



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Céadaoin, 31 Eanáir 2018

Wednesday, 31 January 2018

Chuaigh an Leas-Cheann Comhairle i gceannas ar 10.30 a.m.

Paidir.

Prayer.

Ceisteanna - Questions

Priority Questions

Housing Provision

56. **Deputy Barry Cowen** asked the Minister for Housing, Planning and Local Government the amount, location and criteria of the recently announced affordable housing scheme; and if he will make a statement on the matter. [4830/18]

Deputy Barry Cowen: Last week the Minister announced the affordable house scheme, which was long overdue. The details and the specifics pertaining to this scheme have not been much elaborated on in the public domain. Perhaps the Minister will inform the House what local authority areas have been identified for such a scheme, which approved bodies have been sanctioned to handle and provide for such a scheme on behalf of the Department and the State, what is the specific income criteria for the scheme and how many units are expected to be provided under the scheme this year and in the coming years.

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): The Government is committed to helping people to achieve the aspiration of home ownership. We recognise that buying a first home is always a challenging prospect but has become increasingly difficult in Dublin and other areas. Building on other initiatives already under way to improve affordability, I announced a number of new affordable housing measures last week. Together with the new Rebuilding Ireland home loan, a national scheme for affordable purchase is being reintroduced, targeted at households with annual gross income below €50,000 for a single applicant or €75,000 for joint applicants.

The new scheme will be governed by the relevant provisions of the Housing (Miscellaneous

Provisions) Act 2009, which will be commenced shortly. I will then develop detailed regulations covering the operation of the scheme, including eligibility criteria, and I will be happy to consider any views that Deputies may have in that regard. Once the regulations are in place, the elected members of each local authority will decide on the arrangements under which eligible households will access affordable properties becoming available.

The new affordable homes will be delivered by and through local authorities, primarily using sites from their landbanks to leverage the construction of homes for sale at affordable price points. This means that local authorities will now have more options for the development of their sites for mixed-tenure social and affordable housing. Local authority chief executives welcomed these affordable housing measures at the housing summit on 22 January.

The first such homes are being procured by Dublin City Council at O'Devaney Gardens and I have asked all local authority chief executives to submit, by mid-February, an outline of their respective affordable housing programmes from their lands, with a particular emphasis on Dublin, Cork and Galway where the affordability challenge is greatest.

Deputy Barry Cowen: I thank the Minister for his response. It would appear that information is not readily available to add weight to the announcement made. The Minister is simply saying that he hopes there will be recommendations made to him by the relevant local authorities in Dublin, Cork and Galway and that he, in turn, is in the process of developing the criteria that will be applicable. At this stage can the Minister even give an estimate? Is the scheme confined to Dublin, Cork and Galway? Will approved housing bodies have a role or not? When does the Minister expect to be in a position to inform the public about the income criteria that might be applicable? How many units does the Minister envisage being made available as designated affordable units to the cohort of people who find themselves not able to get on to a housing waiting list and who cannot afford a mortgage but who may have a possibility of getting one under this scheme? The Minister needs to put meat on the bones of the announcement he made last week so that people can adjudicate on it and the public can be safe and secure in the knowledge that there are prospects available throughout the country under this scheme.

Deputy Eoghan Murphy: The Deputy asked about the numbers. When I announced the scheme I said that we had identified land and finance for at least 3,000 homes under the affordable purchase scheme, but our ambition is for 10,000 homes. Asking local authorities to identify more land that could be made available for those homes was part of our engagement under the housing summit. The way the scheme is being set up, with local authorities taking an equity stake rather than the discount taken, it will produce a rolling fund for the affordable scheme so they can continue to reinvest in affordable housing. I will explain how we got to the figure of 3,000. Under the local infrastructure housing activation fund, LIHAF, which is the current scheme we are progressing through, between 1,700 and 1,800 homes will be made available. With the €25 million secured in the budget for this year and next some 600 to 800 affordable homes will be made available under the affordable purchase scheme. Some 120 homes in O'Devaney Gardens and 450 units in the Poolbeg strategic development zone project, SDZ may come under the affordable purchase scheme. We also looked at areas such as St. Michael's estate and Oscar Traynor Road, which provide potential for another 210 homes under the affordable purchase scheme. This significant number of units has been identified but the ambition is for more.

We also need to be realistic. If we look back to 2007 we see that the Part 5 affordable scheme delivered over 3,000 homes in that year but it was the only year it went over 3,000

homes. That was during a year when we were building more than 70,000 homes across the State. As we reintroduce affordability, we need to do it in a way that we can scale up quickly while being realistic in our ambitions.

Deputy Cowen asked about the criteria around accessibility. The income limit for a couple is €75,000 and it is €50,000 for a single person. The scheme will be administered through the local authority. I will use the provisions under the 2009 Act and will set regulations off the back of that. As I have said at the Oireachtas joint committee, I welcome contributions. I am hearing differing opinions as to how people might access this scheme. When I spoke with residents about the Poolbeg SDZ they said they wanted provisions made for local people to be able to access the affordable housing scheme. When I spoke with people who were not from the area they said they wanted to make sure they also had access to the scheme. I have met with housing bodies, such as Ó Cualann, to see how they had set eligibility criteria for co-operative housing schemes. We need to bring about a general scheme that will work for the whole country and all these sites. We are not just talking about Dublin, Cork and Galway. I have tasked all local authorities to come back with relevant sites to do this. I welcome any input. We have some time to get the scheme and the criteria right and for the local authorities to roll it out.

Deputy Barry Cowen: I welcome the elaboration. Will the equity stake in the lands constitute on-balance sheet expenditure for the Government? Does the Minister intend to extend the scheme to private lands and, if so, what is the timeframe for that process?

Deputy Eoghan Murphy: The Deputy asked if housing bodies will have a role. They will have a role in this but it will depend on how the relevant local authority wants to build out the land and the purpose it wants to put it to under the affordable housing scheme. Obviously, Ó Cualann is a housing body and Dublin City Council has worked with it already. As such, we know this can work and we know how it could work in future.

On the use of private lands and affordability, we have been able to achieve a greater allowance for affordability on sites which are not necessarily State owned, such as the Poolbeg SDZ. That is a welcome development. From the conversations we have had with local authority chief executives on certain sites that might be coming in as part of developments which are on stream at the moment, there is a prospect of bringing in affordability there as well. One of the challenges I have put to the local authorities with the Minister of State, Deputy English, is that where we have identified land for social housing we then need them to identify what land they can use for affordable housing also.

The Deputy referred to the equity stake. As it is an equity stake, it will come on balance sheet for local authorities and therefore for the general Government debt. However, it has already been counted in the context of the money provided in the budget for the €25 million site service fund.

Private Rented Accommodation Standards

57. **Deputy Eoin Ó Broin** asked the Minister for Housing, Planning and Local Government the actions he has taken since the broadcast of a programme (details supplied) in November 2017; his plans to amend the legal definition of “overcrowding”; his further plans to make it an offence to advertise substandard rental properties including on social media; if increased targets for local authority inspection will be brought forward; and the status of plans for a standard

certification system for landlords. [4855/18]

Deputy Eoin Ó Broin: We were all shocked by what we saw in “Nightmare to Let”, the RTÉ “Prime Time Investigates” documentary which was televised last November. What actions has the Minister taken in the period since then? While the primary responsibility rests with local authorities, they are dependent on legislation. There have been calls for stronger legislation to define “overcrowding” and for greater resources to assist with inspections. I ask the Minister to update the House on actions his Department has taken since November.

Deputy Eoghan Murphy: I thank the Deputy for the question. “Overcrowding” is dealt with in Part IV of the Housing Act 1966, as amended. Minimum standards in rental accommodation apply to all properties let or available to let. Where someone believes that a property is being made available to let in breach of the standards, for example through overcrowding, the matter should be referred to the relevant housing authority. Any person who neglects or refuses to comply with requirements under the Act is guilty of an offence. Fines for non-compliance with the Housing (Standards for Rented Houses) Regulations 2017, which came into force on 1 July 2017, have been increased, with the maximum fine having gone up from €3,000 to €5,000 and the daily fine for a continuing offence increased from €250 to €400.

My Department will be examining amendments to the legislative provisions in relation to overcrowding as part of the Residential Tenancies Board’s change management plan and the preparation of further legislation during the current Oireachtas session. This legislation will also strengthen the RTB’s enforcement functions, for example, by making it an offence for a landlord to contravene the provisions relating to rent pressure zones and providing more protections for tenants.

Inspections are currently carried out by local authorities on a risk-based approach, targeting properties, such as older properties and those with a history of quality problems, that are identified as being at risk of not complying. Provision has been made for an allocation of €2.5 million in 2018 to facilitate increased inspections of properties, with the intention of providing further increases each year in the period to 2021 to enable targeted inspection coverage of 25% of rental properties annually, which is to say every property will be inspected once every four years. My Department will be writing to each local authority chief executive shortly with a view to agreeing increased inspection targets and developing implementation plans to achieve these. These will build, in particular, on the inspection arrangements that apply in relation to properties in which there are tenancies supported under the housing assistance payment scheme. In addition, a landlord accreditation scheme to educate landlords on best practice and their rights and responsibilities is being developed by the Residential Tenancies Board. It is also intended to change the requirements for registration with the Residential Tenancies Board to require landlords to certify that their property is compliant with these standards.

Deputy Eoin Ó Broin: I assure the Minister that this is an issue on which we all want to work on a cross-party basis. In the debate we had last year, there was very strong agreement across the Chamber on the actions required. While I understand fully the provisions of the 1966 Act, we are being told by city and county managers that they are simply not strong enough. I sent the Minister and the chief executive of Dublin City Council an email in December 2017 listing properties being advertised but which were clearly not of an acceptable standard. I received a reply earlier this year from Dublin City Council to say it had inspected all of those properties and while the authority believed there were not acceptable, they were not in breach of the 1966 Act’s provisions on overcrowding notwithstanding the presence of multiple bunk

beds in kitchen facilities or other rooms. I urge the Minister to bring forward an amendment to the overcrowding provisions in the Act as soon as possible. If he does so, he will have our support to put it through the House.

I turn to local authority inspections. There are some local authorities which currently inspect at a 20% plus rate. I accept and welcome the fact that the Minister is seeking to increase that rate across all local authorities, but 2021 is too far out, in particular for those areas where there is a heavier concentration of substandard properties. I ask the Minister to consider bringing forward that increase so that we move towards the 25% inspection rate at an earlier date than 2021.

Deputy Eoghan Murphy: I accept the Deputy's bona fides absolutely on this and when it comes to us all wanting to work together to ensure we get better standards for tenants. What we saw in the RTÉ exposé were human rights abuses perpetrated in our country against people who were not able to defend themselves. One of the things we have looked at with the Residential Tenancies Board is to see how we can make it a strong and independent regulator whereby the onus is no longer on tenants to have to report these crimes. That is priority legislation in this session, as the Deputy will have seen. We are going to progress it with two Bills. When we refer to a two-year change management plan it is not that we are waiting until two years have passed for everything to be done. We are actually doing it over the course of two years based on the priorities as we see them.

I am glad to hear that the properties the Deputy listed for the local authority were inspected and I take his point on the current regulations and legislation not being tough enough. Things have changed since 1966, of course. That is why we are looking to strengthen provisions on overcrowding, both in terms of its legal definition but also in terms of the enforcement actions and sanctions applicable in such circumstances. We have to ensure the legislation is strong enough to constitute a proper deterrent to criminals using their properties in this way. Currently, it is not. That is why it is our priority. It is also a priority to get annual registrations of tenancies to get that certification process in at the same time.

Deputy Eoin Ó Broin: I thank the Minister. In *The Irish Times* today, Jack Power has a very good article listing a range of properties which are being advertised this week on a variety of social media websites primarily targeting foreign language students and migrant workers, although the substandard accommodation issues do not only occur in those sections of the rental market. I recommend strongly that the Minister also considers in the context of forthcoming legislation making it a criminal offence for online platforms to advertise properties which clearly breach regulations. That would not only put the onus on the Residential Tenancies Board but also on *www.myhome.ie* or *www.daft.ie* to be compliant and prevent their platforms being used to advertise properties which the photographs submitted clearly show are substandard. That would also strengthen the regulations. I urge the Minister to bring forward this legislation to committee as quickly as possible. It is important this is got right because there are, unfortunately, far too many individuals and families out there living in overpriced substandard accommodation. If everyone in the House wants to tackle that, the sooner the legislation is here, the sooner we can give tenants and the law-abiding landlords being undercut by such practices the support they deserve.

Deputy Eoghan Murphy: We must increase inspections. That is what the funding commitment between now and 2021 is about. We want to get to a point where a property is inspected once every four years approximately. When it comes to a housing assistance payment tenancy,

we have a much narrower timeline than that. In that case, the property must have been inspected in the previous 12 months or is to be inspected in the following eight months. That is a good protection in the context of the money the State is providing. It is also important to recognise the great utility of a risk-based inspection programme. It allows us to identify properties which are prone to overcrowding because they have been used that way in the past, or to identify properties using social media and other channels. It means that when we go to inspect those properties, it actually helps people who are suffering in those situations. That is why when we look at the figures for compliance based on the inspections that have been taken according to this at-risk inspection model, we find a high rate of non-compliance.

I have raised the issue of social media and language students with officials. It will require having people with the right language skills in Portuguese and so on to read these advertisements and to help with inspections. On the Deputy's proposal to make it an offence for platforms to advertise or to place an obligation on them to regulate what is advertised, I would not see a problem if it is about professional property or letting platforms. It would be difficult to achieve that through normal social media channels like Twitter or Facebook, however. I am not against pursuing that course of action and I will look at it.

Repair and Leasing Scheme

58. **Deputy Barry Cowen** asked the Minister for Housing, Planning and Local Government the number of units provided through the repair and leasing scheme; his proposed changes to the scheme; and if he will make a statement on the matter. [4831/18]

Deputy Barry Cowen: The repair and leasing scheme was wholly inadequate last year, which resulted in a very poor take up. That was not lost on Members of the House, who were quick and constant in their efforts to point it out to the Minister. The Minister said towards the end of last year that he was revising the scheme and providing new criteria to ensure it has the desired effect. Can he elaborate on what changes he has made or is making to the scheme so it will be more successful in the near future?

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): The Deputy has raised this matter on a few occasions. I agree it is a scheme we had hoped would work better. However, it is a demand led scheme. It was a carrot to the sector to bring housing forward by providing access to finance to bring vacant properties to the market. While my Department is currently finalising detailed output data across each of the social housing delivery programmes in 2017, it is already clear that the repair and leasing scheme, RLS, has not yet delivered the level of new social housing homes envisaged.

At the end of 2017, a total of 820 applications had been received under the scheme. Local authorities were engaging with the property owners on 573 properties, 31 lease agreements have been signed and nine homes have been tenanted.

The Minister, Deputy Eoghan Murphy, has reviewed the operation of the scheme, as part of the review of Rebuilding Ireland, and has concluded that the scheme has significant potential but there are areas where it can be improved to make it more attractive and effective. We all probably agree on that. At the housing summit last week local authority chief executives were advised that, from 1 February, a number of key changes are being made to the scheme. These include a reduction in the minimum lease term required from ten to five years and increasing the

proportion of market rent available to property owners where they take on more responsibilities under the tenancy, meaning that up to 92% of market rent will be available. Previously, it was only 80%. Now, if one takes on more responsibility it is up to 92%, which is much more attractive. There is also the provision of additional funding for property owners, over and above the current €40,000 limit, where the dwelling is a bedsit type dwelling being brought into compliance with the standards for rented houses regulations and being made available for social housing.

The Minister is making €32 million available for the scheme in 2018 and I expect local authorities and approved housing bodies to continue to implement the scheme locally and to achieve the target of 800 new properties this year. At the housing summit we asked for the support of local authorities to drive this forward and I have repeatedly asked all parties in the House to help us to drive it. It is an attractive scheme and I believe we have made it more attractive. It is a good scheme to bring forward housing stock at a good cost to the State. Hopefully, there will be greater take-up in the year ahead.

Deputy Barry Cowen: I am glad some changes have been made, although I do not know if they go far enough. Can further recommendations be made by other Members of the House to try to improve the scheme? The figure for last year was 800 too, and it proved illusory. There are only 31 leases and nine properties tenanted from the scheme. The Minister is aiming for 800 again this year. Is he satisfied that the two changes he mentioned - the reduction in the term and 92% of the market rent rather than 80% - are sufficient? Are they the key factors attributed to the failure last year?

Deputy Damien English: I agree that the figures were ambitious, but rightly so. There is potential for the scheme and there was potential for it last year as well. The prediction of 800 this year is realistic when one considers that over 550 applications are in the system and are waiting to be processed, so we can reach the figure. The changes are sufficient. The biggest deterrent, as we found from feedback from interested applicants and from Members of the House, was the issue of ten years. People felt it was a long time to commit to the scheme. The five-year term should solve that. The other issue was the amount of rent available. Up to 92% of the market rate is more attractive. Also, some people still strongly believe that this is not a good enough return for them. I should stress that this scheme was introduced to help people who could not access finance in some other way to make their housing stock available. It is not about meeting everybody's desires but to encourage people who own these properties but do not have an income or cash to bring them forward. We believe the changes we are making should make the scheme more attractive and help us achieve the target of 800 units this year and into the thousands over the next three years. However, it will only work if we promote it. We will try to promote it again. It is a way to bring vacant properties back into use. We all agree with the concept and I ask for the Members' support in getting the message across. It is a good scheme, and it has been improved.

Deputy Barry Cowen: If the investigation into the failure of the scheme was thorough, the Minister might be able to clarify if the 700 applicants who were refused have been informed of the new process or new criteria. How many of them will meet the new criteria and how many can we expect to be successful as a result?

Deputy Damien English: In case I gave the Deputy misinformation, it was not 750 refused. There were 850 applicants. Some 573 are still going through the process and over 40 have gone through it. A couple of hundred did not pass the test. In most cases, it was that after they

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engaged and made the applications there were parts of the scheme they did agree with or the application did not pass the social housing requirement test, that is, it was in an area where there was no demand for it. In some cases, the house would have needed much more than €40,000 spent on it, or it would not have been suitable. Those people were encouraged to sell the house, perhaps to the local authority. In some cases where it would not have been viable it would have made more sense to buy the property because, given the value of the property, it would not have been worth entering the scheme.

However, they have not been notified yet, as far as I am aware. This was only discussed and agreed at the housing summit and the Minister, Deputy Eoghan Murphy, made the announcement afterwards. It is something we could consider. It would make sense to re-engage with the people who expressed an interest so we will do that on foot of today's discussion.

Local Infrastructure Housing Activation Fund

59. **Deputy Richard Boyd Barrett** asked the Minister for Housing, Planning and Local Government his plans to revert to the original proposal with regard to LIHAF funded developments as set out in circular PL 10/2016 of 26 August 2016, which required an affordability dimension for each site such that a minimum of 40% of homes were to be affordable; his further plans to ensure that affordable is defined so that they are accessible to those on low and middle incomes; and if he will make a statement on the matter. [4682/18]

Deputy Richard Boyd Barrett: When the Minister introduced the local infrastructure housing activation fund, LIHAF, which is a subsidy to private developers to open certain sites, the initial circular indicated that we would get 40% of any LIHAF supported development in affordable housing and that affordable would mean, in Dublin, a price of no more than €300,000. Within a month of that announcement the Minister, I suspect under pressure from developers, abandoned that, so we now do not know what affordable will mean in a number of sites and what percentage we will get, although the signs are that in many places it will be utterly negligible. What is the Minister going to do about that?

Deputy Eoghan Murphy: The primary aim of LIHAF is to stimulate and accelerate the early release of land for housing in urban areas with large demand, by opening up these lands with key enabling public infrastructure that would otherwise not be provided in the short term.

It was initially proposed that a capped price point would be set on a percentage of the housing. However, in consultation with local authorities, it was considered that setting a cap in 2016 for housing that would be developed up to 2021 and beyond was problematic and would have adversely impacted the commercial viability of some sites, with consequential negative impacts on overall supply. Accordingly, a second option was put in place where a cost reduction related to the LIHAF contribution could be spread over the housing development as a whole, reflecting in a lower price for buyers, or aggregated to provide a smaller number of more affordable units.

I have signed grant agreements in respect of 29 projects that were approved in principle last March and, in a number of these, local authorities have secured agreements from developers to aggregate LIHAF deductions to provide more affordable housing under qualifying criteria to be set in line with national policy on affordability, the affordable purchase scheme.

There will also be a social housing dividend from all the LIHAF sites, together with addi-

tional social and affordable housing to be provided on the State-owned sites. Regarding the 29 approved projects, and subject to the planning process, it is estimated that approximately 3,000 of the 18,000 new homes to be released by this enabling infrastructure will be for social housing purposes and a further 1,500 will be affordable homes.

Some 70% of approved sites are projected to have housing available at €320,000 or less, based on 2017 prices. With regard to the Dublin region, I have asked the local authorities to seek to provide as much affordability as possible on related sites and many of the projects in Dublin will have some starter homes for sale in that price range as well as more affordable housing.

Deputy Richard Boyd Barrett: The Minister always talks about social mix. In fact, his housing policy is one of social cleansing. In huge areas of Dublin his failure to secure adequate social and affordable housing on the developments taking place mean that people on low and middle incomes are being cleansed from, or driven out of, those areas due to the unaffordable housing. Cherrywood is a LIHAF supported development. Last October, Hines Real Estate Ireland Limited, the developer to which the Government sold that site for a song, offered the social housing element at the following prices: €243,000 for a one-bedroom unit, €358,000 for a two-bedroom unit and €442,000 for a three-bedroom unit. It is completely unaffordable. That was the discount price for the Part V element. There is no commitment to any level of affordability on the Cherrywood site and no idea of what the percentage of affordable housing will be. This is despite the fact that the Government provided €15 million in LIHAF funding. The Minister has allowed these guys to get away with murder and the effect is that people in the area on low and middle incomes, up to €40,000 or €50,000 per year, will not be able to buy houses on that site, even though it was a public site and it is subsidised with LIHAF funding. What is the Minister talking about?

11 o'clock

Deputy Eoghan Murphy: It is important to understand the purpose of the LIHAF funding, which is to have the very large land banks, with over 500 homes per site, opened more quickly and to ensure the public money is returned in a lower cost of houses or an affordable purchase scheme such as I have announced. If one looks at the 1,800 homes which will be built on the 29 sites, on which I have signed off, 50% of them will be sold at less than €320,000. Some 4,500 units will be social and affordable housing, 5,900 units will benefit from a LIHAF reduction, while 7,700 will be sold at market rates. At the end of October 2017, the median price in the greater Dublin area was around €340,000. Thousands of homes will be built - both social and affordable housing - and benefit from a LIHAF reduction, with the remainder being sold at market prices. The Deputy's language is grossly exaggerated. If we consider how we might otherwise have used the €200 million, had we used it directly, we would have only built a few thousands units. In this way we will see at least 18,000 homes being built as private, social and affordable housing. There is a dividend for the State in the provision of 4,500 social and affordable homes, with 5,900 units being sold with the benefit of a LIHAF reduction. Some 50% of the 18,000 homes on the 29 sites on which I have signed off will be sold for less than €320,000.

Deputy Richard Boyd Barrett: Two people - a couple - earning €40,000 each can only borrow €312,000. I have just told the Minister about a LIHAF supported development in which two-bedroom units are being sold back at a discounted rate of €358,000, up to €442,000. They are not affordable for the average person who will be cleansed from the area. The local council only has plans to provide just over 1,000 social houses. People on those earnings cannot

get onto the housing list because the Minister will not raise the eligibility thresholds. Middle income workers in swathes of Dublin, including the Minister's constituency and mine, Dublin South and Dublin Bay North, will be cleansed from these areas. There will be no social mix and it is social cleansing because nothing is being offered to middle income workers at levels they can afford because the Minister has left developers off the hook.

Deputy Eoghan Murphy: It is important when considering the Government's policy on the affordability of housing not to look at any one housing policy in isolation. It is important not to look at LIHAF funding only but also at what we are doing with affordable purchase schemes, the Rebuilding Ireland home loan scheme and the different things we are doing to reduce the cost of development. The Deputy likes to focus on one particular site and say it is not working for the taxpayer-----

Deputy Richard Boyd Barrett: Which is true.

Deputy Eoghan Murphy: -----but all of the evidence is that LIHAF is working for the taxpayer. On the numbers the Deputy gave in his example, the couple would be able to afford to meet the minimum price of €348,000 he mentioned if one were to take into account their combined gross earnings, the size of the loan they could take out, the deposit they would have to have, plus any assistance they would receive to buy.

Deputy Richard Boyd Barrett: From the bank of mum and dad.

Deputy Eoghan Murphy: No, I am not talking about the bank of mum and dad but about their own savings and the help to buy scheme which the Government has introduced. The affordability measures are working. Look at what LIHAF is trying to achieve and what it will achieve with State funding. We will get a much bigger bang for our buck than if we had invested the money directly. Furthermore, thousands of homes are being built on sites that may not have been built on until 2021 had we not put the funding in place. That is what is being delivered by LIHAF. It is increasing supply and there is also a claw-back in terms of affordability. Not every LIHAF project that was to be commenced is being followed through. In some instances, the developers are proceeding without the local authority or Government assistance and as a result there will be no affordable housing units on those sites. The LIHAF funding will help to secure affordability in parts of Dublin where previously there would not have been affordable homes available.

Approved Housing Bodies

60. **Deputy Mick Wallace** asked the Minister for Housing, Planning and Local Government the amount paid to approved housing bodies to date in upfront or accelerated CALF funding; the amount of interest that to date has been paid back on these loans; the amount of principal loan funding that to date has been paid back; and if he will make a statement on the matter. [4846/18]

Deputy Mick Wallace: There is much interest in and concern about how the Minister is dealing with the housing crisis. On social housing, why has the Government anointed and funded approved housing bodies to deal with the shortage of social housing stock? With regard to capital advance leasing facility, CALF, funding, how much has been loaned and paid back and how much does the Department expect to get back in the long term?

Deputy Damien English: The Government is committed to supporting approved housing bodies, AHBs, to contribute to the delivery of social housing. The purpose of the capital advance leasing facility, known as CALF, is to provide AHBs with a small amount of loan capital to assist them in securing other loan finance for the purchase, construction or refurbishment of new social housing homes. The loan facility can support up to 30% of the eligible capital cost of the project where the units will be provided under long-term lease arrangements, known as payment and availability agreements, for local authorities for social housing use. A nominal interest rate of 2% fixed per annum is charged by the local authority on the initial capital amount. Repayments on either the capital or interest are not required during the term of the loan, although where an AHB chooses to, repayments can be made during the term. No such repayments have been made to date. At the end of the term, the outstanding capital amount, plus the interest accrued, is owed and repayable to the local authority.

In recognition of the shift in investment required by AHBs towards construction of new units, my Department introduced upfront or accelerated CALF payments in 2015, a change to the scheme which was launched in 2011, which allows for the drawdown of funds prior to a project starting on site. Up to 95% of the approved CALF funding can be drawn down as specific milestones are achieved, while 5% is held back until the payment and availability agreement is signed. The use of funding in this way provides more funding certainty for AHBs, particularly on construction projects. There are 42 projects that have received approval for accelerated CALF payments, amounting to over €63 million in capital advances.

Deputy Mick Wallace: I do not know who in the Department negotiates with approved housing bodies, but I would not mind setting up my own charity and arranging a meeting with them.

Deputy Damien English: The Deputy is welcome to do so, if he meets all of the criteria.

Deputy Mick Wallace: As the Minister said, by way of CALF the Department provides 30% of the funding upfront for a private organisation to purchase housing units. From what I can see, the loan is unsecured, with a 2% interest rate over a 30-year term. It is understandable organisations are not queueing up to repay during the term of a loan. Even after the 30-year period, there is no concrete repayment option. There are four vague possibilities as to how the money should be repaid to the housing authority but from the guideline notes I have read, it seems as though the housing authority does not think anyone will be around in 30 years time to collect the money; therefore, they are not too worried about it. In effect, the Government is paying one third of the building cost of the units, retains no claim on the properties and will then pay once again to rent the properties back from the approved housing body. Having spent some time in the construction industry, I can say it is not a great business model to pay for something, to give it away and then rent it back. I understand the pressing need to provide social housing units, but the Minister should address the matter of ownership and say why he believes the State giving up ownership of housing infrastructure for which it is paying is a good idea.

Deputy Damien English: I disagree with the Deputy. It is a good scheme and makes financial sense if we can stretch our capital budget and by putting up 30% of the cost it results in a 100% spend on a house which is to be delivered, but it is only part of the solution. Every time I engage with local authorities I stress that they are central to the delivery of social housing. They are the key players. Approved housing bodies engage and work with them to go through every housing project, with the Department's housing agency. They are allocated about one third of Rebuilding Ireland's expenditure for housing delivery in conjunction with the local authorities.

It is, therefore, a good scheme. We will get our money back and expect to do so. All of the approved housing bodies go through the regulator. The Deputy claims that it is easy to step in and he is welcome to do so if he engages with the regulator and passes all of the regulations, but, in fact, it is not that easy to pass all of the tests. To ensure the money is secure, there is a tough regulation process to be gone through. At the end of the 25 or 30 year period, the outstanding CALF loan interest must be paid. The AHB may decide to sell the homes and repay the moneys owed to the housing authority, given that at that stage the asset should have a considerable residual value, and may wish to invest elsewhere. It may wish to realise some of the residual value of the properties and secure a further private loan to invest in homes and repay the housing authority or it or the housing authority may decide to enter into another leasing agreement. There are many options, but the money is secure because it is the same as a loan facility.

Deputy Mick Wallace: I find it interesting that charitable, not-for-profit approved housing bodies are very good at making profits. When one considers the amount of State aid they receive, they would have to work very hard not to make a profit. Take Cluaid, for instance. It made a profit of over €6 million in 2016. Its rental income is €16 million and it has reserves of €74 million. It is sitting on a portfolio of almost 6,000 units which it values at €615 million. In three years time, thanks to schemes such as CALF, it plans to own well in excess of 8,000 units, on many of which, the local authority will pay 92% of the market rent. This, in turn, will be topped up by the tenants' differential rent payments. In most cases the charitable approved housing body would be getting more than the market rent. The private sector could not compete with these fellows. We are paying the deposit and the mortgage and the Government is giving the units away. In that context it is not surprising that the Central Statistics Office, CSO, and EUROSTAT want approved housing bodies to go on the balance sheet. Approved housing bodies manage their stock well and manage their tenants well, but I still wonder why the Department is so allergic to building and owning social housing. The Minister has said that local authorities are central to it. I can tell him that the local authority in Wexford has been sidelined and the approved housing bodies are running the show. It is costing us more, and it could be done cheaper through the local authority.

Deputy Damien English: I want to stress that the local authorities are the key players for social housing. The approved housing bodies are part of that and are working with us and our local authorities to deliver quite a lot of social housing into social housing stock. They have a proven track record. I am not sure if the Deputy is trying to insult them or compliment them. He seems to be confused in his comments. They are doing very good work in most cases, in conjunction with local authorities.

Deputy Mick Wallace: We are overpaying them.

Deputy Damien English: For the record, I have asked our councils and local authorities to engage more with them, because the approved housing bodies cannot bring any project forward without the co-operation of the local authorities. They work through them, with our Department and the agencies. I want to be clear on that. The Deputy should not tell me that they are taking over local authorities or that local authorities have been sidelined.

Deputy Mick Wallace: They are in Wexford.

Deputy Damien English: They are part of it and have to work in conjunction with local authorities. I have to stress that they provide very good value, and our commitment under the 30% target is about €63 million. We are getting a large amount of housing stock for that. One

can look at the figures that have been delivered over the past year in terms of the housing targets. This year there will be in excess of 2,000 houses, in 2019 there will be 2,000 houses and in 2020 there will be 2,600. The figures are quite good. They are delivering. This is money well spent, in my view, and I disagree with the Deputy when he tries to slag them off.

Other Questions

An Leas-Cheann Comhairle: We now move on to ordinary questions. The first question is from Deputy Bríd Smith, and permission has been given to Deputy Boyd Barrett to speak on it.

Home Loan Scheme

61. **Deputy Bríd Smith** asked the Minister for Housing, Planning and Local Government the way in which the proposed home loan schemes and affordable purchase scheme will impact on the present housing crisis in view of the average industrial earnings of most persons; and if he will make a statement on the matter. [4581/18]

62. **Deputy Kevin O’Keeffe** asked the Minister for Housing, Planning and Local Government further to Question No. 235 of 17 January 2018 and the announcement of the introduction of the new Rebuilding Ireland home loan scheme, his plans to amend this loan scheme to include persons who are not first-time buyers due to changed circumstances (details supplied). [4340/18]

85. **Deputy Aindrias Moynihan** asked the Minister for Housing, Planning and Local Government if under the Rebuilding Ireland home loan scheme, particular targets for the uptake of the scheme will be set for particular geographic areas of the country; and if he will make a statement on the matter. [4566/18]

92. **Deputy Fergus O’Dowd** asked the Minister for Housing, Planning and Local Government the number of expressions of interest there have been in the new local authority home loan scheme. [4567/18]

96. **Deputy Ruth Coppinger** asked the Minister for Housing, Planning and Local Government if he will report on the implementation of the Rebuilding Ireland home loan scheme; the estimated number of mortgage loans to be availed of; and if he will make a statement on the matter. [4571/18]

117. **Deputy Paul Murphy** asked the Minister for Housing, Planning and Local Government if a review of the Rebuilding Ireland home loan scheme to improve its affordability will be considered; and if he will make a statement on the matter. [4573/18]

118. **Deputy Mick Wallace** asked the Minister for Housing, Planning and Local Government his views on whether the new local authority mortgage scheme will lead to an increase in house prices, particularly in the bracket of €250,000 to €400,000; the number of mortgages he expects to be delivered through the scheme; and if he will make a statement on the matter. [4576/18]

Deputy Richard Boyd Barrett: To carry on with the discussion we had earlier, the Minister is not acknowledging the facts. Cherrywood is a strategic development zone. The Luas was extended to Cherrywood to develop the city. I am telling the Minister that we have no percent-

age in terms of affordable housing units in these schemes and have no figure on what constitutes affordable housing. The offer made by Hines, the company the Minister flogged the site to, is way in excess of anything that any of the announced schemes will assist people in purchasing. We are not getting any affordable housing that is actually affordable on one of the biggest development sites in the State on a site that is funded by the local infrastructure housing activation fund, LIHAF, and which we flogged for a song via NAMA. What is the Minister talking about?

Deputy Eoghan Murphy: I propose to take Questions Nos. 61, 62, 85, 92, 96, 117 and 118 together.

Last week, I announced a package of initiatives, to help alleviate affordability pressures faced by households, particularly in areas of high housing demand and high accommodation costs. A central element of the measures involved is the introduction of a new Rebuilding Ireland home loan. Following a review of the two existing local authority home loan schemes, this new loan offering will replace the previous loans and will be available with effect from tomorrow, 1 February 2018. The new loan will enable creditworthy first-time buyers to access sustainable mortgage lending to purchase new or second-hand properties within a suitable price range. The low rate of fixed interest associated with the Rebuilding Ireland home loan provides first-time buyers with access to mortgage finance that they may not have otherwise been able to afford at a higher interest rate. To extend the Rebuilding Ireland home loan to those who are not first-time buyers would mean that first-time buyers would have to compete for the limited funding available with those who have previously owned a home and who may have already benefited from some form of State support in purchasing their first home.

The Housing Finance Agency, HFA, has raised €200 million from a variety of sources on a fixed rate basis for periods out to 30 years maturity. Based on the pricing achieved, local authorities can offer a first tranche of fixed rate annuity finance to eligible borrowers at rates of 2.0% and 2.25% per annum, for 25 and 30 years, respectively, up to an aggregate maximum of €200 million. What this means essentially is that a person or couple can purchase a home while ensuring that they can still keep their monthly repayments to one third of their net disposable income with no risk of their mortgage rate rising and therefore no threat to their ability to afford their repayments, giving them certainty and security. By placing ceilings on the value of properties that may be purchased and by aligning the terms of the loan with the loan-to-value elements of the Central Bank prudential lending rules, any possible inflationary impact on the market is limited.

The funding is not allocated to individual local authorities but rather will be drawn down by local authorities from the HFA to match-fund their lending to approved loan applicants. Further tranches of loan finance can be secured by the HFA as necessary. As is currently the case, my Department will continue to publish information on the overall number and value of local authority loans on its website.

The website www.rebuildingirelandhomeloan.ie has been live since 21 January and contains full information on the loan, including eligibility criteria, interest rates, a borrower information booklet, a calculator and details on how to apply for the loan, including the application form. A call centre has also been put in place to deal with queries.

In addition to the new home loan, I announced the introduction of a new affordable purchase scheme which will be governed by the relevant provisions of the Housing (Miscellaneous Provisions) Act 2009. I will be commencing these provisions and making associated regulations

outlining the criteria for the scheme in the coming weeks. Under the scheme, affordable homes will be delivered by local authorities, primarily using sites from their landbank to leverage the construction of homes for sale at affordable price points. This means that local authorities will now have more options for the development of their sites for mixed tenure social and affordable housing. The first such homes are being procured by Dublin City Council at O'Devaney Gardens and I have asked all local authority chief executives to submit, by mid-February, an outline of their respective affordable housing programmes from their lands, with a particular emphasis on Dublin, Cork and Galway, where the affordability challenge is greatest.

Deputy Richard Boyd Barrett: The Minister has not answered the question. We were told earlier that the 40% target for affordable housing on sites by the local infrastructure housing activation fund, LIHAF, was abandoned because it would affect commercial viability, that is, the profits of the developers. Affordability was abandoned. Neither the Minister nor Dún Laoghaire-Rathdown County Council can tell me what percentage of affordable housing we will get back from LIHAF on, I repeat, one of the biggest development sites in the State, nor can the Minister tell us what the price of so-called affordable housing will be. Let me remind him and correct him on what he said earlier. Two people earning €75,000 between them can, including a deposit, borrow €288,000.

Deputy Eoghan Murphy: Those figures are different from those the Deputy gave earlier.

Deputy Richard Boyd Barrett: Two people on €40,000 would not qualify for the Minister's scheme. That is €80,000. It is over the threshold so they would not qualify. Two people just inside the threshold can borrow €288,000. Average house prices in Dublin are €350,000. I have just quoted what Hines is offering, which is two bedroom homes at €358,000 and three bedroom homes at €442,000, so this scheme will not allow those people to buy houses that we are supporting with State subsidies.

Deputy Eoghan Murphy: The figure of 40% in the original circular was not going to work in terms of getting the sites opened up in time. Instead we have a commitment for affordable houses, in terms of a reduction across every unit on the site or a carve out of a certain number of homes that will roll into the affordable purchase scheme I announced last week. The eligibility criteria applicable to that is an income of €75,000 for a couple or €50,000 maximum income for a single applicant. Using the LIHAF funding, that means that we will have more than 4,000 social and affordable homes across those 29 sites that have already been agreed. There will be an additional 5,000 more homes with a LIHAF cost reduction, and another 7,000-plus which will be sold at market prices. If we look at the 18,000 homes in their totality across the 29 sites that have been agreed, 50% of those homes are going to come in at less than €320,000, which is very significant in terms of what we are getting for the State investment. If we were not making this investment, it is possible that none of the 18,000 homes would be built until after 2021. We are bringing forward the development of these sites by essentially paying the development levies and getting these sites opened up using important strategic infrastructure. As a result we are getting homes built that will be for sale on the private market, but also a significant number of homes for social and affordable housing.

Deputy Kevin O'Keeffe: I have different issues in terms of the Rebuilding Ireland home loans. I welcome the package in principle, and I wish to acknowledge the local authorities and the number of people they have helped get on the housing ladder over recent years. I want to talk about people who had mortgages but for various reasons lost them. A good example would be a person who lost his or her mortgage because of the financial crisis. People had big mort-

gages then. Family separations or people who are still on an income rate which is too low for the banks are other examples. Can we make a special case for people who are prepared to go back into the housing market and own their own house? Can those people be considered under this package? These people have the income but cannot go back to the banks. They would have a good credit rating. It is ironic that developers who became bankrupt and went across the water for a few years were able to come back with a clean sheet, while the people in question will be carrying a black tag over their heads with the credit rating agencies for the rest of their lives. Could an option be included in the scheme to provide for an exemption to enable them to get a loan from their local authority?

Deputy Eoghan Murphy: I thank the Deputy for his question. I also thank him for welcoming the Rebuilding Ireland home loan scheme. We had staff prepared to deal with queries in a call centre for two weeks but after the first day of operation of the loan scheme we had to double the number because of the level of interest among the people telephoning the helpline to ask questions about how they could apply and whether they qualified for the scheme. There is a great deal of interest in it and we expect a considerable take-up. The first tranche of funding for the scheme is €200 million. As we draw down from it, until there is €50 million left in it, the Housing Finance Agency will go back to the market to build a second bundle, a second fund, which will then be released as part of a second tranche which is likely to be at a higher fixed rate but only slightly than, say, the 2% rate for 25 years. A person who has undergone a family separation or divorce is eligible under the scheme. If someone is in receipt of State payments, they can be considered as part of his or her income contribution, but a person must have a primary source of income that is not a State payment. We are reviewing the scheme in so far as the first tranche of funding is concerned. We are logging all of the different queries to the call centre and the different issues people are raising as to what they can and cannot do. The scheme will be demand driven in terms of the number who apply and are successful. As the funding is drawn down we will see what might need to be changed for the second tranche, the second phase of the scheme, in terms of the eligibility criteria.

An Leas-Cheann Comhairle: The next Member who tabled a question in this grouping is Deputy Aindrias Moynihan.

Deputy Aindrias Moynihan: On the face of it, the home loan scheme appears to be attractive. It must be welcomed as a great number of people trapped in the €40,000 to €70,000 income bracket are under great pressure in trying to buy their own home. The scheme offers them an opportunity to do so. The Minister has acknowledged that the funding will be limited to approximately 1,000 applicants who will be able to avail of the first tranche of funding for the scheme. He has identified that the affordability gap is greater in Cork, Galway and Dublin. Is it envisaged that once the scheme is open, there will be a scramble to be in the first 1,000 loan applications which will be snapped up immediately in these areas or will it be steered throughout the country to allow for more balanced regional development? Will the applications be dealt with on a first come first served basis? The Minister mentioned a second tranche of funding for the scheme. When will it come to pass? Will it come on stream as soon as the first tranche is used, or has the Minister set a timeline for it? We need to obtain clarification in that regard? There is pent up demand for the scheme. It appears that it could help, but it will be very limited in providing funding for the provision of 1,000 homes only.

Deputy Eoghan Murphy: I thank the Deputy for his question. This was something we considered when we were designing the loan scheme, namely, whether bundles or targets would be given to each local authority, but we thought it might interfere with some of the decisions the

credit policy committees would have to make on loan applications in trying to meet their targets or draw down what might be seen as a limited amount in the particular local authority area. It is not confined solely to Dublin, Cork and Galway or certain parts of the country. It is up to every local authority to administer the scheme based on the number of applications it receives. We are not going to wait for the fund to run out before we build up a second fund to allow a continuation of the scheme with whatever changes we might deem to be necessary based on how the first phase of the scheme had operated. The Deputy is right in pointing out that the fund of €200 million for the scheme will I hope result in the achievement of 1,000 mortgages for families and individuals. When the level of the fund is at approximately €50 million, the Housing Finance Agency will build a second fund. The total for local authority mortgages amounts to just under €1 billion. The total mortgage market in Ireland is about €99 billion. The sum of €200 million is small and limited in the scheme of things, but there is scope to build it, depending on the level of demand. The scheme will be demand driven. We are depending on the local authorities to administer it efficiently. The Housing Agency and the Housing Finance Agency will act as a backstop to help in reviewing difficult cases, engage in due diligence and everything else. There is a timeline built in for each of the credit committees to make its decisions, but there will be a turnaround time of four to six weeks for applicants.

An Leas-Cheann Comhairle: Deputy Mick Wallace has also tabled a question in this grouping.

Deputy Mick Wallace: The way we supply housing in Ireland is a disaster. It is incredibly expensive. For all practical purposes, too many aspects are unregulated. Most of the measures the Government introduces amount to a further subsidising of the industry, which does not help to bring down prices. When he appeared before the housing committee, Mr. Dick Brady told us that the council had land in Dublin which the State owned on which to build 45,000 units. If there is a site with the capacity to provide 100 houses or apartments, why does the Government not approach the builders and ask which of them will provide 20% of them as social housing and 30% as affordable housing - they could keep the remaining 50% as private housing - and what the would cost be? Is it prepared to do business? It will not challenge the way the industry is operating, unless it has a direct proactive place in it. From what I can see, it does not have the appetite for it, which beggars belief. As I said to the Minister previously, things are going to get worse before they get better.

An Leas-Cheann Comhairle: We will hear a final response from the Minister.

Deputy Eoghan Murphy: I understand the Deputy's interest and recognise his knowledge in this area, but he complains about the cost of house-building and also about the lack of regulation. As someone who comes from the sector, he knows that the more regulation there is the greater the cost burden on builders.

Deputy Mick Wallace: More regulation does not increase-----

Deputy Eoghan Murphy: I do not understand the contradiction in the point made by the Deputy. He should not look at any one measure in isolation. The Rebuilding Ireland home loan and affordable purchase schemes are only part of the affordability measures we have introduced. To date, we have introduced the An Bord Pleanála fast-track process to remove time and costs from the process for developers. It is proving successful so far. Thousands of applications are already before the board and many thousands are waiting to come before it with sites to provide more than 100 homes or more than 200 bed spaces. We also have the local

infrastructure housing activation fund, LIHAF, which Deputy Richard Boyd Barrett and I discussed earlier. It provides for the use of €200 million in the first phase and €50 million in the second phase from a direct Exchequer funded fund to have up to 21,000 homes built on sites across the country. We have a national turnkey campaign to do exactly what the Deputy spoke about - going to builders and developers to say to them that if they build on a site, we will be willing to buy a certain percentage from them as social and affordable housing in order to have a mix of housing. If the Deputy looks at the public land on the Rebuilding Ireland land map which is available online, he will note that one third of it has been allocated for social housing. We know that on the remaining two thirds we can build social and affordable housing, as well as private housing, to have a mix as we look to the future. That is work the Minister of State, Deputy Damien English, and I are doing with the new building unit in the Department and the new land management group.

Rental Sector Strategy

63. **Deputy Barry Cowen** asked the Minister for Housing, Planning and Local Government when the pilot project on affordable rental schemes will be launched; and if he will make a statement on the matter. [4546/18]

83. **Deputy Jan O’Sullivan** asked the Minister for Housing, Planning and Local Government his plans to develop a cost rental model of public housing; when the expert group on same will report to him; his further plans to ensure the sites in the ownership of local authorities that have been identified as suitable for housing will be prioritised for social and affordable housing; and if he will make a statement on the matter. [4336/18]

Deputy Barry Cowen: Further to last week’s announcements by the Minister, there was some disappointment that a more extensive and expansive affordable rent scheme was not announced. There was mention of a pilot scheme or schemes. I hope the Minister might be in a position today to elaborate on that issue and inform the House where the schemes are to be located, what they entail, what potential they have and after what period the scheme or a similar one will be expanded.

