



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Leaders' Questions	2
Order of Business	11
Ceisteanna - Questions	20
Taoiseach's Meetings and Engagements	20
Economic Policy	24
European Council Meetings	29
Priority Questions	34
Departmental Expenditure	34
Straitéis 20 Bliain don Ghaeilge	37
An Teanga Gaeilge	39
Archaeological Sites	41
Bullying in the Workplace	43
Topical Issue Matters	45
Ceisteanna - Questions (Resumed)	46
Other Questions	47
Caiteachas Ranna	47
Creative Ireland Programme	48
Údarás na Gaeltachta Properties	50
Animal Welfare	51
Heritage Council Expenditure	53
Architectural Heritage	55
Film Industry Tax Reliefs	57
Business of Dáil	60
Topical Issue Debate	61
Mental Health Services Provision	61
Emergency Departments Services	64
Flood Relief Schemes Status	67
Roads Maintenance Funding	70
Reception Conditions Directive: Motion	73
Technological Universities Bill 2015: Report Stage (Resumed) and Final Stage	82
Companies (Statutory Audits) Bill 2017: Second Stage	99
Residential Tenancies (Amendment) Bill 2018: Second Stage [Private Members]	101
Residential Tenancies (Amendment) Bill 2018: Referral to Select Committee	127
Report on the Joint Committee on the Eighth Amendment of the Constitution: Statements (Resumed)	127

DÁIL ÉIREANN

Dé Máirt, 23 Eanáir 2018

Tuesday, 23 January 2018

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

Paidir.

Prayer.

Leaders' Questions

Deputy Micheál Martin: The revelations in yesterday's *The Irish Times* of the correspondence between the chief executive officer of the Health Service Executive and the Minister and the Department of Health demonstrate a very flawed and essentially opaque approach to the funding of our health services. At the very least, they show a very poor sticking plaster is being applied. There is a complete lack of transparency, substance and, most worryingly of all, credibility surrounding these figures. There is a bogus, spurious element to some of them and, indeed, a clear statement in the correspondence that they will not translate into reality. With all the talk of the implementation of Sláintecare, the crisis in accident and emergency services, overcrowding, and the bed capacity review, in essence these figures and the correspondence between the HSE and the Minister show that the health service will at the very best stand still if not face more cuts to vital services in 2018. Given that the pay agreements will absorb the bulk of the increased expenditure, there will be little for additional services. The elderly will continue to suffer, the disabled will still be shortchanged in respect of access to therapies and services, the acute hospitals will remain under intense pressure, notwithstanding the experiences of December and January, and primary and community care will remain neglected.

Specifically, according to the HSE's own internal assessment, there are "long waiting lists" in respect of gynaecology and "poor access to treatment [has] left thousands of women with a poor quality of life". Regarding anaesthesia, the HSE states that "Serious clinical risk exists because [there is only] one line of anaesthetic call" in most general hospitals and accident and emergency departments. The HSE states that there is "a national shortage of critical care beds" which is "impacting on access to scheduled and unscheduled care services". Ophthalmology theatre closures and waiting lists are "affecting preventable deterioration". Urgent targets will be missed in endoscopy and colonoscopy. There will be a staffing deficit in 2018 right across the spectrum of cancer care for child and adolescents and in geriatric oncology, radiation and surgical and medical services. The correspondence goes into other specifics, such as the need for 80 beds and five theatres in Our Lady of Lourdes Hospital, the dialysis unit in Galway and so on. Most damning of all, the so-called value improvements or cost savings have not been

identified and are extremely vague. The chief executive is stating large tranches of these savings will be very difficult to realise and, if we read the language, will not be realised.

Does the Taoiseach agree these Estimates lacked transparency in advance of the budget and have lacked it since and, in essence, they mask a deteriorating situation in the provision of services to our citizens in 2018?

An Ceann Comhairle: Before calling the Taoiseach to respond, I ask Members to extend a warm welcome to our distinguished visitors, the Moderator of the Presbyterian Church in Ireland, Dr. Noble McNeely, who is accompanied by the Clerk of the General Assembly, the Rev. Trevor Gribben, and our friend from Lucan, the Rev. Trevor Morrow.

The Taoiseach: It is important that when we discuss health budgets we put all of these things into their rightful context. We have this year the largest budget for the HSE and the health sector in the history of the State, at approximately €15 billion, an increase of €2 billion a year in the past three years. It is increasing much faster than the population is growing or ageing. We are now one of the top five spenders on health in the world, if we divide the health budget by the number of citizens in the State, notwithstanding the fact we have a young population. Even during the recession, our health spending *per capita* was above average, so this idea we are only catching up on underspending during the recession is not supported by the facts.

The fundamental problem and crisis that affects our health service, in my view, is not solely lack of money or lack of resources. It is much more about how money is spent and how resources are deployed, and monetising all problems does not actually bring us any closer to a solution. There will, of course, be more money and more staff for the health service this year. We already have record numbers of doctors, almost 10,000, working in our public health service. In terms of nurses per head or per bed, we are very near the top of the league table. However, those extra staff and extra beds, and all of the extra money, will not make a difference unless we have better management, proper clinical leadership, real accountability and proper responsibility from those charged with running and managing our health service. I absolutely accept it is the Government's responsibility to make all of this happen.

If we take the entire spend of the entire Government, we spend approximately €60 billion a year. In a sustainable way, the most any responsible Government can increase spending is by approximately 4% or 5% a year. Anything more than this is unsustainable and we would be heading into another crisis quite soon. The most we can increase spending is by €2 billion or €3 billion a year. If we take all Government Departments and agencies together, they requested an extra €12 billion this year. Anyone will understand this is not sustainable. It is the normal process in the course of events for Departments and State agencies to request much more than they anticipate they will achieve from the Estimates process.

What is unique about the HSE is it estimates it needs €1.5 billion extra every year, that is, an extra 10% to do nothing to improve patient outcomes. That is not sustainable. If we are going to turn around our health service and make reforms and changes, and if we have any prospect of implementing reports such as the Sláintecare report, the starting point cannot be a 10% increase in the budget, an extra €1.5 billion a year, to do nothing to improve outcomes for patients, patient experience or patient care. It is not credible or sustainable, and I accept it needs to change, because we cannot have this continual exchange of letters where all problems are monetised and then just passed on. We will need a lot of changes and a lot more accountability, and that will be driven by the Government.

Deputy Micheál Martin: The Taoiseach did not answer the question. My question went to the heart of an issue of credibility and honesty in presenting the figures and challenges facing the health service. The Taoiseach has been commentating on the health service since he was Minister for Health, with little outcome. In 2014 and 2015, I identified dishonesty in the health service Estimates process and in the way things were working and operating in the Department and the HSE. Essentially, I am asking the Taoiseach whether the Estimate put before us in the national service plan, is acceptable. Irrespective of all of those issues about which the Taoiseach has spoken, one cannot put figures that cannot be realised into an Estimate. That is what the chief executive of the HSE is telling the Government and the Oireachtas at this late stage, after the budget has been passed. In essence, the indication is that there is potentially a deficit of €800 million. Leaving that aside, there is a figure of €346 million for efficiency savings or value improvement. He is very clearly saying that the last element of that is almost beyond implementation in the figures. Essentially, he is saying that delivery of the €119 million in priority theme two, in addition to the €77 million from priority theme one, will be extremely challenging. We all know what that means; it means it is a false figure and it should not be in there.

Let us have an honest debate about this issue. The Taoiseach should stop coming in and saying that the Government will implement Sláintecare; it is not going to implement Sláintecare or anything in Sláintecare. That is the honest answer. Let us have an honest debate about the challenges facing health not just on funding, but on reforms. Let us not camouflage, mask and pretend while putting a sticking plaster over the figures for another year. That has been happening for the past four years. The Government realised hundreds of millions of euro in other savings last year while getting additional tax and so on but it has also prioritised where that goes. We want an honest debate on the figures not after the budget, but in advance of it.

The Taoiseach: I always welcome an honest debate and if we were to have an honest debate about health, one of the first elements the Deputy would accept is that it is not credible or sustainable to argue for an extra €1.5 billion per year for health care on the basis of it making absolutely no difference, with no improvements for patients.

Deputy Micheál Martin: We know that. That is not my question.

The Taoiseach: There is no chance of resolving our problems if they are all monetised and it takes an extra 10% per year to do nothing at all.

Deputy Micheál Martin: That is not the question I asked. Does the Taoiseach stand over the figures?

The Taoiseach: The position is not credible. With respect to the Deputy, it is fair to say he has been commentating on the health service for a very long time, since he became a Member of the Dáil almost 30 years ago, and including a period as a health Minister. He knows that during his period in government, there were service plans that included efficiency criteria and percentages for efficiency. There is nothing unusual about that.

In more general terms, there will not be cuts to the health service in 2018. The budget has increased and staffing levels have increased. All problems will certainly not be solved but there will be action in a number of very important areas. For example, there will be an increase in funding for home care, with an extra 75,000 hours for that care. It is very real. Surgical waiting lists have been falling for most of the past six months because of investment in elective hospitals and investment through the National Treatment Purchase Fund. That will continue. We are

also adding more beds to the system, with 170 additional beds opening so far this winter across a number of hospitals. I would be happy to list them.

Deputy Gerry Adams: I especially welcome our visitors and it is good to see friendly faces. The Taoiseach knows another round of talks to re-establish the political institutions will start tomorrow in Belfast. This will be the fifth round of formal talks since the power-sharing arrangements collapsed a year ago. There have also been numerous informal and private exchanges between Sinn Féin and the other parties, including the Democratic Unionist Party, mostly on Michelle O'Neill's initiative. The institutions need to be re-established on the basis of equality and parity of esteem. Thus far, the Democratic Unionist Party leadership has resisted this imperative, and there is no doubt elements of that leadership are encouraged by the pact it has with the Tory Government in London.

Many people in the North were pleased with the Taoiseach's recent assertion that nationalists will never again be left behind by an Irish Government, so his recent remarks on Clare FM were very disappointing. This type of negative commentary has long been the hallmark of statements about the North from leaders in the South. These include the Taoiseach's predecessor and the Fianna Fáil leader, who along with others present the difficulties as the fault of two problem parties. The Taoiseach should try to avoid that temptation. Whatever effect this negative approach has in elections here, it is certainly of no assistance to the talks process in the North.

The Taoiseach is well aware of the issues, which concern rights. In essence, all the rights being denied to people at this time are rights available to everybody else on these islands. In his Clare FM interview, the Taoiseach stated that Sinn Féin is incapable of negotiating and compromising in the North. This raises the question for the Taoiseach as to what rights should be compromised. Perhaps Gaeilgeóirí should forget about an Irish language Act or gay and lesbian couples should forget about marriage equality or the bill of rights. These are not the questions I am asking today. Instead, I actively encourage the Taoiseach to continue to meet people in the North, outside the political parties, to get a deeper sense of what is happening there.

I have recorded my concern about the toxic atmosphere that has shrouded political discourse in recent times. However, I welcome the announcement this morning by the group describing itself as Óglaigh na hÉireann that it has ended its armed actions. I especially thank and commend the trade unionists and community leaders who were involved in securing this outcome. Meaningful change can only be managed and advanced through exclusively peaceful means. That is Sinn Féin's commitment and our record is there to see. Martin McGuinness's letter of resignation is very clear about what must be done. Grassroots opinion is also quite clear. Will the Taoiseach recommit to engage energetically and consistently with the British Prime Minister to uphold the Good Friday Agreement and to help to get the political institutions restored as soon as possible?

The Taoiseach: I join Deputy Adams in welcoming the announcement by the group styled as Óglaigh na hÉireann of its decision to end violence. I also recognise the involvement of trade union leaders, politicians and others in that engagement.

The Government, with the new British Secretary of State for Northern Ireland, has initiated a new series of talks between the parties in Northern Ireland. That will be facilitated by the two Governments and we will be strongly engaged in it, acting in our role as co-guarantors of the Good Friday Agreement. Indeed, the Tánaiste and Minister for Foreign Affairs and Trade,

Deputy Coveney, will be in Belfast tomorrow with the Secretary of State and will engage urgently with all the parties to seek a way forward. Contact has also been made between the Prime Minister, Mrs. May's, office and mine. Both of us will be attending the same conference this week and perhaps will have an opportunity to speak there. In that context I will emphasise my commitment to the talks process and to getting the Assembly and the Executive back up and running, which all of us wish to see happen. Certainly, if personal engagement by me and the Prime Minister will make a difference, we will be happy to provide that. We have made that commitment in the past.

In terms of Irish citizens in Northern Ireland and nationalist people who consider themselves to be Irish not being left behind, that is something I said and meant. I will follow up on it by meeting non-political people and leaders from civic society in Northern Ireland in the weeks and months ahead. I hold the view that there is no right that anyone enjoys in Ireland or Britain that should not be afforded to people of both communities in Northern Ireland. People in Ireland and in Britain can marry their same-sex partners and there is no reason that Northern Ireland should be an exception in this regard. The same applies to issues such as language legislation and language rights. If these apply in Ireland, Scotland and Wales, they should also apply in Northern Ireland. However, the best way to achieve that is not having it dictated from Dublin or London but through the parties elected to represent the people of Northern Ireland coming together to form an administration. I hope they will do that.

While I firmly agree that rights are important, and Sinn Féin has put rights at the top of its list of priorities, there are other important matters as well. Brexit is one example. It is essential that there is a Northern Ireland voice on Brexit as we enter into the talks on the withdrawal agreement and the agreement that will set out the new relationship between the United Kingdom and the European Union. There are other practical, day-to-day issues that affect Northern Ireland. I have read about what is happening in the health service in Northern Ireland. The issues there are quite similar to the ones we are facing. Of course, the Sinn Féin leader in the North, Michelle O'Neill, was the health Minister in Northern Ireland up until a few months ago. I also read about the problems in the public finances in Northern Ireland, which are very different from the ones here, and the big and difficult decisions that will have to be made by the parties forming the executive to put the public finances back in order. A Sinn Féin person was in charge of those finances up until a few weeks ago.

Yes, I absolutely agree with the Deputy on rights, but taking responsibility is also important. We should never use demands for rights as a means to allow us not to take responsibility as well.

Deputy Gerry Adams: None of us should underestimate the difficulties facing unionist leaders. Many of them are fundamentally opposed to a rights-based society, but rights and equality for everyone are good for everyone. As the Taoiseach said, Brexit will continue to cast a long shadow over Irish affairs for some time to come. That has to be resisted and the rights of the people of the North upheld. It is self-evident that locally elected and accountable politicians are best placed to tackle this and the other social and economic issues and to defend public services such as health and housing. Those of us who want Irish unity also know that is the best way forward.

I again appeal to the Taoiseach to support this approach, as he is obliged to do under the Good Friday Agreement and other agreements, and to ensure, in so far as he can, that the British Government and Prime Minister do likewise. I appeal to him not to allow party politics to interfere with this issue.

23 January 2018

The Taoiseach: I will strongly support the new talks process that has been initiated by the Tánaiste and Minister for Foreign Affairs and Trade, Deputy Coveney, who will be in Belfast tomorrow, and the Secretary of State for Northern Ireland, Karen Bradley. I hope to have a chance to talk to Prime Minister May this week. The Government I lead is cognisant of its role as co-guarantor of the Good Friday Agreement and its special role in vindicating the rights and wishes of Irish citizens in Northern Ireland. I will be taking an interest in this on an ongoing basis and will become personally involved if we believe it can make a difference at a certain point.

Deputy Brendan Howlin: I too recognise and welcome our distinguished visitors to the House.

The Government yesterday repackaged and rebranded three announcements on housing. Rents are now at an all-time high in Dublin, 14% above the previous 2007 peak. The pilot affordable rental scheme will be of little benefit to those facing record rents and new leases. The Government plans to reduce costs, build smaller apartments, reintroduce bedsits and have people use shared kitchens and other facilities. We still do not know how many new homes were built last year but it is believed that fewer than 10,000 new homes were completed in that period although between 25,000 and 35,000 were needed. The private market has failed to deliver.

The affordable purchase scheme is light on specifics but the hope is that it will deliver between 3,000 and 10,000 homes. It would provide developers with access to State-owned property and the State would fund the servicing of State-owned lands.

The newly rebranded council loan scheme has also been announced. The amount that people can borrow under the scheme has been reduced from 97% to 90% of the cost of a house. Those who might apply, many of whom have already visited my constituency office, are already paying record rents and will now have to face additional costs in terms of a deposit. For example, a person would have to save a deposit of €20,000 to purchase a €200,000 house. The help-to-buy scheme may provide some assistance in that regard and fixing interest rates would be of benefit over the lifetime of a loan but the numbers benefitting will be small.

The Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, yesterday said there is no need for a new agency with money, power, resources and control of land to build and deliver affordable housing. The State intends to change building regulations to make apartments more profitable, to provide the land for affordable housing, to pay for infrastructure through the housing activation fund, to finance developers - as announced at the time of the budget - through Home Building Finance Ireland, to help people to put together a deposit through the help-to-buy scheme and now intends to finance loans to home buyers through the Rebuilding Ireland home loan scheme. In that case, why do we not establish a new housing agency to deliver affordable housing and use the 700 publicly owned sites we have and the monetary resources the Government has allocated - more could be available through NAMA - to work with the local authorities and voluntary housing agencies to build and deliver these houses?

The Taoiseach: The Government's objectives on housing are threefold. First, it aims to reduce the number of people who are homeless. I am encouraged by the reduction in the number of rough sleepers over the Christmas period and into January and the fall in the number of families in emergency accommodation in January as a consequence of Government actions. However, one fall is not a trend, so I do not want to make too much of that although it is encouraging that those two things have been recorded and recognised.

The second objective is to provide more social housing in order to reduce the housing list. I am encouraged that the number of houses being built by local authorities and approved housing bodies is increasing, from fewer than 700 in 2016 to more than 2,000 in 2017. It will be closer to 4,000 this year. If we could ramp things up quicker we would, but it takes time to ramp up construction in the public and the private sector given the lost decade we have had.

One of our very important objectives is to recognise the fact that the vast majority of people provide their own housing. They save, get a mortgage and buy their house. This is what they want. They want to be able to buy and own their own home. We have to assist people to do that. This involves a number of things such as putting in place actions that will help the private sector and builders to start building again. We do not have a perfect measure of the number of houses that are built in the State in any given year but it appears to have been between 15,000 and 20,000 last year. This also shows an increase in construction. The fact is that we can see this construction all around us, be it cranes or housing estates in our constituencies. We anticipate new home construction rising to between 20,000 and 25,000 this year, getting to the point where things stop getting worse, as it were, and perhaps getting better again the year after.

As well as building houses, people need to be able to get mortgages and this is why the Minister, Deputy Eoghan Murphy, brought the proposals forward yesterday. It is for people who have not been able to get a mortgage from the bank so they can go to their local authority and secure a low-interest loan with a guaranteed interest rate for 30 years, which I believe is a positive offer. I am aware there were a huge number of calls being made to the authorities about the Rebuilding Ireland loan and extra staff have been taken on because of the number of people contacting the helpline and accessing the Rebuilding Ireland loan website.

With regard to the setting up of new agencies, I believe that the establishment of a new agency is often the default solution to every problem in Ireland. It does not always work. It is not something we would rule out but we must be realistic about it. It takes nearly 12 months to set up a new government agency and that is what one spends one's time doing during that period, not building houses. This new agency would presumably still have to contract out to the private sector. Unless it is taking on builders, carpenters, plumbers and so on, an agency such as that would have to contract and do procurement so even after a 12 month set up period, it would only then be starting on the process of issuing tenders.

I would also be very cautious of doing anything that takes the pressure off local authorities. We are putting councils and local authorities under enormous pressure to start building again. Some of them are doing better than others and it concerns me when I hear the Opposition suggesting that in some way responsibility might be taken away from the local authorities and handed over to an agency. Some councils or local authorities would not mind getting out of this entirely and if they thought that another party was going to come along and relieve them of this burden and obligation, it would not be helpful.

Deputy Brendan Howlin: Housing is an essential element of any civilised society. The notion that the Taoiseach would be so complacent as to think it is all right and it is all working is amazing. I thought we had all agreed that not enough homes were being built for affordable sale or rent in the State. People at whom the new council loan scheme is aimed will have to find somewhere between €15,000 and €30,000 as a deposit. How are the very people who are being refused mortgages by banks and building societies supposed to pay exorbitant rent and at the same time save €20,000 or €25,000 as a deposit? That is a hopeless task to put to them. Effectively, the Government is now financing every side of the private housing market. From

23 January 2018

every angle, the Government has found a support base for the private housing market. What I ask for is very simple - the creation of a national State agency to use the resources of the State, the land of the State and the commitment of the State to build affordable housing for our people in a crisis.

An Ceann Comhairle: The Taoiseach will conclude on this matter.

The Taoiseach: I did not actually make any of the contentions that Deputy Howlin has accused me of, so I will not reply to them one by one. It is often the case that people are refused a mortgage because they cannot pay the interest rate. Consider the difference between a mortgage where the interest rate is 3.5% and a mortgage with an interest rate of 2% which is guaranteed and locked in for 30 years. One's ability to afford a mortgage is based on the monthly repayment and the repayments under this mortgage will be considerably lower than is the case for mortgages given by the banks.

Deputy Brendan Howlin: If the person can save €20,000.

The Taoiseach: We will be able to assess this in the next couple of weeks and months and will see how many people apply for and get these new loans. I predict this might be one of the ones where we will be coming back in a few months' time to expand it and will be offering these low-cost loans with fixed interest rates to more people.

Deputy Micheál Martin: It should have happened years ago.

The Taoiseach: It has always been the case that a person needs to raise a deposit to buy a house. People do it in many different ways. Sometimes people go abroad for a period and earn money. Others get money from their parents. Lots of us did. Others get money through other loans. Sometimes people stay at home for a period and raise a deposit in that way. It has always been the case that a person had to be able to raise a deposit to buy his or her own home, with the exception of one period during the boom when we had 100% loans. I would not like us to get back to 100% loans because we know where that led us.

Deputy Michael Healy-Rae: This is directed at the Taoiseach and the Minister for Rural and Community Development, Deputy Ring, in particular. They will be aware that no funding was available for local improvement scheme roads from 2011 to 2016. I always would be of the contention that the most important stretch of road in the country for a person living in a rural area is the stretch from his or her own house to the next main road because, even if it is a private road, wherever a person is going he or she will have to travel that road anyway. For those five years, no funding was made available to the local authorities. During the 70 or 72 days of the discussions for the programme for Government, I raised this issue continuously, as did others, because it was so important to have it included in the programme. I welcome that the Government kept its commitment - there is no better person to fight for and secure funding at budget meetings for these roads than the Minister, Deputy Ring - and I welcome the funding that was allocated, which was approximately €10 million. In my county, it made an awful difference and was most welcome.

Today, I seek two things. The first is to ensure there is an increase in the funding because it is money extremely well spent. It goes back into our local economies. It is evenly divided among local authorities and has a local impact on rural areas as, given there is nothing worse than travelling a bad road, it improves people's quality of life. If a person and all his or her family members have to travel a bad road every day, or perhaps five, ten or 15 times a day, it means

much to have the road improved. One could not get over how much it means. The money strengthens local areas as it is extra work for local authority workers. It is money for those supplying the materials and the work that needs to be carried out. It is a win-win every way.

Deputy Micheál Martin: Chalk it down.

Deputy Michael Healy-Rae: I am, therefore, seeking an increase in the funding this year and that the Minister, Deputy Ring, would be allowed to secure at least €15 million rather than €10 million. Second, historically, it has been late August, September or into October when the funding has been announced. This is extremely difficult for and unfair to local authorities because they are then under pressure to spend the money when the weather is bad. There is a rush and this puts pressure on them. I would appreciate a response from the Taoiseach on those two issues.

The Taoiseach: I am really pleased that the Government was able to restore the local improvement scheme last year. I included it in my manifesto when I ran for leadership of my party. It is also in the programme for Government, which the Deputy was involved in negotiating, and is something that is very much welcomed in rural parts of Ireland. While these roads and laneways are not public roads, they are very often the part that accesses a number of houses, farms, businesses and so on and people who live in those houses and own those farms and businesses are people who pay tax too. Even though the road may not be officially taken in charge, people living in rural Ireland pay their motor tax, pay excise on petrol and diesel, pay VRT and now pay the local property tax. It is only right that we set aside some money for the local improvement scheme and we do so every year.

The Deputy asked two questions. The budget is €10 million this year but it is too early to add to the budget now. We can review it later if there is spare finance, either in the Department of Rural and Community Development or the Department of Transport, Tourism and Sport, but it is too soon at the moment to reallocate money between Departments. On timing, I can give the Deputy a favourable answer. Last year, the decision to reintroduce the local improvement scheme was only made in the summer, so we were not able to make the allocation until the latter part of the year, but it is the Minister's intention to bring it forward this year and to make the allocations in the first half of this year, if not in the first quarter, which will allow local authorities to make decisions sooner and will allow the work to be done in better weather, when it is drier over summer and autumn. This will be welcomed across rural Ireland.

Deputy Michael Healy-Rae: The Minister, Deputy Ring, knows better than anyone that agreeing to announce the level of funding in the year will make an awful difference to our local authorities. I cannot let the opportunity go without praising our own local authority, Kerry County Council, the management engineers, its area engineers and its senior executive engineers, who work diligently. I praise every one of the contractors too. They play a vital role because, unlike a lot of people in this House, they create a lot of employment. Some politicians in here never created one job for anybody so we have to compliment contractors who create work in their local communities. It is fortunate they are there.

The early announcement of the money will help the excellent staff in local authorities, not just in Kerry County Council which is, obviously, the best local authority in the country. They will appreciate it and they will be grateful for the Taoiseach's announcement. It is what I call sensible work by Government. Every €1 million more than the €10 million announced last year, however, would make an awful difference and would be most welcome. Kerry will ac-

23 January 2018

commodate many millions more. We will spend it too.

The Taoiseach: We should not forget to compliment the Minister for Rural and Community Development, Deputy Ring, and the officials of his new Department who managed, at very short notice in the summer and autumn when they were only setting up the Department, to get the money out to local authorities. Deputy Healy-Rae will be glad to know that Kerry is among the top five for securing money under the scheme, the first being Donegal, followed by Galway, Mayo and Cork - all rural counties with lots of roads. Last year, Kerry County Council was allocated €995,000 under the scheme and managed to spend €980,000 of that, making it one of the most efficient local authorities in spending the money allocated to it. I believe there are some very efficient contractors in the county too, who are always able to get the job done.

Order of Business

Deputy Aengus Ó Snodaigh: Today's business shall be No. 10, motion re proposed approval by Dáil Éireann for a Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), back from committee, No. 30; Technological Universities Bill 2015 - Report Stage (resumed) and Final Stage; No. 5, Companies (Statutory Audits) Bill 2017 - Order for Second Stage and Second Stage; and No. 31, statements on the report of the Joint Committee on the Eighth Amendment of the Constitution (resumed). Private Members' business shall be No. 48, Residential Tenancies (Amendment) Bill 2018 - Second Stage, selected by the Social Democrats-Green Party group.

Wednesday's business shall be No. 30, Technological Universities Bill 2015 - Report Stage (resumed) and Final Stage; and No. 5, Companies (Statutory Audits) Bill 2017 - Order for Second Stage and Second Stage. Private Members' business shall be No. 169, motion re shortage of teachers, selected by Fianna Fáil.

Thursday's business shall be No. 11, motion re proposed approval by Dáil Éireann of the Planning and Development (Amendment) Regulations 2018, back from committee; No. 12, motion re proposed approval by Dáil Éireann of the Planning and Development (Amendment) (No. 2) Regulations 2018, back from committee; No. 13, motion re proposed approval by Dáil Éireann of the Planning and Development (Amendment) (No. 3) Regulations 2018, back from committee; No. 1, Intoxicating Liquor (Amendment) Bill 2017 [*Seanad*] - All Stages; No. 5, Companies (Statutory Audits) Bill 2017 - Order for Second Stage and Second Stage; and No. 31, statements on the report of the Joint Committee on the Eighth Amendment of the Constitution (resumed, if not previously concluded).

I refer to the revised report of the Business Committee dated 22 January 2018. In relation to Tuesday's business, it is proposed that:

(1) The motion re proposed approval by Dáil Éireann for a Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), back from committee, shall be taken without debate;

(2) Second Stage of the Residential Tenancies (Amendment) Bill 2018 shall conclude within two hours;

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

(4) The statements on the report of the Joint Committee on the Eighth Amendment of the Constitution (resumed) shall commence on the conclusion of Private Members' Business, and the order shall not resume thereafter.

In relation to Wednesday's business, it is proposed that there shall be no oral Taoiseach's Questions, and the sos in accordance with Standing Order 25(1) shall take place on the conclusion of Questions on Promised Legislation.

In relation to Thursday's business, it is proposed that:

(1) The motion re proposed approval by Dáil Éireann of the Planning and Development (Amendment) Regulations 2018, back from committee; motion re proposed approval by Dáil Éireann of the Planning and Development (Amendment) (No. 2) Regulations 2018, back from committee, and motion re proposed approval by Dáil Éireann of the Planning and Development (Amendment) (No. 3) Regulations 2018, back from committee, shall be taken without debate;

(2) The proceedings on Second Stage of the Intoxicating Liquor (Amendment) Bill 2017 [*Seanad*] shall, if not previously concluded, be brought to a conclusion after two hours and 20 minutes; any division demanded on the conclusion of Second Stage shall be taken immediately; the speech of a Minister or Minister of State and the main spokespersons for parties or groups, or a Member nominated in their stead, shall not exceed ten minutes each; all other Members shall have five minutes each with a five minute response from the Minister or Minister of State: all members may share time; and the proceedings on Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion after 30 minutes by one question which shall, in relation to amendments, include only those set down or accepted by the Minister for Justice and Equality;

(3) The statements on the report of the Joint Committee on the Eighth Amendment of the Constitution (resumed, if not previously concluded) shall commence at 5 p.m., if not previously concluded, or on the conclusion of proceedings on the Intoxicating Liquor (Amendment) Bill 2017, whichever is the later, and the order shall not resume thereafter;

(4) No Private Members' Bill shall be taken under Standing Order 140A and no committee report shall be taken under Standing Order 91(2); and

(5) The Dáil shall sit later than 7.48 p.m. and Topical Issues shall commence not later than 8 p.m. The Dáil shall adjourn on the conclusion of Topical Issues.

An Ceann Comhairle: There are three proposals to put to the House today. Is the proposal for dealing with Tuesday's business agreed to?

Deputy Danny Healy-Rae: I want to ask the Taoiseach if it is correct and allowable that one Minister can press another Minister's vote button. The Minister for Transport, Tourism and Sport, Deputy Ross, pressed the button of the Minister for Children and Youth Affairs, Deputy Zappone, during the vote for his Bill last Thursday.

An Ceann Comhairle: That is not relevant to the Order of Business we are dealing with.

Deputy Danny Healy-Rae: Where will this be dealt with? It is totally unfair.

23 January 2018

An Ceann Comhairle: The Committee on Procedure.

Deputy Brendan Howlin: The Criminal Courts of Justice.

An Ceann Comhairle: We will deal with it at the Committee on Procedure.

Deputy Danny Healy-Rae: Will he please come into this Chamber and explain what he was at? He reached across and pressed the Minister, Deputy Zappone's, button.

An Ceann Comhairle: It is not in order to bring it up here but we will deal with it.

Deputy Danny Healy-Rae: She was also paired, a Cheann Comhairle.

An Ceann Comhairle: Yes. It will be dealt with by the Committee on Procedure.

Deputy Aengus Ó Snodaigh: Mattie dealt with it.

Deputy Micheál Martin: It is a serious matter.

Deputy Danny Healy-Rae: It is very serious, and everyone is taking a very dim view of it.

An Ceann Comhairle: I know that. I call Deputy Murphy.

Deputy Aengus Ó Snodaigh: Your teller did not take a dim view of it the other day.

Deputy Paul Murphy: We need to have a debate about opting in to the EU reception conditions directive. I am in favour of the implementation of the directive but we need to have a debate about it, first, because of the conditions of asylum seekers in our country who were treated and continue to be treated appallingly and, second, because all the indications are that the Government intends to implement the directive in such a limited way as to make, for example, the right to work effectively inoperable for a majority of asylum seekers, ruling out 60 occupations, limiting it to jobs that pay more than €30,000 a year and requiring work permits that would cost between €500 and €1,000, so I believe we should have a debate.

Deputy Gerry Adams: We agree. Sinn Féin wants to see a full debate being held on this issue because the Minister needs to clarify his attitude to these matters. This EU directive is long overdue and it seems the Government is taking a minimal position.

Deputy Eamon Ryan: I want to add to the voices asking for a debate, particularly on the issue about rights for people in the refugee process to work. The way the Government has managed this is a disgrace. We were given clear timelines by the High Court. We are ignoring them and to we need that debate to try to have a proper understanding of what is happening. I fully agree with the proposal.

Deputy Brendan Howlin: I understand the Seanad will have a debate on that matter today and it would be appropriate if time were set aside in this House so that the Members of this House can have an input in the same way because it seems from the presentation made by the Minister that the minimum compliance is to be sought pending determination of the new European regulation. To exclude people from work, and there are only two EU countries that do that, would be unacceptable to a great number of Members of the House.

Deputy Micheál Martin: From our perspective, we have no difficulty with facilitating time for a debate but it is curious that almost every party here which was at the Business Committee

did not seem to have articulated that imperative. I am surprised that it has come to the floor of the House and that we have to go back again, but I have no difficulty with that if that is what people desire.

An Ceann Comhairle: We will make arrangements immediately after this session for the Business Committee people.

The Taoiseach: Of course it is an issue for the Business Committee as to whether time is allowed for this, but perhaps I can clarify the position because there may be a misunderstanding. The Minister, Deputy Flanagan, briefed Cabinet about this matter this morning. We are doing this in two steps and the first step is quite minimalist. It is only allowing asylum seekers who have been here for six to nine months to work, more or less on the same basis as somebody who is applying for a work permit, in addition to that access to self-employment. This is just a first step. We made a previous announcement some months ago that there would be much wider access to the labour market, including employment for positions that pay less than €30,000 a year. It has not been possible to do that, get the procedures in place and notify the European Commission that we are opting into the directive, so we are not going as far as we intend to go. We are doing this in two steps, namely, this rather minimalist step first and then the almost full access, which is what we committed to, and that will be done in June. I am sure the Minister, Deputy Flanagan, can explain that in more detail but I just want to reassure the House that what is being done now is not the end of it. It is just the first step, and the second step will be much wider access to the labour market.

An Ceann Comhairle: Thank you, Taoiseach. That is helpful. I take it we can make contact with the Business Committee members this afternoon and see if agreement can be reached on providing time. Notwithstanding that, is the proposal for dealing with today's business agreed to? Agreed. Is the proposal for dealing with Wednesday's business agreed to? Agreed. Finally, is the proposal for dealing with Thursday's business agreed to? Agreed.

On promised legislation, I call Deputy Micheál Martin.

Deputy Micheál Martin: In May 2014, a report of the Internet content governance advisory group was published. The group was chaired by Mr. Brian O'Neill and was charged with reviewing what had to be done to protect Internet users in Ireland, in particular children who are the most vulnerable group. That was four years ago. Children in Ireland and internationally are being targeted by predators and lured to take part in inappropriate requests which are emotionally and physically traumatic. The report included many recommendations, one of which was the amendment of the Communications Regulation (Amendment) Act 2007 to include electronic communications within the definition of measures dealing with the sending of messages which are grossly offensive, indecent, obscene or menacing. Can the Taoiseach confirm that the Bill will come before the House and say why? Will he state when a digital safety commissioner will be recruited and appointed and when such an office will be established to ensure that our children are protected as much as possible from these Internet predators? I understand the Government balked at such an appointment before Christmas.

The Taoiseach: I do not have a date for that legislation currently but I join Deputy Martin and every other Member in expressing condemnation and disgust at the stories we have all read today and on other days about sexual predators and others using social media and online systems to gain access to children. None of these behaviours was created by the Internet but its existence allows people to contact other individuals, including children, with much more ease.

23 January 2018

I am advised by the Minister, Deputy Naughten, that the next step is an open policy debate on the issue, which will be held on Thursday, 8 March 2018 at the Royal Hospital Kilmainham. The Minister intends to take further steps on foot of that.

Deputy Micheál Martin: It is four years since the report. The Oireachtas committee addressed it as well.

Deputy Gerry Adams: The programme for Government commits the Government to recognising the state of Palestine. The decision by President Trump to recognise Jerusalem as the capital of Israel and the announcement by Vice President Pence that the US Embassy will move to Jerusalem have heightened tension in the region. According to the UN, at least 345 Palestinian children have been injured and at least 17 Palestinians have been killed. The Taoiseach will recall that the Oireachtas supported the recognition of the Palestinian state and nine EU member states have already done so. The Government, however, has linked recognition to a negotiated settlement, which hands to the Israeli Government a veto over the right of the Palestinian people to statehood and makes them second-class citizens in their own land. Will the Taoiseach review the Government's stand on this and accept the imperative of its own programme for Government, as well as the wishes of the Oireachtas? Will he also confirm that the Government is willing to increase the €4 million contribution it makes to humanitarian relief in the region following President Trump's decision to cut US funding to the United Nations Relief and Works Agency, UNRWA?

The Taoiseach: The Government disagrees strongly with the decision of the United States to recognise Jerusalem as the legal capital of Israel. That is the position I took at the European Council and the position we have adopted as a European Union. We continue to believe that the status of Jerusalem should be determined as part of the final settlement and final status talks between Israel and the Palestinians.

As for Ireland recognising the state of Palestine, that is something the Government wants to do but we have to bear two considerations in mind. First, the Palestinians do not have a state yet. Their lands are occupied and so far, Ireland has not recognised states which do not yet exist. We must consider whether it is wise for us to begin to recognise states which do not yet exist and what other states may fall into that category.

Deputy Paul Murphy: It was put in the programme for Government.

The Taoiseach: It is also the case that a decision would be much stronger if it were taken at the same time as our European partners take the same step. It would be a much stronger statement if that were done as a Union of 27 or 28 rather than by member states acting individually. While individual acts may get noticed momentarily, they will probably not change anything or be of any real benefit.

Deputy Gerry Adams: The Houses of the Oireachtas want the Government to do it.

Deputy Brendan Howlin: I join others in noting that we need to legislate in the areas of cyberbullying and online harassment, in which regard it is the intention of the Labour Party to move its own legislation during its Private Members' time next week.

Two years ago in 2015, we passed a law for a rental deposit protection scheme to be operated by the Residential Tenancies Board. In 2015, some 22% of RTB disputes were about rental deposit retentions. Instead of commencing the legislation, we are now told the Government

will review the scheme and possibly change the law again. The reason given is that the interest that would accrue on the deposit scheme might not cover the cost. That is a very lame and poor excuse. What exactly will the Government do on this really important issue?

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): In September 2017, I signalled that we were embarking on a change management programme with the Residential Tenancies Board to make it a proper, independent regulator for the sector and to find balance for both tenants' rights and landlords' rights. Key to that is the issue of the deposit, as the Deputy pointed out, in terms of the security it gives to the landlord and the money that is owed to the tenant. As part of the change management programme, we are trying to progress a proper deposit protection scheme for tenants and landlords. The Deputy is right to point out that the rates that would be received for such a scheme today would not cover the administrative costs of the scheme. That is one of the reasons that it was deferred. I have put it back on the table because there are enough concerns of people on both sides to make sure there is security around this form of payment. It is important to note that any new system would need to have flexibility so a tenant could get the deposit back in time to put it down as the deposit for the next rental property. Issues like that have to be worked out but it is part of the process we are embarking upon at the moment. Those changes form part of the priority legislation that is on the A table for this session.

Deputy Brendan Howlin: Is it new legislation or enacting the existing legislation?

Deputy Eoghan Murphy: It may be enacted as part of new legislation that we bring in to reform the Residential Tenancies Board.

Deputy Paul Murphy: I add my voice to the horror and disgust of others at the abuse that was outlined in court and offer my sympathy to the victims and their families. I was a bit concerned yesterday to see that on a programme dealing with this issue, the Minister of State, Deputy Daly, said he wants to see the public services card linked to social media accounts in order to verify the identity of users. Does the Government have any plan to bring forward legislation for what seems to be perhaps an ill-thought out and certainly Orwellian and dangerous proposal that would curtail privacy and Internet freedom?

The Taoiseach: I reassure the Deputy that the Government has no plans to link the public services card to Internet usage, which I agree would be a restriction on privacy and people's freedom. I have no doubt the Minister of State, Deputy Daly's thoughts and proposals were well-intentioned but it is certainly not something the Government is proposing to do.

Deputy Michael Healy-Rae: My question is on reducing waiting lists for X-rays. For the past 25 years, chiropractors have been able to refer patients to private hospitals or take X-rays in-house. On 6 February, the Minister, Deputy Harris, is due to sign into law an EU directive that will see this right taken away from them. Surely this is nonsensical as it will result in a massive surge on the waiting list for X-rays and will mean people with issues such as back pain will be waiting much longer for solutions while in pain. Will the Government amend the directive and allow the existing practice to continue in the interest of common sense? Our chiropractors are providing an excellent service and have been doing so for many decades. Can we please keep the *status quo*?

The Taoiseach: We have no plans to do that. Chiropractors are not registered health care professionals. The only people who can prescribe a patient being exposed to radiation should

be doctors or specialist nurses.

Deputy Eamon Ryan: I heard the Taoiseach speak earlier about the need for local authorities to step up to the plate to manage the housing crisis and I agree. One of the key ways we could do that is to have directly elected mayors in our cities so that the buck would stop with someone who would have the task of managing it. They could also manage the transport crisis we are facing where the lack of co-ordination between the four local authorities and neighbouring councils is leading to gridlock in our city. In that regard, will the Taoiseach outline what is the timeline for the Government in terms of arrangements for a plebiscite for directly elected mayors for Dublin, Cork, Galway or other cities?

We are on a very tight timeline. As I understand, an election would have to take place at the same time as the local elections in May 2019. What is the Government's timeline? When can we expect it to announce the proposal? Will it be part of a plebiscite later this autumn? Does the Minister agree that we are now committed to heading in that direction? The Minister of State, Deputy Phelan, has indicated that is what is likely to come out of it. When will the Minister announce it and what are the details of his timeline?

3 o'clock

Deputy Eoghan Murphy: No such commitment has been given. There are proposals for local government reform that will come before Cabinet shortly. We should not underestimate the difficulties involved in the type of structural change to local government that would be required if a new layer of government were to be introduced, with a directly elected mayor who would have the powers and the teeth to solve some of the problems that we have in our major cities. Even if there were a proposal to hold an election for a directly elected mayor for Dublin, for example, realistically that office could not be in place and the election for it held in time for the local and European elections next year. This is because of the other administrative changes that would have to be made in each of the local authorities in Dublin were the proposal to extend to the four local authorities, notwithstanding the greater Dublin area where it would have to have some sort of a role for its decisions to be meaningful and have substance.

Deputy Eamon Ryan: It will be 2030 or 2040. It is never-never land.

Deputy Shane Cassells: The programme for Government states that the Government understands the divisions and distress caused in local communities which feel that new energy infrastructure such as pylons are imposed upon them and goes on to stress the importance of "community participation in renewable energy". The greatest litmus test of that will come today. This morning the Department for Infrastructure in Northern Ireland approved planning for the North-South interconnector pylon project, despite Sinn Féin's pledge that it would stop it in the North, while in the South, Fine Gael Ministers said that they would get it put underground. This morning, EirGrid welcomed what it called the clearing of all obstacles and it says it is free to plough on.

Is EirGrid free to plough on and destroy the counties of Meath, Cavan and Monaghan and the proprietary rights of the people in those counties or does the Government's promise to respect local communities mean anything to it? I ask that the Taoiseach please not to tell people that it is vital infrastructure or give us the EirGrid spin about listening. EirGrid does enough spinning itself. Will the Taoiseach intercede on behalf of the ordinary people before this is handed over to ESB Networks for construction this summer?

An Ceann Comhairle: Deputies Thomas Byrne and Niamh Smyth may come in briefly on

the same matter.

Deputy Thomas Byrne: Has the Taoiseach received or accepted the resignation of his colleague, the Minister, Deputy Regina Doherty, who had threatened to resign if this eventuality happened? What are the Minister's plans for civil disobedience, which she also had highlighted would happen if this project got the go-ahead, as happened today?

An Ceann Comhairle: That is not exactly a matter related to legislation. It is a promise.

Deputy Thomas Byrne: It is on the record.

Deputy Niamh Smyth: I agree with my colleague, Deputy Cassells. The Taoiseach will know well that EirGrid has shown nothing but contempt and disdain for the communities of Cavan, Monaghan and Meath. I ask him to respond to Deputy Cassells's question and clearly outline what the position is for EirGrid now in the South.

The Taoiseach: The North-South interconnector is vital energy infrastructure linking the North to the rest of Ireland in terms of energy infrastructure and networks. We await two reports on this matter which are being undertaken but which are not yet complete. The Minister, Deputy Naughten, will make a statement in due course.

Deputy Danny Healy-Rae: I raise the matter of GLAS payments to farmers. Farmers are hit two ways because they are not being paid for GLAS. One of the scheme's requirements is that farmers may not cut their meadows or cut silage until the month of July. What happened last year was that farmers along the west who were in GLAS obeyed the rules but were unable to cut their fodder when they went to do so because the weather had changed. The weather has not improved since. Will the Taoiseach please pay the farmers who are owed their GLAS money and give them some kind of grant to provide fodder for their cattle? Many farmers face ruin and extinction if he does not do so.

The Taoiseach: I do not have an update on the GLAS payments to hand. They will be paid as soon as they can be. On fodder, the Minister, Deputy Creed, is developing a targeted scheme which may assist with the cost of transporting fodder. This is a serious problem in some regions and not in others, and anything that is done will be targeted.

