends section 6 of the Bill to remove the reference to the IPTAS qualification from the Bill's provision relating to the assessment of professional competence for existing practitioner users of the title of physical therapist.

I sincerely thank both professional bodies for their very constructive engagement with the Department to resolve these issues and progress the Bill to this Stage. I also thank the officials. I think we have found a solution and a way forward that satisfies both bodies.

I would also like to take the opportunity to briefly update the House on plans to regulate the professions of counsellor and psychotherapist under the Act. This was discussed during Committee Stage in the context of an amendment tabled by Deputy O'Reilly related to crisis pregnancy counselling. I thank the Deputy for her consistent advocacy on this issue. The Act provides that the Minister for Health may, following a consultation process and with the approval of the Houses of the Oireachtas, make regulations designating a health or social care profession not already regulated under other legislation if the Minister considers it in the public interest to do so and if certain specified criteria have been met. We are already far advanced on this process in the case of proposals to regulate counsellors and psychotherapists. The various consultations have been concluded and my Department has recently submitted the first set of necessary regulations to the Houses of the Oireachtas for their approval. These regulations will designate the professions under the Act and establish a registration board for the two professions.

Subject to the approval of the regulations by the Houses, the next step will be the appointment of the 13-member registration board. Twelve members will be selected following the submission of suitable candidates for my consideration by the Public Appointments Service. The 13th will be nominated by the Minister for Education and Skills. I expect that the registration board will be in a position early next year to begin its workload. It will be tasked with advising me and the Health and Social Care Professionals Council on some of the outstanding issues to be decided. These include the professional titles to be protected by regulation under the Act and the qualifications that ought to be required of existing practitioners in order to register. In tandem, the registration board will begin the process of drafting the various by-laws needed to establish its registers and to commence each register's two-year transitional period. Title pro-

tection will come into effect after these transitional periods when only those granted registration by the board will be entitled to use the protected professional titles. All Deputies raised the idea of people going around calling themselves counsellors and psychotherapists and giving out at best extraordinarily dubious and at worst very dangerous and simply untrue advice on crisis pregnancy. I accept that, for good reasons, the legislation provides that implementing proposals to regulate new professions involves a detailed journey but I think Deputies will agree we have made a good start.

I trust and hope that this Bill can now proceed to the Seanad with a view to enactment by the end of the year. It is important that we get this legislation enacted by the end of the year because the sooner its provisions are commenced, the sooner the title of physical therapist can be protected by regulation for the sole use of registrants. Early enactment of this Bill will also allow me to make overdue appointments of professional members to the Health and Social Care Professionals Council and to registration boards, and will permit registration boards to apply additional training and education conditions to qualified applicants who have not yet practised their profession. I hope Members on all sides will see that since we met on Committee Stage progress has been made on each of the issues discussed, and agreement has been reached with both of the professional bodies on how to proceed regarding physical therapists and physiotherapists. Regulations have been laid before this House and the Seanad on how we move to regulate counsellors and psychotherapists.

Question put and agreed to.

Health and Social Care Professionals (Amendment) Bill 2017: Report and Final Stages

Deputy Louise O'Reilly: I move amendment No. 1:

In page 3, between lines 14 and 15, to insert the following:

“Amendment of section 4 of Principal Act

2. Section 4(1) of the Principal Act is amended by the insertion of the following after paragraph (l):

“(m) counsellors, that is to say, a person or organisation who engages in, and holds himself, herself or itself out as having experience or expertise to engage in, the activity of giving information, advice and counselling (including giving information, advice and counselling to pregnant women in relation to crisis pregnancies),

(n) psychotherapists, that is to say, a person or organisation who engages in, and holds himself, herself or itself out as having experience or expertise to engage in, the activity of giving information, advice, counselling, and psychotherapy (including giving information, advice and counselling to pregnant women in relation to crisis pregnancies).”.

I tabled this amendment in the interest of highlighting the problem at crisis pregnancy agencies and in the hope that progress would be made. I absolutely welcome the Minister's announcement. It was never more clear to me how necessary it was than when I received the lovely documentation advising me that in fact my information was incorrect and apparently

someone somewhere has designated “scientific” evidence of the link between breast cancers and abortion. It would be remiss of me not to acknowledge the work done by the journalists and the media in this area, in particular Ellen Coyne who has worked tirelessly to highlight this. On the basis of the announcement made by the Minister, I will withdraw the amendment. We look forward to the regulation of misinformation and its eradication.

Deputy Mattie McGrath: I feel I have to take issue with the Minister and some of his comments. The Oireachtas Joint Committee on the Eighth Amendment of the Constitution met today and dealt with this issue at length. At that meeting I was able to elicit from the HSE - the names of the witnesses elude me - information about the so-called investigation that I called for many times in this House when the Minister was in the last Government, whereby undercover ladies attended so-called regulated clinics. The Minister supports, and is now regulating, these clinics. The advice the ladies got was that if they had an abortion and had complications when they came back to Ireland, they should lie to their general practitioners and say they had a miscarriage. I raised this with the Minister’s predecessors and the former Taoiseach and I was told it was an investigation, then I was told it was downgraded to an examination, and today I was told that the file went to An Garda Síochána. The HSE official told me today that a desktop analysis of 16 of the HSE-funded agencies was done and there was a deeper investigation and audit of six agencies. Practices were changed, thankfully, as a result. The Office of the Director of Public Prosecutions, DPP, decided in its wisdom not to prosecute.

In its presentation at today’s meeting the Irish Family Planning Association, IFPA, said that gardaí were embarrassed carrying out the investigation. I questioned the official to understand how he could know the gardaí were embarrassed. I have been a member of Community Alert since 1986 and every day of the week the Garda Síochána’s crime prevention officer and others are always encouraging the public to report any issues of concern, no matter how trivial. It will be investigated in total anonymity. If it is a figment of someone’s imagination or a report of a strange vehicle or whatever it is, there is no issue if it is legitimate. I do not know why they would not have a cosy relationship with An Garda Síochána when they have the imprimatur of the former Minister for Health, and now the current one, with gusto, to let them do what they want to do. I do not like undercover activity, but the IFPA went undercover once on the rogue agencies that the Deputy has described and elicited the wrong information that was being given out. Such information should not be given out, especially to a woman who is pregnant. I wholeheartedly support this.

Deputy Howlin was in government and he has since introduced a Bill to regulate one aspect. That investigation was swept under the carpet and it went from being an investigation to an examination. I discovered earlier that six groups were brought in and they had to change their practices. A number of the women who went undercover had been in when they became pregnant and got the advice. How much more honest or real could we get. They were in for advice and they did not get the options or advice on adoption, on continuing with the pregnancy or on perinatal hospice or supports. That is a fact. They were there. There is wrongdoing on both sides and we will legislate here for those the Minister believes are rogue and the other people can give out information and are paid for doing so. They are connected with organisations all over the world that are trying to push to repeal the eighth amendment and are providing funding. We discovered all of this at the committee earlier. It was one of the better days of the committee. We got good information.

I am surprised about the dishonesty relating to this debate. It is all one way. I condemn any misinformation from any side or from anywhere when a vulnerable person is pregnant and

needs, above all, proper advice, rather than advice from a State-funded organisation to, in the first instance, go and have an abortion and be given assistance with that and with travel when the Constitution bans such activity. We have to deal with that. The Minister has a duty to preserve the Constitution. There is a full-time, relentless attack on the eighth amendment. We can change the eighth amendment when the public decides so but we need a reasonable and balanced debate, which we are not having. I do not for the life of me know why the Attorney General or his agents are not at the committee defending what the people voted for and what was put into the Constitution so long ago. There is total inadequacy and failure on the part of the Minister and the Government to have this going on with no one defending the *status quo*, which is what is contained in the Constitution. It is not something that I or anybody else dreamed up. It is in the Constitution and it has saved countless thousands of lives, thankfully. We talk about human life as if it was just confetti.

Deputy Louise O'Reilly: That is outrageous.

Deputy Mattie McGrath: It saved them. It is the Government's duty as I see it to defend the Constitution until a constitutional issue is debated and voted on and a change is made to the Constitution, passed in this House and approved by the President. We can then certainly change the law. We are putting cart before horse with our desire and efforts to denigrate good agencies out there. Most of them are volunteers and not funded by anybody. As I said, I will not accept wrongdoing from any side. The wrongdoing was very much more so on the part of the official agencies paid for by taxpayers. As I said, I was thankful to find out that 16 different parts of the organisation had a desktop examination, whatever that entails. That is what I was told. Six were the subject of a more in-depth audit and wrongdoing was discovered and corrections were made. I could never elicit this information here. I asked four, five or six times of the previous Government to know where the investigation stood but it did not suit anyone to tell me. When it comes from another direction, all hell must break loose. I point out to the Minister again that it is his duty to protect the Constitution until the people decide otherwise.

Deputy Billy Kelleher: I want to put on the record the fact the regulations have now been laid before the Houses of the Oireachtas to be passed. That particular issue was raised on Committee Stage and during earlier debates on the Bill. When we speak about people masquerading as counsellors or masquerading in general on this particular issue there must be an honest, upfront assessment of what is involved in terms of the advice being given and the motivations behind it. The reason I say this is we have to accept that people should only get the best clinical advice available from counsellors based on what is acceptable in the profession. We cannot have a situation where women in a crisis pregnancy are being told barefaced untruths because of political agendas-----

Deputy Louise O'Reilly: Hear, hear.

Deputy Billy Kelleher: -----from any side and every side. Women in crisis pregnancy must be afforded the most up-to-date information based on best clinical evidence and advice from the governing bodies of the various professions. This is why I welcome the fact the Minister has announced the regulations. I hope they will quickly address some of the concerns highlighted in the programme by other people.

Minister for Health(Deputy Simon Harris): I thank Deputies O'Reilly and Kelleher for their support for the laying of the regulations before the House, which I hope Deputy Mattie McGrath will support when it comes to the debate in due course, probably at a joint committee.

What we are trying to do is very straightforward. We are basically saying that if people want to be counsellors or psychotherapists, they must obtain suitable qualifications and then provide women with factual advice. There should not be a situation where people can put their names up above shop fronts and tell women that if they have abortions, they are more likely to suffer from breast cancer later in life. This is what has happened in this country and we will not stand for it.

Deputy Louise O'Reilly: Hear, hear.

Deputy Simon Harris: This is what we are doing, and parties on all sides asked me to do it. This is what we are working on together. That is why we are laying the regulations before the House.

The first step is to regulate counsellors and psychotherapists. That is what the regulations before the House involve. We will then set up the registration board. We will populate that through the Public Appointments Service, which will set the minimum qualifications. Once counsellors are regulated under the 2005 Act, one option available to me, which is quite appealing, would be to review the Regulation of Information (Services Outside the State For Termination of Pregnancies) Act to amend the 2005 Act in order to prevent professionals who are not regulated by the State from providing crisis pregnancy counselling services. There are ways in which we can deal with this effectively and legally. The challenge we have all been trying to deal with is to work out a way in which we can bring about an end to a practice I certainly thought all of us wanted to end. Today is the first step on that road. We should try to pass the regulations as quickly as possible in order that we can move to setting up the necessary infrastructure.

Acting Chairman (Deputy Declan Breathnach): I understand Deputy O'Reilly will withdraw the amendment.

Deputy Louise O'Reilly: Yes.

Acting Chairman (Deputy Declan Breathnach): Is it agreed that the amendment be withdrawn?

Deputy Mattie McGrath: Not agreed.

Question put: "That the amendment be withdrawn."

An Leas-Cheann Comhairle: Will the Deputies claiming a division please rise?

Deputies Michael Collins, Danny Healy-Rae and Mattie McGrath rose.

An Leas-Cheann Comhairle: As fewer than ten Members have risen, I declare the question carried. The names of the Deputies dissenting will be recorded in the Journal of the Proceedings of the Dáil.

Amendment, by leave, withdrawn.

