



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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# DÁIL ÉIREANN

*Dé Céadaoin, 30 Bealtaine 2018*

*Wednesday, 30 May 2018*

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

*Paidir.*

*Prayer.*

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## Ceisteanna - Questions

### Priority Questions

#### Common Agricultural Policy Negotiations

43. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the actions he is taking at EU level to ensure the proposed budget cuts for the 2021 to 2027 CAP programme are reversed in view of the publication of the recent MFF proposals; and if he will make a statement on the matter. [23925/18]

**Deputy Charlie McConalogue:** The European Commission recently published budget proposals for the next multi-annual financial framework, MFF. Will the Minister outline the actions he is taking at EU level to ensure the proposed cuts to the Common Agricultural Policy, CAP, programme between 2021 and 2027 are reversed? He knows that the stakes are exceptionally high for the agriculture sector. It is crucial that he acts in the coming months to ensure the proposed cuts will not come into play.

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** The multi-annual financial framework, MFF, proposals for the period 2021 to 2027 were published by the budget Commissioner Gunther Oettinger on 2 May. The negotiation of the framework is a matter for Finance Ministers and the proposals will ultimately require the approval of the European Council and the European Parliament. In so far as funding for the Common Agricultural Policy is concerned, the proposal indicates a cut of around 5% in the next MFF period from 2021 to 2027. European agriculture policies have delivered for Irish farmers and consumers and it is important that support continue to be provided for these programmes. In the next few years farm families will be required to play a vital role in the protection and enhancement of the environment and the production of food to the highest standards in the world. These high

standards and the family farm model are part of the fabric of European values. EU citizens have shown that they support this model.

We need farmers to take active steps to mitigate climate change, protect water quality and biodiversity and improve their competitiveness. A strong CAP is a prerequisite if these objectives, which are in the best interests of all citizens, are to be achieved. However, member states are facing into difficult negotiations and a number have already indicated that they are not willing to provide additional funding for the MFF. From Ireland's perspective, the Taoiseach has indicated that we are prepared to contribute additional funding but only if critical policies are supported. It should be noted that the proposal published by the European Commission is the initial MFF proposal. The final outcome will be determined in negotiations at EU level in the coming year. Achieving Ireland's priorities in the negotiations will be a key issue for the Government. In that context, I have been meeting EU counterparts since January - most recently the German and French Ministers - with a view to building consensus among farm Ministers on the need for a strong CAP budget. I will continue to work on these matters with my colleagues across Europe, as will my officials.

The next stage of the CAP post-2020 process will be publication of the legislative proposals. They are due to be published in early June. I look forward to engaging constructively with the Presidency, my European counterparts and the European Commission to ensure the next CAP will continue to provide necessary support for the Irish and European agriculture sector. I reassure the Deputy, organisations and farmers throughout the country that I will continue to seek a strong budget for the CAP in the upcoming negotiations.

**Deputy Charlie McConalogue:** I thank the Minister for his answer. As he knows, farm incomes are under tremendous pressure. In general, CAP payments account for 75% of net income but for the beef and sheep sectors, they account for almost 100% of net income. Therefore, the stakes are immensely high for the farming sector and farm families. Unless we can ensure the budget is protected and that the proposed cuts are reversed, we will see farmers deciding to leave the sector as it will become unsustainable for some to make a living from agriculture. It is crucial that we see a massive effort not only by the Minister but also the Taoiseach to try to ensure other countries are brought on board as allies to ensure the budget will not be cut. The Minister outlined it is 5% in Pillar I. Professor Alan Matthews has indicated that, when inflation is taken into account, it will amount to more than 15% over the course of the next budget. Of course, in regard to Pillar II payments, a 21% cut is proposed.

What is the Minister specifically going to do with regard to a strategy for engaging with those countries which are resisting additional budgets? Will he ensure the Taoiseach shows an increased interest in ensuring we protect the budget and that we liaise closely with France, in particular, to try to build a coalition and bring other countries around in order to ensure that budget is protected?

**Deputy Michael Creed:** I assure the Deputy and all Members of the House that we share a common objective. What we are engaged in is a series of strategic alliance building efforts to try to bring about a situation where member states will agree to increase their contributions. It is important to be realistic about it. When the Commission published its proposals on CAP, there were a number of member states that criticised the proposals specifically on the basis that they did not go far enough in terms of cutting the budget. That is a significant challenge. Increasing the budget contribution of member states requires a unanimous decision so, politically, it is a very significant task to undertake.

As the Deputy knows, the Taoiseach clearly stated in the European Parliament that Ireland was prepared to increase its contribution. What is not widely understood is that we are a net contributor to the European Union since 2014 and, in fact, a net contributor at the higher level, perhaps in the top three or four for *per capita* contributions to the EU. We are prepared to pay more but we want to do so in the context of important projects that we believe should be funded adequately. It is important also to acknowledge that we get in the region of 70% of our receipts from Europe through the CAP and that the multiplier effect this has in rural communities is very significant.

**An Leas-Cheann Comhairle:** Thank you. The time is up.

**Deputy Michael Creed:** We are building alliances, making bilateral arrangements and having meetings with Ministers. I am going to Madrid tomorrow to meet a series of member states that share our analysis but there are many member states that do not.

**An Leas-Cheann Comhairle:** We must stick to the time slots. I call Deputy McConalogue.

**Deputy Charlie McConalogue:** I accept there are many states that do not, which is a challenge. This means that, as a country, we have to leave no stone unturned to try to meet that challenge. The Taoiseach needs to be foursquare in regard to ensuring that is a top priority when he is engaging with other European leaders, as does the Minister when engaging with his counterparts.

With regard to Pillar II, on which I want to focus in particular, there have been indications it will be cut by up to 21%. Given that payments for the areas of natural constraint scheme, GLAS, TAMS and Leader come out of Pillar II, this poses a very real risk of undermining our rural economy and farm incomes.

With regard to the co-financing aspect of this, Commissioner Hogan has indicated the contribution from the EU will drop by 10%. At this remove, what is the attitude of the Government in regard to increasing the national contribution if it comes to the stage where that is required? We cannot have a scenario where Pillar II is undermined and where the funding of those very important schemes does not add up to what it currently does for farmers. Will the Minister clarify the Government position in regard to ensuring that, whatever the outcome, Pillar II is not cut?

**Deputy Michael Creed:** I share the Deputy's analysis that Pillar II is very important because we have used it to be quite innovative in terms of the challenges we face. The Deputy mentioned GLAS and there is also beef data and genomics programme, BDGP, which is helping us meet the objectives of the environmental area and climate change, perhaps ahead of other member states. We have used Pillar II very significantly. It is co-funded and any cut there would be regressive in the context of our ambition to meet the new challenges, particularly around climate change.

I believe it would be strategically incorrect for us to now put our hand up and say that we will make up the shortfall when, in fact, our overwhelming objective is to secure an adequate budget from CAP funding, so we will have a properly funded Pillar II. I appreciate all the schemes that flow from it, including areas of natural constraint, Leader and so on. However, our objective now is to get the best possible outcome in terms of the CAP negotiations and look then at what our national obligations will be in terms of co-funding. I believe it would be strategically wrong now to let the Commission off the hook and say that whatever it decides to cut,

we will make up anyway. That would be strategically incorrect.

### **Common Agricultural Policy Negotiations**

44. **Deputy Martin Kenny** asked the Minister for Agriculture, Food and the Marine the way in which basic payments to farmers will be affected under the new CAP arrangements in view of the fact so many farmers are working off-farm in order to sustain their livelihood. [23721/18]

**Deputy Martin Kenny:** This question refers to something we have heard talked about on many occasions recently, namely, the issue of farmers having to be full-time farmers, or at least to get the majority of their income from farming. On many small holdings on marginal land, it is very difficult for people to make a living. The reality is at least one person, if not two people, in the household have to work off-farm in order to be able to do that, and this is particularly so in areas of natural constraint, where it is more difficult to make a living. I question whether there is a trend coming in the new CAP arrangement towards some restrictions in this regard, which would be very worrying for the majority of farmers who find themselves in that category.

**Deputy Michael Creed:** The CAP regulations are expected to be published by Commissioner Hogan shortly. Until the formal proposals are received, it is difficult to make any assessment regarding their effects. While I am aware of leaked drafts, I will not be commenting until my Department has had an opportunity to examine the published draft guidelines. It is also important to note that, following publication, the draft regulations will be the subject of detailed negotiations before final agreement. During these negotiations, I will continue to work with other member states to ensure that the measures proposed deliver greater added value for the Irish farming and rural community and for all European citizens.

Direct payments are a vital part of farm incomes, especially in the dry stock sector. I will continue to seek an EU budget with a robust CAP programme to include necessary support for direct payments. Proposals already published on the multi-annual financial framework provide some insight into Commission thinking, with references to capping and targeting of direct payments included. I have already indicated that I am supportive of efforts to better target direct payments and I look forward to examining the detailed proposals as they emerge.

On the question of farmers with off-farm income, this has been a significant feature of Irish rural communities for many years and will continue to be in the future. I intend to ensure that such farmers will continue to be supported under any future Common Agricultural Policy. We can also reasonably expect that the Commission proposals will involve a higher level of environmental ambition for the farm sector. We simply have to use the tools at our disposal to address climate change and other environmental imperatives, but, of course, it is also critically important to protect incomes in our vulnerable sectors.

I am currently engaged in a round of meetings with EU counterparts regarding the expected proposals on CAP and the published proposals on the multi-annual financial framework. Equally, my Department will continue to engage with its interlocutors in this regard. I can assure the Deputy that I will continue to seek a strong EU budget for CAP and a regulatory framework that protects Irish farm incomes.

**Deputy Martin Kenny:** I welcome the clarification. I understand it is only a draft that will

be seen and that there are negotiations involved. However, we would welcome reassurance from the Minister and his Department that, in those negotiations, everything will be done to ensure that no definition of farmer is introduced which would mean many in the farming community who are on marginal land, and have to depend on off-farm income, would in some way be punished for that. The reality is that small farmers, certainly in the west and on hilly ground, cannot survive on farm income alone and very often have to have off-farm income. This is one of the things that is leading in many cases to the abandonment of the uplands, where we see farmers abandoning the land and taking other options, such as forestry or just selling the land and getting rid of it. The truth is it is bad for our community and for the whole farming sector if it goes in that direction. Every effort needs to be made in the negotiations to ensure the definition of what a farmer is, and what farming is, is that the land is being farmed. It should be based on the full utilisation of the land, which is being used to the best of its capacity and where farmers are doing their best to take as much income as possible from it, and if farmers require further income off-farm they will not be punished for that.

**Deputy Michael Creed:** I am aware of this issue in my constituency and that it is a national issue. The question of the definition of “genuine farmers” and “active farmers” always crops up. I wish to reassure farmers who lack the capacity to generate a sufficient income from their holdings. We have recently seen the publication of figures for farm incomes which point to two Irelands. I refer, in particular, to the figures for the livestock and sheep sectors that are really challenged in terms of their lack of capacity. Like any of my predecessors and I assume any sane occupant of this office in the future, I will be motivated only by the best of intentions when it comes to dealing with that reality. I aim to ensure those farmers who are as genuine as any other farmer and as active as any other farmer, given the constraints on their holdings, will continue to be the focus of supports under the Common Agricultural Policy. They may not be able to generate a high income owing to those constraints, but they perform a host of other valuable services in the protection of the environment. They are really important players. They are both active and genuine. The fact that owing to economic necessity they may have to have an off-farm income does not in any way put them beyond supports under the Common Agricultural Policy, nor should it in the future.

**Deputy Martin Kenny:** The difficulty is we often hear about armchair farmers and individuals who do not engage in farming, yet receive all of the subsidies. Sometimes there is a view that to try to ensure this will not continue, we have to delineate certain categories. I fear that, with the tiny minority in that category, there is a larger group who would be affected in a negative way. I welcome the Minister’s commitment to ensuring this will not happen and I am satisfied that the small family farm will be at the centre of future negotiations on the Common Agricultural Policy. The Minister mentioned sheep and cattle farming and how income levels in these sectors were so low. That is the reality for so many farmers who do the best with what they have got, yet they cannot make a proper income from it, but that is not to say they are not productive. They are highly productive for the type of land they use.

The Minister mentioned greening and the environmental impact. Yesterday evening at the committee we heard from representatives from UCD. One of the questions I forgot to ask them was about research into the level of carbon sequestration on low-impact grassland, on large areas of which farmers have very low stocking rates. That is something we have not taken into account. It is one of the good things those farmers are providing.

**Deputy Michael Creed:** We share the same objectives. What we have to guard against are the unintended consequences. Yes, at a high level people will talk about “armchair farmers”,

those who gather income under the Common Agricultural Policy and who may not be considered active by other farmers. I am anxious to ensure the category about whom the Deputy spoke, those with small and marginal holdings from which because of the constraints of them they are not able to make an income, will continue to be supported. They are both active and genuine.

There is another debate taking place at a different level about those who receive extraordinarily high payments and whether they constitute genuine or active farmers. There are proposals related to capping, which I think is good in principle. There are about 1,000 farmers in the country who receive a payment of more than €60,000. When that money is redistributed between 130,000 farmers, the gain is minimal. Nonetheless, the Deputy should be reassured that we share the same ambition for those farmers who are both active and genuine.

### **Trade Agreements**

45. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the position on the latest Mercosur talks; his plans to protect Irish farmers by ensuring beef will not form part of a final Mercosur deal at EU level; and if he will make a statement on the matter. [23926/18]

**Deputy Charlie McConalogue:** Will the Minister outline the position on the Mercosur talks, specifically what he is doing to protect the interests of Irish farmers and ensure beef will not form any part of a final deal? As he knows, farmers are greatly concerned about the potential impact of additional beef imports from South American and Mercosur countries on prices within the European Union. There is talk that a deal is imminent. I hope the Minister can update us on where things stand and provide reassurance that he is seeking to ensure beef will not form a part of that deal.

**(Deputy Michael Creed):** Ireland's position on the EU-Mercosur trade negotiations is well known and has not changed. We have consistently opposed any agreement that will have negative consequences for the Irish and EU agriculture sectors and the beef sector, in particular. This position has been reiterated many times, for example, by me and my colleague, the Minister of State, Deputy Andrew Doyle, at meetings of the Council of Agriculture Ministers, as well as by other Ministers in the relevant EU trade policy fora. It has also been done through direct contacts with Commissioners Hogan and Malmstroem and by the Taoiseach at the European Council and through his own direct contacts, including Commission President Jean-Claude Juncker and the French President, Emmanuel Macron.

I have been very consistent in urging caution in the approach to the negotiations. I have expressed Ireland's very grave concerns about the offer of a beef tariff rate quota of 70,000 tonnes made by the European Union to Mercosur last October and our strong view that this figure should not be exceeded. I have been working closely with member state colleagues in that regard and also remained in close contact with Commissioner Hogan on the matter.

There have recently been reports of agreement being reached on other aspects of the negotiations. I would be very concerned if progress on these aspects were to lead to further concessions on beef. I am aware that there will be a further round of negotiations in Montevideo in the week commencing 4 June. In that regard, I continue to remain in close contact with European Commission counterparts and member state colleagues to press Ireland's concerns. In an

overall sense, there is, undoubtedly, a need for continued vigilance in the conduct of these trade negotiations. I will continue to insist that they be handled appropriately and in a manner that will safeguard the interests of the Irish and European beef sectors. In that regard, I will also continue to work very closely with member state colleagues. In particular, full account must be taken of the findings of the Commission's own assessment of the cumulative impact of trade deals on the agrifood sector and the potentially very damaging impact of Brexit on an already delicate balance in the European beef market.

**Deputy Charlie McConalogue:** The Minister should be highly aware, given the studies already carried out, of the potential impact of a Mercosur agreement in bringing additional beef into the European Union. The European Union's own assessment indicated that it would lead to a 16% drop in the prices farmers in Europe get for beef. It would also lead to a €5 billion drop in the cumulative value of the European beef market. I note that the Minister has indicated that he has communicated to the Commission that he does not want to see the 70,000 tonne quota exceeded. That constitutes him giving up the ghost and indicating his acceptance of a figure of 70,000 tonnes being part of any final agreement. Frankly, given the impact it would have on the farming sector, that is simply unacceptable. Will the Minister vote against any deal at European level that has beef as part of it? What will be the ratification process for a final deal? Will it be the case that deciding any tariff rate quota will be a European competence, or will it have to come back to be voted on by this national Parliament? Has the Minister sought the advice of the Attorney General in that regard?

**Deputy Michael Creed:** Our objective is to secure the best deal, of which beef would not be any part. That is what we have been campaigning on. The reality is that an offer of 70,000 tonnes has been made. We are not happy with it, but Ireland is only one member state of the European Union and the negotiations are not being conducted by the Agriculture Commissioner but by Trade Commissioner Malmström. I have spoken to Commissioner Hogan about this matter as recently as this week. We will continue to press our case, but we also recognise that trade is a two-way street. In certain areas of Mercosur we see opportunities, particularly in the dairy sector. However, we feel particularly exposed in the beef sector, but we will continue to try to negotiate the best possible deal. "Negotiate" is probably the wrong word to use because we are not a party to the negotiations, but we remain in direct contact.

I have been in contact with Commissioner Malmström in the past and again this week to express our concerns.

It appears that part of the process of ratification may be for domestic parliaments. That remains to be seen from the nature of the deal that is done. At a time when we are seeking solidarity across the European Union on a range of issues, however, it would be inappropriate that we would stand alone in this case, when no deal has been concluded, and isolate ourselves.

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

**Deputy Michael Creed:** What we continue to do within the European fold is to influence and secure the best possible outcome. After that, it will be a decision for all the appropriate bodies, including national parliaments.

**An Leas-Cheann Comhairle:** We are yet to do three questions. I call Deputy McConalogue for his final supplementary question.

**Deputy Charlie McConalogue:** It appears that, as part of the negotiations, agriculture is being expected to take the hit for other sectors of the economy. While we all agree that trade is very important, there must be fairness. Beef, which is particularly important to the Irish economy, is being asked to take the hit so that other parts of the European economy can benefit. Unanimity is required for any deal to be passed, but the Minister for Agriculture, Food and the Marine has rolled over on the 70,000 tonnes figure. That is what he has told the House today. That alone will create a massive difference and represents a massive hit for European beef prices. It is simply not good enough.

That any deal will have to come back to national parliaments for ratification should surely strengthen the Minister's hand in pushing back and trying to fight for Irish farmers to ensure that there are not further concessions and, indeed, that we can row back the 70,000 tonnes figure because of its impact.

The Minister is unclear about whether the Oireachtas will have to ratify any tariff rate quotas. In the case of the Comprehensive Economic and Trade Agreement, CETA, tariff rate quotas are provisionally applied even though ratification is not fully complete. Will the Minister rule out this applying in any Mercosur deal?

**Deputy Michael Creed:** The important point is there is no deal yet. The direction of travel in beef is worrying and we have made our views quite clear on that. I am advised that whether this Parliament ultimately has a say is contingent on the nature of the deal that will be concluded. We see opportunities in certain respects in agriculture but we see significant threats in beef. We will continue to apply all the pressure we can to ensure that the deal is as good as it possibly can be for Ireland, bearing in mind that we are only one of all the member states. This is a minority Government and if this House has a say, it will be the House that decides its view on the agreement. We are applying the maximum possible pressure, bearing in mind that we also benefit from trade deals in Europe and recognise that in the broader context, trade deals are a two-way street. There cannot be a negotiation where we say that we want to sell our products to everywhere else but no one may sell their products to us. That is not the nature of trade deals. The detail is where the question is at and we are trying to ensure the best possible outcome in the detail of beef.

**Acting Chairman (Deputy Eugene Murphy):** I reiterate what the Leas-Cheann Comhairle said. We have done only three questions in 34 minutes. We have gone way over time and I will be very strict on every side about answers. If we do not, there will be people sitting here in the expectation of answers that we will not reach.

I call Deputy Boyd Barrett who has 30 seconds to put his question.

### **Forestry Sector**

46. **Deputy Richard Boyd Barrett** asked the Minister for Agriculture, Food and the Marine the steps and work being undertaken to encourage and incentivise agroforestry with a particular focus on native species in view of Ireland's historically low afforestation figures and rates. [23989/18]

**Deputy Richard Boyd Barrett:** As I have said on many occasions in this House, the levels of forest cover in this country are pitifully low, and one of the lowest in Europe. There is little

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sign that we are doing anything to improve it. My question refers in particular to agroforestry and the potential it has to change that situation significantly, if not dramatically, with a particular focus on native and broadleaf species.

**Minister of State at the Department of Agriculture, Food and the Marine (Deputy Andrew Doyle):** Agroforestry was introduced for the first time by my Department in 2015 as part of the Forestry Programme 2014-2020. Agroforestry is positive for animal welfare, improves biodiversity and can prevent nutrient run-off when planted in strategic locations. Some farmers who may not be inclined to plant trees may see agroforestry as a first step in terms of a possible commitment to more traditional forestry. By engaging in agroforestry farmers may begin to see timber production as part of the farming mix in terms of climate mitigation and adding to the overall productivity of their farm.

Applications for agroforestry are considered by my Department for silvopastoral systems such as pasture, grazing, silage or hay. Other systems may be considered on a site-to-site basis, however, as long as the tree stocking rate is between 400 and 1,000 trees per hectare, that is, at least 0.5 ha in area and at least 20 m wide. Acceptable tree species include oak, sycamore and cherry. Other broadleaves and conifers will be considered on a site-to-site basis, including other native species. The planting of fruit and nut trees is also provided for under agroforestry and these species can account for up to 15% of the trees planted.

A modest target of 55 ha of agroforestry was set in the forestry programme. The response has been far below this level, however, at just 6 ha planted during the first three years of the programme. The recently completed midterm review concluded that there is very little tradition in Ireland in agroforestry and this is most likely contributing to the slow uptake. The premium levels on offer were also considered to be insufficient to encourage farmers to get involved in this land use. The cost of tree shelters was contributing also to the high cost of establishment, and this also made agroforestry less attractive to farmers.

Following the midterm review, significant increases have been introduced for agroforestry, with the annual premium payment increasing from €260 per hectare to up to €660 per hectare. The establishment grant was also increased from €4,450 per hectare to €6,660 per hectare.

**Acting Chairman (Deputy Eugene Murphy):** The Minister of State will have two further opportunities to respond.

**Deputy Richard Boyd Barrett:** There is a lot at stake in the area of afforestation and forestry. Ireland faces huge fines because of carbon emissions, and forestry, as a carbon sink, can play a significant role in mitigating that. However, we are failing pitifully. The midterm forestry review makes for very sad reading. We have a target of 7,500 ha annually. COFORD, the National Council for Forest Research and Development, recommended that to reach the afforestation levels necessary, we need to plant double that -10,000 to 15,000 ha. However, we only plant 5,000 ha. We failed to meet what was an inadequate target and this year we are heading towards planting 4,000 ha.

As the Minister of State noted, the take-up in agroforestry is pathetic. It is 9 ha. We missed our targets on native woodlands by two thirds. Our native woodlands conservation scheme achieved zero results because the options in agroforestry and the supports and incentives for farmers to move into agroforestry are not adequate.

**Acting Chairman (Deputy Eugene Murphy):** I thank the Deputy. He will have another

minute later.

**Deputy Andrew Doyle:** It is interesting that the Deputy referred to the target and said that the incentives are not adequate. We have ambitious targets. We have put aside €108 million from Exchequer funding for afforestation. We have all sorts of lobby groups and so on pulling against us. We need to be on message here. This morning I attended the launch of a conference on Irish forestry in the bioeconomy in Enfield. Yesterday, I visited Kilkenny for the inaugural RDS Teagasc farm forestry award. We are doing everything we can to promote it. There are so many interest groups which do not want to see afforestation and who misconstrue all of its benefits. If people pull together on this, we can achieve it. The midterm review is indicating that we will reach 30% of the overall plantation figures that will be broadleaf, so it is beginning to work.

**Acting Chairman (Deputy Eugene Murphy):** I thank the Minister of State.

**Deputy Andrew Doyle:** The midterm review was salient but it does improve the incentives in many areas.

**Acting Chairman (Deputy Eugene Murphy):** I thank the Minister of State. He will have a final minute later.

**Deputy Richard Boyd Barrett:** I do not doubt that the Minister of State is making a serious effort in this area but the facts tell us that we are failing. We must dramatically change things. Coillte did not help matters by messing farmers around with the farm partnership scheme and not paying them. I do not know if that has been resolved, but it has left a bitter taste in the mouths of farmers when it comes to initiatives that might increase forest cover. The point about agroforestry is that although we need to explain it to people and encourage people, we need to examine models such as that in Norway. In south-west Norway, the forest cover was increased from 0% to 50% in 50 years, and now 70% of the income for the farmers in the area is from forestry. This is because there were supports and grants to encourage the natural regeneration of forests, not forestry according to the industrial or commercial model. It worked brilliantly. It was very good for the environment and is now generating considerable income for farmers. That is the sort of model we need to follow.

**Deputy Andrew Doyle:** We will get the Deputy to speak at a few events promoting forestry in certain parts of the country. It will be very helpful.

On the last point the Deputy made, about continuous cover forestry, which is what he is talking about, a lot of work is being done in respect of both conifers and broadleaves. The new midterm review rates for broadleaves under the continuous cover forestry and native woodland schemes are very significant.

The reality, however, is that the only way to increase cover to 17% or 18%, which are the figures the Deputy is proposing, is to drive afforestation through the commercial wood industry. It needs that and it lifts all boats. It is a huge employer. I was in a remote part of Galway last week where there are 150 people employed directly in the industry and another 200 employed in the industry around it. I ask the Deputy to show me any industry or sector that can offer that kind of employment in such areas.

## **Aquaculture Regulation**

47. **Deputy Mick Wallace** asked the Minister for Agriculture, Food and the Marine the number of salmon farm escapes that were reported in 2017; the investigations that have been carried out relating to farmed salmon stock being caught in the rivers Delphi, Erriff, Kylemore-Dawros, Newport and Bunowen catchments in August 2017; the location of the farmed salmon stock; the action taken in regard to the issue; and if he will make a statement on the matter. [23913/18]

**Deputy Mick Wallace:** The North Atlantic Salmon Conservation Organization states there are 19 rivers in Ireland threatened with the complete loss of salmon. Three rivers have lost their wild Atlantic salmon stock completely. Every comprehensive, independent analysis of the farmed salmon industry indicates salmonid aquaculture has a detrimental effect on wild Atlantic salmon populations owing to the spread of sea lice, disease, pollution and genetic interactions of escaped farmed salmon with wild salmon. Last August, the Minister told us that if fish presented to the Marine Institute for analysis are determined to be from farmed stock, the Department would, in the normal way, take appropriate action on the matter. Will the Minister provide an update on that?

**Deputy Michael Creed:** Aquaculture in the marine environment is regulated by my Department in accordance with the provisions of the Fisheries (Amendment) Act 1997, the Foreshore Act 1933 and related national and EU legislation. Regulatory agencies such as the Marine Institute also play an important role in the regulation of the industry from a scientific perspective.

Decisions in regard to aquaculture licence applications are made following the fullest consideration of all technical, scientific, legislative, environmental and public interest aspects of each application. It is important to note that the application process involves a period of statutory and general public consultation. Inland Fisheries Ireland, which has responsibility for the management of wild salmon stocks, is a statutory consultee and therefore plays a very important role in the licensing process.

All licences issued contain both general and specific terms and conditions. Provision is made for the reporting of fish escapes to my Department, the Marine Institute and Inland Fisheries Ireland. The failure by a licensed operator to notify the relevant parties of a fish escape would be regarded by my Department as a serious breach of licence conditions.

My Department's records indicate that, during 2017, one fish escape incident was reported. In July 2017, a salmon farm operator notified my Department, the Marine Institute and Inland Fisheries Ireland of a fish escape incident at a salmon farm located at Glinsk, Mulroy Bay, County Donegal. My Department's records indicate that all relevant stakeholders, including Inland Fisheries Ireland, were informed in accordance with the applicable aquaculture licence conditions.

Also during 2017, my Department noted media reports of salmon being found in rivers on the western seaboard which may have been from farmed stock. My Department advised Inland Fisheries Ireland that where anglers or officers of Inland Fisheries Ireland suspected they had collected salmon from farmed stock, the fish should be sent to the Marine Institute for analysis with a view to determining whether they were in fact from farmed stock.

The Marine Institute has confirmed that it received no stock for examination from anglers or

from Inland Fisheries Ireland. In addition, the Marine Institute did not receive any request from Inland Fisheries Ireland to examine salmon that appeared to be from farmed stock.

**Deputy Mick Wallace:** There seems to be conflicting information. We all agree that farmed salmon escapes are very bad for our indigenous wild salmon population.

There were 65 farmed salmon caught in rivers in Galway and Mayo in August 2017 and September 2017. The number is estimated to total 500 farmed salmon by Inland Fisheries Ireland, one of the Minister's own statutory bodies. There were many questions but very poor answers.

On 11 October, Mr. Richie Flynn of the Irish Salmon Growers Association told the *Irish Examiner* its members always reported escapes, without exception. He said, "There has been no such escape to report." The day before, *The Irish Times* ran an article stating the Department had confirmed to Inland Fisheries Ireland it had received no reports of escapes, yet on 16 February 2018 Inland Fisheries Ireland published its report stating tests on a number of fish confirmed they were farmed fish. A few days later, however, the Department, alongside the Irish Salmon Growers Association, was dismissive of the one report. It came as a bit of a surprise when the Marine Harvest Group, in its end of year report, stated 20,000 farmed salmon had escaped from the site, as the Minister mentioned. Suddenly, the collective amnesia of the Department got a bit clearer.

Some 20,000 farmed salmon escaped on 3 July 2017. The Department was informed the next day, 4 July. Incredibly, no one in the Department, the Marine Institute or the Irish Salmon Growers Association seemed to remember that.

**Deputy Michael Creed:** Aquaculture and the associated angling and tourism interests can coexist. My Department is fully committed to a properly regulated aquaculture sector. We will have no truck with abuses of licences attached to aquaculture operations.

We are significantly underachieving in the context of realising the potential of the Irish aquaculture sector to expand further. My figures are from recollection but I believe we produce approximately 15,000 tonnes. The Scottish produce approximately 100,000 tonnes, and Norway, for example, which along with Chile is considered one of the global leaders, produces in excess of 1 million tonnes. We do not need to have ambition at that scale. We can find a niche in the organic farmed salmon area.

The important point in the context of the question is that there was no reported allegedly farmed stock taken to the Marine Institute or Inland Fisheries Ireland in 2017. The fundamental point is that we will try to ensure at all times that our licences are operated to the letter of the law.

**Deputy Mick Wallace:** Inland Fisheries Ireland is saying something different. It states in its report that it gave the scales of something like 34 fish to be examined and that it was shown they were farmed fish. I do not understand what is going on.

Some seriously destructive salmon farming practices are being covered up and are not being policed properly. Are there any sanctions against salmon farmers when they misbehave? How many licences have not been renewed over the past ten years? Why is the Department intent on expanding this destructive industry by issuing more licences?

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I read a report by Mr. Tony Lowes, who gave a presentation at the Salmon Watch Ireland conference last year. What he came up with is shocking. In 2007, thousands of small net fishermen were forced off rivers throughout the country in an effort to halt the decline in salmon stocks. For many, it was the end of their livelihood. Even with those fishermen gone, the stocks continued to decline. At the same time, salmon farm production has increased by over 60% and no one seems to care how the sector is run. Does no one give a fiddlers anymore about the wild salmon in the rivers?

**Deputy Michael Creed:** It is unfortunate that the Deputy uses the term “destructive industry”. All around our coastline, people with aquaculture operations, either for fin fish or shellfish, are operating according to the letter of the law and giving valuable employment in regions where there are very often no alternative operations.

**Deputy Mick Wallace:** Very little employment.

**Deputy Michael Creed:** It is valuable nonetheless. Every job is valuable for the person who holds it. The Deputy appears to be prepared to throw all of that industry under the bus.

**Deputy Charlie McConalogue:** Marine Harvest Ireland-----

**Deputy Mick Wallace:** More employment would be created by going the other way.

**Acting Chairman (Deputy Eugene Murphy):** The Minister, without interruption.

**Deputy Michael Creed:** My Department is motivated by ensuring we maximise the potential of the sector without compromising the potential in other sectors. That is contingent on compliance with licences that are issued. In the context of the specific question raised by the Deputy, we do not have any evidence to suggest fish were taken to the Marine Institute to confirm they escaped from salmon aquaculture operations. I appreciate there is regular media commentary on these matters.

**Deputy Mick Wallace:** Is the Minister indicating Inland Fisheries Ireland is not accurate?

**Deputy Michael Creed:** I am only telling the Deputy in the context of the question he asked. The industry is valuable, has a future and it can expand. However, we should only facilitate such growth through compliance with regulation, which is really important. It is the only way everything can co-exist.

**Acting Chairman (Deputy Eugene Murphy):** Despite what I say, Members continue to break the time rules completely. As I keep pointing out, it is not fair to other Members.

## Other Questions

### Farm Data

48. **Deputy Martin Kenny** asked the Minister for Agriculture, Food and the Marine his plans to deal with low farm income in the cattle rearing and sheep farming sectors as outlined in the Teagasc national farm income survey which showed that direct payments make up 113% of income for these farmers; and the way in which he plans to redress this imbalance under the new

Common Agricultural Policy arrangements by targeting the low income sectors. [23724/18]

**Deputy Martin Kenny:** The Teagasc national farm income survey indicates sheep farming and cattle rearing is at a low rate for many farmers, which is alarming, particularly with the new Common Agricultural Policy, CAP, being put in place. Will the Minister give us absolute reassurance that these sectors will be targeted and looked after to ensure imbalances will be taken care of as we move into the future?

**Deputy Michael Creed:** In March this year the Central Statistics Office, CSO, released its preliminary estimate of output, input and income in agriculture and this indicates that aggregate farm income, or operating surplus, increased by 35% to €3.498 billion in 2017. This followed an increase in aggregate farm income of 3.6% in 2016 and 2.3% in 2015. Last week Teagasc released preliminary results of its national farm survey for 2017, which indicated that average family farm income was the highest on record at almost €31,400, a 32% increase on 2016, driven largely by a 65% increase in dairy farm incomes to over €86,000 on average.

It should be noted there are significant differences in family farm income depending on the system of farming and the size of the farm. Average income on cattle rearing farms increased by 1% to €12,700 and on sheep farms it increased by 8% to €16,900. Average income on cattle finishing farms decreased by 1% to €16,700. Dairy farms are consistently the most profitable farms, both on an average per farm and per hectare basis. However, it should be borne in mind that almost all dairy farms are classified as full-time farms in terms of the labour input required. Most cattle farms and the majority of sheep farms are classified as part-time in terms of labour input requirements. Dry stock cattle and sheep farms have a significant dependence on direct payments, which typically account for at least 100% of average farm income on these farms. This has not changed in recent years. Most dry stock farmers have off-farm sources of income, whether from off-farm employment of the farm holder or the spouse, State pensions or other social protection payments.

The Food Wise 2025 strategy includes actions to support farmers in improving the competitiveness and profitability of their enterprises. This includes actions aimed at helping farmers to improve productivity, manage the impact of price volatility and adopt new technologies. CAP direct payments, Ireland's rural development plan and our agri-taxation system include supports to incentivise land mobility, inter-generational transfer and farm restructuring, all of which are intended to improve farm competitiveness and sustainability, and to maximise the contribution of farm families to the local rural economy. I expect specific legislative proposals on CAP shortly.

**Deputy Martin Kenny:** This is probably a continuation of our previous questions. For very many farmers, the issue is, as the Minister states, 100% of the income comes from those payments. That is the problem. For very many of them, the payments are too low and they are not able to manage. There is an opportunity with CAP to do something about that with basic and direct payments. I suggest there should be targeting of small farmers and, for example, perhaps the first 15 ha could see a higher payment rate, the next 15 ha could see a medium payment rate and there would be a lower rate for the remainder. Most of the basic payment would be front-loaded towards the smaller family farm. Across Europe and the world, it is the model most people want. On the other side we have the areas of natural constraint, ANC, payments and we need to target them more so as to ensure the smaller family farm gets more of those payments.

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The problem is many sectors, particularly sheep and cattle or suckler cow farmers do not have other options. The dairy farmers are doing very well and more power to them. We are all delighted to see them doing very well and it is great to see it but the other sectors need more assistance and help. I will come back about the marketing of the products.

**Deputy Eamon Scanlon:** I fully agree with Deputy Kenny's sentiments in saying that dairy farmers have done well and the figures for 2017 look reasonable. We have come through a horrendous winter, and the Minister knows what farmers had to deal with. I am sure the income will be well down in the 2018 figures. The new CAP should be more flexible for people. I have a constituent who is a married man with five children and he has paid over €100,000 in interest to banks over the past ten years. He is being forced to sell his cattle. He is three years into the genomics scheme but is *force majeure* possible for this farmer to allow him out of the scheme so he can sell his cattle and get himself out of trouble? He will be forced to do that.

**Deputy Michael Creed:** In the context of the Teagasc farm income survey or the CSO figures we have seen a picture of two Irelands in agriculture. We have just concluded a CAP road show that was in Carlow, Charleville-----

**Deputy Martin Kenny:** Everywhere.

**Deputy Michael Creed:** -----Navan and in the west of Ireland in Carrick-on-Shannon, and that picture was abundantly clear. It would be incorrect to dwell too much on the dairy figures as it is not that long ago since dairy prices were below the cost of production. The sector had quite a good year last year and volatility is something that must be managed. I accept the point that sheep and cattle rearing in particular are highly marginal enterprises. With the last CAP up to 2020 there was a redistributive effort put into payments that will see in the region of €100 million move from those with a higher per hectare payment to those below the average payment. It is inevitable that there will be a continuation of that trend of redistribution. If we are serious about valuing not just the economic output of those farms but also the potential they have to contribute public goods in terms of biodiversity, water quality, etc., the trend will continue in the next CAP.

If Deputy Scanlon wishes to bring the case he mentioned to my attention, I will have the matter investigated.

**Deputy Martin Kenny:** We are on the same page with much of this but the difficulty is we really need to see this opportunity through now. There is a crisis. Deputy Scanlon is correct and there are many farmers in serious trouble. These are mainly the people with suckler cows and sheep who have bad land and no other options. What will they do? We need to do something for them now to ensure the family farm model stays in place and works into the future.

These farmers have an excellent product. The lamb and beef they produce is first class. We need to find a way of marketing that better. I know there is Origin Green and great work being done by Bord Bia. These animals are grass-fed, free roaming and an example of low-impact grazing, and it is a niche market so we should try to sell that product with a premium price. We should not worry about what comes from the Mercosur nations, Australia or anywhere else as we have the top quality. I know we export much of the product from Ireland and this would bring the opportunity to make a better return to the primary producer. It is really what this is about. The primary producer must get a better return for the product as well as getting a better crack of the whip with the payments.

**Deputy Michael Creed:** The Deputy has said we need something now. We secured €25 million extra for areas of natural constraint in the 2018 budget. We face choices in how that will be allocated. I await approval from the European Union on the decision as to where ANC fits in the rural development programme. We took a decision not to spread that thinly across everybody but to focus on those with the highest level of disadvantage. I believe that is the right thing to do in that there is a little for everybody but it is focused on giving higher payments to those with the most disadvantaged lands. That is one point.

I take the Deputy's point about organic type production systems. There is a premium payable for organic beef through the Good Herdsmen operation. In the context of producer organisations, the Department could support producer organisations which market products specifically on the basis of their provenance. We have a number of groups in the hill sheep area in particular and I am sure it could happen on the beef side as well.

### **Trade Agreements**

49. **Deputy Martin Kenny** asked the Minister for Agriculture, Food and the Marine the estimated effect on Irish farming of the go-ahead recently given by the EU to begin trade negotiations with Australia and New Zealand which are stated to be leading to free trade agreements with both nations, especially in the context of Mercosur. [23722/18]

**Deputy Martin Kenny:** We heard recently that the EU is now entering into trade negotiations with Australia and New Zealand and that this will lead to a new free trade arrangement between both nations and the EU, especially in the context of what is happening in regard to Mercosur. It is raising some concerns for the farming community and I would like to hear the Minister's view on the effects that will have on Irish farming as we move ahead in the coming years.

**Deputy Michael Creed:** The development of free trade agreements between the European Union and Australia-New Zealand is at an early stage. Last week, the European Council authorised the Commission to open trade negotiations with Australia and New Zealand and adopted negotiating directives for each of the negotiations.

Trade agreements with both countries would aim primarily at further reducing existing barriers to trade, removing customs duties on goods and giving better access for services and public procurement in Australia and New Zealand.

Ireland already has strong relationships with both countries and enjoys good co-operation on both a bilateral and multilateral level. We are also open to such trade deals. For example, Ireland would have strong offensive interests in Australia for pigmeat and spirit drinks. However, and as with any trade deal, there are also defensive interests in any future negotiations and these must be balanced and have due regard to special sensitive sectors for Ireland such as beef, sheepmeat and dairy.

The mandates as they are do not envisage full liberalisation of trade in agricultural products, which are foreseen as benefiting from specific treatment.

During the course of the upcoming negotiations, as with any free trade agreement negotiations, I will insist that they are handled appropriately and in a manner that safeguards the inter-

ests of the Irish agrifood sector, particularly its most sensitive sectors such as beef and dairy. This stance will be even more important in the light of the ongoing Mercosur negotiations. I believe also that full account must be taken of the findings of the Commission's own assessment of the cumulative impact of trade deals on the agrifood sector and the potentially very damaging impact of Brexit on an already delicately balanced EU beef market.

**Deputy Martin Kenny:** I understand the negotiations are at a very early stage but the Minister will appreciate people's concerns when they hear about it. There is an irony in all of this because as an exporting country we are trying to export our beef and dairy products to every corner of the world yet we have this belief that anything that comes near us is a problem. We will have to have a conversation at some stage as to where that will work out. The difficulty people had with Mercosur was that the 70,000 tonnes of beef that was supposed to come in are the prime cuts, but that is also where we market our product. That is the problem we have with it.

In regard to Australia, the lamb and sheep sector is the one about which we would have the most concern. Following our previous conversations, they are the farmers who are under the most pressure from a primary producer's point of view. There are concerns that if there were a free trade deal with Australia or New Zealand, it would end up having a very negative impact on our sheep farmers who would not be able to sustain that.

**Deputy Michael Creed:** The byword here is vigilance in the context of the negotiations. As the Deputy said, we export our products in the agrifood space to more than 180 countries around the world so it is not a sustainable position to take the view that trade is only in one direction. Bearing that in mind, it is not envisaged that there would be full trade liberalisation on products in which we would have a specific interest.

Trade negotiations by their nature are protracted and difficult. We only have to reflect on the aforementioned Mercosur negotiations, which have been going on for over a decade and are not concluded. This is very much at the early stage. I know the connotations in Irish farming minds when we consider Australia and New Zealand are substantially sheepmeat, dairy in particular and also beef producers. Given that full trade liberalisation is not envisaged, that does not mean we need to be any less vigilant. There are opportunities as well. We export to those countries also. In any trade negotiations it is about finding an agreement-----

**Acting Chairman (Deputy Eugene Murphy):** Thank you, Minister.

**Deputy Michael Creed:** -----that, on balance, works for all sides but we will be particularly vigilant on those issues that will be of concern to agriculture.

**Deputy Martin Kenny:** It is about a balance and trying to find what is in it for both sides of the table. The Minister stated in his reply that there may be export opportunities in terms of spirit drinks. I understand we are already exporting some product to these countries and I have been told there is quite an opportunity in that area. How much work has been done by Bord Bia or by the Department to try to open up that market and create more opportunities, particularly in the niche sectors there? We have the big brands on the world market but we have many smaller brands that are getting to the stage where they are starting to export and seek markets. I wonder what opportunities may come from any trade in respect of that.

**Deputy Michael Creed:** Bord Bia has just concluded a market prioritisation in terms of where we will drive our focus for various product areas, whether it is seafood, the drinks indus-

try, prepared consumer foods, beef, pork meat, sheepmeat, the dairy sector or whatever. That will inform the Department and will primarily inform the industry as to where best it should focus because that is quite a detailed piece of research. It is important to bear in mind that we live in a world where there are significant actors on the global stage who are using a vocabulary that is hostile to trade. On the global trade, there are talks about a trade war between China and the United States over steel and aluminium. That could quickly spill over into having a damaging impact on us because the EU has responded in the context of steel and has put products like Bourbon and Harley-Davidson on a reciprocal trade blacklist for US imports. That could very quickly spiral out of control in terms of our exports to the US.

We are probably one of the most globalised economies in our agrifood space and the last thing we need is people putting up barriers to trade. We need to negotiate as best we possibly can to maximise the opportunities but in any negotiations it cannot all be upside for us and downside for everybody else.

**Acting Chairman (Deputy Eugene Murphy):** Thank you, Minister.

**Deputy Michael Creed:** We try to negotiate the best possible deals, bearing in mind that we pool our sovereignty in that area with the European Union. It negotiates the trade access for us. If we were a small player globally outside the European Union we would be-----

**Deputy Andrew Doyle:** Swallowed up.

**Deputy Michael Creed:** We would not be a party to trade agreements. Our industry would be very much in the dark ages because we would not have access to the markets that we have currently as a member of the European Union.

**Acting Chairman (Deputy Eugene Murphy):** I think I will start doing some negotiating myself to get people around this place to stick to the time.

**Deputy Martin Kenny:** We were not too bad.

**Acting Chairman (Deputy Eugene Murphy):** You were not too bad, Deputy Kenny.

### **Hardship Grant Scheme**

50. **Deputy James Browne** asked the Minister for Agriculture, Food and the Marine his plans to introduce a hardship fund for those who suffered significant damage to glasshouses during recent storms but do not plan to rebuild; if the environmental benefits of bringing forward a compensation scheme to facilitate the removal of broken glass on the ground has been considered; and if he will make a statement on the matter. [23783/18]

**Deputy James Browne:** I ask the Minister his plans to introduce a hardship fund for those who suffered significant damage to glasshouses during the recent storm but do not plan to rebuild and if the environmental benefits of bringing forward a compensation scheme to facilitate the removal of broken glass on the ground have been considered in regard to this area. It is about those who do not intend to rebuild.

**Deputy Andrew Doyle:** I recognise the very severe impact that Storm Emma had on the horticultural sector and in particular on soft fruit and amenity plant producers. Indeed, I visited

some of them.

As an exceptional measure in response to the storm, I directed my officials to reopen the 2018 scheme of investment aid for the development of the commercial horticulture sector. This competitive grant aid scheme supports capital investments in specialised horticultural equipment and buildings that contribute to at least one of the scheme's four objectives, namely, to improve the quality of output, facilitate environmentally friendly practices, improve working conditions and promote diversification of production. The grant aid covers all areas of the horticultural industry: field vegetables, mushrooms, protected crops, nursery crops, soft fruit, apples, cut foliage, Christmas trees, bulbs and bee-keeping. The reopening of the scheme was targeted at the soft fruit and amenity plant sectors, in particular, and approvals are limited to growers who are proposing investments in response to damage caused by Storm Emma. This targeted measure has given these growers a window of opportunity to apply for grant aid to assist their businesses to recover from the effects of the storm.

The closing date for applications in the targeted reopening of the scheme was 27 April. A total 12 applications were received by the closing date. At this stage approvals have issued to the majority of the successful applicants, with the remaining approvals expected to issue very shortly as outstanding issues are resolved.

Notwithstanding the challenges for those who do not plan to rebuild, the priority following the storm was to restore production capacity. Accordingly, grant aid was made available only for works associated with construction or investment in response to the storm. This has been provided for through the reopening of the scheme.

**Deputy James Browne:** My question is about a niche issue, a compensation scheme for fruit growers who suffered damage as a result of Storm Emma and who do not intend to rebuild. First, I welcome the announcement of the reopening of the 2018 grants scheme and acknowledge and welcome the Minister's and the Minister of State's engagement on the issue. The engagement was real and positive and there was a positive and significant outcome. However, a small number of fruit growers - it is a low single digit - are not in a position to avail of the scheme. They are either not in a financial position to rebuild or at a stage of their lives where they are unable to rebuild. What I am seeking is not so much a compensation scheme as some type of aid scheme. One farmer has two acres of glass on the ground. The metal can be taken away cost free by one of the metal collectors, but he has been quoted a price of €30 per tonne for collecting the glass. There are approximately 60 tonnes of shattered glass per acre; therefore, for two acres the price works out at €3,500 to €4,000. That does not include the cost of taking the glass off the ground and possibly having to remove a layer of topsoil. As I said, it involves a very small number of fruit growers and a low cost issue. It is also an environmental issue. The growers are not seeking to benefit from it but simply to be facilitated in removing the glass.

**Deputy Andrew Doyle:** I appreciate the Deputy's acknowledgement of the immediate engagement. In fact, most of the people who it was believed had been affected were contacted directly by officials of the Department before they contacted it. We travelled and met a group of them in the Deputy's constituency where we saw horrendous damage which was frightening. Some of the older structures were not insurable. The newer ones were, but a significant number were not. The scheme was an immediate response. What we were asked to do was to allow people to get back into production. It depended on whether it concerned soft fruit or an amenity. There are two timescales for them and we responded. The area to which the Deputy referred may be a niche market and small, but, quite honestly, I do not believe the scheme is in

any way able to address it. It is not designed in that way and never was. It is flexible in many ways, but it cannot address that particular cohort.

**Deputy James Browne:** As I said, I acknowledge the involvement of the Minister, the Department and Teagasc in addressing the concerns expressed. I appreciate that the scheme does not suit this small number of fruit growers, but there have been aid schemes in the past. I believe there is an exemption of up to €15,000 over three years under EU regulations. Could a small scheme be considered for something like that?

**Deputy Andrew Doyle:** I will not give false hope. I do not believe we can do it in the Department.

### **Brexit Issues**

51. **Deputy Aindrias Moynihan** asked the Minister for Agriculture, Food and the Marine the efforts he is making to develop new export markets in the context of Brexit; and if he will make a statement on the matter. [23767/18]

**Deputy Aindrias Moynihan:** The agrifood sector is a hugely significant component of our exports and most exposed to Brexit, given that 35% of all food exports go to the United Kingdom. Last year they were worth over €4.5 billion. Farmers are very concerned about the risks associated with Brexit. Some 51% of our beef and 24% of dairy products go to the United Kingdom. While cheddar cheese, for example, is more attractive in the United Kingdom, it is not so much in other areas. What efforts are being made to ensure alternative markets will be available for beef, dairy and agrifood exports in general?

**Deputy Michael Creed:** The pursuit and development of new markets for Irish agrifood exports are ongoing and central components of the strategic development of the agrifood sector, as evidenced by its placement at the centre of Food Wise 2025, the industry's strategy for development in the coming decade. This is all the more relevant after the United Kingdom's decision to leave the European Union, which presents significant new challenges for the agrifood sector, in particular.

Food Wise 2025 outlines the huge potential for growth in agrifood exports to new and emerging markets, particularly in Asia, Africa and the Persian Gulf region. In keeping with the priorities outlined in Food Wise 2025, I led a very successful trade mission in February 2017 to the Persian Gulf region. It covered the Kingdom of Saudi Arabia and the United Arab Emirates and was followed by an extensive trade mission to the United States and Mexico in June. Both markets offer many elements that are very attractive to Irish exporters. The United States is the largest food and beverage market in the world and has a population of 324 million people. Around 35 million Americans also claim Irish ancestry. Mexico has a population of 127 million, making it the 11th largest country in the world in population terms and the 15th largest economy in the world, with projections that it will move into the top five by 2050.