Deputy Michael Collins: Briefly, on Deputy Danny Healy-Rae's query earlier about the Minister, Deputy Zappone's button being pressed, I wish to clarify that I was the co-signature here and if I had been aware that this was the case, I would not have provided any signature.

On the programme for Government regarding road improvements, in the talks on Government two years ago the Government acknowledged that the budget for local and regional roads was still recovering following the crash. Due to the lack of investment, due to the neglect and due to the severe weather experienced since August last, the condition of many of the roads in west Cork is appalling. They are dangerous and are seriously damaged, thus putting lives at risk and causing accidents and damage to cars. The condition of the roads is now a national emergency. Will the Government make emergency funds available to the local authority to meet this crisis? The situation has to be dealt with immediately.

The Taoiseach: Perhaps this matter would be best raised with the Minister for Transport, Tourism and Sport. As I stated earlier on a previous question, it is only January. The budget has only just been set for the year and we are not in a position at this early stage in the year to

reallocate funds within Departments or move funds from one Department to another.

Deputy Michael Moynihan: The Taoiseach spoke earlier on housing. He spoke specifically about those who want to build their own houses and to develop their own properties. He was talking about regional development within rural Ireland. Is the Taoiseach aware that it is becoming increasingly difficult for people to obtain planning for one-off houses throughout the country? All over rural Ireland, this is becoming an issue. Local authorities are citing regulations coming down from the Department of Housing, Planning and Local Government that are more stringent and stricter. The local authorities have to put these regulations in place, making it more difficult for people, as the Taoiseach stated in his earlier comments, who want to build their own houses in their local communities and have proper regional development. These families, who build predominantly in rural areas, go on to be active members of their community and add to and enhance their communities. The Taoiseach needs to take a serious look at this.

Deputy Eamon Scanlon: On the same issue, if anybody wants to get planning permission in County Leitrim now, he or she has to spend €50,000 to deal with the effluent treatment. What will happen is rural areas will shut down. It is bad enough as it is, with depopulation and everything else, but it is a crazy situation to expect somebody to fork out €50,000 to facilitate a septic tank. That is what is going on. It is outrageous that this can be allowed to happen. The Government would be as well to put a gate at Carrick-on-Shannon because people will not be able to build or survive in that area.

Deputy Eoghan Murphy: One point to note at the outset is that the Rebuilding Ireland home loan announced yesterday applies to self-build as well and it will be useful to those who are looking to build homes around the country.

One of the key goals we are trying to achieve with the national planning framework which we are finalising at present is clarifying planning issues around the country. The ambition of Rebuilding Ireland, and in terms of our population projections on where people will live out to 2040, is that 50% of the growth would come from cities and large urban centres but 50% of the growth would come from everywhere else. That means that we must ensure that we have a proper planning framework in place for local authorities to ensure that we can open up doors to parts of the country that were thought to be previously closed. Of course, this is not only about providing planning for homes. It is also about ensuring that we have the right planning for jobs and other key infrastructure.

Deputy Michael Moynihan: One-off housing?

Deputy Eoghan Murphy: It is being looked at in the context of the national planning framework.

Deputy John Brady: I welcome the announcement this morning from the Minister for Employment Affairs and Social Protection on the changes to the so-called 2012 pension anomaly. I particularly welcome the home-caring credit for up to 20 years. It is an acknowledgement for the many carers out there providing excellent care for loved ones and family members, saving the State millions of euro each year. I also welcome that the Minister stated no pensioner will see any decrease in his or her pension payments with the new change.

There is one serious concern. The Minister is talking about these changes coming in on 30 March with no payments being paid out until the first quarter of 2019. There is no mention whatsoever of the six years from 2012 until 2018, in which more than 40,000 pensioners re-

ceived a reduced payment. This change is an acknowledgement that those pensioners have had wrong done to them by the Government and the Taoiseach's former colleagues in government in the Labour Party. Will the Government make a commitment that the 42,000 pensioners who have been wronged will see back-payments to 2012? Will the Minister outline clearly the plans that are in place to ensure they will not see any loss of their pensions and that money will be paid back?

An Ceann Comhairle: I call Deputy Tony McLoughlin on the same matter.

Deputy Tony McLoughlin: I support Deputy Brady's comments. We all know that one of the most important things to a pensioner is his or her State pension. On that basis, I ask the Minister to outline her plans to ensure that those affected by the 2012 pension changes will see their cases addressed in 2019.

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I thank Deputy Brady for welcoming the changes announced this morning. What was announced this morning is a reform and new legislation. As Deputy Brady is aware, no new legislation can be applied retrospectively. For the record of the House, the reforms we announced today mean that the length of one's working life will no longer be the key factor in determining one's pension payments. One's total contributions, regardless of the number of years worked, is what will be key. The reforms provide for the addition of a credit for home caring. Whether the credit is for caring for one's children or an elderly relative or whatever else, it will be determined once the assessment has taken place. Given that this is new legislation, the start date for the payments will be the same as that for all the other payments that will be increased on the day the budget changes come into play in the week beginning 26 March. No back-payment is being paid. The legislation that was introduced in 2012 will still be the current legislation until I introduce new legislation. According to that legislation, payments to be made will start accruing from 26 March to 30 March 2018, with payments being made in the first quarter of 2019. It is not the case that legislation can be retrospective-----

An Ceann Comhairle: Go raibh maith agat. Sin deireadh le ceisteanna ar reachtaíocht atá geallta.

Ceisteanna - Questions

Taoiseach's Meetings and Engagements

1. **Deputy Gerry Adams** asked the Taoiseach if he has held recent meetings with church leaders and faith communities. [53041/17]

2. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his recent and planned engagements with church leaders and faith communities here. [1838/18]

3. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on planned or past meetings with church leaders. [3089/18]

4. **Deputy Ruth Coppinger** asked the Taoiseach if he has had meetings recently with religious leaders. [3173/18]

5. **Deputy Micheál Martin** asked the Taoiseach if he has met the church leaders recently. [3445/18]

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

On 31 August last, I held a formal meeting under the structured dialogue process with representatives of the Catholic Church, led by Archbishop Eamon Martin. I was accompanied at the meeting by the Tánaiste and Minister for Business, Enterprise and Innovation and by the Ministers for Education and Skills; Health; Transport, Tourism and Sport; and Employment Affairs and Social Protection.

A wide-ranging discussion took place on a range of important national and international issues including the World Meeting of Families in August 2018 and the possibility of a visit to Ireland by the Pope, education issues, the eighth amendment of the Constitution, Northern Ireland, overseas development aid and social justice issues.

I also recently received a courtesy call from the Archbishop of Dublin, Diarmuid Martin, as is traditional around the Christmas and new year period.

Yesterday, I met representatives of the main Protestant churches, the Church of Ireland, Presbyterian and Methodist congregations. I was accompanied by the Ministers for Justice and Equality; Business, Enterprise and Innovation; Education and Skills; Health; and Transport, Tourism and Sport; and the Minister of State at the Department of Foreign Affairs and Trade with special responsibility for international development.

This was the second in a series of meetings I will hold with dialogue partners. We discussed important social and economic issues facing Irish society including Brexit, education, the eighth amendment to the Constitution and international development.

Church and faith communities play an important role in Irish life, and it is very beneficial that Government should engage with them in a structured way. Some of the issues we discussed at these meetings were very challenging. They are issues on which people have deeply held views and which are matters of conscience. Our discussions were valuable not just because they dealt with important issues, but particularly because they were conducted in an atmosphere of respect for the views of others in which everyone sought to be constructive.

Deputy Gerry Adams: The Taoiseach said he met representatives of the Catholic Church to see how he can facilitate the planned visit by the Pope later this year. I deduce from the Taoiseach's remarks that he had some discussion about this. If so, will he give some sense of what is expected and anticipated and what kind of support he expects the Government will provide to facilitate this visit? Furthermore, does he have any insight into whether the Pope will visit the North? Pope John Paul II did not visit the North when he came here, but when the possibility of a papal visit was raised perhaps two years ago, both Martin McGuinness and Arlene Foster welcomed the notion of a visit to the North.

Finally, and very briefly, local people in Ballivor, County Meath, have protested against the proposed siting of a so-called drug treatment centre run by a group called Narconon, which is closely linked to the Church of Scientology. My colleague, Deputy Peadar Tóibín, who is a local representative, has pointed out that there is no provision in legislation for the regulation or inspection of residential treatment or rehabilitation centres specialising in addiction. Will the Taoiseach tell us whether he shares the concerns that have been raised about this? Is there

a way to support local people and allay their concerns?

Deputy Brendan Howlin: I, too, think there is value and merit in having a structured dialogue with faith group leaders in our country. In the Taoiseach's discussions on the eighth amendment, did he share with any of the faith groups his personal views on repeal of the eighth amendment? What kind of legislation did they suggest? Were all the groups he talked to united in a particular view on the eighth amendment? Was he just involved in a listening exercise without sharing his own views on these matters?

I refer to the issue of schools, particularly in the context of the Catholic Church. I listened with some care to the views expressed - very well, I think - by the Minister for Education and Skills recently on offering choice for a growing number of our citizens who want choice regarding secondary education in particular. Did the Taoiseach discuss this matter and did a shared consensus emerge on it?

Finally, what inputs will the State have into the visit later this year of the Pope? Obviously, there will be security considerations and costs but, regarding the way in which the visit is to be planned, does the Taoiseach have a schedule of State inputs that he might wish to share with the Oireachtas?

Deputy Richard Boyd Barrett: Will the Taoiseach elaborate on the discussions he had with Archbishop Martin about the eighth amendment? Many people have said, rightly, that the debate on the likely referendum on the eighth amendment should be conducted in a reasonable and respectful manner. However, the fact is that in the past it has often been people associated with the church, often in senior positions in the church, who have tried to reduce the argument to phrases such as "abortion is murder", "it is about the destruction of innocent life" and so on. This is what has polarised previous debates.

I remember standing outside these Houses a long time ago and being physically attacked with hurleys by people attached to the Catholic view of abortion because we were protesting about the treatment of Miss X at the time of the tragic X case. It is important that the Taoiseach sends out a very clear signal that the Government expects those who are anti-abortion not to polarise the debate with such terms, which are really derogatory and do not respect the decisions of huge numbers of Irish women to seek abortions under very difficult circumstances, whether as a result of poverty, rape, mental or physical health threats or whatever other reasons, and expects the church to commit not to denigrate women in the debate that is likely to ensue.

Deputy Micheál Martin: These structured discussions with leaders of various faiths have been ongoing for approximately a decade and they are a recognition of the importance of churches and other religious organisations in the lives of so many in our society and in our country. Unfortunately, there has been a tendency in different areas for Ministers to announce policy towards institutions managed by religious groups through the media rather than raising them first in these dialogues. One of the side effects of this has been to slow down important developments such as the transfer of patronage of national schools. In that case, years have been lost as a previously co-operative approach was replaced by one of mutual suspicion. This certainly happened in terms of the patronage issue.

Has the Taoiseach given any assurance of consultation before major changes in policy towards schools are announced? Specifically on national schools under the patronage of minority religious groups, the cutbacks which targeted smaller schools had a deeply negative impact on

them. The changes to staffing allocations forced on the Government through the confidence and supply agreement are helping, but long-term security is needed for small rural schools, particularly those of minority religious denominations. This is something of which I was always very conscious as a former Minister with responsibility for education. It is extremely important that the minority religions, in terms of their education, are protected and that their ethos is facilitated in that regard. It is just as important a part of diversity in education provision. I ask the Taoiseach to look at the voluntary secondary school sector. I believe there may be a bit of discrimination going on in terms of the capital funding of schools in the voluntary secondary school sector. I am aware of a school in Rochestown, St. Francis College, which has been waiting seven or eight years for a new build. It has now been told it will be an extension. Meanwhile, other schools are being built. There is no difficulty with the other schools. There should be parity of esteem in the capital programme, irrespective of the tradition or ethos of any school.

Deputy Mick Barry: Was there any discussion in the Taoiseach's meetings with the religious leaders on the issue of the quality of sex education in schools? As the Taoiseach is aware, the vast majority of primary schools are controlled and owned by religious institutions. Approximately half of secondary schools are directly controlled by religious institutions, and it seems to me there is a Catholic ethos in many community and ETB schools. Does the Taoiseach believe it is possible to have real fact-based sex education in schools with a religious ethos? Would a teacher who was inclined to give such an education in all cases discount the question of ownership of the school, the ethos of the school and the question of a so-called chill factor? I wonder how issues such as contraception and abortion are taught in these schools. There is the question of the LGBT community and transgender young people. The very fact these schools are segregated is itself a form of discrimination against trans young people. What is taught in terms of transsexuality? What policies do these schools have with regard to flexibility on uniform policy for trans schoolchildren? Perhaps when the Taoiseach next meets the religious leaders it might be time to state it is time to separate church and State in the realm of education for many reasons, not least of which would be the provision of thorough, modern, fact-based education, including sex education, for the children of the nation.

The Taoiseach: I will start with the questions on the attendance of Pope Francis at the World Meeting of Families in Dublin. My Department, through its protocol division, is assisting the church authorities in the organisation and preparations that need to be made for that visit. Even though it is not formally a State visit, the assistance provided to Pope Francis will be the same as if it were. Pope Francis will be given the full support of the State in terms of protocol, security and any other matters. I understand from Archbishop Martin that the Pope's major interest in the visit is, of course, attending the World Meeting of Families. This is why he is coming to Ireland and Dublin. He may do one or two other things, but the focus of the visit will be the World Meeting of Families and the events associated with it. Any decision on whether he will also visit Northern Ireland is, of course, a matter for him and the Vatican.

I certainly want to join others in acknowledging the worries and legitimate concerns of people in Ballivor in County Meath at the proposed opening of a Narconon centre there. This is, nonetheless, a free country which guarantees free association to people and citizens, so I am not sure whether the Government can do anything if it has planning permission for the centre. Certainly, if people are there by free will and their own decision and they are not been detained against their will, it is difficult to know what actions the Government can take. I will certainly speak to my public representatives in the area to see whether there is a way forward.

With regard to abortion, my role, and that of the Minister for Health, at the meeting was largely to outline the process to date. The process was established by the Government, which set up the Citizens' Assembly which then made recommendations which were considered by an all-party Oireachtas committee. The reports of the Oireachtas joint committee and the Citizens' Assembly are now being considered by the Government and the Cabinet will make a decision shortly. It is fair to say the Roman Catholic Church was opposed to the repeal of the eighth amendment. The Protestant congregations were a little bit more nuanced, but were not supportive of the proposals made by the Oireachtas joint committee. I certainly agree, as did they, that the debate that will occur over the next few months about changes to our laws should be respectful. They should not be personalised and nobody should be pressurised to take a particular view or decision. I call for respect from all sides for all sides in the debate. The people will ultimately make this decision and I trust the people to make the right decision based on compassion and empathy while not disrespecting human life.

There were discussions on school patronage, but most of this will be followed up bilaterally between the congregations and the churches and the Department of Education and Skills. The view of the Government was that what should be paramount are the wishes of parents, especially parents of preschool children who are not already attending school. There will be appropriate consultation and appropriate collaboration in achieving any change of patronage.

I very much agree with the views of others on the need to respect minority groups and to protect minority schools. All of us have a small Church of Ireland or Protestant school in our constituency that is a very important part of the fabric of those communities and we very much support them. We did not have an opportunity to discuss sex education or uniform policy.

Economic Policy

6. **Deputy Gerry Adams** asked the Taoiseach if he will report on the work of the economic policy division of his Department. [53042/17]

7. **Deputy Richard Boyd Barrett** asked the Taoiseach when Cabinet committee A on the economy will next meet. [1682/18]

8. **Deputy Brendan Howlin** asked the Taoiseach if he will report on changes he has made or plans to make to the economic policy division of his Department; and the work it is undertaking. [1837/18]

9. **Deputy Micheál Martin** asked the Taoiseach the economic expertise available to him within his Department. [2112/18]

Leo Varadkar: I propose to take Questions Nos. 6 to 9, inclusive, together.

The economic division of my Department supports me and the Government in developing and implementing economic policy aimed at sustainable and regionally balanced economic growth, well-planned infrastructural development and quality employment. The Cabinet committees and senior officials groups, supported by the division, help deliver policies in these areas.

Cabinet committee A covers issues relating to the economy, jobs, the labour market, competitiveness, productivity, trade, the Action Plan on Rural Development, the digital economy

23 January 2018

and pensions. It met last week, on 18 January, and the next meeting has not yet been scheduled. Cabinet committee D covers infrastructure, housing, infrastructure investment and delivery, climate action and the national planning framework, and is next due to meet on 1 February.

The data protection unit within the economic division supports the Minister of State with responsibility for data protection and contributes to a whole of Government approach to the challenges from the increasing digitisation of modern life and the associated significant increase in the amount of personal data generated.

The division also monitors implementation of the Government Action Plan for Jobs and supports Government priorities, such as pensions reform, labour market and skills policies, housing, infrastructure, climate action and regional and rural development. It co-ordinates the preparation of the annual national risk assessment, which provides an opportunity to identify and consider potential economic risks and challenges on a structured basis. It co-ordinates Ireland's participation in the European semester and works with the Department of Foreign Affairs and Trade and the European Union division of my Department on the possible economic impact of Brexit.

I am satisfied my Department has a full range of skills and experience to provide me with the necessary advice on economic and other policy challenges facing the country at this time. As Deputies will be aware, my Department works closely with the Departments of Finance and Public Expenditure and Reform to ensure a coherent whole-of-government approach to economic policy, including challenges that now arise from international and EU developments. The economic division also includes officials and staff with a range of economic qualifications, including specialist staff recruited as part of the Irish Government economic evaluation service, IGEES, as well as at least five staff with either PhD or master's qualifications in relevant economic or other policy disciplines. Others have extensive experience dealing with economic and related policy questions. Appointments and recruitment in my Department are the responsibility of the Secretary General and senior management in the Department. There are no plans to change at present the current structure of the economic division but the Department staffing needs are reviewed on an ongoing basis.

Deputy Gerry Adams: Zero-hour and if-and-when contracts are a problem for many workers in this State and last week there were protests here about zero-hour contracts. Workers called for an end to them. There is much pressure on workers affected by these contracts, who do not know how many hours they will work, how much money they will earn and whether they will have enough money at the end of the week to pay bills, including rents and mortgages. All this leads to serious health issues, including mental health issues. It has also led to the exploitation of workers and the hollowing out of workers' rights.

Deputy David Cullinane produced a Bill to address this issue and it was subjected to rigorous pre-legislative scrutiny here and passed to Committee Stage. It is now held in money message limbo by the Taoiseach's office. Has the economic policy division discussed this Bill or Mandate's Secure Hours - Better Future charter? Has it been discussed? If not, why not? Will the Taoiseach consider dropping the money message rules holding up Deputy Cullinane's Bill? There are proposed amendments to be made by the jobs committee that could protect the rights of these ordinary workers and enhance economic policy.

Deputy Richard Boyd Barrett: We have the context of the Oxfam wealth report and the upcoming Davos meeting and, yet again, we find a report indicating the gap between a tiny

group of the richest people in the world and the vast majority has widened to shocking and obscene levels, with 1% of the population owning 82% of all wealth. Oxfam cites in particular the erosion of workers' rights and government policy and decision making, as well as the failure of corporations to pay proper taxes, as the factors responsible for this shocking rise in inequality. That is mirrored here, with record numbers of millionaires cited in recent reports, along with two additional billionaires, with some of those, interestingly, involved with construction and property areas.

On the other hand, there is a massive housing crisis arising from the fact that people's wages are not sufficient to buy housing on the open market. Construction workers do not want to work in construction because they will have to put up with zero-hour contracts, as has been mentioned. From day to day and week to week, those people do not know how many days or weeks they will be working. Their pay and conditions are not sufficient even to buy the houses they are building. Not surprisingly, we do not have the capacity in the form of workers to build houses for people. Does this give the Taoiseach pause for thought about the need to address income and wealth inequality in this country and, very specifically, to deal with the matter of zero-hour contracts?

Deputy Brendan Howlin: The Taoiseach will recall very well that his predecessor had an economic adviser who was, if I can put it this way, a very strong voice in all the deliberations of the previous Administration. Does the Taoiseach intend to appoint an economic adviser or is somebody fulfilling that role right now?

Over Christmas, the Taoiseach warned that wage growth posed a threat to the economy. It struck me as very odd that the matter he decided to focus on as the most significant threat to the future economic well-being of the country was wage inflation. Does he not accept that wage rises are very modest and wage growth in 2017 was below 2%, with average weekly earnings hardly rising at all in the past number of years for many workers? It is time they got a break so as to share in the recovery we can see that is manifesting economic growth rates. Does the Taoiseach accept that workers deserve a pay rise, particularly in light of pressures in the housing and rental markets that have become so obvious?

Deputy Micheál Martin: The Taoiseach might indicate if he intends to appoint an economic adviser. I understand a number of Bills have been published relating to zero-hour and banded hours contracts and the Government is due to publish a Bill. Will the Taoiseach confirm if that will be in the next two weeks, as we were told that would be the case? Will the Government be flexible with amendments coming from the Opposition with that Bill so we can work collectively in the House to get the right resolution for workers with unacceptable conditions? There is a lack of a banded framework in many cases and people are living from week to week. They cannot get security in terms of mortgages, bank or car loans, etc., and their lives are on hold for many years. The confidence and supply agreement between the Fianna Fáil Party and the Government refers to the need for improvement of rights in this specific area.

The Taoiseach's economic division is involved with the development of the capital plan, which has been ready for well over a year but has been withheld in order to extend it to ten years.

Deputy Brendan Howlin: It is being redrawn.

Deputy Micheál Martin: This will also allow the preparation of an advertising campaign

23 January 2018

led by the Taoiseach's staff. It is fair to say the expertise within the Taoiseach's Department has focused largely on recruiting communications staff and allocating €5 million towards marketing and communications advice he requires. I am aware that Ministers have been ringing around telling people to get their plans together so they can be submitted to the national plan. The rigour and criteria we were led to believe would inform the national plan have waned somewhat recently. I know this and word has gone to constituencies to get some sort of a plan in anyway because if they are not in the overall national plan, they will have no hope in future of getting funding. That is what seems to be happening. It is meant to be a ten-year plan but it will be the first without estimates or costing attributed to it. Will the Taoiseach explain the exact criteria being used for the inclusion of projects in the plan? Will he give a personal assurance that there are no cases of Ministers telling State agencies where projects are to be built in direct contradiction of expert advice?

The Taoiseach: I will start with the question on employment rights. The Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, is leading on the legislation to abolish zero-hour contracts in some circumstances and also to give people more generally greater certainty about the hours they work and income earned. The legislation was published in December so perhaps Deputies missed it because of the Christmas period.

Deputy Micheál Martin: We are wondering when it will come before the House.

The Taoiseach: I do not know that.

Deputy Brendan Howlin: When I asked about this, the indication was that it would be as soon as time allowed.

The Taoiseach: That is the answer. The Bill was published in the first half of December. It supersedes the Bill put forward by Deputy Cullinane. I am keen to have it in the House as soon as the Business Committee can provide time for it. When we deal with the legislation, it is important we do not throw the baby out with the bath water. I refer to when provisions in contracts might make sense. For example, emergency services operate on an if-and-when basis. It can make sense to have a certain number of core hours and an if-and-when provision on top of that, so people are called in when the work is available. People who work in transport, logistics, shipping and aviation say that the same applies in their areas. The ship comes in when it comes in and it is not always possible to know the exact times when staff are needed. It is important that what we do makes sense. We must protect workers and ensure they have greater certainty about their hours and incomes, but we also must not have a situation where employers are paying staff not to do any work for a prolonged period and then cannot get staff when they need them because of excessively restrictive legislation. This was discussed at Cabinet rather than in the Cabinet sub-committee.

Regarding the housing crisis, there are many reasons for us having such a great challenge with housing in the State. However, the underlying issue is a lack of supply of suitable homes, apartments and houses. There are more people who can afford to buy than are able to buy at present due to the lack of availability. I do not fully agree with the Deputy's analysis in that regard.

I am struck by the number of times today that Deputy Howlin has asserted I said certain things that I did not say. I certainly did not say that wage increases were the largest threat to the economy as that is not my view. It is probably Brexit, but other threats to the economy

may arise. I did say something along the lines of unsustainable or excessive wage increases potentially being a threat to the economy. If they are unsustainable they would have to be taken back at a later stage. We should not repeat the mistakes of the past by giving people welfare increases, tax cuts and wage increases only to take them back from them when they most need them a few years later.

Deputy Brendan Howlin: That hardly arises now, does it?

The Taoiseach: I did not say it arises now-----

Deputy Brendan Howlin: Why mention it now?

The Taoiseach: I mention it now because the Deputy raised it.

Deputy Brendan Howlin: No, the Taoiseach's article did.

The Taoiseach: It was not an article. It was a report from a press conference. I did not read the reports but I guess, as is often the case with reports on press conferences, they are quite different from an article I might have written. They only take elements of what one says. However, I did not say, and I am sure that was not reported, that it was the largest threat to the economy because that is not my view.

Deputy Brendan Howlin: It is a significant one.

The Taoiseach: However, I believe excessive tax cuts, wage rises and increases in public spending would drive inflation and would be counterproductive. I am determined that this Government should not repeat the mistakes that were made by previous Governments, which operated the inflationary and pro-cyclical economic policies that caused so much damage in years gone by.

I said that the Government is committed to improving living standards. By any objective measure living standards have been improving for the past two years. The most recent Central Statistics Office, CSO, numbers from the survey on income and living conditions, SILC, show unemployment is substantially down, pay is increasing, poverty and deprivation are falling and inequality is narrowing. I said that we could improve living standards in a number of ways, but particularly in three significant ways. One is wage increases, which are well deserved. That is why we increased the minimum wage and negotiated pay restoration with public servants. The second area is tax reductions. That is why we reduced the USC and income tax in the budget and improved tax credits for the self-employed and home carers. It should be borne in mind that while the Government can increase the salaries of public servants it cannot increase the salaries of people who are self-employed or in the private sector. One of the best ways of putting money directly back in the pockets of the vast majority of people, that is, people who are self-employed or work in the private sector, is through tax reductions. That is the reason I disagree with the view of other parties that we should not have any tax reductions and that only public servants should see an increase in their wages.

An Ceann Comhairle: We must move on to the next group of questions.

The Taoiseach: Finally, the other way is through reductions in the cost of living, which is why we introduced the child care subsidies and reduced the prescription charges and are taking action on insurance to reduce its cost.

23 January 2018

European Council Meetings

10. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his attendance at the EU Council in December 2017. [54820/17]

11. **Deputy Seán Haughey** asked the Taoiseach if he will report on the proceedings of the European Council meeting held in Brussels on 14 and 15 December 2017; and the bilateral meetings he had with Heads of Government on the margins of this meeting. [55056/17]

12. **Deputy Stephen S. Donnelly** asked the Taoiseach if he has discussed phase 2 of Brexit negotiations with Mrs. Theresa May since 1 January 2018; and if members of his Department have attended sherpa meetings for the same period. [2008/18]

13. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on his attendance at the December 2017 EU Council meeting. [3090/18]

14. **Deputy Seán Haughey** asked the Taoiseach if he has spoken to Chancellor Merkel recently about Brexit. [3056/18]

The Taoiseach: I propose to take Questions Nos. 10 to 14, inclusive, together.

As I outlined in my post-European Council statement to the House on Tuesday, 16 January, the December European Council met in four separate formats over the course of the two days, Thursday, 14 December, and Friday, 15 December.

The meeting on Thursday afternoon focused on social, educational and cultural co-operation, as well as security and defence. Later that evening, we met as part of the leaders' agenda on the future of Europe with the focus this time on migration, although a number of other topics were also raised. On the Friday morning, the euro summit considered the future development of economic and monetary union, after which we met in Article 50 format to discuss progress in the Brexit negotiations.

We started on Thursday afternoon with an exchange of views with President Tajani of the European Parliament, before moving on to review progress relating to security and defence. In addition to a discussion on EU-NATO co-operation, the launch of permanent structured co-operation or PESCO was marked.

We also discussed social, educational and cultural co-operation. A number of interesting points were raised, such as including the social agenda as part of the European semester process - although a decision on this was not taken at the European Council. There was also a short discussion around climate change and the "One Planet Summit" in Paris.

Under the leaders' agenda that evening, there was a lengthy discussion on migration. The progress achieved on the external dimension was acknowledged. There was no final agreement on the internal dimension, where further discussion is needed to achieve an effective and sustainable policy, which respects the concepts of responsibility and solidarity.

A number of external relations items were also discussed, including Russia and Ukraine, where there was agreement to a roll-over of sanctions, and Jerusalem, where we restated the EU position that our embassies should remain in Tel Aviv.

On Mercosur, given our concerns around the beef sector, both President Macron and I in-

tervened to express our strong views regarding what should and should not be included in any deal.

The Friday morning euro summit took place with the outgoing President of the Eurogroup and the President of the European Central Bank in attendance. Both were positive about the economic situation but cautioned against complacency and urged further reform. We discussed a range of issues, including the completion of banking union, the proposal to develop a European monetary fund and a possible finance minister for the eurozone. I intervened to express my strong support for continuing our work on the banking union and the capital markets union but I also said that I was not convinced of the need for substantial institutional change at this stage.

Finally, the European Council met in its Article 50 format and formally took the decision that sufficient progress had been made in phase 1 of the Brexit negotiations, enabling us to advance to phase 2, during which transition arrangements and the framework for the UK's future relationship with the EU will be considered. There is much work yet to be done and close attention will have to be paid to ensure that all the commitments and principles agreed in the joint EU-UK report on citizens' rights, the financial settlement and the Irish-specific issues are given full legal effect in the withdrawal agreement. This will be our key focus in the coming weeks. I am pleased that the European Council also agreed to negotiate a transition period and to prioritise discussion of this in the first part of phase 2.

I had no scheduled bilateral meetings in the margins of the December European Council but, of course, I exchanged views with many of my EU counterparts, including Chancellor Merkel.

I have not discussed phase 2 of the Brexit negotiations with Prime Minister May in recent weeks and no meeting of the EU sherpas has been convened over that same period, although there is regular and ongoing communication at official level.

During our discussions at the European Council in Brussels, I again thanked my EU counterparts for their solidarity and support on Irish-specific issues. I also thanked the European Parliament, during my address in Strasbourg last week, for its understanding and support in the negotiations. I had an opportunity, too, to meet briefly with President Juncker and Mr. Michel Barnier.

Deputy Brendan Howlin: At the outset, I note we need a better format to discuss fundamental issues in Europe and the future of Europe than the 90 seconds we get to put a question and get a reply on a range of complicated issues. Several of us have raised this previously. The Taoiseach might give some consideration to that.

I have two questions. With regard to Brexit, work has now begun on phase 2. Other European countries have put forward their views on the transition period and the future relationship between the UK and the EU as regards freedom of movement and the type of access the UK might have to the Single Market. Did the Taoiseach put forward Ireland's position? Is the Taoiseach in favour of a special deal for Northern Ireland? Is he in favour of a special deal for the United Kingdom outside the existing templates or does he support what has been put forward as an EEA-type of arrangement such as with Norway or Canada, or Canada plus or, as one of the British negotiators mentioned, a Canada plus plus? What objective did the Taoiseach set out for Ireland in that regard?

On the future of Europe, the Taoiseach did not state when asked about it before Christmas, the most recent time these matters were discussed in the House, that he was going to Budapest

23 January 2018

to meet the Hungarian Prime Minister, Viktor Orbán. Perhaps it was not on his schedule at that time. These are very important issues because the future of Europe, whether it is going to be based on a liberal view of Europe involving freedom and a balancing of powers between government and other institutions of state and a free judiciary and press or on something else, is a very important issue on which Ireland should have very clear views.

Deputy Seán Haughey: The main focus of interest for this country in the summit regarded the Article 50 negotiations at which it was decided that sufficient progress had been made during the first phase of the Brexit negotiations and guidelines for the second phase were adopted. The Taoiseach informed the House last week that we will now move to phase 2, regarding transitional arrangements and the framework for the future relationship between the United Kingdom and the European Union. Although it was difficult to get to the end of stage one, that would seem to have been the easier part. We have since noticed a difference of interpretation of the agreement reached between the European Union and the UK in December. There seem to be different interpretations in the United Kingdom, Ireland and the European Union. It is important for that to be clarified. I note the Taoiseach has not been in contact with the British Prime Minister, Theresa May, since then. It is important to again reiterate what we mean by that agreement and that, as the Taoiseach said last week, there can be no backsliding. We need to put that point across very forcefully.

I tabled two questions on this issue and Deputy Donnelly asked me to also deal with his, so I ask the Ceann Comhairle to allow me a little more time.

I have tabled two questions and Deputy Donnelly asked me to deal with his issue, so I ask the Ceann Comhairle for a little more time.

Many issues were discussed at the European Council meeting and the Taoiseach has outlined some of them. One issue discussed was the future of Europe, as raised by Deputy Howlin. The Taoiseach added to his vision for Europe when he recently addressed the European Parliament. The French President, Emmanuel Macron, has put forward his own vision in that regard. It is clear that he favours increased centralisation, greater co-operation and more integration. The German Chancellor, Angela Merkel, is finalising a new coalition between the two largest parties in Germany, which it seems will also result in calls for deepening integration. The Franco-German axis is very much to the fore, which could lead to more harmonisation, a new eurozone budget and fiscal policy and a single EU corporation tax rate. Against that, there has been a rise of illiberal tendencies in parts of the EU such as Poland and Hungary, while there has also been a rise in the far right in member states such as Austria. Where does Ireland stand on this debate? As the Taoiseach is aware, further integration could require treaty change and a referendum in Ireland. We need to be very clear on such matters. Does the Taoiseach think we have gone as far as we can in terms of further integration at this point in time?

Deputy Richard Boyd Barrett: On 15 December, the second day of the European Council, a young woman, 16-year-old Palestinian Ahed Tamimi - a child - saw her 14-year-old cousin, Mohammed, shot in the face at close range with a steel-coated rubber bullet, very badly injuring him. When Ahed, her mother and other members of her family confronted members of the Israeli Defence Forces, they were arrested and put in front of a military court. Ahed and her mother are now incarcerated and charged with assault, her 14-year-old cousin having been shot in the face. This occurred in the context of yet more illegal Israeli settlements on the West Bank, against which people in her village were protesting. I ask the Taoiseach to speak out about her case, ask our European colleagues to do the same and to immediately demand that

the charges against her be dropped. We have leverage with Israel because it has special trade status with the European Union. For a minor such as young Ahdad to be treated in such a manner against a background of continuing illegal Israeli settlements is absolutely disgraceful. I commend the Ireland Palestine Solidarity Campaign, which will be protesting on this issue on Thursday outside the Oireachtas. I hope the Taoiseach will raise this issue with the Israeli Government and his European counterparts.

Deputy Gerry Adams: During the statements in the House last week on the European Council, the Taoiseach acknowledged it is important to remain vigilant to ensure that commitments entered into in December's Brexit agreement are delivered in full. He warned against any backsliding in that regard by the British Government. What has he done to ensure that will not happen?

The head of Enterprise Ireland recently warned that many Irish companies are still unprepared for Brexit. Through what additional measures is the Government planning to assist companies this year?

A majority of Tory MPs are opposed to the transitional deal that Theresa May has brought forward. The President of the EU Council, Donald Tusk, has, understandably, warned the British Government that it needs to move quickly to set out its position on the future relationship between the UK and the EU. There is a complete lack of clarity about what kind of relationship Britain wants. Is the Taoiseach any clearer on what kind of relationship the British Government wants and will the negotiations on this commence at the end of this month as planned? The Taoiseach said he might meet the British Prime Minister while he is in Davos. Are there any plans in that regard?

Deputy Micheál Martin: On Brexit, I wish to point out to the Taoiseach that several members of the Fianna Fáil Front Bench recently went to London, including Deputies Donnelly and Niall Collins on diaspora issues and Deputy Darragh O'Brien. I also recently met Vince Cable there. Having met British Government officials and politicians, suffice to say there is a very significant difference, as Deputy Haughey said, between how London and Dublin view the agreement. Those in London who met members of Fianna Fáil were at pains to stress that they see the agreement in terms of North-South areas of interaction as limited to the all-island economy and the Good Friday Agreement. It is very clear they have a narrower sense of what it means than do people in Ireland. A transition agreement is essential and the longer it remains in place, the better. This process is about kicking the can down the road, for as long as possible in some respects. Such sentiment is increasing across Europe.

As regards the future of Europe, President Macron seems to have deprioritised the Common Agricultural Policy from a French perspective. The French, along with Ireland, have historically been key to the maintenance and retention of the Common Agricultural Policy because it is so vital to our agriculture and food industries. Has the Taoiseach had any discussion with President Macron on the future of the Common Agricultural Policy, given its importance to Ireland and, in particular, has he obtained the views of the President and the French perspective in that regard?

In the context of the Taoiseach's meeting with Viktor Orbán, has the Government been sufficiently robust in upholding European values such as separation of powers, freedom of the media and an independent judiciary in Hungary and Poland? Whether we like it or not, there is a growing sense that Europe is acquiescent by its silence and lack of proactivity in that regard.

23 January 2018

An Ceann Comhairle: Time has elapsed for Questions to the Taoiseach. Perhaps the Taoiseach will issue written responses to the Deputies as we must now proceed to Priority Questions to the Minister for Culture, Heritage and the Gaeltacht.

Deputy Brendan Howlin: Perhaps, by agreement of the House, the Taoiseach could be afforded a couple of minutes to reply.

An Ceann Comhairle: If Deputies so wish.

Deputy Brendan Howlin: I suggest we give the Taoiseach a few minutes to reply.

An Ceann Comhairle: If Members consume all of the allotted time to ask questions, none will remain for replies.

Deputy Brendan Howlin: More vigour from the Chair is obviously required.

The Taoiseach: I can try to be brief.

An Ceann Comhairle: All right.

The Taoiseach: Phase 2 of the Brexit talks is very much happening in the background and behind the scenes at the moment. It will be this way until the end of February or March. We negotiate as the European Union. We were successful in the outcome of the phase 1 talks because we stuck to the position of not negotiating bilaterally but negotiating as part of the EU 27. For that reason, and having assessed the last few months, I do not believe it would be wise for any EU Head of Government to differ publicly on the EU's negotiating position or to speculate too much. I can say that our objective is to ensure the guarantees in the UK-EU report agreed in December and to make sure they are made legally binding in the withdrawal agreements, which is essential over the next few weeks. We want a transition period to give businesses and individuals a chance to adjust to any permanent changes. It will be around two years or that is what is being considered.

On the future EU-UK relationship, of course we want free trade in goods and services to remain as it is now but not in a way that undermines the Single Market. We are very much open to the possibility or idea of unique arrangement for Northern Ireland, but only if it is needed. If the EU-UK relationship is close enough it may not be needed. That is there as a back-stop.

I did not inform the House of my meeting with Mr. Orbán because at that stage it had not been arranged. It was not confirmed until the middle of December. It is important to point out that Mr. Orbán is a democratically-elected Prime Minister of Hungary and we are aligned on a number of very important issues such as Brexit, a future close relationship with the UK and on tax. Hungary and Bulgaria, which I also visited, both have lower tax rates than Ireland. They can be important allies for Ireland when it comes to corporation profit tax. The two countries very much agree with free trade and free enterprise; they are not protectionist. We are, of course, not aligned on other issues. I raised the issues, for example, on the law on non-government organisations, NGOs, the restrictions on academic freedom and the issue of Hungary not accepting its fair share of refugees. I believe in engagement, however, even with prime ministers and presidents with whom one might not fully agree. I am delighted that Deputies Howlin and Micheál Martin, who raised this also believe in engagement, often with leaders with whom they might not fully agree. On 18 October when visiting the Communist Party of China on the occasion of its 19th congress, Deputy Howlin took the opportunity, on behalf of the Labour

Party, to “extend fraternal greetings and best wishes to the leaders of the Communist Party of China.” These are fraternal greetings to a Government that is not elected and around which perhaps there are some concerns regarding human rights and executions and so on. Deputy Martin, when he was the Minister for Foreign Affairs, had to engage on many occasions with people he did not necessarily agree with.

Deputy Micheál Martin: I am not criticising engagement-----

An Leas-Cheann Comhairle: Answers to questions please.

Deputy Micheál Martin: On a point of order, we were not criticising the Taoiseach on engagement.

Deputy Brendan Howlin: At least €5 million is being spent on this unit, one would have to do something.

Deputy Micheál Martin: I asked about the European Union’s attitude to Poland and Hungary.

The Taoiseach: That quote was Googled so I did not need much money for that.

Deputy Brendan Howlin: A sum of €5 million has been spent so it has to produce something.

An Leas-Cheann Comhairle: We are looking for answers to questions please.

The Taoiseach: There were some very nice words spoken about al-Assad, but I will read them later.

Deputy Micheál Martin: The Taoiseach has missed the point completely.

Priority Questions

An Leas-Cheann Comhairle: We will now move on to questions to the Minister for Culture, Heritage and the Gaeltacht.

Departmental Expenditure

66. **Deputy Niamh Smyth** asked the Minister for Culture, Heritage and the Gaeltacht the rationale for the decision to allocate €900,000 of the Creative Ireland programme budget to initiatives under the heading, citizen engagement; and if she will make a statement on the matter. [3356/18]

Deputy Niamh Smyth: I congratulate the Minister for Culture, Heritage and the Gaeltacht, Deputy Madigan, on her elevation and promotion to the Cabinet. Will the Minister explain the decision to allocate €900,000 of the Creative Ireland budget to citizen engagement?

An Leas-Cheann Comhairle: Comhghairdeas, a Aire, as ucht do cheapacháin.

Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan): Go raibh

maith agat, a Leas-Cheann Comhairle.

I thank Deputy Smyth for bringing this question to the House. As part of the 2017 Creative Ireland programme, my Department undertook a comprehensive citizen engagement programme, to which the Deputy alluded, to showcase the range and depth of Ireland's cultural and creative offering. This is to encourage participation in arts and creative activities as a means of individual, collective and societal well-being and to build awareness of the Creative Ireland programme, particularly in its first year.

The vision of the Creative Ireland programme is that every person in Ireland should have the opportunity to realise his or her full creative potential. This represents a new approach to creativity and cultural policy and therefore required a substantial and sustained communications programme in 2017. A combination of approaches and platforms were used to maximise impact taking account of the diversity of the target audiences.

The development of the citizen engagement programme was very much informed by the positive experience of previous programmes, particularly the approach taken in the Ireland 2016 centenary programme. In addition, statistics relating to readership of national and regional newspapers, listenership to local radio and increased use of social media, especially by younger people, all informed the choices made. The programme was also designed to have as wide a reach as possible, including in rural areas.

Expenditure included supplements and resource material published in national newspapers, features in the regional press and regional broadcast media, which optimised the Creative Ireland programme online presence via two bespoke websites and associated social media content. It also was about building awareness of the programme among the Irish diaspora in the United States.

In addition, the opportunity was taken in the initial year of the programme to engage and collaborate with several key cultural partners at various significant national events and festivals to promote the objectives of the programme and encourage deeper appreciation of the role of creativity in Irish life. It was also envisaged that where opportunities arose, the Creative Ireland programme would engage with specific initiatives throughout 2017 to communicate the objectives of the programme.

A full breakdown of how the Creative Ireland programme budget was spent in 2017 including all the elements referred to above is provided on my Department's Creative Ireland programme website. That breakdown of costs is available if Deputy Smyth is looking for it.

Deputy Niamh Smyth: I appreciate the reply. I have the 2017 end of year report in front of me. At a very quick glance, one can see a huge proportion of the funds have been spent on media and the promotion of the Creative Ireland programme, especially under the heading of citizen engagement. In 2017 the budget for creative Ireland was €5 million. Of this €900,000 was spent on citizen engagement. Almost €400,000 was spent on supplements and articles in national newspapers, €245,000 was spent on advertisements in regional newspapers and radio stations, €165,000 was spent on what is described as optimising the Creative Ireland programme's online presence and €86,000 was spent on media management fees. A further €600,000 was spent on web and digital media content. Each cent of public money that is spent on slogans, images and social media advertising budgets is money that is directed away from the artists. My main concern is that the money for Creative Ireland is not actually reaching the

artists themselves. Perhaps the Minister will respond to this.

Deputy Josepha Madigan: I appreciate the reasons for Deputy Smyth asking this question but I strongly disagree. I believe the spend is justified, particularly in the first year of the programme. This is a communication platform across the board where we highlight the Creative Ireland programme. In the breakdown of the €5 million budget for 2017, while €900,000 went towards citizen engagement, Cruinniú na Cásca received €1.25 million and the local authority partnership received €1 million. The events, festivals and partnerships sector received €490,000, digital content spend was €400,000, international spend was €200,000, administrative support received €500,000 and other initiatives received €260,000. For people to have creativity at the heart of policy making and for them to be aware of it, we have to highlight it, especially in the first year of the programme. We will use citizen engagement again this year. We do not know yet exactly how much it will be. This was a widespread and warranted communications strategy. It presented value for money and my Department is very satisfied about it.

Deputy Niamh Smyth: The Minister has managed to reaffirm my concerns about how the Creative Ireland moneys are spent. As the Minister has outlined, almost €1 million is media driven and centres on the umbrella and slogan of Creative Ireland, instead of actually reaching the artists and the heart of what they do in very restricted conditions in respect of money and working conditions. My conversation with the previous Minister, Deputy Heather Humphreys, on her last outing with responsibility for this area in the Dáil Chamber is what set the platform for this discussion today. My concern is that Creative Ireland is becoming an alternative agency for the funding of the arts instead of the funding being directed through the Arts Council, with an arms length approach that is independent of the Government. I am concerned that our Arts Council, which is the fundamental funding agency for artists throughout the country, got a total increase of €3 million, whereas €8 million was set aside for Creative Ireland. As I said, I cannot emphasise enough that, to me, to spend €900,000 on advertising is to have a huge proportion of the overall expenditure for Creative Ireland go to the media.