Acting Chairman (Deputy Declan Breathnach): Amendments Nos. 2 to 4, inclusive, are related and may be discussed together.

Deputy Simon Harris: I move amendment No. 2:

In page 4, to delete lines 18 and 19 and substitute the following:

“5. Section 31 of the Principal Act is amended—

(a) in subsection (1), by the substitution of the following paragraph for paragraph (fa) (inserted by section 6(b) of the Act of 2012):”.

Physiotherapists and physical therapists looking in will be glad to know that we are going to talk about physiotherapists and physical therapists now. As I mentioned in my opening remarks, these amendments, together with the other amendments to the Bill I am proposing, have been drafted by the Office of the Parliamentary Counsel. They address these three main issues that arose on Committee Stage. These three amendments propose to amend section 5 of the Bill to provide that the codes of professional conduct and ethics adopted by registration boards must specify that registrants act within the limits of their knowledge, skills, competence and experience. Regulation under the 2005 Act is primarily by way of registration and protection of professional titles.

The Act currently provides that each profession’s code of professional conduct and ethics must specify the standards of conduct, performance and ethics expected of registrants. While the Act does not define scope of professional practice, the codes adopted by registration boards also oblige registrants to act within the limit of their knowledge, skills, competence and experience. Any breach of the code is defined in the Act as professional misconduct and would be liable to investigation and sanctions up to and including cancellation of registration under the Act’s fitness to practise provisions. The amendments proposed would impose a statutory requirement on all registration bodies, including the Physiotherapists Registration Board, to include these restrictions in their codes. The amendment would in the interests of public protection underpin in primary legislation the current practice of registration boards.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 3:

In page 5, line 4, to delete “public;” and substitute the following:

“public;”,

and”.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 4:

In page 5, between lines 4 and 5, to insert the following:

“(b) by the substitution of the following subsection for subsection (2):

“(2) A code of professional conduct and ethics adopted by the registration board of a designated profession must specify—

(a) the standards of conduct, performance and ethics expected of registrants of that profession, and

(b) that registrants of that profession act within the limits of their knowledge,

skills, competence and experience.””.

Amendment agreed to.

Acting Chairman (Deputy Declan Breathnach): Amendments Nos. 5 to 9, inclusive, are related and may be discussed together.

Deputy Simon Harris: I move amendment No. 5:

In page 5, line 10, after “31(1)(fa)” to insert “in respect of persons who hold an approved qualification (within the meaning of section 38)”.

These amendments propose to amend section 6 of the Bill. They are drafting amendments to clarify and put beyond any doubt the provision in the Bill that 31 December 2019 is the closing date for applications for Institute of Physical Therapy and Applied Science students and recent graduates.

Deputy Billy Kelleher: In respect of Committee Stage amendments and the undertaking given to us by the Minister, is this a result of that discussion with the various representative bodies of physical therapists and physiotherapists?

Deputy Simon Harris: Yes. I reiterate that the amendments I am bringing forward arise from detailed engagement between my Department and the two professional bodies, which I very much thank for the way in which they engaged. I hope, and my understanding is, that these amendments are satisfactory to both organisations.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 6:

In page 5, line 21, to delete “(ca),”.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 7:

In page 5, line 22, to delete “and”.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 8:

In page 5, between lines 22 and 23, to insert the following:

“(c) where the Physiotherapists Registration Board has made a bye-law under section 31(1)(fa)(i) in respect of persons who were awarded a Bachelor of Science in Applied Health Science and a Diploma in Physical Therapy by the Institute of Physical Therapy and Applied Science Dublin after 1 January 2013 and a person to whom the byelaw applies satisfies that board that he or she has met the criteria and fulfilled the conditions specified in that bye-law, and”.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 9:

15 November 2017

In page 5, line 23, to delete “(c) was” and substitute “(d) was”.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 10:

In page 6, to delete lines 20 to 25 and substitute the following:

“(ii) successfully completes an assessment of professional competence set by the Board in accordance with any guidelines issued by the Council that attests to the standard of proficiency in the assessment, treatment and management of musculoskeletal disorders required for registration in the profession.”.

This amendment proposes a further amendment to section 6 of the Bill. It would amend the Bill’s provisions on the assessment of professional competence to be set by the Physiotherapists Registration Board in the assessment, treatment and management of musculoskeletal disorders. It would remove the reference to qualifications from the Institute of Physical Therapy and Applied Science from these provisions. The assessment of professional competence would be in accordance with any guidelines issued by the Health and Social Care Professionals Council. The amendment would also ensure consistency with section 91 of the Act which applies to all designated professions.

Amendment agreed to.

Bill, as amended, received for final consideration and passed.

Message from Seanad

Acting Chairman (Deputy Declan Breathnach): Seanad Éireann has passed the Civil Liability (Amendment) Bill 2017, without amendment.

Criminal Justice (Corruption Offences) Bill 2017: Order for Second Stage

Bill entitled an Act to amend the law regarding the prevention of corruption (including offences relating to corruption) and, in doing so, to give effect to the Convention drawn up on the basis of Article K.3(2)(c) of the Treaty on European Union on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union done at Brussels on 26 May 1997, the Organisation for Economic Co-operation and Development Convention on Combating Bribery of Foreign Public Officials in International Business Transactions adopted at Paris on 21 November 1997, the Council of Europe Criminal Law Convention on Corruption done at Strasbourg on 27 January 1999, the Additional Protocol to the Council of Europe Criminal Law Convention on Corruption done at Strasbourg on 15 May 2003 and the United Nations Convention Against Corruption done at New York on 31 October 2003; for that purpose, to repeal the Prevention of Corruption Acts 1889 to 2010 and to provide for consequential amendments to other enactments; and to provide for related matters.

Minister for Justice and Equality (Deputy Charles Flanagan): I move: “That Second Stage be taken now.”

Question put and agreed to.

Criminal Justice (Corruption Offences) Bill 2017: Second Stage

Minister for Justice and Equality (Deputy Charles Flanagan): I move: “That the Bill be now read a Second Time.”

I am delighted to introduce the Criminal Justice (Corruption Offences) Bill 2017 to the House. The Bill is significant legislation which consolidates seven anti-corruption Acts from as far back as 1889 and running right up to 2010. It introduces a range of new offences which modernise our anti-corruption code. The Bill is a central piece of the Government’s recently announced suite of anti-corruption measures which specifically target so-called white-collar crime. The range of measures was developed to respond more effectively to economic and regulatory crime, which has the capacity to seriously damage Ireland’s economy and our reputation on the world stage as being a safe place to do business.

This is priority legislation for the Government aimed at combating corruption at all levels of society. The Bill will strengthen and clarify the key corruption offences and will create new offences. Most importantly, it will provide for more severe penalties for those who engage in corrupt behaviour. The Bill encompasses corruption both within the public and private sector, but with a particular focus on public officials acting in the course of their duties, reflecting the high level of trust that is placed in them. It is imperative that the penalties provided for in the Bill adequately reflect the negative consequences that corruption can have on society, as well as the increasing concern and focus on white-collar crime. The penalties for conviction on indictment for the main corruption offences are up to ten years’ imprisonment and-or an unlimited fine. There are additional penalties that a court can impose on certain public officials who breach the public’s trust by means of corruption. The courts have been given powers under the Bill to remove certain officials from office and to exclude them from holding office for up to ten years subject to the safeguards set out in the Bill. This can be in addition to any other penalties under the Bill. With regard to suspected bribes, while they can already be seized and forfeited under the existing legislation, the Bill strengthens these provisions by allowing the courts to order the forfeiture of assets equal to the value of any bribe given or received.

Reflecting the recommendations of the Mahon tribunal, new offences are being introduced. For instance, the Bill provides for a new offence covering public officials who use confidential information obtained in the course of their duties to corruptly obtain an advantage. There is another new provision which criminalises making payments knowingly or recklessly to a third party who intends, in turn, to use them as bribes. It is intended also to enhance the ability of the Director of Public Prosecutions to bring prosecutions by providing for extended presumptions of corruption. For instance, a presumption of corruption may arise where a person with an interest in the functions being discharged by a public official makes a payment to that official. This could be where an applicant for planning permission makes a payment to a planning official. The Bill also provides clarity in respect of the liability of companies for the corrupt acts of their officers and employees. I will go through these provisions in more detail as I set out the content of the Bill.

The Bill also reflects our international commitments, providing for the main requirements of a number of international anti-corruption agreements to which Ireland is a party. They include the Council of Europe Criminal Law Convention on Corruption, the EU anti-corruption

convention, the UN Convention Against Corruption, and the OECD Convention on Combating Bribery of Foreign Public Officials. Our membership of these key international anti-corruption groups affords us a further opportunity to review the various anti-corruption measures we have already in place and to improve our laws in light of our experience and participation in these important international fora.

Turning now to the detail of the Bill, I will outline its key provisions. Section 2 defines the key terms used in the Bill. For example “Irish official”, “foreign official” and “Irish public body”. These categories need separate definition as some provisions apply specifically to those within the public sector, such as in Part 4 which contains the presumptions relating to corruption. The term “corruptly” is defined, addressing a recommendation from the OECD in an earlier evaluation in this regard, and the text replicates the definition contained in the Prevention of Corruption (Amendment) Act 2010.

Section 5 defines the offences of active and passive corruption, meaning persons who corruptly offer an advantage, which is active corruption, and those who corruptly accept a bribe, which is passive corruption. Both may be prosecuted under this section. These offences no longer contain reference to corruption of or by “an agent”. While this term was used in the description of the original offence under the Prevention of Corruption Act 1906, the modern definition of “agent” was expanded to cover a very broad spectrum of people, so the “agency” principle is no longer applicable. As was previously the case, the offences encompass corruption within both the public and private sectors, and the reference to office, employment, position or business is intended to cover all public and private sector occupations, including voluntary bodies and sporting and charitable organisations. Deleting the term “agent” was recommended by the OECD in the course of its evaluation of Ireland’s implementation of the OECD anti-bribery convention.

Section 6 gives effect to a recommendation from the Council of Europe and provides for a discrete offence of “trading in influence”, prohibiting the promise of an undue advantage to someone who asserts that he or she can exert an improper influence over a public official’s decision-making. As the corruption offence, this section covers active and passive trading in influence. Subsection (3) makes clear it is immaterial whether the alleged ability to exert the improper influence existed or whether the supposed influence led to the intended result. The provision on trading in influence is also contained in the United Nations Convention Against Corruption.

Section 7 criminalises any act of an Irish official carried out in the course of his or her official position, with the intent of corruptly obtaining an advantage for anyone. It differs from the main corruption offence in that it is not required that another party is involved. A new provision at subsection (2) makes it an offence to use confidential information obtained through one’s office for this purpose. This new provision reflects a recommendation of the Mahon tribunal.

Also giving effect to a recommendation of that tribunal, section 8 contains a new offence of giving a gift to another person, where the donor knows or ought reasonably to know that the payment might be used to facilitate the commission of an offence under the Act.

Section 9 extends the existing offence of knowingly using a false document, to include the creation of such a document with intent to induce another person to carry out an act relating to his or her office or business, etc., and contains an updated modern definition of “document” at subsection (3) covering a broad range of electronic records.

Section 10 provides for a new offence of corruptly threatening harm to a person, intending to influence someone to carry out an act in relation to his or her office, employment or business. This provision is a worthwhile innovation, reflecting the fact that a threat can be used in place of offering a bribe when seeking to influence the actions of another in a corrupt manner.

Part 3 contains provisions on the jurisdiction of the State in circumstances where elements of the corruption offence take place outside the State or only partly in the State. Section 11 clarifies that a person may be tried in the State if any element of the offence occurs here, for instance where an offer of a bribe is made abroad but received in Ireland, reflecting a similar provision contained in the Prevention of Corruption (Amendment) Act 2001.