Later in 2017, during a trade mission to Japan and South Korea in November, I was accompanied by 40 representatives of the food sector, as well as by experts from my Department, the CEO of Bord Bia and senior representatives from Enterprise Ireland and Teagasc. It was an opportune time to bring a delegation of Ireland's food leaders to that part of the world, given that the European Union had concluded a free trade agreement with South Korea, as well as

concluding an economic partnership agreement with Japan in December 2017. Japan and South Korea are markets of high potential for beef, pigmeat and sheepmeat exports; therefore, it is important that we raise the profile of Irish agrifood enterprises that already have access to these markets and make progress in negotiating access for others.

Following a further trade mission to the United States and Canada in February, earlier this month I led a trade mission to China and Hong Kong. It was an extremely successful mission in the development of our ever-growing partnership with China. For example, being present at one of the world's largest food trade exhibitions in Shanghai allowed me to reinforce the positive message about the quality and sustainability of Irish agrifood exports to Asian buyers. I was also fortunate to secure meetings with three senior Chinese ministers. There is a clear ambition on both sides to build further co-operation between Ireland and China on many levels, including trade. I will continue to do all I can to maximise that potential.

**Deputy Aindrias Moynihan:** It is important to acknowledge the progress made in markets in the Persian Gulf and China which possibly offer alternative markets. However, having so much beef going to the United Kingdom is a grave concern for beef farmers. What amount of beef does the Minister expect to be exported to the alternative markets and how soon will they be flourishing? Anybody who is involved in agriculture realises things do not happen overnight. The same applies to markets. How soon will they be ready? What timeframe and targets has the Minister set out? Will they be able to accommodate such a large amount, given that we export so much beef to the United Kingdom?

The second issue is the level of staff and energy and effort being put into this matter. Is the Minister satisfied that there is an adequate number of staff involved? For example, Bord Bia hired only seven additional staff last year and the Department had permission to assign only eight staff from existing resources to the dedicated Brexit unit. Is the Minister satisfied that an adequate number of staff are available in that regard?

**Deputy Michael Creed:** It is important to state geography should always be a determinant of where we trade. It is our hope and ambition that the United Kingdom will always remain an important market for us. In that regard, we are putting much effort into working with our retail partners in the United Kingdom. It is the market we understand most, the one we can access most efficiently financially and the best paying beef market in the world. We are not walking away from it. However, in the context of Brexit and given that we do not know what the future trading relationship will be, it is incumbent on us to have other market opportunities. Where the industry chooses to sell thereafter is an issue for it to decide. It is not for me to tell the industry where it should sell. Any good industry will sell where the margin is highest and to the market that offers the best opportunity to deliver a price to the primary consumer. China is an enormous market that has become our second biggest market in the context of dairy and pig meat. I do not know whether it will become the same for beef and I think it is idle to speculate. It is an enormous market on which we will put significant emphasis. Opening up that market and other markets is where it is at in terms of the obligations and responsibility of the Department. Where industry chooses to sell thereafter is an issue for it so I am not going to say we sell "X" amount of tonnes to China. It is open. It could be very important given it has an emerging middle class with higher disposal incomes and westernised dietary habits. They are all important. Where industry chooses to sell is not something we control. I am satisfied that there are adequate resources in my Department and Bord Bia.

**Deputy Aindrias Moynihan:** Much of the Minister's target is aimed at Food Wise 2025.

Has there been a review of that in view of Brexit? I return to the question concerning the amount of beef and the Minister's targets or what he envisages needs to be replaced with regard to the UK market. If there is a hard Brexit, and the Central Bank has outlined how it would see any red tape putting a huge burden on exports to the UK, particularly fresh food such as beef, and prepared food, it will be less attractive and more difficult. What efforts are being made to ensure it will be more straightforward for people who want to continue trading into the UK market?

**Deputy Michael Creed:** The subtext behind the idea that we would review our Food Wise targets seems to be that we should dismantle our ambition. I do not share that belief. In fact, I think our ambition is eminently achievable. Never was it more important to have a plan like Food Wise than in the current situation. I chair the implementation committee of Food Wise. We meet with all the relevant stakeholders. There is no appetite for dismantling our ambition. Obviously, there is added urgency in the context of Brexit and that is why we have given more resources to explore new market opportunities.

Our declared ambition with regard to Brexit is to have as close a trading relationship with the UK as possible after it departs. We think it should always be an important market for us, which is why we are working might and main to achieve that objective. We do not control all of the aces in the context of a UK Government that delivers mixed messages but seems to say that it wants to leave the customs union and Single Market. This is a challenge in terms of the continued level of market access we currently enjoy where the price in that market is probably globally the best, particularly for beef, so we are looking at new market opportunities like China.

### **Live Exports**

52. **Deputy Pat Deering** asked the Minister for Agriculture, Food and the Marine the way in which live calf exports have performed in quarter one of 2018 and if he will make a statement on the matter. [23622/18]

**Deputy Pat Deering:** We discussed the improving situation for the dairy industry compared to the beef and sheep industries earlier on. The increased number in the dairy herd in the past number of years will obviously have a knock-on effect on the number of calves being produced in the country. In order for the beef industry to be maintained, there must be an outlet for calves that have been produced through the dairy industry. Where are we with regard to exports of live calves in the first quarter of this year compared to last year? What are the birth figures for this year compared to last year? Where are our main markets?

**Deputy Michael Creed:** Live exports play a vital role in stimulating price competition in the livestock industry and providing an alternative market outlet for farmers. Last year, my Department reduced the veterinary inspection fee payable on live exports of calves under three months of age to €1.20 per animal from €4.80. This gave an important boost to the trade in young calves and brought greater equity in the fees payable for calves, weanlings and adult cattle. Exports of calves rose by 20% to just over 100,000 in 2017 compared to 2016.

This strong performance has continued into 2018. In quarter one, exports of calves rose to 66,800, an 18% increase on the same period in 2017. The Netherlands and Spain were the largest markets with 28,112 and, 25,034 calves exported to these destinations, respectively, in

30 May 2018

quarter one. In the case of Spain, this represented an increase of 4,500 head on last year. Other destinations included Belgium, to where more than 8,000 head were exported in quarter one of 2018, which is double last year's figure. Exports to France rose to 3,600 head and exports to Italy and Northern Ireland remained stable. My Department and I will continue to promote and maintain an environment in which live exports can continue in both an economic and sustainable manner and with full regard to welfare.

**Deputy Pat Deering:** It is encouraging to hear that those figures have increased substantially in the first quarter of this year. With the continuing increase in the dairy herd, there will probably be an increase in the number of calves. Are the figures outlined by the Minister sustainable? I think the Minister said there has been an increase of 18% in the first quarter of this year. In order to maintain the figures, there would probably need to be a similar increase in the first quarter of next year. Have we those markets? Have we enough markets to ensure we can have a sustainable future in that regard?

**Deputy Michael Creed:** Obviously, this is an issue we keep under review. There will be continued expansion in the dairy herd. I would like to see more of the expansion in the dairy herd come from improved genetics and yield than from a headlong rush to increased numbers but I do accept that there will be increased numbers. These markets for calf exports are significant. One of the critical issues we will need to keep under review is our commitment to the highest possible standards of welfare in the context of the transport of those animals because without that, those markets can be jeopardy. We will ensure that all those approved to export will operate to the highest standards. Those exports, particularly because they take the progeny of the dairy herd out of the country, are an important fillip indirectly for the beef sector because they leave higher quality beef progeny in the country arising from beef crosses from the dairy herd but also from the suckler herd. That is important in terms of marketing a quality product on the beef side. In the context of live exports, 30,000 cattle, mostly weanlings and bulls, were exported to Turkey in 2017. We are up 27% on those with regard to the January to April 2018 figure. Exports are very important from a competitive point of view but key to maintaining that is a commitment to high standards in welfare.

**Deputy Pat Deering:** I think exports are essential in order to keep the whole industry ticking over in a very sustainable way. Standards are also very important as we continue our live exports. In his initial reply, the Minister outlined the different countries where our main exports are going - Spain, Belgium, Northern Ireland and the Netherlands. Are there any other countries that could take some more of our exports in view of the fact that we may be able to export more in the future?

**Deputy Michael Creed:** It is not so much in the area of calves but there are emerging markets in Libya in the area of live exports for beef cattle. Breeding stock is also being exported, some to Russia and elsewhere. The numbers are not huge but it is an area in which we remain active in terms of seeking out opportunities. There were some tentative inquiries previously about Egypt as a significant market for live exports of weanling cattle as well. I place significant emphasis on the competitive aspect that live exports bring to the beef trade. It will continue to be a major focus in respect of market opportunities and trade missions in the future.  
*Questions Nos. 53 to 55, inclusive, replied to in Written Answers.*

*Dáil Éireann*  
**Live Exports**

56. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the way in which live exports performed in quarter one of 2018 and if he will make a statement on the matter. [23763/18]

**Deputy Bernard J. Durkan:** In order to speed things up, I ask for the reply.

**Deputy Michael Creed:** I am keenly aware of the vital role that live exports play in stimulating price competition and providing an alternative market outlet for farmers. The ongoing search for new third country markets is a priority for my Department, particularly in the context of Brexit.

The outlook for live cattle exports in 2018 is very positive. Already in the three months of this year, a total of 79,226 head of cattle were exported, including 66,807 calves. The largest export market during this period was the Netherlands with 4,585 head of cattle, followed by Spain with 4,135 and France with 1,069. The UK live export market was a relatively modest sector during the first quarter of 2018 with 151 head of cattle exported and a similarly small amount of 247 exported to Northern Ireland. There were no live exports to third country markets during this period, however, I am pleased to state that in the second quarter, we have already exported 770 head of cattle to Libya, 62 to Russia and 22 head of cattle to Rwanda.

Live exports will continue to inform the destinations selected for trade missions in 2018 as they did in 2017. Animal welfare is obviously a key concern in any live export trade, and inspections by my Department will continue to ensure that rigorous and robust animal welfare standards are strictly complied with during the transport of live cattle.

Earlier this year, I led a trade mission to Turkey focusing on live exports. Ireland exported 30,000 cattle to Turkey last year, which represented approximately 6% of that country's total import requirement. The trade delegation included officials from my Department and Bord Bia as well as representatives from the Irish live cattle export companies, and I met key stakeholders involved in the Turkish livestock sector, including Minister Fakı́baba. We had a broad ranging discussion, but live cattle exports were a central focus of our meeting. Exports of cattle to Turkey from January to April this year came to nearly 6,000 head, which represents a 27% increase over the same period last year.

**Deputy Bernard J. Durkan:** To what degree does the Department monitor animal welfare in live exports to the locations the Minister mentioned? To what extent does the Department monitor the effect of the export of particular animals on the national herd, in particular on the breeding herd and its future prospects?

**Deputy Michael Creed:** My Department attaches the highest significance to animal welfare in the context of the live export trade. I have met all of the key players in the industry and emphasised to them the fact that its continued existence is contingent on their continued commitment to the highest standards. We are involved in the inspection of cattle as they are loaded for departure on boats and, from time to time, we send departmental officials to travel with those cattle to conduct informal inspections. We place an enormous emphasis on welfare because of the significance of the trade to the beef industry and, in particular, to Irish farmers, and we will continue to insist on the highest standards. It is important to note that our animal welfare standards do not simply meet the EU standard but are, in fact, higher than the minimum

EU requirement. We place such a level of significance on it that we have higher standards than those required.

### Leaders' Questions

**Deputy Micheál Martin:** One must feel for those people whose births were incorrectly registered or who were adopted illegally and have learned for the first time that their parents are not their birth parents on foot of the information which emerged yesterday about St. Patrick's Guild. The youngest person affected is 49 years old while the oldest is 72. The issues of incorrect registrations of children and of illegal adoptions are not news or something we learned about only yesterday. Indeed, over the past six to seven years, various legislative proposals have been considered to address this specific issue, and the issues of tracing rights and access to information have come before quite a number of Oireachtas health committees. I welcome the news that a specific review of this matter is to be carried out, which is important. I ask in a more urgent sense, however, what we are doing now for future generations of children whose rights are not being affirmed.

It has been accepted that we need to create a statutory basis to facilitate children who have been adopted to trace information concerning their true identities. The Adoption (Information and Tracing) Bill was published in 2016 and the Minister for Children and Youth Affairs, Deputy Zappone, introduced it in Seanad Éireann in May 2017. She spoke at length to the Seanad about the issues involved and paid tribute to Senator Bacik and former Senators Jillian van Turnhout and Averil Power as forerunners who advocated the introduction of the legislation. The legislation deals specifically with the issue identified yesterday and would, if enacted, provide adopted persons' birth parents and relatives with a statutory right to an information and tracing service. The Minister told the Seanad:

[T]he State now recognises that there were also children who were incorrectly registered as the children of people other than their birth parents. This could serve to remove any formal record linking a birth parent with his or her birth child. Persons who have discovered that they were incorrectly registered in this way have faced huge and sometimes insurmountable difficulties in obtaining accurate identity information.

The Minister said the provisions of the Bill dealt with this specific issue.

While there have been several drafts and iterations of the legislation, it has essentially stalled at this stage. There has been a commitment to enact legislation for six years, but for some reason a Bill which crucially provides a statutory basis on which people can access this information and their identities, health records and so on, has not emerged. Where is the legislation? Will the Taoiseach explain the lack of urgency in bringing it forward, the drift in progressing it and the reason for the delay?

**The Taoiseach:** We all agree that this is a very difficult issue which needs to be handled with the utmost sensitivity. We are opening another dark chapter of our history. These are events which took place 50 and 70 years ago when Ireland was a very different place. It seems like a foreign country to the one it is today. Nevertheless, we must acknowledge these matters and deal with them as best we can. We know that incorrect or illegal registrations are not new. The Deputy is correct in that regard. We know that it was a historical practice and one which was probably commonplace. Journalists have written about it in recent years and adoption

rights campaigners have raised it publicly. We all know the tragic story of the wonderful Philomena Lee and her son, Michael Hess, whom she never got to meet. What is new is that we have clear documentary evidence because of the fact that St. Patrick's Guild transferred its records to Tusla, which has been going through them over the past year or so. Evidence has been hard to find because what was done in the past was concealed. It is often the case that there are no records or that records were falsified.

The citizens affected are now in their 50s, 60s and 70s and their birth parents and the parents who raised them will be in their 70s, 80s and 90s. In many cases, we are talking about very elderly people and some who may have passed away. Some may know their birth stories but many others will not and will be finding out in the next couple of weeks and months. They will be finding out at the age of 49, 50 and 60 that the people they thought for decades were their birth parents were, in fact, not. Parents who brought up children for 50, 60 and 70 years may now have to have that very difficult conversation with the children they brought up that they are not in fact their birth parents or even, indeed, their legal parents. There will be other family members involved. Sisters and brothers who believed they were blood relatives will find out that this was not the case. This is potentially a very traumatic situation for many people and I am very sorry for it. I hope we can deal with this, not just as a Government but as politicians, in a sensitive way because that is what is required.

Some will say that the past should be left in the past and that we will do more harm than good by disclosing this information. Some will say this is a dark chapter about which we should not have to read. We disagree. This information is now available and the only thing to do is disclose it to the people affected. Ultimately, it is their choice and their lives. They have a right to know about their identities and birth stories. I am reminded of the words of the American author Alex Haley who wrote:

In all of us there is a hunger, marrow-deep, to know our heritage - to know who we are and where we have come from. Without this enriching knowledge, there is a hollow yearning [...] and the most disquieting loneliness.

**Deputy Micheál Martin:** I am taken aback that the Taoiseach did not answer my very specific question about why there has been a delay in legislating for this matter. I did not want prepared soundbites or a prepared script. I asked for a specific answer. In 2010, the Adoption Authority of Ireland conducted an audit on this issue. The United Nations Committee on the Rights of the Child has commented negatively on our failure to legislate to facilitate access to information and tracing and to vindicate the right of children to know their identities. I agree 100% with uncovering the past. I have no difficulty with that whatsoever. However, we have failed over the past number of years, by the Government's failure to bring forward the legislation and bring it through, to look after the rights of children born today. Children born today do not have an automatic right to a birth certificate, to their identity and to tracing health information that could be vital to their well-being. We need to deal urgently with the present and future generations as well as dealing with the past.

I just wanted to ask a basic question. Having gone through seven or eight drafts, the Bill was published in 2016. What issue is delaying it? Why the lack of urgency in bringing this Bill through?

**The Taoiseach:** My apologies for not answering that earlier. The primary purpose of the Adoption (Information and Tracing) Bill 2016 is to provide an adopted person with a statutory

right to apply for his or her birth certificate and information about his or her adoption order. A further aim of the Bill is to give adopted persons, birth parents and relatives a statutory right to an information and tracing service. People who have been subject to an incorrect registration will acquire the right to the same information and tracing service.

The Bill was published in 2016, has passed Second Stage in Seanad Éireann and is awaiting Committee Stage. The Bill has not stalled. The Minister is working on a number of amendments, which are now on Committee Stage. The Minister has met Opposition and Independent Members in the Seanad on many occasions to work through some of the complex issues that arise.

The Bill relates to significant personal rights and to identity and to privacy, and these need to be carefully balanced. The work is ongoing to do this. Enactment and commencement of the Adoption (Information and Tracing) Bill 2016 remains a priority of the Minister, Deputy Zappone, and the Government.

**Deputy Mary Lou McDonald:** This morning, Irish society is once again faced with a scandalous mistreatment of citizens, particularly women and children, by the State as we stare face-on into the scandal, not of incorrect registrations but of fraudulent, deliberate mis-registration and illegal adoptions. Yesterday, the Minister, Deputy Zappone, confirmed what so many previous Governments had known for decades. She finally revealed that 126 babies were illegally adopted from St. Patrick's Guild between 1949 and 1969. These babies had their births falsely registered to their adopted parents. They are, as we speak, in the dark as to where they came from. At the weekend, we thought we had finally closed the door on the historic mistreatment of women at the hands of a conservative state and yet today that door is wide open again.

Swift action must now be taken to right what is another grave injustice. I acknowledge that the Minister has taken the initiative. However, it must be said that successive Governments have known of these scandals and yet they failed to name them and act, despite ample documentary evidence. Campaigners have been raising these issues with successive Governments since at least 2002. In fact, they raised the specific matter of St. Patrick's Guild in 2003 with the then Fianna Fáil children's Minister but no action was taken. Over the years, the Adoption Rights Alliance has raised the specific issue of illegal adoption with successive Ministers, with the joint Oireachtas committee and with the Adoption Authority of Ireland. In fact, the Adoption Rights Alliance, in dogged pursuit of answers and action, issued a paper which gave prominence to illegal adoption to each Minister at the Department of Children and Youth Affairs since 2011 and yet no significant action ever followed. It is only now, in 2018, that we are finally seeing some movement.

There are citizens who were illegally adopted but have absolutely no idea that they are adoptees. Many have lived for decades unaware of their identities and with no access to their records. This has practical consequences in terms of health care and hereditary conditions. They live under a closed secret system that stigmatises their very existence. Many will want to know who their birth parents are and now it might be too late. That is unforgivable.

I understand that the Taoiseach has proposed an investigation and I want to ask him specific questions regarding what is proposed with the aim, the scope, the resourcing and the terms of reference. Does the Taoiseach accept that these were illegal adoptions? Will the Government include all agencies, individuals and homes involved in adoption in the State? Will the Government include the estimated 2,000 babies who were illegally sent to the United States of

America? Will the Government ensure that no affected person is left behind?

**The Taoiseach:** We use the terms “incorrect or illegal registrations” rather than “illegal adoptions” because technically these were not adoptions at all, but perhaps that is splitting hairs and not the most relevant point at this stage.

Deputy McDonald is correct that this is not something new. We have known that this practice existed in the past. We suspect that it was quite commonplace. Journalists, such as Conall Ó Fátharta in the *Irish Examiner*, have written about it for years. Civil society advocates, such as the Adoption Rights Alliance, have raised this issue with all parties in the House and at all-party committees for years, as the Deputy correctly said. Many of us will have been affected by the film, “Philomena”, telling the story of Philomena Lee and, of course, her son, Michael Hess, whose grave she visited but who she never got to meet.

What is different now is that as a result of the transfer of records from St. Patrick’s Guild to Tusla, we have clear documentary evidence because of this marker, “Adopted at birth”. There is clear evidence in those records of over 100 people who were adopted in this way. That evidence exists and it is important that we deal with it.

Some people have suggested that after exiting a dark tunnel last Saturday, we have entered a new one with this latest story about incorrect registrations. I do not believe that is correct. I believe we are different country now. The past is a foreign country but we must acknowledge it and deal with those issues from the past. Even though it may be 50, 60 or 70 years ago, we still have responsibility to our fellow citizens to read that dark chapter.

What was done was wrong. What was done robbed children, our fellow citizens, of their identity. It was an historic wrong that we must face up to. On behalf of the Government, I am very sorry for it. We will never be reconciled with our past until we are truthful about it. Throughout her career, the Minister, Deputy Zappone, has been steadfast in her determination to force this country to acknowledge the truth about its history and I believe she has done us some real service here.

Our priority now, of course, is to inform those people affected. Social workers experienced in this area will be contacting the birth mothers where they are alive, the parents who brought our fellow citizens up who were involved in these illegal registrations and party to them will be contacted as well and given the opportunity to talk to the children they brought up, and the individuals who were illegally registered will, of course, be contacted as well. This will be done in a sensitive and private way. Nobody will get a knock on the door and suddenly have this information disclosed to their family. It will be done applying all of the best social work practice available.

What will now happen, on the Minister’s initiative, is a targeted sampling analysis of the records from the other adoption societies to see whether there is a similar marker or evidence of these illegal registrations. If there is, it will be a requirement to go through over 100,000 records. This is potentially a mammoth task, but it will now be done.

What people want is not retribution. What they want is information about their identities. They have a right to know who they are. They have a right to know their birth story. They have a right to that information and we must give it to them.

**Deputy Mary Lou McDonald:** The Taoiseach is quite correct that this is not about retribu-

tion but what those affected tell me is that they want, above all, honest and that is why language matters here. It matters that we do not try to minimise what happened. It matters that we do not try to pretend that it was an accident, that it was a clerical error. It was deliberate, fraudulent and illegal and robbed the children, their mothers and natural families of rights so innate to any person that it hurts almost to think of what they lost. They were illegal adoptions. It is important to use that term because the campaigners tell us that is how they see it. Does the Taoiseach accept that what the Minister, Deputy Katharine Zappone, has revealed thus far is just the tip of the iceberg? Yesterday's revelations account for one agency. We estimate that there were 182 such agencies. While initially a sampling exercise might be necessary, a sampling exercise, in and of itself, will not cut it. Only a complete survey of all adoption files will get to the bottom of this scandal. Will the Taoiseach commit himself and his Government to it?

**The Taoiseach:** The Deputy is right. Language is very important. It is very important that we do not minimise this in any way in the language we use. It is also important that we be sensitive. In the coming weeks and months people are going to find out information about themselves and the people who they believe are their birth parents and it will be very difficult for everyone. Even the parents who brought up the children, who were involved in and party to the illegal registrations, will find it very difficult because they probably believed at the time that they were doing something right in bringing a child into their home, but we know now that it was not right. We need to share the information and the truth with those fellow citizens of ours who were illegally registered in this way, or illegally adopted, if the Deputy prefers to use that term. I have no difficulty in using it. What will happen now is that there will be an initial scoping and sampling exercise to look at the records of the other adoption societies. If it indicates, as I said in my previous response, that there is evidence of illegal registrations, we will engage in a full analysis of those records. If that is the case, it is potentially a mammoth task and the tip of the iceberg. Therefore, we need to be sensitive in our language and not assume all of these things. Let us act quickly, but let us always act on the basis of facts.

**Deputy Jan O'Sullivan:** During the campaign to repeal the eighth amendment we heard hundreds of stories from women throughout the country, stories that in many cases that had never been told before. They shone a light on the lives of women in Ireland and the reality of people's lives. It was an unveiling of the wrongs done to women, as our colleague, Deputy Clare Daly, so eloquently put it yesterday in the Chamber. There was an attitude that prevailed for so long that others knew better. Thankfully, that attitude has slowly been demolished. Yesterday saw the latest revelations of another failure by the State and those who controlled our society. The Minister for Children and Youth Affairs, Deputy Katherine Zappone, announced details of illegal adoptions where the birth details of children had been misclassified. The word "misclassified" is not appropriate as it sounds very innocuous. It is not what it is - an illegal adoption. It is high time we dealt with issues that have for too long been kept in the dark.

An initial examination by Tusla of the records of St. Patrick's Guild has identified 126 so-called incorrect registrations, more correctly called illegal adoptions. At least 79 people may be entirely unaware of the true circumstances surrounding their births. Who they are has been kept from them. Our identity is central to who we are and how we see ourselves in the world and how we are remembered. In the coming days people will be contacted and given news that will, in many cases, be shattering for those who believed they knew who they were. As the Taoiseach said, supports must be put in place for them. Tusla must be adequately resourced. The Taoiseach has said it must be done with the utmost sensitivity, but it is essential that Tusla be resourced to do it. I want the Taoiseach's assurance in that regard.

We need to identify, where possible, how many illegal adoptions happened and to respect the rights of those directly impacted on, those who had their births misclassified, and restore their information and identity to them. My colleague, Deputy Joan Burton, has been calling for a full audit of the records of adoption societies. We fully support her in that call. The Minister has said a sample of records will be taken, as the Taoiseach has just indicated, from each adoption society. We are talking about what may be needles in haystacks in adopting that approach. Only a very small number of the 150,000 records may be affected. It needs to be headed by an international expert and provided with the resources necessary to get to the bottom of the matter. The right to information must be provided for. Many adopted persons are still unable to access their own files.

I want to reiterate some of the questions that have not been answered fully. With reference to Deputy Micheal Martin's question about progressing the Adoption (Information and Tracing) Bill, will the Taoiseach give us an assurance that it will move much more quickly? It was published in 2016. Will he commit to a full audit of all adoption records? Will he ensure wraparound supports will be put in place for those who will receive this earth-shattering news about who they are and fully resource Tusla to provide them?

**The Taoiseach:** On the audit of records, I answered that question, as did the Minister, Deputy Katharine Zappone. I have also answered the question about the Adoption (Information and Tracing) Bill. On giving an assurance about the passage of the Bill through the House, I can offer no such assurance as we do not have a majority in the Dáil or the Seanad. We are seeing other legislation being held up in the House, not by the Government but by Opposition Members. Two Bills have been delayed in recent weeks which, in turn, holds up the passage of other legislation. I appeal to Members, particularly Opposition Members, not to hold up legislation because they are not just holding up that legislation but all legislation. This is the Government that published the Adoption (Information and Tracing) Bill, legislation that could have been published by any Government in the past ten, 20, 30 or 40 years. We have done it and the people can trust us to be the ones who will bring it to fruition. They can trust the Minister, Deputy Katharine Zappone, to do it and she will have the full support of Cabinet in doing so.

Tusla has notified the Commission of Investigation into Mother and Baby Homes and transferred scanned versions of the relevant records to it. It has also informed the Garda of the matter and provided it, at its request, with ten sample cases, although we need to bear in mind that the people who were operating the adoption agencies may be very elderly or deceased. Nonetheless, we think it is appropriate that the Garda should examine the records with a view to potential prosecutions. In the first instance, we want to ensure we identify the men and women who are at the centre of this matter and work to get the answers and explanations they want and need and given them the choice or opportunity to meet their birth parents, if they so wish, that is, if their birth parents are still alive and can be contacted. I am assured that Tusla is keenly aware of the sensitivities involved and will work through experienced information and tracing social workers to ensure the cases are progressed as sensitively and effectively as possible.

A number of actions are under way. A social worker has been assigned to each of the 126 individual cases. They are very much individual cases. They will provide counselling and support for the individuals involved throughout the process and be resourced in doing so. There will be no sudden telephone calls or unannounced visits to people's doors. The process of offering contact and supporting the people affected will be handled very carefully on a case by case basis and at the pace of the individual concerned, the pace he or she believes is appropriate, given his or her personal circumstances. It is a detailed and methodical process which will

take some time, as it must start with identifying the locations of the individuals involved on the basis of information on files that are now decades, in fact, more than half a century old. Social workers will deliver sensitive information face to face in a supportive environment as far as possible in a venue of the person's choice. No information will be delivered over the telephone or by cold calls to people's homes.

**Deputy Jan O'Sullivan:** I thank the Taoiseach for the additional information he has given us and the fact that social workers have been assigned and that there will be no sudden telephone calls, which is really important. This will go on for quite some time and others will be identified as time passes. Will the Taoiseach give us a commitment that there will be ongoing and continuous funding and support? I acknowledge the work done by the Minister, Deputy Katharine Zappone. I was one of the people briefed by her and her officials during the passage of the Adoption (Amendment) Act to which we proposed an amendment on tracing and the provision of information. It is disingenuous to suggest that because the Government is in a minority, the legislation cannot be progressed more quickly. It has been in process for a long time. There has been a lot of consultation, both during the passage of the Act and on the current Bill. We need the Taoiseach to ensure the next Stage will progress quickly in the Seanad. I do not believe anybody in this House will obstruct its passage when it is brought before us. We, therefore, urge the Taoiseach to give us a more clear commitment on the passage of the Bill.

**The Taoiseach:** Perhaps the best way to progress the further passage of the Bill is for the Minister, Deputy Zappone, to meet with spokespeople in the coming days to see if we can resolve some of the issues. There are a number of quite complex technical issues and the Minister would be very willing to brief spokespeople on them. Tusla already operates an adoption information and tracing service and does it in various locations around the country. The Adoption Authority of Ireland also provides limited information and tracing services relating to the records it holds. We want to improve that and put it on a statutory basis but while we get this information, the information tracing service is available.

**Deputy Richard Boyd Barrett:** I thank the Minister, Deputy Zappone, for bringing this issue to light. What we are seeing here is yet another bombshell exposing the toxic relationship between church and State in this country and the human damage and hardship it has imposed and continues to impose on very significant numbers of people. In this case it is clear that this is likely to be the tip of the iceberg but 126 people have had their identities stolen and their welfare, particularly in terms of their health, compromised by not knowing their proper biological heritage.

I was particularly struck by this scandal as I was adopted via St. Patrick's Guild in the years affected. I do not know if I am one of the cases involved. I am probably not but I have questions about it, as do other members of both my adoptive and birth families. Thousands of people have very serious questions to ask about, or are living in ignorance of, their true heritage. They are going to have life-changing events visited upon them. In some cases, these life-changing experiences are very positive and I was lucky that my experience was just such a positive one. For others, though, it is very traumatic and scary and it turns one's life upside down. It is absolutely critical that, having now revealed this, we respond urgently but with sensitivity to the needs and demands of those who are affected.

The Adoption Rights Alliance and the Coalition of Mother and Baby Home Survivors are furious about this and they say this has been known for 20 years but that nothing done about it. People spoke about it while in Opposition but later came into Government and did absolutely

nothing about it. When issues were raised during the introduction of the adoption Bill about illegal as against supposedly incorrect registrations, they were not properly dealt with, and credit is due to Deputy Clare Daly in this regard. Some of the people affected are still not certain if they will gain access to information about their adoption as a result of it not being registered properly as a legal adoption. There are thousands more in the US as well.

We need to engage with the alliances and with the people affected, we need to seek their advice and we need to act on things they have been demanding for 20 years. There are very serious questions over the responsibility of the Sisters of Charity for all of this. I have been getting emails on this in recent weeks and I would like reassurances over their continued role in the National Maternity Hospital.

**The Taoiseach:** As I have said in response to others, the Deputy is absolutely right in his second point. As Fergus Finlay said this morning, this does not come as a surprise because people have been aware of illegal registrations and illegal adoptions in Ireland for a very long time, perhaps longer than 20 years. The number of people who participated in it, often the receiving parents, must add up to tens of thousands of people and when a new child arrives in a family without the mother being pregnant there must have been widespread knowledge across society of the existence of this practice. It must, in fact, have been commonplace in the past. Journalists have written about it, the Adoption Rights Alliance and others have raised it and it has been raised in the Dáil and the Seanad. What is different now is that, because of the analysis of these records, there was a marker on the records indicating “adopted from birth”, meaning it was possible to identify that a person had been falsely registered as a birth child of parents who were not their birth parents. It may be harder to find evidence of other cases because they were concealed and records may not exist or have been falsified but we have to do our best to find out as much as we can and give it to the people who have, and always have had, a right to know their birth story, their identity, where they came from and who their parents are, as well as information about their medical history and that of their family.

There are 13,000 or 14,000 people who have come through St. Patrick’s Guild and who must be concerned and have a lot of questions. I can tell them that if they have an adoption order they are not affected by this and are not one of the 126 people to whom we referred. If they were born before 1946 or after 1969, they are also not affected. If, however, they were born between those two dates and do not have an adoption order, they may well be affected. Conversations will need to take place with family members in the weeks and months ahead and there is a possibility they may be contacted by Tusla.

The Minister, Deputy Zappone, has met with the Adoption Rights Alliance and is very willing to do so again. We are very determined to pass the legislation but we are focused on giving our fellow citizens, those who were affected by this, information about their true identities and that is going to be the priority in the period ahead. If this is only the tip of the iceberg and it is a mammoth task, so be it. We have a duty to our citizens to do right by them, and we will.

**Deputy Richard Boyd Barrett:** I welcome the commitments given by the Taoiseach. I was born in 1967 so I may be affected but I will have to check all this. In any event, the outcome for me has been positive but for huge numbers of other people that may not be the case and they have a right to know. We need a clear commitment that all obstacles will be removed to access to whatever information or files can be found. I understand there are issues around indemnity for St. Patrick’s Guild when it was asked for its files and I believe that, incredibly, it asked for €50,000 in 2016 to facilitate the handover of files. Was it given indemnities? I certainly hope

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not. St. Patrick's Guild is physically beside St. Vincent's Hospital and I went there to meet my birth mother.

We need clear assurances that the Sisters of Charity will have no influence whatsoever in the clinical practice of the National Maternity Hospital but I believe there is still a row about the title deeds and about land ownership. That is a bit much. These people have been saying how much they cared about unborn life for the past number of weeks but they showed scant regard for born children and their welfare. They lied, covered up and acted criminally but they are still trying to milk the State for money and to retain ownership of certain assets.

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

**Deputy Richard Boyd Barrett:** We need clear assurances and action on these matters.

**The Taoiseach:** The new National Maternity Hospital will be paid for by the State and will be owned by the State. It will be paid for by the people and it will belong to the people. That is not the case for the current National Maternity Hospital on Holles Street so there will be a significant change for the better in that regard. I do not know about the issue of indemnity but we have all the records. It is a good thing that in the past couple of years tens of thousands of records have been transferred from private bodies, charities and adoption agencies to public bodies. It is because of that transfer of records that we have been able to come up with this new information.

In terms of the next steps regarding the other adoption agencies, as I mentioned, there will be a targeted sampling exercise carried out in the first instance. That will take about four months and will be overseen by a quality assured independent reviewer. It will be headed up by Marion Reynolds, who is a former deputy director of social services in Northern Ireland and has expertise in this area. Once that targeted sampling exercise is done, if it is appropriate and right, we will then go on to carry out a full audit of all the records.

### Questions on Promised Legislation

**An Ceann Comhairle:** Twenty-five Deputies are offering. I call Deputy Micheál Martin.

**Deputy Micheál Martin:** I want to return to the Adoption (Information and Tracing) Bill 2016. It deals specifically with the issue that has been revealed. It is important we would get an explanation and a statement at some stage as to why that Bill has been delayed. I understand there are policy issues that still have not been resolved, notwithstanding the fact the Bill has been published since 2016. Essentially, the key issue is balancing the constitutional right to privacy with the right to one's own identity. It is time the Legislature bit the bullet on that. This Bill has been going around for about five or six years, there having been various drafts of it internally and so on. As I outlined earlier, the policy issues were well articulated by Senators in the Seanad quite some time ago. One would have thought if the Bill was published that the policy issues were resolved. They should not be delaying the passage of the Bill. It was unfair of the Taoiseach to suggest that someone here was going to delay it. This legislation has been widely welcomed-----

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

**Deputy Micheál Martin:** -----and requested by Members of the previous Dáil as well as

this Dáil. We need to get a timeline for it.

**Minister for Children and Youth Affairs (Deputy Katherine Zappone):** I thank the Deputy for his question. As he will be aware, we do not have a majority in the Seanad, therefore, in that context, it has been more difficult to move this legislation through. In one sense though, it is not necessarily a bad thing. I have met Opposition and Independent Senators extensively regarding the policy issues. The Deputy is correct, it has to do with balancing the rights to privacy and identity. On the basis of those meetings, my Department and I have crafted many options to go back and forth with the Office of the Parliamentary Counsel in order to resolve that balance in a way that is constitutional. We have not been able to resolve it completely in a way that it is constitutional to the satisfaction of some of the Seanad Members. That is still where we are at.

The issues that have been raised today and discovery that has been made about which we are speaking creates an imperative for us to look again at the Bill, move through it and effectively agree on it but it seems compromises will probably be needed in order to move some of the amendments in such a way that they are constitutional.

**Deputy Mary Lou McDonald:** In the wake of the CervicalCheck scandal, officials from the HSE and CervicalCheck appeared before the Committee of Public Accounts and in evidence CervicalCheck's programme manager, Mr. John Gleeson, denied that anyone in CervicalCheck has misled the State Claims Agency by informing it that the women who are the subject of the audit had been informed. This happened in the context of preparation for Vicky Phelan's trial.

The State Claims Agency has now informed members of the Committee of Public Accounts that Mr. Gleeson's assertion, to use its phrase, does not tally with the facts. It says that it was in fact told by CervicalCheck that all of the women subject to the audit had been informed. We know that this was not true. It also emerges that, in fact, it was Mr. John Gleeson himself who had given this misinformation to the State Claims Agency. We can only conclude that Mr. Gleeson did not tell the truth to an Oireachtas committee. Indeed, Vicky Phelan's solicitor has described all of this, as the Taoiseach will know, as a "cover-up".

**An Ceann Comhairle:** Excuse me, Deputy. This is not a law chamber. We cannot make the sort of assertions that the Deputy has just made against somebody outside the House. It is contrary to the well established precedence of the House.

**Deputy Mary Lou McDonald:** Just so the Ceann Comhairle understands-----

**An Ceann Comhairle:** I perfectly understand what the Deputy is saying and it is perfectly out of order.

**Deputy Mary Lou McDonald:** Let me perfectly give the Ceann Comhairle another piece of information to accompany what I have said to the Taoiseach. It is that the response from the State Claims Agency, to which I have referred and in which it said that the assertion made at the committee does not tally with the facts, is on the record and in the possession of a committee of the Oireachtas, so these are not facts or assertions of my making. Can I put my question to the Taoiseach?

**An Ceann Comhairle:** Please, put your question.

**Deputy Mary Lou McDonald:** Thank you. A question then arises on the investigation

being carried out by Dr. Gabriel Scally. How can Dr. Scally have confidence in carrying out a thorough investigation in the spirit of transparency that we were promised when it now emerges that CervicalCheck and senior officials, far from acting in a spirit of transparency, are, in fact, it seems continuing with what Vicky Phelan's solicitor described as a "cover-up"?

**The Taoiseach:** I understand there is a dispute about the facts here. CervicalCheck believed that the information had been passed on to the patients because it had been passed on to their treating clinicians. We know now that in most cases the information was not passed on, but it was in some, whereas the State Claims Agency asserts that it was informed that the information had been passed on to all patients. Where there is a dispute about the facts, we need an inquiry. That is precisely why we established the Scally inquiry, the terms of reference of which were agreed and welcomed by all the parties. I appeal to the Deputy to allow Dr. Scally to do his work and carry out that inquiry. The Deputy has form in making false allegations in this Chamber and I would encourage her not to do that.

**Deputy Mary Lou McDonald:** No, I do not.

**The Taoiseach:** Yes, you do.

**Deputy Mary Lou McDonald:** No, I do not.

**Deputy Alan Kelly:** We hear a great deal of chatter in this House about rural jobs. When will the Intoxicating Liquor (Breweries and Distilleries) Bill 2016 go to Report Stage? Many of the Taoiseach's Deputies, some of whom are sitting behind him, are big supporters of this Bill which I originally drafted. It went to Committee Stage from the Department of Justice and Equality in February. That industry needs this Bill to progress and be concluded by the summer because there are commitments on a range of works to create 1,000 jobs across Ireland and investments in capital infrastructure and in a range of marketing programmes. The Bill had the unanimous support of this House on Second Stage. I would appreciate it if it could be progressed to Report Stage as soon as possible to allow it be passed by the Seanad before the summer recess. Many people across the country in this growing fledgling industry are dependent on this legislation being passed soon.

**The Taoiseach:** The Minister, Deputy Flanagan, was in touch with me this morning. He cannot be here as he is attending a conference but he mentioned to me that the Deputy might raise this matter and asked me to pass on two messages. Essentially, he is very supportive of the Bill. The Government believes it is a very good Bill and it is keen to work with the Deputy to have it enacted. The Minister has sought and received a date in June for the Remaining Stages, so all other things being on schedule, there is no reason that cannot be enacted before the recess.

**Deputy Bríd Smith:** The justice and crime section of the programme for Government states that the Government "will continue to support ... the enhanced role of the Garda Síochána Ombudsman Commission (GSOC) in providing independent oversight of complaints made against members of the Garda Síochána". I do not know if the Taoiseach watched "Prime Time" last night, which covered an investigation into the killing of Shane O'Farrell in 2011, whose mother, father and sister are in the Gallery today and are calling for an open public inquiry. Six years and three months after GSOC took on this report, put that family through agony and dragged their guts along the ground - Lucia O'Farrell has been heroic in investigating this matter solo and raising all the issues concerned - it has come back with what is nothing short of a cover-up. The commitment in the programme for Government is not good enough unless the Government

now institutes an open public inquiry into what happened to Shane O'Farrell in 2011, why his killer was allowed to stay free having breached bail conditions 18 times and no Garda thought of picking him up and putting him behind bars.

**An Ceann Comhairle:** I wish to explain to Deputies that the party leaders are entitled to ask their questions without other Members contributing. I will take the same question from other Members later.

**Deputy Gerry Adams:** I have the same question.

**An Ceann Comhairle:** Yes I know. I am sorry but the tradition is that the party leaders ask their questions and other Members do so subsequently.

**The Taoiseach:** I extend my sympathies to the family of Shane O'Farrell who have suffered such a terrible loss arising from the road traffic incident in 2011. We all know that his tragic loss of life could have been prevented and he would still be with us today had some avoidable errors and events not happened. We are also aware, sadly, that no investigation can bring Shane back. A Garda Síochána Ombudsman Commission, GSOC, investigation was independent and it took many years.

**Deputy Bríd Smith:** It was not an investigation.

**The Taoiseach:** Often these investigations take time, and public inquiries and commissions of investigation also take many years.

**Deputy John McGuinness:** It is a cover-up.

**The Taoiseach:** Often they do not produce-----

**Deputy Bríd Smith:** It is a cover-up.

**The Taoiseach:** -----the results or the outcome that people may want. We know this experience also.

I understand that the investigation is now complete and the report has been received by the O'Farrell family, the Minister for Justice and Equality and the Garda Commissioner. GSOC intends to publish its report in the coming days. It is appropriate to allow this to happen so that people can read it before there is a further discussion in the House. The report examined 56 specific allegations, many of which were found to be incorrect, while some have been upheld. GSOC found that there was no conduct by members of the Garda that would constitute a criminal offence. Nevertheless, it has identified conduct that requires further investigation-----

**An Ceann Comhairle:** I thank the Taoiseach. We will come back to this-----

**The Taoiseach:** -----to determine whether there were breaches of the Garda-----

**Deputy Bríd Smith:** It is a cover-up.

**The Taoiseach:** -----disciplinary code.

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

**Deputy Michael Harty:** I refer to the programme for Government commitment to look at a ten-year vision for our health service and to deliver a health service reform on the basis of it.

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The Joint Committee on the Future of Healthcare met for 11 months and produced the Sláintecare report. This is the first anniversary - 365 days - of the publication of the Sláintecare report and the Government has not yet delivered a response to that report. The response was to be delivered in December, in January, before Easter, after Easter, at the end of May and now by the end of June. The Government is deconstructing Sláintecare and reconstructing it in line with Government policy. The Sláintecare report, however, challenges Government policy. That was the whole purpose of the Sláintecare report.

Sláintecare has attracted international interest around how healthcare reform can be delivered in other countries but in Ireland we have not delivered a response to Sláintecare. There is no plan B. Sláintecare is the plan.

**An Ceann Comhairle:** The Deputy must put a question.

**Deputy Michael Harty:** The Government is losing the trust of the medical profession and the people. Are the HSE and the Department of Health the biggest vested interests in delivering a response? Is the Government deconstructing Sláintecare and reconstructing it according to the Government's own policy?

**An Ceann Comhairle:** Will the Taoiseach be brief, please?

**The Taoiseach:** I assure the Deputy that Sláintecare is Government policy but it does require an implementation plan. It lacked such a plan and the Minister and the Government have been working on this for quite some time. I also assure Deputy Harty that the greatest vested interests in healthcare are not the HSE or the Department of Health. We can talk about this another time if the Deputy wishes.

In the absence of the implementation plan the Government has taken ten actions. The Sláintecare programme office has been established and a director will be appointed shortly. The legislation for the establishment of an independent board for the HSE, as recommended by Sláintecare, has the approval of the Government. The independent review called for by the Sláintecare report to look at separating private and public practice has been set up, is chaired by Donal de Buitléir and has started its work. The call by Sláintecare for the hospital groups and the CHOs to be aligned and for public consultation on the geographic alignment has commenced. We have published the health service capacity review that recommends the number of additional beds that are needed. Negotiations have commenced with GPs on a new contract. Prescription charges, as recommended by Sláintecare, have been reduced. Free GP care and medical cards have been extended.

**An Ceann Comhairle:** The Taoiseach is out of time.

**The Taoiseach:** Project Ireland 2040 sets aside €10 billion for investment in healthcare, building, equipment and ICT. These are just ten examples of implementation that are happening.

**Deputy Joan Collins:** I wish to follow up on Deputy Harty's question. The Health Reform Alliance had a press conference today on the calls by health and social care groups on the Government to publish the Sláintecare implementation plan, and to express the groups' frustration with Sláintecare's stagnation one year on. It has been recognised that some policies have been put forward, which the Taoiseach has named, but there is a big fear that it is being delivered piecemeal. Unless the implementation plan is brought to the Dáil for Members to discuss as

a whole policy, there is a great fear that the Government is losing the medical profession with regard to the implementation of the Sláintecare plan as the only health policy in town.

Will the Taoiseach ensure that the implementation plan comes before the Dáil before the summer recess? One year on, we are still waiting for it. It is crucial that we see it as an overall plan and not a piecemeal plan. Mandate and the Communication Workers Union have endorsed Sláintecare, and if the implementation plan is not brought onto the floor of the Dáil, there will be calls for civil society to-----

**An Ceann Comhairle:** I am sorry but if Deputies do not adhere to the one-minute speaking time, we will not get through the questions.

**Deputy Joan Collins:** The Ceann Comhairle should say that to everyone.

**The Taoiseach:** The Sláintecare plan does not have an implementation plan. It is being developed by the Minister for Health and the Government. We have taken ten concrete actions already to implement it.

Both of the Deputies are a little bit naive about losing the support and confidence of the medical profession. There are many members of the medical profession who are not very enthusiastic about separating public and private practice but we have set up the Donal de Buitléir review to do exactly that.

**Deputy Joan Collins:** That is allowed to happen in a vacuum.

**An Ceann Comhairle:** The Deputy has made her point.

**The Taoiseach:** There are many in the medical profession who are not very supportive of the proposal to extend free GP care to an extra 250,000 people per year. People are very naive if they think that the medical profession is fully behind this because it is not.

**Deputy Eamon Ryan:** Many of us shared the relief expressed by Deputy Clare Daly in the House yesterday on having got through the recent referendum. Perhaps the last thing we might want to face is the prospect of another referendum in October but that is what the Government has committed to on the wording around blasphemy in the Constitution, the role of women in the home and an instruction for a plebiscite for directly elected mayors in Dublin and Cork. When does the Government intend to decide on these potential referendums? What is the timeline for getting wording accepted and acceptance around running with the plebiscites? Has the Government made up its mind in this regard or when does it expect to do so?

**The Taoiseach:** We propose to have a number of referendums concurrent with the presidential election, if there is one, in October of this year and a number of referendums concurrent with the local and European Union elections, which I believe will be held next May. We have a bit of time yet to agree the wording but that remains our plan.

**Deputy Donnchadh Ó Laoghaire:** On the death of Shane O'Farrell, I acknowledge that Lucia O'Farrell and the family are in the Visitors Gallery today.

The Taoiseach referred to the report. I have read the report and it is a sham. This was a failure across many of the agencies of the law. The report backs away from failure at every opportunity. On a number of occasions it accepts, as gospel, the words of An Garda Síochána. The report does not test it. It was many things and it took six years but it was not an investiga-

tion. I would be glad to take the Taoiseach through the individual failures in the report. It is clear to me that it should never have been a matter for GSOC because it went beyond An Garda Síochána. It is also clear to me that it is now time for a public inquiry to investigate the failures of An Garda Síochána, the Director of Public Prosecutions and other agencies.

**Deputy Willie O’Dea:** In his reply to Deputy Bríd Smith the Taoiseach said that Shane O’Farrell would be alive today if avoidable events had not happened. Let us put it directly; he would be alive today if gardaí did their job. We have no less than 24 pieces of criminal justice legislation currently under consideration in this Dáil session. We will have a lot of extra laws but in this case we are talking about enforcement.

The Taoiseach referred to the publication of the GSOC report. I have read the GSOC report; it is in the public domain but to put it mildly it is a joke. The Taoiseach knows that anybody who reads the GSOC report will readily conclude that the only way to the bottom of this catastrophic catalogue of failures is with an independent public inquiry. The Taoiseach’s predecessor did not rule this out. Will the Taoiseach rule it in? Will he commit to an independent public inquiry?

**Deputy John McGuinness:** I welcome Lucia O’Farrell, her husband and family in the Visitors Gallery. They held a press conference this morning, at which they highlighted the fact that the man who had killed Shane O’Farrell had had 42 convictions. He had never been in prison for anything. On the night in question, the registration number of the car was flagged on the Garda’s system. The driver was uninsured and the car had no NCT certificate. The people in the car who were known to the Garda were all under suspicion. I am asking for a public inquiry. Twenty Deputies attended the press conference and all agree that there is a need for a public inquiry. The Taoiseach has referred to the dark secrets in the country’s history. This is another dark secret, one that tells a story about a catalogue of failures from the Office of the Director of Public Prosecutions all the way down to the investigating gardaí. If the Government ignores it, it will be ignoring the failures of the State to the O’Farrell family.

**An Ceann Comhairle:** I call Deputy Gerry Adams.

**Deputy John McGuinness:** The death of Shane O’Farrell uncovered a litany of failures within the Department of Justice and Equality and the justice system.