Deputy Josepha Madigan: To clarify, the Arts Council receives the majority of my Department's allocation. It got €68 million, whereas Creative Ireland got only €6 million. They are completely different engines. We are not a funding body in the sense that the Arts Council is.

Deputy Niamh Smyth: Festivals have been funded in the past.

Deputy Josepha Madigan: The Deputy knows that related to grants for specific festivals. It is a very different matter.

Deputy Niamh Smyth: That were directly chosen-----

An Leas-Cheann Comhairle: The Minister, without interruption.

Deputy Josepha Madigan: If I can answer the Deputy's question, we are talking about high quality resource material and interesting articles and interviews, which are all designed to be thought provoking and informative. They are not simply designed to advertise the Department or the programme. They are there to showcase the range of activities and amenities and the research into culture and creativity and to encourage people to get involved. I disagree strongly that artists are not aware of this Creative Ireland programme.

Deputy Niamh Smyth: They are aware of it but they are not benefiting from it.

23 January 2018

Deputy Josepha Madigan: The whole point of the engagement is to create awareness of it. I might add that this is together with the money all the local authorities in each different constituency received. The 31 of them have been using the moneys they got to create awareness as well. This all feeds into implementing the Culture 2025 programme, which is what Creative Ireland is all about.

Straitéis 20 Bliain don Ghaeilge

67. D'fhiafraigh **Deputy Peadar Tóibín** den an Aire Cultúir, Oidhreacht agus Gaeltachta an bhfuil sí chun a rá cathain go díreach a fhoilseofar an plean gnímh cúig bliana don Straitéis 20 Bliain don Ghaeilge agus Bille na dTeangacha Oifigiúla. [3446/18]

Deputy Peadar Tóibín: Ar dtús, guím gach rath ar an Aire nua ina post. B'fhéidir go mbuailfidh sí linne go luath chun rudaí a phlé.

Mar is eol don Aire Stáit, tá géarchéim ann sa Ghaeilge thart timpeall na tíre ag an bomaite agus ba cheart go mbrostóimid orainn chun é a dheisiú. Táimid ag fanacht ón samhradh ar an bplean gnímh cúig bliana don straitéis 20 bliain a d'eascair ó athbhreithniú a thit amach in 2015. Dúirt an Roinn linn i mí na Samhna go bhfoilseofaí é "chomh luath in Éirinn agus is féidir". Níl a fhios agam cad is brí leis sin agus níl a fhios agam cathain a bheidh sé foilsithe ach tá géarghá go mbeadh sé foilsithe go luath.

Minister of State at the Department of Culture, Heritage and the Gaeltacht (Deputy Joe McHugh): Dírím aird an Teachta ar an bhfreagra a thug mé ar Cheist Dála Uimh. 303 ar 21 Samhain 2017 maidir leis an bplean gníomhaíochta don tréimhse 2018 go 2022 faoin Straitéis 20 Bliain don Ghaeilge. Mar a thug mé le fios sa bhfreagra sin, ós rud é go bhfuil freagracht thrasRannach i gceist maidir le cur i bhfeidhm na straitéise, tá plé ar bun ag mo Roinn leis na páirtithe leasmhara éagsúla maidir le spriocanna sonracha agus tráthchlár ina leith a aontú.

Mar atá mínithe agam go minic roimhe seo, is é nádúr na hoibre seo go dtógann sé am le nithe a aontú. Ní call a rá go bhfuilim ar an airdeall chomh maith faoin ngá a chinntiú, oiread agus is féidir, go bhfuil fiúntas leis an gclár bearta a mbeifear ag súil leis a chur i dtoll a chéile mar chuid den phlean críochnúil agus is gá, dá réir, a chinntiú go bhfuil téagar agus tairbhe le pé bearta a bheidh sa phlean i ndeireadh thiar thall.

Táim sásta go bhfuil an obair sin ag dul ar aghaidh go maith agus is féidir a bheith cinnte de go leanfar leis an obair sin i gcomhar leis na páirtithe leasmhara ábhartha leis an sprioc go mbeidh an plean á fhoilsiú faoi dheireadh mhí Feabhra nó mar sin.

Maidir leis an mBille teanga, tá mo chuid oifigigh ag obair i gcomhréir le hOifig an Ard-Aighne chun an Bille a dhréachtú. Ag an am céanna, tá comhairliúcháin ar bun ag mo Roinn leis na Ranna Stáit ábhartha, leis an gCoimisinéir Teanga agus le páirtithe leasmhara eile le cinntiú go mbeidh an Bille is fearr agus is éifeachtaí againn le tabhairt os comhair an Oireachtais. Tá an Bille seo san áireamh i gclár reachtaíochta an Rialtais le bheith foilsithe le linn sheisiún an Earraigh-an tSamhraidh de chuid na Dála.

Deputy Peadar Tóibín: An bhfuil an tAire Stáit ag rá go mbeidh an plean gnímh le foilsiú ag deireadh mí Feabhra?

Deputy Joe McHugh: Tá.

Deputy Peadar Tóibín: Okay. Cén fáth go bhfuil sé déanach? Chualamar an bhliain seo caite go mbeadh sé déanta roimh dheireadh na bliana. An bhfuil an fhoireann chuí ann agus ag obair ar an bplean sin? Cé mhéad duine atá ag obair ar an bplean? Cén fáth go bhfuilimid ag sleamhnú arís agus arís eile mar gheall ar na príomhuirlisí atá againn chun an Ghaeilge a chur chun cinn sa tír seo? An bhfuil tuarascáil faighte ag an Aire Stáit faoin bplean gnímh? An bhfuil aon cheann de na gnímh gur cheart dúinn a dhéanamh feicthe ag an Aire Stáit go fóill?

Dúradh linn freisin go bhfoilseofaí Bille na dTeangacha Oifigiúla (Leasú) i rith an tréimhse Dála a bhí ann ó 2011 go 2016. Gheall an t-iarThaoiseach, an Teachta Enda Kenny, go mbeadh sé déanta roimh an toghchán in 2016. Táimid Dáil amháin déanach anois maidir leis an mBille seo. An féidir leis an Aire Stáit dáta sonracha a thabhairt dúinn maidir leis an ngealltanais atá curtha os comhair na Dála anois?

Deputy Joe McHugh: Beidh an tuarascáil réidh ag deireadh mhí Feabhra agus beimid ag dul ar aghaidh leis sin. An fáth go raibh moill ann agus go raibh am de dhíth fá dtaobh den chomhairliúchán ná go raibh comhairliúchán cuimsitheach ann leis na dreamanna ábhartha. B'fhearr liom go mbeadh an spás ann chun an taighde a dhéanamh agus comhairliúchán cuimsitheach a bheith againn. Maidir le cad a bheidh sa tuarascáil, beidh sé sin níos soiléire nuair a bheidh an taighde agus an comhairliúchán déanta ag deireadh mhí Feabhra.

Deputy Peadar Tóibín: An fhadhb atá agamsa ná go bhfuil gach duine sa Dáil seo ag rá gur cheart go mbeadh Acht teanga ann sa Tuaisceart ach, ar an taobh seo den Teorann, tá na hacmhainní go léir againn agus an toil go léir againn - tá gach duine ar an taobh céanna mar gheall ar an gcuid is mó den Acht sin agus mar gheall ar an bplean gnímh - ach fós tá an t-am ag sleamhnú thart. Uaireanta úsáideann daoine "taighde" mar leithscéal. Nuair nach bhfuil Rialtas ag iarraidh rud a dhéanamh, uaireanta deirtear go gcuirfear isteach i gcoiste é nó go bhfaighidh sé tuarascáil breise faoin rud. Tá deis iontach anseo ag an Aire Stáit, áfach, agus tá suim aige ann. Níl a fhios ag éinne cé chomh fada is a mhairfidh an Dáil seo. B'fhéidir go dtitfidh sé i mí Aibreán ach b'fhéidir go leanfaidh sé go dtí mí Dheireadh Fómhair. Ní bheidh an deis céanna againn, áfach, chun plean gnímh a chur os comhair na Dála agus os comhair na tíre agus chun Acht na dTeangacha Oifigiúla níos láidre a chruthú. Impím ar an Aire Stáit go mbróstadh sé leis an rud seo.

Deputy Joe McHugh: Tháinig an smaoineamh uaimse cúpla bliain ó shin fá dtaobh den phlean gnímh cúig bliana agus tá an plean gnímh agus an straitéis 20 bliain fite fuaite ina chéile. Tá gealltanais ann fá dtaobh de dheireadh mhí Feabhra. É sin ráite, an gealltanais is mó ná an spreagadh agus an obair atá déanta leis na dreamanna éagsúla a bhí freagrach as an teanga, mar shampla, Conradh na Gaeilge agus grúpaí eile. Leo siúd, tá na dreamanna Stáit ar nós Údarás na Gaeltachta fosta. Tá siadsan ag obair ar chlár na straitéise 20 bliain. Is plean níos faide é an straitéis 20 bliain agus tá an plean gnímh cúig bliana de dhíth fá choinne an spriocdháta agus na príomhspríocanna fá dtaobh den teanga a bhogadh ar aghaidh. Dúirt an Teachta go raibh rudaí diúltacha ag dul ar aghaidh maidir le ceantair Ghaeltachta agus an teanga. Ní aontaím leis sin. Tá cuid mhór rudaí dearfacha ag dul ar aghaidh. Tóg, mar shampla, na scoileanna sa Ghaeltacht. Nuair a bhí mise i mo cheantar féin sa Ghaeltacht, bhí daoine ag labhairt Gaeilge. Beidh na rudaí nádúrtha ag dul ar aghaidh leis an teanga. Tá an teanga in áit difriúil sa Tuaisceart fosta. Fuair mise an spreagadh an teanga a athfhoghlaim ó dhaoine atá ina gcónaí sa Tuaisceart. Daoine iad seo ó Ard Mhacha, Tír Eoghain, Doire agus Béal Feirste. Tá an teanga in áit difriúil faoi láthair.

23 January 2018

An Teanga Gaeilge

68. D'fhiafraigh **Deputy Éamon Ó Cuív** den an Aire Cultúir, Oidhreacht agus Gaeltachta céard iad na beartais speisialta atá beartaithe ag a Roinn mar chuid de Bhliain na Gaeilge; agus an ndéanfaidh sí ráiteas ina thaobh. [3130/18]

Deputy Éamon Ó Cuív: D'fhógair an Taoiseach Bliain na Gaeilge i dTithe an Oireachtais díreach roimh an Nollaig. Tá ceist an-simplí agam. Céard iad na beartais atá i gceist le cur i bhfeidhm ó thaobh an Rialtais de as seo go ceann bliana mar chéiliúradh agus mar chomóradh ar Bhliain na Gaeilge?

Deputy Joe McHugh: Is ar 13 Nollaig 2017 a d'fhógair mise agus an Taoiseach go raibh Bliain na Gaeilge 2018 faofa ag an Rialtas. Ag tógáil ar rath “an teanga bheo” a bhí mar shraith faoi chlár comórtha Éire 2016 agus i bhfianaise go mbeidh Conradh na Gaeilge ag ceiliúradh 125 bliain d'athbheochan na Gaeilge in 2018, feictear gur togra tráthúil í Bliain na Gaeilge 2018 chun ceiliúradh a dhéanamh ar an teanga, go náisiúnta agus go hidirnáisiúnta. Chun tacú le gníomhaíochtaí na bliana, cheadaigh Foras na Gaeilge pacáiste airgeadais de €450,000 roimh dheireadh na bliana agus tá meitheal oibre comhdhéanta d'ionadaíocht ó mo Roinn, Foras na Gaeilge, Údarás na Gaeltachta, RTÉ, TG4 agus Conradh na Gaeilge bunaithe ar mhaithe leis an togra a stiúradh. Anuas air sin, tá breis agus 50 grúpa ag comhordú féilire d'imeachtaí cruthaitheacha, ealaíne agus pobail atá á n-eagrú ar fud an domhain in 2018, le roinnt tionscadal tábhachtacha a leanfaidh ar aghaidh tar éis 2018.

Tá i gceist go mbeidh cur chuige tras-Rialtais i gceist agus an bhliain á ceiliúradh. Tá clár imeachtaí Eanáir go Meitheamh foilsithe cheana féin agus is féidir imeachtaí breise a chlárú i gcónaí ar gaeilge2018.ie. Ar mhaithe le rannpháirtíocht tras-Rialtais a éascú agus a chur chun cinn, beidh mé ag scríobh gan mhoill chuig mo chomhghleacaithe sa Rialtas ag iarraidh orthu a gcuid Ranna agus na comhlachtaí poiblí faoina gcúram a spreagadh le bheith páirteach sa cheiliúradh agus le himeachtaí a eagrú a thacaíonn leis an gcoincheap. Beidh mé ag déanamh an rud céanna, dár ndóigh, taobh istigh de mo Roinn fhéin.

Teastaíonn uaim go mbeidh na himeachtaí seo ag díriú isteach ar bheocht na teanga a cheiliúradh; úsáid, íomhá dearfach, infheictheacht agus gnáthú na Gaeilge sa phobal a mhéadú; an obair leanúnach a spreagadh agus aitheantas a thabhairt do chur chun cinn na Gaeilge; agus an Ghaeilge a chosaint mar theanga labhartha na Gaeltachta.

Táim cinnte go ndéanfaidh an fócas speisialta ar an Ghaeilge dearcadh dearfach i leith na teanga a spreagadh i measc an phobail i gcoitinne, rud a thacóidh le cuspóirí na Straitéise 20 Bliain don Ghaeilge 2010-2030 a bhaint amach. Ba mhaith liom an deis a thapú anseo inniu cuireadh a thabhairt do mo chomhghleacaithe anseo sa Dáil a bheith páirteach freisin agus Gaeilge a labhairt agus muid i mbun ár gcuid oibre.

Deputy Éamon Ó Cuív: Níl lá ar bith nach labhraím Gaeilge so beidh an tAire Stáit sásta leis sin. Dúirt an tAire Stáit go bhfuil €450,000 ag Foras na Gaeilge. An t-allúntas breise é sin nó céard as a dtáinig an €450,000 sin? Céard air a chaithfear an t-airgead sin? Táim ag iarraidh a fháil amach céard as a dtáinig an t-airgead agus an t-allúntas breise é. An bhfuil sé ag teacht as an méid airgid a tugadh do Roinn an Aire Stáit? An bhfuil comhhaoiniú ón Tuaisceart i gceist sa €450,000? Sa ghnáthbhealach bíonn €3 ón Rialtas anseo agus €1 ón Rialtas ó Thuaidh nó ón bhFeidhmeannas. Tá cúpla ceist bheag anseo. B'fheidir go bhféadfadh an tAire Stáit iad a fhreagairt.

Deputy Joe McHugh: Is é €450,000 an méid airgid atá ar fáil. Sin an t-airgead agus sin an clár a bhí ar intinn Chonradh na Gaeilge----

Deputy Éamon Ó Cuív: Céard as a dtáinig sé?

Deputy Joe McHugh: -----nuair a tháinig an smaoinemh chuige. Gabhaim m'aitheantas chuig Conradh na Gaeilge fá choinne an smaoinimh. Ní smaoinemh é seo a tháinig ón Rialtas amháin. Is smaoinemh thar barr é a tháinig ó Chonradh na Gaeilge. Bhí oifigigh i gConradh na Gaeilge ag iarraidh an airgid agus sholáthair an tOireachtas €450,000. Dá mbeadh smaointe ag daoine taobh amuigh den cheantar, bheadh airgead sa Roinn. Dá mbeadh smaointe i nGailimh ná sna ceantair éagsúla, bheadh mise sásta iad a fheiceáil. Chomh maith leis sin, thar an Nollaig bhí mise ag casadh le daoine ó mo cheantar féin, daoine ón Tuaisceart agus daoine ag teacht abhaile ó Londain, Bostún agus Nua-Eabhrac. Bhí siad ag iarraidh plean difriúil agus togra ar son na teanga fosta. Is í mo theachtaireacht inniu ná go bhfuil cuid mhór oibre ar son na teanga indéanta taobh amuigh de rudaí a bhaineann le cúrsaí airgid. Mar shampla, bhí daoine i gCiarraí i dteagmháil liom ag iarraidh chiorcal comhrá agus ní bheadh aon airgead de dhíth leis sin.

Deputy Éamon Ó Cuív: Bíonn frustrachas iomlán orm nuair a chuirim ceisteanna ar an Aire Stáit mar ní fhreagraíonn sé aon cheist a chuirtear air. Labhraíonn sé i gcónaí faoi rudaí eile ar fad. Glacaim leis nach bhfuil a fhios aige céard as a dtáinig an t-airgead agus glacaim leis nach bhfuil a fhios aige céard air a chaithfear an t-airgead. Dúirt sé sa dara chuid den fhreagra go bhfuil sé chun ceist a chur ar na Ranna Stáit ar fad maidir le gníomhaíochtaí a bheadh ar bun acu siúd agus ag na háisíneachtaí faoina gcúram i gcaitheamh na bliana. Táimid ag deireadh mhí Eanáir anois. Cén uair a bheadh an tAire Stáit ag súil go bhfaighfidh sé freagra ar ais ó na Ranna Stáit agus a gcuid áisíneachtaí faoi na gníomhaíochtaí a bheadh ar bun acu i gcaitheamh na bliana seo? Feictear dom, ar an luas a bhogann rudaí i gcúrsaí Rialtais, go mbeidh leath den bhliain caite sula mbeidh a fhios againn céard iad cláir na Ranna seo ar fad agus a gcuid áisíneachtaí.

Deputy Joe McHugh: Ar dtús, tháinig an t-airgead ó Fhoras na Gaeilge, mar atá a fhios ag an Teachta.

Deputy Éamon Ó Cuív: Cá bhfuair Foras na Gaeilge an t-airgead? Sin an cheist a chuir mé.

Deputy Joe McHugh: Is é sin an áit ónar tháinig an t-airgead. Chomh maith leis sin, maidir leis an cheist a chuir mé ar mo chomhghleacaithe, roimh an Nollaig chuir mé teachtaireacht agus cuireadh chuig an Teachta Ó Cuív fá choinne cruinniú sa Teach seo. Sheol mé cuireadh chuig gach comhghleacaí de mo chuid, gach Seanadóir agus gach Teachta Dála fá choinne an cruinniú roimh an Nollaig faoi Bhliain na Gaeilge. Ní raibh mórán daoine ag an chruinniú agus gabhaim m'aitheantas chuig na daoine a bhí. Ag an chruinniú, bhí mé ag rá nach bhfuil an Rialtas freagrach as Bliain na Gaeilge. Tá an Rialtas lárnach i mBliain na Gaeilge agus beidh mise ag bogadh ar aghaidh leis agus ag tabhairt cuidithe dá clár, ach tá na dreamanna uilig - Glór na nGael, Foras na Gaeilge, Conradh na Gaeilge, Údarás na Gaeltachta - agus muintir na hÉireann freagrach as Bliain na Gaeilge. Ní chiallaíonn muintir na hÉireann na daoine a bhfuil cónaí orthu sna Fiche-Sé Chontae amháin, ach na daoine ina gcónaí sa Tuaisceart agus go hidirnáisiúnta fosta. Táim ag súil go mór go mbeidh cuid mhór oibre ag dul ar aghaidh ar son Bhliain na Gaeilge. Dá mbeadh aon chuidiú de dhíth trasna na bpáirtithe bheadh mé sásta é a thabhairt.

23 January 2018

Archaeological Sites

69. **Deputy Peadar Tóibín** asked the Minister for Culture, Heritage and the Gaeltacht when her Department will address issues and implement new measures at the Hill of Tara (details supplied). [3447/18]

Deputy Peadar Tóibín: The Hill of Tara is a magical place. It has a special place in the hearts and minds of Irish people all over the world and is one of the few locations that is internationally recognised. According to tradition, it is the seat of the High Kings of Ireland and it is covered with numerous, internationally recognised monuments including a neolithic passage grave which is 5,000 years old and the banqueting hall of Tara, as well as the Lia Fáil. It is a massive cultural asset to the country and to County Meath but it is all but ignored by the Department and the Office of Public Works, OPW. It is not in a fit state for the number of visitors it has and I ask what the Minister is looking to do to fix that.

Deputy Josepha Madigan: The Hill of Tara, with its many earthwork monuments and long historical associations, is one of Ireland's premier national monuments and is of international prominence and importance. In recent years, it has been subject to extensive research by the Discovery Programme, funded by my Department, through which our knowledge and understanding of the site has been greatly increased.

The Office of Public Works, OPW, has responsibility for day-to-day management of the State-owned lands and conducts ongoing monitoring of visitor numbers to the site which has open access all year round and is used by large numbers from the local community as well as by many other visitors. Around 200,000 people visited Tara in 2017. I acknowledge the work our OPW colleagues do to maintain the site in optimal condition. Meath County Council and its county manager also do a lot of work in this area.

We need to be aware of the potential impact increasing visitor numbers might have on the upstanding monuments and on the site itself. The imperative is, first and foremost, to protect and conserve the site so that it remains in a good state of conservation and that visitors and future generations can derive maximum enjoyment and benefit from visiting it. With that in mind, my Department is leading a working group of relevant stakeholders, including the OPW, Meath County Council, the Heritage Council and the Discovery Programme, with a view to developing a conservation management plan for the State-owned lands at the hill. This working group met as recently as 18 January 2018 when a provisional roadmap was agreed which anticipates the revised draft plan being ready for circulation in mid summer.

The new plan will focus on conservation and will inform a list of priority conservation and site management actions and measures. Focusing on the lands that are in the ownership of the State, it will inform future interventions on the site, aided by the ongoing monitoring of visitor numbers by the OPW. The plan will not, nor is it intended to, address land use and planning issues in the wider environs of Tara. It will nevertheless help to inform the future planning and development of the area.

Additional information not given on the floor of the House

Meath County Council has the primary role and responsibility for such issues as car parking facilities and traffic management, including safety on approach roads. I understand that the council is developing proposals in this regard that will strive to be compatible with the

conservation management plan for the hill itself. My Department and the OPW will liaise and co-operate with the council in every way possible in this regard.

While the development of a plan of this nature is challenging, given the complexity and size of the site and the interests of varied stakeholders, I am confident that it can be completed and adopted in 2018. When finalised, it will form a solid framework in which all of the ongoing site management issues referred to by the Deputy will be addressed. It will help to inform conservation priorities on the site and guide future investment decisions in visitor and interpretation facilities that are compatible with its international standing and significance.

Deputy Peadar Tóibín: The Hill of Tara is full of archaeological monuments. It has historical links with the 1798 rising and with Daniel O’Connell’s monster meetings as well. The Minister mentioned the number of people who have visited it. The figure of 200,000 is conservative. It is probably closer to 250,000. There are at least 1,000 buses travelling to the Hill of Tara every year. It pains me to say this because it is literally four miles from my house, but currently the Hill of Tara is in a mess. It is really difficult to find parking at the space. A field is being used for parking at the moment. Buses find it extremely hard to navigate the area. The hill itself is increasingly mucky. The rath on which the Lia Fáil currently stands is flooded throughout the whole of the year. There are no pathways of any sort. There are some archaeological worries around the introduction of pathways onto the hill itself, but the ground is currently being torn up by people. There must be extra focus on the outside of the OPW site because there are planning issues. There are issues with the lack of capacity, toilets, shops and restaurants, and I would ask the Minister to take a more comprehensive view on how this can be fixed.

Deputy Josepha Madigan: I thank the Deputy for raising these concerns. I understand that Meath County Council is reviewing its county development plan. It will have to look at parking and traffic congestion around the Hill of Tara, and I understand that at the November meeting of Meath County Council’s Ashbourne municipal district, the executive and members agreed to scope out and prepare a brief for the appointment of consultants to carry out a feasibility study which will examine car parking and toilet facilities.

The Deputy is correct to say that the critical amenity infrastructure issues around the Hill of Tara have to be dealt with. I very much welcome that and the fresh impetus that this new working group will give to the environs of the Hill of Tara, which as the Deputy has pointed out is very important internationally. There are 100 acres of State-owned lands and 150 recorded archaeological monuments spanning 5,000 years, from the neolithic to the medieval period. We have to look after our heritage. At the moment the figures that we have suggest that 200,000 people visited the Hill of Tara in 2017, but perhaps the working group will say otherwise. It remains to be seen, but I am satisfied that the concerns the Deputy has will be addressed by this new working group.

Deputy Peadar Tóibín: I believe the Minister should have two or three guiding rules here. The first rule should be the protection of the heritage on the site. The second rule should be that it is open, offering safe, unrestricted access. The third rule should be that the Minister looks at the opportunity presented here. Not only does the heritage available on the site set minds alight with the wonder of the history and the location, but the fact that this is a facility with a quarter of a million people and upwards visiting regularly should mean that the Minister should be looking at how to develop the area so that it adds economically to the location, having already fulfilled the obligation of protecting the heritage there.

23 January 2018

The problem I have is that there is a report which has been sitting with the Department of Culture, Heritage and the Gaeltacht for the past three years which I believe has not been acted on at all. The Minister has mentioned the publication of another report. Will there be a budget to go with that as well? When will the report sitting with the Department be delivered and will there be a budget associated with the report?

Deputy Josepha Madigan: I appreciate the Deputy's concerns. As I mentioned in my original reply, there is a revised draft plan which we hope to have by mid-summer. It is focused on conservation and site management. Meath County Council will have to look at the car parking and toilet facilities issue. The Office of Public Works looks after the day-to-day management of the Hill of Tara. It is the symbolic capital of Ireland. That is not in dispute, and we have to have a proper plan for it. The plan that is there will include all stakeholders. It will be a five to ten-year policy plan. We want to make sure that the aesthetic, social and spiritual values of the Hill of Tara are protected. As a Minister I want to make sure that we look after our heritage, in particular the Hill of Tara which is such a popular place to go to. It was the site of the 1798 rebellion, among other historical events which the Deputy mentioned earlier. We are looking at a serial application to UNESCO and whether we can do something with that. I am satisfied that we will have something with which to come back to the Deputy by mid-summer, and it is to be hoped that will address his concerns.

Bullying in the Workplace

70. **Deputy Joan Burton** asked the Minister for Culture, Heritage and the Gaeltacht further to the recent publicity surrounding sexual harassment in the arts, her plans in respect of this issue; and if she will make a statement on the matter. [3067/18]

Deputy Joan Burton: Is the Minister concerned at the sexual harassment and bullying of women in particular but also of young men in the theatre and arts in Ireland? Has she any proposals, as an incoming Minister, to stem the tide of such disgraceful behaviour?

Deputy Josepha Madigan: As I have stated publicly, everyone, regardless of their job, is entitled to work in an atmosphere in which respect, dignity, fairness and equality are very much the norm.

My Department is working closely with the Irish Theatre Institute with a view to putting in place a series of actions that will find an appropriate way forward for the theatre sector on this sensitive topic. On 16 November 2017, my predecessor, Deputy Humphreys, met the group of eight leaders from Irish theatre organisations who had co-signed a statement condemning sexual harassment and abuse of power in the theatre in Ireland. The meeting focused on how the theatre sector, in particular, could come together to discuss the issues which have arisen. It was agreed that my Department would assist in any practical arrangements in this regard.

Following that engagement, the Irish Theatre Institute has worked to develop an initiative to provide an opportunity for people in the sector to come together to voice views on recent happenings and to consider a respectful way forward for the sector. Details of this initiative are being finalised at present, and we are hoping to announce details of that at the end of this week, if not next week.

I have also asked the Theatre Institute to engage with representatives of the 72 signatories

of the open letter which was published in *The Irish Times* last week with a view to ensuring that the measures proposed can address some of the concerns they expressed, in particular addressing culture and practices in the sector into the future. I have indicated that I would welcome a meeting with these representatives in due course so that I can hear their concerns first hand and to ensure that any measures we support address the core of the issues facing the sector and beyond.

It is not appropriate for me as Minister to become involved in, or comment on, individual cases, and it is important that due process is followed in each case. I am, however, vigorously following up on the measures announced by my predecessor last month which are designed to work with stakeholders to address culture and practices within the sector. I want to send a clear message that compliance with the law and a culture of dignity and respect are fundamental and should be the norm for everyone, regardless of where or how they work.

I will be doing all I can to progress this matter. It is a very sensitive issue, and I am doing everything I can to support everybody involved so that we can come to a proper and mutually beneficial solution to this issue.

Deputy Joan Burton: Does the Minister agree that Irish theatre is a cold place for women, just as the Oireachtas has been on very many occasions? That is notwithstanding the fact that there are now more women in the Oireachtas, which I welcome. Was the Minister shocked by the revelations, in particular those concerning the Gate Theatre? She said she has read the letter from the 72 women who are workers and practitioners in the arts and in theatre across the spectrum in Ireland. They have said that they are very shocked by the fact that, in respect of what happened at the Gate Theatre, the people who are the subject of the harassment and bullying were not consulted about the inquiry commissioned by the Gate. I understand that inquiry was commissioned on 17 November, around the time, as the Minister said, of the previous Minister having spoken to the Irish Theatre Institute. What I am struggling to understand is how a young person, be it a man or a woman, although most of the harassment affects young women, going to work in the theatre can feel empowered to take on what can be a very powerful theatre management where they experience bullying and harassment. What has the Minister got to say to that?

Deputy Josepha Madigan: I really appreciate the Deputy's concerns. I was deeply saddened to hear of the allegations she mentioned in the Gate Theatre, and indeed in any sector. I am not in a position to comment on individual cases but what I can do is outline the measures we are taking to ensure this does not happen in the future. One of the measures is the holding of workshops and the closing date for tenders for that is 26 January. There will be an emphasis on dealing with sexual harassment and bullying in those workshops, which will be rolled out over the coming period. Also, the Arts Council will be issuing invitations to other cultural institutions and arts centres throughout the country to avail of similar training, which will help create awareness of the issues the Deputy mentioned. The Department has also written to all agencies highlighting the nature of their legal obligations under employment legislation. They are governed by employment legislation and they will have their own guidelines, but we have to make sure they are following the guidelines.

We also want to accelerate a planned review of compliance with the code of practice for the governance of State bodies, and that process will start shortly. I am hoping to announce the solutions we are examining at the end of this week or the end of next week. The co-signatories are the Abbey Theatre, Druid Theatre, the Dublin Fringe Festival, the Dublin Theatre Festival,

23 January 2018

the Gate Theatre, the Project Arts Centre and Rough Magic Theatre Company. I am aware my predecessor had a very beneficial meeting with the directors in November.

Deputy Joan Burton: Will the Minister tell us if she has taken any action regarding this area? She has indicated a lot of sympathy but what she has not indicated, in particular about the Gate Theatre, which has been a marvellous theatre in the life of the arts in Ireland with many magnificent productions to its credit, is that the board of that theatre, which commissioned the study undertaken by Ms Gaye Cunningham, is the board on which the previous director of the theatre sat. Does the Minister believe that is appropriate? She is a lawyer. Would she agree that a board so conflicted by association with the retired recent director is the proper mechanism to initiate a review, presumably to provide justice for people who were subject to appalling harassment, appalling behaviour and sexual abuse? Does she believe that is appropriate or that a more independent mechanism, as suggested by the 72 signatories of the letter, should be utilised?

An Leas-Cheann Comhairle: The Minister to respond.

Deputy Joan Burton: Is this not the moment for the Minister to strike out and be a little independent in this regard?

Deputy Josepha Madigan: I have said that I was deeply distressed and upset to hear about these allegations. I am not in a position, as the Deputy will appreciate, to comment on individual cases but I hear her concerns.

Regarding my own actions, as I mentioned, the details of an initiative are being finalised. My officials have engaged with the Irish Theatre Institute on making an announcement regarding this, and they are dealing with the 72 signatories of the letter to *The Irish Times*, but as the Deputy will appreciate, it is a very sensitive time. There are many people involved who have suffered and I do not want to say anything that would scupper that. We want to make sure that these issues and allegations do not arise again in any environment and I am doing everything I can to try to address that. I would welcome a meeting with the people who have suffered in this way because I want to hear their concerns and ensure that any measures address the core issues facing this sector and beyond.

Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Frank O'Rourke - the need to improve mental health services, especially in psychiatry, in County Kildare; (2) Deputy David Cullinane - the need for an investigation into sexual abuse allegations (details supplied) in various State agencies; (3) Deputy Peadar Tóibín - to consider the delivery underground of the North-South interconnector; (4) Deputy Niamh Smyth - to discuss emergency service response times in Cavan-Monaghan; (5) Deputy Fergus O'Dowd - to discuss concerns with charges at the M1 toll gate at Drogheda; (6) Deputy Maurice Quinlivan - to discuss how long the full capacity protocol for University Hospital Limerick will remain in place; (7) Deputy Eugene Murphy - the need to review admissions policy at the Rosalie Unit at Aras Naomh Chaolain in Castlerea; (8) Deputy Danny Healy-Rae - the need for a pilot scheme to eradicate tuberculosis in badgers in south Kerry; (9) Deputy Brian Stanley - to discuss the broadband roll-out timeframe for County Laois; (10) Deputy Margaret Murphy O'Mahony - the status of the flood relief scheme in Bandon; (11) Deputy Eamon Scanlon - to

consider the Bus Éireann service to Ballinafad, County Sligo; (12) Deputies Aengus Ó Snodaigh and Gino Kenny - to discuss the recent visit of US Vice President Pence to Shannon Airport; (13) Deputy Mattie McGrath - to discuss the Shannon to Dublin Irish Water project; (14) Deputy Bríd Smith - to discuss the facilities at Canal Way Educate Together school in Dublin 8; (15) Deputy Noel Rock - to discuss the extension of the Luas line to Finglas; (16) Deputy Jackie Cahill - to discuss the price changes for skimmed milk powder; (17) Deputy Pat Buckley - to discuss traffic calming measures in east Cork; (18) Deputy Clare Daly - to discuss outsourcing and job losses at Aer Lingus; (19) Deputies Mick Wallace and Richard Boyd Barrett - to discuss the new housing initiatives, including supported mortgage provisions; (20) Deputy Peter Burke - the provision of consultant orthodontic services for children in Longford and Westmeath; (21) Deputy Maureen O'Sullivan - to discuss the recent fox hunt incident at a housing estate in Cork; (22) Deputy Niall Collins - the urgent need for the Minister for Business, Enterprise and Innovation to discuss Brexit contingency planning, awareness raising and supports for Irish small and medium enterprises, SMEs; (23) Deputy Paul Murphy - recent reports highlighting poverty levels among students; (24) Deputy James Browne - the need for the Minister for Education and Skills to prioritise development of special education schools in County Wexford, including Our Lady of Fatima national school, Wexford town, and St. Patrick's special school, Enniscorthy; (25) Deputy Marcella Corcoran Kennedy - to consider the deteriorating roads in County Offaly; (26) Deputy Mick Barry - the financial shortfall revealed by the Health Service Executive, HSE; and (27) Deputy Anne Rabbitte - to discuss the need for stronger online protections for children and the need to engage a broader array of stakeholders, given recent alarming cases involving online grooming and abuse of children.

The matters raised by Deputies Frank O'Rourke, Maurice Quinlivan, Margaret Murphy O'Mahony and Marcella Corcoran Kennedy have been selected for discussion.

Ceisteanna - Questions (Resumed)

Other Questions

Caiteachas Ranna

71. D'fhiafraigh **Deputy Éamon Ó Cuív** den an Aire Cultúir, Oidhreachta agus Gaeltachta cé mhéad airgid bhreise atá curtha ar fáil don Ghaeilge agus don Ghaeltacht ó bunaíodh an rialtas seo; agus an ndéanfaidh sí ráiteas ina thaobh. [2757/18]

Deputy Éamon Ó Cuív: Tá ceist fíorshimplí go deo agam an t-am seo. Le hais an méid airgid a cuireadh ar fáil don Ghaeltacht, don Ghaeilge agus do na hoileáin sa bhliain 2016, cé mhéad airgid bhreise atá ar fáil anois i Meastacháin na Roinne Cultúir, Oidhreachta agus Gaeltachta don bhliain 2018 i gcomhlíonadh na ngealltanais a thug an Rialtas i gclár an Rialtais agus sa chomhaontú a rinneadh le Fianna Fáil roimh a bunaíodh an Rialtas?

Minister of State at the Department of Culture, Heritage and the Gaeltacht (Deputy Joe McHugh): Is tríd an bpróiseas Meastacháin agus cáinainéise a dhéantar leithdháileadh ar an soláthar airgid a chuirtear ar fáil ar bhonn bhliantúil do mo Roinn agus, go deimhin, do na

Ranna Rialtais go léir. Léiríonn na sonraí sa tábla seo a leanas an maoiniú a cuireadh ar fáil don Ghaeilge, don Ghaeltacht agus do na hoileáin ó 2016:

Bliain	Caipiteal	Reatha	Iomlán
2016	€16,687,000	€46,867,000	€63,554,000
2017	€10,967,000	€47,852,000	€58,819,000
2018	€10,467,000	€52,128,000	€62,595,000

Tá allúntas de €62.6 milliún ina iomláine ar fáil don Ghaeilge agus don Ghaeltacht in 2018 i gcomparáid le €58.8 milliún do 2017. Allúntas €63.6 milliún a cuireadh ar fáil do 2016. Ní áiríonn figiúirí 2016 an €2.4 milliún breise a cuireadh ar fáil i gcaipiteal breise d’Údarás na Gaeltachta. Ní áiríonn figiúirí 2017 an €2.61 milliún breise a cuireadh ar fáil don Ghaeilge agus don Ghaeltacht ó fho-mhíreanna eile na Roinne.

Tharla laghdú ar an allúntas caipitil le haghaidh 2017 de bharr go raibh dhá mhóorthogra caipitil aonuaire le maoiniú ag an Roinn in 2016. Mar is eol don Teachta, b’iad sin togra Ché Inis Oírr agus Ionad Cultúrtha an Phiarsaigh. Cuireadh €6 mhilliún ar fáil d’oibreacha forbartha ar Ché Inis Oírr in 2016, a úsáideadh le héilimh fhadthéarmacha ó Chomhairle Chontae na Gaillimhe i leith forbairt Ché an Chalaidh Mhóir ar Inis Meáin agus forbairt Ché Chill Rónáin a shocrú, agus suim de €2 mhilliún don fhorbairt sin in 2017. Bhí soláthar caipitil ar leith de €1.9 milliún curtha ar fáil chomh maith i Meastacháin 2016 chun Ionad Cultúrtha an Phiarsaigh i Ros Muc a fhorbairt. Críochnaíodh an togra sin le linn na bliana 2016 agus ní raibh gá le soláthar a dhéanamh ina leith ó shin in 2017. Maidir le caiteachas reatha, tá ardú ar allúntas mo Roinne ó bunaíodh an Rialtas seo. Cuirfidh an t-ardú seo ar ár gcumas tuilleadh acmhainní a chur i dtreo fhorfheidhmiú na straitéise 20 bliain don Ghaeilge agus an phróisis pleanála teanga ach go háirithe.

Deputy Éamon Ó Cuív: Is dócha gur ormsa atá sé, ach bíonn sé deacair scaití an méid ata á rá ag an Aire Stáit a thuiscint. An féidir leis dhá fhiúir a thabhairt dom? Cé mhéad a bhí i gcaipiteal agus i Meastacháin na bliana 2016? Cé mhéad atá i gcaipiteal agus i bhfigiúirí reatha na bliana 2018? Iarraim ar an Aire Stáit an dá cheist shimplí sin a fhreagairt gan aon dul timpeall air. Céard a bhí i gcaiteachas reatha caipitiúil na bliana 2016? Céard atá i gcaiteachas reatha caipitiúil na bliana 2018? Is cuma céard le haghaidh a bhí sé.

Deputy Joe McHugh: Mar a bhí mé ag rá níos luaithe, tá na sonraí agam agus tá mé sásta iad a chur ar an taifead. Sa bhliain 2016, bhí €16,687,000 ar fáil faoin gceannteideal “caipiteal” agus €46,867,000 ar fáil faoin gceannteideal “reatha”, rud a chiallaigh go raibh “iomlán” de €63,554,000 i gceist sa bhliain sin. Sa bhliain 2017-----

Deputy Éamon Ó Cuív: Baineann mo cheist leis an mbliain 2018.

Deputy Joe McHugh: Tá sé sin all right. Sa bhliain 2018, tá €10,467,000 ar fáil faoin gceannteideal “caipiteal” agus €52,128,000 ar fáil faoin gceannteideal “reatha”, rud a chiallaíonn go bhfuil “iomlán” de €62,595,000 i gceist i mbliana.

Deputy Éamon Ó Cuív: An bhfuil an tAire Stáit ag rá liom, seachas an ghealltanas a thug an Rialtas a chomhlíonadh, go bhfuil laghdú de thart ar €1 milliún tagtha ar an gcistíocht don Ghaeilge, don Ghaeltacht agus do na hoileáin le dhá bhliain anuas? An bhfuil an ceart agam? Is cuma cén leithscéal a thugann an tAire Stáit, nach iad sin na figiúirí?

Deputy Joe McHugh: Cé go bhfuil an ceart ag an Teachta, tá sé ag fágáil amach na tograí móra ina cheantar féin. Labhair mé níos luaithe faoi Ché an Chalaídh Mhóir ar Inis Meáin agus Cé Chill Rónáin, a bhí á shocrú ar chostas €2 mhilliún sa bhliain 2016. Bhí breis airgid ar fáil freisin fá choinne na dtograí Ché Inis Oírr agus Ionad Cultúrtha an Phiarsaigh trí chomóradh 2016. Tá mé ag dúil go mór leis an mbliain seo chugainn. Tá mé dóchasach go mbeidh breis airgid sa bhuiséad. Mar is eol don Teach, tá an bhuiséad ag teacht arís. Beidh airgead breise - caipiteal agus reatha - ar fáil fá choinne na Gaeltachta amach anseo.

Creative Ireland Programme

72. **Deputy James Browne** asked the Minister for Culture, Heritage and the Gaeltacht the way in which the Creative Ireland programme will utilise the National Opera House, Wexford; and if she will make a statement on the matter. [2809/18]

Deputy James Browne: Will the Minister make a statement as to how the Creative Ireland programme will utilise the National Opera House in Wexford?

Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan): The Creative Ireland programme is a cross-Government initiative to mainstream culture and creativity in the life of the nation and to promote individual, community and national well-being. It aims to put creativity at the centre of public policy. While the programme is under the aegis of my Department, its implementation will primarily be through and in collaboration with existing agencies, local authorities, cultural institutions, State bodies and other cultural partners.

The National Opera House in Wexford already plays a huge role in the creative and cultural life of the nation as well as being an anchor resource in County Wexford and the south east. Through its existing role, the opera house contributes to the aims of the Creative Ireland programme and I have no doubt that engagement will deepen over the coming years as it develops its services with the support of my Department, the Arts Council, Wexford County Council and others partners. The focus of the Creative Ireland programme in 2017 was on delivering ten major initiatives, further details of which are available on the website at www.creative.ireland.ie. The focus in 2018 will be on implementing the children's youth plan and the local authority culture and creativity strategies among other initiatives. There will be plenty of scope for the National Opera House in Wexford to play its part in that process.

I am sure the Deputy has the Creative Ireland Wexford culture and creativity plan document. The foreword states:

Wexford is a unique and creative county with a rich cultural heritage. County Wexford is known for its Opera Festival, its world renowned writers, its creative thinkers, its new generation of designers and its community of talented artists, musicians and performers.

The Opera House is mentioned further on in the main body of the text. We all know the opera festival which takes place in Wexford and I have no doubt that the opera house will be used in conjunction with the local authority also.

Deputy James Browne: The National Opera House in Wexford is hugely important in our county. The real champions are those who worked for the past 66 years to build up the National Opera House as a cultural icon nationally and internationally. They had the vision to drive on

23 January 2018

and create a purpose-built opera house in Ireland and they kept that going. There has been significant public investment in the construction of the opera house with €31 million provided by Fianna Fáil-led governments. It was officially opened in 2008 by the then Taoiseach, Brian Cowen. The investment is very much reflected in the outstanding architectural design of the opera house building. I am not sure if the Minister has been there, but the building is stunning. It is Ireland's only purpose-built opera house and it constitutes a legacy for generations to come. How exactly do Creative Ireland and the Minister intend to take advantage of this first-class venue's potential to attract national and international events and audiences and to promote Wexford itself?

Deputy Josepha Madigan: I have not been to the opera house yet and will not pretend I have, although I have seen photographs. I like the opera and I intend to visit, I hope soon. Under my predecessor, the Department provided a grant for €250,000 for 2018. The Department also provides occasional capital grants to upgrade equipment at the opera house due to its significance. The Arts Council is, of course, the main funder of the annual opera festival which takes place there.

Creative Ireland Wexford's plan is integral to the use of the opera house into the future. There are plans to expand the opera house which the Department is open to discussing. The local authority has received €64,000 this year. That is a doubling of the funding to the local authority and, as such, it should be able to use it also. Under pillar 2, the Creative Ireland programme does not prescribe what we do with the opera house and I am sure that the local authority, which is the primary instrument of community engagement for the programme, will utilise Wexford Opera House in the best way.

Deputy James Browne: It is not in my gift to issue an official invitation to the Minister but I am sure the committee in Wexford would be delighted to have her down. Her predecessor visited the opera festival in 2014. In part, I am trying shamelessly to promote Wexford and the opera house itself, but I have highlighted with the Minister for Employment Affairs and Social Protection, Deputy Doherty, and the Minister for Rural and Community Development, Deputy Ring, the fact that Wexford has massive unmet potential. One of its key strengths is the opera house but we have a great deal of other potential there also. I wanted to highlight the opera house to the Minister to keep it on the agenda.