Deputy Eoghan Murphy: I propose to take Questions Nos. 63 and 83 together.

I thank the Deputies for their questions. Against the background of the affordability pressures in the rental market in certain areas, the Government is determined to make affordable or cost rental a major part of the housing system. Under this approach, rents are set at levels to recover the construction costs and facilitate the management and administration of developments but with only a minimal profit margin included. To this end, on 22 January, I announced a suite of affordable housing initiatives, including a new affordable rental scheme, to be based on a cost rental model. Further details on the suite of initiatives announced last week can be found on the dedicated Rebuilding Ireland website.

A pilot project is being progressed by Dún Laoghaire-Rathdown County Council, in conjunction with the Housing Agency and an approved housing body, using land owned by the agency. I expect the pilot scheme to go to the market later this year to secure a development partner and the best value for both the State and prospective renters.

I want to see local authorities realise new affordable homes from their lands without delay.

Following the housing summit with local authority chief executives on 22 January, I have asked each chief executive to furnish a report to me by middle of February, setting out his or her plans for delivery. I expect further affordable rental proposals, based on the cost rental model, to be put forward by local authorities, especially those in the main urban centres, as part of this process.

The delivery of additional affordable housing will rely on the State developing the full potential of its residential land bank. To oversee this important work, I have established a dedicated residential land management and development group. In addition, my Department will lead an expert group to examine the issues around and provide advice on the most appropriate way forward in delivering a more sustainable rental sector in Ireland. I am considering the terms of reference, formation and composition of the group with a view to establishing it in the coming weeks. In parallel, discussions are ongoing with the European Investment Bank on its experiences in developing and supporting cost rental and other affordable models that could also work in Ireland.

Deputy Barry Cowen: It appears that one scheme is progressing and, as the Minister stated, will come to fruition in Dún Laoghaire later this year. The Minister last week met with the chief executives of local authorities at the housing summit. He previously stated to the Joint Committee on Housing, Planning and Local Government that he would be in a position to provide it with the targets he had agreed with each local authority regarding what they would provide in the coming year. Can the Minister give an indication that he will come back to the House with such figures, to specifically include affordable rental schemes for each local authority?

Deputy Eoghan Murphy: The cost rental model makes up almost half the rental market in some European countries. There are huge gains for Irish society if we can move to a cost rental model because of the security it will give to people who are not able to own a home or who want to rent and have security in that choice. I want it to be a major part of our housing market but it will take time to get us there. That is why the first pilot scheme we are progressing is so important. It is only a pilot scheme but if it is successful, we will be able to expand it quite quickly because of conversations that I am having with the European Investment Bank, with which I have had a number of meetings to date. I will soon fly to Luxembourg to further those discussions because cost rental, as I said, is working in other European countries with European Investment Bank support and I want to have that support here in Ireland. Under LIHAF and a couple of other measures that some local authorities are pursuing we will see something akin to a cost rental model, whereby they use LIHAF either for a rental discount for certain properties or where local authorities get involved with new build-to-rent properties that are coming on line. Different things are happening that I want to come under this cost rental idea and to progress as quickly as possible.

I gave the commitment referred to by Deputy Cowen in advance of the housing summit. We had an engagement with the local authorities before the housing summit and they came back with indicative numbers. The housing summit was a chance for the Minister of State, Deputy English, and I to discuss some of the new schemes, such as the affordability measures, the enhanced leasing scheme and the new repair and lease scheme. The housing team in each local authority must now look at our targets for 2018 and out to 2021 and decide how it will achieve those targets. I want that to then be published in order that every councillor, Deputy and Senator knows exactly what is expected of each local authority. That transparency will facilitate accountability and delivery.

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We have a special housing unit which has been on site. The Minister of State, Deputy English, has also made several site visits to local authorities, as have I, to go through their detailed plans. Whenever I am in a local authority area, as I was in Clare and Limerick on Monday, it is a chance for me to talk to the housing officer there and see not just the sites but also the timelines around delivery and to deal with any questions or difficulties the local authority may have in respect of the relationship with the Department.

In so far as cost rental is concerned, the targets will be for delivery under the Rebuilding Ireland numbers we have.

An Leas-Cheann Comhairle: The Minister will have a further opportunity to speak. I call Deputy Jan O'Sullivan.

Deputy Eoghan Murphy: As regards build, acquisition and lease and everything else, those targets will not necessarily contain a detailed breakdown of where the cost rental will be.

Deputy Jan O'Sullivan: I welcome that the expert group will be set up in the coming weeks. There is an urgency in that regard. I am very concerned that this is so far behind in terms of the approximately 700 sites that are available. I am particularly concerned that the Minister, when replying to the previous group of questions, stated that the 40% affordable could not be achieved in the relevant time period because of difficulties getting the sites opened up in time. My concern is that the family silver, the 700 sites, will largely be gone for private profit by the time we get cost rental models up and running.

Organisations such as the Nevin Institute and Threshold have stated that a greater scale is needed in this regard. Although progress has been made with the pilot scheme, we need the process to move far more quickly.

Why is Limerick on a lower level in respect of the home loan scheme? The Minister has stated that the affordable scheme is for all local authorities but I am concerned that Limerick, which is a larger city than Galway, nonetheless seems to be in the second tier in that regard.

Deputy Eoghan Murphy: As regards the cost rental model, one must consider the different affordability measures we are trying to progress. For example, we wanted to have a cost rental model on the O'Devaney Gardens site but when we ran the numbers it transpired that affordable purchase was a better way to go, so we prioritised affordable purchase as part of a mix of social and private housing on the site. People understand the idea of cost rental but that does not mean it is simple to implement on individual sites. That is why we are working with the European Investment Bank, which has many years experience of cost rental. We have prioritised the affordable purchase scheme because we know it can work as it has so well already in this country on the sites where it has been done. We now need to do implement it on a larger scale.

Deputy O'Sullivan mentioned the figure of 700 sites, but those 700 sites are public or LIHAF sites. There are currently 29 sites and there will be 30 once Adamstown gets over the line, which will happen this week or next. Of the 29 sites, it is important to note that the decision to move them from the 40% affordable housing was because it was seen as a cap for developers into which they were not necessarily going to buy. As we got into certain difficulties with developers, they moved away from the process, which either meant the sites would not soon be opened up or we would not have any affordable homes thereon. Thanks to the LIHAF funding, as set out in the figures I gave to Deputy Boyd Barrett, the 29 sites will deliver 18,000 homes, of which 50% will cost below €320,000, 4,000 to 4,500 will be social and affordable and over

5,000, separate to the social and affordable, will have a LIHAF discount, while the rest will be sold at market prices. The delivery of those houses is progressing very quickly. A small amount of money was drawn down from LIHAF in 2017 but that will ramp up quite quickly in 2018 because I signed all those contracts in the latter half of last year.

Limerick is not being left out. The Rebuilding Ireland home loan scheme and the affordable purchase scheme are very much for Limerick. I had a fantastic opportunity to visit the Lord Edward Street developments and a number of other developments with Deputy O'Sullivan, which are absolutely the right way to progress in terms of rebuilding our country in a sustainable way, not just building a home but a community and a place. Limerick is very much part of that and has an advantage because it is doing so well. I have every faith in it, as a local authority, to be able to take advantage of these schemes.

Housing Provision

64. **Deputy Fergus O'Dowd** asked the Minister for Housing, Planning and Local Government the structure of the new affordable purchase scheme. [4568/18]

65. **Deputy Tom Neville** asked the Minister for Housing, Planning and Local Government when he expects the first houses to be available under the new affordable purchase scheme. [4522/18]

75. **Deputy Ruth Coppinger** asked the Minister for Housing, Planning and Local Government if he will report on the affordable purchase scheme; his views on using public land for public housing; and if he will make a statement on the matter. [4570/18]

87. **Deputy Eoin Ó Broin** asked the Minister for Housing, Planning and Local Government his plans for the €25 million affordable housing fund; the details of his announcement of local authorities taking out an equity stake in affordable housing developments; the location in which the announced 3,000 affordable homes are to be located; and when construction will commence. [4586/18]

90. **Deputy Paul Murphy** asked the Minister for Housing, Planning and Local Government if a review of the affordable purchase scheme in order to use publicly owned land solely for social and affordable housing will be considered; and if he will make a statement on the matter. [4574/18]

94. **Deputy Aindrias Moynihan** asked the Minister for Housing, Planning and Local Government the schemes under consideration to increase the number of affordable homes and homes available to rent in addition to the recently announced Rebuilding Ireland home loan scheme; and if he will make a statement on the matter. [4565/18]

98. **Deputy Richard Boyd Barrett** asked the Minister for Housing, Planning and Local Government his plans to ensure that a mechanism is included in plans for affordable housing such that these houses remain affordable if sold in the future, including making it mandatory for the homes to only be sold back to the relevant local authority; and if he will make a statement on the matter. [4423/18]

114. **Deputy Barry Cowen** asked the Minister for Housing, Planning and Local Government the estimated number of houses per annum to be delivered by his recently announced af-

fordable homes scheme; and the location and anticipated price. [4548/18]

120. Deputy Martin Heydon asked the Minister for Housing, Planning and Local Government the way in which the new affordable purchase scheme will work; the timeframe for completion of affordable homes; if they will be available nationwide; and if he will make a statement on the matter. [4572/18]

Deputy Tom Neville: When does the Minister expect the first houses under the new affordable purchase scheme to be available?

Deputy Eoghan Murphy: I propose to take Questions Nos. 64, 65, 75, 87, 90, 94, 98, 114 and 120 together.

The new affordable purchase scheme will be governed by the relevant provisions of the Housing (Miscellaneous Provisions) Act 2009, which will soon be commenced. It will be targeted at households with annual gross income of below €50,000 for a single applicant or €75,000 for joint applicants. The maximum discount permissible under the Act is 40% and the sale prices will vary, depending on costs, the discount given and other relevant factors.

Once the relevant legislative provisions are commenced, I will develop detailed regulations covering the operation of the scheme, including the full eligibility criteria. The elected members of each local authority will then determine the order of priority for the sale of affordable homes to eligible households.

The new scheme will see local authorities taking a fully repayable equity share, to the value of the discount given, in all homes that are sold. Importantly, this will provide for a sustainable funding stream for affordable homes into the future. The funds arising from repayment of the equity shares will be recycled into the provision of more affordable housing through the establishment of an affordable dwellings fund, which will be managed by the Housing Finance Agency.

I anticipate that there is significant potential for the delivery of affordable homes on local authority lands. Following the housing summit on 22 January, I asked local authority chief executives to submit, by mid-February, an outline of their respective affordable housing programmes, with a particular emphasis on Dublin, Galway, and Cork, where there is currently the greatest affordability gap, notwithstanding Limerick and the importance that both Deputy Jan O'Sullivan and I placed on it in our earlier discussion.

Deputy Jan O'Sullivan: The Minister should tell his officials about that.

Deputy Eoghan Murphy: The overall scale of delivery, and timescales, will be informed by these responses.

In addition, I am providing funding of €25 million over 2018 and 2019 for a targeted programme whereby local authorities will make low-cost serviced sites available to approved housing bodies or co-operative housing associations in specific areas. This approach has worked well in certain areas and I would like for it to be delivered on a greater scale in other areas, within the parameters of the overall scheme that will soon be set down in regulations. My Department is currently drawing up the criteria for access to this scheme, taking account of broader policy on affordable housing, and will be seeking submissions in that regard from local authorities and Members of the Oireachtas in the coming weeks.

As I stated, the Government is also determined to make cost rental a major part of the Irish housing system. Under this approach, rents are set at levels to recover construction costs and to facilitate the management and administration of developments. Accepting that this innovative concept will take time to test and deliver, a pilot cost rental project is currently being progressed in Dún Laoghaire-Rathdown County Council, in conjunction with the Housing Agency and an approved housing body, on publicly owned land. The pilot project is providing significant lessons to the State in terms of the delivery of cost rental and, in parallel, discussions are ongoing with the European Investment Bank regarding its experiences in delivering cost rental and other affordable models in other jurisdictions that could also work in Ireland.

The delivery of affordable housing will rely on the State developing the full potential of its residential land bank. The residential land management and development group, which is now being established and which will be chaired by the Minister of State, Deputy Damien English, will play a key role in driving delivery as speedily as possible.

Deputy Tom Neville: I welcome the initiative from the Minister. Obviously, we have seen there is a cohort, a particular demographic, who have been hit very hard in the crash in recent years. Having been hit that hard, such people would have applied to get onto a council housing list but, as circumstances have improved again, and as they are starting to get back into employment and starting to climb the ladder in that employment, their salary increases. This is pushing people out of the loop for social housing and into a bracket where they are unable to access a mortgage while being unable to stay on the council housing list. This is the middle group that is getting caught and these initiatives are very welcome in trying to target them. Will the Minister give a timeline for this and outline when he would foresee the first transactions taking place?

Deputy Eoghan Murphy: I thank the Deputy for welcoming the initiatives. People were hit very badly by the economic crash that occurred following the bank bailout in 2008 and the intervention from the IMF and ECB in 2010. What we saw was a collapse in property prices across the country of somewhere in the region of 54% from a very high peak. As we look at escalating property prices now, year on year, prices are only at about 71% of where they were in 2007, yet they are still pricing people out of the market. It is important, as we recover our economy and as we rebuild our housing sector, which was destroyed in the collapse, that we do so in a sustainable way and that we make sure affordability is at the centre of everything we are trying to do. That is why we introduced the Rebuilding Ireland home loan and why we talk about certain caps around that loan, namely, €320,000 in the greater Dublin area, Cork and Galway, although not in Limerick, which may please the Deputy, and €250,000 everywhere else. Up to the end of October 2017, roughly 67% of homes bought by first-time buyers in the greater Dublin area, Cork and Galway were bought for less than €320,000 and roughly 91% of first-time buyers buying homes everywhere else paid less than €250,000. There is affordability, although we need to help where we can.

In regard to houses under the affordable purchase scheme, we have identified lands and money. At sites like O'Devaney Gardens, we will see the first homes constructed this year. I have asked local authorities to come back and see if there are particular sites where, if we use technologies like rapid-build, we could get some of these completed this year. That is what I am going to hear in the coming weeks.

Deputy Aindrias Moynihan: While much of the talk on the different schemes has been on the availability of houses to buy, I want to also look at people who want to be in the rental sector and the availability of houses for people who choose to rent. Rent rates are continuing to

rise. In Macroom, for example, it is over €800 for a three-bed and it is €1,300 for a three-bed in Ballincollig. It is getting harder and harder for people to afford the rent, even if they can find a house. What kind of plan is the Minister considering putting in place to make available more rental properties? There are vacant units in our towns and villages, whether they are over shops or in houses. Has the Minister a plan to put houses into circulation and make them available for people? The renovation scheme for council houses had a very low take-up of only 30 houses overall. Clearly, that is not the route or, at least, some improvement needs to be made. There needs to be some way of making available more properties for people who choose to rent in villages and towns around the country.

Deputy Eoghan Murphy: I thank the Deputy. It is important he acknowledges that there are people who want to rent and that it is a choice that people want to make because it suits their particular lifestyle. Too often, when we have this debate, speakers do not acknowledge that cohort of people. I am glad the Deputy recognises them.

When I talked about the peaks in 2007 and how we are off the peak in terms of house prices, it is the case that rents are above the peak level of 2007 because of the dramatic shortage we have and the way the housing sector was destroyed in the crash. There is a real affordability challenge around people who are trying to rent and that is why we are trying to progress the cost rental model as quickly as possible.

The rent pressure zones were an affordability measure that was put in place. While it is still very new, from the evidence we have to date, it is working, although we need to review how it has worked and what improvements can be made. In the priority legislation for this term, we are bringing in some changes around rent pressure zones as part of the change management programme for the Residential Tenancies Board, of which we spoke earlier. I am looking at an initiative around working with landlords in an incentive-based way to develop longer-term leases for tenants. I have discussed this with some of my colleagues and am going to progress this with the Minister, Deputy Donohoe, over the coming months. We have the new build-to-rent guidelines that are to encourage more professional landlords and larger landlords, and more investment into the rental sector in order to have a more mature rental market. I and the Minister of State, Deputy English, introduced the change-of-use regulations for units over shops in towns and villages whereby people can now take a vacant commercial premises over the shop and turn it into a home without the need for planning permission. I believe this will be very successful in getting life back into towns and villages but also in terms of providing new accommodation for people who want to rent. We have reformed the repair and leasing scheme and we are expecting a much greater uptake this year as a result of the changes made.

Deputy Richard Boyd Barrett: This is my third go at this. The Minister has an impressive ability to reel off statistics indicating the effectiveness of his programmes but to resolutely refuse to address the problems I am raising about particular sites and about affordability generally. I will repeat this for the third time. In whole swathes of Dublin and other areas, the Minister's affordable schemes will not work because he has not ensured that private developers set an affordable price that is actually affordable, or committed them to any percentage, having abandoned a 40% percentage. I would like the Minister to tell me what is the percentage on Cherrywood or any other site where the prices are currently way in excess of prices on any of the Minister's schemes. In addition, for the affordable schemes on public land, will the Minister guarantee they will stay affordable into the future or will "affordable" become a stalking horse for privatisation of public land? The only way that will not happen is if the Minister ensures that affordable houses on public land have to be sold back to the local authority and cannot be

sold onto the market in the future. Will the Minister make that commitment?

Deputy Eoghan Murphy: Every time we talk about numbers and statistics, behind that are individuals and families. When we talk about HAP, the Deputy will mention an individual who is having a difficulty with HAP, and I understand that and we try to work to resolve those difficulties. When I talk about 32,000 families and individuals who are in HAP, those are families and individuals for whom HAP is working. I have just been down at the HAP offices in Limerick, where we talked about some of the cases and queries that are received in the call centre and some of the difficulties they have. While I am trying to remember the percentages off the top of my head, in something like three out of four calls the problem is resolved during that call. HAP is working for people.

Deputy Richard Boyd Barrett: For a few months, maybe a year.

Deputy Eoghan Murphy: These statistics are important because they tell us something about our policies and whether we are moving in the right direction, and that is why I give them. It is also important that we talk about individual cases - hard cases as well as good cases, because we have both. The hard cases will help us make sure we have more good cases, which is why it is important we talk about them.

Deputy Richard Boyd Barrett: What about affordable housing?

Deputy Eoghan Murphy: The median house price up to the end of October last year was around €340,000 to €350,000 in Dublin. Under our Rebuilding Ireland home loan, where a couple is earning less than €75,000, they will be able to buy a house at about €320,000, and it is capped at that. To take first-time buyers last year in Dublin, Galway and Cork, 67% of homes were sold for less than €320,000 for first-time buyers-----

Deputy Richard Boyd Barrett: I am talking about Dublin.

Deputy Eoghan Murphy: -----so people are able to afford to buy homes and apartments in Dublin. The figures tell us that people can afford to buy homes in Dublin and they did last year, which is what is happening.

I will give the Deputy the figures around affordability on Cherrywood, as I committed in the Oireachtas committee, when I have finalised the Adamstown agreement. LIHAF 1 will then be finished on 30 sites and I will be able to give as much detail as I can, while obviously respecting the fact that LIHAF 2 will have some commercial sensitivities around it as well.

Deputy Aindrias Moynihan: The rent control zones were meant to be helping the tenant and keeping some control on rents. However, the scheme is a blunt instrument and is not working the way it should. There was meant to be a review. Has that review been conducted? When will the information be available? Clearly, there are serious deficiencies in the rent control zones.

For example, the estate of Classes Lake is split between two areas. One side of it is inside the rent control zone and the other is outside it because it is based on electoral areas. There are so many other deficiencies. People do not necessarily see the rent that the last tenant was paying and do not know whether it has been increased by over 4%. This was meant to be reviewed previously. Is that review going to be conducted any time soon or has it already been done? Will it be published and can we get action on those deficiencies?

Deputy Eoghan Murphy: I restate that the rent pressure zones, RPZs, are new. It is important with any new policy that we keep it under review. We try to keep it under review almost constantly. I have had a number of engagements with the CEO of the Residential Tenancies Board, RTB, to keep talking about what exactly is happening in the RPZs. If we look at the change from quarter 2 of last year to quarter 3, we saw some surprising things in terms of the rate of inflation in Dublin, which is under RPZs. We also saw an increase of about 5,000 or 6,000 new tenancies on the RPZ registration database. It is not yet clear if that is new stock coming onto the market or existing stock that had been registered under a different person's name and that was sold to another landlord or for which a different person in the relationship registered the tenancy for that year. Part of the change management programme that we have under way with the RTB is to give it annual registrations of tenancies so that it can have much better data as to the number of landlords that are in the market so that we can see the number of new landlords coming in and the impact that might have on the RPZs.

The RPZs have been reviewed. That work is now being finalised with the RTB and when I have it I will be able to bring it to the relevant Oireachtas committee or here to the Dáil. We can then discuss the implications of the review. It is a very new policy. Almost every quarter, new areas have come under RPZs because they have met the two sets of qualifying criteria. In the last quarter, they did not, which I thought was interesting. That tells us a story in and of itself.

I understand the complaints some Deputies are making about the effect an RPZ is having on an area adjacent to it that is not classified as an RPZ. We are looking at that as well.

Deputy Martin Heydon: I welcome the newly announced affordable house purchase scheme. It is a really important element of everything the Minister is trying to do in Rebuilding Ireland. What detail has the Minister in respect of lands that Kildare County Council might have available for the affordable house purchase scheme? Does he have a projection of how many houses might become available in County Kildare as part of it? Affordable housing is becoming available and I think the scheme applies to a value of up to €320,000 in Kildare. The Minister might clarify that.

The focus in the media has very largely been on homelessness and the different challenges the Minister faces in his Department. However, I have a lot of constituents who are working and who aspire to buy and live in their own home in the future. That is not always attainable. The affordable purchase scheme will allow those people to aspire to own their own homes within the communities where they were born and raised, with all the family supports that go with that. It is really important for us in Kildare, where we have seen a very significant increase in house price pressure. I very much welcome the scheme and look forward to seeing it being rolled out in Kildare.

Deputy Eoghan Murphy: Under the affordable purchase scheme, we have already identified land and finance for at least 3,000 homes. At the housing summit we had with local authorities last Monday, I talked about our ambition for reaching 10,000 under the affordable purchase scheme, which is achievable because of the way it has been set up. By taking an equity stake, when the home is sold or part of the equity is paid back, that money will go into a rolling fund for more affordable purchase homes. I have asked each local authority chief executive to look at the land banks they have and to see what proportion of that land can be developed for affordable schemes, bearing in mind our commitment to mixed development - social, affordable and private. I think there are about 135 ha in Kildare where we have identified the potential for building social, affordable and perhaps some private homes as well. I have asked the local

authority chief executive to come back on that front.

There is obviously going to be high demand for this. It is important, going back to 2007, to remember that was the only year that Part V delivered more than 3,000 homes across the country. That was a year in which we were building more than 70,000 homes. As we rebuild our construction industry and rebuild homes here, we are going to have the affordable purchase scheme. It will come on line to a greater extent as we are building more homes each year. The first affordable purchase scheme homes will begin construction towards the end of this year. I have asked some local authorities in areas of particularly high interest to identify a piece of land that is serviced and has planning and to consider whether, if they use rapid technologies, we could actually have some affordable purchase schemes this year. I think it is possible. We are going to try to achieve it.

Local Authority Housing Provision

66. **Deputy Tom Neville** asked the Minister for Housing, Planning and Local Government his plans to monitor the effectiveness of local authorities' building programmes in 2018. [4523/18]

Deputy Tom Neville: I welcome that the Minister, Deputy Eoghan Murphy visited Limerick city last week. Limerick City is a sister constituency of mine as I am from Limerick County. Some 79 council housing units were opened on Lord Edward Street. I have people on the fringes of the city who are in the county constituency and are looking to obtain housing in that scheme.

Can the Minister outline his plans to monitor the effectiveness of local authorities' building programmes in 2018?

Deputy Eoghan Murphy: Since the publication of the Rebuilding Ireland Action Plan, the Government's attention has been firmly focused on delivery. The implementation of the plan is overseen by the Cabinet committee on infrastructure, housing and climate change, chaired by An Taoiseach. Within my Department, implementation is driven at ministerial level and led at official level by the Secretary General and other senior officials on an ongoing basis.

The housing summit model was introduced last September for the purpose of monitoring and driving delivery under Rebuilding Ireland. I held a second housing summit with local authority chief executives on 22 January, when each chief executive was requested to furnish a report by the middle of February setting out how his or her local authority will deliver on its social housing targets over the coming years. It is intended that the targets will be published. Progress made by each local authority in terms of delivery against these targets will also be published on an ongoing basis, providing greater accountability and driving delivery. Transparency in construction delivery is also facilitated by my Department's quarterly publication of social housing construction status reports, available on the Rebuilding Ireland website.

In order to provide further delivery impetus, I have established a new delivery team in my Department, working with local authorities and approved housing bodies. This is additional to the continuous contact that I, the Minister of State, Deputy Damien English and my Department have with local authorities to drive housing delivery, including quarterly meetings, where progress on construction projects is reviewed and technical issues are resolved.

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Deputy Tom Neville: The Minister mentioned 2006 and 2007. I cast my mind back to when I was first going into the council in the noughties. There were council estates being built in small rural towns throughout County Limerick. We want to get back to that space again, with small pocket, turnkey type estates being built. I ask the Minister to continue to liaise with the local authorities and to hold them accountable in delivering what they need to deliver on the ground, particularly in the county and rural areas.

I ask the Minister to be mindful of the other Departments as well in respect of broadband, transport and economic development. All that will be the engine driver of this. Something arising from speaking to the ordinary one-man or two-man band type builders, is that there is an increasing construction economy starting to happen. There is also now a shortage of labour and skills. The Department of Education and Skills is working on developing apprenticeships. This needs to be pushed big time. I ask that the Minister's Department would work in conjunction with the Department of Education and Skills. There needs to be a refocus on apprenticeships and getting people back into the sector. We need to attract people back because the labour shortage is starting to kick in.

Deputy Eoghan Murphy: I thank the Deputy and his colleagues for the very kind welcome to Limerick. I very much appreciated the band; that was a nice touch.

Delivery is key in everything that we do. Rebuilding Ireland is our plan but it has to be delivered. We do not just release a policy and step back from it. That is why we started this housing summit model to bring the local authority chief executives in. I also meet with the housing body CEOs and the voluntary sector and NGOs to talk about how we are going to resolve this housing and homelessness crisis.

Turnkey type estates are exactly the way we should be going with local authorities where it makes sense. We are rolling out a national turnkey campaign to take advantage of existing sites and builders who are willing to build a cluster of 30, 40 or 50 homes that we can then bring in for social, affordable and private use.

Other infrastructure is, of course, key. Thankfully, one of the key responsibilities I have under my Department is Irish Water and making sure it is working in tune with our housing policies so there is no delay in opening up a new land bank because it has not been serviced by the appropriate water infrastructure. The point about broadband is very well made. It is something that myself and the Minister, Deputy Naughten have discussed, not only in the context of what we are doing today in housing but also in the context of the future housing needs of our population. At least 550,000 new homes are needed between now and 2040. We need to make sure we are progressing our plans for things like broadband and other key infrastructure at the same time.

In respect of a potential skills shortage, I have discussed it with the Construction Industry Federation.

12 o'clock

I am keen on particular programmes which get people from long-term unemployment back into developing construction skills and having jobs. I was at one recently which had taken a group of ten people from long-term unemployment, one from homelessness, and over the course of a three to four week programme had given them a course on construction skills. All were employed and starting on sites the following week. It is also worth noting new technolo-

gies relating to prefabrication, which we call rapid build but which has a host of other names, including modular homes. These will help since not as many people will be needed on site as were traditionally needed in the past so that we can meet the housing need without needing as many people, but we still need people to have the requisite skills.

Leaders' Questions

An Ceann Comhairle: I appeal to Deputies to stick to the allocated time. I call Deputy Micheál Martin.

Deputy Micheál Martin: Some months ago, I raised in Leaders' Questions the plight facing our hospices, employees in our hospices and indeed other section 39 organisations providing disability services and mental health services among others due to the Government's decision to exclude them from pay restoration agreements. There has been an unfair, cynical and downright dishonest approach to these organisations with regard to this issue. Funding has been deliberately withheld. Obfuscation has been the order of the day. The Minister for Health is now writing to the HSE to ask it to engage with these organisations to seek a greater and deeper understanding of the situation. I put it to the Taoiseach that that is insulting to those organisations and it is a joke. The HSE knows all about these organisations. It knows deeply about the plight that they are in, their financial situation and the issues surrounding pay restoration itself. I put it to the Taoiseach that those in organisations which provide up to 25% of disability services are being treated as second-class citizens while the Government loudly proclaims that it will ratify the UN Convention on the Rights of Persons with Disabilities and so on. That sort of hypocrisy drives people in this country mad. Employees who were used to a linkage with HSE pay scales are now treated as second-class citizens while, by the Government's own admission, they provide 25% of disability services. Employees in our hospices, the most cherished and universally lauded of our services, are treated like second-class citizens.

The issue has been to the Labour Court, which has adjudicated on this, saying that a pay linkage with the HSE exists and that where pay had either increased or decreased in the HSE, the pay rates of staff in Milford Care Centre had followed suit. This is a funding issue, not an industrial relations issue. I read in detail the Labour Court adjudication on this. I put it to the Taoiseach that the Government, for some reason, deliberately decided not to include the employees of these organisations within the pay envelope arising from the pay restoration agreements arrived at and, as a result, have put these organisations in deep trouble financially. More importantly, it has resulted in a huge drop in morale and huge recruitment challenges for the organisations themselves. When will the Government do the honest thing and accept that these employees are entitled to linkages with HSE employees and pay the organisations accordingly?

The Taoiseach: It is important to put on the record that there are more than 2,000 section 39 organisations throughout the State. They provide important disability services. They include many, but not all, of our hospices and provide vital services for our elderly people. A differential in pay has now opened up between staff working for HSE bodies and staff working for these section 39 bodies. That is causing an issue for recruitment in some places. Section 39 bodies are NGOs, charities and companies. They are not part of the public service and therefore the people who work for them are not Government employees or public servants, nor have they ever been. The Deputy will know from having read the Labour Court recommendation that the recommendation falls on the legal employers, which is not the HSE or the State. These bodies

are part-funded by means of a block grant. They also raise money in other ways. They range from organisations that get as little as €10,000 from the Government to ones that get millions to provide important services. Some comply with public sector pay rules and some, as we know, have not in the past. That has been a real problem. Some reduced pay in line with pay in the public service and some did not. Almost all had their block grants reduced and almost all have had their block grants increased in recent years. In some cases, they have passed that on to staff in the form of pay restoration and in other cases they have not.

We are dealing with a diverse picture and it seems to me that staff working in these organisations have, in some ways, been caught in the middle, between their employers, the section 39 organisations themselves, the HSE and the Government. While we have been examining this for some weeks now, we still do not know how many people are affected and we do not know what the cost would be to resolve the situation. We have not been able to ascertain that. We want to establish a process whereby we can look at each of these organisations and their staff individually, find out how many people are affected, what it would cost to resolve it and whether, in some cases, block grants were increased but a decision was taken by those organisations not to pass on some of that to their staff in pay restoration in the way section 38 organisations had to.

Deputy Micheál Martin: That is a cop-out. It is unacceptable and dishonest. The HSE has been auditing these organisations year in, year out. There was correspondence from the Labour Court hearing from 14 December 2009 and January 2010 instructing these organisations, at the time of the pay cuts, to align their pay scales with the HSE pay scales. The net effect of that, said the Labour Court, was to apply pay cuts. Let us have honesty here. We know that St. Joseph's Foundation in Charleville and Marymount University Hospital and Hospice are in deep trouble financially because of this Government policy relating to these organisations. They include Abilitywest and others throughout the country. In saying that a process is now beginning, is the Taoiseach suggesting that, for the entirety of 2017, no one bothered to assess this? Did no one in the Department of Health say that, when the pay agreement was reached, section 39 organisations would be included? The opposite decision was taken. They were excluded and the Government hoped it would get away with it because it might upset the budgetary figures if they were included. That is what happened and it needs to be faced up to. I have seen the letter on behalf of the Minister to these organisations now suggesting that any resolution will have to be put into the service plan of 2019. It is obfuscation, delaying, fudge and basic dishonesty. The Taoiseach said months ago that he would look at this. He has not. He has gone along with this charade and this idea that we will begin a process on 31 January or whatever. That is wrong and it needs to be reversed. It is not fair to the workers in these organisations.

The Taoiseach: It is certainly not fair to the workers in these organisations who have been caught in the middle between their employers, the section 39 organisations-----

Deputy Micheál Martin: They are not caught in the middle.

The Taoiseach: -----the HSE and the Government. I can only give the facts. The Deputy is entitled to his own opinion, but not to his own facts.

Deputy Micheál Martin: It is not opinion. It is a fact. They are not being paid.

The Taoiseach: As I said earlier, the Government has proposed a process by which we can resolve this issue. I am pleased to confirm that just last night, one of the two unions concerned,

Fórsa, has accepted the Government's offer and proposal. I welcome that Fórsa, as a trade union, has accepted our proposal and process to resolve this. I hope SIPTU will follow suit.

Deputy John Brady: This morning, the ESRI published a major study into deprivation in 11 EU countries between 2004 and 2015. The study distinguishes between social groups who experience spells of deprivation and those who experience deprivation persistently. Across all countries, the highest material deprivation rates were found for the same two social groups: lone parents and working age adults with a disability. The study showed a significant gap in the rate of deprivation experienced by vulnerable adults in Ireland compared with other countries. Out of 11 EU countries, Ireland's gap was the largest and it had increased the most between 2004 and 2015. The ERSI found that lone parents and adults with a disability were worse off than other people of the same age. In Ireland, the persistent deprivation rate is 26% higher among lone parents and 14% higher for adults with a disability and others. In Ireland and the UK, the persistent deprivation gap between vulnerable adults and other adults increased significantly over time. This did not happen in nine other countries. The lead researcher of the report, Professor Dorothy Watson of the ESRI, said that policies that successfully reduce poverty for the population as whole are not enough to support vulnerable groups and that proactive steps are required to address the deprivation experienced by lone parents and adults with disabilities and to tackle the higher rate of child poverty associated with these households. Such interventions are particularly urgent in Ireland because as the data shows the deprivation gap is most pronounced here.

The Indecon report published last year showed increases in deprivation rates for lone parent families. Among those surveyed, the majority of lone parents could not afford basic necessities such as a warm coat, a good pair of shoes or to turn on their heating. The Central Statistics Office, CSO, survey on income and living conditions, SILC, shows an increase in the at-risk poverty rate for lone parent families to 40.2% compared to a rate of 12% in households with two adults; a consistent poverty rate among lone parent families of 24.6% compared to 6.4% in households with two adults and a deprivation rate among lone parent families of 50% compared to 17.8% in a two adult household.

We now have another report in which Ireland stands out in terms of persistent deprivation among lone parent families when compared to ten other countries.

An Ceann Comhairle: The Deputy's time has expired.

Deputy John Brady: The study published today puts the spotlight on Ireland. It shows Ireland to be a country that allows its most vulnerable to live in deprivation-----

An Ceann Comhairle: A question, Deputy.

Deputy John Brady: -----and poverty for years. It shows that our social welfare system is not successful in addressing this issue. What specific measures will the Government take to lift the most vulnerable people in our society out of deprivation and poverty?

The Taoiseach: It is important not to forget that we lost a decade in this country because of the economic and financial crisis. During that period, unemployment and poverty worsened and inequality widened. The people on this side of the House are not to blame for that financial and economic crisis but we worked very hard for a decade to put things right and get the country moving in the right direction again. During that decade, we were opposed on every occasion by Sinn Féin. Every time we sought to do something to get the economy back on track we were

opposed by the Deputy's party.

The country has now turned the corner and we are back on the right track. According to the survey on income and living conditions, which the Deputy mentioned, in 2015 and 2016 poverty decreased, deprivation decreased and inequality narrowed. Using the gini coefficient Ireland is now in the middle zone in terms of income equality and it is one of the most equal in terms of income distribution among English speaking countries. We are very much moving in the right direction. While the figures for 2017 are not yet available I anticipate we will see them also moving in the right direction. The best anti-poverty policy is employment. It is our ambition to ensure we have full employment in this country and as well as that, a good job for everyone, one that pays the bills and has security and pension rights. According to the data published yesterday, unemployment has fallen from 15% to 6.1% and the percentage of long-term unemployed people - people out of work for more than nine months - is down to 3%, which is indicative of the enormous progress that has been made in a very short time. This has occurred because of Government policies. We are trying to get as many people into work as is possible because that is the best way to reduce poverty.

In terms of other things we are doing, we are increasing social welfare again. The Deputy will be aware that under a previous Government €16.50 per week was taken from the poor, the blind, the elderly and widows. We have restored €10 of that €16.50 per week and we intend to restore the full amount as soon as we possibly can. We have made changes to the family income supplement, raising the thresholds to support low income working families and to ensure that they are always better off working. The Deputy will know that anyone in receipt of family income supplement is given enough to bring them out of poverty. When it comes to lone parents, in particular, we have made changes to the lone parent payments. We have introduced subsidised child care because the cost of child care is a major barrier to lone parents getting into education and employment. The number of lone parents working is increasing every month and it is good to see that. We have restored educational supports, for example, the back to education grant for people who are lone parents with children and also couples with children. On disabilities, we are implementing the making work pay report which was launched by the Minister for Health, Deputy Harris, the Minister of State, Deputy Finian McGrath, and me not too long ago. This means that a person who is disabled and takes up a job retains his or her free travel pass for five years, which is a real positive, and that person can also now take up a trial of work. Many people with disabilities are afraid that if they try work and it does not work out for them they will not be able to get back on their benefits. We have changed the system such that people can automatically get back on their benefits. We have also abolished the provision that requires people to do some type of rehabilitative work. They can now do any work they like. We do not mind what type of work they do because all work is good.

An Ceann Comhairle: The Taoiseach must conclude.

The Taoiseach: The number of people with disabilities accessing higher education is increasing each year and the target in regard to the number of people with disabilities working for government has been increased from 3% to 6%. In response to the Deputy's question, that is a flavour of what Government is doing.

I wish I had more time.

Deputy Finian McGrath: Hear, hear.

Deputy John Brady: The Taoiseach stated that everybody suffered during the austerity years but the ESRI report shows that the most vulnerable in our society, lone parents and people with disabilities, suffered more than anybody else. These figures are borne out in the latest SILC report which was published last year. It shows that there has been an increase in the at-risk poverty rate for lone parent families to 40.2%.

Fine Gael has been in government since 2011. These reports relate to the period between 2004 and 2015. Last week, Sinn Féin published a report that shows how lone parent families could be lifted out of the poverty and calling for the establishment of a child maintenance service. All the reports indicate that child maintenance is essential to help lift children out of consistent poverty levels. Sinn Féin outlined in its report how this model could be rolled out in this State. Has the Taoiseach read the report which I published last week. In March last year, the UN criticised Ireland for not having such a child maintenance service in place. Will the Taoiseach consider the establishment of such a service in Ireland?

The Taoiseach: I have not read the report but I will do so. When I can get around to it, I will take a look at all the Sinn Féin policy papers. What passes as a policy paper for Sinn Féin is called a press release in my party. All Sinn Féin does is take a press release, put a glossy cover on it and call it a policy paper but there is very little detailed costings or information in it but we will come back to that another time.

The people who suffered the most during the recession and the lost decade were people who lost their jobs. Lots of people faced pay cuts or tax increases and lots of people faced cuts in pensions and welfare but those who lost their jobs lost everything. That is why the focus for this Government has been on employment. We now have 2 million people working again in Ireland. We may even have record numbers of employment in the next year or so. Unemployment is falling rapidly and this should be acknowledged.

To give lone parents opportunities and lift them out of poverty we can do four things. First, we can provide them with employment and our initiatives in this regard are working, as indicated by the increasing number of lone parents taking up employment. Second, we need to address the child care issue. The Deputy will know that we have introduced two years of free preschool and subsidised child care and we propose to do more in this space. Third is access to education and in this regard we have restored education bursaries for people who are non-traditional backgrounds to allow them to access education. Fourth is increases in welfare, which has been happening for two years in a row and will continue so long as this Government is in power. Fine Gael and the Independents are working together to keep the economy on a solid footing and, therefore, able to fund those improvements.

Deputy Mattie McGrath: I want to raise with the Taoiseach this afternoon the approach of the Government to the provision of home care packages. In particular, why are the two lowest levels of provision registered in community health care organisation, CHO, areas 3 and 5, which encompass north Tipperary and south Tipperary, respectively? All the other seven CHOs have a significantly higher number of persons in receipt of the packages. This cannot be explained simply by reference to population levels.

The information provided to me by the HSE shows that, at the end of December 2017, just 1,149 persons were in receipt of a package in CHO area 3, which covers Clare, Limerick, north Tipperary and east Limerick. The second lowest figure is in CHO area 5, where just 1,242 persons were in receipt of home care packages. This area covers Carlow, Kilkenny, south Tip-

perary, Waterford and Wexford.

It is deeply frustrating to me that the very low levels of home care package provision are evident in counties that consistently record the highest number of patients on trolleys. Everybody, including a second class student in national school, will know that there must be an impact on the trolley count. South Tipperary General Hospital and University Hospital Limerick consistently record the highest numbers of patients awaiting beds in accident and emergency departments. This is from Irish Nurses and Midwives Organisation, INMO, figures. This echoes what my colleague, Deputy Harty, raised with the Taoiseach yesterday, that is, the need to keep care for people as local as possible and away from our acute hospitals. This is the very purpose of the home care package model.

The circumstances reflect an absence of any co-ordination within the HSE. Surely it would make more sense to prioritise home care packages that keep people out of hospitals in those areas where the hospitals are mostly in difficulty. It is not rocket science but the HSE seems to be totally unable to grapple with this and adapt to any kind of change. It is just trundling along from day to day and from year to year, with endless money being pumped in and fewer outcomes. Since we do not have the approach I advocate, we are creating problems at both ends of the spectrum. That is obvious.

Our CHO now has the lowest level of community care and the highest number of patients in accident and emergency departments, clogging up the corridors. This is completely unsustainable. Added to this is the fact that South Tipperary General Hospital has been unable to de-escalate from the full capacity protocol, making the problem even greater. The hospital has been subject to the full capacity protocol for 18 months now. It is farcical. Why is it subject to the protocol day in, day out?

As requested in the Private Members' motion of the Rural Independent Group last December, will the Taoiseach commit to establishing the home care package scheme in law, thereby giving people an automatic right to participate in it? We called for a re-evaluation of the scheme so it would be targeted at those areas, such as Tipperary, that are simultaneously trying to cope with a chronic lack of capacity at hospital level.

The Taoiseach: I very much agree that home care resources and provision for home care need to be increased. We need to ensure patients in hospital can get home quicker, thus freeing up beds in hospitals. We also need to ensure that those in receipt of home care are less likely to deteriorate and become unwell. It makes sense on so many different levels to provide more home care.

The budget and the 2018 service plan of the HSE provide an additional €37 million across the State for home care. That will provide an extra 750,000 home care hours this year by comparison with last year. That is a very significant increase.

On the question as to whether there should be a statutory scheme, there is public consultation under way. Some 2,600 submissions have been received. We need to study them. We are actively considering the matter. The fair deal scheme was heavily criticised at the time it was introduced, but most people now accept it works reasonably well and assures people that if they need a nursing home space, they can get it within four or five weeks, although they have to make a contribution. What is being considered for home care is similar: a fair deal for home care, giving people the guarantee they will get the home care they need within weeks, even if it

means having to pay a contribution if it can be afforded. If that were introduced on a statutory basis, as the Deputy mentioned, it would become a legal right and something that I believe can be delivered on. As I said, there is public consultation under way and we must study the 2,000 submissions and make a decision afterwards.

As the Deputy will know, plans and funding for a 40 bed modular unit in Clonmel have been approved. The project is now under way. We anticipate that the extra 40 beds for Clonmel will be in place this year and before next winter. As the Deputy knows, sometimes additional capacity works and sometimes it does not so it is important that the hospital prepares for the additional 40 beds and ensures it changes and aligns its practices and procedures to ensure the 40 beds improve conditions for patients.

Deputy Mattie McGrath: The Taoiseach very much agrees with me, but agreeing with me and doing something about the matter are altogether different. The Taoiseach is aware that the entire system of care in the community is very closely linked to the issue of bed capacity. He said that himself. Another important strand concerns the carers. Statistics provided by the Central Statistics Office, CSO, for Tipperary show carers provide a staggering 250,000 hours of care per week. The findings also record that 7,041 people stated they provided regular unpaid personal help to a friend or family member with a long-term illness, health problem or disability. What is deeply alarming is that the Central Statistics Office found there were 138 carers under the age of 15 in County Tipperary. That is very worrying and I want to be reassured it will be investigated. The carers in question are being forced into these circumstances because of the lack of home care packages. This is directly linked to the first question.

The Taoiseach mentioned the 40-bed unit. We were promised that two winters ago. The Taoiseach said the project is under way. It is not, unless I am blind. The planning permission has not even been finalised for the project, never mind being under way. The spin machine is spinning in the wrong direction. It is jumping ahead of itself. The project is not under way. We are waiting for it, we are looking for it, and it is badly needed. Two winters ago, we were promised it. We will probably face another winter without it. We have promises and spin but no action. It is not fair to the staff or patients.

The Taoiseach: I am advised by the Minister for Health that it is very much under way. We expect to have it in place in the next couple of months, certainly before next winter. We really hope it works. If the modular build does work and the additional beds do make a difference in terms of overcrowding, efficiency and capacity in the hospital, it is a model we may be able to apply to other places. Just to show we are serious about this, 170 additional beds have already been added this Christmas across a number of hospitals.

Deputy Catherine Murphy: Yesterday I listened to a segment on “The Pat Kenny Show” on Dublin traffic. Last night, “Prime Time” covered the same issue. Increasingly, the lack of capacity in public transport is raised in the context of what is becoming a very significant congestion problem. In the past week alone, a number of buses have been diverted to try to alleviate the traffic chaos that is fast becoming the hallmark of College Green. This was exacerbated by the introduction of the Luas cross city.

We are facing a significant problem in 2021 owing to fines for not adhering to our climate commitments. One of the best things we can do is invest in public transport to meet those climate commitments and avoid the fines. Not only will investment in public transport offset the fines but it will also deliver a public transport system fit for a modern Ireland. In the early

1990s, we received a significant investment from the European Union because we made a case that our traffic problems in Dublin were inhibiting our economic growth nationally. It is ironic that, a couple of decades later, the same case can be and is being made by the business community and others.

There is understandable anger over the disgraceful treatment of disabled people on public transport. I refer in particular to the rail network. That a disabled person would have to give notice of four hours just to take a DART into town, for example, is not acceptable. It is hardly reassuring to any rail users to note that a reply I received from Irish Rail last week states it has not received any funding for placing orders with manufacturers and, therefore, there will not be any deliveries of new trains in 2018, 2019 or 2020. The reply also informed me that the company has not purchased any new trains or carriages in the past five years. This means no additional capacity will have been added to the rail stock in eight years.