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

**Deputy John McGuinness:** I appeal to the Taoiseach to agree with the 20 Members and establish a public inquiry.

**Deputy Gerry Adams:** Cuirim fáilte roimh theaghlach O’Farrell fosta. I commend the O’Farrell family, in particular Lucia for her resilience and tenacity. Like many other citizens who have suffered an injustice, the O’Farrells have had to take on the State and been put through the wringer for the past six years or so. The Taoiseach is aware of the case. In a letter to me last September he wrote that, once GSOC had completed its work, the Minister for Justice and Equality would consider what action would be open to him. When the family met the former Taoiseach, Deputy Enda Kenny, he did not rule out a public inquiry once GSOC’s report had been completed. The O’Farrells have, rightly, rejected that report which they did not receive until a year after it had been completed. Will the Taoiseach meet the O’Farrell family? Will the Government establish a public inquiry? Thirty Members of the Oireachtas support the establishment of such a public inquiry. The role of the Director of Public Prosecutions is key, just as

it was in the case of the killing of Garda Tony Golden.

**An Ceann Comhairle:** Deputies Eugene Murphy, Declan Breathnach, Niamh Smyth and Mattie McGrath are next.

**Deputy Eugene Murphy:** I wish to ask about the roll-out of the national broadband plan. There were so many announcements-----

**An Ceann Comhairle:** I am sorry, but does the Deputy wish to discuss this matter?

**Deputy Eugene Murphy:** No.

**An Ceann Comhairle:** Then we will have to revert to the Deputy. I call the other Deputies on the same matter, please.

**Deputy Declan Breathnach:** The word I would use for the O'Farrells is "forensic" because of way in which they have investigated the issue. Having read the GSOC report and examined it forensically, I do not doubt that the House needs to establish an independent public inquiry. A number of Deputies across the House have stated their desire that they wish to see it happen. Nothing will bring back Shane O'Farrell, but his family are endeavouring to ensure justice will be done and that what happened will not recur. As a Border Deputy, I would be concerned if people could walk in and out of the jurisdiction willy-nilly, a situation that will be compounded by Brexit, because the justice systems, North and South, including the Garda and the PSNI, did not share details of cases and convictions. That is at the heart of the issue. Deputy Gerry Adams referred to the case of Garda Tony Golden. If this issue is not dealt with now, it will have a major impact on the child abuse and other cases that are coming down the tracks. Give the O'Farrells the public inquiry they deserve in order that we can get to the truth that they have already established.

**Deputy Niamh Smyth:** I welcome Lucia and her husband and daughter. Their lives have been consumed not only by the death of their son and brother but also by the failures of the State and its justice system. Will the Taoiseach give one hour of Government time to debate these failures? The O'Farrells have been failed in the most abysmal and catastrophic way possible. Given that the family are present, will the Taoiseach set time aside to debate the matter today?

**Deputy John McGuinness:** Hear, hear.

**Deputy Mattie McGrath:** I welcome Lucia and her family. I thank and salute her for her bravery and tenacity over many years. It is appalling that citizens have to go through that. I include in my comments two young men from County Tipperary - Mr. John O'Brien and Mr. Pat Esmonde - who were killed off Helvick Head seven or eight years ago, a matter I have raised in the House. There was no proper investigation by the Marine Casualty Investigation Board or the Garda and no appeal for witnesses. Their families have been left languishing as a result. It is a disgrace. As such and not meaning to take away from the death of Shane, if there is a public inquiry, a number of other cases must be included. It was a tragic accident. What is happening is unbelievable. As for GSOC, we might as well have Tom the cat because it is not investigating properly. Ms Anne-Marie O'Brien cannot get answers from An Garda Síochána. The families have been promised deadline after deadline but given no answers. Ms O'Brien is seeking justice for her brother and his friend.

**The Taoiseach:** First, the Garda Síochána Ombudsman Commission, GSOC, is indepen-

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dent of the Garda and the Government. If, as a House, we do not believe GSOC is independent, we will need to have a separate debate about that matter and a much more serious one. It is my understanding GSOC intends to publish its report in the coming days. Of course, after it is published, it can be discussed-----

**Deputy John McGuinness:** It has been published.

**Deputy Willie O'Dea:** It is out there.

**The Taoiseach:** -----but I suggest that it be published before people-----

**Deputy Niamh Smyth:** It has been published.

**An Ceann Comhairle:** Will Deputies, please, let the Taoiseach answer?

**The Taoiseach:** It is my information that it has not been published. Certainly, that is the information I have.

**Deputy Willie O'Dea:** I read it.

**Deputy Mattie McGrath:** The Taoiseach's eye is not on the ball.

**An Ceann Comhairle:** Ciúnas.

**The Taoiseach:** GSOC has-----

**Deputy Gerry Adams:** Taoiseach-----

**The Taoiseach:** I would like to answer, if I may.

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

**The Taoiseach:** GSOC has concluded that there was no conduct by members of the Garda that would constitute a criminal offence. Nevertheless, it has identified conduct that requires further investigation to determine if there were breaches of the Garda disciplinary code. It will now move on to a phase 2 investigation. It is in train and needs to conclude. I can, however, reiterate the commitment given by the previous Taoiseach that, once the GSOC investigation is complete, the question as to whether issues remain that require further investigation can be considered. We are certainly not ruling out a public inquiry. However, I point out that public inquiries and commissions of investigation also take very many years to complete. If we were to add the cases suggested by Deputy Mattie McGrath, it would take many more years, would not necessarily get people the answers they want and certainly would not bring anyone back.

**Deputy Willie O'Dea:** What is the alternative?

**Deputy Niamh Smyth:** What about a debate?

**Deputy John McGuinness:** Will we have a debate today?

**The Taoiseach:** That is a matter for the Business Committee, as everyone knows.

**Deputy John McGuinness:** Will the Taoiseach allow one hour of Government time today? He has been asked that question.

**The Taoiseach:** For two years it has been a matter for the Business Committee. Why do I keep being asked-----

**An Ceann Comhairle:** We will ask the-----

**Deputy John McGuinness:** The Taoiseach has been asked that direct question.

**An Ceann Comhairle:** That is not the----

**The Taoiseach:** It is a matter for the Business Committee.

**Deputy Willie O’Dea:** Yes or no?

**The Taoiseach:** As I said, it is a matter for the Business Committee.

**Deputy John McGuinness:** Will the Taoiseach ask the Business Committee to meet today?

**An Ceann Comhairle:** I will ask the Business Committee whether it will set aside one hour today for a debate.

**Deputy John McGuinness:** I thank the Ceann Comhairle.

**An Ceann Comhairle:** We will arrange it immediately after this session.

**The Taoiseach:** I should say the Minister for Justice and Equality is not available today.

**Deputy Danny Healy-Rae:** The Taoiseach and the Government have been advocating that Irish emigrants should return home to complement the workforce. However, many cannot start work once they return home because, for example, they have fallen sick before finding employment. They are being denied the jobseeker’s allowance, carer’s allowance and the disability allowance. Even though they have spent the majority of their lives in this country, they are being denied these basic rights. Why is the Government doing this? They are our flesh and blood. We are trying to attract persons of every other nationality, but, will we, please, look after our own also?

**An Ceann Comhairle:** I ask the Taoiseach to reply on the issue of habitual residence.

**The Taoiseach:** I will ask the Minister for Employment Affairs and Social Protection to send the Deputy a brief explaining why the habitual residence condition needs to apply.

**Deputy Eugene Murphy:** I apologise for coming in on the O’Farrell issue. I fully support the family, as I have in the past.

I wish to ask about the commitments made in the programme for Government and in a number of announcements by my constituency colleague, the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, to provide broadband. The lack of a proper broadband scheme throughout the country is causing difficulties for communities, small businesses and families. The debate has died, but I do not know why. We need to deal with the issue. Is the Taoiseach able to give me a commitment as to when we will see the roll-out of the national broadband plan?

**The Taoiseach:** The Deputy will have to acknowledge that when the Government that includes Fine Gael and Independents took office, just over 50% of premises in the country had access to high-speed broadband. That is over two thirds and will be at approximately 80% by

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the end of this year. Much progress is being made. On the national broadband scheme, we are down to one final bidder and that is currently under negotiation. We are confident we will be able to sign that contract this year.

**Deputy John Brady:** Last year, as Minister for Social Protection, the Taoiseach approved the publication of the general scheme of the Social Welfare, Pensions and Civil Registration Bill. It was hoped to progress Second Stage before the summer recess last year. It did not conclude until October of last year and there was a real sense of urgency. There are obviously huge difficulties with defined benefit schemes. There are serious delays now. The committee is waiting to get it for Committee Stage. We allocated time on a number of occasions, including tomorrow, only to be told that the Minister and her amendments are not ready to move to Committee Stage. A flag was raised by Government last year. It sent out a message to many businesses of the intentions of Government, many of which are actively winding down defined benefit schemes, none more so than Irish Life, which is watching this in the hope that this will pass before its scheme closes on 30 June.

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

**Deputy John Brady:** Will the Taoiseach give a commitment to the staff in Irish Life and all the other people whose defined benefit pension schemes are actively being wound down as we talk about this? Will the Taoiseach give categorical assurance-----

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

**Deputy John Brady:** -----that this will move to Committee Stage without any further delay?

**The Taoiseach:** I understand that is now listed for June.

**An Ceann Comhairle:** That concludes questions on promised legislation. Ten Deputies were unfortunately not reached.

### **Homeless Prevention Bill 2018: First Stage**

**Deputy Eoin Ó Broin:** I move:

That leave be granted to introduce a Bill entitled An Act to amend the Housing Act 1988 to provide a legal definition of persons at risk of homelessness and to give the Minister for Housing and local authorities the power to provide such persons with supports to prevent them from becoming homeless.

As the House knows, the homeless crisis continues to deepen. The vast majority of individuals and families who are presenting to our local authorities are either losing their homes because of vacant possession, notices to quit, through repossession, or are living in unacceptable and heavily overcrowded properties, leading to stress and eventually to homelessness. In almost all these cases, it is known well before the family becomes homeless that they are at risk of homelessness, yet there is no systematic mechanism in place to try to prevent families from entering emergency accommodation or, worse, sleeping rough. What happens when these families present to local authorities? In many cases, unfortunately, they are turned away and told to come back when the notice to quit expires or when they have evidence that they can no

longer live in overcrowded and unacceptable family accommodation. Some local authorities are, thankfully, giving families in these situations access to homeless housing assistance payment, HAP, two months or three months out from the notice to quit. They are then left to their own devices, often in very difficult circumstances, to find HAP accommodation, and without any other supports to deal with some of the issues that there may be in their lives.

This Bill does something very straightforward. It places an obligation on local authorities to do an assessment of these individuals or families at a minimum of 60 days before they become homeless and, on the basis of that assessment, put in place a plan and additional supports to prevent them from becoming homeless. This type of legislation was introduced last year and enacted in England and Wales at the start of this year. Homeless organisations say that it is a model to try to ensure consistency across our local authorities and a greater focus on prevention. When I raised the matter with the Minister recently, he gave the impression that this is happening across all local authorities. I genuinely wish it was but it is not. There is some good practice in some local authorities but it depends on the individual, on the day and on the circumstances affecting the family. We are saying that there should be a clear obligation. If a person walks into a local authority today with his or her partner and children and will be homeless in 60 days, the local authority should have to do an assessment, produce a plan and provide the wraparound supports, whether they are currently there or not, to ensure that before that 60 days transpires, those people do not go into emergency accommodation.

We still have the ludicrous situation of an ever-growing number of families who are in the rental accommodation scheme who have vacant possession or notices to quit. They still are not being told by the local authorities whether they can access HAP, homeless HAP or other options to increase their chances. I know this is not a straightforward issue. This is technical legislation and we can argue over its wording but I urge the Minister to look at the spirit and principle of it and see if he could work with it in the future to ensure every effort is made to prevent individuals and families such as these from becoming homeless.

**Deputy Denise Mitchell:** I welcome the opportunity to introduce the Homeless Prevention Bill. I am sure all across this city and in towns across the State, there are many families who have received the news that they have dreaded, that their tenancy is being terminated, will not be renewed, and that they are being evicted. For many, with the rising costs of rents and the lack of accommodation, this means that they are at very serious risk of becoming homeless. The last thing any of us want to see is anybody becoming homeless. That is why we need to give more protection to tenants. In cases where a person has been given a notice to quit and is on the verge of homelessness, we would have supports in place to ensure that the local authority is obliged to work with them. It is ridiculous that we currently see families who present themselves as homeless being told to come back in a few weeks when they have no roof over their head, and then the local authority will deal with them. This is totally unacceptable. Not only that, but we also have a situation where young people leaving a detention facility or people leaving hospital after a long stay or suffering from mental illness may need particular supports in place before they leave their care settings. This Bill is about giving a legal definition of a person at risk of homelessness. It is about ensuring that there is a plan in place before a person becomes homeless. It also aims to give the Minister for Housing, Planning and Local Government and local authorities the power to work with those at risk of homelessness before they are out on the street.

**An Ceann Comhairle:** Is the Bill being opposed?

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**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 Denise Mitchell:** I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

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

#### **Programme for Government Implementation**

1. **Deputy Brendan Howlin** asked the Taoiseach the status of the implementation of A Programme for a Partnership Government. [21242/18]

2. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on the implementation of measures in A Programme for a Partnership Government. [21282/18]

3. **Deputy Joan Burton** asked the Taoiseach the status of the commitment in A Programme for a Partnership Government on political reform. [21443/18]

4. **Deputy Michael Moynihan** asked the Taoiseach if he will report on the commitment in A Programme for a Partnership Government regarding increasing the role of Ministers of State; and the progress on same. [23436/18]

5. **Deputy Pat Deering** asked the Taoiseach if he will report on the implementation of A Programme for a Partnership Government. [23578/18]

6. **Deputy Richard Boyd Barrett** asked the Taoiseach the status of the implementation of A Programme for a Partnership Government. [23579/18]

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

The Government recently approved its second Programme for a Partnership Government annual report which provides a comprehensive update on progress since May 2017. The report will be laid before the Oireachtas in the near future. It highlights progress on the specific plans put in place to tackle issues, in the short and longer terms, in the areas of housing, homelessness, education, rural and regional development, job creation, broadband, agriculture and climate action. It also underlines the emphasis this Government has placed on ensuring that everyone benefits from the strong economic recovery. Budget 2018 reduced the tax burden on low to middle income earners and weekly social welfare benefits and pensions were increased by €5 for the second year in a row. Funding has been prioritised to increase front-line posts, providing more teachers, nurses, gardaí and Defence Forces personnel. These are measures that benefit everyone in our society.

It also demonstrates that the Government that is looking ahead and planning for Ireland's future. This is reflected in the significant work undertaken in the past year to ensure an effec-

tive whole-of-Government approach to planning for Brexit and maintaining Ireland's position in the associated negotiations. The economy performed strongly in 2017 and job creation was widespread across the country. Incomes have risen by approximately 2.5% quarter on quarter, income inequality is reducing and poverty and deprivation rates are falling. The Government has a set of priorities and actions aimed to protect our economy and jobs from the implications of Brexit. The report acknowledges that despite many measures having been implemented, much remains to be done to bring about further improvements in the areas of housing and health. The Government is resolute in its determination to deliver results for its citizens in all of these areas. This is why investing in housing and health feature strongly in Project Ireland 2040, the ten year, €116 billion investment plan. Despite our best efforts, we do not yet have a health service that current levels of spending should provide. Guided by the Sláintecare report and the recently published health service capacity review, the Government will shortly publish our implementation programme for the future development of Irish health services. This programme will complement the €11 billion infrastructure investment in healthcare set out in Project Ireland 2040, ring-fenced for new buildings, equipment and investment in ICT. The report also highlights the many areas of progress on political reform, including new arrangements in the Oireachtas dealing with weekly business, Private Members' Bills, the new Parliamentary Budget Office and my recent meeting with the Chairs of Oireachtas committees, underlining the new collaborative model.

Ministers will continue to play a central role in getting things done across various Departments, both in carrying out the statutory functions assigned to them and other work assigned to them under the programme for Government.

Two years on, this Government is on the right track and will continue with its ambitious programme over the next three years to invest in and care for its people and to lay the foundations for Ireland's future progress.

**Deputy Jan O'Sullivan:** The Taoiseach referred to two areas on which I wish to ask questions, the primary one being housing. He referred to the budget and spending on housing. Could I ask him specifically about spending on social and affordable housing, and not allowing publicly owned land to be sold or used for private profit? Most house prices are now out of the affordability range for people, in particular in cities, especially Dublin. Will the Taoiseach give us an undertaking that there will be a substantial amount of funding for social and affordable housing and that we will not use public sites for other purposes?

If I am permitted to ask a second question I will ask one about education.

**An Ceann Comhairle:** Yes.

**Deputy Jan O'Sullivan:** There are references in the programme for Government to increase diversity in education. The Education (Admission to Schools) Bill is in the House at the moment. Will the Taoiseach consider reconvening the Citizens' Assembly to deal with diversity in the education system and in particular the fact that patronage is so much controlled by one church, namely, the Catholic Church?

**Deputy Mary Lou McDonald:** The Taoiseach mentioned the Project Ireland 2040 plan. He regularly refers to it as one of the policies that form the centrepiece of his Administration. Why was Rosslare Europort omitted from that strategic plan? That seems extraordinary given the threatened disruption posed by Brexit. The port is significant and important in any event

but it will take on an additional strategic significance not just for the region but potentially for the entire island. Will the Taoiseach explain the omission to me? Will he also address issues around the provision of fibre broadband, in particular in Wexford, but also more generally?

In respect of the implementation of the partnership programme, what is the status of the Taoiseach's discussions with his partner in Government, Deputy Micheál Martin, in respect of prolonging this happy arrangement between Fine Gael and Fianna Fáil? Are we to expect that there will be another lease of life in this partnership Government or are we looking at a scenario whereby, come the autumn, the Taoiseach will call it a day?

**Deputy Micheál Martin:** In fairness, the most recent lease of life given to the Fine Gael component in government was given by Sinn Féin when it strengthened the Fine Gael Party in Seanad Éireann in the recent election. That is a concrete demonstration of the underlying direction of the Sinn Féin Party in recent times as opposed to the rhetoric we might hear from time to time.

In terms of the programme for Government, in the past seven years Fine Gael's handling of health policy has been appalling and has compounded an already difficult situation, in particular in the absence of any proper governance following the removal of the HSE board. Various service level commitments were given in the programme for Government on accident and emergency departments, for example, but we now know that overcrowding in such departments is at historic proportions. That is despite the fact that there is a specific promise in the programme for Government to reduce overcrowding in accident and emergency departments.

There have been significant failures in the mental health area in terms of meeting the targets in the programme for Government and building further capacity in child and adolescent mental health services. Many children throughout the country, in particular in the south, are waiting extraordinary periods to access vital services that are needed for young teenagers who are at risk of suicide and who have very challenging mental health issues. The three commitments on page 66 of the programme for Government are simply not being met in respect of mental health.

I could speak about homelessness.

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

**Deputy Micheál Martin:** May I make one final point?

**An Ceann Comhairle:** Yes.

**Deputy Micheál Martin:** The Government has not been good enough in terms of Oireachtas reform. Will the Taoiseach take the Department of Public Expenditure and Reform to one side and say we have all agreed that proper status should be given to the various entities that have been established such as the Office of the Parliamentary Legal Adviser and the Parliamentary Budget Office? We need high status individuals to come into those offices and not have them pegged at unrealistic levels by the Department of Public Expenditure and Reform.

**Deputy Pat Deering:** It is amazing that it is more than two years since the Government was formed. Many people inside this House and outside it did not think it would last even six months. It is important to point out that the party on this side of the House took responsibility in forming the Government while others were prepared to sit on the fence and contribute to negativity on an ongoing basis.

The Taoiseach in his contribution referred to job creation. One of the good news stories in recent years has been the recovery in the economy and the number of jobs that have been created. It is very important that everybody has an opportunity to go to work and be able to provide for him or herself and his or her family. The target in the programme for Government was 200,000 jobs to be created by 2020, with 135,000 of those jobs to be created outside the Dublin area. I come from the south east, specifically Carlow, which is an area that suffered and is still lagging behind. While recent figures have been encouraging, many people who got jobs in recent times had to leave the area to find employment. The promotion of a technological university for the south east has been promoted as a key driver in recent years. It has been part of the programme for Government since 2011 and we have had numerous false dawns in regard to it. The legislation was passed in recent months. It is now time to see tangible evidence of what will be provided in that regard.

**Deputy Richard Boyd Barrett:** As fascinating as electoral speculation is, most people in the country are concerned with the capacity of Members to deliver on the issues that matter to them. I have a word of advice for all who are speculating. While I would be happy enough to have an election, nobody will be thanked for bringing about an election prompted by considerations of political advantage rather than clear-cut issues and policy-based platforms.

One of the key issues people want to see resolved, which the Government promised it would resolve and on which it would be tested, is housing. Mel Reynolds, the housing analyst and architect, said today that essentially the figures for the delivery of public housing are being massaged. He said the actual number of direct builds is half of what was claimed, which was already an abysmally low figure. The Taoiseach needs to respond to that. The official housing waiting list is 86,000 but when those on schemes such as the housing assistance payment, HAP, and the rental accommodation scheme, RAS, which are not secure forms of housing, are added to the figure, the number increases to 144,000.

I could not get there today but 12 rapid build houses that took two and a half years to be built in Dún Laoghaire on a site called George's Place, were opened today. The families who move into them will be very happy but what is frustrating is that People Before Profit started a campaign prior to the previous development plan for the site to be fully developed for social and affordable housing. Fine Gael and Fianna Fáil voted consistently against its development as a public site because the council wanted to sell off part of it. Even now, only a fraction of the site is being used for the development of public housing because I think the council still wants to sell off parts of it rather than build public housing.

**An Ceann Comhairle:** The Deputy should conclude.

**Deputy Richard Boyd Barrett:** We need a clear commitment, as called for by Mr. Mel Reynolds, that public land will be utilised for public housing.

**Deputy Eamon Ryan:** The programme for Government should focus on the future. I will be seeking the Taoiseach's support over the next six months on the issue of climate change. The Oireachtas Committee on Communications, Climate Action and Environment will be considering the Citizens' Assembly report on climate change. I hope the committee's recommendation will be that we set up a short-term committee which will sit until the end of the year to determine how the recommendations of the Citizens' Assembly could be implemented within the framework of the new energy and climate plan that we must prepare for the European Union, the first draft of which must be submitted by the end of the year. The committee would exclu-

sively deal with how the State works. It would not bring in outsiders but would concentrate on bringing in the Secretaries General of key Departments to outline the measures the Government intends to take to raise our game on this issue. I am just flagging this for the Taoiseach now and hoping that he might support it. I hope the proposal will be presented to the House in the coming weeks. It is one of the ways we can co-ordinate the work of this Dáil with the programme for Government in a manner which I hope is beneficial.

**An Ceann Comhairle:** I suggest that the Taoiseach takes five minutes to answer these questions. We can take some time from the next slot.

**The Taoiseach:** Yes. I have housing, education, Rosslare, the coalition, health, employment in the south east and climate change on my list so even with five minutes, it will be hard to do justice to all of the important questions that have been asked but I will do my best.

On affordable housing, I do not have a specific figure. What we usually do in the context of affordable housing is not so much to provide public money but public land on which affordable housing can be developed. The intention is to use public land for housing but not just for affordable, council or private housing, but a mix of both public and private in the interests of creating integrated communities. Some people would like us to go back to previous policies of building very large council-only housing estates similar to Ballymun, Jobstown or Wellview in my own constituency but I do not agree with that approach. It is better to have integrated communities which is why we will use public lands for mixed developments of private, public and affordable housing.

In terms of social housing, €6 billion has been allocated in Project Ireland 2040. We managed to increase the social housing stock by 7,000 last year. I acknowledge that this was done in lots of different ways. In some instances, local authorities built housing directly while in other cases they bought housing from developers or acquired it through Part V. In some cases, local authorities increased their stock through affordable housing bodies like Clúid Housing and the Iveagh Trust. As Deputies know, the latter has provided public housing in this city for decades. The social housing stock was also increased through the use of long-term leases. There are lots of ways in which we can expand our social housing stock. There is a very active but academic debate about statistics ongoing and I know that the Minister, Deputy Eoghan Murphy, and Deputy Ó Broin love to debate those statistics. I have met and handed over keys to people in my own constituency in places like Waterville, where the council bought houses from a developer, Hansfield, where the council went into partnership with a developer, and Wellview, where the council built houses on its own land and none of the people taking those keys or living in those houses was terribly concerned about what mechanism was used to acquire that social housing. The people just wanted to live in a property that was owned by the council or, at the very least, leased by it on a very long-term basis and they wanted secure tenancy. I saw joy on the faces of people who had been in insecure tenancies or had been living in hotels who were moving into council owned or council leased house with secure tenancy. We can tie ourselves up in knots having very academic arguments about the exact mechanism used to expand our social housing stock but the most important thing is that it happens.

**Deputy Micheál Martin:** It is not happening.

**The Taoiseach:** If that involves a combination of measures, including direct build, affordable housing bodies like the Iveagh Trust, acquisitions under Part V, long-term leases or direct purchase from developers, so be it. That is the best way to do it quickly. We managed to add

7,000 units to our social housing stock last year. I understand that Deputy Ó Broin disputes that and says the total is 6,300. I will not argue over the difference between 6,300 and 7,000 because either way it is a big increase on the previous year's total. We will increase it by even more next year, with the aim of getting to about 10,000 or 11,000 units per year so that roughly 20% of all new homes built in the country in any given year will be publicly owned. That is the space in which we need to be.

In terms of education, I answered a question on the Citizens' Assembly yesterday but I want to restate the Government's commitment to greater diversity in education. We spoke a lot about choice and the right to choose in recent weeks. I also believe in the right to choice when it comes to education. Some people will want a Catholic or Protestant education while others will want to send their children to a Gaelscoil, a Gaelcholáiste, an Educate Together school or to one of the many other types of school that exist. While it is not always possible to give everyone his or her first choice, we should try to provide for choice and diversity in education. We recognise that there are more Catholic run or owned schools than are justified given the changes in our population. We now need to see more schools that are not under Catholic patronage. This is very much underlined in the Government's commitment to providing 300 to 400 additional multi-denominational and Educate Together schools in the years ahead. It is also underlined in our commitment to surveying parents on the type of school they want when a new school is being built. In my constituency, parents in Tyrrelstown decided that they wanted to have a Catholic secondary school and the Le Chéile school has now been built. It is a beautiful school and is doing really well. In other parts of my constituency, parents decided that they wanted an Educate Together secondary school. That has now been built and is also doing really well.

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

### **Freedom of Information Requests**

7. **Deputy Joan Burton** asked the Taoiseach the number of freedom of information requests his Department has received to date in 2018. [21442/18]

8. **Deputy Mary Lou McDonald** asked the Taoiseach the number of freedom of information requests received by his Department to date in 2018. [23290/18]

9. **Deputy Brendan Howlin** asked the Taoiseach the number of freedom of information requests his Department has received to date in 2018. [23582/18]

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

To the end of April this year my Department received 206 freedom of information, FOI, requests. Of these, 121 were granted or part granted, 12 were refused and no records were held in relation to 25 requests. Six requests were withdrawn or handled outside FOI, one request was transferred to another public sector body and 41 requests were ongoing at the end of April. There has been a significant increase in the number of FOI requests received in my Department since the new Freedom of Information Act came into operation in 2014. In 2013, my Department received 92 requests while this figure rose to 290 in 2015 and to 344 in 2017. This represented an increase of 374% over 2013 and the upward trend is continuing this year.

The majority of requests submitted to my Department are non-personal requests and come

from the media. All requests received in my Department are processed by designated officials in accordance with the FOI Acts. If a requester is not satisfied with an FOI decision, he or she can seek an internal review followed by appeal to the Information Commissioner. The FOI statutory framework keeps the decision-making process at arm's length from the political head of the Department. I have no role in the decision-making process for requests received in my Department nor do I see copies of decision letters issuing.

There are two members of staff working in the Department's FOI unit, both of whom perform other duties. Staff from across the Department are also involved in processing requests in addition to their routine duties, for example, in relation to searching and retrieving records and making decisions on requests received. At times detailed and complex FOI requests are received which involve significant time and resource implications for the staff involved.

Section 8 of the Freedom of Information Act 2014 requires each FOI body to prepare and publish a publication scheme. My Department's scheme is published on its website and sets out a range of information about the type of records it holds. My Department also publishes a range of information on a quarterly basis on its website. This includes details of foreign travel expenses, details of invoices paid in excess of €20,000, minutes of the Department's management advisory committee meetings and a log of non-personal FOI requests.

**Deputy Jan O'Sullivan:** Who makes the decisions on when to release information on foot of FOI requests? I ask this because on Friday evening last, while the country was voting in an historic referendum, the Taoiseach's Department released a long delayed batch of records for which journalists had been waiting for some time. These records related to the strategic communications unit advertorial controversy which the Taoiseach may recall. Was there a specific reason for choosing Friday evening? Was this an effort to bury the bad news over the weekend? Separately, is the Taoiseach concerned about how long it is taking sometimes to release records.

**Deputy Mary Lou McDonald:** One of the controversies of note in recent months has been the operation of the strategic communications unit in the Taoiseach's Department, as Deputy O'Sullivan has just noted. It was noticeable that the Department chose last Friday evening to release a number of documents under freedom of information that had been requested by many journalists for several weeks. Was it entirely coincidental that they were released on the day of the referendum? Was Friday chosen as the release date for these documents because of the inevitable distraction of the media focus on the referendum? Is it the case that the spin unit might be gone, but the spin is continuing?

The documents that were released show that a so-called sentiment analysis was carried out by PHD Media to ascertain the perceptions of those who interacted with online advertisements about Project Ireland 2040. It appears that PHD Media planned to track online users who engaged with Project Ireland 2040 content so that they could be targeted for future campaigns. It was also planned to use the Taoiseach and the Tánaiste in future advertisements. Surely the Taoiseach will accept that this blatant politicisation of Government communications flies in the face of his previous remarks on this issue. We are glad that the strategic communications unit has been scrapped, but there are still questions to be answered. Does the Taoiseach accept that the strategic communications unit was a political operation? Does he accept that it was an inappropriate vehicle for him and his Ministers to influence the media and, by virtue of that, the citizens of the State?

**Deputy Micheál Martin:** The reason the Department of the Taoiseach was swamped with

freedom of information requests about the strategic communications unit was that the information was withheld for quite some time. Media inquiries, Dáil questions and letters to senior officials failed to secure the necessary information. Considerable time and expense was required to obtain information which should have been made available more freely. The Taoiseach should not stand over the extraordinary cynicism of releasing a dump on documents on the day of an historic referendum. The documents sought under freedom of information were released at 5.38 p.m. last Friday.

I remind the Taoiseach that his predecessor confirmed previously that while decisions on what to release are taken by officials, it is regular practice for the Taoiseach's political and communications staff to know in advance about potentially controversial releases. Which members of the Taoiseach's staff were aware of the timing of this release? Why did they do nothing to ensure the information was not buried on a busy news day? We know that ministerial advisers in Britain have been obliged to resign over the years as a result of this kind of behaviour. Will the Taoiseach admit that this should not have happened? Will he give a commitment that it will not be allowed to happen again? It falls entirely within his remit in the Department to instruct that no action should be taken which might be construed as trying to reduce coverage.

I know the Taoiseach sees himself as a victim in this issue. He believes his commitment to modern communications has suffered at the hands of a sinister opposition. What has been revealed, and particularly what has been alluded to by Deputy McDonald, confirms that blatant politicisation was involved in this entire exercise. It was an abuse of taxpayers' money for a political project.

**The Taoiseach:** No single person in the Department of the Taoiseach makes all decisions on freedom of information requests that are received. When such requests are received, they are assigned to the relevant section of the Department. Staff deal with requests in addition to their normal duties. The functions of general examination and primary decision-making have been delegated to assistant principal officers and a few higher executive officers in specialist areas. The function of internal review has been delegated to officials not below the grade of principal officer. All requests that are received are monitored by the Department's freedom of information liaison officer.

On the specific question of whether responsibility for requests lies with me or with my officials, section 20 of the Freedom of Information Act 1997 provides for the delegation from a Minister to his or her officials of functions relating to the processing of freedom of information requests. While there is no formal delegation order under section 20, the long-standing practice adopted by the Department and by successive taoisigh, including me, is that the political head of the Department has no role in processing freedom of information requests or determining the timing of the release of information on foot of such requests. When freedom of information requests are received in the Department, the functions of general examination and primary decision-making are delegated to assistant principal officers and a few higher executive officers in specialist areas. As I mentioned earlier, the function of internal review has been delegated to officials not below principal officer grade. All requests are monitored by the Department's freedom of information liaison officer.

I have been asked about the most recent release of documents relating to the strategic communications unit. As Deputies will be aware, there have been a number of freedom of information requests and releases. I have not seen or reviewed the documents in question, but I have seen the online coverage of their release from *The Irish Times*. Its report confirmed that the

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director of the unit, John Concannon, insisted that all Project Ireland 2040 advertorials should be clearly marked as being from the Government of Ireland. Having read that story, I formed the opposite view from that of the Deputies. If I had been given a say in the matter, I would have had these documents released on a slow news day so that they would have received more coverage.

If the report in *The Irish Times* is correct, the documents in question provide further confirmation that many of the allegations made by Deputies against the strategic communications were false. It is regrettable that I have yet to hear any of the false allegations being withdrawn by the Deputies in question. False allegations were made in respect of regional newspapers. It was suggested that the strategic communications unit leaned on the editors of certain publications in some way to ensure prospective candidates were included in advertorials. We know from the report that was compiled by assistant secretary Ms Canavan, and from documents that have been provided by newspaper editors that this was not the case and that these decisions were made by the editors themselves. Unfortunately, I have yet to hear any of these false allegations being withdrawn by the Deputies who made them. I would welcome the withdrawal of some of the allegations. It has also been alleged that the Civil Service code or the public sector standards code may have been breached. We know from the Canavan report that such breaches did not happen. Rather than being precious about this - I certainly do not feel like a victim in this regard - I am asking the Deputies who made the false allegations that have been refuted in the Canavan report or in documents released under freedom of information to go back over the various allegations they made and have the decency to withdraw those that were false.

**Deputy Micheál Martin:** Is the Taoiseach serious?

**An Ceann Comhairle:** We need to move on to Question No. 10.

**Deputy Micheál Martin:** Will the Taoiseach answer the question I asked? Who knew about the timing of the release of these documents?

**The Taoiseach:** I do not know who knew. I did not know. I honestly do not know who knew. I guarantee the Deputy that I was much too busy with the referendum.

**Deputy Micheál Martin:** Did the Taoiseach's adviser know?

**The Taoiseach:** Possibly, but not to my knowledge. We were all pretty busy with the referendum, as the Deputy can imagine.

**Deputy Micheál Martin:** I know.

### **Agreements with Members**

10. **Deputy Micheál Martin** asked the Taoiseach if he has specific deals or arrangements with Independent Deputies. [21487/18]

11. **Deputy Mary Lou McDonald** asked the Taoiseach if he has specific deals or arrangements for support with Independent Deputies. [23291/18]

12. **Deputy Micheál Martin** asked the Taoiseach if the deals being done with Independent Deputies or other Deputies are being updated; and if there have been additions or new commit-

ments regarding same. [23441/18]

13. **Deputy Brendan Howlin** asked the Taoiseach if he has specific deals or arrangements with Independent Deputies. [23584/18]

**The Taoiseach:** I propose to answer Questions Nos. 10 to 13, inclusive, together.

There are no understandings of the nature suggested by the questions with any particular Independent Deputies. A Programme for a Partnership Government sets out the agreement between the party groups and the Deputies who are participating in or supporting the Government.

**Deputy Micheál Martin:** Government deals with Independent Deputies in return for support have been a feature of political life in Ireland for 36 years. The assignment of a small number of officials to facilitate such arrangements is a long-established practice. The refusal of this Government, however, not only to provide details of what exactly it has promised in return for support but also to clarify who is supporting it is unprecedented.

Deputy Lowry has toured County Tipperary telling people he has an arrangement with the Government. There is evidence that he has privileged access to Ministers. The Dáil record shows that Deputy Lowry is one of the Government's most reliable supporters in votes. In recent weeks, he has sided with the Government in votes on matters like fisheries, affordable housing, judicial appointments and data protection. It appears that Deputy Lowry has a much higher rate of attendance for votes than he previously had, although this needs to be confirmed. Is there a relationship between the Government and Deputy Lowry? It is clear from the Deputy's constituency that he is of the view that he has a relationship with the Government. The Taoiseach has filibustered when answering questions on this matter to avoid giving a direct response to a simple question. Will the Taoiseach explain the arrangement he has made with Deputy Lowry? All the evidence confirms that there is such an arrangement.

Deputy Canney has left his group after falling out with the other members of it on the issue of the coin toss that was used to determine who would serve as Minister of State. He has said he is still supporting the Government. Will the Taoiseach confirm whether any special deals or arrangements have been agreed with Deputy Canney?

**Deputy Mary Lou McDonald:** Earlier this month there was a very well publicised disagreement within the Independent Alliance which resulted in Teachta Seán Canney's resignation from the alliance and as Government deputy Whip. It seemed to have been the culmination of a few weeks of disagreement over the position of Minister of State with responsibility for the Office of Public Works. Following a meeting with the Taoiseach, Teachta Seán Canney said he would continue to support the Government on budgetary and confidence issues. I would like to know if the Taoiseach has in place any form of deal with Teachta Seán Canney. I am curious to know whether assurances were provided for him in return for his continued support for the Government.

On another matter, I wonder if the Taoiseach will inform the Dáil whether he and the leader of Fianna Fáil have discussed the impending review of the confidence and supply deal. The two Deputies have taken contrary views on when that should happen, but given that the budget is only a matter of months away, it would be useful for the Taoiseach to inform us of his current thinking on the matter. While it might be a private conversation and arrangement between the two Deputies, it is also a matter of public concern. There ought to be a clear articulation of their positions and the interaction they have had.

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**The Taoiseach:** As I have informed the House before, there are no written or formal agreements with Independents. There is a commitment in the confidence and supply agreement with Fianna Fáil to publish any written agreement. As there are no written agreements, there is, therefore, none to be published. I noted Deputy Micheál Martin's remark about precedents which I do not think are quite correct. I recall that the Deputy was a Minister in a Government that had written agreements with Independent Deputies but which did not publish them on the basis that they were not agreements with the Government but with Fianna Fáil and, therefore, did not need to be published or released under freedom of information legislation. I assure the Deputy that there is no private or secret written agreement with me in my capacity as leader of Fine Gael that I am somehow concealing in the way Fianna Fáil did in the past. There is no written agreement with the Government or Fine Gael. If there were a written agreement, I would, of course, publish it.

**Deputy Micheál Martin:** I did not mention the phrase "written agreement". I asked if a deal had been done.

**The Taoiseach:** The Deputy referred to something as being unprecedented. The precedent was a very strange one - a private written agreement between a Fianna Fáil-led Government and Independent Deputies which was not published or released under FOI legislation on the basis that it was an agreement with Fianna Fáil, not the Government. I assure the Ceann Comhairle that I would not engage in that sort of skullduggery. There is no such agreement of either nature. While there is no agreement or special deal with Deputy Michael Lowry or Deputy Seán Canney, they do support the programme for Government which they believe benefits the country and their constituencies. They generally vote with the Government, although they do not always vote in all divisions. They do, of course, have access to the Government in the same way all Independent Deputies who support it do. That means that they are able to raise queries and issues, often related to their constituencies, on which we try to assist.

**Deputy Micheál Martin:** Therefore, there is a deal.

**The Taoiseach:** That does not constitute a deal.

**Deputy Micheál Martin:** Of course, it does.

**The Taoiseach:** Often for one reason or another, it is not possible to assist, but if it is, we certainly try to do so. In many ways, that courtesy is often extended to Independent Members who do not support the Government. If we can provide them with assistance, we do. Even members of Fianna Fáil and Sinn Féin come to the Government to raise particular issues. On the confidence and supply-----

**Deputy Micheál Martin:** I said it was unprecedented in respect of who was giving the Government support. I asked for clarity on who was supporting the Government.

**The Taoiseach:** I understand Deputy Michael Lowry also supported a Fianna Fáil-led Government in the past.

**Deputy Micheál Martin:** I only found out about Deputy Michael Harty last week in terms of his role as a conduit for the Rural Alliance.

**An Ceann Comhairle:** May we hear the Taoiseach's response, please?

**The Taoiseach:** The confidence and supply agreement states it will be up for review at the

end of 2018. We are in the middle of 2018, not quite at the end of it, but that date is approaching and not very far away. There has not been any discussion on renewing it, although I have expressed my opinion that, as is the case with any agreement, it should not just drop dead one day. If it to be extended, it should be extended in advance, in the same way as we would renew in advance a contract or pay agreement, for example. Governments cannot operate if they are on borrowed time. We are only in the middle of 2018 and my focus is not yet on elections or renewing the agreement. It is very much on the business of the Government, keeping the economy on track, creating jobs, preparing for Brexit and the negotiations related to it, as well as trying to make progress in health, housing and so many other areas.

*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 Frank O'Rourke - to discuss funding for the Abbey community project in Celbridge; (2) Deputy Michael Harty - to discuss supports for St. Enda's national school, Lisdoonvarna; (3) Deputy Sean Fleming - to discuss the credit policy 2018 and the Rebuilding Ireland home loans scheme; (4) Deputy Robert Troy - to discuss the difficulties in the provision of broadband services, by townland, within the national broadband plan; (5) Deputy Brian Stanley - to discuss the plan for the location of St Francis school, Portlaoise; (6) Deputy Mattie McGrath - to discuss the funding of the Canon Hayes recreation centre in Tipperary; (7) Deputy Jackie Cahill - to discuss the protection for subcontractors under State procurement contracts; (8) Deputy Mick Barry - to discuss concerns about the adoption records of St. Patrick's Guild; (9) Deputy Donnchadh Ó Laoghaire - to discuss the GSOC report on the death of Shane O'Farrell; (10) Deputy Louise O'Reilly - to discuss the accommodation needs of St Michael's House, special national school, Skerries; (11) Deputy Michael Healy-Rae - to discuss facilities at the Passport Office in Cork; (12) Deputy Mick Wallace - to discuss the Judicial Appointments Bill; (13) Deputy Bríd Smith - to discuss female suicide levels in the HSE Dublin South district; (14) Deputy Shane Cassells - the need for the development of a divisional Garda headquarters building in County Meath.

The matters raised by Deputies Mattie McGrath, Jackie Cahill, Louise O'Reilly and Michael Harty have been selected for discussion.

*Sitting suspended at 1.55 p.m. and resumed at 2.55 p.m.*

### **Topical Issue Debate**

#### **Sports Capital Programme**

**Deputy Mattie McGrath:** I thank the Ceann Comhairle for giving me the opportunity to raise this important issue. The Canon Hayes Recreation Centre in Tipperary town is struggling to stay open. The centre has been a vital part of this, and the wider, community for more than 30 years. It has been a tremendous community resource and a monumental success for the devel-

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opment of sport and recreation in this area. The Canon Hayes national sports awards are world renowned. I compliment the management and staff of the centre on the job they do.

Major challenges now exist to meet overheads, such as insurance, which is in excess of €30,000 per annum, light and heat, which is in excess of €30,000 per annum, and the maintenance costs on a now 30 year old building. It is worth noting that when the centre was built, the three excellent secondary schools in the town relinquished their entitlement to the provision of duplicate facilities, such as the provision of a main hall or a gym in their schools.

The centre is now struggling and it has applied for several grants, both correctly and very professionally. It met the Tipperary Leader company and county council officials and was advised to submit a joint application under the county council recreation scheme and the South Tipperary Development Company. However, the county council let it down. The proposal was to upgrade the all-weather pitches with a new surface at a cost of €200,000.

A long process ensued to establish how the project could be funded. It was agreed to look at a co-funding project with South Tipperary Development Company and the community facilities branch of Tipperary County Council. On the advice of county council officials who were apprised of all the plans, the committee was advised to apply for a grant of €40,000 and a maximum grant of €150,000 from South Tipperary Development Company.

*3 o'clock*

The committee would have had to provide the remaining €10,000, which it had no problem in doing. However, those involved were completely disheartened to learn that the application for the county council grant was unsuccessful. The disappointment was exacerbated when they heard the reasons for the refusal. First, the project was too big, although it was co-funded. Second, following further questions, they were told that three smaller projects in the county would have to be excluded in order to include the Canon Hayes project.

These matters are with the county council. There is an unwillingness to engage in a joint membership proposal involving the centre and the swimming pool which is under local authority management in Tipperary town. It looks as if the county council has no wish to help or does not want to help.

The capital grants scheme is under the Minister for Transport, Tourism and Sport, Deputy Shane Ross. The committee was even more disheartened as it had been told to apply and did. The deprivation index for Tipperary town is relevant. We all know the reasons for the score. It is a wonderful town with wonderful spirited people, but they have nothing in the way of employment or supports. We question the scaling and grading. The Eircode was used to identify the site and location. We question why and how the decision was made. The committee has received no satisfactory answers from the Department of Transport, Tourism and Sport as to why the proposal scored so badly in the deprivation index. Clearly, the Pobal deprivation index indicates that the relevant part of the town is severely challenged. I have no wish to talk down the town; it is a wonderful town with wonderful people. However, they have got nothing but kicks from successive Governments over the years. They have received no supports. There are other excellent community facilities such as the Moorehaven Centre and many other special facilities. They are organised by people in the true spirit of the late great Canon Hayes. It is not fair that this project has been denied funding.

**Minister of State at the Department of Public Expenditure and Reform (Deputy Patrick O'Donovan):** I am taking this Topical Issue on behalf of the Minister for Transport, Tourism and Sport, Deputy Shane Ross, and the Minister of State at the Department of Transport,

Tourism and Sport, Deputy Brendan Griffin. Unfortunately, they are unable to be here. As a former Minister of State in the Department, I have some knowledge of the issue raised by the Deputy. As someone from a neighbouring constituency, I know the centre to which he is referring.

The sports capital programme, as operated by the Department of Transport, Tourism and Sport, provides funding for voluntary, sports and community organisations for the provision of sports and recreational facilities. Over 11,500 projects have benefited from sports capital funding since 1998, bringing the total allocations in that time to close to €1 billion. The programme has transformed the sports landscape of Ireland, with improvements in the quality and quantity of sports facilities in virtually every village, town and city in the country. The facilities funded range from the smallest clubs to national centres of sporting excellence.

The most recent round of the programme closed for applications in February last year. I was the Minister of State who opened it. By the deadline, a record number of over 2,300 applications had been received. Originally, it was envisaged that €30 million would be allocated. That would have made the allocation of grants particularly challenging. Following discussions with the Minister for Public Expenditure and Reform, Deputy Paschal Donohoe, we managed to secure significant extra funding for the scheme. That allowed us to allocate a total of €60 million to 1,807 sports organisations throughout the country. In the case of County Tipperary alone, a total of 82 projects were allocated funding totalling over €2.1 million.

I will outline how individual allocations were decided. For the first time, the full assessment process and scoring system for the 2017 round of the sports capital programme was published on the Department's website in advance of the assessment work commencing. I was the person who insisted that that should happen. The overall amount available for each county was calculated on a *per capita* basis, with individual allocation amounts primarily decided by the score received at assessment stage based on the published criteria. Extra marks were awarded for applications that demonstrated how they would increase participation, applications that shared facilities and applications for facilities located in disadvantaged areas. The Deputy referred to these criteria. He also referred to disadvantaged area status. The Pobal deprivation index was used to automatically generate the relevant score based on where the proposed facility was located, as shown by the applicant.

I can inform the House that the Canon Hayes Recreation Centre, of which I am aware, has been allocated a total of over €400,000 under the sports capital programme since 1998. This includes allocations made in the 2017 round of the programme of €27,500 towards the cost of refurbishment of the tennis court. As stated, this amount was based on the total amount available for projects in County Tipperary and the score obtained by the application. While this allocation was less than the amount applied for - a problem in applications throughout the country - officials in the sports capital division of the Department of Transport, Tourism and Sport are always willing to work with relevant organisations for grants, provided that the proposed alternative works fulfil all other terms and conditions of the sports capital programme.

The Government is committed to continuing to invest in sports infrastructure. In that regard, the national development plan commits to further expanding the sports capital programme in the years ahead. A full review of the 2017 round of the programme has been finished by the Department of Transport, Tourism and Sport and published on the Department's website. The review suggests some further improvements that should be considered prior to the next round of the programme opening for applications. Among the changes being considered are further

enhanced weighting for disadvantaged areas and an even greater focus on shared community facilities. Furthermore, the Department is committed to allowing all applicants to correct errors in applications during the assessment stage. This will remedy one of the criticisms levied by many people, including me. I expect an announcement on the timing of the next round to be made in the coming weeks. I imagine Deputies of all persuasions and none will welcome this. In that regard, any application for further suitable works at the Canon Hayes Recreation Centre in Tipperary will receive every consideration.

**Deputy Mattie McGrath:** I am not happy with the answer. The cost of the proposed upgrade of the gymnasium and tennis courts came to in excess of €88,000. An application for this funding was made to the sports capital section of the Department of Transport, Tourism and Sport. The committee looked for 95% funding, which would have meant a grant of approximately €83,000, if successful. However, the grant allocated for the project was €27,500, which would not allow either part of the project to proceed, whether the upgrade of the tennis court facilities or the gymnasium. The facilities are in bad condition. They have been badly neglected and are not being maintained by the county council, although it was supposed to do so.

After detailed investigation, it was discovered that the application had scored zero under the heading of level of disadvantage, although the centre is in a disadvantaged area and had scored 22.74 in the Pobal index. Who got the figures wrong? It was not the hard-working committee, the board or the supporters who have paid €100 for tickets in raffles in an effort to keep it going. The problem is in the Departments involved. They are not talking together. We see this a good deal in the Department for which the Minister for Transport, Tourism and Sport, Deputy Shane Ross, is responsible. Why did he or his officials not talk to Pobal to find out why the proposal had scored zero? It should have scored 22.74 since it is considered to be very disadvantaged in the Pobal index. These are the facts, as the Minister of State cannot deny. There has to be a review. I am not citing the figure of the Canon Hayes Recreation Centre committee or mine. They are the figures of Pobal. It is in a disadvantaged area because of the lack of employment and investment in the town. It is not fair to leave the committee or the community like this. The facilities are so well used by so many. Many good sportspeople have come from the town. The Canon Hayes sports awards scheme has been running for decades. The Minister of State needs to go back to the drawing board. The Department has got it wrong and the Pobal figures are correct. This will be an issue in many facilities throughout the country, including the county of the Minister of State and elsewhere. Facilities come of age. After 30 years they need maintenance and upgrading. There is no point in announcing a scheme if the Government is unable to keep the investment upgraded to a reasonable standard.