Deputy Josepha Madigan: I have every intention to visit the opera house in Wexford. Other creative work is going on in the county, including Living Arts, the arts in schools programme in partnership with the Wexford Arts Centre and contemporary artists, and Film Wexford which seems to have taken off and aims to attract film companies to Wexford locations. There is also the Graves & Company project to catalogue and prepare for digitisation a large number of original documents relating to a prominent shipping company in New Ross which was linked to emigration to Savannah, Georgia, from the 1840s to the 1860s. That is a bit of history for the Deputy. There are a lot of creative programmes in place with the culture team driven by the local authority. I hope and have no doubt that they will use the opera house into the future.

Údarás na Gaeltachta Properties

74. **Deputy Catherine Connolly** asked the Minister for Culture, Heritage and the Gaeltacht the status of the empty buildings held by Údarás na Gaeltachta. [3088/18]

An Leas-Cheann Comhairle: With the permission of the House, I will take Question No. 74, in the name of Deputy Connolly, at this point. Tógfaimid an cheist seo as ord ós rud é go bhfuil cruinniú ag an Teachta Connolly mar Chathaoirleach ar Chomhchoiste na Gaeilge, na Gaeltachta agus na nOileán.

Deputy Catherine Connolly: Ba mhaith liom mo leithscéal a ghabháil leis an Teachta Clare Daly ós rud é go bhfuil mé ag cur isteach uirthi. Baineann an cheist seo leis na foirgnimh de chuid Údarás na Gaeltachta atá folamh faoi láthair. Tá a fhios agam go bhfuil beagáinín dul chun cinn déanta, ach tuigim go bhfuil níos mó ná 100 foirgneamh fós folamh. Cén fáth an bhfuil siad folamh? Tá cuid acu i gceantair Gaeltachta ar fud na tíre folamh ó bhí 2002 ann.

Deputy Joe McHugh: Cé gur cuireadh an cheist seo trí Bhéarla, tá mé sásta í a fhreagairt trí Ghaeilge. Tuigim, de réir na sonraí atá faighte agam ó Údarás na Gaeltachta, go bhfuil 106 ionad iomlán faoi chumhacht an údaráis folamh faoi láthair. Tá 63 de na hionaid *5 o'clock* sin fóirsteanach fá choinne na comhlachtaí agus tá siad ar fáil faoi láthair. Is féidir liom an 106 ionad folamh a bhriseadh síos thar na contaetha Gaeltachta a leanas: Dún na nGall, 46; Maigh Eo, 19; Gaillimh, 32; Ciarraí, 7; Corcaigh, 1; Port Láirge, 0; agus an Mhí, 1. Tuigim go bhfuil obair ag dul ar aghaidh san údarás, leis an infheistíocht chuí, chun na foirgnimh éagsúla a athchóiriú. Beidh siad ar fáil de réir mar a bheidh airgead breise á dháil-eadh tríd an mbuiséad caipitil i mbliana.

Deputy Catherine Connolly: Bhí an cheist seo i mBéarla, ach bhí an dhá cheist eile i nGaeilge. Chuir mé an cheist seo síos don chéad uair i mí an Mheithimh 2017. Ag an am sin, cuireadh in iúl dom go raibh 517 foirgneamh i gceist agus go raibh 117 dóibh folamh. Nuair a chuir mé ceist eile i mí na Samhna 2017, bhí sé soiléir go raibh dul chun cinn déanta. Tá sé sin admhaithe agam. Tá 106 foirgneamh folamh faoi láthair. Cé go bhfuil dul chun cinn déanta, ní mór ná sásta atá mé go bhfuil foirgnimh ann atá folamh ag dul siar go dtí 2002. Níl mé chun iad a lua san am gearr atá agam. Tá a fhios ag an Aire Stáit, níos mó ná mé féin, go bhfuil géarchéim sna Gaeltachtaí uilig ó thaobh cúrsaí fostaíochta agus imirce. Feicim go bhfuil níos mó ná 100 foirgneamh folamh, agus 60% dóibh réidh le ligean. Tá beart práinneach ag teastáil, i mo thuairim.

Deputy Joe McHugh: Aontaím leis an Teachta agus tuigim an cheist atá curtha chun cinn aici. Nuair atá foirgnimh folamh sna ceantair éagsúla, tá sé de dhualgas orainn comhlachtaí a fháil dóibh. Tá sonraí faighte agam tríd mo oifig maidir le líon na ndaoine atá ag smaoineamh ar athlonnú go dtí na ceantair iargúlta Gaeltachta. Is í an fhadhb i mo cheantar féin agus i gceantair eile nach bhfuil mórán de na foirgnimh réidh fá choinne na comhlachtaí a bheadh ag iarraidh bogadh isteach iontu. Agus é sin ráite, tá mórán foirgnimh ar fáil. Ba mhaith liom teachtaireacht a thabhairt chuig gach éinne sa tír atá ag smaoineamh ar na foirgnimh folamh seo a úsáid. Tá sé tábhachtach a rá leo go bhfuil tacaíocht ar fáil ó oifigigh de chuid Údarás na Gaeltachta. Ag an deireadh seachtaine, bhí mé i láthair ag lainseáil an inneall dóiteáin nua i mBaile na nGallóglach i mo cheantar féin. Tháinig an t-inneall dóiteáin ón Spidéal, i gContae na Gaillimhe. Tháinig sé ón tSualainn i dtús, ach chuir comhlacht sa Spidéal trealamh breise air ar chostas €400,000. Is sampla é sin den chaighdeán thar barr atá ar fáil sna ceantair Gaeltachta. Aontaím leis an Teachta gur cheart dúinn teachtaireacht dhearfach a thabhairt dóibh siúd atá ag smaoineamh ar ghnó a lonnú sa Ghaeltacht nó ar bogadh ar ais go dtí an Ghaeltacht.

Deputy Catherine Connolly: Tá 60% de na foirgnimh folamh réidh le ligean. Tá an caighdeán ann. Tá sé admhaithe sna freagraí atá luaite agam go bhfuil siad réidh le ligean. Is acmhainn iontach iad na foirgnimh seo. Ní féidir le éinne a bheith sásta. Tá foirgnimh i gCasla,

23 January 2018

i gContae na Gaillimhe, atá réidh le ligean tar éis dóibh a bheith folamh ó bhí 2008 agus 2015 ann. Tá athchóiriú ag teastáil ar fhoirgneamh ar an gCeathrú Rua atá folamh ó bhí 2005 ann. D'fhéadfainn leanacht ar aghaidh, ach ní hé sin mo phointe. Ba chóir breathnú ar na hionaid seo mar acmhainn. An bhfuil foireann breise ag teastáil? An bhfuil acmhainní ag teastáil? An bhfuil scéim cumarsáide ag teastáil chun é a chur in iúl go bhfuil na hacmhainní seo ar fáil? Tá sé tábhachtach béim a chur orthu mar acmhainn. Tá go leor acmhainní ag dul i dtreo IDA Ireland, ach tá easpa airgid i gceist i gcás Údarás na Gaeltachta. Ó tharla go bhfuil breis is 100 foirgneamh folamh, agus 60% dóibh réidh le ligean, ní mór dúinn plean práinneach a chur le chéile.

Deputy Joe McHugh: Ba mhaith liom a shoiléiriú go bhfuil níos mó ná 500 foirgneamh ar fáil sna ceantair Gaeltachta. Tá 106 dóibh, nó thart ar 20%, folamh faoi láthair. B'fhéarr liom 0% a lua mar fhiigiúr ná 20% ós rud e go gciallódh sé go bhfuil achan fhoirgneamh agus achan ionad thar a bheith gnóthach. Tá súil agam go bhfuil sé soiléir anois nach bhfuil ach 20% den 511 foirgneamh atá faoi chumhacht Údarás na Gaeltachta folamh. Ba mhaith liom a rá arís inniu, mar theachtaireacht acu siúd taobh amuigh den Ghaeltacht atá ag smaoineamh ar iad féin a lonnú sa Ghaeltacht nó bogadh ar ais sa Ghaeltacht, go bhfuil spás ann. Is é an rud is mó ná an caighdeán agus an taithí atá ag oifigigh an údaráis. Ba mhaith liom mo bhuíochas a ghabháil leo. Tá na foirgnimh acu. Tá siad ag obair go dian dícheallach ar son na comhlachtaí a bheidh lonnaithe sa Ghaeltacht.

Animal Welfare

73. **Deputy Clare Daly** asked the Minister for Culture, Heritage and the Gaeltacht the number of National Parks and Wildlife Service, NPWS, officers monitoring illegal activity of digging out burrows; and if her Department will allocate further resources to counter the digging out of foxes and badgers from burrows across the country. [2998/18]

Deputy Clare Daly: The question has been tabled against the backdrop of some very alarming evidence that has emerged online regarding the escalating and organised nature of some barbaric digging out of foxes, in particular, as well as badgers. Horrific brutality has been displayed in online imagery. In that context, how many NPWS officers are monitoring this activity and are there plans to increase that number?

Deputy Josepha Madigan: I thank Deputy Daly for raising this issue. They are deplorable and illegal activities. Investigating incidents of badger baiting, fox baiting or digging out, as it is sometimes referred to, is one of a large number of actions and interventions carried out by field staff of my Department on an ongoing basis. Of my Department's total staff, some 330 work in the area of natural heritage through the National Parks and Wildlife Service, NPWS. In addition, my Department takes on in the region of 70 seasonal staff during the year to assist the NPWS. Front-line conservation rangers are deployed through a regional structure and assignments are determined in light of departmental business needs and priorities. Within this staffing context, officials of my Department carry out scientific research, survey work and monitor compliance with national and European law on nature conservation across the country. They conduct patrols and site visits to enforce the various provisions of national and EU legislation, as required, and many of these officers carry out work in more than one county. They also investigate reports of breaches of legislation, including illegal snaring or digging out of badgers and foxes, as well as monitoring compliance at coursing events etc. Members of An Garda

Síochána are also empowered under the Acts to investigate alleged offences and to prosecute if they see fit. Staffing levels across my Department are kept under regular review in line with emerging business needs and Government policy on public sector pay and staffing as advised by the Department of Public Expenditure and Reform.

I spoke to my officials about extra resources and they have said it is something we will look at very seriously once the funding is available. Addressing these activities is important to me and I will arrange to allocate what resources I can as a priority. I will also continue to liaise with the Garda Síochána on covert actions with other agencies. We also work with the ISPCA to counteract these illegal activities.

Deputy Clare Daly: I am aware that the National Parks and Wildlife Service, NPWS, officers work very hard. I am friendly with law enforcement officers who have an interest in animal welfare issues who have been monitoring some of this activity online. Through them, I am aware that this appalling barbarity is perpetuated in almost every county in Ireland. Foxes are being dug out and online footage is being posted of grown men forcing animals out of burrows while they watch and record dogs viciously mauling them apart in the name of sport. This gratuitous violence is then played online. The situation is now beyond critical, particularly when improvements in animal welfare are under way in the UK, which puts us in danger of becoming a haven for this type of barbarity and a destination for tourism in this illegal activity, I do not like to use the word “sport”, because that is not what it is. It is seriously sick.

Will the Minister consider a joint task force featuring some members of the NPWS and of An Garda Síochána because there are criminal elements involved in this and it is too dangerous for officers of the NPWS to do the job on their own?

Deputy Josepha Madigan: As I said earlier, this is a deplorable and illegal activity in the case of badgers and foxes. While badgers are protected under the wildlife Acts, foxes are not but they do come under the Animal Health and Welfare Act and the Department of Agriculture, Food and the Marine. One issue which arises in this area is that of evidence. Those doing it must be literally caught in the act. It is difficult for the Garda to gather the intelligence in this area to investigate and prosecute as it sees fit. I appreciate that the material is posted online but by that stage the event has already taken place.

It is something that I take very seriously. I am open to discussions about a joint task force. The ISPCA and the NPWS signed a memorandum of agreement in May 2006 which facilitates a closer working relationship between the two in wildlife crime and prosecutions. There are 72 front-line conservation rangers and we will increase this to 84. We are also going to try to increase the level of monitoring in this regard. It is an important issue and we must look after the welfare of the animals and clamp down on this barbaric practice.

Deputy Clare Daly: This is a dark underworld that exists in Ireland. The concern is the people involved are becoming more emboldened by the material they are putting up and by their methods of organisation. Some of these people are incredibly dangerous. The Minister is correct in saying that there is an issue of evidence but sometimes even when the evidence is found, the people who have done so are intimidated into not standing up and giving the evidence. We need to do much more. I wonder whether the Minister might consider reverting to a point of contact in her Department to whom people who have been monitoring this activity online and have a certain expertise in the area may be able to give some information. Alternatively, is there another way that she might have members of the NPWS liaise with members of

23 January 2018

An Garda Síochána in a more organised way to consider in a definite sense the idea of a joint task force in this regard? It could begin by monitoring and following some of the stuff online, which could then be followed up by people on the ground. It is incredibly dangerous and the most worrying thing is where it is leading to and the types of people who are involved.

Deputy Josepha Madigan: If the Deputy or anyone she knows is aware of specific incidents, I ask that they please be reported to either An Garda Síochána or my Department. I believe the NPWS and An Garda Síochána communicate in a type of loose task force and there is also the memorandum of understanding between the ISPCA and the NPWS. Patrols and site visits are also ongoing. I appreciate this type of activity could escalate in the future. I would like to see more prosecutions but much of the time, as they are investigated as a routine operational activity, it is difficult to bring them forward. Between 2013 and 2017, 70 prosecutions were taken for breaches of the Acts, not specifically related to baiting or digging out. The issue is something I take seriously and I take the Deputy's comments on board and appreciate her bringing them to the attention of the House.

Heritage Council Expenditure

75. **Deputy Kevin O'Keeffe** asked the Minister for Culture, Heritage and the Gaeltacht if her attention has been drawn to a proposal by the Heritage Council to reduce funding under the category of the Irish Walled Towns Network; if funding levels will be maintained and or extended; and if this funding will be accessible to all towns that are recognised by the Irish Walled Towns Network (details supplied). [2936/18]

Deputy Kevin O'Keeffe: I congratulate the Minister on her appointment on her first time taking questions.

Is the Minister aware of any proposal by the Heritage Council to reduce funding under the category of the Irish Walled Towns Network? Will she confirm that current funding levels will be maintained and extended and will she further confirm that this funding will be accessible to all towns that are recognised by the Irish Walled Towns Network, for example, Buttevant in north Cork?

Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan): I thank Deputy O'Keeffe for raising this issue. My role as Minister for Culture, Heritage and the Gaeltacht, in respect of the protection and management of our architectural heritage, is set out in the provisions of relevant legislation, as are the role of local authorities and the responsibilities of owners as regards heritage assets.

The Irish Walled Towns Network was established by the Heritage Council in 2005. The network supports Irish walled towns through strategic input and funding of conservation, training and promotional programmes. It focuses on uniting and co-ordinating the strategic efforts of local authorities and communities involved in the management, conservation and enhancement of historic walled towns in Ireland, both North and South.

There are currently 29 member towns and villages throughout Ireland. The Deputy mentioned Buttevant Heritage Group in County Cork, which is a member of the network. I know the group held a conference in October 2017 to mark 700 years as a walled town.

The Heritage Council, which is funded by my Department, is independent in the performance of its functions. The allocation of its resources across the range of research, education and conservation programmes it supports annually is a matter for the Heritage Council, having regard to the principles of proper public financial management and competing priorities for limited resources. The Heritage Council is considering a suite of further supports and will continue to offer the network support in the context of this year's allocation. A final decision on funding has not been made but I am confident about it.

The Deputy is probably aware that last week, it was announced that there would be a ring-fenced allocation of €1 million in funding specifically for a historic towns initiative. It is open for applications and will complement any capital component of the Heritage Council's walled towns initiative.

Deputy Kevin O'Keeffe: I thank the Minister for her response. The first thing she should do when she leaves the Chamber is tell the Heritage Council to update its web page. According to its list, there are only 28 member towns in the Irish Walled Towns Network.

To support the case of Buttevant, the heritage group is in its infancy. It was only formed in 2007, and the walled towns division was established in 2010. The group has been doing tremendous work, and it is ongoing. The concern is that the ongoing funding could be cut off. The heritage group is in its infancy and grew from grassroots activism. I will give a good example of why it is important that support for the group is maintained as a priority. During recent paving works on Buttevant's main street, there was a phenomenal number of archaeological finds. Only that it was on the N20, one of the most important roads in the country, between Cork and Limerick, I would say the street would be still shut down because of the emergency. I thank the Minister for her response. I only hope that funding will be maintained on a continual basis.

Deputy Josepha Madigan: In 2017, the Heritage Council gave €140,200 in current funding and €282,000 in capital funding to the walled town network. I see no reason that should not continue. However, it is not a matter for me. It is a matter for the Heritage Council. This funding was in addition to supports, including training, for community groups. Obviously, my Department is having ongoing discussions, as part of the oversight and liaison meetings, with the Heritage Council and I am confident that the Deputy will secure this important funding into the future.

There are two other schemes as well. There is the interpretation and events scheme which supports festivals and events of high educational value and the conservation fund which supports conservation and new plans in relation to walled towns. The Deputy will probably be aware of those, as well as the historic towns initiative which we announced last week. All of these will help Buttevant and the other 29 member towns and villages throughout Ireland. It is an important issue that Deputy O'Keeffe raised here today and I thank him.

Architectural Heritage

76. **Deputy Joan Burton** asked the Minister for Culture, Heritage and the Gaeltacht the funds which have been allocated to the 2018 built heritage investment scheme and structures at risk fund; her Department's priorities in this regard; and if she will make a statement on the matter. [3071/18]

23 January 2018

Deputy Joan Burton: Will the Minister tell us how much is proposed to be allocated for 2018 and the number of projects that she anticipates will be funded under the assistance programme for architectural heritage, that is, the built heritage investment scheme and the structures at risk fund.

Deputy Josepha Madigan: My role with regard to the protection and management of our architectural heritage is, as I stated earlier, set out in the provisions of relevant legislation, as are the role of local authorities and the responsibilities of owners as regards heritage assets. Financial support for the protection of architectural heritage is provided by my Department through a number of schemes. These schemes, some of which the Deputy referred to, are administered via the local authorities.

The built heritage investment scheme was developed to assist with the repair and conservation of structures that are protected under the Planning and Development Act 2000, as amended. The scheme leverages private capital for investment in a significant number of labour-intensive, small-scale conservation projects throughout the country and supports the employment of skilled and experienced conservation professionals, craftspersons and tradespersons in the repair of the historic built environment. The funding allocated to the built heritage investment scheme in 2018 is €2 million. Applications are currently being accepted by all local authorities.

There is also the structures at risk fund. This fund encourages the regeneration and reuse of heritage properties and helps to secure the preservation of protected structures which might otherwise be lost in both private and public ownership. The funding allocated to the structures at risk fund in 2018 is €1.324 million and applications are currently being accepted for this scheme also. Both of these schemes are vital to the preservation of our built heritage and they are priorities for me in terms of resource allocation.

Details of these are available on the Department's website. There were 412 projects under the built heritage investment scheme in 2017. Both schemes are open for applications until 31 January 2018.

Deputy Joan Burton: In the context of the Minister's comments about heritage and the restoration of building, is there any truth in the rumour? Having looked at the previous allocations, the constituencies of Ministers, particularly Ministers for art and culture, seem to have done particularly well. I am aware that in the Minister's constituency there is a public building which is currently closed and which has the fine appearance of a mid-20th century pebble-dashed substantial office or dwelling house, namely, Stepside Garda station. Has the Minister any plans to receive positively any proposals on it? Looking at the list of her predecessors' allocations of the fund, and while I understand the fund is administered by the local authority, somehow or other there has seemed to be much synergy between the Minister of the day and his or her local authority. I can see Deputy Niamh Smyth smiling because the list in relation to the Minister's predecessor shows the quantum of funding allocated was significant. Would the Minister entertain an application from the Garda for the refurbishment of Stepside Garda station, seeing as the Committee of Public Accounts would seem to have denied it?

An Leas-Cheann Comhairle: The Deputy has exceeded by half a minute.

Deputy Finian McGrath: Leave poor Shane alone.

Deputy Joan Burton: I will steal a march on the Minister of State's well-known colleague who perhaps has been more to the fore in this than the Minister of State has been.

Deputy Josepha Madigan: It is not up to me to comment on the eligibility for these schemes. Under the built heritage investment scheme, all protected structures, proposed protected structures and structures that contribute to architectural conservation are eligible. There are other criteria for the structures at risk fund.

In Deputy Burton's constituency, Castleknock Castle received funding of €40,000 in total - €10,000 from the built heritage investment scheme, BHIS, and €30,000 from the structures at risk fund, mainly for works to keep the walls. There was also the stud at the Gables in Porterstown Road in Luttrellstown which received €8,000 under the structures at risk fund.

Throughout the country, there will be projects for each individual constituency. I hope that people in Dún Laoghaire-Rathdown do apply, and that they do so by 31 January. A local authority can request an extension of the deadline.

At the end of the day, it is all about the quality and scale of the projects. Deputy Burton correctly stated that good heritage is important. That is why good heritage officers in the local authorities are very important in terms of driving this.

Deputy Joan Burton: Would the Minister agree then, because she seems to be hinting as much, that the acting Garda Commissioner might well consider making an application given that the Garda would obviously prefer to see its limited capital funds devoted in the first instance to areas with bigger crime problems? In asking the Minister whether she is entertaining the idea of an application for that late mid-20th century structure to which I referred, I also would like to know to what extent apprentices are employed in the conservation work projects. As the Minister will probably be aware, the Government has a dreadful record when it comes to the employment of apprentices. The building sector can barely recruit apprentices because of the Government's failure to adapt apprenticeships to modern building and construction arrangements. Will the Minister look specifically at the issue of providing for young people, many of whom are often left without any qualifications, particularly if they have left school early without a qualification and have worked in construction? In other countries, such conservation projects are widely used to train young people.

Deputy Josepha Madigan: In these schemes, the priority is job creation. As I stated, there were 412 projects in 2017 and the funding ranges from €2,500 to €15,000. The built heritage investment scheme is for applications developed to assist with the repair and conservation of structures that are protected under the Planning and Development Act. The structures at risk fund encourages regeneration and reuse of heritage properties and helps secure the preservation of protected structures which might otherwise be lost in both private and public ownership.

I understand there are four to five projects per county. Each would be taken on its own criteria as an application for it is made to the scheme. The private-public investment ratio is 50:50. In Cork County Council, for example, there were 15 different projects.

The priority is to protect buildings from a historic perspective. I am sure that the criteria are used stringently. These schemes are positive and it is good to see them being highlighted.

Question No. 77 replied to with Written Answers.

An Leas-Cheann Comhairle: We have four minutes left. I suggest that Deputy Boyd Barrett forfeits his 30 seconds, the Minister takes Question No. 78 and I will allow the Deputy one supplementary question. In doing that, I am being generous.

23 January 2018

Deputy Richard Boyd Barrett: Two supplementary questions. Come on.

Deputy Peadar Tóibín: May I make a contribution then?

An Leas-Cheann Comhairle: We will start anyway. I call on the Minister to respond to Question No. 78.

Deputy Richard Boyd Barrett: Not much time, Peadar.

Deputy Josepha Madigan: Excuse me?

Deputy Richard Boyd Barrett: We will hear the Minister's response first.

An Leas-Cheann Comhairle: We will hear the Minister's response. We are forfeiting the 30-second introduction.

Deputy Josepha Madigan: Is this Deputy Boyd Barrett's question?

Deputy Richard Boyd Barrett: Yes.

Film Industry Tax Reliefs

78. **Deputy Richard Boyd Barrett** asked the Minister for Culture, Heritage and the Gaeltacht her views on a report by an organisation (details supplied) which highlights flaws in the operation of the section 481 scheme and the misuse of trainees in the film industry; and if she will make a statement on the matter. [3096/18]

Deputy Josepha Madigan: I thank Deputy Boyd Barrett for raising this issue. My Department is not aware of a report by the organisation to which he specifically referred in his question, and the organisation concerned has informed my Department that it has not produced such a report.

However, the Irish Film Board and the Broadcasting Authority of Ireland jointly commissioned a report on the issue of training in the Irish film, television and animation industry. The study by consultants Crowe Horwath, Final Report in Respect of a Strategy for the Development of Skills for the Audiovisual Industry in Ireland, was published on the website of the Irish Film Board last August.

The report found - the Deputy mentions this in his question - that the general view of stakeholders in the industry was that section 481 was an ineffective mechanism to deliver quality training opportunities for the industry. It recommended a number of options including the replacement of the requirement with a training levy but stated that further work would be required to design a new mechanism. The Department is working with the Irish Film Board to consider options in this regard as part of the overall response to the 14 key recommendations contained in the report.

It should be noted that the section 481 tax credit system is hugely important in making Ireland an attractive location for internationally mobile film and TV drama productions and in providing significant high-level and high-quality employment in the audiovisual industry. Recent projects locating in Ireland include the BBC's "Little Women", AMC's "Into the Badlands", which returned to Ireland in April to film a third season in Ardmore Studios, "Star Wars:

Episode VII - The Force Awakens” and the hugely successful “Vikings” series developed and produced here for the History Channel.

However, it is very important that any requirements regarding training and the delivery of good-quality outcomes for trainees in return for generous tax credits provided by the Government are *in situ*. My Department will address this issue working closely with the Irish Film Board and having regard to the recommendations of the Crowe Horwath report.

Deputy Richard Boyd Barrett: I speak on behalf of hundreds of people working in the film industry who very much welcome investment from film companies coming into this country, making quality films and creating employment opportunities. However, these workers say section 481 tax breaks and the millions that are given out in loans to production companies based here are not providing, as section 481 requires such companies to do, “quality employment and training opportunities”. The workers say that what is in fact happening is that the category of “trainee” is being ruthlessly abused. A person could be a trainee for 12 years, for example, and never actually get permanent employment. He or she is never qualified because there is no training structure whatsoever and the tax relief is just being abused. What is happening in the sector sounds very much like what is going on in construction. Very few people are directly or permanently employed and there is no proper training structure, just a lot of money going into these production companies without their giving the quality employment and training that film workers want and which the section 481 tax break requires is given as a condition. The workers say there is no oversight of this tax break, no governance and no enforcement and that, as a result, anyone who asks for direct PAYE employment, for example, will be blacklisted, there is bullying and the working time directive is being flagrantly abused in the industry. I ask the Minister to look seriously at this and meet representatives of the film workers, who are considering industrial action as we speak because they are so fed up with the situation in the film industry.

An Leas-Cheann Comhairle: I remind the Deputy that he got enough time for two questions.

Deputy Peadar Tóibín: Deputy Boyd Barrett is right. This is a really important problem. Training in the sector has no beginning, middle or end. It has no certification whatsoever. It is a box-ticking exercise for firms to achieve their section 481 tax break. What it means is that people who are well qualified and well experienced are forced to go into the same positions over and over again. I have spoken to every sector of the film industry, and they agree there is absolutely a problem here. There is also a problem with the fact that most films and TV series are made with special purpose vehicles that exist only for the duration of work on the film so individuals are only employed momentarily in these organisations. There is a forum in a part of the Irish Film Board. The Minister should get the Irish Film Board to launch the forum to allow for all the stakeholders to work together to ensure they start to fix this. I believe there is a will in the sector to fix this. Secondly, I ask the Minister to ensure the actual workers in this sector are appointed to the Irish Film Board in order that they themselves have an opportunity to represent real issues to the Irish Film Board.

An Leas-Cheann Comhairle: I will take a final supplementary question from Deputy Boyd Barrett and then revert to the Minister, and that is it because I-----

Deputy Richard Boyd Barrett: I thought I would hear from the Minister and respond briefly.

An Leas-Cheann Comhairle: The Deputy takes advantage of my generosity. I call the Minister.

Deputy Josepha Madigan: I thank Deputies Boyd Barrett and Tóibín. I do not disagree with what they say about the quality issues in respect of the training, which have been highlighted in this report. It seems to me that it was more of a box-ticking exercise than anything else, and I think the 14 recommendations have shown that. There is, therefore, no question but that we must do something about it. The recommendations of the economic analysis, which was commissioned by my Department and the Department of Finance and has just been finalised, and the Crowe Horwath report will provide inputs for the development of an industry-wide long-term plan for the production of film, TV, drama and animation in Ireland under Pillar 4 of the Creative Ireland programme. The issue of training, including section 481 training requirements, will be considered in the context of this proposed plan. I agree with the Deputies on this matter. It is a condition of the tax relief that the project must employ a minimum of two trainees for each €355,000 of corporation tax credit claimed, up to a maximum of eight trainees. We must ensure that those trainees are looked after and that there is quality in this regard. I will look at this in detail. I have spoken to my officials about it already. We know that production companies seeking section 481 tax relief must meet a range of conditions and have procedures in place to ensure compliance before the Revenue Commissioners issue a certification for filming of a project. However, I appreciate what both of these reports have found and I will certainly look at the matter in more detail with the economic analysis and see what I can do.

An Leas-Cheann Comhairle: I call on Deputy Boyd Barrett to ask a short supplementary question.

Deputy Richard Boyd Barrett: I will press for urgency on this. The workers are seriously considering taking industrial action in the near future because they are so fed up with this. Having trainees is fine, but it must be a real progression. One cannot be a trainee for 12 years. One might be a trainee for a couple of years, at which point one is certified and then a qualified worker in the film industry and should be paid and employed accordingly. The issue is not just one of trainees, but also one of people being taken on as contractors, a little like bogus self-employment in the building industry, whereby one is never actually directly employed. Shelf companies are set up for the duration of the film instead of people actually having some sort of permanency and security as they develop their skills and are paid and employed with proper conditions of employment that would follow from that. I ask the Minister to look at this and to engage with all sectors of those representing the workers in this industry.

An Leas-Cheann Comhairle: I call on the Minister to conclude briefly.

Deputy Josepha Madigan: I have asked my Department to expedite the long-term plan in this regard. Looking at the summary of recommendations, out of the 14 recommendations, quite a few mention the training provided. There is a new policy framework for training and skills development for the audiovisual sector. It talks about development and continuation of much stronger links between training and education providers and the audiovisual industry. Recommendation 13 states a training fund should be established using an industry levy approach. Recommendation 14 states that Screen Training Ireland should be revamped to provide real leadership and implement lasting change regarding skills development with the audiovisual sector. We do not want to see exploitation by anyone, and I will do my best to ensure it does not happen.

Business of Dáil

An Leas-Cheann Comhairle: Before we move on to Topical Issues, the Government Whip has an announcement to make.

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

That, notwithstanding the Order of the Dáil of 23 January, Government Business for today shall be Item 10, Motion re. Proposed approval by Dáil Éireann for a Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast) (back from Committee); Item 30, Technological Universities Bill 2015 Report and Final Stage (resumed); Item 5, Companies (Statutory Audits) Bill 2017 Order for Second Stage and Second Stage; and Item 31, Statements re. Report of the Joint Committee on the Eighth Amendment of the Constitution (resumed).

No. 10 shall be brought to a conclusion after 40 minutes and the following arrangements shall apply. Speeches, which shall be confined to a single round for a Minister or Minister of State and the main spokespersons for parties or groups, or a Member nominated in their stead, shall not exceed five minutes each and all Members may share time.

Tomorrow's Government business shall be No. 30, Technological Universities Bill 2015 - Report Stage (resumed) and Final Stage; No. 5, Companies (Statutory Audits) Bill 2017 - Order for Second Stage and Second Stage; and No. 31, statements on the report of the Joint Committee on the Eighth Amendment of the Constitution (resumed).

Question put and agreed to.

Topical Issue Debate

Mental Health Services Provision

Deputy Frank O'Rourke: I welcome the opportunity to discuss this matter with the Minister of State, Deputy Finian McGrath. No disrespect to him, but I was hoping to discuss it with the Minister of State who has responsibility in this area, Deputy Jim Daly, because I met him before Christmas and he knows how pressing and difficult the issue is. Nevertheless, I will use this opportunity to discuss it, in the hope the Minister of State, Deputy McGrath, will bring back the message and perhaps schedule a follow-up meeting for me with the Minister of State, Deputy Daly, after this discussion today.

We have a lack of mental health services in Kildare and I will focus on the constituency of Kildare North, in particular the areas of Celbridge, Leixlip, Maynooth, Kilcock, Clane and Naas, which have a population of approximately 120,000 people. The real issue is that services are not available on the ground. I will give three brief examples of this, before I discuss a possible solution I am trying to pursue with the Minister, Deputy Harris, and the Minister of State,

Deputy Daly.

The post of primary care child psychologist in Kildare was left vacant for more than two years and the appointment was made only last year. When we balance this with how serious mental health issues are we must ask ourselves why such a critical appointment takes so long.

Last year in Clane, an area very close to me, a 15 year old minor, who was on suicide watch, was taken into the care of the State but allowed to go from A to B unattended. As a result he went missing twice, on one occasion for up to five days. This was despite the fact gardaí were out looking for him. When he was returned to the care of the State it was allowed to happen again. This is a serious issue and it is a major concern. As I stated, he was on suicide watch. Another issue arose with a young individual who was affected by a brain injury. He received treatment and care but was discharged without any follow-up treatment or care. As a result, he was badly affected in September and October when he was sleeping rough, walking the streets and could not be found. He was not at home. Eventually, through the voluntary organisation which I will discuss later, we got him back into follow-up treatment and services. Another individual reported to the public health service over Christmas for mental health services. He was told in Celbridge that no services were available, that he could not be helped and that nothing could be done for him. Eventually we got him seen and put him in contact with Pieta House.

This is what is happening on the ground, despite all of the delivery and funding announced and despite all of the positive news coming from the other side of the House about these services. They are not being delivered. These are three brief examples because I am conscious of my time.

In Celbridge, a voluntary group has been operating for the past ten years. It provides counselling and dual diagnosis. It has more than 40 cases on its books. It operates purely from bucket collections and cake sales. I have met HSE senior officials in the past 15 months. I have met the Minister, Deputy Harris, the Minister of State, Deputy Daly, and his predecessor to try to get public support for the organisation and finances to help it. To date it has received absolutely nothing.

It is acknowledged that this is a good partnership approach. Where an organisation works with professionally qualified people, providing a service that is not being provided by the State, the State should partner it and support it, once it operates in a coherent and proper manner, which this organisation does. It has gone through the task force and it has engaged with senior officials in the HSE. The paperwork is done and all the boxes have been ticked.

It is disappointing the services are not being delivered through the public health service and that the agency working on a voluntary basis, despite all my efforts, still does not receive support.

Minister of State at the Department of Health (Deputy Finian McGrath): I thank Deputy O'Rourke for raising this very important issue. I am well aware the Minister of State, Deputy Jim Daly, has had discussions with him on the subject and will continue to engage with him. He appreciates the Deputy's very constructive approach in dealing with the issue and he apologises that he cannot be here today to take the debate.

With regard to this serious issue, the HSE National Service Plan 2018 commits to further develop all aspects of child and adolescent mental health services, CAMHS, including acute bed provision, better out-of-hours liaison and reducing waiting times, especially for those wait-

ing more than 12 months. The demand for CAMHS has seen a 26% increase in referrals since 2012 and therefore CAMHS is a strategic priority action for the HSE.

In 2018, the Government has provided for an increase of €35 million in development spending for mental health. Part of this increase will pay for developments commenced last year. There also will be additional funding of €22 million for pay-related costs. This will result in a mental health budget of €910 million, which reflects an increase of around €200 million, or approximately 28%, since 2012. Mental Health is also guaranteed a further €55 million in 2019.

Additional resources and facilities means there are now 69 CAMHS teams, and three paediatric liaison teams, supported by 70 operational CAMHS beds nationally, with further beds planned to come onstream as approved staffing posts are filled at local level. It is envisaged that the increased funding will help develop the CAMHS service overall through provision of: a seven day per week service to enhance supports for vulnerable young persons in line with Connecting for Life; eating disorder specialist community teams; day hospital provision, in-patient admissions, and more appropriate supports for community teams; and enhanced access by older adolescents to specialist mental health services and, for those requiring acute admission, their continued appropriate placement and care.

The acute CAMHS unit at Linn Dara, Cherry Orchard, covers the Kildare and south-west Dublin areas. There are three consultant-led multidisciplinary community CAMHS teams serving County Kildare. The north Kildare team is based in the new Celbridge primary care centre, the mid-Kildare team in Sycamore House, Millennium Park, Naas, and the south Kildare team is based in the new Kildare primary care centre.

In line with the recommendations contained in A Vision for Change, a fourth team is coming into operation in Kildare from mid February 2018. The fourth team has been established to meet the increasing population of the county. The new team will facilitate a realignment of catchment areas of existing teams, in line with the new primary care networks. It is planned that this team will be co-located with the south Kildare team, pending the completion of a CAMHS suite in the new Clane primary care centre. Six posts have been recruited for this team.

There are also plans to increase the consultant staffing in the Kildare area to allow further service development. The Linn Dara community teams also have access to a dedicated adolescent day programme and, from February 2018, to a specialist eating disorders team. Both of these are located on the Cherry Orchard Hospital campus.

The Deputy can rest assured that CAMHS will continue to receive priority from the Minister of State, Deputy Daly, the Department of Health and the HSE. One aspect in particular that the Minister wishes to develop is improved cross-referral within the HSE, and better inter-agency links between the executive and the education, disability, and child care sectors. The Minister of State, Deputy Daly, will ensure that, in light of the significant funding provided in budget 2018 for mental health, CAMHS will continue to be prioritised by the executive, including improvements relating to Kildare.

Deputy Frank O'Rourke: I thank the Minister of State for the detailed reply. I do not disagree with the Minister of State's comments and I would not even suggest for a second it is down to a lack of funding. It is a lack of accountability, people taking responsibility and delivery on the ground. I accept everything the Minister of State spoke about in his statement but if it is the case, who is responsible for not delivering the service in just the three cases I

23 January 2018

have outlined to the Minister of State today because I was short of time? With the last case I mentioned, the individual was turned away from the Celbridge primary care centre between Christmas and the new year, when he showed up with mental health issues. He was told they could not help him as they had no services or resources. He made contact with me and we got him into Pieta House.

I am not coming after the Minister of State, the Government or the Minister because of a lack of funding. I do not doubt them for a minute. I have spoken with the Minister of State about other matters in his Department and despite the funding, we can clearly see cases that are not isolated. When I raised this with the Taoiseach, he said they were isolated cases but they are not. There is a trend here and the reality is services are not being delivered on the ground. Can we get to the people who are responsible and accountable in the Health Service Executive, HSE, for not delivering these services? Will there be consequences for not delivering them? Why was a minor allowed to roam on his own last year? He went missing twice on suicide watch. This is happening and it is a reality. We must find out why if there is no issue with funding. The Minister of State has indicated the resources are there and more are coming, which is great news, but why are services not being delivered on the ground? Why are there gaps in the service and why are we seeing such massive problems?

Will the Minister of State extend an invitation to the other Minister of State, Deputy Jim Daly, to come to Celbridge to visit the Abbey Community Project, which has done wonderful work for the past ten years? Will he pursue the HSE on the commitment to funding for it that was promised? Does the Minister of State know how much money was given last year for its two professionals providing dual diagnosis for 45 cases? It was €3,000 and they were told it was only to be used for stationery and renting office space. That is how bad it is.

Deputy Finian McGrath: I thank the Deputy for raising the matter. I take his points relating to accountability. He has accepted the point that we are investing money in services and I appreciate his acknowledgement of that, as many people in the Opposition do not even bother to say it. The question is about accountability and delivering services on the ground. I will bring the message to the Minister, Deputy Simon Harris, and the Minister of State, Deputy Jim Daly.

As part of the changes we are advocating in the Department - I include my section dealing with disability services - we are trying to invest in services, as the Deputy acknowledges. We are also seeking to reform the services. The Deputy made the key point about having accountability and delivering on the ground. It is a valid argument and a debate we regularly have around the Cabinet table. It is something I will bring to the Minister.

The Clane case is a very serious matter, as is the case of the person with brain injury who is sleeping rough. I acknowledge that these are real cases, involving real human beings. We must ensure the money we fought very hard for is put in on the ground. I take the Deputy's point that these are not isolated cases. We speak with colleagues regularly and hear about cases. The Minister of State, Deputy Jim Daly, will meet the Deputy and his door is always open. People must be accountable within the HSE. I will raise the Deputy's request for the Minister of State, Deputy Daly, to visit Celbridge with him.

Emergency Departments Services

Deputy Maurice Quinlivan: I express my disappointment that the Minister, Deputy Harris, is not here. It is *déjà vu* as this is the fourth time I have had a Topical Issue on pretty much the same matter and the Minister has not yet turned up. Senator Paul Gavan and I requested an urgent meeting with the Minister but we have not had a response to that either. I ask the Minister of State to request the Minister to meet me and Senator Paul Gavan as soon as possible. I am disappointed that the past few times I have had a Topical Issue on practically the same matter, the Minister has not been available. As I say, I have tried to raise a number of times the serious position in this hospital and the way patients are treated.

Today, there are 60 people on trolleys in University Hospital Limerick, with 668 people on trolleys nationally. That is almost another outrageous record. Almost 10% of patients on trolleys across the State are in one hospital in Limerick. The hospital consistently has the highest number of people on trolleys across the State's hospitals, and it was the most overcrowded hospital in the State last year. University Hospital Limerick saw 8,869 people on trolleys last year, which is absolutely disgraceful. My constituents are entitled to an excellent facility that is not chronically overcrowded, the same as all other areas. Unfortunately, it seems they are bottom of the priority list for the Minister, Deputy Harris.

When the new accident and emergency department was scheduled to open in May last year, I tabled a Topical Issue and the Minister, Deputy Harris, was not available at that time either. The Minister of State, Deputy Finian McGrath, took the question. I indicated the nurses had a serious concern before the opening of the planned accident and emergency department that 24 patients would be accommodated on trolleys and chairs from the get-go in the new department. At the time, the Minister of State rebuffed what I said, dismissing any such suggestions. He said there was no basis for any suggestion that 24 patients would be accommodated on trolleys in the new department. He said that on 25 May 2017 but it has not been borne out as true. Almost every single day there are more than 24 patients accommodated on trolleys in the new accident and emergency department.

The Minister of State may be aware that these problems stem from the downgrading of Ennis, Nenagh, and St. John's hospitals' accident and emergency departments and the establishment of a so-called centre of excellence. That has not worked and the facility has been overwhelmed. One might walk into the accident and emergency department at University Hospital Limerick today and explain to the 60 people on trolleys how the plan has not worked.

I raise in particular the full capacity protocol. The Minister of State is well aware this was designed to be an emergency measure to deal with overcrowding and is not supposed to be used every day. It has consequences and it results in patients being put in inappropriate areas of the hospital, leading to overcrowding in wards, cancellation of elective procedures and aggressive discharging. It is not intended to be used every day and become the norm. In University Hospital Limerick it has, unfortunately, become the norm. It was used on 361 days last year, compared with nine days in 2014. Yesterday, we learned the number of patients waiting for outpatient appointments in University Hospital Limerick has increased by a massive 6,786 people in just one year to an astonishing 32,632 people. It is a 26% rise in one year. The Minister has said he has a handle on the health crisis and I am sure that will be in his response when he gets back to me. The number of patients being forced to wait in excess of 18 months for treatment has more than doubled in one year, rising from 1,517 to 4,124.

23 January 2018

I commend the nurses, doctors and staff who work in University Hospital Limerick in what can be extremely challenging conditions. I am running out of time but I could stand here for another 20 minutes highlighting the issues. What action will the Minister, Deputy Harris, take to ensure the full capacity protocol is not implemented in University Hospital Limerick almost every single day, which it was in 2017? How will he ensure it is only ever used when there is a genuine emergency?

Deputy Finian McGrath: I thank the Deputy for raising this important matter. It is unacceptable that patients must wait on trolleys for long periods, especially those who may be elderly or vulnerable. The full capacity protocol was devised in order to redeploy hospital resources towards surges in demand for emergency care, thereby reducing emergency department waiting times. I accept the argument that the department in University Hospital Limerick is one of the busiest in the country, with approximately 67,000 attendances annually. Demand for emergency department services at the hospital continues to rise, with an increase of 6% in attendances at the hospital in 2017 compared with 2016.

The House will be aware that overcrowding at the hospital's emergency department has been a concern for some time. It is frequently working above capacity using full capacity protocol and this contributes to inefficient ways of working and poor patient experience. In recognition of this high demand, funding of €24 million was provided for the new accident and emergency department at University Hospital Limerick, which opened in May last year. The new facility is triple the size of the old department and immeasurably improves the experience of patients in terms of their comfort, privacy and dignity. The Minister, Deputy Harris, visited the department on its opening last year and was very impressed with the pod-based design to streamline patient pathways.

I accept the Deputy's point. The emergency department at UHL continues to be challenged and sees too many patients on trolleys each day. The Minister has been in direct contact with the director general of the HSE, the hospital group chief executive officer, the group clinical director and the head of the HSE's special delivery unit to express his concerns about high trolley numbers and to seek assurances that action is being taken to address the situation urgently. The special delivery unit has been working closely with hospitals currently experiencing emergency department pressures with a view to improving patient flow and reducing the number of patients on trolleys. At the request of the Minister, Deputy Harris, UHL has submitted an emergency department performance improvement plan which sets out in detail how performance will be improved. The plan is currently being implemented and I expect to see incremental improvement.

To alleviate overcrowding pressures, 17 new surge capacity beds opened in the old emergency department in UHL in September 2017. These beds will be converted into a medical short-stay unit in 2018 which, again, is a measure to combat the requirement of using the full capacity protocol. UHL was also chosen as a pilot site for a national HSE programme designed to improve patient flow across acute hospitals and the wider health service. This programme is aimed at developing and assessing different approaches to the improvement of patient flow.