What of the game changer of DART underground? Not only would that significantly alleviate Dublin traffic but it would have far-reaching benefits for the surrounding counties and make our capital city function properly. Anybody who commutes on Irish Rail will tell the Taoiseach about commuter trains at peak times. One is doing well if one gets on and if one does, one will be squashed like a sardine. Is it any wonder people are opting for the comfort of their cars?

We know the lead-in time from order to delivery of new trains is three to four years so decisions will have an impact if they are made now. The Taoiseach spoke recently about the need to spend now to save later. Does that mean he will accelerate the funding to Irish Rail for the purchase of new trains? How can disabled people expect any improvement in how they are treated if Irish Rail is not in a position to purchase new accessible carriages for the foreseeable future? In terms of fleet strategy, will the Government take a very cautious approach or will it future-proof purchases to provide for the huge expansion that is expected in the commuter-belt areas in terms of housing? Will the Taoiseach commit to accelerating the DART underground project which has been proposed as far back as the mid-1990s?

The Taoiseach: It is the case that we have seen a return to a level of congestion and traffic gridlock in cities that we have not seen for quite some time. A lot of that is related to the fact that the economy has improved and people are working again. Passenger numbers on Irish Rail, Dublin Bus and Bus Éireann are increasing. On the Maynooth line, with which Deputy Catherine Murphy and I are familiar, it has not quite got back to where it was at peak but I have no doubt it will get there in the coming months and years.

The reality is that during the lost decade, those ten years I spoke about, we just did not have the money that we needed to invest in public transport. We lost ten years, which we could have used to improve the public transport system. We were able to do some important things in the greater Dublin area, for example, the Phoenix Park tunnel is open and passengers in Deputy Murphy's constituency use that service on many occasions. The Luas cross city is now a reality providing quality public transport to a lot of people and linking up Luas lines and commuter lines. We brought in real time passenger information, RTPI, so that people know when the bus is coming. Some Members may have watched "Prime Time" last night. I am delighted that it was accurate and that the signs on the Luas and Dublin Bus were within one or two minutes in terms of accuracy. Integrated ticketing was also introduced in the form of the Leap card. Even at a time when we had no money to invest in infrastructure we were able to do some very valuable things.

We are now in a different place as a country and I hope that in the next couple of weeks we will set out a very ambitious ten-year investment plan in infrastructure. Transport must be a big part of that. We will be guided in many ways by the National Transport Authority's greater Dublin area plan which runs up to 2035. Projects in the mix include BusConnects, additional carriages for Irish Rail, the metro project and new Luas lines. Deputy Catherine Murphy will know as well as I do that once one takes the decision to make the investments the lead-in time is very long before they become a reality. I remember the day I signed the order to connect the Luas lines and when my officials told me it would not be open until 2017 I was distraught because I could be anywhere in 2017. As it happens I am here, but public transport is something I really believe in and something in which we will invest very heavily into the future.

It is the case that Irish Rail has no new carriages on order but it is funded to refurbish 30 or 40 carriages and once they are refurbished they will be brought into use in the Limerick and mid-west area and that will have a knock-on effect in terms of allowing for greater capacity in Dublin and on some of our existing lines. While Irish Rail does not have the carriages to run additional peak services it will be able to run additional off-peak services.

Deputy Catherine Murphy: I acknowledge much of what has been done, some of which was proposed in the early 1990s, including some of the projects the Taoiseach identified. The best way to inhibit a recovery is not to invest in it. There is no doubt that huge amounts of land are being zoned on the periphery of Dublin that is only going to add to the congestion unless the Government in parallel provides and plans for the growth, including public transport.

I was told at a Committee of Public Accounts meeting that climate fines are likely to be up to €600 million per year from 2021. Where is the spend now and save later approach if no order has been made for the purchase of new carriages and trains when it is perfectly obvious that there is a problem with capacity, in particular at peak times? If public transport is to function it must have capacity.

The Taoiseach did not reply to my question on the DART underground. Is that on or off the table at this stage? At what point will the Government invest in the carriages? When will the order be made? Is the Minister active on the issue? I did not hear him say very much about it.

Deputy Brendan Howlin: Where is the Minister?

The Taoiseach: The ten-year national infrastructure investment plan will be published as soon as it is agreed by the Government. I hope that will be in the next few weeks. The Deputy will then see what can be funded and what cannot be funded in the greater Dublin area and in the rest of the country in the decade ahead. All the projects she mentioned are in the mix.

Deputy Catherine Murphy is correct to say that we need to spend now to save later but to spend now one needs the money and let us not forget that until last year we were running a budget deficit. We were spending more than we were taking in in taxes and other revenues and we were increasing our borrowing every year. In order to spend and invest one has to have the money so the first thing we had to do was to get the economy back on track and on a sustainable footing and now we are in a position in the years ahead, provided we continue to steward the economy well, to invest in infrastructure in a way that we have not done for a very long time.

To pick up on another point the Deputy made on areas on the outskirts of cities that are zoned for development, she is correct that we need to ensure that transport is in place for those areas but perhaps what is more important is that we need to make sure that we put new housing

in places that are already served by infrastructure and that means densification, going higher and having higher density, in particular in city cores not just in Dublin but in Limerick, Waterford, Cork, Galway and other places too. If people live near to where they work, in particular if they live within walking distance of where they work, that cuts out the need for all that expensive infrastructure and there are no emissions at all.

Questions on Promised Legislation

Deputy Micheál Martin: There is a clear commitment in the programme for Government committing the Government to tackling criminal gangs. It is with great horror that people watch on a regular basis murder and mayhem on our streets, in particular in Dublin. In the past ten days alone there have been two more very callous murders - one last night - which we condemn unreservedly. It is an appalling loss of life that does not seem like ending anytime soon.

I was somewhat disturbed earlier this month when I read reports that funding and resources to the Garda had been reduced and cut, in particular to the armed support unit in terms of the frequency of operational shifts. Could the Taoiseach reaffirm that there have been no such cutbacks to resources to those units and to An Garda Síochána which are combatting the armed criminal gangs in the city?

Minister for Justice and Equality (Deputy Charles Flanagan): I wish to condemn in the strongest possible terms the horrific and brutal murder of a citizen of the city on the streets last night. There is no place for such activity in a civilised country.

The Garda has faced down such criminal threats in the past and will do so now and well into the future. In that regard, our role as public representatives, and my role as Minister for Justice and Equality is to ensure in the first instance that the legislation and our legislative response is robust and, second, that there are appropriate levels of resources for the Garda Síochána.

In that regard I will respond directly to the point the Leader of the Opposition made. The armed support unit is very active. Since 16 December it is operating in this city around the clock, on a 24-7 basis. Overtime for An Garda Síochána is in excess of €100 million for this year. I am in contact with the Garda Commissioner regularly and my understanding is that while the matter of resources is kept under review as far as gangland activity is concerned, especially in the inner city area of Dublin, it is not an issue. We will of course continue to keep the matter under review.

As regards last night's killing, I wish to assure the House that an active criminal investigation is under way and no stone will be left unturned by An Garda Síochána to bring those responsible to justice.

Deputy Donnchadh Ó Laoghaire: I join Deputy Martin and the Minister for Justice and Equality, Deputy Flanagan, in condemning last night's appalling killing. My question relates to a digital safety commissioner. In recent weeks there has been much discussion following from some concerning reports of abuse, exploitation and inappropriate material on social networks. The Minister for Communications, Climate Action and Environment, Deputy Naughten, has cited a Law Reform Commission paper on a digital safety commission proposal. I understand the Taoiseach is more circumspect. He has said that he sees social media companies taking a role. I put it to the Taoiseach that the Law Reform Commission paper clearly anticipates

involving them. The approach is supported by the Irish Society for the Prevention of Cruelty to Children, ISPCC. Currently, a Bill in my name is on the Order Paper, the Digital Safety Commissioner Bill, based, to a large extent, on those proposals. Will the Taoiseach please state the Government position on the establishment of such an office and whether the Government would support a digital safety commissioner Bill if it were brought to the floor of the House?

The Taoiseach: I know this is an issue that parents in particular are worried about. As a society, we need to protect our children. It is disturbing how disgusting predators can use technology to get in touch with children and communicate with them in a nefarious way. I know that is something everyone in the House is concerned about.

The Minister for Communications, Climate Action and Environment, Deputy Naughten, is organising a summit on 8 March that will be focused on digital safety. The event will bring everyone to the summit, including those from the education sector, the Garda, the technology sector, children's advocates and all those groups. It will be an opportunity to discuss what we should do and put together a package of measures that we can then implement.

No proposal for a digital safety commissioner has yet been brought to Government, but certainly I am open to the idea. I would need to understand how that office would work. Let us not forget that we are dealing with the Internet, the world wide web. We need to understand how that would work and make a difference because it is important that whatever we do is effective.

Deputy Brendan Howlin: Later this afternoon I will be dealing with the Harassment, Harmful Communications and Related Offences Bill to deal with these issues and I hope for Government support on that.

I want to raise a matter relating to different legislation. The Government intends to bring forward the industrial relations (amendment) Bill as a priority. The proposal would amend the Industrial Relations Act 1990 to give An Garda Síochána representative associations access to the State industrial relations organisations, such as the Workplace Relations Commission and the Labour Court. I understand that the heads of the Bill were approved in September. We still await a date for pre-legislative scrutiny. I understand that some consideration was given to broadening the scope of the Bill to give coverage to the representative associations of the Defence Forces. I have two simple questions. When will the industrial relations (amendment) Bill come before the House? Will the Taoiseach extend right of access to the State's industrial relations institutions not only to the representative associations of An Garda Síochána but to those of our Defence Forces as well?

The Taoiseach: That legislation is on the priority list for publication in this session. The heads have already been provided. The question on the Defence Forces is under examination, but what we really want to achieve with the Defence Forces is to have a system of conciliation and arbitration that works for all sides.

Deputy Mattie McGrath: The programme for Government strongly supports our agricultural sector. We have had a bad summer and a difficult winter with the fodder crisis etc. Several schemes are available to support farmers, including environmental schemes. One relates to the purchase of slurry spreading equipment. There is a generous grant scheme of 60% but there is something wrong with the scheme in two respects. First, a farmer is not allowed to use leasing or hire purchase finance. He must get a personal loan. Many farmers cannot get a halfpenny because of their situations, with bad prices and bad crops combined. Moreover, the farm con-

tractors of Ireland are not allowed to avail of this grant scheme. That is surely short-sighted because when the weather dries up, contractors are in a position to spread the slurry quickly and with expertise.

This is a major anomaly. I call on the Taoiseach to ask the Minister for Agriculture, Food and the Marine to deal with it. It is a ridiculous scheme. The people who draw up these schemes should be cognisant of the fact that most farm equipment is leased or secured on hire purchase and not on a personal loan basis.

The Taoiseach: No legislation is promised on this matter, but I will make the Deputy's concerns known to the Minister for Agriculture, Food and the Marine, Deputy Creed.

Deputy Thomas P. Broughan: At the Committee on Budgetary Oversight I identified significant gaps in budget 2018 in health spending. One of the most appalling relates to the numbers of children who are waiting for an intake assessment by early intervention teams in Dublin north city and county. Some of the Taoiseach's constituents are involved. Well in excess of 300 children are waiting at the moment. These children are believed to be on the autistic spectrum. In excess of 150 children have been waiting for more than a year. I know of people in families who have been waiting for 19 months or 22 months and so on.

Is it not cruel that the Government has not provided the resources to our staff in community care areas to enable them to provide the kind of services we need for these children? As the Taoiseach is aware, there is no use in a child getting early intervention when he or she is four and a half or five years old. Early intervention should mean early intervention. The Government and its Fianna Fáil partners have not provided us with a competent health budget for 2018.

The Taoiseach: No legislation is promised on that matter either but, as the Deputy will be aware, resources are being increased for the health service all the time. There has been a considerable increase in recent years, but the connection between resources and services is, at best, indirect.

Deputy Thomas P. Broughan: The Taoiseach has not addressed the issue.

Deputy Danny Healy-Rae: My question relates to the protection of farmers' incomes. Will the Minister for Agriculture, Food and the Marine grant a pilot scheme to the people of Iveragh in south Kerry to eliminate tuberculosis by way of vaccinating and removing badgers? A total of 40 herds have gone down but it affects only 7% of the herd. The remainder of the animals in south Kerry are fine. We do not want to create a situation whereby people would not buy the other animals. Only 7% of the herd is affected. The farmers are asking for a pilot scheme to remove badgers. They firmly believe the badgers are spreading TB. They need to be culled and got out of there.

The Taoiseach: The Minister for Agriculture, Food and the Marine, Deputy Creed, is in Turkey selling beef at the moment, but I will certainly pass on the suggestion to him on his return.

Deputy Mattie McGrath: Are there any badgers there?

Deputy Catherine Martin: When does the Government intend to deal with the urgent need for State assistance for homeowners residing in defective buildings? Such assistance was recommended by the report of the Joint Committee on Housing, Planning and Local Government

last week, entitled Safe as Houses? Moreover, as the Taoiseach is aware, similar assistance was recommended in a motion brought forward by the Green Party and passed by the House last June.

I am aware of at least three multi-unit developments in my constituency of Dublin Rathdown where residents, through absolutely no fault of their own, are facing repair and building works bills of between €7,000 and €30,000. Some are facing the threat of legal proceedings for the amounts, which it is claimed they owe. It is so unfair. These homeowners and families believe their nightmare and plight is being ignored and forgotten. They believe the Government does not care about their horrendous predicament and they are desperately looking to Government and seeking help, protection and assistance.

When does the Government intend to tackle this protracted problem effectively? Does the Government intend to implement practical measures such as tax relief for these homeowners? Does the Government intend to set up a redress scheme for such homeowners, as identified in the committee report last week?

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): The Department has indicated receipt of the report and will make presentations to it and so on. We got the final report from the committee last week and we are looking through it and engaging with it. We will report back at a later stage.

I wish to be very clear at the outset. These are generally private contracts between people that relate to the construction of homes. The State and the Department are not usually involved in that. However, we will go through the report, see if any action should be taken and report back to the House at a later stage.

Deputy Michael Collins: Page 112 of the programme for Government addresses the agri-food sector. In the light of the recent revelations published by *The Irish Field* exposing the practice whereby the Irish Horse Board changed the status of equine passports to have equines excluded from the food chain declared fit for consumption simply by placing a label over the stamp “Not fit for human consumption”, can the Taoiseach guarantee that the equines in question have not received prohibited substances since their registration in order that the food chain will be protected?

The Taoiseach: I cannot guarantee that I am afraid, but I am sure the relevant authorities will be able to give the Deputy a more assuring answer.

Deputy Charlie McConalogue: On the Government’s commitment to increase bed capacity, I again raise the issue of Letterkenny University Hospital. Last week my party leader and I raised with the Taoiseach a submission the hospital had made last summer to the Health Service Executive and, through it, the Government seeking €1.8 million to fund the staff required to open 20 beds. The hospital has still not received a response to its request. As a result, 20, 30 or 40 patients must wait daily on trolleys for admission to the hospital. The maximum capacity protocol at the hospital has been in place consistently since 27 December, meaning outpatient operations cannot proceed and those waiting for hip operations are having them cancelled. Waiting lists are increasing as a consequence, which is simply unacceptable. I hope the Taoiseach will answer my question, rather than fudging the issue by passing it back to the Minister for Health, with whom it has been raised a number of times. Will the money sought by the hospital be forthcoming and will an additional 20 beds be opened? Will the Government address the

immense pressure on the hospital and its staff and the unacceptable position facing patients every day?

The Taoiseach: I do not have an answer in respect of Letterkenny University Hospital. However, I can say that the following hospitals are included in respect of the 170 additional beds that have been opened this winter. Twenty-two beds have been opened in St. Vincent's University Hospital; 25 have been opened in Drogheda; 17 have been opened in Limerick; 28 have been opened in Galway; 20 have been opened in Beaumont Hospital; 23 have been opened in St. James's Hospital; 24 have been opened in the Mater Hospital; and 11 have been opened in Naas General Hospital. Additional beds will be provided this year in St. Luke's Hospital, Kilkenny; University Hospital Waterford and Cork University Hospital. A new emergency department will also open in Our Lady of Lourdes Hospital, Drogheda, with a modular build to open in south Tipperary, as I indicated earlier. We must insist on these additional capacity developments being linked with changes to hospital work practices and systems. Despite promises that capacity makes a difference, it very often does not make a blind bit of difference, unless hospitals change the way they work.

Deputy Jackie Cahill: The issue of funding for roads is addressed on page 44 of the programme for Government. It is not an exaggeration to state the condition of roads throughout the country is chronic. The Government has introduced two budgets, yet the condition of roads continues to worsen. The lack of a funding is causing chaos at local authority level. In addition to reductions in funding for many years and two bad winters, the position in County Tipperary is being made worse by a further factor. Given that the county had proportionately more urban and borough councils than other counties, the withdrawal of block grants for each of the councils when they were abolished has left my county worse off. The result has been a shortfall of €1.5 million, in addition to the other reductions to which I referred. I call on the Minister for Transport, Tourism and Sport to treat County Tipperary as a special case and ask him to meet the chief executive officer of Tipperary County Council to find a solution to this problem. What is the Government's plan to address the issue, given that standard budgets are not addressing it?

The Taoiseach: There is no legislation promised on this matter either. The Minister is not present, but I will make him aware that this important issue was raised.

Deputy Frank O'Rourke: On promised legislation on health, in view of the recent submission by the Chiropractic Association of Ireland, will the Taoiseach or the Minister for Health consider amending the wording of new regulations in order that qualified chiropractors can be included in the regulatory framework? Otherwise many jobs will be placed in jeopardy and potentially lost. What are the views of the Taoiseach and the Minister for Health on this matter?

Deputy Bernard J. Durkan: On the same issue, I support the sentiments of my colleague, Deputy Frank O'Rourke. I ask the Minister for Health to defer the signing of the proposed document until such time as a full evaluation of the necessary work has been completed and the necessity for chiropractors to have unimpeded access to their own X-ray services is accepted, as has been the case.

Deputy Sean Sherlock: I lend my support to the case made by the Chiropractic Association of Ireland. As Deputies will agree, chiropractors provide an invaluable service. Some compromise must be found which recognises the sector and what it delivers in towns and villages nationwide. I support the sentiments expressed by the two previous speakers.

The Taoiseach: I am advised by the Minister for Health that the basic safety standards directive is a European directive which must be transposed into Irish law by 6 February. Overall responsibility for the directive rests with the Department of Communications, Climate Action and Environment as it speaks to radiological protection. However, the Department of Health is transposing the medical provisions included in the directive. While ionising radiation has many beneficial applications, its use increases potential health hazards if poorly used or contained. The directive protects members of the public, patients, workers and others from all forms of radiation, including in medical settings.

The Department of Health will finalise the medical provisions of the directive in the coming weeks and existing legislation in this area will be revoked and replaced with the new regulations. The regulations will designate those who may refer for radiological tests and those who may carry them out and other functions. The existing regulations from 2002 do not designate chiropractors as referrers or practitioners. Chiropractors who refer individuals for medical exposures, carry out medical exposures or other related functions are not in compliance with the existing regulations. There was an anomaly in the previous regulations whereby no inspection or enforcement provisions were included. In the new regulations the Health Information and Quality Authority, HIQA, will have the inspection and enforcement powers to enforce compliance and contravention of the new regulations will be an offence. The new regulations will designate those who may refer for radiological tests, those who may carry them out and other functions. It is proposed to designate nurses, doctors, dentists and radiographers as appropriate persons. The proposed designation of the relevant professionals is based on patient safety and public health considerations and follows on from the advice of the chief medical officer.

Deputy James Lawless: The value of the online cryptocurrency Bitcoin fluctuated again on the markets overnight. This has all the hallmarks of a bubble, with dubious transactions taking place on certain exchanges and significant market volatility. Despite this, Ireland has still not introduced regulations on cryptocurrencies. While people are entitled to do as they wish with their money, there is a risk of contagion and market instability, not to mention the potential for criminality and money laundering. This has been recognised by the European Banking Authority since 2013, but its recognition has yet to make its way to this jurisdiction.

Not long ago, we considered credit default swaps and contracts for difference to be esoteric instruments unworthy of local scrutiny. We found out the hard way that this was untrue. I submitted a number of parliamentary questions to the Department of Finance seeking clarity on the risk mitigation, planning or governance measures in place for cryptocurrencies. It replied that it hoped to have something in place towards the end of 2018. I am not sure that an issue as volatile as this can wait for a year, given the risk we have seen in the past. Let us hope we have learned from previous crashes and will act to address the risk of market contagion by bringing forward regulations in this area.

The Taoiseach: While I do not have specific information on the issue raised by the Deputy, I expect it is a matter for the Central Bank of Ireland and one which is addressed through European regulations. I believe all Deputies would advise people of the risks they were taking if they were to trade in cryptocurrencies.

Deputy Mary Butler: Page 53 of the programme for Government states efforts to increase access to safe, timely care as close as possible to patients' homes will be a priority. Unfortunately, this is not the reality for people waiting for cataract operations that greatly improve the quality of life for older people. I refer to the case of an 87 year old woman who has been

classed as having an urgent need for a cataract operation. She was informed the waiting time for an urgent procedure was 11 months. The National Treatment Purchase Fund, NTPF, is not an option because she has not been waiting for the prescribed time. The solution offered by the Health Service Executive is to avail of the option of treatment under the cross-border directive and it sent her the relevant contact details. Is this its solution to the problem of waiting lists? If so, it is cold comfort to an 87 year old woman who needs a simple operation and cannot leave her home because she cannot see.

The Taoiseach: The NTPF is an option. In recent months we have achieved some success in reducing waiting lists for procedures. I believe the numbers have fallen in four of the past five months.

Deputy Mattie McGrath: They are all heading to the North.

The Taoiseach: The NTPF may well be a solution for the patient in question. The cross-Border directive is also an option and the Government will fund the full cost of the treatment if the person in question is willing and able to travel. While it is not ideal, it is an option.

1 o'clock

Deputy Eugene Murphy: My question is on the Programme for a Partnership Government and not on proposed legislation. In the programme for Government, the Taoiseach and the Minister for Health referred to the health budget of €14.6 billion, stating that it demonstrated the Government's commitment to investing the gains of the recovery in better health services, including cutting waiting lists. I have a reply to a problem that arose last October with the orthopaedic theatres at Merlin Park Hospital. The Minister for Health was most helpful in bringing the Deputies from the region together. We were told that the theatres had to close because of roof difficulties. This letter states that the work has been completed on the theatres and a full technical report on the work undertaken is awaited. When the Minister met us he said that the hospital was looking at putting together special modular buildings to deal with this issue. In this same letter we were told that the hospital was still trying to get the modular buildings up and running.

This has hit waiting lists for orthopaedic operations. If the roof has been repaired and we are only waiting on a report, why are the modular units still being progressed? I do not expect an answer from the Taoiseach now as I am a reasonable person. However, would he talk to the Minister for Health to see if he can get a proper answer to this and get those units open as quickly as possible?

The Taoiseach: I will certainly commit to doing that and to getting a proper answer for the Deputy.

Deputy Pat Buckley: The programme for a Partnership Government commits to supporting people with mental health difficulties and their families. However, this is the second time in less than three years that the residents of Rosalie Home in Castlerea, County Roscommon, and their families are facing another threatened closure. There have been no new admissions since 27 September 2016, 20 beds are vacant and to date no rational reason has been given as to why the home has to close.

In July 2015, all the residents were given a commitment that they would see out their rest of their lives there. The only other commitment was made by the HSE which said that the ban

on admissions would not be lifted. Why is this ban still in place? Is the Government going to close Rosalie Home in County Roscommon?

The Taoiseach: There is no legislation promised on this matter. It would be best raised with the relevant Minister. However, I am told that Minister of State, Deputy Jim Daly, has committed to visiting the unit in the coming weeks and meeting with residents and family members.

Deputy Martin Kenny: Is the Taoiseach aware that the European Union is completing the Mercosur trade deal at the moment? In the Programme for a Partnership Government there is a commitment to the farming sector and to the beef sector, in particular. Many beef farmers in Ireland are extremely concerned that this deal will open up the export of 100,000 tonnes of beef from Latin America to Europe. That will be a huge threat to our beef sector.

The Programme for a Partnership Government also has a commitment to the sustainable development goals the United Nations has put forward. Producing this beef from Latin America means cutting away the rain forests. There is also an environmental impact resulting from this. It is absolutely vital that the Government rejects this deal and does everything it can to ensure that the European Union does so. I know the Minister for Agriculture, Food and the Marine has made some moves in that direction and is trying to build relations with other European countries to ensure that we get a better deal which does not threaten our beef industry. However, we need a commitment from the Government that we will stand up for our beef farmers and, indeed, for the global environmental consequences of this deal.

The Taoiseach: I am very aware of the issue and the Deputy has that commitment. I gave that commitment to the Irish Farmers' Association at its annual meeting not so long ago. I have met Commissioner Hogan, Commissioner Katainen, Commissioner Vestager, President Macron, who has a similar view on this matter, and the President of Argentina to discuss this and to relay our specific concerns around the sensitive sector that is our beef industry.

Deputy Robert Troy: Over 12 months ago a number of constituencies had their commercial rates revaluation process completed. A number of small retailers and people in the hospitality sector have seen a significant increase. In some cases their commercial rates have doubled and trebled. In Westmeath, 56% of our retailers have seen an increase and 41% of our hospitality sector has seen an increase.

However, members of the Government parties assured those businesses not to worry because new legislation was coming before the Oireachtas which would ensure they would not face these new charges. Lo and behold, 1 January has come and they are now liable for these new charges. Businesses are on their knees on the high streets of Longford and Westmeath. When can we expect the long promised revaluation Bill that will ensure that businesses see a fair and equitable charging system, a system that will be proportionate to their turnover and a system that will ensure that they are in a position not to be put out of business?

Deputy Tony McLoughlin: I have serious concerns on the same issue. I have been approached by a number of people in my own constituency as well. I support Deputy Troy in regard to this Bill. Perhaps the Minister might outline a timeframe and a schedule please.

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I thank the Deputies for their questions. In the last quarter of last year, the Oireachtas joint committee decided that it did not need to undergo legislative scrutiny. The Bill is currently being drafted. It is priority legislation for this term. We will proceed with it as quickly as possible.

Deputy Barry Cowen: Will it be retrospective for the last 12 months?

Deputy Pearse Doherty: The Programme for a Partnership Government committed the Government not to sell any more than a 25% stake in any bank before the end of 2018. Unfortunately, the Government broke its own promise and proceeded with the sale of 28.75% of AIB. The investors who bought that stake are clinking glasses and popping champagne corks and toasting the Taoiseach and the Minister for Finance, Deputy Donohoe. They have made a nice handsome profit of €1 billion in the last six months. This is despite the fact that I told the Government at the time that the value of AIB was likely to increase. We had the Government and Fianna Fáil nationalise the debt and then Fine Gael privatising the profits.

Does the Taoiseach regret the fact he has sold the asset for €1 billion less than its value today? Will he commit to not selling any further shares in AIB? Instead, will he direct AIB to do what it should be doing which is to lend into the productive economy? It is very clear that it has not done that because we have had to set up other agencies like the Home Building Finance Ireland, HBFi, and other funds to lend to banks.

The Taoiseach: The Deputy is well aware that equity prices and asset prices go up and down. Something is sold for its value on the day that it sold. Our objective in regard to AIB and Bank of Ireland is to recover for the taxpayer all the money that was used to bail out those banks. We have recovered all the money from Bank of Ireland. We intend, in time, to recover all the money from AIB as well. There are essentially two phases to the bank bailout: the bailout of Anglo Irish Bank and Irish Nationwide Building Society, from which the taxpayer will recover almost nothing, and a second bailout that occurred under a different Government, a Government of which I was a member, of AIB and Bank of Ireland. We will recover every cent and more.

Deputy Pearse Doherty: The Government blew €1 billion.

Overcrowded Housing Bill 2018: First Stage

Deputy Barry Cowen: I move:

That leave be granted to introduce a Bill entitled an Act to introduce a new statutory definition of overcrowding in accommodation including the statutory standards that can be used by Planning Authorities to determine if accommodation is overcrowded for the purpose of the Housing Acts; and to strengthen penalties for building owners for overcrowded housing offences.

This Bill is to address a grave deficiency in current law, which is completely out of date and out of touch with the reality of life in Ireland today. The law needs to be modernised and strengthened to make it fit for purpose, particularly given the fact that overcrowding is a growing problem in the rental market as we know it. The aims of this Bill are to provide clarity to ensure that landlords cannot exploit the current rental crisis and impose unsafe and substandard living conditions; and to counteract what is, in many cases, unsafe and substandard living accommodation. This Bill sets the basic minimum space requirements for tenants. While fire safety legislation can be used to tackle issues such as overcrowding, it does not cover all units and does not encompass the quality of life standards we want to see.

There have been instances in recent months, especially on the “Prime Time” television programme, which show clearly that this issue has to be tackled. The Bill draws on UK and Canadian provisions to establish new standards, and it sets out penalties for breaches. While supply, as we always say, is key to the housing crisis, we cannot allow standards to slip as this could lead unscrupulous landlords taking advantage of the crisis. I seek full support for the legislation. We can move on to the next Stage and allow all parties and none to contribute to ensuring this is implemented as soon as practicable.

An Ceann Comhairle: Is the Bill opposed?

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): No.

Question put and agreed to.

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

Deputy Barry Coven: I move: “That the Bill be taken in Private Members’ time.”

Question put and agreed to.

Prohibition of Sulky-Racing Bill 2018: First Stage

Deputy Mattie McGrath: I move:

That leave be granted to introduce a Bill entitled an Act to prohibit sulky racing where no lawful permission has been granted.

I am pleased to introduce this Private Members’ Bill. The Bill has one simple aim: to prohibit sulky racing where no lawful permission has been granted. The primary motivation behind it is to address the growing health and safety concerns not only for the public but also for the horses and young passengers concerned. Recently we heard how a heavily pregnant woman was driven off the road after encountering a sulky race between Mallow and Cork on a Sunday morning as she travelled to work. We also read about the tragic case which led to the death in February 2016 in Clondalkin of Seán Doyle aged just 12, God rest him. Seán was thrown under a truck after being involved in a sulky accident and his own family have said they hope stronger regulations can prevent further loss of life.

The Bill essentially seeks to address some of the deficiencies in existing law. Currently, it is very much a matter for local authority by-laws. Indeed, my county, Tipperary, and the adjoining counties of Kilkenny, Limerick and Waterford all have different by-laws. They are all over the place. They have proven utterly insufficient to grapple with the scale of the problem. We need a national and unified approach. My Bill will grant local authorities all the powers necessary to enforce this law, and those found in breach of the law could potentially face a €5,000 fine or a term of imprisonment not exceeding six years.

I am not a killjoy nor am I anti-sport, but this is a huge issue in Munster, Dublin and elsewhere. Sulky racing needs to be regulated. Accidents have happened and I have been contacted by several people over recent years who have been forced off the road or who have been crashed into by sulkies. It is a major issue on the old N8 which is now underutilised because of

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the new M8 motorway. Sulky racing takes place regularly on the road. The entire road is taken over without permission, as was the case in the incident involving that unfortunate lady on the Cork-Limerick road recently. Other motorists should not be forced off the road.

Animal cruelty is also an issue that has come to light in Tipperary. I love the horses and Tipperary is famous for, and very proud of, its horse racing industry. I have written to the Turf Club to see if it could provide racing tracks for this activity, as is the case in other countries. The horse is an animal that normally likes a bit of sand on a track or a field in which to run. It is harmful and damaging to their legs and other parts of their bodies to run on tarmac. In a number of incidents, horses were driven to death and left to die on the road. People were appalled by this.

There are, therefore, a number of issues and I ask for support for this legislation. I do not say it is perfect. It could be amended but a national formula is needed to deal with the serious problem of unlicensed and unlawful sulky racing. It is probably not insured most of the time either.

An Ceann Comhairle: Is the Bill opposed?

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

Question put and agreed to.

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

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

Question put and agreed to.

Ceisteanna - Questions (Resumed)

Taoiseach's Meetings and Engagements: Supplementary Questions

Supplementary Questions to the Taoiseach in respect of Questions Nos. 12 to 21, inclusive, on the Order Paper of Tuesday, 30 January 2018 in accordance with the Order of Dáil Éireann of that day.

12. **Deputy Gerry Adams** asked the Taoiseach if he will report on his engagement with the Prime Minister of Hungary, Mr Viktor Orbán, on 4 January 2018. [1287/18]

13. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his visit to the Hungarian Prime Minister Mr Viktor Orbán on 4 January 2018. [1288/18]

14. **Deputy Micheál Martin** asked the Taoiseach if he will report on his visit to Hungary; the meetings that were held; and the issues that were discussed with Mr Viktor Orbán. [1382/18]

15. **Deputy Seán Haughey** asked the Taoiseach if the issue of European immigration was raised when he met Mr Viktor Orbán while in Hungary. [1447/18]

16. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on his visit to Hungary and his meeting with Prime Minister Viktor Orbán. [1680/18]

17. **Deputy Ruth Coppinger** asked the Taoiseach if he will report on his meeting with the Prime Minister of Hungary. [1789/18]

18. **Deputy Gerry Adams** asked the Taoiseach if he will report on his engagement with the Prime Minister of Bulgaria, Mr Boyko Borisov on 5 January 2018. [1830/18]

19. **Deputy Joan Burton** asked the Taoiseach if he will report on his meeting with the Hungarian Prime Minister, Mr Viktor Orbán on 4 January 2018. [1834/18]

20. **Deputy Joan Burton** asked the Taoiseach the contact he has had with the Bulgarian Prime Minister, Mr Boyko Borisov since he assumed Presidency of EU on 1 January 2018. [1835/18]

21. **Deputy Eamon Ryan** asked the Taoiseach if he will report on his visits to Hungary and Bulgaria. [3094/18]

The Taoiseach read the following reply:

I propose to take Questions Nos. 12 to 21, inclusive, together.

I travelled to Budapest on 4 January for a bilateral meeting with Prime Minister Viktor Orbán and onwards to Sofia on 5 January to meet Prime Minister Boyko Borisov. I was accompanied on both visits by the Minister of State with responsibility for European affairs, Deputy Helen McEntee. The meeting with Prime Minister Borisov was an opportunity, in particular, to have detailed discussions about plans and priorities for the incoming Bulgarian Presidency of the Council over the next six months. The visits were also part of the Government's ongoing programme of political engagement with EU partners in the context of discussions on the future of Europe and the Brexit negotiations.

Agendas for both meetings included Brexit; enlargement of the European Union, particularly into the western Balkans; the need to ensure the EU remains economically competitive; the post-2020 European budget; and bilateral relations. I thanked both Prime Ministers for their support and understanding on the specific Irish concerns arising from Brexit. This was especially important in facilitating the agreement reached at the European Council in December, allowing negotiations to proceed to the second phase. In reply, both Prime Ministers expressed their continuing support for ensuring the commitments entered into are delivered in full, including in the legal text. While Brexit does not affect countries in central and eastern Europe in the way it affects Ireland, I am reassured that Bulgaria and Hungary are 100% behind Ireland's position.

In addition, we agreed on the need to provide certainty to our citizens and businesses on the nature of a period of transition and to begin to shape the framework for the United Kingdom's future relationship with the European Union. Both Prime Ministers agreed that this future relationship should be as close as possible. I will continue to work closely with them and our other EU partners as this work advances in 2018.

Regarding the western Balkans and their perspective for EU accession, this issue is of strategic importance to both Hungary and Bulgaria owing to their geographic proximity to the western Balkans. It is also one of the Bulgarian Presidency's key priorities. I reaffirmed

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Ireland's support for the eventual accession of the western Balkan states to the European Union once the necessary conditions have been met. The EU has been a driver of peace and prosperity and the forging of closer links with this region will be of benefit to the countries of the western Balkans in bringing growth and stability. In this regard, I pointed to the important role of the UK's and Ireland's shared membership of the EU in securing peace on this island. I am, therefore, reassured that the countries of central and eastern Europe view Brexit as we do and that we view the western Balkans as they do.

On EU competitiveness, I emphasised the importance of unlocking the full potential of the digital single market. Both Hungary and Bulgaria are fully supportive and agree that this is crucial to supporting the growth and jobs of tomorrow.

On the EU budget, I had very constructive exchanges with both Prime Ministers on the need to ensure Europe is equipped with a budget to meet the challenges of the future. This is a debate that will get fully under way in 2018, including at next month's informal European Council meeting on 23 February.

Both Prime Ministers expressed their concern to ensure adequate Cohesion Funding and both agreed the need for continued support for the Common Agricultural Policy.

During the meeting with Prime Minister Orbán, I raised the issue of rule of law in Hungary and the concerns raised by the European Commission and others regarding freedoms of the press and judiciary, which I share. I also raised the Hungarian law on non-governmental organisations and its law on higher education which threatens the Central European University in Budapest and for which Hungary has been referred to the European Court of Justice. I also discussed with the Prime Minister our differing views on Europe's approach to managing migration. This matter has been difficult and divisive in recent years, including the question of quotas. As always, ensuring progress depends on dialogue and seeking to forge a genuine consensus which will allow the European Union to respond effectively.

In my meeting with Prime Minister Borisov, I congratulated him on the ambitious programme set for the Bulgarian Presidency and assured him of Ireland's commitment to working with him and his team in making the Presidency a success. Its slogan, United We Stand Strong, and the key themes of consensus, competitiveness and cohesion capture very well the essential needs of the European Union at this time.

Prime Minister Borisov briefed me on Bulgaria's relations with its neighbours, Turkey and Russia, and geopolitical implications, including for energy supply. He expressed the hope that Bulgaria would join the euro as soon as possible and I expressed my full support for the country doing so.

Ongoing political engagement with our EU and international partners will remain crucial, particularly as the Brexit negotiations proceed. I will continue to meet my counterparts and use every opportunity to advance Ireland's interests.

I have been asked why I did not make explicit reference to these visits when informing the House of my travel plans on 13 December 2017. As Deputies will be aware, it is not customary to announce a visit until the host is ready to do so, which was not the case at the time. Plans and arrangements were still being advanced. However, I stated at the time that other arrangements, including meetings with European partners, were being prepared. This reflected the position at the time. I can confirm that the Prime Minister of Estonia, Mr. Jüri Ratas, will visit

Dublin this week.

An Ceann Comhairle: Yesterday, we had taken the group of questions, Nos. 12 to 21, inclusive. Deputy Howlin was in possession.

Deputy Brendan Howlin: I will briefly restate the questions I posed. I said that when I asked on 13 December 2017 where the Taoiseach was visiting, he did not tell me that he was going to Budapest and it is surprising that an important visit such as that was not scheduled a matter of weeks beforehand. The Taoiseach in his reply yesterday indicated that he laid out to Prime Minister Orbán concerns in respect of the policy being pursued by his government. What reply did he get? I also asked whether any NGOs in Hungary had asked to meet the Taoiseach on his visit and whether he met them.

Deputy Micheál Martin: The Taoiseach's speech to the European Parliament was surprising in the extent to which it failed to address most of the most urgent issues facing the EU. One of these is how we react to member states that seem to reject basic democratic norms such as the balance of power and independence for both the media and academia. Hungary is a member state and we must deal with it. I do not have an issue with the Taoiseach meeting the Hungarian Prime Minister but it is striking that he has so little to say on this core issue. What does he think the Union should do when a member state tries to put the judiciary under the direct control of government, attacks journalists and tries to undermine funding for NGOs? Like Deputy Howlin, I would like clarification on whether the Taoiseach made any attempt to meet civic society representatives in Hungary during this visit. This will become a bigger issue in the near future. The far right FPO in Austria will, if it is true to past form, start attacking important pillars of the Union. Last weekend, a journalist was physically attacked at a press conference held by the Czech President and the new Czech Prime Minister verbally attacked a journalist on the same day. Is it not reasonable to expect the Taoiseach to be clearer on this issue than he has been and to be so in Strasbourg, Brussels and elsewhere? He said he would raise the issue of the rule of law in Budapest. What exactly did he say and what was the response?

Concerning the meeting with the Bulgarian Prime Minister, will the Taoiseach be more specific about the proposals he put to him regarding Ireland's priorities within the Council of Ministers?

Deputy Seán Haughey: The European Council President, Donald Tusk, at the EU summit in December endeavoured to launch a major review of the Union's migration policy. It seems that there was much disagreement on this issue and that Hungary and other member states were opposed to mandatory relocation quotas. It was agreed to set up a fund to stem the flow of illegal migration and to consider further the reform of the Dublin Convention at the meeting to be held in June. Given its geographic location, Ireland is not at coalface of this problem but I hope that our approach is based on the view that this is a humanitarian crisis that needs a humanitarian response.

There has been an increase in illiberal tendencies within the EU in recent years. Traditional liberal and democratic values are being challenged in Poland and Hungary, in particular. The EU has invoked Article 7 in respect of Poland in response to changes made to the appointment of judges there. Hungary is siding with Poland in opposing this move by Brussels. In addition, both countries are opposed to deepening EU integration. The Council will have to address this issue. Sanctions may be imposed on Poland and the flow of Structural Funds may be hit. Did the Taoiseach discuss this matter with Prime Minister Orbán? Did he also discuss the issue of

tax harmonisation with him? I presume Ireland and Hungary have the same view on this. All of this can be viewed in the context of the future of Europe and the ongoing debate in this regard.

Deputy Richard Boyd Barrett: Viktor Orbán is part of a dangerous political cancer that is growing in Europe, which is characterised by extreme racism, authoritarianism and anti-democratic tendencies and which in some cases, is directly linked to fascist organisations. While it is reasonable to say we should talk to people even if we disagree with them which I know is the Taoiseach's standard line on these matters, there is a problem and a line in terms of what is acceptable. To take the obvious example, appeasement did not work with the fascist movement in the 1930s because it was not interested in democracy. It was interested in promoting a filthy, racist, anti-democratic, authoritarian version of politics. This week Viktor Orbán is meeting the Freedom Party of Austria which was set up by former Nazis. They are clubbing together as an extreme right-wing group which is promoting racism, flouting the UN Convention on Human Rights when it comes to the treatment of immigrants, suppressing press freedom and compromising the independence of the judiciary. At some point the Taoiseach has to recognise that when democracy, whatever stripe one supports, is under threat from people such as Viktor Orbán, we have to take a clear stand against those politics and begin to work out a strategy to defeat rather than conciliate it.

The Taoiseach: Prime Minister Orbán gave me and the Minister of State, Deputy Helen McEntee, quite a lot of time. There was an opportunity for the two of us to understand, parse and analyse his philosophy a little better. Essentially, he believes in four pillars: Christianity, the Hungarian nation, the family and competitiveness. Even though his party is part of the same political family as mine, it is fair to say we are at the opposite ends of the internal spectrum. We are more secular, globalist and internationalist and have a wider view of what family means, but we are very much aligned with Mr. Orbán's party on issues surrounding economics and competitiveness. As Deputy Seán Haughey pointed out, Hungary and Ireland share the same view on tax. In fact, it has a lower corporation tax rate than we do and will certainly be an ally of ours in opposing any attempt to remove tax sovereignty from member states. We have a similar view on Brexit and the western Balkans and share a view that the European budget should be well funded and continue to provide adequate structural funds in central and eastern Europe and adequate funds for the Common Agricultural Policy.

There are many issues on which we are aligned, but we were certainly able to discuss in detail issues on which we were not. There were no meetings held with anyone else in Hungary. I met the Prime Minister and then finished for the night and flew on to Bulgaria for further meetings. I did raise the issue of non-governmental organisations, NGOs. Mr. Orbán pointed out that the matter was before the European Court of Justice. Hungary believes it will win the case. One of the things it is pointing out - this may be of interest to Members of this House - is that Ireland has laws which ban NGOs from receiving foreign money for referenda and campaigns. I do not believe it is quite the same thing, but it is interesting that it is part of Hungary's defence. By the way, I did tell Mr. Orbán that I did not think it was the same thing. On university laws, Mr. Orbán pointed out that all of the other foreign universities had accepted the new laws. On the judiciary and the media, he pointed out that those cases were closed as far as the European Commission was concerned. The Commission is satisfied that Hungary has complied and responded to European concerns about judicial and media freedom. I anticipate that Poland will also respond to European concerns, thereby avoiding a situation where we would have to impose sanctions on it. We profoundly disagreed on the issue of migration. We are accepting quotas of refugees, Hungary is not. While we profoundly disagreed on the issue, we did agree

that the Dublin Convention system was not working.

To pick up on Deputy Richard Boyd Barrett's comments, he is right. I do believe in engagement and I am not going to depart from that belief. However, I am also not naive in respect of the move away from liberal democracy which is under way in central and eastern Europe. It is something about which I am very concerned. However, I ask the Deputy to avoid double standards. I have heard people from his political movement, if not him, laud the Bolivarian revolution that happened in Venezuela some years ago. We all see what is happening there now. Democracy is being totally undermined and the country is in slow collapse as can be seen in the rise in the incidence of infant mortality.

Deputy Richard Boyd Barrett: I am deeply critical of it.

The Taoiseach: What happened in Venezuela was not that socialism was not implemented properly but that it was implemented to the letter.

Deputy Richard Boyd Barrett: No; it was not.

Taoiseach's Meetings and Engagements

11. **Deputy Micheál Martin** asked the Taoiseach if he has had discussions recently with Prime Minister May regarding Northern Ireland and phase two of the Brexit talks. [1387/18]

12. **Deputy Eamon Ryan** asked the Taoiseach if he has spoken with Prime Minister Theresa May since the recent cabinet reshuffle in the United Kingdom and the appointment of a new Secretary of State for Northern Ireland. [1790/18]

13. **Deputy Gerry Adams** asked the Taoiseach if he will report on his meeting with the British Prime Minister, Ms Theresa May on 14 December 2017. [1828/18]

14. **Deputy Micheál Martin** asked the Taoiseach if he has spoken to Prime Minister May since his appointment regarding outstanding issues under the Good Friday Agreement, in particular in relation to inquiries into the Dublin and Monaghan bombings and the Kingsmill massacre. [2113/18]

15. **Deputy Micheál Martin** asked the Taoiseach if he has spoken to Prime Minister May in January 2018 regarding Northern Ireland and Brexit. [3061/18]

16. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his meeting with the UK Prime Minister in December 2017; and if he has had discussions recently with Prime Minister May regarding Northern Ireland and phase two of the Brexit talks. [3379/18]

17. **Deputy Eamon Ryan** asked the Taoiseach if he has had discussions recently with Prime Minister May regarding phase two of the Brexit talks. [3449/18]

18. **Deputy Micheál Martin** asked the Taoiseach if he has spoken to Prime Minister May since talks to reconvene the Northern Ireland Executive have recommenced. [4322/18]

The Taoiseach: I propose to take Questions Nos. 11 to 18, inclusive, together.

I last spoke to Prime Minister May on Thursday, 7 December, as I reported to the House on

12 December. I had no scheduled bilateral meeting with the Prime Minister around the European Council meeting on 14 December, although I did see her and we discussed a number of issues, both on a one-to-one basis and as part of group meetings.