**Deputy Patrick O'Donovan:** As I pointed out, the centre at the centre of this Topical Issue matter has received over €400,000 in State support under the sports capital programme. It is not an insignificant amount of money. The €27,500 received this time around is not insignificant either. I realise the allocation does not cover the cost of the project as set out, whether for the tennis courts or the gymnasium. However, if there are other works for which the Canon Hayes Recreation Centre committee wishes to apply that follow the original schedule set out by the Department of Transport, Tourism and Sport for eligible works, departmental officials in Killarney would welcome any opportunity to discuss the matter. It is not as if the €27,500 will not or cannot be drawn down. The Department will be open to seeing whether other elements of the project could be realised. As the Minister of State, Deputy Brendan Griffin, said recently, the Department hopes to be able to announce the next round of sports capital grants in the coming weeks.

I have left the Department but in my time, there was an understanding that people who got money previously would not be prevented from applying in future. Allocations of €400,000 have been made but those groups can apply again. I know the centre in question and I encourage Tipperary County Council, the Leader company and the local community to go back to the Department to ensure that every point can be achieved in the application. I know the officials in the Department in Killarney and have worked with most of them. They are very good people and are open to an engagement with any sporting organisation which has difficulties to see how they can boost its points. It is often a matter of the presentation of the application. The Deputy has to appreciate, also, that when thousands of applications are received from across the country, officials can only act based on the documentation and information submitted. That said, I have referred specific cases from my constituency, which is across the Galtees from that of the Deputy, to the Department and the people involved, whether in the GAA or other sporting organisations, always found the Department's officials to be open and accommodating in ensuring the best possible allocation could be made the next time.

I am aware that the Minister, Deputy Ross, is anxious to hear directly about the specific case raised by Deputy Mattie McGrath because he and the Deputy are great friends. I will report directly. I am sure Deputy Cahill and other Deputies from County Tipperary will also have an interest in this. As Deputy McGrath is the person who raised it, I will ensure Deputy Ross reports to him directly.

**Deputy Mattie McGrath:** He should be here to take the matter.

**Deputy Patrick O'Donovan:** He sent a good substitute. The Deputy must admit that.

**Deputy Mattie McGrath:** He is probably out in the dining room.

### **Public Procurement Contracts**

**Deputy Jackie Cahill:** The concept of tendering for State contracts is, in principle, a worthwhile one. There is an obligation on the Government to get the best possible value for taxpayers' money. However, a number of issues are arising on foot of the manner in which the State's procurement process is being implemented. Ireland has a small, open economy and has vulnerabilities other EU countries do not share. The size and scale of the economy is putting Irish contractors at a distinct disadvantage. The fact that the low threshold for all State contracts is €135,000 means virtually everything a State-controlled body does falls into the public procurement system. The local Irish supplier of goods and services who is not, in general, on the same scale as multinational companies is loaded with the huge costs of preparing a tender. In some cases, it can take a staff of dozens to fulfil the obligations of the tender process.

I turn to the example of a supplier of fruit and vegetables to the Garda College who had been supplying the college for decades but had his application turned down on the basis that he had no written plan in place as to how he could continue to trade in the event of major flooding or storms. Does that make the Minister of State feel comfortable about the process? I can give him numerous other examples where bureaucracy has superseded common sense. Local businesses, whether small, medium or large, are being frozen out of the system. We are losing jobs in Tipperary because of it and I am sure it is the same right around the country. The only avenue left open to local businesses is to act as subcontractors to the companies which are awarded the main tenders. It is at this point that local companies find themselves cornered and disadvan-

taged. Another company in Tipperary was subcontracted into a State-contracted construction project. The main contractor had one employee on site while the local subcontractor had 12. The local company was carrying all the responsibility for employment contracts and health and safety but was not benefitting from ownership of the main contract. In fact, the main contractor could not complete the contract, went into liquidation and left the local company with a huge outstanding debt.

The Minister of State must agree that it is unacceptable to put Irish companies at risk like this. Surely, something must change. In another example, block-layers and plasterers were subcontracted into another local authority construction project. Within weeks, the main contractor went into liquidation leaving the block-layers and plasterers with no payment for work done. I checked with the local authority and found that it had paid the main contractor €400,000 and was happy that its engineers had confirmed that €400,000 worth of work had been completed. The local authority had no legal option other than to pay the money to the main contractor while the subcontractors had funded the €400,000 worth of work. This is hard evidence that the current rules are not working. They allow multinational companies to tender for work with competitive pricing on the backs of local companies. We are losing jobs because of this and it is, ultimately, costing the State a fortune. Any analysis will surely show that there is little gain on one side of the balance sheet while we are losing a fortune on the other. The *status quo* is not an option. There must be some protection for local Irish companies.

**Deputy Eamon Scanlon:** I have a solicitor's letter regarding a company which presented in the High Court with a petition for examinership on 16 January. On 3 May, the scheme was approved by order of court with an effective date set as 14 June 2018. Four companies have been in contact with me in regard to moneys owed. The Minister of State and I met a gentleman from that part of the world in Arigna a number of months ago. Sadly, the same individual has been badly caught again, this time for €70,000. A plant hire company is owed €17,000, a machine company is owed €23,000 and another company is owed €60,000. This money is all owed by one company in one area on foot of work in regard to which it was supported with State grants. The company has paid none of these people since September 2017 notwithstanding the fact that they continued to work on site into 2018. These companies have been offered 1.75% of the debts owed to them. That is €403 in the case of the €23,000; €1,200 in the case of the €70,000; and €1,000 in the case of the €60,000. This is legal robbery and it cannot continue. Small companies are being put out of business and their employees' jobs are being wiped out by legal gangsterism, which is what this is.

**Deputy Patrick O'Donovan:** I have met Deputy Scanlon on this issue before. Having grown up in a household which depended for its income on construction, I have told him frankly that the activity to which he refers is intolerable. Deputy Cahill has raised another couple of issues relating to procurement of goods and services in general and I can address those separately and in summing up. He makes a number of points to which I want to reply.

Unfortunately, these are not new developments, nor, as the Deputies said, are they confined to State contracts. Deputies Scanlon and Cahill have raised cases and I will gladly take the details from them when I leave the Chamber. The cases cited stem from a failure on the part of a main contractor to pay for work that has been carried out by a subcontractor. Former Senator Feargal Quinn's Construction Contracts Act was developed in consultation with industry to address these poor payment practices. The Bill was introduced in the Seanad in 2010 when the late Brian Lenihan was Minister for Finance. His Department spearheaded the Bill and it received cross-party support in both Houses. It was enacted in 2013 and applies to all construc-

tion contracts that were entered into after 25 July 2016. That small and medium enterprises are still not in receipt of payments due on construction projects was unacceptable then and it remains so today. It is all the more galling when it arises on a public works contract as it is the State that pays the main contractor what money is due. The State always pays when the money is due.

The conditions of most construction contracts in use between construction clients and building contractors in both the public and private sectors require that payments be made at defined intervals, which is to say in staged payments, and that payment is contingent on work being completed to a predetermined standard. Once that payment is made to the main contractor, there is an expectation that it will, in turn, pay its subcontractors. This is set out also in contract law and is not something unique to this situation. Usually, there is no contractual obligation in this regard in the contract between the construction client and the main contractor because the matter is left to the commercial arrangements between the supply chain members. This point was raised at the time of the debate, namely, that there is a commercial relationship between each of the principal and subcontractors down the line. That is where the problem arises. The issues identified by former Senator Quinn during the development of the construction contracts legislation highlighted an absence of formal contracts in many cases along with sharp payment practices by some, even where a formal contract did exist. The Deputies have raised this again today. Now enacted, the Construction Contracts Act 2013 imposes payment regulations on all construction contracts, public or private, whether they be written, oral or otherwise, and provides the tools necessary to enforce payment. These include a maximum payment interval of 30 days and a requirement to honour payment requests within 30 days for subcontractors, a right to suspension for non-payment and a right to refer a payment dispute to adjudication. The legislation also outlaws the practice of pay-when-paid provisions which were prevalent in most forms of subcontract.

Whilst much of the interest from industry surrounding the Act was centred on the introduction of adjudication, it is the discipline that the legislation imposes on payments that would appear to be have been largely ignored - this is the point that the two Deputies have made so comprehensively. Arguably, these are the most important provisions in the Act but they require the subcontractor to enforce its entitlements with the contractor pro-actively in the manner prescribed in the legislation, which enjoyed all-party support at the time, for payments that are due.

The Act does not cut across the normal rules for company liquidation or receivership to which Deputy Cahill referred and where this arises there is no avenue for recovery. This point is laid out in law as well. However, the magnitude of the exposure that many subcontractors and their families currently face upon the insolvency of a contractor would not arise if the provision for payments were insisted upon and the remedies available were exercised where payment is not forthcoming. I understand the reasons and I am not averse to it because I grew up in a house that was directly affected by this kind of carry on.

The issues raised by the Deputies would suggest that subcontractors are not exercising the rights provided for in the Act. There may be a reason for that. To be quite honest about it, I can understand why that is so. While I appreciate a certain reticence to engage in the manner prescribed in the Act for fear of risking business relationships, subcontractors need to question whether it is worthwhile doing business.

In relation-----

**An Leas-Cheann Comhairle:** The Minister of State will have to use his other two minutes.

**Deputy Jackie Cahill:** The Minister of State has recognised that there is a problem. The procurement process needs to be re-examined. Small local companies are at a severe disadvantage and we are not helping. Often we talk here about what we can do for rural Ireland. This legislation is not helping and it has to be re-examined. We must put a level playing field in place so that local contractors themselves can win the contracts rather than going in as subcontractors where they have no rights.

Deputy Scanlon referred to unsecured creditors getting 1.75% of what they were owed when a company went into voluntary examinership. I will not name here the company that did it locally in my constituency but in the middle of January, it went into voluntary examinership. On 24 April, the company came back out of voluntary examinership and then traded away as normal again. Unfortunately, the company's local subcontractors only got paid 1.75% of what they were owed. No local businesses can carry that kind of a burden where a man who is owed €50,000 or €60,000 only gets paid a fraction of that. This has to change. The legislation has to change. This voluntary examinership is not working.

**An Leas-Cheann Comhairle:** If Deputy Cahill wants to continue with the two minutes, there will be no time for Deputy Scanlon, who only has 30 seconds.

**Deputy Eamon Scanlon:** I will be brief. Deputy Cahill covered most of what I want to say.

Since the company came out of examinership, that company has been paid €700,000 for some of the contracts that were already done and where subcontractors were not paid. This is another issue. As Deputy Cahill said, when a person is owed €70,000 and gets €1,200, he or she has no hope of surviving in business. The law must be changed to support small companies employing ten or 12 people who go out and do a decent day's work and then get stung like this. It is disgraceful.

**Deputy Patrick O'Donovan:** I meant to say in my earlier reply that Deputy Cahill referred to different issues. We talked about procurement not working and then about the construction issue. In fact, procurement is working. Some €12 billion is spent by the State in Ireland on an annual basis. Over 90% of it is spent with Irish companies and of that over 50% is spent in the small and medium-sized enterprise, SME, sector. I chair the SME leadership group within the Department of Public Expenditure and Reform. We are constantly looking for Deputies who have particular issues to bring them forward to myself and I will discuss them with the Office of Government Procurement. The Office of Government Procurement is constantly looking at ways in which we can improve matters.

I acknowledge the points the Deputies raise on unacceptable behaviour in construction, which is a separate issue because it comes in under the construction contracts element of the Department of Public Expenditure and Reform and a complicating factor of which is that the covering legislation, Construction Contracts Act 2013, that former Senator Feargal Quinn brought in and that was then adopted by the Dáil, is now with the Department of Business, Enterprise and Innovation. As a state or as a contracting authority, our contract is with the principal contractor. The law of the land states that we are required to pay when a certain stage is met, and we do that. We live up to our side of it. If there are contractors who are not living up to their side of it, there is a problem. That is why the enabling legislation was enacted and that is why I encourage people to familiarise themselves with it.

I can understand this issue will come to a head with the €116 billion the State is about to spend under Project Ireland 2040, part of which we announced today. While we do not want to have the same fields of white elephants roaming around the country as roamed around under a previous national development plan, we want to make sure that we get value for money but at the same time that people are properly looked after.

I will take the points the Deputies raised in relation to specific companies - it would not be appropriate to raise them in the House - and have a look at them with the Office of Government Procurement, OGP. I have already discussed the construction issues that the Deputies raised with my colleague, the Minister, Deputy Donohoe. I am committed to trying to see whether there are resolution methods that can be adopted without additional legislation. I will revert to both Deputies. I look forward to working with both Deputies and anybody else as well.

### **School Accommodation**

**Deputy Louise O'Reilly:** I sincerely hope the Minister of State, Deputy Mitchell O'Connor, has come in here with some good news for me because the people in St. Michael's special school in Skerries truly deserve it. They recently had an inspection and the inspector found that the teaching and the learning in this establishment is exemplary. I have met some of the parents, I have met the children and I have met the teaching staff there. One could not meet a more dedicated, hardworking and nicer bunch of people.

However, the conditions in which they are delivering services are unacceptable. As the sun is shining - I am not here to give out about the sunshine - it gets uncomfortably warm within the school. The good news is at least they can go outside. When it is cold, they have no large hall in which to congregate. They are operating in a building that is not fit for purpose.

My understanding, and the Minister of State may correct me if I am wrong, is that Fingal County Council has confirmed that it has found a site. As far as the local authority is concerned, its work is done as the site is located and it is over to the Department. There was a board of management meeting earlier on this week, a phone call was placed to the Department to get an update on the position and the board of management has not received an update yet.

I represent the constituency with the fastest growing population in the State. Having many young people in the constituency is good but not being able to look after the children in the constituency is not good. As we speak, there are at least five children for whom there is no school place. These are children who have special needs. These are children who would benefit significantly from being in St. Michael's school. If I had an hour, I could spend it talking about those involved and the good work that they do. Colleagues of the Minister of State have visited the school. Anyone who does could not fail to be impressed.

I am not the only local representative who has raised this. The reason we have is because it is a lovely place and they are waiting a very long time to get suitable accommodation. I do not know how the staff manage to put up with it. The accommodation they are in is wholly inadequate and unsuitable and extreme temperatures, either hot or cold, show that up.

I have my fingers crossed here that the Minister of State has some good news for me.

**Minister of State at the Department of Education and Skills (Deputy Mary Mitchell)**

**O'Connor):** I thank Deputy O'Reilly for raising this matter.

I am taking this debate on behalf of my colleague, the Minister for Education and Skills, Deputy Bruton, and wish to apologise on behalf of the Minister who cannot be present due to a prior commitment. I will make sure to convey to him the matters raised in this debate.

St. Michael's House special school was established in 1982 and is located in a rented building with temporary accommodation in Hacketstown, Skerries, County Dublin. The Department is committed to providing a permanent accommodation solution, and in that regard a project to deliver a new school building for St. Michael's House special school on a greenfield site has been included in the Department's six-year capital programme. It is planned to provide a new school building for St. Michael's special school to accommodate a 14 classroom school, expandable to 16 classrooms, to include classes for pupils with mild general learning difficulties, autism spectrum disorder, multiple disabilities and severe and profound disabilities. The Department is working closely with Fingal County Council in accordance with the memorandum of understanding on the identification and acquisition of a suitable site to facilitate the school building project.

The site acquisition process for this school has been ongoing for some time. Initial efforts were focused on acquiring land in the vicinity of the school's current location which was preferred by the school authorities. Efforts in that regard were unsuccessful and subsequently the current site option was identified. The acquisition process was paused for some time while the Department engaged with the school authorities regarding potential alternative accommodation which was available at the time. Based on the outcome of this engagement, the site acquisition process recently restarted and negotiations with the relevant landowner are at an advanced stage. I confirm that a potential permanent site option has been identified and is being progressed.

The Department, with the assistance of Fingal County Council, is engaging with the landowner. Department officials are working to clarify some technical issues on the development of the site and this assessment process is expected to be completed in approximately two weeks, assuming no issues arise. Once these technical queries have been clarified, agreement on the terms of the site acquisition can be finalised and it is anticipated that the conveyancing process can then be advanced by the respective solicitors.

**Deputy Louise O'Reilly:** That is not all negative-----

**Deputy Mary Mitchell O'Connor:** It is pretty positive.

**Deputy Louise O'Reilly:** -----but it is not a date. I understand it is positive, but it is not a date. The Minister of State will appreciate that as we head towards the summer break when the kids will be heading off, it would be very helpful if we were heading into the summer knowing there was a definitive date. Reference was made to a potential permanent site option. My understanding is a permanent site option has been identified and that this process is under way. The Minister of State also referred to clarifying some technical issues. I appreciate she will not have the information with her here but she might provide to me in writing what exactly those issues are. If there are stumbling blocks and the staff, parents or any of the local representatives can help in any way with that, we certainly will because there is great affection for the school in our local area.

It would be preferable if we could identify a date. The Minister of State will appreciate, and

she alluded to it in terms of the pausing of the process, that it is something that has had a lot of false starts which have not been helpful. There are five children for whom there may not be a place to go to school. They are children with special needs. They are the children we should be looking after the most. They and their parents do not have sight of what school the kids will be going to in September. There is definitely a need. My fear is by the time the school is built, the need will have outstripped even the new school. The Minister of State might advise me, even if it is in writing, of the technical issues and confirm that a permanent site option has been identified, not a potential permanent site option. My understanding is the site has been identified.

**Deputy Mary Mitchell O'Connor:** I am sure the Deputy can appreciate, as most people in the country can, that dealing with legal conveyancing takes time. I confirm the Department is committed to progressing this project and will continue to liaise with Fingal County Council. The acquisition process for a permanent site is under way. The Department is aware of the limitations of the current temporary accommodation and every effort is being made to progress the permanent accommodation for the school as quickly as possible.

### **Educational Supports**

**Deputy Michael Harty:** I raise the issue of Lisdoonvarna national school. Lisdoonvarna is a very famous town in County Clare. The school has had to take in 18 extra pupils over the past three months because a direct provision centre opened in Lisdoonvarna at the beginning of March and now has 115 asylum seekers, 18 of whom are schoolgoing children attending the primary school. The sudden influx of pupils has put substantial pressure on the resources of the school and its ability to deliver education to the highest standards.

It was a controversial decision to place the direct provision centre in Lisdoonvarna. The school openly embraced taking in the 18 children. The school was quite enthusiastic about bringing them in and assimilating them into the community. The school expected that it would be allocated extra resources. The real pressures that were going to come from the direct provision centre were on educational services and health services. The school expected that extra supports would be put in place and it enthusiastically embraced the students. The school expected it would get an additional teacher. It is looking for an additional language teacher and an additional classroom teacher because the number of pupils in the school has risen by 13% in a very short time.

The students, being asylum seekers, have language difficulties and educational difficulties. The school is in a very vulnerable position. The pupil-teacher ratio has increased and the extra 18 pupils have exceptional needs. In the future there may be more than 18 pupils because the nature of asylum seekers is that they are transient. The number of such students attending the primary school may increase beyond 18. The existing pupils in the school prior to the arrival of the asylum seekers had a standard of education that was very high, but that will invariably be diluted unless new resources and extra teachers are put in place to accommodate their needs.

The school is looking for a reduction in the pupil-teacher ratio because of the extraordinary and unique circumstances of having such an increase in numbers and asylum seekers who require greater time and attention from the teachers. The school is not looking for DEIS status but for a DEIS-type ratio for the school. The problem is that Lisdoonvarna is being treated as just an ordinary national school that has had an increase in pupils. It is in an extraordinary position in that the increase in pupils comprises asylum seekers and they have exceptional needs. I

understand the Department has allocated a half-time equivalent language teacher to the school and that is very welcome. The school requires an additional classroom teacher to accommodate the extra numbers.

Lisdoonvarna should be seen as a template for the future in situations like this because direct provision centres may be opened in other towns like Lisdoonvarna. There should be an anticipation of the needs rather than the needs being arrived at first. It should be anticipatory rather than a crisis situation. Lisdoonvarna could be used as a template for other schools and as a beacon for the future.

**Deputy Mary Mitchell O'Connor:** I am taking this debate on behalf of my colleague, the Minister for Education and Skills, Deputy Richard Bruton. I apologise on his behalf as he cannot be present owing to a prior commitment. I will, however, make sure to convey to him the matters raised in the debate. I know Lisdoonvarna very well.

Education provision on an inclusive basis is a fundamental principle of the education and training system. Ensuring every child is supported and given the opportunity to reach his or her full potential is a key priority for the Government and the Department is committed to improving educational outcomes for children in the protection process.

In March the Reception and Integration Agency of the Department of Justice and Equality opened a new direct provision centre in the King Thomond Hotel in Lisdoonvarna, County Clare. The contract is for the provision of services for a maximum of 115 persons and for a fixed period of one year. The provision of accommodation services beyond that date will be subject to a new process and the contract will not be renewed automatically. To date, the Reception and Integration Agency has dispersed 107 asylum seekers to Lisdoonvarna on a phased basis, 36 under the age of 18 years.

The direct provision centre in Lisdoonvarna is one of a number opened by the Reception and Integration Agency across the country in recent years. The Department of Education and Skills has seconded an official to the agency to support the education aspects arising from accommodating asylum seekers in direct provision accommodation. Owing to the *ad hoc* nature of requests for asylum to the agency, it is not possible for the Department to be advised significantly in advance of the fact that a centre is being opened or details of the numbers of children and adults or their ages.

The education issues which arise for local schools and education and training boards relate to capacity in terms of the numbers and age profiles of children and to the English language competency of the adults. The impact of the opening of a direct provision centre on local schools, therefore, needs to be considered on a case by case basis. When the relevant information is available from the Reception and Integration Agency, the Department works with local schools, the education and training board and Tusla on education provision for residents of the proposed centre. St. Enda's national school, Lisdoonvarna has enrolled ten pupils who are resident in the direct provision centre in Lisdoonvarna and indicated that it will enrol a further eight in September. From the outset, departmental officials have been engaging directly on an ongoing basis with the principal of the school to advise and assist him in the process of accessing additional educational supports required to provide for the needs of the additional cohort of children.

**Deputy Michael Harty:** I have visited the centre in the King Thomond Hotel in Lisdoon-

varna and the facilities are of a very high standard. The asylum seekers are looked after very well and are assimilating into the community. In spite of the many reservations of the local community, they are being welcomed and their adult educational needs and other requirements are being met. The school is in exceptional circumstances and needs to be treated as an exceptional school, rather than as just an ordinary school following the normal processes, when it applies for extra teachers and supports. It is important that it not be viewed as a normal school with an influx of indigenous pupils. It is taking in an extraordinary group of pupils with special needs. I congratulate the principal, Mr. Michael James Malone, who has embraced the children and welcomed them into the community. He was very enthusiastic about accepting them into the school and still is, but he is concerned about their educational requirements. The school should be treated as unique. The allocation of a half-time language teaching post is very positive and the school is very appreciative, but I would like the message to be conveyed to the Minister that an extra whole-time classroom teacher is a requirement to deal with the extraordinary needs of the students.

**Deputy Mary Mitchell O'Connor:** The school recently applied to the independent staffing appeals board for a teaching post in English and has been granted an additional half post. Should it receive more enrolments in September, the board of management can apply again in October for further support. The school has also applied for an additional post based on its developing status. A decision on this application will be made in the near future. The principal, Mr. Malone, has been advised that if he believes the school profile has changed to such an extent that it cannot provide for the special education teaching needs of the pupils from within the current allocation, a review of resources may be sought from the National Council for Special Education on the grounds of exceptional circumstances. Officials of the Department of Education and Skills will continue to engage directly with the principal on the resources required to meet the needs of the additional cohort of children. The school may continue to apply for additional resources as children are enrolled from the centre having established the additional educational needs of the children, including their language needs.

### **Residential Tenancies (Greater Security of Tenure and Rent Certainty) Bill 2018: Second Stage [Private Members]**

**Deputy Jan O'Sullivan:** I move: "That the Bill be now read a Second Time."

I am presenting the Bill on behalf of the Labour Party and sharing time with Deputy Brendan Ryan.

The Labour Party is bringing the Bill before the Dáil as the number of individuals and families being squeezed in the private rented sector grows daily, as their level of insecurity and fear of homelessness also grows. It comes in the week when we expect to hear that the number of people, including children, who were homeless last month is likely to be close to 10,000. I expect the Minister to publish the figures this week because last month they were published on the 30th day of the month, even though in the previous month they had been published a little earlier. As a large proportion of the number will be children, we now live in a country with thousands of children in homeless services.

The Bill also comes on the day when four organisations that work at the coalface, Barnardos, Focus Ireland, Simon Communities and the Society of St. Vincent de Paul, highlight the hidden homeless who are living with relatives, without autonomy, adequate space or security.

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Mr. Fergus Finlay of Barnardos has estimated that there could be 20,000 or more in that category. It also comes on a day when it has been revealed by Mel Reynolds that the number of local authority homes built last year was not 780 as previously claimed but 394 because turn-key houses bought from private builders were included in the figures. It comes a week after the review of rent predictability measures. The rent pressure zone legislation was put on the Department's website but I do not believe there was any accompanying press statement. It is quite limited in its proposals and I will return to it later when dealing with the issues facing tenants. I understand the Minister intends to bring forward legislation, which he indicated again this morning, in June to amend the residential tenancy legislation. I would urge that it be more ambitious and comprehensive than what seems to be indicated in what I read on the Department's website, which was quite limited and did not address some of the issues that were to be addressed in that review. I look forward to the Minister's response in that regard.

The fact is that fear and insecurity are rife among our fellow citizens who are renters, whether through choice or necessity. Most people who are being made homeless end up that way because their rents have been hiked up or they have been put out of their privately rented accommodation because their landlords have said that the home is needed for a family member, that the place has to be done up or that it is being sold.

The main purpose of this Bill is to address the real and distressing circumstances in which people find themselves. It is urgent that there are the kinds of protections that are the norm in other European countries. Many of us know people living in Germany, France and other European countries where there is a substantial suite of measures that protect renters and allow them to make a long-term home in rented accommodation. It is quite the norm in many other countries but we are not in that space. We have many accidental landlords and much insecurity. I would be particularly concerned about older people who are living in rented accommodation and who are very worried about their futures. I have met some representatives of older people and that is a particular worry now with which we should concern ourselves. I am also very concerned about children.

I published the Housing (Homeless Families) Bill on behalf of the Labour Party, and it was accepted in this House. It is designed specifically to consider the needs of children who are in homelessness and where they are simply described in the legislation as dependants of adults who are homeless rather than having the kind of rights children need in their own right. For example, they need to have play space, to be near their friends, to have places to eat, places to do their homework and all of those activities that are so important for children. They need to be specifically catered for by the housing authorities and by the State.

The anxiety and misery endured by families and especially children needs to end. We have had many debates on housing and we all know that more supply of housing for people at all levels of income is crucial. That goes without saying. We particularly need more social and affordable housing. During Taoiseach's questions today I raised with him again the need to use the 700 or so publicly owned sites for social and affordable housing rather than for private profit. I was disappointed when he talked about the social mix and that he indicated the private was very much part of it. If affordable purchase is part of it, that housing will be private too and they will be people with jobs and incomes. I do not accept the level at which local authorities now appear to want to involve the private sector in publicly owned sites.

While we wait for this supply to ramp up, the private rented market will be the only space available for so many families with different needs and, in most cases, limited income. It must

be made a safer, more secure space for those people.

The Constitution contains property rights but they are supposed to be balanced with social rights and the needs of the common good. I strongly urge that, in the homelessness crisis, the common good needs to be served by giving people the kind of certainty and security their counterparts in the rental sectors in most European countries have. This needs to happen in a comprehensive way. The drip feed of change that has happened so far does no service to tenants or landlords.

An example of an area that is outside the rent pressure zones is my city of Limerick. There is constant speculation that Limerick may be included in the rent pressure zone the next time around, and the Minister's predecessor suggested that when he was in Limerick some time ago, but it has not been included yet. It is an incentive for landlords to put up the rent in advance of the possible inclusion of an area in the rent pressure zones. The drip feed is not helpful and the proposal in our legislation that would include the whole country as a rent pressure zone would eliminate that problem.

The Labour Party is presenting this Bill as a comprehensive measure to provide security of tenure and rent certainty to tenants. It is designed to protect people from losing their homes in the context of soaring figures relating to homelessness. I welcome the indications of support we have received from other parties and Members and the fact that the Government has indicated it will not oppose the Bill. We know that a large number of Bills have been sent to the Select Committee on Housing, Planning and Local Government for Committee Stage, including the Housing (Homeless Families) Bill, but what we all want to achieve is the implementation of the measures we have been proposing. What I and the Labour Party want to achieve is the implementation of the measures contained in this Bill without delay. I ask the Minister to consider incorporating them into his Bill which is due to be published quite soon, and he might clarify that.

Before I go through the detail of the Bill, I want to cite a few of the many individual stories we have heard, which make a huge impression in terms of the reality of people's lives. This morning when the groups, Barnardos, Focus Ireland, Simon Communities and the Society of St. Vincent de Paul, got together, they gave a number of examples of people who are in hidden homelessness. I want to quote from two people who are in hidden homelessness because they lost their private rented accommodation. One of them is Jenny and her Mam. I will not read their story in full but this will give an understanding of their circumstances. Jenny is seven years old. She shares a single bed with her Mam in a small room in a house share. All of Jenny's clothes and toys fit into two drawers under the bed. There is a TV in their room and a fridge for some food and snacks. Jenny is the only child who lives in the house. The other grown-ups who live there stay up late each night playing loud music and sometimes shouting. There are often visitors coming and going until after midnight. Jenny makes up excuses whenever her friends ask can they visit her house. She has not told any of them that she shares a bed with her Mam or that she eats her dinner on the bed every night.

Jenny can still remember when she and her Mam had a home of their own. It was a nice apartment with a bright kitchen where Jenny used to eat breakfast every day. They had to move out of the apartment as the building was being refurbished. Rents in their town had increased so much that all Jenny's Mam could afford was a single room in a house share. Her Mam said it would only be for a little while, but Jenny has had two birthdays since they moved in. That is an example of two people who had to move out of their home because they were told the accommodation was being refurbished. That is one of the measures we address in our Bill.

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The other example from which I want to quote is the story of Laura, Noel, Barry and Sam. Laura, Noel and their two sons, Barry and Sam, aged eight and five, became homeless when their landlord decided to sell the property they had been renting for the previous eight years. They frantically looked for alternative accommodation, but there were hundreds of people eager to take the few places that were available to rent. The family have been on the housing list for nine years but they have had no offer of a house in that time. Once their eviction date came, faced with moving the family into emergency accommodation, Laura and her husband, Noel, decided instead to split the family up. Laura and the boys moved in with Laura's parents and Noel moved in with a friend. Their dog, Blondie, was sent to live with a relative in another county. Over a year later the family still do not have a home of their own and continue to live separately.

I will give an example from my constituency of a person I know quite well whom I will call Catherine, even though that is not her name. Even though she is living in one of the suburbs of Limerick that has very high rents, she does not qualify to be in a rent pressure zone. This is one of the areas the Minister needs to address. Rent pressure zones take in entire local electoral areas, and the local electoral area in this case contains rural as well as urban areas. The rents are much lower in the rural areas, so that does not help the people who live in the suburban areas.

Catherine is working. She is separated with two children. She was given a huge rent hike that she was not expecting which she simply could not afford. She tried everywhere to get something affordable and in the end had to move far outside the city, far away from her job and from the children's school, which was the only option she had having tried whatever she could to get appropriate accommodation.

This is an example of the problems for a city such as Limerick that is not included in the rent pressure zones. I urge the Minister to look at that particular measure. It was to be covered in the review but I did not see anything in the documentation I have that would indicate that this is being done.

In the time I have left I will go through some of the detail of different sections of the Bill. I will not go through them in chronological order but I will address the different themes.

On rent certainty we propose, as have many other Members in the House, that rent should be linked to the increase in the cost of living and it should not go any higher than the consumer price index. We also propose that the rent pressure zone should apply to the whole State. Not only are cities, such as Limerick, in trouble in this context, it also affects peripheral areas just outside existing rent pressure zones.

We propose a number of measures on security of tenure, one of which is that the sale of the property should not be allowed as grounds for the termination of a tenancy. The fact that a landlord is selling the property should not give him or her the right to evict the tenants. The National Economic and Social Council in its report on the rental sector in Ireland said:

Removing sale as a reason for ending a lease would significantly improve secure occupancy and the Council recommends that this be adopted for Ireland. One view is that this could reduce the price that those selling rental properties could achieve, compared to the price with vacant possession. On the other hand, the more the Irish rental system is driven by long-term yield, rather than changing asset prices, the higher the value purchasers will

put on properties with an existing, secure rental stream.

There are two sides to that argument. Refurbishment would need to be substantial before a person should be asked to move. This was one of the examples that I quoted.

Where it is claimed that the property is to be used for a family member, we propose that this reason should not be as wide as it is, such as, for example, when a niece or a nephew can be said to need the property. We want to tighten this up to the immediate family such as spouse, partner, children or stepchildren.

We want to see longer Part 4 tenancies. Deposits should be no more than one month's rent. We are aware of landlords who ask for two or three month's rent. We also want to see the deposit protection scheme come in within six months. This is already provided for in legislation; I published it when I was in that role. The previous rent information should also be available to new tenants, so they know what the rent was and they know if it has been raised illegally.

We propose that receivers have the same duties as landlords. Many people are in tenancies under a receiver and they do not have the rights that other tenants have, such as to have the property maintained and so on.

This is a summary of the Bill. I very much welcome the support that has already been indicated. These are practical measures to protect renters. I understand the Government will not oppose the Bill but I really want to see these measures implemented to protect the people who, more and more, are in really precarious situations in the private rented market.

**Deputy Brendan Ryan:** Despite the best efforts of the Government, landlords continue to dance around, or through, attempts at increasing security of tenure for renters. We believe that if enacted, and not just accepted, this Bill would be a real tenants' Bill. The measures in the Bill provide real protections for tenants, as outlined by Deputy O'Sullivan.

The housing crisis is not abating and I am concerned that there has been a definite shift by the Government towards the private rental sector and the private market as a means of solving this crisis. We need a State-led approach that focuses on building not on leasing. The focus should minimise any need to enter the private market to buy homes and in doing so competing with regular people, which I know is happening also.

While many renters find themselves at the coalface of this crisis, we need to put in place further emergency measures as exist in this Bill to protect them. When one is on the front line of the housing crisis dealing with people day in, day out, as many Members do, it never ceases to amaze the measures landlords undertake to end good tenancies for the goal of increased profit.

The problem is that the attempt to start building local authority housing in 2014 and 2015 as part of a real State-led approach to the housing crisis was halted and the focus has shifted too greatly towards the housing assistance payment, HAP and to the landlord-led solution. This compounds the housing crisis and keeps people in bed and breakfast accommodation and in family hubs.

Will the Minister tell the House why Fingal County Council housing projects that began the planning process in 2015 still do not have a shovel in the ground? Some have been finished, but it took three years to build nine houses in Balrothery, County Dublin, which the Minister of State, Deputy English, recently officially opened. It is four years since construction started on

70 houses in Lusk. Meanwhile, projects in Swords and Balbriggan that began in 2014 and 2015 have made had no progress at all. In the past two years, there has been next to no council house developments going to planning. It seems there is an ideological shift back to the solution of Part V properties and private rental accommodation from landlords. I put it to the Minister that this is not good enough.

Some landlords are running rings around the regulations. Fingal, for example, is in the rent pressure zone but many tenants are not aware of this and they engage in new rental agreements over and above the 4% limits, petrified that if they do not they will end up in a hotel or in bed and breakfast accommodation.

Our Bill calls for the entire State to be designated a rent pressure zone for a period of three years. This needs to be hammered home. I have had a case in Fingal in which a landlord gave notice to tenants that they had to leave as the house needed to be remediated for pyrite. One of the tenants accepted the notice and moved out. Within a week, there was a new tenant in place, no doubt paying a higher rent, and no pyrite remediation works had started because the house did not have a pyrite problem. This is the kind of stuff that is going on. The landlord lied. He got his tenants out and is, no doubt, reaping financial benefit from this unscrupulous decision.

There are many complex effects of the housing crisis. I have written to the Minister, Deputy Eoghan Murphy, and I have pursued the Department of Employment Affairs and Social Protection about a case in which a person on invalidity pension had the household benefits package removed because she took her grown up son and family back into the family home due to them being made homeless. This person and her husband are doing the State a great service by providing short-term secure accommodation to their son and his family, which is what people are directed to do; stay with family and friends. They are saved from being a burden on the State and another homeless statistic. It seems somewhat cruel that they have their household benefits package removed as a result of this.

It would be a very simple solution, with a meagre cost to the State, if the Minister, Deputy Eoghan Murphy, and the Minister for Employment Affairs and Social Protection allowed a 12-month grace period for people to keep their secondary benefits should they take in a direct family member who has been made homeless. If the person can provide a validated termination notice and a statutory declaration from the landlord, which all tenants are required to have as part of the termination notice, this should satisfy the Department of Employment Affairs and Social Protection without impacting on administrative resources.

I note that the Government is not opposing this Bill but what does this actually mean? I believe this is a political manoeuvre, performed on a regular basis, to avoid the Government getting a bad headline on a Wednesday or Thursday morning. There appears to be no appetite to move these Bills forward. By accepting it, the Government looks like noble practitioners of new politics but in reality it is merely allowing Bills to enter a metaphorical room from which they will never emerge and move on.

This is new politics but it is not good politics. As he is not opposing the Bill, I ask the Minister to either move it along swiftly through the legislative process or bring forward his own Bill which incorporates its contents.

**Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):** I thank the Deputies for tabling this Bill. I assure Deputy Ryan that if I was trying to chase good

headlines I would be on a fool's errand.

The Government will not oppose the Bill and I will now outline the reasons we will not oppose it, and which measures we can support in legislation that we have already signalled as forthcoming. This week in the House there are two Private Members' Bills on the rental sector; one on student accommodation and one on the private rental sector. I welcome both Bills and I welcome the opportunity to discuss Ireland's rental accommodation market.

In response to points raised by Deputies Jan O'Sullivan and Brendan Ryan, I have just been informed that the April homeless report is now completed and I will endeavour to get the report out as soon as possible today. It means I will not be able to stay for the remainder of the debate. I apologise to Deputies that I will not be in the Chamber to hear their contributions to the debate. It is, however, in the interests of getting the report out today, which is the 30th of the month. I do not want to delay the report.

Reference was made to the issue of turnkey projects. Sometimes when we debate the issues around housing delivery, it can become somewhat academic. I have no problem with that because I like to get into the detail of these things; I like to understand the numbers and what is behind the numbers. When we start to no longer serve a useful purpose in those discussions, this is where we start to confuse the public. Where we become so focused on an academic point we may move away from a substantive point of view. This is a risk when we start to speak about the delivery of social housing in the State not being what it was 30, 40 or 50 years ago. We now use a number of different and new streams to make sure that social housing homes are built. The word "turnkey" gives the impression that we are buying a set of keys and moving into a house that is already built. It actually means taking nothing and building something. It is the entire process of a project. Many approvals that cross my desk relate to lands that have not yet been built on. Only with local authorities putting money behind them are they built on, with the homes going to people on the social housing list. They are new social housing builds for local authorities and expanding the market, as opposed to trying to bite into a smaller market. They are an important part of the supply. Often, such projects can be undertaken more quickly than would be the case in using other channels.

I do not doubt Deputy Brendan Ryan's concerns about the issues he faces, given that he raises them with me regularly, but I may have detected an attempt to intimate an ideological shift between the time the Labour Party left the housing portfolio and the Fine Gael-led Government took it up and turned the Department of the Environment, Community and Local Government into the Department of Housing, Planning and Local Government, with a dedicated Minister and a €6 billion fund to dramatically increase the social housing stock. In the last two years of Rebuilding Ireland there will be a sevenfold increase in the number of new social housing units built by local authorities and housing bodies. The reverse of what the Deputy has sought to intimate is the case. We have dramatically increased the number of new social housing units being built. We have had to rely on the housing assistance payment, HAP, and other methods because the stock is not available, but the last two years of Rebuilding Ireland which the Government introduced will see more people accommodated in new social housing than HAP tenancies.

Deputy Jan O'Sullivan referred to the rent pressure zone review. The document was published and sent to the members of the Oireachtas joint committee ahead of my appearance before it last week or the week before. We had an opportunity to debate it then.

The Bill deals with further protections in the rental sector. When discussing that sector, it

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is important that renters of every age and circumstance have viable choices. Accommodation must be affordable, safe and secure, that is, the tenancy must have a degree of certainty. Of course, some like the flexibility renting brings. I enjoyed it while I was a renter.

This country does not have a mature rental market and the crash left us with a number of accidental landlords, something we are working through. Some 70% of landlords own just one property, while 86% own two or less. That is not a mature rental sector by any means. We must try to improve it, but developing a European-style rental sector during a severe housing shortage will be a challenge. I know what “European-style” means because I rented for 12 years. I lived in student accommodation and student halls in London, shared a flat in Geneva and had my own apartment in Vienna. I have also rented in Ireland. I have seen the difference in security and opportunities for a renter.

It is important to recognise that we cannot force anyone to be a landlord. The State is landlord to many tenants and we have responsibilities in that regard. We can incentivise more landlords through, for example, taxation measures which we have pursued previously and should do again and regulation. I hope the build-to-rent guidelines that I published last year and which were approved at the beginning of this year will incentivise the building of more rental properties in a mature rental sector. The guidelines have worked in the provision of student accommodation. That is why thousands of new student bed places are being built. We expect the same to happen in the rental sector. Any new stock of rental accommodation would be beneficial.

We need larger and more professional landlords. We must recognise that the international players that are doing this work successfully in other countries and starting to do it successfully in Ireland are a necessary part of the solution if we are to avoid repeating the mistakes of the past, which gave us today’s situation where we have small landlords leaving the market because they are encumbered with debts that they should never have taken on, the sector is no longer an attractive place for them or the purpose for which they originally bought the units, for example, a child going to college, has come to fruition. We need larger landlords who will build to rent and bring rental accommodation to the market at scale.

The issue of student accommodation was debated yesterday. The Ministers of State, Deputies Damien English and Mary Mitchell O’Connor, are taking the lead where the provision of student accommodation is concerned. We want to introduce fair rents for students, but it must be done in the right way. We can do it. I received an email, one that I only just saw before coming into the Chamber, from Deputy Eoin Ó Broin suggesting he, Deputy Darragh O’Brien and I sit down to determine the best way of achieving it in legislation. We can achieve price control without having to introduce types of regulation and protection that are not necessary for student accommodation. Under such licence agreements which are often negotiated with universities, different protections are necessary for the business model and work fine for students.

The Government has introduced a number of measures to protect renters. Rent pressure zones are working. Rent inflation in Dublin last year was down 3% on the figure for the previous year. In the fourth quarter of last year there was an increase of 1.1%. This shows that the rent pressure zones are having an impact. We have new rental accommodation standards and new protections for tenants where multi-units are sold. We have a one-stop-shop in the Residential Tenancies Board to improve access for renters and landlords. We have broadened and strengthened the role of the board and are enforcing its determination orders in the District Court, rather than the Circuit Court, which is quicker and cheaper to do.

At the national ploughing championships last September I outlined my ambition for a two-year change management programme to make the Residential Tenancies Board a proper, independent regulator for the sector that would robustly defend the interests of both landlords and tenants. That begins with the residential tenancies Bill, the heads of which the Government approved last month. When enacted, the legislation will make it an offence to contravene the rent pressure zones, allow the Residential Tenancies Board to investigate and enforce independently the implementation of rent pressure zones and other measures, give greater security of tenure by extending notice to quit periods, in many instances, almost doubling them, and provide for rent transparency, which is welcomed by all sides of the House. The Bill will be published shortly. It was meant to happen this week, but there has been a slight delay. I hope it can be enacted before the summer recess, but it depends on how quickly we can get it through the Houses. That should not be difficult, given that its measures are supported, but if amendments to the Bill might be better suited to a second Bill that will be before us later in the year, I would prefer that option to be taken in order that the first Bill, on which there is broad agreement, can be passed by the Oireachtas before the summer recess. The second Bill will deal with more complex issues and need more time to be walked through by the House.

We will not oppose the Bill before the House. I will go through my notes briefly, as I am caught for time.

We support the publication of rents payable to ensure rent transparency. We support the proposal on a deposit not exceeding one month's rent. There is no evidence of a major problem in that regard, but we are working with the Residential Tenancies Board to re-examine the 2015 legislative provisions that have not yet been commenced, as they may need improvements. It is important that, when we enact the Bill, we do so without placing an additional cost on the tenant and landlord.

Last year we introduced a definition of what constituted grounds for a termination by a landlord in respect of substantial renovations or refurbishments. I do not oppose bringing it into law, but we might do so in the second Bill later this year.

On tenancies of indefinite duration, extending a Part 4 tenancy from four years to six has happened, but we need to go further.

The definition of "landlord" is critical, as it ensures a tenant has protection where a receiver has taken over the property. If the Deputies have ever spoken to someone in such a situation, they will know how stressful it is. We must address this issue. An interdepartmental working group is examining the matter and will finalise a report on it. When I receive that report, I hope to progress it and include it in the second Bill.

My apologies for rushing, but I find a number of elements of the Bill difficult to support, for example, changing the definition of a family member. If a property owner's father or grandfather becomes ill, the owner should have the right to let that person into the property without any charge and to serve a notice to quit, bearing in mind all of the relevant legal processes once the notice is served.

On aligning rent pressure zones with the consumer price index, we cannot force anyone to be a landlord and there must be a reasonable return to cover the annual costs he or she incurs in maintaining the property. There must also be a reward for the risks he or she takes. It does not look like landlords take risks in the current market, but consider what happened after the crash

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when many people were caught. If we want there to be stable investment in the market, the return needs to be linked with something stable. A 4% increase is not excessive and is a Steady Eddie. I see no need to go beyond it.

**An Leas-Cheann Comhairle:** The Minister's time is up.

**Deputy Eoghan Murphy:** This is not about being pro-landlord; rather, it is about being pro-investment and pro-stability in the rental sector.

I beg the Leas-Cheann Comhairle's indulgence for a few moments. The extension of rent pressure zones to the whole country would be unconstitutional. That was made clear when we were introducing the criteria for rent pressure zone designation. Rent pressure zones are working where they apply.

I have been notified that removing the intention to sell within three months as a ground for terminating a tenancy would also be unconstitutional. However, we could incentivise landlords to remain in the market. We could and should incentivise longer term leases. We could also incentivise the selling of rental properties with tenants *in situ*, a matter that I am considering with the Minister for Finance.

On a final note, rent affordability is key.

**An Leas-Cheann Comhairle:** Someone is going to lose time.

**Deputy Eoghan Murphy:** If the Leas-Cheann Comhairle wants to take it from the Minister of State, Deputy Damien English, that is perfectly okay with the two of us.

**Deputy John Curran:** Not with him.

**Deputy Eoin Ó Broin:** He is always draws the short straw.

**An Leas-Cheann Comhairle:** That is collegiality.

**Deputy Eoghan Murphy:** A cost rental system must be put in place. It happens in almost every other European market and at scale. It will take time to deliver but we need to bring it in as a pilot. Cost rental is important, not just for young professionals or young families but for people who are retiring and own their home so they can have certainty about rent payments for the next ten to 20 years of their lives. I thank the Leas-Cheann Comhairle for his indulgence.

**Deputy Darragh O'Brien:** I will share my time as agreed with my colleagues, Deputy MacSharry and Deputy Curran. I will do my best not to eat into their time. I welcome the Bill that Deputy Jan O'Sullivan has brought forward, the Bill we debated yesterday on student rents, and the Bill that Fianna Fáil published a couple of weeks ago in this regard. I know the Minister has to leave for the April report on homeless figures, which is important. There is one thing which we will discuss. Larger, institutional landlords do not necessarily mean longer leases. I agree that we need another mix within the market. That can happen. I have seen it work in other countries because pension funds are investing and want longer-term steady yields. Some of the investors coming into this market are not necessarily offering longer-term leases. I would agree wholeheartedly with incentivisation of longer-term leases. That can be done by way of certain tax measures if needs be. That will provide security of tenure. I know the Minister has to go. This will be on the record of the House.

To deal with the Labour Bill itself, the extension of rent pressure zones, RPZs, is required now. The review that the Minister, Deputy Eoghan Murphy, alluded to, which came to the Joint Committee on Housing, Planning and Local Government on 17 May 2018, just earlier this month, was in with a pile of other documents when we were trying to review Rebuilding Ireland. As part of the review of Rebuilding Ireland, which in itself is a monster of a document to get through, was a discussion document of the options for RPZs. I would fully support a review of RPZs. That was refused when the original legislation came in. We requested it and we need to look at it. Deputy O'Sullivan specifically mentioned the issue of Limerick. There are other cities and larger towns which have suffered.

We know that the market is broken. I looked at the quarter 4 report from the Residential Tenancies Board. The average rent in Dublin is €1,511 per month. The average rent outside Dublin is €1,103 per month. The vast majority of people becoming homeless are those coming out of the private rental sector. It is not working and Government measures are not working. Tenants' rights need to be strengthened and there needs to be better security of tenure.

The Minister, Deputy Murphy, said it was academic as to who produced houses and whether it was a turnkey or a local authority. I will put some figures on record. There is nothing academic about these. If I look through local authority figures from last year, Rebuilding Ireland's own figures say 780 social houses were built. There were not. Some 394 were built by local authorities and 386 were purchased which were turnkey. Turnkey is not just, as the Minister said, a little misleadingly, effectively council projects that they had initiated. That is not true. I know of turnkey properties in Fingal that have been purchased that were going out on the private market. The State is competing in a shrunken market. The couple or individual who is also working or trying to buy a house is competing with the State and the local authority because we are not building houses. The Minister, Deputy Murphy, may answer this when he looks at the transcripts.

There are 3,385 people on the housing list in Clare with no local authority builds or turnkeys in 2017. In Leitrim, there are 420 people on the housing list and zero builds. In Laois, there are 1,336 people on the list and zero builds. There are zero in Monaghan, Offaly and South Dublin, where there are 7,552 people, and not one house has been built or bought. Someone needs to talk to the chief executive there. Someone in the Custom House needs to pick up the phone. There are zero in Wicklow, with 2,749 people on the housing list. Fingal, my own local authority area, tops the charts for builds, with 83. That is the height of our ambition. There were 16 purchased turnkeys. That is 99 units. Cork has the best output but there are nearly 7,500 people on the list. I would nearly dispute that figure because it is higher than that. There is overdependence on housing assistance payment, HAP, as a measure to say that people are housed. HAP is not secure. The transfer from the rental accommodation scheme, RAS, to HAP has been problematic. We need to get our act together with the rental market and delivery of social and affordable homes.

I want to talk about the use of State lands. We have all heard about the Glass Bottle site, Oscar Traynor, all the famous sites, and O'Devaney Gardens where the Taoiseach and the Minister, Deputy Donohoe, went and announced that this would happen and nothing is happening. The State controls 3,008 ha of land. Some 1,317 of those hectares are controlled by the local authorities and nothing is happening on them.

We have the local infrastructure housing activation fund, LIHAF, which has accessed some land in Donabate where we want a housing mix. There is a mix. I heard Deputy Brendan Ryan

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referring to a change in Government policy in 2014 and 2015. Looking at the delivery of social houses in 2014 and 2015, I would not be championing those as delivery of social houses either. We have failed in that regard too. Without an affordable housing scheme, we will not be able to move on.