To conclude, the Minister is acutely aware of the current situation in UHL in terms of using the full capacity protocol and is monitoring the situation closely. The Department, the HSE and the University Limerick hospital group are carrying out measures to improve this situation and reduce the need to utilise the full capacity protocol.

Deputy Maurice Quinlivan: I agree the new emergency department in Limerick looks great but, unfortunately, the concerns we raised before it opened have come to pass. Huge numbers of people are waiting on trolleys and for unnecessary durations of time. My fear is that I will be in the House again next year highlighting the same problems in that hospital. The Minister, Deputy Harris, brought a bed capacity review to the Cabinet today. However, we do not need any more reviews, studies or investigations. What is needed in UHL is more money, extra beds and more staff today, not ten years hence, to accommodate the number of patients presenting at the hospital.

The Minister of State might be aware that the interns and non-consultant hospital doctors, NCHDs, are to ballot on industrial action in the hospital next week. We do not know when the 96-bed extension will be up and running. It will alleviate the problems but it is years late. There is no point in constantly talking about it. If the work begins immediately it will be years before there are extra beds for patients in the hospital. Has the funding for the 96-bed extension been allocated? It has been talked about for a long time but when will it be built? Obviously, if the Minister, Deputy Harris, were present he might be able to answer that question but perhaps the Minister of State will relay my concern to him. What interim measures are being put in place to bring down the hospital trolley count or will the Minister just sit back and hope that the influenza passes, which will bring down the numbers?

The main question in this Topical Issue, however, is: what measures will be introduced to stop the use of the full capacity protocol? Does the Minister think that using the full capacity protocol - having extra trolleys in the hospital every day in 2017 and every day so far in 2018 - is safe and does he stand over the fact that it is happening? Will he confirm if any additional staff will be assigned to deal with the outpatient waiting list, which has grown by more than 6,000 in a year? These problems are massive and urgent. They require comprehensive solutions. If the Minister cannot provide them he should consider why he is in office.

Deputy Finian McGrath: Of course, we accept the Deputy's point. He is correct that the Minister, Deputy Harris, brought the bed capacity review plan to the Cabinet today. There was very strong support for it because we accept there is a need to invest in extra beds, particularly in 2018 and 2019. However, there is also a historical issue here. Before our time in Government, the accident and emergency departments in Ennis and Nenagh were closed. This was part of creating a logjam in the system. I accept the Deputy's argument that extra new beds are needed, and we are determined to provide them. The Minister is committed to action.

With regard to the specific issues in Limerick hospital, the Minister has been in direct contact with the director general of the HSE, the CEO of the hospital group, the group clinical director and the head of the HSE special delivery unit. I am optimistic that action will be taken. We must ensure that people are no longer left of trolleys. As regards the funding issues, I will raise them with the Minister, Deputy Harris, and we will refer back to the Deputy with a further detailed response.

Flood Relief Schemes Status

Deputy Margaret Murphy O'Mahony: In light of the near flooding a few weeks ago and further weather warnings forecast for the period ahead, I seek an update on the flood relief and main drainage scheme in Bandon. Bandon is known as the gateway to west Cork. It is a beautiful town. It is the town where I grew up, where I and my husband settled and where we

23 January 2018

choose to bring up our two sons. There is a song called “Bandon town I love you so”. I will spare Members hearing me sing it here today, but it sums up-----

An Ceann Comhairle: Go on.

Deputy Patrick O’Donovan: We will hear a bar of it later, a Cheann Comhairle.

Deputy Margaret Murphy O’Mahony: That would be different anyway. However, it sums up my feelings for my native town. The Minister of State has visited it many times on a personal basis.

Unfortunately, the town has been brought to its knees due to flooding on three occasions since 2009, the last two floods happening only weeks apart. I acknowledge the amazing heart and extreme resilience of the people of Bandon. They got up and fought back each time. The Minister of State will be aware that a €16 million flood relief scheme for Bandon is currently being undertaken by the Office of Public Works in partnership with Cork County Council. This badly needed scheme is expected to alleviate the serious flooding that has blighted the town for many years. The work has been progressing well to date, but local residents and business owners are becoming extremely anxious as a result of the weather conditions we have been experiencing lately. On 19 January last, the town was again on flood alert. I acknowledge the fantastic work done that day by the fire service and council workers who kept the flood at bay.

Quite simply, residents and business owners are at the end of their tether and unable to deal with the devastation another flood would cause to their properties, particularly in circumstances where they are unable to get insurance. Bandon experienced a severe flood in 2009. We were told then that it was probably a one in 99 year experience and we hoped that was the case. Unfortunately, it happened again in December 2015 and, unbelievably, again a few weeks later. After 2009 many residents and businesses were unable to access flood insurance so the next two floods left the people in Bandon devastated. People in many towns in west Cork, such as Bandon, Clonakilty, Bantry and Skibbereen, cannot get flood insurance. Although this is a matter for another day, it would be only fair that after the flood relief works are carried out in these towns people should once again be able to get flood insurance.

It is imperative that the main drainage scheme in Bandon commences on schedule, which we understand will be in the second quarter of this year. The drains in Bandon are extremely old and are no longer fit for purpose. When there is heavy rain the drains are unable to cope. If the Bandon river rises the water comes up the drains, so there is an up and down problem. In essence, these drains are well past their sell-by date and major works are essential. My constituents need and deserve answers. It is not acceptable that they must live in constant fear of the next weather forecast. Can the Minister give an undertaking that no more time will be wasted on these works and that definite dates will be provided, particularly a guaranteed commencement date for the main drainage scheme in Bandon?

Minister of State at the Department of Public Expenditure and Reform (Deputy Patrick O’Donovan): I thank Deputy Murphy O’Mahony for raising this important issue. I am replying on behalf of the Minister of State at the Department of Public Expenditure and Reform, Deputy Kevin Boxer Moran. As the Deputy rightly pointed out, I have personal knowledge of this issue. My brother is a publican on the main street in Bandon and his business premises was one of those flooded. The Deputy is correct in so far as his premises flooded not from the street but, rather, the toilet cisterns. The flooding came from the sewer, up the toilet and into his

pub. Such an occurrence would be absolutely devastating for any business. I also have first-hand experience of such events in my town of Newcastle West, which was also flooded. I thank Deputy Murphy O'Mahony for raising the issue.

The Minister of State, Deputy Boxer Moran, visited Bandon last summer to see the great work being done to bring much-needed relief from flooding to the people and businesses of the town. He met with councillors, local Deputies, residents and business owners, who were all very relieved that, following some early delays, works were finally under way. The Bandon scheme is progressing well. Like any major civil engineering project, it is not without its difficulties but, on behalf of the Minister of State, I assure the Deputy that he has been emphasising to his officials that every effort must be made to ensure the scheme remains on target for completion in mid-2019 in accordance with the latest agreed construction programme.

Following the severe flooding in Bandon in November 2009, the Office of Public Works appointed consultants to develop proposals for a flood relief scheme for the town and to undertake an environmental impact study of the developing proposals. A preferred scheme was brought through the public exhibition process in 2012 and the proposals received a generally positive welcome. The Office of Public Works has been working in close co-operation with Cork County Council in developing and progressing the scheme. The scheme includes the following main elements: new walls and embankments; excavating the channel by approximately 1.6 m for a distance of 3.5 km; replacement of the pedestrian bridge; underpinning Bandon Bridge; construction of new fish passages; and associated drainage works, including new pump stations.

Following completion of the detailed design, the Bandon scheme was confirmed by the Minister for Public Expenditure and Reform, Deputy Donohoe, on 4 April 2016, which allowed the Office of Public Works to proceed with the scheme. The contract was awarded on 9 of June 2016 to Wills Bros Limited and construction of the scheme commenced in late July 2016. There were some initial contract issues to be resolved which led to a delay in substantive works getting under way. Thankfully, those issues were resolved.

Good progress is being made across all the main areas of work. Bandon footbridge works are progressing well and are due for completion by the end of February. The steel deck was lifted into place on 6 December last. Works associated with the ramps and walls, including large service diversions, are ongoing. Finishing works, including polished concrete surfacing and railings, are anticipated to commence this month and the bridge is due to be opened in March. Works are ongoing at Glasslinn Road and are due to recommence at Brady's Lane and Bridge Street this month. Culvert installation works have been completed at Mill River within the grounds of the old distillery, almost completed at the Kilbriain Road stream and are ongoing at Moanarone or Distillery Road. The construction of new flood defence walls is ongoing at Graham Norton Walk, The Stretch, Watergate Steet, Glasslinn Road wall and Mill Place. Some major elements of in-river works are scheduled to commence in May on the Bandon river and on a fish pass in the river. These are critical works and the project management team will be working very closely with the contractor to ensure they are completed within the programme. The scheme is expected to be substantially completed by July 2019 and the Minister of State is confident that target will be met.

As Deputy Murphy O'Mahony pointed out, the completion of the Bandon scheme will bring great comfort to the residents and businesspeople of the town. Like the residents of other towns such as Mallow, Fermoy, Kilkenny and Clonmel where major OPW schemes have been built, they will no longer have to live in fear of severe weather and rainfall warnings but, rather, will

know their homes and businesses are protected from flooding.

The Government is committed to addressing the most significant flood risks in the country. Some €350 million has been spent on building 42 major schemes, protecting almost 9,500 properties. However, there is more to be done. Within the existing programme of capital flood works, eight schemes are at construction phase, eight more are due to start construction this year and a further 18 are in the pipeline. In addition, approximately 100 other schemes are included in the flood risk management plans under the catchment flood risk assessment and management, CFRAM, programme for which the Minister of State will shortly be seeking approval. This represents a major programme of investment in flood protection and the Minister of State is confident that the new ten-year capital plan 2018 to 2027 will see a continued significant allocation of funding for flood relief projects, including in places such as Bandon.

Deputy Margaret Murphy O'Mahony: I am glad the Minister of State acknowledged that he realised first hand what the people of Bandon went through. His brother suffered badly during those floods. I am disappointed that the Minister of State spent most of his four-minute reply going over works that have been completed, of which I am very well aware. He also spent much time speaking of works done all over the country. With all due respect to such works, my question solely regards Bandon. I ask the Minister of State to provide more specific dates for the commencement and completion of the main drainage scheme.

Deputy Patrick O'Donovan: As I outlined in my response, the Minister of State, Deputy Boxer Moran, has stated that he hopes the scheme will be completed within the agreed timeframe and delivered in mid-2019. I can ask the Minister of State to provide a more detailed direct response to the Deputy on the outstanding individual elements.

Deputy Margaret Murphy O'Mahony: Yes, please.

Deputy Patrick O'Donovan: I will arrange to so do. The Deputy is correct that I saw at first hand the devastation caused in Bandon. The issue was raised directly with the Minister of State, Deputy Boxer Moran, by the Minister of State, Deputy Jim Daly. On the night my brother's pub and sister-in-law's shop flooded, Deputy Murphy O'Mahony and other public representatives, including Councillor O'Donovan, a namesake of mine, were on hand to give tangible help to those affected. Cork County Council must also be acknowledged in that regard.

The Bandon scheme is one of those that has been prioritised by the Minister of State because he does not want to see a repeat of people's properties being flooded with raw sewage coming up from toilets. There is no hesitation on behalf of the Office of Public Works, the Minister of State, the Government or Cork County Council on this matter. There was, as I pointed out, some minor delays in respect of the completion of contracts. That is now under way and Wills Bros Limited is the contractor in place. As regards what is scheduled in the individual steps from here on, I will ask the Minister of State, Deputy Boxer Moran, to liaise directly with Deputy Murphy O'Mahony.

Roads Maintenance Funding

Deputy Marcella Corcoran Kennedy: I welcome the opportunity to raise this important matter. I thank the Minister for Transport, Tourism and Sport, Deputy Ross, for coming to the House to address the issue. Like many colleagues, over the Christmas recess I had the opportu-

nity to traverse County Offaly more thoroughly than I would while the Dáil is in session. Many of the important routes in the county are in a state of disrepair following harsh winter weather conditions and persistent heavy rainfall, coupled with the unique circumstances that pertain in Offaly and parts of north Tipperary as a result of the extent to which our road network crosses boglands. The water table has been very high all winter, which is putting huge pressure on the road network. Subsidence and large potholes are developing on our regional roads, which makes driving conditions very dangerous for motorists, who expect regional roads with speed limits of 80 km/h to have consistently good surfaces. In recent weeks, I have been inundated by constituents contacting me to express concern and frustration with the condition of the roads.

Now that the economy has recovered and we are all working in a determined manner to attract enterprise and increased tourism activity to the county, the road network urgently requires additional investment that recognises the very specific nature of the network, which is built on peat foundations. I am very concerned by the situation. Engineers accept that road surfaces built on peat foundations require significantly more investment to ensure standards are maintained. The surface of such a road will last for approximately five years in normal conditions compared to an expected lifespan of 20 years for roads built on proper foundations. The Minister will recall a presentation in Edenderry at which the local engineer highlighted that issue to him. It is apparent following the recent persistent rainfall that structural problems are developing on the regional, local and tertiary road network, which means that local authorities in Offaly, Tipperary County Council and Laois require additional funding from the Minister's Department to help mitigate the problem before it gets worse.

I wish to highlight the routes by which I am most concerned. The R357 from Blueball to Shannonbridge is a very important, busy regional route, many stretches which have been undermined over the winter months. Many other road arteries are causing a driving hazard for drivers who may not be familiar with them. For example, in north Tipperary the very important R438 Borrisokane to Athlone regional route is flooded. The last time that road was so heavily flooded, people were able to jet ski on it because it was like a huge pond. I do not advocate such behaviour but it illustrates how much water was on the road. Locally there are engineering solutions and I am aware that the local authority has suggestions and ideas but the funding is what is at stake.

I drove the R436 recently when I did my clinics from Tullamore, back through Ferbane and on to Moystown Cross via Belmont. That road is in dreadful condition for a regional route. The road is actually subsiding at the edges and in the middle, not to mention the amount of potholes, and it is really dreadful to see the damage there.

I also spoke of the additional work that is required on the N62 and the N52. I will not go back into that again because I know the Minister is well aware of this. There needs to be recognition that rural dwellers pay their motor taxes, their property taxes, their VRT and so on. They depend on the road network to go about their daily lives. I am very concerned about the deteriorating condition of the regional, county and tertiary road network.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I thank Deputy Corcoran Kennedy for raising this very important issue, which has become even more acute since I visited the Deputy's area in Offaly a few months ago. The case was made very eloquently by the Deputy and by others for the difficulties experienced when roads have been built on peat foundations, and the effect that lack of investment has on these roads. I am particularly taken by the statistic given by the Deputy - and which was given to me on that visit - that a repair that

23 January 2018

might be expected to last for 20 years in the normal case might only last five years in some of the roads mentioned. The case made by the Deputy today should certainly be considered in the future when road grants are being handed out.

The improvement and maintenance of regional and local roads is the statutory responsibility of each local authority, in accordance with the provisions of section 13 of the Roads Act 1993. Works on those roads are funded from local authorities' own resources supplemented by State road grants. The selection and prioritisation of works to be funded is, therefore, a matter for the local authority.

Ireland has just less than 100,000 km of road in its network and the maintenance and improvement of national, regional and local roads places a substantial financial burden on local authorities and on the Exchequer. The Deputy will be aware that because of the national financial position, there were very large reductions in the Exchequer funding available for roads expenditure after the financial crisis. For this reason the focus has had to be on maintenance and renewal rather than new improvement projects in recent years. I envisage that this emphasis on maintaining assets, together with safety measures, will continue into the next capital plan period.

Account has been taken of conditions referred to by Deputy Corcoran Kennedy as encountered in Offaly. This will be reflected in terms of the grant programmes that will be announced by me in the near future. Transport Infrastructure Ireland, TII, has allocated €153,962 towards Offaly's winter maintenance scheme. In this context, it is important to reiterate that the purpose of Exchequer funding is to supplement the own resources spending of local authorities and I have emphasised to local authorities the importance of prioritising expenditure on roads when allocating own resources, including revenue from local property tax receipts.

Local authorities are aware that it is a matter for each council to determine its priorities and to allocate funding accordingly. Given the funding constraints, my objective has to be to allocate funding to local authorities on as equitable basis as possible. The main grant categories are, therefore, based on road lengths in each local authority's area of responsibility. The division of Department grant moneys under the restoration improvement, restoration maintenance and discretionary grant programmes between different local authority districts is decided at local level. Before the financial crisis, local authorities could apply on a regular basis for specific grants for schemes costing less than €5 million and for strategic improvement grants for schemes costing more than €5 million with a view to strengthening, widening or realigning regional and local roads. The extent of the cutbacks in grant funding during the crisis meant these grant schemes had to be curtailed from 2013 because expenditure on maintenance and renewal was falling well short of what was required to adequately maintain the regional and local road network. It is a matter for Offaly County Council as part of its budget and road programme planning process to assess the condition of its road network and what works might be needed taking into account its overall priorities.

When I am making any allocations in the near future, I will bear in mind Deputy Corcoran Kennedy's comments today.

Deputy Marcella Corcoran Kennedy: I thank the Minister for the answer and for acknowledging that consideration will be taken of the special condition of roads in that area. I certainly appreciate that. The Minister made reference to schemes being curtailed since 2013. We can really see the effect of this curtailment five years later with some roads becoming

narrower. I also believe that climate change has an impact on it and I have no doubt that the Department of Transport, Tourism and Sport will examine the impacts on our roads from the monsoon-like rainfall Ireland is having. The R400, which we spoke about when the Minister was in Edenderry, is a connecting route from Rhode to Portarlinton. It is a very important strategic route that links the M6 to the M7 and it needs to be prioritised. I have no doubt that Offaly County Council will most certainly do this.

The re-launch of the local improvement schemes by the Minister for Rural and Community Development, Deputy Ring, and the Taoiseach was most welcome at the National Ploughing Championships last year. There was a queue of communities waiting to avail of that funding and it was used up very quickly. I am aware that an enormous amount of funding remains in that scheme. I hope that we could get an increase in that funding. I welcome that new funding will be announced for that, as mentioned earlier today by the Taoiseach on Leaders' Questions.

Will the Minister consider looking again at the community involvement scheme? When I was a county councillor we found it to be a marvellous way to ensure that roads in the charge of the local authority could be resurfaced or have some structural work, in partnership with people in the rural area who had access to various types of mechanical equipment. It was very good value for money and was a tremendous scheme. I hope the Minister might consider that.

Deputy Shane Ross: I will look at the scheme again. We have looked at it since I came into office, but financial constraints and priorities have restrained us from putting any more money into it. We will consider it in the next budget.

Funding for road maintenance and improvement in County Offaly is provided by the council's own resources, supplemented by grants. The allocation for 2018 is expected to be announced in the next two weeks. The Department has also emphasised to all councils the importance of prioritising expenditure on roads when allocating their own resources, including local property tax receipts.

The main grant programmes operated by the Department are focused on specific policy objectives such as surface sealing to protect the road surface from water damage. Restoration maintenance grants cover road strengthening, based on pavement condition and weighting, to lengthen the life of roads. Restoration improvement grants are discretionary grant schemes that cover various activities including the provision for winter maintenance. These three grant programmes account for most of the grant funding and are allocated based on the length of the road network in a particular local authority area.

Applications for funding under the low-cost safety improvement scheme in 2018 were invited on 26 September 2017. Councils were made aware of the conditions for the applications for funding and were advised that preference would be given in the cost range of €2,000 to €30,000, and that proposals in the higher cost ranges of €30,000 to €250,000 may be considered if the benefit-to-cost ratio was promising. Offaly County Council applied for funding for six schemes to the sum of €292,000. The council will be notified shortly of allocation of funding for these schemes. It is up to individual local authorities to submit applications in order of priority. Allocations to individual municipal districts within the county are a matter for the county council and the Department has no role in that process. TII is progressing major pavement renewal and strengthening schemes on the N52 and N62, costing a total of €1.97 million. TII operates a programme of minor works and maintenance works, including winter maintenance. TII is undertaking a number of such schemes in County Offaly. TII has allocated €2.5 million

to Offaly County Council in 2018.

Reception Conditions Directive: Motion

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

That Dáil Éireann approves the exercise by the State of the option or discretion under Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, to accept the following measure:

Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast),

a copy of which was laid before Dáil Éireann on 22nd November, 2017.

I am pleased to have the opportunity to present the proposal of Government that the State opts into the EU reception conditions directive, recast, under the terms of Protocol No. 21, annexed to the treaties of the European Union. Last Wednesday, the opt-in proposal was discussed and broadly welcomed by members of the Oireachtas Joint Committee on Justice and Equality. The motion was subsequently passed by Seanad Éireann earlier today. If the House's approval is granted this evening, the formal notification letter will be sent to the European Council and the European Commission immediately thereafter so that we will be in a position to begin the four-month compliance procedure with the Commission. I should point out that this four-month period is mandated under the EU treaties.

The migration crisis and asylum have been in the headlines here and around the world for a number of years now. For this reason, I wish to take this opportunity to clarify some issues. The Government has made a strong commitment to playing its part in addressing the refugee crisis arising from the protracted conflict in Syria. Deputies will be aware of our voluntary opt-in to the EU resettlement and relocation programmes which will see 4,000 people coming to Ireland to begin a new life here. Deputies will also be aware of the commendable work of our Naval Service which has come to the aid of those fleeing conflict as they perilously cross the Mediterranean Sea to Europe. We have made a significant contribution to the international humanitarian aid directed towards victims of the Syrian conflict through our partner NGOs and a raft of international organisations.

It is important to clarify any potential misunderstanding that may arise in respect of those fleeing conflict in Syria. First, those who come to Ireland from conflict zones under our resettlement programme arrive with refugee status. Second, those who have come from Greece under the European Union relocation programme will have their status determined quickly and usually within a period of three months. In both cases, those coming to Ireland under the Irish refugee protection programme will already have full access to our labour market. Separately, based on the current situation, those who come to Ireland of their own volition and make an application for international protection upon arrival generally come from different regions. Currently, Georgia, Albania, Pakistan, Zimbabwe and Nigeria constitute the top five countries of origin of applicants for international protection who present spontaneously at our frontiers and enter the international protection applicant process. Each application is, of course, considered

solely on its own merits.

The Supreme Court gave its judgment in the NVH case on 30 May last and, having given the matter detailed consideration, the Government chose to interpret this decision in a broad way, reflecting the calls from Deputies and Senators and acknowledging the work of the McMahon group and a number of NGOs in so far as they were encouraging that Ireland should align its bespoke system with European norms and standards. In opting into the EU reception conditions directive, recast, the Government has chosen to be ambitious and to enhance and protect the rights of international protection applicants and their families. We are using the opportunity afforded to us by the Supreme Court decision to continue our programme of reforms undertaken since 2014. In addition to labour market access, the directive also includes important provisions on children's rights, including rights for unaccompanied minors, as well as provisions on health care and education. Participation in the directive will place the provision of material reception conditions for applicants, which are currently provided for under the executive system of direct provision, on a statutory basis and it will be underpinned by EU law for the first time.

The State already has a functioning employment permits system for third country nationals which we must be careful not to disrupt or undermine, nor must we take any action which could be detrimental to our legal migration system. The court's judgment acknowledges the role of the Executive and Legislature in setting these parameters. Once the State's participation in the directive is confirmed, I intend to provide for access for eligible applicants by way of an immigration permission which would exempt applicants from the employment permits system and any associated fee. In determining the list of sectors of employment to which access will be granted, regard will be had to the skill set of applicants and to labour market gaps as well as to the expert advice of front-line Departments.

An Ceann Comhairle: The balance of the Minister's contribution can be included in the Official Report.

Deputy Charles Flanagan: I did not realise I was so constrained. In any event, I undertake to listen closely to the points to be raised.

Deputy Fiona O'Loughlin: I note that the Government has to seek the approval of the Houses of the Oireachtas on opting in to the directive which will provide for minimum best practice standards for the reception of asylum seekers, and this is only right. There is no doubt that opting in to the directive entails allowing asylum seekers limited access to the labour market. In general, Fianna Fáil supports the decision to opt in to the directive, which was a recommendation of the McMahon working group. It will bring Ireland's asylum system in line with European norms.

Fianna Fáil has long advocated for reform of the direct provision system. Asylum seekers spend far too long in the system which was designed in 2000 to be a short-term interim provision to deal with the high number of asylum seekers entering the State. That was to be an interim measure but here we are 18 years later. At present, approximately 36% of residents spend two years or more in direct provision, which some of them have described as a form of internment. The delays in assessing applications for asylum remain unacceptable. The long periods spent in direct provision have a negative impact on both the mental health and well-being of the individual. It also impedes integration and creates a legacy of dependency.

The McMahon working group published its report in 2015. It made a number of recom-

mendations, including that asylum seekers who are awaiting a decision on their application for asylum for more than nine months and who have co-operated with the process should be allowed to work. Fianna Fáil supported the recommendation. Three years have passed, however, and only now is the Government starting to act. I contend that the Government is only acting now because it is being forced into implementing the recommendations of the Supreme Court which concluded in May 2017 that prohibiting asylum seekers from working is unconstitutional. Despite that Supreme Court judgment, the Government has delayed introducing provisions to allow asylum seekers to work. The ban on the right to work will be struck down as unconstitutional on 9 February 2018. Therefore, a temporary measure has to be put in place between 9 February and the date on which Ireland will have completed all necessary measures to opt in to the directive. Why did it take so long? I contend that there was appropriate time to deal with this without having to put an interim measure in place. We should have gone straight to a situation of opting in without interim measures. The interim measures permitting asylum seekers to work are restrictive. They are restricted to seeking jobs in specified sectors and the job must attract a salary of at least €30,000. I accept that the Minister spoke about the issue of asylum seekers having to pay for an employment permit. If my understanding is correct, that will not now be the case.

In general, the implementation of the reception conditions directive will have positive implications beyond the right to work. These include greater protections for children and vulnerable applicants seeking asylum. The asylum reception system which we call direct provision will have to be put on a statutory footing and this will ensure that the system has appropriate parliamentary oversight. This must be a welcome step towards introducing a more humane reception system for asylum seekers.

I understand work permits will be restricted by the list of highly skilled and ineligible categories that apply to work permit applicants, which are very restrictive and exclusionary criteria. The current list indirectly discriminates against women, as the majority of employment categories eligible for work permits are in male-dominated jobs. Female asylum seekers would, then, be additionally adversely affected by this interim scheme as it currently stands.

Deputy Donnchadh Ó Laoghaire: Ar an gcéad dul síos, ba mhaith liom a rá go raibh cuid mhaith díomá faoin bplean agus faoin scéim a chur an tAire os comhair an choiste an tseachtain seo caite agus atá os ár gcomhair tráthnóna inniu. As I said last week in the committee, the Department appears to want garlands and congratulations for this measure, which is quite extraordinary given that despite the positive language and the move to engage fully with the consensus, since 1996 successive Governments have opposed the right to work for asylum seekers. This has been re-emphasised most recently in the International Protection Act 2015 and we are only discussing this directive and the right to work on the basis of the *NHV v. the Minister for Justice and Equality* judgment last May. The Government now arrives with an interim measure that is impossibly restrictive and it is difficult to anticipate any asylum seeker being in a position to obtain work before the passing of the legislation.

The restrictions have been detailed and include having pay of over €30,000 per annum, with some 60 occupations excluded and a cost of between €500 and €1,000 for a work permit. That would be an extraordinarily high threshold if it applied to Irish citizens and many here would struggle to satisfy the criteria, let alone those who are fleeing war and oppression. To say this is a day late and a dollar short would be a bit of an understatement. The directive is an improvement and we support the Government's decision to transpose it but it needs to go back to the drawing board. Legislation will ultimately issue for the full implementation of the directive al-

though, as Deputy O'Loughlin outlined, despite the fact that direct provision was intended as an interim measure, we are still dealing with it a long time later. The interim measures are simply not good enough and do not constitute a satisfactory right to work. I also believe this would be open to legal challenge in advance of the passing of primary legislation. The NHV judgment is far from perfect and I would have preferred the Supreme Court to have gone a degree further but there was a clear expectation that the Government would act and it has been quite slow to do so. The decision was made in May last year and we are only seeing action now.

We have been contacted by a number of people in organisations working with asylum seekers. They are very disappointed and angry at the deeply restrictive nature of this approach. I am also concerned that the final legislation might involve pull factors and gaps in the labour market, although the Minister attempted to reassure me in a previous debate. The right to work, as the Supreme Court recognised, is based to a large extent on human dignity and on people's ability to play a full role in the community. There should not be a utilitarian approach to fill gaps in the labour market. We must have a full and realistic right to work, with nine months much too long to wait. I would not like to see anything like the restrictions that exist under the Employment Permits Act 2003 and in the unacceptable interim measures, on which the Government should go back to the drawing board.

Deputy Brendan Howlin: This proposal is a belated response to a long-running scandal. All of us have become somewhat inured to the unconscionable delays in the asylum seeking decision-making process. As Minister of State, my colleague Senator Aodhán Ó Ríordáin invited Mr. Justice Bryan MacMahon and a group of experts to review the whole asylum system in 2014 and that investigation resulted in 172 recommendations including, crucially, on the right of asylum seekers to access the labour market. Nothing happened on this front until May last year when the Supreme Court declared section 16(3)(b) of the International Protection Act, which prohibits access to employment for applicants, to be unconstitutional. Significantly, the court did not immediately strike down that section, as it might have produced a chaotic result. Instead, it invited a response from Government on how it wished to proceed. The court adjourned consideration of its order for six months and invited the parties to make submissions on the form the order might take. At the hearing on 30 November, the Government outlined its plans to opt into the directive and asked for another extension of time to cover the seeking of Oireachtas approval and an additional four-month process which would be required, as the Minister has again said tonight, to inform the European Commission that we were opting in.

The Supreme Court was clearly unhappy with the further delay in dealing with this issue that has characterised every stage and which can only be seen as unreasonable. The court struck down the prohibition on international protection applicants accessing the labour market as and from 9 February 2018. As usual, it is the legislative branch, this House and the other House, which is the last to be informed of this, with this only coming before committee last week and expected to be passed by both Houses now. If we do not opt into the directive by 9 February we will need temporary measures. Applicants will, as an interim measure, be applying via the employment permit system in the Department of Business, Enterprise and Innovation on the same basis that applies to other non-EEA nationals, even though no other non-EEA nationals have the benefit of a Supreme Court decision regarding their employment rights. We have not, as yet, seen a full solution to this long-running issue but perhaps one is in sight, as the Minister said.

We welcome and support the decision to opt in to the directive but we are all agreed that the access to the labour market the Minister proposes as a interim measure is not acceptable or adequate. The degree of access he proposes is not something decided by the directive or EU

law but is a decision for the Minister and the Government themselves and one on which the Minister is taking a far too restrictive and cautious approach. I recognise that there are issues in determining the level of access to be provided to applicants but many applicants will have to be examined in very great detail once the information is known. The Minister says that, in determining the list of sectors of employment to which access will be granted, regard has to be had to labour market gaps. We will need to be told considerably more than that. In fact, it may be good to contemplate social employment to involve people and to ensure they are fully integrated into Irish society. I ask the Minister to consider that. The UK and Ireland opted out of the reception conditions directive in 2003 and 2013, in line with their treaty entitlements. Up to now we have been semi-detached members of the common European asylum system. We are in the Dublin regulations and Eurodac but have opted out of the reception conditions directive. We will obviously have to reconsider these matters given the implications of Brexit. While I welcome that we have finally opted in to this directive, albeit belatedly, it really behoves the Minister to come up with a better interim solution than the inadequate one he is proposing.

Deputy Paul Murphy: It was Tony Benn who said that the way a government treats refugees is very instructive because it shows how it would treat the rest of us if it thought it could get away with it. That is true, but it is a horrifying thought to think that the rest of us would be put in what, for those living in them, are open air prison camps where people have very little autonomy and very little control over their lives. People in such places have, until now, had no right to access work. They are struggling to get by on just over €20 a week. These people are prey to mental health problems, and the potential for exploitation exists. It is an inhumane and barbaric system, and it is a stain on our society.

I recently had a parliamentary question answered by the Minister which illustrated the power imbalance. It related to a case in Limerick, and the fact that the centre that a person happens to stay in can simply tell a refugee that he or she is not staying there and is not using his or her bed. One can dispute that but will have no access to an independent appeals process where his or her side of the story can be set out. All of the power, unfortunately, lies with those who are not the asylum seekers.

I welcome that we are signing up to this directive, but we should have signed up to it a very long time ago. The reality is that the Government has been dragged, kicking and screaming, to do this. The only reason it is doing this is that it is being forced by the Supreme Court to do it, and even then it is acting belatedly and in the most limited fashion possible. The Minister knew about this. He had notice about this since May. Instead of acting then he has waited until now, when we are a couple of weeks away from the February deadline.

The interim solution is extremely poor. Refugees are not allowed access to some 60 occupations and have to have a job that pays more than €30,000. This will simply exclude a very big majority of asylum seekers. In response, the Minister and the Government have said that it is a temporary measure and that they are working on something else. The “something else” is still quite vague, as previous Deputies have referred to, and how limited it will be remains to be seen. The key point is that direct provision was originally supposed to be a short-term solution, and this stain on our society, this barbaric system, still exists today. People have to be given the right to access work fully. Their rights to asylum and to stay in this country should be respected.

Deputy Bríd Smith: The 2013/33EU directive seeks to guarantee a dignified standard of living for asylum seekers in the EU and to ensure that their human rights are respected. We now have an extraordinary situation where we are guaranteeing the human rights of asylum seekers,

but in the interim - we are not sure how long that will be - they will be barred from working in care work, as health professionals, in construction, retail, domestic work and hospitality. The list of restricted occupations is shocking. I would like to know what they can work at. I have been making representations for almost a year to the Department of Justice and Equality for a Libyan man who was offered a job as a surgical consultant at Galway University Hospital but his application for a work permit has been refused by the Minister's Department and he cannot start that employment. The Irish Naturalisation and Immigration Service, INIS, has finally told me that it has a policy of not employing Libyans except for those involved in aviation and the beef trade.

We take an extraordinary attitude to human beings and to human labour. We have said repeatedly in this House that with every hungry belly comes a pair of hands and a brain. People have much to contribute to society, but they are being treated poorly. They are told they can do one thing but not the other, and they can be imprisoned for 12 or 14 years. The damage is being done to those who had hoped for so much when this Supreme Court ruling came out, and indeed those who had dared to hope when Mr. Justice Bryan MacMahon issued his report. I would love to know what he would say to the Minister about this measure today.

I am shocked by the vindictiveness of this and I cannot fathom why the Minister and his Department are taking these measures. The only thing I can think of is that the Minister does not really respect or get the idea that refugees need refuge, and he has no problem punishing them for fleeing persecution and war. It also might be a matter of sending a signal to low-paid workers in this country, to show them what is being done to protect them by not allowing refugees to compete against them for jobs. I believe it is a combination of all of these things, and it is outrageous. The brave Rohingya man who took the case to the Supreme Court in the first place may now ironically find himself unable to work in this country because he does not have €1,000 and he cannot get a job outside of all of those listed industries which will pay him at least €30,000 a year. The Government's response is outrageous and lacking in empathy and dignity.

Deputy Mick Wallace: We all welcome the fact that we are opting in to this directive. I was surprised that a rushed 40 minute debate was arranged for this evening. I do not know how the decision was arrived at. A more serious debate a little bit further down the road might have made more sense.

This matter was debated for more than an hour at the Committee for Justice and Equality last week and many of the issues were teased out. The opt-in is not the issue. Everything else is. As has been stated by others, if the Supreme Court had not made the ruling it is unlikely we would be acting on this yet. We argued about the interim arrangement, which is totally ridiculous. The notion that an asylum seeker is expected to pay €1,000 for a permit to work for one year and to get a job that pays more than €30,000 a year is, as we discussed at the committee, out of the question. At least 99% of asylum seekers will not have an opportunity to work in that space. As we pointed out to the Minister at the committee, we have a suspicion that, given the clarity of the Supreme Court decision, there is a very good chance the Government's position of not allowing these people direct access to work from 10 February this year is unconstitutional. This may come back to bite it, but the State is very familiar with fighting avoidable legal battles.

The manner in which we have treated asylum seekers in this country is horrific. In the Minister's defence he is not alone, given that 20 years ago asylum seekers had the right to work in Ireland, but it was taken away. We introduced direct provision in 2000, so successive governments since have done nothing about it. They changed nothing. The length of time these

23 January 2018

people have spent living in these conditions does not bear thinking about. Deputy Clare Daly and I have been in contact with a number of people in direct provision, in the past few months in particular. These places are like refugee camps, to a degree, and I suspect the way we are organising them is part of the problem. The State is paying more than €60 million per annum for this. That is a large amount of money. We are outsourcing responsibility to private companies which are not treating many of these asylum seekers well in direct provision.

I know some of them really well and I have some detailed descriptions of what is going on in the place, what the food is like, the arrangements for young people and what they have to go through in terms of shared space and God knows what else. One of the bigger companies that has the contract here, and it is all being privatised, Aramark, is the largest prison catering company in the United States, and we know how they run their prisons. Those guys are making a fortune in Ireland.

A report was drawn up by Keelin Barry in 2014 into one of its units called What's Food Got To Do With It: Food Experiences of Asylum Seekers in Direct Provision. To cite that report, quite a lot of people said their food was inedible or not palatable on any level. Many people said the level of waste was disgraceful. There was not enough fruit and vegetables, with high sugar and high fat content monotonous food. Food was culturally inappropriate, bland, inedible and too salty.

It is not easy to fix any of these issues but given that this problem has been going on for so long, the State should hang its head in shame in terms of the way we have dealt with asylum seekers. I am sorry to say that while we will take in 4,000 over a period, we have not had a good approach across the board in this area. We should be ashamed of that.

Deputy Michael Healy-Rae: The first thing I would say to the Minister is that I do not blame him one iota for this situation. He inherited the situation in which he finds himself. I am horrified at the way these people have had to live over many years but I certainly do not lay the blame for that at the Minister's door. I would not do that but I would say there is no point in looking backwards. We have to look forward and be positive. I am terribly sorry for the way these people have had to live. I have dealt with them for many years in Killarney town and I always thought it was horrible to have healthy, fit, fresh people who wanted to work, to be part of our communities and to make a few euro for themselves but, unfortunately, our rules prohibited them from doing so. My late father was always horrified at the idea of fine, fresh people being told that they can stay in their rooms, they will be given a few euro but they cannot go to work, despite the fact that there was plenty of work available for them. That was alien to everything we stand for because all we want is for people to be able to go out in the morning to do some work and get a bit of money for it, and more power to them.

Any way we can work together to improve this situation and to right the wrong that existed in the past is what this is all about. I agree with my colleagues here who said that this measure does not go far enough, and I respect the way the Minister is putting the case forward on which he is 100% right, but we will have to try to improve it gradually to ensure that in terms of the fine, respectable people who come here for whatever reason, and I will not go into that, we welcome them, try to allow them be part of our society, get work to earn money and live the same as every one of us want to live. We are here for a very short time, not a long time, and the idea of people being inside a room and not allowed to work is awful.

Deputy Mattie McGrath: I am delighted to speak on this very important issue of direct

provision and employment. The system of direct provision for asylum seekers is almost 18 years old and from the beginning, it has been a cause of significant controversy and debate. Among the issues raised most recently are the duration of the stay in direct provision, the impact of that on family life, children, adults, spouses, siblings and so on, oversight and monitoring and the right to work.

In 2015, the Joint Committee on Public Services Oversight and Petitions stated that the system is not fit for purpose and recommended that it be replaced. That is almost three years ago. Why the delay? From a humanitarian perspective, we are duty bound to offer whatever assistance we can to those genuinely in need of asylum and ensure that those who enter the direct provision system are treated with dignity and respect. That is the very least we should do as a Christian country. It is a duty of the State under any human rights charter, never mind international human rights charters, to look after people and give them a modicum of respect and dignity.

I submitted a parliamentary question well over a year ago on this issue to the then Tánaiste and Minister for Justice and Equality seeking the number of children who have been born to those in the direct provision system since its introduction in 2000. I received a reply from the then Minister of State, Deputy Stanton, that the information I had requested is not readily available as it is not collated by either the Department of Justice and Equality or the Registrar of Births, Deaths and Marriages. That is outrageous. Are we just locking them away behind closed doors? Is it a case of hear no evil, see no evil, speak no evil? It is unbelievable. I am not blaming the then Minister of State for that but it is outrageous that we cannot tell the number of newborns in the centres. I hope we can tell the number of adults in them. It is scandalous and extraordinary, when one thinks about it. Presumably, the children born to those in the asylum process are de facto part of that process, yet we have no data or numbers available. That is shocking. The number of asylum seekers accommodated on 31 December 2015 was 4,696, an increase of 332 persons or 7.6% on the same date in 2014. This is the second year-on-year increase in seven years.

The Reception and Integration Agency spent €57.025 million on accommodation for asylum seekers in 2015, an increase of 4.7% on 2014. Therein lies the problem, and Deputy Wallace and others referred to it. It is a gravy train for some unscrupulous so-called businessmen and entrepreneurs, and it is a shame. We will be having tribunals into this issue as we have inquiries now into so many things that went on in the past. We are told that we have done all our washing and that we have a lovely clean country now. We will have inquiries into this issue when the Minister and I are no longer in this House. Shame on all of us to have allowed this go on under our noses.

Deputy Eamon Ryan: We need to change our entire refugee asylum system. For many years it has been in need of reform because compared with neighbouring similar countries, we are remarkably negative and restrictive in our assessment of asylum applications. Our percentages of refusals are a multiple of those in similar countries.

The direct provision system is incredibly expensive in terms of the amount of money we have to spend. Even the deportation process is unclear, not effective and deeply destructive to people who are caught in the middle of it in terms of their health and welfare. We are implementing a system that is inhumane and wrong, as the Supreme Court recognised. The delay in reacting to that Supreme Court judgment and the fact that we have a two-phase response without any real clarity in terms of the end point reflects that lack of priority, attention, concern and

23 January 2018

care within the Minister's Department regarding this issue.

We also need to carry the public with us on this issue. I believe the public are with us in recognising that the current direct provision system is wrong but we need to get people in the process working, and have the public with them on that.

I read the Minister's contribution in terms of the example of Syrian refugees. He said that under the relocation they will be covered because their cases are determined within three months. My experience of refugees within that programme is that they are not being determined within three months and they are being maintained in the same difficult system where their health and well-being are being undermined.

The way we are introducing that scheme and working with it, in that their relocation will be to towns which almost by definition will not have huge employment opportunities, will make the problem worse. We need to approach this not just in terms of how we get those refugees and others working but how we can introduce them into a community where everyone is working. It would work in a kind of collective way with public support for what was being done. We should use it as an opportunity to get public support for getting our asylum seekers working by engaging in a creative scheme where those towns which have been selected are given huge support to get employment working across the board. It is that sort of innovative, creative big thinking that we need but we see none of it in what has happened over the past nine months or the years preceding them. That needs to change. While we support opting into the directive to help us do that, the Minister must use the interim period to be really ambitious about what we do and how we manage our asylum process.

Question put and agreed to.

Technological Universities Bill 2015: Report Stage (Resumed) and Final Stage

Debate resumed on amendment No. 16:

In page 14, line 37, after "staff" to insert ", or a student".

- (Deputy Kathleen Funchion).

Amendment put:

<i>The Dáil divided: Tá, 32; Níl, 33; Staon, 27.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Adams, Gerry.</i>	<i>Bailey, Maria.</i>	<i>Aylward, Bobby.</i>
<i>Barry, Mick.</i>	<i>Brophy, Colm.</i>	<i>Brassil, John.</i>
<i>Brady, John.</i>	<i>Bruton, Richard.</i>	<i>Browne, James.</i>
<i>Broughan, Thomas P.</i>	<i>Canney, Seán.</i>	<i>Butler, Mary.</i>
<i>Buckley, Pat.</i>	<i>Cannon, Ciarán.</i>	<i>Byrne, Thomas.</i>
<i>Collins, Michael.</i>	<i>Corcoran Kennedy, Marcella.</i>	<i>Cahill, Jackie.</i>
<i>Connolly, Catherine.</i>	<i>Creed, Michael.</i>	<i>Collins, Niall.</i>
<i>Doherty, Pearse.</i>	<i>D'Arcy, Michael.</i>	<i>Cowen, Barry.</i>

<i>Ferris, Martin.</i>	<i>Daly, Jim.</i>	<i>Curran, John.</i>
<i>Funchion, Kathleen.</i>	<i>Deering, Pat.</i>	<i>Dooley, Timmy.</i>
<i>Healy-Rae, Danny.</i>	<i>Doyle, Andrew.</i>	<i>Fleming, Sean.</i>
<i>Healy-Rae, Michael.</i>	<i>Durkan, Bernard J.</i>	<i>Gallagher, Pat The Cope.</i>
<i>Howlin, Brendan.</i>	<i>English, Damien.</i>	<i>Haughey, Seán.</i>
<i>Kelly, Alan.</i>	<i>Farrell, Alan.</i>	<i>Lahart, John.</i>
<i>McDonald, Mary Lou.</i>	<i>Flanagan, Charles.</i>	<i>Lawless, James.</i>
<i>McGrath, Mattie.</i>	<i>Heydon, Martin.</i>	<i>Martin, Micheál.</i>
<i>Mitchell, Denise.</i>	<i>Humphreys, Heather.</i>	<i>McGrath, Michael.</i>
<i>Munster, Imelda.</i>	<i>Kehoe, Paul.</i>	<i>McGuinness, John.</i>
<i>Murphy, Catherine.</i>	<i>Kyne, Seán.</i>	<i>Moynihan, Aindrias.</i>
<i>Murphy, Paul.</i>	<i>McGrath, Finian.</i>	<i>Moynihan, Michael.</i>
<i>Nolan, Carol.</i>	<i>McHugh, Joe.</i>	<i>Murphy O'Mahony, Margaret.</i>
<i>O'Brien, Jonathan.</i>	<i>McLoughlin, Tony.</i>	<i>O'Loughlin, Fiona.</i>
<i>O'Reilly, Louise.</i>	<i>Mitchell O'Connor, Mary.</i>	<i>O'Rourke, Frank.</i>
<i>O'Sullivan, Jan.</i>	<i>Naughton, Hildegard.</i>	<i>Ó Cuív, Éamon.</i>
<i>Ó Broin, Eoin.</i>	<i>Neville, Tom.</i>	<i>Rabbitte, Anne.</i>
<i>Ó Caoláin, Caoimhghín.</i>	<i>O'Connell, Kate.</i>	<i>Scanlon, Eamon.</i>
<i>Ó Laoghaire, Donnchadh.</i>	<i>O'Donovan, Patrick.</i>	<i>Smyth, Niamh.</i>
<i>Ó Snodaigh, Aengus.</i>	<i>O'Dowd, Fergus.</i>	
<i>Pringle, Thomas.</i>	<i>Phelan, John Paul.</i>	
<i>Quinlivan, Maurice.</i>	<i>Ring, Michael.</i>	
<i>Ryan, Eamon.</i>	<i>Rock, Noel.</i>	
<i>Stanley, Brian.</i>	<i>Stanton, David.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Kathleen Funchion and Eamon Ryan; Níl, Deputies Joe McHugh and Tony McLoughlin.

