



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Leaders' Questions	2
Order of Business	11
Tax Law Reform and Codification Advisory Committee Bill 2018: First Stage	21
Industrial and Provident Societies (Amendment) Bill 2018: First Stage	22
Employment Equality Act 1998 (section 12) (Reservation of vocational training places) Order: Referral to Joint Committee.	24
Air Services Agreements: Referral to Select Committee	24
Establishment of Special Joint Committee on Climate Action: Motion.	24
Ceisteanna - Questions	38
Priority Questions	38
Legislative Measures	38
Departmental Budgets	40
Summer Economic Statement	42
Gender Balance	44
Public Sector Pay	46
Topical Issue Matters	48
Ceisteanna - Questions (Resumed).	49
Other Questions	49
Flood Prevention Measures	49
Sale of State Assets	51
Public Sector Pay	53
Public Sector Pensions.	57
Community Sector High Level Forum	59
Coastal Protection.	60
Topical Issue Debate	62
Electricity Transmission Network	62
Inland Fisheries	66
Competition and Consumer Protection Commission	69
Hospital Facilities	72
Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Bill 2018: Order for Report Stage	75
Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Bill 2018: Report and Final Stages	75
Heritage Bill 2016: Order for Report Stage	76
Heritage Bill 2016: Report Stage.	76
Urban Regeneration and Housing (Amendment) Bill 2018: Second Stage [Private Members]	95
Urban Regeneration and Housing (Amendment) Bill 2018: Referral to Select Committee [Private Members]	123
Heritage Bill 2016: Report Stage (Resumed).	124

DÁIL ÉIREANN

Dé Máirt, 3 Iúil 2018

Tuesday, 3 July 2018

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

Paidir.

Prayer.

Leaders' Questions

Deputy Micheál Martin: Seven years ago, Fine Gael promised universal access to health services for all and the end of long waiting times and lists. Seven years on, we have record levels of waiting times and waiting lists. Some 718,000 people, an extraordinary number, are on hospital waiting lists as of May of this year. Some 512,000 of these are on an outpatient waiting list, a record high which means that many will wait for years for an operation or procedure. For example, 66,768 people are waiting for an ear, nose and throat, ENT, consultant, with nearly 30,000 of those waiting more than a year and 17,000 waiting more than 18 months for access to ENT services. Some 62,000 people are on outpatient waiting list to see an orthopaedic consultant. Some 20,000 have been waiting more than a year and 11,000 more than 18 months. Some 41,000 are on the ophthalmology list, 41,000 for dermatology, and 30,000 are on a waiting list to see a gynaecology consultant. Some 20,000 are on a cardiology list, 20,000 are on a neurology list, and so on. The 18 month waiting list is getting longer despite the fact that the now Taoiseach, Deputy Leo Varadkar, brought that in. He widened the goalposts in a cynical move at the time. Even the target to eradicate that has been missed.

Children are hardest hit, waiting far too long for far too many operations, outpatient appointments, and access to mental healthcare. Child and adolescent waiting lists are unacceptable, and speech and language, occupational therapy and physiotherapy all have scandalous waiting lists. Some 50,000 children are waiting for an outpatient consultation and appointment. Some 10,000 children have been waiting more than 18 months to see a consultant. In excess of 4,500 children are waiting for an assessment of need under the Disability Act. Some 2,691 are on child and adolescent mental health waiting lists, with close to 400 waiting more than a year. That is appalling. An extraordinary figure of 6,000 have been waiting for a primary care psychological appointment. The elderly are no better, with 6,500 waiting for home care and help access.

In May 2017, the Sláintecare programme was launched with great fanfare. An executive director was to be appointed, yet 14 months on, nothing has happened with regard to that. No

3 July 2018

executive director has been appointed. Given those lamentable figures and appalling waiting times for people, why is there inaction and a delay in appointing an executive director to implement the Sláintecare programme? Why has it taken 14 months after the launch of the programme by the Oireachtas and the committee for the Government to do anything about its implementation?

The Tánaiste: With regard to the Deputy's last question, I am told that an executive director is about to be appointed after a long recruitment process. This is a new departure. It has taken time to get it right. We are focused on trying to get the right person and putting the right structures around that person to make sure that an executive director can deliver on the potential and ambition of the Sláintecare report.

Waiting times are too long. That is why reducing waiting times for patients for hospital operations and procedures continues to be a key priority for the Government. A total of €50 million was provided to the National Treatment Purchase Fund, NTPF, in 2018 to secure treatments for patients. On 12 April, the Minister for Health published a joint action plan between the HSE and the NTPF to reduce the number of patients waiting for treatment. Under the action plan, the number of patients waiting longer than nine months will fall by 10,000. The NTPF commits to offer treatment to all suitable clinical patients waiting more than nine months for treatment in a number of high-volume specialties, including cataract, hip and knee replacements, tonsils and scopes. The overall number of patients waiting for hospital operations and procedures is targeted to fall below 70,000 by the end of the year. Under the action plan the NTPF will work with both public and private hospitals to access treatment for those patients.

The May waiting list figures show that 78,500 patients were waiting for an inpatient or day case procedure, which is down marginally by 800 on the previous year, but down by almost 7,200 when comparing the year-on-year figures. The number of patients waiting longer than nine months for an inpatient or day procedure is now down 5,800 in comparison with May 2017. I am not saying that makes it acceptable - it is far from it - but what I am saying is that we are making some progress. Tackling the situation will require a combination of more staff, which is happening, more hospital beds, which is happening, and more reform consistent with the Sláintecare report, which is supported by all parties in this House. Very soon we will have a director to take charge of Sláintecare and over time we will see the continued commitment of the Government to bring down waiting lists across the multiple sectors the Deputy raised.

Deputy Micheál Martin: I must point out that it was seven years ago that the Government promised universal access to services, and we are now in a far worse position. It was the Government that got rid of the National Treatment Purchase Fund in 2012. That is directly contributing to an escalation in waiting times and waiting lists. It has only been reinstated because of the confidence and supply agreement and because of Fianna Fáil insisting that the National Treatment Purchase Fund would be reintroduced. There was huge resistance to that at the time. That is the only thing the Government can latch on to now to say it is beginning to have an impact, but only on the inpatient waiting list.

All of my figures relate to the outpatient waiting list in terms of gynaecology, ENT, orthopaedics and ophthalmology, and in particular children waiting more than 18 months to see a consultant. There is no impact on the outpatient waiting list whatsoever. The marginal improvement on the inpatient waiting list is due to the extra €50 million allocated to the National Treatment Purchase Fund, at our insistence, in the previous budget. Barring that, the fact is that 14 months on, there is no progress with Sláintecare. The Tánaiste should not expect us to

believe that it is because we took our time to get somebody. That speaks to a lack of urgency around health and health services and about changing the figures for the elderly, children and people in general, so that elderly people do not have to travel to the North for a cataract operation or come to our offices seeking to work out how to get there. It is not acceptable in any shape or form. There has been a lethargy to the extent that one almost gets the sense that Fine Gael has written off the health services-----

An Ceann Comhairle: I am sorry, but the time is up.

Deputy Micheál Martin: -----such is the lack of urgency and attention to the issues.

The Tánaiste: I do find it a bit much when Deputy Martin tries to take credit for some of the things that are offering marginal improvements at the moment but takes no responsibility for his own actions and those of his party when in government. Fianna Fáil was the party that took beds out of the system when there was loads of money to spend.

Deputy John Lahart: That was ten years ago.

The Tánaiste: The Government is now trying to put more than 200 beds back into the system. We need to be realistic about the challenge we all face. We have for the first time a collective agreement on how to take forward health policy. This Government had the maturity to talk to Opposition parties to ensure that regardless of whoever is in government in the years ahead-----

Deputy Robert Troy: We saw the results in the previous election.

The Tánaiste: -----we would have some consistency of health policy, unlike in Deputy Martin's time in government.

Deputy Micheál Martin: The Government is not taking it forward. It is 14 months since the programme was launched and there is still no director.

An Ceann Comhairle: The Tánaiste without interruption.

The Tánaiste: In its time in government, Fianna Fáil tried to bring in radical changes that did not work.

Deputy Darragh O'Brien: What about the smoking ban?

The Tánaiste: We now have consistency of approach-----

Deputy Timmy Dooley: The standard of cardiac and cancer care is rubbish. The Government has nothing to stand over.

The Tánaiste: -----such that we know where we are going. We are appointing a director to deliver Sláintecare. We are spending more on healthcare than ever before and putting beds back into the system that Fianna Fáil should never have taken out.

Deputy Timmy Dooley: There is now a far bigger population. The Tánaiste has failed to recognise the demographics, which is unsurprising.

Deputy Mary Lou McDonald: I wish to raise with the Tánaiste the ongoing scandal of children with scoliosis being left on surgery waiting lists. The four-month target has been

3 July 2018

missed for 88 children who are in dire need of an operation, some of whom have been waiting more than three years. Those children live in agony and are unable to live a full life. Their parents are frustrated and exhausted from battling the system. They are worn out fighting for access for their children to vital medical treatment and life-changing surgery, which is a battle they should not have to fight.

Those who watched the “RTÉ Investigates” programme entitled “Living on the List” did so in horror and grief. It provided a harrowing insight into the daily struggles faced by these children and their families. The Tánaiste may recall that in the aftermath of the programme, the Minister for Health offered apologies and made promises. Those promises have been broken for 88 children, whose days from when they get up until they go to bed are filled with extreme pain and discomfort. I cannot imagine what it must be like for a child to endure that suffering. It is hard to imagine what it is like for the families of those children to watch as the phoney war, which we have seen again this afternoon between the Taoiseach or the Tánaiste and Deputy Micheál Martin is played out. The meaningless, egotistical jousting between the Taoiseach and Deputy Micheál Martin is not new. Rather, it is a feature of the relationship between Fine Gael and Fianna Fáil since they partnered up following the 2016 general election. Of course, Fianna Fáil seeks to mask its support for a Fine Gael-led Government-----

Deputy Darragh O’Brien: The one from which Sinn Féin ran away.

Deputy Kevin O’Keeffe: Sinn Féin ran away from government.

Deputy Mary Lou McDonald: -----and Fine Gael policies and budgets by picking sham fights. It keeps the Government in power while faking outrage over the results of the disastrous policies it helped to implement.

Deputy Darragh O’Brien: Sinn Féin has also faked outrage.

Deputy Mary Lou McDonald: It is incredible that the leaders of the government arrangement choose to focus their energies on these tiffs rather than the serious issues that need to be addressed, none of which are more serious than the issue I raise today with the Tánaiste. People do not want to see self-indulgent fisticuffs over who is the biggest boy in the schoolyard.

Deputy Bobby Aylward: What about girls?

Deputy Mary Lou McDonald: People want solutions. The Taoiseach and Teachta Micheál Martin need to cop themselves on and focus attention on the 88 children who are desperately in need of surgery. What does the Tánaiste say to the children who await this surgery and their parents? When will those 88 children have their operations?

The Tánaiste: Many Deputies have dealt with children, parents and families who are impacted by scoliosis. We are aware of the pressures involved and the need for early intervention, given how scoliosis develops. There is much stress, frustration and anger among many parents. That is why the Government and the Minister for Health, Deputy Harris, have prioritised this area for rapid progress. As more than 420 children have been treated this year compared with just over 200 two years ago, we have more than doubled the delivery in terms of operations. There is a plan in place which involves increased theatre time and the allocation of new consultants, who are being appointed. We are not yet where we need to be but we are investing heavily and have a plan in place specifically to target scoliosis because of the nature of the condition and the stress it causes in order that families and children can get the treatment they need within

the target set by the Minister, Deputy Harris.

On the other commentary, unlike Deputy McDonald's party, at least Fianna Fáil engaged at a time when the country needed a government and when her party showed no interest whatsoever in providing the kind of stability that has delivered in many areas in the past two years. The rate of unemployment is at 5.1% today. Seven years ago, that figure was over 15%. Stable government, when it works, delivers and while Fine Gael and Fianna Fáil will have their differences, I am sure they are parties that have worked together in the national interest and have delivered significantly in the past two years. When the Deputy is asking people to cop themselves on, she might reflect on that.

Deputy Mary Lou McDonald: The Tánaiste and his friends in Fianna Fáil have provided the type of stability that means children grow up in bed and breakfasts and hotels and an entire generation of people have given up on any aspiration to owning their own home or even having a stable and assured roof over their heads. That is some kind of stability.

Deputy Darragh O'Brien: Why did Sinn Féin vote against the affordable housing motion? It voted with Fine Gael to vote down the affordable housing motion.

Deputy Mary Lou McDonald: The progress he brags about has left 88 children still in need of surgery. Some of them are waiting much longer than four months but all of them have seen the promise of a maximum wait of four months blown to smithereens and not realised. What has the Tánaiste to say to the parents of those 88 children and when will those 88 children be seen to? A straight answer to those questions might bring us somewhere close to the reality that these families do not want rhetoric, statistics or long lists of the Government's perceived virtues. The Tánaiste is aware that self-praise is no praise. These 88 children and families want to know when they will be cared for and when they will get the services they need and to which they are entitled. I would like a straight answer to that question if the Tánaiste can give it.

The Tánaiste: I refer to the activity figures for the week of 6 June in Our Lady's Children's Hospital, Crumlin, where many of these operations and spinal fusions take place. The hospital expects to carry out 196 spinal fusions and 251 other spinal procedures this year and activity figures for the week ending 6 June indicate that so far this year, 69 spinal fusions and 113 other spinal procedures have taken place. Waiting lists show there are 167 patients on the active waiting lists for spinal surgery of whom 102 have been waiting longer than four months. That is against a May target of 68. The Health Service Executive, HSE, advise that patients waiting over four months for surgery are reviewed weekly regarding their treatment plans. In addition, and in line with the scoliosis access plan 2018, the children's hospital group will prioritise inpatient access in 2018 to include outsourcing of an estimated 51 patients to achieve a four-month waiting time for clinically deemed treatments. We are making progress. It is as simple as that.

Deputy Brendan Howlin: The Minister for Finance's policies on the budget and the economy are not common sense. He has argued that it is common sense for Ireland to not spend as much money as is available to us and is permitted under the very strict European rules that we helped put in place. I said previously that we do need to manage and reduce the national debt. The most sensible way to do that is to expand the economy, as with a growing economy, the debt would become proportionately lower.

The economy is back on its feet and is growing again. That is how we overcame the crises in the 1990s. This State, as the Tánaiste has heard from many Members previously, has press-

3 July 2018

ing social needs right now. Across the country people are waiting for the procedures about which Members have spoken. They are waiting to get access to general practitioner, GP, appointments because of the lack of rural doctors, which will become the next acute crisis for us. The south east, my own area, is facing the real risk of having no psychiatric services for children and adolescents at the end of this month at a time when Ireland's suicide rate for teens is among the highest in the European Union. Every day I can identify the social needs that need to be met. Inaction in addressing these issues is not defensible. The State is not like a household or company in terms of saving money. A private household or company can save its money in a bank and the bank will reinvest it in the economy. The State is so large that inaction has as much effect as an action. If, as the Government proposes, the State does not spend €500 million and puts it in a rainy day fund, that is not a neutral action. It is a large dose of inaction that will shrink the economy in proportion and lower its future trajectory.

The Labour Party's hands were obviously tied in government by the scale of the national debt and the size of the deficit we faced in 2011. Following that painful period, the economy has grown rapidly and we have growing employment. If not now, when can the people of Ireland expect to see the necessary investment in all the social provision that every Deputy in this House could outline, including the Government's backbenchers? These services are necessary, not optional, to maintain both our social fabric and a growing economy. By creating the so-called rainy day fund, Government inaction will result in weaker public services and a permanent loss of the potential growth that spending could create.

If the €500 million rainy day fund is to be created rather than investing in all the social needs I and others have outlined, where will it go? Where will the rainy day fund be put?

The Tánaiste: I have heard the Deputy raise this question before. To be honest, I was a little surprised by his argumentation given his knowledge of what it is like to try to steer a country through a financial crisis. That is what Deputy Howlin had to do when he was Minister for Public Expenditure and Reform and, by the way, I think he did it very well. People forget very quickly what it is like when nobody is willing to lend us any money and we have to access emergency funds. Fianna Fáil knows what that is like due to the failures of its policy, which resulted in the IMF having to come to Ireland to put emergency funding in place. It seems like we are a long way from there now.

Next year, we are planning to spend an extra €3.4 billion in terms of the kind of service delivery the Deputy is asking for in housing, healthcare, transportation, education and so on. That is a massive increase in expenditure in one year. We are seeing a dramatic increase in capital expenditure in particular because we know there has been a deficit in expenditure for nearly a decade now.

Deputy Brendan Howlin: Where is the rainy day fund being put?

The Tánaiste: The €3.4 billion is in our view what the country should be spending next year, recognising the fact that we now have a strong economy with the capacity to fund that kind of increased expenditure. However, we are not in the business of borrowing more money and increasing national debt at a time when we should be trying to reduce it so that if in the future the economy faces a shock to which the Government needs to respond, we do not have the kind of debt that fortunately we did not have when we had to respond to the last financial crisis the country had to deal with. Personal and national indebtedness are things we need to work on and we need to increase expenditure dramatically to make up for a lack of capital investment in

particular in recent years and we are committed to doing that. Over the next ten years, we will spend €116 billion on a capital expenditure programme, going from spending considerably less than the European average to spending considerably more in that period.

Deputy Brendan Howlin: I asked about the rainy day fund.

The Tánaiste: The €500 million rainy day fund is not part of that €3.4 billion. It is a prudent, sensible measure that has been recommended and supported in government to ensure that we do put some money aside in case we have shocks in the future to which the Government needs to respond in a responsible way.

Deputy Brendan Howlin: The country has put money aside. Under the Ireland Strategic Investment Fund, there is €20 billion of directed and undirected funds available to the Minister for Finance. My question is directly about the rainy day fund. The Minister for Finance has indicated that the forthcoming budget will involve the State borrowing to run a deficit of 0.1% of GDP. That is what he told the House last week. This will amount to between €250 million and €300 million. What is the economic logic of borrowing €250 million or €300 million to set it aside in a rainy day fund?

The Tánaiste: In his first question, Deputy Howlin was asking us to borrow a whole lot more.

Deputy Brendan Howlin: I am asking for the Government's logic.

The Tánaiste: What we have been doing - Deputy Howlin had a part in the first half of this - is fixing an economy to ensure it is fit for purpose and we do not create bubbles in any of its sectors. We have been warned by many independent economists this year not to overspend or allow Ireland to fall back into a cycle of boom and bust, which, unfortunately, has happened repeatedly in recent Irish history. We will not overspend money or borrow just because we are allowed to do so under EU fiscal rules. Ireland is now in control of its own destiny again. The Government will borrow a modest amount of money next year. We will ensure we put a rainy day fund aside which will be built up over time. We will not put too much money into the fund in any one year and our primary focus will be on investing in parts of the economy that need capital investment in particular. That is the prudent course of action and Deputy Howlin, as a former Minister for Finance, should understand that.

Deputy Brendan Howlin: The logic of that is that the Government should not borrow the money and instead have a balanced budget.

Deputy Richard Boyd Barrett: We do not need a rainy day fund. We need a sunny day fund because the current heatwave and the warnings from Irish Water about water shortages have yet again exposed the completely decrepit state of Ireland's water infrastructure and the disastrous consequences of decades of underinvestment by Fine Gael and Fianna Fáil-led Governments. In particular, the current crisis has been exacerbated by the decisions from 2010 onwards, first by Fianna Fáil and the Green Party and subsequently continued by Fine Gael and the Labour Party, to cut the capital investment programme for fixing the water infrastructure by €50 million per year. We have now reached the point that 49% of water is lost through leaks from the mains infrastructure, rather than household wastage. It is particularly infuriating that spokespersons for the parties that imposed the cuts and austerity on the water investment programme have the cheek to blame householders for the problem when they know that the expert commission the Government set up to look into water usage in this country concluded categori-

3 July 2018

cally that there was no evidence of excessive household wastage and that household usage in Ireland is lower than that of Great Britain, which has water charges. I repeat that usage here is lower than in Britain. That is what the Government's expert commission concluded. We use 110 litres per day per house while in Great Britain, which has water charges, average household usage is 140 litres per day. Why do Government spokespersons and representatives of parties that slashed the investment programme for water infrastructure persist in blaming householders? The reality is that householders are reaping the bitter fruits of the Government's decision to cut investment in fixing our decrepit and broken water infrastructure. The evidence is still there. There has been a leak on Kildare Street for two weeks. The Tánaiste should go outside and take a look at it. On Friday, I managed to have a case featured on national radio involving one street in Dún Laoghaire where residents reported water leakage and water shortages in January. Irish Water did not arrive to look at the problem until June and has said it cannot fix it until August. That is the consequence - leakage of 700 million litres a day, which is wasted because the Government has failed to invest in fixing our broken water infrastructure. Why does the Tánaiste not just admit it?

The Tánaiste: Sometimes it is hard to know where to start with the Deputy on this issue.

Deputy Richard Boyd Barrett: Try disputing the facts then.

The Tánaiste: Thank God we now have a single water entity that is trying to manage the challenges we face nationally.

Deputy Richard Boyd Barrett: It is doing a really good job.

The Tánaiste: It is actually doing a reasonably good job.

Deputy Sean Sherlock: It is needed in Ballyhooley.

The Tánaiste: The reason we have so many leaks in our pipes is because we had more than 30 different entities managing water infrastructure in the past, many of which were under-resourced in terms of what they needed to do. What we now have is a single entity that is planning for future national water usage needs. It is managing a difficult weather situation right now and will continue to do so over the summer months. It has, for the first time, a coherent plan to reduce leakage significantly from 45% leaks to 38% leaks by 2021. It has a capital investment programme which is secure, thanks to the political agreement in this House. Therefore, for the first time, we have a proper, coherent, organised and funded plan to fix Ireland's water infrastructure once and for all. We have a plan to deal with shortages in Dublin, which would not have been solved by the local authorities in Dublin on their own because this is going to require a national approach to bring water from the Shannon to the eastern parts of the country and to Dublin in particular, as well as to many counties surrounding Dublin.

The approach for which the Deputy would advocate is to localise everything in terms of decision making, planning, expenditure and so on and we know the results of that policy, namely, leaks all over the country and the inability for co-ordination between counties and nationally.

Deputy Mick Barry: It is under-investment.

The Tánaiste: I would like to thank Irish Water for the work it is doing in very difficult circumstances, the partnerships it is developing with organisations such as the IFA and other organisations and the partnerships it has with local authorities. This allows it to concentrate

on the areas that are feeling the most water stress and shortage right now in order to ensure the resources, experience and skill sets in Irish Water, which come from economies of scale, can give the response that is necessary as quickly as possible.

Second, nobody is blaming householders. What we in government are doing is asking the country to respond in the way it did during other extreme weather circumstances earlier in the year, when communities came together and supported one another. They should be doing that now as well to ensure that neighbours take other neighbours into account in how they use water over the coming weeks, given the lack of rainfall and the obvious shortages that will come from that. That appeal from Government is something I hope communities, individual householders and businesses will heed.

Deputy Richard Boyd Barrett: Every day households in this country use 300 million l of water. Does the Tánaiste know how much leaks out of the system every day? It is 700 million l of water.

The Tánaiste: Does the Deputy know how much has been saved in the last year? He should quote the whole truth.

Deputy Richard Boyd Barrett: I have to hand the Irish Water business plan. This is the plan of the Tánaiste's crowd and what it shows is a drop in investment from 2010 onwards, first instigated by Fianna Fáil and the Greens, then by Fine Gael and Labour.

Deputy Brendan Howlin: Has the Deputy heard of the economic crash?

Deputy Richard Boyd Barrett: The Irish Water business plan refers on several occasions to the decades of under-investment. That was done by Fine Gael-led and Fianna Fáil-led Governments. Have things improved slightly since the Government abandoned the wild goose chase of water charges? Yes, because €250 million a year that was being put into water meters that do not fix leaks has now been redirected to upping the investment programme on water infrastructure, although it is still way short.

An Ceann Comhairle: The time is up.

Deputy Richard Boyd Barrett: Irish Water testified in this House in April that it needs €18 billion of investment to fix our water infrastructure.

An Ceann Comhairle: The time is up.

Deputy Richard Boyd Barrett: The Tánaiste said the leakage will be down to 38% by 2020. That is pathetic.

An Ceann Comhairle: The Deputy must conclude.

Deputy Richard Boyd Barrett: That does not deal with the problem. We need to significantly increase investment in water infrastructure, which the Government has failed to do.

Deputy Brendan Howlin: The Deputy should have gone into Government.

Deputy Richard Boyd Barrett: The Labour Party did not do it.

The Tánaiste: We need to increase the investment in water infrastructure. I am glad, therefore, that the Deputy focused on what is needed and not on the argument he has been making

3 July 2018

for years, which is that we should have stuck with the old system of local authorities doing it all alone. I hope that even Deputy Boyd Barrett sees the logic of moving to a single utility which can deal with the economies of scale and develop the skill sets that come from that and plan nationally for how we move water around this island to ensure we do not have the kind of water shortages with which we are threatened.

Deputy Mick Barry: Underinvestment, Tánaiste.

The Tánaiste: The pressures we feel today remind us of the logic of the need for excess usage charges. If people are blatantly wasting water, is it fair that their neighbours should pay for it?

Deputy Richard Boyd Barrett: There is no evidence of that, so why does the Tánaiste keep saying it?

The Tánaiste: Is it fair that during a summer-----

Deputy Dessie Ellis: The Tánaiste said there was no evidence earlier.

An Ceann Comhairle: Will Deputy Ellis please allow the Tánaiste to respond?

Deputy Dessie Ellis: He is contradicting himself.

The Tánaiste: Generally, when I get a response like that, it is recognition that the Deputy's own approach is fundamentally flawed.

Deputy Dessie Ellis: The Tánaiste is draining us.

An Ceann Comhairle: Time is up.

The Tánaiste: Sinn Féin's approach to water charges has been inconsistent and a joke, quite frankly.

Deputy Bernard J. Durkan: Hear, hear.

The Tánaiste: It would certainly not deal with the serious challenges the country faces this week, next week and later in the summer. Once again, I thank Irish Water for its work and the co-ordination it is providing. I reassure Irish Water that the Government will continue to fund the capital infrastructure that is needed. To the public, I note that while the vast majority of people are enjoying the good weather, it brings pressures we need to respond to collectively as households and businesses.

Deputy Brendan Howlin: It sounds like a general election.

Order of Business

Deputy Thomas Pringle: Tuesday's business shall be No. 13, motion re proposed approval by Dáil Éireann of the Employment Equality Act 1998 (section 12) (Reservation of vocational training places) Order 2018, referral to committee; No. 14, motion re air service agreements with Egypt and the United Arab Emirates, referral to committee; No. 15, motion re establishment of a special joint committee on climate action; No. 29, Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Bill 2018 - Order for Report, Report and Final

Stages; No. 30, Heritage Bill 2016 [*Seanad*] - Order for Report, Report and Final Stages; and No. 31, Intoxicating Liquor (Breweries and Distilleries) Bill 2016, in the name of Deputy Alan Kelly - Order for Report, Report and Final Stages. Private Members' business shall be No. 57, Urban Regeneration and Housing (Amendment) Bill 2018 - Second Stage, selected by Independents 4 Change.

Wednesday's business shall be No. 32, statements post the European Council meeting of 28 and 29 June pursuant to Standing Order 111; No. 29, Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Bill 2018 - Order for Report, Report and Final Stages; No. 30, Heritage Bill 2016 [*Seanad*] - Order for Report, Report and Final Stages; and No. 31, Intoxicating Liquor (Breweries and Distilleries) Bill 2016, in the name of Deputy Alan Kelly - Order for Report, Report and Final Stages; and No. 7, Home Building Finance Ireland Bill 2018 - Order for Second Stage and Second Stage. Private Members' Business shall be No. 194, motion re pathway to redress for victims of convicted child sexual abusers, selected by Fianna Fáil.

Thursday's business shall be No. 30, Heritage Bill 2016 [*Seanad*] - Order for Report, Report and Final Stages; No. 33, Copyright and Other Intellectual Property Law Provisions Bill 2018 - Order for Report, Report and Final Stages; No. 31, Intoxicating Liquor (Breweries and Distilleries) Bill 2016, in the name of Deputy Alan Kelly - Order for Report, Report and Final Stages; No. 7, Home Building Finance Ireland Bill 2018 - Order for Second Stage and Second Stage; and No. 1, Planning and Development (Amendment) Bill 2016 - amendments from the Seanad.

Friday's business shall be No. 34, Road Traffic (Amendment) Bill 2017 - Report Stage, resumed, and Final Stage; and No. 1, Planning and Development (Amendment) Bill 2016 - amendments from the Seanad.

I refer to the report of the Business Committee dated 28 June 2018. In relation today's business it is proposed that the Dáil shall sit later than 10 p.m. and shall adjourn not later than 11.30 p.m.; Nos. 13 and 14 shall be taken without debate and any division demanded shall be taken immediately; and No. 57 shall conclude within two hours, if not previously concluded.

In relation to Wednesday's business, it is proposed that the Dáil shall sit later than 10.15 p.m. and shall adjourn not later than 11.30 p.m.; and No. 32 shall commence immediately after Taoiseach's Questions and be followed by the suspension of sitting under Standing Order 25(1) for one hour and shall be brought to a conclusion after three hours and five minutes if not previously concluded, the statements of a Minister or Minister of State and the main spokespersons for parties and groups, or a Member nominated in their stead, shall not exceed ten minutes each and the statements of each other Member called upon shall not exceed ten minutes, a Minister or Minister of State shall take questions for a period not exceeding 20 minutes with a five minute response from a Minister or Minister of State and all Members may share time.

In relation to Thursday's business, it is proposed that the Dáil shall sit later than 7.48 p.m. and shall adjourn not later than 10.50 p.m.; no Private Members' Bill shall be taken under Standing Order 140A and no committee report shall be taken under Standing Order 91(2); and the Dáil shall sit on Friday at 10.30 a.m. and shall adjourn not later than 6.30 p.m. to take No. 34, which shall adjourn after one hour, if not previously concluded, and No. 1, if not previously concluded.

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

business agreed to?

Deputy Mick Barry: On the business for the week, I scanned the business paper and I could not find anywhere within it the Employment (Miscellaneous Provisions) Bill 2017. This Bill is not everything that we would want but it contains important proposals, such as a curtailment of zero-hour contracts. It is a key issue for many workers, including the Lloyds Pharmacy workers who are being forced out on strike again this Friday. We want to see this item on the agenda and we want this House to have a chance to pass the legislation with amendments before the summer recess.

An Ceann Comhairle: Does the Minister want to respond to that matter?

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): Certainly, no problem. I will give Deputy Barry exactly the same answer today as I gave him last week when he raised the issue. There are competing interests in this House, we have ten days left, and I have every intention of trying to bring that Bill to Committee Stage before we rise next week. That has not changed.

Deputy Mick Barry: I accept that there are competing interests. One of those competing interests is the interests of low-paid workers who are working in retail and the like through the summer who cannot wait until the autumn for this House to bring in the necessary improvements and the issue must be dealt with before the summer recess.

An Ceann Comhairle: The Minister has given Deputy Barry an undertaking.

Deputy Regina Doherty: If we finish Committee Stage next week, with respect, it still has to go to the Seanad and then, from the Seanad, it will still have to come back here. Unless the Deputy has some other suggestions as to how we finish all Stages between now and Friday next, I am at a loss as to how we can implement it before the summer recess.

Deputy Mick Barry: The Business Committee should meet and discuss how it can be processed before the summer recess.

An Ceann Comhairle: We will consult on the matter this afternoon.

Deputy Brendan Howlin: It was raised last week and I asked that it be prioritised over some of the Bills that are being taken this week.

An Ceann Comhairle: We will have a consultation this afternoon.

Deputy Kevin O’Keeffe: We can do it on Friday morning.

An Ceann Comhairle: Is the proposal for dealing with Wednesday’s business agreed to? Agreed. Is the proposal for dealing with Thursday’s business agreed to? Agreed. We do not have to consider Friday.

Deputy Thomas P. Broughan: On Friday’s business, I object to the fact that there is only an hour allocated to the Road Traffic (Amendment) Bill 2017. The Ceann Comhairle’s colleague, the Leas-Cheann Comhairle stated we have had 15 or 16 hours already on this debate since 24 April. We are going into our third month of endless filibustering. If our colleagues from Kerry, Tipperary etc. will be present on Friday, we could at least give the Bill three and a half hours and get it finished. There are 153 Deputies or so in this House who want this leg-

islation to be passed. We have vote after vote, filibuster after filibuster. We do not even have enough TDs to have an actual vote.

Deputy Micheál Martin: Be careful what you wish for.

Deputy Thomas P. Broughan: We have had - seven, eight or ten times - the relatives and friends of victims of road carnage in the Gallery here, as the Ceann Comhairle will be aware because he chaired some of the debate. People are distressed at the disrespectful way the matter is being dealt with and there is an anxiety that we get this legislation on the Statute Book as soon as possible.

An Ceann Comhairle: We cannot have a debate on the matter.

Deputy Thomas P. Broughan: We are on the final amendment which in effect was already passed in a form proposed by Deputy Munster two years ago.

An Ceann Comhairle: Please, Deputy.

Deputy Thomas P. Broughan: Is it possible that we would have a proper debate to finish this Bill in a democratic way?

An Ceann Comhairle: As I understand it, only amendment No. 29 is remaining, which has already been moved by the Minister. I would hope that one hour should be sufficient time in which to deal with that.

Deputy Thomas P. Broughan: There is no chance. It is a recommittal. I sit with the Ceann Comhairle on the Committee on Procedure and it is time we looked at the issue of recommitments and the fact there are no time limits on speakers. The Ceann Comhairle and the Leas-Ceann Comhairle tried in a very democratic and professional way to get us through the Bill under the existing rules but we would need until lunchtime to try to finish this much needed legislation. What has happened with this Bill is bad for the reputation of this House. It cannot go on.

An Ceann Comhairle: When we are consulting this afternoon on the Employment (Miscellaneous Provisions) Bill 2017, we will consult on that matter as well and will see if progress can be achieved. Is Thursday's business agreed? Agreed.

Deputy Micheál Martin: I thought the Tánaiste was lacking in gratitude to the leader of Sinn Féin. He forgot to mention the strong electoral alliance between his party and Sinn Féin, as manifested in Sinn Féin voting in its entirety for Senator Lawlor. It was very noticeable and the most striking electoral alliance so far in the House this year. The enthusiastic support for the Judicial Appointments Commission Bill 2017 also was quite revealing, given Sinn Féin's great relationship with the Judiciary over the years. They are strongly behind the Government and Deputy Ross on that.

The Tánaiste: I am glad the Deputy is making those points.

Deputy Aengus Ó Snodaigh: Jealousy will get the Deputy nowhere.

Deputy Micheál Martin: On childcare, the programme for Government promises to develop targeted supports to reduce childcare costs, broaden parental choice and increase supports to stay-at-home parents. This commitment is not being met and weekly costs are enormous. In Fingal, for example, it is €204 per week. In south Dublin, Dún Laoghaire, Dublin city and

3 July 2018

nationally it is very high. It is the biggest outlay per month next to mortgage payments. The Tánaiste should outline how the Government plans to improve the situation for parents out there over the next couple of years.

The Tánaiste: Maybe it is the heat getting to the Deputy but I am glad that when he talks about any potential for coalition between Fine Gael and Sinn Féin, he says it with a smile on his face. The reality is that Fianna Fáil have voted with Sinn Féin a lot more regularly in this House than has Fine Gael.