Section 12 provides for extensive extra-territorial jurisdiction in respect of corruption occurring outside the State, for instance where the relevant act takes place aboard an Irish ship or aircraft, or where the person concerned is an Irish citizen or official, or an Irish registered company or body corporate as set out therein. Subsections (3) to (5) are additional provisions inserted to give full effect to Article 7 of the EU convention on fighting corruption and to address certain jurisdictional requirements in this regard.

One of the key elements of this legislation lies in Part 4, which sets out the presumptions which are applicable where proceedings for corruption offences under the Act are under way. They adjust the burden of proof by requiring an accused person to demonstrate that they did not act in a particular way or carry out a particular action as opposed to the usual requirements for the prosecution to prove that a particular act had been carried out. These presumptions can be rebutted by evidence proving the contrary. The standard of proof is the civil one of the balance of probabilities. These provisions are there to assist prosecutors in securing a conviction in white-collar trials, which are often complex and difficult to prove beyond a reasonable doubt.

Section 14 contains a rebuttable presumption that where a payment or gift is made to an official or a connected person, and the donor has an interest in the way those functions are exercised, then the payment or gift is deemed to have been given corruptly as an inducement or reward for the person acting or refraining from acting in accordance with his or her duties unless the contrary is proved.

Section 14(3) lists the functions or decisions of officials applicable in this case, which include the acquisition or sale of property, award of tenders and contracts, licences and passports, as well as the exercise of judicial functions and the administration of justice. Irish officials' functions relating to the Planning and Development Acts 2000 to 2010 are included as well as functions relating to NAMA and the Central Bank. Reflecting the recommendations of the Mahon tribunal, the presumption extends to gifts or advantages given to or received by or for the benefit of a "connected person" of the official as defined at section 14(5). This includes family and close business relationships.

Section 15 provides for a presumption whereby if a person to whom the section applies fails to disclose a donation exceeding the relevant amount specified in the Electoral Act 1997 or the Local Elections (Disclosure of Donations and Expenditure) Act 1999, and the donor had or has an interest in the recipient's actions, the donation is deemed to have been given and received corruptly as an inducement. This presumption is based on that contained in section 3 of the Prevention of Corruption (Amendment) Act 2001. This presumption, as recommended in the report of the Mahon tribunal, will also apply where a recipient fails to return a donation exceeding the limits set out in the electoral legislation.

Section 16 relates to Irish officials defined as “members” or “officeholders” providing for a presumption of corruption where persons who are required to declare certain statements of interests pursuant to the Ethics in Public Office Acts 1995 and 2001 failed to make the necessary declarations. When corruption proceedings are taken against such a person, the section provides for a rebuttable presumption of corrupt enrichment in respect of the undeclared interests, namely, that the property concerned derives from a gift or advantage received, on account of the person carrying out an act relating to his or her office or business.

Part 5 contains some new components dealing with penalties and enforcement. The objective is to provide for stronger penalties for the offences, including forfeiture of office and to clarify the criminal liability of corporate bodies for corrupt acts committed by their directors or officers.

Section 17 outlines the penalties applicable to persons convicted of a corrupt offence under the Bill. The offence of trading in influence carries a maximum of five years’ imprisonment for conviction on indictment and an unlimited fine. Conviction on indictment for offences under section 5, 7, 8, 9 or 10 carries a maximum penalty of ten years’ imprisonment and an unlimited fine. The sanctions in this section also include forfeiture of office under section 17(4) in respect of certain Irish officials, other than those officials whose removal from office would require a parliamentary impeachment procedure or where there are particular constitutional provisions protecting their independence. It is important to note that the application of these penalties can only occur after a determination by a court, where a judge considers that is in the interest of maintaining or restoring public confidence in the public administration of the State and where it is in the interests of justice to proceed with forfeiture. A court may also order that a relevant official found guilty on indictment may be prohibited from seeking certain public offices for up to ten years.

Section 18 provides that where a relevant offence has been committed by a person, such as a company director or any other employee, with the intention of obtaining an advantage for his or her company, the company as well as the individual may be liable for the offence. Section 18(2) provides for a defence that the body corporate took all reasonable steps and exercised due diligence to avoid the commission of the offence. Under section 18(3), where it is proved that an offence by a body corporate was committed with the consent or connivance or was attributable to any wilful neglect of a director, manager or secretary of that body, then that person as well as the body corporate is deemed guilty of the offence.

Section 19 is a standard provision, providing that a certificate of a person’s citizenship from the Department of Foreign Affairs and Trade shall be evidence that this is the case. This would be relevant as regards corruption offences occurring outside the State.

Section 20 relates to the seizure of a suspected bribe, and section 21 enables a Circuit Court judge to order the forfeiture of seized property.

Part 6 covers miscellaneous matters, including providing for consequential amendments to other legislation as a result of the amendments in the Bill. Sections 23 to 26 update the references in other legislation as appropriate to corrupt conduct, corruption offences, offences against the administration of justice and relevant offences. Sections 27 to 31 will amend legislation relating to the election or removal of Deputies, Senators, MEPs and local authority members. This is to provide clarity on the procedure involved should a court order the forfeiture of an elected office.

The Bill before the House today marks a significant addition to our laws against white-collar crime and corruption. By repealing laws that date back as far as 1889 and by replacing them with a single modern statute, we are ensuring that anti-corruption law is more accessible to the public. As regards public officials, the Bill complements recent legislation such as the Regulation of Lobbying Act 2015 and also the Public Sector Standards Bill which is before the Houses at present. These measures will increase transparency in how public officials conduct themselves in office, while ensuring those officials who transgress the high standards required by their office are adequately dealt with.

By its nature, corruption often involves an international dimension. The reputation of a state and its business community can be affected by the rigour with which it tackles corruption. It is a clear demonstration of our engagement with international efforts at the UN, the OECD, the EU and the Council of Europe to tackle the problem. By expanding our range of offences, presumptions and extraterritorial jurisdiction in the area of corruption, it ensures that our international obligations to tackle bribery and corruption both domestically and abroad are being properly and actively addressed.

Finally, as elected officials and public servants, I believe that Members of this House understand that it is only by holding ourselves up to the highest standards, that we can tackle corruption and white-collar crime effectively and maintain or improve the trust, respect and support of the Irish public. I look forward to the debate on this measure and commend the Bill to the House.

Acting Chairman (Deputy Declan Breathnach): I call Deputy Jack Chambers. Is he sharing time?

Deputy Jack Chambers: I am. The other speakers will be here shortly.

Fianna Fáil supports the Criminal Justice (Corruption Offences) Bill 2017. It is important that the House moves collectively to strengthen anti-white-collar crime through the measures contained in the Bill. The current legislation governing corruption is too unwieldy and because of recent court cases it is prudent to strengthen the current legislation. Following the Aylmer judgment the Irish people were shocked by the poor handling of the procedural process which resulted in somebody being let off despite the weight of evidence. It is important that we move as many of the academics have proposed in recent years and try to unify the fragmented system we have relating to white-collar crime, whereby the State can take on people who are acting in the shadows of strength that they see in the corporate world.

When we consider the different State agencies we have, for example the Competition and Consumer Protection Commission, the Environmental Protection Agency, the Health and Safety Authority and the Office of the Director of Corporate Enforcement, we need a cross-departmental approach in addition to the many positive measures in the Bill. We need to strengthen the powers to combat white-collar crime through co-ordination across Government so that the State can take on people who have acted inappropriately and in a corrupt manner. That deserves further attention.

8 o'clock

It is important also to resource the implementation of this legislation. As we saw in recent court cases many of the procedural errors that were found were due to staff vacancies over lengthy periods in the Office of the Director of Corporate Enforcement. There were too many

gaps unfortunately left unaddressed by the previous Government in terms of those vacancies. There is no point in talking about white-collar crime if we do not have the staff employed and resourced to address the issues and also to follow the process and procedure to see a criminal conviction brought through the courts. It is not good enough that basic errors are made whereby people's constitutional rights may be impacted which gives them an exit strategy to the detriment of people's confidence in public administration and in government. It is important that we have well resourced agencies that ensure the delivery of proper implementation of white-collar measures.

This Bill is based on a general scheme that was published in 2012 and approved by the Joint Committee on Justice and Equality in 2013. I commend the Minister, as the new Minister for Justice and Equality, on reintroducing the Bill and I hope to see it progress through this House. However, his predecessor clearly sidelined it as a priority measure and was not overly interested, in the context of her work agenda, in seeing white-collar measures tackled and progressed through this House. The recent court case and the Minister's recent announcement have seen at least an added focus to this area.

The outcome of the 127-day long case against Seán FitzPatrick was a damning indictment of the State's capacity to investigate and prosecute white-collar crime. The inadequacy of the State to combat white-collar crime was laid bare in the criticisms by Judge Aylmer. The handling of this case, unfortunately, shattered public confidence in the prosecution of white-collar crime. As a Parliament and an Oireachtas, it is fundamental that we add to many of the positive measures that are threaded throughout this Bill. We can learn from the fragmented approach we have across the agencies of the State. Agencies of State have been created and codified from the 1980s onwards, which in many ways was a post-Whitehall model of public administration, with the agentification of Departments. The problem with that has been that when policy and responsibility are decentralised and in times of recession when there are vacancies and difficulties in resourcing matters of significant procedural importance, gaps occur, which is what we saw happen in the Office of the Director of Corporate Enforcement. That is what shattered public confidence in the prosecution of white-collar crime in this country. We know that this was only the tip of the iceberg. There are many other instances of corruption which are not seeing the light of day or the courts because of the lack of legislation in this area.

The Minister mentioned that this is a consolidation of legislation from 1889 to 2010. The Irish State and successive parties in government, including my own party, over many years should have taken more measures. We need to strengthen measures to tackle white-collar crime. A Sinn Féin Bill, the Multi-Party Action Bill, was introduced yesterday to address the need to counterbalance the disproportionate power between banks and individuals in order that individuals in very vulnerable scenarios could take on the financial institutions which have more solicitors than many of the biggest law firms. Similarly, this Bill is about empowering and restoring public confidence in our capacity to take on those who have breached the law and committed a criminal offence. In many cases people who have committed minor crimes are put away for significantly long periods while those who have committed major crimes, the costs of which run to billions of euro, are left untouched because of procedural anomalies. That is not good enough in the context of the administration of justice. We as a party will work with the Minister and every other party and Independent group to strengthen measures and toughen the position around white-collar crime. It is important that this legislation is progressed but also that additional measures are introduced.

As the Minister mentioned, the purpose of the Bill is to modernise Irish anti-corruption

laws and it represents good legislative housekeeping as it repeals and replaces the Prevention of Corruption Acts, consolidating existing legislation that dates back many years. It goes further and introduces new and stronger penalties, as the Minister detailed. The Bill also gives effect to some of the recommendations of the Mahon tribunal, which is welcome, and we need to see further legislative proposals in this area and those recommendations fully implemented and codified, whenever possible.

Section 5 provides for offences of bribe giving and bribe taking within both the public and private sector, including those in voluntary bodies such as sporting or charitable organisations. Section 6 incorporates the active and passive trading in influence. These are measures that up to now have been left in a legal vacuum, which have been an anomaly, without receiving full attention. We know from previous judgments that it was impossible to prosecute to the benefit of upholding the law and protecting against white-collar crime. I am reminded of the Begley case involving the evasion of import taxes on garlic where the individual was put away by a High Court judge. Many individuals, because of their own vulnerability, have been left behind bars for many months and years because of the willingness of the courts and the Director of Public Prosecutions to put away people for relatively minor offences. However, in the case of people who have cost the State billions of euro, the weakness in measures to tackle white-collar crime has resulted in a lack of public confidence in this area. We fully support the addressing of that situation.

We need to go beyond this measure, which is a welcome one. I will fully support the Bill at the justice committee and we will amend it to improve it. It is important for the Minister to move beyond this Bill and create a unified strategy to move away from the current mismatched approach across State agencies and that the corporate elements of Irish life can see an approach that goes across every Department and every level of government.