In December the European Council formally took the decision that sufficient progress had been made in phase one of the Brexit negotiations, enabling the process to advance to phase two, during which transition arrangements and the framework for the United Kingdom's future relationship with the European Union would be considered. There is still a lot of work to do and close attention will be paid to ensure all of the commitments and principles agreed in the joint EU-UK report on citizens' rights, the financial settlement and the issues specific to Ireland are given full legal effect in the withdrawal agreement. I have been very clear with the UK Government that we expect it to fully honour the commitments entered into in December. This will be a focus in the coming weeks and months. I am pleased that the European Council also agreed to negotiate a transition period and prioritise discussion of it in the first part of phase two.

There is regular ongoing contact between my Department and the British Government at official level on Brexit and the situation in Northern Ireland. Prime Minister May and I exchanged messages on the day of her recent Cabinet reshuffle. There has also been extensive contact between the Tánaiste and the new Secretary of State for Northern Ireland, Karen Bradley. The Tánaiste met the Secretary of State in London soon after her appointment and again in Belfast on Thursday, 18 January, where they discussed the political situation in Northern Ireland. The Tánaiste was in Stormont on Monday and will be engaged in it again later in the week. I am very pleased that political talks to restore the Executive have restarted and I am in regular contact with the Tánaiste on these developments. I spoke to him as recently as yesterday.

As co-guarantors of the Good Friday Agreement, the British and Irish Governments have a responsibility to ensure the effective functioning of its institutions. The two Governments will work in partnership in seeking a return to devolved power-sharing in Northern Ireland, which is at the heart of the Good Friday Agreement. I believe it remains possible to reach an agreed outcome which will ensure implementation of previous agreements and reflect the core principles of the Good Friday Agreement and power-sharing - partnership, equality and mutual respect. The Government has consistently affirmed its unwavering commitment to the agreement and determination as a co-guarantor to secure the effective operation of all institutions.

In my discussions with Prime Minister May I have stressed the importance of making progress on legacy issues and the overall arrangements for dealing with the past. While the Kingsmill massacre has not arisen specifically in our discussions, I have raised the Dublin and Monaghan Bombings and other legacy cases with the Prime Minister. The Government is strongly committed to and working to achieve the establishment of the legacy institutions provided for in the Stormont House Agreement as soon as possible. The Government will continue to engage with the British Government on the Dublin and Monaghan bombings and will pursue all possible avenues that could achieve progress on the issue, consistent with the request made by the Dáil, in the hope it could bring some measure of closure to the bereaved families.

Deputy Micheál Martin: One of the clearest messages of the last month is that nothing has actually been secured for Ireland in the negotiations thus far. When the spin and self-congratulation are put aside, the reality is that the phase one agreement commits the United Kingdom and the European Union to the same positions they offered at the start of the process. The frustration is that, so far, there has not been a single credible proposal from either the Government or the government of the United Kingdom on how the special circumstances associated with

the Border will be dealt with. The United Kingdom's position is that there will be a soft border but that the United Kingdom will be outside both the customs union and the Single Market. The Taoiseach's position is that we would like it to stay, but so far there has been no word of any approach that could reconcile these positions, particularly since the two Governments seem to be opposed to a deal specific to Northern Ireland. Will the Taoiseach tell us when specific proposals are likely to be made?

The Taoiseach will also know that the UK Government has produced an impact assessment, albeit one that the hardliners are now denouncing as a sinister plot because it contains some unpleasant truths regarding the British economy. Months ago, the Taoiseach promised in this Chamber that impact studies for Ireland would be published. Will they be published and where are they now? How is it possible for policy to be developed without in-depth sectoral information on the impact of Brexit and the options for Irish business?

Regarding Northern Ireland, the detachment of both Governments over the past seven years has been a factor in the breakdown of the institutions, the general decline of North-South bodies, the lack of North-South impetus under the Good Friday Agreement and the general decline in the Executive and Assembly. I have stated repeatedly that it is inexcusable that the Executive and institutions have not been restored. I hold both of the main parties responsible for that. My genuine view is that it was a contrived collapse. Given the threat of Brexit, however, it is essential that the Assembly and Executive be restored so that the anti-Brexit voice in Northern Ireland can have a forum to articulate its concerns and views and the institutions can be used professionally and properly as a conduit for reconciling conflicting positions in the best interests of the economic well-being of all the people on this island.

Deputy John Brady: Negotiations involving the two Governments and the parties in the North have recommenced. Sinn Féin has met representatives of those sectors whose rights are being denied and the current negotiations are trying to vindicate. Sinn Féin is committed to the full restoration of the political institutions. It makes sense that local politicians take the local decisions that affect citizens. To achieve this, however, the issues that led to the collapse of the institutions need to be dealt with effectively. The new round of negotiations continues to be about the implementation of past agreements, specifically on ensuring that citizens in the North can enjoy the same rights that everyone in the Dáil has.

Regarding the statement that the collapse of the Assembly was contrived, it happened because of the controversy surrounding the renewable heat incentive, RHI, scandal. Sinn Féin would not stand for that. On the other hand, Fianna Fáil has been involved in many scandals. Maybe that is why it is taking this stand.

Sinn Féin's negotiating team is working hard to reduce the political tension between unionism and nationalism. If progress is to be made, it must be on the basis of respect and equality. It must be about implementing previous agreements. The DUP knows this, as do both Governments. Will the Taoiseach reaffirm his commitment that, in the event of there being no agreement, he will seek the establishment of the Intergovernmental Conference?

Is the Taoiseach aware of the great concern in the North about the new constituency boundary proposals that have been published by the Boundary Commission for Northern Ireland? They mark a significant shift away from the 2016 proposals and are believed by many to have resulted from pressure from the DUP on the British Government. Consequently, there will be four constituencies with no nationalist representation in the future Assembly. This is in stark

contrast to the fact that there will be unionist representation in every single constituency. The Taoiseach is aware that gerrymandering was extensively used to minimise nationalist representation and maximise unionist representation. Will the Irish Government undertake a thorough analysis of the boundary proposals and raise this matter with the British Government at the most senior level?

Deputy Brendan Howlin: Talks on restoring the Northern Ireland Executive broke down last autumn and have recently resumed. We wish them well. It is my understanding that when the talks ended last October, the parties were close to an agreement and the DUP and Sinn Féin in particular had moved their negotiating positions substantially. There have been calls from the leader of the SDLP for the details of the reported compromise to be put into the public domain and for all the surrounding papers to be made available for public purview so that we can know how close the two parties were to a deal. Will the Irish Government publish the papers and call on the other main actors to do this so that the Irish people, North and South, can see how close a deal was at that time?

During the Taoiseach's discussions with Prime Minister May, did he refer to the polarisation that would ensue from another round of elections or direct rule and what was her specific response?

A point was made about the Brexit talks. The irreconcilable position that was agreed last year, which we welcomed, was almost like what used to happen in the North, in that we would have constructive and deliberate ambiguity so that people could work out the detail subsequently. The problem is that all the utterances since then - I have listened to Mr. David Davis, Mr. Jacob Rees-Mogg and Ms Theresa Villiers - have made it crystal clear from a British Tory perspective that Northern Ireland will remain in the UK customs union and the UK as a whole, including Northern Ireland, will not be a part of any European customs union. How are we to break that deadlock? Are we just to pretend that it is a reconcilable position until it actually becomes manifest when the endgame is reached and the UK leaves the EU in March of next year?

The Taoiseach: What was secured back in December is there in black and white for anyone to see and anyone to read. It is there in the joint report, which was agreed between the European Union and the United Kingdom. It contains specific "commitments" - that is the term used - from the UK Government in respect of the avoidance of a hard border. It is now our objective to ensure that those commitments are written into the withdrawal agreement, which is currently under negotiation, so that they become legally binding. That is what we are working on at the moment.

There is a political border between Northern Ireland and Ireland, they are different jurisdictions and different currencies are used, but when it comes to avoiding a hard border, which in my mind is any new barrier to the free movement of people or any new barrier to free trade, that can be done in one of two ways. One is under the auspices or umbrella of a new UK-EU relationship, which could include a customs union partnership between the European Union and the United Kingdom. I use the term "customs union partnership" because that is the term used in the UK Government's own documents. Neither Jacob Rees-Mogg nor Theresa Villiers are members of the British Government, although they are, of course, MPs and free to give their opinions on these issues.

If that cannot be achieved through a customs union partnership or through the new UK-EU agreement, there is an option to have a unique solution for Northern Ireland. That is certainly

not something that our Government is opposed to. In fact, that is what paragraph No. 49 talks about in the December joint report. However, it is our preference that we deal with this issue as part of the new UK-EU relationship because I do not want to see any new barrier between Britain and Ireland anymore than I want to see any barrier between Newry and Dundalk. I do not want to see those barriers between Dublin and Holyhead either. If we are interested in Irish industry and Irish jobs, in particular tourism and agriculture, we should be trying to achieve an outcome that allows us to continue to have free movement and free trade between Britain and Ireland, not just between Northern Ireland and Ireland. Anyone who is involved in exporting, tourism or agriculture or whose job is dependent on any of those things will understand why we are pursuing that as a strategy. A unique solution for Northern Ireland is very much secondary to the solution to that which we hope to achieve.

There are talks ongoing in Belfast at the moment. They are at a sensitive stage. I want them to succeed. I think this is the last chance for them to succeed. I am very concerned that, if they do not succeed on this occasion, we will not see the restoration of the institutions for many years. That is why I do not want to say too much - I would not wish to upset anyone or give anyone any reason to get upset. Perhaps I will not say as much as I would like to say on this occasion. If the talks fail, I can confirm that the Government will seek the implementation of the Good Friday Agreement in full in the absence of those institutions.

Several Brexit impact analyses have already been published. *Building Stronger Business: Responding to Brexit by Competing, Innovating and Trading* was published by the Department of Business, Enterprise and Innovation. There is an ESRI paper on Ireland's international trade and transport connections. *The UK EU Exit: Trade Exposures of Sectors in the Irish Economy in a European Context* is a document from the Department of Finance. *Ireland and the Negotiations on the UK Withdrawal from the European Union: The Government's Approach* is a whole-of-government document. An all-island civic dialogue compendium and report of the second plenary has been published.

Bord Bia has also produced an industry findings report on the impact on that sector. The Department of Transport, Tourism and Sport produced *Transport Trends*, an overview of the transport sector dealing with the impact on transport connections. InterTradeIreland has produced a document on the potential impact of WTO tariffs on cross-Border trade should there be a hard Brexit. There is also the *Brexit Maritime Transport Workshop Report* from the Department of Transport, Tourism and Sport. Tourism Ireland produced a sectoral analysis on the potential impacts of Brexit on tourism to the island of Ireland in 2017 and beyond. The Department of Finance published the *UK EU exit and exposure analysis of sectors in the Irish economy*, focusing in particular on the potential impact on the financial services sector. It also produced a document, *Brexit Trade Exposures of Sectors of the Irish Economy in a European Context*.

The ESRI produced a product and sectoral level impact assessment of hard Brexit across the EU. In partnership with the Department of Finance, it produced a document entitled *Modelling the Medium to Long Term Potential Macroeconomic Impact of Brexit in Ireland*, which deals with how it might affect our debt and public finances. There is also *Getting Ireland Brexit Ready* from the Department of Finance and the Irish Government's contingency summary. There have been a number of impact analyses produced already by Government bodies and there will be more in the future. Unfortunately, they are largely speculative because we do not yet know what Brexit will look like.

Cabinet Committee Meetings

19. **Deputy Richard Boyd Barrett** asked the Taoiseach when Cabinet committee E (health) will next meet. [1681/18]

20. **Deputy Gerry Adams** asked the Taoiseach when Cabinet committee E (health) last met; and when it is scheduled to meet again. [3050/18]

21. **Deputy Brendan Howlin** asked the Taoiseach when Cabinet committee E (health) last met; and when it will next meet. [4551/18]

The Taoiseach: I propose to take Questions Nos. 19 to 21, inclusive, together.

Cabinet committee E covers issues relating to the health service, including health system reforms. The committee last met on 23 November and will meet again on 15 February. In addition to meetings of the full Cabinet and Cabinet committees, I meet Ministers individually, as required, on particular issues. In this regard, I regularly meet the Minister for Health, Deputy Harris, to discuss the challenges facing the health service, and did so as recently as last week. While there will be a need for increased investment in the health service over the years to come, reform and productivity gains must happen in tandem or we will provide no benefits for patients and only costs for the taxpayer.

The Government has affirmed its commitment to implementing a significant programme of reform following the publication of the Sláintecare report by the Committee on the Future of Healthcare last year. Work on the report is linked to the health service capacity review which has been published, the new GP and primary care strategy and the work of the independent review group which is examining the removal of private practice from public hospitals, a specific recommendation of the Sláintecare report. A group under Donal de Buitléir has been established to do exactly that. Work will be taken forward under the auspices of the committee.

Deputy Micheál Martin: Over the past week the Taoiseach has repeatedly refused to answer direct questions on the health budget. Yesterday he tried to deflect by saying that all agencies look for more and the HSE is no different. This is not the point. The issue is the Government insisting on promising a level of services which it knows cannot be delivered for the amount of money allocated in the budget. That is the core point.

Massive overruns are not always inevitable. Over recent years the overruns have been result of a Government policy which agreed a budget and promised a higher level of service than could be delivered by that budget. That has undermined proper planning and led to escalating overruns. We know that two or three years ago we were essentially given budgets. In response, in a practice patented by the Taoiseach, the Government wrings its hands and says it is all the fault of the administrators. Information discovered by journalists through freedom of information requests, which was not made available by the Government, clearly states that the health budget is a sham. It is based on levels of savings which have no justification and service levels higher than can be delivered.

When did the Taoiseach become aware that the savings figure in the health budget were an invention with no basis in fact? That is not my presentation. It is from the HSE itself. Will he assure the House that we are being provided with all relevant information to help us assess the credibility of the health budget? This is a simple matter. I ask the Taoiseach to answer the questions.

In respect of section 39 organisations, earlier today the Taoiseach used language which suggested that the workers were caught in the middle and that there was a differential opening up. The workers in section 39 organisations are not caught in the middle. They are suffering because the Government decided not to fund their pay restoration. The Government funded pay restoration for HSE employees, but those working in disability services, hospitals and mental health services throughout the country were deliberately excluded by the Government because of a lack of transparency and honesty around the budget. I want a straight answer. The HSE said it will not be able to make the savings identified in the budget. When did the Taoiseach become aware of that?

Deputy John Brady: The Euro Health Consumer Index for 2017 published this week rates waiting times for health care in the State as among the worst in Europe. We are in 24th place, which is even lower than the previous year. The authors, understandably, ask why countries with more limited means can achieve a virtual absence of waiting lists while this State fails to do so. Why can we not address this? This week has also seen record levels of patients lying on hospital trolleys. Today, 415 are languishing on hospital trolleys throughout the State. Yesterday, the figure was 644. On Monday, the figure was 543.

The publication of the report of the bed capacity review last week confirmed that, without investment and reform, this appalling situation is set to continue. There is little in the report that patients, politicians and health service workers do not know already. The report confirms that emergency department attendances will increase significantly. It also identifies a necessary increase of at least 2,600 beds in public hospitals, a projected increase of 190 adult critical care beds and 13,000 for older citizens in residential settings.

All of these beds require a planned and funded recruitment and retention strategy for nurses. The recommendations on staffing and the recruitment of nurses, doctors and other health care staff need to be addressed as a matter of urgency. This cannot be done unless the recruitment and retention crisis across all grades in the health service is addressed. That means addressing in a meaningful way working conditions, facilities, supports, training, promotion opportunities and pay.

Does the Taoiseach accept that this requires the Government to engage meaningfully with workers, representative bodies and unions, as well as establishing a commission on pay in the health service for medical professionals and health care workers, as recommended by the Dáil? What steps will the Government take to fit these recommendations into the framework on the Sláintecare report?

Deputy Brendan Howlin: The Taoiseach will be well aware of the commitment made to review cardiac services in the south east. There was grave concern and disquiet right across the region, in particular in Waterford as well as in neighbouring counties, including Wexford, Carlow, Kilkenny and Tipperary which were dependent on Waterford hospital for cardiac care. The south east did not have access on a 24-7 basis to cardiac treatment in a timely fashion, a situation which is unique. There was to be a review of Herrity and an examination of the parameters in respect of that. That has been enveloped by a new national cardiac services review. Needless to say, because the timeline is 18 months, it has caused additional disquiet in the south east generally. In the interim, will the Government implement those elements of the Herity report it accepted on lengthening the operational hours of the existing catheterisation laboratory in Waterford city on weekdays and to include weekends? Will it ensure the first phase of the national review will involve the south east in order that we can determine the practical steps

which can be made to ensure cardiac care services in the south east will measure up to those in the rest of the country?

The Taoiseach: I will do my best to answer as many direct questions as I can, but it is not always possible to answer questions directly when one does not have the answers or information in front of one or one's mind. We have this cycle most years in respect of the health service budget. The levels of activity are set out in the Health Service Executive, HSE, service plan for the numbers of outpatient attendances to be funded, the numbers of operations that will be performed, the numbers of emergency department attendances, the numbers of home care and respite care hours that will be provided and the numbers of medical cards that will be issued. Every year the Opposition states these levels of service will not be met.

Deputy Micheál Martin: I am not saying that.

The Taoiseach: Every year they are met or exceeded.

Deputy Micheál Martin: That is not the charge.

The Taoiseach: I do not accept the contention that the things set out in the HSE service plan will not be delivered. I think they will be because pretty much every year the level of activity has increased. At the same time, there is almost always a financial challenge during the year which we must work out and almost always it requires a Supplementary Estimate. It is hard to do it because the financial systems are so archaic and badly managed that it is March or April before we know how much the HSE spent in the previous year. That is atypical for public bodies. This goes on throughout the year and it would not be unusual to find a dramatic change in the estimated position from week to week; €100 million or €200 million can disappear or reappear in the space of a few weeks. That presents a real problem in planning. Last year there was a projected overrun in the primary care reimbursement service, PCRS, but it never materialised. However, another overrun by several hundred million euro appeared somewhere else. I would love the funding of the health service to be transparent and to know exactly where the money goes. We used to talk about money following the patient. I would like to be able to follow the money, but, unfortunately, we cannot do so. That is a big problem, one for which the Government takes responsibility.

The Public Service Pay Commission is examining the issue of pay for health care workers. It has been asked to examine the position for health care and Defence Forces staff first. In the meantime, public service pay restoration is well under way. Recruitment in the health service is now much easier than it was a year or two ago, which is encouraging. That is due, in part, to pay increasing again, but ironically it is also as a consequence of Brexit. Fewer overseas and EU workers are moving to the United Kingdom; they seem to be more willing to come here.

The European Health Consumer Index gives a mixed picture. It is poor on access. There is no point denying this, notwithstanding the fact that the numbers waiting for operations and procedures are falling, but they are not falling for outpatients. The index does point to good outcomes in some areas, which should be recognised. It gives us a green score based on the fact that Irish patients have access to novel drugs, as well as the cost of medicines. The Deputy will be aware that in Northern Ireland patients with cystic fibrosis do not have access to medicines such as Orkambi, but here patients do.

Deputy Micheál Martin: We had to drag the Government kicking and screaming to do it.

The Taoiseach: I hope that when Michelle O'Neill is back behind her desk, that matter will be sorted out. The index ranked us very highly on matters such as smoking prevention, blood pressure, vaccinations, cancer survival rates and potential years of life lost. It is a mixed picture, but it is not surprising. It is poor on access but reasonably good on patient outcomes and experiences.

I discussed the situation in the south east with the Minister for Health earlier this week. He plans to engage in a wide review, different from the one carried out under Professor Herity, one that will hear the voice of the patient and involve groups such as the Irish Heart Foundation. That follows a motion agreed to by the House a couple of months ago. I understand the funding has been put in place to extend the operating hours, but I do not know if it has yet happened. It does require having staff who are willing to work unsocial hours, which can sometimes be difficult.

Deputy Brendan Howlin: Will the Taoiseach indicate a date when it might start?

The Taoiseach: No; I cannot.

It is important to distinguish between cardiology services and 24-hour primary percutaneous coronary intervention, PCI. They are not quite the same. Primary PCI for 24 hours is a highly specialised service that can be provided only in a relatively small number of regional centres. In the entirety of Scotland which has a population of 5 million people it might be provided in only two or three centres.

Deputy Brendan Howlin: It has a very concentrated population of 5 million.

The Taoiseach: It is a question of ensuring quality because if the operators are not doing enough cases, the standard falls and the outcomes are worse.

Written Answers are published on the Oireachtas website.

Topical Issue Matters

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy James Browne - the need for special education facilities at schools in Wexford town and Enniscorthy; (2) Deputy Stephen S. Donnelly - the proposed length of the transition period following the United Kingdom's departure from the European Union; (3) Deputies Catherine Connolly and Éamon Ó Cuív - the imminent closure of Time 4 Us, Galway, an essential service that facilitates parental access to children in circumstances where parents would not otherwise have access to their child - Deputy Catherine Connolly; the need for issues in relation to the funding of Time for Us, an organisation based in Galway that provides services for families who have had a marriage break-up to be addressed - Deputy Éamon Ó Cuív; (4) Deputy Michael Harty - marine rescue services at Kilkee; (5) Deputy Margaret Murphy O'Mahony - the timeframe for the opening of the extension to Bandon Community Hospital; (6) Deputies Mary Butler and Frank O'Rourke - to discuss the recent inclusion of a diabetes management device for children with type 1 diabetes only; (7) Deputies Dessie Ellis and Noel Rock - to discuss an extension of the Luas to Dublin Airport via Finglas; (8) Deputy Jim O'Callaghan - to ask the Minister for Justice and Equality to address the fatal shooting in Dublin's north inner city

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last night; (9) Deputy Catherine Martin - to raise with the Minister for Housing, Planning and Local Government the urgent need for measures to assist homeowners of defective buildings to carry out remedial works, particularly in the light of the recent Oireachtas Joint Committee on Housing, Planning and Local Government's "Safe As Houses?" report which calls on the Government to set up a redress scheme; (10) Deputy Brian Stanley - the future of Abbeyleix hospital in County Laois; (11) Deputy Clare Daly - to discuss the decision to appoint Fingal County Council as the competent authority for EU 598/14; (12) Deputy Mattie McGrath - the need to address funding allocations for rural road works; (13) Deputy Robert Troy - to ask the Minister for Transport, Tourism and Sport to address the ongoing pensions issue involving up to 10,000 CIÉ workers, whereby punitive cuts and restructuring decisions have been imposed on pension holders without full consultation; (14) Deputy Danny Healy-Rae - to discuss the new hen harrier compensation scheme for farmers in counties Kerry and Cork; (15) Deputy Louise O'Reilly - to discuss the signing of the EU directive on basic safety and standards for protection against the dangers arising from medical exposure to ionising radiation regulations 2018; (16) Deputy John Curran - the imminent withdrawal of funding for the Money Advice and Budgeting Service, MABS, national management forum during the MABS restructuring; (17) Deputy Richard Boyd Barrett - the ongoing issue of the attempt to sell the playing pitches at Clonkeen College; (18) Deputy Joan Burton - to discuss traffic congestion in Dublin city centre; (19) Deputy Barry Cowen - to ask the Minister for Transport, Tourism and Sport to address the chronic underfunding of regional and local roads in County Offaly that has been ongoing for a number of years and which has been replicated in this year's grant allocation; (20) Deputy Marc MacSharry - the proposed closure of beds in the Alzheimer unit at St. John's Hospital in Sligo; (21) Deputy Pat Buckley - to discuss the risk of closure of the Rosalie unit in Castlereagh, County Roscommon which has 20 beds closed and had no new admissions since September 2016 without any rationale being provided for this stepping down of services; (22) Deputy Fergus O'Dowd - to ask the Minister for Health the position of a school nurse for County Louth (details supplied) and if he will make a statement on the matter; and (23) Deputy Mick Wallace - to discuss the role of Ulster Bank Ireland in the Global Restructuring Group and the effect on Irish consumers, following the Financial Conduct Authority, FCA, report on same in the United Kingdom.

The matters raised by Deputies James Browne, Marc MacSharry, Danny Healy-Rae, Dessie Ellis and Noel Rock have been selected for discussion.

Sitting suspended at 1.50 p.m. and resumed at 2.50 p.m.

Topical Issue Debate

Schools Building Projects

Deputy James Browne: I wish to raise the issue of special education in Wexford, in particular, two complementary schools - St. Patrick's special school in Enniscorthy and Our Lady of Fatima School in Wexford town. St. Patrick's special school has 131 students, 46 special needs assistants and 22 teachers. It is a large special school serving all of County Wexford and many people from south Wicklow. It provides schooling for children with moderate to severe-profound learning difficulties and is currently split between two campuses in the town, which makes it a logistical nightmare for the school. The campus was built in 1968. To say it

is dilapidated is an understatement. I have been in that school numerous times. It has damp and mould and water is dripping down all over the school. The children play in a tiny car park when buses are not turning in it. Parents, teachers and the community are up in arms over the state of the school. They were promised that a new school would be built for them. In the weeks before the last general election in 2016, they were told that construction would start in 2016. There has been delay after delay after delay. All they are getting are promises. The school has still not gone to tender for the build. This is why I am in here - to reflect the anger that parents, teachers and students, who are the most vulnerable students, feel. They have a day counter in the school which is up to 717 days since they were promised shovels would be stuck in the ground for this new school.

3 o'clock

That has still not happened. The teachers in the school are doing fantastic work in an impossible situation.

The second school is Our Lady of Fatima special school in Wexford town and the two schools are complementary. Our Lady of Fatima special school has 108 students at the moment and a waiting list of more than 50, which is a five year waiting list. Students who cannot get into the school have to go to a mainstream school where they do not get the supports they need. These are children with vulnerabilities but who, with guidance, support and training and a proper focus can thrive. However, they are not getting into the school because of a lack of spaces.

The school deals with moderate general learning difficulties. It deals with Down's syndrome, autism, Prader-Willi syndrome, fragile X, cerebral palsy and numerous other learning difficulties. The teachers, parents and the community are doing fantastic work in that school. They have been told that at a very minimum it will not even be considered until 2021.

The school backs on to HSE grounds where a new primary care centre is being built. An old primary care centre backs on to the school. The distance between the two is the same as the distance between the Minister of State and me. That old primary care centre had a brand new state-of-the-art third generation extension built and opened less than ten years ago. The HSE is due to knock down that building to put in car parking spaces. I got a letter from the HSE stating it will use that area for car parking spaces and will reserve it for the Department of Education and Skills, should it ever want to build a new school on it.

What is going on there is bananas. I ask the Minister to intervene in that situation and get on to the HSE. A school is desperate for spaces and a brand new building is right beside it. The school wants the building and the HSE is going to knock it down, but reserve the space for a new building to be built on if the Department of Education and Skills wants it. I ask the Minister to intervene in both of these cases. These are the most vulnerable people in our country. They are fantastic people and are not getting the supports they need.

Minister of State at the Department of Education and Skills (Deputy John Halligan): I thank the Deputy for raising the matter as it provides me with the opportunity to clarify the status of the accommodation needs of two special schools in Wexford, Our Lady of Fatima special school located in Wexford town and St. Patrick's school in Enniscorthy. As the Deputy is aware, the building project for St. Patrick's school is included in the Department's six-year capital programme. The building project will include a new three storey building of 5,926 sq. m, containing 20 classrooms, dining area, general purpose area, library, special education tu-

ition rooms and various ancillary spaces.

The pre-qualification process to select the shortlist of construction contractors is nearing completion. Once completed, my Department will be issuing an authorisation for this project to proceed to tender stage. The tender stage for awarding construction contracts on a school building project normally takes between four and six months to complete. My Department anticipates that this project will progress to construction as early as 2018. That is some good news.

The Deputy also referred to Our Lady of Fatima special school. This school has a current enrolment of 112 students and a staffing level of principal and 12 permanent teaching posts. The school caters for students with mild general learning disabilities and some students have additional associated learning needs. A number of students with autistic spectrum disorder also attend. The school operates under the patronage of the Bishop of Ferns, who is the owner of the school site.

Our Lady of Fatima school has submitted an application to my Department for capital funding to provide additional accommodation and my Department has been liaising directly with the school on the application. I am aware that the school site is confined and that options for providing additional accommodation on the site are being explored with the school. In this regard, the school has undertaken recently to furnish relevant maps to the Department in support of the application.

As I outlined to the Deputy in my reply to Question No. 197 on 26 January last, my Department is aware of a site adjacent to the school which I understand is in the ownership of the HSE. I understand also that these lands are associated with the development of a new primary care centre in Wexford town and are required for that purpose.

My Department is committed to providing improved accommodation for Our Lady of Fatima and St. Patrick's special schools and will continue to liaise with the authorities of both schools to achieve this. Based on the information I have received from the Department we expect construction on the site of St. Patrick's school. I know promises were made. I cannot comment on the promises made to the Deputy a year ago or two years ago. I spoke to departmental officials just before coming in here. They expect construction to begin before the end of 2018. I know they are working diligently on it.

Deputy James Browne: The students, parents and teachers associated with St. Patrick's school are fed up with broken promises as to when construction on the new school will commence. They were promised just before the previous general election that the shovels would be in the ground in 2016. It was promised for 2017 and subsequently June 2018. We are now hearing that it will definitely be in 2018, which could be the end of 2018. The parents and teachers will not be satisfied with that answer because it looks like it will be put further back. I hope the delays are not related to the problems with Carillion which has resulted in the brand new Loreto school not opening. I am not sure the school will be satisfied with the Minister of State's answer and I implore him to drive that school on as much as possible because the conditions those children have to put up with are not acceptable.

Our Lady of Fatima special school is boxed into a very tight location. The HSE on Grogan's Road is building a brand new primary care centre. However, the old primary care centre that backs on to the school is being knocked down, including the brand new extension to put in a car park. We should knock down the old part but give the school the brand new extension. The

school wants it and it is right beside the school. It solves all its problems.

Today I received a letter from the HSE stating:

We had identified space within USE Grogans Road site that would facilitate some classroom expansion of the school as per their request. This area has been excluded from the Primary Care PPP site ... and remains in the direct ownership and control of HSE. This arrangement was put in place in order to facilitate School expansion ... if required following the completion of the new PCC.

The HSE is confirming that the land is available for Our Lady of Fatima school to expand. It is now back to the Department of Education and Skills to liaise with the HSE, acquire the land and give the building to Our Lady of Fatima school so that the 50 children with nowhere to go and who need training and education can go there. Teachers are queuing up to work in the school but there is nowhere to put them or the students.

Deputy John Halligan: I refer back to Our Lady of Fatima school and the old primary care centre on Grogan's Road. The Department is aware of the site located there, but it believes, and the Deputy might be able to clarify this for me, that the site is required for the development of a new primary care centre in Wexford town. That is what we are being told.

The Department is engaging with Our Lady of Fatima school as we speak. We are trying to explore options to address its accommodation needs. I accept what the Deputy is saying. I have studied the school and I recognise the severe necessity to do something with the school. If the Deputy wants to engage with me later in the week, I can update him on what is happening with Our Lady of Fatima school.

The pre qualification process to select the shortlist of construction contractors for St. Patrick's school is almost complete. Once that is completed, the Department will give authorisation to proceed to tender stage. As I said earlier, I believe the tender stage takes between four and six months, sometimes shorter. It is going through the pre-qualification stage and will go through the tender stage. The Department is determined that this construction will start in 2018. Deputy Browne could push me for a date but I cannot give him one. I will keep in contact with him over the next couple of weeks and months to let him know what is happening with both schools. I promise that.

Hospital Closures

Deputy Marc MacSharry: I welcome the Minister of State, Deputy Byrne, and thank her for taking the time to hear about this matter. It relates to the Alzheimer's disease unit in Sligo, which covers the north-west region. The unit is based on the campus of St. John's Community Hospital there. It was opened as a dedicated unit some 20 years ago. The backdrop here is that the Mental Health Commission or HIQA did a report some time ago and found in the region of 13 non-compliances with regard to upgrades that might be required and so on. Since then, it seems that a HSE or Government decision was made to wind down and close this unit, thus leaving the entire north-west region without a suitable unit for respite or long-stay residents with Alzheimer's disease with a dedicated staff as this one was. There are now four of the 36 residents remaining. I got an email from the HSE last week stating that these people would be transitioned out and so on. In reality, what has happened up to Monday of this week is that

families were effectively coerced and told to remove their loved ones, that it was a matter for them to deal with, that the unit was closing and that was the end of the story, which is totally unacceptable. The loved ones of some of these families have been living in this particular unit quite happily, including one for ten years and another for the 20 years it has existed.

I appreciate the need for and welcome inspections to ensure all our facilities are up to standard. However, it seems to increasingly be Government practice that when HIQA, the Mental Health Commission or another body does, for want of a better expression, the dirty work of finding flaws with a particular unit, instead of applying the necessary investment to get the unit up to standard and ensure the region still has that service available, it sets about closing the unit down. In effect, the Health Act 2004 is being used by the Government to subcontract the entire running of our health service and the €15 billion of taxpayers' money involved to the HSE. The HSE now seems to be hell-bent on subcontracting out the provision of those services and acting like a broker, pushing families into the private sector to get care. One could be forgiven for asking what we pay social insurance for. Where is that €15 billion going? If that is going to continue, then the HSE is clearly a very expensive broker for the procurement of private sector services. There was no consultation with the Alzheimer Society of Ireland or with the patients. As I said, up to Monday of this week, two of the four families who loved ones still live there were simply told to move on, that they had to take their loved one home, put the person somewhere else, and that the hospital had nowhere else to put them. It is not acceptable, in any event, that the north-west region will be left without a dedicated Alzheimer's unit. What is next? Will it be Dungloe Community Hospital near the Leas-Cheann Comhairle, Sheil Hospital, the Rock community nursing unit, St. John's Community Hospital itself or countless others throughout the north west?

People in the north west of the country, just like people in Dublin or in any other part of the country, are entitled to services and we are increasingly stripping them out and forcing people to deal with the private sector when there was a perfectly good functioning public service in operation. It may have needed some level of upgrade and continuing investment, as rightly highlighted by the Mental Health Commission, HIQA and other bodies, but that does not mean we should not apply those resources. We should not use it as an excuse to close services down. At some stage, we need to put the people, patients and families at the centre of our consideration of this process because, sadly, under the euphemism of "the best interest of the patient", the HSE is being budget-driven to close down and cut back services, and to push it back onto vulnerable families which have to dig deep for funds they do not have to procure these services in the private sector.

Minister of State at the Department of Health (Deputy Catherine Byrne): On behalf of the Minister of State, Deputy Jim Daly, I thank Deputy MacSharry for raising this issue. The rehabilitation and recovery mental health unit, formerly known as the Alzheimer's unit, is located within the grounds of St. John's Community Hospital, Sligo, and serves patients with both dementia-related illness and mental health difficulties, as the Deputy has said. The Mental Health Commission carried out an inspection report on this unit on 17 November 2016. The inspection report highlighted that the rehabilitation and recovery mental health unit did not operate as a rehabilitation unit but as a continuing care unit, with a number of residents inappropriately placed there. Care and treatment was limited to that provided by a nursing staff and general practitioner, GP, only, with a lack of further clinicians available. There was no consultant psychiatrist or multidisciplinary team available for the approved centre. The Mental Health Commission approved registration of this unit in November 2016 on the basis of two

conditions. These were that there would be no further new admissions or transfers of persons to the unit, and that the needs of the current residents of unit were assessed and residents were appropriately placed in accordance with this by 31 December 2016. As a result, no new patients have been admitted to the unit since 21 November 2016. Many residents have since been transferred to more appropriate care and facilities. By the end of March 2018, all remaining residents will be transferred to other placements more appropriate to their care needs. The HSE has assured the Minister of State, Deputy Daly, that all transitions will be fully inclusive and will respect the individual needs of the residents involved. This is also in keeping with the Irish National Dementia Strategy 2014.

The closure of this unit is in line with the mental health policy, *A Vision for Change*, which set out a comprehensive policy framework for the development of mental health services. It recommends a move away from the traditional institutional based model of care to a more patient-centred, flexible and community based service, where the need for hospital admission is reduced while still providing inpatient care, as appropriate. The closure of this unit creates further opportunity to develop additional services which will be available to more people in their homes and other community care settings in Sligo. This Government has prioritised the reform and resourcing of our mental health services in line with *A Vision for Change*. This can be seen in the mental health budget increase from €711 million in 2012 to over €910 million in 2018, an increase of around €200 million, or 28%, in six years.

I thank the Deputy for raising this issue. I will come back in on some of the concerns he has raised.

Deputy Marc MacSharry: I thank the Minister of State. Sadly, the response prepared for her on behalf of the Minister of State, Deputy Daly, is inadequate. The Minister of State, Deputy Byrne, said that the report showed there were anomalies in the service, that it was GP-only, that there was no psychiatrist, multidisciplinary team or clinical staff beyond a GP. There were chipped tiles and other issues. At no point did the report say that these services should not be provided. Our responsibility is to provide psychiatry, a multidisciplinary team, and a GP, to change the tiles, to clean the place up and to make the improvements and investments required. We have not done that but have decided to close it. What does the euphemism “more appropriate to the care needs of the family” mean? The families I have spoken to have been told to get their loved ones out of the place. That has nothing to do with *A Vision for Change*. Of course we want to support people to remain in their own homes when they can be cared for at home but we are talking about people who have been there for ten or 20 years. How could a place decide that a person is going somewhere else? As of Monday, the HSE was not in a position to tell the two families who I am in contact with where those people are even going.

This is driven by the budget under the cover of a lie that it is associated with *A Vision for Change*. It certainly is not associated with *A Vision for Change* and it is no excuse for the lack of investment in resources and clinical support that was identified by the Mental Health Commission in 2016. We cannot use these as excuses for our ineptness - something needs to be done. I appeal to the Minister of State to raise this at the highest level in Cabinet to ensure this unit remains open. The investment, resources and required clinical support should be made available and the people in the north-west region should have a support, not just for respite for those Alzheimer’s disease patients, but also for those patients who are not capable of being looked after in their own home any more. I thank the Minister of State for her time but I must say, without any disrespect to her, that the response prepared is totally inadequate in the circumstances.

Deputy Catherine Byrne: I do not know the location and have been given a prepared response, and it is unfortunate that the response has not facilitated the Deputy's frustrations and concerns. I will not comment on the service there because I am not familiar with it but it is unacceptable for any family to be asked at short notice to remove a family member, especially somebody who has been in long-term care, from such a unit. The families should not have to decide where their loved ones will go; that is a matter for the provider or the HSE. I do not propose to comment on the sum of €15 million or private sector service provision, but I will bring the Deputy's concerns to the attention of the Minister of State, Deputy Jim Daly.

I again assure the Deputy that the Government is committed to facilitating people through the provision of services which meet their needs and also in their homes. Where the latter is not possible, the responsibility is on us to provide adequate services where people can live in comfort and, above all, be cared for well. I agree with the Deputy in his remarks about the painting of walls and the washing of floors. I will bring not only his concerns in that regard but also his frustration at the response I have given to the attention of the Minister of State.

Special Protection Areas Designation

Deputy Danny Healy-Rae: Yesterday I attended a briefing in the AV Room by a group of farmers from north west Cork, east Kerry, west Limerick and County Tipperary on the designation of their lands under the hen harrier programme, the lack of compensation for years and the scheme being put in place which they said did not adequately compensate them, following which the issue was discussed with them at a meeting last night of the Joint Committee on Agriculture, Food and the Marine. In 2007 the National Parks and Wildlife Service gave a commitment that any farmer whose lands were designated under the hen harrier programme would receive a payment of €350 per hectare, but this agreement was later broken by the service and the then Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs. In 2015 the then Minister for Agriculture, Food and the Marine, Deputy Simon Coveney, committed to paying €350 per hectare up to 40 hectares which was equivalent to 100 acres. However, nothing has happened in the intervening years.

Prior to last Christmas, the Minister for Agriculture, Food and the Marine, Deputy Michael Creed, announced the compensation scheme currently in place. For example, for the first 25 acres, or 10 hectares, if awarded the maximum 1,000 points, a farmer is paid €2,000. However, as the average number of points for this category is 600, the payment is €1,200. For the second 25 acres, if awarded the maximum 1,000 points, the payment is €1,500. However, as the average number of points in this category is also 600, the payment is only €900. For the third 25 acres, if awarded the full 1,000 points, a sum of €1 per hectare is payable, which equates to a figure of €1,000. However, one is more likely to receive €600. For the final 25 acres, the payment is supposed to be €750, but the likelihood is that it will be €450. The maximum payment possible is €5,250, but the likelihood is that it will be €3,150 against the promised €14,000 per 100 hectares in 2007 and 2015.

At the meeting of the Joint Committee on Agriculture, Food and the Marine officials from the Department of Agriculture, Food and the Marine said that as the agreement had been broken by the then Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, not the Department of Agriculture, Food and the Marine, it was not a matter for them. A gangster in the Windy City of Chicago would not attempt to do what is being done to honest farmers. What

does the Minister for Agriculture, Food and the Marine propose to do about it? Does he propose to continue this blatant robbery of their assets?

Deputy Catherine Byrne: I am taking this matter on behalf of the Minister for Agriculture, Food and the Marine, Deputy Michael Creed, who is leading an agri-food trade mission in Turkey.

The hen harrier programme is a new locally-led project funded jointly by the Department of Agriculture, Food and the Marine and the European Union under the European innovation partnership initiative. It is not a compensation scheme; rather, it is a pilot project designed to test new ways of managing these landscapes to the best advantage of the bird and the farmers living there. The hen harrier is an open moorland bird of prey. Hen harriers nest on the ground and their preferred nesting sites are unenclosed open moorland and heath or bog habitats. They also nest in young pre-thicket forestry plantations.

The hen harrier is one of our rarest birds. In Ireland the population is estimated to be in the region of 108 to 157 pairs and declining. The species is listed in Annex 1 of the birds directive, which means that these birds are subject to special conservation measures which, among other things, require member states to designate special protection areas, SPAs, for their conservation. Some 4,000 landowners have lands which are designated for the protection of the hen harrier, covering an area of 169,000 hectares. The agricultural area is a lot smaller, at 57,000 hectares.

The Department has no role in the designation of land as areas of conservation or protection. It is entirely a matter for the National Parks and Wildlife Service. As part of the current rural development plan, the Department seeks to address a wide range of environmental objectives, involving farmers in different ways and paying for additional actions undertaken and income forgone. Members will be familiar with most of them, notably GLAS, the organic farming scheme, the Burren programme and, more recently, the locally-led measures. The locally-led model is a bottom-up response to environmental challenges, involving farmers directly in the process, with flexible schemes and incorporating a results-based approach. This fits well with the European Commission's plans for European innovation partnerships, EIPs, which saw a range of actors working together, namely, farmers, NGOs, scientists and so on, in testing new and innovative approaches to a range of challenges, not only environmental ones.

In developing its proposals the Department was very conscious of the report and recommendations issued by the Oireachtas joint committee in 2015. While the report focused largely on the wider question of designation and compensation, it also highlighted the role farmers played in providing a public good when they worked to preserve the hen harrier and that they should be paid for this. It also recommended that farmers and farming groups be more involved in the entire process of protecting the hen harrier. This is the process from which the new hen harrier programme has grown. It is active in all six SPAs, including counties Cork and Kerry. While funded and supported by the Department, it is not a departmental scheme but a partnership involving many players. As well as seeking to protect the future of the bird, it explicitly seeks to create a stronger socioeconomic outlook for the agricultural communities in these areas and promote positive relations with these communities that have managed these sensitive landscapes for generations. The new hen harrier programme has been designed by a locally-led project team which worked in close collaboration with the farmers on the ground in these areas. A total of 31 separate meetings were held during the design process across the six SPAs, with over 500 farmers attending.

An Leas-Cheann Comhairle: The Minister of State's time has expired, but she can read the remainder of the reply during her next time allocation of two minutes, if she so wishes.

Deputy Danny Healy-Rae: I am amazed by the Minister's statement that the Department of Agriculture, Food and the Marine has no role in the designation of land, yet that Department is supposed to pay compensation to the farmers. The story before was: "Pay as you go; if you don't pay, don't go." The Government should de-designate the lands or else pay the people fair compensation. They were promised €350 per hectare, which would amount to €14,000 for 40 ha, but they will now get €3,150. Al Capone would not have done that at the height of his notoriety.

The Government is trying to hide between two Departments. Officials at the Oireachtas committee last night said they could not be blamed, yet they are part of this structure and Government. They are denying that they have any role in this. At the same time, it is the Department of Agriculture, Food and the Marine that pays compensation. This could not be more crooked. It is robbery, it is thievery, it is everything one could call it. What is being done to these people is the height of blackguarding. Cork North-West, the constituency of the Minister, Deputy Creed, includes part of the affected area. Ballydesmond and Lyre are in his constituency. Brosna, Knocknagoshel and places on that side are all affected. The people there are honest, good-living people. They have been and are being blackguarded.

I do not blame the hen harrier; no one could blame it. I would like the hen harrier to be protected but not at the expense of people. The affected landowners cannot sell their land; it is worthless. I will give an example of just one case, that of a farmer who inherited a bit of land and paid €22,000 in stamp duty. It was worth €1,000 per acre and there were 400 acres. It is worthless now. I ask for fair play. The Minister should not be blackguarding these people because that is what is being done to them by this Government.

Deputy Catherine Byrne: I certainly have not raised any question about good-living farmers across the country, and I do not believe the reply has done so either. There is nobody doubting them. I can only read the reply given to me. I will relay the Deputy's concerns to the Minister.

The project team consulted the IFA, IFDL, ICMSA, INHFA and ICSFA during the design stage. The first four organisations also nominated farms to be included in the development process, supplemented by additional farms identified by the project team. The hen harrier payment is something we have never tried before. It is effectively a bonus payment to farmers if a successful breeding roost site or nest site is identified on or near their land, or where the outlook for an entire SPA stabilises or improves.

Examples show that a farmer with 15 ha could earn between €3,000 and €4,000 per year while a farmer with 40 ha could earn between €6,000 and €7,000 per year. I hope this explains what the new hen harrier programme is about. It is about trying to devise a new way of managing the landscape in these areas, involving farmers at all stages of the process and rewarding them for their work.

As somebody who has not come from a farm and who has only seen a hen harrier in a picture, I can only relay the Deputy's concerns to the Minister. I will certainly bring them to his attention. Perhaps the Minister will speak to the Deputy and to my colleague Deputy Tom Neville, who also has concerns about this. I will pass on the message.

Deputy Danny Healy-Rae: All I will say-----

An Leas-Cheann Comhairle: There is no provision for a third intervention.

Deputy Danny Healy-Rae: -----is that it is not fair on the Minister of State, Deputy Catherine Byrne, to be landed in here, and it is not fair on the people. All I will say is-----

An Leas-Cheann Comhairle: The Deputy must be reasonable. I call Deputy Ellis.

Deputy Danny Healy-Rae: The Government and-----

An Leas-Cheann Comhairle: Whatever about the hen harrier, the Deputy should be reasonable to his colleagues.