Deputy Darragh O'Brien: Not true.

The Tánaiste: My understanding is that there is no dispute among the Front Bench in my party on that issue. Maybe the Deputy should check his own.

Deputy Darragh O'Brien: Jet lag is getting to the Tánaiste.

The Tánaiste: On childcare, nobody could criticise this Government for not being ambitious in trying to introduce a more affordable childcare model. The Minister, Deputy Zappone, has brought forward a hugely expensive package for the State but it is money well spent and we will see a transformation of childcare provision in the coming years on the back of that proposal.

An Ceann Comhairle: I call Deputy McDonald.

Deputy Mary Lou McDonald: I thank the Ceann Comhairle.

The Tánaiste: Does the Deputy feel wanted this morning?

Deputy Mary Lou McDonald: Pardon me?

The Tánaiste: Is the Deputy feeling wanted?

Deputy Mary Lou McDonald: Kind of. They say the only thing worse than people talking about you is people not talking about you and I take that view. I welcome the Tánaiste back and can see that he is jet-lagged. I am not sure about the sunstroke Deputy Howlin or Deputy Barry was suggesting.

The British-Irish Intergovernmental Conference, BIIGC, is to be convened on 25 July. I welcome that fact. As the Tánaiste knows, we have been calling since February for this conference to be convened. It is clear that the focus of the conference now needs to be the outstanding issues that have prevented the re-establishment of the power-sharing institutions in the North, namely, marriage equality, Acht na Gaeilge and legacy issues. The conference will be a lost opportunity if it proves to only be a one-day wonder or a delaying device to do nothing. I ask the Tánaiste to shed some light on what will be the conference's agenda. What items does he foresee it dealing with and will the Government agree to statements in the Dáil next week on the North in advance of the convening of the intergovernmental conference?

The Tánaiste: First it is a matter for the Business Committee but I am certainly happy to make myself available for statements in advance of that British-Irish Intergovernmental Conference, BIIGC. We have been asking for some time for the convening of a British-Irish Intergovernmental Conference. I think that request had the support of all parties in this House and I thank them for that. There is an agreement to hold that on 25 July. It will be chaired by

David Lidington and me. The Secretary of State for Northern Ireland, Karen Bradley, will also be involved, as will our Minister for Justice and Equality, Deputy Flanagan. On the agenda, which has not been finalised, we will certainly see several east-west issues being discussed, particularly around security. Of course we will be discussing issues relating to political instability in Northern Ireland also. It is important that people understand why the BIIGC is significant. This is a structure of the Good Friday Agreement. It does not have the capacity to solve everything. On some issues it is a consultative body, on others it is more than that. We will respond to the opportunities of the BIIGC in a way that is absolutely consistent with the Good Friday Agreement.

Deputy Brendan Howlin: I published the Public Sector Standards Bill in this House in May 2015. It passed Second Stage in January 2016. The Bill provides for the establishment of the office of public sector standards commissioner, confers on that officeholder certain functions of the Standards in Public Office Commission, SIPOC, and provides for standards of conduct for public officials and imposes obligations. It will enhance the existing framework for identifying, disclosing and managing conflicts of interest and minimising the risk of corruption in public office.

The Bill has been stalled on Committee Stage since April 2017 when it got as far as section 43 out of its 66 sections. At the time the Government promised that it would be passed by the coming summer, that was last summer. When will this Bill progress? Is it true, as was reported in *The Sunday Business Post*, that the Government is concerned that some Deputies have expressed concerns about some of the reforms that would impact on them?

The Tánaiste: I will make sure that we get a more detailed note for the Deputy but my understanding is that amendments are being worked on for Committee Stage and this is more likely to be dealt with in the next term-----

Deputy Brendan Howlin: After one and a half years.

The Tánaiste: -----than in the next couple of weeks.

Deputy Ruth Coppinger: A review of the Gender Recognition Act 2015 is taking place. The Act allows trans and non-binary people to legally determine their own gender. However, when seeking to transition medically trans and non-binary people are being forced to jump through massive hoops, sit on impossibly long waiting lists or go abroad for healthcare, something we said was no longer acceptable. Many people are going through mental torture waiting two to three years. When will the Government bring in legislation to bring us in line with best practice and World Health Organisation, WHO, guidelines in our treatment of transgender people? The WHO states that this is not a health condition yet we are forcing transgender people to go through psychiatric evaluation before they can get hormone or other follow-up. The Government claims that we are following World Professional Association for Transgender Health, WPATH, guidelines but we still have not abolished the psychiatric model of care in favour of informed consent. Teenagers are being forced to wait for years because of the delays in the child and adolescent mental health services, CAMHS. Will the Minister for Employment Affairs and Social Protection agree to meet the This is Me Campaign group which is campaigning on this issue, and which will hold a protest on Saturday at 4 p.m.? Will we implement WPATH and recruit and educate more doctors? There is one endocrinologist dealing with thousands of people seeking treatment.

3 July 2018

Deputy Regina Doherty: I can only assume from the way the Deputy has asked the question that she may not be aware that we have just gone through a very comprehensive review of the Gender Recognition Act 2015. The report was sent to me only last week. I am nearly finished reading it and will commence a meeting-----

Deputy Ruth Coppinger: I am concerned about the health care issues.

Deputy Regina Doherty: The review of the Act encompasses all the issues and challenges facing that particular community. The only thing I can agree to today is that once I have finished reviewing the report I will issue it and publish it before the House. I will probably bring a memo to Cabinet in the autumn regarding draft legislation.

Deputy Ruth Coppinger: Does it get rid of the psychiatric model of care?

Deputy Regina Doherty: The Deputy will see the recommendations in the report.

Deputy Ruth Coppinger: Does it, “Yes” or “No”?

Deputy Regina Doherty: The Deputy will be able to see the recommendations in the report when it is published in full

Deputy Ruth Coppinger: We are lagging way behind other countries.

Deputy Michael Collins: On page 119 of the programme for Government, under the heading “Seafood and the Marine”, the Government states it is committed to the development of the inshore fisheries sector. Hundreds of people attended a peaceful protest in Bantry last Sunday to do all they can to stop mechanical harvesting of 1,860 acres of kelp off the stunning Bantry Bay. BioAtlantis wrote to the Department last week stating it is to commence mechanical harvesting tomorrow, Wednesday, 4 July. Does the Tánaiste realise this will be devastating for the environment, the local tourism industry and the livelihoods of up to 50 inshore fishermen, none of whom received notification in the past week that mechanical harvesting of 1,860 acres was due to take place in their waters? In Article 12.2 of the licence granted in 2009, the Minister - in this case, the Minister of State, Deputy Damien English - can revoke this licence without cost to the State. Will the Tánaiste work with the Minister of State to have this licence revoked before irreparable damage is done to the waters off Bantry Bay?

The Tánaiste: A licence has been granted for this activity and a number of Ministers were involved in that decision. I believe the former Minister, Mr. John Gormley, was the first Minister involved. The proposal went through a very rigorous assessment. In terms of the environmental impact, the Marine Institute and other bodies have been involved and there has also been public consultation. A delicate balance needs to be struck to ensure we protect the marine ecosystem and marine environment, while at the same time allowing a reasonable but relatively small part of Bantry Bay to be used for seaweed harvesting. The position will be reviewed after the licence takes effect to make sure environmental concerns remain to the fore. It is highly unlikely the licence will be revoked before it takes effect.

Deputy Michael Collins: This licence was granted in 2009.

Deputy Catherine Martin: The Petroleum and Other Minerals Development (Amendment) (Climate Emergency Measures) Bill 2018 is about to come before the select committee for detailed scrutiny. I seek clarity on the Government’s position on ending oil and gas exploration. Last Friday, the Department of Communications, Climate Action and Environment

tweeted the following: “The number and capability of exploration companies involved is a welcome development and hopefully we will see an increase in drilling and the realisation of our oil and gas potential in the coming years.” It is hard to believe but that tweet came directly from the Department with responsibility for climate action. It was deleted on Saturday. Will the Tánaiste indicate whether it was deleted because it is no longer the Government’s policy to increase fossil fuel exploration or because the Department was embarrassed that it made clear, in black and white and for all to see, not only that this Government is not taking climate action seriously, but also, at a time when we all know we need to keep 80% of known fossil fuels in the ground, it seems to be hoping, wishing and dreaming of a deadly fossil fuel future?

The Tánaiste: It is probably a bit dangerous for me to comment on individual tweets from individual Ministers but I am sure the Minister for Communications, Climate Action and Environment, Deputy Naughten, will have an opportunity-----

Deputy Catherine Martin: The Minister of State, Deputy Kyne, is the relevant Minister.

The Tánaiste: If a Private Members’ Bill on climate action comes forward, I am sure the Minister of State and Minister will have an opportunity to outline, in some detail, the Government’s ambition in this area because it is significant.

Deputy Eugene Murphy: I raise a recent official announcement that affects my constituency. Last Friday, the Health Service Executive, HSE, announced at a meeting with Oireachtas Members that the Rosalie residential centre for mildly mentally handicapped persons in Castlerea is to close within the next four weeks. We were also told before 3 o’clock the end of the meeting that St. Joseph’s day care centre in Ballaghaderreen, which 18 people attend, was to close. I recognise the role played by the Minister of State, Deputy Jim Daly, who has acknowledged the representations made to him on this matter by people he met while visiting the centre. This is a scandalous announcement. The Government is neglecting vulnerable people in a scandalous way in several areas of mental health.

These are vulnerable people. As the Taoiseach swans around New York giving out U2 tickets, he seems to have little realisation of the problem on his doorstep at home. I challenge the Minister of State, Deputy Jim Daly, to pick up the phone today to instruct the HSE not to close those centres, end of story. I demand that the Minister of State does this without further delay.

Deputy Mary Butler: I also want to raise this issue. There are many people in those homes who suffer with dementia. There are 55,000 people in Ireland with dementia. A recent mapping exercise was carried out by the Alzheimer Society of Ireland and the HSE to pinpoint exactly what services are available in Ireland. The report shows evidence that there is inequality of services nationally. Unfortunately, Roscommon is suffering badly as a result of this inequity. The closure of the Rosalie unit will cause further hardship for the people in that area who have dementia.

Minister of State at the Department of Health (Deputy Jim Daly): I thank the Deputies for raising the issue. I am not privy to what happened at that meeting on Friday but Deputy Eugene Murphy will know that I have met the local Oireachtas Members on numerous occasions. As far as I am concerned the situation has not changed. The future of the Rosalie unit will be determined by the outcome of the clinical assessment of the 12 remaining residents who are there.

Deputy Eugene Murphy: That is not what we are looking for at all.

3 July 2018

Deputy Jim Daly: I am waiting for that clinical assessment to be completed. We have also undertaken to have it independently reviewed by the College of Psychiatry. That continues to be my sole focus, as it has been from day one. It is not about the politics or who said what. It is about the well-being of the 12 remaining residents. The only guidance I will take on this issue is clinical guidance and I await the result of the clinical assessment before any decision is taken on the future of the unit.

Deputy Eugene Murphy: The HSE is an agent of the Government.

An Ceann Comhairle: I am sorry, Deputy Murphy-----

Deputy Eugene Murphy: Will the Minister of State instruct the HSE? These are vulnerable people.

Deputy Niamh Smyth: In the health section of the programme for Government on page 5 the Government has given a commitment “to increase access to safe, timely care, as close to patients’ homes as possible”. In *The Northern Standard* last March the Taoiseach is quoted as saying that he wanted to see more people using the minor injuries units in hospitals such as Monaghan Hospital to lessen the pressure on our accident and emergency departments in Cavan General Hospital. In 2011, however, the HSE reduced the hours of the minor injuries unit in Monaghan Hospital to a service offering no night service and no weekend service, when of course it is needed most. This is a big mistake in my view and that of constituents. The Minister for Health, Deputy Simon Harris, visited the constituency and the hospital on Saturday. I am disappointed that he did not invite other Oireachtas Members to meet him on that visit.

Two weeks prior to that visit, Fianna Fáil’s spokesperson on health, Deputy Donnelly, also came to the hospital and I am sure the message that the Minister got was the same one we received, namely, that the hours of the unit need to be expanded. We have the facilities and the capacity to do so for both Monaghan Hospital and the minor injuries unit. Will the Minister of State, Deputy Jim Daly, extend the hours beyond office hours?

Deputy Jim Daly: I will relay this point back to the Minister. As the Deputy has said, the Minister has visited that facility and is well aware of the request to extend the hours. There are a number of concerns in this regard, with patient safety being foremost. That is the most important consideration in any changes. I will undertake to ask the Minister to get back to the Deputy on the issue.

Deputy Danny Healy-Rae: Farmers’ incomes are under threat again. No grass is growing and many farmers are grazing their herds on second cut silage. Many are using first cut silage for feed. Farmers are feeding costly meals and rations daily.

Deputy Brendan Howlin: Are we on to climate change now?

Deputy Danny Healy-Rae: When the Tánaiste was the Minister for Agriculture, Food and the Marine, he told farmers to increase production of milk. He even told the farmers that the Chinese population would drink it. All farmers now, however, are in a tight corner. I ask the Tánaiste, the Minister for Agriculture, Food and the Marine, Deputy Creed, and the Government to secure feed from abroad for this winter. Farmers do not have it, or they will not have it, and there will be a fodder crisis like never before. Nothing is left since last winter. I ask the Government to act in time to protect farmers and their incomes.

The Tánaiste: This is a serious issue. Ireland looks very different now from what it normally looks like at this time of year. The Deputy is aware that grass growth is dramatically less than it normally would be, especially along the southern quarter of the country. If one looks at the science of the grass growth curve, how it looks this year compared with a normal grazing season is quite dramatic.

The Minister for Agriculture, Food and the Marine, Deputy Creed, set up a fodder group, which met last week, and Teagasc is keeping in close contact with farming organisations. Farmers will need to plan for their own situations. Obviously, that will depend on how the weather changes in the coming weeks. At the moment, there is a need to focus on animal welfare in terms of shelter, water and supplementing grass feed with concentrates and silage where required. There is also a need to plan for the months and winter ahead in terms of the availability of silage for that period. Teagasc and the Department of Agriculture, Food and the Marine will work with farmers on that.

Deputy Imelda Munster: Last Friday, the Minister for Business, Enterprise and Innovation, Deputy Humphreys, and an entourage of other Ministers visited Drogheda. Deputy O'Dowd was in tow for the photo opportunity. They were launching Project Ireland 2040 and they each arrived with one arm as long as the other. There was no firm commitment to anything for Drogheda in the plan - not to fund the northern cross route, not to remove the slip road toll on the town, not to reinstate the town clerk position, which the Government removed, and not to provide an IDA-designated site for inward investment. There was nothing other than spin, spoof and photographs. What does the Government's plan have for Drogheda other than third tier status?

The Tánaiste: We have had many opportunities to debate the Project Ireland 2040 and how we will spend €116 billion over the next ten years to make that a reality. Like many towns, cities and other urban centres, Drogheda stands to benefit significantly from that level of investment.

Deputy Imelda Munster: How?

The Tánaiste: I will not start going into individual projects-----

Deputy Imelda Munster: There is nothing.

The Tánaiste: -----on the floor of the House this afternoon.

Deputy Pat Buckley: Page 67 of the programme for Government reads:

A National Taskforce on Youth Mental Health will be established to consider how best to introduce and teach resilience, coping mechanisms, greater awareness to children and young people, and ... we will invest in SafeTALK and ASIST courses.

When will this happen?

Minister for Education and Skills (Deputy Richard Bruton): Our Department will shortly publish a well-being strategy. It will involve a range of commitments to roll out programmes, including the one that the Deputy referenced, which will be expanded later in the summer to make further provision. We regard the well-being strategy as a high priority and are investing more resources in the National Educational Psychological Service, NEPS, to back it. It has been well received by the various education stakeholders with whom we consulted. We look

3 July 2018

forward to rolling it out in the coming months.

An Ceann Comhairle: That concludes questions on promised legislation. Unfortunately, 11 Deputies were not reached.

Tax Law Reform and Codification Advisory Committee Bill 2018: First Stage

Deputy Joan Burton: I move:

That leave be granted to introduce a Bill entitled an Act to establish a permanent body to monitor, review and advise on the implementation, reform and codification of tax law; and to provide for connected matters.

This statutory body would be tasked with monitoring, reviewing and advising the Minister for Finance on matters concerning the implementation and reform of tax law and would add a significant building block to our tax infrastructure.

Since the Apple judgment, the publication of the Panama Papers and other controversies in the past two years, I have argued that Ireland needs a standing commission on taxation. If established in law, this committee would examine case law judgments, issues arising from our membership of the EU and OECD, the all-too-common controversies about the use of tax loopholes and other international tax developments.

The key aim of the Bill is to tackle once and for all the emerging international view of Ireland as a tax haven. As a country, we are drinking in the last chance saloon with regard to how we participate in international tax justice and progress. This is what this vital tax infrastructure proposes to address. The new body would also be charged with commissioning research and analysis, and advising the Minister. It would promote tax equity, seek to protect the revenues of the State and facilitate enterprise, while simplifying the operation of the law and enhancing compliance. It would allow the State to play catch-up with many of the legal and accounting tax advisory firms, which are always at least three steps ahead of Revenue in planning schemes, some of which involve extremely aggressive tax planning and significant reductions in tax income to the State.

Recent international studies can no longer be ignored or downplayed by the Government. As the recent Coffey report shows, Ireland has made significant progress in the area of tax. However, the growing view of Ireland as a tax haven, as argued in recent academic studies, has to be addressed definitively. In the Labour Party's two most recent alternative budgets, I outlined concerns, since echoed in a recent report of the Committee of Public Accounts on corporation tax, about the need for reform and oversight. One of the first tasks of the proposed commission would be to examine the recommendations of the Committee of Public Accounts. It is not acceptable, in this day and age, that the banks which taxpayers bailed out at great sacrifice should effectively have a tax holiday with relief from all corporation tax for up to 20 years. I have raised in the Dáil in recent years nearly all of the key issues flagged in the report of the Committee of Public Accounts, including the use of tax losses, particularly by the banks but also by the construction industry and property developers, and the high and growing cost of the research and development, R&D, tax credit, which is many millions more than what it was meant to be when introduced by the Minister.

It is clear that we still have some way to go on tax transparency and justice. A standing commission on taxation would be tasked with continuously monitoring how our tax laws are being used to examine loopholes, reliefs and avoidance structures on a rolling basis. Many of the tax structures we still have made a significant contribution to the last crash. If we are to avoid stormy water in future, we need to have infrastructure which examines whether the cost to taxpayers of some of the schemes is justifiable and whether these schemes are fair and equitable. I firmly believe that we need a commission to examine matters such as this, which should be closely and continuously monitored. Such a body would be ideally suited to this task.

I have spoken previously about having a minimum effective corporate tax rate to ensure profitable companies in Ireland cannot use accounting tricks and tax losses from the property crash to avoid paying their fair share. Other European Union countries such as Italy, France and Germany are developing individual responses to multi-billion companies which show in their accounts that they effectively pay little or no tax in Ireland, particularly in digital taxation. It is not possible to secure agreement on this issue at EU level. Ireland may be hit significantly by these changes and we do not have a mechanism in place to prepare for them. I recommend the Bill to the Dáil.

An Ceann Comhairle: Is the Bill opposed?

Deputy Tony McLoughlin: 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 Joan Burton: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Industrial and Provident Societies (Amendment) Bill 2018: First Stage

Deputy Clare Daly: I move:

That leave be granted to introduce a Bill entitled an Act to amend the law relating to industrial and provident societies and for that purpose to amend the Industrial and Provident Societies Act 1893 and to provide for connected matters.

I am speaking on behalf of all of the Independents 4 Change Deputies. This small Bill is designed to amend the regulations relating to the establishment of co-operative societies to make the process of registering a co-operative much easier. It will do this in a number of ways. It reduces the membership criteria from seven members to three, in line with the regulations in place in most of Europe. It allows for electronic filing and registration, a process available to other types of companies, and allows for audit exemptions, which are also available to other types of companies but not to co-operative societies. These small measures will level the playing field and make the establishment of co-operatives much easier. They will lay the basis for us, as a society, to develop this type of economic activity in a way that is much more in line with what takes place in the rest of Europe and the world.

3 July 2018

The economic turmoil of the past decade and the insecurity of the market have had devastating effects on jobs and vital services. Against that backdrop, it is no coincidence that Europe has experienced significant growth in co-operatives aimed at salvaging jobs and saving local services. Similar growth has not occurred in Ireland, which is completely out of kilter with the rest of Europe in this regard. This legislation can be part of Ireland joining the co-operative movement that already exists. It is a resilient, democratic movement which is generally based on values of providing good jobs and services that are beneficial to communities. These companies are much more likely to reinvest their profits in training and education than bend to shareholder demands. They are far less likely to contribute to environmental damage in their locality. They are also incredibly sustainable, currently providing 100 million jobs around the world.

Research in economies such as Scotland reveals that the companies based on the co-operative model are much more likely to survive in the first five years than other start-ups, with a 97% survival rate for the first 12 months. The 573 co-operatives in Scotland had a turnover of £2.4 billion last year based on a membership of 1.2 million, while the UK as a whole had 7,226 independent co-operatives, extending from the well-known John Lewis chain, with a £10 billion turnover, to local crèche providers. We believe this model can be replicated in local communities, particularly rural communities, and deliver substantial benefits to everybody. They are a win-win solution.

We have the Dublin Food Co-op, which is run by its members and provides healthy, fair trade, cruelty-free and environmentally friendly produce, for which there is a big market. We have the incredibly successful Belfast Cleaning Company, a worker-owned and managed company that has been operating successfully on a cross-community basis in Belfast for the past five years. The Magpie Recycling Co-operative in Brighton began with three volunteers collecting cans and glass in their locality and expanded into a collective, recycling materials such as old furniture from the kerbside to provide a service to more than 2,000 households and a workshop to upcycle the waste. There is no shortage of examples. We believe that this is a win-win model and the Bill provides a simple mechanism that will make the process of establishing co-operatives easier. We will be supportive of any community groups or local workers' groups that want to adapt the model and we will work with pioneers in organisations such as Trademark, which operates out of Northern Ireland, who can assist in this regard.

An Ceann Comhairle: Is the Bill opposed?

Deputy Tony McLoughlin: 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 Clare Daly: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

**Employment Equality Act 1998 (section 12) (Reservation of vocational training places)
Order: Referral to Joint Committee**

Minister of State at the Department of Justice and Equality (Deputy David Stanton):
I move:

That the proposal that Dáil Éireann approves the following Order in draft:

Employment Equality Act 1998 (section 12) (Reservation of vocational training places) Order 2018,

a copy of which was laid before Dáil Éireann on 26th June, 2018, be referred to the Joint Committee on Education and Skills, in accordance with Standing Order 84A(4)(k), which, not later than 12th July, 2018, shall send a message to the Dáil in the manner prescribed in Standing Order 90, and Standing Order 89(2) shall accordingly apply.

Question put and agreed to.

Air Services Agreements: Referral to Select Committee

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I move:

That the proposal that Dáil Éireann approves under Article 29.5.2 of the Constitution the terms of:

(i) the Air Services Agreement between the Government of the Arab Republic of Egypt and the Government of Ireland; and

(ii) the Agreement between the Government of Ireland and the Government of the United Arab Emirates for Air Services Between and Beyond their Respective Territories; copies of both agreements were laid before Dáil Éireann on 27th June, 2018, be referred to the Select Committee on Transport, Tourism and Sport, in accordance with Standing Order 84A(3)(b), which, not later than 12th July, 2018, shall send a message to the Dáil in the manner prescribed in Standing Order 90, and Standing Order 89(2) shall accordingly apply.

Question put and agreed to.

Establishment of Special Joint Committee on Climate Action: Motion

Minister for Communications, Climate Action and Environment (Deputy Denis Naughten): I move:

That, notwithstanding anything in Standing Orders—

(a) a Special Committee (hereinafter referred to as ‘the Committee’) is hereby appointed, to be joined with a Special Committee to be appointed by Seanad Éireann, to form the Joint Committee on Climate Action to—

3 July 2018

(i) consider the Third Report and Recommendations of the Citizens' Assembly entitled '*How the State can make Ireland a Leader in tackling Climate Change*';

(ii) consider how these Recommendations might inform the further implementation of Ireland's National Mitigation Plan as well as the development of Ireland's draft Integrated National Energy and Climate Plan in the context of the Regulation on the Governance of the Energy Union (COM 2016/759), taking into account the recently published National Development Plan;

(iii) generally assess the state of play in relation to the Sectoral Adaptation Plans (SAPs) of relevant Government Departments as required under the Climate Action and Low Carbon Development Act 2015 and as set out under the National Adaptation Framework (NAF) and, in this context, to engage with the Secretaries General of these relevant Government Departments in relation to proposed adaptation measures to be included in such plans taking into account the recently published National Development Plan;

(iv) engage with the Secretaries General of relevant Government Departments to determine whether they have also set out sectoral mitigation measures which could inform further implementation of the National Mitigation Plan and the preparation of Ireland's draft Integrated National Energy and Climate Plan taking into account the recently published National Development Plan; and

(v) consider such other related matters and engage with such other relevant stakeholders as the Committee sees fit;

and to report to both Houses of the Oireachtas in accordance with paragraph (g);

(b) the Committee shall not exceed sixteen members of Dáil Éireann as follows:

(i) five members appointed by the Government;

(ii) four members appointed by Fianna Fáil;

(iii) two members appointed by Sinn Féin; and

(iv) one member each appointed by the Labour Party, the Solidarity–People Before Profit (Sol–PBP), Independents 4 Change, the Rural Independent Group, and the Social Democrats–Green Party Group;

(c) the Ceann Comhairle shall announce the names of the members appointed under paragraph (b) for the information of the Dáil on the first sitting day following their appointment;

(d) the quorum of the Joint Committee shall be eight, at least one of whom shall be a member of the Dáil, and one a member of the Seanad;

(e) the Joint Committee shall elect one of its members to be Chairman;

(f) the Joint Committee shall have the powers defined in Standing Order 85(1), (2), (3), (4), (5), (7), (8) and (9); and

(g) the Joint Committee shall report its conclusions and recommendations to both Houses of the Oireachtas not later than 31st January, 2019.

I wish to share one minute of my time with Deputy Hildegard Naughton, the Chairman of the committee. The Ceann Comhairle might indicate when there is one minute remaining.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Denis Naughten: The Citizens' Assembly published its final report on how the State can make Ireland a leader in tackling climate change, on 18 April 2018. The report builds on the conclusions of the Citizens' Assembly following two weekends of deliberation on the energy, transport and agriculture sectors, international best practice and existing national policies and activities. A total of 17 recommendations are detailed in the report. This is comprised of 13 recommendations reached by majority vote from the Citizens' Assembly ballot paper voting and four ancillary recommendations compiled from further submissions made by members via a member reflective exercise response facility for the assembly. The terms of reference of the special committee take into account the recommendations of the Citizens' Assembly and the committee will play an important role in informing the preparation of Ireland's draft national energy and climate plan, which the Department is currently preparing. The terms of reference also include the national development plan. The Government means to do mean business when it comes to taking strong action on climate change. I was very pleased recently to launch the climate action priority of Project Ireland 2040 with An Taoiseach and a number of my Cabinet colleagues. Over the next decade we will spend €22 billion on climate-focused investments. That represents a huge leap forward in our approach, both in the scale of our ambition and the funding we are making available as a Government to meet the challenges. In fact, €1 in every €5 to be spent by the State and State companies in capital investment over the next decade will have a climate-related focus. That is not just significant on a European scale but on a global scale.

We also expect to invest €4,000 million in energy efficiency upgrades of buildings and within the next 200 months, dirty fossil fuels will be taken out of our heating systems, including homes. That will be an achievement of global significance given the fact that 37% of homes are in rural areas. We will have dirty fossil fuels taken out of electricity generation by 2030. Over the next decade our ambition is to increase production of electricity from renewable sources to 55% by 2030, which would be a phenomenal feat, in light of the fact that we have such an isolated electricity grid.

In terms of regulatory measures, the national development plan commits the Government to no new non-zero emission cars to be sold in Ireland post 2030. In effect, there will be a ban on tailpipes on new cars from 2030. We will become the first EU country to do so. It is intended that no NCT certificate will be issued for non-zero emission cars post-2045. That is one of the most ambitious commitments on zero emissions on passenger cars in the entire EU. There will also be a transition to a low emission urban bus fleet, including electric buses, with no diesel-only buses purchased from 1 July 2019. The low-carbon, climate resilient transition ahead will require a societal transformation.

The Citizens' Assembly demonstrates that individual citizens can produce very clear recommendations when provided with an opportunity to reflect and consider in detail a specific societal change. It also underlines for me that Ireland will not achieve its climate objectives through Government action alone and engagement with wider society on an ongoing basis will be vital. Last Saturday week, I hosted the first regional gathering under the national dialogue on climate action to involve individual citizens and communities in the process of shaping Ireland's low-carbon transition. These meetings are the first step of engagement with communities across

3 July 2018

the country. The establishment by the joint Houses of this special committee is an important milestone for the Oireachtas. I and my officials look forward to working with the committee on its work programme.

Deputy Hildegarde Naughton: I thank the Minister for allowing me a moment of his speaking time. As the Chair of the Oireachtas Joint Committee on Communications, Climate Action and Environment, I wish to put on the record of this House how important I view the establishment of this special committee. As one who served on the Special Committee on the Eighth Amendment of the Constitution, I can attest to the value of such a move. The establishment of this committee will give a focus to the climate change issue that it simply cannot get in the midst of a Department's or a committee's consideration of other matters. To put it very simply, climate change has not got the attention or action it deserves because the Department, and my committee, must consider a whole range of other subjects within our remit. Important matters such as public service broadcasting, the media landscape in general, broadband and a myriad of other issues take up time that we could otherwise devote to climate action. The fact that we are going to miss our 2020 targets by a considerable margin illustrates the point that we have not paid sufficient attention to this issue.

My statement today is not to criticise the Minister, his Department or my committee, rather the contrary, we need to put substantial resources into developing a proper and effective policy on climate change. It is my view that the establishment of this committee to consider the report of the Citizens' Assembly and ancillary matters is a very positive step in developing such a policy in the short term. Having recently spoken to the Taoiseach on the issue I can assure the House of his and Fine Gael's complete support in the work this committee will do.

Deputy Timmy Dooley: Like others, Fianna Fáil wholeheartedly supports the establishment of a special Oireachtas Joint Committee on Climate Action. We welcome the recent establishment of the Citizens' Assembly on climate change. Without a shadow of a doubt, climate change is one of the most pressing issues facing humanity on a global scale and it is vital that Ireland plays a strong role in addressing it.

This Government and its predecessor have dismal records on climate change and that is reflected in the fact that Ireland will miss all of its 2020 targets. I appeal to the Minister in the first instance to accept where we are at and stop this continuous bluff and bluster about what is going to happen in 2030, 2045 and 2050. There are a couple of harsh realities he must face. He referred to the diesel bus fleet from now on. Just last year, the Minister for Transport, Tourism and Sport, Deputy Ross, ordered 110 new dirty diesel buses at a time when everybody was talking about our inability to meet the 2020 targets. The Minister, Deputy Naughten, knows better than any how the electoral cycle works and he knows scant regard is paid to what happens in 2030, 2040 or 2050. He must be able to convince his colleagues in government that we have a crisis. The responsibility does not all lie at the door of the Minister for Communications, Climate Action and Environment, nor should it. The Minister does not have to defend the indefensible, nor should he. If he takes a lead role at the Cabinet table he will have my support and that of the Fianna Fáil Party. The Minister must bang the table and demand that there is an acceptance that we are laggards rather than come in here and tell us what he is hoping to achieve in terms of being a world leader in electric vehicles by 2045 when we have failed abysmally with the targets we have set. We are way behind and that is appalling.

The Minister made an official announcement yesterday about passenger vehicles on toll plazas receiving a cut of approximately 50%, for most cars except for hybrid vehicles. The real-

ity is that people who have had hybrid vehicles and have moved to electric vehicles now want to move back because the network of charging units is not adequate to support their continued driving of electric vehicles. There is so much more to be done. Rather than saying what we will do in 2045 the Minister should set a target for the next two to three years that falls within the cycle of this or perhaps the next Government rather than talking too far ahead and being absolved from all responsibility. The Minister knows better than I that we are required to reduce our carbon emissions by 20% relative to 2005 levels. We are on track for a 1% reduction, which will give rise to an estimated fine of approximately €600 million. From 2020, on the renewable energy side we are required to source 16% of our energy requirements from renewable sources. We currently source approximately 9.1% of our energy requirements from renewable sources. The estimated fine in that regard depending on the cost of the credits will be somewhere between €115 million and €600 million. Deputy Hildegarde Naughton, the Chairman of the Joint Oireachtas Committee on Communications, Climate Action and Environment, stated that the Taoiseach is committed to this matter. When elected, the Taoiseach made it clear that this was one of the biggest issues for the Government and that he was going to focus almost exclusively on it in the wake of budget 2018. That statement was laughable because he and the Government did virtually nothing in that budget to try to begin a pathway towards meeting our 2020 targets to the greatest extent possible. I am somewhat dejected because the notion is now taking hold in the Government that we have missed the 2020 targets but, what the hell, there are 2030 and 2050 targets. The Government does not accept the possibility of very significant fines but states that such fines will depend on the cost of the carbon credits and should not be overestimated. This should not be about the cost of carbon credits or what we can get away with. Rather, it should be about setting a standard that a small island such as ours which has come through a tough time can reach. We are resilient and showed our capacity to implement very difficult measures over a relatively short period in 2009 and 2010. The decisions taken were not politically advantageous for my party but the Government may benefit from the very significant economic changes that were made to get the country back on track. The challenge for the Government is similarly to take very difficult decisions on climate change to get our targets in line as quickly as possible and ensure we play our part in Europe rather than picking one item, hanging our hook on it and saying we are world leaders. In terms of emissions, energy generation and this entire issue, we are almost the worst in Europe.

Deputy Denis Naughten: Absolutely not.

Deputy Paul Murphy: We are the second worst.

Deputy Denis Naughten: We aim to increase production of electricity from renewable sources to 55%. We are global leaders in terms of renewable energy.

Deputy Timmy Dooley: We are second from the bottom. If the Minister is satisfied with that and continues to defend the indefensible he will cloud himself in the smoke of burning fossil fuels. He is lost in that smoke and needs to get out of it. He can be a leader and make his ministerial career on the back of fighting for the tough decisions rather than looking over his shoulder and wondering if he is going to get re-elected in Roscommon-Galway if a wind farm goes ahead.

Deputy Denis Naughten: I have my eye on Deputy Eugene Murphy.

Deputy Timmy Dooley: The Minister must forget about that. He has reached the Cabinet table. He must make the right decisions and commit to working on the basis of the recommen-

3 July 2018

dations of the committee. Fianna Fáil will participate in the committee as a member of the Opposition. We did not stand back when it came to recommending difficult decisions on the future of public service broadcasting. The Minister has yet to act on those recommendations. He has political cover from the committee and I am sure he will again have that on this issue but he must be committed to taking the tough decisions that will earn him a place in the history books.