Currently we have a poor record on white-collar crime relative to other European jurisdictions. The Minister mentioned some of the recommendations and requirements from the Council of Europe Criminal Law Convention on Corruption, the EU anti-corruption convention, the UN Convention Against Corruption and the OECD Convention on Combating Bribery of Foreign Public Officials. There are plenty of recommendations and requirements that we have in that context. Some of my colleagues, for example, Deputy Niall Collins, felt that many of the measures the Minister announced in the past two weeks were very much a regurgitation of previous white-collar measures. It is important the Minister moves away from the regurgitation around the press and progresses legislation beyond what he is doing here today, which I believe will receive the full support of this House.

My colleague, Deputy Mattie McGrath, wants to speak and my colleagues, Deputy James Browne and Jim O'Callaghan, will take some of the Rural Independent Group's time.

Acting Chairman (Deputy Declan Breathnach): Is that agreed? Agreed.

Deputy Mattie McGrath: Go raibh maith agat. Deputy O'Callaghan is on his way and he is more qualified than most of us to talk on this matter. I am agreeable to doing this and I thank the House for agreeing.

The Long Title of the Bill reads that this is a, "Bill entitled an Act to amend the law regarding the prevention of corruption (including offences relating to corruption) and, in doing so, to give effect to the Convention drawn up on the basis of ... the Treaty on European Union on the

fight against corruption involving officials of the European Communities or officials of Member States of the European Union". I am happy to speak on this Bill. I have been a Member of this House for ten years now, thankfully. I note, however, we have been talking a good deal about this issue since 2012 when a regulatory impact analysis was done on the Criminal Justice (Corruption) Bill 2012. Indeed the existing law on corruption goes back as far the Prevention of Corruption Acts 1889, to which the Minister referred. That is some while ago. Some things never change. I do not know whether to laugh or cry, however, when I read in the 2012 regulatory analysis that the purpose of that 2012 Bill almost six years ago was "to reflect the commitment in the programme for Government to enact a new consolidated and reformed anti-corruption law, to punish white-collar crime and end the impunity from consequences for corporate behaviour that threatens the economy." What happened in the six years? Our country was on its knees after what happened with banking and lack of regulation and it continues so. We have seen one or two court cases and everyone is innocent until proven guilty, everyone is entitled to their day in court, but the cases have been sabotaged, quite literally. They have collapsed because of shredding and abuses. We are just saying platitudes here and nice things and trying to flatter the public. The public is not going to be flattered, though.

Recent events have made it absolutely clear that this so-called commitment to tackle white-collar crime was an absolute farce. Has anything changed? I jest and I question. The actions of the banking sector and the actions of receivers and registrars up and down the country would indicate that we have not really made any meaningful strides. I am tired of saying this here. Thousands of families are sitting in their homes tonight, that is, if they can sit down with the angst and trauma of being threatened with evictions by the actions of the banks. They are going to court, many of them as lay litigants and they are getting little or no quarter. Some registrars are very good but other courts are not. I question the issue as to why registrars are hearing these cases in the first place. I thought it would have to be a qualified justice but I suppose it does not. It is the county registrar in my county and many others. These people are been treated astoundingly badly and are literally not getting a fair crack of the whip.

I have been in the High Court and have seen where an eminent justice did not declare that they had involvement with certain banks and institutions and had to be forced off the Bench. I could not say that without it being true, although the Minister shakes his head. It has happened down in the Four Courts. They had to be forced off the Bench and embarrassed and hunted, literally. We deal with all the issues they were talking about, the different Acts. I made note of all the different aspects of the Bill that the Minister read out. Justice delayed is justice denied and people are not getting justice down in the courts. I have been in the Four Courts with terrorised victims and they could not hear what was going on in the court even, and the judge refused to speak up even having been asked several times. The barristers at the front were talking among themselves and the lay litigant who was not allowed represent herself had been escorted there from prison. The woman should not have been in jail and has never been in trouble in her life. She was unable to stand or talk and was told she could not get advice from a lay litigant individual who voluntarily came to assist her. That is happening. There is no point in the Minister shaking his head. I know it is happening. Countless couples are ignored.

We talked earlier about a housing crisis. Cúpla nóiméad ó shin, bhí an tAire ag croitheadh a cheann. The Minister was indicating that it was not happening. It is happening. The Minister should check the records. I know it.

Deputy Charles Flanagan: I never opened my mouth.

Deputy Mattie McGrath: No, the Minister was just indicating. That is fine. It is happening. I know it is happening. Bhí mé i láthair cúpla uair agus chonaic mé é sin ag tarlú. The amount of pressure, stress, sickness, marriage breakups and everything else, including the effect on children, that trauma is just unbelievable. Then we have the receivers who are getting court orders granted. They are gung ho making a fortune. A third force, I call them. I have been at many evictions and seizures of goods. The bullying and intimidation and people in balaclavas and boiler suits with Alsatian dogs on leads is something one would not have seen in Mugabe's country when it was at its peak.

Deputy Jim O'Callaghan: Mugabe is gone now.

Deputy Mattie McGrath: Are we going to have to have something like that, to take that drastic a measure? I hope not, in our lovely democracy. I am glad that my learned friend has arrived and that he can give me an odd tip here and there. The actions of the banking sector and of receivers up and down the country would indicate that we have really made no meaningful progress.

Questions must be asked, then, as to whether we can take anything in this Bill seriously. I notice the word "probability" in the Bill. That is not good enough language for me. It has to be definite language, not probable. It has to be language such as "will" and "shall", not "may". Will we be here in another six years with the criminal justice Bill 2023, still discussing what we are going to do about corruption and white-collar crime? We have seen what happened with the Paradise Papers and the banking inquiry. We have seen what happened in America, where countless bankers are locked up behind bars having gone through due process. I am greatly in favour of due process. There is nobody behind bars here and trials have been sabotaged. All is not well in the courts and judicial system. It is anything but well. I have had information given to me in the last number of days that is very concerning. I did not go into it last night and will not tonight because I am checking out the facts. It is very worrying and involves a long period of cases not being properly investigated, cases being buried and justice not being served or seen to be served and people escaping.

On dealing with white-collar crime, we did it about 15 years ago. I was on the county council at the time. We all got an email saying we were not to give a box of sweets to the office staff, which I often did because they were always being good to me and they were helpful when we would go in asking this, that and the other. That was all stopped. We were to be totally transparent but the foreign holidays and all the big stuff went on all the time. All law is for the little people. God, I could not buy a person a drink if I met him out because it was considered to be bribery. Yet the foreign holidays and the gravy train, the golf dinners and tours and everything else went on unabated. There is mention in this Bill of all those things being stopped but there are too many words like "probable" being suggested. It must be definite and certain and the law must be applied fairly to the big people as well as the ordinary people. Na daoine beaga always get all the law and there is no law for the rich.

It is happening. The dogs in the street know it now to their cost and, as I said, the cost to the State. We are talking about a housing crisis here and we are arguing about how many houses were built. They were not built in my county or any other county. There is an amount of people being made homeless by the State, by the banks through the organs of the State, the courts, and through the thuggery of receivers and bully boys and intimidation. There is the black market money they are getting for that and the costs that are loaded onto the loans then, and the vulture funds - do not even mention them. We must salute them. I had an amendment to the Finance

Bill tabled with Deputy Fitzmaurice that was ruled out of order. Where we had a family in a house that owed so much and the bank was willing to settle for so much, the bank would not settle with the family, a business or a farmer. It sold the debt to the vulture funds for 20% or maybe up to 30% with a stretch, or sometimes 17%, and then all hell broke loose. We gave it to those vulture funds.

The Taoiseach says he is not happy and does not like it. I do not see him standing outside the banks with his hashtag, #leofairnessandjusticefortheordinaryfamilies. He would do it for the social welfare lads all right and take pictures and everything else. The genie is out of the bottle. We need to do something. We need stronger language in this Bill.

Deputy Donnchadh Ó Laoghaire: Ba mhaith liom mo chuid ama a roinnt leis an Teachta Cullinane agus an Teachta Buckley. Cuirim fáilte roimh an mBille seo. Beidh Sinn Féin ag tacú leis. Tá sé i gceist againn leasuithe a mholadh ar Chéim an Choiste ós rud é gur dóigh linn gur féidir an reachtaíocht a láidriú. Tá go leor foráil a d'fhéadfaí a dhéanamh nach bhfuil sa Bhille faoi láthair. Ba chóir go mbeidís ann ionas go mbeidh an reachtaíocht seo mar uirlis níos fearr agus muid ag dul i ngleic le caimiléireacht agus iompar mar sin.

We will be supporting this legislation. It brings current laws on corruption up to date and consolidates them. It also implements a number of international and EU obligations upon the State. There are absences from the legislation, items that we have flagged over a number of years. We will return to them on Committee Stage and I will identify some of them during my contribution. The Bill aims to clarify and strengthen corruption offences in this jurisdiction and those from outside it but acting within it. It provides greater clarity on trading in influence offences, which is overdue. I raised this under questions on promised legislation six or seven weeks ago, so I welcome the fact that the Minister has brought it before the House relatively speedily.

Whether in public life or in business or commerce, corruption has been part of the history of our State. We have had tribunals of inquiry investigating various issues, including planning corruption, zoning controversies, bribery, corporate fraud, significant Government contracts awarded in a process subsequently found to be biased and defective, unexplained payments, and a banking crisis in which nobody paid the price for their actions. Against that background, we have also had people who played a brave role in taking a stand against corruption, in highlighting it and in whistleblowing.

The State's attitude towards corporate fraud and corruption, however, has been casual and slack. Although not exclusively confined to white-collar crime, to date it appears the Government has been most passive in this area. The Bill recognises little has been done in this area since Fine Gael took office. I hope it will address such cultural issues, particularly in institutions and sectors where questionable practices almost appear to be the norm.

My opinion was reflected in a study, conducted by EY in June 2017, where 47% of Irish employees interviewed believed bribery and corrupt practices were widespread, while 22% stated they would be prepared to act unethically to improve their career progression or remuneration package. These figures are notably higher than the western European average, where 33% of those who took part saw bribery and corruption as widespread. A significant proportion of Irish employees suggested their concerns relating to fraud or corruption led them to consider resigning. However, 56% of respondents who considered leaving a company ultimately stayed. That figure was 19% higher than the average across all the regions surveyed. Future career progres-

sion was cited as the main reason for not reporting fraudulent practices while fear for personal safety followed.

This is a culture which must change. It goes right to the top of many institutions, be they public or private, throughout the State. To state otherwise would be to be blind to the past. The Office of the Director of Corporate Enforcement, ODCE, is in need of a serious overhaul. It has brought no prosecutions and achieved no convictions in this State over the past two years. Only 43 prosecutions have been brought by the ODCE in the past decade, a shockingly low amount over this time, especially given the context of what happened since 2007. It has also recently come to light that the most senior Garda position in the ODCE has been vacant since September 2016. Why is this the case? It would be welcome if the Minister could shed light on this.

In addition, the annual reports of the ODCE show that almost €6 million in its allocated funding has been returned to the State over the past three years alone, including €2.7 million in 2016. In the same year, no prosecutions or convictions were achieved by the agency. That simply is not good enough. There is clearly a requirement for an overhaul of the agency as well as more investment in it. I do not have to tell the Minister that the one matter which most frustrated the population over the course of the recession was that while people suffered, some grievously, it appeared no one would be brought to justice for the banking crisis. We did not see the level of court cases that were brought in the US or in other jurisdictions, where corrupt, immoral and reckless to the point of wrongdoing practices took place. We did not see the people who many felt were responsible brought to justice. This may have been due to deficiencies in legislation. It was also because of the under-resourcing of and lack of support for the ODCE.