The Minister said at committee that he would sign the commencement of the affordable housing scheme, which was the old scheme that the previous Labour Party-Fine Gael Government stopped in 2012. He was going to sign that back in and bring in regulations behind it. That would be a start. He said that two weeks ago, on 17 May. When will that happen? Across the House, in government, in opposition and in all parties, we want to work in a constructive way to see real improvements locally. The Labour Bill is helpful. The Sinn Féin Bill last night was helpful. Our own Fianna Fáil Bill was helpful. Instead of Government just saying it will accept this on Second Stage, we need to produce the Residential Tenancies (Amendment) Bill and bring in amendments to put effect to certain aspects of these Bills. As I said last night, if that is not done, we will table amendments to the Bill ourselves and, as an Opposition, I believe we can work in a unified way to make sure that those amendments come into law.

**Deputy John Curran:** I welcome the opportunity to contribute to this. I will start at the point at which Deputy Darragh O'Brien concluded. There have been a number of these Bills in this House. It is frustrating from the Opposition point of view because of the time and delivery. There has to be a mechanism to identify the key points in any of these Bills and have them delivered because they have the potential to have a significant impact. I recognise that the Minister has left to review the monthly figures.

I make the point in the observation, as Deputy Jan O'Sullivan did in her opening comments, that there are probably in the region of 10,000 homeless people. I remind the Government that the first action in Rebuilding Ireland was to provide rapid build housing solutions to address this group of people in particular. That has been a spectacular failure. At the end of the year, something like 200 units were built out of an estimated target of 1,000. The Government's own estimate would be less than 500 by the end of 2018. This is having a significant negative impact on this group of 10,000 people who are homeless.

Many of the issues relating to rent, residential tenancies and the high rents being charged are a result of supply and demand. Many people who are in private rented accommodation do not want to be there. They are applicants, people on social housing lists and people who ordinarily might want to buy their own house, and no properties are available. Everybody is being squeezed into what is now a very tight market. Until the Government significantly increases supply, this problem will persist.

In one regard, we are tinkering at the edges. We are not solving it, even bringing in rent controls and such. Until we get to a stage where we have adequate supply in the market, we are not dealing with the fundamental issue. We are bringing in somewhat temporary solutions. I remind the Government that enabling funding for infrastructure was first announced in this House by the then Minister, Deputy Noonan, in October 2016 when he was doing the budget. He announced €50 million. Virtually none of it has been drawn down. That money has to be drawn down and spent to provide the enabling infrastructure to develop the housing projects. On this side of the House, one can sometimes feel the frustration and concern that the projects are not moving at a quick enough pace.

We have seen the rents and rate of increase over the past five or six years. They are unus-

tainable for people in the short term and for long-term residents, even with the rent pressure zones. They are consuming too much of a person's disposable income, especially in the greater Dublin area. The situation will not change until we radically address the supply side. The Government does not make it easy. The Minister and the Taoiseach previously said there would be 3,800 social houses and they talk about all the other housing solutions but it is difficult to get clarity and detail as they will not name the schemes that make up the promised 3,800 houses. It is a cloak and dagger situation. The Government is hiding behind big numbers without providing the detail we deserve.

I wish to make some observations on the Bill, most of which we support. There are concerns about the legality of having a national rent pressure zone but those issues could be addressed on Committee Stage. People who are paying significant rents are entitled to a good standard of accommodation. In my view the Government is negligent in that regard. Tenants are not being adequately looked after. There should be a greater regime of inspections. Last year we saw an RTÉ documentary which showed some of the conditions in which people live. I tabled parliamentary questions to probe the issue and discovered the Government is providing €2.5 million in 2018 to local authorities to provide inspections. Incrementally, the Government will increase it to €10 million by 2021, which would imply a one-in-four rate of inspection. I do not see why we should have to endure such a delay before getting to that level of inspection. There should be a reasonable prospect that properties would be inspected on a regular basis. I do not mean a couple of times a year, but every four or five years, to ensure compliance. I do not know why the Government is taking so long to do that given that only a relatively small amount of money is required.

In terms of security of tenure and the type of leases we have, it always struck me that if a landlord was renting a commercial property different rules would apply. If the term of lease was five years it would mean five years and one would sell the property with the sitting tenant. I fail to understand why we do not look at the matter in a more substantial way instead of tinkering around the edges. When landlords give a lease for three or five years, regardless of whether there is an incentive, that must mean five years. That happens every day with commercial property without any problems.

We have an anomaly on the residential side in that the landlord pays the local property tax but if it were a commercial property the tenant would pay the rates. We should try to have a parallel system so that the conditions that apply to commercial properties would work to the same advantage of a tenant in a residential property. That is not happening and I fail to see why that is the case.

In some cases I have seen, the behaviour and actions of receivers appointed by banks have been appalling. They have moved in a reckless way both in regard to tenants and the previous owner of the property. Properties were cleared out and left vacant for many years at a time of housing crisis before being eventually sold. In some cases former tenants became squatters and property ended up in a poor condition. The receivers did not serve anyone well. Apart from the Labour Party proposal, I suggest that the operation of receivers and their agents must be regulated. In my experience current regulation is either poor or non-existent.

Extending the legislation in terms of the notice to quit on the basis of requiring the property for family members and the grounds for same is a partial approach. If we have professional landlords, whether they are the big institutional landlords, to whom the Minister referred, or single owners, the rules that apply to the commercial property sector should apply in residential

property. That would bring a lot more stability to the market where longer term leases of three, five or ten years would become the norm, with the annual rate of increase, whatever that might be. That would be much more beneficial than putting in conditions on the reasons for sale. The lease should mean the lease and it should be the norm to sell rented properties with the tenants *in situ*.

**Deputy Marc MacSharry:** This is the sixth or seventh opportunity I have had to speak on housing related matters in as many months. I welcome the Labour Party Private Members' Bill, and Sinn Féin's Bill from last night. We will do all we can to try to progress them.

I agree very much with my colleague, Deputy Curran, that when it comes to the crisis we are all tinkering around the edges. There is a major supply problem that could help address many of the issues yet we still uphold a process that is duplicative, cumbersome and too lengthy. We have a lead-in time for local authority housing of between three and six years, and 18 months to three years in the private sector. We need both if we are to deal with the crisis.

Given that we have architects, engineers, planners and experts in sanitary services in each of the 31 local authorities, the local authorities own the land and the Department says it has the money, why does it not give the money to the local authorities to design and build houses? Deputy Darragh O'Brien has alluded to the amount of land in State and local authority control throughout the country. Why does the process have to go to Dublin, back to Sligo, back to Dublin, down to the building unit in Ballina, back to Dublin and back down for more planners, architects and engineers to all do the same job? It is unnecessary. We have the expertise in local authorities in terms of planners, engineers and architects and if we need more then let us get them. Let them do the job. The building regulations are in place and the standards are set out. If there is need for further oversight in terms of enforcement then that should be put in place, but let us get on with making less complicated what is a very simple process. That is what needs to be done. Otherwise, we are fighting fire with a bucket instead of a hose and it will keep getting bigger. I do not understand why the Minister does not do that.

In a previous debate I brought in what is ironically described as the Department's "streamlined" process for building local authority houses. It is a significant volume, which is unnecessary. Either people can do the job in local authorities or they cannot. If they cannot, then we must examine the reason for that. The local authorities own the land so let them build houses and get on with it. We could have a national oversight or enforcement section that could travel around and check that standards are being upheld.

On the private sector side, one of the fall-outs of the crash is that an awful lot of builders with expertise are now subservient, initially to NAMA and banks, and now to vulture funds. They cannot get money for development finance. While the banks will not say it on the record, they say off the record that they do not want to lend any money in tertiary areas. Tertiary areas are effectively the entire country outside Dublin, Galway and a couple of other cities. The banks will not lend and developers cannot get money. Developers must have a minimum of 50% of the overall requirement. Most parties, certainly Fianna Fáil and Fine Gael, had references in manifestos to setting up a development finance bank. It was done well in the past in terms of agricultural credit from the Agricultural Credit Corporation, ACC, and the Industrial Credit Corporation, ICC, which supported industry and commercial activity. That needs to be done again. We need 30 good underwriters, X amount of money and to start getting money out there to people who have the expertise and want to build because they can do it more quickly than we can do it ourselves. In local authorities it takes between three and six years to build

houses. We must get on with the job.

Boarded-up units around the country are an important issue. In Dublin alone there are 900 properties that have been boarded up for more than ten years, and one can add however many more to that number. The situation is replicated in every town and village in the country. We must do up those properties and get people living in them.

I read somewhere that from a retail perspective we have enough retail space in Ireland for 15 million people. Obviously, we do not have that number of people. We were possibly able to support that under a false pretence during the boom based on credit. We have a significant amount of retail space. In the north west, for example, the high streets in towns in the areas I represent are full of empty units. Let us incentivise the owners of such properties to provide for people to live over those units or even to live in some of the units which could be converted from shops to dwellings. That would support existing retailers and would bring life back into towns and villages throughout the country. The Department should consider incentives to make it attractive to people to live in an urban setting. It could consider measures like providing free broadband or reducing refuse and other service charges. In terms of the elderly, the Government should consider incentivising the building of units which have 24-hour concierge services attached, for example. These are just some suggestions but if the Minister was only going to make one change, I ask him to tear up the streamlined process for local authority house building and do simply what ultimately is simple to do.

**Deputy Eoin Ó Broin:** I warmly welcome and fully support the Labour Party Bill tabled by Deputy Jan O'Sullivan. Most of the measures in the Bill are eminently sensible and should have been made law back in 2016 when we were debating the Government's Residential Tenancies (Amendment) Bill. The Minister is not opposing this Bill today but he should sit down with Deputy O'Sullivan and other members of the Oireachtas Committee on Housing, Planning and Local Government and work this Bill's provisions into the upcoming Residential Tenancies (Amendment) Bill 2018 - not the second one that will come later in the year but the one that is due earlier in the summer. When one looks at the proposals in the Bill, there is simply no reason not to support them.

If one takes the definition of a landlord, the idea that a receiver who is accepting rent from a tenant, having been appointed by a bank on repossession, should not have all of the obligations of a landlord and that the tenant should not have the same protections under the Residential Tenancies Act makes no sense. Good receivers are already doing it. That is already the voluntary practice of the good receivers out there. Some people have suggested that if the Residential Tenancies Act was tested, it would be found that receivers are included but why wait for that to happen? We should just legislate for it.

In terms of the provision that a deposit should not exceed one month's rent, one must ask why landlords are currently seeking more than that. They are doing that to avoid a criminal sanction for refusing tenants in receipt of the housing assistance payment, HAP. They know now, because of the changes in law which we supported, that if they refuse tenants in receipt of social housing support they can be taken to the Workplace Relations Commission, WRC. They cannot refuse tenants on those grounds and this is the way they are doing it. By not supporting this measure and including it in its own legislation, the Government is colluding with landlords who are refusing to accept social housing support tenants in HAP, RAS and other schemes. That is something that is not supportable.

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On rent certainty, I say again what I said at the time that the legislation was introduced, namely that the idea that it is acceptable to allow a landlord to increase rent over three years by 12.5% in current market conditions is simply not on. This is not 4%. It allows for 4% plus an additional bit of interest over three years and the extra thousands of euro that will cost working and modest income families is simply money they do not have.

I am very surprised that whoever wrote the Minister's script suggested that applying rent pressure zones State-wide would be unconstitutional. It can only be unconstitutional if the measure was arbitrary and disproportionate. The RTB's own rent index for the fourth quarter of last year showed that in Sligo, which is not in the rent pressure zones, the annual increase in rent was 29%. Other areas that are not deemed to be rent pressure zones include Limerick, where the increase was 10%, Waterford city where the increase was 7.4%, while Mayo and Westmeath saw increases of 13%. Clearly, there is a strong argument that given the disproportionately high levels of rent increases in those places, it would be completely constitutional to apply the rent pressure zones provisions to them. If the Government will not do that, I ask that it would at least do what we have been requesting for more than a year, namely, allow the rent pressure zones to be calculated in those urban areas at electoral division rather than local electoral area so that we can incorporate those parts of Limerick city, Waterford city and Sligo town that are outside of the scheme currently.

I fully support the restrictions on the notice to quit. Deputy Curran put it best when he described the huge difference between the commercial and the residential rental sectors so I will not go into that further. Obviously, the deposit protection scheme is not just good for tenants and landlords. It would also save a huge amount of the time currently spent by the RTB on deposit retention cases. Further, it would generate some additional income for the State because all of those deposits would be held in an escrow account and the interest would accrue to the RTB. That additional income could be used to assist with the exercising of the new policing powers that the Government is about to give to the board.

All of this is about fairness for tenants. It is about providing better security of tenure and preventing homelessness. I join Deputy Jan O'Sullivan in commending the four NGOs for publishing their hidden homelessness report today. There is an overlap between the problems this Bill is attempting to address and the people who were spoken about so eloquently by the NGOs today. I echo strongly the point made by Deputy Darragh O'Brien earlier. The Government will be coming to the Oireachtas committee in a couple of weeks with a new Bill. It is a Bill that we support and we have all said clearly at committee that it contains measures for which many of us have argued. I urge the Government to put some of these measures into that Bill, the ones that are not complicated, are relatively straightforward and which can be progressed quickly. If the Government does that, it will have even more enthusiastic support from the Opposition. If it does not do that, just as if it refuses to address the issue of student rents, then Members of the Opposition will sit down together, table joint amendments and then force those amendments on to the Government. It would be much better if the officials in the Department, using their expertise, crafted those amendments. Indeed, we are happy to meet them and work with them beforehand. I urge the Government to do this properly and provide tenants with the protections they so rightly deserve.

**Deputy Denise Mitchell:** I welcome this Labour Party Bill. Sinn Féin has been saying for a long time that real rent certainty is needed in this State which requires linking rent increases to the consumer price index, CPI. I particularly welcome section 4 of the Bill which deals with deposits. We are hearing so many stories of landlords demanding not one but two or even three

months' rent as a deposit. Almost two thirds of tenants say that they have had difficulty getting their deposits back when their tenancies end. It is clear that some landlords see the deposit as a way of increasing rents without breaching the rent pressure zone rules and this must stop. Section 7 of the Bill deals with the serious issue of landlords ending tenancies because they are renovating properties. We have all heard of instances where the so-called substantial changes amount to nothing more than a lick of paint or a new carpet. Threshold has reported that almost one in eight eviction cases that it deals with are the result of landlords renovating properties. While there have been some moves to tighten up the rules in this area, this loophole in the law is still being used. There is a similar issue with landlords telling tenants that they have to leave because the property is required for a family member. The provision in the Bill for a tightening up of who is considered to be a family member is welcome. Section 9 provides for a rent register which is needed urgently because at the moment some landlords are using every loophole possible to get around the rent pressure zone restrictions. It can be almost impossible for a new tenant to find out what the previous tenant was paying in rent. In that context, a rent register would be very helpful in protecting tenants' rights and ensuring that they are not being ripped off.

I am happy to support this Bill because we need real action on protecting tenants.

**Deputy Dessie Ellis:** The rental sector can be a precarious place for those who are renting so it is incumbent on local authorities and the Government to ensure that tenants have the greatest possible security of tenure. This is vital so that families and individuals have stability and not just a sense of security, but actual security. Unfortunately, this is something that a lot of tenants currently lack. Rents have reached exorbitant levels in many areas, particularly in the larger cities. Sustained and major increases in the cost of renting will result in more people living in insecure and often overcrowded housing, with some facing the prospect of being made homeless. That is why the Government must link the cost of renting to the CPI as a matter of urgency. It must legislate to regulate the boundaries within which rents can rise and fall. There is no impediment to implementing such legislation. The only objection would be from those who have a vested interest in the way rents are determined now, for whom fairness and security of tenure for tenants for the common good does not matter. Linking rents to the CPI would require a simple change to the Residential Tenancies Act so that landlords would be unable to increase rents by more than the CPI figure in the period between the start of a lease and a new lease being agreed with current or new tenants. This is already happening in countries like Italy, Spain, Switzerland and the US. The consumer price index is a very useful gauge of inflation in the Irish economy on an annual basis. Tenants are constantly living under the threat of having their houses sold from under them with little or no protections. It is essential for us to provide for a clear definition of why a landlord requires vacancy of a property. We support the Bill that has been introduced by Deputy Jan O'Sullivan and her Labour Party colleagues. Ultimately, the real answer is to increase the supply of social housing and thereby stabilise the market, which is completely and utterly out of control at present.

**Deputy Mick Barry:** An aspect of this Bill that has not yet been mentioned in this debate is the requirement to take "reasonable measures" to "maintain the dwelling fit for human habitation during the refurbishment or renovation". I have raised the issues being encountered by the Leaside residents in Cork on a number of occasions in this House. The apartment building in which they live was purchased by the Lucas Capital vulture fund last year. It is very clear that the vulture fund's agenda is to increase significantly the rents these residents are paying to live in their homes. It is possible that they will be almost doubled. The renovation work that was

done on this building in recent weeks and months, while the residents continued to live there, turned the apartment complex into a building site. Families with young children had to put up with masonry dust all over the place and the fierce smell of the varnish on the walls. As a result of skylights being left open at night, puddles formed in the corridors when it rained heavily. The use of drills and kango hammers caused a tremendous amount of noise. Almost half of the parking spaces used by residents were taken from them to facilitate the work being done by construction workers. It was clear that the agenda of the landlord was to drive the tenants out, even before an attempt was made to drive them out by doubling their rents. I assure Lucas Capital and its representatives that every time they try to inflict their dirty tricks on the Leaside residents, we will call them out on the floor of the Dáil. We support the proposal in this Bill that “reasonable measures” must be taken to “maintain the dwelling fit for human habitation during the refurbishment or renovation”.

I note that the Minister has left the debate early to return to his Department to sign off this evening on the State’s homelessness statistics for April. It is a pity that those figures were not provided a couple of hours ago so that they could be a feature of this debate. Instead, they will have to be debated in the media tonight and on the floor of the Chamber tomorrow. As the number of homeless people approached the 10,000 mark at the end of March, the Minister did not respond by announcing rent controls, plans for the construction of more public housing or a ban on economic evictions. Instead of making such announcements, he fiddled the March homelessness figures with breath-taking cynicism to keep the number of homeless people below the 10,000 level. We will see the figures for April when they are released later this evening. They will be debated in due course.

More than 800,000 people, or approximately 20% of the population of the State, are living in rented accommodation. This figure has doubled in the last decade. Action urgently needs to be taken to ensure the provision of high-quality, affordable and secure housing in the rental sector. Solidarity supports the limited proposals that are made in this Bill to that end. We support the proposal to limit rent deposits to one month’s rent, the removal of the sale of a property as a ground for termination of a tenancy and the disclosure on a published register of the rent payable on dwellings. While we are prepared to vote in favour of the Bill at this Stage, if the Bill progresses we will bring forward amendments to it at a later Stage. For example, we will propose an amendment to remove the provision that allows a tenancy to be terminated because a family member is seeking to take up residence. We will also introduce a proposal that would reduce rents to affordable levels.

The proposal in the Bill to allow rent increases in line with the consumer price index is wholly inadequate. According to a recent Sherry FitzGerald survey, renters in Ireland are now paying a huge proportion of their net incomes on rent. The survey found that renters in Dublin are paying an average of 55% of their net income on rent. That is higher than the figure for London, Paris, San Francisco or any of the other cities in the world that were surveyed. The figure for Cork is 37%, which is also very high. That renters in Ireland face such a crushing financial burden is the inevitable outcome of the adherence of successive Governments to pro-landlord market-based responses that have failed time and again. Successive Governments have poured increasing amounts of public money into the pockets of landlords, some of whom are in this Chamber. No one should have to pay more than 20% to 25% of their net income on their housing costs. I suggest that facilitating rent increases based on the consumer price index would merely copperfasten the charging of rents are already unaffordable. We need to take strong action to reduce rents by as much as half, thereby returning them to affordable levels. If

this Bill progresses, Solidarity will introduce amendments to enable a rapid return to affordable rents. In the meantime, we will support the Bill on Second Stage.

**Deputy Michael Collins:** I would like to share time with Deputy Michael Healy-Rae.

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

**Deputy Michael Collins:** I support this important Bill, which seeks to provide for greater security of tenure and rent certainty for tenants. It has been confirmed that a majority of those who are becoming homeless are from the private rented sector. Many of my constituents in places like Bantry, Baltimore, Skibbereen, Kealkil, Clonakilty, Rosscarbery, Bandon and Kinsale, to name just a few, are unable to get on the property ladder and have to resort to paying huge rents. The increase in rents is driving people out of rented accommodation. Renting is often more expensive than making a monthly mortgage repayment. In the week from 19 March to 25 March last, 9,681 people - adults and children - across Ireland were homeless. The number of families becoming homeless has increased by 37% since March of last year. More than one in three of those in emergency accommodation is a child. Urgent action is needed to address this serious problem.

The Government has said on many occasions that it plans to build more houses. When it introduced the Rebuilding Ireland scheme last year, it promised to deliver 47,000 social housing units by the end of 2021 in a bid to tackle homelessness. My concern is that this promise falls far short of the number of houses that are required if Ireland is to eliminate its housing crisis. There are 90,000 households on the social housing waiting lists. It has been promised that 47,000 social housing units will be delivered by 2021. We are just three years away from that deadline. Can we have certainty that the Government will deliver on this promise? While we are waiting in the hope that the promised houses will be supplied, we must intervene to ensure people do not lose their homes, for example, by addressing the issues of security of tenure and rent certainty. If better controls were put in place for things like security deposits, rent increases and termination procedures, they would go a long way towards giving tenants the protections they need. Landlords would also benefit from the more protected environment that would exist if clear rules were in place.

The Government needs to consider how to encourage more property owners to become landlords in order to reduce the extent of the housing crisis. I have advocated on many occasions in this Chamber for vacant spaces above commercial units to be refurbished, thereby providing much-needed residential dwellings across west Cork and elsewhere. If one drives through villages and towns like Ballinadee, Ballineen, Enniskane, Dunmanway, Goleen, Kealkil, Leap, Schull and Skibbereen, one will see how many units above shops are vacant. I have encouraged the Government to consider offering refurbishment grants for these vacant properties in a bid to ease the housing and homelessness crisis and to protect and restore rural Ireland. It is time for the Government to listen and to take real action.

**Deputy Michael Healy-Rae:** I want to declare an interest in this whole issue. I feel privileged to talk about it. The movers of the motion are dead right in what they are saying about security of tenure, particularly when we are talking about students. We talked last  
*5 o'clock* night about the hardship students and parents go through when all they are trying to do is educate themselves, get on in life and have accommodation while they are doing so. However, we have to be very measured and tempered in one thing. This and previous Governments, going back as far as we want to go, have not provided adequately for people who

need accommodation. The private sector has had to make it up.

I hate talking about anybody who is not in the Chamber but another Deputy said it was time rents were halved. I agree 100% that we have to have realistic rents and do not want them to be too high. At the same time, if people are going to be involved in the private sector, if they are going to purchase properties and renovate them, as Deputy Collins rightly said, and make them available, it is going to cost money. They are going to need to have a reasonable and fair rent. I am not talking about extortionate rent. They have to make their payments and so on. If it does not wash its face, it does not work.

If a person gets €100 in rent from a tenant, 60% of that goes back to the Government in one way or another. The person who owns the property has €40 out of every €100. That is a terribly important point for the Government to understand. When other Deputies are talking about extortionate rent, they should remember that 60% is going back to the Government. Maybe the Government should look at itself when it is talking about rents being too high. Maybe it should consider doing something about tax. If it wants to encourage people in the private sector, rather than having them pay over 50% tax it should give them a reduction. Then they could afford to have cheaper rent for the tenants. The Government should not land it all at the feet of those who are buying property and trying to make it available for rent.

**Deputy Mattie McGrath:** This motion was proposed by the Labour Party. That party was in government and Deputy Kelly was Minister for the Environment, Community and Local Government for a long time, yet they built nothing. It is all about supply. It is not about demonising landlords as happens so much of the time here. There might be a few rogue landlords, maybe a good few. The vast majority of landlords, however, are decent people trying to make a living and we need them in the market, as Deputy Michael Collins said. We need incentives to ensure that they make properties available. We have to have legislation that is quite strict to regulate them. There is no place for rogue landlords. For people to get on the property ladder, however, they need to start in rented accommodation.

The county councils are failing utterly to deliver houses. A report this morning was found to have doubled the figures. The Minister of State, Deputy English, is in the Chamber. They are including turnkey units as delivery. We must get the county councils building and looking after people like they always did. What is wrong with them that they are failing to have enough properties?

During the negotiations on the programme for Government, I asked the then Minister, Deputy Noonan, if he would change the VAT rate for people to allow them, where shops had closed, to convert them back into living units. Then we would have living towns and we would ease the housing problem. It was just a matter of wiping off the VAT but the Minister said he could not do that because the builders would get a bonanza. It could be given to the end user, the person who does up the property, the small builder or property owner, not developers.

There is this frenzy that developers are bad. We need to have a very proactive examination of this. Putting in conditions such as rent controls does not work. We need a supply of houses on the market. The State is failing utterly to do this. The Minister of State, Deputy English, and the Labour Party Minister before him have failed utterly even to recognise this. They have been caught out this morning again with falsifying figures for what has been built.

**Deputy Seamus Healy:** I am sharing time with Deputy Catherine Murphy. I welcome the

Bill and confirm my support for it. The measures included in it would certainly be helpful to the hundreds of thousands of people who are privately renting at the moment. The measures are reasonable, common-sense and fair. They are not groundbreaking and will not solve the housing crisis but they will certainly be helpful to families.

I also welcome the apparent conversion of the Labour Party to rent certainty, security of tenure and the building of public housing. The words “Paul” and “Saul” and the road to Damascus come to mind.

**Deputy Jan O’Sullivan:** We have always been believers.

**Deputy Darragh O’Brien:** Careful about Damascus now.

**Deputy Seamus Healy:** The Labour Party is directly responsible for the current housing emergency. It was in government from 2011 to 2016 and held both junior and senior Ministries in housing during that period. In the coalition with Fine Gael, Labour Party Deputies could have ensured the building of large-scale public housing by local authorities-----

**Deputy Brendan Howlin:** Print the money.

**Deputy Seamus Healy:** -----but they chose not to. Shame on them for that. Their predecessors, Labour Party Ministers in the past, built thousands upon thousands of houses. This Labour Party could have done the same but chose to abandon that approach and to embrace the market.

**Deputy Jan O’Sullivan:** There was no money.

**Deputy Seamus Healy:** It embraced privatisation and now we have what we knew we would have, namely, a disastrous housing situation leaving 10,000 people homeless. Deputy Kelly as Minister told us he could not do anything about rent certainty because of the Constitution. Deputy Jan O’Sullivan introduced the outrageous HAP scheme, a bonanza for landlords and desperate for families that have not got two ha’pennies to rub together at the end of the week.

We need to abandon the market-based approach. We need to commence large-scale local authority house building programmes of at least 10,000 houses a year, like Labour Party Ministers did in the past. We need to bury the so-called constitutional issue. The way to do that is for the Oireachtas to declare a housing emergency. That would allow us not just to control rents but to decrease them and ensure rent certainty and security of tenure.

**Deputy Catherine Murphy:** The number one issue that comes up in my constituency office is housing. It has been non-stop. The recent Residential Tenancies (Amendment) Bill proposed by the Social Democrats was largely adopted by Government and some of the issues facing renters, including notice periods and enforcement of the 4% limit in rent pressure zones, were taken on board. While the 4% measure was much needed at the time, rents were already way too high and unaffordable when it was adopted. I am seeing more and more people having to top up the housing assistance payment, which is way below market rents. It is a significant problem. If the rent cannot be increased because the property is in a 4% rent pressure zone, invariably we see the landlord saying he is selling. Almost daily, people are coming in to me with a copy of an eviction notice and an affidavit saying the house they are renting is for sale. There is something quite dramatic happening at the moment.

We cannot talk about rents without recognising the massive problems that the HAP scheme

has created. I understand the value of people being able to go to work. It is preferable to its predecessor which tied people into a poverty trap. It is certainly not the solution which is always going to be to build. Some of us came forward with proposals in 2015 to use the European Investment Bank for such purposes. The Government, however, was slow to take that on board. It was said there was no money at the time but that was not true. There was money. It was a case of doing the things needed to access that money. Those of us in the commuter belt could see the problem. In my area, in a counter cyclical manner, Intel hired 4,500 people. While it was very welcome at the time of the downturn, it was obvious from that what was going to happen. Some of us drew attention to those problems when the Labour Party held various Ministries. Ultimately, we can tinker around the edges but it is important we do what can be done. The key point is that we are not going to solve this problem unless we start to build. We should stop coddling ourselves about the figures which we saw today. We want to see real houses in real places into which people can move. The local authorities have an obligation to do that.

**Deputy Joan Burton:** Ireland's housing crisis could last for another decade unless the Government takes a range of measures to speed up the supply of affordable homes and social housing. Other than dealing with Brexit, it is the largest and most pressing public policy challenge that Ireland faces. If people were honest about this, then we might be able to develop a solution which would actually work and produce houses rather than hot air. There is an obvious uplift in house building in many parts of Dublin west, including in Carpenterstown, Ongar, Hansfield, Porterstown and Hollystown, which is welcome.

However, it should be borne in mind that this area, along with the Dublin north area, is one of the few areas in the State where a significant number of houses have begun to be built. In terms of the total national demand, however, it is a drop in the ocean. There remains a massive pent-up demand which was obvious when anxious purchasers - Members might remember this because it was only a few weeks ago - were prepared to queue up for days when new homes in Hansfield went up for sale. For those on the housing list, the situation is even graver as the supply of social housing lags behind with only a limited number of houses under construction in association with approved housing bodies. I admire the work of approved housing bodies and, even more particularly, of housing co-operatives. However, the scale of building required is simply not there. These bodies are excellent.

I have been at launches of 50 homes. I see Ministers now being photographed at the launch of one home. It is great news but there is no scale to it. We need to be talking about tens of thousands of homes. This is the core of the Government's problem. I do not know if it is an ideological problem for Fine Gael. I suspect it is that Fine Gael has a problem with renting on a lifetime basis and with social housing. I grew up in a rented home along with my family until I was in my 20s. I know that is not the experience of most Members. Until relatively recently, however, it was the experience of tens of thousands of families. Properly supervised and properly maintained, whether by a housing association, the owner or the local authority, it works really well.

Sites can only be developed if infrastructure, such as roads, water, sewerage, and electricity, is in place. Fingal County Council has received funding to develop three areas in my area which will enable approximately 2,800 houses to be built. Parts of Ballymun and Finglas require roughly the same number of houses.

**Deputy Dessie Ellis:** They require much more.

**Deputy Joan Burton:** I do not think myself or Deputy Ellis are good at drawing but we could show the Minister on a map where he could put this housing.

There are 2,000 extra homes. However, there are many other sites in all of the Dublin county areas, as well as in other cities and large towns around the country, which are zoned residential but which are awaiting pre-construction servicing. This is one area, whether for affordable or private housing, where the measures have been so modest that at times they are utterly disappointing. I remember as Tánaiste getting a large tranche of money, agreed by the Government in budgets 2014 and 2015, to provide for necessary infrastructures such as roads, water and sewerage services into sites to develop them. This Government has slowed down on all of that. It has not pushed the boat out to achieve scale.

A Government advisory body has urged action on one important matter, namely, the use of publicly owned land for building homes. There is a substantial amount of such land in State ownership previously used, for example, in town and city centres for docks and rail depots. Again, the Government has fallen behind in having the energy and leadership to actually unlock these assets which can be used to solve this problem. On the corner of Molesworth Street and on Dawson Street, for example, there are three stunning large office building developments which have been completed on a massive scale. They have been built and are ready for occupation in two years. How is the private sector able to do that? I accept it has to do with finance capital but I could show Members other examples all over the city. Frawley's on Thomas Street is now being redone for student accommodation and it is flying along. There are enormous sites on Dominick Street and in O'Devaney Gardens owned by Dublin City Council which were basically levelled ten to 12 years ago. I take the Luas to look at Dominick Street and it drives me mad every time I pass by it. People had proposals approximately three years ago to develop an urban garden there. I was told by the Minister's predecessor that machines would be on site. I have yet to see one. I am waiting for the day when I can spot construction starting on those sites. O'Devaney Gardens is beside the Phoenix Park and is probably one of the best sites for housing in Europe. It is lying idle, having been knocked for ten to 12 years. It is entirely in the ownership of the city council. I know I have raised this repeatedly but until some Minister is able to say why this has been left, I will not believe in the Government's real determination to show leadership and build and develop to the scale required.

If one was to look back at our recent history, owning a home was a given in Ireland for most families earning the average industrial wage and above. In a way, I do not believe we have thought about the fact that we are actually moving away from that. It applies to people on higher incomes where two in the family are working, and this has consequences for childcare and so on. Many Members know about this personally. This has now become the model.

Renting on a permanent basis has been a fact for people on lower incomes in all towns and village throughout Ireland down the generations. Again, the Government seems to have abandoned this model and not enough is being developed. There may be some building in small rural villages. That is altogether welcome but previously there would have been sufficient supply for an expanding population. In economic terms, our expanding population is one of the best things we have with regard to our position as a small open economy trying to make its way in the world.

House purchases were used by people to supplement pensions and perhaps to leave something for their children or to pay for nursing home care in older age and so on. That model is disappearing except for people in the top quintiles of income. Again, I believe we have given

insufficient thought to that. We know the financial crisis of 2008 led to the collapse of the banks and the construction industry. That has changed all of the assumptions.

What about the teacher married to the nurse? Such people are going to be between 35 and 38 years of age before they can buy a house together. What are the social consequences? This is one of the anomalies at the moment. In financial terms, if such a couple could buy a house, their mortgage would be cheaper than their rent. I am unsure whether the Government has considered that problem, but that is absurd in the context of the long-term sustainability of our particular model of people as stakeholders in their society. What about two gardaí setting up home together? That profile seems to have vanished as well.

A series of clear points arise in the context of this Bill. The most important is the need for a recipe to bring together the issues of finance, land, construction and especially construction training. We are not training anywhere near enough apprentices for the building industry. The building industry is actually moving to a more skilled pre-built model throughout the world. Yet, we are simply not at the races in that regard. I appeal to the Government to use this opportunity to try to think about the areas where it can improve.

**Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English):** I am glad to have the opportunity to speak on this Bill and to deal with some of the issues raised. I thank Deputy Jan O'Sullivan for bringing forward the Bill. While we might not agree with everything in it, I hope we can do much of the work she is seeking to have done in our Bill or in conjunction with bringing Deputy O'Sullivan's Bill through Committee Stage, whichever way it works out. I believe we have the same agenda on some points, although not all. The Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, went through some of the points we would not necessarily agree with. We will continue to discuss and debate them and research them behind the scenes.

This Bill brings an important focus to the discussion again. We have had numerous debates in recent years on this whole area. We set out the rental strategy with legislation in December 2016. The legislation went through and there were some positive changes. Again, it was all about trying to get balance in that market but we still have not seen it - I am keen to acknowledge that.

Rent prices in many cases are far too high or excessive. I agree with Deputy Michael Healy-Rae that it is about getting the balance and scale right. I believe Deputy O'Sullivan recognises that as well. The correct balance is not there at the moment and we must do what we can to try to intervene where it works and where intervention has proven to work. We must be careful that we do not affect supply as well. It is a matter of getting the balance right and we are trying to do that. In particular, are trying to give tenants more protection as we go along. That is the aim of most people in this House and it is what I have heard in most of the debates I have listened to as well.

Again, I wish to deal with some of the issues raised because they are not all to do with the rental market or protecting tenants. A range of issues were raised tonight in this debate and I wish to deal with some of them.

If it is okay, a Cheann Comhairle, I wish to tackle Deputy Mick Barry and what he said. I do not think it is right that the Deputy can come into the Chamber and accuse the Minister of fiddling the figures. I am surprised that was allowed to be said in the House. I did not jump in

at the time because I did not want to have a row with him, but I think he should be asked to correct the record. I do not think anyone is allowed to come to the Chamber and accuse someone of interfering, fiddling figures and lies. That is not on.

**An Ceann Comhairle:** I took what he said to be a political charge.

**Deputy Damien English:** That is fair enough. I am not holding you responsible, a Cheann Comhairle. I am simply saying that it has happened repeatedly in the Chamber and in my view it is not a fair political charge. I believe it is completely out of order. The Minister for Housing, Planning and Local Government is very straight and honest in everything he does. Two things arise. First, it is not something he would do. Second, it is certainly not something he can do. Either way, it is wrong and it cannot be repeated in the Chamber. I have listened to this too often. We are in the Chamber genuinely trying to solve problems and work together to make changes. Everyone else has the respect to do the job properly. Some go too far and cannot do it right. That does not achieve anything for anyone. I certainly cannot stand in the House as the Minister of State at the Department of Housing, Planning and Local Government and not tackle the matter. I will not accept it. It is not good enough. Above anyone else, the Minister, Deputy Eoghan Murphy, is transparent in everything he is doing when it comes to the figures as is the Department. Everything we have done in recent years has been done with complete and utter openness in this House and the same applies in the committee. Anyone has access to any of us here to go through any figures or facts. There is no hiding or messing. We do not do any of that whatsoever. It is clear and transparent. Therefore, it is wrong for Deputy Barry to go down that road. I am disappointed that he would do that, but that is typical of the person he seems to be.

Other issues were raised. Deputy Mattie McGrath speaks and then runs out the door before I get to answer back, as is usual. That is what he does; he throws something out and then runs away. Obviously, it is the same but he does it repeatedly. Again, he said that we are trying to cod people and make up figures and do everything else. That is not true. Others have managed to add to his comments since then.

Local authorities are asked to deliver houses any which way they can, whether by turnkey, acquisition, voids, new-build or lease houses. All these strands are needed. It is all required in the pot. All our figures clearly show what is delivered under each bracket. No one is coddling or hiding or moving at all.

An attempt was made to say the Department was caught out. That is baloney. I listened to the commentator in question again this morning. The same commentator told lies about me last week. Deputies should cop on to themselves. They should stop listening to and believing the commentators who say stuff without ever checking it. They never ask the questions but they make their livelihood out of commentary without ever checking with the Department what is true or false. Yet, some Deputies come to the Chamber and quote it as if it is gospel. It is not true and there is no coddling anyone. We have asked local authorities to do turnkey. In fact, local authorities have asked us to do it. It works both ways. We have asked local authorities to provide leasing, direct build and acquisition. They need to keep going, do more and scale up, as Deputy Burton has said. That is what we want them to do as quickly as possible. We all want that.

**Deputy Joan Burton:** The Minister of State would need to get his hard hat on.

**Deputy Damien English:** We all want that. I have had it on plenty of times. We need to

be clear on this point.

**Deputy Darragh O'Brien:** The Minister of State looks good in a high-visibility jacket.

**Deputy Damien English:** I must get one that fits. The turnkey is important.

**Deputy Darragh O'Brien:** The Minister of State put on his jacket to launch four houses.

**Deputy Damien English:** Does Deputy O'Brien not want the four houses? Is there something wrong with the houses in his area, something he did not like? I did not see Deputy O'Brien giving them back.

**Deputy Darragh O'Brien:** I was not there because I was at the housing committee.

**Deputy Damien English:** I was not slagging Deputy O'Brien for not being there. I asked whether he wanted to give them back. We all agree we want this on a greater scale but every house is important. Thankfully, when we open them in groups of eight, 12, 15, 20 and so on, eventually they add up. Last year, over 7,000 houses came into the system. The figure was a combination of build, voids, empties, acquisitions, turnkey and Part V housing.

**Deputy Joan Burton:** The voids are building up again, Minister of State.

**Deputy Damien English:** I did not interrupt Deputy Burton. I know they are but let us be clear. Some 8,000 plus voids were brought back into the system.

**Deputy Joan Burton:** Dublin City Council is overflowing with them.

**Deputy Damien English:** There is a different story there. I will come to that in a minute. I am happy to go there but there should be no voids. There is absolutely no reason for it.

**Deputy Jan O'Sullivan:** I started that scheme.

**Deputy Damien English:** I have no problem complimenting Deputy O'Sullivan on that. A total of €150 million has been spent. Voids are an essential part and must be brought back into use. The then Minister of State, Deputy O'Sullivan, started it and we continued with it. Deputy Alan Kelly was in the Department as well. We always said there is no excuse for voids and they should not be there. Far too many are left in Dublin. There should be none and they will be dealt with. There should not be many left at the end of this year – I can assure Deputies of that. Some properties were set aside for regeneration but nothing has happened. Again, that has gone on for far too long. There is a long history of this, and it has not only happened under our watch. It is not acceptable and it should not be happening. We need to see things move on in some of those sites as well.

Let us be clear on what turnkey is. Turnkey is build-to-order. Local authorities require the developer on an unfinished estate or a new site to provide good value and to deliver houses to the local authority. To me, that is a normal way of doing business. It is perfectly acceptable and I think it is a great way of doing business. I believe we should do more of it because there is great value in some cases. It will not work in every area but it is something we should do.

Other comments were made by Deputy MacSharry about streamlining the process. Again, we have had this debate during the past year or two and Deputy MacSharry has made the accusation that the system is out of order and so on. We have made many changes to the system and to the protocol. It is now down to a 59 stage protocol. It took approximately seven or eight

months of work last year with all the local authorities and housing bodies. It involved everyone coming together to change the system. It is a good system. A lot of people in the local authorities sector have told me there was no guideline before. There was never a set number of weeks for each part of the process. They say it is nice to have that to work to. We ask all local authorities and approved housing bodies to stick to the 59 weeks and not to take on projects which take three, four and five years. Those days should be gone. That happened in the past but the 59 week target is in place now. If Deputy MacSharry wants to consult with a local authority, it will find it hard to admit that it can beat 59 weeks if the Department is taken out of the equation. Most will say that even if there were not the different stages of checking in with the Department, they could not beat the 59 weeks. If they can, I will compliment them. We have ironed out a lot of the problems there. In an ideal world, people will just say a local authority should go forward and not consult with anybody to build their houses. It would change nothing about the timelines. They would not deliver the houses any more quickly. I am told that by the local authorities themselves. Deputy MacSharry might want to check with whoever he is getting his feedback from, because it does not add up. It is not true. We have corrected the system.

**Deputy Darragh O'Brien:** I will let him know.

**Deputy Damien English:** The Deputy might pass on the message to him. He has managed again to be gone by the time I get up to speak. It is important to correct these points in relation to housing because a great deal of work has gone into trying to change the system. I compliment the local authorities involved. People often ask why we have to open developments of ten or 12 houses. It is for one reason only, namely that taxpayers need to know that money is being spent. If one listens to the media or comes in here, one might think there is nothing happening. I would love if there were 50, 100 or 1,000 but people need to know the money is getting through the system. Very often, they hear comments from approved housing bodies, NGOs and others about solutions. However, those people rarely mention that these are taxpayer funded solutions. Every party represented here and every local authority member has committed a great deal of time and effort to drive the housing agenda. Whenever I visit a housing development, I say that every party here has played its part. However, we are all spending taxpayers' money and they need to be able to see it is driving solutions. That is why it is important to do that every chance we get. I always say that regardless of changes in government, the Dáil has committed the €6 billion and money beyond that to deliver housing projects. When it comes to scale, ambition and ideology, there is a commitment under Project 2040 to deliver 12,000 social houses per year after Rebuilding Ireland. There is a commitment there.

**Deputy Darragh O'Brien:** It is the added benefit of having a Minister in the media every day of the week.

**Deputy Damien English:** That helps too. It is a great bonus if it works. The commitment is there and there is no ideological difference. The difficulty is about how quickly one can scale up. In fairness, Deputy Howlin was in Cabinet and understands about finance and the fact that the money was not there in the past to deal with this. If it had been there, I have no doubt that Deputy Howlin would have found the money and got it spent as quickly as he could. When it was there in the budgets at the end of 2014 and into 2015 and 2016, it was committed and put in behind housing.

**Deputy Brendan Howlin:** First thing.

**Deputy Damien English:** That is why the system is beginning to deliver. It has taken years

to put the system together again but it is now beginning to deliver houses. Hopefully, we will get back to the scale we need. There is a commitment to get to 50,000 houses and then beyond that. The idea that it is part of Fine Gael's ideology not to do social housing is not true. It is not fair to say that when the commitment is there. That commitment is backed up by everyone in the House.

The Minister, Deputy Murphy, addressed the changes proposed in Deputy Jan O'Sullivan's Bill. We agree with parts of it but we cannot agree with it all. We are bringing in a Bill ourselves in the month ahead. Hopefully, we can include some of these proposals in that. A second Bill is being published for the autumn. With a bit of effort, we may be able to squeeze things in. Everything one does when one intervenes in the rental market must be analysed carefully, which the Deputies opposite will appreciate. That is why things will be done in the autumn if it is not possible to get them through in this Bill or the Bill coming through in June. There are proposals here with which we agree. We had a discussion last night on student accommodation also. This is an area in which we will act. I thank the House for the time.

**Deputy Brendan Howlin:** I thank everyone who has contributed to the debate. In particular, I thank Deputy Healy for acknowledging that every Labour Party Minister has always prioritised housing and produced thousands of houses, as he said.

**Deputy Darragh O'Brien:** Except the last one.

**Deputy Brendan Howlin:** I am very glad that was acknowledged. Deputy Murphy said we could have built houses in 2011. In 2011, the country was on its knees. Our indebtedness was 30% of GDP, which was higher than that of Zimbabwe. That was a nominal figure. The actual figure, even taking out the bank debt, was 11% of GDP. We had no money to spend. Deputy Murphy thinks we could borrow the money from the European Investment Bank. I met the European Investment Bank at the time. I brought its representatives to Dublin. The very first meeting they ever had outside Luxembourg was in Dublin at my invitation. They would provide us with a loan but we could not borrow money because we were required to reduce our indebtedness from 11% of GDP to 3% or we would have no money to pay for health, social welfare and everything else. The first thing we need in the House is honesty about how we address and solve these issues. We have a habit of always trying to resolve the last crisis after the fact. The economy crashed in 2008 due to reckless bank lending and a property bubble. For most of the time we were in government, there was no property market. Nobody could tell one what was the value of houses because there was no market for them. Nobody was building houses because the builders had collapsed. The notion that it was a normal time merits revisiting given that we were barely clinging to economic survival. Let us be honest. It is nice and comfortable for people to make jibes, but if we are going to resolve the real crisis we now face, we must act collectively.

My colleague, Deputy Jan O'Sullivan, has worked on many fine Bills in the housing area. This Bill contains a set of measures which would provide real support to the most embattled cohort of people right now, namely, those in the rental sector. They are genuinely being crucified across the country. Rent hikes have been monumental over the past five years or so. Rents are now higher than they were at the peak of the boom in 2007 and 2008. As my colleague, Deputy Joan Burton, has said it is perversely the case that the cost of rent is more oppressive than mortgages at current rates. If there were only houses for people to buy and they could convert what they were paying in rent into mortgages, they would be better off and in the process of acquiring their own homes and settling their circumstances forever more. That is the reality.

Figures revealed by RTÉ today show that half of new homes listed as local authority builds were bought directly from a builder or developer. Half of these houses were bought. I heard the Minister of State say that is the way it should be and that we are doing everything. However, he is saying, in essence, that the few bob the State has is now being used to compete with-----

**Deputy Damien English:** They are built to order.

**Deputy Brendan Howlin:** They are not.

**Deputy Damien English:** They are not competing. I can bring the Deputy to the sites.

**Deputy Brendan Howlin:** I can show the Minister of State an estate in my constituency which a developer built and where eight houses were bought by the local authority.

**Deputy Damien English:** And I will bring the Minister of State to lots of sites where they were built to order.

**Deputy Brendan Howlin:** They were not built to order. These were private developments.

**Deputy Damien English:** I can bring the Deputy to lots of sites. I will bring him with me.

**Deputy Brendan Howlin:** I am sure there are others but the Minister of State must accept the point. Half of the so-called “council builds” were actually purchased. That is instead of having two streams to bring homes onto the market, one involving houses built by local authorities as they used to do when we had housing departments buying land years in advance, servicing it and building according to need, and a separate stream of houses coming from developers to service the private market. The problem is that we do not have anything like enough of the old-fashioned local authority houses. We are sitting on hundreds of acres of land. We have all identified it. Notionally, we have allocated the resources. When moneys became available, my very first act was to allocate the first few bob we got to social housing. There were problems, however. Let us be honest again. In the early part of the 2000s, there was a policy to hollow out the capacity of local authorities to build houses and to rely instead on the private sector to build and lease back properties. It was the wrong policy and it had a doubly negative effect. Not only did it incentivise the private sector to build houses and create a boom, it also hollowed out the capacity of local authorities. In 2014, when we had our first few bob, I allocated it to housing as our very first measure because it was the number one social priority. That was four years ago. I was told quickly that the local authorities did not have the capacity to build the houses and I had to immediately allocate additional staffing. I had to alter the restriction on employment to housing departments because they had not got housing officers in the same way as they had for decades previously, and we are only getting to that stage now. There was a lag because of the policies that were developed over time.

Now let us recognise, as I thought we did across this House, that the biggest social challenge we face - there will be Brexit and other issues - as a community and as a nation is housing. There are too many people with no certainty about the roof they have over their heads and too many young people almost abandoning the notion that they will ever be able to afford to own their own house. Let us do something about it collectively. For God’s sake, let Deputies stop scoring points off one another, with them running in here for five minutes, making a few mumbled charges and running out again solves no problems for anybody. Let us try to collectively allocate the resources - it is our constitutional role to Vote money - agree on the plan and, in the interim, when we need to solve the big issue which is the supply-side issue, utilise

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the landbanks we have, utilise the money we have available and the capacity within the local authorities and other State agencies and agree to quickly embrace proposals like those put forward by Deputy Jan O'Sullivan to ease the burden now on those in the rented sector so that they do not face rent hikes above the CPI.

Members come in here stating we should halve rents.

**Deputy Darragh O'Brien:** It is nonsense.

**Deputy Brendan Howlin:** They know that is nonsense. It is a lovely soundbite but unconstitutional and unfeasible. It is not real. People need real solutions. If we embrace the measures we have here to give security of tenure to tenants and to give security to landlords too in a balanced way in order that they can invest in properties and bring unused properties back into use and at the same time invest heavily in the landbank and the resources we have to ramp up on the scale Deputy Joan Burton talked about, then we will have done a great social good collectively. Let us bend our will and our efforts collectively to do that, stop talking about doing it and get on with actually doing it. It is worrying, quite frankly, that despite the cross-party housing strategy, endless proposals and motions and Bills in this House, we seem unable to get on top of this issue. Let us ensure collectively that this is our social priority and that we find a solution.

Question put and agreed to.

### **Residential Tenancies (Greater Security of Tenure and Rent Certainty) Bill 2018: Referral to Select Committee [Private Members]**

**An Ceann Comhairle:** As this is a Private Members' Bill, it must, under Standing Orders 84A and 141, be referred to a select committee. The relevant select committee for this Bill is the Select Committee on Housing, Planning and Local Government.

**Deputy Jan O'Sullivan:** I move:

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

Question put and agreed to.

### **Message from Seanad Éireann**

**An Ceann Comhairle:** Seanad Éireann has passed the Radiological Protection (Amendment) Bill 2018 without amendment.

### **Business of Dáil**

**An Ceann Comhairle:** I understand the Government Chief Whip has a proposal for an alteration in the business tomorrow arising out of the request that we had earlier today on the Order of Business.