Deputy Brian Stanley: I welcome the establishment of the committee and commend the Citizens' Assembly on its work. However, this House is also a citizens' assembly. It is directly elected and paid for by the people of this State and it is answerable to them. These issues should be tackled head on in the Oireachtas and we should make the decisions to put us on the right path to counter climate change. The Citizens' Assembly recommended that the State take leadership on this issue but the State and the Oireachtas have not done so sufficiently. Everyone will play their part and be involved if given the means to so do. Communities need to be involved and, most importantly, respected in the transition ahead. However, it starts with leadership by the Government and the Oireachtas and seeing beyond the election cycle referred to by Fianna Fáil and Fine Gael.

We cannot hide the fact that the State is in a shameful position in terms of climate action. Emissions are spiralling and we are the second worst in the European Union in terms of climate change measures. We will miss our 2020 targets and face fines of hundreds of millions of euro as a result. The shame on the State in regard to climate change is doubled because we have some of the best renewable resources in Europe. Not only will we not meet our emissions targets but Ireland will only achieve a 1% reduction in greenhouse gas emissions by 2020 rather than the 20% reduction target which we should have tried to exceed. Our emissions are increasing. The only renewable energy we have developed has been from onshore wind and, rather than having community involvement in that, the opposite has been the case. Many of the key participants in the industries involved in directly combatting climate change have not shown the vision needed for the future but rather have been stagnant and lacked imagination and will. There has been a lack of political will on behalf of the Government and the Oireachtas and a lack of vision by the Department of Communications, Climate Action and Environment. It is important for senior and other civil servants to wake up on this issue. It will be up to the Oireachtas committee to address issues directly and make recommendations which will lead to solutions and change.

There is much discussion of the targets but those targets are being missed badly. We must discuss solutions to protect our environment, create security of energy and see climate action not as a burden but rather an opportunity to create long-term jobs and new industries, particularly in rural Ireland. The committee must be focused on solutions such as making homes more energy efficient and changing our sources of power for electricity, heat and transport. That is very important. There are many aspects to addressing this issue. It is not a case of simply putting obligations on citizens and asking them to take the burden without any alternative. Our first step and policy must be to offer alternatives to people, industry and communities. That will require political leadership and a major shake-up of civil servants, semi-State companies, private companies etc. We must offer people alternatives in public transport, energy and efficiency and have specific targets for each industry to help develop alternative sources of energy.

I look forward to addressing the recommendations of the Citizens' Assembly. However, as I stated, this House is a citizens' assembly. I have been Sinn Féin spokesperson on the environment for seven and a half years and I dealt with the Minister's predecessor in the previous Dáil on this matter. I do not wish to criticise anyone but one of the most frustrating things for me

over the past seven and a half years has been all the talk on this issue without the necessary action. I acknowledge that the State has gone through a very traumatic period economically and so on and had to be picked up off the floor. However, that has been done but we have not moved towards a new modern green economy.

We need to create jobs in different types of industries and have different renewable sources of energy. Some people wish to make the switch and immediately turn off all our current energy sources. I wish for that to happen but I know, as does every worker and person on the street, that it cannot unless alternatives are in place. I appeal for the Oireachtas, the committee, the Minister and the Department to set about putting realistic alternatives in place in terms of wind, biogas, solar, hydro, offshore wind and wave power. We have the resources and experts who have considered the matter have told us that we need to use them. We cannot keep lagging behind the rest of Europe and not only because of the shame of completely missing our targets. I did not think it could get any worse than when the Minister last year told me and others that we would only achieve a 4% reduction in our greenhouse gas emissions. However, three weeks ago in answer to a question of mine he announced that we will now only achieve a 1% reduction, which is absolutely disgraceful. We all have a responsibility. We must change our approach and create a major impetus to reduce our greenhouse gas emissions and remove the shame of being one of the dirty countries in Europe when we should be a green food-producing island which produces green energy to meet its needs.

Deputy Sean Sherlock: The Labour Party welcomes the establishment of the select committee. I look forward to being a member of it. I wish to address briefly the potential for carbon capture and storage. I understand a feasibility study is under way in that regard. I ask the Minister to indicate where Ireland stands in regard to the potential for carbon capture and storage. I specifically put that on the agenda because it should be discussed within the remit of the committee.

I understand the European Union is looking for large-scale carbon capture and storage, CCS, projects, for which significant funding is available. That represents a potentially good opportunity for Ireland and will help to decarbonise electricity generation on our island. It could act as a potential for further foreign direct investment into Ireland on the basis that many multinational companies are now considering opportunities for decarbonisation and we have to be practical and pragmatic about those opportunities if they come before us. Could the Minister, in his response, give us some indication as to where stands the feasibility study on carbon capture and storage? I tabled a specific parliamentary question to him on that issue. I met Ervia yesterday, which is very interested in this space. As we know, Ervia is our own company. It has a big interest in this area and it is something on which we should engage with it.

I share the sentiments of other speakers. We have a massive opportunity on this island to send a message globally on meeting targets and realising opportunities. We are a small, innovative island and the networks created as between industry and academia in terms of scientific research and the person to person and business to business networks probably allows for people to come together more easily than in other parts of the European Union. That represents an opportunity for us.

I am hopeful we could also have regard to the work of Science Foundation Ireland on the previous investment by the taxpayer in the marine renewable energy space. When I was Minister of State with responsibility for research and innovation, we launched the Marine and Renewable Energy Ireland, MaREI, centre in Cork. There was a significant investment by the

3 July 2018

taxpayer in the area of marine renewable energy. We need to kick the tyres, so to speak, in terms of where that entity currently stands. It is one of the few entities looking specifically at marine renewable energy and as an island nation, and an Atlantic nation, we have to start leveraging more opportunities to make greater investments to ensure our energy mix moves further into the renewable space. I believe the marine renewable sector represents a major opportunity in that regard.

I look forward to working as part of the committee. I am hopeful it will not be just a talking shop. As a Parliament we have an opportunity through this committee, working collaboratively across parties, to try to make some serious changes in the direction this island goes in its responsibilities regarding climate change. We are all green now. Nobody has ownership of green issues. There are existential issues facing us now, as well as future generations, and we all need to collaborate politically in that space for action.

An Ceann Comhairle: I call Deputy Boyd Barrett, who is sharing with Deputy Paul Murphy.

Deputy Richard Boyd Barrett: We will have two and a half minutes each.

While we are happy to participate in this special committee, I have to say that we need more than special committees if we are to do something about Ireland's disastrous failure to address the issue of climate change and play its part in contributing to the reduction in CO2 emissions. We have many targets and aspirations that are simply not being matched by reality. In the past two years, carbon emissions in this country went up by 7%, not down. We are facing fines of €440 million for failing to meet our emission reduction targets in two years' time. Even on issues like the Heritage Bill that Members will discuss tonight, the Government is supporting moves to allow greater and earlier cutting of hedgerows when we need more forestry, hedgerows and scrub to act as carbon sinks and to reduce carbon emissions.

There is no sign of radical action in these areas. The Citizens' Assembly made all the right recommendations, in particular a pet issue of mine which I have raised about 60 times since 2011, namely, the need to do something about our pathetic levels of forest cover. We have some of the lowest in Europe, at 11%, even though we have the most favourable conditions in Europe bar none for growing trees but we do not do anything about it. In fact, the Environmental Protection Agency, EPA, says there is evidence of deforestation in Ireland because we are kowtowing to certain lobbies in agriculture who see forestry as a threat to them when they should not.

If we invested in, and supported areas, like agroforestry, afforestation could complement Irish agriculture. We need radical action in terms of shifting towards public transport use. That would mean much more investment in that area, reducing fares dramatically, if we are serious about getting people out of their cars, and in many other areas. We need the rhetoric to be matched with genuinely radical action by the Government. There is not much sign of that but let us hope this committee can go some way towards pushing the Government on in that regard.

I commend Deputy Bríd Smith's Bill, which is being discussed in committee to stop further extraction of fossil fuels here. I hope the Government will support that too.

Deputy Paul Murphy: The outcome of the Citizens' Assembly on the environment, as it was on the eighth amendment, shows how progressive ordinary people are when asked their opinions about issues and how it contrasts very favourably with the attitudes of the political establishment. What struck me strongest was the 98% who said that climate change should be

put centre stage in policy making. That cannot be done by tinkering around the edges. It cannot be done with some electric cars or with some consumption charges. It has to be done with a radical break in how our society is organised in the areas of energy, agriculture and in transport centrally.

How radical a break is needed is reflected in the report that came out last week from the Climate Action Network that is utterly damning in terms of the approach of the Government. It has all the EU countries listed and grouped into the good, the bad and the ugly. Estonia, Ireland and Poland rank lowest in the ugly category because of their stiff opposition to climate action nationally and in the European Union. They are ranked second lowest in the EU, confirming what the former Taoiseach, Deputy Enda Kenny, said - incredibly, in Paris when the Paris Agreement was being signed - that climate change is not a priority for Ireland. Unfortunately, that remains the case.

On energy, we currently have five times as many known fossil fuels as can be burned without the temperature rising above 2° Celsius. The idea that we should be issuing any more exploration licences is utterly mad and, therefore, the Government should drop its opposition to the Bill proposing that fossil fuels be kept in the ground sponsored by Deputy Bríd Smith and the Solidarity-People Before Profit alliance.

Only last week, the Minister of State, Deputy Kyne, spoke about the need for an increase in drilling and the realisation of our oil and gas potential. We need there to be an end to the use of fossil fuels and a radical shift to renewable energies.

On transport, the push for the shift to electric cars is not the answer. I am for electric cars. They are better than petrol cars but the issue is the mode of transport, the way that people move from place to place. Massive investment in public transport is required to make it more accessible, realistic, achievable and affordable for people to use as a mode of travel. The example of Estonia is worth considering. It now has free public transport across the country. We estimated in our last budget proposal that it would take €500 million to halve the cost of public transport.

On the point about agriculture, Ireland is unusual in that agriculture, as opposed to transport, is the number one emitter in this regard. Having 6.7 million cows in Ireland currently using over 150 l of water each is not a sustainable model of organising agriculture and we need a break from that.

Deputy Denis Naughten: They are not all cows.

Deputy Eugene Murphy: That is for sure.

Deputy Eamon Scanlon: We have to live down there too.

Deputy Maureen O’Sullivan: The word I would use about Ireland is “disconnect”. There is a perception that climate change has nothing to do with us, we did not cause it and really we are not affected by it. However, we have scientific evidence that climate change is real. It is happening, humans are responsible and we are all affected. Some are affected more than others, as the Minister knows - crucially, those who are in what is known as the global south or developing world. Those who have done the least damage to the environment are most affected by the decisions we make in the so-called developed world. Our record has been very poor. Although Ireland did not have massive industries such as the coal industry, we need to accept the reality that we could and should be doing more.

3 July 2018

We have a drought warning, the first in many years. The drought we are experiencing today is a reality for millions in the developing world every single day. Their crops and productivity are not for profit but are a matter of life and death, of survival. Our relationship to climate change and way of tackling it seem to involve renegotiating targets, finding loopholes to avoid targets, and avoiding fines. We consider that a win because we are valuing profit over sustainability. Climate change is a massive threat. Our generation cannot understand how previous generations tolerated slavery for so long. Later generations will be at a loss to understand why we did not do more about climate change. Deputy Thomas Pringle's Fossil Fuel Divestment Bill will be before the House on Report Stage next week. It is long overdue. As Iceland harnessed its volcanic geology for energy, surely we can do more, even for purely economic reasons. Our reliance on fossil fuels makes us very susceptible to changes in the market.

Our country has a considerable record when it comes to human rights. Our aid is poverty focused and untied. We played a phenomenal role in developing the sustainable development goals and getting agreement on them. The Minister's Department is taking part in the first voluntary national review of progress. Climate change or some aspect of it is a feature of practically every one of those sustainable development goals. We need to achieve policy coherence. Cuirim fáilte roimh an choiste agus an obair atá le teacht.

Deputy Thomas Pringle: I welcome the setting up of the special committee on climate change. I acknowledge the efforts of the Citizens' Assembly in its discussions on how to make Ireland not just compliant in respect of climate change mitigation but also a leader. This is something we need to remember as we experience this unprecedented heatwave and other recent weather phenomena which are happening with increasing frequency every year. Just last month, a European report found that Ireland ranks worst in Europe for taking action against climate change, yet the Minister responsible for climate action denies this, which is quite unbelievable.

As Deputy Maureen O'Sullivan indicated, Report Stage of my Fossil Fuel Divestment Bill will be taken in the Dáil next week. The Bill proposes to compel the Government to divest public money in the Ireland Strategic Investment Fund from fossil fuel companies. If enacted, it will compel Ireland to comply with Article 2 of the Paris Agreement, which expects countries to make finance flows consistent with the pathway towards low greenhouse gas emissions and climate-resilient development. I thank the Government for its support in seeing the Bill progress and I hope to see it pass next week. I also thank those from Trócaire and the Global Legal Action Network, GLAN, who worked diligently on the content of the Bill. I hope Deputies across the House will support it as it progresses. Divestment is one of a broad range of actions Government must take if we are to mitigate climate change. I look forward to working on those issues as they come before the new committee.

Let us not forget that it is vulnerable populations around the world that will pay the price. People are already dying from climate change. It is our responsibility in the West to do what is in our power to carry the burden for those who cannot protect themselves.

As a member of the Oireachtas Joint Committee on Agriculture, Food and the Marine, I am aware that the agriculture sector has a lot of catching up to do and that there are many camps on the issue of climate change within that sector. We need real and concrete solutions that reflect burden sharing that is fair and appropriate. Larger farmers and factories produce phenomenally more carbon emissions than small-scale farmers. The burden sharing is entirely disproportionate. Large companies in the agriculture sector should be compelled to play their part in climate

action while small farmers should be supported in their attempts to reduce carbon emissions as well as assessing climate risk. I hope to look more closely at this scenario in my work in the special committee on climate change as well as exploring the full range of opportunities available to Ireland. I look forward to seeing a more ambitious initiative coming before the Houses as a result. This would help make Ireland a leader rather than a lagger on the issue of climate change.

An Ceann Comhairle: Deputies Michael Collins and Danny Healy-Rae are sharing time.

Deputy Michael Collins: I welcome the opportunity to speak on today's motion regarding the establishment of a special joint committee on climate action. This is all well and good if the committee addresses the issues and concerns of the people head on and not become just another junket layer of bureaucracy. I listened to previous speakers who attacked the agriculture sector in respect of climate change. Farmers are in serious difficulties in these times and are caught in a system called calendar farming which no Deputy will understand unless he is a farmer. There are plenty of other ways we need to tackle our climate issues rather than pointing the finger at the farmer all the time.

Last Sunday evening I attended a protest. There is no talk about it in here except from a couple of Independent Deputies. It was a protest in my constituency area of Bantry where hundreds of people turned up with one clear message, that the people of Bantry do not want mechanical harvesting of kelp, which will be the cause of an environmental disaster on our shoreline. These people want to protect their waters. An areas of 1,860 acres is to be mechanically harvested. No one in the Government wants to stand by the people of Bantry. They want us all to lie down. The livelihoods of the fishermen who depend on fishing in these waters are at stake. In the last year, I have worked very closely with the Bantry group and have raised the issue of kelp many times in the House. Only last week, I asked the Taoiseach during Leaders' Questions to stop the mechanical harvesting of kelp in Bantry Bay. I am over a year pleading with the Government to take action and it has stood idly by when it could revoke the licence under Article 12.2. If this special joint committee on climate action is established, would we see real action being taken in cases such as this? Will we just have the same result but with another layer of bureaucracy that costs the taxpayer money that could be invested in our roads, schools, communities, transport network and hospitals?

While I have the floor, I want to talk about solar panels. There are no planning regulations. I have confidence in the Minister. He was down in west Cork and spoke to the people there. He gave them the time with the wind turbines and I greatly appreciate that. He could not have been more clear or more fair to them. I plead with him to make sure that if this committee is set up, it will work for everybody going forward in respect of climate change.

Deputy Danny Healy-Rae: My views on climate change are well known since my days on Kerry County Council before I ever came to Dáil Éireann. The climate has changed going back over the centuries when there were no fossil fuels and when there was a very limited number of cows, which are being blamed now for the change in the climate. When the weather is wet or rainy, the scientists are blaming what we are doing on this earth for causing it to rain. Likewise they are blaming people now for the fine weather as well. The facts are that since 1850, since what was known as the little ice age, the temperatures have risen by less than one degree.

We are going to set up a committee now, what I call a talking shop, discussing ways of changing the weather that we have not a hope in the world of doing because patterns of climate

3 July 2018

change happened back over the years before. The Government is suggesting providing millions in Project Ireland 2040 to address climate change. Where will that money come from? Farmers' pockets and workers' pockets who are trying to go to work - that is where it will come from. The Minister has no leprechaun, or if he has I do not know where he is living or where the Minister is keeping him.

Deputy Timmy Dooley: They might have a couple of your fairies, Danny.

Deputy Danny Healy-Rae: Is the Government going to paralyse the working people and farmers? Is this talking shop going to be about how to do that? When we get flooded the story is that it is climate change and we will do nothing about it. What the Government is not doing anything about is allowing farmers to clear the rivers. Let us be honest about it. Water has to rise if the rivers are blocked and choked, which they are right around the country. Cross compliance means farmers are not allowed to touch a river.

They will lose their headage payments, which means they will lose the bread from their tables. This is what is causing the rivers to be choked. None of them has been touched for the past 20 years.

An Leas-Cheann Comhairle: I call Deputy Eamon Ryan.

Deputy Danny Healy-Rae: This will be a talking shop-----

An Leas-Cheann Comhairle: It may well be but not while I am here.

Deputy Danny Healy-Rae: The farmers and workers of Ireland will have to pay the price.

Deputy Eamon Ryan: I very much welcome the establishment of this committee and what I hope will be the approval of this motion. I have listened to Ministers one after the other who seem to be itching for an election. They are doing everything they can to prod for an
4 o'clock election. I have little or no faith in Fine Gael and its Independent Ministers. They have one of the worst environmental records I have ever seen in politics and are shaming our country but I have faith in this Dáil and want to see it last one more year to bring in Deputy Pringle's legislation, legislation to stop oil and gas exploration and the waste reduction Bill, and to allow this climate committee to do its work because it is critical work. It is some of the most important work we need to do.

We need a new national climate and energy plan by the end of this year. The current one is not fit for purpose. Every single expert I met at the national economic dialogue recognised that last week. If they did not say it to the Minister, they said that Project Ireland 2040 will not deliver on climate. We are going to miss by a country mile. It has to change. The job of this committee is to help Government and the public service work out how we do it. It will be bloody difficult. The scale of the challenge is immense. If we were serious, we would start today by putting 20% of our transport budget into making our roads safe so our kids can cycle to school rather than the current reality where more schoolchildren drive themselves to school than cycle. If we were serious, we would stop peat production today because we know on foot of the meeting the Minister had last week that our biggest problem in the midlands is the shortage of workers to undertake the climate work that needs to be done. Could we not take those Bord na Móna workers, retrain them very quickly and pay them really well for the very skilled job of making our homes fit for purpose? That could and should be done today.

This committee is vital because it can help and open the books on the new climate and energy plan which we must do under European legislation. We have no choice in this matter and we must have a first draft by the end of the year. The timeline of this committee is set on that basis. We need to meet next week as a committee. I look forward to taking part in it. We need to work collectively. The first thing we need to agree is the research back up we will have. We need to pull in Irish universities and the expertise they have. It should be remembered that we only have months, not years, to do this so we must be quick.

Deputy Dooley made a valid point. We should get research capability from the Houses of the Oireachtas Commission because this is difficult and technical work, so in the short time we have to do the proper analysis, we should get this help. We should set up our research teams in September and start our first meetings in October. We should bring in the seven key Secretaries General, call them to account regarding what their Departments are going to do and show them - they know this already - that the mathematics of the existing national development plan simply do not work. It is millions of miles away from where we need to go so the simple question involves what we are going to do. What will we change, because change we must? The centre of it is finance in terms of where the budget goes.

We will not complete the work until the end of November so the interim budget will need to be done but we should have a key role in the development of this new national climate and energy plan, which must be done by the end of the year with the final agreement being agreed with Europe next year. It is for that reason that I say that this Dáil should stay together for another year. Let us have the local and European elections and then have a general election. I cannot imagine it going any further. I cannot imagine that Fianna Fáil would agree another budget but it can agree this year's budget. We have vital work to do in climate as much as in anything else.

The attractive thing about it is that it provides a vision for this country for the future, one that is positive and that is not just spin. It is a real vision that brings about social change. I hear none of that in the Government. All I hear is it playing political games for its own advantage rather than thinking of the national interest. If it was thinking of the national interest, it would stay the course for another year, we would do the work we must do and the Dáil would pass Deputy Pringle's Bill, which I look forward to passing next week. It will be the first step in restoring our international reputation, which is in the dog house. I am sorry for insulting dogs. We are in the dog house in terms of how we are seen with regard to climate. That is not fair to the people.

We are not bad at dealing with climate. We are itching to be good at this. The thing that is holding us back is the lack of political will, and the evidence is in the committee I have just come from where I have heard civil servants say yet again that gas is good and we should be looking for more of our own oil. That day is over. There is an open opportunity for us to be brilliant at developing renewables and efficiency and at managing water, really smart farming and really new transport systems. The current transport system does not work. The Government can add 63 motorways in its new national development plan but they will not solve the gridlock that is coming. The only thing that will solve it is the low-carbon alternative which is open to us and which this committee can help out.

Minister for Communications, Climate Action and Environment (Deputy Denis Naughten): I know some people referenced the Climate Action Network, CAN, Europe report. It would be worth their while if they read it because there is no reference to the investment that has been outlined in the national development plan. This is significant. Despite the fact that

3 July 2018

nobody in this House wants to acknowledge it, the fact is that one in every five euro in capital investment this Government will spend over the next decade will have a climate focus. That is significant. It is significant in European and global terms. Yes, we have a lot of work to do but we will be the first country in Europe to introduce a ban on smoky coal from September 2018. We will spend €4 billion on energy efficiency upgrades. In the next 200 months, we will take dirty fossil fuels out of our heating systems. That is no mean achievement either. We will extend to every home in this country that is affected by fuel poverty the warmth and well-being pilot scheme that was rolled out over the past two years, and we will do so through the fuel allowance, the domiciliary care allowance by the end of this year, and the carer's allowance. Every one of those families will be able to have a deep retrofit of their home carried out free of charge. This is a real practical example of what we are doing and it does show leadership. We will be the first country in Europe to ban the sale of new fossil fuel cars from 2030.

It is a bit cheeky for people to say we are not taking leadership roles when we clearly are taking them and are putting the cash and funding in place. CAN Europe has been critical of us and has argued that we are not looking for enough ambition at European level. Last Monday, I pushed the Commission hard with regard to CO2 standards for cars. The Commissioner was looking for a 30% reduction in CO2 emissions over the next decade. I think this is far short of where it should be. It should be a minimum of 50%. CAN Europe or any of the other environmentalists did not say that the Irish Government was right to do that because they seem just to focus on it when it is on the agenda of the big member states rather than when small member states want assistance to help reach their targets.

We are going to ban the burning of coal in Moneypoint by 2025 and peat at the latest by 2030. Our national broadband plan will have a significant impact on transport emissions in rural areas. We want to become a global leader in terms of food waste and introduce district heating in tandem with that. Bord na Móna BioEnergy has been set up. We are looking at developing a new biomass industry in this country. The support scheme for renewable heat will operate this year. Before the summer, I will bring to Government a paper on the renewable electricity support scheme to approve a microgeneration scheme for domestic users. We have brought in user charges relating to waste, a new recycling regime for tyres, the beef data and genomics scheme and the smart farming initiative. We have the smartest grids globally. Global energy experts are now coming to Ireland to see what we are doing so we have ambition. Can we be more ambitious? Absolutely, but it must be a practical ambition that we can implement. We are setting targets in that regard. I look forward to working and engaging with the committee on this.

It would have been nice to at least have acknowledgement of what we are doing. Within the past 100 weeks, things have changed, and changed significantly. I accept that things could have been done better in the past and that if they had been, we would not be in the position we are in today. Let us start by leading from here on. Let us start by making sure we get as close as possible to our 2020 targets to put us on a proper trajectory towards 2030.

In response to Deputy Maureen O'Sullivan, this is the argument I was making to my colleagues at European level. It does not make sense for Ireland to pay penalties from 2021 when we should be using that money to invest in reaching our 2030 targets. We did not seek to alter our 2030 target. What we did was put a proper trajectory in place.

In response to Deputy Danny Healy-Rae and his perspective on climate, the measures we are talking about need to be taken anyway. The economy is far too dependent on imported fos-

sil fuels and we need to become self-sufficient in regard to energy. Renewable energy for our economy is the right way to go.

With regard to farming, we can do far better by managing our grasslands better. The smart farming initiative we are rolling out across the country will see a reduction in overall emissions by 10% and increased profitability for every single farmer. For that reason, if for no other, it should be done. Broadband will also have a dramatic impact on the opportunities across rural Ireland as well as having an impact on climate.

There are huge co-benefits which result from putting the investment in place, benefits that will disproportionately benefit people in rural Ireland above all others. Let us all start working together in a constructive way to put a practical, implementable and ambitious plan in place.

Question put and agreed to.

Ceisteanna - Questions

Priority Questions

Legislative Measures

1. **Deputy Barry Cowen** asked the Minister for Public Expenditure and Reform when legislation to increase the compulsory retirement age for public servants will be introduced; and if he will make a statement on the matter. [29059/18]

Deputy Barry Cowen: In May the Minister assured us the legislation to cater for the increase in the compulsory retirement age for public servants would be introduced but it has not happened. Why is it taking so long? Is it a priority for the Government or is it not? I am sure the Minister will agree it now looks certain, in the absence of such legislation, that the public sector will lose valuable people who do not wish to retire at this juncture. The current situation is simply unfair. Now that we only have a week left in this session and considering the Minister has made a commitment the legislation would be available during this session, will it be published next week?

Minister for Public Expenditure and Reform (Deputy Paschal Donohoe): I acknowledge the fact Deputy Cowen has raised this issue with me on a number of occasions. I want to inform both him and the House that I will be bringing a memorandum to the Government meeting on Thursday seeking approval for the publication of the relevant Bill, which is to be entitled the Public Service Superannuation (Age of Retirement) Bill 2018. Subject to Government approval, which I am hopeful I will receive, my intention is to publish the Bill after the Government meeting.

The Bill will provide that any public servant reaching the age of 65 who is covered by the legislation will be in a position to remain at work until they reach the new compulsory retirement age of 70. The main provisions of the Bill drafted are as follows. The vast majority of public servants recruited prior to 1 April 2004 will have a new compulsory retirement age of

70. Those public servants will continue to accrue retirement benefits up to the new compulsory retirement age of 70, subject to a maximum of 40 years' service. The so-called uniformed pension fast accrual group, that is, gardaí, firefighters and so on, will be unaffected by these changes.

When the Bill is enacted, public servants will no longer need to avail of the temporary interim measures which allow affected public servants to retire and be rehired only until they reach the age of 66, which is the age of eligibility for the State pension. The new compulsory retirement age will not come into effect until the necessary legislation is commenced. In the meantime, the Government has approved some limited interim arrangements to apply in the period between the Government decision and the commencement of the legislation.

Deputy Barry Cowen: I thank the Minister for his response. I welcome the fact that, even at this late stage, at least we can expect publication of the Bill on Thursday, subject to Government approval. As he alluded to, however, the measures in the Bill cannot come into effect until such time as the legislation is passed through the Houses. Towards the end of his response, the Minister said he will be bringing forward some interim measures. Will he expand on those to say if they cater for the unfortunate people who had expected, based on the commitment made, that even allowing for the fact the Minister might forgo pre-legislative scrutiny, the Dáil might be in a position to enact such legislation as provided for in the Bill? In the absence of that, and I am sure the Minister will apologise for it, he might enlighten us as to what interim measures might be forthcoming.

Deputy Paschal Donohoe: I always said it would be my intention to publish this Bill and see it enacted this year, and we are going to deliver against that. If no interim measures were in place, I would understandably have been criticised for the lack of such interim measures, given the interest many public servants have in accessing the provisions of this scheme.

To answer the Deputy's point, the interim measures enable pre-2004 public servants who reach the age of 65 to remain in employment only until they reach the age of eligibility for the contributory State pension, which is currently 66, subject to certain conditions. Existing retire and re-hire mechanisms are being used by public bodies to facilitate affected staff for the interim period. Payment under the interim arrangements at the minimum point of the relevant payscale is in line with current arrangements.

To date, 100 members of the Civil Service have availed of the interim measures. As I have just said, if we had no interim measures, the level of anxiety with regard to the introduction of this Bill would only have increased.

Deputy Barry Cowen: To clarify, it is merely at the discretion of the relevant employers, who can allow an extension, rather than the obligation of the relevant employers. Am I correct in stating that? In the absence of any discretion being shown and in the absence of legislation that is not applicable to anybody who wishes to extend the period of employment beyond the retirement age that is provided for under existing legislation, is there an unfortunate failure to honour the commitment that was made?

Deputy Paschal Donohoe: I have honoured the commitments I gave recently in regard to publishing the legislation and bringing it forward. It has taken time to draft this Bill because of the complexity involved in evolving the terms and conditions of the many people who work within our public service and Civil Service.

To answer the Deputy's question in regard to whether it is at the discretion of the employer, given that the legislation we are bringing in will give a further right to the employee, my expectation of the interim measures is that they allow anybody who wants to avail of them to access them. I am not aware at the moment of any cases where those interim measures were not made available to anybody who was looking for them.

Departmental Budgets

2. **Deputy Jonathan O'Brien** asked the Minister for Public Expenditure and Reform the way in which departmental deficits and overruns accumulated throughout 2018 will be addressed as carry-over costs in 2019; and the way in which this will impact upon budget 2019 and the fiscal stance for 2019. [29111/18]

Deputy Paschal Donohoe: Managing the delivery of public services within their budgetary allocations is a key responsibility of Ministers and their Departments. Given the scale of overall voted expenditure, the cash basis of Government accounting and the funding implications that unexpected events can have on expenditure requirements, variances or changes from spending profiles can occur for a number of reasons that may result in a requirement for Supplementary Estimates.

The summer economic statement sets out a general Government deficit of 0.2% of GDP in 2018, reducing to 0.1%. To remain within these deficit targets, any overrun in a particular sector would need to be offset by additional revenue or offsetting underspends in other areas. The driver of any overrun would also impact on the extent of any carry-over cost into 2019. For example, an overrun arising from faster than anticipated progress on a capital project may result in expenditure being brought forward from the following year, whereas an overrun arising from additional unplanned recruitment, not provided within a Department's allocation for the year, would result in an increased carry-over impact in the following year.

The 2018 expenditure report sets out estimated carry-over costs of certain budget measures in the areas of social protection, education and justice. The 2018 summer economic statement provides an updated assessment of €300 million in respect of these costs. This assessment takes into account the budgetary policy as set out in the Revised Estimates Volume, REV, of 2018. To the extent that the Government decides to allocate additional resources this year, it will impact on this policy and potentially on the carry-over costs into 2019, depending on the underlying reason for the overrun.

Deputy Jonathan O'Brien: I want to discuss the Department of Health. The reason for the overspend last year as well as this year is, as we know from statements issued by the Department, the demand for services. As such, these are not once-off costs but are costs which will continue to apply in the next and subsequent years. The Department estimates that we are looking at an overrun to the end of June of €300 million with some suggestions that the Department may seek a Supplementary Estimate at the end of the year of close to €600 million. Surely, that will have an impact on next year's budgets. While I acknowledge that most of the costs have to be borne by the Department itself and that other Departments may not spend all of their budget allocations, I would like the Minister to outline whether this will have an impact in any way on the fiscal space of €800 million for next year. Is it possible it could impact on that?

Deputy Paschal Donohoe: It will depend on the reason for the overrun. If one looks at the

3 July 2018

structure of the summer economic statement, one of the major reasons for carry-over costs is the impact of costs generated in the previous year where there is a reasonable expectation that those costs will carry forward into the next year. We are now documenting that more publicly than has been the case in the past. If the Department of Health, or any other Department, incurs a cost and there is a reasonable expectation that it will carry forward into the next year, it can affect the budget calculations for the following year. That is the answer to the Deputy's question. I am now working with the Minister for Health, Deputy Harris, on the drivers of the HSE spending level and seeking to understand forensically what the reasons for it are. As the Deputy knows, we allocated more than €15 billion to the health services for 2018. While the June figures will be published later this evening, expenditure was up 10% at the end of May versus the previous year. The Minister, Deputy Harris, and I are working on the causes of this.

Deputy Jonathan O'Brien: The director general of the HSE is coming before the Committee of Public Accounts on Thursday and today he provided us with the opening statement he intends to make. In that statement, he outlines some of the reasons for those overruns. In the acute hospitals area, the figure last year was €139 million and the director general provides a breakdown in that regard. There were income shortfalls of €73 million, while the main driver of the rest of the figure was the additional activity in service demand, which he expects will continue year on year. While I understand that the Minister is discussing these matters with the Minister, Deputy Harris, when will he have a better idea of whether there will be an impact on the fiscal space available next year? Will we just have to wait for the budget to find that out?

Deputy Paschal Donohoe: It will be later on in the year because we have to better understand all of the causes of the overspend versus the figures the HSE has published to date. We will have to know what those are in advance of the budget. As such, it will be known before that. I will be working closely with the Minister, Deputy Harris, on that. The director general of the HSE will no doubt put forward a comprehensive view as to the causes of the current spending levels. What is very striking to me is the current change in recruitment levels within our health services. Between the start of January 2018 and the end of April, the HSE has recruited an additional 1,519 whole-time equivalents. This translates as an average of 318 new people being hired to work in our health services every month. That does not sit with some of the narratives that are at times painted about the recruitment difficulties we have with our health services. I am working closely with the Minister for Health on this and we will have to be clear as to where this matter stands in advance of the budget.

Summer Economic Statement

3. **Deputy Barry Cowen** asked the Minister for Public Expenditure and Reform the projects that make up the €1.5 billion in pre-committed capital expenditure highlighted in the summer economic statement; and if he will make a statement on the matter. [29060/18]

Deputy Barry Cowen: My question relates to the national development plan expenditure outlined by the Minister in his summer economic statement. He stated that €1.5 billion is pre-committed in capital expenditure for the forthcoming year. I am at a loss to know what is contained in that commitment that has not already been published. In written replies to previous parliamentary questions I have put down, the Minister has said that €700 million extra was dedicated to capital expenditure in the national development plan other than the allocation set out in the economic statement of the previous year. Can the Minister inform me and, by exten-

sion, the public, of what exactly is contained within that, what impact it will have and on what regions and what benefits will accrue to those for whom it is intended?

Deputy Paschal Donohoe: In my role as Minister for Public Expenditure and Reform, I am responsible for setting the overall capital allocations across Departments and for monitoring monthly expenditure at a departmental level. I do not have a direct role in respect of project selection. Decisions on how departmental allocations are invested and what projects are selected are matters in the first instance for my ministerial colleagues. I can, however, inform the Deputy that capital expenditure allocations by ministerial Vote group for the years 2018 to 2022 were published in the first annexe of the national development plan, NDP, and these allocations remain valid. Capital expenditure will increase by €1.5 billion between 2018 and 2019, which is a sizeable increase of approximately 25%. The total capital expenditure allocation for 2019 is €7.3 billion, which will result in capital expenditure increases across almost every Department. For example, the Department of Housing, Planning and Local Government's allocation will increase by approximately €400 million next year.