The issue of the fraud and theft in tracker mortgages was in many ways related to serious wrongdoing on the part of the banks, right up to criminal behaviour. The ODCE was charged with ensuring compliance with company law and bringing to account those who breached it. These statistics paint a worrying picture of the effectiveness of this agency and of the policing of white-collar crime. I welcome the overhaul of this office announced two weeks ago, as it was long overdue. The Bill should support and complement such an overhaul. However, it will require amendments and additional legislation.

I note the overall package of actions on white-collar crime, launched to much fanfare. While elements of it are welcome, there are absences too. There is no dealing with the issue of reckless lending. There is little about individual accountability, beyond what the EU already recommended, and the consolidation of mostly already existing offences. Even issues raised by the Central Bank, like the need for a new offence of giving misleading information to the Central Bank, was not addressed, which is disappointing. It could and should have happened. My colleague Deputy Pearse Doherty noted:

It will not bring about the cultural and legal changes the State needs. Today's plan simply would not have prevented the banking crash or even seen any more of its perpetrators held accountable in a court.

That is the standard by which we should measure actions on white-collar crime. The legislation on multi-party or class actions debated last night would be relevant in holding such bodies or individuals to account.

Many of the sections relate to consolidation of existing legislation, which is positive in dealing with piecemeal provisions, and enacting EU directives. I welcome this, although there

are some absences. New provisions, such as sections 7 and 8, recommended by the Mahon tribunal, relate to an act carried out by officials for the purposes of obtaining a gift corruptly or the giving of gifts.

Section 17(4)(c) provides for the prohibition of a person from seeking public office for a period of up to ten years following conviction on indictment for certain corruption offences. This prohibition will not apply to a person seeking to be elected to the Dáil, Seanad, European Parliament or a local authority. That covers nearly all public offices.

Deputy David Cullinane: Except the President.

Deputy Donnchadh Ó Laoghaire: Will the Minister explain the rationale behind this section? Is it a constitutional or a policy decision? If somebody found guilty of the serious offence of corruption is disbarred from some public offices, why are they not disbarred from those prominent public offices which make key legislation in the State and govern our local authorities? I look forward to the Minister's clarification on this.

We will be supporting the legislation but bringing forward substantial amendments on Committee Stage because we believe it is in need of considerable strengthening.

Deputy David Cullinane: When one considers the level and depth of white-collar crime in the State over decades, as well as the inaction of this and many other Governments over the years, along with a level of tolerance and ambivalence towards white-collar crime, even if I attempted to commend the Minister on bringing forward the Bill, he would be quite rightly embarrassed and red-faced. I will not embarrass him because the Government's track record in dealing with white-collar crime is quite frankly appalling. The State and previous Governments have been, at best, ambivalent towards and, at worst, have tolerated white-collar crime for too long. The Bill allows for dealing with active and passive corruption. It prohibits active and passive trading of influence, a new offence which prohibits the active and passive bribery of a person who may be in a position to exert an improper influence over the act of a public official. It deals with corruption relating to office, employment, position or business employment, bribery to facilitate an offence, creating or using a false document, intimidation and corporate liability.

The corporate liability aspect of the Bill needs to be strengthened. It states that a company may be criminally liable if a director, manager, secretary, employee, agent or subsidiary commits an offence under the Bill with the intention of obtaining or retaining business for the body corporate or an advantage for it in the conduct of business. However, the Bill says it shall be a defence for a body corporate to prove it took all reasonable steps and exercised all due diligence to avoid the commission of the offence. When an offence is committed by a body corporate and it is proved the offence was committed with the consent, connivance or wilful neglect of senior officers, that person as well as the body corporate shall be guilty of an offence. That could be a way for companies to avoid responsibility for their actions and is an area of the Bill my party will seek to amend. The defence of reasonable action needs to be clearly and unambiguously explained. Members know from the Paradise Papers and the scandal involving AIB and other banks that financial institutions will use any chink in the legislative armour to squeeze more money out of the taxpayer and their customers.

Corruption comes in many different forms and ways. There has been institutionalised white-collar crime and corruption in the State that was facilitated and allowed by the passage of

legislation. AIB made a pre-tax profit of €814 million in the first six months of this year. The tax on those profits is badly needed to deal with the crisis in our crumbling public services. AIB is enjoying the so-called “golden arrangement” as a result of a legislative change introduced in 2013 by the then Fine Gael-Labour Government. After all the austerity, brutal cuts and hardship that Fine Gael visited on ordinary people, those responsible in the banks are back in profit and are being told they are free from their obligations to the State. Happy days for the banks. However, these are not happy days for the 8,000 people in emergency accommodation or the 494 people lying on hospital trolleys today. The cosy tax-free deal for the banks amounts to a bailout and is being paid for by the suffering of citizens. The Taoiseach is happy to forgo millions of euro that would address the crisis in housing. Like in the Apple tax debacle, which is another example of institutionalised white-collar crime, the Taoiseach’s message is for the banks to keep people’s money because the Government can tolerate citizens living in doorways and the sick going without treatment. The Taoiseach’s talk of a republic of opportunity has again been exposed as a sham. He really means a republic of opportunism where his Government dances to the tunes of opportunistic bankers and elites in the State who have involved themselves in white-collar crime for decades.

The Government’s track record on dealing with, challenging and holding people to account for white-collar crime is appalling. As weak as the Bill is, such changes in legislation are a tiny step forward. However, the reality is that very few who engage in white-collar crime in the State do any jail time. They are protected by the Government, the institutions of the State and legislation that Members very often supported. White-collar crime has consequences and is not victimless. We need to change the law in order to have much tougher sanctions so that those who engage in it know there are sufficient sanctions in place and they will pay a price. However, they will not get that from a Fine Gael Government.

Deputy Pat Buckley: The issue of corruption is of paramount importance to those of us involved in transformative politics, which seeks to empower and encourage people to take control of their State and mould a better and more equal society. If there is no public belief that some in politics truly wish to achieve change, we are left with an impossible task. All Members have heard on doorsteps, radio call-in shows and at public meetings that those involved in politics are all the same. While many in politics may not directly engage in corrupt activities, the complicity, silence and facilitation engaged in by many creates an environment that bizarrely reinforces the ability for such corruption to continue because people grow weary of any hope that things could be different. The system is clearly rigged but the conclusion should never be to leave it as it is. We can build a better system but that will not be done by those who protect or give support to people or organisations that seek to subvert the will of the people and the public good.

Since the foundation of the State, corruption scandals have been common but justice has rarely been done in such cases. Such scandals date back to the awarding of mining contracts under Seán Lemass and allegations of insider trading in the run up to the establishment of CIÉ. In the late 1940s, the Minister’s father led calls for an inquiry into favouritism in the sale of a distillery but it ended up hurting the late Deputy Flanagan rather than those accused of corruption. Later scandals involved planning permission, rezoning, and other property schemes that made a few people very rich and did a massive disservice to the public good. I would not be surprised if the legislation being debated today were used in the future to challenge corruption relating to our current housing crisis and the sell-off of public lands.

When my party stood up to corruption in the North in regard to the renewable heat incentive, RHI, it was used as a stick with which to beat us.

Deputy David Cullinane: Hear hear.

Deputy Pat Buckley: As I mentioned, it seems that standing up to corruption can be bad for one's health, which is ironic. Ireland's whistleblowers can also attest to that.

The Bill provides the legal foundation to address corruption but the political and structural will to punish corruption will matter most. That does not currently exist. The main part of the Bill addresses some very important issues highlighted by the Mahon tribunal. The use of influence, bribes, falsifying records or information, threats and intimidation are all dealt with in the Bill and I commend that. Sinn Féin will support the Bill and continue to work to challenge corruption and fight to create a new political reality where people are not just named but properly punished.

Corruption is still here today. There have been rumours that 40 tickets for the Republic of Ireland football match against Denmark were left in the House last night. There should be clarity in the House that the Bill is to stop all such corruption.

An Leas-Cheann Comhairle: I was not at the match but if I had a ticket I would have gone.

Deputy Pat Buckley: There were tickets here.

An Leas-Cheann Comhairle: I thank the Deputy. I do not know what he means.

Deputy Paul Murphy: Some 86% of Irish people think corruption is a major problem in the country, while 70% think the Government is not doing enough to combat it. Some 30% of Irish companies believe they have lost out on a public contract due to corruption, which is shocking. One estimate put the annual cost of corruption at the outrageously high figure of €2.5 billion. Corruption is endemic in the capitalist system in which money and politics intertwine multiple times daily and developers, big business, landlords can legally fund political parties and seek to influence their policies. It is a system under which IBEC had almost 700 perfectly legal meetings in the Oireachtas last year with politicians or political parties, seeking to influence them in favour of the interests of the 1% in the State. The dominant ideology of the system is that profit should be the goal of economic activity and money will inevitably trickle down to benefit ordinary people. Competition between firms to maximise profit is the dominant motive for the actions of corporations and individuals. It is almost inevitable in such a system that what capitalism considers to be legal competition, lobbying and attempts to influence policy will become naked corruption. It is like the relationship between so-called tax avoidance and tax evasion. In the case of corruption, illegal payments are made to gain access, get information or have decisions go their own way in order to benefit in terms of money and profits. This is a general truth about the nature of the capitalist system and the corruption that is absolutely intertwined with it. I do not make this observation in order to say that one must therefore be quiescent, that there is nothing one can do and that this is just inevitable. However, it means there must be an almighty struggle against corruption to expose it and to resource in particular a fight against corruption. I link this to the need for a political and social revolution to transform how our society operates to end the power of big business and the relationship of establishment parties with big business.

We support the broad outlines of the Bill and think it is an improvement but we also think it is inadequate. I will come later to some of those points as to how, if one wants to deal with corruption, one can do so. To move from the general point about capitalism being intertwined with corruption to the specifics of Ireland, it is obviously the case not just that Irish capitalism

has the general forms of corruption, but also that it has more than the average amount of corruption. Ireland has, and has had from the foundation of the State, many features of an undeveloped capitalist economy: a weak capitalist class and a political elite that is happy to be the middlemen who facilitate, fix and organise the exploitation of people and resources on behalf of capital. In these conditions there is no question but that the two traditional establishment parties, the two traditional parties of capital in this country, namely, Fianna Fáil and Fine Gael, have had as members prominent politicians who have on multiple occasions been synonymous with corruption. This is just a reality. It is an elephant in the room of this discussion, and the records of both Fianna Fáil and Fine Gael regarding corruption are shameful. Fianna Fáil, the party of Charlie Haughey, Ray Burke, Bertie Ahern, Liam Lawlor, G. V. Wright-----

An Leas-Cheann Comhairle: Deputy Murphy is well aware that Deputies may not name people who are not in the House. I caution the Deputy. He has been here long enough to know this.

Deputy Paul Murphy: I do not think - do these people really-----

An Leas-Cheann Comhairle: It is not a matter of what the Deputy thinks. It is my ruling.

Deputy Paul Murphy: Let us quote from tribunals then. I think I am allowed to quote from tribunals.

An Leas-Cheann Comhairle: I am going on the precedence over the years that one does not name names of people who are not in the House.

Deputy Paul Murphy: On multiple occasions-----

An Leas-Cheann Comhairle: It might have happened another time but not on my watch.

Deputy Paul Murphy: Okay, I will talk in general terms.

An Leas-Cheann Comhairle: The Deputy may do so.