Amendment declared lost.

An Ceann Comhairle: Amendment No. 17 is in the name of Deputy Catherine Martin. It arises out of committee proceedings. Amendments Nos. 17 and 18 are related and will be discussed together.

Deputy Eamon Ryan: I move amendment No. 17:

In page 15, line 25, to delete “2” and substitute “3”.

I recall that the Ceann Comhairle was on a school board himself and most of us here probably have such provisions. I am sure we are all up to speed on the changes taking place in our education system. We are really looking to involve students in decision-making and parent councils and student councils are at the centre of everything we do. This amendment reflects that. It is a very simple amendment. It agrees with the provision in section 12(1)(f) but rather

than restricting us to one or two students on the governing body of a technological university, we are saying we should have the flexibility of including up to three. It would give students greater representation and a greater say. That is in tune with what will work best in our education system and is respectful of students and participation. We ask the Minister to consider that small but not insignificant flexibility to provide for that greater involvement of the student population in the new technological universities.

Minister of State at the Department of Education and Skills(Deputy Mary Mitchell O'Connor): Amendment No. 17 proposed by Deputy Martin seeks to increase the membership of the governing body of a technological university by increasing by one the possible maximum number of undergraduate members. Internationally, the size and composition of governing authorities of higher education institutions have been changing. The model generally favoured is a more managerial one with a smaller number of members and a majority of non-academic lay people.

The OECD report on higher education was critical of the size of Irish university governing authorities and recommended that they be reduced in size and their membership reflect the skill set required to govern a university. The Bill seeks to streamline the membership of governing bodies depending on the number of institutes of technology comprise the technological university. The seeking of additional members for any particular grouping, students or otherwise, would increase total membership. Students may be represented on boards by up to three members including a postgraduate student member. I consider this number reasonable relative to the size and composition of the governing boards. Therefore, I do not intend to accept this amendment.

Deputy Eamon Ryan: I agree with the Minister that we need to be careful about the size of governing boards. I might consider that a board of 22 members, as provided for in the legislation, is probably too large. There is a reason that football teams are 15 in number. Given that there is provision for that scale, I return to the example where one might have three students on a board of 21 members, which would not be excessive. I continue to make the case, but I hear the Minister's response.

Amendment put and declared lost.

Deputy Eamon Ryan: I move amendment No. 18:

In page 15, line 33, after "purpose" to insert the following:

"and at least one is a local elected public representative or a member of the community, representing local interests such as social, environmental, creative and cultural interests, elected by members of the local Public Participation Network".

Amendment put and declared lost.

An Ceann Comhairle: Amendments Nos. 19 to 21 are out of order.

Deputy Jan O'Sullivan: Those amendments are in my name. They relate to the membership of the governing body of the technological university. They are similar to previous amendments which were allowed and I do not understand why my amendments have been disallowed. I am asking for one external member nominated by the Minister following consultation with the Irish Congress of Trade Unions and so on. I do not understand why this is out of order when

the others are not.

An Ceann Comhairle: The note that I have before me states that amendment Nos. 19 to 21, inclusive, form a composite proposal and seek to add to the membership of the governing body. As members will receive a fee and expenses, the amendments could impose a charge on the Exchequer and must be ruled out of order in accordance with Standing Order 179(3).

Deputy Jan O’Sullivan: Is it not the case that the other amendments add people to the governing body? I do not understand.

An Ceann Comhairle: The Deputy’s point is valid.

Deputy Thomas Byrne: I will not criticise the Ceann Comhairle for this but, with respect, that is an interpretation of the charge on the Exchequer ruling brought to an extreme.

An Ceann Comhairle: Does anyone else wish to contribute? The amendments are out of order.

Amendments Nos. 19 to 21, inclusive, not moved.

Deputy Mary Mitchell O’Connor: I move amendment No. 22:

In page 18, between lines 22 and 23, to insert the following:

“Superannuation of staff of Technological University

15. (1) Subject to section 48 of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012, a pensionable public servant who—

(a) is not a member of the Single Public Service Pension Scheme, and

(b) is appointed under *section 13* or *14* to be a member of staff of a technological university, shall, on his or her appointment to the technological university concerned, become and be a member of the Education Sector Superannuation Scheme 2015 or the ESSS 2015 (S.I. No. 290 of 2015) in accordance with its terms and conditions.

(2) Nothing in this section shall prevent the Education Sector Superannuation Scheme 2015 or the ESSS 2015 being varied in accordance with its terms and conditions.”.

Amendment agreed to.

Deputy Kathleen Funchion: I move amendment No. 23:

In page 19, to delete lines 9 and 10 and substitute the following:

“(iii) not less than 4 or 10 per cent (whichever is greater) of student representatives of the technological university, nominated by the students’ union, in accordance with its own procedures,”.

Amendment put:

<i>The Dáil divided: Tá, 31; Níl, 36; Staon, 19.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>

23 January 2018

<i>Adams, Gerry.</i>	<i>Bailey, Maria.</i>	<i>Aylward, Bobby.</i>
<i>Barry, Mick.</i>	<i>Brophy, Colm.</i>	<i>Brassil, John.</i>
<i>Brady, John.</i>	<i>Bruton, Richard.</i>	<i>Browne, James.</i>
<i>Broughan, Thomas P.</i>	<i>Canney, Seán.</i>	<i>Butler, Mary.</i>
<i>Buckley, Pat.</i>	<i>Cannon, Ciarán.</i>	<i>Byrne, Thomas.</i>
<i>Collins, Michael.</i>	<i>Corcoran Kennedy, Marcella.</i>	<i>Cahill, Jackie.</i>
<i>Doherty, Pearse.</i>	<i>Coveney, Simon.</i>	<i>Calleary, Dara.</i>
<i>Ferris, Martin.</i>	<i>Creed, Michael.</i>	<i>Collins, Niall.</i>
<i>Funchion, Kathleen.</i>	<i>D'Arcy, Michael.</i>	<i>Curran, John.</i>
<i>Healy-Rae, Michael.</i>	<i>Daly, Jim.</i>	<i>Fleming, Sean.</i>
<i>Howlin, Brendan.</i>	<i>Deering, Pat.</i>	<i>Haughey, Seán.</i>
<i>Kelly, Alan.</i>	<i>Doyle, Andrew.</i>	<i>Lawless, James.</i>
<i>Kenny, Gino.</i>	<i>Durkan, Bernard J.</i>	<i>McGrath, Michael.</i>
<i>McDonald, Mary Lou.</i>	<i>English, Damien.</i>	<i>Moynihan, Michael.</i>
<i>McGrath, Mattie.</i>	<i>Farrell, Alan.</i>	<i>Murphy O'Mahony, Margaret.</i>
<i>Mitchell, Denise.</i>	<i>Flanagan, Charles.</i>	<i>O'Rourke, Frank.</i>
<i>Munster, Imelda.</i>	<i>Heydon, Martin.</i>	<i>Rabbitte, Anne.</i>
<i>Murphy, Catherine.</i>	<i>Humphreys, Heather.</i>	<i>Scanlon, Eamon.</i>
<i>Murphy, Paul.</i>	<i>Kehoe, Paul.</i>	<i>Smyth, Niamh.</i>
<i>Nolan, Carol.</i>	<i>Kyne, Seán.</i>	
<i>O'Brien, Jonathan.</i>	<i>McGrath, Finian.</i>	
<i>O'Reilly, Louise.</i>	<i>McHugh, Joe.</i>	
<i>O'Sullivan, Jan.</i>	<i>McLoughlin, Tony.</i>	
<i>O'Sullivan, Maureen.</i>	<i>Mitchell O'Connor, Mary.</i>	
<i>Ó Broin, Eoin.</i>	<i>Murphy, Eoghan.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Naughton, Hildegarde.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>Neville, Tom.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Noonan, Michael.</i>	
<i>Quinlivan, Maurice.</i>	<i>O'Connell, Kate.</i>	
<i>Ryan, Eamon.</i>	<i>O'Donovan, Patrick.</i>	
<i>Stanley, Brian.</i>	<i>O'Dowd, Fergus.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Ring, Michael.</i>	
	<i>Rock, Noel.</i>	
	<i>Stanton, David.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Aengus Ó Snodaigh and Kathleen Funchion; Níl, Deputies Joe McHugh and Tony McLoughlin.

Amendment declared lost.

Deputy Mary Mitchell O'Connor: I move amendment No. 24:

In page 20, line 2, to delete “professions and related stakeholders” and substitute “professions, the community, local interests and related stakeholders”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 25:

In page 20, to delete lines 21 and 22 and substitute the following:

“(4) In *subsection (3)*—

“involvement” shall be construed in accordance with *section 9(8)*;

“programme” means a programme of education and training.”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 26:

In page 21, line 5, to delete “citizens” and substitute “individuals”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 27:

In page 21, lines 5 and 6, to delete “the professions, the community” and substitute “the professions, the community, local interests”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 28:

In page 21, line 9, to delete “links” and substitute “links, and links supporting creativity”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 29:

In page 23, line 24, to delete “An tÚdarás may, from time to time with the approval of the Minister,” and substitute “An tÚdarás shall, from time to time with the approval of the Minister, given with the consent of”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 30:

In page 23, to delete lines 35 and 36 and substitute the following:

“(d) the requirement for a technological university to obtain the prior approval of An tÚdarás, which approval shall be subject to the consent of the Minister and which consent is subject to the prior consent of the Minister for Public Expenditure and Reform and the Minister for Finance, before borrowing, guaranteeing or underwriting,”

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 31:

In page 23, line 38, to delete “*subsection (1)*.” and substitute “*subsection (1)*, and”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 32:

In page 23, between lines 38 and 39, to insert the following:

“(f) the requirement to comply with the provisions of section 67 of the Credit Institutions (Stabilisation) Act 2010.”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 33:

In page 25, between lines 24 and 25, to insert the following:

“CHAPTER 8

Investigation and information

Investigator and report

25. (1) Following consultation with An tÚdarás, the Minister may appoint a person (in this section referred to as an “investigator”) to carry out an investigation into any matter specified in writing by the Minister concerning the performance by a technological university of its functions.

(2) The Minister shall by notice in writing inform the governing body of his or her proposal to appoint an investigator under *subsection (1)* and the matter to be investigated.

(3) A notice under *subsection (2)* shall state that the governing body may make representations to the Minister in relation to the proposed appointment not later than 14 days after the giving of the notice to the governing body.

(4) The Minister shall consider any representations made pursuant to *subsection (3)* before making an appointment under *subsection (1)*.

(5) An investigator shall be entitled at all reasonable times to enter any premises occupied by the technological university and shall be afforded every facility and cooperation, including access to equipment and records, as the investigator may require to perform his or her functions under this section, by the following:

- (a) the president;
- (b) a member of the governing body;
- (c) an employee of the technological university;
- (d) a contractor appointed by the technological university to perform any func-

tion on its behalf and an employee of that contractor;

(e) a consultant or advisor appointed by the technological university.

(6) Each person referred to in *paragraphs (a) to (e) of subsection (5)* shall comply with a request of the investigator to provide such information and assistance as the investigator may reasonably require for the purposes of the investigation.

(7) As soon as practicable after the investigation, the investigator shall prepare a draft of the report on the investigation that he or she proposes to furnish to the Minister (in this section referred to as the “draft report”).

(8) The investigator shall furnish the draft report to the Minister, An tÚdarás and the governing body and may furnish the draft report, or part of the draft report, to any other person as he or she considers necessary and shall give notice to the Minister, An tÚdarás, the governing body and such other person, that they may make representations to the investigator concerning the draft report or, as the case may be, part of the draft report, not later than 28 days after it is furnished to them.

(9) As soon as practicable after the expiration of the 28 days referred to in *subsection (8)* and, having considered any representations made pursuant to that subsection, the investigator may amend the draft report and shall furnish the final report on the investigation to the Minister and An tÚdarás.

(10) In this section “records” means any document, or any other written or printed material in any form, including information stored, maintained or preserved by means of any mechanical or electronic device, whether or not stored, maintained or preserved in a legible form.”.

Amendment agreed to.

Deputy Mary Mitchell O’Connor: I move amendment No. 34:

In page 25, between lines 24 and 25, to insert the following:

“Information requested by Minister

26. (1) A governing body shall furnish to the Minister any information requested by the Minister concerning the performance by a technological university of its functions.

(2) The Minister shall not request information under *subsection (1)* in respect of a matter specified by the Minister under *section 25(1)*, during the period beginning on the appointment of the investigator under *section 25* to investigate the matter and ending when the final report on the matter is furnished under *section 25(9)*.

(3) The Minister may provide information furnished to him or her under subsection (1) to an investigator for the time being appointed under *section 25*.”.

Amendment agreed to.

Deputy Mary Mitchell O’Connor: I move amendment No. 35:

In page 26, line 5, to delete “professions, the community” and substitute “professions,

the community, local interests”.

Amendment agreed to.

Deputy Mary Mitchell O’Connor: I move amendment No. 36:

In page 27, line 17, to delete “the professions, the community” and substitute “the professions, the community, local interests”.

Amendment agreed to.

Deputy Mary Mitchell O’Connor: I move amendment No. 37:

In page 27, lines 36 and 37, to delete “the professions, the community” and substitute “the professions, the community, local interests”.

Amendment agreed to.

Deputy Mary Mitchell O’Connor: I move amendment No. 38:

In page 28, lines 6, to delete “professions, the community” and substitute “professions, the community, local interests”.

Amendment agreed to.

Deputy Mary Mitchell O’Connor: I move amendment No. 39:

In page 28, line 15, to delete “the” where it firstly occurs.

Amendment agreed to.

Deputy Mary Mitchell O’Connor: I move amendment No. 40:

In page 28, line 21, to delete “links” and substitute “links, and links supporting creativity,”.

Amendment agreed to.

Deputy Mary Mitchell O’Connor: I move amendment No. 41:

In page 30, between lines 34 and 35, to insert the following:

“(2) When considering the report, views and information under *section 30* and the application and information under *section 26* in accordance with *subsection (1)*, the Minister shall have regard to the following matters:

(a) if the needs of students, business, enterprise, the professions, the community, local interests and other stakeholders in the region in which the campuses of the applicant institutes are located would be more efficiently and effectively served by the proposed technological university;

(b) if the projected demand, based on demographic trends, for higher education in the region in which the campuses of the applicant institutes are located would justify the making of the order under *section 33*;

(c) if sufficient financial resources are available to the applicant institutes to meet projected costs arising on the making of the order under *section 33*;

(d) if the proposed technological university would be financially viable if the order under *section 33* were made;

(e) if making the order under *section 33* would comply with such policies of the Government as relate to higher education.”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 42:

In page 34, line 22, to delete “the professions and” and substitute “the professions, the community, local interests and”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 43:

In page 42, to delete lines 1 to 8.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 44:

In page 42, line 9, to delete “prevents” and substitute “shall prevent”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 45:

In page 42, to delete lines 11 to 14 and substitute the following:

“(3) In this section “relevant superannuation scheme” means, as the case may be—”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 46:

In page 42, lines 15 and 16, to delete “(S.I. No. 290 of 2015)”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 47:

In page 50, line 10, to delete “11” and substitute “12”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 48:

In page 54, between lines 26 and 27, to insert the following:

“Amendment of section 15 of Dublin Institute of Technology Act 1992

71. Section 15 of the Dublin Institute of Technology Act 1992 is amended—

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

“(2A) The Minister and An tÚdarás shall not require the supply of information under subsection (2) and An tÚdarás shall not require the supply of information under subsection (3), in respect of a matter specified by the Minister under section 21(1), during the period beginning on the appointment of the investigator under section 21 to investigate the matter and ending when the final report on the matter is furnished under section 21(9).”

and

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

“(4) The Minister may provide information supplied to him under subsection (2) to an investigator for the time being appointed under section 21.”

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 49:

In page 54, to delete lines 27 to 40, and in page 55, to delete lines 1 to 14 and substitute the following:

“Investigator and report

72. The Dublin Institute of Technology Act 1992 is amended by the substitution of the following section for section 21:

“21. (1) Following consultation with An tÚdarás, the Minister may appoint a person (in this section referred to as an “investigator”) to carry out an investigation into any matter specified in writing by the Minister concerning the performance by the Institute or the Governing Body of its functions.

(2) The Minister shall by notice in writing inform the Governing Body of his or her proposal to appoint an investigator under subsection (1) and the matter to be investigated.

(3) A notice under subsection (2) shall state that the Governing Body may make representations to the Minister in relation to the proposed appointment not later than 14 days after the giving of the notice to the Governing Body.

(4) The Minister shall consider any representations made pursuant to subsection (3) before making an appointment under subsection (1).

(5) An investigator shall be entitled at all reasonable times to enter any premises occupied by the Institute and shall be afforded every facility and cooperation, including access to equipment and records as the investigator may require to perform his or her functions under this section, by the following:

(a) the President;

(b) a Director;

(c) a member of the Governing Body;

(d) an employee of the Institute;

(e) a contractor appointed by the Institute to perform any function on its behalf and an employee of that contractor;

(f) a consultant or advisor appointed by the Institute.

(6) Each person referred to in paragraphs (a) to (f) of subsection (5) shall comply with a request of the investigator to provide such information and assistance as the investigator may reasonably require for the purposes of the investigation.

(7) As soon as practicable after the investigation, the investigator shall prepare a draft of the report on the investigation that he or she proposes to furnish to the Minister (in this section referred to as the “draft report”).

(8) The investigator shall furnish the draft report to the Minister, An tÚdarás and the Governing Body and may furnish the draft report, or part of the draft report, to any other person as he or she considers necessary and shall give notice to the Minister, An tÚdarás, the Governing Body and such other person, that they may make representations to the investigator concerning the draft report or, as the case may be, part of the draft report, not later than 28 days after it is furnished to them.

(9) As soon as practicable after the expiration of the 28 days referred to in subsection (8) and, having considered any representations made pursuant to that subsection, the investigator may amend the draft report and shall furnish the final report on the investigation to the Minister and An tÚdarás.

(10) In this section “records” means any document, or any other written or printed material in any form, including information stored, maintained or preserved by means of any mechanical or electronic device, whether or not stored, maintained or preserved in a legible form.”.”.

Amendment agreed to.

Deputy Mary Mitchell O’Connor: I move amendment No. 50:

In page 62, line 36, to delete “11” and substitute “12”.

Amendment agreed to.

Deputy Mary Mitchell O’Connor: I move amendment No. 51:

In page 68, between lines 31 and 32, to insert the following:

“Amendment of section 14 of Act of 1992

85. Section 14 of the Act of 1992 is amended—

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

“(2A) The Minister and An tÚdarás shall not require the supply of information under subsection (2) and An tÚdarás shall not require the supply of informa-

23 January 2018

tion under subsection (3), in respect of a matter specified by the Minister under section 20(1), during the period beginning on the appointment of the investigator under section 20 to investigate the matter and ending when the final report on the matter is furnished under section 21(9).”,

and

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

“(4) The Minister may provide information supplied to him under subsection (2) to an investigator for the time being appointed under section 20.”.”.

Amendment agreed to.

Deputy Mary Mitchell O’Connor: I move amendment No. 52:

In page 68, to delete lines 32 to 40, and in page 69, to delete lines 1 to 18 and substitute the following:

“Investigator and report

86. The Act of 1992 is amended by the substitution of the following section for section 20:

“20. (1) Following consultation with An tÚdarás, the Minister may appoint a person (in this section referred to as an “investigator”) to carry out an investigation into any matter specified in writing by the Minister concerning the performance by a college or its governing body of its functions.

(2) The Minister shall by notice in writing inform the governing body of his or her proposal to appoint an investigator under subsection (1) and the matter to be investigated.

(3) A notice under subsection (2) shall state that the governing body may make representations to the Minister in relation to the proposed appointment not later than 14 days after the giving of the notice to the governing body.

(4) The Minister shall consider any representations made pursuant to subsection (3) before making an appointment under subsection (1).

(5) An investigator shall be entitled at all reasonable times to enter any premises occupied by a college and shall be afforded every facility and cooperation, including access to equipment and records as the investigator may require to perform his or her functions under this section, by the following:

(a) the Director;

(b) a member of the governing body;

(c) an employee of the college;

(d) a contractor appointed by the college to perform any function on its behalf and an employee of that contractor;

(e) a consultant or advisor appointed by the college.

(6) Each person referred to in paragraphs (a) to (e) of subsection (5) shall comply with a request of the investigator to provide such information and assistance as the investigator may reasonably require for the purposes of the investigation.

(7) As soon as practicable after the investigation, the investigator shall prepare a draft of the report on the investigation that he or she proposes to furnish to the Minister (in this section referred to as the “draft report”).

(8) The investigator shall furnish the draft report to the Minister, An tÚdarás and the governing body and may furnish the draft report, or part of the draft report, to any other person as he or she considers necessary and shall give notice to the Minister, An tÚdarás, the governing body and such other person, that they may make representations to the investigator concerning the draft report or, as the case may be, part of the draft report, not later than 28 days after it is furnished to them.

(9) As soon as practicable after the expiration of the 28 days referred to in subsection (8) and, having considered any representations made pursuant to that subsection, the investigator may amend the draft report and shall furnish the final report on the investigation to the Minister and An tÚdarás.

(10) In this section “records” means any document, or any other written or printed material in any form, including information stored, maintained or preserved by means of any mechanical or electronic device, whether or not stored, maintained or preserved in a legible form.”.”.

Amendment agreed to.

An Ceann Comhairle: Amendment No. 53 is in the name of Deputy Thomas Byrne. It has been ruled out of order.

Amendment No. 53 not moved.

Deputy Mary Mitchell O’Connor: I move amendment No. 54:

In page 77, after line 2, to insert the following:

“PART 7

AMENDMENT OF CERTAIN ENACTMENTS TO PROVIDE FOR INVESTIGATION
AND INFORMATION

CHAPTER 1

Amendment of Act of 1940

Investigator and report

93. The Act of 1940 is amended by the insertion of the following section after section 29:

“**29A.**(1) Following consultation with An tÚdarás, the Minister may appoint a person (in this section referred to as an “investigator”) to carry out an investigation

into any matter specified in writing by the Minister concerning the performance by the Institute or as the case may be, a Constituent School of its functions.

(2) The Minister shall by notice in writing inform the Council, or, if applicable, the Governing Board of a Constituent School of his or her proposal to appoint an investigator under subsection (1) and the matter to be investigated.

(3) A notice under subsection (2) shall state that the Council or, if applicable, the Governing Board of a Constituent School may make representations to the Minister in relation to the proposed appointment not later than 14 days after the giving of the notice to the governing body.

(4) The Minister shall consider any representations made pursuant to subsection (3) before making an appointment under subsection (1).

(5) An investigator shall be entitled at all reasonable times to enter any premises occupied by the Institute or, if required, a Constituent School and shall be afforded every facility and cooperation, including access to equipment and records as the investigator may require to perform his or her functions under this section, by the following:

- (a) the Registrar;
- (b) a member of the Council;
- (c) a member of the Governing Board of a Constituent School;
- (d) a Director of a Constituent School;
- (e) an employee of the Institute or a Constituent School;
- (f) a contractor appointed by the Institute or a Constituent School to perform any function on its behalf and an employee of that contractor;
- (g) a consultant or advisor appointed by the Institute or a Constituent School.

(6) Each person referred to in paragraphs (a) to (g) of subsection (5) shall comply with a request of the investigator to provide such information and assistance as the investigator may reasonably require for the purposes of the investigation.

(7) As soon as practicable after the investigation, the investigator shall prepare a draft of the report on the investigation that he or she proposes to furnish to the Minister (in this section referred to as the “draft report”).

(8) The investigator shall furnish the draft report to the Minister, An tÚdarás, the Institute and, if applicable a Constituent School and may furnish the draft report, or part of the draft report, to any other person as he or she considers necessary and shall give notice to the Minister, An tÚdarás, the Institute, a Constituent School (where applicable) and such other person, that they may make representations to the investigator concerning the draft report or, as the case may be, part of the draft report, not later than 28 days after it is furnished to them.

(9) As soon as practicable after the expiration of the 28 days referred to in subsec-

tion (8) and, having considered any representations made pursuant to that subsection, the investigator may amend the draft report and shall furnish the final report on the investigation to the Minister and An tÚdarás.

(10) In this section “records” means any document, or any other written or printed material in any form, including information stored, maintained or preserved by means of any mechanical or electronic device, whether or not stored, maintained or preserved in a legible form.”.”.

Amendment agreed to.

Deputy Mary Mitchell O’Connor: I move amendment No. 55:

In page 77, after line 2, to insert the following:

“Information requested by Minister

94. The Act of 1940 is amended by the insertion of the following section after section 29A (inserted by section 93):

“29B.(1) The Institute or a Constituent School shall furnish to the Minister any information requested by the Minister concerning the performance by the Institute or a Constituent School of its functions.

(2) The Minister shall not request information under subsection (1) in respect of a matter specified by the Minister under section 29A(1), during the period beginning on the appointment of the investigator under section 29A to investigate the matter and ending when the final report on the matter is furnished under section 29A(9).

(3) The Minister may provide information furnished to him or her under subsection (1) to an investigator for the time being appointed under section 29A.”.”.

Amendment agreed to.

Deputy Mary Mitchell O’Connor: I move amendment No. 56:

In page 77, after line 2, to insert the following:

“CHAPTER 2

Amendment of Act of 1971

Investigator and report

95. The Act of 1971 is amended by the insertion of the following section after section 15:

“15A.(1) Following consultation with An tÚdarás, the Minister may appoint a person (in this section referred to as an “investigator”) to carry out an investigation into any matter specified in writing by the Minister concerning the performance by the College of its functions.

(2) The Minister shall by notice in writing inform An Bord of his or her proposal to appoint an investigator under subsection (1) and the matter to be investigated.

(3) A notice under subsection (2) shall state that An Bord may make representations to the Minister in relation to the proposed appointment not later than 14 days after the giving of the notice to An Bord.

(4) The Minister shall consider any representations made pursuant to subsection (3) before making an appointment under subsection (1).

(5) An investigator shall be entitled at all reasonable times to enter any premises occupied by the College and shall be afforded every facility and cooperation, including access to equipment and records, as the investigator may require to perform his or her functions under this section, by the following:

(a) the Director;

(b) a member of An Bord;

(c) the Registrar;

(d) an employee of the College;

(e) a contractor appointed by the College to perform any function on its behalf and an employee of that contractor;

(f) a consultant or advisor appointed by the College.

(6) Each person referred to in paragraphs (a) to (f) of subsection (5) shall comply with a request of the investigator to provide such information and assistance as the investigator may reasonably require for the purposes of the investigation.

(7) As soon as practicable after the investigation, the investigator shall prepare a draft of the report on the investigation that he or she proposes to furnish to the Minister (in this section referred to as the “draft report”).

(8) The investigator shall furnish the draft report to the Minister, An tÚdarás and An Bord and may furnish the draft report, or part of the draft report, to any other person as he or she considers necessary and shall give notice to the Minister, An tÚdarás, An Bord and such other person, that they may make representations to the investigator concerning the draft report or, as the case may be, part of the draft report, not later than 28 days after it is furnished to them.

(9) As soon as practicable after the expiration of the 28 days referred to in subsection (8) and, having considered any representations made pursuant to that subsection, the investigator may amend the draft report and shall furnish the final report on the investigation to the Minister and An tÚdarás.

(10) In this section “records” means any document, or any other written or printed material in any form, including information stored, maintained or preserved by means of any mechanical or electronic device, whether or not stored, maintained or preserved in a legible form.”.”.

Amendment agreed to.

Deputy Mary Mitchell O’Connor: I move amendment No. 57:

In page 77, after line 2, to insert the following:

“Amendment of section 16 of Act of 1971

96.* Section 16 of the Act of 1971 is amended—

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

“(3) The Minister shall not require the supply of information under subsection (2) in respect of a matter specified by the Minister under section 15A(1), during the period beginning on the appointment of the investigator under section 15A to investigate the matter and ending when the final report on the matter is furnished under section 15A(9).”,

and

(b) by the insertion of the following subsection after subsection (3) (inserted by *paragraph (a)*):

“(4) The Minister may provide information supplied to him or her under subsection (2) to an investigator for the time being appointed under section 15A.”.”.

Amendment agreed to.

Bill, as amended, received for final consideration.

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

Deputy Thomas Byrne: I thank the Minister for working with the members of the committee, particularly me, over the past number of weeks and months. I also thank her officials. There has been a slight change to the guard in that regard and I know that Deirdre McDonnell was heavily involved in this Bill. This is a major achievement for the confidence and supply agreement and not only for the Government, because this legislation has been hanging around for the past number of years, leaving huge uncertainty in the IT sector around the country, and had not been able to pass in the Dáil. Working together with the Minister, who genuinely took on board suggestions that we made, making changes to the legislation, some of which we have just agreed in her amendments, but which really came from the committee debate to which we all contributed, it has been a hugely positive experience for us as legislators. This will set the tone for higher education in what will be the technological university sector. I know Deputy Browne will be very interested in what will happen in Waterford and Carlow in particular, and Deputy Niall Collins similarly in Limerick. We are very interested all around the country, in Dublin and everywhere else that will get this designation-----

Deputy Tony McLoughlin: Sligo.

Deputy Thomas Byrne: -----and Sligo too, once the institutions reach the standards that we have set for them in the legislation. The Minister has achieved something here, but the confidence and supply agreement has also achieved something in that we have managed to get this legislation through the Houses with the help of other parties. The Green Party and Sinn Féin have worked on this too. I thank the Minister for her co-operation.

Minister of State at the Department of Education and Skills(Deputy Mary Mitchell O’Connor): I reciprocate the Deputy’s thanks. I thank my colleagues, including Deputy

23 January 2018

Thomas Byrne in Fianna Fáil especially, Deputy Funchion of Sinn Féin, members of Labour and the Greens and the Independents, all of whom contributed. This is now a very strong Bill. I also thank in particular the officials, including Deirdre McDonnell, who did so much work on the Bill. I thank the Ceann Comhairle as well for facilitating this evening's debate.

Question put and agreed to.

Companies (Statutory Audits) Bill 2017: Second Stage

Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys): I move: "That the Bill be now read a Second Time."

My speech is being circulated along with an information pack of supplementary documents which I have also made available to Deputies.

I am very pleased to bring this Bill before the House. The legislation regulates the profession of statutory auditor and the conduct of statutory audits. The role of the statutory auditor is to review and certify the financial statements of companies or other entities that are obliged to have a statutory audit under EU law. In the aftermath of the international financial crisis, the European Commission undertook to examine how the audit function could be enhanced in order to contribute to increased financial stability. The outcome of that examination was the adoption in 2014 of new rules in the form of an EU directive and an accompanying EU regulation. The directive builds on the 2006 audit directive and introduces significant reforms. It is concerned with the approval and regulation of statutory auditors and the system of public oversight. It also sets out the rules for the conduct of all statutory audits that are required by EU law. The EU regulation then adds stricter rules for the audits of entities that have a particular position in the economy. These are referred to as "public interest entities" and include entities such as banks, insurers, collective investment funds and companies that are listed on a regulated market.

As I mentioned, these rules were adopted in mid-2014 and the deadline for them to come into operation in Ireland was 17 June 2016. Furthermore, as the EU regulation took direct effect in Irish law on that date, it was necessary to ensure that implementing measures were in place on time. For these reasons, the essential elements of the EU rules were introduced into Irish law by way of statutory instrument SI 312 of 2016. Consequently, much of what is in the Bill before us has been in operation for over a year now. However, the EU laws of 2014 presented us with options that are not necessitated, consequential or essential to the transposition of either the directive or the EU regulation. Therefore, it was not possible to give effect to them in a statutory instrument. However, the Government sees some of these options as desirable to further enhance the rules for statutory audit and the oversight framework. Therefore, this Bill will replace the current statutory instrument, elevate its provisions to primary legislation, implement some of the options in the EU rules that could not be implemented in secondary legislation, and introduce some new measures that will enhance the system of public oversight.

Before I go into the detail of the Bill, I would like to mention a few preliminary matters. First, the Bill takes the form of an amendment to the Companies Act 2014. Deputies will remember the major legislative project that led to that Act and the significant modernisation of company law that it introduced. The Bill before the House makes amendments to Parts 6 and 15 of the 2014 Act. The Bill also inserts a new separate Part, Part 27, to provide more specifically for the conduct of audits, the regulation of statutory auditors and the obligations on public inter-

est entities. As well as giving effect to EU rules, the Bill introduces some changes in respect of the rules governing the late filing of annual returns and the accompanying loss of the audit exemption. The Bill removes the outdated term “public auditor” and replaces it with “statutory auditor” in the Statute Book.

The Bill is large, so I propose to deal with related sections together, highlighting anything new or significant. Part 1 contains standard provisions to set out matters such as the Title, the commencement arrangements and repeals. In Part 2, some sections are clearly technical, updating cross-references, introducing necessary definitions or giving effect to essential elements of the EU rules. Section 7 implements an option in the EU directive that was not previously exercised.

Debate adjourned.

Residential Tenancies (Amendment) Bill 2018: Second Stage [Private Members]

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

With the permission of the House, I will share time with Deputy Catherine Murphy.

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

Deputy Róisín Shortall: There can be no doubt that we are living in the middle of a very serious housing emergency. Rents, as we know, are at record levels, with the average rent now at €1,056. The average rent in Dublin is now a shocking €1,518. In the past year, rents have risen practically everywhere. They have risen by, for example, 21% in Limerick, 14% in Waterford and 13% in Westmeath. These are all very strong cases for rent pressure zones. They have also risen by 11% in Cork, where there is an existing rent pressure zone.

Overall, throughout the country rents have increased by 9.5% in the past year. It is because of this that the Social Democrats have brought forward the Bill. We believe the spiralling rents are directly responsible for the surge in homelessness. These increases are simply unsustainable and lay bare the abject failure of a reliance on the market to ensure an adequate supply of appropriate housing for the population. People are paying more money for poorer housing as the market contracts further and further, and desperate prospective tenants are left to trawl through shorter and shorter lists on websites such as *daft.ie* for any kind of liveable and affordable property.

In addition, I am sure every Deputy here this evening deals on an almost daily basis with families and individuals who are either becoming homeless, have been made homeless, are in emergency accommodation or are sleeping on the floors of family and friends. These situations are a direct result of the failure of successive Governments to effectively ensure the delivery of sufficient housing in Ireland at an affordable price. It is an issue that goes far beyond homelessness, but homelessness is one of the most tragic outcomes of this failure by the Government. The failure to fund proper public house-building programmes over the past number of years, along with the failure to control land prices for private sector housing, has resulted in the current crisis. This, in turn, has put a particularly severe strain on the very poorly regulated rental sector.

We would all like to see a properly developed rental sector. It would be a critical element

of any housing strategy. We know that in most other European countries there are strong rental sectors, but they are sectors where people are guaranteed affordable rent, there are effective rent caps and people are assured of security of tenure. In such circumstances, long-term rental is a viable proposition for people in terms of providing for their housing needs. Unfortunately, we are very far away from it in this country, and what we have are many accidental landlords. Many of them were on the airwaves today raising issues about this legislation.

Rent controls are not about ensuring that people who may have become accidental landlords and are in negative equity are bailed out. That is not what rent controls should address. Rent controls are about ensuring people can access good quality rental accommodation at an affordable price. Much work needs to be done on developing this type of long-term rental option for people if we are to ensure people have choice when it comes to the provision of housing.

It is hardly surprising that homelessness is at record levels. According to Focus Ireland, there was a 17% increase in family homelessness over 2017. As it stands today, 8,587 people in Ireland are officially homeless. Of these, 36%, that is, 3,079, are children. By any standard, this is a shocking indictment of the Government's housing policy.

The Government has long been promising to address the fundamental flaws in our housing sector, but progress has been painfully slow. Why is it not a stated objective of Government to drive down the cost of housing and make housing affordable for all families whether buying or renting? This has never been stated by the Government. I would like to hear the Minister's view on this, given that housing is such a central part of people's lives. It is the biggest single purchase that any of us make and it is critical to our welfare, health and well-being, yet the Minister seems to be prepared to stand by while so many people are forced into appalling housing circumstances or homelessness or, indeed, are put to the pin of their collar to put a roof over their heads. It is a central responsibility of the Government to ensure people can access adequate housing in line with their budget.

I would like to hear the Minister coming out and saying it is an objective of the Government's housing policy to drive down house prices, but I have been waiting to hear that and we will be left waiting. I have to ask, and I hope the Minister will answer the question for me in his contribution, why it is that the determination of the former Minister, Deputy Michael Noonan, to prioritise the recapitalisation of the banks and the bailout of property speculators has overridden a key responsibility of the Government, which is to ensure an adequate supply of affordable housing for its people. We all remember too well the then Minister, Deputy Noonan, when he introduced his help-to-buy scheme. It was a stated intention of the scheme to stimulate demand and this, in turn, inevitably inflated house prices. We have to ask, in terms of the previous Government and the former Minister, Deputy Noonan, in particular, who exactly was he serving as a Minister in Cabinet? Was he serving his masters in the banks and some of his masters in the property development sector? Was anybody in government taking their responsibility seriously in terms of ensuring people had access to decent housing?

We now have a population of 895,600 renters in this country. That is 20% of our population living in the private rental sector. Many are in very precarious positions, living in fear of a notice to quit from their landlords. Increasingly, we see landlords seeking to use exemptions under the Residential Tenancies Act, whereby they can claim they are selling or refurbishing the property or moving in a family member to justify termination of a tenancy. At present, the notice periods for tenants in this situation are extremely short. It is these tenants who are the most vulnerable to homelessness, and these tenants who are the main focus of the Bill before us.

The Bill is structured as follows. Section 1 deals with interpretation. Section 2 provides for longer periods of notice for tenants when landlords are terminating a tenancy. Section 3 provides that new tenants would have access to details of the amount of rent paid under the previous tenancy, to ensure the maximum increase for rents charged in rent pressure zones is applied correctly. Section 4 raises the maximum fine that may be applied under section 9 of the Act from €3,000 to €15,000. With rising rents, the penalties set down in the Act need to be raised in order to maintain an adequate deterrent. Section 5 sets out the Short Title, collective citation and construction.

The Bill provides for longer periods of notice for tenants when landlords are terminating a tenancy. Currently, a very short minimum notice period is set down in legislation. Tenants with less than six months in a tenancy are only entitled to 28 days' notice from the landlord. Tenants resident for between six and 12 months are only entitled to 35 days. In the current climate, where there is a severe housing shortage, it is very difficult, if not impossible, for tenants and the housing services supporting them to find alternative accommodation in such a short space of time. The short notice period is undoubtedly a factor in driving the surge in homelessness, as people are simply unable to source alternative accommodation in such a narrow timeframe.

In a comparative sense, Ireland has very short notice periods for tenants who have been residing in a property for less than five years. Notice periods were improved under the Residential Tenancies (Amendment) Act 2015 but only for those resident in a property for five years or longer. We want to change this. This Bill would extend notice periods for termination of tenancies by landlords so all tenancies under one year's duration would require a 90-day notice period, with tenancies of between one and five years requiring 120 days' notice. The proposed change would amend section 66 of the Residential Tenancies Act 2004 and provide an important extra protection for tenants to prevent homelessness. This change would bring us into line with other European countries where renting is more common.

According to a report commissioned by the Residential Tenancies Board, RTB, the minimum notice period in the Netherlands is between three and six months, depending on how long the tenant has been in residence. The landlord may only seek a termination in certain circumstances, including if it is needed for the landlord's family or a family member's use, if the property is to be sold or if the tenant has broken the terms of the contract. In some cases, landlords may have to cover some of the tenants' moving costs. Conversely, in Sweden it is very difficult for a landlord to terminate a lease, even when strong grounds are cited. In some cases where the landlord wishes to renovate the premises, he or she may have to provide alternative accommodation. In a comparative sense, Irish landlords have a huge degree of autonomy to terminate leases at will.

The vast majority of landlords respect their tenants and treat them fairly. We seek to amend the existing legislation and not punish landlords; rather, our objective is to ensure that landlords act within the law and that tenants can have sufficient time to make arrangements to move out, with a chance to find alternative accommodation to rent without being at risk of having nowhere to go. This is a reality for far too many people in Ireland today and one of the primary pathways into homelessness for individuals and families. An unexpected tenancy termination turns into prolonged couch-surfing, which in turn often leads to homeless services. The proposed changes are not onerous or punishing, despite the reaction from some landlords today to this Bill. In the current climate, where there is a severe housing shortage, it is very difficult for tenants and housing services to source suitable alternative accommodation within 28 days.

As has been pointed out, this section of the Bill will not address the supply issue for housing. That is correct, and the ball is very firmly in the Government's court when it comes to improving supply. We are seeking to ensure families and individuals can be given a proper and fair chance, with adequate time, to find new accommodation in what is a very volatile housing market. We want to ensure all the information and supports are available to these people. As Focus Ireland commented with respect to the Bill, these steps provide those at risk of homelessness or exploitation with time and information. Focus Ireland knows from its work with families and individuals that to prevent homelessness, time and information are the two most important tools.

There are other proposals in the legislation before us that I will speak to later. They relate to ensuring tenants have access to data on people in the accommodation prior to their tenancy and increasing penalties. I will now give way to my colleague, Deputy Catherine Murphy, but I urge Members on all sides of the House to support this legislation.

Deputy Catherine Murphy: We are seeing quite significant changes in how people in Ireland live and work but the two cannot be separated when it comes to housing. Contract rather than permanent employment, for example, means lending institutions are not providing mortgages, and even when the income is sufficient, the choice of home ownership for some is simply not available. That is before we even consider more precarious forms of employment. We know there has traditionally been a very high home ownership rate in Ireland but that is changing. The Central Statistics Office report from 2016 indicates the number of owner-occupied households fell from 69.7% to 67.6%, a rate last seen in 1971. However, when aggregated by age, the results indicate renting was more common than owning before the age of 35. Beyond this, more householders owned rather than rented their home. This might change, depending on the type of employment available in future. That is another day's work. The equivalent age in previous censuses was 32 years in 2011, 28 years in 2006, 27 years in 2002 and 26 years in 1991. We can see in the years when family formation primarily occurs or where people desire to live independently, the option that is the one most relied on is renting.

This Bill is about the immediate but it is also about the future. Renting in all its forms will continue to play a bigger role than in previous decades and we must respond to this by developing a rental sector that works for both tenants and landlords. A critical element in this regard is a well-regulated sector, with a regulator that has teeth and where disputes are dealt with in a timely way. What exists now falls very far short of that. One of the main reasons we had a high rate of home ownership is because people, particularly those with children, wanted certainty in their lives that the house they lived in was their home and not just someone else's property. The question is how we achieve that for renters. How do we achieve a longer-term rental sector that assures security of tenure and where landlords are still happy to belong to it?

Like all other Deputies in an area that is described as a pressure zone, the number one issue coming through my door for at least five years has been housing. It has always been there but it has now changed. I see people every week and have done so for more than five years now who will say they never thought this would happen to them. These are functioning families, no different from their next-door neighbours, but they are facing homelessness. The first concern is to find alternative accommodation and, in most cases, the primary concern will be for the children, to keep them in school and connected with their friends and after-school activities. It is about keeping things normal and ensuring their stress is not transferred to their children, even though in most cases these people are cracking up. I have a box of tissues on my desk and it is used all the time, invariably by people who come to me about housing.

There are in excess of 90,000 applicants on housing waiting lists; I stress that these are “applicants” rather than individuals, so a conservative estimate would have approximately 250,000 people on the lists. The criteria for qualifying for social housing includes income thresholds. These are households that cannot afford to buy and which in so many cases are supported by the housing assistance payment, HAP. This is an expensive option that is unsustainable in the medium to long term. There is no escaping the need for large scale building of social housing.

We proposed the establishment of a housing delivery agency in our manifesto in 2016. We see its role primarily as a project management agency that would control State-owned lands and would aim to achieve efficiencies in the cost of delivering houses for rent and for sale. Efficiencies would occur when the scale increases so it is about building mixed communities with a variety of house size. The agency would have a role in seeking planning permission. Given the certainty that would create, it would be an attractive option for the building sector. Perhaps a collaboration of small and medium-sized building firms could be involved.

This Bill is not aimed at replacing responsibilities. It is focused on both the short and the longer term. We must recognise that there is a fundamental change and we must move with that change.