In direct answer to the question the Deputy put to me on what this increased capital allocation is delivering, I note that while I am not responsible for the individual projects, I have sought information on them to share with him now. Across 2018, more than 80 large-scale school projects will be delivered while 140 additional accommodation projects will be at construction phase. Much of that work will begin later this year and continue into next year. As to roads projects, I point to progress on the Portlaoise southern distributor road and the improvement scheme at the Grange Castle Business Park. There is also a target to build 6,385 social housing units next year from the allocation I detailed a moment ago.

Deputy Barry Cowen: I thank the Minister for his response and his efforts to bring some light to the darkness that is contained within what has been already outlined. I take in good faith the commitments that have been made by Government in the Project Ireland 2040 document that has been produced and much talked about in recent months with regard to the extra allocations that are provided for, notwithstanding what was already announced and in this instance up to 25% of which the Minister refers to. However, when I and my party are seeking to inform the public as to what might be contained within a budget package of €3.5 billion, €1.5 billion of which is written off as previously committed, it is incumbent on me to ensure those who I represent are made aware of what this actually contains, what it entails and what benefits might accrue to those for whom it is intended. I hope and expect that the Minister would bring about a situation whereby it is laid out in black and white, not what is promised by 2040 but what is provided for in 2019. I simply ask that the Minister elaborate on the examples he has given in response to this question on there being 80 large-scale developments relating to the provision of education capital expenditure that will run from this year into next, on the roads project he mentions in Portlaoise and regarding the Grange Castle Business Park. If the Minister can produce those three, he can produce them all and I would hope the Minister would do so as soon as possible.

Deputy Paschal Donohoe: That is a fair point. One of the reasons I announced the capital allocations for many years in advance as early as I did is experience has taught me, particularly when I was Minister for Transport, Tourism and Sport, that telling a Department in October what capital expenditure it will have available the following year for constructing new projects inevitably means that such funding is not drawn down in the way that it is needed. The reason we announced the capital envelopes for the larger Departments for three to four years in advance is in order that they can better plan. What I will do well in advance of the budget is

3 July 2018

ensure that every Department can identify what it is delivering behind the massive increase in capital expenditure for next year.

Deputy Barry Cowen: I welcome that final sentence that the Minister has committed to and would expect that his colleagues in Cabinet would be forthcoming with that information at the earliest possible opportunity. Notwithstanding my recognition of the need to have multi-annual funding envelopes for various Departments and commitments, I am well aware of Fianna Fáil's commitment to the disability sector and a multi-annual funding envelope being provided for that many years ago, for which there was not a great deal of representation made by others and which, thankfully, has set in train a process that has been followed. In these times, having come through the difficult period we all have come through and considering a previous Government was successful in bringing about two thirds of the adjustment that was necessary and that the Government has now spent seven years completing the other third, as well as considering that there is potential for increased expenditure across various capital expenditure programmes, I would say to the Minister that when it is in the order of €1.5 billion in the forthcoming year, especially as we are about to complete the three-year agreement we had, we would like to know in advance what exactly will be laid out before the public regarding the commitments from a capital expenditure perspective that will be made in the forthcoming year.

Deputy Paschal Donohoe: In my time in both the previous Dáil and this Dáil, I have never heard anybody argue that we should have completed the deficit correction quicker. If Deputy Cowen is arguing that, it is a new departure.

Deputy Barry Cowen: The Minister was glad two thirds were done before he arrived.

Deputy Paschal Donohoe: If Deputy Cowen is arguing it, then it is truly-----

Deputy Barry Cowen: We paid the political price. They need not tell me anything about that.

Deputy Paschal Donohoe: It is truly a new departure in economic policy this afternoon if Deputy Cowen is arguing that we should have done the deficit reduction quicker.

Deputy Barry Cowen: Is the Minister not damn glad two thirds of it was done before he was there?

Deputy Paschal Donohoe: Of course, I am aware of the political price that Fianna Fáil paid but, as the Deputy will be equally aware, that is paltry in comparison with the price the people of Ireland paid for the ruination we all went through for many years.

Deputy Barry Cowen: No recognition of the programme that changed it.

Deputy Paschal Donohoe: As I stated, I am happy to look to ensure that further detail is provided to the House as we move through the rest of the year.

Deputy Barry Cowen: I insist on it.

Deputy Paschal Donohoe: Regardless of whether Deputy Cowen insists on it or not, I have already given a commitment to do it.

Deputy Barry Cowen: Exactly. The Minister gave me a commitment to the previous response that he has not adhered to.

Deputy Paschal Donohoe: Deputy Cowen asked a question and I stated that I will do it.

An Leas-Cheann Comhairle: We will move on. I call Deputy Burton.

Deputy Paschal Donohoe: I would make the point that when I started off in this role I heard so many people say that what we need to do is increase capital expenditure. I have now increased capital expenditure, by €800 million this year and by €1.5 billion next year.

Deputy Barry Cowen: That is fine.

Deputy Paschal Donohoe: The signs of that are evident across the country-----

Deputy Barry Cowen: Just tell us where.

Deputy Paschal Donohoe: -----for example, in the new figures that have come out today that further point to the rate of unemployment in the country falling.

Deputy Barry Cowen: Not in housing. I would agree with the Minister if I could use housing as an example we could follow.

Gender Balance

4. **Deputy Joan Burton** asked the Minister for Public Expenditure and Reform if he will provide a gender analysis of the various grades of staff in his Department and the Department of Finance at grades (details supplied); the existing gender pay gap; the way in which he plans to address same; and if he will make a statement on the matter. [29228/18]

Deputy Joan Burton: I ask the Minister what is he doing to address the gender gap in his Department. The Civil Service has not only a gender pay gap but a gender promotion gap. I ask the Minister what proposals he has to provide for women's equality in all positions in the Department, which is dominated by men except at the lower grades.

Deputy Paschal Donohoe: The gender breakdown of staff in the Department of Public Expenditure and Reform and the Department of Finance is as follows. There is a tabular format for all this information being shared with Deputy Bruton separately but the following are the key points.

The percentage of female staff in the Department of Public Expenditure and Reform stands at just over 54%. In the Department of Finance this figure is just below 43%. The average is, therefore, 49%.

There is a clear majority of female staff at temporary clerical officer, clerical officer and executive officer, EO, grades in the Department of Public Expenditure and Reform equal to 70.9% of the total number employed at these grades. In the Department of Finance, the equivalent figure is 62% or 57 out of a total of 91.

The percentage of women filling the senior management roles of assistant principal and principal officer, PO, in the Department of Public Expenditure and Reform stands at 47%. This is above average levels seen across the Civil Service as set out in the recent ESRI report. The corresponding figure for the Department of Finance is 39%.

3 July 2018

There are nine positions at very senior level within the Department of Public Expenditure and Reform. Four of these are filled by women, which is also above the Civil Service average. The seven equivalent positions in the Department of Finance are all currently occupied by men.

As to what I am doing about it, in the Civil Service Renewal Plan, which was published by me in January 2017, I announced a range of initiatives to help improve gender balance in the Civil Service, particularly at senior level. In particular, a target of 50:50 gender balance in new appointments at senior levels is now in place. While the merit based approach of “best person for the job” continues to apply, in cases where candidates who compete for Top Level Appointments Committee, TLAC, positions are of equal merit, then priority would be given to the female candidate where they are under-represented on the management board of the Department or office in question.

Deputy Joan Burton: While I appreciate the Minister’s sentiments, 100 years after women got the vote one must say when one looks at the Department of Finance that the old cliché, “male, stale and pale” comes immediately to mind. Both Secretaries General of the Department - admirable persons, I am sure, in their own right - are men. As the Minister stated, when one adds up the totality of staff in the Department, the men occupy a disproportionate number of the senior positions while women are congregated in the lower pay scales and grades.

The issue with this is the Department of Finance, if we are to have it reflect the lived experience of people in Ireland, needs to have, both in its leadership and at all levels of the Department, a roughly proportionate equality between men and women. I know what it is like to sit in a Cabinet where only four persons around the table of approximately 18 persons are women. The Minister should believe me when I say that for every extra gain one makes in a woman, one changes the conversation and the lived experience of those who are making the decisions.

Deputy Paschal Donohoe: The points the Deputy has made on the composition of leadership within my two Departments do not reflect the reality of where we are at assistant principal and principal officer level. In the Department of Public Expenditure and Reform it is 44%. It is lower in the Department of Finance at 39%, which I acknowledge and I have shared the figures with the Deputy. It is not where it needs to be in the Department of Finance and this is why I have brought in the change on provisions for senior posts via the top level appointments committee, TLAC, because I agree with the Deputy that the leadership of our Departments needs to reflect the diversity and strength of our country. In one of my Departments, namely, the Department of Finance, we clearly have a lot of progress to make in that regard at a senior level. That is not the case in the Department of Public Expenditure and Reform, but where the Deputy wants to get to and where I want to get to on this is the same place.

Deputy Joan Burton: Taking the Department of Finance as being the leadership Department of the public service, as opposed to all Civil Service positions, would the Minister agree that women who have professional careers in the public service at all grades are paying a penalty in this day and age in their ability to get promotion, status and the pay that comes with promotion for taking time out to have children? They are penalised by public service norms on promotion, largely as a consequence of taking time out at a certain point in their career to have children.

It should be borne in mind that if somebody has two or three children and ends up taking three to six years of maternity and parental leave in a 40 year career, that is a relatively small amount of time, and as we know, many men take time out to take a career break or pursue stud-

ies. Our system has to play catch up in the proper reflection of women at different grades.

Deputy Paschal Donohoe: I agree with the Deputy. Within any organisation, the amount of time that might be taken for maternity leave, or to a far lesser extent for paternity leave, is a sliver of an entire working life. Both of my Departments and other Departments from what I have seen are working hard to ensure that the necessary working arrangements are in place to ensure that nobody is penalised in any way for taking maternity leave and that we have the right flexible working arrangements in place to recognise family life and all of the challenges that come with looking after children. I am determined to make sure that continues to happen while I am here and we will look at new ways of doing it better. That is why we made the change across the Civil Service on TLAC appointments because I was determined to ensure that the diversity at a senior level within our Civil Service was addressed and improved.

The Deputy has identified the Department of Finance for the reasons she has said. While I have said that where we are at a senior level is unacceptable to me, I believe that will change and expect it to change over time in the diversity we have there. If I go to where we are at principal officer and assistant principal officer level, I see signs of change happening there and I expect and want to see that happening at these senior levels in the Department.

Public Sector Pay

5. **Deputy Barry Cowen** asked the Minister for Public Expenditure and Reform the progress in negotiations on pay equality; and if he will make a statement on the matter. [29055/18]

Deputy Barry Cowen: On this question on pay equality for new entrants, the Minister said on 17 May that negotiations had begun and that there was a further meeting intended for June. Did that meeting take place? Is agreement close on the matter? Will the Minister assure the House that this remains a priority for Government, that it will not fall off the radar and that it will be provided for within the expenditure and budget package we talked about earlier?

Deputy Paschal Donohoe: The short answer is yes, it remains a priority for me. Further engagement is taking place on the matter. As to whether it will be included in the budgetary package and budget 2019, there are many different competing demands on it but I am entering into discussions with the union leadership on this matter in good faith to see if we can find some way of dealing with it. We have published a report on this that was a consequence of an amendment to the recent Finance Bill. This report shows that we are continuing to make progress in recruitment in our public service. We have employed more than 60,500 new entrants since 2011, including 16,000 teachers, 10,000 nurses and 5,000 special needs assistants. The report also indicated that a two point adjustment on this matter via the application of increments across the entire public service would cost €200 million and would deliver a benefit to each individual of €3,300 per year. Clearly that cost of €200 million is very significant and my Department is working with the union movement on this to see if there is a way in which this issue could be dealt with.

Deputy Barry Cowen: I welcome the fact that it is a priority. I note that the Minister did not specifically state that he honoured the commitment he gave me in May that he, on behalf of the Government, would meet the unions in June to advance this matter. I am well aware of the report that followed the amendment as proposed by Fianna Fáil on the financial emergency measures in the public interest, FEMPI, legislation. I am well aware of the costs associated

3 July 2018

with that being implemented in full, but I am also well aware of the commitment the Government gave, in the full knowledge of that, to meet the unions to seek to resolve this issue and allow a recommendation that would be achievable and agreeable to both parties. Irrespective of what that might be I stood aside and allowed that process to proceed and would have supported a resolution on the basis that there was good faith, as the Minister rightly said, and on the basis that the priority would be honoured, as the Minister alluded to.

I ask the Minister again if they met in June and if he is committed to resolving this issue prior to the budgetary package being agreed, irrespective of what that might entail or what implementation it would require within that budgetary package, whether it is in a full-year term or a two to three-year term, but ultimately a decision and agreement that would be reached between both parties.

Deputy Paschal Donohoe: Yes, we did meet in June. My Department has met the unions on the matter across June and before then. The Deputy asked me if I am committed to dealing with the matter in budget 2019 and he went on to ask if this would be irrespective of how it would be implemented or the costs involved. I cannot give that commitment irrespective of costs or implementation, as the Deputy knows, but as I have said, I am approaching the matter in good faith as I have approached many other issues of pay in our public services. I am engaging with the unions on it but I also have an array of other competing demands from the Exchequer at the moment and I have to see if this can all be put into a single framework to pass the third budget which I am committed to passing.

Deputy Barry Cowen: Of course the Minister has the responsibility to ensure that the requirements of competing interests are met in how he presents a budget that this House might support. There is no problem whatsoever with that and there are underlying issues associated with that budget which we spoke about three years ago that we would expect to see as part of that.

I simply say to the Minister that when we put that amendment forward, it was done to honour a commitment that was made within that same agreement that provided for three budgets. That agreement was that this Government would seek to address the pay inequality for new entrants within the public service. The amendment to the legislation put a report in place that laid out clearly the costs associated with achieving that goal. The Government then entered into negotiations on good faith on foot of what was contained within that report on the understanding that agreement would be reached between both parties prior to the budget, irrespective of what might be contained within the budget.

Of course the Minister has a duty and an obligation to ensure that competing interests are met. The Minister has an obligation and a duty too to recognise the commitments and the obligations and the agreements that have been reached between parties relevant to the issues I have mentioned.

Deputy Paschal Donohoe: On the one hand the Deputy acknowledges that I have an obligation to make sure that everything adds up and fits into the same framework-----

Deputy Barry Cowen: It is the duty of Government and it is the job the Minister has.

Deputy Paschal Donohoe: -----and on the other he is asking me to give a commitment today, irrespective of cost or how we might implement it.

Deputy Barry Cowen: Not irrespective of cost.

Deputy Paschal Donohoe: I cannot do that. I have to continue to engage with the union movement on the matter to see if an affordable resolution can be reached. While the Deputy is correct to point to the fact that this was a commitment contained in the supply and confidence agreement that reflected the faith I have in seeing whether we can make progress in the matter. In addition to that, the commitment was there to see how could unwind financial emergency measures in the public interest, FEMPI, legislation for all who work in our public service and Civil Service and provide a framework by which they can gradually and affordably get their money back, and we did that. I did that.

Deputy Barry Cowen: The Minister accepted an amendment on the day that he did that.

Deputy Paschal Donohoe: It was enormously complicated legislation and an enormously intricate negotiation and despite the expectations and the prophesies of many that we would not be able to get that agreement, that was achieved.

Deputy Barry Cowen: That did not come from us.

Deputy Paschal Donohoe: I will continue to work now on the new entrant part in the way I have identified.

Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputies Sean Fleming and Brian Stanley - to discuss the electricity project at Coolnabacky, Ratheniska, County Laois; (2) Deputies Michael McGrath and Margaret Murphy O'Mahony - to discuss waiting times for child autism spectrum disorder assessments in Cork; (3) Deputy Carol Nolan - to discuss the pending deportation of a family in County Offaly; (4) Deputies Michael Harty, Michael Collins and Danny Healy-Rae - the need for a Parkinson's specialist nurse for Cork and Kerry; (5) Deputy Robert Troy - to discuss delays at passport control in Dublin Airport; (6) Deputy Peter Burke - to discuss inclusion of Lough Ennell in County Westmeath in the wild brown trout fishery designation; (7) Deputy Dessie Ellis - to discuss roadside drugs and alcohol tests taken in relation to accidents; (8) Deputies David Cullinane and Mary Butler - to discuss the plans for a modular lab at University Hospital Waterford; (9) Deputy Timmy Dooley - the need to develop bus services in rural parts of County Clare; (10) Deputy Sean Sherlock - to discuss improving water services to residents in Ballyhooley, County Cork; (11) Deputy Pearse Doherty - the need to approve funding for Letterkenny University Hospital to reopen the short stay ward; (12) Deputy Eugene Murphy - to discuss the uncertainty around mental health services in County Roscommon; (13) Deputy Fiona O'Loughlin - to discuss the delays in granting of homecare packages; (14) Deputies Joan Collins and Clare Daly - to discuss the impact of SI 188 of 2018 on protection for whistleblowers; (15) Deputies Pat Buckley, Martin Ferris, Martin Kenny and Imelda Munster - to discuss the waiting lists for assessments at child and adolescent mental health services, CAMHS, reported by Barnardos; (16) Deputy Mattie McGrath - the need to consider establishing a contemporary model of the Land Commission; (17) Deputy Seamus Healy - to discuss the differential rent scheme as a reserved function of elected local authority members; (18) Deputy Thomas P. Broughan - to discuss safety concerns at the Cromcastle Court apartments complex in Kilmore West, Dublin; (19)

3 July 2018

Deputy Gino Kenny - to discuss a proposal for a cannabis access programme; (20) Deputy Mick Barry - to discuss the measures being taken to restrict water use; (21) Deputy Mick Wallace - to discuss the protection for subcontractors following the liquidation of the Sammon Group; (22) Deputies Frank O'Rourke and John Brassil - to discuss the housing assistance payment, HAP, scheme inconsistencies specifically in Kildare North and Kerry; (23) Deputy Richard Boyd Barrett - the recently published Olsberg report on the audiovisual sector in Ireland; (24) Deputy Eamon Scanlon - the need for a behavioural therapist and second speech and language therapist in St. Cecelia's school in Sligo; (25) Deputy Alan Kelly - to discuss anti-competitive practices in the drinks industry here; (26) Deputy Niamh Smyth - the need to progress the Down's syndrome centre for the north east in Carrickmacross; and (27) Deputy Louise O'Reilly - to discuss the need to implement Action 2.1 of A Healthy Weight for Ireland: Obesity Policy and Action Plan 2016-2025.

The matters raised by Deputies Fleming and Stanley, Burke, Kelly and Cullinane and Butler have been selected for discussion.

Ceisteanna - Questions (Resumed)

Other Questions

Flood Prevention Measures

6. **Deputy Aindrias Moynihan** asked the Minister for Public Expenditure and Reform the status of the report on the plan for flood relief works on the Upper Lee at Inchigeelagh, County Cork; when the project will progress to construction stage; and if he will make a statement on the matter. [29079/18]

Deputy Aindrias Moynihan: I have raised the issue of flooding in the Upper Lee in Inchigeelagh and Ballingearry several times here to see if householders and business owners could get protection from those floods, as well as peace of mind. The announcement by the Minister of State at the Department of Public Expenditure and Reform, Deputy Moran, in May which suggested that these schemes were not in the first tranche of works was greeted with disappointment in Ballingearry and Inchigeelagh, as the Minister of State can imagine. We want to establish how we can progress and what plan the Minister of State has to protect people in Inchigeelagh and Ballingearry from floods in the Upper Lee.

Minister of State at the Department of Public Expenditure and Reform (Deputy Kevin Boxer Moran): Since taking up office, I have been in Cork three times and I am fully aware of the issue of flooding. I thank the Deputies for the support they gave me in Cork and the officials of Cork County Council for the work they have done with the Department and the elected members in ensuring that the scheme we announced will get up and moving. In response to the Deputy's question, the catchment flood risk assessment and management, CFRAM, programme was announced in May with a proposed 118 schemes. It is not possible for me as Minister of State to announce all 118 schemes at once. We announced 50.

A proposed flood relief scheme for Inchigeelagh has been identified by the CFRAM pro-

gramme to be progressed at a projected cost of €2.56 million. This proposed scheme consists of flood walls and embankments and will protect 28 properties when completed. The proposed scheme is not in the first tranche of projects to be progressed but the OPW and the local authority will work closely together to ensure that it will be commenced as soon as possible within the timeframe of the programme of investment. Once consultants are appointed to progress the scheme, consultation with statutory and non-statutory bodies, as well as the public, will take place the appropriate stage to ensure that all parties have the opportunity to make an input to the development of the scheme.

Since I have launched CFRAM, I have worked closely with local authorities to drive on the small and minor schemes. We have gone around the country where some local authorities have taken that up while others are slow. In the case of Cork it is very much working with me in respect of the Inchigeelagh scheme. I am very hopeful that we will have another meeting soon to progress the scheme. I know the Deputy has raised it in the House with my predecessor and with me. I give credit to him for that. I assure him that I am working with the Department and the officials of Cork County Council to fast-track the scheme.

Deputy Aindrias Moynihan: I acknowledge that the Minister of State has met officials and locals and is I am sure well familiar with, and has a good understanding of, the anxiety for homeowners and businesses which are being flooded in various parts along the Lee. Now that it is clear that the Government is not putting these down as tranche one, are these schemes in Inchigeelagh and Ballingearry now shelved and stopped for some time or what action is being taken in the background? Surely there must be some work prepared for tranche two. What stages will these schemes be moved onto or are they parked up completely? If so, what can be done to ensure they get moving again because they are very badly needed not just for residential but also for commercial properties that are being flooded.

The Minister of State needs to take a holistic approach to the flooding. It is not just a question of walls along the villages, he needs to look up the Lee to opportunities for storing flooding, bogs, implications for forestry and so on.

Deputy Kevin Boxer Moran: CFRAM has identified all these schemes and looked for solutions. We are considering holding ponds and not just walls and so forth. When schemes start to develop and complete, others will be added. That is the process. Where I am working with local authorities, most of what the Deputy proposed here today can be done by the local authority driving on the scheme and we will support it with funding. I work with the local authority in Cork, particularly in respect of the scheme the Deputy has mentioned, and the local authority is working closely with the Department. I am hopeful that I will have the answer for the Deputy next time and that he will not have to raise it here again but that I can send him a letter letting him know it is starting. I am working closely with every Member, including the Deputy, and am very much aware of flooding around the country. I have been in every part of Donegal where I visited people who had water up to their waists. We sorted that out with funding and driving on the scheme. This is not the Deputy's first time raising this issue and I assure him we will fast-track this as well.

Deputy Aindrias Moynihan: To go back to one of my original questions, if Inchigeelagh and Ballingearry are not included in tranche one of the scheme does that mean it is shelved and set aside or is there action going on in the background preparing it for the next tranche? What action will be taken to do that? There has been talk of temporary works. Some temporary works were undertaken previously in Ballingearry on the Lee. There have been proposals for works

3 July 2018

in Inchigeelagh for several years but they will not be the solution because they are temporary. The river will bring back any gravel that is taken out and vegetation will grow back. We need to ensure the wider scheme, the holistic scheme all the way up the Lee valley and particularly the Upper Lee valley, would not be shelved. It needs to be advancing in the background and be shovel-ready when the next tranche happens.

Deputy Kevin Boxer Moran: No scheme has been shelved. The Department is working closely with all local authorities. I am giving the Deputy assurance today that if he goes to the local authority and asks it to take up the Inchigeelagh scheme and drive it forward I will support it with funding. We will work closely together with the local authority on that. That is what I have done since CFRAM was announced. I have gone around the country meeting local authorities to drive on schemes that the Deputy calls “shelved”. I do not call any scheme shelved. My job as Minister of State for the people of this country is to make sure that every person is looked after and that is what I intend to do.

Sale of State Assets

7. **Deputy Barry Cowen** asked the Minister for Public Expenditure and Reform the specific use to which the €400 million proceeds from the sale of Bord Gáis has been put; and if he will make a statement on the matter. [29056/18]

Deputy Barry Cowen: I seek clarification from the Minister regarding the €400 million proceeds from the sale of Bord Gáis. He told us in budget 2015 that those funds would be made available for social housing projects. It was further advanced that they would be specifically targeted towards the provision of affordable housing schemes. We have since heard that €10 million per annum would be allocated for 20 years, which amounts to €200 million. I am anxious to know where this money is. Is it with the National Treasury Management Agency, NTMA, or the Ireland Strategic Investment Fund, ISIF? Irrespective of where it is, is it earning money for the State? Where is it and to what use is it being put? We are a long way from the commitment that was made initially in 2015.

Minister for Public Expenditure and Reform(Deputy Paschal Donohoe): As the Deputy will be aware, the intention when Bord Gáis Energy was sold was that €400 million from the proceeds would be made available to establish an off-balance sheet financial vehicle to provide financing to approved housing bodies, AHBs. This funding, together with additional private funding, would then facilitate the provision of additional housing units by the AHB sector, in support of the Government’s social housing strategy.

The Government established a clearing house group to work with the sector with a view to developing a new model that could use the €400 million in this way. Unfortunately, it proved very challenging to find a model that would be capable of using the funding while remaining off-balance sheet in EUROSTAT terms. However, the clearing house group considered that there were aspects of the proposals considered that appeared to offer potential, in terms of the possible development of a new affordable rental initiative. This would seek to provide long-term affordable residential accommodation for low to moderate income worker households in urban areas of high demand.

In response to this outcome, it was decided to convert the commitment from a single lump sum payment to fund the initial capital cost of social housing provision into a commitment to

provide €10 million per annum, indexed for inflation, over a much longer period of at least 20 years. This ongoing funding could then be used to fund a pilot scheme for the provision of subsidised housing, thus making the housing available on an affordable basis over a 20-year period.

This additional €10 million in annual funding was allocated to the Vote of the Department of Housing, Planning and Local Government from 2017. I understand the Department of Housing Planning and Local Government is utilising this funding in supporting additional activity under its housing programmes.

Deputy Barry Cowen: In that case, the commitment made in 2015 no longer stands. The clearing house group rejected the proposal and found a model by which the funds could be used. A commitment was made in 2017 which amounts to €10 million per year, capitalised over 20 years, giving a total of €200 million. Where has the €400 million gone since 2015? Where has it been lodged? Where has it been resting? What has it accrued on behalf of the electorate, the people we represent? What benefit has this State and its inhabitants gained from the commitment the Minister made in 2015, which he has failed to honour since then?

Deputy Paschal Donohoe: As to where that money currently sits, an amount of money like that would sit on the State balance sheet. It is managed by the National Treasury Management Agency. On the question of what interest rate it has accrued for the State, given how low interest rates have been in recent years, I expect the interest benefits delivered to the State will have been very low. The Deputy will be aware of the challenges we have in terms of translating once-off Exchequer gains into ongoing expenditure. For this reason, we proposed an alternative use, which I described to the Deputy. This involves making €10 million available per year for at least 20 years to allow the Department of Housing, Planning and Local Government to move forward on more housing projects.

Deputy Barry Cowen: For two years the Minister failed to honour the commitment he made in 2015, as he recognised in 2017. He cannot tell me what the €400 million from the proceeds of the sale made in these two years. I implore him to make available to the House exactly what it made as quickly as he can. In the meantime, he committed €10 million per annum for 20 years at most, which amounts to €200 million. There is another €200 million for which he has not accounted. I ask him again what has happened to that money since 2017. What is likely to happen to it in the future? How can taxpayers be expected to believe they gained from the sale of Bord Gáis Energy when the Minister failed abysmally to honour the commitment he made to the same taxpayers, especially when we consider the money was to be used for housing? As we all know, housing has been the Government's greatest failure and an issue on which we hope to reflect when we discuss the budget in the coming months.

Deputy Paschal Donohoe: Given the Deputy is directing his questions to me, I should point out that at the time of budget 2015 I was not the Minister for Finance or the Minister for Public Expenditure and Reform. However, I take responsibility for commitments that are made-----

Deputy Barry Cowen: The Minister is a member of the Cabinet.

Deputy Paschal Donohoe: -----by either of my Departments up to this point. Regarding who manages the money, I have answered that question.

Deputy Barry Cowen: The Minister has not done so.

Deputy Paschal Donohoe: As to the benefit the State might gain from it, money that goes

3 July 2018

onto the State balance sheet in the way this windfall gain would have done reduces the net indebtedness of our State. That, in turn, means we can fund ourselves better than we would be able to do otherwise.

In terms of where the other €200 million would reside and how it would be used-----

Deputy Barry Cowen: Was it used to write down debt?

Deputy Paschal Donohoe: -----as I said, the commitment is for at least a 20-year period and if an extension of funding is needed beyond that 20-year period to move forward on an affordable housing project, I would be happy to give that commitment and I will work with the Minister for Housing, Planning and Local Government, Deputy Murphy, on it.

Public Sector Pay

8. **Deputy Mick Barry** asked the Minister for Public Expenditure and Reform the estimated cost of eliminating all forms of two-tier pay discrimination in the public service; and if he will make a statement on the matter. [29101/18]

10. **Deputy Richard Boyd Barrett** asked the Minister for Public Expenditure and Reform his plans to remove pay inequality for new entrants in the public sector in view of the current economic position; and if he will make a statement on the matter. [29109/18]

106. **Deputy Joan Burton** asked the Minister for Public Expenditure and Reform the status of the negotiations with regard to pay equalisation; the timeline for negotiations to conclude; and if he will make a statement on the matter. [29010/18]

Deputy Mick Barry: My question asks the Minister to set out the estimated cost of eliminating all forms of two-tier pay discrimination in the public service, and to make a statement on the matter.

Deputy Paschal Donohoe: I propose to take Questions Nos. 8, 10 and 106 together.

Under the Public Service Stability Agreement 2018-2020, which we negotiated last year, it was agreed by all parties that there would be an examination of remaining salary scale issues in respect of post-January 2011 recruits at entry grades. The agreement stated that this would be undertaken within 12 months of the commencement of the agreement.

In addition, when the legislation to give effect to the terms of the agreement, the Public Service Pay and Pensions Act 2017, was going through the Oireachtas the Government accepted an amendment at section 11 which provided that within three months of the passing of the Act, I would prepare and lay before the Oireachtas a report on the cost of dealing with pay equalisation for new entrants to the public service and a plan for doing so. This was a significant body of work, which was carried out by the Irish Government Economic Evaluation Service. On 16 March last, I submitted the report on the matter, which outlined the figures in this regard. It would be a two-point adjustment overall for our public services, involving an annual cost of €200 million.

Discussions on this issue with public service trade unions and representative associations commenced in October 2017, with a further plenary meeting taking place in April and further

discussions taking place since then.

Deputy Mick Barry: The two-tier pay discrimination is still very much in place. Apart from being bad news for young workers, it is bad news for our public services because the Minister cannot fill much-needed positions in the public service, partly because of low basic pay rates but also because of two-tier pay discrimination. In teaching, he cannot fill the positions in mathematics and information and communications technology, ICT. In the Defence Forces, he cannot fill the positions for engineer artificers. However, the impact of this on nursing was highlighted dramatically this week. According to information received by *The Irish Times*, the Bring Them Home campaign has attracted three nurses to return so far this year. Four years after a target was set to bring home 500 new nurses, 120 nurses, or less than 25% of the target, have come home. There is a global market. Ireland is not competitive and the question of two-tier pay is not helping in that regard.

It is clear what needs to be done. First, the Minister needs to increase basic pay rates for these grades and, second, he must end the scandal of two-tier pay, not just for young workers but for our public services.

Deputy Paschal Donohoe: Since 2011, our public services have hired more than 60,500 new entrants. The Deputy mentioned two professions. We have hired some 16,000 more teachers and nearly 10,000 more nurses. Earlier I provided information to Deputy Jonathan O'Brien in which I indicated that during the first four months of 2018 the HSE hired the equivalent of 380 more persons per month. It is not the case that we have broad recruitment difficulties within our public service. We are able to hire, recruit and retain excellent individuals to pursue careers within our public services to deliver the services that are so important to our society.

Where we have specific difficulties that need further inquiry the Public Service Pay Commission will address these. It will report on these issues in July. On the basis of the report, we will then engage with representative bodies in the health service on the issues raised.

Deputy Mick Barry: The Minister, Deputy Donohoe, must be the only person in Irish society who does not believe there is a problem recruiting and retaining nurses for our hospitals. I will leave him on that.

Tomorrow in Macroom, County Cork, young archaeologists who have been working on the Macroom N22 bypass will place pickets over a dispute on union recognition and low pay. Their direct employer is the Irish Archaeological Consultancy, IAC, but it is working to a State contract. These young people have degrees, master's degrees and ten years' experience and yet they are on €12.50 per hour. Compare this to the more than €17 per hour earned by a general operative in the construction industry. The two-tier payscales for teachers and nurses is the direct responsibility of the Government but the low pay and effective two-tier pay rates for young workers such as these archaeologists are indirectly the responsibility of the Government, which continues to give State contracts to employers such as theirs. This is also exploitation, direct and indirect, and both should end.

Deputy Paschal Donohoe: The State has no intention to exploit anybody for their services or work. We do not. If the Deputy or any group have concerns in this regard they know all the mechanisms and options that are open to them. I had hoped that Deputy Barry's views on the job market would also acknowledge the latest unemployment figures, which have come from the CSO today, that show the unemployment rate is 5.1%. There are 34,000 fewer people with-

3 July 2018

out a job now than one year ago. This is a sign of living standards and jobs being created for people due to policies that Deputy Barry has constantly disputed and challenged, as is his right. It is, however, getting to a point of creating employment which is seeing the unemployment rate move to that level.

On the core point put to me in Deputy Barry's initial question, we have a process under way with the unions on new entrants' pay. As I indicated earlier to Deputy Barry Cowen, I am approaching this process in good faith to see if progress can be made in this matter.

An Leas-Cheann Comhairle: As the Minister is taking questions Nos. 8, 10 and 106 together I invite Deputy Boyd Barrett to ask his supplementary question.

Deputy Richard Boyd Barrett: Between 2011 and 2017 applications for second level teaching have dropped by 62%. By any measure this is a dramatic reduction in the number of people who apply to go into second level teaching. The Minister can quote figures about increased recruitment, which is not hard given what happened during the austerity period and the slashing of public sector numbers, but the fact remains that we are having extraordinary difficulty in attracting people into teaching and nursing. Another group I have mentioned before as suffering this pay inequality is the service officers and ushers in Dáil Éireann who came in after 2012. They get less pay than those who came in before them, and with whom they work side by side. How can this attract people?

Consider the gap between the earnings, which is a second, lower tier of new entrants' earnings, and the costs of accommodation or being able to buy a house. This is the same generation, 25% of whom now believe they will never under any circumstances be able to afford a house. Consequently, some 60,000 mostly younger, educated people are leaving the State every year. They cannot live here.

Deputy Paschal Donohoe: Because of changes we have seen in Dublin and some of the other larger cities I absolutely understand that those people who work in our public services, and especially during the early part of their careers, are facing challenges around affordability for rent or mortgage payments. I can see this in many parts of the country and I can see it happening in Dublin. I shall outline our response to this. I remember that for many years Deputy Boyd Barrett called for the unwinding of the financial emergency measures in the public interest legislation, FEMPI. This is now happening. The Deputy put points to me. He is very fair-minded and always comes forward with solutions and ideas on how he thinks things could be done differently. Perhaps the Deputy will acknowledge that this year two pay increases were made available to our public sector workers, one of which is already happening and the other will happen in September or October. This was done to recognise the fact that our public servants took wage cuts in response to exceptional circumstances within our economy. As those circumstances have changed we have looked to put in place the unwinding of the FEMPI legislation, which is well under way.

With regard to new entrants' pay, I reiterate that I am engaged with the unions on the matter but it goes beyond teachers. If a solution is put in place for any part of our public services it will need to apply to all.