Deputy Paul Murphy: People will know who I am talking about. People will know about a former Taoiseach who benefited to the amount of £8 million - Irish pounds - including £1.3 million from one prominent big business man in particular, Ministers who received multiple corrupt payments and a finance Minister who managed not to have a bank account and who did not truthfully account for the origins of money paid to accounts in his name, and multiple corrupt councillors, primarily in Fianna Fáil but also in Fine Gael. Fine Gael is not innocent in all this. I will not mention the name that is never allowed to be mentioned here but I will refer to a major funder of Fine Gael historically, from whom Fine Gael has benefited, receiving significant financial backing from someone who became rich on the back of corrupt payments made to a former Fine Gael Minister. Again, this relationship exists between big business, corrupt payments and an establishment political party. The multiple cases of corruption in respect of councillors also exist in Fine Gael. I will not name their names, but it is interesting that some of the scions of business in Ireland, big respected business men, three in particular, have been involved in relationships of corruption again and again through the decades. This points to corruption being endemic in Irish society, traditionally in the establishment parties, and the question is what should be done about it. We need a society in which the link between money and politics is broken and power is not in the hands of tiny elites. To be concrete, we need the proper funding and resourcing of the Garda, that is, resourcing not only in terms of money, but

also in terms of expertise to enable gardaí and, if necessary, the Director of Public Prosecutions, DPP, to tackle white-collar crime to ensure that corruption and white-collar crime are investigated and prosecutions then brought.

I have looked through the answers over the past number of years, effectively since the publication of the report of the Moriarty tribunal, to questions asked by various Deputies as to whether prosecutions would take place or about Ministers' awareness of prosecutions taking place. The most recent answer I found was from the Minister, Deputy Flanagan, to Deputy Broughan. The Minister's reply states:

I am advised by the Garda authorities that investigations relating to the findings of the Flood and Mahon Tribunals, as well as the investigation of certain matters arising from the report of the Moriarty Tribunal, are ongoing. I am also advised that recent relevant liaison is maintained by Gardaí with the Office of the Director of Public Prosecutions.

A variation on this theme has been the answer for years and years, that is, that the Moriarty tribunal report is sitting gathering dust in the DPP's office. We are aware that they cannot rely on the material directly gathered as a result of that tribunal and then we are told there is some sort of back and forth between the Garda, but there is no clarity. This raises serious questions as to why there is no progress in bringing these matters to fruition and a point of prosecution, and this in turn points to the more general point about ensuring that these things are properly funded.

I wish to raise a question about section 18(2), providing a defence for a corporate body which proves that "it took all reasonable steps and exercised ... due diligence to avoid the commission of the offence" where such an offence of corruption is carried out by a director, manager, secretary or other officer, employee or subsidiary. There is potentially an issue here that corporations should ultimately be able to say, "This definitely was nothing to do with us." I am worried that, as currently drafted, this is a loophole on which corporations could rely to avoid responsibility for someone who they may say is just a rogue official operating on his or her own. If, for example, the company is the one benefiting from the actions of the so-called rogue official, and if the actions and the activity of the so-called rogue official take place partly due to a certain culture that exists in the company, we need a more in-depth discussion about that.

The final point I make concerns the Government and its bringing this corruption legislation through with a straight face. I will not name the Deputy because he is not in the House, but it was very likely, and it seemed pretty obvious, that the previous Taoiseach had a relationship with a certain Deputy who has been found by the Moriarty tribunal to have accepted corrupt payments. With the current Government and the new Taoiseach in place, does such a relationship still exist? We need an answer to this question because the Government's credibility in presenting itself as a fighter of corruption etc. is completely shot by the reality of that relationship. What the recent revelations of the so-called Paradise Papers again point to regarding that relationship and the use of Isle of Man bank accounts for the transfer of money from one prominent business man to the then Minister, now Deputy, is that we need answers from the Government in this respect.

An Leas-Cheann Comhairle: We now move to the Rural Independent Group. There has been an agreement that it has 20 minutes. We will start with Deputy Michael Collins, who is sharing time with-----

Deputy Michael Collins: I am sharing time with Deputy Jim O'Callaghan.

Deputy Mattie McGrath: Our newest recruit.

An Leas-Cheann Comhairle: -----Deputy Jim O'Callaghan, in an arrangement agreed by the House.

Deputy Michael Collins: I am happy to have the opportunity to speak on this Bill. The Bill is very important as it addresses a variety of anti-corruption measures on a national and international level. This legislation is necessary in eliminating white-collar crime.

Tonight, however, I wish to raise a case with the Minister that I have brought to his attention previously. The case goes back some time and probably needs highlighting again. It is relevant to section 7, "Corruption in relation to office, employment, position or business". The case concerns a constituent of mine in Skibbereen. The man in question leased a mountaintop site from Coillte, a State agency, in 1990 for the purpose of developing a wireless telecommunications system for west Cork and beyond. This was one of the most valuable sites in the area for mobile telephone communication. However, the arrival of Esat, Digifone, and O2 on surrounding sites resulted in the subject of the lease ending up in the Circuit Court in July 2005, 15 years into a 25-year lease. In a number of court hearings on this issue, it was alleged that no registrar was present to swear in witnesses as is required by law under the Courts of Justice Act 1924. Despite this, my constituent's case was heard and subsequent judgments found against him. The Cork Circuit Court office has since stated a registrar was present but has been unable to provide any names or proof of claimed expenses by that registrar on the day in question. The bottom line is that this man was denied his right of appeal since there was no registrar in court to record the content of the judge's finding on the day. The end result, with no registrar present, is that all Circuit Court appearances are unconstitutional, null and void. This ongoing nightmare has destroyed this man's business ambitions and has added to deterioration of his health due to stress. It has destroyed his family and no one in the Courts Service has done anything to assist him after 20 years of presenting his case to the best of his honest ability. As my colleague, Deputy Mattie McGrath, has said, justice delayed is justice denied.

I ask the Minister if this Bill can do anything for my constituent. Will this legislation, when implemented, allow his case to be appealed and re-examined as a result of corrupt court proceedings? Are this man and many people like him going to see justice from the white-collar crime he has been a victim of?

Deputy Jim O'Callaghan: I will clarify at the outset that I have not joined the Rural Independent Group. I am just sharing time.

Deputy Mattie McGrath: I have an application form.

Deputy Jim O'Callaghan: I am just sharing time with Deputy Collins. I would probably be disqualified from the Rural Independent Group since I come from an urban constituency.

Deputy Mattie McGrath: No.

Deputy Jim O'Callaghan: A bit of discrimination is being operated by it.

Deputy Charles Flanagan: It is expanding its footprint.

Deputy Mattie McGrath: Yes.

Deputy Jim O’Callaghan: I know. I welcome this legislation and, as Deputy Jack Chambers mentioned earlier, Fianna Fáil will support it. However, it would be remiss of me not to mention the delay on the part of the Government in bringing the legislation before the House. I looked at when the heads of the Bill were first published, and it was five and a half years ago, in June 2012. It is disappointing that we have to wait for five and a half years for this legislation to come before this House by way of a Second Stage debate. It is also surprising that it has taken so long because when one looks at this legislation, there is not much to it. It simply updates and revises legislation that existed from 1889, 1906 and 1916. Those were the Acts that dealt with corruption prior to this legislation being introduced and until it is enacted.

Corruption is a subset of white-collar crime. Not every white-collar crime falls under the definition of corruption but corruption is a particular aspect of white-collar crime. Points have been made that the State has been ambivalent about white-collar crime. That is true about the past. However, my view is that has changed in recent years. It was not just a phenomenon in Ireland that there was ambivalence on the part of the State to white-collar crime. It was quite common internationally. It is sometimes said that nothing has been done as a result of the great banking collapse that we had and that bankers never went to jail. That is sometimes a riposte that one hears from individuals who say we are not serious about white-collar crime. However, as we know, that is not correct. When one looks at the prosecutions and convictions of bankers involved in issues concerning the banking collapse some ten years ago, one will see that, to date, eight bankers have been convicted by Irish courts and that six sentences of imprisonment have been imposed on bankers who have been convicted before the courts of serious offences such as conspiracy to defraud.

We can learn from recent experience that, as a State, we take white-collar crime seriously. That also applies to corruption. Just as there have been prosecutions which have been successful, there have also been recent prosecutions which have failed. We need to look at why they have failed. That is why there are deficiencies in the legislation we are discussing this evening. The objective of this House when drafting this legislation should be to try to bring in and enact legislation that would make it easier for the State to prosecute corruption offences while at the same time maintaining the rights an accused individual has when before the court. However, the legislation introduced is deficient in many respects. If one looks at the number of trials that have gone on for white-collar crime, one will note that a big difficulty experienced by prosecutors when it comes to prosecuting white-collar crime is to establish, by way of proof, issues that we would think are relatively straightforward. For example, a document might be written by one person and sent to another and might contain information. An ordinary person might think that it is obvious that the document was sent from the first person to the second and so the first person obviously meant that to happen. That does not happen in a court of law because one has to prove it and prove the content of it. The Minister and Government need to look at the Taxes Consolidation Act because we are far more advanced when it comes to the prosecution of Revenue offences than we are at present with the prosecution of other white-collar crimes such as corruption. In particular, the Minister and Government should look at section 1078B of the Taxes Consolidation Act which deals with those presumptions. Many people listening to this debate may think that is obvious but it is not that simple to prove issues such as this when they come before a court. One issue, to give an example of presumptions that operate with regard to Revenue prosecutions, is section 1078B(3), which states:

Where a document purports to have been created by a person it shall be presumed, unless the contrary is shown, that the document was created by that person and that any statement

contained therein, unless the document expressly attributes its making to some other person, was made by that person.

If we could include that by way of a presumption in this legislation, it would make the life of a prosecutor much easier when it comes to prosecuting corruption offences. It has to be noted that prosecution of white-collar crimes is particularly difficult and complicated. That may be part of the reason we have fewer prosecutions for white-collar crime than we have for what may be regarded as more orthodox crimes. For instance, if somebody walks into a bar, grievously assaults a person and walks out of the bar, one would then set up a prosecution of the assailant. There are individuals in the bar who saw it and the victim who presumably saw the perpetrator. That evidence can be given in a prosecution. However, when one has a corruption offence, and documents transferring money, it is more difficult to prove it. An advantage of introducing these presumptions is that if there is something by way of a document saying that one person says to another that he will do something and it is done, then it is a presumption that it happened. At present, a prosecutor has to go through the process of proving that the first person wrote the document. That can sometimes be difficult when the first person is the accused in the case. He has a constitutional entitlement not to give evidence and it can be very difficult to prove it. We need to look at more innovative methods of trying to ensure that we make the life of a prosecutor in these cases considerably easier.

We need to learn lessons from some of the very lengthy prosecutions relating to white-collar crime that took place recently which failed. In the most prominent prosecution which recently failed, if anything, there was not a failure on the part of the prosecutor to take white-collar crime seriously. If there was any fault, the prosecutor was overzealous and overenthusiastic in trying to ensure that there was a conviction. Sometimes, individuals outside this House and even in this House may think that it is the job of a prosecutor to get a conviction. In the United States of America, there are prosecutors who might go in and say they are going to try to get Deputy McGrath convicted, or whoever it is, and look for the top sentences.

Deputy Mattie McGrath: They could not hang me.

Deputy Jim O'Callaghan: That does not happen here and in a way I think it is good that it does not happen here. The job of a prosecutor is to accumulate the evidence, put it before a jury and let the jury determine it. We should try to make the job of the prosecutor easier by facilitating prosecutors with greater presumptions in our law. I have asked the Minister to take on board those suggestions. I will also include some in Committee Stage amendments.

9 o'clock

I am very happy for people to ridicule the legal profession. It is very healthy in a democracy for them to do so.

Deputy Mattie McGrath: We would not do that to you.

Deputy Jim O'Callaghan: There is, however, a considerable skill involved in prosecuting offences, especially white-collar crime. Part of the problem in a recent case that collapsed was that there was not the involvement of specialised prosecutors at a very early stage. The job of an experienced prosecutor is to look at the general facts of a case to find a line of prosecution that is likely to succeed. Part of the problem in prosecutions for corruption and white-collar crime is the complexity of the issues involved. People may say that is just a creation and that it is not that complex. It is. It involves taking a jury through complicated information and keep-

ing it there for very lengthy periods. I am aware that this does not just happen in white-collar crime cases but it is the function of prosecutors to try to ensure they present a case to a jury in a much simpler way. That is the reason it is appropriate for prosecuting authorities such as the Director of Public Prosecutions or investigative authorities such as the Office of the Director of Corporate Enforcement to avail of the services of people who are experienced in standing up in a court room, addressing a jury and trying to secure or run a prosecution.