Deputy Danny Healy-Rae: They can have all the airy-fairy issues they want to, but if they cannot pay the compensation, the land should be re-designated.

An Leas-Cheann Comhairle: Please. The Deputy should have respect for his colleagues. That is the end of the hen harrier issue.

Light Rail Projects Provision

Deputy Dessie Ellis: There have been some welcome developments in transport but they are not ambitious enough and, in some cases, will take many years to complete. The Luas link to Broombridge has been a wonderful success, with many commuters from the Finglas area commuting daily. One of the biggest problems with Broombridge is the lack of parking and set-down places, in addition to the lack of feeder buses to service the station. Amazingly, these were overlooked. I would like the Minister to look into this.

The southern part of Finglas is the area worst serviced with public transport in the whole of Finglas and the rest of the city. Areas such as Scribblestown, Valley Park, Tolka Valley, Dunsoghly, Rathvilly, Virginia, Kilshane and Deanstown have little or no service, although they have many elderly residents, young children and people with disabilities who cannot walk long distances.

One of the first public private partnerships for 70 housing units is planned for Scribblestown and the project is expected to start in the near future. Dunsink Lane in Finglas, beside Valley Park, has the potential to accommodate between 4,500 and 12,500 units, as does the valley area in Finglas south. A link to the proposed metro north - to the airport from Broombridge - could be constructed across virgin lands that are not yet developed. Even a stand-alone link from Broombridge to the top of north Finglas could be a stand-alone project. It would be economical and open up lands for development, especially along Dunsink Lane. It would also service one of our best hospitals, Cappagh hospital.

The population of Finglas is rising. Traffic congestion on the Finglas Road is at an all-time high and the nearby M50 resembles a carpark at peak hours. One does not have to be an Einstein to see public transport is the only way forward. The most economic, environmentally friendly and straightforward way to achieve what I describe is through the Finglas area.

Deputy Noel Rock: This issue is very relevant to my constituency, including the community and families of Finglas. It may have come to the attention of the Minister, and I may have

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said to him at meetings in the past, that Dublin North-West is the only constituency in Dublin without two modes of public transport. It is entirely reliant on the bus network. It is fair to say that congestion is hitting Finglas harder than many other areas of the city. We need infrastructure and investment and we need them now.

We have spoken about this in the past. I am campaigning based on a two-step process. The first element of the first step is to develop, as Deputy Dessie Ellis said, proper park-and-ride facilities in Broombridge that would unlock the Luas cross-city route for a great many people in Finglas in the short term. The second is the development of Tolka Valley Park to allow pedestrians to gain access to it more easily and safely, particularly in the evening hours. The third is to have a feeder bus route. I have spoken with Dublin Bus and the NTA on this matter. They have, I am glad to say, agreed to a feeder bus to Broombridge. I hope to see it on stream in the very near future. I understand the drivers have been informed of it this week.

The second part of the process, after we demonstrate the demand in Finglas for the Luas, is to extend it there. This should have been done as part of the original Luas cross-city project. Finglas is a town with over 30,000 people, yet the line terminates in Broombridge, which is effectively an industrial estate. This is senseless. It is quite clear that the NTA is very keen on the proposal to extend the route to Finglas. I urge the Minister to use his considerable power and influence to expedite the project, not only putting Finglas on the agenda but putting it at the top, where it deserves to be.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I thank the Deputies for presenting their case. Both Deputies and I have ambitions. The only difference between them and me is that I have a chequebook they do not have, but I cannot just open it at will. The aspirations of both Deputies are ambitious and they have made a very good case. The only problem is the timing and the commercial viability and good sense of doing those things. In terms of convenience, the constituency of the Deputies and the development of transport, the proposal should come under consideration but I am afraid it will not necessarily be immediate. I thank the Deputies, both of whom have legitimate cases to make, for acknowledging the fact that there are improvements in transport in Dublin. There are also great ambitions for same. I urge the Deputies also to make the case to the National Transport Authority, NTA, which can provide a more immediate interface than mine with Members, the public and others. They should make their presentations to the NTA because it has the power and makes the decisions. Issues only come to me at a later stage. The NTA is the operating unit that will in the first instance make a decision on the suggestions the Deputies have made, which are both extremely plausible even if they are not immediately practical.

The NTA's transport strategy for the greater Dublin area, GDA, provides a framework for the planning and delivery of transport infrastructure and services in the GDA over the next two decades. The delivery of these projects is obviously subject to a number of influencing factors, including funding availability. I have already ensured that budget 2018 will provide an enhanced four-year capital envelope of €2.7 billion for public transport over the period 2018 to 2021. The funding will progress key capital programmes set out in the NTA's strategy that will help address congestion and emerging capacity constraints on the public transport system across cities, including major projects in the greater Dublin area such as BusConnects, the DART expansion programme and metro north.

The recently opened Luas cross city will add an estimated 10 million extra journeys every year on the Luas network. In addition, the green line capacity enhancement project, recently

approved by the Government, will address current capacity limits at peak hours on the Luas green line and cater for future demands along the line. Funding of more than €300 million has been allocated under the plan to continue planning, design and construction of the new metro north, with construction work commencing in 2021 and passenger services starting in 2027. Design and planning work is already under way and I am pleased to inform the Deputies that in a few weeks a public consultation process will be undertaken on the emerging preferred route, EPR. The cost of completing the new metro north project is estimated at €2.4 billion and is being considered in the context of the ten-year capital plan which will be published shortly.

Turning specifically to the issue raised by the Deputies, the latter period of the NTA's GDA strategy 2016 to 2035 includes a number of proposals to develop the light rail network further in the GDA. This includes the extension of the Luas cross city from its terminus at Broombridge to the north of Finglas to provide a high capacity radial service from this large suburb into the city centre in the latter period of the strategy. There are currently no proposals to provide a metro link from Broombridge to the airport via Finglas. Provision for appraisal and planning for Luas to Finglas and other Luas extensions being included in the latter stages of the NTA transport strategy are being considered in the context of the forthcoming ten-year capital plan.

Deputy Dessie Ellis: I thank the Minister. We all welcome metro north and we are waiting for it to get moving. I wish we could speed up the process as the timeframe is a bit long. There is an onus on the Minister, the Department, the NTA and Transport Infrastructure Ireland. They should look at the project and all the State agencies should be instructed to examine it. It would not cost an arm and a leg to extend the line from Broombridge to Finglas as it is only a short distance of approximately two to three miles to extend the line into north Finglas. It could be planned that the spur would link into metro north. The project could be a stand-alone one or linked in.

There would be significant benefits to the environment in terms of traffic congestion and pollution. The main Ashbourne road is chock-a-block with traffic coming into the city. People also come off the M50 from various areas and the road into the city is chock-a-block as well, especially in the Hart's Corner and Glasnevin areas. We have an opportunity to plan in advance. The fields in Dunsink Lane are virgin fields. We have an opportunity to put the metro north through the area and then to talk to Fingal County Council.

Deputy Noel Rock: I thank the Minister very much for his response. I noted with interest yesterday that the Taoiseach said it took him 75 minutes to get to work, which is an indication perhaps of the increased traffic levels throughout the city and the increased busyness of the economy. However, it is not unusual for my constituents in Finglas to take that long to get to work. According to the small area census data, it is routine and regular for people living in Northway estate, Scribblestown, Finn Eber, Rathvilly, Heathfield, Kilshane and Valley Park to spend in excess of an hour on their commutes to work. None of them has access to a train station that in some cases is only 1 mile south of them. None of them has accessibility to the Luas, which terminates only 1 mile south of them. The expansion and extension of the Luas would do a great deal to transform the lives of these families, commuters and communities. It would unlock the city for the citizens of Finglas but it would also unlock Finglas for the citizens of the city. There is a great deal of potential in Finglas to build residential accommodation on the available land. Now is the time to strike. A railway order should be signed now while the land is available and empty and while we have the capacity to build key capital infrastructure projects which this area has needed for years if not decades.

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Deputy Shane Ross: I thank the Deputies for what they have said. I understand Deputy Ellis's plea and I sympathise with it. I do not think he could contest that with me. He outlined the benefits for the proposal he made in terms of traffic reduction and the environment. That is fair enough. In terms of cost, Deputy Ellis said it would not cost an arm and a leg.

Deputy Dessie Ellis: It is virgin land.

Deputy Shane Ross: That is not very specific to say the least. My suggestion is that a cost-benefit analysis should be carried out on it. I would be happy if the Deputy could provide to me an estimate of the costs and the benefits in writing.

Deputy John Curran: Deputy Ross is the Minister.

Deputy Shane Ross: I would be very happy to present it to the NTA and to hear its criticism or assessment of it.

I do hold out some hope for what Deputy Rock said. I wish to respond to him about BusConnects because he mentioned the fact that his is the only constituency in north Dublin without at least two forms of transport. The NTA, which is the primary mover in this regard, does not think of places in terms of constituencies. It looks at the situation in a different way. However, I accept the Deputy's point. BusConnects is a very exciting programme that is being introduced on a cross-city basis. The four-year capital plan provides for investment of more than €770 million to progress the BusConnects programme. It was launched last summer by the NTA. It will completely overhaul the bus system in Dublin by implementing a network of next generation bus corridors with segregated cycling, three bus rapid transit routes, a complete redesign of the bus network, a simpler fare structure, a cashless payment system, a state-of-the-art ticketing system, new bus livery, new bus stops and shelters, and the use of low emission vehicles.

We must acknowledge the significant progress that has been made in all constituencies, not just by BusConnects but by the Luas cross city and metro north in the capital's transport network.

Harassment, Harmful Communications and Related Offences Bill 2017: Second Stage [Private Members]

Deputy Brendan Howlin: I move: "That the Bill be now read a Second Time".

With the permission of the House I propose to share time with Deputies Alan Kelly and Jan O'Sullivan.

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

Deputy Brendan Howlin: I believe the Internet is a public space, and I believe that, as with all public spaces, our people deserve to be protected there just as they would utilising a public park or a public roadway. Some will disagree. Some see the Internet as a great libertarian or anarchist play space but the view of the Labour Party is that this space is truly important, is growing in importance and needs to be regulated.

Back in 2013, my party colleague, Pat Rabbitte, during his time as Minister for Communica-

tions, Energy and Natural Resources, set up an independent expert Internet content governance advisory group. It was chaired by Brian O’Neill of the Dublin Institute of Technology, DIT, and the group was asked to report on a range of issues related to online content following a growth in public concern over cyberbullying and related matters. The report of the group made a series of structural, legislative and administrative recommendations. Included in them was a suggestion the existing offence of sending messages that were grossly offensive, indecent, obscene or menacing be updated to include all new forms of electronic communications, including the new platforms that we all use to communicate nowadays. As the law stands, the offence covers only telephone and text or SMS messages. Obviously, that is hopelessly out of line with the normal daily practices of all of us. That the law in this area has not changed since the invention of the text message speaks volumes and is surely reason enough to reflect on whether our law is up to date or in need of urgent refurbishment.

Last year the Law Reform Commission reported on harmful communications and digital safety. It confirmed that the criminal law applied to some harmful communications but that there were significant gaps, in particular in respect of newer forms of communication. It proposed that the current law, together with new measures to tackle new forms of harmful communications, be consolidated into a single easily understood statute. That is the core of the Labour Party Bill which is to consolidate and reform the criminal law on harmful communications. This involves replacing certain provisions of the Post Office (Amendment) Act 1951 relating to electronic communications – the fact that we have not changed the law since 1951 also speaks volumes - and the Non-Fatal Offences Against the Person Act 1997 relating to harassment.

The Law Reform Commission’s report was in two parts, the second of which proposed a system of oversight and regulation under a new regulator to be called the digital safety commissioner. I had understood creating a new statutory agency was outside the remit of a Dáil Private Members’ Bill, but I gather other colleagues have been more successful in having such measures pass the scrutiny of others and have tabled such proposals. Had I known that, I would have included such provisions in this Bill. If it is passed on Second Stage, we should include the measures on Committee Stage because it is an important component of the suite of recommendations made by the Law Reform Commission. The Bill seeks to implement the thrust of the commission’s proposals on the reform of the criminal law in this area. We produced a draft Bill last year. I express my gratitude to the many NGOs and experts who provided comments, suggestions and submissions on it.

The Bill has five key features. First, it adopts the broadest possible definition of “communications” to capture the communication of information by any means. It includes the communication of information generated, processed, transmitted, received, recorded, stored or displayed by electronic means or in any electronic form.

Second, the Bill sets out an updated offence of harassment. Our new version provides that a person who, intentionally or recklessly and without lawful authority or reasonable excuse, engages in harassment will be guilty of an offence if he or she acts in specified ways to seriously interfere with the peace and privacy of a citizen or cause him or her alarm, distress or harm. The actions specified are: if a person persistently follows, watches, pesters or besets another person; persistently communicates with another person, or persistently communicates with a third person about another. The punishment is a class A fine or imprisonment for 12 months or, on conviction on indictment, in the case of a more serious offence, a fine or a maximum term of imprisonment of seven years.

Third, the Bill allows for stalking to count as an aggravating factor in sentencing and to be so regarded by a judge. In other words, if the conduct of the defendant seriously interfered with the victim's peace and privacy and caused him or her alarm, harm or distress, the court may take that fact into account as an aggravating factor. If the defendant and the victim were in an intimate relationship, in the course of which an offence was committed, that is to say, the defendant made use of personal information on the victim or of an electronic device or software to monitor, observe, listen to or make a recording of the victim or his or her movements, activities and communications without his or her knowledge and consent, again the court may take that fact into account as an aggravating factor.

Fourth, the Bill creates a new offence of distributing an intimate image without consent. This is what is commonly referred to as revenge porn. It occurs where a couple are in an intimate relationship and one of the parties uses intimate photographs and distributes them with the objective of causing harm or damage or hurt to the other. A person who takes, distributes or publishes an intimate image of another without consent, or threatens to do so – I am afraid that is often what arises in many of the cases about which we hear - and in doing so causes serious harm to the peace and privacy of the other or causes him or her alarm, distress or harm is guilty of an offence and liable, on summary conviction, to a class A fine or imprisonment for six months or both.

The Bill deals with prohibited messages. It provides that a person who distributes or publishes a threatening, false, indecent or obscene message to or about another is guilty of an offence. Again, it is limited to situations where the action is taken with intent to cause alarm or distress or recklessly or persistently undertaken. Under our proposal, the offence will be punishable, on summary conviction, by a class A fine or imprisonment for 12 months or both and, on conviction on indictment, by an unlimited fine or imprisonment of up to seven years. The provision will replace section 13 of the Post Office (Amendment) Act 1951.

These are the main provisions in the Bill. I have made it clear that we believe these proposals are proportionate to the real harm caused and danger posed by people who believe they can act with such reckless disregard for the well-being of others. We firmly believe these safeguards are required. I do not intend to list all of the other elements of the Bill, but some are worth noting. In the case of children, the Bill states criminal proceedings against someone under the age of 17 years may not be taken, except with the consent of the Director of Public Prosecutions. This is a safeguard against prosecuting children, although, in some instances, it might be merited. No one is seeking to unfairly punish children. A measure is included to ensure only the most serious of crimes committed by them will be subject to criminal proceedings. As a further protection for victims, the Bill provides for the protection of their identity. This provision has been modelled broadly on reporting restrictions in the Criminal Law (Rape) Act. Importantly, the Bill makes it clear that it cannot be interpreted as altering the law so as to prohibit or restrict the exercise of constitutional rights of assembly, peaceful picketing and so on.

My time is up. I hope Members will address these important issues and that the Bill will be passed.

Deputy Alan Kelly: I hope we will all be on the one page in dealing with this issue. Everyone in the House should support the Bill. Deputies may have amendments to propose, but this is being done for the right reasons. We all know the issues we are facing.

Before I entered the House, I worked as an e-business information technology business

manager.

4 o'clock

I think I was at the top of my game in 2007. However, I do not recognise the online world of 2017 from the perspective of the online world of 2007. Everything is available on every medium one can imagine, including Instagram, Snapchat and Kik, and the lack of regulation is frightening.

Given that the law in this area has not been updated since 1951, Members of the Oireachtas must collectively address this matter, as other jurisdictions such as Australia, New Zealand and the United Kingdom have done. In light of recent events, with which all Deputies will be familiar, the Oireachtas may be at a slight advantage in that we could learn from what other jurisdictions have done in this area and be even more up to date as a consequence.

It will be necessary to establish the role of a digital safety officer or regulator. This issue needs to be fleshed out in detail and the regulator must have substantial powers and ensure citizens' privacy is protected.

We do not delve into the role of online companies enough. These companies have a major responsibility and I am not sure they take this responsibility as seriously as they claim. Many social media companies employ large numbers of people in Ireland and provide fantastic media platforms. However, with billions of users and valuations of billions of euro come responsibilities to work with the various agencies, specifically the Department of Justice and Equality, on the volume and types of complaints they receive. They must be able to provide data on these matters in a format that legislators can use to develop our views and draft legislation that will address issues that arise online, including harassment, the use of revenge porn and other online behaviours. Without such data, we will not be able to address these issues. It is critical, therefore, that they are provided.

I welcome the recommendations of the Law Reform Commission. Everybody has an online presence and we all make our own choices on the media we use to communicate our messages. Members of the public should be protected and feel safe in this online space, just as I should feel safe when I walk from Kildare Street to the NewsTalk offices to do an interview in a few minutes. While Members of the Oireachtas are public figures who are open to criticism, members of the public are entitled to their space and entitled to interact in a fair, civil and social manner. As we know, this is frequently not the case.

The Labour Party, through this legislation, wants to ensure our online engagement, which is part of daily discourse and interaction for everyone and part of the socialisation of young people, continues and is a valuable source for all of us and society in general. At the same time, we want the space about which I spoke to be protected for people to ensure it is enjoyed by everyone in an acceptable manner.

Deputy Jan O'Sullivan: Joni O'Sullivan is the mother of a 17 year old girl who attempted suicide twice because of online bullying. Joni took the brave decision to go public, first on Facebook, and then in the *Limerick Leader* last weekend, to highlight what was happening to her daughter and stop it for her daughter and others who are affected by similar bullying. Joni's and Zoe's story shows just how devastating the effects of cyberbullying can be. I will read out some of Joni's Facebook post, which is already public.

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I never post long posts on Facebook and especially not of personal information but current events in my daughter's life have left me no alternative but to reach out on social media myself for help. As you are all aware suicide in Ireland is an epidemic at the moment, and suicide among teens from online bullying is something we should never see. I can't help thinking of the parents of children who have committed suicide from bullying and wondering whether they were even aware it was going on, and whether they felt they had done enough to try to stop it. That's the reason I'm posting such sensitive details of what is going on for my daughter right now.

The post then features a photograph of Joni's daughter, Zoe, and the words, "This is my daughter Zoe and she is 17 tomorrow." Joni's post is fairly long. It describes the bullying, which has been taking place for more than a year. Zoe was receiving upwards of 50 messages a day calling her names, which I will not repeat in the Chamber. This resulted in her making two attempts at suicide. She stayed in bed for weeks and did not go to school as she tried to get away from the bullying. Joni's post continues:

No one will understand fear until you wake up to your teen screaming from inability to cope with online bullying coming in through their phone into what should be the safety of their own home... I will not lose my child because of online bullying. I will fight it. I lay beside her last night as she slept frightened to close my eyes in case I lost her.

We can all imagine what this mother and her young girl went through. It is the reason legislation is urgently needed.

In an interview published in the *Limerick Leader* last week, Joni O'Sullivan stated she was overwhelmed by the response to her post. Her daughter, Zoe, stated:

I just want the cyber-bullying to stop and for that video to not be shared and removed from the internet. A random disgusting video that was posted saying it was me, and messages I received telling me I was disgusting and to kill myself, caused me so much pain and made me want to die to escape the torment, and I never want to feel like that again.

Zoe also spoke of feeling good and her mother stated she believed she had done some service in bravely posting her message on Facebook. The *Limerick Leader* also notes that Joni O'Sullivan called for the progression of the Bill the Labour Party is presenting today to bring the current "laws into the 21st century and pass the current Bill on cyberbullying and enact it into law before we lose more young lives."

What happened to Zoe and many other young people shows how urgently we need to bring our laws up to date. The various social media platforms are used extensively by young people and need to be policed to protect those who are harassed and bullied in the horrific way I described. I highlighted the case of Zoe and Joni O'Sullivan to give a sense of what it is like for young persons who suffer online bullying and their parents.

Other measures required include education and awareness initiatives for young people and the appointment of a digital safety commissioner. We did not provide for such an appointment in the Bill because we understood this could result in it being disallowed on the basis that such a measure would give rise to costs on the Exchequer. As Deputy Brendan Howlin stated, we will be pleased to include such a provision in the Bill at a later stage.

The case I highlighted gives an understanding of the harm and damage being done by online

bullying, which has become pervasive, particularly in the lives of young people. We must stop it and quickly implement the recommendations of the Law Reform Commission. I hope the Minister is in a position to indicate Government support for the Bill because we must proceed as quickly as possible. Young people are subject to online bullying every day, with some probably experiencing it as we speak.

Deputies will have read about a case that came before the courts last week. It was a completely different scenario from the one I described as it involved the exploitation of very young girls. We cannot allow this to continue. There are precedents and models available to us and we must enact this Bill as quickly as possible.

Minister for Justice and Equality (Deputy Charles Flanagan): I acknowledge the contribution of Deputy Brendan Howlin and thank him and his colleagues for bringing this Bill before the House for consideration. I believe all Members will agree that the Bill is broadly similar to legislation being drafted in my Department, which has been the subject matter of discussion in the House. I will be the first to admit the process is taking somewhat longer than I would have wished. I welcome the opportunity to have this debate. This Bill in the name of Deputy Howlin and his colleagues is timely and appropriate. In that regard, it will not be opposed by the Government at this Stage.

Like many Deputies in the House, I have been appalled at some of the stories emerging in the media in recent weeks. I wish to commend the Garda Síochána for successfully apprehending a vile criminal. I acknowledge the concerns that have been expressed inside the House and outside it in the broader community about Internet safety, particularly in the context of that recent case. I acknowledge, of course, that the Internet has changed our lives in many ways for the better. It is important that we state unequivocally that there are negative aspects and that we cannot ignore acting on these.

These are issues with which Governments across the world are grappling. Important work is under way in the EU Commission, led by Commissioner Jourova, whom I had the opportunity of meeting to discuss these issues, among others, late last year. Ultimately, we need to ensure is that we achieve a balance between the right to privacy of an individual on the one hand and the right to freedom of expression. That is the challenge. We have an essential role to play as lawmakers, and so too do the Internet companies, parents and schools. I wish to invite the Internet companies to participate actively in the debate. I acknowledge that they have a leadership responsibility in this issue and they must involve themselves by way of full active engagement in the matter of Internet standards and Internet safety.

In recent days there has been a debate centred on the darker aspects of the Internet and social media, the access children have to the Internet and the activities of criminals on the Internet, in particular where vulnerable children are targets. Some of these issues are relevant to the Bill and some are separate issues. The offences in this Bill may be distinguished from offences such as grooming which are already on the Statute Book. I want to advert to the Child Trafficking and Pornography Act 1998, as amended by the Criminal Law (Sexual Offences) Act 2017, which contains a number of new offences to combat the exploitation of children.

There are a number of initiatives under way across government to promote Internet safety, in particular where children are concerned. My own Department operates the Office for Internet Safety, OIS, which provides information and guidance, including a series of booklets aimed at parents with information on various aspects of Internet safety, including filtering, using social

networking sites and cyberbullying. If members of the public becomes aware of activity that might be regarded as bullying activity on the Internet, which they suspect may be illegal, they can report it confidentially to *hotline.ie* which is operated by the Internet Service Providers Association of Ireland with oversight by the OIS in my Department.

My colleague, the Minister, Deputy Naughten, who will speak later in this debate, is examining proposals for the creation of a digital safety commissioner, as referred to by Deputy Howlin. This area is complex and multifaceted and involves a number of Government Departments. Work is under way in Government to introduce a clearer policy framework to better inform the public and, of course, this House on the structures and laws in place. An open policy forum on digital safety will take place in March to involve the views of stakeholders. In the meantime, I am working with the Ministers, Deputies Naughten, Zappone and Bruton, to develop a more unified whole-of-government policy across this issue and this legislation plays an important role in that regard.

Turning to the Bill itself, it is broadly based on many of the recommendations made by the Law Reform Commission, LRC, in its 2018 report on harmful communications and digital safety. The LRC report is a significant piece of work in the area of online harm, and the changes that are needed to ensure our laws and system are equipped to deal with this growing problem. I commend the LRC for producing this valuable piece of work.

While I am entirely in support of the intention and spirit behind this Private Member's Bill, I must point out that there are certain drafting issues in the Bill as published last May. Initial observations by officials in my Department, as well as the Office of the Attorney General, indicate that a significant number of amendments would be required to get the Bill to a point where it could be safely enacted. I will briefly mention some of my key concerns, but I want to acknowledge the base this Bill is and will have in terms of further engagement.

Section 4 of the Bill appears to be an amalgam of the LRC's approach to the offence of distributing intimate images. The LRC proposes two new offences. The first is distributing an intimate image with intent to cause harm. This would include behaviours commonly referred to as "revenge porn". The second is the taking or distributing of an intimate image without the consent of the other person. This targets behaviour such as "upskirting" or "downblousing" and does not include the element of intent to cause harm but rather it is an offence in the strict liability code.

It would appear that the penalty structure set out in section 4(1) of the Bill is intended to accommodate the behaviours envisaged in sections 4 and 5 of the LRC proposals as outlined above. I have concerns there may be procedural difficulties with the prosecution of this offence. However, we can deal with these issues on Committee Stage. Section 4(3) provides for an aggravating factor for the purpose of sentencing where the complainant has certain disability such as to restrict his or her capacity to guard against harm. From a policy point of view, clarification should be sought as to why this provision is considered appropriate or necessary. The vulnerability of a particular victim is a factor which a court normally takes into account in sentencing an offender. It is also queried as to why it is limited to this section of the Bill and not others, possibly suggesting that vulnerability linked to disability would not be an aggravating factor for other offences in the Bill.

Section 4(4) provides that an offence under this section is a sexual offence for the purpose of the Sex Offenders Act 2001. Given the range of behaviours that can be covered under section

4 of these proposals, it would appear to me that less serious adolescent behaviour could result in a young person being subject to the Sex Offenders Act, which might not always be appropriate. Section 7 provides for jurisdictional matters. Pursuant to Article 29.8 of the Constitution, Ireland may only exercise extra-territorial jurisdiction in accordance with the generally recognised principles of international law. As this Bill attempts to provide for jurisdiction for offences committed outside the State regardless of whether the perpetrator is a citizen or resident of Ireland, this may raise constitutional issues unless Deputy Howlin can provide some basis in international law for this provision.

These are my initial comments on the Bill. I will write to the Deputy Howlin setting out my full list of concerns. In principle, I believe our intentions are broadly similar and that is why I do not intend to oppose the Bill at this Stage. I wish to assure Deputy Howlin of constructive engagement in this matter with both myself and my Department. As the Bill deals with serious criminal offences, I am sure the Deputy will agree it must be carefully constructed, and constructed in a most accurate way so as to avoid constitutional or any adverse consequential issues that might not appear immediately apparent or obvious. I refer also to issues of interpretation or conflicts with other legislation in the criminal justice area.

I acknowledge the importance of this debate and of the legislation before us. There is much more work to be done in this area before the Bill can proceed further. I am sure Deputy Howlin will reflect on these issues and I thank him for bringing forward the legislation. I agree with Deputy Jan O'Sullivan's comments not only on the importance of the legislation but also on a certain urgency involved having regard to apparent vacuums in the law.

I wish to acknowledge what we are debating. We can bring the matter on to the next Stage and in the spirit in which the Bill was tabled by Deputy Howlin, I wish to assure members of his party of constructive engagement with my Department and Government. We will also be monitoring and indeed actively engaging in the work of other ministerial colleagues, in particular, the Minister, Deputy Naughten. There will be a role for the Minister for Children and Youth Affairs, Deputy Zappone, and for the Minister for Education and Skills, Deputy Bruton. However, from a criminal justice point of view, I am happy to accept the spirit of this Bill. There are some issues regarding the letter that we can deal with in due course.

Deputy Fiona O'Loughlin: I will be sharing time with Deputies Lawless, Browne, Lahart, Moynihan, Chambers, Smyth and Curran.

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

Deputy Fiona O'Loughlin: I commend Deputy Howlin and the Labour Party on bringing the Bill forward. I have contributed on this issue a number of times previously, particularly in the context of revenge porn. Fianna Fáil will support the Bill but we will bring forward amendments to strengthen it on Committee Stage because cybersafety is the child protection issue of our time. There is no doubt that in many instances a mobile phone, tablet or laptop can be a crime scene. Currently, the online world in which all Members and many of our friends, family members and children are immersed is largely self-regulated. Ireland is completely behind the curve in legislating for the online and social media sphere, and this has given rise to the shocking and distressing stories we hear day after day about revenge porn, cyberbullying, online stalking, upskirting, downblousing and other forms of harassment and offence. The Law Reform Commission, LRC, has linked these types of activities to serious psychological harm for the people affected, as the aim is to humiliate and degrade and the proponents are usually

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successful in this regard. The Garda has reported a significant increase in the number of victims of this crime, especially young people. We were all shocked when we turned on our televisions last Friday night to see how vulnerable our young people are to predators in the online world and it behoves us, as legislators, to move with great haste to extend the offence of harassment to ensure it includes activity online and on social media.

The Government, despite assurances from the previous Minister for Justice and Equality in 2016, has failed to deliver anything in this area. Many loopholes in our current legislation need to be closed to address these unfortunate modern realities and our laws need to be updated in order that we can efficiently prosecute offenders. Parents and concerned citizens are navigating a difficult area at this time. According to the Irish Society for the Prevention of Cruelty to Children, ISPCC, on average 14% of students aged between 12 and 16 have been cyberbullied, which could be a conservative estimate, while, according to recent EU Kids Online research, 99% of young people aged between nine and 16 in Ireland use the Internet and more than half have set up their own profile on a social networking site. Ofcom in the UK reports that most children spend more than twice as much time on the web as their parents think - an average of 43.5 hours per month as opposed to the 18.8 hours their parents estimate. Further research alleges that more than half of cyberbullying incidents in Ireland happen to children on Facebook and that 25% of women say they have experienced body shaming online.

The LRC report of 2016 recommended the establishment of a digital safety commissioner who would implement existing social media safety measures and also educate people about safe online behaviour as well as working with Government policy. Education is hugely important but this has not happened. I am pleased the Minister said that the Minister for Communications, Climate Action and Environment will examine this. As the Labour Party speakers said, this is essential going forward. Since the LRC report, we have seen example after example of the damage that can be caused by activity online. These include the Dublin man, Matthew Horan, and I hate to use his name, who used sites such as Flic to gather thousands of images of young children, the suicide of a young woman tormented by cyberbullies, the abuse suffered by a former Senator, the threatening and intimidating online messages directed at both private persons and public figures, and many more anecdotes we have heard from our constituents and friends. A constituent of mine took his life because of revenge porn and I also know a young woman who attempted to take her own life again because of revenge porn.

This is a good Bill but we will table amendments on Committee Stage. Technological advances made in recent years have benefited society hugely through the availability of information, the connectivity generated by an online community, and the ability of social media to empower young people and allow them to connect with people all over the world. However, the information overwhelm, the social peer pressure and the significant privacy concerns can at times outweigh these benefits. The web is a place of both opportunity and danger, and self-regulation is insufficient to address harmful communications effectively. The Bill is a good start in getting Ireland up to date with its legislative duty to protect its citizens from the dangers of the online world. I would like to acknowledge the excellent work being carried out by the national anti-bullying research and resource centre in DCU and the special rapporteur on child protection, Dr. Geoffrey Shannon, who made excellent recommendations in recent weeks on how to deal with this issue.

Deputy James Lawless: I welcome the Bill and I commend the Labour Party on tabling it. We will support this excellent measure. I tabled legislation in a similar vein, albeit taking a different angle, prior to Christmas and I acknowledge the Labour Party's support for that. There

was support from most sides of the House, although not from the Government. When the issue was debated by the LRC, I made a submission in 2015, which fed into the wider report. Important and much needed recommendations flowed from that. We are all aware of recent cases and the abhorrent and shocking tales that have been related. One of the issues that emerged was the need for a digital safety commissioner, which we all agree is long needed. Unfortunately, the Government appears to be at sea on the issue. I welcome the Minister's indication of the Government's support for the Bill to proceed. However, the Minister for Communications, Climate Action and Environment indicated he was in favour of a digital safety commissioner before Christmas, yet the Taoiseach dismissed that during the Christmas recess and then the Minister said the proposal was back on the table last week. I am not sure where it sits now. The Government also rejected my Bill, although it was voted through on Second Stage by the House.

The Minister in his contribution referred to territoriality. Section 9 of the criminal justice (amendment) Bill 2018 may address the concerns he raised. As happened when Deputy Howlin appeared on radio earlier, the same questions are coming up about enforceability of regulations and how we can police these issues, but we can do this. The regulation of online gambling demonstrates that there are many ways to police activities that may not be rooted physically in the jurisdiction. It is important that, as a legislative assembly, we make a statement on whether certain behaviours are acceptable and do so in such a way that it can be codified into law with the enforcement following later.

I watched "The Late Late Show" last Friday evening during which a number of parents and children in the audience talked about the shocking events that had unfolded in their lives and the reaction to them. The Internet is a fantastic tool for education and it is at our children's fingertips. It is a great resource which has transformed education, but it brings dangers. I will close with the words of a child who spoke on "The Late Late Show". She said that even with all the activity going on and all the scare stories, "Don't ban the children, ban the bad people." That makes a lot of sense.

Deputy John Lahart: As Deputy Lawless said, the Internet has transformed people's lives and continues to offer transformational possibilities. Unfortunately, it has a downside and it can have a negative effect, but for the vast majority of users it enhances our lives and enables networking and global connectivity in a way that never previously existed. I welcome and support the Bill. In 2008, while in government, Fianna Fáil established the Office for Internet Safety, but as of October 2017, the office only had two staff. Perhaps the Minister might be willing to comment on that. I wholeheartedly support the thrust of the Bill and look forward to contributing further on it as it goes through the various Stages in the House.

Deputy James Browne: I welcome the Labour Party's Bill, which is good, welcome and timely, but it should not be needed. It has become very clear that the Government is deeply out of touch on the issue of Internet safety and regulation. That is reflected in the lack of action, a strategy and coherence. Before Christmas we heard the Taoiseach say he was deeply loath to go down the route of a digital safety commissioner, but the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, has now announced that there will be one. The question is whether the Cabinet and the Taoiseach support him in that regard. We often hear of the real world against the online world. If anyone has any doubt, recent cases have shown that the two are married together. The online world is very much part of the real world. It is reaching out everywhere and deeply affecting everybody, particularly young people, especially their mental health. In 2012 the level of smartphone ownership passed the 50% barrier. There has since been clear evidence of a substantial increase in mental health problems,

especially among young people, among young women in particular. There have been profound psychosocial outcomes, including depression, anxiety, isolation, addiction, eating disorders and even suicide. Senior staff in Google, Apple and other major technology corporations are raising their children digital-free. The phrase “don’t get high on your own supply” comes to mind.

It is accepted that social media do have certain positive aspects. Young people in difficulty have other outlets to reach out such as Childline online. However, social media are also having a deeply profound negative effect. The area is unregulated, ungoverned and damaging. In particular, issues such as revenge porn, cyberbullying, threats and the basic right to privacy arise. There is also the issue of permanency. There is no way to forget and move on. This needs a whole-of-government approach. It cannot be based solely on the Department of Justice and Equality and prosecution. There are roles for the Departments of Communications, Climate Action and Environment; Education and Skills; Health; and Children and Youth Affairs. They all need to be brought together to deal with this very serious issue. It can be dealt with, but it needs to be dealt with quickly.

Deputy Lisa Chambers: I welcome the Bill brought forward by the Labour Party which seeks to consolidate existing law but which also deals with new crimes. In some ways, it tries to catch up with the advances in technology which very often have outpaced our laws and probably always will.

The effects of online harassment on citizens and us as public representatives are very stressful and damaging. They are lasting and stay with a person. The stories are numerous. Reports in recent weeks on the effects on young children and how they have been attacked and sought online by those masquerading as friends and people of the same age have been quite disturbing. What can we expect from interactions online and what should we expect? I think we all agree that the way people behave online, the things they are willing to say and type and the things they will say from the comfort of their own couch while tapping away furiously on their phones or iPads are probably very different from the interactions they would have face to face. We often hear the term “keyboard warrior” or that someone is very brave behind his or her keyboard. It does matter and does make it easier for people to be quite nasty, vindictive and scathing of others online.

The other challenge with which we will all have to try to think of ways to deal is that of fake accounts. How will we enforce the laws on those with faceless, nameless and troll accounts? There are many laws on the Statute Book which are difficult to enforce, but that does not mean we should not criminalise something that is clearly wrong. Obviously, we should try to incentivise citizens to do the right thing. Clearly, we will have a huge challenge in trying to enforce these laws and track down those who are making harmful communications and attacking people online, including children, other citizens and all of us. We need to do everything we can to endeavour to protect everybody online because, as Deputy James Browne said, the Internet should be a safe space. In addition to making these actions illegal, giving recourse to the courts and putting laws in place to protect people, we absolutely must educate the public and allow them to equip themselves to protect themselves.

Deputy Danny Healy-Rae might like to get off his phone while we are debating such a serious issue in the Chamber. It is quite outrageous.

Deputy Brendan Howlin: Hear, hear.

Deputy Lisa Chambers: We have to make these things illegal. There must be recourse to the courts. We know the difficulties in prosecuting crimes, in particular revenge porn and posting material made without consent online. We know the difficulties in prosecuting cases of sexual harassment which happen physically in person, but that does not mean that we should stop trying to correct these wrongs. I welcome the Bill. We have much work to do, but it is good to see cross-party support in the House on this issue which causes lasting damage to many.

Deputy John Curran: I welcome the opportunity to contribute to this debate and I am glad to be in a position to say my party supports the Bill. I come from the village in which Matthew Horan lived for a number of years. It is important to highlight that the conversation, both locally and nationally on the various chat shows, has been about how we can protect young people. There is a real void. If one looks at the case of Matthew Horan, he was first arrested in 2004 and computers were seized. There was subsequently another raid and phones, USB storage devices and so forth were seized. The point I am trying to make is that the focus of the raids was very clearly on the hardware, rather than the various platforms on which he was engaging with children. To be effective, it is important to focus on that area and that is where this legislation goes.

Deputy Jan O'Sullivan talked about young people and the dangers and risks they faced. She is right. There are young people at home sitting in their rooms terrified of what is on their smartphones and other devices. We owe it to them to deliver a solution and protection very quickly.

In his opening comments the Minister alluded to the fact that his Department was to prepare legislation and that it was progressing more slowly than he would like. He also said he would not be opposing the legislation brought forward by the Labour Party. I appeal to him to be pragmatic and go further because there are resources available to him and the Government in drafting legislation, including the advice of the Attorney General. There is a willingness in this House to work collaboratively to bring the legislation to fruition and to do so quickly. Rather than diverting and wasting time in preparing parallel legislation, I appeal to the Minister to work with the Labour Party, as others suggested. My own spokespersons have said we will be bringing forward amendments, but this needs to be done and really quickly as we are behind the curve in dealing with this issue. When one listens to debates on radio shows, parents are at their wits' end in not knowing how to look after their young children. That responsibility falls to us. Therefore, I appeal to the Minister to work collaboratively. We, on this side of the House, have facilitated him in government. I now appeal to him to work with the Labour Party on an all-party collaborative basis to bring a solution to this problem as quickly as possible.

Deputy Charles Flanagan: I agree.

Deputy Aindrias Moynihan: Gabhaim buíochas leis an Lucht Oibre as an mBille seo a thabhairt chun cinn. Tá géarghá chun rud éigin a dhéanamh mar gheall ar mhí-úsáid ar an Idirlíon. Ireland is completely behind the curve in enacting regulatory legislation for the online and social media spheres. As things stand, the online world is self-regulated and, while that will work for most, it is just not sufficient where people set out to do damage to one another. Parents are hugely concerned about the way in which their children are being targeted by predators or bullies. Of course, others are threatened by revenge porn or the endless torment of faceless bullies hiding behind their keyboards.

From my own involvement with schools and youth clubs and as a parent, I am very conscious of the way in which many young people are exposed. They are hugely attached to

technology. It is unimaginable for them to be without their phones. The phone is a significant part of their contact with their friends and social circles. That means, unfortunately, that the school bully is not left behind at the school gate. He or she follows home, right the way up the stairs and into the bedroom. It can be relentless and there is no escape. We have seen horrific examples of online abuse in recent times. There has been the case of the 14 year old Belfast girl whose pictures were posed repeatedly on Facebook, as well as the case of Matthew Horan, the 26 year old who was using various platforms to gather images of children as young as nine years. Despite assurances from previous Ministers that there would be legislation, unfortunately, the Government has so far failed to deliver. While I acknowledge that the Minister has said he is drafting such legislation, things are moving on. Time is passing and we need things to move faster.

The Bill seeks to address issues such as stalking online, cyberbullying and revenge porn. Of course, there are benefits to the Internet and being online. It has opened up great avenues for many. I am constantly in the Chamber raising issues related to broadband and looking for greater access in various places. There is, however, a dark side which needs to be addressed. It cannot be left open and exposed as it is. For our colleagues and friends but, most of all, our children and future generations, things cannot be left as they are.

Deputy Donnchadh Ó Laoghaire: Táim ag roinnt leis an Teachta Denise Mitchell agus an Teachta Brian Stanley. Tógfaidh mise cúig nóiméad.

Ar an gcéad dul síos, cuidím leis an mBille seo. I thank the Labour Party, and Deputy Howlin in particular, for tabling this Bill. Given the headlines and public debate of recent weeks that a number of Deputies alluded to, as well as Deputy Jan O'Sullivan's eloquent reference to the case of Zoe in her constituency, there is concern among the public. We need to reflect on that.

This legislation is valuable. It updates the law in significant ways and introduces new offences. My colleague, Deputy Jonathan O'Brien, drafted similar legislation last year, although it was never moved. The Law Reform Commission, LRC, which regularly produces valuable proposals, created the paper from which this Bill draws significantly.

As a few Deputies have reflected on, the Internet is a public space. It creates great value but also great challenges. It has already changed our relationships with one another to a large extent and will continue to change public life in ways that we are yet to imagine. That applies across a wide range of areas. Deputy Kelly mentioned how he used to be an online consultant in 2007 or so. I was doing my leaving certificate then. Although it was only a little over ten years ago, it may as well have been a generation ago. To all intents and purposes, it was a different generation from an online point of view. In terms of apps and behaviours, 2007 was like the Dark Ages by comparison. The pace of change will continue to increase.

In that context, we need a measured, proportionate and sensible response. This Bill is a part of that. While we face significant challenges, there is no sense or value in a moral panic. It would not assist us in resolving the difficulties. We need legislation that criminalises behaviours that deserve to be criminalised, increased resources for the relevant offices and legislation that ensures corporate responsibility. The Taoiseach has correctly said that there is a role for the major providers and platforms. If they are not going to perform it voluntarily, they need to be made to perform it. There is also a role for society and culture to develop where this issue is concerned. The matter is multifaceted, but this Bill plays a valuable role.

Measures that are not practical and sensible will not work. Putting in place measures that we believe protect young people but in reality just force them into finding other ways of accessing materials is not the approach to take. Balance is required.

I commend the Bill. It is a necessary updating of the law. Section 4 in particular is significant. It deals with what is often called “revenge porn” by imposing a sentence of up to seven years for distributing that kind of material or using it for blackmail purposes. It is right and proper that these be serious criminal offences, as they can create considerable trauma. It is a crime of great violence in many respects.

Section 6 deals with the liability of corporations. They can play their role voluntarily, but if they are not willing to do so, legislation will be required.

Section 11 deals comprehensively with the protection of privacy, which is important. The other sections update legislation dating from 1951, as the types of communication that exist today did not exist back then, and relate to policing behaviours in that regard.

My legislation, which I hope to move soon, proposes an office of a digital safety commissioner. Stemming from the same LRC paper, it would ensure that digital service providers - websites, social media platforms and so on - abide by minimum codes of practice and national digital safety standards. Central to that would be take-down mechanisms to remove the harmful communications referred to in this Bill. I hope to move my legislation soon and that the Government position on same will be made known.

Neither the digital safety commissioner nor this Bill is a silver bullet. Much more is required. However, both can play a significant role. I hope that the Government supports this legislation and continues to move in that direction.

Deputy Denise Mitchell: I thank the Labour Party for this good Bill. When it comes to the matter of harmful communications and digital safety, we are falling far behind. In recent weeks, numerous cases have been before the courts involving young children who have been exploited online by predators. We have seen many other cases in which people have been blackmailed with the threat of intimate images being distributed to their friends and families.

Since this is an issue that the Committee on Children and Youth Affairs has been busy examining, I welcome the Dáil’s focus on it today. Despite the work being done by the Garda, there is frustration among the public who fear that not enough is being done. While we must ensure that legislation is in place, we also need to make sure that the Garda has adequate resources to tackle this serious problem. The LRC has called for an office of a digital safety commissioner and my colleague, Deputy Ó Laoghaire, has a Bill to that effect, so I hope that the Government supports it.

No Deputy is suggesting that we become a nanny state. While we should be focusing on engaging with social media companies and enforcing take-down requests, the protection of children must be the top priority. We need to foster a culture of responsible Internet usage among the public, particularly young people, educate people about how to use digital resources, apps and social media in an appropriate way and ensure that they are aware of potential dangers. I am happy to support this Bill.

Deputy Brian Stanley: This is a welcome and timely Bill, given how social media and new forms of communication have grown rapidly but the law is yet to catch up. It is an area that will

inevitably lead to a body of case law and require greater legislative action. This is not just about updating existing criminal law. The online communications world will need its own regulatory and governance structure.

Sinn Féin introduced a Bill on this important issue last year. Its proposals were in line with those contained in the LRC's 2016 paper and aimed to establish an office of a digital safety commissioner as a stand-alone body. Our Bill also proposed to establish an advisory committee on a statutory basis. Of the committee's membership, 50% would come from civil society organisations, 25% from industry organisations and 25% from the relevant Departments and statutory bodies. The issues of independence and digital governance would be essential.

Social media has brought in equal measure great freedom of expression, which is welcome, and an easy avenue for those with wrong intent. Unfortunately, we have seen the latter in a number of court cases in the past week or two. We will have to balance against political interference and restrictions on political expression and the vital protection of the individual and organisations from abuse and exploitation. Balance may best be achieved independently of the Government. We already regulate other areas in this way, for example, energy. There may also be a role for the Garda.

The key to dealing with online abuse, of which we have seen much, is addressing its anonymous nature. Keyboard warriors hide behind their anonymity. While I realise the difficulty in dealing with this area, accounts linked to specific individuals or businesses will not hamper freedom of expression. It will create greater accountability and help to protect people from exploitation and abuse. That is the key to this. I welcome the opportunity to speak on the Bill and thank the Labour Party for bringing it forward. I hope the Bill can be progressed through the Houses in a speedy manner.