Deputy Joan Burton: Will the Minister indicate when he plans to roll out the supplementary pension, with regard to public service pensions?

An Leas-Cheann Comhairle: As the Minister is taking questions Nos. 8, 10 and 106 I will

invite Deputy Joan Burton to ask her supplementary question for Question No. 106 if she wishes. It concerns the status of pay equalisation. Deputy Burton can ask Question No. 9 shortly.

In the meantime Deputy Boyd Barrett can ask one more short supplementary question.

Deputy Richard Boyd Barrett: There has been some unwinding of FEMPI but at the end of the current pay agreement public sector workers will still be earning less than they were earning in 2008. This is pretty extraordinary. In 2018 public servants will earn less than in 2008. Government spokespeople claim that it has closed 75% of the new entrant pay gap. This is not true. For the first 13 years the gap is more like 50% to 60%. Over a full career the gap is closed by some 75% but most of the difference hits people when they are younger and for the first 13 years when it remains a 50% to 60% gap. This is why people cannot afford anywhere to live. That such a pay gap exists is unacceptable in any event. I put it to the Minister that such a gap has to be closed immediately or we will not solve the recruitment problems and the desperate problems in getting people into the health and education sectors and into other areas of public service. I have not the time now to go into the details but we have put forward many proposals where other groups could be taxed to finance such a measure.

An Leas-Cheann Comhairle: Deputy Joan Burton can now ask her supplementary question on this group of questions.

Deputy Joan Burton: It is very simple. When does the Minister propose to proceed with the expansion of the age limit for employment in the public service? Many people want to retire early while there are others who want to stay on. The Minister indicated that he would raise the age of retirement and abolish the compulsory retirement age in line with many other countries. How has that work progressed?

Am I also dealing with Question No. 9?

Deputy Richard Boyd Barrett: No. That is later.

An Leas-Cheann Comhairle: We will deal with that in a minute.

Deputy Joan Burton: When does the Minister propose to proceed with abolishing the compulsory retirement age in the public service?

Deputy Paschal Donohoe: Two different elements are at play. I will publish the legislation on Thursday. There will be a Government meeting that morning, to which I will bring legislation in order to deliver what the Deputy mentioned. I hope and anticipate that it will be agreed by the Government and published that day. Depending on whether the Business Committee makes time available, I expect the legislation to pass quickly through the Houses. However, we have interim measures in place, of which approximately 100 members of the Civil Service have taken advantage.

Regarding Deputy Boyd Barrett's remarks about FEMPI, public servants and their earnings now compared with 2008, that is not the case. If someone was on a lower level of earnings in our public service prior to the crash, he or she is now back at that level. The Deputy is right about people on middle incomes, in that there is still a difference, but that is because the pension-related deduction that was introduced on a temporary basis has since been legislated for on a permanent basis. We are asking those who work in our public services to make a longer contribution to the funding of the pensions that they will avail of later in life. If someone was

3 July 2018

on a high income level prior to 2008, what he or she is earning now is still below that level.

Public Sector Pensions

9. **Deputy Joan Burton** asked the Minister for Public Expenditure and Reform when he plans to roll out the supplementary pension in respect of public service pensions; and if he will make a statement on the matter. [28991/18]

Deputy Joan Burton: This is a continuation of my previous comments. As the Minister indicated, there is a provision for people to stay on in the public service if their employers so wish. However, if someone decides to stay on, for example, an usher in the Houses, beyond the retirement age of 65 years, he or she will effectively be in a supplementary position. People are being advised that they will revert to the first point on their employment scales, which is a significant loss of approximately €100 per week. I am wondering what is the logic of this.

An Leas-Cheann Comhairle: I am sure we will get the answer.

Deputy Paschal Donohoe: That is different from how the Deputy's written question was interpreted. The written question refers to the supplementary pension, which I took to refer to the future of auto-enrolment. Clearly, the Deputy-----

Deputy Joan Burton: Sorry. There was confusing correspondence on the question.

An Leas-Cheann Comhairle: The Minister might-----

Deputy Joan Burton: If he wishes to answer me, that would be fine.

An Leas-Cheann Comhairle: We are short on time.

Deputy Paschal Donohoe: I am aware of the matter-----

Deputy Joan Burton: Given the reference to supplementary pensions-----

An Leas-Cheann Comhairle: Deputy, we are short on time and others are waiting.

Deputy Joan Burton: -----and the fact that auto-enrolment was not mentioned, I believed this was about the Department of Finance's supplementary pension.

An Leas-Cheann Comhairle: If the Members wish to deal with this outside, I would be happy.

Deputy Paschal Donohoe: No, I will answer the question the Deputy has just raised. Her previous question was on the abolition of the retirement age for people who worked in our public services.

Deputy Joan Burton: They are related.

Deputy Paschal Donohoe: Yes. The Deputy's current question is on the principle of abatement and why it is the case that someone who avails of the interim arrangements returns on the minimum point on the salary scale, which gives the appearance of his or her weekly or monthly income being below what it was. We now have a well-established principle in our public services that, if a retiree is rehired, he or she resumes work on the minimum point. This is to en-

sure that the combination of the salary earned and the pension payment received is not greater than what he or she would have been earning had he or she remained in full employment.

In any event, this arrangement will fall when the full legislation is enacted. I anticipate that the legislation will be passed by the Houses quickly, given the level of support for the measure.

Deputy Joan Burton: I am asking these questions for a reason. It is clear that, at all levels in the public sector, a significant number of retirements are taking place. Many others are in the cohort approaching retirement age. People must make that decision some years, if not months, in advance and consult their families. Across the public service, people of considerable skill and experience would like to stay on.

Regarding those on the supplementary pension scheme, I welcome the Minister's statement about his forthcoming legislation. There is talk of an election in the autumn. The Minister might comment on that as well if he likes, and he and Deputy Cowen might reach an agreement across the floor. We need a plan to incentivise people with particular skills, expertise and experience to stay on, given the growing skill shortages in the public service.

Deputy Paschal Donohoe: The Deputy spoke about retaining experienced staff. Thankfully, people are staying healthy for longer and many want to work for longer. People also find themselves having to support families now in a way that previous generations did not.

The Deputy asked for a plan. We have one. It is in the legislation that I will bring to the Government meeting on Thursday. Once passed, it will provide a framework for legally allowing those who want to work for longer to do so. The cause of many of the questions on this matter that I have dealt with in recent months relates to the interim measures that we introduced. Had I not introduced those, however, none of the workers in question would have been in a position to stay on for longer. Approximately 100 people currently working in the Civil Service would not be there now.

Question No. 10 answered with Question No. 8.

Community Sector High Level Forum

11. **Deputy John Curran** asked the Minister for Public Expenditure and Reform if the community sector high level forum has met since its meeting on 23 November 2017; the progress in regard to pension provisions for supervisors and assistant supervisors of community employment schemes; if reports from these meetings will be provided; and if he will make a statement on the matter. [28777/18]

Deputy John Curran: The Minister will be aware of the Labour Court recommendation on the issue of pensions for community employment, CE, scheme supervisors and assistant supervisors. That recommendation is being discussed by the community sector high level forum. When did the forum last meet and what progress has been made to date on the recommendation?

Deputy Paschal Donohoe: An issue that has been under discussion by the community sector high level forum relates to CE supervisors and assistant supervisors, who have been seeking, through their union representatives, the allocation of Exchequer funding to implement a Labour Court recommendation. The group met in April 2017. My Department outlined its intention to conduct a detailed scoping exercise. A meeting of the forum then took place on Thursday, 23

3 July 2018

November. A follow-up meeting took place on Friday, 15 December. Formal arrangements to meet on the matter are the subject of deliberation between the parties and remain to be finalised.

The minutes of the meetings await formal approval by the parties to the forum and on such approval will be publicly available on my Department's website. Previously approved minutes are on the website of the Department of Public Expenditure and Reform. It continues to be the position that State organisations are not the employer of the particular employees concerned and that it is not possible for the State to provide funding for such a scheme. The employees in question are or were employees of companies, notwithstanding the fact that the companies concerned are, or were, in receipt of State funding.

Deputy John Curran: I thank the Minister. I received most of what he read out before, either in debates in this House or in previous questions. I am specifically concerned that he indicates the discussions with the high-level forum. There have been no discussions in 2018. The last date he gave was December 2017. It seems that we are kicking the can down the road. There is no enthusiasm to get a conclusion with this issue. The high-level forum addressing the issue met on three occasions in 2017 that the Minister called out - he can correct me if I am wrong - and has not met this year.

I appeal to the Minister to ensure that the high-level forum meets soon. I find it difficult to understand why none of the minutes of meetings that took place in 2017 have been made available or published and why it is not the case that one meeting would approve the minutes of the previous meeting, which is a common practice. I appeal to the Minister with regard to the high-level forum. These people have given years of service and are in a situation where the Labour Court recommendation is not being acted on.

Deputy Paschal Donohoe: The difficulty we have with this is the massive costs relating to it that we outlined in response to the Private Members' motion from the Deputy's party. I have shared and indicated in the Dáil before that we estimate the potential cost to the State of this as being between €188 million and €347 million per annum. This is in addition to the call for the Exchequer to provide a lump sum payment for a pension, which, depending on the size of the settlement to those who look for it, could have a cost of up to €318 million.

Looking at the different points the Deputy has raised, such as why the minutes have not been approved, that is a matter for the forum and its participants. I agree that the minutes should be on the website and I will see what the difficulty is with it. Should the forum meet again, the challenge that we have is with the figures that I have shared with the Deputy. From all that I have learned about industrial relations in our public service, as the Deputy knows, and his party knew it when it was in Government which is why progress was not made on the matter, if the principle is accepted that the State has to provide a pension for employees of an organisation, even if that organisation is not the State, the knock-on consequences of this are massive. That drives the figures I am sharing with the Deputy.

Deputy John Curran: To be brief, we have a problem. The Minister acknowledged there would be a high cost because of other groups. I acknowledge those issues. I do not have the breakdown of figures that the Minister has. On the other hand, the other side of the equation is that there is a Labour Court recommendation to be dealt with and it is not going away. The problem is that this high-level forum was established to address the Labour Court recommendation and it seems to have come to a standstill. There is no progress, no process and there is no outcome. People who have been community employment supervisors or assistant supervisors

are effectively left in limbo. That is a most unsatisfactory position for them. I speak on their behalf when I present this.

I acknowledge there may be other implications. I have heard the Minister say it before. He quoted some figures today. The global figure has been quoted and it is quite a wide range, at half or double, whichever way one is looking at it. No breakdown of where that has come from has been made available to me, and I do not think it has been made available to this side of the House. I appeal to the Minister to ensure that the high-level forum convenes again, deals with the issue and publishes the minutes of its previous meetings. These people are entitled to that level of transparency on foot of the Labour Court recommendation that has been made.

Deputy Paschal Donohoe: I do not know what the difficulty is with the publication of minutes from the previous forum meetings. I will follow up on that. We have not been able to reach agreement on the matter because, while the Deputy is speaking strongly about those who are especially affected by this, if the State were to agree to funding pensions for organisations to which it has contributed but which are not of the State, where would we end up with the wide range of organisations involved in providing childcare services or section 39 organisations? We provide funding to all of those organisations but we do not pay for the entitlements of the employees. That is the issue that I and all of my predecessors have grappled with. Those predecessors go back to when the Deputy's party was in government, when this recommendation was issued. That is the cause of the challenge that we have had in making progress on this matter.

Coastal Protection

12. **Deputy James Browne** asked the Minister for Public Expenditure and Reform the position regarding coastal protection in County Wexford, particularly at Ballygeary and Rosslare Harbour; and if he will make a statement on the matter. [29067/18]

Deputy James Browne: I ask the Minister for Public Expenditure and Reform the position regarding coastal protection in County Wexford, especially at Ballygeary and Rosslare Harbour, and if he will make a statement on it.

Deputy Kevin Boxer Moran: I visited Wexford. Wexford has done very well since the announcement of the catchment flood risk assessment and management, CFRAM, scheme when we announced two schemes in Wexford town and one in Enniscorthy. Everybody in the House has raised questions about coastal erosion and put it down that my Department deals with coastal erosion when it is in the remit of local authorities. We work closely with every local authority to see if we can establish and come up with a scheme to make it work.

I am advised that a detailed study commissioned by Wexford County Council which fully investigates the problem of coastal erosion and flood risk at Rosslare and examines the full range of management options to address the problem is nearly completed and that a submission based on the study findings will be made shortly by the county council to the Office of Public Works about coastal protection for the Rosslare area in general. When received, the submission will be given due consideration by the Office of Public Works. With regard to Rosslare, which the Minister of State, Deputy Kehoe, has raised with me on a number of occasions, as the Deputy has in recent months, I am in a position to say that once that report comes to my desk, we will be able to fast-track that, and we are working closely with local authorities.

3 July 2018

Deputy James Browne: I would be particularly concerned about this issue because we know that Irish Rail has threatened to shut down the railway line between Dublin and Rosslare Europort, especially south of Gorey. I would hate to see this as being a badge of convenience for Iarnród Éireann to shut down that railway line. There was a report from the Department of Transport, Tourism and Sport which said that Irish Rail faces shutting down this railway line due to coastal erosion within ten years if action is not taken.

I note that the Minister of State says it is the responsibility of the local authority. The costs involved in protecting the coastline around this railway line include handling very high cliffs. The local authority would not be in a position to fund that in and of itself. I expect that the Department will properly fund Wexford County Council. We cannot lose that railway line in the face of Brexit. It is vital to the survival and development of Wexford tourism, to the county itself economically and for access to Rosslare Harbour where our roll-on, roll-off trucks will inevitably have to gain access to the Continent.

Deputy Kevin Boxer Moran: We are waiting for the report that will come in from the local authority to my Department. At that stage, we may have to engage with the different bodies that this affects, such as, as the Deputy says, CIÉ and other bodies that this may fall on. We will have to work together to make sure that what the Deputy is outlining does not happen. It is unfair for anyone in the House to say that something may close or may happen to tourism. We should prefer to say to wait for the report. When dealing with that report, we can try to find a solution for all so that what the Deputy has outlined does not happen.

Deputy James Browne: I do not think it is unfair. Perhaps if the Minister of State had invited people other than Government politicians to Rosslare Harbour, he might have been given an alternative view. Be that as it may, Iarnród Éireann, in its own report, threatened the closure of the railway line south of Gorey. It is not me saying this. I am relying on Iarnród Éireann which made that information public. The coastline is rapidly being eroded and that must be addressed urgently. I ask the Minister of State to engage with the local authority to ensure the necessary funding is provided.

I am aware that funding for flood relief in Enniscorthy has been moved to the next stage but that was done two years behind schedule. Promises were made on this issue and we cannot afford to wait. If the railway line closes, it will cause serious economic damage and not just to County Wexford. Following Brexit, access to Rosslare Europort will have to be developed. I note there is still no plan for the port, despite the likelihood of a hard Brexit coming down the line.

Deputy Kevin Boxer Moran: In fairness, I met Deputy Browne the day we launched the flood relief plan for Enniscorthy. It is widely known that I travelled around all of County Wexford on that day. I was on social media and the local radio station and others were well aware of where I was. Deputy Browne was welcome to attend the launch if he wanted. Perhaps he would be better off posing his question on rail services to the Minister for Transport, Tourism and Sport. I will not know what is in the report until it is put on my desk. The right way to deal with the issue is to wait for the outcome of the report and meet the various Departments. It is very easy for Deputy Browne to say this and that did not happen.

The Deputy asked a question about Enniscorthy. Since taking office, I have delivered on the scheme for Enniscorthy.

Deputy James Browne: The Minister of State is two years behind schedule.

Deputy Kevin Boxer Moran: The scheme is on public display. The people of Enniscorthy look forward to the project going ahead. I have given Deputy Browne a positive answer to what he has asked me today. We will deal with the matter, but it may require other Departments to sit around the table also. I do not like people saying CIÉ will stop rail services. That is unfair until the report comes to my desk and we can deal with it properly.

Written Answers are published on the Oireachtas website.

Topical Issue Debate

Electricity Transmission Network

Deputy Sean Fleming: I welcome the opportunity to raise the issue of the major electricity transmission project at Coolnabacca, Ratheniska, County Laois, which the Minister is aware is built on a very important local aquifer. On Thursday, 21 June Deputy Stanley and I were at a very well attended public meeting in Ratheniska on this matter. A local committee has been in touch with me in the meantime asking that I make the following points when I raise the issue with the Minister in the Dáil. At the meeting, it was proposed that the three local Deputies - the Minister for Justice and Equality, Deputy Flanagan, Deputy Stanley and I - seek collectively to meet the new CEO of EirGrid, Mr. Mark Foley. The committee asked me to ensure the local group is represented at such a meeting. It would be useful and normal for elected Members to bring a local delegation to such a meeting and I hope when the meeting takes place the group will be involved. We have been asked to ensure that any such meeting will be in the context of EirGrid not proceeding with the project, which has not received public support. The Minister, Deputy Flanagan, asked EirGrid to pack up and leave the county and not to come back. I reiterate that statement. Too much damage has been done and trust in EirGrid and the ESB, as the operative for the proposed project, is at an all-time low in the local area. The committee does not see much value in meeting EirGrid and I understand the reason it has taken that view given the number of times it has been let down. Nevertheless, I urge its members to attend the meeting. As public representatives, we are standing by this group which has been shabbily treated by EirGrid, not to speak of An Bord Pleanála, which bullied it for costs on the steps of the court and forced it to withdraw from the process at a moment's notice.

I made a commitment to table a parliamentary question seeking the details of the officials who met EirGrid to discuss this matter some time ago. The Minister kindly gave us an information note on that meeting last week. We want to know who authored the note. I have sought information on the tender document for the construction work, which should be a public contract. We want to see precisely what work is to be carried out. I will believe what I read in a tender document and given that people have difficulty believing what EirGrid might say, I want to see a copy of that document as soon as possible.

Deputy Brian Stanley: I welcome the opportunity to raise this issue. Like Deputy Fleming I attended a meeting in Ratheniska a week ago last Thursday. It is a small community but there was a large attendance at the meeting as people are very concerned.

3 July 2018

The approach taken by EirGrid provides a good template for how not to proceed successfully with an infrastructural project. It has lost the confidence and trust of the community. People do not believe what they are being told about the project. The request by the local community to meet EirGrid to discuss the project has been refused. EirGrid's management of the planning process has been fast and loose. Last year, the company acted outside the terms of the planning process and had to be reined in.

No clarity has been available on the necessity for the Laois-Kilkenny reinforcement project. The Minister received a letter from the Oireachtas committee seeking information on what assessments were carried out on the need for the project, which will cost more than €100 million. There has been no transparency from EirGrid. This is a dreadful situation. There are major concerns about the aquifer and the issue must be addressed. What assessments have been carried out in regard to it?

The issue goes beyond the townland of Ratheniska and nearby Timahoe or Coolnabacca, it concerns the centre of Laois. The aquifer serves between 8,000 and 10,000 people and we have major concerns about it. The EirGrid station is on top of the aquifer. A person who attended a pre-planning meeting to discuss building a small house in an adjacent area was told by the local authority not to bother applying because the application would probably be refused. That is the position, rightly or wrongly, yet EirGrid plans to build directly on top of the aquifer. The project is expected to cost €110 million. Where is the cost-benefit analysis?

Minister for Communications, Climate Action and Environment (Deputy Denis Naughten): I thank colleagues for their flexibility in having the debate today rather than last Thursday when I was not available. I welcome the opportunity provided to me by the Deputies to discuss what is an essential electricity grid enhancement project for the midlands. To ensure the national electricity grid is fit for purpose in modern times, it is necessary to carry out grid refurbishment and enhancement on an ongoing basis. In this, EirGrid and ESB Networks work in close co-operation with the ultimate goal of enhancing the national electricity grid in order that it can support Ireland's continued economic development.

I am informed that the Laois-Kilkenny electricity grid reinforcement project is required to improve the security of electricity supply in the midland region. This €110 million investment in the area will ensure the electricity network can meet current and future needs of all users, from homes and farms to small businesses and industrial customers. The Coolnabacca electricity station in County Laois is part of the project, which was granted planning permission in 2014 by An Bord Pleanála. As part of the planning process for the project, an environmental impact statement was completed.

The previous debate on this development in June of last year was triggered by a regrettable and unacceptable breach of planning, when works started at the site in April 2017 without the planning conditions being discharged. The site was restored to its original state by September 2017 and EirGrid and ESB Networks have since reviewed their processes internally to ensure such an oversight does not occur in the future. Following a commitment I made during the debate, my colleague, the Minister for Justice and Equality, and I attended a meeting with members of the community on 18 January 2018. At the meeting, the Ratheniska, Timahoe, Spink and surrounding areas substation action group outlined aspects of the project with which it was dissatisfied. These aspects covered issues of concern from the origins of the project in 2009 to the present day. I listened carefully to the many views expressed and I undertook to further consider the issues raised. After the meeting, my officials set about examining these issues and to

that end they have engaged with EirGrid, the Commission for Regulation of Utilities and other parties. In response to Deputy Fleming, I asked that those issues be addressed. My officials followed them up with EirGrid and the other agencies. I gave a copy of the report to Deputy Fleming when it was presented to me.

I will relay the Deputies' request for a meeting and associated comments directly to EirGrid. I do not have the requested information in regard to the tender documentation. As much documentation as possible should be put into the public domain and I will also relay that request to EirGrid.

I will follow up the point raised by Deputy Stanley in regard to the correspondence from the committee with my office and ensure it is responded to.

Local groups have claimed that the aquifer in the area is being harmed. Water hydrology was fully considered in section 8 of the environmental report submitted with the planning application, which is available on the EirGrid website. It states:

Although for the wider groundwater body hydraulic continuity exists between the Sand and Gravel deposits and the bedrock aquifer, within the localised site area any groundwater in the sand and gravel deposits is not expected to be in hydraulic continuity with the bedrock aquifer underlying the site. This is due to the presence of a proved significant thickness of low permeability Clay deposits, with between 2.7m to 6.8m of clay proved beneath the Sand and Gravel deposits. The clay encountered during the investigations is described as stiff to very stiff at depth, and this stiff clay will impede any vertical groundwater flow.

The aquifer was discussed as part of the oral hearing in 2013. During the examination of the issues raised, the Geological Survey Ireland, GSI, groundwater expert carried out a desktop review of the issue and provided a report. In summary, the GSI confirmed that a locally important sand and gravel aquifer underlies the region around the site of interest and noted that the proposed development is outside of any known groundwater drinking water supply source protection zone. I hope that clarifies the issue on the aquifer.

Deputy Sean Fleming: I ask the Minister to supply his script because he only dealt with the first half of it.

Deputy Denis Naughten: I was trying to answer the questions raised by the Deputies.

Deputy Sean Fleming: The Minister was ad-libbing. Okay, it will be in the Official Report. He acknowledged that the project was mishandled, which led to an understandable breach of trust and much anger. The tender documentation should be made available on *etenders.gov.ie* or elsewhere such that people can precisely compare what is being constructed with the plans. I ask the Minister to make it publicly available or request that EirGrid does so.

The development is the subject of an ongoing non-compliance complaint against Ireland to the Aarhus Convention Compliance Committee. The case was taken by the Ratheniska, Timahoe, Spink and Surrounding Areas Substation Action, RTS, group. A complaint has also been made to the European Commission for breaches of European Union environmental directives. It is unwise to plough tens of millions of euro of Irish taxpayers' money into a project such as this, which is subject to ongoing non-compliance proceedings and it would be more prudent to wait until the proceedings are concluded. I ask that the Minister ask EirGrid to wait until those matters are fully concluded before anything else is done on the site. We look forward to the

3 July 2018

meeting with the EirGrid officials and representatives of the local group.

Deputy Brian Stanley: At the meeting in Ratheniska two weeks ago, I proposed that the three Deputies meet the chief executive officer, CEO, of EirGrid and representatives of the RTS group. This is a substantial project but the €110 million cost is excessive. The local community is concerned about what else is proposed by EirGrid. There is an issue of trust, the community having previously been misled. There is a concern that there will be further development and that will cause further problems in regard to the electricity network in the area. I look forward to the reply of the Minister to the committee regarding the cost-benefit analysis and the need for the project. I acknowledge his comments in regard to the highlights of the environmental report, which we have previously looked at.

A huge amount of oil will be stored in the substation. There have been serious fires at similar stations in Britain and other countries and there are significant concerns in that regard. The RTS group made a complaint to the European Commission in 2015 and another under the Aarhus Convention, which has been accepted. The Government must accept that those proceedings are ongoing and the Minister, as shareholder on behalf of the public of this State, must meet the CEO of EirGrid and put the brakes on this project until all of these matters, including safety issues, are cleared up.

An Ceann Comhairle: We will have to put the brakes on Deputy Stanley.

Deputy Denis Naughten: I reiterate the essential responsibility to ensure that Irish citizens have ongoing secure access to electricity via a world-class electricity infrastructure which rests with EirGrid and ESB Networks. They undertake their work in this regard under the auspices of legislation and in the common interest, which is critical. It is clear that most of the development in Ireland now meets with some opposition. In this case, some local people believe the development is undesirable and continue to express their views on it through lawful protest. We must also remember that the project was awarded planning permission. Ireland's planning process is rightly regarded as one of the most comprehensive and participatory in Europe. As part of the planning process for the project, an environmental impact statement was completed in which the potential impacts on the aquifer and water table were fully considered under section 8. The reports to which I earlier referred are publicly available and I urge Deputies to review the relevant commentaries, which I trust will fully address their concerns. Full planning permission for the project was granted in April 2014. That decision was subject to judicial review proceedings that were dismissed in January 2015. EirGrid and ESB Networks are now carrying out their operational responsibility in attempting to develop the site. I am aware that the RTS group has organised protests at the site. As EirGrid and ESB Networks have no desire for confrontation, they have not attempted to access the site in recent days. I am sure both organisations would be happy to brief the Deputies and the wider community on any and all aspects of the project. Only one right of way is required to access the site, which is now owned by ESB Networks and the right of way has now been secured.

Inland Fisheries

Deputy Peter Burke: I thank the Minister of State, Deputy Kyne, for taking this Topical Issue. I also wish to put on record my appreciation for his efforts in securing the future of Cullion fish farm in Mullingar. He attended a public meeting with me and Councillor Andrew Duncan on the matter and I am happy to note that the fish farm remains a key component of the local

infrastructure that keeps our lakes in good condition for anglers.

I raise the issue of the failure to designate Lough Ennell as a wild brown trout fishery. The largest trout caught in Ireland, weighing 26 lb, was caught in Lough Ennell, which encompasses an area of 3,540 acres or 14.3 sq. km. Two thirds of its area is less than 25 ft deep and it has a pH of 7.5, which enables the production of large quantities of fish food.

6 o'clock

There has been no man-made intervention to the lake, which makes it a natural brown trout lake and a world leader in that respect. There are several brown trout lakes in the European Union but Lough Ennell is the jewel in the crown as it is not stocked by fish farms and is unique in terms of the replenishment of fish food and production of trout. Anglers have repeatedly noted the remarkable composition and colour of trout from Lough Ennell. Some are shaped like summer salmon, which is very unusual, and coloured like sea trout.

It is also noted that they are a hard fighting fish, which is part of their genetic make-up and is case specific to the lake. It is important to point out also that the water quality in Lough Ennell has improved significantly, and excelled in recent years, culminating in huge numbers of anglers coming to the lake.

The critical concern to us in Westmeath is that if Lough Ennell is not included on its merits in this designation, it will be left off the map for future investment and there is no doubt that investment is required in this area. It is important to note that the lake has not been stocked in the past, which means it is authentic and ensures the quality of fish in the lake, which are very resilient and have their own unique traits. That attracts people to the lake.

Angling is a key component for our local economy. It keeps many towns and villages sustainable and the number of visitors who come here from around the world ensures the economy remains vibrant.

The Minister had to go through a public consultation process, which he has initiated in terms of a number of lakes, but one lake in particular stands out from the rest due to its specific natural components and the fact that those in the angling profession recognise the key components of Lough Ennell as a world leader in its field. I would appreciate it if the Minister could provide a mechanism or some hope that it would be included in the wild brown trout designation in the future because that is essential for investment in the area.

An Ceann Comhairle: Having saved the fish farm, the Minister of State will have to save the lake as well.

Minister of State at the Department of Communications, Climate Action and Environment (Deputy Seán Kyne): I thank Deputy Burke for putting down this Topical Issue matter and for his interest in all things angling in Westmeath, Longford and elsewhere. He has raised matters to do with angling with me on a number of occasions and showcased its importance for County Westmeath and the midlands.

As the Deputy knows, I have given notice of proposals to make a designated salmonid waters by-law and instigated a public consultation where observations on the draft proposals may be expressed at any time during a 21 day period which concluded at 5 p.m. on 25 May 2018. In total, 5,531 submissions were received in this process. A small number were received regarding Lough Gill. More than 16 issues were raised during the process, one of which we have categorised to include Lough Gill as part of the by-law.

3 July 2018

The overall intention behind the proposed draft by-law is to afford additional protection to wild brown trout and its scope is confined to seven distinctive State-owned waters where established stock control measures are already in place as a matter of existing policy. The seven waters are Lough Sheelin in the Limerick fishery district, Lough Conn and Lough Cullin in the Ballina fishery district, Lough Corrib, Lough Mask and Lough Carra in the Galway fishery district and Lough Arrow in the Sligo fishery district. These seven limestone lakes are unique in terms of topography and trout habitat and have been managed as wild brown trout fisheries via established stock management programmes. From that perspective, these waters are especially important.

The proposed by-law would give statutory status to the policy designation of this small number of distinctive waters and would mean that the waters concerned would continue to be managed primarily as brown trout waters.

In December last, I first indicated to officials in the Department my view that the importance of these waters should be reflected by way of statutory designation. Advice and observations were subsequently sought from departmental officials at a meeting on 17 January as regards the prospective legislative processes available in regard to the designation of these waters.

The proposed by-law, as secondary legislation, is intended to focus on existing policy designation on State-owned waters where stock management is in place. My policy initiative was to focus on designating these seven distinctive waters, which are considered singularly important.

The complexity of a broader designation of waters, and any required management measures, will have to be considered as a matter of primary legislation. Therefore, I have directed that this matter is to be considered in the context of the major inland fisheries consolidation Bill currently being advanced by the Department. As the Deputy is aware, any primary legislation would be a matter for all parties and Members of the House. I accept the interest and advocacy of Deputy Burke and Councillor Andrew Duncan in including Lough Gill in a particular by-law. This by-law, which has been the subject of a consultation and seen an unprecedented amount of interest compared to other by-laws, has included a number of submissions in favour of including Lough Ennell. We are assessing it and taking legal advice on the draft by-law with a view to enacting it as soon as possible.

On the primary legislation, the consolidation work is ongoing. I understand the strong case put forward by the Deputy for the inclusion of Lough Ennell and for protected status, although I also accept that Lough Ennell's attributes can be promoted irrespective of a designation. Its status as a wild brown trout fishery can be promoted through the local authority and whatever assistance Inland Fisheries Ireland can give the Deputy. I will set up a meeting with officials to further discuss what can be done to Lough Ennell to promote it and angling tourism in the midlands.

Deputy Peter Burke: I thank the Minister of State for his comprehensive reply. I would point out that when someone puts together a designation of lakes and one lake is left off that list, there is a fear that its potential for investment in the future, be it tourism promotion or whatever, may be compromised.

I have met a large number of people since the public consultation phase ended. These are experienced anglers in their field and they have put forward a concrete case that Lough Ennell would be included in this designation. I would point out that Lough Ennell is the record holder

in Ireland for wild brown trout. It is unique in its field. When the Minister points out the attributes of the other lakes it is important that he is aware that this lake is self-sufficient. It has not had any man made intervention, and it has not been stocked. It is a rare type of lake, which is difficult to find worldwide. When we have a treasure like that, it is very important that we promote it but also that we protect it and ensure that it will be a viable entity to attract tourism in the future.

I welcome also the Minister's comment that he will talk to Inland Fisheries Ireland about the promotion of the lake because I believe it has not been promoted enough. Many of these issues fall on the doorstep of the local authority, which at times can be under constraints as a result of budgets etc. It is very important that we have a joined-up approach and that lakes such as these are fully promoted due to the fact that they are a vital component of the local economy. What lakes such as this one can contribute to a vibrant economy and to making rural areas sustainable is a point that is sometimes missed. That is a key component of A Programme for a Partnership Government.

I would welcome any assistance the Minister could provide in terms of getting the lake included in the designation and in terms of any assistance his Department may be able to give to promote same.

Deputy Seán Kyne: I will undertake to arrange a meeting with Inland Fisheries Ireland to discuss the promotion of Lough Gill and angling in the midlands. The Deputy highlighted the importance of stocked fisheries in the area although he pointed out that this is not a stocked fishery but a natural fishery. He pointed out also that the trout in the lake are of a particular genetic disposition in that they are hardy. They would want to be hardy to fend off some of the predation by other fish species in the lakes. That is the basis of the by-law I have been examining. As I said, a number of submissions have been made on both sides. Primary legislation on this area, whenever it comes before this House, will give rise to a lively discussion within and among parties because there are two sides to every argument regarding the angling sector. The purpose of my by-law was to designate a small number, albeit important and larger lakes - seven lakes in total - with respect to a policy. Those are lakes that are primarily managed in terms of removing predators, which has been an ongoing practice for many years in Lough Corrib, for example.

I understand the strong advocacy the Deputy has made on Lough Ennel both here today and previously at meetings with me. I will revert to officials regarding it and undertake to set up that meeting with Inland Fisheries Ireland to further discuss the promotion of angling in the midlands and specifically in Lough Ennel.

Competition and Consumer Protection Commission

Deputy Alan Kelly: I ask the Minister to investigate what is blatantly obvious to anyone who knows the industry, namely anti-competitive practices by large brewing companies in Ireland. They are abusing their scale or market dominance to have basically exclusionary deals with publicans, large-scale publicans in the main. Large brewers are providing free stock, advance discounts, capex or cash investments to on-trade publicans on condition of excluding competitors and their beers or ciders. This is a serious issue for the industry. I am bringing legislation, which the Government is supporting, to the House to allow craft brewers to sell their products and grow. Those provisions are being neutralised by what I feel are anti-competitive

3 July 2018

practices whereby large brewing companies are coming in, offering all these incentives and basically telling craft brewers and, dare I say it, other brewers, to take their stock off the shelves and off draft. They are telling publicans they will give them funds, that they will pay for refurbishment, give them free kegs and even cash as long as they get rid of the other brands. How is that not illegal? No-one can tell me it is not anti-competitive. It already happened in Greece, where a subsidiary of Heineken had a large-scale fine imposed in the tens of millions of euro. There was a case in Greece where a small brewer took a high court action for similar practices. It is going on here in Ireland.

I was in a pub in Cork recently where there were 21 taps of which 19 were from the one brewing company. There were two for Guinness because, as we all know, they cannot get rid of the Guinness. Did anyone else try to get into that pub? Of course. Why are they not there? This is happening all over Dublin and all over the country. They go to the largest pub in each town, the opinion forming pub, and try to influence it. They offer to do a deal with that publican that if he takes out the rest, or at least takes them off draught, they will look after him. I have a list in my hand. Basically every county in Ireland is on it.

The Competition and Consumer Protection Commission, CCPC, is well aware of this. It has had a number of complaints. I do not think it has the resources to deal with them. It is not a priority. This is affecting jobs all over the country. My county has four craft brewers. I look at Bulmers in Clonmel and I know across the country it is being absolutely devastated by this decision. I know of one brewer, a Munster brewer, who gave out about being taken out of a pub and was then taken out of a range of pubs in a geographical area because it put its head above the parapet and made a complaint. This is not on.