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I thank Deputies Shortall and Catherine Murphy for bringing this Bill forward and for providing us with another opportunity to discuss the development of the rental sector, which is a priority for the Government. I acknowledge the substance of the Bill and its genuine motivation to improve the situation for tenants at a time of under-supply in the residential rental sector. It also addresses some issues that will be covered in forthcoming legislation that is a priority for my Department. The Government will not oppose the passage of this Bill.

The Bill raises some issues that have been considered and addressed in recent legislation and in the Government’s strategy for the rental sector, which was published in December 2016. The rental strategy sets out the Government’s vision for a strong, viable and attractive rental sector, supported by a policy and regulatory framework that delivers long-term, affordable and high quality accommodation solutions to meet diverse tenants’ needs and a secure, predictable investment environment for landlords and accommodation providers. The rental strategy contains 29 actions aimed at achieving improvements in respect of security, standards, services and supply in the residential rental sector. Implementation of the strategy is well under way with many rental reforms already introduced and in train.

A number of targeted measures and initiatives have been announced with the aim of providing better security of tenure, higher accommodation standards and greater rent certainty for tenants, as well as enhancing the supports and services available to landlords to facilitate the development of a more vibrant and sustainable rental sector. These initiatives include the establishment of rent pressure zones in areas of high and rapidly rising rents; the introduction of new rental accommodation standards; new legislative protections for tenants where multi-unit developments are being sold; the strengthening of the role and powers of the Residential Tenancies Board, RTB, to provide its services more effectively such as through accelerated dispute resolution processes, empowering tenants and landlords, and developing a one-stop-shop within the RTB to improve access to information for tenants and landlords. Of course, more must be done. Policies can always be improved and implementation of those policies must be driven.

As part of the review of Rebuilding Ireland, I outlined, last September, a list of further ac-

tions to be pursued to broaden further the role of the RTB - for example, a move towards annual registration of tenancies would provide more accurate and detailed data on the rents being charged - as part of a two-year change management plan for the agency. A key commitment is the planned new provision to make it an offence where landlords implement rent increases that contravene the law. The RTB will be given the powers to investigate and prosecute landlords who implement such increases. The onus will no longer be exclusively on the tenant to act.

Rising rents have not been left unchecked. The Fine Gael and Labour Party Government introduced amendments to the Residential Tenancies Act in December 2015 to double the minimum period between rent reviews to 24 months. This measure will apply until 2019. The current Government built on this by introducing an annual rent increase cap of 4% in rent pressure zones. The 2015 Act also increased significantly the minimum period of notice of new rent from 28 days to 90 days and significantly lengthened the minimum notice periods for the termination of long-term tenancies.

With regard to section 3 of this Bill, I am happy to advise Members that under section 12 of the Residential Tenancies Act, as amended by section 33 of the Planning and Development (Housing) and Residential Tenancies Act 2016, when the rent is being set for a new tenancy in a rent pressure zone, the landlord is obliged to inform the tenant of the previous rent paid for the property and the time at which it was set. The tenant or prospective tenant concerned is also able to see the previous rent and any rent increase being proposed and assess whether the rent being sought is in line with the legislation. If a tenant thinks he or she is being charged more than he or she should be in accordance with the law, the tenant can raise the issue with the RTB. In addition, there is valuable comparison data available on the RTB's website. The RTB's quarterly rent index provides rental data information from all rents registered with it during each quarter, based on the actual rents paid, the location, six categories of dwelling types, accommodation size, number of occupants and tenancy length. These reports provide tenants with a general picture of rents by which they can determine if the rent proposed is broadly in line with market rents in the area. Access to rental data as well as rent transparency for specific rental properties is being further considered in the context of drafting the Government's forthcoming Residential Tenancies (Amendment) Bill and of the RTB's change management plan which was announced last September.

Section 2 of the Residential Tenancies (Amendment) Bill 2018 provides for significant increases in the range of minimum notice periods for tenancy terminations by landlords as they apply to shorter tenancies. The current graduated notice periods were prescribed in December 2015 and implemented a recommendation in a 2014 report on the future of the private rental sector, which was commissioned by the RTB. The 2015 provisions introduced the current graduated notice periods as they apply to tenancy terminations by landlords for tenancies of five or more years duration. While the current graduated notice periods have been in place for a relatively short time, the length and notice periods for longer-term tenants appear to be working well. However, having regard to this Bill's proposals relating to extended notice periods for shorter-term lettings, I will reflect on these points in the context of developing the Government's residential tenancies Bill, which is being drafted for publication during this term, cognisant of the impacts on, and needs of, both tenants and landlords.

It is important to understand the need for balance as we address these proposals. The majority of landlords only own one property. The vast majority of landlords are good landlords who are providing a service that people want and need. It is important that further analysis be carried out on the potential impacts of substantially increasing the notice periods to ensure there

are no adverse consequences which might deter new landlords from entering the rental market or drive existing landlords from the sector. It is equally important that there are no unintended consequences that might see a sudden surge of notices issued out of fear of what might be perceived as a hasty move to new conditions that are too restrictive for the landlord to continue as a landlord. While the acute pressures in the rental market mean we must manage the inflation of rent prices in the short term, ultimately the most effective way to reduce and stabilise rents in the medium to long term, and benefit the entire sector, is to increase supply and accelerate the delivery of housing for the private and social rented sectors. That is what we are doing under Rebuilding Ireland.

As regards the other section in the Bill before us, it might be useful to outline briefly the current penalties that apply to anybody guilty of an offence under the Residential Tenancies Act. On summary conviction of an offence, a class B fine with a maximum of €4,000 applies or imprisonment for a term not exceeding six months or both. If after the summary conviction the offence continues, a further offence is committed under the Residential Tenancies Act on each day that such action or inaction continues. The maximum class E fine of €500 can be applied to each further offence. If, for example, a landlord persists with an offence for one month following his or her initial summary conviction, a further penalty of €15,000 will quickly clock up. The quantum of the maximum fine proposed in this Bill will be quickly reached under the current law. The Fines Act 2010 under the remit of the Minister for Justice and Equality provides for the payment of fines and the default of fine payments, including the publication of a list of names of persons who do not pay fines on time. However, I have asked my Department and the RTB to re-examine the scale of the penalties applying to offences under the Residential Tenancies Act in the context of developing the Government's residential tenancies Bill which is currently being drafted and is a priority for the Department. I have also asked them to look at what might potentially be described as criminal acts under those legislative changes.

Developing the rental sector is an important goal for the country. In doing this, it is paramount that we avoid unintended consequences of new Government measures. It will continue to be important to balance the rights and responsibilities of both landlords and tenants. The vast majority of small independent landlords are good landlords. They look after their accommodation and their tenants. The Government in its work will continue to enhance the protections under the Residential Tenancies Act and to invest in the services provided by the RTB and Threshold. True housing security for people in the long term must be delivered. All parents wish to be sure that they do not have to uproot their families from their community, schools and familiar environment. This is not just about parents. We all accept that homelessness is particularly difficult for children. Familiarity and community are important. They are settling and a type of personal security, particularly when one is young. Furthermore, developing a more mature and modern rental sector requires introducing affordable rental schemes, as we are doing, as well as incentivising the development of thousands more homes for rent, which we are doing through our new build to rent guidelines.

Implementation of the rent predictability measure is a priority for the Government. When passing the relevant legislation in December 2016, Members will recall that both Houses extensively discussed and reached decisions on the issues and options involved. The rent predictability measure is being implemented and currently covers a majority of private tenancies in the country. I accept that some legal enhancements are necessary to enforce its implementation. That is the clear focus of the legislative measures currently being developed by my Department following the public consultation and review of the rent predictability measure last autumn.

23 January 2018

The Government has given priority to the early publication of a Bill during the current Oireachtas term to address rent issues and Deputies will have the opportunity to propose and discuss any new ideas in that regard. I will be asking my officials to reflect on the proposals outlined in this Private Members' Bill to see whether and how to best address these concerns. In light of this, I do not oppose the Second Reading of the Bill.

Deputy Barry Cowen: I will also be supporting the Bill, which I welcome, on Second Stage. It is opportune because, as the Minister stated, the Planning and Development (Housing) and Residential Tenancies Act 2016, which contained provisions for minimum notice periods, the creation of rent pressure zones, the capping of increases within those zones to 4% and the limitation of rent reviews to every two years, was introduced in December 2016. The Government and, in particular, the previous Minister for Housing, Planning, Community and Local Government, Deputy Coveney, said there would be a review of its workings but that has not yet been seen by Members. He said the Commission on Taxation would feed into the budgetary process regarding incentives and initiatives to retain landlords and encourage more landlords into the marketplace but that has not been seen by Members either.

There have also been commitments over a long period of time to provide for an adequate inspection regime. However, considering that there are only approximately 65 such workers across the country for 325,000 rental properties, the failure to deliver on that commitment is also disappointing. Any such measures or incentives that would retain landlords in the sector and encourage more into it would yield a return which is needed in the short term because of the terrible vista and crisis with which we are faced. In the absence of that having been done, I support the Bill as proposed and, no more than any other Member, will allow it to pass Second Stage and move on to Committee Stage. I hope the Government will get its act together in the meantime and be in a position to bring meaningful amendments to the Bill in order to honour the commitments it made this time last year.

My party and I realise the need for immediate initiatives and interjections in the marketplace because the current cost of rent, often upwards of €2,000 in cities, cannot be sustained. Nobody in this day and age who wishes to provide for himself or herself and a family should have to pay such exorbitant rates. We have always bought into the theory that nothing will happen overnight. How many years has the current Government been in power? As I said yesterday and many others said today at a conference organised by the Irish Congress of Trade Unions and attended by many Members, supply is the key to affordability and cost is the key to supply.

The Government, despite its commitments in the programme for Government and the confidence and supply agreement to take away barriers to the construction sector such as cost, development charges, certification costs, cost of finance and VAT, has made no attempt to address those issues. In the absence of any such attempts or the provision of affordable or social schemes along the lines that Members expected, we are faced with this dilemma and I, and many like me throughout the country, meet in our constituency offices the poor, unfortunate people faced with the terrible vista of a landlord telling them there are relations home from the United States or Australia who need the house, or the landlord wishes to make substantial changes and alterations to the house and, hey presto, the tenant is out on the street. We have asked on several occasions for a greater definition and qualification of "substantial alterations". That was committed to by the Government but not acted upon.

I hope that the Government, in allowing the Bill through Second Stage, will give a commitment as to when it will be heard on Committee Stage and when the Government will be able to

respond to the Bill and live up to the commitments it has made. I have not seen the report of the Commission on Taxation and have no knowledge of what the Minister for Finance, Deputy Donohoe, considered in his negotiations on foot of that report. The commitment in that regard was originally given by the previous Minister for Finance, Deputy Noonan, during his time in office.

Some 70% of landlords own just one rental property and many are involuntary landlords. There have been no initiatives on the waiving of commercial rates for over-the-shop developments where conversion to residential use could be forthcoming. There has been no initiative to assist with the reduction of local property tax measures to help the industry. In his pronouncement yesterday, the Minister referred to affordable rent schemes. For how long have Members been crying out for such a scheme and expected movement in that area? We have yet to see such movement but yesterday there was talk of pilot schemes that may ensue in the coming weeks and months. We should have a blanket scheme across the country in that regard at this stage.

Nothing has been done regarding the revision of the repair and lease scheme that has been an abject failure. I do not think there have been any recent drawdowns from that scheme. Indications of its potential failure were recognised eight, nine or ten months ago but there has been no progress in that regard. There have been many announcements and pronouncements and many considered, small steps but a lack of urgency, initiative and effort to overhaul the system or bring about new thinking and ways and methods. As I have been saying for quite some time, conventional methods have abysmally failed over the past six years but they are being persisted with.

I made a contribution today, as did Deputies Bailey, Boyd Barrett and Ó Broin, among others, to a housing conference. Many experts were in attendance, as has been the case at various housing conferences over the past number of months, and everybody present at the conference shared a frustration that we have not seen the sort of progress that we thought might emanate from the all-party committee that sat in this Oireachtas and fed into the Rebuilding Ireland programme and provided many credible proposals and suggestions that had the support of all parties and none, some of which were taken on board but many of which were not. The Rebuilding Ireland document was acknowledged as a programme that was well undertaken, well meant and well informed, considering the consultation process that took place, but we always said implementation was key. Unfortunately, the figures do not lie and the terrible failures are evident for everybody to see in so far as when affected people come to our constituency offices there is no house building programme to which we can point and say that there has been progress in the relevant county and there will be more progress.

When the Minister this week met with the CEOs of local authorities and county managers he stated that targets will now be put in place. I have no problem with measuring success in respect of those targets when they are published but I would have hoped, as I said to the Minister last week in the Custom House, that we would also measure failures and be honest and frank about them. How many people were on the waiting lists of each local authority on 1 January 2016? How many houses were built by each local authority and how many purchased in that year? How many houses were built by approved housing bodies? How much land had local authorities available during that year? At the end of the year, how many people were on their waiting lists? If that information was available for every local authority for 2016, 2017 and 2018 we would see the wastage in respect of land and the lack of urgency on the part of either the local authorities, the Department or the Minister who is driving them. It is high time we

identified where the deficiencies lie.

We have been told on many occasions that the eight-step process in respect of procurement from when a site is identified to when it is built on, which is often three or four years later, has been reduced to four steps. It has not, however, made any difference to when these sites become viable. I repeat what I have said in this Chamber for the past two years. In my constituency there are two sites in Tullamore and Edenderry where 30 units were to be constructed. They were identified two and a half years ago and there were various announcements and pronouncements about them. There should be 600 or 700 houses built on the two sites if one was to add up all the times that progress was acknowledged on the sites. As is the case throughout the State, unfortunately, not a digger has moved on site since. This is the reality. While all of that is building up and while there has been no progress in this regard, the demand in the rental sector increases and it manifests itself in Bills such as this coming before the House. Some opportunists in the sector take advantage of the situation and take advantage of leniencies in the existing legislation around timescale and then we have the situations we see in our constituency offices throughout the country. People are in terrible states of being. Their mental state is put to the test in their efforts to house their families or to be in a position to have some hope. Deputies are in a terrible predicament - no more than these people - in not being able to offer hope, because we cannot show progress in this Dáil term with the leadership from the Government.

I spoke earlier about incentives and initiatives that could be put in place that could allow for the creation of improvements in tenure for greater periods. Then there would be no problem with a six-month notice because there would be a tenure of perhaps ten years with incentives, initiatives and support from the Government. The market would work itself out, supply issues would be addressed, the rents would come down and people would have choice. When people have choice there is affordability and that is where we want to get to. That is where we hoped we might have got to at this stage but it has not been the case. As I have said before, it is time for all parties and others to be in a position to start conditioning the public to the different alternatives and mechanisms there are and the different way in which things can be done. The Government seems to be hell-bent on travelling the same road that has failed miserably over the last years.

I thank the Deputies for bringing the Bill forward. I appeal to the Minister and the Government to make sure this Bill is brought to Committee Stage as soon as possible. It will offer the Minister and his Government an opportunity to live up to the commitments and the expectations they gave us when they made resolutions on foot of the passing of the previous Residential Tenancies Bill that there would be a review and improvement of that legislation, in addition to the limited success it has had, and that positive initiatives would be brought forward to help and assist the landlord sector to ensure that properties are available for greater tenures for those who need them in the meantime.

Deputy Eoin Ó Broin: Sinn Féin is more than happy to support this legislation from the Social Democrats. I thank them for the introduction of this Bill. It is eminently sensible. I cannot see any reason, nor have I heard any reason on the floor of the Chamber tonight, why anybody would not support it enthusiastically and see it passing into legislation.

The extended notice to quit periods should be in place as a matter of course but they are particularly important in the current homelessness crisis. Deputies are dealing with families who have received notices to quit. While housing assistance payment, HAP, accommodation is coming on stream it is happening incredibly slowly. I deal with families every week who

find that securing private rental accommodation after they get a notice to quit can take three, four, five and six months because there are far more people out there looking for rental properties than there are rental properties available. To stem the flow of families in particular into homelessness, the proposals in the Bill would be preventive measures that should remain on the Statute Book afterwards as general tenants' protections.

The Minister spoke of unintended consequences. When the Minister was on "Morning Ireland" yesterday I noted with interest that he seemed to think by introducing these changes a tenant who moves into a property and does not pay his or her rent could avail of these measures. The Minister has not repeated that today and I presume it is because his officials told him that no such thing is possible under current legislation. There is a specific provision that would prevent such an occurrence; if a person does not pay the rent he or she is subject to a 14-day notice and a 28-day notice to quit, irrespective of how long the person has lived in the property. I am sure the Minister can confirm that to the House in his remarks later.

The second measure in the Bill covers access to the rental rate of the last tenant. The Minister is correct that the current legislation requires the landlord to give people that information. We are aware, however, that landlords are not doing this. If one considers the dramatic rise in asking rents on *daft.ie* or *myhome.ie* we can see a two-tier rental market. People like me who are long-term rental tenants are availing of the average rents and our landlords are complying, but new tenancies are way beyond the 4% limit. Having some independent check and verification for tenants is a good thing and I can see no reason it would not be supported.

With regard to the increase in the maximum fine, the Minister has said that it would not be too long before a bad landlord racks up €15,000 worth of fines. This means that for a tenant to be properly protected he or she has to wait for multiple breaches of the legislation before a serious punishment and serious deterrent is available. The problem with enforcement of the rent pressure zones is that it is up to tenants to police it and to take cases to the Residential Tenancies Board or elsewhere. This is fine if the tenant has a relatively secure tenancy, but it is simply not adequate that those at the bottom end of the rental market in very vulnerable circumstances should self-police an already badly designed rent pressure zone system. A stronger first-off offence fine is one good way of ensuring that the measures, limited as they are, are properly adhered to.

Earlier in this debate the Minister said he is not opposing the Bill. This is supposed to sound as though he is not actually against it. I believe that the Minister should just be straight with us; he does not support these measures and we will not see them in the forthcoming legislation around the enforcement powers of the Residential Tenancies Board. The fact of the matter is that the Minister is simply too embarrassed to lose a vote and so he will not force a vote on it. We have to get past this nonsense of people saying they are not opposing something. The Minister should tell people if he is not in favour of stronger protections for tenants, tell people he is not in favour of an independent check for tenants in rent reviews and tell people that he does not want stronger deterrents and punishments for landlords. That would be much more honest than the position we have in front of us today. The Minister is correct that it is a minority of landlords but they are landlords who nonetheless breach the legislation.

The reality for renters is that the rent pressure zones are not working. They are not constraining rents to such an extent that people are able to get by. The evidence we have from all the rental indicators is that average rents have gone up by 10% to 11% since the measure was introduced. We also see that asking rents are at astronomically higher prices than average rents.

Not only do we need to see the proposed measures in this Bill we also need to see and hear the Government accept that rent pressure zones have not worked and it needs to go back to the proposal that many in this House have supported and introduce legislation that links rent reviews to an index such as the consumer price index to give renters the real protections they deserve.

Deputy Donnchadh Ó Laoghaire: I will pick up where Deputy Ó Broin left off. I commend the Bill. For a long time Ireland has lagged quite a distance behind EU comparators in protections for tenants and not just in the area this legislation deals with. Previously we have discussed the issue of tenants being able to remain in a property after the property is sold, which is a frequent occurrence. The amendments proposed in the Bill are of considerable value. Substantial areas of Cork were included in the rent pressure zones and it has created some anomalies where significant urban areas near the city were not included. An all-State approach would have been preferable. One year on from the introduction of the rent pressure zone measure I question whether it has made any significant difference to people in my constituency and the surrounding areas. Tenants, particularly those in receipt of HAP and other payments, are in a difficult position in terms of seeking to have this enforced. As Deputy Ó Broin has said, it is quite the ask of someone who is aware that there is a significant lack of alternative rental accommodation to pursue it with the Residential Tenancies Board. All sorts of approaches have been used by unscrupulous landlords, including stating they require it for their own use and then renting it again some months subsequently. I have also come across the term “renovictions” whereby landlords explain away the eviction on the basis renovations are required but these subsequently do not go ahead. On a much larger scale, the carrying out of renovations was used as a spurious excuse for evictions in the Leaside apartments.

It is clear that there is a need to strengthen our legislation governing the private rental sector in order to give people greater security of tenure. I believe the amendments proposed in the Bill would make a significant difference in that regard.

Deputy Maurice Quinlivan: I thank Deputies Shortall and Murphy for bringing forward this Bill because it will make important and helpful changes for those who find themselves in difficulties in their rental situation. As is the case with most Deputies, our constituency offices are overwhelmed by people calling with housing issues. Yesterday I was dealing with a woman, Maureen, in Limerick city who is 69 years of age, has been renting the same house for 30 years and recently received a notice to quit. This came as a massive shock to her and she was very upset. After contacting Threshold, she was informed the notice was invalid and she now has slightly more time in her home before she has to leave. This woman’s case highlights how vulnerable are those who rent their homes.

Section 2 of the Bill, which aims to extend notice periods, would have helped Maureen and, if passed, would provide renters, particularly long-term renters, with more time to find a new home if their tenancy is terminated. As stated by my colleagues, the current short notice periods are a factor feeding into the homelessness crisis as tenants can find themselves put out of a house with few or no alternative options on the market in this housing crisis. I thank Novas Initiatives and other organisations throughout the country like it which provide an excellent service for those who find themselves in such situations.

I welcome section 3 of the Bill. This welcome provision aims to give tenants access to information on the previous rent paid in order to see if the rent caps are being applied. Although rent pressure zones are limited in their effectiveness, they do give some renters certainty where they are in place. Unfortunately, despite Limerick city seeing rent increases of 19.1% in the

past year, it is still not listed as a rent pressure zone. We have had increases of 57% in the past five years in the rental market. Landlords who flout the law are still commonplace and enforcing the current legislation is a massive problem. Therefore, the increase in penalties for breaches of residential tenancies laws may make some of these unscrupulous landlords rethink their ill-treatment of their renters.

Like my colleagues, I am happy Sinn Féin is supporting the Bill and, again, I thank Deputies Shortall and Murphy for bringing it forward.

Deputy Jan O’Sullivan: I thank Deputies Shortall and Murphy of the Social Democrats for bringing forward this Bill. We will be supporting it fully. I note that the Government is not opposing the Bill but I reiterate what has been said, which is that we would like to see the Bill implemented and not just be unopposed. The Bill adds to the protections that are so urgently needed for those in the private rental sector at the moment. People are extremely vulnerable for a lot of reasons but it is mainly due to the shortage of supply given so many people are now in the sector and competing with each other.

My first point is that, even if they have a genuine grievance that might well win a case in the Residential Tenancies Board, people are afraid to complain. They are afraid to bring forward their case because they are afraid they will not be able to find somewhere else that they can afford in the area where they need to live if they lose their tenancy. That is a real problem. Last Friday I dealt with a woman who has three children. She is a separated lone parent in receipt of rent supplement. Her landlord increased her rent by €100, which is topping up. This is not allowed under the rent supplement scheme although it is allowed under the HAP scheme. However, most people throughout the country are topping up or their landlords are putting pressure on them to do so. This woman’s landlord told her he was going to increase the rent by €100 and he also told her that he would put it up by another €100 if she looked for repairs or any work to be done within the next year. I told her that he is not legally entitled to increase the rent again within the year even though Limerick is not in a rent pressure zone. However, most people are not aware of their rights and, even if they are, they are afraid to complain because they are afraid of losing their home.

I want to address the rent pressure zone issue in particular. Limerick, Waterford and a number of areas on the edge of the greater Dublin area are excluded. This simply is not working. It is not right that people in Limerick have no protection when last year we had one of the highest rates of increases in rents. We have gone through this many times before but it is not working in a number of ways. First, that rent pressure zones are measured in terms of the local electoral area is unfair to people in areas where rents are high but the average rent in the local electoral area is brought down due to low rents elsewhere. I do not know how to fix that except by doing what many of us in opposition have proposed by way of motion and Bills in the Dáil. We have proposed making the entire country a rent pressure zone and linking allowable rent increases to the consumer price index. This is the only way we will be fair to everyone. It is well over a year since the introduction of the legislation before Christmas 2016. I understood it was to be reviewed and it really does need to be reviewed because many people who are in very difficult situations are not in a rent pressure zone. Even for those who are in a rent pressure zone, landlords are getting around it in a variety of ways. One example is the issue around substantial renovation which is being abused by many landlords. There are also other loopholes, so I would urge the Minister to review it.

I welcome all the measures in the Bill. In particular, I welcome in the rent index proposal.

Threshold has been calling for this for quite some time. There should be clarity for any new renter and the public in general as to what rents are, and this should be published by the Residential Tenancies Board. It is absolutely necessary that that happens. Security of tenure is absolutely vital and this must be balanced against rent certainty. If we just have security of tenure but do not have rent certainty, there is a danger that landlords will use one against the other. We need both. Other measures that are not contained in the Bill are also required but all of the measures in it are positive and necessary. The extension of the minimum notice period will protect many people from what would otherwise be a precarious situation.

There is no doubt that more and more people are being driven into the private rental sector and are finding it hard to get out of it. Unfortunately, the measures announced yesterday do not go anywhere near where we need to be in terms of people having affordable rent or an affordable scheme. As has been said already, a number of us attended a seminar organised by ICTU this morning. As part of the data presented to us, the Government's model of an affordable housing scheme, on which we do not have enough detail, appears to be one that simply will not work because it will be relying on the private sector to build houses and make profits and many of them will not be in the affordable category as a result. The alternative model is to use State lands, where there are more than 700 sites, most of which are in the ownership of local authorities, and to build something in the model of the Ó Cualann scheme in Poppintree, although it does not have to be that exact model.

The idea is that the local authority provides the land and the infrastructure at a low price in order to provide affordable and social housing without private profit as the motive. According to a statistic revealed to us this morning, 35% of the cost of housebuilding is taken up by the cost of land and the profit. If we could take out those factors, we could make housing affordable, even in the Dublin area, because the two things are related. There are more people in the private rented sector now who are working and are on low to middle incomes and who would like to be able to buy a house. The scheme that has been announced is comprehensive enough to address that.

There are many measures that need to be taken but tonight I want to commend this piece of legislation. I hope it will be proceeded with as it is practical and deals with some of the real problems renters have.

Deputy Paul Murphy: It was Frederick Douglass who said: "If there is no struggle, there is no progress." It is incredibly relevant for those of us who want to see action to resolve the horror of the housing crisis. We need to build a movement of all those who are affected, that is, renters facing landlords who are hiking up rents and are out of control; people who cannot afford to buy a home; those on the housing lists; and those sleeping on the streets, on couches or in cars. The movement has to demand intervention to break with the logic of the market and to build public homes. If we do not have the struggle, we will not have progress on the housing crisis and we will have more of the same.

The Minister says he will not oppose the measures but everybody knows they will not be implemented. They will pass in the Dáil tonight but will not become law because the Government is not in favour of them. We will get more self-congratulatory press releases and more meaningless plans but no action. That is why the national homeless and housing coalition protest on 7 April is so important. It is an opportunity to get tens of thousands of people out onto the streets and to start a social movement that can force progress on the issue of housing. Work has to begin now, all around the country, to get the numbers out.

The conditions facing renters are hell while those facing landlords and property investors are paradise. These conditions have been created by this Government, in particular by the landlords' party of Fine Gael, and by successive other Governments. It is reflected in renters living in expensive and precarious accommodation that is often of poor quality. In this city in particular, it is reflected in renters paying, according to a recent survey, 55% of average net income in rent, which is almost double the recommended international maximum while property investors make 7% and there has been a doubling of the amount of profit for landlords between 2010 and now.

This has been created by a reliance on the private market. The context of that is a legal framework which clearly favours landlords over tenants, but which this Bill goes some way to address, and a housing crisis which massively shifts the balance of power further in favour of landlords. Crucial in this context is the collapse in public housing. Until the 1970s, almost one in five households lived in affordable public housing but, because of the logic of privatisation over decades and stopping the building of public housing, the figure has been reduced to one in 13 households and home ownership has dropped to its lowest level since 1971 in the absence of a legal framework where the rights of tenants are protected. It is a consequence of this and previous Governments' policies which relied on the market. The key intervention and the only answer is to build public housing on a massive scale.

We support what is outlined in the Bill as it represents a modest but important increase in the rights of tenants and a shift from landlords to tenants. We would like longer notice periods for tenants who are present for a year or more and a series of other changes, including making indefinite tenancies the norm, ruling out the sale of property as a ground for terminating a tenancy and providing a requirement for a relocation allowance where a tenancy is terminated because a landlord requires a property for their own or a relative's occupation. Crucially, we need to have a referendum to create a constitutional right to housing.

Deputy Gino Kenny: I welcome this Bill because anything that strengthens tenants' rights is welcome and progressive. The rental market in Ireland is a racket. It is a racket where some unscrupulous landlords make fast profits and the Government has created the conditions for this. We can argue about the housing, rent and homelessness crisis but the Government has created the conditions for those. It has passed tax laws and given generous tax breaks to corporate landlords, who buy cheap and rent high. A REIT company bought a lot of apartments cheaply after the crash and rents them for very high prices. The rental market in Dublin is spiralling out of control and rents are 18% higher now than in 2007.

I hear horror stories on a daily basis, one of which I raised with the Minister's predecessor. Landlords are now asking for people on homeless HAP as they do not want ordinary HAP any more. With homeless HAP they get 20% more, up to €1,900 for a two or three-bedroomed house. This is absolutely outrageous. How can people afford that? These landlords should be wearing balaclavas because they are robbing people, including the Government. Until we challenge a system where people are left to the private market we will continue to have this social disaster. The Minister will utter platitudes to the effect that he will try to implement these measures but this is ideologically driven by the Minister's party. It is no coincidence that one fifth of Deputies are landlords. What does that say? It says that the Government has a vested interest in landlordism. When we got rid of the British in 1922, there were Irish landlords who were even more unscrupulous than the British and that is what we have today. We will continue to have the problem until the Government starts to challenge the system.

Deputy Thomas Pringle: I am sharing time with Deputy Mick Wallace. The housing crisis is not only a problem in Dublin but it affects people in my constituency of Donegal too and the lack of social and affordable housing, rising rents and negligent landlords are features of Donegal's housing sector as well. For the first time, we are now seeing a rise in rural homelessness among people who were never at risk before. Donegal's existing high levels of deprivation mean rising rents create a toxic mix for low-income families already struggling to find and maintain work. When they cannot cope, there are few alternatives for them to avail of. There have been increases in HAP payments but market rents are increasing even faster, with most landlords refusing, point blank, to accept HAP or deal with people who are looking for HAP.

I looked at one well-known website this evening. There is one house in the entire county of Donegal that is below the income level for a family to rent. There are 100 houses that are above the rent. It is not that the houses are not there, but the landlords will not accept the payments.

There were 19 people recorded as homeless in Donegal over the Christmas period, and 30 people were homeless every month before that. These numbers are unacceptable anywhere in this country. Responding to this I co-chaired a conference on homelessness in Donegal with Fr. Peter McVerry and others, in an attempt to provide awareness of rural homelessness. People attended in large numbers to echo our concerns, and were angry with this Government for failing to provide the most basic housing needs. Today we have an opportunity to adequately address the housing crisis by finally increasing tenant rights through Deputy Shortall's Bill. If this Government had done this in the first place we may not have been facing a housing emergency today.

My Thirty-fifth Amendment of the Constitution (Economic, Social and Cultural Rights) Bill 2016, which includes the right to housing, was twice voted down by Fianna Fáil and this Government because of their choice to consistently prioritise private sector interests over the basic needs of individuals. It is time for the Government to rights-proof decision making and bring the rights of individuals to the core of policy making, build social houses, increase tenant rights and make housing a right which the State defends. That is how this problem will be dealt with.

Deputy Mick Wallace: I too welcome the Social Democrats' Bill. According to the UN rapporteur for the right to housing, housing has been financialised and valued as a commodity rather than a place for human dwelling. It has become, for investors, a means to secure and accumulate wealth rather than a place to live in dignity, to raise a family and thrive within a community. Deprivation of the rights to adequate housing are not just programme failures or policy challenges but human rights violations of the highest order, depriving those affected of the most basic human right to dignity, security and life itself.

The housing crisis did not fall out of the sky. It was the inevitable result of the policies of successive Governments. Government policy on housing and homelessness in Ireland, when it is not actively attracting vulture capitalists and equity funds into the housing market by having fire-sales of distressed loans or giving tax breaks to the real estate investment trusts, REITs, tends to be reactive, focusing on short-term fixes such as emergency or temporary accommodation rather than prioritising sustainable long-term solutions for people in need. The measures announced yesterday fall into the very same bracket. They will do nothing to alleviate the crisis.

Despite the talk of recovery, and whatever the phrase "Republic of opportunity" means, figures compiled by Focus Ireland show that one third of Irish people worry about and-or struggle to pay their rent or mortgage every month. One in nine people is worried he or she will lose his

or her home, while 6% of the population are worried about becoming homeless. Despite the Government's spin, the number of homeless persons has risen by 20% since November 2016. Rents in Dublin are now up almost 65% from their lowest point in 2010, and are 14% higher than their previous peak at the start of 2008. By contrast, the consumer price index, CPI, did not change in 2016. It fell by 0.3% in 2015, rose by 0.2% in 2014 and 0.5% in 2013. More than 80% of available rental units are too expensive for people on State housing benefits, and so the majority of rent supplement recipients are also paying top-ups to landlords. According to the Housing Agency, house prices in Ireland are moderately unaffordable. That is great; people can moderately not afford to buy houses.

The Bill before us presents a number of common sense measures to make the housing market a little fairer and to provide more protection to tenants. The call for a publicly accessible rent register is particularly welcome, as under the Residential Tenancies Act as it currently stands, there is no enforcement of the 4% rule in cases of a change of tenancy. Despite the rent caps, *daft.ie* figures show that rents nationwide rose by 11.8% in the first six months of 2017.

I have an issue with the 4% rate. Looking at CPI figures for 2016, 4% per annum represents eight times the increase in annual earnings for full-time employees. It is way too high. Rent caps should be linked to inflation. Setting the limit at 4% is just making it inevitable that all rents in the rent protection zone, RPZ, will rise by 4% a year; an annual rise which will gradually drive people out of their homes. Landlords are able to evict tenants if they state that they are moving a family member in or if the tenant is unable to pay an increased rent. This has been abused in recent years as a way to evict tenants and sell the property, and is one of the main causes of the rise in homelessness.

The Bill also proposes an extension of the current notice periods for termination of tenancy by landlords, along with increased fines for landlords who flout the laws. These are both very rational and welcome proposals.

With an average of 700 families living in commercial hotels and other forms of unsuitable temporary and emergency accommodation each month in Dublin, some suspect that emergency accommodation is becoming a long-term housing response. This draws an obvious parallel with the direct provision system which, as I said earlier, are nothing short of refugee camps. Some 18 years on, the Government is still pumping millions of euros every year into this temporary measure which means that some people are being forced to live there for up to ten years, and from which a number of private companies are profiting considerably.

The Government has introduced so many measures in recent years to "address" the housing crisis, but the policies are obviously not fit for purpose. What we need is more political interest in pursuing policies that prioritise the provision of affordable and secure housing to actually meet the housing needs people have. There is no rationale to the Minister's long-term approach to dealing with the housing crisis. The truth is that the Government does not really have a long-term plan. Every plan is a sticking plaster. The price of property is actually being driven up, and it is going to continue to go up because of the policies in place. The Government is doing nothing about bringing down the price of housing. Housing is not being made affordable. One of the measures brought in yesterday, where people can get mortgages through their local authorities at a cheap rate, would be great if the houses were priced at an affordable rate. The people who are not able to get a mortgage will end up as the lucky ones, because the price of houses in Ireland is too high. If one travels 25 km from the centre of any city in Europe one could buy a house for €150,000. In Ireland one would not be able to buy a place for double

that.

Deputy Danny Healy-Rae: I appreciate that many tenants are in a desperate way. Aside from the cost of rents, landlords are terminating tenancies for different reasons. Many are terminating tenancies - we have to take them at their word - so that family members can move in to the houses. In other cases, where landlords cannot meet their outgoings, the houses have to be sold. They are entitled to take back the houses, and that leaves tenants in a desperate way. Availability is the problem. I agree with Deputy Wallace that there is no face or colour to the prices that some houses are making. Happily the prices in Kerry are not as exorbitant. There are some examples, but they are not as bad as here. There are prices being mentioned here that are ridiculous.

Most landlords, 95% or more, are very genuine people who also may be in financial difficulty. They have to pay off loans and mortgages. Many of them are paying over 50% tax on what they get for the rent of their houses. That is where the problem is. We have to do something about that. It is not worth the landlords' while, and that is why the rents are being increased. Most of them are genuine people, but they have to live too. The fact is they are paying too much tax, and that is why the rents are being raised or the houses sold. That is where the trouble begins. If something was done about the tax situation of landlords, I believe it would help the tenants as well. Many landlords are not able to make ends meet. I ask the Minister to consider this, because that is where the problem lies. The 50% tax rate is very unfair.

Deputy Michael Collins: I am grateful to have the opportunity to speak on this Bill. The proposed amendment to the Residential Tenancies Act 2004 seeks to extend the minimum notice period for a tenancy termination by a landlord, to make rent data available to tenants, and to increase the maximum value of fines applying. I am happy to support this amendment. In the current climate, tenants find it extremely difficult to source adequate accommodation within the outstanding minimum notice period. As a result of the shock and stress on a tenant getting a termination of tenancy notice, it can take several days before he or she can look for new accommodation. This amendment will help tenants get suitable accommodation within a longer period. That is necessary given the current shortage of housing. I hope also that this Bill will require tenants to show the same respect to their landlords and give them equal notice of their intention to terminate a tenancy contract. It is important that we try to protect both parties in these agreements.

I have spoken in this Chamber many times about our current housing crisis. This Bill will relieve pressure on people who fear homelessness. However, it will in no way go far enough to solve the crisis, and therefore I am pleading with the Minister to put in place some solid action. According to the 2016 census, 260,000 houses throughout the country are vacant. Common sense dictates that those houses could go a long way towards solving the immediate housing crisis. To achieve this, the building control and regulation process must be changed if we are to fast-track the utilisation of those vacant or derelict buildings.

In Dublin city alone it is estimated that there are 4,000 vacant spaces above commercial units. Those could be refurbished to provide much-needed residential dwellings. That pattern of vacant above shop units is replicated in every city, town and village.

During the discussion on housing in the talks on the formation of Government in 2016, I raised awareness of this issue and gave an example of my home town of Schull, in west Cork, where very few families live over commercial premises. That trend, which has been occurring

for the past 20 years, has had a very negative impact on towns and villages. I propose that we should be encouraging families to take up residence over shops and commercial units by offering refurbishment grants.

I hope the Government will accept this amendment and take my further recommendations into account as a way to relieve the housing crisis.

Deputy Danny Healy-Rae: I am living over the pub.

Deputy Mattie McGrath: Do not be fighting over the pub. The Minister, Deputy Ross, is trying to close them. I am happy to speak on this Bill and I commend the Deputies on bringing it forward. The Bill seeks to amend the Residential Tenancies Act 2004 to extend the minimum notice period for a tenancy termination by a landlord, to make rent data available to tenants, and to increase the maximum value of fines applying. We are all only too aware of the precarious position in which many tenants find themselves. Add to that the uncertainty around the behaviour of some landlords and it is a strain that becomes almost unbearable.

I have said many times that not all landlords are bad and that the vast majority of them are fine. My concerns around a Bill of this type is that we strike the right balance between competing rights, which is very difficult to do. Wherever possible, the rights of the landlord and the rights of the tenant should not be adversarial. We must strive for that. Most of the time it is possible to negotiate a settlement and a reasonable period, but not always. In those circumstances, the tenant must have protection, especially where young families are involved. That is vital.

I am concerned about the proposal to increase the fines from €3,000 to €15,000. That is a huge jump. Being a landlord is not that lucrative a business. I would hope that the threshold for an offence would be suitably robust and that we do not have a situation emerge where landlords become terrified of seeking to remove tenants where there is a lawful and legitimate reason to do so. That aspect is very important because they must be able to have the right to remove bad tenants, and there are bad tenants and awful cases. It is not as clear-cut as we might believe.

This Bill is recognition that we find ourselves in a situation that can only be described as a national housing emergency, despite all the Minister's talk, promises and blunderbuss, which we had from Deputy Kenny as well. To the extent that it seeks to strike the right balance and protect tenants from unscrupulous behaviour, I can support the Bill. I heard Michael Walsh, the CEO of Waterford County Council, who is a very good man, being interviewed this morning. A question was put to him about the number of houses built in Waterford last year. He admitted that none had been built but they were hoping to build some this year. On countless occasions I have asked for the county managers and the housing managers to be brought here to sit down in the housing committee with us or with other people. The Minister seems to call them up for a meeting with the Department where they have a nice chat and go off for a fancy tea afterwards. Someone needs to be held accountable. Houses are not being delivered.

The Government closed all the bedsits here in Dublin. The shops are another case. Do not mind the pubs. Deputy Healy-Rae's pub is still open so we are not talking about putting anyone in there, but there are vacant premises in every street in every village and town in the country and they must be allowed to be changed into living accommodation. The Minister should do two things: bring back the life into those villages and towns and deal with the housing crisis. It is not rocket science so he needs to get his act together and get his officials in his Department to take the cobwebs out of their eyes and allow people to get accommodation.

23 January 2018

Deputy Eamon Ryan: The Green Party very much supports our colleagues in the Social Democrats on this Bill and in doing so it is standing up for people who are in the rented sector. It is not just a case of standing up for those who are currently in real difficulty in terms of homelessness and in rising rent situations lacking real powers but also standing up for what is possible in the rented sector in terms of a different view of where we could go to create an environment where people in rented property feel secure and valued.

I listened to Deputies from different parts of the country raise concerns about examples in their constituencies but no other part of the country has the same experience as what is happening in Dublin Bay South. If Dublin is already 14% above 2007 peak rental levels, in Dublin Bay South, because of what is happening with the development of the vibrant tech economy, the increases are a multiple of that.

I listened to the Taoiseach earlier and the Minister, Deputy Murphy, yesterday say that they want a rental sector and social housing, but the line comes out that home ownership is an important aspiration in the republic of opportunity. That is really where Fine Gael's heart is. In Dublin 2, 4, 6, 8, who do you appreciate? It is L-A-N-D-O-W-N-E-R-S. That is what Fine Gael stands for, and that is why we are seeing a response to this crisis rather than a change in approach. We are going back to the solution. The Taoiseach said today that the solution, ultimately, will be to build more houses and that will solve the problem. The Minister said earlier that we can see the cranes everywhere and that we are building again but we are not building different accommodation which we should be using this crisis to do.

On the provisions the Minister announced yesterday in terms of various schemes, the last one mentioned, which is the one with the least amount of money and on which there is the least detail, was the provision of a cost rental measure. We had a golden opportunity to switch to that in the past three or four years. A major report by the National Economic and Social Council, NESCC, three years ago stated that this should be the solution to our problem. There are examples of how they do it in Vienna and other cities where social housing is a huge aspiration, is successful and where there is a mix of different tenants. What do we have two years into the term of this Government? We have a single pilot project with very few details and no real scale in Dún Laoghaire. The Minister said yesterday that this is a long-term solution that we may turn to some time in the future. We should be turning to it now because I believe it has various attributes that would transform completely the experience of renting accommodation in our country.

I am distraught when I see this opportunity being lost. At a time when, thankfully, we are looking to turn to public lands, what are we doing? We are selling the land because, ultimately, Fine Gael is about the ownership aspiration in the republic of opportunity. Those Orwellian terms are starting to grate slightly because we know what they mean and what they stand for. We are selling our public land to the private landowners and forever stitching us in to that aspirational private land ownership and private property ownership, and while there is nothing wrong with it, it creates an imbalance.

We have seen the Celtic tiger bubble blow up in all our faces, and the Minister is going right back to it. Instead, he should switch to supporting the innovative ways of doing the rental sector, the likes of the cost rental model where there is funding and finance ready to go, so that it does not get stuck in the Government's balance sheet and can be financed in good times and bad. Even when the budget turns downwards, we can still turn to it. Why is it, even though it is in the programme for Government, it is only now thinking of a pilot scheme when the main

response is going back to lowering building standards and providing every tax break and other breaks it can for developers? Everything is about bringing us to where Fianna Fáil had brought us ten, 15 and 20 years ago. It is incredibly frustrating to see it happening all over again while the Government fails to take this opportunity. I have the highest regard for the Minister, Deputy Eoghan Murphy, but while he has very much presented himself as a politician interested in political reform, we have heard the same thing again today about weakening local government and refusing to provide for directly-elected mayors. We are told having directly-elected mayors is too complex and will take too long and should be put back into Never Never Land. Local government is being weakened and the fundamentals of the housing market are not being reformed. There are press releases on different initiatives every day to give developers money here, money there and every possible break just like Fianna Fáil used to do. It is not reform.

I stand up for the Bill to stand up for people in the rental sector, changing the nature of which is the reform we need. Let us take those underutilised State lands and be ambitious, including in Dublin Bay South, where an Army barracks, for example, could be the centre for cost rental and a place where several thousand could live in affordable high-quality rental accommodation which would constitute the pride of places to live. As Deputy O'Sullivan said earlier, the simple maths show that if one takes out the land costs - if we can get it rather than give it to someone else - and the profits going to developers, we can use it to support a cost-rental model. With social housing, the cost is the cost of building rather than a cost which includes a fat margin. One derisks it by taking the funding from the EIB or others who are dying to get counterparties. Earlier this year, the EIB appeared before the Committee on Budgetary Oversight where its representatives were practically begging us to give them something to lend to in this country. It is all doable but instead we have gone back to the old model where it is about the private sector and getting the property numbers up and the development business going again. It is not too late to turn it around. Not all of those 700 public sites have been given away.