**Minister of State at the Department of the Taoiseach (Deputy Joe McHugh):** Notwithstanding yesterday's Order of Business, it is proposed that the Dáil shall take statements on a fatal road traffic collision in County Monaghan in 2011 tomorrow after the sos; the statements shall conclude within 80 minutes, if not previously concluded, and shall be confined to a single round, by a Minister or Minister of State and the main spokespersons for parties or groups or a Member nominated in their stead, of not more than ten minutes each, and all Members may share time; and the order shall resume thereafter.

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

### **Education (Admission to Schools) Bill 2016: Report Stage (Resumed) and Final Stage**

Bill recommitted in respect of amendments Nos. 1 and 2.

Debate resumed on amendment No. 2:

In page 3, line 16, after "school," to insert the following:

"to amend section 7 of the Equal Status Act 2000 in relation to its application to recognised primary schools, to further amend that Act to provide for the application for admission to recognised primary schools by students of minority religions;"

- (Minister for Education and Skills)

**An Ceann Comhairle:** I think we had concluded our consideration of amendment No. 2 in the name of the Minister and the related amendments.

Amendment agreed to.

Bill reported with amendments.

**Minister for Education and Skills (Deputy Richard Bruton):** I move amendment No. 3:

In page 3, lines 16 to 18, to delete all words from and including "the" where it secondly occurs in line 16 down to and including "2004," in line 18 and substitute the following:

"the Education (Welfare) Act 2000, the Education for Persons with Special Educational Needs Act 2004 and the Education (Miscellaneous Provisions) Act 2007,"

Amendment No. 3 is a proofing amendment to ensure that the Long Title reflects the fact that the Bill repeals sections 4 and 6 of the Education (Miscellaneous Provisions) Act 2007. The reference to that Act was inadvertently not included in the original Long Title of the Bill.

Amendment agreed to.

Amendment No. 4 not moved.

**An Ceann Comhairle:** Amendments Nos. 5, 6, 30, 31, 69, 89, 104, 105 and 139 are related and may be discussed together. While we await Deputy Boyd Barrett, are there any contributions on any of these amendments?

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**Deputy Richard Bruton:** My amendment No. 69 amends the provision of the Bill which requires schools to set out their arrangements for children who wish to opt out of religious instruction classes to provide that such arrangements will not involve any reduction in the school day for the children concerned.

**An Ceann Comhairle:** Are there any other amendments in this group that anybody wishes to raise?

**Deputy Joan Burton:** I ask the Minister to clarify how schools will be advised as to how this will operate. Will the Minister agree to provide schools with the additional resources? At present, if pupils opt out, often they go somewhere, such as a library or, worse still, maybe to a corridor, or they sit at the back of the class. Parents affected by this have made it clear that they do not want their children in this invidious position.

There has also been many references in the Bill to religious instruction taking place either at the beginning or at the end of the day. We heard that, particularly from some of the groups which came in and addressed the committee. What I am concerned about is whether the Minister will clarify what resources he will put into this? The organisation of this will take considerable resources. It would be better to leave it to the after-school period or to have it early in the school day so that it would involve the minimum disruption.

Many children dislike being left out of what is seen to be an activity of the school. It can be quite invidious and quite alienating for them to be left out, and parents also find it so. It is necessary for the Department of Education and Skills to make it clear to schools that there ought to be discussions in schools about how this sensitive issue is dealt with. One should bear in mind that in many schools in Dublin West, as in many areas around Dublin, there are the 70 to 90 flags of different countries which pupils come from. Many of our schools, at both primary and second level, have 1,000 pupils. When we talk about people coming from every continent on the globe, we are talking about a lot of religious affiliations and people from different backgrounds. We are also talking about significant numbers of children who may have no religious affiliation. A lot of Catholic and traditional parish schools are extremely welcoming of children from diverse backgrounds. It is, however, very difficult to be inclusive, as schools want to be, when they have religious curriculum at the heart of the school day and when there are some who are not for it, perhaps because they are of a religion that is not the religion of the patron of the school. It is an issue that needs to be faced. School principals are acquiring more and more managerial responsibilities. As the Minister knows, it is becoming more difficult to get a lot of people to apply to become school principals because there are so many sensitive issues that need to be managed. Will he share his thoughts on how he will provide for this in terms of the provision of resources?

**Deputy Catherine Martin:** I have tabled amendments Nos. 89 and 104 in this group. Amendment No. 89 would require the Minister to provide guidelines for schools on how they should put in place age-appropriate alternatives for children who do not wish to attend classes in religious instruction. The Minister must set minimum standards for the nature of exemptions for students who do not want to attend classes in religious instruction. This would ensure freedom from discrimination and protection of the right to freedom of thought, conscience and religion in schools. The Bill, in section 62(7)(n), already provides that a school should provide details of its policy on arrangements to meet parents' wishes or those of any student over 18 years who does not wish to attend classes in religious instruction. Government amendment No. 69 also ensures a student cannot miss a day of school if he or she does not attend classes

in religious instruction. The next logical step is to ensure the Minister will set guidelines to ensure all students will be treated equally across schools when they opt out of classes in religious instruction. In February the Minister issued a circular to all ETB schools requiring them to provide alternative subject choices for students who wished to opt out of classes in religious instruction, but it only applies to ETB schools, the logic being they are multi-denominational. The amendment would compel the Minister to issue guidelines to all schools.

Amendment No. 104 would require the Minister in his regulations to set age-appropriate guidelines for primary and post-primary schools, respectively, for students who did not wish to attend classes in religious instruction in publicly funded schools.

**An Ceann Comhairle:** Will Deputy Richard Boyd Barrett move amendment No. 5?

**Deputy Richard Boyd Barrett:** I move amendment No. 5:

In page 4, between lines 14 and 15, to insert the following:

“(2) Section 15(2) of the Act of 1998 is amended by the insertion of the following paragraph after paragraph (g):

“(h) in performing the functions conferred on it, and notwithstanding subsection (2)(b), a board shall uphold equal respect and dignity for all pupils, regardless of religion, ethnicity or family background, and uphold their constitutional rights under Articles 44.2.3 and 44.2.4, specifically by ensuring no religious instruction or faith formation take place during class time.”.”.

The amendment seeks to remove religious instruction and faith formation from class hours and allow for it to take place after class hours. This is in line with our view that in an education system which is publicly funded - even private schools are publicly funded - there should be a curriculum taught which is inclusive of everybody and does not have a bias in favour of or prefer a particular religious ethos or does not seek to impose a particular moral or religious view of the world. I do not see how it is the job of a publicly funded education system and the curriculum that goes with it to teach people about particular religious preferences. I do not see how they two go together. Do not get me wrong - people are entitled to their religious views. I would fight to defend people’s right to freedom of religious expression and association, but that is a separate matter from education. I am not saying people cannot privately make the decision to fund a religious education, although to me it is just about teaching a particular world view. I do not accept the idea that in an education system which is supposed to be in place to deliver a curriculum for everybody part of the day should be about teaching a particular moral world view is legitimate.

I know the historical reasons it happened and they have got the country into a terrible mess. We outsourced education largely to the Catholic Church and there was a *quid pro quo* which for people like Archbishop McQuaid was, “We will run the schools, but we get to indoctrinate the kids”. That is what it came down to. I do not think that is acceptable. Religious instruction should be removed from normal school hours, but that is not to say I do not think we should not have as part of the curriculum the study of different belief systems, taught in an objective, fair an even-handed way because I absolutely think we should. We should have classes in philosophy - call it what one likes - in which different religious and non-religious world views or philosophies are taught to people as education about the world. Catholicism and any other religious view would be part of it, but it should not be prioritised in a school setting over and

above other world views.

To my mind, it is a very simple position. No matter what stipulations are included about schools having to make alternative arrangements for children who do not have religious views or have minority religious views, in effect, they mark them out. It means that the State is supporting creating a certain religious and moral atmosphere which is imposed on children who may not share that view or whose parents may not share it. That is not right. That is my view and the purpose of the amendment. It is in line with a general view that we need to separate church and State in all areas and recognise that they are different. The jobs of the State and the particular religious institutions are different. In this state they have become intertwined and entangled in a way that has been toxic and unhealthy. The adoption scandal that erupted in the past few days, about which the people concerned have been campaigning for years, is of relevance to the issue of education because what happened and what potentially could happen is that the particular ethos and interest of a religious institution cut across what might have been the best interests of a child or service user who was in the care of a particular religious institution with its particular moral view. That is exactly what happened in the case of the adoption scandal because the Catholic Church had certain attitudes about parents who were not married. They were mothers who were not married and the Church had certain attitudes. That impacted on its ability to deliver what should have been just a welfare service for mothers and children. There is the same potential as long as there is an intertwining between church and State of particular religious and moral views and the delivery of what should be an education system which is equal and fair to everybody. That is my view. It is on that basis that I have moved the amendment which I will be pressing to a vote.

**Deputy Róisín Shortall:** I will speak to amendments Nos. 6, 31 and 139 which concern the same issue. They would place a requirement on schools to place religious instruction or what is referred to as faith formation at the end of the school day in order that children who do not share the same belief system as that of the patron could avoid participating in it.

Parents have a constitutional right to have their children opt out of religious instruction and the only meaningful way this can be vindicated is if it is pushed to the end of the school day. Having religious instruction class within the school day entails segregating children and that is not a good practice. Within a school we should not divide or segregate children on the basis of their religion. We should be trying to encourage mutually respectful situations in our schools and respect for diversity and difference. One does not encourage that view by separating and segregating children.

The proposal for religious instruction classes to happen outside the regular school day is reasonable. If the school finishes at 2.30 p.m., it can happen then for the convenience of parents. Nobody has any difficulty with different denominational groups using a publicly-funded premises for instruction for convenience purposes. For children who do not share the belief system for which there is a religious instruction class, it is very important that this change is made.

I was concerned to hear the Minister last night making a reference to children of no religion going to Educate Together schools. That comment absolutely misses the point. It may have been a slip of the tongue. Educate Together schools are not schools for people of no religion; they are multidenominational schools and the multidenominational aspect of the school is one of the four key principles underpinning Educate Together. It is about respect for difference and bringing children together from different socioeconomic backgrounds, from different faith

systems or none, and from different areas so that there is a vibrant mix within the school. It is really good for young people to work with, play with and be in the same classroom as people from different backgrounds and who have different views. It creates a great dynamic in schools to have that kind of diversity and that is what the Educate Together model is very much about. I was lucky to have been involved in the first Educate Together school on the north side of Dublin in 1983 and my own three children were able to attend, as was Deputy Burton's daughter. We very much valued the richness that came from a school that valued diversity and that is what our education system should be about. It should be about bringing children together and not separating them or dividing them.

Last night we talked about patronage and the baptism barrier but even within a school that has a denominational patronage, we should still strive to bring children together and respect difference and diversity, rather than drawing attention to difference. It is often seen as penalising children if they have to be taken out of a class to do something else and it separates them from their peers, which is not a good thing: it is not good practice to do that. For far too long the State has been quite happy to outsource education and healthcare to religious organisations but we should now be able to move beyond that. We should be a modern republic and ensure our institutions reflect that. Part and parcel of this is developing our own civic ethic but there has been very little time or consideration put into this. What is the moral code we want our young people and older people to live by? Can we have a debate about how we encourage respect for difference, honesty and integrity in our young people? There is a way of doing that which also includes respecting people who have a particular religious belief system. The way to do it is through a general course provided within schools. It is not one denomination over another but is about what the Educate Together schools call the core curriculum. This curriculum is devised by parents and staff in the school and reflects the moral code which we should all be striving to live by. It does not exclude anybody. It is about bringing people together, having mutual respect, treating people well, being honest, understanding and recognising different belief systems and accommodating all of that in an inclusive way rather than in a way that divides.

I strongly appeal to the Minister to listen to the views of so many parents from all backgrounds, from all religious belief systems and none, who want their children to be part of an inclusive society for which we should be striving. Separating people for religious instruction absolutely works against that objective.

**Deputy Paul Murphy:** These amendments, in particular amendments Nos. 30 and 31, get to the heart of a debate that will open up more and more in society in the coming years. We saw the incredible and tremendous scale of the victory at the weekend and it speaks to a desire of large sections of people for a very different society from the one we have had, with an end to the domination of the Catholic Church and the oppression of women. This is a struggle for equality and against oppression and a key part of that is the struggle for a secular society, where there is separation of church and State and where everybody's rights to practise religion are fully protected by the State, with no interference whatsoever. It is also, however, a society in which the State's resources are not used to promote any particular religion.

The key battlegrounds for a secular society are in education and healthcare, where the lack of a secular society has a daily impact on people's lives. Amendment No. 30 gets to the heart of the matter in respect of the education system. It is repugnant to me, as a secularist, that public funds and resources are used to promote different religions, in particular the Catholic Church which covers close to 95% of primary schools. I also happen to be an atheist but that does not inform my views in this case. We will not deal with this issue unless we enact something like

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what we are proposing in amendment No. 30, which is to remove all religious instruction and faith formation from school hours. That is because these are hours for which teaching staff are being paid by the public's taxes. It also proposes that "religious instruction and faith formation relating to or arising from the characteristic ethos of the school shall not...permeate education". These demands are quite basic and simple. They are asks but they are asks that have been implemented in other countries, such as in the US. The US is a religious society but there is separation of church and state. That is what needs to be done if we are to have a secular society. We must have a separation of the two. We cannot have a promotion of religion in this way.

The points have been well made as to the impact of this on people. It is a pressure on children to participate in a particular religious education and, if they do not, the consequence is their potential social exclusion. It has negative consequences for children. Parents have the right that the children would hear about whatever religion they are a part of or advocate for, but they do not have the right to expect that the public would fund that through public schools and then put pressure on children, in effect, to experience that through religious education in school. For me, this is obvious and simple. We should not have religious education happening in our school system.

Clearly, the Government's approach is not to accept that. I presume the amendments will not pass because Fianna Fáil will go along with the Government, but I advise the Minister this issue is not going to go away. It has become clear that Fine Gael's approach to these issues of church-State relations is more skilful and a little more flexible than previous Governments. The Government has recognised which way the wind is blowing and has decided it is better to bend with that pressure rather than to face church-State relations being broken and the end of the State's reliance on, and outsourcing to, the church, but ultimately it will not work.

The movement of people who successfully repealed the eighth amendment will not just leave it there. They are turning their attention to all questions relating to education and health, and the Government's piecemeal approach to bend a little on the baptism barrier but not to deal with it fundamentally, to bend a very small amount on this issue before us but not to deal with it, and to bend a little on sex education by saying we will have a new curriculum but we will not deal with the religious ethos issue, which is at the core of why we cannot have objective sex education, will not be accepted. People will increasingly demand that each of these issues be dealt with but, more generally, they will say we need a separation of church and State in this country. We will have a major movement around that. It is quite clear that movement will ultimately be successful. The question is how long and how far the Government and various establishment parties will resist that rising demand and how much resistance they will put up.

**An Leas-Cheann Comhairle:** Did Deputy Burton indicate she wished to speak?

**Deputy Joan Burton:** I made a comment already.

**An Leas-Cheann Comhairle:** My apologies.

**Deputy Richard Boyd Barrett:** I moved amendment No. 5 but I should also have moved amendment No. 30.

**An Leas-Cheann Comhairle:** The Deputy cannot move amendment No. 30 until we reach it. He moved amendment No. 5 and we discuss it and the following amendments prior to dealing with amendment No. 30.

**Deputy Richard Boyd Barrett:** I bow to the Leas-Cheann Comhairle's knowledge of procedure.

**Deputy Richard Bruton:** The Deputy can learn sitting at the feet of the master.

**An Leas-Cheann Comhairle:** I will keep Deputy Boyd Barrett right on that.

**Deputy Thomas Byrne:** On behalf of Fianna Fáil, I want to say that we can see a strong case to be made for having religion at the end of the school day. There is a strong case for that. It happens already, as alluded to by Deputy Shortall, in multid denominational schools where religious instruction is provided, in some cases to the majority of pupils, depending on the parents' wishes, and it seems to happen pretty seamlessly. There are practical issues. It would not be fair on schools to implement it straight away. There is an opportunity for the Oireachtas Joint Committee on Education and Skills to examine this issue, in particular, in the autumn and to invite in the stakeholders. It is important in our education system that we do not simply make laws and hand them down but that we bring the stakeholders along. That is the way the education system has worked in Ireland and the reason it has become the one it is today. I would be reluctant to support the amendments on that basis without in any way challenging the ethos of schools.

If we were to deal with the fact that say, for example, in rural Ireland there is one school in a parish or a village where parents do not subscribe to its ethos, it will not be possible for the State to provide a multiplicity of school ethoses in those areas and it might be better if faith formation were done at the end of the school day. It will also not be realistic to have wholesale divestment of schools from the various patrons. This might be a way of dealing with the issue and I do not believe anyone has anything to fear from it. There are practical implications to it, however, and there may well be resourcing implications also.

The Minister issued a circular to the education and training boards, ETB, sector recently demanding that they provide alternatives to religious education without providing the resources for that. While it may have got the Minister a fantastic headline to the effect that he is moving with the times and so on, on a practical basis it will not work in schools because they do not have the resources. In terms of any of these issues, I will not subscribe to the approach of just legislating for this today. The same applies to the Minister's circular on ETBs on which there was no consultation or announcement. The Oireachtas committee can examine this in some detail with the stakeholders later in the year or early next year to see first if it is an issue. It may well be the case that we could give schools the option but there is certainly an argument for it and it already works well.

In regard to patronage, and I said this last night, the Minister is embarking on a complicated process in terms of finding out who the patrons might be for the 42 schools he announced on 13 April. I am shocked to hear stories about the type of canvassing and negative campaigning that has been undertaken in some areas when this patronage issue has arisen. These are State schools we are providing. We have a multiplicity of religious denomination schools in the country and it seems that the education and training board sector is the most appropriate vehicle to take these schools. We can ensure there are a sufficient number of Gaelscoileanna as well through that model.

The process the Minister is undertaking this summer in terms of deciphering the patronage is putting a huge administrative burden on his Department and on the patron bodies which, in

some cases, do not have the resources. It might be better simply to state that these are State schools and should remain in State patronage. That would be efficient and would pursue the goals we share of further diversity in the education sector. It is clear from the Minister's statements that it is open to religious patrons to canvass for religious ethos schools, even where there is sufficient supply, and it would be open to patron bodies for Gaelscoileanna to canvass for Gaelscoileanna where there is already a Gaelscoil. That is something we believe is unnecessary and I strongly urge the Minister to reconsider the patronage campaign that will now have to be embarked on by these groups and organisations, including the State sector, that is, the Minister's ETBs, which will have to spend a good deal of money on this to introduce themselves to people. I strongly urge the Minister to reconsider that. It would take a huge administrative burden off his Department, bring clarity to the process and allow the ETBs to focus on the location of the sites for these schools, particularly the 21 starting in September 2019. It would also allow them to recruit principals for these schools. That would give some leadership, direction and identification to potential parents who would be seeking to send their children to those schools.

**Deputy Michael Collins:** I will start by declaring a conflict of interest. I have been on the board of management of a Catholic school in west Cork for the past number of years and I was chairperson of the same board. I cannot understand why people come into this House and point fingers at the religious orders in regard to schools. I have been ten years involved in the same school in Schull in west Cork, but not once has religion been put before the interests of the child. Time and again I come into the Dáil and it seems that people are saying that religion is keeping people outside the door of schools. That is not the case. I would not have anything to do with the likes of any board of management if that were the case. It has been fair to everyone and, as chairperson, I never once heard religion being raised as an issue, thanks be to God, in the three years I was on the board.

**Deputy Paul Murphy:** Thanks be to God.

**Deputy Michael Collins:** I am delighted to be able to thank God. The child came first, and I have first-hand experience of that. That has been the case during the time I have been a chairperson and a member of the board. The child always came first. I would like to calculate the amount of time we spent talking about religion on that board in ten years but I can safely say it did not take up too many hours because it was not an issue. The child and the teaching of the child always came first in the school. That is the most important thing. I could not speak about this if I was not on a board, but I am and I know exactly what it is like. Nobody wants to admit that only for the local priest the school would not be there. Some people want to get rid of the church from schools, but they do not realise that it was Fr. Hurley, God rest his soul, who came up with the idea some years ago that we would build a school in Schull where male and female pupils could attend. We closed the convent school and the boys' national school and we now have one fabulous school going forward with a super principal, Mr. Diarmuid Duggan.

Reference was made to the difficulties faced by children who are of no religion or different religions when there are communions in the school. The schools accommodate this, in the same way they accommodate a pupil who may not need to learn Irish or other pupils. It does not mean that we have to shut down the school because a pupil is not able to do Irish. It does not mean that if a child cannot do physical education there is an issue. The schools accommodate these cases.

There has to be an understanding that the church is not all that bad as people proclaim it to be with regard to schools. It really comes down to the principal and how he or she runs the

school, and to the board of management. Boards of management are made up of various representatives: two from the church, two from the community, two from the parents' association and two teachers' representatives. The church is totally outnumbered on the board so Deputies should not worry about that. I am a community representative on our board of management. People might say I should be a political representative but I was on the board over many years before I went into politics and people decided it was okay; it was up to the community to make that decision, not me.

I do not like to hear church bashing. Obviously there may need to be changes and people need to be aware that those children who have no religion need to be in these same schools. These pupils must be accepted with open arms the same as everybody else. This is the way it has been in the national school I represent and I am proud of this. I would not be on the board of management if it was any different. I never ask anyone about this. It is the same in politics: I do not ask anyone about their colour or their creed. When they come into my office I deal with their issues and do not even ask which constituency they come from. That is the way I have always been.

I stress that there are more important issues such as the pupil-teacher ratio in primary school classes. This is far more important for the education of our children. From junior infants through to sixth class this ratio must be reduced. It is vital that we stand up for the rights of our children's education. This is a far more important issue according to the parents with whom I speak. The children are our future.

Another important issue affecting schools is the capitation grant. We should be discussing this issue today because I am aware that schools, led by the principals, are out there - as a politician once said - with our paws out. We are looking for money to keep the basics going, to fill the oil tank in the school and to pay for the secretary. The money is not there because the capitation grant is not meeting the needs of the schools. It is not just the local national school in west Cork: this is replicated throughout the State in every other national school. It is a very difficult situation for schools to be in. They should not have to be in this situation and it is a far more important matter to be addressed than amendment No. 31 that we are currently discussing.

I wish to bring the serious issue of school waiting lists to the attention of the Minister, Deputy Bruton. It has become a huge issue. While I understand there are certain rules around feeder schools for second level students I feel that every parent and child who applies to a school should receive a direct, written response. There should be a more transparent way to be more open, for the purposes of parents' understanding the why, where and when. I am currently dealing with a situation where children were taken in from a non-feeder school before feeder school children were taken in. The parent concerned is very stressed, cannot understand why and feels the child was victimised. The parent is seeking an answer because the current rules and regulations state that the child would be taken from a feeder school before a child from a non-feeder school. It did not happen, unfortunately, in this case.

My constituency covers a vast area, and I accept it is not hugely populated, but nobody is coming to my office asking for the religious to be out of the schools. People are, however, coming to see me about the capitation grants, special needs assistants and all the other issues I have just referred to. These are the issues that really concern parents. Anybody who is in touch with parents knows that these are the issues they want resolved. I would appreciate if the Minister would focus more on those issues.

30 May 2018

**An Leas-Cheann Comhairle:** Are other Members offering?

**Deputy Richard Boyd Barrett:** The Minister will respond and then there will be another round.

**An Leas-Cheann Comhairle:** There are two minutes remaining for any Member who wishes to speak. It is the Minister's amendment so he has an extra two minutes at the end. Perhaps the Minister might want to hear further-----

**Deputy Richard Boyd Barrett:** On a point of order, I have had my seven minutes and then it goes back to the Minister and then all Members here get two minutes. Then there is the last two minutes.

**An Leas-Cheann Comhairle:** Does the Minister wish to continue for two minutes?

**Deputy Richard Bruton:** Yes.

**An Leas-Cheann Comhairle:** It will be the Minister's last contribution.

**Deputy Richard Bruton:** It is difficult to cover in two minutes all that has been said. Of course everyone recognises that Ireland is changing, but we also start from a position where 95% of schools are denominational and 99% of schools are privately owned. What we are really discussing is how to address the absolute constitutional right of a child to opt out of the religious activities within the school, if he or she chooses. This is what we are trying to do and this is what my amendment provides for. Clearly, many people take the more radical view of taking religion out of schools altogether and not using schools for any form of religious instruction. These are legitimately held different points of view. I seek to develop the provision for children who want to opt out and to make sure it is a good provision. Over the last years, since the forum on patronage, good practice was indicated. The forum indicated good practice such as online lessons for the particular lesson of the child or staggering the times of the religion class so it could accommodate different children. It emphasised that each school should have its own approach and not a one size fits all approach, as some Deputies claim. It was also suggested that religion class could be put at the end of the school day, but the patronage discussion did not come out in favour of that idea because it meant that some parents would have to collect their children earlier, and it appeared that these children were being excluded from some of the school activities. This might not be optimal.

If we want to change this then we need consultation. We cannot suddenly decide in the House that we are going to impose a set of rules immediately. The patronage forum indicated the need for flexibility. There are some very good practices emerging within denominational schools that have to be respected. They are valuable.

Deputies raised many other issues. Deputy Thomas Byrne spoke about confining new schools to education and training boards, but this would exclude Educate Together and Gaels-coileanna. The system I continue to apply is an independent group, recommending that diversity is a requirement of the process, parental choice being allowed and patrons being allowed to apply. It does not mean that a majority patron can deliver diversity. Clearly a majority patron cannot meet one of the critical criteria if all the existing schools, or the vast majority, are of that denomination.

Deputy Michael Collins spoke about transparency. This is what the Bill is all about. It

makes it absolutely clear there will be a written policy of admission. We will ban waiting lists and there will be openness. We will not use religion as a criterion for selection in Catholic schools. There will be much greater clarity but schools can still have the sibling rule, which can override the feeder school. The schools can decide. The schools will have published admissions policies, but each school will have freedom within it. If my amendment passes, religion will not be a criterion to exclude a child. Unfortunately, I cannot do justice in two minutes to many of the points being raised.

**Deputy Joan Burton:** We have had an interesting discussion. It is a question of how to recognise the constitutional right of people to their religious affiliations or none. In effect, the Labour Party's proposal is to use the Citizens' Assembly model to have a discussion based on a representative sample, as was done successfully in respect of marriage equality and repealing the eighth amendment. This is an important issue for communities, schools and institutions.

I agree with Deputy Shortall about the Educate Together model, which started approximately 40 years ago in the Dalkey School Project in Dublin when there was less diversity. In fairness to some of the Deputies who have contributed, they do not represent constituencies that have the level of diversity seen in Dublin West, where 30% of the population have parents who were not born in Ireland or were not born in Ireland themselves.

I want to tell the Minister something that might also cheer up Deputy Michael Collins. At a school opening a week ago, the Taoiseach effectively promised an increase in the capitation in the budget. He did not write that down, but he certainly said it to many people.

We need a national discussion on this matter and to find a mechanism that is inclusive of different desires. A school with 30 religions and 70 or 80 nationalities is the reality in certain areas of Dublin West. In fairness, Catholic parish schools have been very inclusive down the years, but whether people of the Catholic faith are open and inclusive towards people of other faiths or none - they are - is not the issue. Rather, there are practical arrangements to be considered. I would like to hear the Minister's view on whether a Citizens' Assembly model should be used to address the sensitive issue of how to get the balance right between the various expressions. Just as there are religious sectarians, there can be sectarian atheists.

**Deputy Richard Boyd Barrett:** Where are the atheist schools?

**Deputy Joan Burton:** We need to have a national discussion so that all views can be taken into account. What are the Minister's views on that suggestion?

**Deputy Róisín Shortall:** The Minister cannot conclude that, just because parents are Catholic, they want their children to be given special treatment in school and to be separated from non-Catholic children. That is not the case. In the main, parents want our education system to be inclusive of all children, theirs and others', but it patently is not that at the moment. For some time, several people have been referring to the need for a national debate and engagement on the future of our schools. It is extraordinary that over 90% of primary schools are under the patronage of the Catholic Church, which does not reflect the Ireland of nowadays. We must work out how we get from the present unsatisfactory system to one that reflects the needs and desires of parents and children. Having a Citizens' Assembly kind of approach would be constructive, as many aspects need to be thought through.

I will discuss the Minister's proposal on education and training boards, ETBs, further, but his proposal in this context is just a sticking plaster and by no means a solution. We have heard

and seen some disturbing attitudes expressed by people within the ETBs in terms of what they view as being multid denominational, which is not multid denominational at all.

Regarding patronage, we will need to plan out how to reach the point of being able to develop a modern education system that reflects the needs of the country. I support that idea. What are the Minister's views on it? Is it acceptable to segregate children? Surely that goes against the grain of what we should be trying to achieve in our schools.

**Deputy Richard Boyd Barrett:** I accept a number of positive points made by the Government and other Deputies who will not support this amendment, but I will press it because that is the right thing to do. The fudge that the Government has devised does not address the current system's fundamental unfairness *vis-à-vis* children. My obligation is to propose what I believe is in the best interests of children, and no matter how one construes it, I cannot see how it is the job of the State to promote particular religious views, make people who do not necessarily share those views feel different, segregated and under pressure, and impose same on them.

I accept Deputy Michael Collins's point that there are many people in denominational schools who would never want to discriminate and would want to accommodate, but the problem is that there is no protection against a situation where that is not the case. If the decision on how to accommodate people is left up to the school, maybe it will accommodate them well and maybe it will not. We get ourselves into a knot when we have schools that are informed and dominated by a particular religious view. Deputy Thomas Byrne rightly pointed to the rather unseemly scramble around patronage, where there are competitions like in football.

**Deputy Thomas Byrne:** Not just by the religious groups.

**Deputy Richard Boyd Barrett:** I agree. Gaelscoileanna, ETBs, national schools and so on compete against one another. It is ridiculous. The way to address that is by separating church and State. The question of Irish language schools, which we should have, is a different matter, but it should not be intertwined with religious competition or competition over denomination. It is crazy. This is the way we have to go.

**Deputy Richard Bruton:** Is the Deputy ruling out Educate Together?

**Deputy Richard Boyd Barrett:** We have to reform the whole business completely. Educate Together is the best model to do that, but it is probably not the last word. Educate Together itself would agree. The problem is that religion is cutting across the State's obligation to provide unbiased education.

**Deputy Thomas Byrne:** The problem is not religious schools but the preponderance of religious schools. At primary level, they account for more than 90% of schools. We can get fixated on teaching religion and on Catholic or Protestant schools, but there would be no issue if there was a much lower proportion of religious schools. At second level, for example, it is not as much of an issue because invariably there is choice and new schools follow the ETB model, which is what I suggest the Minister should consider to stop the unseemly fighting for patronage. That fight is not fair and is a waste of resources.

We must acknowledge that some people are put out by the fact that religion is taught in our current system. We can examine this matter. Deputy Boyd Barrett claims to know the position. He may well be right, but where education is concerned, we need to talk to everyone. That is just how the system works. Maybe we can change the system by legislating day in, day out and

throwing new rules on top of people, but that would never work. The education partners will rise to the challenge and we will get something with which everyone agrees.

No one wants a full State-run education system. By and large, Catholic schools throughout the country have done a fantastic job, particularly at primary level, of accommodating diversity and immigrants. Other schools simply do not want to do so. As Deputy Joan Burton says, it has to be acknowledged that they are there. There is no Catholic school in the country other than the small number that are oversubscribed that has refused anyone of any faith. The baptism barrier will be removed for the small number that are oversubscribed. The key for them is to provide for the provision. I would love to see a system in place where there was genuine diversity where it could be provided for by the State such that if somebody wanted to go to a religious school, he or she would not be threatened by Deputy Richard Boyd Barrett or Deputy Paul Murphy saying there should not be religious instruction in schools. At the same time, if a neighbour does not want to go to a religious school, there should be provision for him or her too. If that cannot be provided for in villages or the west in places where there is only one school, we should come to some compromise such as looking at having religion instruction outside class hours. We should look at this issue very carefully.

There is no issue with religious education in the United Kingdom. There are issues with bits and pieces of the rules, but Catholic schools, Protestant schools and Muslim schools are all accepted because they do not dominate the educational landscape. They do not comprise a figure of 90%. The number is much lower than it is here. There is diversity and the United Kingdom does not have these ideological debates all of the time. Perhaps it is necessary to have them when one church comprises a figure of 90%, but the focus in England is relentlessly on school funding, resources and buildings. That is where Dáil Éireann should focus as much time as possible.

**Deputy Paul Murphy:** I will respond to Deputy Michael Collins. Like Deputy Richard Boyd Barrett, I accept that there are areas where the issue of the baptism barrier does not apply, has not been applied and not created a problem in gaining access to schools. I also ask Deputy Michael Collins to accept that there are areas where it has happened. This is real. It is not a made up problem. The Government would not be moving to do something about it if it was. I have met multiple parents who had a real difficulty in getting their kids into school. I remember meeting one man - a Hindu - who had rung a school and been asked if he would think about baptising his child to get him into the Catholic school. It is appalling that anything like that would happen. There is a real problem.

A broader point was raised by Deputy Thomas Byrne. I do not agree with him that the problem is not religious schools but the preponderance of religious schools. I agree that the preponderance of Catholic schools, at over 90%, exacerbates the problem massively and makes it huge, but there is a more fundamental problem in having publicly funded schools - they may be privately owned but they would not exist without public funding for teachers - promoting religion. That is a problem. The consequence is the knock-on effects, with students being pressured to attend religious classes or feeling excluded as a result of not being part of them.

I thought Deputy Róisín Shortall was correct to say the Government's approach was a sticking plaster which just would not work. It will not deal with these problems. It will just create others. The only way to deal with it is not to deal with the flip-end of the constitutional right of the student not to be forced to attend classes in religious instruction but to deal with it in an holistic way and start with a publicly run, publicly funded education system that does not include

the promotion of religion. That can take place outside school hours, be it privately funded, etc. That is the way to deal with the issue. I am for debate and discussion with stakeholders and such, but do not think we will find a solution other than that one.

**Deputy Catherine Martin:** On my amendment, if the Minister insists on religious instruction taking place during the school day, he will definitely need to set guidelines. I have worked in schools. I do not know how many the Minister has been in while religious instruction is happening. It happens on an *ad hoc* basis and is simply not good enough. It is not fair on students, teachers or parents. It is a timetable hazard and a nightmare for a principal. There are many scenarios. There are children who are not participating in religious instruction sitting at the back of the classroom. There are disciplinary nightmares for the teacher and children are listening to religious instruction as they try to study. There are schools which decide pupils can go to the library while religious instruction is taking place. Who supervises them? Sometimes they are not supervised. Who is the teacher who draws the short straw and has to do that duty instead of teaching his or her own subject? There is the situation where students study other subjects. This happens too in the case of Irish. Sometimes, in some schools, there are more students who are not taking Irish and there are no guidelines whatsoever for the schools on how to deal with the issue. It becomes a study class, which is completely unfair. Schools need guidelines. The Minister is leaving it up to schools, with some doing it right and some doing it wrong. If he insists on religious instruction taking place during the school day, guidelines are needed.

**Deputy Michael Collins:** I listened to Deputy Paul Murphy who talked about the gentleman who was a Hindu and who had been asked to have his child baptised. There are such cases which are wrong, but the biggest issue is overcrowding which we are trying to address in the context of baptisms. Schools are in a dreadful position where there is overcrowding and are looking at the criteria. Feeder schools and non-feeder schools have different criteria. Is that wrong? Is it wrong for feeder schools to pick one or another thing? In this country we fail, as do the Government and the Minister, to acknowledge properly the role the religious have played in schools. We fail to stand up and are afraid to do so. It is wrong of us not to do so because they have done some incredible work during the years. I know of one school in west Cork that wanted to build an extension, for which the Department gave 50%, 60% or 70% of the funding. The rest had to be raised in the local community. The board of management could not raise it, nor could the parents' association. The local church took out a loan for the school. Except for it, the extension would never have been built. People fail to recognise this. If the churches are removed, who will take over responsibility for taking out loans for schools? I know the school first-hand and can talk about it. It is attended by Latvians, Lithuanians, English children, Poles, Germans, Dutch children, Catholics and Church of Ireland children and atheists and everybody works fine together. I cannot understand it. One would swear they were all at war. When I come into the Dáil Chamber, on a regular basis I ask what is happening in other parts of the country. They must all be involved in a fierce conflict. They should come and spend time in west Cork which Deputy Richard Boyd Barrett probably knows fairly well. They would see that there was harmony, that people were getting on fine and that there was no major hassle with reference to what is continuously discussed here. People are pleading to have issues such as capitation resolved, as well as teachers' pay.

I would appreciate it if we could look at both sides of the argument here. The churches have parish halls. I have gone to different parish halls, Church of Ireland or otherwise, and nobody has ever asked me at the entrance what my religion or creed is. Therefore, I do not understand what all the fuss is about.

**An Leas-Cheann Comhairle:** The final contribution of two minutes will be by Deputy Richard Boyd Barrett who moved the amendment.

**Deputy Richard Boyd Barrett:** I accept what Deputy Michael Collins said about resources. Pupil-teacher ratios are important and we need to have targets to reduce them substantially. I accept that there are issues with teachers' pay, resources, capitation grants and so on. I would not minimise the impact segregation can have on children or the pressure being put on children. Are we not dealing in this Chamber with the impact of moral views imposed on women and children, which resulted in mothers being forcibly separated from their children because of the religious views of Archbishop McQuaid and his followers? This is serious. They are dealing with the consequences because a social service was outsourced to people with a particular religious view. I am not saying anything as drastic as that is happening. The subtle impact on children who feel isolated and have particular views imposed on them can be quite damaging. Sometimes people can be afraid to talk about them.

On a practical level, I have had a long debate with the Minister about the fact that he feels unable to do anything about the Christian Brothers wanting to sell off the playing fields at Clonkeen College. He has said there is nothing he can do and that the Christian Brothers are allowed to do so. Nobody could argue that their actions to protect themselves are not adversely affecting the students. There is something wrong with an education model where the patron of a school can do something that is blatantly and self-evidently against the interests of the schoolchildren in its care, yet it is allowed to persist. It is not an isolated example. I have referred to a similar case in Waterford where the Sisters of Charity are doing the same. There is a problem and it can only be solved by separating church and State in the area of education and also in health, while respecting and protecting the right of people to associate and express particular religious views but not in publicly funded school time.

**An Leas-Cheann Comhairle:** That concludes the debate on a series of amendments.

**Deputy Róisín Shortall:** Deputy Richard Boyd Barrett was given an extra two minutes because he had tabled an amendment. Do the rest of us who have tabled amendments in the group also get additional speaking time?

**An Leas-Cheann Comhairle:** No. It is only given to the person who moves the first amendment. I am sorry.

**Deputy Róisín Shortall:** Okay.

Amendment put:

<i>The Dáil divided: Tá, 30; Níl, 82; Staon, 5.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Adams, Gerry.</i>	<i>Aylward, Bobby.</i>	<i>Burton, Joan.</i>
<i>Boyd Barrett, Richard.</i>	<i>Bailey, Maria.</i>	<i>Howlin, Brendan.</i>
<i>Brady, John.</i>	<i>Barrett, Seán.</i>	<i>Kelly, Alan.</i>
<i>Broughan, Thomas P.</i>	<i>Breathnach, Declan.</i>	<i>O'Sullivan, Jan.</i>
<i>Buckley, Pat.</i>	<i>Brophy, Colm.</i>	<i>Ryan, Brendan.</i>
<i>Connolly, Catherine.</i>	<i>Browne, James.</i>	
<i>Crowe, Seán.</i>	<i>Bruton, Richard.</i>	

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<i>Cullinane, David.</i>	<i>Burke, Peter.</i>	
<i>Daly, Clare.</i>	<i>Butler, Mary.</i>	
<i>Ellis, Dessie.</i>	<i>Byrne, Catherine.</i>	
<i>Ferris, Martin.</i>	<i>Byrne, Thomas.</i>	
<i>Funchion, Kathleen.</i>	<i>Cahill, Jackie.</i>	
<i>Healy, Seamus.</i>	<i>Cannon, Ciarán.</i>	
<i>Kenny, Gino.</i>	<i>Carey, Joe.</i>	
<i>Kenny, Martin.</i>	<i>Casey, Pat.</i>	
<i>Martin, Catherine.</i>	<i>Cassells, Shane.</i>	
<i>McDonald, Mary Lou.</i>	<i>Chambers, Jack.</i>	
<i>Mitchell, Denise.</i>	<i>Chambers, Lisa.</i>	
<i>Munster, Imelda.</i>	<i>Collins, Michael.</i>	
<i>Murphy, Paul.</i>	<i>Corcoran Kennedy, Mar- cella.</i>	
<i>O'Brien, Jonathan.</i>	<i>Creed, Michael.</i>	
<i>O'Reilly, Louise.</i>	<i>Curran, John.</i>	
<i>Ó Broin, Eoin.</i>	<i>D'Arcy, Michael.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Daly, Jim.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>Deasy, John.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Deering, Pat.</i>	
<i>Shortall, Róisín.</i>	<i>Doherty, Regina.</i>	
<i>Stanley, Brian.</i>	<i>Donnelly, Stephen S.</i>	
<i>Tóibín, Peadar.</i>	<i>Doyle, Andrew.</i>	
<i>Wallace, Mick.</i>	<i>Durkan, Bernard J.</i>	
	<i>English, Damien.</i>	
	<i>Farrell, Alan.</i>	
	<i>Fitzgerald, Frances.</i>	
	<i>Fitzmaurice, Michael.</i>	
	<i>Fitzpatrick, Peter.</i>	
	<i>Fleming, Sean.</i>	
	<i>Griffin, Brendan.</i>	
	<i>Harris, Simon.</i>	
	<i>Harty, Michael.</i>	
	<i>Haughey, Seán.</i>	
	<i>Healy-Rae, Michael.</i>	
	<i>Humphreys, Heather.</i>	
	<i>Kyne, Seán.</i>	
	<i>Lahart, John.</i>	
	<i>Lawless, James.</i>	
	<i>Lowry, Michael.</i>	
	<i>MacSharry, Marc.</i>	
	<i>Madigan, Josepha.</i>	
	<i>McConalogue, Charlie.</i>	

*Dáil Éireann*

	<i>McGrath, Finian.</i>	
	<i>McGrath, Mattie.</i>	
	<i>McGrath, Michael.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moran, Kevin Boxer.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Murphy, Eugene.</i>	
	<i>Naughten, Denis.</i>	
	<i>Naughton, Hildegard.</i>	
	<i>Neville, Tom.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Keeffe, Kevin.</i>	
	<i>O'Loughlin, Fiona.</i>	
	<i>O'Rourke, Frank.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ring, Michael.</i>	
	<i>Rock, Noel.</i>	
	<i>Ross, Shane.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Stanton, David.</i>	
	<i>Troy, Robert.</i>	
	<i>Varadkar, Leo.</i>	
	<i>Zappone, Katherine.</i>	

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

Amendment declared lost.

*7 o'clock*

**Deputy Róisín Shortall:** I move amendment No. 6:

In page 4, between lines 14 and 15, to insert the following:

“(2) Section 15 of the Act of 1998 is amended in subsection (2) by the insertion of the following paragraph after paragraph (g):

“(h) in performing the functions conferred on it, and notwithstanding paragraph (b), a board shall uphold equal respect and dignity for all pupils, regardless of religion, ethnicity or family background, and uphold their constitutional rights under Articles 44.2.3 and 44.2.4, specifically by ensuring no religious instruction or faith formation take place during class time prior to the last lesson of any school day.”.

Amendment put and declared lost.

**An Leas-Cheann Comhairle:** Amendments Nos. 7, 8, 18, 32, 49, 50, 65 and 92 are related and may be discussed together.

**Deputy Richard Bruton:** I move amendment No. 7:

In page 5, line 1, to delete “, or a special class in the school.”.

Amendments Nos. 7, 8, 18, 32, 49, 50, 65 and 92 are proofing amendments connected to the definition of oversubscribed. They remove explicit references in the Bill to a special class being oversubscribed as the definition of oversubscribed already explicitly incorporates oversubscription in a special class. Amendment No. 32 replaces the existing definition of oversubscribed in the Bill with a new definition of same.

Amendment No. 32 replaces the existing definition of “oversubscribed” in the Bill with a new definition. The definition in the Bill as it stands describes oversubscription in the context of the school as a whole or in the context of a special class only. During the proofing of this Bill, it emerged that this definition required adjustment to make it clear that oversubscription can arise in three different scenarios: in the intake year, in a special class and in classes or year groups other than the intake group. As the new definition of “oversubscription” incorporates oversubscription in each of these three scenarios, the sections of the Bill that refer to a school being oversubscribed no longer need to refer explicitly to a special class, intake year or other group.

Amendment No. 65 is a proofing amendment relating to the definition of “oversubscribed”. The explicit reference to an intake group being oversubscribed that is being removed by this amendment is no longer necessary now that the amended definition of “oversubscribed” explicitly incorporates oversubscription in an intake group. The combined effect of amendments Nos. 32 and 65 will be to make it clear that a waiting list for a particular school year must be compiled and used when a school is oversubscribed, regardless of whether the oversubscription occurs in a special class, in an intake group or otherwise.

In line with the amended definition of “oversubscribed” that is being provided for, amendment No. 92 proposes to replace an alternative wording used in the Bill as it stands to describe “oversubscription” in the Bill with the phrase “the school is oversubscribed”. This will ensure a consistent approach in the Bill to describing oversubscription.

**Deputy Catherine Martin:** I would like to ask the Minister about amendment No. 49, which seeks to provide that a school will have to admit a student seeking admission to the school “including, where appropriate” a student seeking admission to a special class in the

school. I wonder how that will work in practical terms. Will this provision not leave the door open to some discrimination? I ask the Minister to explain how this will work in practice to protect the child.

**Deputy Richard Bruton:** Amendment No. 49 proposes to amend section 62(7)(c) of the Bill, which states that an admission policy shall “provide that the school shall admit each student seeking admission to the school and each student seeking admission to a special class in the school”. If amendment No. 49 is accepted, section 62(7)(c) will state that an admission policy shall “provide that the school shall admit each student seeking admission to the school including, where appropriate each student seeking admission to a special class in the school”. This technical amendment involves the replacement of the word “and” with the words “including, where appropriate”.

**Deputy Catherine Martin:** How do we define what is “appropriate” in the context of admission to a special class?

**Deputy Richard Bruton:** The use of the words “where appropriate” refers to circumstances in which an application for admission is being made in respect of such a child. This amendment must be looked at in conjunction with amendment No. 50, which proposes the deletion of the words “or special class concerned” from section 62(7)(c)(i) of the Bill so that it states that an admission policy shall “provide that the school shall admit each student seeking admission to the school including, where appropriate each student seeking admission to a special class in the school” other than “where the school is oversubscribed”. We are providing for the removal of the special status given to special classes in this section of the Bill as it stands. Such classes are now covered by the revised definition of “oversubscription” which I set out earlier.

**Deputy Catherine Martin:** Okay.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 8:

In page 5, line 3, to delete “, or a special class in the school,”.

Amendment agreed to.

**An Leas-Cheann Comhairle:** As amendments Nos. 9 to 11, inclusive, amendment No. 20, amendment No. 33 and amendments Nos. 34 to 36, inclusive, are related, they may be discussed together.

**Deputy Richard Bruton:** I move amendment No. 9:

In page 5, line 6, after “the student” to insert “(each of whom is, in this section and sections 29A to 29F, referred to as an applicant)”.

Amendments Nos. 9 and 10 are proofing amendments which clarify that where a reference is made to an “applicant” in the provisions of the Bill relating to section 29 of the Education Act 1998, this means the parent, or in the case of a student over 18, the student who has made an appeal under section 29. Amendments Nos. 11 and 34 insert a definition of a “school year” for the purposes of the section 29 appeals provisions and the admission-related provisions in the Bill. The wording of the definition reflects the fact that individual schools start and finish the school year on different dates. Amendments Nos. 20 and 36 are proofing amendments which

clarify the distinction between waiting lists that are newly compiled under this Bill - where a school is oversubscribed and which are drawn up and apply only in the particular school year - and any long-standing waiting lists that are currently in existence and will be phased out under this Bill following its commencement over a five-year period. Amendment No. 33 amends the existing definition of “school” to clarify that for the purposes of this Bill, a school does not include a hospital school or a school situated in a child and adolescent mental health facility, as admission to such schools does not happen in the normal way. It would not be appropriate or proportionate for such schools to be required to comply with the various requirements of this Bill, such as the requirement to prepare and publish policies and admission notices and to set selection criteria, etc.

**Deputy Thomas Byrne:** I do not intend to delay the House. It is clear that many schools already operate waiting lists. I welcome the Minister’s approach of phasing them out so that they are not removed overnight. Does the Minister intend to give schools assistance in implementing this and other aspects of this Bill, not only so they can implement the new rules but also so they can advise prospective parents on how their systems are changing? It would be commonly known in certain areas that particular schools have waiting lists. Such schools are going to have to get the word out that these waiting lists will no longer be applicable. Does the Minister propose to provide any assistance to schools in dealing with this issue and other issues that will arise as a result of this legislation?

**Deputy Richard Bruton:** We will provide such support, for example, in the form of guidelines. Where necessary, we will organise sessions where advice will be given to schools that are adjusting their admission policies. While we are making admission policy much more transparent, we are aware that many schools already have written admission policies that contain elements of what we are providing for here. For many schools, the transition to the new expectations will be relatively easy. As the Deputy has rightly said, schools with a tradition of waiting lists will have to cease adding to those waiting lists and phase out the existing lists over a period of time. That represents a change that will need to be communicated. When the entire Bill has been passed by this House and the Seanad, we will convey guidelines to the schools to assist them in implementing the new legal provisions.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 10:

In page 5, between lines 11 and 12, to insert the following:

“ ‘applicant’ has the meaning assigned to it by subsection (1);”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 11:

In page 5, between lines 15 and 16, to insert the following:

“ ‘school year’ has the same meaning as it has in Part X (inserted by *section 8* of the *Education (Admission to Schools) Act 2018*);”.

Amendment agreed to.

**An Leas-Cheann Comhairle:** As amendments Nos. 12 to 14, inclusive, are related, they

may be discussed together.

**Deputy Richard Bruton:** I move amendment No. 12:

In page 6, between lines 4 and 5, to insert the following:

“(5) The Minister may, where he or she considers it necessary to do so—

(a) prior to an oral hearing in respect of an appeal under section 29(1)(a), (b) or (c)(ii), or

(b) prior to the examination and determination of an appeal under section 29(1)(c)(i),

replace a member of an appeals committee (including the chairperson) with another member of an appeals panel.”.

I advised on Committee Stage that I would bring forward an amendment to allow for the replacement of a section 29 appeals committee member when the need arises. Amendment No. 12 addresses circumstances in which an appeals committee member, including the chairperson, is unable for some reason to continue with an appeal after the appeals committee has been appointed. This amendment allows the Minister to replace such a member in such circumstances. It provides the necessary flexibility for the replacement of members of a section 29 appeals committee by the Minister when required. Amendments Nos. 13 and 14 are consequential re-numbering amendments arising from amendment No. 12.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 13:

In page 6, line 5, to delete “(5) The Minister” and substitute “(6) The Minister”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 14:

In page 6, line 8, to delete “(6) An appeals” and substitute “(7) An appeals”.