Deputy Ruth Coppinger: This is a very timely topic because over the past 20 years there have been massive changes in society due to technology. These changes have been largely progressive. People are able to get information and can communicate. There are ways to organise politically and so on through new forms of media. People are able to share their opinions, challenge media narratives, etc.

The negative aspects of social media include how it is used to facilitate cyberbullying, harassment, exploitation, the grooming of children and the controlling of women who are in abusive relationships. It is not good enough that it has taken 20 years for the Parliament to consider laws. It is as if we did not think the Internet would catch on. It is timely that this issue is being considered.

What are the types of abuse we are seeing through social media? A Women's Aid report published in 2015 referred to 293 accounts of digital abuse. Language is very important. The term "revenge porn" is not accurate. It is not revenge. The term "revenge" suggests a person did something wrong and another person is taking his or her revenge. It is not revenge or porn. Rather, it is the abuse of somebody using digital media.

According to Women's Aid, women's personal details have been shared online, lies have been told about them and they have been impersonated through their social media profile by their abusers. The most common abuse involves spreading damaging rumours online, distributing intimate images without consent and even having details advertised on so-called escort sites. We need to do some research. This abuse makes people who are the victims of it very

fearful. They suffer from a lack of sleep and feel as if they have no control and that their privacy has been invaded. It is horrendous. Examples have already been given.

In one EU survey, 12% of Irish women and girls over 15 years of age had experienced stalking online. Some 50% of those described physical and online stalking. In the UK, 41% of women who were in abusive relationships experienced online abuse. We hear Deputies and people in general condemning the Internet, but this is all connected. We cannot blame the Internet. Rather, we have to blame the culture which allows these things to happen in the first place.

It is connected to particularly backward attitudes to women in society, where women's bodies are commodified throughout the media, advertising and pop culture. Women are not even meant to be independently sexual, and therefore they should be shamed, an idea which has its roots in religion. Women are victim blamed continually, something we see in comments such as "Why did she go on this date?", "Why did she go to the hotel room?" or "Why did she have her picture taken?". We see the same in rape trials and so on. It has its roots in a culture where it is accepted that men should be allowed to have an opinion or control over women in the first place.

Some of the abuse which has been referred to includes so-called upskirting and downblousing carried out by a stranger unbeknown to a woman. It could happen on public transport or anywhere else. It speaks to that culture of misogyny which is out there. There are cases where a person is known to have images which they may have shared with another person, and are then abused when the relationship breaks down, which is so-called revenge porn. As I said, we should change the language around that. Such behaviour reflects attitudes which are quite prevalent in society.

LGBT people are also victims. It will no longer be tolerated. We see that with the #MeToo and #TimesUp movements. People say the #MeToo campaign has gone too far, but it has not gone far enough in many ways. At least social media has allowed people who have been the victims of harassment or abuse to speak out without having to prosecute a case. That is one positive feature.

The Law Reform Commission made recommendations some time ago in respect of issues dealt with in the Bill. Perhaps the Minister could clarify exactly when he expects to be able to move legislation on this. The Law Reform Commission recommended the introduction of two new offences. One was so-called revenge porn or digital abuse, where a former or abusive partner shares images, and a second to deal with so-called upskirting and downblousing where a stranger shames a person. It also recommended the amendment of other offences, such as harassment, to include online harassment and threatening images. It is vital that it is moved on.

We have seen the impact of online abuse. People mentioned the story of Jane who had images of her posted online by an ex-boyfriend. They had been online a year before she even knew what had happened. She went to the Garda which said it could do nothing. Action needs to be taken on this. People who want to abuse others will use social media to do so.

We have heard of landmark cases where companies like Facebook have been taken to task in respect of their responsibility to ensure that children and teenagers, in particular, do not have naked pictures shared online. It is the first time Facebook has had to settle a case out of court.

There is an app which advertises the ability to track one's partner if he or she is playing away from home. One can see how that could be used against somebody who is under the con-

trol of a particular person. These are used to control and monitor a partner's movements. They do not allow a person to leave an abusive relationship. It is critical that legislation is discussed in this Parliament and brought in very quickly to deal with that. If this Bill adds to the impetus for that to be done, it is certainly welcome.

Deputy Maureen O'Sullivan: I note the core purpose of the Bill is about consolidating and reforming the criminal law concerning harmful communications. One of the difficulties with legislation is to trying keep up with the continual developments in technology. I acknowledge the work that went into the Bill, including the definitions relating to communication, stalking, harassment, intimate images and prohibited messages.

We all value technology, the advances which have been made, online convergence and the Internet. I have a lot of reservations about it being used to make so-called friends or virtual friends. I find it difficult that somebody can say he or she has hundreds if not thousands of so-called friends, whether on Facebook, Snapchat, Twitter or Instagram. We know devices are fertile ground for misuse and abuse for sad, sick individuals who prey on children and young teenagers. We have seen many examples of how this has led to inappropriate and very risky behaviour. A lot of damage is being done to young people. This was highlighted in a recent court case and other cases. It also highlights the loneliness, vulnerability and need for friends and affirmation of some young people, something which is recognised by those people who use all of that to their advantage.

Apart from sexual predators, the online world is very fertile ground for bullies. Those who do not have the technical skills to understand the other world their children access face a dilemma. Some parents want to respect their children's privacy, not be overly intrusive, and do not want to jeopardise trust. They are almost being politically correct. It is a difficult one. Trusting young people at an age when they are most vulnerable to be able to make adult-type decisions is difficult. At times, parents have to throw caution and being correct aside and learn exactly what their children are up to.

The Irish Internet Safety Awareness Centre can help parents with apps, their appeal and risks to young people and how to navigate between the two.

5 o'clock

Young people face many challenges, not just in the online world outlined in the Bill but also in their educational career and dealing with drugs, alcohol, their sexual identity and gender and sexual activity. They need the skills to navigate them. Their relationships with adults and parents are vital in that respect. This also relates to their sense of self, identity and self-esteem and being comfortable in their own skin. It is important that they have the language and confidence to navigate these feelings and issues and express themselves openly without having to turn to that other world. It is okay to say they feel lonely, sad, anxious or hurt because not expressing these feelings, not having real friends or a significant adult to talk to or share with means that they will turn increasingly to the Internet, chat lines, etc. on which they will be particularly vulnerable to those who will take advantage of them.

The offender profile shows many of the same needs, lack of self-esteem and identity, loneliness, feelings of anger and jealousy and not being able to connect. Over one quarter of all sex offenders detected by gardaí are teenagers, some as young as 13 years. I know of teachers who have been referring to what they see as inappropriate sexualised language among primary

school students. There is a need for intervention and therapy, work the Northside Inter-Agency Project, NIAP, has been doing unobtrusively. I understand, however, that there are waiting lists. It is disastrous to delay that intervention and therapy. We all know of the importance of early intervention to stop behaviour worsening. Unless that happens, it is likely they will be the on-line predators of the future. There is a programme for jailed sex offenders who want to engage in a rehabilitation process when they show real remorse for and an awareness of what they have done. Perhaps there are those who believe they are beyond rehabilitation, but I believe in supporting those who want to rehabilitate and will be amenable to intervention.

I know that there are differences of opinion on having a digital safety commissioner, but we need to know more about the possibilities by studying international best practice. I have seen reports that the existing laws and the courts are sufficient and adequate to deal with the offences committed. Internet and technology companies have responsibilities and can do better on the issue of online safety because closing down technology is not the answer. Companies have been very remiss in neglecting to deal with the issue of cyber safety, especially for young people.

Schools can only do so much. Mobile phones have been banned from schools. Students, teachers and parents did without mobile phones for many years and parents even managed to contact schools using a landline. When I was teaching, I often had to confiscate mobile phones because they were being used during class time. We do not know what is going on in these situations. Parents are vital in taking on this issue by limiting the time their children and teenagers spend on gadgets, mobiles, smartphones, the Xbox and PlayStation. There is 24-hour access to Wi-Fi throughout the home. Parents do not know what happens when children bring their mobile phone to bed. It is a question of being lonely and friendless which is horrible for young people. We need to encourage them to socialise in other ways in real life because, apart from the dangers of online socialising, it is very lonely. It takes the human out of human interaction. I am all for helping children and young people to make real friends through sports and other activities and especially giving them the language they need to articulate what they feel and to be able to work on with what they are uncomfortable when they are engaging in some of these activities online. It is very opportune that the Labour Party has brought forward the Bill as it gives us an opportunity to discuss the issue because there is no doubt that we are behind the times on it.

Deputy Danny Healy-Rae: I am grateful to have the opportunity to speak to the Bill. The issue has been raised by parents all around the constituency of Kerry. There have been tragedies as a result of cyberbullying and parents were not really aware of what was happening. Before now, children were safe when they came home and went to bed. Now blackguards of every creed and description can get at them from any part of the world, even when they are at home. The companies that are so good at providing the technology need to put in place proper regulation. The technology has moved on quickly and there are no blocks or proper ways to detect or stop things that should not be going on, especially the way teenagers and students are being blackguarded. Young people can take things to heart. People being constantly at them, even from miles away, has, sadly, created tragedies where I come from. It is harassment, endangerment and the blackguarding of youngsters and especially teenagers. We have been talking a lot about little babies for the past few days and weeks, but they are human beings too and we need to protect them. Legislation and technology together must protect them from these threats.

The Garda does not have the resources to trace the phone numbers of those who make threatening calls or do different things. Only now does it have the capability to follow someone

who has committed a murder. That is not good enough. We need resources to be made available.

Deputy Michael Collins: I am very grateful to have the opportunity to speak to this important Bill and commend my colleagues in the Labour Party for bringing it forward. It aims to update and reform the criminal law in a technology neutral way as it applies to online and offline communications. These recommendations came from the Law Reform Commission's detailed report entitled, Harmful Communications and Digital Technology. It is particularly important that we update the laws on technology and electronic communications. Technology has advanced at a rapid pace in the past ten to 15 years. It is frightening to realise our laws have in no way kept up with these advances. The last occasion when the law on harassment or harmful communications was dealt with was at the time of the invention of the text message.

There has been a plague of mental health issues among the younger generation. Many say social media, online harassment and harmful communications are at the root of it. Tragically, only last week, we read about a 21 year old girl who had taken her life owing to online bullying and harassment. It was not the first case of someone taking their own life as a result of this type of harmful communication, but it must be the last. People treat social media as a free-for-all, on which they can say what they want with no repercussions. It is high time that the law dealt with these bullies and offenders. The Bill provides that a person who, intentionally and without lawful authority or reasonable excuse, persistently follows, watches, or pesters another person, or persistently communicates with another person is guilty of harassment where these acts cause alarm, distress or harm to the other person. It also regulates the unlawful distribution of a person's private and intimate images without consent. These proposals which amend the Non-Fatal Offences against the Person Act 1997 and involve punishment with a term of imprisonment of between 12 months and seven years for engaging in harmful communications are much needed.

I wish it was the case that such a Bill was not necessary and that the issues I have raised did not arise but, unfortunately, they do. I support the Bill and the proposals made by other colleagues in the Dáil who intend to introduce similar cyber-safety legislation. Our laws must keep up to date with advances in technology.

Deputy Mattie McGrath: I agree completely with the thrust of the Bill to regulate appropriately and-or prevent harassment on whatever media platform is used to cause it. As always, there is a matter of some considerable difficulty in establishing where the boundaries lie between free speech and speech that can be constituted as harassment. The Bill defines harassment as actions by a person who, without lawful authority or reasonable excuse, intentionally or recklessly persistently follows, watches, pesters or besets another person; persistently communicates with another person; or persistently communicates with a third person about another person and by those acts seriously interferes with the peace and privacy of the other person or causes alarm, distress or harm to the other person. Such a person is guilty of the offence of harassment. I commend the Labour Party for bringing this Bill forward.

There is no doubt that we live now in a culture where online bullying is rampant and where the destruction of reputations is achieved with malicious ease. This must be addressed. I would suggest, however, that we do not limit ourselves to thinking that the idea of harassment is exclusively related to social media or to other online forums. There are plenty of ways in which apparently "respectable" institutions can and do engage in vicious harassment. I ask in all sincerity whether the definition of harassment that this Bill advances would capture the activity of

some of the banks, mortgage providers or debt collectors towards distressed mortgage holders and other people who have loans with these institutions. They are routinely guilty in my view of intentionally pestering families. They are most certainly guilty of seriously interfering with the peace and privacy of the other person. Will this Bill capture the communications of such banks and lenders? If not, why not? We must look at that because that is terrible bullying.

I agree with the sentiment of the Bill, particularly because with young people, one would nearly get their finger nails off quicker than one would get the phone out of their hands. Unfortunately, that is the way it is. We must try to deal with this and stop the ruthless and merciless invasion of people's bedrooms and classrooms and their every living minute on this planet. It is very unfair. Every time Deputy Coppinger comes in here, she tries to blame it on the church. No matter what it is, the church, particularly the Catholic Church, must get a kick and a lash. It is a sad reflection that this is all she can bring up each time. No matter what the occasion is, she never lets it go.

Deputy Joan Burton: I thank all of the Members who have spoken to support this very important legislation brought forward by my colleague and the leader of the Labour Party, Deputy Howlin. The question needs to be asked. How suicides, depressions and breakdowns do we require as evidence of the problems before we take any action with regard to cyberbullying, harassment, hate, hate speech and hate mail? This Bill is a modest Bill that seeks to put some powers back in the hands of society with regard to these problems, which are now pervasive not only in Ireland but across the world. Any controls over free comments are obviously controversial and difficult but racist and homophobic comments are properly subject to controls in the published media and these controls are not regarded as censorship. I think that is very important. There are domestic and international laws that require manufacturers of cars and other products to have full regard for public and consumer safety with huge penalties for any failures. Buildings are built to certain standards to prevent them being engulfed in fire and if that happens or if balconies collapse, the parties involved may be taken to court. However, we have a cyberspace and a social media space that are broadly free of regulation in any meaningful way. The mega billionaires of the Internet age who guard their own privacy with immense care are very cavalier about any controls or restrictions on the content their products transmit with no regard to the damage or hurt caused to individuals who become the targets of online abuse and hate speech. From reading books, articles and interviews by many of them, it appears that many of them, along with many of the residents of Silicon Valley, heavily restrict their own children's access to devices, particularly when they are young teenagers.

I spoke to a number of people today in the context of this Bill being put forward. One of the things that stood out was that parents, particularly mothers, said that I should make the point that children are now sharing online from about the age of ten or 11. As many people have said, it has become part of their lifestyle. Schools are not really well equipped to deal with this because much of this happens outside of school time but continues into school. It follows the child around, be it in the sports club or school environment. It risks overwhelming the child's ordinary life.

I do not know if many Members have seen a video by Luke Culhane from Limerick under the hashtag "CreateNoHate". It is very short but very good. It explains in a very simple way the journey that a young child makes with regard to the impact of bullying and how it is effectively as bad as or worse than assault. He makes a recommendation, which is that teenagers should adopt a three-word code - stop, block and tell. They should stop it, block it and then tell a responsible adult such as a parent, guardian or teacher. It is brilliantly effectively and I urge

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the Department of Justice and Equality to become active. The Government has a special communications unit with its €5 million allocation. In many ways, we would be better off if some of that money was put into providing for this legislation and looking at how we can empower children, in particular, to defend themselves and bring an end to this cycle of hatred, which risks overwhelming whole areas and societies.

While the social media companies have made efforts to reach out and respond on public platforms and television programmes and partake to some degree, they really do not make it easy to lodge a complaint. I invite anybody here who is aware of something like this to seek to make a complaint. To be honest, it just goes into a kind of black hole. It is almost impossible to follow and it is almost impossible to get a response. It is a really difficult issue with regard to privacy. However, like adult abuse, we all know that 100 years ago, a huge amount of violence against women was the norm in many societies and still is among some people but we have recognised that abuse is about power being exercised over somebody who, for whatever reason, is perceived as less powerful. This is what much of this is about. In respect of the state to which it reduces victims, particularly children, like others, I have heard harrowing stories from parents who have told me about suicides, depression and the destruction of somebody who was once lively, positive and strong but who has been really damaged and in some cases, destroyed by what has happened.

Fergus Finlay and Barnardos have run courses around the country. I note that many schools are now utilising home-school liaison teachers to take up the issue with the perpetrators where it is within a school-related community. Various schools run anti-bullying campaigns which pertain in part to social media in particular. Many schools in my constituency are doing this. In Britain the Princess Diana Awards specifically reward schools that try to develop this. Quite a few schools in Ireland have developed a programme. Barnardos runs courses for parents. While much is being done, the tide of hate is very strong.

I will give a simpler example relating to adults. I found out today that Maura Derrane, a very popular presenter on television, was being taken apart on social media and subsequently in the newspapers because somebody felt that a striped jumper was not the right thing to wear on television. We need to get over ourselves a bit and not be so hurtful to other people in a thoughtless way. It has become the go-to because the people who are doing this are very confident that they have high levels of anonymity if not total anonymity. That, in turn, passes down to younger abusers, some of them children and some of them young adults. I agree with Deputy Jan O'Sullivan that some of them have issues in their own lives. They are causing a great deal of damage to others.

The Government has as good an understanding of this as any of us has; I do not believe that Ministers live in a completely isolated bubble. The Government must make a decision in principle. Will it take this legislation in hand? We will work as much as is required to address any issues that arise with the Bill. Will the Government work to bring this to a point where it can be prosecuted? If the Government decides to be hands off, then one would have to say perhaps the influence of the social media companies in Ireland is excessive. They have great tax deals. It would also seem they will potentially have great deals in how they respond to this absolute crisis of this decade.

Minister of State at the Department of Communications, Climate Action and Environment (Deputy Seán Kyne): I am speaking on behalf of the Minister, Deputy Naughten. I welcome the robust debate on this measure in the House. As has been highlighted by Deputies,

many tragic cases have appeared in the headlines in recent years that prove the significant harm that can be perpetrated online. We must ensure that our laws can adequately deal with such incidents so that individuals who engage in this type of behaviour are prosecuted and punished to the full extent of the law.

As the Minister, Deputy Flanagan, outlined, the Law Reform Commission, in its 2016 report on harmful communications and digital safety, identified a number of areas where our response to crimes of this nature could be improved. I thank the Law Reform Commission for its valuable contribution to this debate and for identifying many opportunities for reform.

I appreciate that the Bill is attempting to capture many of those recommendations. The introduction of new offences relating to the distribution of intimate images will ensure that those individuals who post images online, or threaten to do so, can be brought to task. Clarifying the law on harassment to ensure that, regardless of the platform used, an individual who harasses another can be prosecuted would be hugely beneficial to victims and law enforcement alike.

The Minister for Communications, Climate Action and Environment, Deputy Naughten, believes the principle of freedom of expression is very important. It constitutes one of the fundamental foundations of a democratic society. However, it cannot be used to deny an individual's right to privacy or to damage one's reputation and other rights. I believe only behaviours that cause serious harm should be criminalised and I believe this Bill is taking such an approach.

However, I must echo the sentiments of the Minister, Deputy Flanagan, that there is a significant amount of work to be done on this Bill before it can be enacted. As is the case with any legislation involving criminalising behaviour and imposing penalties, the principle of proportionality must apply. I particularly welcome the safeguard provided in section 10 that the DPP must consent to the prosecution of a person under 17 years.

As many Deputies know, the Department of Communications, Climate Action and Environment is leading the co-ordination of an open policy debate on the subject of online content on 8 March 2018. This event is being organised with the support and participation five other Departments: the Department of Justice and Equality; the Department of Education and Skills; the Department of Business, Enterprise and Innovation; the Department of Health; and the Department of Children and Youth Affairs. My Department is also engaging with the relevant online platforms, ISPCC, parents' groups and other stakeholders which will be participating in the initiative. The overall aim of the event is to raise awareness among all participants of the activities which are being undertaken by the Government, by the European Commission, by industry and by NGOs.

The establishment of an office of digital safety commissioner is one of a number of recommendations to be discussed in detail at this event. It is intended that the event will identify issues requiring further consideration and areas where additional co-operation between stakeholders would be beneficial. Following the event, I will engage further with my ministerial colleagues on these matters.

I understand from the Minister, Deputy Flanagan, that we will support the passage of the Bill on Second Stage.

Deputy Sean Sherlock: In wrapping up, and responding on behalf of the Labour Party, I thank Deputy Howlin for drafting the Bill. I thank all parties for their support for the Bill. I thank the Government for facilitating the Bill in its onward trajectory.

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I am disappointed at the response of the Minister, Deputy Naughten, through the Minister of State, Deputy Kyne, to the issue. There has never been a more opportune and pertinent time for this legislation to be passed through the Dáil in a timely fashion because of the gravity of the issue at hand. For the Minister of State to come before the House and state there will be an open policy debate on 8 March after which the Minister will then come back and consult with his colleagues suggests that the Minister is embarking on another consultative process that will falter and run into the ground.

Members of the Minister of State's party along with me and others are members of the Oireachtas Joint Committee on Children and Youth Affairs. We have had ongoing engagement with the telecommunications providers on the need for safety and a legislative mechanism to ensure safety on the Internet.

It is not appropriate to engage in another open policy debate given that we have had the 2013 independent expert Internet content and governance advisory group, the Law Reform Commission report and now this legislation arising from the Law Reform Commission report. There is no need for another consultation when everybody within the community knows that legislative action is needed. The parents of children do not feel confident in engaging with the technology without a 100% penetration in the schools of the programmes available. People now want guidance from this House to ensure the space children inhabit on the Internet is safe and that there are mechanisms in place to punish those who transgress. That is the purpose of the legislation.

The offence of harassment is found in the Non-Fatal Offences Against the Person Act 1997. This new version provides that a person who intentionally or recklessly and without lawful authority or reasonable excuse engages in harassment is subject to the punishment of a class-A fine. This allows for the development of the new media that have arisen in recent years and these new media are reflected in the legislation, making it fit for purpose. That is what we are doing today. It is worrying that our harassment laws do not currently cover communications that we use every day, including iMessages, WhatsApp and Facebook messages. Our laws have not been updated since the invention of the text message. Young people, who are primarily the victims of cyberbullying and revenge porn, are more likely to use WhatsApp, iMessage and Snapchat to communicate with each other and we need to ensure that they are protected under our laws and that we have a legal basis that reflects these new media. While protecting freedom of expression, we need to bring the law up to date to protect people online. Revenge porn, threats, false messages and online bullying need to be stopped. There needs to be punitive action against it online. As a parent, I appreciate that children are becoming more tech-savvy than ever so it is imperative that we educate parents and teachers on the dangers on the Internet. Young people, our children, are often aware of the dangers of sharing images or video. However, they may not realise how easy it is for another person to take images and share them online. We are clear on what constitutes online bullying. The procedures recently published by the Department of Education and Skills, for instance, say "placing a once-off offensive or hurtful public message, image or statement on a social network site or other public forum where that message, image or statement can be viewed and/or repeated by other people will be regarded as bullying behaviour." It can happen to anyone.

We are here tonight to seek to ensure that this House takes a primary role by establishing a legislative framework to reflect the Law Reform Commission's report on this matter. I note the response of the Minister, Deputy Flanagan, to the Bill. We believe strongly that the Bill can be amended as needed in a fitting way. There is a clear political consensus here across the party

political divide that we should ensure that punitive measures are put in place for when people transgress. The existence of the media should be recognised and the law updated to recognise it. I ask the Minister not to turn 8 March into another talking shop. I go back to the Joint Committee on Children and Youth Affairs, a cross-party committee which has deliberated on this issue for months, going into years. It may be wonderful for people to gather on 8 March and feel like they are taking action on the issue but I suspect that, at that event, a report will be drafted arising from the interventions at that event, it will go through the machinery and nothing will happen. The Minister himself has said that he will appoint an online digital safety commissioner and that he will wait until the forum on 8 March, and that will set the foundations of the new office. If the Minister is going to wait until then, he will be waiting until kingdom come.

The Minister has an opportunity to respond to the legislation before this House which has cross-party support; seeks to identify all that is good on the Internet; recognises that organisations such as the Internet Service Providers Association of Ireland are very good at take-down notices but that they cannot be policemen of the Internet and are mere conduits with regard to the content that goes across the Internet; and that we cannot expect a self-regulatory regime to persist. We believe in this party that the parents of Ireland now want a legislative and legally sound response to the fears that they have about the activities that exist on the Internet. They have been well-articulated in the debate heretofore.

We thank Members of this House for their support of this Bill and acknowledge that there have been other attempts to bring in legislation of this nature, which is an ongoing process. I think that all of us in this House have an opportunity now to do some very good non-partisan work. I hope the Minister will take a proactive approach to this legislation. If we are to capture the zeitgeist that exists throughout the homes of Ireland at present, there is a strong sense that parents want clarity on the legislation to ensure that there are punitive measures for the cases we have witnessed in recent months, in particular that of Mr. Horan. It is important to say that, in that particular case, the US authorities picked up on that gentleman's activities and made contact with the gardaí about a particular email account being used. It is important that, in the course of talking about this legislation, we ensure that the Government, through the Department of Justice and Equality, is deploying resources to the gardaí. There are not enough people deployed within the gardaí to try to tackle crimes of this nature. There needs to be a debate about the need to resource the gardaí to be able to tackle this issue, which I hope will happen in the course of this legislation.

Question put and agreed to.

**Harassment, Harmful Communications and Related Offences Bill 2017: Referral to
Select Committee [Private Members]**

Deputy Brendan Howlin: I move:

That the Bill be referred to the Select Committee on Justice and Equality pursuant to Standing Orders 84A(3)(a) and 141 of the Standing Orders relative to Public Business.

Question put and agreed to.

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Planning and Development (Amendment) Bill 2016: Report Stage (Resumed) and Final Stage

Debate resumed on amendment No. 93:

In page 52, between lines 28 and 29, to insert the following:

“Construction of Fifth Schedule (conditions which may be imposed, on the granting of permission to develop land, without compensation) to Principal Act

25. (1) The Act of 2016 is amended by inserting the following section after section 25:

“Construction of Fifth Schedule (conditions which may be imposed, on the granting of permission to develop land, without compensation) to Act of 2000 during specified period

25A. The Fifth Schedule to the Act of 2000 has effect during the specified period as if in paragraph 1 ‘or section 9(4) of the Planning and Development (Housing) and Residential Tenancies Act 2016’ were inserted after ‘section 34(4)(g)’.”.

(2) Section 1(3) of the Act of 2016 (which relates to commencement of provisions of that Act) applies to the commencement of the amendment provided for by subsection (1).”.

- Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English)

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): I outlined our position on the amendment but I am not sure if Members want me to go back over it or not. I was dealing with amendments Nos. 93 to 96, inclusive, and I read it quite fast. Do Members want me to go back over it or to move on?

Deputy Eoin Ó Broin: We heard the Minister of State.

Deputy Pat Casey: We understood the Minister of State.

Deputy Damien English: Great. So Members are in agreement with this? I will clarify a matter on amendment No. 92. We had discussed it and I was meant to move it to vote on it but I withdrew it by mistake. I will come back in with it in the Seanad. Members are all happy with it but I mention it in case there is confusion on it. I withdrew the wrong amendment by mistake. We are not allowed to discuss it again here. It has to come in again in the Seanad.

Deputy Eoin Ó Broin: On a point of order-----

Acting Chairman (Deputy Frank O'Rourke): Yes, Deputy Ó Broin.

Deputy Eoin Ó Broin: Is that the only way to do it?

Deputy Damien English: It is fine. We can do it in the Seanad. I am just letting Members know in case they get confused with me afterwards. I was meant to withdraw amendment No. 97 and I withdrew amendment No. 92. We discussed it with the Clerk. I can bring it back in in the Seanad. It was an amendment to an amendment which Deputies were happy enough with

when it was discussed. We can raise it again.

Amendment agreed to.

Deputy Eoin Ó Broin: I move amendment No. 94:

In page 53, between lines 19 and 20, to insert the following:

“Amendment of section 7 (requests to Board after consultation meeting has been held) of Act of 2016

27. Section 7(3) of the Act of 2016 is repealed.”.

Amendment, by leave, withdrawn.

Deputy Damien English: I move amendment No. 95:

In page 53, to delete line 23 and substitute the following:

“(a) in subsection (1)—

(i) by substituting “plan, or” for “plan, and” in paragraph (a)(iv)(I), and

(ii) by substituting “appropriate authority” for “prescribed authority” in paragraph (c),

and”.

Amendment agreed to.

Deputy Damien English: I move amendment No. 96:

In page 53, between lines 25 and 26, to insert the following:

“Amendment of section 10 (supplemental provisions to section 9) of Act of 2016

28. (1) Section 10 of the Act of 2016 is amended in subsection (2) by substituting the following for paragraph (a):

“(a) The Board shall publish on its website both a notice and a copy of a decision under section 9.”.

(2) This section comes into operation upon the passing of this Act.”.

Amendment agreed to.

Amendments Nos. 97 and 98 not moved.

Bill, as amended, received for final consideration.

Acting Chairman (Deputy Frank O’Rourke): When is it proposed to take Fifth Stage?

Deputy Damien English: Now.

Acting Chairman (Deputy Frank O’Rourke): Is that agreed?

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Deputy Eoin Ó Broin: On a point of order, if I want to call a vote on the Bill before it passes is this the point at which I do it?

Acting Chairman (Deputy Frank O'Rourke): Yes.

Question put: "That the Bill do now pass."

<i>The Dáil divided: Tá, 78; Níl, 27; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Aylward, Bobby.</i>	<i>Brady, John.</i>	
<i>Bailey, Maria.</i>	<i>Broughan, Thomas P.</i>	
<i>Barrett, Seán.</i>	<i>Buckley, Pat.</i>	
<i>Brassil, John.</i>	<i>Collins, Joan.</i>	
<i>Breen, Pat.</i>	<i>Connolly, Catherine.</i>	
<i>Brophy, Colm.</i>	<i>Coppinger, Ruth.</i>	
<i>Browne, James.</i>	<i>Crowe, Seán.</i>	
<i>Bruton, Richard.</i>	<i>Cullinane, David.</i>	
<i>Burton, Joan.</i>	<i>Daly, Clare.</i>	
<i>Butler, Mary.</i>	<i>Doherty, Pearse.</i>	
<i>Byrne, Catherine.</i>	<i>Ellis, Dessie.</i>	
<i>Byrne, Thomas.</i>	<i>Ferris, Martin.</i>	
<i>Cahill, Jackie.</i>	<i>Healy, Seamus.</i>	
<i>Calleary, Dara.</i>	<i>Kenny, Martin.</i>	
<i>Carey, Joe.</i>	<i>Mitchell, Denise.</i>	
<i>Casey, Pat.</i>	<i>Munster, Imelda.</i>	
<i>Cassells, Shane.</i>	<i>Murphy, Paul.</i>	
<i>Chambers, Jack.</i>	<i>Nolan, Carol.</i>	
<i>Chambers, Lisa.</i>	<i>O'Brien, Jonathan.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>O'Reilly, Louise.</i>	
<i>Cowen, Barry.</i>	<i>Ó Broin, Eoin.</i>	
<i>Curran, John.</i>	<i>Ó Caoláin, Caoimhghín.</i>	
<i>Deasy, John.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>Deering, Pat.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Doherty, Regina.</i>	<i>Pringle, Thomas.</i>	
<i>Donnelly, Stephen S.</i>	<i>Quinlivan, Maurice.</i>	
<i>Doyle, Andrew.</i>	<i>Wallace, Mick.</i>	
<i>Durkan, Bernard J.</i>		
<i>English, Damien.</i>		
<i>Farrell, Alan.</i>		
<i>Fitzpatrick, Peter.</i>		
<i>Flanagan, Charles.</i>		
<i>Fleming, Sean.</i>		
<i>Griffin, Brendan.</i>		

<i>Harris, Simon.</i>		
<i>Harty, Michael.</i>		
<i>Haughey, Seán.</i>		
<i>Healy-Rae, Danny.</i>		
<i>Heydon, Martin.</i>		
<i>Howlin, Brendan.</i>		
<i>Humphreys, Heather.</i>		
<i>Kehoe, Paul.</i>		
<i>Kelleher, Billy.</i>		
<i>Kyne, Seán.</i>		
<i>Lahart, John.</i>		
<i>MacSharry, Marc.</i>		
<i>Madigan, Josepha.</i>		
<i>Martin, Micheál.</i>		
<i>McConalogue, Charlie.</i>		
<i>McGuinness, John.</i>		
<i>McHugh, Joe.</i>		
<i>McLoughlin, Tony.</i>		
<i>Moynihan, Aindrias.</i>		
<i>Moynihan, Michael.</i>		
<i>Murphy O'Mahony, Margaret.</i>		
<i>Murphy, Eoghan.</i>		
<i>Naughton, Hildegarde.</i>		
<i>Neville, Tom.</i>		
<i>Noonan, Michael.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Keeffe, Kevin.</i>		
<i>O'Rourke, Frank.</i>		
<i>O'Sullivan, Jan.</i>		
<i>Phelan, John Paul.</i>		
<i>Rabbitte, Anne.</i>		
<i>Ring, Michael.</i>		
<i>Rock, Noel.</i>		
<i>Ross, Shane.</i>		
<i>Sherlock, Sean.</i>		
<i>Smith, Brendan.</i>		
<i>Smyth, Niamh.</i>		
<i>Stanton, David.</i>		
<i>Troy, Robert.</i>		

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<i>Varadkar, Leo.</i>		
<i>Zappone, Katherine.</i>		

Tellers: Tá, Deputies Joe McHugh and Tony McLoughlin; Níl, Deputies Eoin Ó Broin and Martin Ferris.

Question declared carried.

Childcare Support Bill 2017: Order for Second Stage

Bill entitled An Act to provide for the establishment of a scheme to be known as the Affordable Childcare Scheme under which financial support may be made available to persons in respect of childcare out of resources allocated to the Minister for the purposes of the Scheme and to provide for related matters.

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I move: “That Second Stage be taken now.”

Question put and agreed to.

6 o'clock

Childcare Support Bill 2017: Second Stage

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I move: “That the Bill be now read a Second Time”.

I am so very pleased to have the opportunity to introduce the Childcare Support Bill 2017 to the House. In October 2016 I announced that work was beginning on a new affordable childcare scheme, to replace all existing targeted child care subvention schemes with a single, streamlined scheme that will provide the framework for increasing public investment in child care over the years ahead. The Childcare Support Bill will provide the critical legislative underpinning for the new scheme.

The cost of child care places a huge financial burden on many families, especially on parents who are trying to move beyond poverty, who want to take up job opportunities or take part in education or training, but who cannot afford to do so because of the financial barrier of child care fees. The high cost of child care is also a barrier to the participation of young children in high quality early care and education, which we know from international research evidence can make a lasting difference to children’s life chances. Ensuring children in Ireland have access to quality child care has been at the heart of my time as Minister for Children and Youth Affairs and will continue to be.

To ensure access, we must make sure that child care is more affordable. Making child care more affordable to families will bring many benefits. It will improve outcomes for children by providing access to quality, affordable child care. It will help parents transition from welfare to employment, making work pay for families with low and moderate incomes. It will support lifelong learning and help parents take part in education and training. It will advance gender equality, support women's labour market participation and help to close the gender pay gap. It will also help to tackle child poverty and, through all of those effects, support economic growth.

In short, affordable, quality child care can generate many important benefits - for children, families and society at large. That is why I am so proud of the progress we have already made. Last September we introduced for the first time a universal child care subsidy for all children under three years old and increased the value of existing child care subsidies by up to 50%, thereby benefiting more than 66,000 children and their families. It is also why this Bill is so important. Of course we are not starting from scratch. Many people have worked tirelessly over the past 20 years and more to build the child care services we have today, but it remains the case that Ireland lags behind other European countries on international indicators of affordability and public investment in child care.

According to the European Commission, child care costs in Ireland, relative to wages, in 2015 were the highest in the EU for lone parents and the second highest for couples. The OECD's 2017 report, *Faces of Joblessness*, examined the barriers facing groups with particularly high levels of joblessness. As part of the report, the OECD compared the child care supports previously available in Ireland with the expected impact of the affordable childcare scheme. For a lone parent working full time at the 25th percentile of the full-time earnings distribution, child care costs in Ireland were the highest among all OECD countries in 2015. The *Faces of Joblessness* report estimated that the affordable childcare scheme will bring net child care costs down to make Ireland only the 11th highest in the OECD, or closer to the OECD average. Of course, we have already started that journey through the measures we took last September which sought to fast-track some of the benefits of the affordable childcare scheme, without compromising on the rigour and time needed to develop and launch this landmark new scheme.

However, we would like to go even further, and the affordable childcare scheme will provide the platform through which we can continue to make child care more affordable for many families in Ireland and sustainably invest in the years ahead. The scheme will make child care more affordable for parents by providing subsidies, paid on the parents' behalf to their chosen registered child care provider. The provider must use the subsidy to offset the fees it charges parents. The scheme will provide both income related financial support, which targets support towards parents who face the greatest financial difficulty in affording child care, and non-income related or universal financial support, which allows a level of support for all parents with children of a prescribed age who use registered child care services.

The Bill also allows for additional support for families where there is an identified need for child care on grounds of child development or child welfare, naming five statutory bodies that may make referrals for free or additional child care support. This, for me, is one of the most important aspects of the Bill. It is intended to help ensure we can meet the needs of the most vulnerable children and families, families that may be a long way from participation in the labour market and would otherwise benefit from only limited child care support.

The Childcare Support Bill marks the first time that any of our child care funding schemes will have a statutory basis. The Bill is critical for good governance. It will establish clear

eligibility and scheme rules. It will create clear procedures, for example, creating for the first time an appeals process for child care funding decisions. It will ensure that my Department and the scheme administrator have adequate powers to ensure that public funds are being used efficiently and to take action where public funds are misused.

Crucially, the Bill will also enable the introduction of a streamlined, automated income assessment process, providing a statutory basis for data sharing between the scheme administrator, the Revenue Commissioners, and the Department of Employment Affairs and Social Protection. This new income assessment process will allow the targeting of child care supports towards those with the greatest need, in particular families who are seeking to enter the labour market but have a low or moderate level of income.

It will allow us to move away from the current reliance on social welfare payments and medical cards as the only means of assessing financial need for child care. The IT-driven approach at the heart of the affordable childcare scheme will also improve administrative efficiency and will streamline the application and registration procedures for both parents and child care service providers. My goal is the creation of a world-class system that is user-friendly for parents, efficient for child care providers, and excellent value for money for the Exchequer and society.

While I am keen to introduce the scheme as soon as possible, the IT system required is complex and I want to be sure that it is robust and long lasting. The development of the IT system, which is being carried out in close co-operation with the Office of the Government Chief Information Officer, is well under way and I have approved the publication of a request for tender for the IT system. While any delay is regrettable, the changes we introduced last September, which are broadly on a par with the supports that are planned for the affordable childcare scheme, mean that more than 66,000 children and their families are already benefiting from increased child care subsidies.

An important aspect of the Bill, and one that has so far been underestimated, is its importance for raising quality standards in child care. We know that child care must be of high quality if it is to improve outcomes for children. While the primary focus of the affordable childcare scheme is affordability, the approach embodied by the scheme reflects the international evidence that supply side funding gives the Government greater leverage to improve quality standards than demand side approaches such as tax credits. First, the Bill limits participation in the scheme to child care providers that are registered with Tusla, providing assurance that critical quality standards are met by all providers in the scheme. Second, all child care providers who wish to participate in the scheme will have to sign a contract with my Department, and section 8 allows quality conditions to be specified in the contracts which are more rigorous than those required by the early years services regulations. Third, the Bill allows for future development of the scheme, with section 13 allowing the possibility of quality-raising incentives to be built into the formula for determining how much funding the scheme provides.

More broadly, the flexibility of the Bill allows changes to subsidy rates over time, enabling the Government to adjust the scheme in response to the findings of the independent review of the cost of quality child care, as well as in response to the ongoing professionalisation of the early years workforce. If we are to support the move to a professional workforce with wages and working conditions that reflect the importance of the work carried out by early years educators, inevitably the cost of delivering child care will rise over the years ahead. Subsidy rates will, therefore, have to rise too if child care is to remain affordable to parents. Finally, in requir-

ing all participating child care providers to be registered with Tusla, I am aware of the historical anomaly that school-age child care remains unregulated. To address this anomaly, I announced recently that I would introduce regulations in advance of the affordable childcare scheme to enable school-age child care services to register with Tusla and thus participate in the scheme. In the first instance, these new regulations will be limited to registration requirements. Work will then commence on the drafting of full regulations that will cover quality issues such as qualification requirements, minimum adult to child ratios, the physical environment and programmes of activities.

Deputies will recall that in January 2017 I published the heads of Bill and a general scheme of the Childcare Support Bill. In February 2017 the Joint Oireachtas Committee on Children and Youth Affairs carried out pre-legislative scrutiny of the heads of Bill and the general scheme. The recommendations made by the committee were helpful and have helped to shape the Bill that I am presenting today. I thank committee members for their input. To a large extent the Bill is in line with the heads of Bill and the general scheme. Changes made in drafting the Bill include: modification of the residency requirements for eligibility to comply with EU rules on freedom of movement; providing the scheme administrator with the power to examine compliance and to safeguard public funds; changing the minimum age for a child to participate in the scheme to 24 weeks as opposed to 26 weeks; limiting the scheme to child care providers registered by Tusla to provide quality assurance of all participating providers; and providing for a limited number of detailed elements in the heads of Bill to be addressed in secondary legislation instead, subject to policies and principles set out in the primary legislation. In particular, the Bill provides for regulations to determine the subsidy rates and income thresholds for the scheme. Such regulations will enable these elements to be adjusted on an annual basis through the budget process.

I will now set out the provisions. Section 1 provides definitions of key terms. Section 2 provides for the establishment of the scheme to be funded out of moneys provided by the Oireachtas each year. It states that the scheme will be operated by the scheme administrator.

Sections 3 to 6, inclusive, provide for the appointment of the scheme administrator and describe its functions and governance arrangements. Section 6 allows for the scheme administrator to outsource certain functions while retaining responsibility for administration of the scheme.

Section 7 sets out the eligibility criteria for parents seeking to apply for financial support under the scheme. The residency requirements allow for applications not only from parents who are ordinarily resident in the State but also from EU or EEA citizens who are not resident in the State as well as from other categories of parents who were formerly employed or self-employed in the State. However, financial support will be limited to child care services registered under the Child Care Act 1991. These must be located in the State.

Where parents are separated, section 7 allows both parents to receive financial support, but each parent may only receive support for the days or times that he or she has care of the child. Section 8 limits participation in the scheme to approved child care service providers, which must be registered with the Child and Family Agency, Tusla, and must have signed a contract to participate.

Section 9 specifies the process by which parents may make applications for financial support under the scheme, including the information they must provide as part of an application.

When applications are for income-related financial support, in most cases the income data will be gathered through an automated process involving the Revenue Commissioners and the Department of Employment Affairs and Social Protection. Income data will be gathered with the consent of the applicant and on the basis of personal public service numbers supplied by the applicant. This section allows the scheme administrator to require an applicant to supply additional information, including income information, where needed. The Bill allows for the maximum number of hours of income-related financial support to vary depending on the parents' participation in the labour market. As a result, section 10 requires employers and training providers to verify information provided by an applicant on his or her labour market status when asked to do so by the scheme administrator.

Section 11 provides for the income assessment process, which must use the definitions of "income" and "allowable deduction" in Schedule 1. Section 12 provides for the determination of applications by the scheme administrator and specifies the information that the scheme administrator must provide to the applicant after determining the amount of financial support, if any, for which the applicant qualifies. It also stipulates that a determination may be valid for 12 months at most, after which the application must be renewed. Section 13 provides for the calculation by the scheme administrator of the amount of financial support for which an applicant qualifies and sets out the factors to which the Minister must have regard when making regulations on the calculation of financial support.

Section 14 allows for additional support where there is an identified need for child care on grounds of child development or child welfare. It builds on existing arrangements under the administrative schemes being replaced. Additional support may take the form of higher rates of payment, for example, provision of child care at no cost to parents, additional hours of financial support each week or provision of financial support for children who would otherwise be too young or too old to participate in the scheme. This section allows for agreements with statutory bodies that specify the procedures by which those statutory bodies may refer children for additional child care support and the additional support to be provided. Schedule 2 lists the relevant statutory bodies and the purposes for which they may make referrals.

Section 15 provides for procedures relating to the payment of financial support to approved child care service providers and for conditions to be prescribed that apply to payments. Section 16 requires an applicant to notify the scheme administrator if he or she is no longer eligible for financial support under the scheme or if the applicant ceases work or study, as this may affect the number of hours of financial support paid each week. Section 17 allows for parents and child care service providers to request reviews of decisions made by the scheme administrator and of the amounts paid under the scheme. In cases where an application has been assessed through an automated process, a review allows a parent to request an administrative officer to examine the application. A review is the first stage of the appeals process. This section also allows the scheme administrator to carry out reviews of its own initiative, for instance, to verify information provided by a parent or by a child care service provider.

Sections 18 and 19 allow the appointment of authorised officers who may enter the premises of child care service providers to examine attendance records, financial records and other documents relevant to the scheme to ensure the proper use of public funds. These sections also make it an offence to obstruct an authorised officer or to fail to comply with requests for information. Section 20 establishes the appeals process which follows completion of the review process under section 17. Although appointed by the scheme administrator, the Minister's consent is required for the appointment of the members of the appeals panel and these persons will be

required to be independent in the performance of their functions. Parents and child care service providers will also have recourse to the Ombudsman and to the High Court, on a point of law.

Section 21 allows the scheme administrator to recover money from parents and from child care service providers in cases of fraud or misrepresentation and overpayment. Section 22 amends the Social Welfare Consolidation Act 2005 to refer to the scheme as a “relevant purpose” for which specified bodies may share information on the basis of a PPS number. This amendment will, for example, allow the Department of Employment Affairs and Social Protection to transfer information on an applicant’s income to the scheme administrator on the basis of the PPS number provided by an applicant for income-related financial support. Section 23 allows the sharing of data between the bodies specified in Schedule 3 for specified purposes, including: assessing an applicant’s income; registering a child; making payments; verifying a child’s attendance; carrying out a review or an appeal; and the prosecution of an offence.

Section 24 describes the regulation-making powers under the Act. Section 25 allows for reviews of the operation of the scheme.

Section 26 allows beneficiaries of the administrative schemes being replaced by the new scheme to continue receiving the same level of financial support in the transitional period. While the vast majority of beneficiaries of current schemes will see their level of support either increase or remain unchanged under the new scheme, some will see their level of support fall. Section 26 protects the latter group from the fall for a transitional period.

Section 27 provides for expenses incurred by the Minister in the administration of the scheme to be paid from moneys provided by the Oireachtas. Section 28 creates sanctions for persons found guilty of offences under the Bill. Section 29 allows the commencement of different provisions of the Bill at different times.

I look forward to hearing the views of fellow Deputies and working with them to formulate the best possible legislation to help families to access affordable child care. I commend the Bill to the House.