We should not just do a pilot scheme but should proceed with projects at scale. Let us force the Department to be bold and restore power to local government rather than to try to hold onto the rise itself and rely on the market to be its agent to make things happen. That model is bust. That model broke us. That model is not what we need to return to. We should turn instead to a rental model along with traditional social housing and sheltered housing for the range of different communities who need it, along with the private sector. We should not go back to the old ways where 80% or 90% of the market is provided for by the private sector. In Dublin Bay South, the constituency I represent, more than any other what one will end up with is an incredibly divided city. One will end up having the rich large tech companies buying every development with apartments for €600,000 or €900,000 for their executives and other accommodation for staff while local people have nowhere to stay. We will end up with the problems San Francisco and other tech cities have had where certain people are excluded from the city. That is not the Dublin I want.

We should be good at this and we can be. The current Dáil encourages and facilitates different opportunities. Private Members' Bills are getting through, which suggests things can be done differently. It is a really healthy stage in our democracy. The Government is accepting the Bill. I say "Fine, but follow that up". The Government should come back here with six projects for cost rental before the Bill is on Committee Stage so that we know it is serious and we know the scale at which things are being done differently. If the Government does not have the land base, it should ask the people in the House where we think we could lose public lands. I could come straight back to the Government with suggestions that would provide houses in

the centre of the city so that we do not have the traffic gridlock being caused by going to the old model whereby the city continues to sprawl. We just build more and more roads and get more and more cars onto them. Everything is gridlocked. It is not working and it will not work in future. The Government must change its ways which is why I support the Bill.

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): I welcome the opportunity to say a few words on the Bill. We have discussed the rental sector here a great deal along with housing in general over the last number of years. It is clear that the rental sector must be a more attractive choice for tenants and a safe and viable investment choice for investors. It is the balance we are trying to get right at all times. As Deputy Cowen noted earlier, 70% of landlords are not major investors. They are people who own an additional property for whatever reason and they are not investment companies. It is not all big companies and there is a mix of tenants out there. However, we want a more professional landlord base if possible which is in the market to provide a service in the way that is done in other countries. We are trying to create a rental market which attracts investment but which also gets the balance right with costs, security and the service. That is the balance we have been trying to achieve for the last number of years. That is our agenda and it is similar to the agenda of Deputy Shortall. She wants to focus on the rights of tenants, the cost of rent and security of tenure, but I believe she recognises that we also have to make it attractive for people to invest.

Tenants who are renting need to have certainty that as long as they pay their rent and meet their obligations, they will be able to stay in the properties they are renting. Equally, landlords and investors, from the individual wishing to secure a home to institutional investors seeking to build balanced investment portfolios, must have confidence in the long-term value for their investments and the income they can derive from them. It is not true to say that supply and demand cannot interact to give cheaper rents. There are lots of places where even four years ago there was lots of supply of empty housing and rent was half of what it is today. It has been forced up for different reasons. I listened to people contributing to a conference today claim that supply has nothing to do with it. That is not true. While I know there are lots of aspects to it, please do not try to tell me that supply does not come into it. Anyone who has studied economics knows without a doubt that supply comes into it. To hear so-called “experts” discuss today that supply is not an issue suggests they need to think twice. We recognise that there are a lot of factors, but it is beyond doubt that increasing supply is a major way to bring down the cost of rent and of housing, albeit the cost of a house is a slightly different story.

As the Minister, Deputy Murphy, outlined in his speech earlier, any legal changes cannot risk weakening the stability of and confidence in the rental sector. No new law should undermine the economic viability of providing rental accommodation or impact negatively on existing and future supply of residential rental units. That does not mean we should not introduce new laws; it means we have to tread carefully and get that balance right. There are knock-on effects on the wider economy to consider also. We need rents to be affordable, but they must also be viable and encourage long-term investors. I disagree with Deputy Ryan. We recognise in the Rebuilding Ireland document that a large proportion of people choose to rent as it provides a great deal more flexibility in circumstances where they like to move around a great deal more in their work. Our planners recognise that which is why we have issued guidelines to local authorities for the build-to-rent concept. There is a greater chunk of people who decide to rent and we want to provide for that. As such, I ask the Deputy not to put us in a box and say we are against the rental market and do not want to give people the option. We believe in that.

There are knock-on effects for the wider economy to be considered. While we need rents to be affordable, they should also be viable. Any new measure should be fair and capable of withstanding legal challenge, including a constitutional challenge. When we were working on the rental sector strategy last year, we had to be very careful to ensure that any changes we brought in would stand the test of time and the test of the courts system. There is no point bringing in new laws if they are then defeated in a constitutional challenge. That is why we tread very carefully when we make changes in this sector. Any change we make is well informed. A great deal of work went into last year's rental strategy and a lot of people from all parties in the House made submissions. We teased them through and spent a lot of time on it before making changes. We are prepared to review that and the Minister, Deputy Murphy, will bring forward legislation in the near future to make more adjustments which make the strategy more effective.

We all accept that there are acute pressures in the rental market, which are driven by a number of factors, including rising demand as a result of the economic recovery, a lack of supply and the high cost highly-indebted landlords face in servicing their loans. There is no point in denying that landlords want to make profits, which also contributes to high rents. However, there are a lot of landlords who do not make profits and who barely cover their costs. Deputy Danny Healy-Rae discussed that earlier because there are high tax implications. On the other hand, some make great profits. I am not trying to say that is not the case. The lack of supply, however, is also a major contributing factor because there is significant demand. These factors have led to significant rental price inflation in recent years. However, the long-term solution for the high level of rent is to increase supply. The strategy for the rental sector from 2016 contains a number of specific measures to encourage and accelerate new supply, keep existing rental units in the market and bring vacant units back into use. Deputy Healy-Rae also raised the issue of taxation not only on profits from rental income but on rental income itself. It is something that was raised with us while working on the rental strategy in autumn 2016, as were all the other implications of it. There was a commitment in the rental strategy to set up a working group chaired by the Department of Finance to examine the tax and fiscal treatments of landlords. This group, which was chaired by the Department of Finance and included officials from my Department, the RTB and the Revenue Commissioners, examined the tax treatment of landlords or residential accommodation providers and having due regard to their critical role in a properly functioning rental market put forward policy options in its report, including proposals to amend their tax treatment because some people say it is unfair. It is about getting the balance right.

A public consultation was conducted in March and April 2017 to seek views on a number of subjects such as the mortgage interest relief, the capital repayment relief, rental accommodation as a pension investment, the deductibility of various expenses, capital gains tax, long-term tenancies, accidental landlords, the rent-a-room scheme and vacant properties. All of that has been analysed in detail by that working group and the Department. About 70 written submissions were received - I expected there to be more - from a wide range of interested parties, including individual landlords, representative bodies and charitable organisations, and were considered and finalised in the Government's report which fed into budget 2018 considerations and will feed into budget considerations in the future as well. That report is now available. It is a valuable source of information which tries to review this through the eyes of the various stakeholders and to tease it out. There are some parts that are feasible and which merit further consideration. If people get an opportunity they should read through that document. We will have an opportunity to discuss it because we are bringing forward this Bill and others in the months ahead. We have to bear that in mind. It is not all rosy in the garden for every landlord.

While I accept some make great profits, not all do.

When it comes to rent predictability and certainty, we need to ensure our rent certainty measures work and do not undermine our efforts to get rental supply. We need to monitor the effectiveness of our rent predictability measures, and the public consultation and the review carried out last year as part of this work are very important. That review started in summer 2017. Implementing change through the Government's upcoming Bill to amend the Residential Tenancies Act is the next step and in our view it is an important one. We recognise we need to do more in this area. The Government has given this Bill priority for early publication during its current Oireachtas term. We will all have an opportunity to take part in that discussion and to frame it through the committee and on the floor of the House.

The Government's rent predictability measure is carefully designed to control rent increases without having negative effects on the supply of rental accommodation. That is the balance we are trying to achieve. Its implementation can and will be enhanced and it limits rent increases to a maximum of 4% per annum. We want that to happen. There are all sorts of different stories out there and the reason we commissioned the report and the review was to gather that evidence. Tenants should see significantly smaller rent rises than those prior to its introduction or than would have taken place if the measures had not been introduced. This has to happen and we want it to happen. The law will be changed to ensure the rent pressure zone controls are effective and enforced. There are different reports out there and different information coming through the system. The measure can and should have a substantial impact. The practical effect of the measure is that the rents of the more than 180,000 households that currently rent their homes in rent pressure zone should be lower than they would have been if market rents had continued to apply. That is in most cases.

We are aiming to bring about a new market rent that will change in a predictable manner with a known maximum annual rent increase and to achieve in time one that is much more affordable. We all agree that some of the figures being quoted here tonight are not accessible to most people and are putting them under extreme financial pressure.

In terms of enforcement of the 4% cap in rent pressure zones there is a statutory obligation on a landlord at the beginning of a tenancy to provide a tenant with details of the previous rent under a tenancy and a statement of how the rent has been calculated under section 19(4) so that a tenant can ensure his or her rent complies with the legislation. A similar provision applies when a landlord is serving notice in the context of a rent review. The tenant is informed how the rent is calculated having regard to the rent predictability measure and whether the landlord is claiming that any exemptions apply.

The RTB published a comprehensive set of guidelines in November 2017 for landlords and tenants and those working in the rental sector clarifying the situations in which a landlord can claim substantial change in rented properties for the purposes of exemption from the rent increase restriction of 4% that applies in rent pressure zones. The RTB also has an easily accessible online rent calculator which both tenants and landlord can use to check their rent is in line with the legislation. The calculator can also be used by landlords to produce the rent notice required. If a tenant believes the rent is above the market rent or above the permitted increase in the rent pressure zone he or she can refer a dispute to the RTB. The rent cannot be increased pending the determination of that dispute. I heard Members say earlier that most people would be reluctant to engage in that process or do not want to for fear of losing the property. That is something we are trying to deal with through the review because we acknowledge that might

happen in some cases. We are trying to strengthen that position. The RTB has significantly developed its methodology for producing its quarterly rent index in this report as a result of close co-operation between the RTB and the ESRI, one that gives a significantly more detailed understanding of market behaviour in the rental sector.

I am conscious of time so I will finish up. The new methodology and the substantial database collected and maintained by the RTB means the rent index continues to be by far the most accurate and authoritative report of its kind on the residential rental sector in Ireland. It is the one on which we will base our policy changes. That is the information gathered and the detailed answers with which we have been provided.

Deputy Róisín Shortall: I thank everybody who attended the debate and those who contributed and pledged their strong support. I was glad to note that support was unanimous on this side of the House. I am, however, disappointed with the response from Government. Not opposing does not amount to the same thing as supporting. The response of the Government generally has been mealy-mouthed and disappointing in so far as these are measures that could be implemented very quickly and could make a real difference to people's lives. Unfortunately, the Minister of State has not given a commitment to see this Bill through to the end.

The Bill is essentially about doing three very straightforward things which would help tenants. First, it is about extending the notice period. This has been recommended by the DKM-ESRI report to which the Minister of State alluded. The Government went with the extension of the notice periods only in the case of tenancies in excess of five years. There is a very real problem with shorter term tenancies where people have been in a tenancy for only one, two or three years. In those circumstances their situations are very precarious. They live with the danger and threat of their landlord deciding he or she will sell the property or claim he or she will move somebody in, very often in an attempt to get a higher rent. That is what the housing agencies are saying. One of the main routes into homelessness is when tenants are told by their landlords they have to get out for one of those exempted reasons. The measure in this Bill, which would give them some breathing space and a reasonable amount of time to find alternative accommodation in the present difficult situation, is a fair proposal and something to which the Government should be committed. It would undoubtedly stem the flow of people into homelessness.

The second provision is to give tenants a right to access details of rents and the rent paid by their predecessors in the accommodation. The Minister, Deputy Murphy, talked about the success of the rent pressure zones. That is a very questionable statement to make. In the Dublin area, where there are rent pressure zones, rent increased by 10% last year. In Cork, where there are rent pressure zones, it increased by 11%. How else does one explain those excessive increases except to say there was clear abuse of the system and that there were many situations where tenants were evicted and new tenants brought in, with the landlord hiking up the rent? That is the only explanation for those huge increases. It is cold comfort to tenants to hear the Minister say a tenant who is evicted and is going into a new property can always look at the general rents in the area. That has nothing to do with it. It is about looking at how they can establish their own rights in terms of ensuring the landlord is not hiking up the rent and is obeying the law. There is no way of checking that at the moment and that is why it is essential the register to be held by the RTB is accessible to new tenants to ensure there is no rent gouging. The huge suspicion is that it is widespread.

The third provision is to introduce stiffer penalties and higher fines for landlords who breach

the legislation. We know this is going on.

The penalties there at the moment are derisory. A maximum fine of €4,000 represents approximately two months rent in the Dublin area, or even less than that. A landlord can take that hit if, in return, he is in a position to hike up the next tenant's rent by 10%. That is what is happening now. We are saying that there is a need to strengthen the penalties there to increase the maximum fine for breaches of the law and that that would act as a significant deterrent to landlords who unfortunately do not respect the law as it stands.

There are three very straightforward measures. Nobody is suggesting that it is a silver bullet to deal with a wide range of issues affecting the rental sector. We all accept that there is an urgency about addressing things such as the exemption for selling a house. That does not apply in other countries where, if a landlord decides to sell, the tenant has security of tenure and the house can be sold while the tenancy remains. There are many other things such as measures to safeguard the tenants themselves but also ensure that tenants take their responsibilities as tenants seriously. We must accept that. There is an issue in the case of a small number of tenants who do not abide by the law, or pay their rent on time and who do not maintain their properties. That must also be dealt with but we need balance. We also need to have an efficient and timely dispute resolution system which is adequately resourced, which we do not have now. In the private rental sector, as in so many other aspects of Irish life, a body is in place and there are theoretical rules and regulations but unless we resource the regulatory body properly and enable it to do its job, it will be a watchdog without teeth. That is the problem and it is how it is with the RTB now.

I heard the Minister's comments on Morning Ireland when he was asked if he would be supporting this Bill. He talked some nonsense, saying that one could not have a situation where a tenant who was in a property for three days and had not paid a deposit or rent would be entitled to notice of 90 days. It was beneath the Minister to make such a comment. It was very wrong of him to do so because it does not apply. Who would have a tenant in their property without having paid a deposit or rent? It is a complete red herring and it was quite disingenuous of the Minister. This Bill is about proper law abiding tenants who are in properties to ensure that they are given a fair amount of time to find alternative accommodation so that we can help to avoid more and more families being driven into homelessness. That is what it is about.

I was very struck by the amount of emphasis that the Minister of State put on the rights of landlords in his contribution. He spoke about stability and confidence. Tenants also have a right to stability and should have a right to security and to believe and be confident that if they obey the rules and pay their rent that they will have security in their own home. Unfortunately that is not the situation now. We all accept that we need to introduce many different measures. The Minister has promised various measures will be taken. There have been many promises about housing from this Government and the last and we are still waiting for many of them to be implemented. We will not hold our breath for the raft of promises which the Minister has made but in the meantime, these are measures which would make a real and substantial difference to the lives of many people who are now in shorter-term tenancies. It would give them some protection and security. These measures could be introduced very quickly. The first and third measures could be introduced by the stroke of a pen. I do not see any reason, if there is majority support in the House for these measures, we cannot move ahead and progress this legislation.

I ask the Minister of State to be more generous in his approach and more practical because that is what this legislation is about, and to reconsider whether he will give his wholehearted

support to protecting tenants in this vulnerable situation and to stemming the flow of homelessness. It is in his hands. It is also in the hands of the Opposition given that a majority of those here this evening have pledged their support for this legislation. For that reason, it must be progressed.

Question put and agreed to.

Residential Tenancies (Amendment) Bill 2018: Referral to Select Committee

Deputy Róisín Shortall: 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.

Report on the Joint Committee on the Eighth Amendment of the Constitution: Statements (Resumed)

An Ceann Comhairle: We now proceed to our consideration of statements on the report of the Joint Committee on the Eighth Amendment of the Constitution. Deputy Danny Healy-Rae was in possession when the debate adjourned on the last occasion. He had ten minutes remaining.

Deputy Danny Healy-Rae: I am sure the Ceann Comhairle will appreciate that it is somewhat hard to start off again.

An Ceann Comhairle: The Deputy had worked up a head of steam the last day but it will be no bother to him.

Deputy Danny Healy-Rae: I reiterate that I firmly believe that life begins when a baby begins to grow inside a woman. I believe it is a crime to take a life. Let us go back to what abortion is. People should educate themselves that abortion is stopping the right of a little baby to live or continue his journey into this life from the mother's womb. I was absolutely disgusted and so upset when I heard the way that it is done, with two injections, first one to paralyse the little baby and then another to stop his heartbeat and stop his life, and not give him the chance to live. That is terrible. Life is a gift. A baby's life is a gift and a treasure. The babies that are born around the world tonight are our future. They are the world ahead of us. I believe that once a baby is conceived it has a right to live.

One morning before I was elected, all the candidates were on Kerry Radio. They asked me the question and I made it clear then and said that I was against abortion. I am against abortion and I will be. In my term as a legislator, I will not effect the killing of unborn babies, whether they be little girls or boys. I have to and will support the small unborn babies who cannot talk for themselves or ask to be let live.

Everyone around the country, inside this Chamber, and the Citizens Assembly which was not elected at all and whose membership I believe was selectively chosen, has spoken and had their input.

23 January 2018

The little unborn babies will not be able to say a word. That is where I have a serious difficulty and nothing will ever change my mind that it is my duty, as an elected Member, to speak for them and cite their right to continue their journey into this world. I believe no one in this world has the right to take the life of another. There has been a lot of talk about babies throughout the country. Whether it is a baby who is killed, a child who has grown a bit, a mother or a father, a man living in the lonely countryside who is killed by blackguards or a 90 year old person, no one has the right to end a life or say someone has been there long enough or that he or she should not be there. I believe only God decides when a life should end and it is a good job that it is the way.

I believe girls and women should have access to support. If they become pregnant, are despairing or in bother, they should receive help. They should receive plenty of counselling and financial support and whatever else and if they cannot manage, there are plenty of couples who would gladly adopt and cherish a little baby boy or girl if they were given the chance to do so. There is a great deal more available to women today than there was 50 years ago when girls were frowned upon when they became pregnant out of wedlock, but that is not the story today. There is contraception and so much education available, rightly so. I believe there is fierce respect for women and girls who become pregnant, which is wonderful. It is a gift, a life. I appreciate life and will do so while there is a breath left in my body. I sincerely believe little unborn babies have the right to continue their journey into life.

I believe the eighth amendment has served the country and its people well for over 30 years. Many decent people throughout the country are saying they will not vote in favour of abortion and the trouble is what the wording will be. We were told in recent days, even by the Minister of State, Deputy Damien English, that the Cabinet would decide the wording. Will any other elected Deputy have a say in selecting the wording or what it will be? If that is the way it will be, when I see Ministers and high profile Members absolutely in favour of repealing the eighth amendment and especially if it is to be left to the Cabinet to decide, we will not have a fair wording put to the people.

The Citizens' Assembly had so much to say, but they were not elected by anyone. I am told that there was no representative from 11 counties. How could that be fair? How could the people concerned decide on behalf of rest of the country? That is what I see wrong. I repeat that many throughout the country oppose the removal of the eighth amendment and the question is: what will the wording be? That will be very important. We are not being told what will replace the eighth amendment. It is just being said we should get rid of it. There will be nothing put in its place, but the people are not fools. Many have real concerns about the protection of life and are saying, whether it is a little baby boy or a little baby girl, that he or she has as much right to be in this world, to make his or her journey into the world and be protected in this country and the world outside it. They are so entitled. I repeat that I really mean it when I say it is only God decides when we are to leave this world and that is the way it should be.

I could make other comparisons, but I will not. I will keep it strictly to what many people are saying. They are calling for the protection of a little baby's life before he or she is born, once he or she has a heartbeat. It is not right to think someone will come along and inject a little baby's heart to stop it beating and end his or her life. It is not right now; it was not right then and it will never be right.

Deputy Mattie McGrath: Hear, hear.

Deputy Danny Healy-Rae: There is so much available for women and we should put more supports in place for them, if there is not already enough available by way of education, counselling or financial help to ensure they will be properly looked after because the other aspect is that many women who have an abortion are never the same again, but we do not hear about this. They have many problems, including psychological problems, after it happens. They are never the same again and that has to be remembered in this debate, too. I could never feel as strongly about anything else than the protection of a little unborn baby. If I, as a strong man, would not do that for a small unborn baby who is trying to make his or her way into this world, I would be worth nothing.

Deputy Róisín Shortall: With the permission of the House, I will share time with Deputy Eamon Ryan.

I am glad to have the opportunity to speak about the report of the committee and take the opportunity to commend it for the work it has done. When the former Taoiseach, Deputy Enda Kenny, proposed the establishment of a citizens' assembly and an Oireachtas committee, some were quite sceptical about that process. However, if we have learned anything in this country, it is that all of the issues around abortion are complex. There is a wide range of views and a whole load of factors that come into play in dealing with the issue. For that reason, it is not something about which someone can merely talk off the top of his or her head or on which he or she can come to a decision without being informed. There are many legal and medical aspects with which people need to familiarise themselves and they need to tease out and look at what they believe is the best way to address the problem, whether it be through legislation or the holding of a referendum to amend the Constitution. It requires a lot of teasing out and the taking of expert advice. That is what happened at the Citizens' Assembly. People may complain about the counties from which its members were drawn or whatever else, but, in the main, it was seen as a fair and objective process. It drew together 100 citizens who took the time and devoted themselves to engaging on the issue. It was a worthwhile process.

The Citizens' Assembly was followed in a similar vein by the Joint Committee on the Eighth Amendment of the Constitution. I commend all of its members on volunteering and putting time into researching, listening and learning about the many aspects of the abortion issue. I think all of them made a sincere and genuine effort to grapple with the issue. They came forward finally, in the relatively tight timescale allocated to them, with a comprehensive report on the matter, and we should all thank the committee and be grateful to its members for the efforts they made.

Regarding the approach that was taken, I had quite a similar experience in the Committee on the Future of Healthcare, whereby members came in from diverse political positions, listened to the experts and the evidence-based information that was given to them and came to conclusions. The same kind of approach was taken by the Committee on the Eighth Amendment of the Constitution, whereby people engaged, listened to experts and to presentations on the ways in which this issue is dealt with in other countries, got legal and medical advice, grappled with the topics and all the aspects of the issue and came up with what I believe is a balanced and comprehensive report. We owe them our gratitude for having put in that work.

We now need clarification on a number of different aspects of the report. One of the key aspects that is emerging at present is the question of the approach to be taken as to whether to repeal or replace. I think this is a matter of concern to many of us because it is important not only that we move forward as quickly as possible and have the referendum, but also that there

not be any ambiguity or uncertainty surrounding the matter. There are conflicting messages coming across as to the best approach to take. We know that the Citizens' Assembly, for example, received legal advice that the best approach would be to replace, that is, to state in the Constitution that responsibility and power to legislate in the area of abortion would pass to the Oireachtas. That was surprising at the time but that was the legal advice. Then we heard that the advice given to the Committee on the Eighth Amendment of the Constitution contradicted that advice. We did not have the benefit of being able to read or listen to that advice because it was provided in private, but it raised the contrary argument. Members of the committee have suggested that the overwhelming weight of the advice they received was that inserting a new clause requiring the Oireachtas to legislate would be highly unusual and could actually represent a violation of the separation of powers. That is a worrying aspect. However, then we heard from Government that the Attorney General advised that it would be better to have a provision in the Constitution.

The last thing we want is to go through a referendum and then for Supreme Court cases to be taken challenging the result of it, dragging out the matter indefinitely, so we need clarity at this point. There is conflicting legal advice, and we all deserve - the public deserves - to have early clarification on that. I call on the Government to publish the Attorney General's advice. I know it is not general practice to do so, but it is very important in this case that that advice is published and that a decision is taken in this House, with the benefit of that advice, on the most expeditious and soundest way forward regarding a referendum. There would be a precedent in this regard because in 1983 the then Taoiseach, Garret FitzGerald, published the advice of the Attorney General. We know it was not followed at the time and we have had endless problems because of that, but that is the precedent that was set. Given we are discussing the same issue and everybody wants to avoid legal uncertainty, I call on the Government to make that advice available to the House.

Some people have difficulty with the question of the 12 week limit and the availability of abortion under a doctor's direction in the first 12 weeks of pregnancy. Again, if one considers the time and effort that went into this at the committee, it is quite understandable why it came to this conclusion. I think the vast majority of people in this country would say that in cases of rape or incest, no one has the right to insist that a woman who has suffered from either of those awful experiences should be prevented from taking whatever action she believes is right to terminate that resulting pregnancy, and there is no way of legislating for that. The only way one can provide for people in those appalling situations is to have a provision whereby abortion would be available up to a certain time limit, and I think that was very much a factor in the committee's recommendations.

Another issue which was a new phenomenon that many people had not been aware of is that in recent times there has been very wide use of the abortion pill. We are not talking about surgical abortion in many cases now but rather a person taking a pill, ideally on prescription from a doctor, at home and terminating a pregnancy in that way. Unfortunately, that is not an option for Irish women because of the eighth amendment. It blocks that option. The present situation we have of increasing numbers of Irish women ordering the abortion pill over the Internet is highly unsatisfactory and dangerous. All these treatments should be provided under a doctor's direction, and the only way that can be done satisfactorily at present is to ensure access in those first 12 weeks.

This must be seen in a wider context. We need much better emphasis on the questions of sex education and access to contraception, including emergency contraception. It is crazy that

some of our contraceptive methods are subject to VAT. Some are quite expensive for younger people, and that must be addressed. We also need to look at this in the context of having proper sex education in our schools. We are still a long way from all our young people being taught about having healthy and responsible attitudes to sex. The other thing is to see all this in the context of a modern maternal health care system, and again, we are some way from that. For example, no scans are available or recommended as part of the maternity strategy within the first trimester.

There are many different aspects to this issue. We must ensure balance but, ultimately, I very much support the recommendations of the committee, and the Social Democrats will campaign strongly for repeal of the eighth.

Deputy Eamon Ryan: The Green Party will also support repeal of the eighth amendment to the Constitution and the commitment to enact legislation along the lines of the many recommendations of both the Citizens' Assembly and the Oireachtas committee to provide for the choice for women to have an abortion up to the first three months of pregnancy in this State, overseen and managed by Irish hospitals rather than in the UK. This is not an easy position. Over the years in our party, like many others, there have been very different views, and there is a respect for different views - there always has been - in recognition that this is an issue of conscience. This is a complex and highly important issue. Our own position changed about three or four years ago, I think. Members of the youth wing of the Green Party, through our constitutional process, said the party's position had to change, which it did. It has been further revised in the past eight months, after the conclusion of the Citizens' Assembly's deliberations on the matter, moving, as I said, towards the position that was outlined by that group. I commend the Citizens' Assembly on the work it did and the members of the Oireachtas committee on the way in which they carried out their work, which I think is helping us in how we have this debate. Other parties very much objected to the use of the assembly. I think it worked and has helped us and I hope it can lead to a respectful debate on all sides.

We have respect for people on all sides. I have very good friends who will be on the other side of the campaign. I agree with them that life does start at conception. I do not see another way it can be assessed. The other day, a very good friend asked me whether he could provide me with details on what exactly that means at each stage. I know because I see people campaigning outside here with large posters showing in very graphic ways a foetus at six, eight or ten weeks and that is a reality. That is life as it is evolving in the womb. My position has changed in recent years. I believe what we tried to do in 1983, in trying to balance, or acknowledge, that life and trying to guarantee it, at the same time as having regard to the equal life of the mother, was not correct thing to do and has not worked. At various stages in the legal wranglings of past 35 years that has been clear. Relatively early on, Harry Whelehan brought to a head that the question on the right to travel had to be taken into account. We, as a people, at that moment clearly said there is not equality between the right to life and the right of the mother to choose how that pregnancy would proceed, and on that occasion we decided on the right to choose. At every step of the way, the legal teasing out of this issue in the various cases, including the X case and Y case, has shown that legal attempt to protect the right to life has not worked and will not work and needs to be changed.

Ultimately, the reason this is the case is because if a woman is in a pregnancy that she does not want to continue with, or that she cannot continue with, she has the ability, and in my mind the right, to choose to terminate it to make sure it does not go to full term. That is a reality that has existed in this country as far back as we can recall. Our history and archaeology are full of

cases where we see that women made that choice down through millennia and it is something that is not going to change. If women are making that choice we need to support them, to be with them and to provide the best medical care, and that is why I believe we should repeal the eighth amendment and provide for that choice in a more honest way. I do not mean honest in the sense I am accusing the other side of being dishonest, but honest in terms of recognising that is what is happening and that we should not abandon our women in the choices they make.

I would like to argue that something we can have in this debate is the chance to broaden it out, to see points where there might be agreement on such choices. There is an area on which I find agreement with friends on the pro-life side, if one calls it that as I consider myself pro-life also. The one point where I have agreement with friends on the other side of this referendum debate is that we should try to make sure we really provide a free choice for women in every circumstance and in every different pregnancy. With regard to our current economic system, whatever the range of complex arrangements that leads to a situation where a woman decides to terminate her pregnancy, on many occasions it is driven by the economic realities in the State that make it incredibly difficult to countenance raising a child. Earlier we had a debate on the issue of rent and housing. It relates to this issue of abortion, because for many young couples or women, faced with a pregnancy they did not expect, where everything is not set up, where they do not have the house and home and everything ready to go, it can be an impossible situation which may drive people to say they cannot do it. Our entire system is based on a property market that is not serving and suiting our people.

I would go further and say deliberate political choices have been made in recent years by all parties which provide a limitation to the choices that a woman might have. I will cite the example from five or six years ago of the withdrawal of support for lone parents. That was a really strong statement to young women that if they are lone parents in a difficult pregnancy situation the State will not support them. That is what it said. Last week, we saw women outside the Dáil making the valid case that they were discriminated against in 2012 when their pensions were cut. One can only agree the reason is they had taken the choice at some point to act as a parent or carer at home and that is not valued by the State or the Government at this time.

If we look at everything we do in the budget, and at our tax laws and supports, they are all about labour activation, getting everyone working and getting the economy growing and keeping it growing. It is not about creating a State where a young person in their early or mid-20s, even if she got pregnant in a situation which was not completely planned, would know she could do it because she would know the State really supported what she would have to do in the next few years. We need to do this at the same time as we repeal the eighth amendment so we really have proper choices to help our young women in difficult circumstances.

I agree with the provision of a three-month timeline because I disagree with the other methods one might have to parse out one type of pregnancy versus another, and stating someone can have access to a termination in X, Y or Z circumstances, as if we can parse out the values of different types of pregnancies and different types of life. It is more appropriate to set a timeline, provide the mother with the choice, provide support with doctors, and try to provide everything we can make that choice as free as possible.

I would prefer repeal and then for us to set out the guidelines on how we would legislate. The courts will and should listen to the people in any referendum. They do not necessarily need us to set out in the Constitution the details of what the Oireachtas can do. It is appropriate for us to try to do it ourselves. It is appropriate that we look for the support and help of the Medical

Council in this regard. When it comes to legislating on what will be a very complex legal area, and no matter what we do in our Constitution, rather than trying to legislate for every twist and turn, it is appropriate for us to look to the Medical Council, which has expertise in the myriad of cases because every pregnancy is different with regard to the balancing act between protecting life in all its different forms.

I appreciate the chance to speak in the debate and I look forward to the referendum, where we will campaign. We will do so in a respectful manner but will look for repeal of the eighth amendment.

Deputy Michael McGrath: I will share my time with Deputy Butler. I welcome the opportunity to make a contribution to this most important of debates. As did other colleagues, I thank all the members of the Citizens' Assembly for their work and contribution and, of course, our Oireachtas colleagues on the joint committee for the painstaking work in which they engaged over a number of months. It certainly was not an easy body of work. We owe them all a debt of gratitude for their commitment and for the sacrifice they made. I know each of them was under considerable pressure to declare positions, and whether we agree or disagree with the final outcome they are to be thanked.

The calls that have been made so far for a respectful debate on the issue have been well made. It is important we all recognise that fundamentally this is a deeply personal issue, and it is a matter for each individual citizen, as part of a referendum, to decide what he or she believes is right. It is important that all of us are non-judgmental in this regard and that we respect the views and opinions of others. I sincerely hope the debate will be conducted along these lines. It will not be conducted like that online. Any Member of the House who declare an opinion or view on this would be well advised not to go on Twitter to see what people are saying about them, irrespective of what position they have taken.

From my point of view, I will support the holding of a referendum. That will involve voting in favour of the referendum Bill. This is because ultimately the Constitution, *Bunreacht na hÉireann*, is owned by the Irish people and it is a matter for the Irish people to decide what is set out in the Constitution. A significant number of people, we do not know how many, want to see a change to Article 40.3.3°. I will support the holding of the referendum when that Bill comes before this House.

Our party took the position in 2013 that there would be a freedom of conscience vote and I was one of the people at the time who advocated the approach, which was correct. It will now be replicated as part of this process, wherever it ultimately leads. It is not appropriate that I or any other member of our parliamentary party would seek to impose our views on other members in the party. It is very obvious there are divided opinions within our party, as there are in every strand of Irish society. We have adopted a mature approach in that respect.

With respect to the recommendations of the joint committee, it is my view that many people - I count myself as one - favour some change but certainly not change along the lines of what the joint committee has recommended. The recommendations go too far and the Government would be making a major mistake if it put the question along the lines of what the committee has recommended. It would constitute a binary or black-and-white choice but many people in our society have a much more nuanced view of the matter. Nobody can say how many such people there are but although they recognise the issues with Article 40.3.3°, they do not support access to unrestricted abortion up to 12 weeks. That is my position. I do not support unre-

stricted abortion to 12 weeks.

I have read the evidence and legal testimony and presentations given to the committee. I support retaining constitutional protection for the unborn. I appreciate the evidence given by the medics and it must be taken on board in respect of the practical difficulties of differentiating between where a risk to the health of the mother becomes a risk to her life. We have no option but to deal with that and other matters. I favour replacing the existing Article 40.3.3° with constitutional protection for the unborn that permits the Oireachtas to legislate within certain confines. That would not be easy and I am aware of the difficulties that Deputy Shortall referred to in respect of legislating. These are not insurmountable, however, and accepting that they are insurmountable means we would encroach on the most fundamental right of all. The right to life of the unborn should remain in the Constitution but in a practical and workable manner. That is my view.

There is a real risk that if the Government goes down the road it is considering, people in facing the referendum will be confronted with an unknown. If it is intended that Article 40.3.3° is to be repealed, there will be a statement of intent from the Government and I presume there will be heads of a Bill that it would seek to introduce to this House. However, there is no certainty as to the shape of the final legislation that could be adopted after a referendum. We must all accept that. This is a minority Government and its main party has correctly agreed to a freedom of conscience vote. Our party also has a freedom of conscience vote. We have already heard from a number of Deputies in the House who favour repeal and reject the notion that there should be any 12-week limit. That is a reality and they will seek to amend any legislation and extend the 12-week limit to “as late as necessary”, which is a term used by a number of them. The people voting on the question of repeal *simpliciter* with some form of statement of intent from the Government to introduce a Bill will be very unsure as to what they will ultimately get by way of legislation passed by this House. That is a point that will be consistently made over the course of the campaign.

I do not envy people in making up their minds on this matter. All any of us can do is say what we believe. Nobody can criticise people for stating their own beliefs, based on personal conviction. That is what I will do over the course of a campaign that will inevitably follow in the coming weeks and months. People should engage in an honest, open and respectful debate without judgment. Ultimately, this is a matter for the Irish people to decide. The beauty of our democracy is that my vote, the Minister of State’s vote and the Ceann Comhairle’s vote in a referendum is of equal value and weight to that of Joe Murphy, Mary McCarthy and every other citizen in our country. That is how it should be.

Deputy Mary Butler: I thank the Ceann Comhairle for the opportunity to speak on one of the most important issues that has come before this House, the report of the Joint Committee on the Eighth Amendment of the Constitution. I also thank the Oireachtas Members who gave their time to the committee, and I know this was very difficult. I was not a member of the committee but from the outset I engaged with the process by reading as many of the transcripts and watching as many witnesses as I could. I read both the majority and minority reports over Christmas. We should be clear there was not a consensus in the committee.

I would like to continue the respectful debate of this very emotional matter. Any modern democracy should be capable of debating this in a respectful way, trying to address genuine concerns while preserving the life of the unborn child. As a Fianna Fáil Deputy I will state my position. I am thankful I am in a party where I can express this and follow a vote of conscience.

It is very important to me and I have been consumed by the topic for quite a while. I accept my position will differ from others. I accept that and I hope others will accept my position. I made my position clear before I ever became a Deputy here in the 32nd Dáil. My local people know how I stand. I welcome the opportunity today to put my position clearly on the record of the Dáil. I want to continue to support the unborn child's place in the Constitution. I am against repealing the eighth amendment. I have always supported the holding of a referendum. We live in a democracy and people are entitled to a vote and a say on this. I accept it is 35 years since people got the opportunity to vote on this. I never got the opportunity to do so.

The committee recommended that the law should be amended to permit termination of pregnancy with no restriction as to reason - I have grappled with those words - provided it is availed of through a GP-led service, delivered in a clinical context as determined by law and licensing practice in Ireland, with gestational limits of 12 weeks, or three months. I keep going back to the phrase "with no restriction as to reason". I will be honest in saying I cannot understand how anybody could propose "with no restriction as to reason" in terminating a 12-week-old baby being carried by a mother.

Deputy Mattie McGrath: Hear, hear.

Deputy Mary Butler: I should point out that this would go beyond the position in Britain, where the Abortion Act 1967 still requires two doctors to form the opinion in good faith that an abortion is necessary to prevent a risk to the mental or physical health of the pregnant woman. We all know this law is applied in such a way as to provide abortion on demand, with one in every five pregnancies in Britain ending in abortion. That is 200,000 abortions performed in Britain per year, with stronger laws than were proposed by the Citizens' Assembly. Currently, in Ireland, one in every 13 pregnancies unfortunately ends in abortion.

The first mistake the committee made was on 18 October last, at the third meeting with witnesses appearing before it. A vote was taken at that meeting. The committee members decided then, not by a majority, that Article 40.3.3° should not be retained in full. I remember thinking that night that it was a case of job done, pull down the shutters and close the curtains. The decision had been made without even listening to all the witnesses or viewpoints. Why would one do that on the third week of witnesses appearing before the committee? Why would one not wait to hear all the evidence to be provided before making up one's mind? I was very concerned and saddened at that stage. Pro-life witnesses wondered if there was a point in appearing before the committee when the committee had made up its mind at that early stage. There has been much criticism that the committee was biased. There is no doubt about it. When one looks at the number of witnesses who appeared before the committee one can see how many were on one side of this debate and how many were on the other. We are not trying to put people in boxes, but it was quite obvious that the pro-life opportunity was not presented as well as it should have been.

In addition, I was struck that the word used most often in the committee was "foetus". I have never heard a word used so often in a committee. I am lucky enough to have three children. My youngest is 12 years old now and I remember often walking in the street when I was pregnant. I never recall anybody saying to me, "Congratulations Mary, you are expecting a foetus".

Deputy Mattie McGrath: Hear, hear.

23 January 2018

Deputy Mary Butler: People always said, “Congratulations, you are expecting a baby”. It is my firm belief that the unborn baby must be protected in the Constitution. That is certainly where my vote will be. The committee witnesses spoke about a foetus and terminating the life of the foetus. What lovely language to use when, ultimately, one is aborting a baby. Everything to be found in a fully grown person is formed in a baby at eight weeks in the womb. At 11 weeks, a baby in the womb has fingerprints and its fingernails appear. At 12 weeks in the womb the baby’s lips open and close, it turns its head and it can leap around the womb. To be quite clear, I am not a member of the pro-life group or the Iona Institute. I am a person who has formulated my own opinions and I stand proudly to articulate them tonight.

Another thing that really disappointed me in the committee is that the only option it gave for a crisis pregnancy was abortion, and I watched many hours of its proceedings. There was no discussion, or very little, of the option of adoption or fostering. Little thought was given to perinatal hospices for babies born with life-limiting conditions. A mother contacted me last Friday. She told me that, unfortunately, her baby had been diagnosed with a fatal foetal abnormality or, as I call it, a life-limiting condition. She and her husband decided they would have their baby. She told me that she will never forget the nine months that her baby lived. She will never forget holding her baby. Now, she has the little lock of hair and a grave to visit. I realise life is not simple for everybody, but there are options and we must examine them.

There cannot be only one solution to a crisis pregnancy. It cannot be the case that the only word offered by the committee is “abortion”. Where are the wraparound supports for the babies and their parents? Let us be quite clear about something because I believe there has not been enough talk about it. Some 25 legal abortions were carried out in Ireland this year under the Protection of Life During Pregnancy Act 2013, where the life of the mother was put first. We must be clear about that. We are living a society where the life of a mother who presents at a hospital can be put first. It is being put first in those instances. We must talk about that.

There are different options open to us. One is a system that protects life in all its forms, from conception to natural death, and stands squarely and strongly behind those with crisis pregnancies. It also stands squarely and strongly behind parents who know that their children, whatever ill health or disability the children have, are assured of comprehensive and compassionate health care which supports those children through those challenges, whatever their lives might be. Every Member of the Oireachtas received an email today from the Down Syndrome Ireland, which I read with interest. It is concerned that children born with Down’s syndrome are being used as a kind of tool in this debate. That is so wrong. Children who are diagnosed with disabilities in the womb are as entitled to a life as the next child. Those children deserve the love of their mother and father and of their brothers and sisters. Unfortunately, a society has developed in other countries in the world where children with disabilities are not respected as much as they should be and where a termination or abortion seems to be the only way forward.

To conclude, I wish to state on the record that I, Mary Butler, Deputy for Waterford in the 32nd Dáil, will never be in favour of stopping a heartbeat.

Deputy Imelda Munster: I commend the work of both the Citizens’ Assembly and the committee on the eighth amendment and especially my three party colleagues Deputies Jonathan O’Brien and Louise O’Reilly and Senator Paul Gavan. I also commend the chairperson of the committee, Senator Noone.

The committee has recommended that the eighth amendment be removed from the Consti-

tution and has made recommendations on the grounds on which abortion should be permitted in Ireland. This is an historic time in the history of the State. There has been an incredible shift in public opinion on women's rights in respect of reproductive health. This shift in public opinion, and in the opinion of Members of the House, is proof of the importance of informed, factual debate. The progressive, practical recommendations made by the committee members, who have had the opportunity to listen to and question experts on women's health, prove the importance of informed debate. It is critical that this continues as we move towards a referendum. For too long the debate has been divisive, personal and, in some cases, untruthful. There has been a significant amount of discussion about the patriarchal regime that has been in place in the State since its foundation. The Catholic Church and the State conspired to inflict a patriarchal, sexist society on Ireland. The eighth amendment is a relic from a bygone era. It was outrageous in 1983 and it remains a bar to equality in 2018. We have come too far to allow it to remain unconstitutional for women in Ireland to access health care.

We must remember the consequences of the eighth amendment. In the X case the State dragged a child who had been raped and was pregnant as a result through the courts to attempt to hold her prisoner and force her to remain pregnant with the rapist's child. That is the legacy of the eighth amendment. Women have died because of it. Repealing the eighth will mean that women will not have to die in the shameful, sad way Savita and other women have. Doctors will not have to have their hands tied in difficult cases. It is my sincere hope that the amendment will be repealed and doctors will be able to provide health care based solely on clinical need. That is hardly ground-breaking but until now has not been the case for many pregnant women in Ireland.

Members of the Oireachtas now have responsibility. We are legislators with the privilege of representing our constituents and have a responsibility to see the recommendations of the committee through the Houses. I am disappointed in Fine Gael and Fianna Fáil. Politicians need to be brave and show leadership on this issue. It is of concern that neither party thinks it sufficiently important a matter to impose a party whip. This is a matter of public health. We only ask that Members give women the option to choose what is right for them. Young women are counting on this and should not be exported on the lonely journeys to England to access health care. It is barbaric to have women taking tablets on their own to bring about terminations without medical supervision and we cannot have it. Politicians need to have the courage of their convictions and speak out in favour of women's health and fundamental rights. My party colleagues and I are committed to ensuring that all women accessing maternity services North and South of the Border have the highest quality of care and access to all appropriate health care options as advised by health care professionals. I urge the Minister, Deputy Harris, to ensure the referendum is held in May because the matter needs to be settled and the people need to have their say. An entire generation, the very people affected by this amendment, have not had that opportunity.

An Ceann Comhairle: I call Deputy Donnchadh Ó Laoghaire.

Deputy Mattie McGrath: On a point of order, I do not wish to interrupt but this is the most serious debate that we will have in the House. We are here at this hour of the night-----

An Ceann Comhairle: We are about to adjourn. It is 10.55 p.m.

Deputy Mattie McGrath: Yes. Where are all the Government Deputies? It is shameful. The Minister, Deputy Harris, came in and gave his speech and is now missing from the

23 January 2018

Chamber. I apologise to the Ceann Comhairle but I am calling a quorum because this level of attendance shows a shameful disrespect for human life.

An Ceann Comhairle: A quorum is called.

Notice taken that 20 Members were not present; House counted and 20 Members not being present,

An Ceann Comhairle: As it is now 10.58 p.m., even if there were a quorum present we would not be able to proceed because the order of the House is that it shall adjourn at 11 p.m. In light of that, the debate is adjourned until it resumes on the next scheduled occasion.

The Dáil adjourned at 10.59 p.m. until 10.30 a.m. on Wednesday, 24 January 2018.