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendments Nos. 15 and 16 are related and may be discussed together.

**Deputy Richard Bruton:** I move amendment No. 15:

In page 7, between lines 20 and 21, to insert the following:

“(j) the form and manner in which a request for a review under section 29C(1) shall be made, including the period during which such request shall be made and the period in which the board shall issue a statement under section 29C(5);”.

Amendment No. 15 provides for the Minister to set out in procedures under section 29B the manner in which a request for a review of an enrolment decision shall be made by a parent, the timetable for a parent to request such a review and the timetable during which a school

shall respond to such request. Amendment No. 16 is a re-numbering amendment arising from amendment No. 15.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 16:

In page 7, line 21, to delete “(j) such other” and substitute “(k) such other”.

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendments Nos. 17 and 19 are related and may be discussed together.

**Deputy Richard Bruton:** I move amendment No. 17:

In page 7, line 33, to delete “by the school of its” and substitute “of the school’s”.

Amendments Nos. 17 and 19 are proofing amendments to ensure consistency of language with the Bill’s existing provisions that reflect the reality that it is the school principal, rather than the school or the board, that implements the school’s admissions policy. The relevant provisions in the Bill incorrectly refer to the school or the board as implementing the policy. These amendments correct this error.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 18:

In page 8, line 2, to delete “, or a special class in the school,”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 19:

In page 8, line 13, to delete “its decision” and substitute “the decision”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 20:

In page 8, to delete lines 30 and 31 and substitute the following:

“(7) In this section and section 29E ‘waiting list’ means, in relation to a school, the waiting list compiled in accordance with section 62(7)(i) by the school concerned.”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 21:

In page 11, line 11, to delete “any” and substitute “the”.

This is a proofing amendment to deal with a potential ambiguity in the provision. Section 29D(12) currently provides for an appeals committee to inform the Minister of its final decision on an appeal and, where it allows an appeal, to provide a copy of “any” direction it has issued. However, under the Bill, an appeals committee must always issue a direction when it allows an

appeal. Therefore, it is necessary to adjust the wording in this provision to refer instead to “the direction” rather than “any direction”.

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendment No. 22 was discussed with amendment No. 2.

**Deputy Richard Bruton:** I move amendment No. 22:

In page 12, line 28, to delete “section 3 or 7” and substitute “section 3, 7 or 7A”.

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendments Nos. 23 to 27, inclusive, are related and may be discussed together.

**Deputy Richard Bruton:** I move amendment No. 23:

In page 12, between lines 37 and 38, to insert the following:

“(2) An appeals committee shall, by notice in writing, inform the Minister where it decides in accordance with subsection (1) to refuse to hear or determine, or to refuse to continue to hear or determine, an appeal under section 29.

(3) A notice under subsection (2) shall include the committee’s reasons for refusing to hear or determine, or refusing to continue to hear or determine, the appeal concerned.

(4) The Minister shall, as soon as practicable after he or she receives a notice under subsection (2), forward the applicant and the board a copy of the decision of the appeals committee and the reasons for its decision.”.

Amendment No. 23 provides that a section 29 appeals committee shall be required to inform the Minister in writing where it decides to refuse to hear or determine, or to refuse to continue to hear or determine, an appeal. It also provides that the committee must provide the Minister with the reasons for such a decision and that the Minister must forward the appellant a copy of that decision and the reasons set out by the committee. Amendments Nos. 24 to 27, inclusive, are consequential numbering amendments arising from amendment No. 23.

**Deputy Richard Boyd Barrett:** I have a query from somebody who believes there has been an arbitrary refusal to admit a child to a school. This is an ongoing issue. The child alleges that she has been and is being very badly bullied online and in the school. A transfer has been sought to another school where it is believed she could get away from the bullying. The parents are worried about her possibly being suicidal and have a very definite preference as to which school they would like her to go, but the school is refusing to let her in and giving what are rather concocted reasons that do not really stand up. As a result, she has now been out of school for several months. The parents’ section 29 appeal was refused because it was over the 45 day time limit, which applies from the refusal of the school board. They did not know about the time limit applied. It seems very unfair and the child is now not in any school. The parents have doctors saying the girl needs to go to another school where she would feel safe and would not feel she would continue to be a victim of bullying. I know that section 29 relates to the appeals process. Can the Minister provide some reassurance? I am glad to hear that he would have to be notified if there was a refusal, but I would like to know a little more about the

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process. It is very disappointing if efforts are being made to save a child from serious bullying, especially given the very serious concerns of the parents about her welfare, if there is a refusal on spurious grounds and the parents' right to appeal is ruled out. To me, it does not seem to be a great process. If the Minister's officials are agreeable, I will contact them to look into the case. Perhaps the Minister might also give me some confidence that the proposed amendments to section 29 will make the process better.

**Deputy Richard Bruton:** I am quite happy to assess what has taken place. Section 29 appeals are entirely independent. There is an independent group appointed to hear appeals. There are procedures surrounding them. I understand there is a 45 day period within which an appeal has to be lodged. If it is lodged within the appeal period and there is a concocted reason, the appeal board will scrutinise it and will have the power to direct. From memory, I think 40% of appeals are upheld.

The Bill provides that Tusla's educational welfare service will receive a power to require a school to admit a child who is out of school. That is one of the powers we are granting to Tusla, just as we are granting to the National Council for Special Education, NCSE, the power to require a school to take a child with special educational needs. There are defences offered by schools that are upheld by an appeals committee, as well as those that are rejected. Without knowing the exact circumstances, I cannot comment on the case referred to. Unfortunately, there are always procedures and time limits. There will be procedures set out in the new arrangement. I will check with my officials where the 45 day limit came from and to see whether parents need to be alerted to it. I will certainly get back to the Deputy on the matter.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 24:

In page 12, line 38, to delete "(2) Subject" and substitute "(5) Subject".

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 25:

In page 13, line 6, to delete "(3) Where an appeal" and substitute "(6) Where an appeal".

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 26:

In page 13, line 7, to delete "subsection (2)" and substitute "subsection (5)".

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 27:

In page 13, line 9, to delete "(4) An appeals" and substitute "(7) An appeals".

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 28:

In page 13, to delete lines 12 to 20 and substitute "under section 29B".

This amendment provides for the deletion from the Bill of a provision which requires that a direction by an appeals committee must not provide that a school's admissions policy be disregarded or amended. However, this would have had the unintended consequence of preventing an appeals committee from allowing an appeal and directing a school to admit a student where the policy of the school was contrary to the requirements of the Bill and resulted in a child not being admitted to the school who otherwise should have been admitted.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 29:

In page 13, between lines 24 and 25, to insert the following:

**“Additional provision in respect of children with special educational needs**

**8.** Part VI of the Act of 1998 is amended by the insertion of the following section after section 37:

**“37A.** (1) Where the Council is of the opinion that there is insufficient capacity in an area in relation to the provision of education for children with special educational needs, the Council shall inform the Minister by notice in writing of its opinion and the reasons for its opinion and shall specify the type of provision in respect of which there is insufficient capacity.

(2) Where, following consultation with the Minister and having regard to any information provided to the Council by the Minister in relation to any planned additional provision of education for children with special educational needs and available land and buildings, the Council remains of the opinion that there is insufficient capacity in an area for the provision of education to children with special educational needs, it shall prepare and submit a report on the matter to the Minister.

(3) A report under subsection (2) shall specify—

(a) the existing provision of education for children with special educational needs in the area concerned, having regard to the generality of provision of education within the area,

(b) any proposed or existing building projects which may affect capacity to provide education for children with special educational needs in the area concerned,

(c) any schools in the area concerned which the Council considers could meet additional demand for education for children with special educational needs,

(d) which (if any) of the schools referred to in paragraph (c) the Council considers should be requested to make additional provision in respect of children with special educational needs, and

(e) such other matters as the Council considers appropriate.

(4) Prior to preparing a report under subsection (2), the Council shall consult with the Minister, bodies representative of patrons, national associations of parents, recognised school management organisations and recognised trade unions and staff

associations representing teachers.

(5) (a) Where, on receipt of a report submitted under subsection (2), the Minister is of the opinion that a relevant person in respect of a school referred to in the report should make additional provision for children with special educational needs, he or she may serve a notice in writing on the relevant person.

(b) A notice under paragraph (a) shall—

(i) set out the Minister's opinion that the relevant person named in the report should make additional provision in respect of children with special educational needs and state the reasons for his or her opinion,

(ii) include a copy of the report submitted under subsection (2), and

(iii) confirm that the relevant person may make representations to the Minister in respect of the notice not later than 28 days from the service of the notice.

(c) On receipt of any representations made under paragraph (b)(iii), the Minister may consult the relevant person.

(6) Where—

(a) on consideration of a report submitted to the Minister under subsection (2),

(b) after consideration of any representations made under paragraph (b)(iii) of subsection (5), and

(c) following any consultation with the relevant person under paragraph (c) of subsection (5),

the Minister remains of the opinion that the relevant person should make additional provision in respect of children with special educational needs, the Minister may serve a notice in writing on the relevant person.

(7) A notice under subsection (6) shall—

(a) set out the Minister's opinion that the relevant person should make additional provision in respect of children with special educational needs and state the reasons for his or her opinion,

(b) specify details of the measures to be taken by the relevant person,

(c) specify what, if any, resources the Minister considers appropriate to provide to the school in order to assist the school in increasing its provision of education for children with special educational needs,

and

(d) set out any proposed property arrangements, including any arrangements in relation to the provision of additional accommodation on the school premises and the funding arrangements the Minister shall provide for that purpose, in or-

der to assist the school in increasing its provision of education for children with special educational needs.

(8) On receipt of a notice under subsection (6) the patron or any other person or body in relation to whom the ownership of the school premises is vested may, in respect of the matters referred to in subsection (7)(d), not later than 21 days from the service of the notice, make representations to the Minister.

(9) Where, following any representations under subsection (8), and such further consultation as the Minister considers appropriate, the Minister and the patron or any other person or body in relation to whom the ownership of the school premises is vested fail to agree arrangements in relation to the matters referred to in subsection (7)(d), the Minister may refer the matter to arbitration and, subject to section 29 of the Arbitration Act 2010, that Act shall apply to an arbitration under this section.

(10) On receipt of a notice under subsection (6) a board of management may, in respect of the matters referred to in paragraph (a), (b) or (c) of subsection (7), not later than 21 days from the service of the notice, make representations to the Minister.

(11) Where, after consideration of any representations made under subsections (8) and (10) and, where the Minister has referred the matter to arbitration under subsection (9), following the conclusion of the arbitration process, the Minister remains of the opinion that a school should make additional provision in respect of children with special educational needs, he or she may by notice in writing request the board of management to agree to increasing such provision and such notice shall specify—

(a) the measures the Minister considers the board of management shall take in relation to increasing such provision,

(b) the resources the Minister shall make available to the school, in order to assist the school in increasing such provision, and

(c) any other matter the Minister considers appropriate.

(12) (a) The board of management shall, not later than 21 days from the service of a notice under subsection (11), by notice in writing to the Minister—

(i) agree to increasing its provision for children with special educational needs in accordance with the terms of the notice under subsection (11), or

(ii) refuse to increase such provision.

(b) Where a board of management fails by notice in writing to agree to increasing its provision for children with special educational needs in accordance with the terms of a notice under subsection (11), within 21 days from the service of a notice under that subsection, the board of management shall, for the purposes of this section, be regarded as having refused to increase such provision.

(13) Where, pursuant to subsection (12), a board of management refuses to increase its provision for children with special educational needs, and the Minister remains of the opinion that the school should make additional provision in respect of children with special educational needs, the Minister may by notice in writing—

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(a) inform the patron of his or her opinion that such school should make such additional provision, and state the reasons for that opinion,

(b) furnish the patron with a copy of the report prepared under subsection (2), and

(c) furnish the patron with a copy of the notice given to the board of management under subsection (11) and, where applicable, a copy of the refusal by the board of management provided under subsection (12).

(14) The patron may make representations to the Minister in respect of a notice under subsection (13) not later than 21 days from the service of a notice under that subsection.

(15) Where the Minister, after consideration of any representations made under subsection (14), remains of the opinion that a school should make additional provision in respect of children with special educational needs, he or she may inform the patron and the board of management of his or her intention to give a direction under subsection (17) and shall serve a copy of a draft of the direction on the patron and the board of management.

(16) The patron and the board of management may, within 21 days from the service of the copy of the draft direction, make representations in writing to the Minister in relation to the draft direction.

(17) Where the Minister, after consideration of any representations made under subsection (16), remains of the opinion that a school should make additional provision in respect of children with special educational needs, the Minister may serve a direction (in this section referred to as a 'Ministerial direction') on the patron.

(18) A Ministerial direction may include such amendments to the draft direction served under subsection (15) as the Minister considers appropriate having regard to any representations made under subsection (16) and shall specify that the patron shall, within 10 days, direct the board to comply with the terms of the Ministerial direction, which terms shall include:

(a) the measures to be taken by the board in relation to making additional provision for children with special educational needs,

(b) the period during which such measures shall be taken, and

(c) any other matter the Minister considers appropriate.

(19) The patron and, following a direction by the patron, the board of management shall comply with a Ministerial direction.

(20) (a) The following documents shall be published in accordance with paragraph (b):

(i) any notices issued by the Minister under this section;

(ii) any representations received by the Minister under this section;

(iii) a draft direction served under subsection (15);

(iv) a Ministerial direction.

(b) The Minister shall publish the documents referred to in paragraph (a) on the website of the Department of Education and Skills not later than 7 days from the date on which he or she issues or receives them, or, in the case of a draft direction referred to in paragraph (a)(iii) or a Ministerial direction, not later than 7 days from the date he or she serves the draft direction or direction concerned.

(21) In this section—

‘Council’ means the National Council for Special Education;

‘relevant person’, in relation to a school, means the patron, the board of management or any other person or body in relation to whom the ownership of the school premises is vested;

‘resources’ includes resources made available by the Minister and allocated by the Council.”.

Amendment agreed to.

**Deputy Richard Boyd Barrett:** I move amendment No. 30:

In page 13, between lines 24 and 25, to insert the following:

**“Amendment of section 30 of Act of 1998**

**8.** Section 30 of the Education Act 1998 is amended by the insertion of the following subsection after subsection (2):

“(2A) In order to afford equal respect and dignity to all pupils, regardless of religion, ethnicity or family background, and to uphold their constitutional rights under Articles 44.2.3 and 44.2.4—

(a) religious instruction and faith formation will not take place within school hours, and

(b) religious instruction and faith formation relating to or arising from the characteristic ethos of the school shall not take place at any time during the school day and shall not imbue or permeate education during the school day.”.”.

I am pressing the amendment.

Amendment put and declared lost.

Amendment No. 31 not moved.

**Deputy Richard Bruton:** I move amendment No. 32:

In page 14, to delete lines 15 to 22 and substitute the following:

“ ‘oversubscribed’, in relation to a school, means—

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(a) in respect of the intake group of the school, that the number of students seeking admission to the intake group is greater than the number of places being made available by the school in respect of the intake group concerned,

(b) in respect of a special class, that the number of students seeking admission to the special class is greater than the number of places being made available by the school in respect of the class concerned, or

(c) in respect of any other class or year, that the number of students seeking admission to the class or year is greater than the number of places being made available by the school in respect of the class or year concerned;”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 33:

In page 14, to delete line 23 and substitute the following:

“ ‘school’ means a recognised school other than a recognised school that is situated in a hospital or approved centre (within the meaning of the Mental Health Act 2001) which is specified in a list of such schools published by the Minister from time to time;”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 34:

In page 14, between lines 23 and 24, to insert the following:

“ ‘school year’, in relation to a school, means the period commencing on the day the school reopens for tuition after the school’s summer holidays and ending on the last day in the following year that the school is open for tuition before the commencement of the school’s summer holidays for that year;”.

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendments Nos. 35, 38, 46, 48 and 54 are related and will be discussed together.

**Deputy Richard Bruton:** I move amendment No. 35:

In page 14, to delete lines 24 to 27 and substitute the following:

“ ‘special class’ means a class that has, with the approval of the Minister, been established by a school to provide an education exclusively for students with a category or categories of special educational needs specified by the Minister;”.

I brought forward amendments on Committee Stage to enable a special school or special class to refuse admission to children who do not have the category or categories of special educational needs being catered for by the school or special class concerned. This was appropriate to ensure that children with special educational needs are enrolled in the school or class that best suits their needs and that resources are used by such special schools or special classes for the purpose they were intended.

However, during the debate concerns were expressed that the wording of those amendments

was not clear enough in this regard. Having regard to the concerns raised, I agreed to withdraw those particular amendments and re-examine their wording to ensure they achieved their intended purpose and did not cause any unintended consequences.

The wording of the corresponding amendments that I am now bringing forward has therefore been adjusted to make clearer that the special school or special class can refuse enrolment only where the child does not have the category of special educational needs for which the special school or special class was approved by the Minister to cater.

Similarly the information set out in the admission statement regarding the category of special educational need catered for must be consistent with the categories for which the school was approved by the Minister to cater. The revised wording addresses any concerns that a special school or special class might determine itself the categories it caters for or change or restrict the categories without the prior approval of the Minister, by making clear that the category or categories in question must be those specified by the Minister in respect of the special school or special class in question.

In addition to the amendments withdrawn on Committee Stage, I have included amendment No. 48 which will require special schools or schools with special classes to state clearly in their admission policy the category or categories of special educational needs that the special school or special class concerned has been approved by the Minister to cater for. This will complement the other provisions for special schools and special classes, as well as aiding transparency in the admission process for such schools and special classes.

**Deputy Thomas Byrne:** I welcome the Minister's amendments. I hope they achieve the desired effect. I have seen some special schools treat children inappropriately, particularly when dealing with expulsion or suspension, which is similar to admission. I do not want to see any barriers put up for children with special needs. This genuinely has the child's interests at heart and it should not be a barrier for the school to say it does not want certain classes of children with special educational needs. Special schools and mainstream schools with special classes are finding it difficult to deal with the issue of behavioural challenges. I know the National Council for Special Education has included this in its review, which was launched today. That is welcome but what I am hearing on the ground is that due to the legal liability regarding assaults by pupils on other pupils - I am talking about assaults by children with special educational needs, in particular, who let us be frank do not know what they are doing, are not deliberately setting out to harm others and have a behavioural challenge - is such that insurance costs for some of these schools are becoming prohibitive. A fundamental problem is that teachers or SNAs do not have the necessary training to deal with children with challenging behaviour. Has the issue of insurance for special schools been brought to the Minister's attention? If it has, does he propose to give extra resources to deal with pupils in such circumstances? I would not like to see children with behavioural challenges excluded from schools because of the criteria he is putting forward in these amendments.

**Deputy Richard Bruton:** I agree with the Deputy's comment. It shows the value of Committee Stage scrutiny which has brought a greater clarity to the provisions. In the past 48 hours I heard the same concern expressed about growing insurance liability. I do not know what is driving that but it seems to be an issue which has arisen quite suddenly in respect of some special schools. I will ask my officials to assess this and determine how we might address it.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 36:

In page 14, line 31, to delete “made.” and substitute the following:

“made; ‘waiting list’ shall be construed in accordance with section 62(7)(i).”.

Amendment agreed to.

**Deputy Richard Boyd Barrett:** I move amendment No. 37:

In page 14, between lines 32 and 33, to insert the following:

“61. (1) Section 7(3)(c) of the Act of 2000 is deleted.”.

Amendment put:

<i>The Dáil divided: Tá, 28; Níl, 75; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Boyd Barrett, Richard.</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>Connolly, Catherine.</i>	<i>Brophy, Colm.</i>	
<i>Crowe, Seán.</i>	<i>Browne, James.</i>	
<i>Ellis, Dessie.</i>	<i>Bruton, Richard.</i>	
<i>Funchion, Kathleen.</i>	<i>Burke, Peter.</i>	
<i>Healy, Seamus.</i>	<i>Butler, Mary.</i>	
<i>Howlin, Brendan.</i>	<i>Byrne, Catherine.</i>	
<i>Kelly, Alan.</i>	<i>Byrne, Thomas.</i>	
<i>Kenny, Gino.</i>	<i>Cahill, Jackie.</i>	
<i>Kenny, Martin.</i>	<i>Cannon, Ciarán.</i>	
<i>Martin, Catherine.</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>Ó Broin, Eoin.</i>	<i>Chambers, Lisa.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Collins, Michael.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Creed, Michael.</i>	
<i>O'Brien, Jonathan.</i>	<i>Curran, John.</i>	
<i>O'Reilly, Louise.</i>	<i>D'Arcy, Michael.</i>	
<i>O'Sullivan, Jan.</i>	<i>Daly, Jim.</i>	
<i>Ryan, Brendan.</i>	<i>Deasy, John.</i>	
<i>Shortall, Róisín.</i>	<i>Deering, Pat.</i>	
<i>Stanley, Brian.</i>	<i>Doherty, Regina.</i>	
<i>Tóibín, Peadar.</i>	<i>Donnelly, Stephen S.</i>	

*Dáil Éireann*

	<i>Doyle, Andrew.</i>	
	<i>Durkan, Bernard J.</i>	
	<i>English, Damien.</i>	
	<i>Farrell, Alan.</i>	
	<i>Fitzgerald, Frances.</i>	
	<i>Fitzpatrick, Peter.</i>	
	<i>Flanagan, Charles.</i>	
	<i>Griffin, Brendan.</i>	
	<i>Harris, Simon.</i>	
	<i>Harty, Michael.</i>	
	<i>Haughey, Seán.</i>	
	<i>Healy-Rae, Michael.</i>	
	<i>Humphreys, Heather.</i>	
	<i>Kyne, Seán.</i>	
	<i>Lahart, John.</i>	
	<i>Lawless, James.</i>	
	<i>Lowry, Michael.</i>	
	<i>MacSharry, Marc.</i>	
	<i>McConalogue, Charlie.</i>	
	<i>McGrath, Finian.</i>	
	<i>McGrath, Mattie.</i>	
	<i>McGrath, Michael.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Madigan, Josepha.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moran, Kevin Boxer.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Murphy, Eugene.</i>	
	<i>Naughton, Hildegarde.</i>	
	<i>Neville, Tom.</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>Phelan, John Paul.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ring, Michael.</i>	
	<i>Rock, Noel.</i>	

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	<i>Ross, Shane.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Stanton, David.</i>	

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

Amendment declared lost.

**Deputy Richard Bruton:** I move amendment No. 38:

In page 15, line 20, to delete “and”.

Amendment agreed to.

**Deputy Richard Boyd Barrett:** I move amendment No. 39:

In page 15, to delete lines 21 to 29.

Amendment put and declared lost.

Amendments Nos. 40 and 41 not moved.

**Deputy Catherine Martin:** I move amendment No. 42:

In page 15, line 21, after “school”, to insert “not aided by the Department of Education and Skills”.

Amendment put:

<i>The Dáil divided: Tá, 28; Níl, 70; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Boyd Barrett, Richard.</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>Connolly, Catherine.</i>	<i>Brophy, Colm.</i>	
<i>Crowe, Seán.</i>	<i>Browne, James.</i>	
<i>Ellis, Dessie.</i>	<i>Bruton, Richard.</i>	
<i>Funchion, Kathleen.</i>	<i>Burke, Peter.</i>	
<i>Healy, Seamus.</i>	<i>Butler, Mary.</i>	
<i>Howlin, Brendan.</i>	<i>Byrne, Catherine.</i>	
<i>Kelly, Alan.</i>	<i>Byrne, Thomas.</i>	
<i>Kenny, Gino.</i>	<i>Cahill, Jackie.</i>	
<i>Kenny, Martin.</i>	<i>Cannon, Ciarán.</i>	
<i>Martin, Catherine.</i>	<i>Carey, Joe.</i>	

*Dáil Éireann*

<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>O'Brien, Jonathan.</i>	<i>Chambers, Lisa.</i>	
<i>O'Reilly, Louise.</i>	<i>Collins, Michael.</i>	
<i>O'Sullivan, Jan.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Ó Broin, Eoin.</i>	<i>Creed, Michael.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Curran, John.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>Daly, Jim.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Deering, Pat.</i>	
<i>Ryan, Brendan.</i>	<i>Donnelly, Stephen S.</i>	
<i>Shortall, Róisín.</i>	<i>Doyle, Andrew.</i>	
<i>Stanley, Brian.</i>	<i>Durkan, Bernard J.</i>	
<i>Tóibín, Peadar.</i>	<i>Farrell, Alan.</i>	
	<i>Fitzgerald, Frances.</i>	
	<i>Fitzpatrick, Peter.</i>	
	<i>Griffin, Brendan.</i>	
	<i>Harris, Simon.</i>	
	<i>Harty, Michael.</i>	
	<i>Haughey, Seán.</i>	
	<i>Healy-Rae, Michael.</i>	
	<i>Humphreys, Heather.</i>	
	<i>Kyne, Seán.</i>	
	<i>Lahart, John.</i>	
	<i>Lawless, James.</i>	
	<i>Lowry, Michael.</i>	
	<i>MacSharry, Marc.</i>	
	<i>Madigan, Josepha.</i>	
	<i>McConalogue, Charlie.</i>	
	<i>McGrath, Finian.</i>	
	<i>McGrath, Mattie.</i>	
	<i>McGrath, Michael.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moran, Kevin Boxer.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Murphy, Eugene.</i>	
	<i>Naughton, Hildegarde.</i>	

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	<i>Neville, Tom.</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>Phelan, John Paul.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ring, Michael.</i>	
	<i>Rock, Noel.</i>	
	<i>Ross, Shane.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Stanton, David.</i>	

Tellers: Tá, Deputies Catherine Martin and Kathleen Funchion; Níl, Deputies Joe McHugh and Tony McLoughlin.

Amendment declared lost.

8 o'clock

**Deputy Richard Bruton:** I move amendment No. 43:

In page 15, line 21, after “*section 7(3)(c)*” to insert “(amended by *section 10(a)(i)* of the *Education (Admission to Schools) Act 2018*)”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 44:

In page 15, to delete lines 27 to 29 and substitute the following:

“others,

(c) a school to which *section 7(3)(ca)* (inserted by *section 10(a)(ii)* of the *Education (Admission to Schools) Act 2018*) of the Act of 2000 applies, whose objective is to provide education in an environment which promotes certain religious values, the admission statement of the school shall include a statement that the school does not discriminate in relation to the admission of students where it refuses to admit as a student a person who is not of a particular religious denomination and it is proved that the refusal is essential to maintain the ethos of the school,

(d) a school to which *section 7(3)(cb)* (inserted by *section 10(a)(ii)* of the *Education (Admission to Schools) Act 2018*) of the Act of 2000 applies, the admission statement of the school shall include a statement that the school does not discriminate in relation to the admission of students where it admits as a student a person in accordance with *section 7A* (inserted by *section 10(b)* of the *Education (Admission to Schools) Act 2018*) of the Act of 2000.”

Amendment agreed to.

**Acting Chairman (Deputy John Lahart):** Amendments Nos. 45, 57, 58, 60, 75 to 80, inclusive, 90 and 91 are related. Amendments Nos. 57, 60 and 78 to 80, inclusive, are consequential on amendment No. 75. Amendment No. 58 is a physical alternative to amendment No. 57. Amendments Nos. 76 and 77 are physical alternatives to amendment No. 75. Amendment No. 77 is a physical alternative to amendment No. 76. Amendments Nos. 45, 57, 58, 60, 75 to 80, inclusive, 90 and 91 may be discussed together.

**Deputy Catherine Martin:** I move amendment No. 45:

In page 15, line 29, to delete “school.” and substitute the following:

“school, and

(c) a school which teaches through the medium of Irish, and which gives priority in its admission policy to students who speak Irish as a home language, the admission statement of the school shall include a statement that the school does not discriminate in relation to the admission of students where it admits a student who speaks Irish as a home language in preference to others whose home language is not Irish.”.

I and colleagues here, Deputies Funchion and Thomas Byrne, have been discussing amendment No. 75 with which, as the Minister will be aware, we have problems because we do not believe the Minister’s amendment protects the child who is fluent and where Irish is the home language. We are willing, if the Minister would withdraw his amendment No. 75, to withdraw our amendments that deal with this until we have an opportunity to come together on a cross-party basis with relevant stakeholders and maybe Department officials.

**Deputy Kathleen Funchion:** I concur with Deputy Catherine Martin. It is our understanding that if we were to try to include amendments Nos. 75 to 80, inclusive, they would contradict each other and some of them would fall.

I would have liked more time on the amendments to this section. I have spoken to the Irish language groups that are obviously the experts in this area and it is important for the children who come from an Irish-speaking background.

We need to promote the language more. I am somebody who does not have fluent Gaeilge but I ensure that my sons go to a Gaelscoil. That is important to me. There are children in that school who come from families who speak Irish at home and it is important that they have the opportunity to learn through the medium of Irish and are not unfairly discriminated against.

There is agreement between Deputies Thomas Byrne, Catherine Martin, me and others in this regard. We do not want a situation where we must vote down amendment No. 75. We ask the Minister to withdraw his amendment and we will withdraw ours, following which we can have more debate and discussion on this in conjunction with the relevant Irish language groups and we can come back to it in the Seanad.

**Deputy Thomas Byrne:** I thank my colleagues for supporting the proposal that I put to them last night and today. None of us should be in thrall to any lobby group on any issue and I am not speaking here on behalf of any particular group. I wish to get this exactly right.

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The lobby groups in this case have said to us that they see difficulties in the drafting of the Minister's amendment that might have unexpected consequences. The consequences they outlined to us relate to a small number of schools, the principal of one of which I met yesterday, which a high number of native Irish speakers attend. It would be possible under the Minister's proposal that there would be so many children who would fulfil this criteria that some children, whose families speak Irish exclusively at home, could lose out. There is one school on the south side of this city where this is certainly a real worry.

We do not want to make Gaelscoileanna exclusive but it is reasonable that somebody who speaks Irish in the home would deserve priority. Frankly, that is easy to judge. A ten-minute interview would not be needed. It would probably be known straight away on meeting the family and hearing them talking to each other. One or two sentences would usually be enough. While the Minister's amendment is well intentioned and serves a great good that we try to make this as inclusive as possible, it could have an unintended effect of excluding certain Irish-speakers. Táim anseo agus táim ag tacú leis seo, go háirithe le mo leasú féin, Uimh. 77, mar go gclúdaíonn an leasú sin na meánscoileanna agus na gaelcholáistí, rud atá tábhachtach freisin, chomh maith leis na bunscoileanna.

Níl mise anseo chun aon jab a dhéanamh ar son aon ghrúpa áirithe. Tá muidne go léir anseo chun jab a dhéanamh ar son na bpáistí atá sna scoileanna seo agus atá ag iarraidh freastail ar na scoileanna seo agus a bhfuil Gaeilge acu, agus go háirithe acu siúd atá Gaeilge acu sa bhaile. Tá sé sin an-tábhachtach gur féidir le scoileanna, más mian leo, tús áite a thabhairt do na páistí a bhfuil Gaeilge acu sa bhaile, agus Gaeilge líofa á labhairt acu sa bhaile ó lá go lá. Táim ag déanamh achainí ar an Aire gan dul ar aghaidh lena leasú féin, agus má dhéanann an tAire é sin, ní rachaimidne ar aghaidh lenár leasuithe agus is féidir linn cainteanna a bheith againn idir na hoifigigh, na grúpaí, agus muintir an fhreasúra anseo, chun go mbeidh leasú níos fearr, agus leasú gur féidir le gach duine aontú leis, agus gur féidir leis an Aire é sin a chur faoi bhráid an tSeanaid agus go mbeadh gach duine sásta leis. Ní dhéanfaí liathróid pholaitíochta as an ábhar tábhachtach seo dá bharr.

An t-aon rud atá muidne ag iarraidh a dhéanamh anseo ná go mbeadh an dlí ceart againn, an dlí is cothroime agus an dlí is cruinne againn. Níl aon dabht ach gurb í sin aidhm an Aire freisin. Mura bhfuil an tAire ag iarraidh aontú leis an togra a bhfuil mise ag cur os comhair na Dála, bheadh mise ag rá go mbeidh mise ag vótáil in aghaidh leasú Uimh. 75 agus ar son mo leasú féin, go háirithe leasú Uimh. 77. Measaim gurb é an rud is fearr ná go seasfaimid go léir siar agus go ndéanfaimid machnamh ar an ábhar seo roimh dul go dtí an Seanad leis, chun an jab is fearr a dhéanamh.

Níl mé ag déanamh aon cháineadh ar an Aire, ar na hoifigigh, ná ar an Roinn maidir leis seo, ach measaim go bhfuil pointe déanta ag grúpaí atá bainteach leis seo, agus go háirithe go bhfuil pointe an-tábhachtach déanta an ag bpríomh-Oide, i scoil i dtoghcheantar, Deputy Boyd Barrett. The principal of the school in Deputy Richard Boyd Barrett's constituency has made a very good point that there are some children who would go to that school who are fluent in Irish at home and who could possibly lose out because of this provision. That point is so important that it deserves further consideration.

**Deputy Michael Healy-Rae:** I support the call made by my colleagues because of the simple fact that it is in the interests of children who might be disenfranchised by this provision to agree to what has been requested by the Deputies and hope the Minister can do so. I know of many schools in my constituency that teach all subjects completely through Irish. It

is welcomed throughout the country and in my county such schools are very popular. In my humble opinion, it is something that should always be supported in every way because there is a demand for it. Many years ago I attended summer Irish colleges which were great places to go to. The bean an tí does great work in promoting and sustaining the Irish language. I hope the Minister will be able to accede to the request made by my colleagues.

**Deputy Mattie McGrath:** I support Teachta Catherine Martin, too, on the amendment, but we have to be very careful. There is a large number of Gaelscoileanna. While there are areas of the country that are still Gaeltacht areas, there are others that are not but there are people living in them who are interested in having their children educated through the medium of Irish. Therefore, we have to be very careful in how we balance the provision. We have Galescoil Chluain Meala, Gaelscoil Charraig Na Siuire, Gaelscoil Thiobraid Arann and Gaelscoil Aonach Urmhumhan. There has been a lot of interest in and work done during the years in trying to find sites on which to build and seeking approval for different stages of construction and renovation projects, most of which started with little. They were beag ar fad. Some started in a room in a private house and then expanded and mushroomed. Some questioned whether it was elitist that people in some areas wanted their children to go to a Gaelscoil, not for the teanga or culture but to be in smaller classes. People chose with their feet. It is important that we acknowledge the role played by and the interest shown by the people involved and what they want to do in these schools.

**Deputy Richard Boyd Barrett:** It is a reasonable proposal. I had not really tuned into this particular debate, but it is a reasonable request to make if the fear - if I understand it correctly - is that fluent speakers will not be able to gain access to Irish speaking schools. As I am concerned by anything that smacks of exclusion or elitism, I do not want to support anything like it. It is a reasonable request that all those who have tabled amendments on this issue pull back to see if some compromise which addresses all concerns can be achieved in order that there can be an all-party consensus when the Bill goes to the Seanad. That is a reasonable request, if I understand the issue correctly.

**Deputy Richard Bruton:** I will take time to explain what is at stake. The backdrop to the provision is that on Committee Stage we discussed this issue. A number of Opposition Deputies were keen for us to introduce a provision to allow children with a level of fluency preferential access to Gaelscoileanna and ensure that it would be an acceptable basis and not breach the Equal Status Act. It was on that basis that I consulted, obtained legal advice and drew up an amendment. I will set it out before we make a decision on how to proceed.

The amendment provides that Gaelscoileanna or Gaelcholáistí can give priority if they are satisfied that a proposed entrant has achieved a reasonable level of age-related fluency and that that level of fluency will regress if the child does not gain access to a Gaelscoil or Gaelcholáiste, as the case may be. We do not seek to and do not differentiate in the amendment between how that level of fluency was acquired. We do not give naíonraí feeder school status. Therefore, we hinge it on a level of fluency established by the child, not on the child having the money to go to a naíonra. We do not want to give feeder school status to particular preschools because we are not doing so elsewhere. We also do not provide that there be an interview with the parents and do not say the school will have entry tests. We say instead that it is up to the parent to choose how to demonstrate that the child has achieved fluency. We also provide that where children have reached a level of fluency that will regress if they do not gain access to a Gaelscoil or Gaelcholáiste, they will not be ranked by fluency. It is establishing a level of fluency that will give them access.

I can understand what has been put forward in the amendments tabled by the Opposition. The proposal is that from within the group of children who have achieved a level of fluency, additional priority, above and beyond all those children who have a level of fluency, be given to a child who normally speaks to one of his or her parents in Irish in the home and who displays a minimum level of Irish associated with speaking Irish to one parent. I do not have a profound objection to accepting amendments Nos. 76 and 77, as well as my own, amendment No. 75. There are some quibbles with the way they are drafted in terms of how one establishes what is normal communication between one parent and a child. A school can establish at some level that a child or a parent has a level of fluency, but it is harder to demonstrate that the parent normally speaks Irish to the child in the home. At second level one would be establishing a priority for a child from a feeder school, to which I have no profound objection.

The thinking behind our approach is that the State has an obligation to support the promotion of the language, but we do not want to prefer a group of children who acquired their language proficiency in talking to a parent, a grandparent or a brother or as the result of a big effort made by the family to immerse a child in the Irish language, even if the parent did not have the opportunity to speak it. We do not seek to distinguish them and that is the thinking behind our provision. I do not have a clear-cut view on whether it is satisfactory, legally, to give priority to someone who is defined as having spoken Irish to one of his or her parents in the home over someone who has the same level of fluency but who acquired it in a different way. That is an issue that needs consideration if the Deputies are convinced that the amendment I have developed is not sufficient.

We can do this in one of two ways. We could accept amendments Nos. 76 and 77, as well as my own, amendment No. 75. Deputy Thomas Byrne proposes to give preference to someone who speaks Irish as their language in the home over and above a child who acquires it otherwise. He also proposes that a post-primary school accept evidence from a primary school principal that a child speaks Irish in order to carry on at second level. If I were to accept the Deputies' amendments, I would want to have them suitably scrubbed by legal advisers before we went with them to the Seanad where it might be necessary to amend them which would require us to come back here. After the discussion we had on Committee Stage, my officials and the Office of the Attorney General tried faithfully to get what had been sought. I am not opposed to going the extra distance----

**Deputy Thomas Byrne:** The Minister can only accept one of the amendments.

**Deputy Richard Bruton:** I see. In that event, I am content. I do not want to lose the principle as it is acceptable. I also do not want to send forward legislation that has not been adequately scrutinised or, if we lose our amendments and the Deputies' are accepted, to have to bring it back here. As there was a collective effort on Committee Stage to deal with this issue, I am quite happy to try to find a resolution. However, I wanted to explain why we went the way we did. Our obligation is to support the promotion of the language. Is it right to pick one group of children who have one parent to whom they normally speak Irish? We need to decide if it is right to make such a distinction and if it is legally robust and would not represent a form of discrimination. We need to examine the issue, but I am content to withdraw my amendment and resubmit in the Seanad. In the intervening period I will ask the Office of the Attorney General and the Office of the Parliamentary Counsel to examine the amendments that have been tabled, particularly amendments Nos. 76 and 77 which are the most detailed.

**Deputy Catherine Martin:** I thank the Minister for agreeing to do so. Táim ag súil le

bheith ag obair le chéile chun Gaeilge líofa a chothú agus a chaomhnú.

**Deputy Thomas Byrne:** I also thank the Minister. Part of the problem is the fact that the Government is not geared up for the way the new politics is working. We are not doing this simply to get one over on the Minister. The Government tends to operate by taking advice on amendments from the Attorney General or the parliamentary counsel. They are then published, but we get a very limited opportunity to react afterwards. We have attempted to do so in an honest way.

I have been trying to get the entrance policy of my school for comparison purposes, but I have not been able to do so. We want to allow schools to continue what they have been doing. The Minister may say section 29 applies, but I have not come across cases where this has caused a problem. We do not want to cause problems and I agree fully with Deputy Richard Boyd Barrett that we do not want this to be used as an instrument of exclusion. That is the last thing I want to see happen.

The Minister's amendment is quite appropriate at second level. I do not see what the rationale is for prioritising those who are fluent at home if they have been to a Gaelscoil. At primary level, however, it is not just a question of access, it is also one of language planning. Will the Minister tell us whether the Department of Culture, Heritage and the Gaeltacht has given any opinion on this matter? My colleague, Deputy Éamon Ó Cuív, makes the point strongly that it is not simply about school admissions or Gaelscoileanna. It is also about language planning and supporting families who speak Irish in the home. That is our objective on this side of the House. We want to encourage those children to keep it up and their efforts should be recognised. They should not be in danger of losing a school place.

**Deputy Aengus Ó Snodaigh:** Measaim go bhfuil sé go maith go bhfuil an cinneadh glactha na leasuithe seo a tharraingt siar, toisc nach bhfuil aontas idir an Rialtas agus na hurlabhraithe. Bheadh sé níos fearr dá mbeadh an t-aontas sin ann, agus measaim gur léiriú é go bhfuil níos mó ama ag teastáil. Is trua nach bhfuil sé os ár gcomhair anois, mar go dtabharfadh sé léiriú gur féidir le gach duine obair le chéile. Nílimid tar éis obair le chéile sa Stát seo maidir leis an nGaeilge thar na cianta. Ní hé go mbeadh daoine ag iarraidh céim chun tosaigh a thabhairt do Ghaeilgeoirí amháin agus gur go díreach i gcomhair Gaeilgeoirí amháin iad na gaelscoileanna. Is aitheantas é ar an bhfadhb atá ann faoi láthair nach bhfuil go leor spásanna i ngaelscoileanna timpeall na tíre chun déileáil leis an éileamh atá ann. An polasaí atá agam féin thar na blianta ná go ndeachaigh mé go dtí an Stát chun níos mó a dhéanamh, ní hamháin chun an t-éileamh a shásamh ach an t-éileamh a chruthú, chun go mbeadh i bhfad níos mó borrrtha maidir le Gaelscoileanna. Rinneadh cinneadh roinnt blianta ó shin maidir leis an ratio laistigh de Ghaelscoileanna, rud a rinneadh athrú. An tIar-Theachta Ruairí Quinn a bhí ina Aire ag an am. Thóg sé an ratio suas go dtí an ratio céanna a bhí ann do scoileanna Béarla. Dá réir, chothaigh sé sin fadhbanna do ghaelscoileanna a bhí ag iarraidh fás agus ag an am céanna rinne sé an cinneadh ar feadh tréimhse gan aon aitheantas a thabhairt do scoileanna nua. Tuigim ag an am go raibh an fhadhb maidir leis an ngeilleagar ann ach anois níl, agus ní cóir go mbeadh an fhadhb sin ann. Ba chóir go mbeimid ag díriú isteach ar an gcaoi is féidir linn an méid is mó daltaí a bheith i scoileanna Gaeilge, ní hamháin iad siúd a bhfuil an Ghaeilge mar chéad teanga acu, iad siúd atá ag freastal ar naiscoileanna Gaeilge ach iad siúd atá ag iarraidh na páistí a chur chuig na gaelscoileanna nach bhfuil an deis acu a bheith ag freastal ar naiscoileanna agus a leithéid.

Chomh maith leis sin, an príomh-rud atá feicthe againn thar na blianta ná nach bhfuil na háiseanna cuí acu. Níl na scoileanna, nó na ranganna, mór go leor agus níl na háiseanna eile

ag gnáthpháistí Gaelscoileanna. Tá áiteanna nach bhfuil an trealamh ann, áiteanna nach bhfuil na leabhair scoile ann agus áiteanna nach bhfuil faoi láthair na múinteoirí ann fiú amháin, rud tábhachtach dá mbeadh fás as cuimse ag tarlú. Dá mbeadh an fás sin ag tarlú bheadh fadhb ann, mar atá ann cheana féin i roinnt ceantair, áit nach bhfuil múinteoirí ann leis na cáilíochtaí nó leis an líofacht maidir leis an nGaeilge chun a bheith ag múineadh i nGaelscoileanna.

Ní hé go bhfuilimid ag iarraidh raic a bheith ann idir an Freasúra agus an Aire nó idir na heagrais Ghaeilge timpeall na tíre. Ní hé sin atá i gceist sna leasuithe a bhí á gcur chun cinn anseo, a bhí ag teacht salach beagán ar an méid a bhí an tAire féin tar éis a bheith curtha chun cinn agus tairbhe éigin ag baint leo. An rud atá i gceist anois ná go mbeadh an deis is fearr ann do pháistí agus do thuismitheoirí agus go mbeadh sé cinnte gur féidir seasamh breise éigin a thabhairt dóibh siúd a bhfuil an Ghaeilge acu maidir le hiontráil i mbunscoileanna agus i meán-scoileanna Gaeilge.

Má tá an t-éileamh chomh mór sin, is jab eile don Aire déileáil leis sin. Is é sin an chaoi is féidir le fás agus borradh a chur an athuair faoi Ghaelscoileanna atá ar eolas agamsa i gceantair timpeall na cathrach seo agus timpeall na tíre atá ar bís ag lorg aitheantas éigin agus cuidiú chun an t-éileamh atá sna ceantair sin a shásamh. Tá mé ag caint ní hamháin maidir le freastal ar bhunscoileanna ach, mar a dúirt mé cheana, ar ghaelchóláistí chomh maith. Tá súil agam go dtabharfaidh an tAire éisteacht don mhéid atá le rá ag na hurlabhraithe oideachais ar an taobh seo den Teach agus do na heagrais Ghaeilge agus idir seo agus tráth na díospóireachta a bheidh sa Seanad. Tá súil agam freisin go mbeidh an tAire in ann teacht ar leasuithe le go mbeimid le chéile, agus a bheidh in ann na héilimh atá ag na heagrais sin a shásamh agus ábalta cuidiú a thabhairt dóibh siúd atá ag iarraidh dul chuig na Gaelscoileanna timpeall na cathrach agus na tíre ach go háirithe.

**Deputy Kathleen Funchion:** I want to make two brief points. First, I welcome the fact that the Minister has listened and taken on board our suggestion. That is very helpful and, hopefully, we will be able to get some resolution when we discuss it as a group again. Second, I would definitely not support anything that is in any way elitist particularly around the Irish language because I am always conscious of the fact that many people did not get the opportunity to learn the language in the way they would have liked and they have worked very hard to get their children into Gaelscoileanna so that their children and future generations can learn the language. Many people who are not originally from this country send their children to Gaelscoileanna. It is great to see children of other nationalities speaking the Irish language. I would always favour that we would reach out and encourage people to speak the Irish language rather than being in any way elitist about it. Those are the two points I wanted to put on the record.

**Deputy Mattie McGrath:** I am glad to see the Minister is doing his best to work with the Opposition to approach this issue in a common sense and cohesive way. As Teachta Byrne said, it is not all about school admission policies. It must be about nurturing our teanga freisin. I did not quite understand what the Minister meant when he mentioned that pupils would not be taken in - na daltaí ón naíonra. Tá naíonra i gCaisleán Nua agus tá naíonra freisin i gCathair Dhún Uisce agus an tUasal Kathleen Lynch an múinteoir atá ansin. Tá a lán daoine, there are a lot of different nationalities attending that naíonra in Cathair Dhún Uisce. I spoke to its principal at an open day somewhat later than this time last year before they broke for the school holidays. At the open day they had a concert and I was amazed to see the multicultural group of people they had who were singing as Gaeilge. The principal informed me it is much easier for the foreign nationals who are living in Cathair Dhún Uisce to pick up Irish than it is for them to pick up English. She told me Irish is a simple language to learn. The Minister might clarify

the position regarding the naionraí.

None of us wants the Irish language to be elitist but we need to have it nurtured and spoken in the home, albeit not in the workplace, but also spoken when people are out socially. It is important we keep it alive. My village was a breac-Ghaeltacht up to 1957. I am glad we have naionra Caisleán Nua there now but we need to nurture the language. We do not want to lose our teanga completely.

**Deputy Michael Healy-Rae:** The Minister's intervention and response is welcome and fitting for the subject in question. He has taken on board the views of the other Deputies. That is what governance and listening is all about. Taking on board viewpoints of others and trying to reach a sensible and objective conclusion will help and protect the interests of the most important people in this context, those who are availing of education in the schools.

Regarding the spoken word, a great many people learned Irish in schools that were not all-Irish schools where Irish was a curriculum subject. In later life they have tended to lose the language because, to use the motto, if you do not use it you lose it. Many students who have attended schools and colleges where all subjects were taught through Irish find the language has stayed with them and they are inclined to use it much more. That is reason many of those schools are very successful. It is also the reason many parents want their children to attend all-Irish schools if they live near them and can get a place in them. It is a sensible decision if it suits the families involved. This debate is very worthwhile. I thank the Minister for listening, understanding and reacting so far in a positive way.

**Deputy Richard Boyd Barrett:** It is great the Minister has agreed to come to a consensus view and accept the suggestion. I will have to have a considered discussion with my colleagues about this. I have learned a good deal from the discussion. It is absolutely critical that we consider those people who make a significant effort to achieve fluency, including the many people who may not speak it in the home but are nonetheless very passionate about trying to achieve fluency and some of the new immigrant communities. It is absolutely wonderful that they are taking up the Irish language. We do not want to do anything that would discriminate against, inhibit or obstruct those communities from participating fully in Irish language education.

On the other hand, however, I see the logic of trying to see what we can do to ensure that people who speak the language at home with their parents would not regress in their fluency because they are not in an Irish language school. It is a tricky balance. The main point is that all Members are committed to trying to do the right things and not come up with any provisions that are exclusionary. If the will is there and if there is engagement with the relevant stakeholders then some arrangement can be agreed when the Bill goes to the Seanad.

**Deputy Richard Bruton:** I appeal for the support of the House in not delaying the Bill. There are a lot of good elements in the Bill that I would not like to see lost.

I reiterate what a number of Deputies have already said. We do not want to breach sound educational principles that are embedded in the Bill. We should not have tests of access for parents. That should not be how we decide a child's entry to school. We do not want discrimination creeping in under another name. We want legislation that is robust enough to withstand challenge. We do not want academic ability being the test of access. There are aspects we need to avoid while accommodating this legislation and, having listened to the Deputies' contributions, I believe the Deputies appreciate that this is not a slam-dunk situation. We are trying to

balance elements that are reasonably finely poised and we need to be sensitive to the possibilities of getting it wrong.

**Deputy Catherine Martin:** As my colleagues have said, we are certainly not seeking that discrimination of any sort would creep into the school system. We want to protect the rights of those who have a reasonable level of fluency at home, but we also want to make sure we protect the educational rights of those who speak Irish as a home language, especially children with special educational needs who have Irish as a home language. I thank the Minister for agreeing to withdraw his amendment No. 75 for the moment. The opportunity to work together seems quite complicated but maybe we can get there and strike a happy balance.

Amendment, by leave, withdrawn.