We need the Minister of State to get on to the CCPC to say this needs to be investigated properly once and for all and ensure that these anti-competitive practices stop to allow a fledgling industry to grow, to allow for fair competition and to ensure that other laws such as tax laws are being adhered to properly across the board. We must ensure that people are being protected and there is not a dominant brewing company or companies in this country, originally from outside this country, behaving in an anti-competitive way and costing Irish people jobs. The bottom line is that if this is not investigated, jobs will continue to be lost.

Minister of State at the Department of Business, Enterprise and Innovation (Deputy Pat Breen): I thank Deputy Kelly for raising this issue. I note his interest in this area and the Bill which is going through the House currently which he introduced in 2017. At the time, he said the Bill was inspired by the wild gypsy brewery in Templemore-----

Deputy Alan Kelly: The White Gypsy Brewery. I will give the Minister of State a few bottles.

Deputy Pat Breen: The Deputy is alright; I do not drink. I have been all over the country and have seen the importance of the craft brewery industry and the role it is playing in rural areas where we might not otherwise get industry. It is an important sector in Ireland and I very much note Deputy Kelly's interest in it.

The Competition and Consumer Protection Commission, CCPC, to which the Deputy referred, is the statutory body responsible for the enforcement of domestic and EU competition law in the State. It is important to point out that section 9(5) of the Competition and Consumer Protection Act 2014 provides that the CCPC is independent in the performance of its functions,

including carrying out investigations of alleged anti-competitive practices, which the Deputy has alleged. As investigations and enforcement matters generally are part of the day-to-day operational work of the CCPC, the Minister for Business, Enterprise and Innovation, Deputy Humphreys, has no direct function in such matters.

Competition rules seek to provide everyone with better quality goods and services at lower prices by ensuring that firms compete solely on their merits. In a competitive market, the simplest way for a company to gain more market share is to offer a better price than its competitors. This is not only good for consumers; when more people can afford to buy products, it encourages businesses to produce and boosts the economy in general.

In a competitive market, businesses will try to make their products different from the rest so they are more attractive. That is a very important part of the marketing of any product. This results in greater choice: consumers can select the product that offers the right balance between price and quality. To deliver this choice and produce better products businesses need to be innovative. It is very important for any business to be innovative. That is why some of the smarter craft brewing companies will do well with their products, design, production techniques and services.

Businesses may freely enter into a contract whereby one business agrees to buy from or supply all of its goods or services to the other. Such agreements may create benefits for businesses, competition and ultimately consumers. For example, a supplier and retailer may agree that only the supplier's product will be sold in a retailer's stores, as the Deputy rightly pointed out, allowing the supplier to invest more heavily in the marketing or promotional efforts of the retailer. Exclusivity arrangements between businesses therefore in many cases do not raise competitive concerns and are not necessarily in themselves a breach of competition law. It is only where such agreements could exclude competitors from the entire market, and not individual businesses, that such agreements can be regarded as anti-competitive. Concerns relating to exclusivity agreements are, therefore, examined by the CCPC on a case by case basis.

On foot of complaints made by distributors about exclusivity agreements, the CCPC has indicated that it has examined the use of such incentives in the on-trade supply of alcohol. The CCPC has indicated that it is important to note before a decision can be made on whether it should open an investigation, each complaint is examined through a rigorous screening process. Factors such as the nature of the complaint, the characteristics of the market and the evidence available all have a bearing on this process. After a robust examination it was determined that the CCPC did not have grounds to suspect a breach of the law. The CCPC can only initiate a full investigation where there is sufficient evidence of a suspected breach of Irish or EU competition law.

I understand that the CCPC's examination has shown that the relevant exclusivity agreements were used in a small number of pubs in the State and that other brewers and-or distributors large and small still had access to the vast majority of pubs and other outlets. I understand that the CCPC will keep under review the potential impact of such arrangements and it will continue to monitor the sector.

Deputy Alan Kelly: Let us call a spade a spade. The dogs in the street know what is happening here. I appreciate the Minister of State's script but it is actually insulting to the industry. Everyone knows what is going on here. Market dominance is being abused. A whole range of publicans are being approached with these incentives. It is happening everywhere, whether it

3 July 2018

is rebates, refurbishment, kegs, cash or whatever. There is a whole mix of ways of doing this. I have no problems with publicans getting deals: that is their right. When it means that smaller or medium sized brewers are being excluded, that is wrong - morally wrong and absolutely illegal. This has to be dealt with.

It will probably take “Prime Time” or someone to investigate this in order to get action. I am told the Minister, Deputy Humphreys has no direct role. I have now told the Minister of State what is happening. He can ask the CCPC to investigate it or not. It is his choice but it will probably take something like that for us to have a proper investigation. The real issue is that the CCPC does not have the resources. This would take a sizeable investigation and the CCPC does not have the resources to do this.

Large amounts of cash and resources are being used and these practices are happening in large pubs in all cities and towns in Ireland. Large rebates are being given to publicans if they can show a certain level of sales. I cannot understand anybody who tells me that this is not anti-competitive and I will not accept it. It is a lazy response. Any situation involving market dominance where someone ensures that the products of small players are not allowed on the shelf or to be made available on tap is not acceptable.

The reason publicans have licences which are reviewed every year is that they must act in a certain way. Does this practice whereby some publicans with a licence do not allow competition on their premises constitute an abuse?

Deputy Pat Breen: If Deputy Kelly wants me to go off script, I have no problem doing so. A lot of complaints have already been made to the CCPC about these alleged practices referred to by the Deputy. When it investigated them, it found-----

Deputy Alan Kelly: It did not investigate them.

Deputy Pat Breen: Well it had to look for evidence to investigate them. Evidence is extremely important. If one was in a court of law in the morning, one would need evidence. If it is an issue of resources, I will bring the Deputy’s concerns to the Minister to raise the issue with the CCPC. As I said, the CCPC is independent. It is important that if there is an independent body there, it is allowed to do its job. As it rightly pointed out in the so-called script referred to by the Deputy, it has looked at this but it does not have the evidence. If the Deputy has evidence, he should go to the CCPC and produce that evidence. I am sure it will have no problem further examining the evidence produced by the Deputy given the concerns of a law maker like the Deputy and his interest in this area. It would do the Deputy’s career in politics no harm either.

Hospital Facilities

Deputy Mary Butler: The provision of 24-7 cardiac care at University Hospital Waterford and the south east has long been debated in this House and the Minister of State, Deputy Finian McGrath, is well aware of the situation. I thank him for taking this Topical Issue. I am disappointed the Minister for Health cannot be here. There was an announcement yesterday about the delivery of a modular lab to be located at University Hospital Waterford that would perform both diagnostic and intervention procedures. The funding for this modular lab is to be included in the 2019 Estimate.

The Minister informed Members of the Oireachtas that he believes there is merit in the proposal for a modular cardiac catheterisation lab at University Hospital Waterford in order to address waiting times at the hospital and provide a better service for the people of Waterford and the south east. This is welcome. As the Minister of State is well aware, all Members from Waterford and the south east have combined and worked together on this issue but I must advise today that there is still a capacity demand issue and a very limited service of 40 hours per week in the existing lab with no service at the weekends. The Minister stated that he had received advice from the HSE and that some further work is required on the detail relating to tendering, project design work, planning, construction and commissioning. I am asking for that further detail. We need a clear timeframe and an expected delivery date.

The consultants at the hospital feel that this modular unit will greatly enhance the cardiac services they offer to the public. Having one elective and non-elective lab is now possible but it needs to be delivered as a matter of priority without any delay. I would really appreciate it if the Minister of State could give us information as to when we can expect to see this modular lab on the ground so that we can save lives.

Deputy David Cullinane: Last year, all Members from the south east came together to lobby the Minister on this issue as best they could. The Minister of State knows this has been longstanding issue not just in Waterford but in the south east. Unfortunately, the south east is the only primary percutaneous coronary intervention, PCI, centre, of which there are six in the State, that provides a limited 9-5, Monday to Friday service. Every other centre provides a 24-hour emergency cardiac service. While we are here today rightly welcoming the announcement that a modular lab will be provided at University Hospital Waterford for a specified period of time, the ultimate goal is to ensure the south east is on a level playing field and has the same level of service as other regions.

The announcement yesterday by the Minister of State, Deputy Halligan, which was reaffirmed in a letter by the Minister for Health, is that the Minister is committed to the deployment of a modular lab and that the money will be made available in the budget in October. However, a lengthy process must be gone through. I accept that there is a process, things cannot be done overnight and there are issues relating to procurement and planning issues and all of those considerations need to be dealt with. However, as Deputy Butler said, what we need is a clear timetable because there is a fear that the issue will be kicked down the road, as has happened in the past, and that the Minister, Department or somebody else will drag their feet. We need to be able to hold the Government and Minister to account. I commend the Minister for making the announcement yesterday and I commend all the Members who worked collaboratively and very hard to get this over the line but we need to know what exactly is involved in terms of procurement, planning, construction and design plans. What is the timeframe from now until delivery date? While the money may be committed in the budget, there is no reason why the planning side of it cannot happen now. It should happen today or tomorrow and not after the budget when the money is ring fenced.

Minister of State at the Department of Health (Deputy Finian McGrath): I thank Deputies Butler and Cullinane for raising the important issue of cardiac services at University Hospital Waterford and for giving me an opportunity to update the House on the latest position in this regard on behalf of the Minister and to convey the total support of the Minister of State, Deputy Halligan, on this issue. As they are aware, the Government has taken a number of actions on this important issue starting with approving increased funding to allow for the recruitment of staff to support increased hours at the existing lab. While recruitment has been slow, in the

3 July 2018

interim, a mobile catheterisation lab has been deployed at University Hospital Waterford and this has led to a decrease in the length of time that people are waiting for diagnostic procedures.

The Deputies will be aware that when the Minister met with Members from the south east on 14 February last, he indicated that he would give consideration to the various issues raised by the group, including the potential for the deployment of a modular catheterisation lab. As I believe he advised in a letter to the Members yesterday, he has now conveyed his view that there is merit in the proposal in order to address waiting times at the hospital further and provide a better service for the people of Waterford and the south east. That is something we all strongly support. He has received advice from the HSE on the proposal and while there is some further work required on the detail, he has asked the Department to proceed without delay to engage with the HSE on the next steps in providing a modular lab. I understand the timeframe for the development of modular builds as outlined by the HSE must include tendering, project design work, planning, construction and commissioning so it will take until next year to deliver. However, I think it is very important that the Minister has committed that this will be funded in the 2019 Estimate and that work should begin immediately on the process to deliver it.

In the interim, the mobile catheterisation lab continues to be deployed. The national review of specialist cardiac services is well under way and issued a report on its sixth meeting yesterday. The aim of this review is to achieve optimal patient outcomes at population level with particular emphasis on the safety, quality and sustainability of the services that patients receive by establishing the need for an optimal configuration of a national adult cardiac service. As set out in the national development plan 2018-27, investment in cardiac catheterisation laboratories and other cardiac services infrastructure nationally will be informed by the outcome of the national review, which is expected to be complete by June 2019. I know the Minister will continue to work with the Deputies and their south-east colleagues towards achieving better outcomes for all patients in the region.

Deputy Mary Butler: This is certainly a step in the right direction towards the ultimate goal of 24-7 cardiac care in the south-east. I cannot emphasise enough the importance of delivery as soon as possible. It is 6.30 p.m. and here in Dublin, if any of us were to have a cardiac issue, we could be brought to one of many cath labs throughout Dublin. However, in Waterford and the south east the cath lab has been closed since 5 p.m. and it will not open again until 9 a.m. in the morning. The Minister of State has to understand how important this issue is to us. The lab opens from 9 a.m. to 5 p.m., Monday to Friday, with absolutely no cover at the weekend. A patient has only the option of being transferred in an ambulance to Cork.

I have always maintained we need a 24-7 cath lab at University Hospital Waterford which can provide both diagnostic and cardiac intervention. Waiting lists at University Hospital Waterford for cardiac diagnostic procedures are currently at an all-time high. The only way to deal with this is to get the modular lab on the ground as soon as possible. We will have to continue to hold the Minister to account until we see it.

Deputy David Cullinane: I have already said this is a step forward for people in Waterford and the south-east. As somebody who lobbied the Minister to put this in place as an interim, temporary measure until the national review completes its work, and we are hoping for a favourable outcome, I am somewhat disappointed with the language in the speech the Minister of State read out. It states there is merit in the proposal but further work is required, and it then states it will take until next year to deliver. Is that next January, March, June or December? It talks about the different issues and hurdles which will have to be overcome, such as tendering,

project design work, planning, construction and commissioning. We need something a bit more concrete.

I ask the Minister of State to go back to the Minister for Health and ask him to meet the Oireachtas Members before the Dáil recess, as he promised, to outline to us actual timeframes. In any capital project, one has targets in terms of whether it is the first quarter, second quarter or third quarter of the year, and there are timeframes around all the different stages in the process. We have no timeframe here. The Minister of State will accept we need a bit more than what is in his response in order to give comfort to the people of the south east that this will be delivered as quickly as possible.

Deputy Finian McGrath: I thank Deputies Cullinane and Butler for the points raised. I agree 100% that the people of Waterford deserve a better service. I have been asked by the Minister of State, Deputy John Halligan, to commend and thank the Deputies for their support and for working together to improve services for the people of Waterford. The Minister of State specifically asked me to say this.

Deputy David Cullinane: He will be happy to get a mention.

Deputy Finian McGrath: With regard to the points about the timeframe and the delivery date, I will go back to the Minister on that issue. Of course, there will be issues in regard to procurement and planning, as well as the potential for delays. I have experienced this in regard to the new accident and emergency unit at Beaumont Hospital so I know exactly where the Deputies are coming from. I reassure them there will be no kicking the can down the road on this issue. The Independent Alliance and the Government are very supportive of the people of Waterford. The Minister of State, Deputy Halligan, has been pushing this issue in government with the Minister and we have been supporting him. Likewise, we are very supportive of the needs of the people of Waterford because we feel very strongly that they have been left out of the picture and they are entitled to the same level of service as other regions of the country. There is no debate on that issue.

The Herity report concluded that the needs of the effective catchment population for University Hospital Waterford could be accommodated from a single cath lab. Funding has been provided to support extension of the existing cath lab operating hours to 12 sessions per week, or by 20%, as recommended by the Herity report. The HSE has advised that the posts that will be required to facilitate the service extension to the existing cath lab were originally envisaged to be reduced whole-time equivalent posts, that is, all posts were 0.25 whole-time equivalent with the exception of the nursing posts, which were 0.75 whole-time equivalent. While it has proved difficult to recruit suitably qualified staff for the 0.25 whole-time equivalent posts, these posts have now been designated as full-time equivalents. Recruitment is currently being progressed by the national recruitment service and it is hoped that, as full-time posts, the recruitment will be successful.

All the issues the Deputies have raised will be brought back to the Minister and we guarantee them our maximum support.

3 July 2018

**Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Bill 2018:
Order for Report Stage**

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

Question put and agreed to.

**Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Bill 2018:
Report and Final Stages**

Minister for Justice and Equality (Deputy Charles Flanagan): I move amendment No. 1:

In page 31, lines 31 and 32, to delete “(within the meaning of the Data Protection Act 1988)”.

I thank the Ceann Comhairle, the Business Committee and Deputy O’Callaghan for facilitating what I would anticipate to be a short debate in a busy week. Amendment No. 1 is a technical amendment which, as Deputies will be aware, is a direct consequence of the passing into law of the Data Protection Act 2018 some weeks ago. It relates to an amendment in the Bill which makes reference to personal data within the meaning of the Data Protection Act 1988, which was the law in force at the time the Bill was published. Since then, we have the new regime and the general data protection regulation, GDPR, has come to force. Given the 2018 Act inserted a definition of personal data in the Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Act 2010, there is no need to have a definition within the section itself.

Deputy Jim O’Callaghan: I am supportive of the amendment. It makes sense considering the fact we passed the data protection legislation recently.

Deputy Jonathan O’Brien: We also agree.

Amendment agreed to.

Bill received for final consideration and passed.

An Ceann Comhairle: The Bill will be sent to the Seanad.

Heritage Bill 2016: Order for Report Stage

Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan): I move: “That Report Stage be taken now.”

Question put and agreed to.

Heritage Bill 2016: Report Stage

Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan): I move amendment No. 1:

In page 4, lines 18 and 19, to delete all words from and including “These” in line 18 down to and including line 19.

I propose the deletion of this text which was inserted by amendment on Committee Stage.

I thank Deputy Ó Cuív for his input. The Deputy has discussed this matter with the Inland Waterways Association of Ireland, Waterways Ireland and officials from my Department. However, the final position is that the Office of the Parliamentary Counsel advises that the proposed text detracts from the clarity of the section. It is not clear what would be a necessary impediment as opposed to an unnecessary impediment. In addition, no criteria are supplied that would assist Waterways Ireland as to what matters should be given weight when considering a designation that would impede navigation. The amendment creates a tension with the proposed section 5(1)(a) - at lines 8 to 15 on page 4 - which gives equal weight to, on the one hand, Waterways Ireland’s functions to do with navigation and, on the other, its functions with regard to fishing and other recreations. Navigation is not prioritised. This seeks to place navigation above the other purposes for which the public may use the canals, which is not what paragraph (a) provides. Accordingly, I ask the Deputy to support the deletion of this text. I thank Deputy Ó Cuív for the many hours he spent talking to my officials on these provisions.

Deputy Éamon Ó Cuív: We accept that Waterways Ireland is a North-South body with two Ministers in charge. The concern was that someone would make orders impeding navigation. I have been assured that will not happen and that under the current legislation, one cannot close a waterway on a permanent basis without the agreement of both Ministers. On that basis, we will certainly not oppose the amendment. I thank the Minister’s officials for the detailed discussions we had. It gave us all a better understanding of where we are coming from on this issue. It gave us assurances that the waterways will remain waterways. It is difficult to think now of the time in Ireland when we were closing things all over the place, including waterways and railway lines, that we would love to have back again. We can take it absolutely that it will not happen in the case of these waterways.

Amendment agreed to.

Deputy Josepha Madigan: I move amendment No. 2:

In page 4, lines 35 to 37, to delete all words from and including “, subject” in line 35 down to and including “for” in line 37.

I propose the deletion of the text inserted by an amendment on Committee Stage. While I appreciate the point made by Deputy Ó Cuív, I am advised by the Office of the Parliamentary Counsel that this text makes the primary legislation secondary to provisions in by-laws, which is unacceptable. The maximum dimensional criteria are specified in section 14 of the 1998 canal by-laws and the Office of Parliamentary Counsel advises that it is not correct to give a broad power in an Act, such as the power provided for here to regulate the type or class of boat or to restrict a certain type or class of boat at paragraph (d) at lines 1 and 2 on page 5, and then to curtail that power by making it subject to that which is specified in regulations or other secondary legislation. I thank the Deputy again for the many hours he has spent on this.

3 July 2018

Deputy Éamon Ó Cuív: Having looked at the legislation again and, perhaps, read it more carefully, what is provided for in the proposed section 7(1) is a power to make by-laws. Having looked at the by-law that exists on dimensions, I agree that this is not an appropriate place to specify that level of detail. Can the Minister confirm for the record that to make a by-law, it must be published for 90 days and all relevant parties must be notified, which is a matter we will come to later in the debate? In that way, any by-law that will be introduced in future to amend what is there will not easily be passed unnoticed. Therefore, people need not worry that the dimensions of the usage of the canal will be reduced. I had not realised either until I looked at the by-law how detailed were the dimensions set out therein. As such, I accept the amendment.

Deputy Josepha Madigan: I confirm the 90-day provision.

Amendment agreed to.

Deputy Éamon Ó Cuív: I move amendment No. 3:

In page 4, line 38, after “canals” to insert the following:

“, within agreed procedures on a temporary basis due to an emergency or to facilitate a planned event or maintain and upgrade”.

I would be interested to hear the Minister’s view on this.

Deputy Josepha Madigan: While I understand the concerns of Deputy Ó Cuív, I cannot accept this amendment. In the first instance, I assure the Deputy that navigations cannot be permanently closed without the agreement of the North-South Ministerial Council. This proposal overly limits the closing of navigations to emergency situations and planned events and does not take account of other reasons for which a navigation can be closed such as land drainage, flood management and control, lack of water and low water levels, the sinking of a vessel or object, the need to protect men working or a drowning. Waterways Ireland issues marine notices regularly advising of the closure of navigations and this proposal is a matter appropriate for by-laws. However, it is not always practical or workable to give due notice before the closure of a navigation in an emergency situation. I am informed that this matter was discussed at length at the meetings between Deputy Ó Cuív, the Inland Waterways Association of Ireland, Waterways Ireland and my officials. Arising from those meetings, Waterways Ireland and the Inland Waterways Association of Ireland will work together to put in place an advance-notice system in addition to the marine notices. I thank the Deputy for all of his work in this regard.

Deputy Éamon Ó Cuív: I thank the Minister for that. There were very fruitful meetings and a great deal of progress was made in the wider sphere to reassure those who use waterways. Waterways will not be closed unnecessarily and good procedures will be put in place in order that people are forewarned where it is at all possible unless there is an emergency situation.

Amendment, by leave, withdrawn.

Deputy Éamon Ó Cuív: I move amendment No. 4:

In page 5, line 3, after “permits” to insert “(for mooring and passage by boats)”.

This amendment seeks to limit permits to moorings and passage by boats and to provide that licenses can be for other things. I would be interested to hear the Minister’s view.

Deputy Josepha Madigan: While I thank the Deputy for his proposal, I am not accepting the amendment as it proposes provisions which are appropriate to the making of by-laws. The provision in the Heritage Bill is an enabling one to allow Waterways Ireland to make by-laws for the issue of permits or licences to authorise and regulate the use of boats on the canal and canal property. My understanding is that the meetings the Deputy attended with the Inland Waterways Association of Ireland, Waterways Ireland and my officials were most constructive and that many of the concerns raised can be addressed in the context of future dialogue between the parties and consultation on by-laws rather than in primary legislation, which is not the appropriate place to specify detail of the sort proposed. I thank the Deputy for all his work.

Deputy Éamon Ó Cuív: In our discussions, the understanding was that moorings, passage by boats and other short-term matters would be dealt with by way of permits. When it comes to more long-term matters that do not necessarily relate to moorings and passage by boat, one is talking about licences. On that basis, I will not press the amendment. It is very important as we go forward that the dialogue which has taken place in recent weeks is built on while bureaucracy is kept to a minimum. We live in a world in which forms seem to take so much of the pleasure out of life. I had to purchase a car recently and nearly got a pain in my hand from signing so many forms and bits of paper. It seems to be the nature of the world in which we live that everything is more and more complex and involves long documents. People use the canals to enjoy themselves and I hope we can go forward in a spirit of keeping bureaucracy to a minimum, accepting that the vast majority of people use the canals in a spirit of positivity and enjoyment.

Amendment, by leave, withdrawn.

Deputy Josepha Madigan: I move amendment No. 5:

In page 5, to delete lines 27 to 29 and substitute the following:

“(p) the charging and fixing of fees, tolls and charges in respect of the use by boats of the canals (including the use of locks on the canals and mooring on the canals) and the charging and fixing of fees in respect of the use by persons of the canals (including the taking of water from the canals);”.

I am proposing an amendment to the text inserted by amendment on Committee Stage. I thank Deputy Ó Cuív for his amendment and his positive and constructive input to discussions and meetings. The text inserted on Committee Stage presents a number of difficulties. In the first place, “users” is very broad. The wording in brackets, which remains unaffected, clearly relates to users who are boaters and there is a disconnect between the broadness of the person who would be covered and the specificity of the matters mentioned in the brackets. This is being amended on the advice of the Office of Parliamentary Counsel. The amendment reinstates “use by boats” which fits with the wording in brackets and provides an amended wording which, I believe, reflects the intention of the Deputy’s amendment on Committee Stage. Once again, I thank Deputy Ó Cuív for all his work.

Deputy Éamon Ó Cuív: I have to say the elegance of the new wording is beyond reproach and replaces a more clumsy wording. I am pleased that the Minister accepted the spirit in which the amendment was put forward and that there was a change needed. Obviously, I would never argue with the Office of Parliamentary Counsel when it comes to good wording. I agree with this amendment.

3 July 2018

Amendment agreed to.

Deputy Éamon Ó Cuív: I move amendment No. 6:

In page 5, line 40, to delete “and” and substitute the following:

“(ii) develop a system whereby interested parties can register electronically with Waterways Ireland and be notified automatically of all bye-laws proposed to be made, and”.

I put this amendment forward here so that we can have a brief debate. Good reasons were put in our discussions as to why this should not be pressed and I accept them. What was agreed, however, is that a system would be put in place that somebody could register with Waterways Ireland, although it would not be legally binding, and be notified of any by-laws. Otherwise, as I pointed out on Committee Stage, much of the time people would be looking for the one tree in the forest of paperwork. We need systems that are more user-friendly so that people can register and then be notified of any by-laws. For instance, a person could write to say he or she is only interested in by-laws pertaining to a certain area.

I will withdraw the amendment on the basis that it is better done by management, agreement and protocols rather than primary legislation, but I ask the Minister to confirm that she would be favourable towards such an approach that would be put there *de facto* but not *de jure*.

Deputy Josepha Madigan: I thank Deputy Ó Cuív for withdrawing the amendment. The proposal is an operational matter for Waterways Ireland and is not appropriate for primary legislation. I accept what the Deputy says, however, and the Department will take a note of that.

Amendment, by leave, withdrawn.

An Ceann Comhairle: Amendments Nos. 7 and 9 to 11, inclusive, are related and may be discussed together.

Deputy Josepha Madigan: I move amendment No. 7:

In page 6, lines 22 and 23, to delete “Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs” and substitute “Minister for Culture, Heritage and the Gaeltacht”.

This is a minor amendment to update the reference to the Minister to that of the Minister’s current title.

Amendment agreed to.

Deputy Éamon Ó Cuív: I move amendment No. 8:

In page 6, line 32, to delete “website.” and substitute the following:

“website, and

(iii) ensure that Authorised Officers have access to a copy of the bye-laws (electronic or printed version) for presentation on request by a canal user.”.

The amendment would ensure that the authorised officers would have access to the by-laws. I would like to hear the Minister’s response to this one.

Deputy Josepha Madigan: I am not accepting this amendment. This proposal is unnecessary as the by-laws are available and accessible online. Other enforcement agencies and bodies, such as conservation rangers, gardaí and inland fisheries officers, operate in the same way. It is good practice for users of the waterways to become familiar with the legislation governing the waterways and the marine notices in place. It would confuse the role of the authorised officer. I thank the Deputy for his contribution. I understand that in the discussions and meetings with the Deputy, Waterways Ireland undertook to put a link to the legislation on its website.

In general, access to the by-laws is not an issue. They will be available on devices, such as smartphones or tablets. I cannot accept a situation, however, where temporary unavailability, such as a dropped phone or a gap in Internet signal, results in the authorised officer being unable to carry out his or her functions.

Deputy Éamon Ó Cuív: On the basis that it is accepted that the officers in other positions whom the Minister mentioned do not have to carry the laws or by-laws that they are applying, I withdraw the amendment.

Amendment, by leave, withdrawn.

Deputy Josepha Madigan: I move amendment No. 9:

In page 6, lines 39 and 40, to delete “Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs” and substitute “Minister for Culture, Heritage and the Gaeltacht”.

Amendment agreed to.

Deputy Josepha Madigan: I move amendment No. 10:

In page 7, line 1, to delete “Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs” and substitute “Minister for Culture, Heritage and the Gaeltacht”.

Amendment agreed to.

Deputy Josepha Madigan: I move amendment No. 11:

In page 7, line 9, to delete “subsection (4)” and substitute “subsection (6)”.

Amendment agreed to.

Deputy Éamon Ó Cuív: I move amendment No. 12:

In page 9, between lines 12 and 13, to insert the following:

(iii) if the evidence requested under subparagraph (ii) is not available then an individual should be able to produce said evidence within a reasonable period of time and at a place as specified by bye-laws;”.

This seeks to ensure that somebody would have an opportunity, if he or she did not have the required documentation on his or her person, to hand it in. I understand that is the practice. The Minister might reply to the amendment and I will consider it further then.

Deputy Josepha Madigan: I am not accepting this amendment as it is a material change to the provision. I am informed that this matter was discussed in the meetings the Deputy had with the waterway associations and my Department. I am also informed, as the Deputy mentioned,

3 July 2018

that Waterways Ireland has stated that this happens in practice. Waterways Ireland would know if a permit has been applied for and there is no need to specify this in the primary legislation.

Amendment, by leave, withdrawn.

Deputy Josepha Madigan: I move amendment No. 13:

In page 9, line 28, to delete “persons on canal property” and substitute “owner of a boat”.

I propose the deletion of this text inserted by amendment on Committee Stage and reverting to the initial wording. I appreciate Deputy Ó Cuív’s input on this matter but the Office of the Parliamentary Counsel has advised that the Committee Stage amendment duplicates “persons on canal property” which is in lines 17 to 18 on page 9, and an unintended consequence of the Committee Stage amendment is that an authorised officer can no longer issue directions to the owner of a boat unless he or she is on the canal or on canal property at the time.

I want to follow-up on a previous question raised by Deputy Ó Cuív on Committee Stage on the difference between subsection (6) and subsection (5)(iv). Subsection (6) is broader in that directions can relate to the authorised officer’s functions generally and not only for the purposes of ensuring compliance and the care, management and maintenance of property. We should remember that the purpose of the legislation is to regulate the use of boats on the canals.

Deputy Éamon Ó Cuív: I accept that there was a duplication here. A more careful reading shows what the Minister states is a fact, that the persons who are not boat owners are catered for but one might want to contact a boat owner when he or she is not on the canal. In other words, a boat owner might leave a boat on the canal. Therefore, the two subsections are slightly different. One is giving an order to somebody who is on the waterways. The other one is giving an order to somebody who might or might not be on the waterways but who has a boat that is on the property. On that basis, I agree with the amendment.

Amendment agreed to.

An Ceann Comhairle: Amendment No. 14 has been ruled out of order.

Amendment No. 14 not moved.

An Ceann Comhairle: Amendments Nos. 15 to 23, inclusive, are related. Amendments Nos. 16 to 23, inclusive, are physical alternatives to amendment No. 15. Amendment No. 17 is a physical alternative to amendment No. 16. Amendments Nos. 19 to 22, inclusive, are physical alternatives to amendment No. 18. Amendments Nos. 20 to 22, inclusive, are physical alternatives to amendment No. 19. Amendments Nos. 21 and 22 are physical alternatives to amendment No. 20. Amendments Nos. 15 to 23, inclusive, may be discussed together.

Deputy Peadar Tóibín: I move amendment No. 15:

In page 12, to delete lines 1 to 22.

Deputy Richard Boyd Barrett: Did the Ceann Comhairle state which ones were physical alternatives to amendment No. 15?

An Ceann Comhairle: Amendments Nos. 16 to 23, inclusive, are physical alternatives to amendment No. 15.

Deputy Peadar Tóibín: We are at the most controversial element of the Bill for many people. We know that massive damage has been done over the past 40 years to Irish wildlife. We know that modern society is particularly bad when it comes to diversity and its impact on nature. We currently see billions of tonnes of plastic in either landfill or in the sea, killing diversity there. We know that as a society, we are doing massive damage to the climate at present. We know this damages us because we have a symbiotic relationship with nature, the natural world is vital for human well-being and biodiversity is an urgent issue. We know that Governments say one thing and do another. They talk about protection of the environment when in fact they collude in its destruction. It is becoming massively difficult for farmers in this country as well. Farmers find it difficult to make a living and they are pushed to the pin of their collars. In many ways some farmers will see this as a way to make life a little bit easier for themselves in how they go about their work but it will not address the major needs that farmers have.

We also know that the cutting back of hedges and the burning of moorland and mountain tops physically reduces the habitat of animals at key stages of their development.

I pay tribute to the firefighters in County Meath who are currently battling away trying to deal with a bog fire outside of Kildalkey. We know that even within their timescale, these fires can be quite dangerous in how they are used. Most fires in this country happen outside of the legal process and very few happen within a controlled area.

In reality, this particular Bill will not do a lot for either farmers or conservationists because the difficulties both groups have are very complex and quite large and will not be dealt with by this Bill. The amendments I have tabled that we are discussing here seek to simply protect the natural environment, our heritage and biodiversity and to do so in a scientific way in order that we understand exactly the impact we are having on that diversity. I understand that some people will make the argument that there is a necessity for better road safety and that is one of the reasons why the extension to the cutting of hedges is being given. I was involved in a serious accident myself on a narrow road where there were large hedges. There are ways to resolve that without causing damage to the biodiversity of our natural environment and which could allow for residents, farmers or people who use particular roads to contact a local authority and seek for verges or hedges to be cut in a timely fashion to ensure that traffic and transport is safe along those thoroughfares.

It is important that the Minister takes a pause and sees the damage that would be done by this Bill and I encourage her to accept the amendment.

An Ceann Comhairle: I call Deputy Eamon Ryan.

Deputy Eamon Ryan: I thank the Ceann Comhairle-----

Deputy Richard Boyd Barrett: Do we not speak in the order of the amendments?

An Ceann Comhairle: I am taking them in the order in which the Deputies indicated.

Deputy Richard Boyd Barrett: I thought the Ceann Comhairle followed the order of the amendments.

An Ceann Comhairle: We can do that but we will hear all of the Deputies. I have called Deputy Eamon Ryan.

3 July 2018

Deputy Bríd Smith: Then I indicate. I understood that the Ceann Comhairle took us in the order of the amendments.

Deputy Eamon Ryan: The way the amendments are ordered is almost as complicated as the Bill. I hope that we can do this in an iterative way because this deserves real attention and our forensic focus on what we are doing.

I had the privilege at the weekend of cycling down through Wexford and back up through Wicklow. There is nothing like cycling to get a sense of the countryside. What I got a sense of was a countryside under stress. Anyone who is involved in farming would know it, particularly in the south east.

I saw the hedgerows with plastic bottles littered everywhere but in the fields there were cattle standing in dry, dusty pasture and they were being fed from first cut silage and next winter's fodder without any sign of growth. It is a tough time for Irish farming and we need to make sure that they have a secure and healthy future. I will be honest in that it reminded me how wonderful this country is because of our hedgerows. I know there is an issue around road safety and we have to look after that but it is one of the spectacular things about nature in our country that, unlike other countries, we have hedgerows of quality. I hope Deputy Fitzmaurice does not mind me giving away what we said in a private conversation over tea, but as it happens we were just talking about his memory of growing up in the west where there would be a field with a five hedge system. They were told by all the Teagasc experts to get rid of them so that they would have a more productive system and then they realised that they lost the ability to manage floodwaters. The services the hedgerows provided were significant and real. That is why we bitterly and deeply oppose these provisions in this Bill. We feel that it risks a further degradation and deterioration in our hedgerow system.

In the latter part of my journey, having cycled down as far as Ballymoney in Wexford I headed back up through Wicklow, up over the mountains by the Sally Gap and for the section for several miles between the Sally Gap and Kippure I was cycling through a burnt wasteland. The mountain was on fire. There was a 3 sq. km bog fire and it was spectacular in scale and size. Further on, at the edge of Lough Bray Upper, a spectacular area which people know, the Air Corps were doing an incredible job trying to scoop water out of the lake and put out the fire. I talked to the rangers who happened to be there and they said that the problem is that the peat is so hot now that it is reigniting all of the time. It is almost self-reigniting. The fires must have been started as a result of human intervention and there are real questions around that. Maybe it was just my personal experience but to cycle for miles through a smoke filled, burnt environment reminded me that we have to be careful in what we do with our mountains.