There are other matters with the Bill to which I wish to refer. To a large extent, sections 5 and 6 replicate the language used in the Prevention of Corruption Acts 1906 and 1916. Just because they replicate that language does not mean there is anything wrong with it, but I ask the Minister to look again at the reliance placed in the sections on the use of the adverb “corrupting” which is defined in the definitions section in rather a loose way. It states:

“corruptly” includes acting with an improper purpose personally or by influencing another person, whether-

(a) by means of making a false or misleading statement,

(b) by means of withholding, concealing, altering or destroying a document or other information, or

(c) by other means;

I believe the reference to “acting with an improper purpose” is too vague and that the Minister needs to look at it again.

I note that for some reason under section 7, which deals with corruption, the definition of an Irish official does not include a member of a local authority. Considering the evidence and information we have on corruption that has taken place, it would not be advisable to exclude members of a local authority from the definition.

There are a number of sections in the Bill that deal with presumptions. Sections 14 to 16, inclusive, set out three presumptions. We need to have many more in the legislation if we want to make prosecutions more likely and successful.

Section 15(1)(b)(i) refers to a donation to a politician being presumed to be corrupt if it is not within the limit provided for or permitted under legislation. The section refers to a “donation exceeding the limit concerned to the donor in accordance with whichever section of the Act of 1997 or the Act of 1999” applies. I do not believe we can have in legislation words such as “in accordance with whichever section”. These are words with which politicians like me can get away in Second Stage debates. We need much greater specificity in identifying specific sections of Acts.

I note that the penalties are a little light. Section 17 sets out the penalty for an offence under section 6 as a term of imprisonment not exceeding five years. A breach of section 18(1) can result in a term of imprisonment that is greater. It brings it up to ten years.

An interesting point was raised by Deputy Ó Laoghaire that needs to be looked at again. There is a provision in the legislation that allows the court to direct or make an order for the forfeiture of any office. The Deputy wondered why, when it came to prohibiting a person from seeking to hold or occupy an office, Members of Dáil Éireann and Seanad Éireann and other elected officials were excluded. It is my understanding of the legislation, from the way it is

drafted, that if an elected Member of these Houses or a member of a local authority is convicted of an offence under it, the court may make an order telling him or her to give up his or her seat. If I was to be convicted of an offence under the Bill, I could be subjected to an order that I forfeit my seat and I would lose it. That is a considerable power and it is not the position in the case of a lot of other legislation. We know that under section 41 of the Electoral (Amendment) Act 1992 if a Deputy is convicted of an offence which carries a sentence of imprisonment of more than six months, he or she will lose his or her seat. There is an interesting issue if it was ever examined.

The point raised by Deputy Donnchadh Ó Laoghaire was related to section 17(4)(c). This provision is different. It states that if a person is convicted of an offence under this legislation, there are certain jobs from which he or she will be precluded from seeking. One of them is working for the State in the Civil Service. It does, however, exclude membership of Dáil Éireann and Seanad Éireann. Perhaps the Minister might clarify the position. I presume and suspect the reason is Article 16 of the Constitution which states every citizen over the age of 21 years shall be eligible for membership of Dáil Éireann. I would also be wary and hesitant about imposing such a sanction. I am aware that the Minister is not doing it, but if a person was to be convicted of an offence under corruption legislation, he or she would subsequently be prevented from standing for election to Dáil Éireann. That is a big step and it certainly needs careful consideration, not for the protection of politicians but because the public is entitled to elect an individual to Dáil Éireann. People who have been convicted of offences have been elected to parliaments.

On the sections that contain amendments to other items of legislation, there is a proposal to amend section 42 of the Electoral Act, to which I have already referred, which provides that a person who is convicted under this legislation will thereupon cease to be a Member of Dáil Éireann.

I welcome the legislation and it is important that greater consideration be given to it. We have spent five and a half years getting to this point from the date of publication of the heads of the Bill. If we want to make sure prosecutions for corruption will take place more efficiently and more successfully, we must insert these mechanisms into the legislation. The way to do this is by availing of the presumptions in the Revenue Acts. We could also come forward with further presumptions. We must, however, be conscious all the time that in every criminal trial there is an accused. We can keep bringing forward legislation to make prosecution easier, and in this instance we should, but we should recall that in a criminal case the accused has an entitlement to a fair trial. We need to ensure he or she will have his or her full rights vindicated prior to the outcome of the case.

They are my views and I thank the Leas-Cheann Comhairle for giving me the time to express them.

Deputy Róisín Shortall: Five years ago the final report of the Mahon tribunal into certain planning matters and payments stated:

Corruption in Irish political life was both endemic and systemic. It affected every level of Government, from some holders of top ministerial office to some local councillors and its existence was widely known and widely tolerated. Although that corruption was occasionally the subject of investigation or adverse comment, those involved operated with a justified sense of impunity and invincibility. There was little appetite on the part of the State's

political or investigative authorities to combat this effectively or to sanction those involved.

While Mr. Justice Mahon was speaking in the past tense, one has to ask whether much has changed in the meantime. Fundamentally, not a lot has changed in the culture around the nexus between politics and business. Too often, a blind eye is turned to inappropriate behaviour and corruption. One must also ask why, more than five years after the final Mahon report, we are only just starting to look at implementing its recommendations. Clearly, the answer is that Fine Gael does not have the political will to tackle corruption in a meaningful way.

While the measures in the Bill are a step in the right direction, its content is hardly revolutionary. The delays in its publication have resulted in a situation in which its recommendations are really just a product of their time, which was five years ago. While this is the Bill we needed five years ago, the debate has moved far beyond this sort of piecemeal approach to tackling corruption in the intervening years. We really need to get with the times. While the heads of the Bill were still at the drafting stage, many other jurisdictions were adopting a far more proactive approach to corruption. They established dedicated anti-corruption agencies, which Transparency International has described as key to the fight against corruption. There is clear evidence that they represent international best practice, which fact was recognised in the United Nations Convention against Corruption, of which Ireland is a signatory. Nevertheless, there has been no move by Government to set up a dedicated agency to tackle corruption by way of investigations and prosecutions. This is the kind of approach we need.

We need a root-and-branch reform of our anti-corruption regime. What we need is something similar to the approach undertaken in Victoria, Australia. In 2012, the state of Victoria amalgamated several existing agencies to establish a dedicated anti-corruption body. The Victoria agency is a proactive body which covers 3,600 public sector bodies, 79 local councils, members of parliament, the judiciary and the police force. It is a prime example of the inter-agency approach we should and easily could adopt. Crucially, the Victoria model includes the extensive powers many of our agencies lack. For example, it can conduct search and seizure operations, compel interviews and exercise powers of prosecution in certain circumstances.

The Bill before the House represents a small step forward. As a country, however, we are far beyond the point where small steps are enough. Earlier in the year, the Minister for Foreign Affairs and Trade, Deputy Coveney, seemed to recognise this when he made the need for an anti-corruption agency an essential part of his campaign for the leadership of Fine Gael. While the agency he envisaged was far more limited than the one my party, the Social Democrats, has proposed, it was at least a step in the right direction. Unfortunately, we have heard nothing about that proposal since the Fine Gael leadership election. Instead, we have a five year old Bill being dressed up as new and slotted into a suite of previously announced measures. It is a cynical and transparent effort to make the Government look busy on this matter and an attempt to create the appearance of action.

The truth is that Ireland does not have an effective way of preventing, detecting or prosecuting corruption. Our laws on corruption are scattered across several enactments, with responsibility for detecting it spread across a baffling number of different agencies. As a result, it is very rare to see successful prosecutions of corrupt practices in business or public life. Deputy O'Callaghan mentioned a number, but they represent only a handful of prosecutions in the context of the problems we have across our corporate world and the unhealthy relationship between politics and the business world. Even after tribunals of inquiry have spent millions of euro on investigations and even after they have made adverse findings against particular individuals,

this is still the case. Rarely does anybody end up behind bars.

Fundamentally, we have no effective enforcement regime in this country. We may continue to see all sorts of new laws added to our Statute Book, but there will be very few consequences for those involved in corrupt behaviour in the absence of a dedicated law enforcement agency to tackle corruption. Enforcement is the key. Unless there are consequences for those involved in corrupt behaviour, it will continue. This is not good enough. Those responsible for corruption must be held to account and be seen to be held to account. If we never see people being held accountable for their actions, how can the public be expected to trust our institutions? This lack of accountability seriously undermines the authority of our public bodies and tarnishes our reputation at home and abroad. It is extremely dispiriting for people who try to operate within the law. Without accountability there is only impunity. As a result, it is not surprising that we see such low levels of public confidence in our institutions. The special Eurobarometer report on corruption for 2013 found that public confidence in our justice system was just 7%, which is 20% below the EU average. While our public institutions cannot function without public faith, how can we, as Members of Parliament, expect the public to have faith in institutions which have proved to be so ineffective?

A particularly welcome aspect of the Bill is that it will give the courts the power to remove from office those convicted of a corruption offence. As I am sure others Members do, I often find it hard to stomach the fact that we are serving in the same Parliament as someone who has been found to have received corrupt payments yet suffered no consequences for those actions. This goes to the root of the problem that notwithstanding what inquiries or tribunals one holds, corruption will continue if persons who have been found to have engaged in corrupt behaviour do not have to pay a price for it. Beyond that particular failure of accountability is a wider issue. Successive Governments have taken a *laissez-faire* approach to corruption. If there was a real drive to tackle the problems we face, we would have seen action before now. Given the length of time Fine Gael Governments have had to process and examine the Mahon report, why are we still seeing such a fragmented approach to its recommendations? The only explanation is that the political will does not exist in Fine Gael to tackle corruption in any serious way.

It is curious that the Bill was rushed out after the Government's anti-corruption announcement, yet the Public Sector Standards Bill languishes in committee. Why are we introducing a Bill on corruption in public office that leaves the Standards in Public Office Commission, SIPO, without the investigative and enforcement powers it needs to be truly effective? That is not to say SIPO does not do excellent work, but it is limited to monitoring political finance. There is no doubt that its remit could go far further and that its powers of investigation and enforcement are simply not sufficient. In 2011, there were 22 valid complaints made to SIPO, but between 1995 and 2012, there were only 11 investigations concluded under the ethics Acts. That organisation has repeatedly called for more powers and measures such as undertaking investigations on its own initiative, the power to conduct hearings or make decisions with greater efficiency. Those requests, unfortunately, have fallen on deaf ears. Furthermore, the Mahon tribunal recommended the regulation of political donations at local level should be undertaken by an independent body such as SIPO. I note the Government's most recent position is that this recommendation will be considered in the context of establishing an independent electoral commission. While an independent electoral commission is long overdue, why wait for this before regulating local election funding? There is already an existing body specifically tasked with managing political donations. The transfer of this responsibility to an empowered SIPO could easily be included in this legislation. It is a perfect opportunity, but regrettably it seems

the Government is not taking that opportunity.

It is not enough to think about corruption solely in terms of how it should be punished once an act has taken place or after the event. We need to be much more proactive. We need to reduce the opportunities for corrupt practices in the first instance. We need to put accountability at the centre of public life. An independent anti-corruption agency as proposed by the Social Democrats would act as a powerful deterrent to corruption. This is what is urgently needed.

Earlier this year the International Civil Service Effectiveness Index highlighted several deficiencies in how our public service operates. We scored particularly poorly in terms of regulation and openness. The best way to deal with corrupt practices is to identify potential corruption and act before we are forced to deal with its consequences. Simply put, transparency in public office can be our greatest protection against corruption. This is why I believe we need to repeal the Official Secrets Act and the Ministers and Secretaries Act. We must make Ministers and senior civil servants responsible for their actions and accountable for their decisions. Currently those Acts, particularly the Ministers and Secretaries Act, provide a legal protection and cover for the political advice that is provided to Ministers. That is not acceptable. We should have a right to know whether advice given to a Minister was good or not and to know whether the Minister has accepted that advice and therefore who is responsible when things go wrong.