Deputy Anne Rabbitte: I thank the Minister for her statement. This is the first time I have seen much of the information she has provided. For that reason, I will leave much of my commentary on the Bill to Committee Stage and focus now on the broader purpose of the legislation.

The Fianna Fáil Party welcomes the introduction of the Bill, for which we and the parents of Ireland have been waiting since it was announced in budget 2016. The Bill will enable the operation of a single affordable childcare scheme which will consolidate the existing child care subsidy scheme into a single streamlined system, with both targeted and universal subsidies. This was one of the most welcome initiatives taken in this Dáil because it gave comfort to parents that child care would be provided under one umbrella. While many parents have shown goodwill towards the legislation, others, specifically stay-at-home parents, feel aggrieved because the proposed scheme does not consider their needs. Grandparents and childminders also believe the scheme does not take them into consideration. While it is appreciated that the legislation addresses one element of child care, it does not cater for certain groups that provide child care.

I am pleased that the Bill addresses the issue of information and communications technology, ICT. In the absence of good technology infrastructure across all Departments which is particularly evident in the case of Tusla, improved ICT will be critical in gathering and shar-

ing information and building on resources, information and knowledge. It is welcome that the Department is working with Revenue and the Department of Social Protection in that regard. I hope the company appointed to operate the ICT system in the tendering process will also incorporate Tusla's systems. We must have an ICT system that can develop and will address many of the defects not currently addressed. I do not know if this will be possible because the infrastructure the Minister is introducing may be solely financial in nature. If so, perhaps the Department might examine how it could develop capacity to integrate information on children presenting in child care facilities who may be in care, have disabilities or require early intervention. I understand this type of information is not being gathered. It would be welcome if parents submitting financial information to the system had a facility available to them to submit other information that could be signposted in a different direction. We could use the system as a net with which to catch much more information, primarily for the benefit of the children in question. It must focus on the interventions and supports we can provide for children.

Last August I criticised the proposed affordable child care model from the point of view of the squeezed middle. I noted that certain aspects of the model did not support parents, including shift workers, who got up early to go to work. I spoke about families living in the belt around Dublin where child care was extremely expensive. I was somewhat naive in my understanding of the costs and implications of child care in Dublin and surrounding areas. We must consider the possibility of providing area based funding for families because child care is incredibly expensive in the greater Dublin area. I do not believe the Bill fully addresses the needs of these families.

On the Department's engagement with the Department of Employment Affairs and Social Protection, I note that family income supplement is not included as a deduction for those seeking to qualify for the affordable childcare scheme. Perhaps the Minister might correct me if I am wrong in that regard. If it is the case, I would be concerned because some Bus Éireann workers, for example, receive family income supplement payments. For this reason, such payments should be included as a deduction. I ask the Minister to set out the position in that regard.

Based on responses I received from the Department to a number of parliamentary questions I submitted in recent weeks, there appears to be a capacity issue in certain counties. Now that the Bill has been introduced, people will have a greater degree of certainty and a better understanding of the scheme. While the take-up of the scheme has been exceptionally good and I expect more child care providers to join it, I am concerned about the capacity to develop new community based child care centres and provide more support for private child care providers. I noted before Christmas the different levels of funding that would be available to providers. Some private providers want to expand their facilities and we need them to provide more baby rooms because this element of the market appears to be contracting slightly. They will not be able to build baby rooms for less than €50,000. However, in cases where they spend more than €50,000, they cannot apply for grants. The Minister should consider providing capital funding to allow community and private crèches to expand and develop.

We must also consider the issue of child care in the context of regional development, particularly in cities such as Galway, Limerick and Waterford. Capital supports and infrastructure must be provided to support families in these areas. While the proposed scheme will be successful as more people come on board, I believe a capacity issue will arise, even if the scheme is working well.

Since the heads of the Bill were presented, much has been said about vulnerable groups.

Section 14 refers to the cutting of hours from 40 to 15, although families will be able to obtain additional support if more hours are required. Speaking last week to the Joint Committee on Children and Youth Affairs, the Minister explained that the Departments of Education and Skills and Justice and Equality, Tusla, the Health Service Executive and local authorities could apply for additional funding for vulnerable children or families who needed support. I ask her to clarify this matter and set out the position in greater detail because there is much confusion and concern about it. For many families, 15 hours of child care will not be sufficient. They have been receiving good support under the current child care scheme for years.

Some crèches and child care providers will know which families in their local communities need support. The space they provide is sometimes the safest a child has. My question in that regard is aimed at providing comfort for the child care providers. How streamlined will the system be for them to engage with any of the five groupings mentioned. Will there be a designated person in the HSE, Tusla or the Department of Education and Skills with responsibility for ensuring that when somebody presents with the most vulnerable child, a timely decision will be made? Time is of the essence in dealing with vulnerable kids. Giving a decision a week or ten days after presenting is not the answer. Unfortunately, in such cases an answer is required now. Will there be people in positions to make immediate decisions to provide support? Will child care services in each city and county be given money that will be ring-fenced? Will the scheme be administered through city and county child care services? They seem to be the natural space in which to access pots of money. Each county would then have its own allocation and be responsible for administering it.

The statistics are already available which show how much we have supported the subvention schemes during the years. Child care providers know their communities better than anybody else and know the families that need support. Is there a way of reassuring them, or anybody who works with the vulnerable in society, that the difference in the context of the figure of 25 hours is recognised? I am referring to access to the best and most streamlined support possible.

The Minister addressed one part I said I would address. If we are to support the move towards having a professional workforce with wages and working conditions that reflect the importance of the work being carried out, inevitably the cost of delivering early child care services will rise in the years ahead. Subsidies will have to rise too if the cost of child care is to remain affordable for parents. The most important point is that the Minister is acknowledging this. However, it is a concern for parents that creche fees will go up all around the country. The reality is we have a fantastic workforce who are professionals but on the minimum wage. That is an issue we have to address. We can no longer expect people to work for €10 an hour to mind our precious children in creches. We call them professionals but pay them the minimum wage. There are increasing numbers seeking higher level qualifications in child care and we have really professional people at all levels of the child care system. However, we have to see how we can support them financially. When we talk about that issue, it is not about putting the pressure back on the employers, be it boards of management of community creches or private operators. However, there has to be a way to address the child care subsidy rates. It is incumbent on all of us to ensure they are increased. However, they will also have to be passed on, which is the most important point. We have to acknowledge the fact that commercial rates are so expensive, but it is a complex issue. The subsidy is one thing, but there are a lot of bills at the other end. We have a workforce that we appreciate, but the best way to appreciate it is by increasing wages in acknowledging that it is at a very low ebb. At the same time, we have the squeezed middle that is not even getting into the fray. The affordable child care model is not progressive in terms of

income and I would like it to be so.

One of my statistics concerns tax discrimination, an issue about which I feel strongly. It is possible that the scheme may be discriminatory for couples who opt for joint assessment. To be included in the scheme, a married couple who opt for joint assessment can only earn up to €50,000. However, those who opt for separate assessment or co-habiting couples can earn up to €80,000 and qualify for the payment of subsidies. That is an anomaly and I would like to see how we can address it.

There is a lot to digest in the 26 sections the Minister has given us in the next few weeks before the Bill is taken on Committee Stage. I have addressed some of the key issues for me. I am articulating that a lot of providers have issues about the roll-out of the scheme. Will it be in place before September? I know that there is no real commitment in that regard because of the position on ICT. Is there a commitment in that regard or will we see another year's paperwork? We know that the workload is horrendous for child care providers. However, at the same time, they are holding together an important aspect of the fabric of society. As the Minister said, they are facilitating and enabling people to stay or get back into the workforce and engage in education. I refer also to those who think they have no other option but to leave the workforce. We have to balance this with the cost of child care.

I look forward to working with the Minister in the next few months in delivering good affordable child care services through good legislation. However, we have a lot of work to do on what has been presented.

Deputy Denise Mitchell: I welcome the opportunity to speak to this important Bill which has been a long time coming. It is welcome to see a Minister finally making serious efforts to deal with the crisis in the child care sector. Unfortunately, the neglect of the sector for such a long time and the failure of successive Governments to invest in it have left Ireland miles behind the rest of Europe when it comes to provision of quality child care services. We all know also that the Minister cannot fix the problem with a click of her fingers. There is serious work to be done to build capacity and standards and make quality child care services more accessible and affordable.

No family should have to pay the equivalent of a second mortgage for child care. That is why we need the State to lay a firm foundation for quality early years services. The studies are available. They show that for every €1 invested in child care, there is a sevenfold return to the State in the long term. I refer to the benefits that allow parents who are often highly skilled and experienced the option to return to the workforce, if they so wish.

Section 8 of the Bill deals with approved child care providers and the need for them to register with the Child and Family Agency. That, of course, is a sensible provision. However, I have concerns about people who care for children in their own home and their ability to access various schemes. As things stand, childminders must be caring for four or more children before they are obliged to register with Tusla. It is estimated that there are between 19,000 and 35,000 childminders across the country. However, in September 2016 there were only 119 registered with Tusla. Last October I asked for the number registered in 2017 and was told that the figure had dropped to just 118.

Many parents prefer to have their children cared for in childminding settings rather than in child care centres. We need to move forward on this issue in a way that is not only about

assimilating childminders into centre-based care facilities. I recently met representatives of Childminding Ireland and found them very helpful. Good engagement between the Department of Children and Youth Affairs and groups like it could prove to be useful. I refer to suggesting approaches to encourage more childminders to register with Tusla. Recently the Minister said she had received a report from the childminding working group of the early years forum. I look forward to reading it and some of the proposals made. Good engagement between the Department and groups such as Childminding Ireland can only be useful in suggesting approaches to encourage childminders to register with Tusla.

Section 14 makes provision for vulnerable children and notes the need for additional supports where there is an identified need for child care on the grounds of child development or child welfare, which includes higher rates, more hours, wider age limits and so on. That is welcome as some children have greater needs than others. I would like to hear more about this process. How will it be streamlined to enable it to work? Will the onus be placed on parents or the various bodies? The reason I ask is to make sure we avoid a scenario where a child whose parents are less knowledgeable about the scheme will receive less support than others. We need to tease out this issue and put safeguards in place to make sure a child will not be disadvantaged in that sense.

Section 14 also designates the Child and Family Agency to authorise additional payments where a child is not receiving adequate care and protection. I consulted Barnardos on this issue and its staff believe the provision is not far-reaching enough and implies that there needs to be some parental failure for the protection to be provided. Perhaps we might consider strengthening it with a more positive declaration such as a child “in need of additional care or protection...”.

Section 17 provides for parents and child care service providers to request reviews of decisions made by the scheme administrator. That is welcome, particularly as decisions will be made through an automated process and while it could greatly reduce time and workload, there will always be cases in which a person believes a mistake has been made. At least, he or she will have the option to seek a review or appeal the decision, which is positive.

I refer to the administrative burden for child care providers. I understand much of this is down to chasing parents with paperwork and so on. I hope the planned IT system will reduce the workload. However, I understand it is unlikely that this system will be up and running before summer 2019. Undoubtedly, there will be teething problems, as is natural in such a large transition. I hope all of this will not result in a dramatic increase, if only in the short term, in administration work for staff in the centres. If that happens, are safeguards in place to ensure the burden or cost will not land on the providers’ doorstep? As there is a staff shortage, this could put much more pressure on them.

One concern I have about the Bill relates to the incoming European directive known as the general data protection regulation. It will come into force in May and strengthen data protection for citizens. While that is positive, I wonder whether it has been factored into the roll-out of the scheme? I hope it has, as under the new guidelines, additional information must be given to users on how their data will be used. I would like to flag that measure in advance.

One aspect on which I want to focus is the pay and conditions of staff. The Minister will say she does not directly employ the staff and that, therefore, she cannot dictate the level of wages. However, her Department subsidises the cost of child care and sets conditions and standards

that must be met. We must, therefore, focus seriously on pay and conditions in the sector in the coming years. They cannot be an afterthought. If we want qualified staff and to have people who love working with children and a real interest in educating the youngest minds, we must pay them decent wages. Many of them prefer to mind children in their own home to working in centre-based child care services. This is resulting in a shortage of qualified staff in the centres and a balance needs to be struck in that regard. We seriously need to get a handle on this issue. The Bill will be great for parents and children, but the staff working in the sector will be left behind.

Overall, I broadly welcome the Bill which is extremely important. It represents a huge step forward in building a truly world-class child care system. We need to ensure at all times that the interests of children are at the core of everything we do. I look forward to the Bill being brought before the committee.

Deputy Donnchadh Ó Laoghaire: Ar an gcéad dul síos, tacaím leis an mBille seo. Is dóigh liom go bhfuil luach ann agus go ndéanfaidh sé an-difríocht. Is dóigh liom go mbeidh luach ann ó thaobh costais de. Tá feabhas le déanamh air, cinnte, agus tá tuilleadh le déanamh ach d'fhormhór is rud maith é.

I welcome the Bill and commend the Minister for its introduction. It is a step forward. There is no doubt that child care provision is one of the most significant issues we face and that while the Bill represents progress, we are starting at the bottom of the mountain in that regard. The issue has been neglected for far too long. Child care costs in Ireland are among the highest in the OECD and Deputy Denise Mitchell is correct that for many, particular those living in large urban centres, they are equivalent to a second mortgage. As the Minister identified, they are a disincentive to people returning to work and also dictate decisions on where people live, which is wrong. We need to fix this, both from the point of view of what is good for the economy and investment but also, more importantly, for society.

Deputy Denise Mitchell raised the issue of childminders. There is no sense in subsidising people who are working without regulation or oversight. Clearly, standards are needed, but a sensible approach needs to be applied. We need to engage with childminders and work towards a system where it will be possible to regulate them and provide subsidies. Regulations need to be sensible and proportionate. Other countries such as Scotland have successfully encouraged substantial numbers of childminders into the regulated system and are subsidising them. That is important because this model is much more suitable for many parents, as it allows for greater flexibility and acts in the interests of childminders and those availing of the service. The service must be regulated because we cannot have poor standards or people being paid less than what is legal and right.

The cost of child care is raised with me as an issue on a regular basis in Cork. People outline what it is costing families on top of their mortgage, rent, insurance costs and so on. I am sure the Minister also comes across this, but, fundamentally, the issue is broader than that and related to early years education. It is not only about cost. We should view child care as integral to the education system. When the issue is debated, the debate should not revolve around the savings that could accrue to families, although that is important, as we should always be conscious of the need to maintain and improve standards, to which education is central. It is related, in turn, to sustainability. I have raised this point with the Minister before. I hope it will be further addressed on Committee Stage. There are many community child care providers, many of which were among the first places to provide child care in this country. Some of the long established

community development projects and family resource centres have provided child care for 20, 30 or 40 years. Some of them are quite challenged at the moment, particularly in respect of the issue of the low staff to child ratios which exist for baby rooms which we have discussed before. The changes in that regard were in many respects sensible and logical but they need to be supported with additional investment.

The suggestion of an enhanced subsidy has been made previously. That is certainly worthy of consideration. I know the Minister has considered the idea of a DEIS-type scheme, as some people have put it. There is some merit in that. Personally I would not favour attaching any such scheme to catchment areas as closely as the DEIS scheme is attached because the people who take up places in a child care facility can live in an area radically different from that in which the facility is located, much more so than in the case of schools. It is the nature of such things that people are more likely to travel to them. Regardless of the model chosen there needs to be an enhanced subsidy for child care providers and particularly for community child care providers in disadvantaged communities in recognition of the additional needs and challenges that exist in those communities and of the role they play and the value they have.

Another element of sustainability is obviously the issue of pay. All Deputies who have spoken so far have touched on it. It is a long standing issue and one on which the child care workers' representatives have been vocal for some time. It is not acceptable that people working in the sector, with the qualifications they have achieved and the time they have invested in their work and profession, are being paid what they are. Some people are earning barely more than minimum wage, approximately €10.30 to €10.60 an hour. Indeed managers are quite often not on a much higher rate. It is a sector in which the difference between what workers are paid and what managers are paid is often quite meagre. That is very often due to the tight margins. This clearly needs to be addressed. I spoke about quality earlier. We cannot possibly retain people who are committed, educated and well-trained in the sector unless they are properly rewarded, recognised and paid.

The issue of organising has been raised, and rightly so. It is important that child care workers organise and join a union. I welcome that and I commend SIPTU, IMPACT and the Association of Childcare Professionals for the work that they have done in that regard. However, we should not have to wait for the density of workers in the sector to reach a certain point before we deal with this. It is a matter for the Department. It may not be the employer in the vast majority of cases but it is the Department that decided on the model and estimated how much it would be required to pay child care workers under this scheme and the early childhood care and education, ECCE, scheme. That calculation-----

Acting Chairman (Deputy Eugene Murphy): Is Deputy Ó Laoghaire aware that there are only three minutes left for his colleague?

Deputy Donnchadh Ó Laoghaire: Yes. I am wrapping up now. The policy papers which were used to develop the ECCE scheme and this scheme were based on a calculation related to the report, *Breaking Point*, which already reflected a system which was, as the report describes, at breaking point. That was an unsustainable point at which to begin and the Department should recognise that.

My final point before I hand over to my colleague - and the Minister will not be surprised to hear me say it - is that in the medium to long term we need to move beyond simply subsidising private providers. If we are taking this seriously as an educational service, we need to move

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towards a public system and a publicly funded system. We will not achieve that immediately, but it is the direction in which we must move.

Acting Chairman (Deputy Eugene Murphy): Deputy Nolan has two minutes and 12 seconds.

Deputy Carol Nolan: Gabhaim buíochas leis an gCathaoirleach as ucht an deis chun labhairt-----

Deputy Sean Sherlock: To be helpful I am happy to cede two or three minutes to Deputy Nolan.

Deputy Carol Nolan: Gabhaim buíochas leis an Teachta.

Acting Chairman (Deputy Eugene Murphy): Does the House agree to that?

Deputy Anne Rabbitte: Absolutely.

Deputy Carol Nolan: Gabhaim buíochas leis an Aire as ucht an Bille seo a chur os ár gcomhair. Tá sé fíor-thábhachtach agus táim lán-sásta a rá go bhfuilimid ag tabhairt tacaíocht dó. Maternal employment in Ireland is lagging critically behind other OECD countries. With Ireland sitting in 33rd position, way behind Sweden which is to the fore in first position, it is clear that the low level of participation by women in the workforce is the most significant contributor. As we know, it has been well documented by many sources that the lack of affordable child care is one of the most significant barriers to participation by women in the workforce. It inhibits both those already in employment from seeking increased hours of works and stay-at-home mothers from re-entering the workforce or education. According to a survey of 800 women undertaken by Citrix entitled the Baby Brain Drain, more than 3,000 mothers are leaving the workforce annually due to the excessive costs of child care and it is costing Irish companies an estimated €68 million.

Globally, maternal employment rates generally fell slightly following the start of the economic crisis in 2008, and in many cases have still not yet quite returned to pre-crisis levels. Not surprisingly, maternal employment rates tend to vary with the number of children living in the household. In most countries, employment rates for mothers decrease as the number of children increases, with the decline particularly large once the mother has three or more children who are 14 years old or younger. Universally, prohibitive child care costs are identified as the biggest single barrier to labour force participation and it is high time that child care services were viewed alongside transport or technology as an essential element of economic infrastructure. Enabling women who want to work, or want to work more, brings financial benefits to their own family incomes and also to the wider economy.

However labour market participation is not the only progression indicator on which Ireland is lagging. Across the OECD policy makers are concerned about child well-being and child development. Ireland's ranking in this regard has been determined by poor investment in pre-school child development resources, where traditionally we have left it until primary school for such investment to take shape. Needless to say vulnerable children, such as those with an intellectual or sensory disability or pre-school children with special medical needs, are failed entirely in terms of equitable access to appropriate day care or pre-school interventions. I acknowledge that the Minister mentioned the area of access for children with special needs, but I would like to see more detail and I hope that it will involve truly inclusive interventions.

In respect of child care workers, we have to address the issue of pay. We have some fantastic, dedicated committed people in the child care sector and we need to keep them there. Their pay and conditions need to be examined. I call for that to take place. This Bill is definitely an important step on the way to bringing Ireland in line with international best practice. Investment in early years care and education will mean that more children are accessing affordable, quality services and that more women are facilitated to participate in the workforce both during the pre-school years and after the commencement of primary school and, indeed, are also afforded opportunities to participate in education. The Bill provides for universal and enhanced supports for families, based on an assessment of income model. It represents a major step forward in dealing with an historic underinvestment in child care which includes an underinvestment in children, women and child care workers. It is imperative that any investment in early childhood resources reaches to fair pay and conditions for workers in the sector, as I have already outlined, and that, minimally, they will be paid a living wage. In this centenary year celebrating women's suffrage, mná na hÉireann are still having to negotiate parity of esteem on the most basic equality issue - equal access to the workforce and to education. Removing the obstacles to participation is a long overdue step.

7 o'clock

Acting Chairman (Deputy Eugene Murphy): I call Deputy Sherlock and thank him for his assistance.

Deputy Sean Sherlock: Not at all. It was my pleasure.

Acting Chairman (Deputy Eugene Murphy): We do not have Deputy Jan O'Sullivan, but we have Deputy Sherlock. He has the entire time slot.

Deputy Sean Sherlock: I will be brief. I welcome the Bill. It is important that we have a codification of or legislative architecture around the system of child care support. I acknowledge the work that the Minister has done. We must likewise acknowledge the role of the Committee on Children and Youth Affairs in its pre-legislative scrutiny of the Bill. I also acknowledge the role of the committee's current and previous members in getting us to this point.

I wish to highlight a number of minor issues. We will have an opportunity to discuss them further and have a greater interaction with the Minister on Committee Stage. Barnardos has, through its policy officer, raised a couple of issues with me regarding sections 7, 14 and 15. I believe that it has written to all of us highlighting these issues and I would be surprised if it had not been in touch with the Minister's office and staff regarding them as well, given that it is an effective lobby group.

I seek clarification from the Minister concerning the IT architecture or infrastructure that will be set up. In September 2017, the Joint Committee on Children and Youth Affairs received a report on the measures that would be put in place in respect of the ICT approval process. From a user's perspective, that process is a cornerstone of the scheme's future success.

According to the note that we received, the main ICT development of the affordable child-care scheme, ACS, was subject to the Office of the Government Chief Information Officer peer review group, PRG. The PRG had reviewed the business case and approval of same was received on 21 September, subject to some recommendations that the Minister's Department was satisfied it could meet. The next stage of the PRG process was to be the presentation of the request for tender for the procurement of the ICT development. The request for tender, includ-

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ing detailed functional requirements, was submitted to the PRG - acronyms, acronyms - and, according to the note, a meeting had been scheduled to discuss it.

That was September. This evening, and if the House will bear with me while I find her speech among my other papers, the Minister stated:

The development of the IT system, which is being carried out in close co-operation with the Office of the Government Chief Information Officer, is well under way and I have approved the publication of a request for tender for the IT system. While any delay is regrettable, the changes we introduced last September, which are broadly on a par with the supports that are planned for the affordable child care scheme, mean that more than 66,000 children and their families are already benefiting from increased child care subsidies.

I want to reconcile the two positions in my mind. Perhaps the Minister will revert to the House and clarify whether she believes that the IT system as it is being rolled out has the confidence of end users and whether its tyres have been kicked by them. The Minister and other Members will know that we have all received a considerable number of representations on this piece of architecture. If there is to be public confidence in the scheme, the ICT architecture has to be spot on.

I tabled a parliamentary question to the Minister last week. It will be a flagrant use of an opportunity, but I will read the question now: "To ask the Minister for Children and Youth Affairs the status of a child *vis-à-vis* access to the ECCE scheme that will reach three years of age on 18 January 2019." I put this question because it is being asked of me, not just by one source, but by a multitude of sources. It goes to the heart of the new scheme in the form of the age criteria as we approach 2019. Although changes to the eligibility criteria were announced in the budget, questions are already being asked of parents. In one parent's case, the relevant date will be 18 January 2019. If a new scheme is being designed and placed on a statutory footing, questions will be asked about the sustainability of its funding. The language of the legislation has to be neutral in terms of funding, but will the Minister clarify this matter?

The committee made a number of recommendations at the pre-legislative scrutiny stage. Across a number of headings, the Oireachtas Library and Research Service's Bills digest put green, amber and red lights around some of those recommendations as well as the Bill's contents, for example, budget ceilings under head 1, the needs of vulnerable children under head 3, approved providers under head 6, and the issues of renting out the family home and family income supplement, FIS. A number of matters have been red-lighted when benchmarked against the committee's pre-legislative process. The Minister and her officials might have regard to the Oireachtas Library and Research Service's report and revert to us on some of the highlighted issues.

I wish to address the reconciliation between the FIS, the working family payment and the ACS. The Minister has referred to this matter, but perhaps we could have further elaboration on the result of the interaction between her Department and the Department of Employment Affairs and Social Protection as regards the sharing of data about people who are on one of the relevant schemes and the permutations if they sign up to the ACS.

These are headline issues at this stage. We will have a chance to delve deeper and submit amendments on Committee Stage. I acknowledge the Minister's role in getting the legislation to this point. Broadly speaking, there is support for the Bill. There will be further questions

regarding the scheme's roll-out but, speaking on behalf of the Labour Party, we support the Bill's progress to Committee Stage.

Acting Chairman (Deputy Eugene Murphy): I call Deputy Coppinger. Will she be sharing time with Deputy Gino Kenny?

Deputy Ruth Coppinger: No.

Acting Chairman (Deputy Eugene Murphy): Deputy Coppinger has the full 20 minutes.

Deputy Ruth Coppinger: We are entering a debate and approaching a referendum. It would seem that the same people who are very exercised in that debate do not have the same interest in child care after children are actually born, which is noteworthy.

The cost of child care for a single child can be 40% of a lone parent's income. In the context of increasing rents and mortgages, this cost can be a second mortgage for families. It is a major issue for young people and families. Why is it that the OECD average child care cost is 12.5% of net family income when the average in Ireland is more than double that at 27.5%? As I said, if one is bringing up a child on one's own which, unfortunately, a lot of people in the country are, most of whom are women, it involves 41% of one's income because there is obviously only one income. Why does child care in Germany cost 9.7% and cost a similar amount in France? In Sweden the figure is 4.4%.

I did some research in the Blanchardstown-Dublin West area, which is a typical Dublin suburb with a lot of young families. The average crèche cost is €898. In France it is €200. In other countries it is a lot less. The reason is very simple. In this country, there is a reliance on private companies to provide child care for the majority of people in society and the State has failed over decades to intervene to ensure that is not the case. Unfortunately, in the scheme the Minister introduced, which was obviously a flagship scheme in the last budget from the Government, the subsidy to private crèches continued unabated. Private providers continue to benefit.

As a result, we have seen abuse of the scheme. We have all been inundated with anecdotes and examples of complaints. In Fingal, the area I represent, costs have risen by, on average, 7.7% according to a report on the affordability of child care in Ireland by Ciarán Nugent in December 2017. That information is very up to date. It is happening everywhere, not just in urban areas. The Minister has been inundated with complaints, according to articles I have read. What is she going to do about it?

Crèches are profiteering because they know parents are getting a subsidy. Therefore, they have decided to increase the cost. Parents will pay the same or even more, as many currently are. Alternatively, they are deciding not to join the scheme because they think it is too onerous, some fear the Government will control their businesses and others do not want to deal with the paperwork and administration involved. They may be small operations and it is not always the case that profiteering is taking place.

The Minister replied to the complaints and said she was monitoring the situation last summer. One parent from the Swords area, near my neighbourhood, said, "It was inevitable this was going to happen. We are disgusted. We struggle each month to pay these enormous child care costs and just can't believe the first bit of help has been taken from us." That feeling is widespread. People were looking for some relief and it has been snatched back because they are stuck with private child care providers who are not answerable to the State in any way. The

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person who contacted me said, “With respect, the time for monitoring has passed. The time for action is now.”

Nothing has been built into the scheme. It has been amusing to read letters from Ministers about individuals who have contacted their offices, and the paper trail which tends to exist in some parties, rather than the core issues being addressed. This is happening all over Ireland, not just in Blanchardstown or Fingal. All Ministers have written to the Minister about the issue. What will be done about it?

The other issue with relying on the private sector to provide child care for parents, children and workers is that it is much more likely that people working in the sector are in precarious employment. Some 50% of child care workers work part time compared with an average of 40% of workers in general. I would estimate that about 99.99% of those working in child care are women, many of whom might be unemployed during the summer months because the scheme does not run during that time. The average hourly rate for workers in the sector is just over €10 an hour. They are low-paid women, have precarious employment and can be let go at any time. The recession hit many female workers, in particular child care workers, because many people could not afford to keep working due to the cost of child care.

The area I represent has a significant migrant population. Many nurses from India live there. They came to Ireland to work in the health service, and some of their partners have given up their jobs because they simply cannot afford to pay for child care. This is something which is prevalent throughout the area.

A significant majority of parents have been left out of the scheme, an issue which was raised at the time it was announced. According to the Growing Up in Ireland survey, 27% of parents use crèches, 42% use family or relatives and 31% use non-relative childminders for child care. The scheme is particularly unjust for shift workers, that is, those who have to work at night and cannot put their children into crèches which only operate during certain hours. They are being doubly hit because they cannot avail of any subsidy whatsoever. That is particularly unfair and nothing seems to have been considered which would take account of that fact.

I will start answering the question I posed at the start of my contribution. The reason we have such exorbitant child care costs is because parents are prey to the private sector and successive Governments, not just this one, have not been willing to invest any money in preschools or child care. UNICEF has set as a benchmark that 1% of GDP should be spent on child care and early education. OECD countries spend, on average, 0.7% of GDP, but Ireland spends 0.2%, as cited by the Nevin Economic Research Institute, NERI. We are far below the recommended level. A number of countries exceed or reach the 1% expenditure rate, namely, France, New Zealand and the Nordic countries, those which provide affordable child care and invest a significant amount of money in it.

This is a significant issue for a large segment of our population who have children. In particular, it is a women’s rights issue because child care invariably falls on the shoulders of women. Responsibility for organising and overseeing it falls, in general, on women and they have to weigh up whether they can afford to continue to work. Points have already been made about participation.

We need to stop the outsourcing of child care to the private sector. We need to provide public State child care for all parents, first of all to ensure that workers are decently paid. I would

hate to think that my child is being minded by a disgruntled, unsatisfied worker who was under huge stress. We have all seen cases of this being exposed. It is simply unfair to expect somebody to provide child-centred child care when he or she is being grossly underpaid and is under stress. What would this cost?

To bring us to a level of being able to provide State child care which would employ 50,000 child care workers and invest €1 billion in capacity and the capital provision would total €2.5 billion. That might seem like a massive amount of money, but in the context of the wealth which exists in the country it is not. Ireland ranks about 15th in the OECD in terms of wealth. We all know the significant undertaxing of big business and multinationals. The figures are quite revealing.

The Scandinavian child care provision is something to which everybody aspires. Those countries have double the corporation tax rate that we have in this country. There is a direct link. If we refuse to tax wealth and massive corporations, we will not be able to provide State services. It is simply not tenable. If there is a low tax on wealth, the State cannot provide these services. The same neoliberal philosophy which runs through the child care sector is running through housing right now. It means that child care costs are very high while rents are extremely high and house prices are rising. It is no wonder that many young people, graduate teachers etc. are choosing to emigrate because they simply do not see a future in this country. We need massive investment and to tax wealth to provide child care.

Why is preschool education considered to be any different to primary, second or third level education? Why should people have to pay a large part of their income for preschool education, which all studies show has massive benefits for children and society? It benefits literacy for children who avail of it when they come to primary school. I saw that as a teacher. If we value the importance of preschool and early education for children's development and development of the person, it should not be any different. In years to come that is how it will be viewed. We need to end this neoliberal outsourcing of essential needs to the private sector.

Deputy Mattie McGrath: I am happy to speak on this Bill. While I understand that one of its main purposes is to provide a legislative underpinning for the establishment of a new national scheme which will provide financial support for child care through universal and targeted subsidies, I have major reservations about its likely impact and effectiveness. The problems at this stage are well known. I was involved in setting up a naíonra and was chairman of its board, in my village of Caisleán Nua, cúig nó deich bliain ó shin. I still have a peripheral involvement in trying to support it in any way I can. It is a wonderful institution organised by a voluntary board, brought from seed to purchase of a site, design, building and delivery. The former Taoiseach, Bertie Ahern, officially opened it for us. It is going well, providing exceptional care and tuition for the daoine óga, na cailíní agus na buachaillí óga, from preschool to under-fives and then to after school. I am delighted to be back visiting it again dropping off my granddaughter, Amy, who is four, any time I get a chance on a Monday or Friday. There is a lovely warm, welcoming atmosphere. It is a community effort and a huge employer in our small rural village.

We have seen how there is widespread fear among providers about the possibility of excessive State control of their businesses, and in particular how the scheme is set to increase an already overburdened sector with even more red tape. Red seems to be the word - dearg. Red tape and bureaucracy seem to be the hallmark of this Government, the previous Government and the one before that. It is so cumbersome and frightening. Speaking as a business person I know how difficult it is for a voluntary board and group to organise and run a child care facil-

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ity, keep it going, give excellent care and comply with all the regulations, which it is bound to do, for health and safety, child welfare, and hazard analysis and critical control point, HACCP, where food is involved. I support all that but it is bonkers to use a word used by the Minister's Cabinet colleague on budget day about the unfairness of the pension anomalies introduced by the former Minister, Deputy Burton, in 2012. She does not like to be reminded of that but that is what it was. There have been a couple of schemes for early childhood schools and we should be able to make them less bureaucratic, more user-friendly for the child, na daoine óga, the buachaillí agus na cailíní óga, their parents and guardians and the staff and management of the child care unit. Instead, the Government does not seem to be able to grasp this. I am not laying all of it but a good lot of it at the Minister's door. She is the boss. Surely to God the officials and senior officials could learn to do something less cumbersome with less red tape.

The former Taoiseach, Deputy Enda Kenny, said several times during the talks to form this Government, and when he formed the Government, that it was new politics, new arrangements. He said the public had given them a right good wallop and he could not form a Government without the help of Independents. The Minister jumped in with him very surprisingly. We had a meeting one day and we are all *ad idem* on not voting for anyone and few minutes later the Minister was signed up to Enda's wagon. That is her prerogative and decision. I wish her well and she can suffer the consequences as well, whichever way it goes. Whatever way she wants her cake, she can eat it. He promised and committed time and again that with the change that came from the voters who wanted change and new politics there would be a sea change in the public service, especially in senior public service, but nothing has changed. It has got worse. We were promised rural-proofing of legislation - not at all. To hell with rural Ireland, once there is plenty of money to invest in Dublin. All the thinking is Dublin-centric and to hell with all small providers and voluntary boards.

It was women in the main who started minding children and then got into the system and provided wonderful care and tuition to our very vital future, our young. Mol an óige agus tiocfaidh siad. Nothing has changed. It is more bureaucratic and cumbersome. Pobal was set up by Albert Reynolds when we were dealing with the other group responsible for child care funding - I cannot remember what it was - and it was supposed to cut out the red tape and streamline it. Instead, it has added layer and layer. It would be a great organisation for a person to go out in on a winter's night because they would be well-clothed, well-warmed and would not get the cold as they would this evening because there are layers of bureaucracy.

Families have been in touch with me to say that they simply cannot find child care providers willing to operate under the proposed scheme. I am sure they are telling every other Teachta Dála the same thing. If the Minister had done any little impact analysis of the effect of this scheme, she would know that herself. She does know it but there are none so blind as those who do not want to see. There are cosy arrangements and the Minister is happy to let them drift on and let the providers go to hell or to Connacht. The providers are telling parents that they will not sign up and so the parents are being left high and dry. That is an awful situation for couples, parents, single parents, guardians and whatever. They are trying to keep their employment to pay their mortgages to keep a roof, they are trying to keep up the numbers to keep the child care in their area going and then they are being told sorry and they are being left high and dry. That is a very difficult situation for them to be in with their employers and some of them are self-employed. The apparent solution has in fact become very much part of the problem.

I also want to address the fact that while the Bill provides for childminders to mind children in the childminder's own home, which I welcome, it is effectively useless when it comes to

supporting those parents who wish to be supported after deciding to mind their own children at home. That is an awful problem. There seems to be something wrong with allowing our children to be educated at home. Everything is geared to forget the excellent homemakers. I salute the homemakers who day and night look after their children at home. It was a noble profession that served this State well down through the centuries. We were all well looked after at home, thank God, and good values were instilled in us. Now the home is the last place the Minister wants children to be. She wants them farmed out to any place but home. It is unbelievable that this is the situation. The Bill is useless when it comes to supporting those parents who wish to be supported after deciding to mind children at home.

Time and again we have seen research which proves that public policy should be a response to what the public actually want unless there is a strong, compelling reason to do otherwise. That is a telling line. We are whizz kids and new people but the Labour Party carries a lot of the blame for this too. It could not wait to get all this liberal legislation. It gave us a diet of it for five years here. I warned time and time again that it would not get it a lot of votes and it did not. It came back with six or seven Deputies. I said they would come back in a car but they came back in an eight-seater. It gave us a diet of it for years from Ruairí Quinn down.

Child care policy is mainly about early years care because that is when children are most dependent. These are vital years. When people are asked about what they regard as the best child care option for children under the age of five, research reveals that only a small minority, at 17%, see placing a child in day care as the most desirable option. These are not my figures. They come from research in case the Minister thinks they are my figures. I said earlier that I am not backward. I am not speaking from the caves. I am speaking as a man who was chairman of a naíonra I set up. I am not anti-child care. I am all for it but we cannot beat children out of the home like we would beat rabbits out of the bushes. "Don't have them at home" is a disaster as far as I am concerned. However despite this, the Government, and this Minister for children in particular, seem absolutely intent on bulldozing through a policy that is in no way responsive to the actual desired preferences of parents when it comes to child minding options.

The statistics are there if the Minister wants to look at them but she brings her own flavour and very personal stamp to this. I do not like it, will not accept it and will rail against it anywhere I can. We have to ask ourselves why that is the case. The Minister even rejects and flies in the face of research carried out by respected organisations. Just what has this Government and this Minister got against parents who do not wish to send their children to crèches and day care but who instead wish to be supported in their preference to look after their children at home? That is a very frank question and I hope the Minister will address it when she replies to me.

What has she got against families who want to keep their children at home, educate and mind them at home and give them the best nurturing and bonding they can get in their own traditions in the home in a safe environment? The previous Bill this evening was about cyber-bullying. The safest place for children is in the home but, unfortunately, the homes have been penetrated by the Web, emails and everything else. At the very least, the State should adopt a neutral approach when it comes to making provision for child care and the manner in which subsidies are directed. At the very least, the Minister should do this but the fact that she wants to continue her vision and passion to take it away from the home is very concerning - for me anyway. I am sure other people can speak for themselves. Instead what we are seeing is a concerted push to drive parents into the workplace when in the majority of cases, it is their express wish to remain either at home or to be employed part time so they look after children at home.

We are seeing “push, push, push into the workplace” the whole time so the Government can get the figures down and talk about “recovery, recovery and recovery”, which was the Fine Gael mantra during the last election. It did not get it very far either because it is false and involves juggling and manicuring figures.

The pressure is put on individual parents all the time. Far from respecting the wishes of parents, and women in particular, and the Minister is a woman, this Bill is actually extremely anti-woman. There is evidence to prove that. How do we know this? The available data makes it clear. The national household survey from the third quarter of 2016, this is not 20 years ago, produced by the Central Statistics Office, which we all trust, showed that 315,000 women were working part time compared with 146,000 men. This is a telling figure in itself. However, 83% of part-time working women did not regard themselves as underemployed. The equivalent figure for men was 67%. These are not my figures. They are from a report produced by the CSO in the third quarter of 2016, which is little over a year ago.

What this Bill will ultimately do is entrench a systemic level of unfairness into the options around child care provision. I believe that. We talk about equality. We all rant and rave about it but where is it here? We are going in the opposite direction. We are saying one thing and doing the other. That is why I would have great difficulty supporting the Bill, even if I understand the need to offer working parents relief on exorbitant child care costs. The costs are quite exorbitant, particularly in the cities and particularly this city. These are added to the costs of transport and everything else.

I appeal to the Minister to go back to the drawing board, to reflect on some of what I have said, possibly answer my questions and issue retorts if she feels what I have said is inaccurate or misleading. I am saying this honestly. I have a large family and have had experience of them being minded at home and then being sometimes minded by neighbours or women who minded a couple of children in their homes. Indeed, I had children who went to the naíonra about which I spoke earlier so I have wide experience.

I went through the university of life in this area. I now have grandchildren, one aged four who is attending the naíonra and one aged 15 months who is being minded in a house by an excellent carer in Cluain Meala so I have a fair bit of experience. There is nothing like walking the walk if you want to talk the talk. You have to get down and dirty if you want to understand what really goes on. There are a lot of problems here and I am very unhappy with this legislation. I am unhappy about a number of pieces of legislation that all seem to emphasise that women must get out of the home and that they are not home makers anymore. They must be out in a place of employment. Then we wonder why we have problems with our young people and teenagers.

The home bond is the most vital of all - with the mother in the first instance and indeed the father or whatever arrangement there is. You will never buy it and you cannot package it. You cannot even aspire to it. It is there and is very real and tangible. It is true love and is nurturing. Whatever faith the parents have, they can pass it on and nurture children in their own beliefs, ways, habits and practices.

Apart from the cost of it and the unfairness of it in that area, there is unfairness regarding small child care providers at home and the community groups. This cannot all be commercial or commodified as if it is a commodity we are looking after. They are our future. When we are long imithe as an tír, we hope they will be around and raising their families. I believe an

undermining situation is happening and I do not like it and will rail and fight against it. The unfairness and red tape are separate aspects because if we want a scheme to be successful, we do some kind of impact analysis and ask the people. We should ask the administrators of what used to be the county childcare committees, on which I also served. I served on them a number of times so I have a fair bit of experience in this field apart from being a father and a granddad. I served in all those areas. We should ask them.

I could not say enough about the HSE officials we dealt with at the time, like Phil Mackey and many others. Ask them how they are getting on. They are getting the feedback. They are getting it between the eyes every day of the week. The regime is so regimented. It is like a blindfolded jennet running so far that it cannot be stopped. Stop, halt, stad and just listen. Do not be afraid to go back and correct the mistakes before more of them are made and we lose many valuable small providers of child care in their homes and some very small community crèches. There are exceptional centres from Carrick-on-Suir right up to Kilsheelan to Clonmel. Several of them are in Clonmel. They are also in Cahir and my own village of Caislean Nua na Suir and right up to Cashel, Tipperary Town and Bansha. They are all over the place - Greenacres, Little Treasures. So many of them have wonderful names. All they want is to be allowed to continue to provide and pass on that nurturing care and early education to those young children and that we entrust them with the care of our children. They love it. They would not do it otherwise. It is a passion and vocation. They continue up into north Tipperary to Thurles and all the towns and villages. They are the lifeblood of the community because we have taken away everything else. The last bastion was the public house and that is under permanent attack from the Minister, Deputy Ross. Let them flourish.

Little Treasures, a wonderful institution, is the one I could not think of in New Inn. We had a problem earlier this year with bus tickets, but they are so helpful; they drop off the children at 7 a.m. and mind them until they get on a bus to go to national school. They take them in again in the evening. The parents have a huge bond with those groups and those well-run and managed crèches because they would not leave their kids otherwise; none of us would. It would be unnatural to leave them some place that we did not trust or did not like.

What I do not like about this is that I do not trust the Government. While it is nothing personal, I do not trust the Minister's bona fides in the area. I do not like what I see. I do not like the angle that is being pushed, manoeuvred and manipulated to try to ensure the last place children are minded is in the home. We have so many homeless and then we try to undermine the homes we have. We have a lot to learn in this.

I know the Minister is new; I expected different and better from her. However, we are where we are, as the saying goes. I appeal to her to make haste slowly here, go back to the drawing board and examine the flaws in this. These are not my words. There is noted research from reputable companies and the CSO. We also have an examination from HSE and Tusla officials who are dealing with institutions. They will tell the Minister very fast that it is a failure.

Deputy Peter Fitzpatrick: I welcome the opportunity to contribute to this debate on the Childcare Support Bill. The main purpose of the Bill is to provide a statutory basis for a new national scheme to provide financial support for children through universal and targeted subsidies. This scheme will also be called the affordable childcare scheme, ACS. The scheme will be open to all Tusla-registered child-care providers, including Tusla-registered childminders. The Bill, if enacted, will allow specified persons, public bodies and agencies, including the Minister for Children and Youth Affairs, the Department of Employment Affairs and Social

Protection and the Revenue Commissioners, to share relevant personal information on applicant families so the system can calculate a family's affordable childcare scheme subsidy.

By making child care more affordable, the scheme aims to support children's participation in quality child care, to support parents' participation in the labour market and through both these effects to reduce child poverty. The Irish child-care system is one of the most expensive in the world. Irish families pay far more out-of-pocket fees than the OECD average.

Child-care groups have highlighted low pay and unsustainable working patterns as barriers to recruitment in the sector. They also highlight the increasing demand placed on child-care workers to hold formal qualifications and claim that these are driving workers out of the sector.

The affordable childcare scheme will replace the community childcare subvention, CCS, programme and its various sub-programmes, including CCS plus, CCSRT, and CCS universal. It also replaces the childcare education and training support programme, CETS; the after-school childcare programme, ASCC; and the community employment childcare programme, CEC. The early childhood care and education scheme, ECCE, commonly known as the free preschool year, will continue.

The Department of Children and Youth Affairs expects that the new affordable childcare scheme will be more accessible than the existing targeted schemes. The affordable childcare scheme will have a single set of criteria, based on parental net income. However, some families where the parent is not working or in training will face a reduction in the child-care subsidies under the proposed scheme. These families currently receive full-time subsidised child care but under the affordable childcare scheme will only be eligible for a maximum of 15 hours per week of child-care subsidies.

In addition the affordable childcare scheme deducts hours of participation in school or in early childhood care and education from the number of affordable childcare scheme hours available. These families will only be eligible for affordable childcare scheme subsidies outside school term times. Currently they may qualify for part-time child-care subsidies during the term times.

By streamlining the existing targeted schemes the Department of Children and Youth Affairs hopes to make them more accessible to parents and providers; provide a fair and consistent scheme of progressive financial support towards the cost of child care with the focus on low-income families, incorporating universal supports; and provide a robust and flexible platform for future investment in Irish child care.

The Department of Children and Youth Affairs believes providing subsidies to child-care providers is preferable to providing tax credits to families. The regulatory impact analysis of the affordable childcare scheme states:

While acknowledging the simplicity of channelling funding through the tax system, the report highlighted the lack of progressivity in tax credit funding (with support focused on families in the tax net) and the lack of scope of such funding to leverage other objectives of State-supported childcare, particularly quality improvements.

The Bill, if enacted, will allow specified persons, public bodies and agencies to exchange personal information on the applicant family in order to assess eligibility and entitlement. It is envisaged that the Revenue Commissioners will provide income data to the Department of

Employment Affairs and Social Protection so the system can automatically calculate a family's affordable childcare scheme subsidy.