One other change that has taken place since we last discussed this Bill is that RTÉ "Prime Time" programme which showed up the lack of enforcement of environmental regulations in this country. All of the reassurances the Minister has given on Committee Stage and in previous readings count for nothing in my mind because if we cannot manage illegal dumps ten times the size of this room, how will we look after a nest? I have been provided with some figures since our discussion on this issue last week as to what we are doing in terms of enforcement of existing wildlife protection measures and the number of people who have been in breach of them and the answer is that nothing has been done. If burning on the mountain tops is looked at, none of it is properly co-ordinated. It is promised that it will be done in a regulated and safe way but the evidence is the exact opposite. Whatever advantage that may bring in certain circumstances where someone wants to cut back shrub or encourage grass or heather growth for

a particular species, and there may be some advantage, that is not what is happening. We are burning land and then going back burning it again a few years later in a way that is destroying the environment. We are burning in environments where it fundamentally changes, distorts and destroys the environment and that will only get worse in an environment that is changing because of climate change.

I mentioned the farmers at the very start because we need a national land use plan where we sit down with our farmers and work out in real detail what our plan is, what we will do, how we will create an income and how we will pay those farmers in the areas that are not advantaged by rich land and pasture, how will we pay them for the services they provide in helping us to manage floodwaters, in helping to provide biodiversity and in providing recreational value and assets. That is what we should be doing. We should not allow burning in March and cutting of hedges in August. That is plain wrong. There are several of our amendments in that grouping but our first preference is to take out section 7 and recognise that the Bill does an acute disservice to our environment and should be stopped. There are various options in the amendments but if we insist on providing protection for road users, which is valid, our amendments make sure the Bill achieves that purpose. It is not a question of wholesale destruction of the environment. It is specific and forensic and achieves that objective.

The problem with the Bill is that it takes a wholesale “let it go, let them burn, let it be cut” attitude when the problem is not the people who want to maintain their fences and hedgerows and maintain the land properly. They can do that. In the off-peak periods they can cut hedges and manage the uplands. The problem with the hedgerows is people who do not do what they need to do. That needs local authority intervention and management. It does not need Fine Gael writing a blank cheque to slash every hedge in the country which I fear will happen as a result of this Bill.

Deputy Bríd Smith: One gets great pleasure from walking the hills and laneways or cycling pathways and using all the attractions that this country has to offer, despite the loss of habitats and species, the 40% reduction in the bee population, which is quite scary when we realise the role the bee plays in the food chain and the reproductive life of this island, and the red listing of six or seven native species of birds in danger of extinction. This Bill will take the cutting period, which is now closed from April to August to protect the very vegetation and wildlife that I have spoken about during the months of growth and reproduction, and extend it by another month at either end. I cannot understand the thinking behind that and I wish the Minister would explain it. I hope she accepts the amendment which is so important because during these periods wildlife is beginning to nest and reproduce and is at its best.

If the insect species that inhabit all hedgerows, uplands and bogs etc. are deprived of their existence, that will have a knock-on effect on the survival of other insects, birds and other animals. Why would we deprive them of an opportunity to exist, with a knock-on effect on everybody else? A total of 28% of Ireland’s breeding birds are in decline and 31% of habitats are in decline. Those in decline include the barn owl, the yellowhammer, the curlew, the golden plover, the red-breasted goose and the meadow pipit. They all sound beautiful and they are beautiful and virtually unique to this country. The action provided for in this Bill would endanger them. The action of the Department of Culture, Heritage and the Gaeltacht in connection with wildlife inhabitants would not be countenanced anywhere else in Europe. If the Minister can tell me this legislation is in line with any EU directives I would like to hear her do so. Many Europeans who come to this country are already shocked at the lax and light-touch regulation in place to maintain our wildlife.

3 July 2018

Allowing land users to define road safety is crazy. With all due respect to farmers and land users, this is a level of democracy that is not allowed to anyone else. Public sector workers do not have a say in how their jobs function, neighbourhood watch would not be allowed to have a say in how the community is policed but the Bill practically gives ownership of the Road Safety Authority to land users. This is completely wrong. While I have great respect for land users and farmers, they should not be allowed to define road safety. That should be left to the Road Safety Authority.

When we make the effort there is considerable buy-in from farmers and communities for the idea of sustainability of farming, of local communities, habitats and animals and birds. The Department of Agriculture, Food and the Marine has focused very much on the Burren, carrying out sustainability exercises in County Clare because of the special nature of the area. Having been there for a week's walking recently I can say it is working beautifully and is preserving the flowers, the bees, the birds and the nature that make up the wealth of that area, as well as helping the farmers to know how and when to farm in a correct way to help it survive.

Whether it is the uplands, the lowlands, the Burren, the hedgerows, or whatever it may be, we should be careful about passing this aspect of the Bill. If we do we will give *carte blanche* to people to attack species when they are at their best, when they are young and reproducing and need to inhabit the hedgerows and bogs, etc. We will also allow people to take over the role of the Road Safety Authority and in the course of so doing endanger the existence of many of our most beautiful species of birds. We seek the removal of this section.

Deputy Richard Boyd Barrett: It is fairly bizarre that in a Bill entitled the Heritage Bill the Government would propose measures that will destroy or threaten with extinction parts of our natural heritage. Like Deputy Smith, I would like the Minister to explain what response she has to the concerns being raised by the people who are knowledgeable and expert in the protection of wildlife. One of the junior Ministers - I will not name him - was chortling during the week when I was speaking about the birds and the bees. He seemed to think it was funny but the birds and the bees matter. The fact that a significant number of bee species face possible extinction, that we have had a huge loss of the bee population, as Deputy Smith said, and that a whole series of birds are on the red list, facing possible extinction because we have not protected their habitats, is serious. The Government needs to explain how allowing measures that would destroy their habitats at crucial and sensitive times of year can possibly be justified.

The point about road safety has been well made. We already have legislative provisions which ensure that local authorities can cut down hedgerows that are a danger to road safety so we simply do not need to do it. Burning times similar to those proposed in the Bill have not stopped upland fires in other places. If somebody lights a match it does not matter at what time of year it is allowed or not, fires are caused. These measures will not prevent some of the things the Government is saying they will prevent but they will destroy the habitats of the birds and the bees. When our biodiversity needs greater support and protection and certain species are under threat and need to be protected, the Government is introducing measures that will do damage. This makes a mockery of commitments that have been made. We engaged with the Taoiseach the other day on the Government's commitments to biodiversity, yet it is allowing measures that will substantially reduce our biodiversity when it is under threat. Despite it being one of our great assets, and it could be a far bigger asset, the Government is allowing measures that will reduce our biodiversity. I do not see the justification for them.

This should not be viewed as a debate between the environmentalists and the farmers, al-

though it is often played out in that manner. I accept that insofar as we need to take measures to protect our biodiversity, in doing so we must also support and engage with farmers and rural communities.

One of the amendments we tabled, which was ruled out of order - I do not know why but I will not get into that debate now - proposed establishing a proper consultation process with the various stakeholders to examine how these issues could be addressed in a way that would not be damaging to the environment. This did not occur in the context of the Bill. The Minister is indicating there was consultation but according to the environmental organisations, that is not the case. Those organisations are obviously all telling porkies. They are very unhappy about what the Minister is proposing and 30,000 people have signed petitions protesting against her proposals.

An email I received suggests this measure may well be in breach of the EU birds directive. Has that been properly assessed? A regulatory impact assessment was not done on this Bill. Such an assessment constitutes best practice. When one is considering introducing new regulations that may have a substantial impact on the environment they should be subject to a regulatory impact assessment. Effectively, what the Minister is saying is that changing the law will itself be the assessment because there will be a trial. She should have ensured a proper assessment was carried out beforehand to gauge whether the measures in this Bill could fall foul of EU directives on environmental protection, the birds directive and our biodiversity. She should have engaged properly with environmentalists and people who are knowledgeable and expert in these areas who say she has not engaged to a satisfactory degree. I appeal to her to reconsider and support this amendment which proposes the deletion of this controversial and concerning section.

Deputy Michael Fitzmaurice: People need to understand that we have a managed landscape around this country. I hear people talking about farmers but farmers are brought up in nature. If a farmer causes destruction in his field, he pays for it as he will not receive any support from a State agency. Sometimes it is harrowing for farmers to hear people talk about what they do when those people only see an acre of land on a television programme or when they drive by it but they have never had to farm it, live on it, earn a living from it and rear a family. We need to be very conscious of that.

Deputy Ó Cuív, with whom I spoke about the Bill, will discuss this point in more detail. Everybody should be aware that, under the Roads Act 1993, farmers are obliged to maintain their hedges. If somebody gets hurt, the farmer is liable. I point that out in case Members were not aware of it. Everybody is talking about Transport Infrastructure Ireland, TII, local councils and others doing everything but if Members check the Roads Act 1993 it includes the wording “a tree, shrub, hedge or other vegetation” and if they pose a danger to a road user, the farmer is liable. We need to be mindful of that when discussing the Bill.

Deputy Eamon Ryan was right about what happened in the past. I remember in the 1980s, the EU - it was not Teagasc and I will not blame a local body - gave grants to farmers not to knock hedges but to knock ditches in fields. In my area we ended up turning five fields into one, but now we are coming full circle. In fairness, a regulation introduced by the Department of Agriculture, Food and the Marine provides that not more than 500m can be knocked now, and rightly so. That helped with respect to flooding, as the Deputy pointed out.

We are having great weather now but people need to be conscious that in September and

3 July 2018

October last year one could not go into a field on marginal ground in my area. As I said the other night, our land is only becoming normal now. In a month's time, we may be able to help deal with a problem on a road rather than ploughing up a field. A farmer does not go into a field willy-nilly to cause destruction to wildlife. We are brought up a different way. We should make sure we are mindful of that.

Regarding the burning of vegetation, anyone who comes from a rural area will know that when controlled burning is carried out there will be more food for the birds with the vegetation that grows back. People do not understand some of these practices. There is a saying that it would not feed a snipe but if one burns vegetation, what grows back will provide food for the birds. We are brought up with nature. We come from a managed landscape that the farmers of this country have to keep as best as is possible. I am not saying everyone is perfect and no one will ever say that but, in fairness to most farmers and especially those in the west, they are not rewarded for what they do.

I ask the Government to consider addressing one issue. There is a great degree of land designation in the area from which I and Deputy Ó Cuív come, which puts great pressure on farmers. There is a danger that with land abandonment we will have an unmanaged landscape, which would not be good for anyone. Deputy Bríd Smith referred to the Burren in County Clare. It might serve the Deputy well to read back on what happened with the Burren in the past. The State put millions of pounds into it and it was a total disaster. The first thing it did was take the cows off the Burren. When that was found not to work, the State listened to the farmers. That is what is important. People who live a distance from the countryside seem to believe they will tell everyone down the country how to live their lives. In this case, the State listened to the farmers and the Deputy is right in pointing out that the Burren has been a success. That is the type of partnership that is needed.

Deputy Bríd Smith: They did not burn hedgerows. They listened to the farmers.

Deputy Michael Fitzmaurice: It was not a success at the beginning when the so-called experts decided what would be done.

Deputy Bríd Smith: I agree with the Deputy but-----

Deputy Michael Fitzmaurice: We need to listen to the people who manage and look after the landscape. I want the Bill to go through and I support the Minister on it.

Deputy Éamon Ó Cuív: There are two key issues in section 7. The first is to allow burning in March. I live in one of the wettest places in Ireland and the idea of burning anything in February is ludicrous. The reality is that the burning of open hill has been going on for a long time. As I said in the committee, there is a reference in the poem, "Anach Cuan" to "Loscadh sléibhte agus scalladh cléibhe ... ar an mhéid a báthadh". The poet was talking about loscadh sléibhte, which is basically the burning of the hills. It was a type of curse he brought down on them. It was a common phenomenon in his time and we know wildlife thrived at that time. What we are talking about is very limited controlled burning. I ask the Minister to indicate how limited it will be because I understand permission is needed for controlled burning. She might explain to the House just how little controlled burning takes place.

The second issue is that the vegetation on a hill can grow and become very woody. This means the heather is not like fresh heather and contains a great deal of wood. The danger is that if somebody lights a match to it in this kind of weather, outside the burning system, the entire

hill, as Deputy Ryan eloquently put it, will go up in flames. The bog will then start to burn and we will have a big problem. In most cases we do not know who starts these fires. It was very interesting that when some farmers in Connemara were penalised by the Department of Agriculture, Food and the Marine because their hill went on fire, we managed to get the penalty rowed back. It was confirmed by the authorities that none of the farmers penalised was under any suspicion of having lit the fire. We do not know.

Nobody is proposing that we ban visitors to the countryside in hot or dry weather just because somebody might light a match. It could just as easily be somebody from outside the area as inside the area. As to who might do it, careless behaviour knows no limits. There are thousands of people - thankfully - who visit the countryside at this time of the year. All it takes is for somebody to light up during a careless picnic and up goes the mountain. Blaming it on, or presuming the fault lies with, some local farmer is very unfair. I do not attach blame to anybody and I do not believe we should keep anybody out of the countryside. It is a risk we just have to take and live with. Saying that controlled burning in March - it cannot be done in February on most hills - is going to cause destruction to the hills is not understanding what controlled burning is about.

The other proposal in the Bill provides that under regulations not yet specified, hedge cutting would be allowed in August. Perhaps the Minister will confirm in her reply if these regulations would have to be brought in by way of statutory instrument. It would allow for one hedge, that is, roadside hedges. In reality there are eight sides to a hedge. If one takes the top of the hedge as being a side there are another four so there are 12 sides to a hedge, but we will take it as being eight sides. The proposal is for a person to be allowed to cut one side of the hedge, the roadside, in a field that has a roadside. Anyone who thinks that farmers are going to willy-nilly get out very expensive equipment and do the roadside hedges all around the country for no reason and then come back some time later in September or October and do the other sides of the hedge, knows very little about the efficiency of cutting hedges. It would just allow for cutting a side of a hedge in August where it is deemed to be necessary to do so, basically for health and safety reasons. If doing so, a person can do the whole face of the hedge.

It is absolutely true that there is a lot more hedgerow in the State now than 40 or 50 years ago. Land was much more intensively farmed and farmers did an awful lot of hedge cutting in times gone by, and 100 years ago every piece of useable land was used. All of the hedges were cut back in the winter because there was very little other work to do. They really cut them down in wintertime, without a doubt. There is a challenge to biodiversity but is the cutting of roadside hedges the problem or is it pesticides, herbicides and other attacks on habitats? Is it invasive species, including mammals that have come to Ireland, such as mink? Are they the real destroyers or is it roadside hedges being cut in August? We must ask ourselves this question.

I live in a rural area where a lot of people except the locals never go down the boreens. People go along the regional roads and the county class 1 roads, but they have not been down the tertiary roads, up the little valleys or down the little roads. If the Minister was to talk to any parent of any schoolchild about the cutting of hedges before the children go back to school, the parents will tell us that their little sons or daughters should not be put at risk. I am sorry but this is what the parents will tell the Minister; their sons or daughters should not be put at risk for the want of cutting just one face of a hedge in August. This is what is proposed.

The original Bill went further and was going to allow wholesale cutting of hedges in August. We tabled an amendment in the Seanad. The Minister has obviously accepted this amendment,

3 July 2018

which limits what was intended. I believe it is minimal and puts human life where it should be, ahead of every other consideration.

Deputy Catherine Martin: It is my privilege to represent the constituency of Dublin Rathdown but I was brought up in nature. I was brought up in rural Ireland, though stony grey soil it may have been. This is exactly why I share the grave concerns of wildlife and heritage organisations such as BirdWatch Ireland, the Hedge Laying Association of Ireland, the Irish Wildlife Trust, An Taisce and the Federation of Irish Beekeepers Associations. I believe that sections 7 and 8 of the Bill are anti-heritage and should be consigned to the scrap heap.

The Minister is aware that in our own constituency of Dublin Rathdown, wildfires have raged in Ticknock and on the Blackglenn Road. Residents have been advised that the area is unsafe and to stay indoors. This gives us a sneak preview of what it could be like if we extend the burning period. Last year from 24 March to 22 May, the Irish Wildlife Trust recorded 97 illegal wildfires in rural areas. Some 39 of these were in special conservation areas that are protected by EU habitats legislation. Sadly, the current law and the penalties or sanctions imposed on persons who are convicted of such destructive vandalism fail abysmally to protect Ireland's heritage. Instead of putting in place real disincentives, however, and carrying out a real investigation into what happened and providing appropriate supports to those affected by the forest infernos, the Government's sole response appears to be a determination - which seems to be growing by the day - to pass this anti-heritage slash and burn legislation.

As other Members have outlined, burning outside of the current season jeopardises a vast array of wildlife. For many birds, such as the endangered curlew whose population is in decline, March is a month of nesting. This is the time when they establish their territories, create their nests and prepare for laying their eggs. Curlews are facing global extinction. There are only 125 breeding pairs of curlews left in Ireland. There is a real risk that the Government's proposed change would be the last straw for the curlew. We need courageous leadership to face down the vested interests to protect our heritage.

Amendment No. 16 put forward by the Green Party seeks to delete section 7(1) in its entirety. We believe the burning period should not be extended to March, full stop. We seek that subsection to be deleted entirely.

On the other amendments in this group, amendments Nos. 15 to 23, inclusive, I ask the Acting Chairman's guidance. Does he want me to speak to them now or will I wait until amendments Nos. 15 and 16 have been voted on?

Acting Chairman (Deputy Eugene Murphy): The Deputy can speak to all of those amendments now.

Deputy Catherine Martin: The other amendments are the physical alternatives. If the deletion of the entire subsection does not pass, this amendment would restrict the application of section 7(1) to only the part of section 40 of the Wildlife Act 1976 that applies to the destruction of vegetation on uncultivated land. Otherwise, this section could be used to apply to land which is covered under the part of section 40 that applies to hedges. Similarly, amendment No. 21 seeks to restrict the application of section 7(2), which expands the Minister's power to make regulations in respect of hedge cutting to just section 40(1)(b) in order that it does not open up all land covered under section 40, but just the land appropriate to hedge cutting regulation.

Amendment No. 18 removes the power of the Minister to make regulations for the expan-

sion of hedge cutting into August and replaces it with a power for the Minister to make regulations for derogations to section 40 of the Wildlife Act for the purpose of ensuring public health and safety under the Roads Acts, and outlining the parameters of any such regulations. The Minister has said that section 7(2) will help to ensure that issues such as overgrown hedges can be tackled in August. If this is truly the Minister's intention, the phrasing of this amendment, which seeks to provide the Minister with the powers for purpose of ensuring health and safety, makes much more sense.

I have already addressed amendment No. 21.

Amendment No. 22 alters section 7(2) so that it applies specifically to the purpose of ensuring the safe use of public roads during August. Again, if road safety is really the Government's intention with this section, as is so often maintained, then this amendment makes more sense.

Amendment No. 23 puts in place a further provision to section 7 allowing for the Minister to make regulations for further restrictions on hedge cutting into September, to protect the yellowhammer that nests into September. The yellowhammer is on the red list in Ireland.

Deputy Sean Sherlock: I also wish to speak in general terms to sections 7 and 8. I will highlight some correspondence that I received about them and outline in particular concerns among beekeepers. In one email, the correspondent, a beekeeper in east Cork, told me that the person's apiaries had decreased in size from an average of 15 in the early 1990s to, at best, nine today. Honey bees are a great indicator species of the environment, as they only forage within a radius of 1.5 miles. The decrease can mostly be attributed to changes in farming practices such as hedge cutting and hedgerow removal. For that reason, the correspondent urged me to vote against sections 7 and 8. This is testimony from someone with an interest in beekeeping. Another person was concerned that the changes to the hedge cutting dates would lead to further declines in populations of the red listed yellowhammer, the linnet and the greenfinch and reduce essential food supplies for pollinators, of which one third are threatened with extinction. These are just two samples of a large number of emails to me outlining concerns with sections 7 and 8.

I represent an urban-rural constituency. I understand as well as western and north-western representatives sensitive issues in urban and rural areas. I have an understanding of rural issues because I speak to people in rural Ireland every single day of the week. We should not be going down the road of hedge cutting in the month of August. It is not a question of extending the period for hedge cutting but of ensuring adequate resources in the first instance so that hedge cutting can be completed in 100% of cases where necessary during the apposite season. When local authorities issue hedge cutting contracts, those contracts do not cover the entirety of the areas that need to be cut back. It is foolish of the House to go down this road without a proper interrogation and examination of what we are proposing to do.

I am not a dyed in the wool, die in a ditch environmentalist, but I hope I have common sense. I grew up spending large swathes of my time in the countryside and living in a town where one need only walk a mile to be out in the countryside. One had an understanding of the seasons and how they worked. Nesting was always vital and understood by rural dwellers. For every Deputy who tells the House that farmers are custodians and will make the right decisions, many farmers in my area have expressed to me concerns about what is being proposed in this Bill. Their concerns are echoed in the correspondence we have received from the likes of BirdWatch Ireland, with people telling us that Ireland's legal protections for nature are regressing. I have had my issues with An Taisce, which is a stakeholder body, entering objections

3 July 2018

to young people's planning applications in rural Ireland. I have my issues with many people who are headquartered, as it were, in Dublin and seek to profess widely of their knowledge of the dynamics of rural Ireland, but I do not know anyone who would disagree with the logic in BirdWatch Ireland's fears about this legislation, particularly sections 7 and 8. I do not know to which vested interest these sections are pandering, but they are against nature.

If the right resources and budgets were allocated to local authorities during the current window of opportunity for hedge cutting, every single hedgerow in the counties we represent could be cut annually or biannually where necessary and the red herring of protecting the leanáí going to school could not be used.

I pour scorn on the notion of selling this legislation as a two-year pilot covering all 26 counties. I am not the first person to make this point, but when has this country ever used pilot programmes that cover all counties? Previously, there might be one, two, four or six pilot programmes in every region. Are the Minister and her officials serious about this and asking us to take it seriously? It is a joke of a provision.

BirdWatch Ireland's submission reads:

The legislation is being sold as a 2-year 'Pilot' period which covers all 26 counties but no methodology for such a pilot has been provided, no baseline data has been gathered. Most worryingly, Section 8 of the Bill is not subject to the 'Pilot' period, it can continue indefinitely.

I realise that I am under time pressure.

Acting Chairman (Deputy Eugene Murphy): The Deputy will have a further two minutes. I will allow the Minister to respond to Members' points first.

Deputy Sean Sherlock: I appreciate that.

Deputy Josepha Madigan: I will be as quick as I can because I want to address the many points raised by Deputies. I am not accepting the amendment.

Deputy Tóibín has acknowledged the need to address the concerns of farmers and others who are dealing with these situations, including road safety issues, every day. The Bill is a balanced and proportionate way of addressing their concerns via a pilot period and under strict regulations, which I will make.

This is not a refuse control Bill. I have a biodiversity action plan, as the Deputy is aware, and I am investing €250,000 in county biodiversity planning this year. Our regime is a managed one. I pay tribute to the firefighters and responsible citizens. My Bill is about protecting the natural heritage. It is a pilot regime. Our climate is changing and our heritage and wildlife legislation needs to keep up with those changes.

Regarding Deputy Eamon Ryan's points, this Bill is the opposite of wholesale. The Deputy is misinformed. The two-year pilot period will be subject to regulations that will be laid before the Houses. Not every hedge is roadside only. While I understand that there are different points of view, we must be fair in our representations of what is in the Bill.

The National Parks and Wildlife Service, along with emergency services personnel, has been attending three fires in the Wicklow Mountains National Park since last Thursday. It took

until Sunday evening to bring them under control. The area in question is in the Wicklow uplands special area of conservation, which contains high-value conservation habitats, including blanket bog, wet heath and dry heath. There are still flare-ups in certain areas, fanned by a stiff breeze as the fires smoulder in the deep heat. The only solution is to douse the areas with water. Given the inaccessibility of the area, we have been using the resources of the Air Corps and private aircraft. There is evidence that many of these fires may have been started maliciously. This follows a persistent pattern in Wicklow in recent months where there have been multiple successful and failed attempts to light deliberate fires from the edges of the public road. I thank the staff of the National Parks and Wildlife Service in Wicklow, the Garda Síochána, the fire service and other emergency services for all their work in the past few days in trying to deal with these wildfires in difficult and arduous conditions. The Deputy is aware that the main reason for the burning provisions is to allow people managing land to burn for proper land management purposes in March where, for example, weather has prevented this. This year, the last day for burning was the day before Storm Emma. The provisions of the Bill seek to do this while taking account of all of our responsibilities to protect our natural heritage and wildlife. I am delighted that the Deputy is sensitive to our farmers and am glad that he acknowledges the importance of roadside hedges to cyclists. I hope he did not endanger himself by entering cordoned off areas where my staff were fighting all weekend.

I am not responsible for dumping. The Deputy is wrong about what we are doing.

Deputy Sean Sherlock: That is a load of rubbish.

Deputy Josepha Madigan: For the first time since 2008, we are hiring rangers and ecologists. The green low-carbon agri-environment scheme, GLAS, has been a huge success in helping farmers. I think it is disingenuous and unfair for Deputy Catherine Martin to link illegal fires to responsible landowners and farmers, who are not the enemies of our heritage but its custodians, and have been for thousands of years. I want to be clear that illegal burning should not and will not be tolerated. We can all see from recent days the damage that can be caused by wildfires. I hope that in cases where fires have been caused maliciously that those responsible face the full force of the law. The Heritage Bill is not about illegal burning. I am proposing to allow controlled burning in certain areas during March if it is deemed necessary due to adverse weather conditions.

In answer to Deputy Eamon Ryan's question, since 2011 my Department has taken over 50 prosecutions against individuals for breaches of section 40 of the Wildlife Act. The most recent successful prosecution by my Department was in February, when a defendant was ordered to pay €500 to a wildlife charity for illegally cutting and destroying hedges in County Monaghan.

Deputy Bríd Smith raised the EU habitats directive and birds directive. With Ireland as a member state, we unanimously adopted the directive in 1979. Habitat loss and degradation are the most serious threats to the conservation of wild birds. We spoke about birds. The directive therefore places great emphasis on the protection of habitats for endangered and migratory species. It establishes a network of special protection areas, including all the most suitable territories for these species. Under the birds directive, every member state must report on progress to the Commission. Ireland's last report to the Commission for the period from 2008 to 2012 was submitted in 2013. The habitats directive covers more than 1,000 animal and plant species. The Deputy mentioned the Roads Act 1993, under which landowners have an obligation to cut hedges and vegetation on roadsides for road safety reasons. This legislation has been in force since 1993, that is, about 25 years. There is a provision under section 8 of the Bill to

3 July 2018

address conflicts between the Roads Acts and Wildlife Acts. I agree that our landscapes are a great amenity. Birds and hedges remain protected under the Wildlife Act. Under section 22, it is an offence to interfere with or damage a nest in any way. This Bill limits cutting to roadside hedges. The Deputy also cites several birds. I am not sure how many are roadside, hedge-dwelling birds. Land users also use the roads in the vicinity of their holdings every day. We need to respect their knowledge and husbandry of their holdings and hedges so ultimately, it is a matter for the farmer and landowner who planted the hedges.

Deputies Bríd Smith, Boyd Barrett and Sherlock mentioned bees. I am well aware of the contribution that bees make to biodiversity. I would like to make it clear to the House that the regulations that I will make on the cutting of hedges in August will be confined to hedges on roadsides only. I believe therefore that the overall impact on biodiversity will be curtailed. Given that flowering is largely over by August, the main forage for bees in August is heather, followed by herbaceous plants such as knapweed. Can I beg the Acting Chairman's indulgence for a little further?

Acting Chairman (Deputy Eugene Murphy): Okay.

Deputy Josepha Madigan: A main threat to bee populations is the use of pesticides. The House may be aware that the European Commission took a decision recently, which was backed by member states including Ireland, to ban the use of neonicotinoids, which are one of the most widely-used pesticides. I welcome this decision as it would lead to further protection for honey bees. I might try to get in later to answer other Deputies' comments.

Acting Chairman (Deputy Eugene Murphy): Members are entitled to two minutes again. I will take them in the order they were in in the first round.

Deputy Peadar Tóibín: The Minister mentioned the different times of the year when there are different experiences with regard to weather. The fact is that, according to Met Éireann, March can be wetter than February and September can be drier than August. We spoke earlier about human life needing to be protected above all. When Deputy Humphreys developed this Bill, I contacted the Road Safety Authority and asked if the Department talked to it about development of the Bill. The Road Safety Authority said it had not. I thought, for a Bill dressed up as being about road safety, that that was an incredible answer. My amendment No. 20 seeks to address the issues. It seeks to permit the management of vegetation growing in any hedge or ditch. There is a solution to solve road safety problems that does not mean the destruction of all road-facing hedgerows in this country.

The most recent report on Ireland from the Convention on Biological Diversity in 2014 creates stark reading. Only 9% of habitats detailed in that were identified as being in a favourable condition, compared with 50% that were described as being in an inadequate condition and 41% that were considered in a bad condition. A significant number of species covered under the EU birds directive in the country are in decline. As the Minister mentioned again and again, the farmers are looking after their lands. The truth is that whether one is from inner city Ireland or rural Ireland, this is our island. We should not be trying to separate people on this issue. We are all doing damage to the biodiversity of this country. We are doing it in manners that are contained within this Bill, which is why it needs to be fixed. The Opposition is regularly blamed for being negative with regard to Government proposals and not providing practical alternatives but we have lambasted the Minister today with a number of practical alternatives that will save lives and yet protect the biodiversity of our country.

Deputy Eamon Ryan: I mentioned cycling because that is my personal experience, having spent 15 years bringing people around the country, often on the very boreens about which Deputy Ó Cuív was talking. It is not just for cyclists but for all tourists. It is not just tourists but that is not an insignificant issue. They love that sense on our roads. We have to be careful and manage them for road safety. That is why we have put in amendments. There is a difficulty in that there are so many grouped amendments. Our amendment No. 18 sets out exactly how that could be done. If road safety is our intention in hedgerow cutting, let us put the resources into it and do it properly rather than having a free-for-all, which the Minister is allowing.

With regard to the burning on the uplands, I talked to rangers and asked if it would be okay because I was interested in what was happening up there. They said that I was fine where I was.

8 o'clock They did not have a particular problem. I was conscious of safety and not worsening their difficult task but I am afraid the Minister's logic is fundamentally flawed.

It seems to me that she is saying that we want to manage the burning better by extending the season. This comes after last year, when we had massive wildfires in Galway and elsewhere, which went from bogs on to forest, and burned and threatened houses. Our problem is that the traditional idea that people want to burn for scientific management of upland moors to get heather growth is not the reality of the world we are in.

We do not even have the farmers, the man and woman power, to manage in that very careful way what such a burning programme would be. The reality is that we have massive wildfires occurring in March, and to extend the season into that month is going to make it much easier for people to burn in March and for that to be in the public consciousness. That is what is going to happen. To dress that up as an advancement of heritage is illogical.

Debate adjourned.

Urban Regeneration and Housing (Amendment) Bill 2018: Second Stage [Private Members]

Deputy Mick Wallace: I move: "That the Bill be now read a Second Time."

I wish to share time with Deputies Broughan and Connolly.

Acting Chairman (Deputy Eugene Murphy): Is that agreed? Agreed.

Deputy Mick Wallace: The purpose of the Bill is to disincentivise land hoarding or land banking. There have been many proposals relating to housing since 2011 and we have become a bit blinded by them all, but land banking has not been addressed. Economists say that since 1950, the 80% increase in the price of housing is linked to the land price and that is a significant issue. Between 1963 and 1971 alone, there was an increase of 530% in the price of housing and it led to the setting up of the Kenny commission. Mr. Justice John Kenny was commissioned to examine how in God's name we could control the price of development land. He reported in 1973. He recommended that local authorities should be allowed to purchase land compulsorily at the agricultural price plus 25%. The Government of the day, led by Liam Cosgrave, did not accept the recommendation. It seemed a bit on the radical side. It was suggested that it might give rise to problems with Article 43 of the Constitution which prevents any Government from interfering with property rights, but at the same time the advice was that it would not interfere with it. In 2004, a Fianna Fáil Government set up a committee to examine the same issue and

3 July 2018

it came to the conclusion that it would not interfere with Article 43. It was about private property and the constitutional balance. The verdict at the time was that it would not interfere with Article 43 but nothing was done either at that time.

It is interesting that in 2006, the National Roads Authority, NRA, announced that 23% of the roads budget at the time related to land acquisition. That compared at the time with 12% in England, 10% in Denmark and 1% in Iceland. We knew we had a serious problem but nothing was done at that time either. If truth be told, since 1973 a total of 13 consecutive Governments have refused to do anything about the situation and ignored the recommendations of the Kenny report. They refused to examine Article 43 or to test it in the courts. They also refused the notion of introducing a referendum on Article 43.

The Urban Regeneration and Housing Act 2015 was a harmless effort to deal with the problem of land banking. I am not sure if the Minister of State, Deputy English, was in office at the time but, as I argued then, it was designed to fail because it was never going to deal with the issue. I know the Government is making some changes now which are of interest, but I maintain they do not go nearly far enough and they will not be a game changer. For example, the Minister is talking about increasing the vacant site levy to 7% from January 2020. First, 7% is not near enough given the price of housing. If the price of a house goes up 10% at the moment, which we have been looking at now for four years in a row, the price of the land goes up by 30% so a 7% levy will not disincentivise land bankers. Second, even though the Government is doing away with the exemption on the loan, there are still loopholes that will allow many people to avoid paying a vacant site levy. The changes do not amount to much. One of the proposed changes is to give the Minister power to vary the levy rate by way of regulations, having regard to increases and decreases in the CSO property price index. It goes on to say, however, that any increase in the levy rate above 7% will be subject to primary legislation. In other words, the only power the Minister will have is to decrease the levy. The Government is going in the wrong direction. That will not solve the problem. We are still going to be left with the loopholes.

I will not have time to go through all the issues but a Ladybird version is that we want to bring in stricter definitions for what constitutes a vacant or idle site because it is way too open at the moment and we need to close it off. For example, if somebody applies for planning permission and gets it, a commencement notice can be made but building might not start for another 12 months. Such a person is still banking the land. Ninety nine out of 100 builders who are interested in building will have organised their finance. If a builder is still sitting on it a year after getting planning permission, then the Minister will have to deal with that.

Another issue that must be tackled is where a commencement notice is made but a project is not completed within three years. A builder could get a commencement notice, put up hoarding, dig a few holes and walk away, but that is land banking as well if the builder is not going ahead and building. There are many different ways of getting around these things and the Government has to deal with them. I know for a fact that these things happen. It is a very clever way of getting around some of the challenges presented.

The appeals system the Minister built into the 2015 Act borders on the ridiculous. Four different forms of appeal are available. A person could appeal being put on the vacant sites register in the first place. After 1 June 2018, which has just passed, he or she could appeal it again. When a valuation was put on what was deemed a vacant, idle site, the owner had the right to appeal the valuation. If he or she lost that appeal, once the person was asked for the money,

he or she could then appeal the payment of it. It is ridiculous. I reckon that person could drag out the appeals for at least six years, and there was no backdating of the money he or she had to pay if he or she went down that route. That is nonsense. We have done away with three of the appeals and we have left one. In the interest of fairness to the site owner, instead of one valuation which a person was allowed to appeal under the 2015 Act, I suggest that the average of three valuations be used, which should be sufficient. It makes no sense to allow four appeals.