There would be nothing fundamentally wrong with this legislation, if it was part of a strategic suite of anti-corruption measures. Strategy was, however, completely absent from the *ad hoc* hodgepodge of old news the Government tried to pass off as a plan. We need these new corruption offences, but we need so much more. It is not good enough to divide corruption into artificial categories and build walls around them. We have seen time and again when corruption is uncovered in public office it is never confined to public officials. White-collar crime and corruption in public office go hand in hand. There are always business or other outside interests involved. This is why it is so disappointing that we are discussing these measures in isolation. I have already explained why I believe the Government needs to show far greater joined-up thinking in how it approaches this issue. However, it is clear from the measures announced earlier this month that there are few new ideas coming from Government. These are reheated measures.

Earlier this year the trial of Seán FitzPatrick collapsed spectacularly as a result of the sham-bolic handling of the case by the Office of the Director of Corporate Enforcement, ODCE, the agency which is supposed to be the corporate watchdog. The litany of the failings of the ODCE needs thorough investigation and those responsible for the failings must be held accountable. The Minister requested a report on the affair from the ODCE. This was presented to the former Minister for Justice and Equality, Deputy Fitzgerald, on 23 June 2017 and almost five months later this report has yet to see the light of day. When I asked the Minister about this in the past week, there was yet another excuse for the delay in publishing it. In light of the extraordinary, and for the public, the infuriating, failings of the ODCE, surely the priority should have been to get to the bottom of the dysfunction within the ODCE. Instead, Government has come up with a plan to increase the powers and resources of a rebranded ODCE. There is no accountability. This proposal falls very far short of what is required and there is no sense of urgency on the part of Government. The proposal is for the ODCE to be rejigged in mid-2019. Eighteen years after a deficient ODCE was established, an agency which has a very poor enforcement record and where the calamitous mistakes of the handling of the FitzPatrick case were known since 2015, the Minister is saying he will do something in mid-2019. Is it any wonder that the public is so disillusioned with the Government and the agencies of State?

As I said, there are measures to be welcomed in this Bill, but they are a fraction of what we need. As it stands the powers to investigate and prosecute corruption are unevenly spread out among a vast array of public bodies, 13 in total. When corruption is identified the response is generally to set up a tribunal or a commission of investigation. Several million euro later and several years later we usually end up with a report that tells us what happened but does not result in anybody being brought to book. Tackling corruption in public office is a positive step but it is not enough if we do not have a dedicated agency with the power to investigate and prosecute that corruption. We know from bitter experience of tribunals where reports have come out recommending action to be taken that Government has ignored those recommendations and indeed when the report goes to the Garda Síochána or the Director of Public Prosecutions, DPP, we simply do not get the action that is required. I strongly believe that unless we address the failings in our investigative and enforcement model, the measures in this Bill will never lead to the punishment of wrongdoing. Equally, there should be an effective system in place to investigate and prosecute white-collar crime and corruption in the corporate world. All of these things are connected and should be addressed comprehensively by Government. That is where our focus needs to be and it is precisely the area this Government does not have the courage to address.

Minister for Justice and Equality (Deputy Charles Flanagan): I thank the Deputies for their contributions, all of which I regard as valuable in the context of this debate. It is an important Bill. I acknowledge the broad support in the House for the provisions contained therein. I welcome what I see as a shared determination to bring forward robust legislation in this area. Nobody wants to see any corrupt activities go unpunished. As such we need to ensure that our laws are effective in tackling corrupt acts and practices. Corruption is not just a national problem. It is not just an Irish issue. It is a universal problem. The EU anti-corruption report estimates that it amounts to 5% of global gross domestic product, GDP, which represents an enormous drain on economies and nation states. This is not to suggest that corruption presents a large problem in this country. In the latest Transparency International corruption perceptions index, Ireland was deemed to be 19th least corrupt country in the world. While this is a positive outcome, of course there is no question of anybody ever becoming complacent on this matter.

Dealing with the Bill as published, as Deputies appreciate the Bill does not just provide for new offences and harsher penalties. As I stated earlier, it represents a modernisation of the law on corruption by providing for a single accessible corruption statute. Ireland has been the subject of some criticism internationally over the years for having out-of-date statutes in this area and for the use oftentimes of terminology that might have given rise to certain confusion. I believe the Bill will address these concerns. It will enable Ireland to fulfil a number of our international obligations under the various anti-corruption conventions in a clear and transparent way.

I will briefly inform the House of my intention to bring forward amendments on Committee Stage. These amendments are to give effect to outstanding recommendations of the OECD from its phase 3 evaluation of Ireland and recommendation 1a and 6a relating to the consolidation of Irish corruption offences and amending the dual criminality exception for the money laundering offence in the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010. My officials are working with the Office of the Attorney General regarding the proposed amendments, and it is my intention to make progress on them on Committee Stage.

Deputies Mattie McGrath, Shortall and others mentioned the delay in bringing the Bill to the House, and there has been some commentary in the media on what was perceived to be a delay in the matter of this important legislation. I point out this has been a top priority for me

as Minister for Justice and Equality since I entered office in the summer of this year. I know it has taken longer than expected, but the Bill deals with a highly technical and complex issue encompassing a wide body of law already on the Statute Book and issues of a constitutional nature. I hope the time invested in getting the detail right will save us some time in the course of the parliamentary process.

Some Deputies in the course of the debate mentioned issues relating to the banking sector. While I appreciate this input, the Bill is not the appropriate forum for regulation of the entire banking sector. The main corruption offences in the Bill will cover those who are employed in the financial sector, as will the corporate liability offence in section 18.

I appreciate Deputy Ó Laoghaire's contribution, and he and other Sinn Féin Deputies referred to the fact there does not appear to be provision in the Bill for a court to prohibit anybody from seeking to be elected to the Dáil, the Seanad, the European Parliament or a local authority following conviction for a corruption offence. There were, of course, some constitutional issues raised regarding the prohibition of a person seeking to be elected to Dáil Éireann, and some clarity was provided in this area by Deputy O'Callaghan in the course of his contribution. He is right that any conviction would be a matter of public record and voters would be aware of the fact that a candidate had such a conviction. Of course, ultimately, under the Constitution, as was pointed out by Deputy O'Callaghan, the citizens of the State and those entitled to vote in our elections, having regard to the circumstances of each individual, as they always do, would exercise their democratic right accordingly. I believe this is as it should be.

Deputy Jack Chambers said we needed to see further Mahon tribunal recommendations brought forward. In this regard, the recommendations made by the Mahon tribunal related to legislative and other reforms in a number of areas, some of which are the responsibility of other Departments. There are some which I do not believe it would be appropriate to include in this legislation. The corruption offences Bill before us gives effect to six of the recommendations made by the Mahon tribunal. Other outstanding recommendations will soon be addressed in the forthcoming criminal justice (money laundering and terrorist financing) (amendment) Bill and the European Union freezing and confiscation of instrumentalities and proceeds of crime regulations of 2017.

As was noted by Deputy Cullinane on the matter of reasonable steps to be taken by a body corporate, should a body corporate face proceedings for the corporate liability offence under section 18, it shall be a defence for it to prove it took reasonable steps and exercised due diligence to avoid commission of the offence. It will be important that companies have adequate systems in place to deal with corruption at all levels of the organisation. Ultimately, these issues will be decided in the course of a trial by the court, especially whether a body corporate did, in fact, take all reasonable steps regarding whether the company or corporate entity exercised an appropriate level of due diligence to avoid the commission of a corruption offence. It is worth noting that in the UK a similar strict liability offence was incorporated in legislation, but the accompanying guidelines as to what are reasonable steps ran to something in the region of 100 pages. We had a look at that in the context of this legislation. We were advised against following a similar course of action and introducing a similar schedule of guidelines. I believe that on balance this is best left to the court, although I am sure it is an issue we will come back to in the context of Committee Stage of the Bill and we will have an opportunity to engage in this regard.

Deputy Chambers mentioned that a joined-up Government approach is needed. As I men-

tioned earlier, the Bill forms part of a larger range of measures aimed at tackling economic and regulatory crime. These measures will collectively increase transparency and strengthen our response to white-collar crime in the country. We are committed to a number of measures, including the publication and enactment of a criminal procedure Bill that will reduce delays in criminal trials, particularly those involving complex issues, by providing for pretrial hearings on certain legal issues to take place before the jury is empanelled. The Bill will also make provision for the electronic transfer of warrants and the greater use of video link hearings. Both measures will make use of available technology, which will have the effect of cutting down on delays that are regarded as unnecessary.

We will carry out our comprehensive review of anti-corruption and anti-fraud structures and how they are working together to combat white-collar crime effectively. This will involve all State bodies with a role in the detection, prevention, investigation and prosecution of fraudulent and corrupt activities. As part of this Garda-led joint agency task force, this will be piloted to examine specific areas of white-collar crime in more detail. It will involve the Central Bank and the Garda Síochána, and various other industry representative bodies will feed into the overall review of anti-corruption procedures and structures.

I assure Deputy O’Callaghan, who made mention of local authority members, that they are covered under the definition of Irish officials. They can also be regarded as included in paragraph (j) of the definition of an Irish official as an officer, director, employee or member of an Irish public body. As Deputies will note, they are excluded from the operation of section 17(4) (c), which is the prohibition to seek office, for the reasons I have mentioned earlier in the context of Members of these Houses.

Deputy Paul Murphy referred to section 18 regarding a strict liability corporate offence, which is designed to prevent acts of corruption. The defence that a company has conducted due diligence and taken all reasonable steps is designed to get companies to behave in a manner that can be regarded as proper. There will be obligations on companies and requirements to put in place systems and introduce training in the workplace, but it will be for the court ultimately to decide whether the company acted sufficiently to rebut the presumption.

I acknowledge what Deputy Shortall has said. I know her party has long supported the establishment of a stand-alone anti-corruption agency that would assume the functions of the Office of the Director of Corporate Enforcement, the Standards in Public Office Commission, the Registrar of Lobbyists and the Competition and Consumer Protection Authority and would accordingly be granted wide powers, including powers of investigation and prosecution. I am not convinced the establishment of such an agency represents the best way forward at this stage. It is not clear how a new agency would enhance capacity in this area. I believe we should reflect on the good interagency co-operation we have in this area, particularly the work of the Criminal Assets Bureau.

I remind Deputy Shortall that as part of a package of measures aimed at addressing white-collar crime, the Department of Justice and Equality has agreed to conduct a review of the effectiveness of those State bodies that have a role in the prevention, detection and investigation of crime and the prosecution of fraud and corruption. The question of whether we need an agency of the type proposed will be considered in the context of the Department’s review. In any event, the Bill before the House is still needed. It updates the corruption offences and penalties on our Statute Book.

15 November 2017

Deputy Shortall also referred to the Public Sector Standards Bill 2015. I can inform her that the Committee Stage debate on the Bill is unlikely to take place until the spring of next year. As Deputies will be aware, the Department of Public Expenditure and Reform is prioritising the unwinding of the FEMPI legislation. That work is likely to consume much of the Department's parliamentary time over the coming weeks. I would be happy to convey the Deputy's concern to the Minister.

I acknowledge the contributions of Deputies during this evening's discussion. I look forward to the House debating this Bill on Committee Stage. In the meantime, I commend the Bill to the House.

Question put and agreed to.

Criminal Justice (Corruption Offences) Bill 2017: Referral to Select Committee

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

That the Criminal Justice (Corruption Offences) Bill 2017 be referred to the Select Committee on Justice and Equality pursuant to Standing Orders 84A(3)(a) and 149(1).

Question put and agreed to.

The Dáil adjourned at 9.45 p.m. until 10 a.m. on Thursday, 16 November 2017.