The Department of Children and Youth Affairs has stated that it expects demand for child care to increase as a result of the scheme, but there is uncertainty about the level of increase. The Department estimates the cost of the scheme as being between €127 million to €149 million in a full year, but states that this may rise to €165 million and to €193 million. However, as noted in the Department's policy paper on the affordable childcare scheme, the additional cost will be less than this figure when the cost of the targeted schemes currently in place is taken into account.

What effect will the Bill have on parents? Waiting lists for child care could increase if the sector does not have the capacity to deal with the increasing demand the new scheme is expected to create. Payments are made to the providers, but there is no guarantee that this will be passed on to the parents in the form of lower child-care fees. Some stakeholders believe that the requirement for formal qualifications in child care among child-care workers will lead to higher child-care costs for parents.

What effect will the Bill have on child-care workers and service providers? In order to participate in the affordable childcare scheme, child-care workers will need a qualification in child care. Some stakeholders claim that requirement for formal qualification, combined with low pay is causing recruitment difficulties and driving some child-care providers out of the sector.

We must look after our children and ensure the child care is up to scratch. We must also look after the workers. It is important that we get the right people who are properly qualified. We must make it affordable for parents. When parents leave their children they need to know they will be looked after well.

I disagree with my colleague, Deputy Mattie McGrath. I believe the Minister has come into the job very open-minded. She has done a fantastic job and she always listens. Anyone I have spoken to has nothing but praise for her. It is very important that we look after the future of our children.

I keep emphasising the cost. An earlier speaker said that for a single parent or families with low income it is important that we make it affordable. The Minister is taking the right route. When providers receive the money it is important that they try to reduce their fees which are very high currently.

Ireland is a good country to live in. It is great that the economy is nearly back to full employment. It is important to get people out of the house and into work. I wish the Minister the best; she has my full support.

Deputy Tony McLoughlin: I appreciate the opportunity to speak on the Childcare Support Bill. The Bill when enacted will among other things introduce new and welcomed financial supports aimed at assisting low- and middle-income families to meet the cost of providing child care. During the 2016 general election campaign despite what some politicians in this House tried to make us believe, water was not the major issue on the doors. Real issues such as housing and job creation along with accessing affordable child care were the prominent issues on the doorsteps in the Sligo-Leitrim constituency. That is why I am delighted to speak in support of this Bill which aims to achieve just that. This legislation is real evidence that the Government has listened to the concerns of young parents. It is also further proof that the Government is

attempting to address some of the concerns relating to the costs associated with child care.

If enacted, the Bill will facilitate the introduction of the Government's new affordable child care scheme to the public. The new scheme will provide financial supports to parents to help them to meet the costs of child care. These will include income-related supports that will be targeted at low-income families, non-income-related supports that will be available on a universal basis and additional supports for families with an identified need for child care on grounds of child welfare or child development. By making child care more affordable, this scheme is aimed at supporting children's participation in quality child care, supporting parents' participation in the workplace and, through both of these efforts, reducing child poverty, which is a major aspect of the Bill. By giving a statutory basis to the scheme's rules, procedures and IT systems, the Bill will also provide a robust framework for future investment in child care. On this basis, it can be viewed in this instance as being progressive legislation that can act as a building block for further investment in child care in the future.

Some key elements of the Bill include provisions for the appointment of a scheme administrator. It will ensure the establishment of an application process for parents and an income assessment process so that those in real need of assistance can be identified quickly and supports provided rapidly. It will give rise to the creation of a statutory basis for data-sharing arrangements. It is intended that this will enable the income assessment process to be largely automated through data-sharing arrangements with other Departments and agencies thus minimising waiting times. Finally, it will introduce the payment of subsidies on behalf of parents to participating registered child care providers who must use these subsidies to offset the fees charged to parents. However, I must note that, there are real concerns with this particular aspect of the Bill that may need to be addressed as we move forward. We have heard of many supported crèches simply increasing their charges for attendance in order to observe this State support. This leaves the family no better off than before and needs closer attention.

The affordable child care scheme will replace a number of existing administrative child care support schemes with a single, streamlined and more user-friendly scheme. In particular, the income assessment process within the scheme will involve a move away from the current schemes' reliance on social welfare payments and medical cards as a way of assessing financial need for child care and, as such, will enable the targeting of child care supports at those with the greatest need, particularly families who are seeking to enter the labour market but who have low incomes. The scheme is also intended to improve administrative efficiency and streamline application and registration procedures for parents and for child care providers. The latter can only be welcomed. I look forward to the new measures being introduced and I look forward to seeing other measures, such as a potential tax credit for families in order to help them reduce costs further, being brought forward.

Acting Chairman (Deputy Eugene Murphy): There are almost eight minutes left. Does Deputy Farrell want to use it or wait for his own slot?

Deputy Alan Farrell: I will wait for my own slot.

Acting Chairman (Deputy Eugene Murphy): I call Deputy Donnelly.

Deputy Alan Farrell: I believe Deputy Neville is sharing time.

Acting Chairman (Deputy Eugene Murphy): He is further down but if he wishes to take the seven minutes now, I will give the time to him. Is that okay with Deputy Donnelly?

Deputy Stephen S. Donnelly: Yes.

Deputy Tom Neville: I thank the Chair and the Opposition. I am a member of the Joint Committee on Children and Youth Affairs and have been for some time. I have worked closely with the Minister on the issues relating to this. I want to place on record the fact that I believe the Minister has done extremely well with this and has displayed with a very proactive attitude in trying to address the concerns highlighted by my colleague, which were raised during the election campaign. I am getting a nod from the Opposition that this was raised in the election campaign of 2016. I come from a rural constituency. Child care was one of the main issues raised at doors. Perhaps my age meant that people spoke to me much more about it. It was a huge issue at people's doors at the time because the economy was on the rise, people wanted to get back to work and the affordability of child care was a stumbling block for people to get back to work. They were caught in that trap. As we progress with the economy, we need to tackle that. There are historic issues here since there has been neglect in this area over successive Governments. Child care costs have been excessively high so we are tackling that culture and, for want of a better word, trying to institutionalise this and bring it forward.

This is coupled with other cross-departmental moves to show people that the Government's attitude across those Departments is trying to marry them with this scheme. For example, children under six get free GP care. Some 10,000 children now qualify for a medical card, which has been extended to those in domiciliary care. There are 47,000 extra breakfast club places. Back to school clothing and footwear allowance was increased by 25%. We can see this as a cross-departmental Government policy. That is a reaction to what we heard at people's doors in 2016 and why we are trying to put this into place. An extra €20 million extra for the scheme has been allocated in budget 2018. Capitation rates for providers of the ECCE programme will increase by 7% in September 2018. There will also be increases in funding for Tusla. The two weeks of paid paternity leave for fathers has been introduced for the first time in the history of the State, all part of this overall cross-departmental attitude. That conveys the Government's attitude regarding what we are trying to do here, namely, facilitating people getting back to work and balancing that with rearing families. In other words, ensuring that there is a work-life balance.

I spoke to the Minister about the roll-out of the scheme at a meeting of the joint committee. We are progressing with the IT system to try to reduce cost and the administrative burden in actually applying. Requirement-gathering, putting this system in place and getting it up and running will be key to the scheme's success. We have seen IT systems fail in this House before, well before my time, with personnel, payroll and related systems, PPARS, in the health services back in 2005 or 2006. I believe, since then, that there has been a psychological fear relating to IT systems, that there would be ongoing costs and unforeseen outcomes. We have to be on point in that regard. We should have our own in-house team which is on a par with external consultants but which has ownership and power over these systems. The last thing we want is to have all that power go to an outsourced IT company that can push a button and bring the entire system down if a disagreement occurs or if an unforeseen issue arises.

If we get this right, we can roll out that model to the mental health services, for example, since we have seen in our committee that the IT systems there are insufficient. We are trying to get real-time reporting, particularly financial reporting, that we cannot get as public representatives. We are asked to provide a budget but we are not given real-time financial reporting. If one works in the private sector, is accountable for a budget and asks for real-time financial reporting, one will, particularly in the aftermath of the crash, get it in an instant. We need to

start marrying that across here so that we can use those analytics to make informed choices about the business function for us as the business users, not as a financial function. That is a big problem in the mental health services. I know I am digressing but I think we can use this model. I know we will be successful if we use and roll out that particular model, although it will be a different IT system. The way the business system integrates with IT would generate success with that, particularly around administration and for ease of application as well. When the end users come to use this, it should be well-tested and simple. It should not be bureaucratic for the end user. If one looks at any business user, particularly owners of child care, they want to concentrate on the function of what they do. The business side is more difficult for them, so if we can make that administration easier, it would be much more successful on the ground.

As I said at the outset, the overall contribution to this was to show that, cross-departmentally, the Government is focusing and listening. I look forward to working closely with the Minister and the Chairman of the Joint Committee on Children and Youth Affairs, Deputy Farrell, on this issue. We are on a stepping stone. We introduced measures in 2017 and are bringing more forward this year. We hope to roll this out in 2019 or 2020.

8 o'clock

Deputy Stephen S. Donnelly: I am delighted to welcome the Second Stage debate on the introduction of the single affordable childcare scheme. Prior to the Minister's much elevated status she and I worked closely in the previous Dáil on some detailed child care policies and I know this measure means a lot to her. It has been well thought through and is being well led but it is but one step on a long road. Earlier this evening I had a coffee in this building with a young parent whose partner took time off work to care for their child and now needs to return to work. However, given the cost of child care in Wicklow, even having only one child it is not affordable for her to return to work.

We all know the cost of child care is crippling. For many, it is similar to a second mortgage. A few years ago when putting together a budget submission I calculated that for a couple to get to where their household cash would be if the returning mother or father did not go to work, he or she would have to earn €50,000 or more. In Wicklow, the annual cost for two children in a crèche could easily be €25,000 in fully taxed cash with no tax deductibles. To get €25,000 in cash, a person must earn €50,000. The ESRI reckons it costs about €10,000 to go to work, in cash terms and to get that, a person has to earn €20,000. Adjusting each amount a little for tax between a couple the earnings would have to be approximately €60,000. In Wicklow, a person who has two children and wants to return to work would have to earn €60,000 as a PAYE worker per year to get to zero. That person would not be able to afford even an additional Mars bar at the end of the year.

I apologise for not being here for the Minister's Second Stage speech but I was in my office writing my own speech. One of the points made by the Minister in her speech, however, is that this measure will help parents transition to employment, thereby making work pay for families on low and moderate incomes. A mother or father returning to work on an €80,000 per annum salary - which is a really good salary - is probably better off to the tune of about €10,000 at the end of the year. Consequently, I put it to the Minister that it is not just about low and moderate-income families, although that is the group this scheme is targeted at. One should not forget that a mum or dad returning to work on an €80,000 salary probably will end up with only €10,000 of that in his or her pocket, which is crazy.

What do we do? We know that average costs in Ireland are almost double the European average. If one were looking at this from the outside, one might form the view that if we are double the European average and if there is a market for child care, then clearly the honest, decent parents of Ireland are being ripped off by greedy cartel-like child care providers, such as occurs in the telecommunications or insurance sectors, but we all know that is not the case. We know that most child care providers - pretty much every child care provider I have ever spoken to - is making a very modest income. Many of them are just breaking even and something needs to be done about that. What is the problem? The problem is that as a country we are not investing enough of our tax take in supporting high quality affordable child care and early years education. I acknowledge that the Minister, were she a benevolent dictator, would invest more of our tax take in early years and children, as would I. As we start to consider the fiscal space for next year, where hopefully there will be a bit of room, we need to reflect on that when considering tax cuts. It is easy for us to talk about tax cuts. Maybe it plays well before an election, maybe not, but every tax cut essentially means less money to help lone parents and low-income families out of poverty traps or even to get reasonably high-earning people into a position whereby the mum or dad - usually the mum as this is a very gender-based issue - can return to work and continue with his or her career. It will take time for that to happen but the affordable childcare scheme is a welcome move in that direction.

The new affordable childcare scheme will also simplify the process for parents as it replaces a number of schemes. As Deputies, we do not qualify for any of the targeted interventions and that is as it should be but in preparation for this debate, as a parent I reviewed the different schemes online, including the community childcare subvention scheme, the child care education, training and support programme, the after-school child care programme, the community employment childcare programme and so on. Figuring out for which scheme one is eligible is incredibly complicated and even if one can figure that out, figuring out what band one falls into is another problem. I also reviewed the Department's notes. The eligibility criteria include a medical card, a GP card, low income, in education but not all education, in further training but not all further training and so on. For a person to get the €43 per week to which he or she is entitled, he or she may have to apply to three different agencies who, in turn, have to refer the application to a particular group and the service provider who must be registered with Tusla and to the county council. It is a nightmare. As a parent of three boys, I know that parents' heads are busy and struggling parents and lone parents' heads are really busy. Finding the time to sit down and work out all of this stuff is a real problem. I welcome that all of those schemes are being replaced by one scheme.

There are various provisions in the legislation that can be improved as it progresses through the Houses. I also reviewed this scheme on the Department's website to see if I could get my head around it. It, too, is complicated. We know that there is a universal payment. In other words, regardless of whether a person earns €50,000 or €1 million per annum, he or she will receive a payment of €900 or €1,000 per annum or €20 per week and that below €48,000 the payment increases. What we do not know is whether there is a step change or if the payment increases quickly. I appeal to the Department and to every civil servant in the country to keep it simple so that it can be understood by people like me and others. I am glad that the myriad of eligibility rules are being simplified. It is incredibly difficult to understand what one might be eligible for. The criteria also act as barriers. As Deputies we all know there are people who should be getting access to payments but who fall between the stools. It may be that they have a GP card but they live in the wrong country and so on. What I like about this scheme is that it rids us of some of those unintended barriers. For example, parents in low-income employment

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or self-employment who are ineligible for family income supplement have found themselves excluded from a particular type of scheme for which they should have been eligible based on their income. Some parents in education and training courses do not qualify for the child care education and training support but will qualify for this scheme, which is very important.

I would like to make a few suggestions on how we could improve the Bill. I accept there were IT issues, which delayed the roll-out of the scheme. Hopefully, they have all been resolved. On progressivity, if I understand it correctly, regardless of a person's income he or she will get a payment. I made the point earlier that even households on pretty good incomes are crippled by child care costs. The amount a person has to earn for it to be worth his or her while returning to work is huge. A person who has two or three children would need to earn a huge wage to do that. I understand the thinking behind a universal payment but it might be worth considering capping it at some level. I am not convinced that giving the payment to someone earning €250,000 is a good way to spend the money. I am not sure there are many people with young children earning €250,000. Maybe the money would be better targeted towards the lower and moderate ends.

I wish to address an issue that my colleague has touched upon. There appears to be a lack of choice. I understand there is Tusla registration, which accounts for approximately one in five children in early-years settings at present. There is a bias, therefore, towards centre-based care. Obviously, very many parents use child minders or small-scale provision. As the Minister laid out in her speech, the scheme is creating the framework for something else. It would be unfortunate if it created a bias against child minders, in whom we need to invest and who need training and quality control. I would certainly like to see this explored as the Bill makes its way through the Oireachtas.

As an aside, I am aware that some child care providers have been putting up their prices in line with recent Government changes in a way that is very confusing for many parents. Deputy Rabbitte, on behalf of Fianna Fáil, will be introducing a Bill to achieve transparency in child care pricing. This is important.

The Minister's Bill is a step in the right direction. Ultimately, however, we need to see the same respect, investment and standards applied to early years education, child care provision, crèche-based care and childminder care as are applied to teachers. Our primary school system is phenomenal. Our teachers are phenomenal but they are held to a very high standard. They are remunerated and protected with pensions and sick pay. Obviously, our child care providers do not have these. I would love to see early years education treated with the same respect as primary and further education and subject to the same degree of accountability and standards. I wish the Minister good luck with the Bill.

Deputy Mary Butler: Fianna Fáil welcomes the introduction of the Childcare Support Bill, for which we and the parents of the State have been waiting since the single affordable child care scheme was first announced in budget 2017. As a mother of three, my youngest being 12, I was always dependent on family support for child care. Even tonight as I stand here, I am depending on my mother at home to look after my youngest. We are all very aware of how important child care is.

This Bill enables the operation of the single affordable child care scheme, which consolidates existing child care subsidy schemes into a single streamlined scheme with targeted subsidies for lower-income families and a universal subsidy for middle-income and other families.

This will provide much needed support for parents for whom children's costs have become similar to a second mortgage. There is many a day on which people come into my office under severe pressure because of costs. If one has two or three children under six or seven years, child care represents a very significant cost. It can cost as much as a mortgage. Child care is all about choices. The choice some families have to make is between having both parents work outside the home to try to meet the costs and having one parent stay at home when the children are very young. It is all about choices. These choices are very difficult to make.

I am familiar with couples who work shifts in various factories, especially in Waterford. They might work based on three eight hour rotations. There are plenty of families in which both parents work opposite shifts. One might do the early shift, from 6 a.m. until 2 p.m., and the other might work from 2 p.m. until 10 p.m. so one of them will always be at home to mind the child. Obviously, it is very hard on family life because people cannot spend a lot of time with one another. Owing to the prohibitive cost of child care, these are some of the options families have to choose from.

I am disappointed about the overall manner in which these child care measures have been handled. First, the delay in the delivery of the scheme has caused significant uncertainty for parents and providers. It has also prevented as many as 9,000 families from availing of their promised level of subsidy. I do not doubt for a minute the intentions behind the Bill but, unfortunately, the Government promised to deliver these measures by September 2017. Owing to chronic delays with the ICT infrastructure, in addition to delays with the legislation, these measures have yet to be delivered. It is now January 2018 and I sometimes doubt whether the scheme will actually be delivered. I hope it will because the children of the country and their parents are dependent on it.

The current circumstances are causing uncertainty and inconvenience for parents and child care providers alike. It is indicative of a total lack of joined-up thinking and planning. As matters stand, the affordability and sustainability of child care leave much to be desired. We cannot blame the Minister for that. Whereas the OECD average cost of child care represents approximately 12.6% of net family income, the figure in Ireland stands at approximately 27.4%. That is an absolutely huge proportion of any pay packet. When one factors in mortgage payments, car payments and the cost of the basics, some people are really left stranded.

There is a lot of talk about middle Ireland. I regard middle Ireland as involving two parents in a household working hard. They might have two or three children. They might be trying to educate some of them and to have the others minded. By the time every bill is paid at the end of the week, there is very little left. This is why I welcome the introduction of the Bill but I am worried about some of the issues that have already been raised.

I am a bit worried about the tendering process to establish and operate the IT system for the single affordable child care scheme. It has only recently begun in earnest. This is a key piece of the scheme. Without a centralised portal for parents to input their income details and child care arrangements, it will not be possible for the scheme to be administered. I listened to Deputy Donnelly with interest. He said he had considered the scheme, gone online and found it difficult. Why has it taken so long to put the scheme out to tender? The details should have been worked out prior to the announcement of the scheme. Sometimes when we introduce legislation, there are unintended consequences. Maybe this is one of them. The Minister needs to provide a deadline for the awarding of the contract. This is extremely important. Parents need to be sure this will happen.

Another issue raised with me by parents is that they feel the scheme will not allow them much choice and flexibility regarding their child care arrangements. To avail of the subsidy, parents will have to have all their child care provided through centre-based care. Currently, fewer than 20% of children are cared for full-time in crèches. The remainder are cared for by relatives or childminders, or a mix of both, and there is really no provision for these families. As a mother who has depended significantly on family support over the years, I believe this is a matter we can consider in the future. Parents still feel they have not a lot of choice or flexibility and that they cannot opt for a mix of centre-based and informal care, or at-home care, such as a childminder or relative. Fianna Fáil believes we should be examining means to support these families, possibly through the use of a tax credit. I hope the Minister will consider this.

Before I finish, I wish to touch on the impact on vulnerable families. We know there are many vulnerable families. Currently, certain low-income households are eligible for highly subsidised full-time child care places, even when one or both parents are not working. These arrangements recognise that not all families have the same needs and that a person's participation in the labour force is not the only determinant of child care needs. For lone parents, for example, it may be impossible to seek and begin work if they are not already participating in a highly subsidised child care scheme. Once again, I congratulate the Minister on her work to date in bringing this Bill forward. There are a few issues that arise but I have no doubt they can be dealt with later on.

Deputy Alan Farrell: I thank the Minister for bringing forward this Bill. I know that she and the Department have put a significant amount of work into producing the Bill for the House. The legislation has already gone through the committee I have the privilege of chairing. I recognise each and every one of the members, past and present, and the former Chairman now Minister of State, Deputy Jim Daly, for their contributions to this process.

I will start by echoing some of the remarks made by Deputy Donnelly. I accept that the complexity of the child care schemes that are available is confusing. The Department and the Minister accept that. The approach being adopted by the Department on the Bill and the provisions contained within it will clearly simplify the process. There is, however, a number of outstanding aspects of child care in general that this Bill will not capture and it is only a certain percentage of the market which is covered under the provisions of this Bill. As has already been said, we must recognise the role childminders play in informal after-school environments whether that is the next door neighbour, the grandmother or whoever else looking after children of school-going age. Everybody in this Chamber is fully aware of the complexities and these are matters we must address.

The Minister outlined eloquently in her contribution, as did other Members who spoke, the difficulties we have with the low overall investment the State has traditionally put into child care and child care service providers in comparison to other countries within the OECD. The Minister outlined that we were bottom of the list and that we are aiming to be eleventh from the bottom or closer to the OECD average. It is commendable for us to be able to attempt to achieve that within the next two to three years.

It is very clear from the level of commitment in contributions made thus far in this Chamber and in the committee when we were discussing this matter with the Minister last week that there is a great deal of goodwill towards the Department of Children and Youth Affairs in terms of the budget it requires to reach the levels we are targeting. Therefore, I hope the Minister for Public Expenditure and Reform, Deputy Donohoe, and the Cabinet will take stock of that because it

is a very important element of society that we provide additional educational provision to pre-school children in order to improve their chances of receiving an enhanced education at an early age, which is incredibly beneficial to them in their later years within education.

I believe it was Deputy Coppinger who referenced the fact that the preschool level is incredibly important in the three levels of education. It is very clear to me and to members of the committee who referenced it that in order for us to achieve the educational standards and the level of workforce we require, it is appropriate that we begin at a very early age. That means upskilling and ensuring that the standards of the providers - whether they are in a crèche, Montessori facility or other child care setting - are at a level in which we as parents have trust and confidence in their ability to provide the level of child care that we aspire to provide in our own homes. I say that as a parent. That requires significant investment.

The Bill is the commencement of the process of improving an income-based targeted scheme which will no doubt assist hundreds of thousands of parents across the State. As a representative of the community in the State with the youngest age demographic, north Dublin and Fingal in particular have acute problems and challenges that require significant Government investment and an increase in the number of child care providers right across the board from preschool right through to early teens in terms of after-school facilities. I believe the Bill is a great stride in the right direction.

Last September, when the Minister announced the affordable child care scheme, the Government introduced an important support for parents and families making child care more affordable. I intended to go through the various measures in more detail but because Deputy Neville was so eloquent in his contribution in that regard, I will not go over that ground other than to say significant steps have been taken in the right direction. The Bill signifies one of those important steps in ensuring children and their families have access to high quality affordable services. In particular, I commend the fact that this Bill will work to ensure that those families and children who are most in need of support receive the support they require.

For too long, as has been said numerous times, child care has been a second mortgage. It takes up almost 40% of the outgoing income of the average family and it is a very significant burden. The Bill is vital in making extortionate child care costs become a thing of the past as Ireland moves towards establishing a scheme which is in line with international best practice and endeavours to ensure that children receive the greatest possible benefit in their early years education and care.

In discussing the Bill, it is vital that we develop cross-departmental ICT systems, on which the Minister went into great detail with the committee last week in terms of the various reasons that it is delayed. While I and others, including the Minister, are disappointed at the delay, given the experience we had in the past with ICT problems it is most appropriate that we take the time to get it right because the worst thing that we could possibly do is go into a statutory tender process with a statutory time limit and statutory periods of consideration and make the wrong decision. It cost the State hundreds of millions of euro in the past and I have no desire to see that happen again, and not on such an important product that I hope will be produced by whoever wins the tender.

It is important that we use the ICT system to improve our position among OECD countries in terms of the overall amount we invest as a percentage of GDP. Without the required ICT infrastructure, it would simply not be possible to ensure the targeted supports under the affordable

child care scheme reach every single family and support every single child who qualifies for them. As such, I am pleased that the Minister has made this a priority within her Department. I also note the Minister's remarks in that regard when she appeared before the committee last week.

I echo Deputy Donnelly's view that there is a point at which the State does not need to intervene in attempting to reduce child care costs. Unlike child benefit, which is universal, those above a certain threshold should possibly be discounted. That perhaps is a consideration at a particular level because I appreciate there will always be people who have extraordinarily high financial burdens such as mortgages as a result of the Celtic tiger and their income might in fact have only just met their outgoings. There will always be considerations in that regard but it is a conversation worth having.

In regard to the ICT system, it is positive that a full and open tender process will take place because I would hate for us as a State to get it wrong. That said, it is a bit disappointing for all of us within this sphere that we are now facing at least another year or year and a half before we get to implement or test the system that emerges from the tendering process. Nevertheless, there are a greater number of positives in the Bill, particularly in terms of the establishment of an independent appeals procedure for decisions under the scheme, measures to ensure the effective use of public money and the fact that it aims to empower parents and guardians to participate in the labour market and through both this and supporting quality child care subsequently reduce child poverty.

I wish to reference section 17. I recall that some years ago during the Thirty-first Dáil issues arose in respect of the Social Welfare Act. The Act set out certain provisions that ultimately meant the Department of Social Protection, as it was at the time, was unable to consider certain applicants who were clearly in need of support. Unfortunately, the Act precluded them from being considered for direct intervention. I appeal to the Minister and the Department to look carefully at section 17 with regard to the possibility that the provision might unintentionally exclude individuals who may be in need of financial support from the State. At this early stage during the Second Stage debate we have plenty of time to consider the matter.

Correspondence from Barnardo's has been circulated to most members of the Joint Committee on Children and Youth Affairs as well as the Minister. I believe the correspondence warrants consideration. Section 7(1)(a) provides for eligibility of applications for supports under the scheme and refers to where "the person or his or her partner is a parent of the child". This could be simply expanded to include "or guardian" and I believe that would better provide for the intention of the Bill. Barnardo's has suggested the use of phraseology along the lines of "the person or his or her partner is a parent or guardian of the child". Although that is a matter for Committee Stage, it is worth mentioning at this point that some helpful contributions have been made by stakeholders.

Section 14 provides for additional support for vulnerable children. This section along with Schedule 2 provides for the bodies that will have authority to authorise additional supports in certain circumstances. In particular, the Child and Family Agency will have the ability to authorise additional payments in cases where the child is not receiving adequate care and attention. The concern is that in order for the Child and Family Agency to use this power, it is essentially implied that some form of parental failure must have taken place with regard to the child in care. There is, therefore, a burden of proof that the Child and Family Agency would be required to meet to ensure some of our most vulnerable children and families receive the

level of support they require. Would it not be better for the Minister to frame the section in a more positive light? Could she not empower the Child and Family Agency to be proactive in authorising additional supports in cases where the agency identifies a child as being in need of additional care or protection?

Another concern brought to my attention relates to the provision of a step-down approach for families whereby they could retain the supports they are to receive for the duration of the year in which the Tusla support expires. The idea is that the family would not have to reapply to receive support where those involved meet other eligibility criteria. That is worth mentioning at this point.

Section 26 provides for families to move from current schemes to supports under the affordable child care scheme and includes the phased transition as they move from their current level of supports to those offered by the scheme. The section would allow those families to better adapt to these changes. I am pleased that organisations such as Barnardo's are largely supportive of the Bill in this regard.

I encourage the Minister to engage with her colleagues in government, and the Minister for Education and Skills in particular, to explore the possibility of utilising school buildings where it is feasible for the provision of after-hours care, as provided in several facilities throughout the State. This initiative has received great support from my Fine Gael colleague, the Minister of State, Deputy Jim Daly, in Cork. We believe it would provide better supports for parents who wish to return to work. I visited one such company last week in Donabate called Sherpa Kids. I was impressed with the service the company was providing. It is operating with the support of the Department of Children and Youth Affairs by way of adaptation grants for the room it is using. We could see the roll out of such schemes with supports from the Department in other facilities. Indeed, the thinking behind this project is an essential component in providing the sort of service that parents really need. At the end of school, a private provider utilises a classroom or large hall, in the case of the particular school I visited. Someone collects the children as normal inside the gate rather than outside and brings them back to the classroom. Sherpa Kids provides for them during the course of the day. There is a drop-in and take-out service throughout the course of the day. Once the company has space, few parents are refused.

We really need to roll out this model throughout the State. I understand a similar project was piloted in Cork a year ago or thereabouts and that is why I mentioned my colleague, the Minister of State, Deputy Daly. Anyway, it is important for us to have a conversation. It is a pity the Irish Primary Principals Network meeting was last week as I was going to suggest to the Minister for Education and Skills, Deputy Bruton, that he would have a conversation with the principals. Having spoken to four such principals in the past month, I sense some reluctance on their part to entertain the use of school buildings. I do not think that is right. As long as the room is suitable and cleaned afterwards, there is no particular difficulty.

We are talking about schools receiving an income. It might be non-commercial rent, but it is still moneys that the school could put into the provision of education for the students there during the course of the school day. We need to go outside the box and outside our comfort zone and perhaps bring school boards of management with us. It is incumbent on us as political leaders throughout the country to show how good this service can be for communities and parents. Ultimately, the boards of management are populated by people within the community. If the people in the community see the importance of these initiatives, then I imagine the boards of management would catch on to it.

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Anyway, it is important for us to be able to provide the standard of care that is being provided. We must be assured of the environment in which the children are being cared for. We need to ensure that the level of pay, which has been mentioned time and again, in this sector improves along with the standards that we are endeavouring to improve. Schools can benefit greatly from the investment they would receive from the non-commercial rent generated.

I have the privilege of representing the community in Fingal, which has one of the youngest and fastest-growing demographics in the State. As such, there is a great need and large demand for child care places throughout my constituency. I call on the Minister to examine the possibility of supporting the use of school buildings where possible outside of school hours to enhance the availability of child care service providers throughout the State.

The Minister referred to regulation during her contribution at the commencement of the debate. The introduction of standards for after school child care services is a key element of the overall part of this entire debate. Of course there will be reluctance to look at ratios of teachers to children, for example. However, what we really need to do is supplement other areas of child care with direct investment from the State. I hope we will stabilise income levels and thus remove some of the barriers to parents making the decision to go back to work. As Deputy Donnelly outlined earlier, the level of income required to keep more than one child in child care is crippling.

I raised the matter of rates at committee last week. It is an important aspect for the thousands of child care providers in the State. Most, if not all, are paying commercial rates. This is something we need to look at as part of the overall investment in family life by the State. It is clear that those in the industry make little money out of it. The rates of pay are low and the operators do not appear to be making much out of it. I encourage the Minister to discuss some sort of intervention. Clearly rates vary from county to county. At the same time, we can perhaps look at the particular difficulties in urban environments throughout the country. As indicated, geographically based targets are worth considering given that the costs of child care vary dramatically between Malahide, Mullingar and elsewhere.

I am not particularly inclined either way on the question as to whether the public service should become involved in the provision of child care. The State already provides child care through the community child care schemes. If the service is of a sufficiently high standard - the level of State investment will be uniform in any case - I have no particular difficulty with either the public or private route. As standards rise, however, I believe there will be no difference between the State and a private operator providing child care services. We have learned from experience that there are often disparities in the cost base for State versus private services. This should probably be considered in the context of ever-increasing demand on the fixed pot of money available to the Department.

I commend the Minister and thank her and her officials for the considerable efforts they have made in recent months on producing this Bill.

Deputy Fiona O'Loughlin: The Fianna Fáil Party supports the introduction of the Child-care Support Bill 2017. The Bill takes an important step towards bringing Ireland into line with international best practice on investment in early years care and education, which is extremely important. As a result of the legislation, more children will be able to access an affordable and quality child care service.

My party also has some concerns about the Bill. Parents and child care providers have been waiting for this legislation since it was first announced in the budget before last. The Bill will enable the operation of the single affordable child care scheme, which will consolidate current child care subsidy schemes in a single streamlined schemes, providing targeted subsidies for lower income families and a universal subsidy for middle income and other families. This is extremely important. It will also provide much needed assistance to parents for whom child care costs now equate to a second mortgage. Not a day or week passes that I do not speak to people who are trying to make ends meet. I am referring to families with two incomes who must pay a mortgage, public transport costs and child care costs. Many of them are living hand to mouth. At the same time, the operators of child care facilities are not making substantial profits and those working in the child care sector are not well paid. There are, therefore, many difficulties in the sector.

A previous speaker referred to commercial rates. As with schools, child care facilities provide a much needed service. Apart from caring for children while their parents are at work, they provide a social and educational service that is very important for children and should be viewed in that light. It is wrong that they receive high commercial rates bills. Under current legislation, child care facilities must be made secure for the children who use them, which is very important but also costly. When one adds rates bills to the many other costs child care providers face, it becomes very difficult for good people to stay in the business. We need a sustainable and affordable system that will work well for parents, children and operators.

As Deputy Rabbitte outlined, Fianna Fáil is disappointed with the manner in which the child care measures have been handled. The delay in delivering the new scheme has caused significant uncertainty for parents and providers and prevented as many as 9,000 families from availing of the promised level of subsidy, which is not good enough. The Government promised to deliver these measures by September 2017. Owing to delays in producing the legislation and introducing information and communications infrastructure, the measures have still not been delivered. Even now, in January 2018, doubts remain about when the scheme will be delivered. This is causing great uncertainty and inconvenience for parents and child care providers alike and is indicative of a lack of joined-up thinking and forward planning. This month, the Minister finally approved the request for tender stage of the affordable child care scheme, meaning that almost 18 months after the the scheme was announced, the tendering process has only now begun.

As matters stand, the affordability and sustainability of child care provision in Ireland leaves much to be desired. Whereas the OECD average for expenditure on child care is 12.6% of net family income, in Ireland the figure stands at 27.4% or more than double the OECD average. As I indicated, this often amounts to the cost of a mortgage, which means that for many families, more than 50% of disposable income, that is, income after tax, USC and PRSI, is spent on mortgage payments and child care costs. Despite the high costs to families, many child care providers struggle to pay themselves a wage. I know of some people working in child care who are not paying themselves a wage and are struggling to maintain a sustainable service. The current system is clearly not working for anyone.

In some areas, there is a lack of competition and transparency in the child care sector. There are 19,358 children waiting for a child care place and many crèches do not display their prices, making it difficult for parents to shop around for a provider. To help partly address this issue, my colleague, Deputy Anne Rabbitte, will introduce a Bill to make it mandatory for providers to display their prices online. The scheme applies to only a small subset of families, namely,

those who use registered crèches as their main mode of child care. Only 13% of children aged under 12 years attend a crèche or after-school facility, with a further 13% of families reliant on paid relatives or childminders for their child care needs. This issue must be addressed. Depending on the nature of the parents' work, a crèche may not work for them and they must find alternative forms of child care. As the Minister has mandated that subsidies be paid only for registered crèches and childminders, of whom there are only approximately 500 in the entire country, she has effectively excluded 13% of children from the scheme. I am also concerned that the scheme, as proposed, will harm the most vulnerable children by reducing the number of hours of free or subsidised child care they are eligible to receive.

My party colleagues spoke about some of the other pertinent issues and I will address the important issue of the lack of choice. The plan, as outlined, will not allow parents to have much choice and flexibility regarding child care arrangements. To avail of the subsidy, parents must have all their child care provided in centre-based care. Many child care facilities have, understandably, very strict opening and closing times and do not offer any flexibility for parents who are caught in traffic on their way home from work or who may have to work late. I have in mind, for example, people who work in Leinster House who often work late by virtue of the work we do and our working hours. One need only imagine the rush home to collect a child from child care. On that point, I note the fees have gone up by €500 a month in the Oireachtas crèche. I understand those who use the crèche, staff and Members, got a letter to that effect on Monday. Where is the equity in that?

I return to the general scheme. Fewer than 20% of children at present are cared for full time in crèches. The remainder are cared for by other childminders. There is no provision for these families. That has to be dealt with. Parents will have no choice or flexibility. They cannot opt to use a mix of centre-based care or informal at-home care, such as by a childminder or relative, or both. They will be restricted by availability, opening time and closing times and the mode of child care. Fianna Fáil believes we should examine the means to support these families, possibly through the use of a tax credit.

In respect of capacity, because the scheme allows no choice or flexibility, it also relies heavily on the availability of crèche capacity in an area. Some crèches are already struggling to meet demand for places arising from the expansion of the early childhood care and education, ECCE, scheme. This scheme could double or triple demand for child care places in crèches, nurseries and Montessori schools. Pobal estimates there could be as many as 19,357 children waiting for a child care place. For example, my own brother was waiting for a number of months prior to Christmas for child care places for his three children.

We need to look at impacts in respect of the issue of flexibility but there is great urgency in this regard as we have had delays of 18 months. It is particularly important as we come up to September, when other children start primary and secondary school. It is also when children start in child care and crèches. I urge the Minister to make sure everything is in place and to look at the flexibility around the arrangements.

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I thank all the Deputies who contributed this evening. I have listened carefully to what they have said. It has been a great few hours because they have taken the time to examine both the Bill and many of its implications. The Deputies have been attentive to the concerns, questions and struggles of the people they represent.

I thank the current Chair of the committee, Deputy Farrell, as well as Minister of State, Deputy Jim Daly, who chaired the committee before. I also thank all the members of the committee who are present and who spoke. My officials and I feel supported by the way in which Deputies raised questions and interrogated the work we have done. Putting this in place will involve all the aspects that have to do with the affordable childcare scheme, not least of which is the Bill we have before us. I am grateful for the contributions.

I will address some of those points now although we will have more time when we move to Committee Stage. Some of the main points consistently raised pertain to child care in general, as distinct from this Bill specifically. The biggest issue most Deputies touched on had to do with the cost of child care. I acknowledge all the points that have been made in respect of the high cost of child care. I made some of those myself. I also wish to state clearly that I am aware that these high costs of child care have persisted for many years.

Over the past three years, the State, through the last three budgets, has provided an 80% increase in what we spend to support child care for parents and families. It is extremely significant that there has been that type of increase. All of the arguments made and the points raised will, I hope, help me to increase that investment substantially. I am acutely aware of the fact that it is still excessively costly. It is really important. To be fair, and to contextualise those points, we have significantly increased investment in the last couple of years.

We are trying to increase subsidies and affordability for families. That is always at the front of my mind. It is equally important, however, as I have indicated to many Deputies in the committee, that when I am looking for investment in this coming year, it also will be focused on the professionalisation of the workforce and additional quality measures that we can provide to those people who are integral to the development of our child care sector. On the issue of cost and expense, I note the Bill we are debating will finally establish the affordable childcare scheme and once we have such a legislative foundation, it will be easier for the State to invest. It will be easier also to invest in a way that targets the different policy priorities of the State and of the Government in charge at that time. That is a massive step forward, in addition to the ways in which we have significantly increased investment. At the same time I, along with my colleagues, acknowledge that is not enough.

Many Deputies also raised questions regarding the increase in fees by child care providers. According to the evidence, while some individual providers have increased their fees in 2017, on average fees for child care rose by just 4%. Perhaps it was by more than 4% in some constituencies but we have evidence that the average rise in full-time child care in 2017 was 4%. Fees for part-time child care actually fell in 2017. The 4% increase in fees needs to be seen in the context of no change in average fees between 2012 and 2015. I acknowledge that for many parents who experience that increase, even with significant subsidisation, that is not much consolation. At the same time, we all are aware it is critical that as the Government and the State invest, we must be focused both on affordability for families and on ensuring child care providers get the wages and pay they deserve. We must also support the professionalisation of the workforce.

Again, most Deputies are aware that the Department originally calculated and set the capitation rates that go to the different providers. In that sense we are responsible. The independent review of costs sponsored by my Department that is under way at present will be completed in time for me to have significant evidence to do my budget negotiations.

9 o'clock

We will get clear evidence of what is required to not only provide an excellent service but also to pay professionals in a way that will ensure they are retained, that new people can be recruited and that we will have a workforce that is highly motivated to care for children.

Investing in child care does not in any way negate our valuing of parents contributions to the lives and care of their children inside or outside the home. I am directing these remarks specifically Deputy Mattie McGrath in the context of many of the issues he raised. Clearly, we are not in agreement on them but he asked me to respond. Many women, not unlike many men, wish to raise their children as well as work outside the home. We are trying to support all families but I recognise the great value of the contribution of those who care for their children in the home. These are not mutually exclusive. I support the extension of paid leave for parents during a child's first 12 months. The Government has also increased the home carer's tax credit but there is widespread agreement that one of the greatest challenges facing many families with young children, especially those trying to get out of poverty, is the high cost of child care. This was raised by many members. It is not an either-or issue. Both the ECCE scheme and the affordable child care scheme are open to parents who are at home and who want to use early years services as a complementary support for their work and for early education. It is critical to be attentive to all of that but I am also behind that expressing my commitment and views on the policy priorities and the ways in which we are investing.

Many Members, particularly the Chairman of the joint committee, Deputy Farrell, referred to the delay in the implementation of the IT system, which we have also discussed extensively at the committee. Originally, we had hoped to use the existing framework to procure an IT system. The delay is because of the extraordinary professionalism and sense of responsibility of not only officials in my Department but the experts with whom they have engaged to identify the best way, ultimately, to go about this. Though initially we had hoped to use existing framework, which was reasonable, it was also reasonable to seek legal advice once we agreed we were going to for the affordable child care scheme. The legal advice indicated that the framework was not suitable for this IT development. It caused us to have to proceed with an open tender procurement process instead and, although that was regrettable, we have obtained approval from the Office of the Government Chief Information Officer and I, in turn, have approved the publication of the request for tender. We have a peer review group process and an open tender procurement process, which should both ensure a robust and high quality approach to the IT development, which is essential to the scheme. I acknowledge the excellent collaboration with other Departments in the development of the new scheme and the innovative IT system. Although the delay is regrettable, we will have a significantly better system as a result. Members have identified the importance of that. At the same time, despite the delays with this system, and taking this legislation to invest in child care in this way for the first time, and because of the work of my officials, we were able to provide most of the subsidies and support for most families and children that we had anticipated in September and it is important to acknowledge that. The delay does not mean that everything is proceeding as is and I acknowledge the providers who have risen to the occasion to do that. We were able to provide an additional €18 million across the different child care provides to support their administration of that system. There is a great deal of paperwork and many providers believe that funding is not sufficient to recompense them for the work but, at the same time, they have done it and a similar system will be used next September. Uncertainty in that regard has been reduced. What is most important is that families are supported through the subsidisation and we are ensuring that is the case

while we build a system that will ultimately be one of the best as we move towards investing in future generations.

A few Members asked whether FIS would be deducted in the calculation of the subsidy. This issue was raised at the joint committee and we examined it subsequently. We engaged closely with the Department of Employment Affairs and Social Protection. Having examined the interaction of the affordable child care scheme with FIS or the working family payment, including potential disincentive effects, both Departments recommended that FIS should not be deductible from income for the purposes of the affordable child care income assessment because allowing that deduction would raise issues of fairness and equity between working families in receipt of FIS or working family payment and those who are not, particularly those on the margins, and throughout the social welfare system. We can examine that issue further as we move forward with the legislation.

Questions were also raised about data protection. The scheme is being designed to meet all general data protection regulation requirements. A data protection strategy has been developed and, as part of that, a privacy impact assessment has been undertaken and the peer review group reviewing the business case for the scheme's new IT system has commended the Department's work in this regard.

Many Members raised the issue childminding, particularly in the context of choice. We are supporting choice, particularly for parents. The scheme is open to registered child care providers. Most Members will be aware that the group chaired by Childminding Ireland examined issues relating to quality assurance and regulation of the childminding sector. On 15 January, the group furnished me with a report making recommendations to ensure more childminders can become part of the system and be supported by the State's subsidisation process. I am meeting folks in the next ten days to discuss the findings and recommendations. I addressed the issue of choice in my opening contribution for parents and families who want children minded in the home, perhaps by virtue of a tax credit. A couple of Fianna Fáil Members raised that possibility. Our judgment is that to use that mechanism provides no form of quality control in respect of what happens with the care of the children and, therefore, it does not allow for sufficient responsibility and oversight by the State of its investment. That is not just our judgment, it is based on research in other countries as to why we make the choice regarding subsidisation in the way that we do. Again, however, we continue to the debate the matter.

I also want to offer a couple of comments on the issue of offering additional support to vulnerable children, because that point was raised by a number of Deputies, and particularly on the way in which that will happen. I reassure child care providers and those working with vulnerable groups in this regard that the Bill provides the Minister with the power to negotiate agreements with the five key statutory bodies in respect of the most vulnerable children and families. The detail of how the referral procedures will operate will be negotiated in these agreements. Clearly the detail of these agreements will be critical. While I recognise the value of the suggestion that county child care committees should have a role in providing additional support to vulnerable children, I regard it as critical that a national system is in place to ensure equity in the level of support for vulnerable children and families wherever they are. I intend to take steps to ensure that additional support for vulnerable groups will be easy to access in all cases where there is a clear identified need for it.

Earlier in the debate a Deputy asked a question about early childhood care and education, ECCE, eligibility for a child turning three in January 2019. A change to ECCE eligibility was

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announced in the last budget which aims to ensure that all children will be able to access a full two years, or 76 weeks, of the ECCE programme. Unlike the current arrangement, in which there is variation between families in terms of ECCE entitlement, there will now be equity. While some families with children whose birthdays are between January and March will see a reduction in eligibility from 88 to 75 weeks, they will have the same two years, or 76 weeks, eligibility as all other families. In addition, any such family will be able to continue receiving the universal child care subvention beyond the age of three until the child qualifies for ECCE. The affordable child care scheme will allow child care subsidies from the age of six months and it will wrap around ECCE supports and school.

A few Deputies made points in respect of commercial rates, which we also discussed to some degree in the committee. I am committed to the provision of affordable and accessible child care and I understand that the issue of commercial rates can be a barrier to achieving those goals. My Department will continue to explore the options available to secure an exemption or reduction in rates payable by private, for-profit providers.

Although we are really just beginning as we conclude this Stage and, I hope, move to the next Stage, I will conclude by saying that there is no question that we are now on a path to the establishment of the affordable child care scheme. This will be delivered. We are on a path that no one will, or would want to, stop. It is taking longer but, as I said earlier, most of the subsidies, which for the first time include a universal subsidy, are already being paid thanks to the providers and the parents. We are in the process of establishing a scheme that will make it easier for this Government and future Governments to invest in the child care sector and that will ultimately make the sector easier to administer so that it will be better for our providers, our parents and, of course, our children.

Question put and agreed to.

Childcare Support Bill 2017: Referral to Select Committee

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

That the Bill be referred to the Select Committee on Children and Youth Affairs pursuant to Standing Orders 84A(3)(a) and 149(1).

Question put and agreed to.

The Dáil adjourned at 9.15 p.m. until 10.30 a.m. on Thursday, 1 February 2018.