**Deputy Richard Bruton:** I move amendment No. 46:

In page 15, between lines 29 and 30, to insert the following:

“(e) a school that, with the approval of the Minister, provides an education exclusively for students with a category or categories of special educational needs specified by the Minister, the admission statement of the school shall include a statement that the school may refuse to admit a student who does not have the specified category of special educational needs concerned, and

(f) a school that, in addition to the general admission of students has, with the approval of the Minister, established a class to provide an education exclusively for students with a category or categories of special educational needs specified by the Minister, the admission statement of the school shall include a statement that the school may refuse to admit to the class concerned a student who does not have the specified category of special educational needs concerned.”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 47:

In page 16, lines 23 and 24, to delete “as soon as practicable” and substitute “, within the prescribed period,”.

This amendment provides for the board of management to publish its admission policy once it has been approved by the patron. The Bill currently provides for the board to do so as soon as practicable after the patron has approved the policy. As the Bill separately provides for the Minister to prescribe the period within which a board should publish its policy, this amendment provides instead for the board to publish the policy within the prescribed period.

**Deputy Mattie McGrath:** In Ireland some 90% of primary schools are under Catholic patronage. Factors such as emigration and the increasingly secular population has led to demand for more diversity in school patronage. The 2012 report of the Forum on Patronage and Pluralism in the Primary Sector recommended a policy of divestment, which is the transfer of a school from a denominational patron to another patron. I have often indicated my support for such a policy. We are aware of the increasing demand for non-denominational schools.

**Acting Chairman (Deputy John Lahart):** Is Deputy McGrath sure about the relevance of his contribution to the amendment currently under consideration?

**Deputy Mattie McGrath:** Sorry?

**Acting Chairman (Deputy John Lahart):** Is Deputy McGrath sure about the relevance of his contribution to the amendment currently under consideration?

**Deputy Mattie McGrath:** Are we on amendment No. 37?

**Acting Chairman (Deputy John Lahart):** We are on amendment No. 47.

**Deputy Mattie McGrath:** Is that amendment related to school patronage?

**Acting Chairman (Deputy John Lahart):** We have gone past amendment No. 37. Amendment No. 47 is a technical amendment.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 48:

In page 16, to delete line 28 and substitute the following:

“(b) include an admission statement and set out—

(i) in the case of a school that, with the approval of the Minister, provides an education exclusively for students with a category or categories of special educational needs specified by the Minister, the category or categories or special educational needs concerned,

(ii) in the case of a school that, in addition to the general admission of students has, with the approval of the Minister, established a class to provide an education exclusively for students with a category or categories of special educational needs specified by the Minister, the category or categories or special educational needs concerned.”.

Amendment put.

**Deputies:** Vótáil.

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

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

**An Leas-Cheann Comhairle:** As fewer than ten Members have risen, I declare the question carried. In accordance with Standing Order 72, the names of the Deputies dissenting will be recorded in the Journal of the Proceedings of the Dáil.

Amendment declared carried.

**Deputy Richard Bruton:** I move amendment No. 49:

In page 16, line 30, to delete “and” and substitute “including, where appropriate,”.

Amendment put.

**Deputies:** Vótáil.

9 o'clock

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

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

**An Leas-Cheann Comhairle:** As fewer than ten Members have risen, I declare the question carried. In accordance with Standing Order 72, the names of the Deputies dissenting will be recorded in the Journal of the Proceedings of the Dáil.

Amendment declared carried.

**Deputy Richard Bruton:** I move amendment No. 50:

In page 16, line 32, to delete “or special class concerned”.

Amendment put.

**Deputies:** Votáil.

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

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

**An Leas-Cheann Comhairle:** As fewer than ten Members have risen, I declare the question carried. In accordance with Standing Order 72, the names of the Deputies dissenting will be recorded in the Journal of the Proceedings of the Dáil.

Amendment declared carried.

**Deputy Richard Bruton:** I move amendment No. 51:

In page 16, to delete line 33.

Amendment No. 51 relates to a typographical error in the Bill. It deletes line 33 of page 11 where the word “or” was incorrectly inserted.

*(Interruptions).*

Amendment agreed to.

Amendment No. 52 not moved.

**Deputy Catherine Martin:** I move amendment No. 53:

In page 17, line 1, after “school” to insert “not aided by the Department of Education and Skills”.

Amendment put:

<i>The Dáil divided: Tá, 22; Níl, 65; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Boyd Barrett, Richard.</i>	<i>Aylward, Bobby.</i>	
<i>Brady, John.</i>	<i>Bailey, Maria.</i>	

*Dáil Éireann*

<i>Broughan, Thomas P.</i>	<i>Barrett, Seán.</i>	
<i>Buckley, Pat.</i>	<i>Breen, Pat.</i>	
<i>Crowe, Seán.</i>	<i>Brophy, Colm.</i>	
<i>Cullinane, David.</i>	<i>Browne, James.</i>	
<i>Ellis, Dessie.</i>	<i>Bruton, Richard.</i>	
<i>Funchion, Kathleen.</i>	<i>Burke, Peter.</i>	
<i>Healy, Seamus.</i>	<i>Butler, Mary.</i>	
<i>Kenny, Martin.</i>	<i>Byrne, Catherine.</i>	
<i>Martin, Catherine.</i>	<i>Byrne, Thomas.</i>	
<i>Mitchell, Denise.</i>	<i>Cahill, Jackie.</i>	
<i>Munster, Imelda.</i>	<i>Cannon, Ciarán.</i>	
<i>Murphy, Paul.</i>	<i>Carey, Joe.</i>	
<i>O'Brien, Jonathan.</i>	<i>Casey, Pat.</i>	
<i>O'Reilly, Louise.</i>	<i>Chambers, Lisa.</i>	
<i>Ó Broin, Eoin.</i>	<i>Collins, Michael.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>Creed, Michael.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Curran, John.</i>	
<i>Stanley, Brian.</i>	<i>D'Arcy, Michael.</i>	
<i>Tóibín, Peadar.</i>	<i>Daly, Jim.</i>	
	<i>Deering, Pat.</i>	
	<i>Donnelly, Stephen S.</i>	
	<i>Doyle, Andrew.</i>	
	<i>Durkan, Bernard J.</i>	
	<i>Farrell, Alan.</i>	
	<i>Fitzgerald, Frances.</i>	
	<i>Fitzpatrick, Peter.</i>	
	<i>Flanagan, Charles.</i>	
	<i>Griffin, Brendan.</i>	
	<i>Harris, Simon.</i>	
	<i>Healy-Rae, Michael.</i>	
	<i>Humphreys, Heather.</i>	
	<i>Kyne, Seán.</i>	
	<i>Lahart, John.</i>	
	<i>MacSharry, Marc.</i>	
	<i>Madigan, Josepha.</i>	
	<i>McConalogue, Charlie.</i>	
	<i>McGrath, Mattie.</i>	
	<i>McGrath, Michael.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Mitchell O'Connor, Mary.</i>	

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	<i>Moran, Kevin Boxer.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Murphy, Eugene.</i>	
	<i>Naughten, Denis.</i>	
	<i>Naughton, Hildegarde.</i>	
	<i>Neville, Tom.</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>Rabbitte, Anne.</i>	
	<i>Ring, Michael.</i>	
	<i>Rock, Noel.</i>	
	<i>Ross, Shane.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Stanton, David.</i>	

Tellers: Tá, Deputies Catherine Martin and Kathleen Funchion; Níl, Deputies Joe McHugh and Tony McLoughlin.

Amendment declared lost.

**Deputy Richard Bruton:** I move amendment No. 54:

In page 17, between lines 5 and 6, to insert the following:

“(v) in the case of a school that, with the approval of the Minister, provides an education exclusively for students with a category or categories of special educational needs specified by the Minister, where the student does not have the specified category of special educational needs concerned, or

(vi) in the case of a student seeking admission to a special class in the school, where the student does not have the category of special educational needs specified by the Minister in respect of that class.”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 55:

In page 17, to delete lines 8 and 9 and substitute the following:

“(e) provide that the school shall not, when deciding on an application to the school, or when placing a student on a waiting list for admission to the school, consider or take into account any of the following:”.

The Bill currently sets out that where a school is oversubscribed it may not use certain selection criteria such as attendance at a preschool, payment of fees, academic ability, interviews etc. Amendment No. 55 clarifies that such matters cannot be taken into account in any case where a school is deciding on an application for admission, even where the school is not oversubscribed and in cases where a school is oversubscribed, they cannot be taken into account in deciding on an applicant's place on a waiting list.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 56:

In page 17, lines 10 and 11, to delete “specified category or categories of”.

Amendment No. 56 is a proofing amendment. It deletes reference to “specified category or categories” in the provision that prohibits a school from giving priority based on attendance at a pre-school or pre-school service other than in the case of an early intervention class or early start pre-school. Otherwise, the wording might be open to the interpretation that schools could in fact prioritise certain types of other pre-schools. Deleting the wording in question ensures clarity that priority may be given only in the case of early intervention classes or early start pre-schools.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 57:

In page 17, line 18, to delete “subsection (8)” and substitute “subsections (8) and (9)”.

**Deputy Thomas Byrne:** I thought the Minister had agreed to withdraw this amendment when we were discussing No. 45.

**Deputy Richard Bruton:** Apologies, the Deputy is correct. I will withdraw it.

Amendment, by leave, withdrawn.

Amendment No. 58 not moved.

**An Leas-Cheann Comhairle:** Amendments Nos. 59, 87 and 88 are related and will be discussed together.

**Deputy Richard Bruton:** I move amendment No. 59:

In page 17, line 26, after “course” to insert “or to a course known as a further education and training course”.

Amendment No. 59 provides that in the case of admission to a further education and training course run by a recognised school, the school shall not be prohibited from holding interviews or

meetings as part of the admission process to such a course. Amendments Nos. 87 and 88 provide that in the case of admission to a further education and training course run by a recognised school, the school shall not be prohibited from charging fees where this is applicable in relation to admission to such courses.

Amendment agreed to.

Amendment Nos. 60 and 61 not moved.

**Deputy Richard Bruton:** I move amendment No. 62:

In page 17, to delete lines 30 to 37 and substitute the following:

“(vii) the date and time on which an application for admission was received by the school, subject to subsection (11) and subject to the application being received at any time during the period specified for receiving applications set out in the annual admission notice of the school for the school year concerned or, where appropriate, at any time during the period as otherwise determined by the school in accordance with this Act or regulations made under this Act,”.

Amendment No. 62 substitutes a new subsection for subsection 62(7)(e)(vii) to ensure that there is clarity in the wording of this section where it provides that schools must not use selection criteria based on the date and time that an application was received. This prohibits schools from applying a first come, first served approach to admissions and ensures newcomers to an area are not disadvantaged. The adjusted wording to this provision makes clearer that schools are still allowed to require applications to be made within certain timelines as set out in the Bill but that applications received within those timelines may not be ranked according to the date or time of being received.

Amendment agreed to.

Amendment No. 63 not moved.

**Deputy Richard Bruton:** I move amendment No. 64:

In page 18, to delete lines 5 to 12 and substitute the following:

“(h) provide that a decision on an application for admission shall be based on—

(i) the implementation of the school’s admission policy including, where applicable, the annual admission notice of the school, and

(ii) the information provided by the applicant in the application for admission received before the closing date set out in the annual admission notice of the school or, where appropriate, the date as otherwise determined by the school in accordance with this Act or regulations made under this Act,”.

The purpose of amendment No. 64 is to make clear that the school’s admission policy must provide that decisions on applications for admission must be based on the implementation of the school’s admission policy, the admission notice and the information provided by the applicant within the relevant timeline set out in the admission notice or the timeline as otherwise applicable to that application under the Bill.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 65:

In page 18, lines 14 and 15, to delete “the intake group” and substitute “admission to the school”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 66:

In page 18, to delete lines 29 to 34 and substitute the following:

“(i) whether or not he or she has accepted an offer of admission for another school or schools and, where the applicant has so accepted, he or she shall provide details of the offer or offers concerned, and

(ii) whether or not he or she has applied for and is awaiting confirmation of an offer of admission from another school or schools, and where the applicant has so applied, he or she shall provide details of the other school or schools concerned,”.

Amendment No. 66 is a proofing amendment to ensure consistency of wording between section 62(7)(j)(i) and 62(7)(j)(ii) and to make clear that the requirement on an applicant who is accepting an offer of admission in a school to provide that school with details of offers awaited from other schools, will apply only where the applicant has actually made any application or application to other schools.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 67:

In page 18, lines 37 to 39, to delete all words from and including “details” in line 37 down to and including line 39 and substitute the following:

“details of the student’s ranking against the selection criteria and details of the student’s place on the waiting list,”.

The Bill currently provides in Section 67(7)(k)) for an applicant to be provided with details as to why he or she has failed to meet the school’s selection criteria. Amendment No. 67 is a proofing amendment to improve and clarify the language of this provision so that it refers instead to “details of the student’s ranking against the selection criteria”.

This new wording more accurately describes what is required.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 68:

In page 18, to delete lines 42 and 43 and substitute the following:

“(i) it is established that information contained in the application is false or misleading in a material respect,”.

This proofing amendment provides for more appropriate and workable language in the pro-

vision that allows a school to withdraw an offer of admission if the application contained false or misleading information. As it stands, the Bill allows a school to withdraw an offer if “it is established that the application is fraudulent or intentionally misleading”. The new wording, as set out in this amendment, provides for an offer to be withdrawn where “it is established that the information contained in an application is false or misleading in a material respect”. This adjusted language provides for a fairer and more workable provision in practice. A school will not have to establish fraud or that the application was intentionally misleading. However, if it is established that the information is false or misleading, it can withdraw an offer, but only if that information was false or misleading in a material respect.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 69:

In page 19, line 20, after “school” to insert the following:

“(which arrangements shall not result in a reduction in the school day in respect of the student concerned)”.

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendments Nos. 70 and 86 are being taken together.

**Deputy Richard Bruton:** I move amendment No. 70:

In page 19, line 29, to delete “attendance” and substitute “enrolment”.

These amendments substitutes the word “enrolment” for the word “attendance” in sections 62(7)(p)(ii) and 64(1)(b), both of which are concerned with prohibiting fees or charges as a “condition of admission or continued attendance” at a school. As students can have gaps in attendance from time to time, it is considered that “enrolment” is the more appropriate term to use in this context. This would prevent a school charging fees as a condition of the student continuing to be enrolled, including where the child is not currently attending for a particular reason such as illness. Therefore, the revised wording will refer to “admission or continued enrolment in a school” because this more accurately describes what is required.

Amendment agreed to.

Amendments Nos. 71 and 72 not moved.

**Deputy Richard Bruton:** I move amendment No. 73:

In page 19, line 31, to delete “and criteria”.

This proofing amendment removes a duplication in the section of the Bill that requires a school to set out its selection criteria in its policy. It deletes the reference to setting out selection criteria in section 62(7)(q) because this requirement is already set out in 62(7)(d).

Amendment agreed to.

Amendments Nos. 74 to 81, inclusive, not moved.

**Deputy Thomas Byrne:** This is new politics at its best.

**An Leas-Cheann Comhairle:** I cannot comment.

**Deputy Thomas Byrne:** We are all going to sit down before the Bill goes to the Seanad.

**An Leas-Cheann Comhairle:** Amendments Nos. 82 to 85, inclusive, may be discussed together.

**Deputy Richard Bruton:** I move amendment No. 82:

In page 20, line 34, to delete “the intake group of”.

Amendments Nos. 82 to 85, inclusive, relate to the annual admission notices that must be prepared by schools. The collective purpose of these amendments is to clarify that an admission notice applies to the intake group and to any special class in a school, but does not apply to admission to other classes or groups. Amendment No. 82 deletes the reference to “the intake group” in section 63(1) in light of amendments to later provisions in this section which clarify that the admission notice applies to the intake group and to special classes. Amendment No. 83 clarifies that the admission notice must indicate the dates by which an applicant will be notified of the school’s decision and the dates by which an applicant must accept any offer in the case of both the intake group and any special class. The existing provision does not make this clear. Amendment No. 84 clarifies the wording of this provision to clarify that the admission notice must separately specify the number of places in the intake group and in any special class and that must also separately provide details of any oversubscription in the intake group or the special class concerned in the previous school year. Amendment No. 85 provides that a reference to admission in this section means admission to the intake group or the special class.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 83:

In page 21, to delete lines 10 to 13 and substitute the following:

“(iii) in respect of an application for admission to an intake group or special class, the date by which the applicant shall be notified of the decision in relation to his or her application,

(iv) in respect of an application for admission to an intake group or special class, the date by which the applicant shall confirm acceptance of the offer of admission,”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 84:

In page 21, to delete lines 14 to 25 and substitute the following:

“(c) in relation to the school year concerned, set out—

(i) the number of places being made available in the intake group,

(ii) in the case of a boarding school, the number of residential and the number of non-residential places being made available and

(iii) in the case of a school with a special class, the number of places being made available in the special class concerned;

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(d) in the case of a school where the intake group or a special class in the school was oversubscribed in the school year prior to the school year in relation to which admission is being sought, a statement setting out the number of applications received and the number and order of offers made in that school year in respect of each of the school's selection criteria.”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 85:

In page 21, between lines 33 and 34, to insert the following:

“(5) In this section, a reference to admission to a school means a reference to admission to the intake group of the school or admission to a special class in the school.”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 86:

In page 21, to delete line 39 and substitute the following:

“(b) the admission or continued enrolment of a student in the school.”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 87:

In page 22, line 8, to delete “or”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 88:

In page 22, line 11, to delete “courses.” and substitute the following:

“courses, or

(d) fees charged by schools that provide further education and training courses, in respect of such courses.”.

Amendment agreed to.

**Deputy Catherine Martin:** I move amendment No. 89:

In page 22, between lines 27 and 28, to insert the following:

“(3) (a) In particular, the Minister shall, within 3 months of the commencement of this Act, make regulations governing the age-appropriate arrangements to be made for students who do not wish to attend religious instruction or classes.

(b) Such regulations shall have regard to the rights of students under the Constitution to attend a school in receipt of public funds without attending religious instruction or classes at that school.”.

Amendment put:

*The Dáil divided: Tá, 22; Níl, 44; Staon, 23.*

<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Brady, John.</i>	<i>Bailey, Maria.</i>	<i>Aylward, Bobby.</i>
<i>Broughan, Thomas P.</i>	<i>Breen, Pat.</i>	<i>Browne, James.</i>
<i>Buckley, Pat.</i>	<i>Brophy, Colm.</i>	<i>Butler, Mary.</i>
<i>Collins, Michael.</i>	<i>Bruton, Richard.</i>	<i>Byrne, Thomas.</i>
<i>Crowe, Seán.</i>	<i>Burke, Peter.</i>	<i>Cahill, Jackie.</i>
<i>Funchion, Kathleen.</i>	<i>Byrne, Catherine.</i>	<i>Casey, Pat.</i>
<i>Healy-Rae, Michael.</i>	<i>Cannon, Ciarán.</i>	<i>Cassells, Shane.</i>
<i>Healy, Seamus.</i>	<i>Carey, Joe.</i>	<i>Chambers, Lisa.</i>
<i>Kenny, Martin.</i>	<i>Corcoran Kennedy, Marcella.</i>	<i>Curran, John.</i>
<i>Martin, Catherine.</i>	<i>Creed, Michael.</i>	<i>Donnelly, Stephen S.</i>
<i>McGrath, Mattie.</i>	<i>D'Arcy, Michael.</i>	<i>Kelleher, Billy.</i>
<i>Mitchell, Denise.</i>	<i>Daly, Jim.</i>	<i>Lahart, John.</i>
<i>Munster, Imelda.</i>	<i>Deering, Pat.</i>	<i>Lawless, James.</i>
<i>Murphy, Paul.</i>	<i>Doherty, Regina.</i>	<i>MacSharry, Marc.</i>
<i>O'Brien, Jonathan.</i>	<i>Doyle, Andrew.</i>	<i>McConalogue, Charlie.</i>
<i>O'Reilly, Louise.</i>	<i>Durkan, Bernard J.</i>	<i>Moynihan, Michael.</i>
<i>Ó Broin, Eoin.</i>	<i>English, Damien.</i>	<i>Murphy O'Mahony, Margaret.</i>
<i>Ó Caoláin, Caoimhghín.</i>	<i>Farrell, Alan.</i>	<i>Murphy, Eugene.</i>
<i>Ó Laoghaire, Donnchadh.</i>	<i>Fitzgerald, Frances.</i>	<i>O'Callaghan, Jim.</i>
<i>Ó Snodaigh, Aengus.</i>	<i>Fitzpatrick, Peter.</i>	<i>O'Keefe, Kevin.</i>
<i>Stanley, Brian.</i>	<i>Flanagan, Charles.</i>	<i>O'Rourke, Frank.</i>
<i>Tóibín, Peadar.</i>	<i>Griffin, Brendan.</i>	<i>Scanlon, Eamon.</i>
	<i>Harris, Simon.</i>	<i>Smith, Brendan.</i>
	<i>Humphreys, Heather.</i>	
	<i>Kehoe, Paul.</i>	
	<i>Kyne, Seán.</i>	
	<i>Lowry, Michael.</i>	
	<i>Madigan, Josepha.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moran, Kevin Boxer.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Naughten, Denis.</i>	
	<i>Naughton, Hildegard.</i>	
	<i>Neville, Tom.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	

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	<i>Ring, Michael.</i>	
	<i>Rock, Noel.</i>	
	<i>Ross, Shane.</i>	
	<i>Stanton, David.</i>	
	<i>Zappone, Katherine.</i>	

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

Amendment declared lost.

Amendments Nos. 90 and 91 not moved.

**Deputy Richard Bruton:** I move amendment No. 92:

In page 23, lines 7 to 9, to delete all words from and including “number” in line 7 down to and including “school” in line 9 and substitute “school is oversubscribed”.

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendments Nos. 93 to 95, inclusive, and 97 to 102, inclusive, are related and may be discussed together.

**Deputy Richard Bruton:** I move amendment No. 93:

In page 23, to delete lines 32 to 34 and substitute the following:

“(vi) the manner in which and period during which a school shall notify an applicant as to the decision on his or her application;”.

Amendment No. 93 adjusts the current wording in the Bill that provides that regulations may be made regarding the manner and period during which an applicant will be informed that his or her application for admission has been accepted. The revised wording clarifies that this refers to the manner and period during which an applicant will be informed as to the decision on his or her application rather than whether the application has been accepted.

Amendment No. 94 inserts a provision in the regulations section to provide that regulations may be made regarding the manner in which, and periods during which, an applicant will confirm his or her acceptance of an offer of admission to a school and that these regulations may include, where an applicant accepts more than one offer of admission, the manner and periods during which the applicant must provide final confirmation of acceptance or non-acceptance to the schools in question.

Amendments Nos. 95, and 98 to 102, inclusive, involve consequential re-numbering amendments arising from amendment No. 94. They also provide that regulations can set out both the arrangements and the procedures that apply regarding the compilation and operation of waiting

lists; offers that become available after the completion of the admission process; applications received after the commencement of the school year; and applications to classes other than the intake group.

The purpose of amendment No. 97 is a proofing amendment to clarify that regulations may set conditions that applicants “shall” be required to adhere to, rather than conditions that applicants “may” be required to adhere to.

*10 o'clock*

Amendment put.

**Deputies:** Vótáil.

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

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

**An Leas-Cheann Comhairle:** As fewer than ten Members have risen I declare the question carried. In accordance with Standing Order 72 the names of the Deputies dissenting will be recorded in the Journal of the Proceedings of the Dáil.

Amendment declared carried.

**Deputy Richard Bruton:** I move amendment No. 94:

In page 23, between lines 36 and 37, to insert the following:

“(viii) the manner in which and periods during which an applicant shall confirm his or her acceptance of an offer of admission which may, where an applicant has accepted more than one offer or where an applicant has applied for and is awaiting confirmation of an offer of admission from another school or schools, include the manner in which and periods during which an applicant shall provide final confirmation to the relevant schools of the offer that he or she wishes to accept and any offers that he or she does not wish to accept;”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 95:

In page 23, line 37, to delete “(viii) conditions” and substitute “(ix) conditions”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 96:

In page 23, line 37, to delete “enrolment” and substitute “admission”.

Amendment No. 96 is a drafting amendment that substitutes the word “admission” for the word “enrolment” in section 65(3)(d)(viii) to ensure consistency of language with the remainder of the Bill, which refers to the admission of students to schools rather than the enrolment of students to schools.

**Deputy Thomas Byrne:** They really have the dictionary out in the Department. The Min-

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ister is substituting “admission” for “enrolment”. Previously, the Minister substituted “attendance” for “enrolment” or *vice versa*. It is getting late in the night, a Leas-Cheann Comhairle, and we will not oppose it. It is surely altogether worthwhile.

**An Leas-Cheann Comhairle:** Is amendment No. 96 agreed to?

**Deputies:** Vótáil.

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

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

**An Leas-Cheann Comhairle:** As fewer than ten Members have risen I declare the question carried. In accordance with Standing Order 72 the names of the Deputies dissenting will be recorded in the Journal of the Proceedings of the Dáil.

Amendment declared carried.

**Deputy Richard Bruton:** I move amendment No. 97:

In page 23, line 38, to delete “may” and substitute “shall”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 98:

In page 23, line 40, to delete “(ix) the procedures” and substitute “(x) the procedures”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 99:

In page 24, line 1, to delete “(x) arrangements” and substitute “(xi) arrangements and procedures”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 100:

In page 24, line 3, to delete “(xi) arrangements” and substitute “(xii) arrangements and procedures”.

Amendment put.

**Deputies:** Vótáil.

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

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

**An Leas-Cheann Comhairle:** As fewer than ten Members have risen I declare the question carried. In accordance with Standing Order 72 the names of the Deputies dissenting will be recorded in the Journal of the Proceedings of the Dáil.

Amendment declared carried.

**Deputy Richard Bruton:** I move amendment No. 101:

In page 24, line 6, to delete “(xii) arrangements” and substitute “(xiii) arrangements and procedures”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 102:

In page 24, line 9, to delete “(xiii) arrangements” and substitute “(xiv) arrangements and procedures”.

Amendment agreed to.

Amendment No. 103 not moved.

**Deputy Catherine Martin:** I move amendment No. 104:

In page 24, line 11, to delete “concerned.” and substitute the following:

“concerned;

(e) age-appropriate guidelines for primary and post-primary schools, respectively, in relation to students who do not wish to attend religious instruction or classes.”.

Amendment put and declared lost.

**Deputy Catherine Martin:** I move amendment No. 105:

In page 24, line 12, to delete “(4) In this section” and substitute “(5) In this section”.

Amendment put and declared lost.

**An Leas-Cheann Comhairle:** Amendments Nos. 106 and 107 are related and may be discussed together.

**Deputy Richard Bruton:** I move amendment No. 106:

In page 25, line 5, after “an application” to insert “for admission”.

Amendment No. 106 is a proofing amendment to provide for the insertion of the words “for admission” after “an application” in section 66(6)(a)(i) in order to clarify that this provision applies to applications for admission to the school. Amendment No. 107 updates section 66(6) to make clear that the information that may be shared by a school in respect of applications for admission can also include the dates on which applications were made, the dates on which offers were made and the dates on which offers were accepted.

Amendment put and declared carried.

**Deputy Richard Bruton:** I move amendment No. 107:

In page 25, to delete lines 9 to 12 and substitute the following:

“(b) A list provided by the board under paragraph (a) may include all or any of the following details:

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- (i) the date on which an application for admission was received by the school,
- (ii) the date on which an offer of admission was made by the school,
- (iii) the date on which an offer of admission was accepted by an applicant,
- (iv) a student's personal details including his or her name, address, date of birth and personal public service number (within the meaning of section 262 of the Social Welfare Consolidation Act 2005)."

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendment No. 108 in the name of Deputy Catherine Martin is out of order as it involves a potential charge on the Revenue.

Amendment No. 108 not moved.

**An Leas-Cheann Comhairle:** Amendments Nos. 109 and 112 are related and may be discussed together.

**Deputy Richard Bruton:** I move amendment No. 109:

In page 25, line 35, to delete "(g) the ability" and substitute "(f) the ability".

Amendments Nos. 109 and 112 are both proofing amendments to correct numbering errors in the Bill.

Amendment agreed to.

**Deputy Catherine Martin:** I move amendment No. 110:

In page 25, line 35, after "to" where it firstly occurs to insert "make all reasonable efforts to".

Amendment put and declared lost.

**An Leas-Cheann Comhairle:** Amendment No. 111 in the name of Deputy Catherine Martin is out of order as it involves a potential charge on the Revenue.

Amendment No. 111 not moved.

**Deputy Richard Bruton:** I move amendment No. 112:

In page 26, line 16, to delete "(e) the school" and substitute "(d) the school".

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendments Nos. 113, 114 and 116 to 119, inclusive, are related and may be discussed together.

**Deputy Richard Bruton:** I move amendment No. 113:

In page 26, line 19, to delete "prescribed date" and substitute "date determined in procedures under subsection (19)".

Amendments Nos. 113, 114 and 116 to 119, inclusive, are proofing amendments within the section of the Bill that provides for a school to be designated by the NCSE or the Child and Family Agency. These amendments replace the phrase “period determined in procedures” with the phrase “prescribed period” in the provisions concerning the timelines within which appeals under this section may be made by a school or by a parent and the timelines by which such appeals must be decided by an appeals committee. The Bill already separately provides for the timelines in relation to such appeals to be determined in procedures rather than by regulations and these amendments are necessary to ensure consistency with that approach.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 114:

In page 26, line 22, to delete “prescribed period” and substitute “period determined in procedures under subsection (19)”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 115:

In page 26, line 27, to delete “there has been non-compliance” and substitute “the Agency or the Council has failed to comply”.

**An Leas-Cheann Comhairle:** As the amendment is not discussed with any other amendment, does the Minister want to comment on it?

**Deputy Richard Bruton:** I beg the Leas-Cheann Comhairle’s pardon.

Amendment No. 115 is a proofing amendment to clarify that an appeals committee is required to cancel a designation where it is satisfied that there has been non-compliance by the NCSE or the Child and Family Agency with the requirements of the relevant section in relation to that designation.

The wording as it currently stands does not specify, as was originally intended, that this means non-compliance by the council or agency. The amendment is necessary to clarify this matter.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 116:

In page 26, line 34, to delete “prescribed period” and substitute “period determined in procedures under subsection (19)”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 117:

In page 26, line 37, to delete “prescribed period” and substitute “period determined in procedures under subsection (19)”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 118:

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In page 26, line 38, to delete “prescribed period” and substitute “period determined in procedures under subsection (19)”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 119:

In page 27, line 2, to delete “prescribed period” and substitute “period determined in procedures under subsection (19)”.

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendment No. 120 in the name of Deputy Catherine Martin is out of order as it involves a potential charge on the Revenue.

Amendment No. 120 not moved.

**An Leas-Cheann Comhairle:** Amendments Nos 121, 125, 132 and 133 are related and may be discussed together.

**Deputy Richard Bruton:** I move amendment No. 121:

In page 28, to delete line 37 and substitute “29D, 29E, 66, 67(1) or 67(3)”.

Amendment No. 121 amends the section of the Bill which provides for the patron to issue a direction to the board of a school where the board is not admitting students in accordance with the Bill or is not complying with specified provisions in the Bill. It extends the range of non-compliance matters about which a patron can issue such a direction to include failure to comply with a direction by the Minister under section 66, which provides for schools to co-operate in relation to their admission processes, or a designation by the council or agency under section 67.

Amendment No. 125 amends the section of the Bill which provides for the Minister to issue a direction to the board of a school where the board is not admitting students in accordance with the Bill or is not complying with specified provisions in the Bill. It extends the range of non-compliance matters about which the Minister can issue such a direction to include failure to comply with a direction by the Minister under section 66 which provides for schools to co-operate in relation to their admission processes, or a designation by the council or agency under section 67.

Amendment No. 132 enables an “authorised person” appointed by the Minister also to ascertain whether a board has complied with a direction by the Minister under section 66, or a designation by the council or agency under section 67.

These amendments expand the relevant provisions to take account explicitly of and deal with any failure by schools to comply with directions under these important provisions of the Bill.

Amendment No. 133 is a minor proofing amendment to correct the incorrect use of the present tense in this provision. It changes the wording from the school “is not so complying” to the school “has not so complied” in line with the general language of this section. Even Homer nods.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 122:

In page 29, lines 38 and 39, to delete all words from and including “comply” in line 38 down to and including line 39 and substitute “carry out the remedial action set out in the direction.”.

Amendment No. 122 is a proofing amendment to section 68 to clarify that the role of the independent person appointed by the patron is to carry out the remedial action set out by the patron’s direction to the board rather than comply with that direction. This is necessary as it is technically not correct to require the independent person to comply with the direction that was not issued to him or her in the first place.

Amendment No. 123 is also a proofing amendment in section 68 to also clarify that it is the role of the independent person appointed by the patron to carry out the remedial action set out in the direction rather than comply with that direction. It is necessary as it is technically not correct to require an independent person to comply with that direction that was not issued to him or her in the first place.

Amendment Nos. 135 and 136 are similar to amendments Nos. 122 and 123 but instead amend section 70 to again clarify the role of the independent person with regard to him or her carrying out the remedial action.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 123:

In page 30, lines 9 and 10, to delete all words from and including “comply” in line 9 down to and including line 10 and substitute the following:

“carry out the remedial action set out in the direction under this section within such period as the patron, with the consent of the Minister, may direct.”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 124:

In page 30, between lines 14 and 15, to insert the following:

“(15) In this section and section 69 a reference to an admission policy includes a reference to an admission notice.”.

Amendment No. 124 inserts a new section 68(15) to provide that in that section and in section 69, a reference to an admission policy includes a reference to an annual admission notice. Sections 68 and 69 in the amended Act will provide that a patron or the Minister, respectively, may issue a direction to a board where a board has failed to comply with the Bill’s requirements with regard to the school’s admission policy such as preparing, publishing and implementing that policy in accordance with the Bill. This amendment provides that any references to an admission policy in these two sections shall be taken to include reference to the school’s admission notice thereby enabling the patron or Minister to also issue a direction in respect of any non-compliance with the Bill’s requirements in respect of a school’s admission notice.

**Deputy Thomas Byrne:** The Minister is setting out what powers he will have if schools do not comply with the law. It emphasises the point I made earlier that it is essential that schools are given help and resources to be able to do this because we are now looking at a big job that boards of management in schools will have to do to comply with this legislation, most of which will never have one issue with it at all. The Bill will hardly have any impact on the vast majority of schools but there is still a lot of work to do to comply with it. I urge the Minister to make clear to schools what assistance, advice and resource he and ETBs will be giving to schools in order to comply.

**Deputy Mattie McGrath:** It is fraught with danger because if the boards of management do not have the resources it will be an issue. We must remember that the vast majority are voluntary boards made up of volunteers from all kinds of backgrounds. It is a big stick to beat them with without giving them the resources. We have to give them resources. They do not have resources and we know what an onerous job it is. This will make it much more onerous and difficult. They are trying to keep the buildings standing. They are trying to apply for emergency funding for summer works and everything else and there is no certainty around that either. It is a thankless job and this will make it much more so. It is typical of what is happening right across the voluntary sector with all the threats people face with compliance. I accept we have to have compliance but there have been serious problems and people are flying away from voluntary service. I am not happy with that.

**Deputy Michael Healy-Rae:** What we have here is a situation where people have been doing voluntary work, particularly in recent years when schools were finding it more and more difficult. It was boards of management that actively fundraised and did so much work in keeping their schools going. We have all been involved in helping and assisting schools in our areas in putting together money and helping them with applications for emergency works where roofs were leaking. The great work that has been done by boards of management, parents, teachers and people involved in the religious sector, which was touched on earlier tonight, has kept the doors of our schools open. The one fear I have, which has already been mentioned, is that a lot of what has been proposed can create further red tape. Red tape is the bane of everybody's life at the moment because it is not about what work one actually does but how one complies with the work one is undertaking. We have seen in other sectors that 30% to 35% of contracts can go on health and safety. While we are all very interested in health and safety, we seem to be losing the run of ourselves. I am worried about the red tape that might be involved in this and what it would mean for compliance. I have a concern that it would mean people would need to be book-keepers and accountants to comply with all the regulations and the red tape that is being put in front of them. It is no harm to put on the record the great work that has been done by boards of management and all of the people who worked and who are working voluntarily and doing their best to keep their schools open. We often have situations in rural Ireland where the boards of management are resorting to actively campaigning to bring new families into areas to ensure the schools are able to keep their doors opened. For example, in a beautiful part of County Kerry, Lauragh, they are actively campaigning to make sure they have enough students to keep their school open. We had the same situation over the years in places like the Black Valley where excellent teaching is being carried out but where it is a struggle sometimes to keep student numbers up. It is a big campaign by boards of management. Not only do they have to help in financing the school, running the budget and making sure that everything checks and balances but at the same time they must campaign and actively canvass to try to have new young families come to the area so they will put their children into those schools and keep the schools open for the next generations. It is good to compliment those people for their voluntary

efforts and for the great work they are doing.

It was touched on earlier but the contribution that has been made by the people involved in religion, including the priests, in their communities and the excellent service they have given should never be ignored. The contribution they have made to Irish education should never be ignored, left out or forgotten about because they certainly played a big part in keeping schools open at a time when many of them might have been closed due to centralisation and other budgetary constraints. If not for the voluntary fundraising that went on when Government failed and was not able to fundraise, many of the schools would not have been able to progress, expand or modernise in the way they have. I compliment them all on their great work.

**An Leas-Cheann Comhairle:** I know Deputies have seven minutes but in section 69, the reference to admission policy includes the reference to the admission notice so by no stretch of the imagination did the Deputy's contribution keep within that.

**Deputy Michael Collins:** I spoke earlier on other amendments.

**An Leas-Cheann Comhairle:** This one is about the admission notice.

**Deputy Michael Collins:** I always talk from experience. I have been on a board of management for a number of years. I worry about another layer. I work for people who are community voluntary people who give their time for free to their community. They go to long meetings at night for the betterment of their schools. We are continually putting layers of difficulties in front of them instead of trying to work with them. I am afraid we are starting to make it very laborious. What is happening is it is getting more and more difficult to get people to sit on boards of management and parents' associations and teachers' associations. They have to do a great deal of fundraising, and that effort is required because of a shortfall in the capitation grant, which they have to make up somewhere.

**Deputy Kathleen Funchion:** On a point of order, what has this got to do with the admission policy?

**Deputy Michael Collins:** I did not interrupt the Deputy. I am speaking from experience.

**Deputy Kathleen Funchion:** Deputy Collins is repeating what he said earlier. He is talking nonsense and he does not even know what amendment he is talking to. We are dealing with admissions policy. This is irrelevant.

**Deputy Michael Collins:** It is very relevant.

**An Leas-Cheann Comhairle:** I ask the Deputy to adhere to amendment No. 124 on admission policy.

**Deputy Michael Collins:** I had the decency not to interrupt somebody when they are speaking. There needs to be a bit of courtesy.

**Deputy Kathleen Funchion:** Then speak to the amendment, rather than waffling on.

**Deputy Michael Collins:** This is another layer of work for boards of management and it will be a huge difficulty for them. They are experiencing major difficulties and I am opposed to imposing another layer of work on them. Other Members will interrupt me because they probably do not have the experience of working on a board of management. I know the amount

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of time and effort that goes into people trying to keep school numbers up and their doors open. They need to be commended and not given extra work. Another recent addition to the workload of schools was the child protection provisions and, while these are important, we are making things very laborious for boards of management. I ask the Minister to step back and reconsider this. We have to think of boards of management because it is becoming more difficult for them.

**Deputy Richard Bruton:** I assure Deputies that the Department will support schools in implementing this admission policy and I do not agree with Deputy Collins that it is unnecessary or unwise. We are trying to introduce transparency into admissions to respect citizens and give them fair access. A lot of work has been done by many Members of the House to achieve that and it would be foolish to tear up the work by agreeing with the Deputy on it.

Amendment put.

**Deputies:** Vótáil.

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

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

**An Leas-Cheann Comhairle:** As fewer than ten Members have risen I declare the question carried. In accordance with Standing Order 72 the names of the Deputies dissenting will be recorded in the Journal of the Proceedings of the Dáil.

Amendment declared carried.

**Deputy Pat Deering:** It is a copy and paste job.

*(Interruptions).*

**An Leas-Cheann Comhairle:** The Minister, myself and a few Members have been here all night. I ask all those who are interjecting to refrain from doing so.

**Deputy Mattie McGrath:** On a point of order-----

**An Leas-Cheann Comhairle:** There is no point of order.

**Deputy Mattie McGrath:** There is.

**An Leas-Cheann Comhairle:** To what Standing Order is the Deputy referring?

**Deputy Mattie McGrath:** I am not referring to Standing Orders. A point of order was raised a few minutes ago when Deputy Collins was speaking and I am making the point that we have been speaking to the amendments. If the Minister of State, Deputy Kehoe, was here he would know. Where is he? He has hardly gone to Lebanon.

**An Leas-Cheann Comhairle:** That is not a point of order. The Minister of State, Deputy Kehoe, does not have to be here.

**Deputy Tony McLoughlin:** Keep it going lads.

*(Interruptions).*

**An Leas-Cheann Comhairle:** I ask the Members to refrain from interjecting. Some of us

have been here all evening.

**Deputy Mattie McGrath:** Yes.

**An Leas-Cheann Comhairle:** We are anxious to make progress.

**Deputy Richard Bruton:** I move amendment No. 125:

In page 30, to delete line 30 and substitute “29D, 29E, 66, 67(1) or 67(3),”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 126:

In page 31, to delete lines 13 to 15 and substitute the following:

“(8) When preparing a report an authorised person shall, having regard to the opinion of the Minister stated in the notice under subsection (2) and any representations made to the Minister by the patron or the board pursuant to that notice, do one or more of the following—”.

The purpose of amendment 126 is to make clear that an authorised person appointed by the Minister to prepare a report in relation to a board’s non-compliance with the Bill’s requirements must, in preparing that report, take into account both the notice issued by the Minister to the board and patron in relation to such non-compliance and any representations received from the board or patron in relation to that notice.

The wording also clarifies that the authorised person is not required to report on all of the potential non-compliance matters set out in this section. Rather the authorised person shall in his or her report deal only with those matters that are relevant to the school in question. The current wording would require the authorised person to examine each matter of non-compliance listed even where the problem with admission was clearly confined to a particular aspect or aspects of admission in the school.

Amendments Nos 127, 128, 130 and 131 are consequential re-numbering amendments arising from amendment No. 126.

In addition to re-numbering, amendment No. 129 is also a proofing amendment to change the word “examine” to “ascertain” to bring the wording of this provision in line with the wording of the other provisions in this subsection.

**An Leas-Cheann Comhairle:** The Minister has moved amendment No. 126 and amendments Nos. 126 to 131, inclusive are related. Is amendment No. 126 agreed?

**Deputy Mattie McGrath:** It is not agreed.

Amendment put.

**Deputy Mattie McGrath:** Vótáil.

**An Ceann Comhairle:** Will the Deputies claiming a division please rise?

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

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**An Ceann Comhairle:** As fewer than ten Members have risen I declare the question carried. In accordance with Standing Order 72 the names of the Deputies dissenting will be recorded in the Journal of the Proceedings of the Dáil.

Amendment declared carried.

**Deputy Richard Bruton:** I move amendment No. 127:

127. In page 31, line 16, to delete “(b) ascertain” and substitute “(a) ascertain”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 128:

128. In page 31, line 21, to delete “(c) ascertain” and substitute “(b) ascertain”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 129:

129. In page 31, line 26, to delete “(d) examine” and substitute “(c) ascertain”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 130:

130. In page 31, line 31, to delete “(e) ascertain” and substitute “(d) ascertain”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 131:

131. In page 31, line 35, to delete “(f) ascertain” and substitute “(e) ascertain”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 132:

132. In page 31, line 36, to delete “section 29D or 29E” and substitute “section 29D, 29E, 66, 67(1) or 67(3)”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 133:

133. In page 31, line 37, to delete “is not so complying” and substitute “has not so complied”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 134:

134. In page 32, to delete line 28 and substitute “Minister’s opinion.”.

Amendment No. 134 deletes the reference to section 72C in relation to the board’s failure to comply with the direction, and replaces it with “Minister’s opinion”. Deleting this wording

ensures clarity that the board may make representations with regard to the Minister's opinion that the board has failed to comply with the direction under section 69, as stated in the notice under section A.

**An Leas-Cheann Comhairle:** So it is bringing clarity.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 135:

In page 33, to delete line 17 and substitute "carry out the remedial action set out in the direction under section 69."

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 136:

In page 33, lines 24 and 25, to delete all words from and including "comply" in line 24 down to and including line 25 and substitute the following:

"carry out the remedial action set out in the direction under section 69 within such period as the patron, with the consent of the Minister, may direct."

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 137:

In page 34, between lines 6 and 7, to insert the following:

**"Amendment of Equal Status Act 2000**

**10.** The Equal Status Act 2000 is amended—

(a) in section 7(3)—

(i) by the substitution of the following paragraph for paragraph (c):

"(c) where the establishment is a school (other than a recognised primary school) providing primary or post-primary education to students and the objective of the school is to provide education in an environment which promotes certain religious values, it admits persons of a particular religious denomination in preference to others,"

(ii) by the insertion of the following paragraphs after paragraph (c):

"(ca) where the establishment is a school providing primary or postprimary education to students and the objective of the school is to provide education in an environment which promotes certain religious values, it refuses to admit as a student a person who is not of a particular religious denomination and it is proved that the refusal is essential to maintain the ethos of the school,

(cb) where the establishment is a recognised primary school and it admits as a student a person in accordance with section 7A (inserted by *section 10(b) of the Education (Admission to Schools) Act 2018*),"

and

(iii) by the substitution of the following subsection for subsection (6) (inserted by section 15(c) of the Equality (Miscellaneous Provisions) Act 2015):

“(6) In this section—

‘member state of the European Economic Area’ means a state that is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2 May 1992, as adjusted by all subsequent amendments to that Agreement;

‘recognised primary school’ means a primary school—

(a) designated by the Minister for Education and Skills under subsection (1) of section 10 of the Education Act 1998 to be a school recognised for the purposes of that Act, or

(b) deemed to be a school recognised in accordance with the said section 10.”,

and

(b) by the insertion of the following section after section 7:

**“Recognised primary schools**

**7A.** (1) When making an application for admission to a recognised primary school, an applicant may provide--

(a) a statement confirming that the student in respect of whom the application relates is a member of a minority religion and that the applicant wishes the student to be educated in a school that provides a programme of religious instruction or religious education which is of the same religious ethos as, or a similar religious ethos to, the religious ethos of the minority religion of the student concerned, and

(b) any evidence that the applicant wishes to include to support the statement that the student in respect of whom the application relates is a member of a minority religion.

(2) A recognised primary school may, following an application in accordance with subsection (1) and in accordance with this section, give priority to the admission of a student where the school is satisfied that--

(a) the student concerned is a member of a minority religion, and

(b) the school provides a programme of religious instruction or religious education which is of the same religious ethos as, or a similar religious ethos to, the religious ethos of the minority religion of the student concerned.

(3) In satisfying itself in accordance with subsection (2)(a) a recognised

primary school shall take into account only--

(a) the statement that the applicant has provided in accordance with subsection (1)(a), and

(b) any evidence that the applicant has provided in accordance with subsection (1)(b).

(4) (a) Subject to paragraph (b), a recognised primary school may not for the purpose of admission to the school concerned rank, in order of preference, by virtue of the particular religious denomination of a student who has satisfied the school in accordance with subsection (2) as against students of other religious denominations who have satisfied the school concerned in accordance with that subsection.

(b) Nothing in paragraph (a) shall preclude a recognised primary school from applying the selection criteria set out in the school's admission policy to students who have satisfied the school in accordance with subsection (2), where the number of such students is greater than the number of places available.

(5) In this section—

‘Act of 1998’ means the Education Act 1998;

‘admission policy’ has the same meaning as it has in section 2 (amended by *section 2* of the *Education (Admission to Schools) Act 2018*) of the Act of 1998;

‘applicant’ has the same meaning as it has in Part X (inserted by *section 8* of the *Education (Admission to Schools) Act 2018*) of the Act of 1998;

‘minority religion’ means a religion other than a religion whose membership comprises in excess of 10 per cent of the total population of the State based on the population as ascertained by the Central Statistics Office in the most recent census report published by that office setting out the final result of a census of population of the State (whether or not that is the most recent such census of population);

‘recognised primary school’ has the same meaning as it has in section 7;

‘student’ has the same meaning as it has in Part X of the Act of 1998.”.”.

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendment No. 138 cannot be moved.

Amendment No. 138 not moved.

**An Leas-Cheann Comhairle:** Amendment No. 139 is in the name of Deputies Shortall and Catherine Murphy.

**Deputy Thomas Byrne:** Gone home.

Amendment No. 139 not moved.

**An Leas-Cheann Comhairle:** Amendment No. 140 cannot be moved.

Amendment No. 140 not moved.

**An Leas-Cheann Comhairle:** Amendment No. 141 arises out of recommittal.

**Deputy Richard Bruton:** I move amendment No. 141:

In page 34, lines 16, to delete “*section 9 and paragraphs (b) and (c) of section 10*” and substitute “*sections 9, 10 and paragraphs (b), (c) and (d) of section 10*”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 142:

In page 34, between lines 17 and 18, to insert the following:

“(3) The Equal Status Acts 2000 to 2015 and *section 10* may be cited together as the Equal Status Acts 2000 to 2018.”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 143:

In page 34, line 18, to delete “This Act” and substitute “Subject to *subsection (4)*, this Act”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 144:

In page 34, after line 21, to insert the following:

“(4) *Section 10* shall come into operation on such day or days as the Minister for Education and Skills may, after consultation with the Minister for Justice and Equality, appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.”.

Amendment agreed to.

Bill, as amended, received for final consideration.

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

**Deputy Thomas Byrne:** I thank the Minister and my colleagues on the committee for getting this Bill through the House. It has taken a number of years in this Dáil, but it also took years before that. It is major legislation. Last summer when the Taoiseach took over, Fianna Fáil, and in particular my party leader, said that we would facilitate its passage. We believed it to be a good, nice, easy win, given that a great deal of work had been done previously, but it has taken longer than expected. Of the five Bills that my leader proposed at the time, this is only

the second that has passed. Both were education Bills, with the other being the Technological Universities Bill 2015.

We welcome this Bill's passage. It is radical legislation in some ways but, in others, it will not affect how many schools operate. It will give clarity to schools and children and result in a fairer education system without being an attack on the ethos of schools, which I value.

The Minister has at last found a good use for the Seanad, which he campaigned against. We will consider the provisions relating to Gaelscoileanna in the Seanad. I welcome the Minister's compromise in that regard. I look forward to working with him, other colleagues and the various interest groups to ensure that any amendment made is right, in everyone's best interests and does not have unforeseen consequences.

**Minister for Education and Skills (Deputy Richard Bruton):** I thank all Members, both of the education committee and the House, for their co-operation on the Bill. It is good legislation. Ireland is changing and we need to change with it. Citizens' expectations of the education system have changed. This Bill will go some distance towards ensuring that we keep up with those changes. No doubt, they will continue in the years ahead.

Question put and declared carried.

**An Leas-Cheann Comhairle:** That is timely, as it is now 11.15 p.m. I remind Members that we commence tomorrow at 9.30 a.m.

The Dáil adjourned at 11.15 p.m. until 9.30 a.m. on Thursday, 31 May 2018.