Many issues are dealt with in the Bill. A report by the National Economic and Social Council in 2016 claimed that only 9% of zoned residential land was owned by local authorities in 2006, whereas in 1970 it was 30%. That was a major game changer. Those amassing and holding landbanks filled the gap created by the local authorities. The result was a huge power shift from builders to those holding landbanks. The person with landbanks became king. Earlier this week, I referred to a site of one fifth of an acre on Dominick Street which I bought for €4.8 million. If one buys a site and immediately begins working on receiving planning permission, it normally takes two years before a sod is turned and another two years to build it out, giving four years in total. Loan interest is usually 6%, which means that the interest repayments on a site costing €4.8 million are approximately €300,000 per year, adding up to €1.2 million over the four years it takes for the project to be completed. Added to the €4.8 million purchase price, that gives an overall outlay of €6 million. We built 27 apartments on the site and the land price accounted for almost half the cost of supplying them. The build cost was €230 per square foot or a little over €200,000 per unit. The land cost, made up of the initial purchase price and loan interest, was equivalent to the build cost. That is a mad scenario and should not happen anywhere.

Many people find the price of housing in Ireland draconian. In most European cities, one can purchase a three-bedroom house between 20 km and 25 km outside the city for approximately €160,000. In Dublin, one would pay approximately €320,000, double the European average. Who benefits from that? Builders do not. They will benefit from this Bill but those holding landbanks will not. More than 99% of the people of Ireland will benefit from the Bill. Nobody is a winner when housing is ridiculously priced. It leads to rents being ridiculously priced and is an all-round problem. It beggars belief that 13 consecutive Governments failed to deal with this issue.

I appeal to every party in the House which is genuinely interested in dealing with the fact to agree that the manner in which housing is supplied in Ireland is totally dysfunctional, irrational and does not stack up to avail of this opportunity to deal with the problem. There may be a problem in regard to Article 43 but let us start the process and test it through the courts and, if necessary, a referendum.

Deputy Thomas P. Broughan: We learned during statements on child homelessness last week that almost 10,000 people, including some 4,000 children, were homeless in May 2018. Members are aware that that is the tip of the iceberg because the number of hidden homeless is not recorded. I have repeatedly highlighted the situation in that regard in Dublin Bay North, the worst-affected constituency in Ireland. The suffering of homeless citizens and those on housing lists constantly shows that legislation such as that proposed by Deputy Wallace has been needed for many decades.

The Bill would be a powerful deterrent to land hoarding and I commend my colleague, Deputy Mick Wallace, and his staff on bringing it forward. The Urban Regeneration and Housing (Amendment) Bill 2018 was introduced on 21 June and will amend Part 2 of the Urban Regen-

3 July 2018

eration and Housing Act 2015 which provides for the vacant site levy and related matters. The vacant site levy, which is to be charged from 1 January 2019, was originally set at 3% but had a large number of loopholes which enabled developers to reduce the amount of levies owed or appeal the levy. Deputy Wallace eloquently explained the farcical nature of the appeals system on this morning's "Morning Ireland" radio programme. Section 11 of the Bill will increase the vacant site levy to 25% of the market value of the site and remove the ridiculous exemptions that made a mockery of the levy in the first place. Three of the four grounds of appeal will also be removed.

As Deputy Wallace rightly pointed out, the Kenny report was published in 1973 and followed two years of committee discussion during which ten or 12 possible approaches to the problem were considered because the price of land in Dublin had risen by approximately 500% in the seven or eight years prior to 1971. It recommended that sites be acquired by local authorities for 25% more than the site's agricultural value but that recommendation has been ignored by 13 consecutive Governments. Had the report's recommendations been adopted it is likely that we could have avoided some of the boom time house and land price rises and inevitable bust and crash. In 2004, pre-bust and mid-boom times, the All-Party Oireachtas Committee on the Constitution stated that the Kenny report recommendations could have been adopted and that a constitutional challenge to such recommendations would have been decided in favour of the public interest. It is striking that that has never been put to a constitutional test. It beggars belief that these issues around land hoarding and stockpiling have bedevilled our nation for more than six decades but the Government still refuses to address them.

It was yesterday revealed that only 6% of local authority owned land is on the councils' vacant site registers and that Dublin City Council, DCC, is due to fine itself approximately €2 million as a result. Its 21 vacant sites listed on the register could hold almost 2,000 homes and include locations in Ballymun, Inchicore, East Wall, flat complexes and areas in my constituency. I agree with Mr. Mel Reynolds, a distinguished housing policy analyst and architect, who stated that a significant dent could be made in our homeless figures if these sites were developed. He also expressed concern at the message the small number of registered council vacant sites is sending to private developers.

Of course, land hoarding, landbanking and speculating on prices of homes and land have been a deliberate Fine Gael policy and follow on from the approach of its Fianna Fáil colleague when it was in government. Budget 2012 introduced a seven-year relief on capital gains tax, CGT, purportedly to incentivise the market. Section 604A, inserted into the Taxes Consolidation Act 1997 by the Finance Act 2012, provided CGT relief for properties acquired during the period from 7 December 2011 to 31 December 2014. After we got into a disastrous housing situation, the 2015 legislation was brought in. As Tom Healy, director of the Nevin Economic Research Institute, NERI, rightly stated last year, land continues to be the dominant factor of production and determining economic interest, while high finance and three-bedroom semis have replaced cattle as significant commodities of interest.

I warmly commend the Bill and hope it will be passed by the House.

Deputy Catherine Connolly: Ba mhaith liom mo bhuíochas a ghabháil chuig an Teachta Wallace as ucht an Bhille seo a chur os comhair na Dála. I have no hesitation in supporting the Bill and ask my colleagues in the House, in particular those in Fianna Fáil, which holds the balance as to whether it will be passed, to examine it carefully. The explanatory memorandum is clear as to the purpose of the Bill, which seeks to disincentivise landbanking and land

hoarding with a view to addressing the overall problem of the price of development land. The main provisions of the Bill, which are clearly set out, are to provide stricter definitions of what constitutes a vacant site, to increase the vacant site levy and remove three of the four appeals allowed under the original Act of 2015 and certain exemptions in regard to the existing levy and, of particular importance and significance, to provide an option for the owner of the site deemed vacant to enter into negotiations with the local authority.

I cannot see how anybody could object to the Bill in the context of the very serious housing crisis and the 2015 legislation which has not been implemented. I understand 11 local authorities were obliged to bring in a register in January 2017 but have failed to do so. I ask the Minister of State to explain why that has not been done. I have records pertaining to two Galway local authorities which have vacant registers, including vacant sites, which is very interesting.

The Minister might read the digest on the original Bill. That Act was brought in when people were saying clearly there was a housing crisis. At the time, SIPTU referred to a housing crisis. The ESRI referred to the need to build 18,000 houses a year, and we were down at 8,000 new houses per year. All of that was highlighted in 2015 and what we brought in then was a very limited Act that was not even implemented.

In addition, the previous Government, in which Fine Gael was the major party, brought in the 2014 Act, which was subsequently implemented. That legislation removed the right to own a social house for life, played around with language and brought in a housing assistance payment, HAP, which the Minister of State is now calling social housing and on which we understand €300 million will be spent this year as opposed to €153 million in 2017. That is what the Minister of State is calling social housing.

With regard to this Bill and the price of land, this is not new. Almost 50 years ago, in 1971, the Kenny report was commissioned. Mr. Justice Kenny sat for more than two years, took detailed submissions and a majority report was presented. It dealt in particular with Article 40.3.2° and Article 43 of the Constitution regarding personal rights, fundamental rights and property rights. Mr. Justice Kenny teased out all of that and stated in clear English in 1973 when he published the report that while there is a right to property, when we look at the common good we are not asking to abolish that right but seeking to regulate it, as was done with rented accommodation legislation at the time. He said there was no obstacle in regard to the Constitution. In any event, this proposition should be tested because we are in the middle of a housing emergency. Language fails me when I seek to describe the situation nationally and in Galway.

I have no hesitation in supporting this Bill. Once again, I thank my colleagues but, more important, I appeal to the other parties in this House. This is a time to show we can make a change and that new politics works.

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): I thank Deputy Wallace for the opportunity afforded to me to speak tonight about the vacant site levy in response to his Private Members' Bill entitled the Urban Regeneration and Housing (Amendment) Bill 2018, which proposes a number of significant amendments to the 2015 Urban Regeneration and Housing Act which first introduced the levy measure.

While I may not agree with every aspect of the Bill in terms of the key points of concern,

3 July 2018

which I will touch on later, I believe the Deputy will find broad agreement across the House on the intention behind his Bill, which I gather is to tackle land hoarding and ensure that land is brought forward for housing and other developments. The concept of having a levy and trying to utilise land is something all Members agree with and want to achieve. The job we had in trying to achieve that objective in the 2015 Bill was to find something in the Constitution that would create a balance, could make a difference and would force people to use land. I accept that as the years have passed, we need to increase the levy and that is what we are trying to do.

The Bill contains some proposed amendments to the existing levy provisions, which the Government is already progressing through a range of legislative reforms. I take the opportunity this evening to update the House on these reforms and progress with implementing the levy.

As many Members will know, the primary objective of the vacant site levy is to act as a mechanism to incentivise the development of vacant or underutilised sites in urban areas for both the provision of housing and the development and renewal of land. This is with a view to facilitating the most efficient use of such land and sites and enabling them to be brought into beneficial use rather than allowing them to remain dormant and undeveloped. In this respect, the Government shares the overall objectives of Deputy Wallace and we want the levy to be an effective mechanism for activating key sites for development and to be responsive to changing economic circumstances.

In this context, I will first highlight how the Government is already addressing some of the key provisions of the Bill before us. As Deputies will be aware, the Planning and Development (Amendment) Bill 2016, which, among other things, will provide for the establishment of an office of the planning regulator, is currently progressing through both Houses of the Oireachtas and is due back in this Chamber either on Thursday night or Friday to introduce amendments brought in during its passage through the Seanad. A number of Government amendments relating to the vacant site levy provisions, which were developed in consultation with and on foot of legal advice from the Office of the Attorney General, were tabled on Report Stage in the Seanad. Collectively, these amendments aim to further strengthen the levy provisions by increasing the rate of levy from 3% to 7% for sites on the register for the year 2019, as announced in budget 2018. This will ensure the levy is more aligned with the increase in house price inflation in recent years and, therefore, has a more meaningful impact and is more effective in bringing forward sites for housing development.

It is agreed that 7% will make a fair impact. It was a figure that others in the House had suggested. I am conscious Deputy Wallace wants to increase the levy to 25% but there was a view that 7% would make an impact and force people to utilise land. That is what we are trying to legislate for in the Bill that will come before the House on Friday, which will remove the possibility of applying reduced or zero rates of the levy for sites on the register that are subject to a site loan, taking account of the economic recovery and recent increases in land and property values since the enactment of the 2015 Act. I am conscious that Deputy Wallace has agreed with that and regards it as common sense. We are probably on the same page in that regard. The Government Bill further clarifies the definition of “vacant and idle”, with reference to vacant sites on residential land, to include sites that are not being used primarily for the purpose for which they have been zoned, that is, for the provision of housing, and where the land was purchased after it was zoned residential, irrespective of when it was purchased. It provides that the Minister may, by regulations, vary the levy rate within the upper threshold of 7% to ensure the rate can be varied promptly to respond to property price fluctuations, along with enhancing the Minister’s general regulating powers to further facilitate the consistent implementation of

the levy.

In addition, with a view to further addressing the broader issue of land hoarding, a number of other amendments have been made to the Government Bill during its passage through the Oireachtas. I am conscious that Bill has been dragging on for the past two years in these Houses and that people have invested considerable effort in the legislation during that time. The key amendments in this respect are to provisions relating to the extension of duration of planning permission, which would permit such an extension only where substantial works are carried out during the initial duration of the planning permission and allow for a maximum of two extensions of the duration of a permission, the combined extent of which would not exceed five years. These amendments are intended to ensure that planning permissions are activated earlier and that the development works are completed earlier. We had discussed that concept in debates on earlier planning legislation during the time of the rental sector strategy in December 2016 with a view to trying to bring forward initiatives that would deal with developers who were sitting on land and had not brought it forward.

We look forward to engaging in more detail on these amendments at the end of this week when we finish the Planning and Development (Amendment) Bill 2016 in this House, or bring it close to finishing, along with other important amendments. There are approximately 82 amendments to be discussed on Friday and next week, if necessary.

As I stated, there are some elements of this Private Members' Bill on which I must indicate serious reservations at this stage, primarily relating to legal and constitutional issues. The Urban Regeneration and Housing Act 2015 is framed in such a way as to strike the right balance between ambition, in terms of achieving the common good objective of securing the development of urban lands for housing and regeneration, and the concerns and interests of individual property owners and their constitutional rights to private property, which cannot be underplayed. Therefore, to ensure the legislation is reasonable and proportionate to the aims of the levy measure, and to protect it from risk of successful legal challenge, the levy provisions as enacted, as well as the various amendments being advanced, as I have briefly outlined, contain necessary features which set the levy at a reasonable but not excessive rate. They also provide for appropriate notice to landowners to take action before becoming liable for the levy and appeals mechanisms at various stages of the levy implementation process, in line with the concept of fair administrative procedures. I am conscious that Deputy Wallace said that the number of appeals available are too many. However, some years ago, in order to ensure the legislation was constitutionally sound, great efforts were made in the wording to make sure it would be effective, would be used and would not be subject to legal challenge that would defeat its usefulness.

In light of these principles and the previous legal advice received, there are significant concerns about the constitutionality of specific provisions of the Deputy's Bill, which propose to dramatically increase the levy from 3% to 25% of the market value of a site, remove the important and fair appeals provisions in particular circumstances, and facilitate the purchase of vacant sites deemed suitable for housing purposes from site owners for not more than 60% or 40% of their market value in specified circumstances. Taking account of previous advice, these provisions are likely to be considered to be excessive, unreasonable and in conflict with the constitutional provisions relating to individual private property rights. In effect, these proposals, if introduced, would weaken and undermine rather than strengthen the legislation and would probably be found unconstitutional by the courts. That could then have far-reaching implications for the concept of the levy and any actions arising. I do not believe that is Deputy Wallace's intention. His intentions are genuine, but we need to safeguard robust and proportionate

3 July 2018

measures against perhaps desirable but unworkable and counterproductive reforms. I recognise that the Deputy is genuine in what he is trying to do and many who will support him are of the same belief. As a Government, we try to bring in legislation that is balanced and that would be successful if it were legally challenged.

Notwithstanding these significant concerns, in light of the fact that the Government is addressing some key elements of the Bill through the amendments outlined, we are not intending to oppose the Bill at this stage. If the Bill passes Second Stage this evening, it will have to undergo pre-legislative scrutiny and I expect that these constitutional and legal implications will require further detailed examination and likely significant amendment before it can be advanced for Committee Stage consideration. Either the Minister, Deputy Eoghan Murphy, or the Minister of State, Deputy Phelan, will address some of these other elements later in the debate. We are prepared to let the Bill go to Committee Stage and to tease out these issues. None of us has the divine right to all the information on this. We are happy to have it teased out but we do flag our concerns. They are the same concerns on which we took advice back in 2015. I was not in this role at the time but I am conscious that the then Minister, Deputy Kelly, had to go to great lengths to get a Bill that would be useful and would help all of us in our aim to make sure land is activated, especially land that is zoned residential and that is badly needed for housing purposes. The Government's legislative reforms in this area are scheduled for discussion later this week. I look forward to engaging with colleagues on them this week and next week if need be.

Deputy Darragh O'Brien: I am sharing time with Deputies Casey, O'Loughlin, Brassil and MacSharry. I commend Deputy Wallace on bringing forward the Bill. To answer Deputy Connolly's query, Fianna Fáil will be supporting the Bill. It is an important step forward. There is no doubt in my mind or my colleagues' minds that land is being hoarded. It is a major issue, as the Minister of State will also agree. Land is overvalued in many parts of the cities. It is being purchased by some of the bigger players that have come into the market at 35% over open market value. Deputies will know who I am talking about and I am sure the Department does as well. It is a big issue. We had a debate a couple of weeks ago in which we talked about the State and how it can utilise the land it holds to drive others to move land. We have 3,008 ha of zoned, serviced land owned by the State, State agencies and local authorities that could be developed for housing. It is a major issue in our city.

We have to increase the vacant site levy. I do not think 7% is going to cut it. It is not a disincentive. We need a bigger stick to make some people move on these sites. Although 25% might seem heavy-handed, if a reasonable timeframe and lead-in were given to a penalty like that, it would be justified. There are issues we would have to consider on Committee Stage, such as the 12 month planning permission limit. If someone were to submit a commencement order, would it be 12 months after the commencement order? If they were to submit a commencement order four years after gaining planning permission, planning permission would be staying live for five years. We have to look at these elements to see how we could work it into the system.

We are all aware that there are many aspects of this housing crisis. We have to ensure that affordable homes are built and that people can aspire to owning and living in their own home with a mortgage that is not going to cripple them. The issue is acutely visible in Dublin. They are holding land and controlling large parts of the market and the city. They know how many houses to release in any given year, although not everyone who is in the market is doing this. We also need to ensure that some of the smaller players - some of the indigenous Irish small builders - get back into building homes and smaller developments. We are overly dependent on

four or five big players. If one or two of them were to decide not to budge, as they are backed by significant capital resources, we would have a very big problem and would continue to see double digit growth in land and house prices.

I welcome the fact that the Government will not oppose the Bill. We also checked this Bill as Deputy Wallace brought it to our attention last week. We had a look at it from a constitutional perspective and our legal advice is that it is not unconstitutional and does not conflict with the property rights in the Constitution. The Government can bring in a levy or penalty for a corporation that is profiteering in a market. At the end of the day, the people who pay for that are the potential homeowners and those who are stuck in a rental market that is out of control, not just in Dublin but also in many of our urban centres.

This is very welcome legislation. There are certainly aspects around the 36 month completion limit. If there are good reasons for things to happen, for certain utilities, wastewater or whatever, we have to make sure we are not tying people's hands and that there is a reasonable approach. Thirty-six months on completion of certain phases would be fine. Deputy Wallace was in the building game long enough and knows what I mean about issues arising from time to time in dealing with some of the State utilities. In broad terms, I welcome the Bill. It is a good discussion to have and I would like to see it move on to Committee Stage quite quickly. I do not want it to be another Bill that is accepted on Second Stage and dies on the vine. I think the Minister of State would agree that the vacant site levy provisions brought forward in 2015 have not worked. I am not sure increasing it to 7% will work either. We have to look at how we can better use the vacant sites register. The appeals mechanism in place is overly generous. I agree with Deputy Wallace on that.

There are very good aspects to this Bill and certain parts we would like to discuss in greater detail on Committee Stage. Fianna Fáil will be supporting it on Second Stage.

Deputy Pat Casey: I commend Deputy Wallace on his genuine and practical knowledge and views on the land speculation element of our wholesale housing crisis. Land hoarding and speculation were significant factors in the housing bubble that occurred a number of years ago. I thought we had all learned the lessons that were so brutally exposed when the crash occurred ten years ago. I know that Fianna Fáil has learned them and I know that Deputy Wallace has. I am confident that the people have. This Government, however, seems indifferent to the hoarding that is taking place while the price of building land rises day after day.

The vacant site levy as structured will not work. Sufficient lands are not being developed for affordable homes to be built and the penalties for land hoarding in the midst of a housing crisis are not strong enough to change the behaviour of those who own these lands. There is a wealth of international evidence on the housing problems in other western nations that proves beyond any doubt that Government needs to have oversight on development lands.

The reluctance of various Governments to implement Mr. Justice Kenny's report has been due to a valid concern over the constitutional implications of Article 43 of our Constitution which outlines the rights of private property owners. The great financial crash of 2007-2008, however, and its ongoing roll-out is catastrophic proof that elected Governments on behalf of their people must prevent profiteering on development lands. In that regard, it is useful to look at what Article 43 states. The first part of Article 43 outlines correctly that private property rights exist in our law and must be protected by the State. We seem conveniently to forget, however, the second part of this article, which is so important and clear that it deserves read-

ing. Article 43.2.1° states: “The State recognises, however, that the exercise of the rights mentioned in the foregoing provisions of this Article ought, in civil society, to be regulated by the principles of social justice.” Article 43.2.2° states: “The State, accordingly, may as occasion requires delimit by law the exercise of the said rights with a view to reconciling their exercise with the exigencies of the common good.” In black and white, in Irish and in English, our Constitution clearly mandates Government to control property rights under the principles of social justice and the common good. Social justice and the common good are everlasting values of every democrat and indeed are the core values of those who regard themselves as republicans. The disease that is destroying our free market system, not just in Ireland but internationally, has been allowed to fester because of a failure of elected and sovereign Governments to legislate and enforce laws under the principles of social justice and the common good. This article and our Constitution recognise that property rights are not absolute. The need for affordable homes to be built for people is the definition of “the common good” and indeed is one of the defining social justice issues of our age.

This Bill is an effort finally to address the unjustified and immoral speculation and hoarding of lands and I am glad that my party is allowing it to continue to Committee Stage. Of course, this Bill will need to be amended and yes, it may be open to constitutional challenge but the duty of this sovereign Parliament is to give expression to the common good of the Irish people. There can be no more hiding behind vested interests and their legions of lawyers. Governments are accountable to Parliament, Parliament is accountable to the people and the people are protected by our Constitution. I believe passionately that now is the time for our democratic system to defend the right of Irish people to a roof over their heads. I thank Deputy Wallace for providing a foundation for dealing with this part of our housing crisis and I look forward to seeing this Bill in committee.

Deputy John Brassil: I also welcome this Bill put forward by Deputy Wallace and welcome the opportunity to speak on it. I am fully supportive of my party’s decision to back this Bill. For many years, the political system has grappled unsuccessfully with vacant sites in terms of incentivising people who owned zoned land to develop that land. That is something this Bill very much tries to grapple with. There are many aspects of the Bill that I believe will bring about significant and positive improvements.

Another issue concerns vacant houses. According to the last census, we are looking at 200,000 unoccupied and unused houses in the State. The Government has tried various measures such as the repair and lease scheme, which is something I greatly supported. A tax-free loan of €40,000 was offered to people to do up their properties and give them back to the local authority over a ten, 15 or 20-year period. For whatever reason, there has been no uptake. I find it difficult to understand because I would have thought that if one incentivises people to do something, they will do it but for whatever reason, it has not worked. I think we need to look into that and try to find a resolution because if we could get even 10% of the 200,000 properties turned over in a relatively short period of time, we would go a long way towards solving many of the emergency housing difficulties we have. Thinking about what has worked and what has not worked over time, one thing that has always seemed to work is providing some sort of tax incentive to property owners to develop or do up property. It might not be the most popular option, particularly among my left-wing colleagues, but at the end of the day, tax incentives do seem to bring about the required result. I think it is something we might look at. Equally, we could look at a tax penalty for those who have vacant houses and allow them to be left unused and continue to build up that stock. In his deliberations over this particular Bill, I ask the Min-

ister of State to look at that issue as well and to try to come up with some incentive that will get those who own vacant properties to do them up. A tax incentive is something that should be looked at in great detail.

Perhaps some sort of tax initiative to encourage those who own vacant sites to develop them could be considered. In the 1980s and early 1990s when there was nothing happening in the property market, the section 23 initiative worked very well until it was over-used and abused but if we could control such initiatives and maximise them, there is something in it that can work very well. I believe there is investment money out there and there is certainly the capacity in the system to take the development so I ask the Minister of State to consider those points.

Deputy Fiona O'Loughlin: Sad to say, Ireland's housing and homelessness crisis has almost become one of those apparently unsolvable problems that we hear about every day. It is frightening to think how normalised hearing about men, women and children who have no home to call their own has become. Lest we as a society become immune to hearing the stories that I hear every day in my constituency of Kildare South, and I have no doubt every public representative hears the same stories in their own constituencies, I believe our housing crisis should be declared a national emergency. While I believe priority should be given to those who currently do not have housing and who are trying to get on the housing ladder, we must bear in mind the impact of the crisis on the drive to attract foreign direct investment, especially in the light of Brexit.

In May 2014, 350 families were homeless, yet today, a mere four years later, the number is almost 2,000. This is going to increase not just every year, every month or every week but every day. We must boost social housing supply. On average, when Fianna Fáil was in power, 4,700 social houses were built every year. In the first three years of the Fine Gael-led Government, an average of 413 social houses were built. Much of the blame regarding why there has not been more social housing seems to be put on the local authorities. My definitive understanding, certainly in Kildare, is that the Department is just not approving social housing projects for local authorities and voluntary housing bodies. It is just tied up in red tape and bureaucracy. The fact that public procurement takes two years within the Department is a scandal.

However, this cannot just be about social housing. We cannot allow home ownership become the sole preserve of a few. Every hard-working family deserves the chance to buy its own place and to make a home. We cannot allow that dream to fade away because families and communities will suffer as a result of that uncertainty.

I am glad my party is supporting this Bill. There are a number of elements we must put in place in terms of making sure we have a viable supply of housing and this is certainly one of them. Strengthening the vacant site levy system is vital to ensuring we have a vital and functioning housing market. The current system, which has a number of loopholes, is clearly not working. The fact that a significant amount of State-owned land is on the register underlines the need for the State to launch an effective affordable housing scheme on its own land. We must ramp up the vacant site system, which appears to be ineffective, and set out new tools to incentivise development and curb land speculation.

Since coming to power, Fine Gael has launched six separate plans. That does not even count the numerous re-launches of those six plans. More housing plans have been launched by Fine Gael than the number of actual social houses built in 13 local authorities last year. House building numbers are tens of thousands behind what was originally claimed. Government figures

3 July 2018

overstated completions by nearly 60%. We must support this Bill.

Deputy Jackie Cahill: I commend Deputy Wallace for bringing forward this Bill, which can be another cog in the wheel with regard to trying to solve the housing crisis. The housing crisis has many facets and many issues that are blocking potential solutions.

Increasing the supply of housing in the market will ultimately be the long-term and effective solution. Strengthening the vacant site levy system is vital to ensuring we have a functioning housing market. The current system will not work as it does not penalise land hoarding effectively. A significant amount of State-owned land is included on the register, which underlines the need for the State to launch an effective, affordable housing scheme on its own land.

I strongly believe that this crisis will not be solved without a hands-on approach from Government. Up to now, the Government has launched scheme after ineffective scheme and handed them to others to implement. This has not worked. The Taoiseach must get his hands dirty if we are to resolve this crisis. The Minister and his Department must be proactive in creating policy and also working to ensure that policy is implemented. This problem cannot just be handed to the market to resolve as the market has failed up to now to make any impact whatsoever. This is one of the key areas where my party and Fine Gael differ. We understand what is required to solve this problem whereas it is one of Fine Gael's major failures after eight years in government. The solution is a hands-on approach from the Taoiseach and his Government to build social housing, to make affordable mortgages available to low and middle income workers and to ensure there are affordable houses available for them to purchase. These measures would take the pressure off inflating house prices for those whose income allows them to access mortgages from our high street banks.

The vacant site register has a number of loopholes and has not acted as an effective incentive to motivate development despite having been in effect for six months. This Bill will increase the vacant site levy to 25% from 3% next year. It will redefine and expand the criteria under which a site may be included on the register, including sites with permission unused after 12 months or a commencement order uncompleted after 36 months. It will empower local authorities or State agencies to purchase lands under the vacant site levy at 60% and 40% of their value.

The housing crisis and the way it is being handled portrays Fine Gael's values in government since 2011. It is aloof from the needs of ordinary people and just does not understand what it will take to solve the problem. The Taoiseach, in particular, displays no empathy whatsoever with the homeless. He has no empathy for those who are living in rented accommodation, with the cost of rents rising and no hope of a social house. He has no empathy for our middle income workers who cannot access a mortgage, and if they did, there is no house out there they could afford to buy. The reason he has no empathy is that he just does not understand the needs of the ordinary people of this country.

Acting Chairman (Deputy Eugene Murphy): I call Deputy Ó Broin, who is sharing time with Deputies Caoimhghín Ó Caoláin and Pearse Doherty.

Deputy Eoin Ó Broin: On behalf of the Sinn Féin group, I thank Deputy Wallace for introducing the Bill, which we warmly support. What is important about this debate is that it addresses problems with the private housing market, which are, of course, the price of houses and the rate of supply. Whenever the Government is responding to these issues, it keeps telling us that supply is the answer and if it can just get the private sector to build more units, that

will bring down the price. That is why the Government policy response is tax breaks such as the help-to-buy scheme, grants such as the local infrastructure housing activation fund, LIHAF, loans through Home Building Finance Ireland, and planning reform. All of that is about trying to incentivise the supply of private sector units. The problem, of course, is that this kind of policy is based on a false premise. The price of houses is not determined by the demand and supply of the houses themselves, as most housing economists will tell us. House prices are determined by the interaction of the availability of credit to build or to buy and the supply and price of land, as well as labour and materials. It is credit and land that are the key determining factors. Our problem in the private market is that land speculation is at the heart of our affordability crisis.

The House should not simply believe me. Members can listen to the Society of Chartered Surveyors Ireland, which has prepared two reports in recent years. One report in 2016 looked at eight real house building projects in Dublin, in particular the average cost of the land per unit of accommodation, which was €57,000, that is, €57,000 added on to the price of the house. Last year the society carried out a more detailed study looking at apartments, and the land price per unit of accommodation ranged from €30,000 up to an astronomical €125,000 for developments of five storeys or more. This problem is even infecting Part V social housing, so we now have the situation, albeit on a small number of developments in Dublin, where the land cost for Part V apartments is as high as €90,000, for example, in Dalkey.

One can see very clearly that speculation in land is driving up prices, in the first instance in regard to private supply but, increasingly, also in regard to Part V supply. As the Government's policy response is based on a false premise and a misunderstanding about what drives house prices and housing supply, many of the actions it is taking are making the problem worse. They are increasing house price inflation, making it more profitable for people to landbank and slow down the delivery of units.

What is very important is that it is not just affecting first-time buyers; it is also affecting renters, students and local authority balance sheets. In addition, it is not just a domestic issue or some odd quirk of our domestic market. The Think Tank for Action on Social Change, TASC, had a very important speaker, Ann Pettifor, at its conference last week. She is an internationally renowned economist and campaigner for developing world debt cancellation. She has been doing a great deal of significant research looking at the global phenomenon we are currently experiencing and to which Deputy Wallace's Bill speaks. She said that what is driving up land costs and house prices across the developed world is a great wall of money. She quoted figures of somewhere in the region of €390 billion of investment capital that is currently looking for a home. What it is looking for are safe, high yield assets. In the absence of Governments being willing to enter into the bond market themselves, this money is being invested in property. When investors started coming to this jurisdiction, in the first instance they were looking at distressed assets and focused on the portfolios of IBRC or NAMA, both in commercial and residential property. They are now moving into residential on a new scale, whether it is in terms of investment trusts, student accommodation or what we like to call the public-private partnerships on crack, the enhanced leasing initiative, which the Minister of State, Deputy Damien English, was responsible for launching.

What this influx of investment capital will do is further exacerbate the crisis. Unless real action is taken, the kind of action that is outlined in this Bill, the problem will get worse. We need a new approach, and Deputy Wallace and others have adequately detailed the value of the Bill. However, a vacant site tax has to be punitive. It cannot be fair or reasonable; it has to punish people for speculation. Whatever the rates, it has to be based on that principle. It is likewise

with the removal of exemptions and the closing of loopholes, but also in regard to creating a situation where there is a real opportunity for the State in areas where it is required to purchase land at a discounted price for social good.

I have no qualms about supporting the Bill. It is dishonest of the Government to tell us it supports its intentions and will not stand in the way but, really, it will prevent it from ever coming to committee, so we will never have that discussion. I would prefer it if the Government was honest about that. Alongside this Bill, however, we also need to see the State stepping up and investing significantly in public land and social and affordable housing funded through the taxpayer. If we did those two things, we would start to see the kind of difference Deputy Wallace and his colleagues intend with this legislation.

Deputy Caoimhghín Ó Caoláin: I wholeheartedly agree with the Bill brought forward by Deputy Mick Wallace and I thank him for it. It pains and concerns me to see the very same mistakes being made now which we saw in the lead-up to the horrific economic crash in the years 2007 and 2008. The housing strategy employed by the current and previous Fine Gael-led Governments has, quite simply, failed. The real failure, however, was the development of an utterly reckless housing policy, introduced by Fianna Fáil throughout the 1990s and 2000s, which brought speculation, greed and commodification above the basic right to a roof over families' and individuals' heads. The results of this are now being lived out in the streets, in hotels and in other types of totally inadequate emergency accommodation.

Sinn Féin has consistently put forward concrete proposals throughout all of these years to protect tenants, public and private, and homeowners. These proposals have been largely ignored by both Fine Gael and Fianna Fáil. Given the emergency crisis we are now experiencing, the time for pussyfooting around this issue is over. Speculation by developers and holding huge land banks all over the country while seeking to make mega-profits need to cease immediately. The vacant site levy has not worked. We are told finance is not the problem in building social and affordable housing and, therefore, we require land. Developers are sitting on this much-needed land. Deputy Wallace states that increasing the vacant site levy from 3% to 25% would be a game changer. I agree with this statement. Let us make speculating on development land an expensive business. Let us finally put people first. As long as we continue to view land and housing as a commodity to be bought and sold to the highest bidder, we will continue to have a housing crisis. It is not good enough. As I have already said, people must come first. Housing is a human right. I support this Bill.

Deputy Pearse Doherty: Ba mhaith liom fáilte a chur roimh an mBille seo agus tréaslaím leis an Teachta Wallace as an Bhille a chur os comhair na Tí anocht.

The greatest challenge and, indeed, risk to our economy is the housing issue, in particular the supply of housing and house price and rent inflation. House price inflation has been at its highest rate in the last number of years, running at 13%. This year, rent prices are 22% above the peak levels in 2008. Despite these facts, the Government believes what it is doing is working. If that means adding fuel to the fire regarding these costs and concerns in the economy, I agree.

The vacant site levy is simply not working and we need radical change of the sort proposed in the Bill. Sitting on undeveloped land is completely unacceptable in this day and age. It is the worst and most harmful type of speculation and Government policy must tackle it. This Bill is the foundation to do so. The current levy and the Act, given the range of exemptions therein,

do not work. We heard calls from Fianna Fáil again today to address these issues through tax incentives for developers and speculators. We have them already in the form of REITS and other structures which are paying an effective tax rate of 2%. Gaps in legislation allow them to purchase property blocks and sell or rent them at punitive cost. The rents set are at rates far higher than the cost of servicing a mortgage to purchase the same properties. We have a pervasive housing system which allows no capital gains tax to be paid by property funds. They can flip properties after five years without paying any tax whatsoever. It is not only funds which are involved in this, others are getting involved too, including pension funds, with Irish Life being the latest. Whereas the previous Finance Act provided that property had to be held for seven years before a CGT exemption could be claimed, this was reduced to four years in the last Act on foot of a proposal by Fianna Fáil. As a result, a huge amount of property has been flipped tax free in the State. The beneficiaries escaping the imposition of 33% tax are international investors.

These tax incentives simply do not work. They have pushed up house prices and rents and created a major housing supply problem in the State. We need less carrot and more stick. We need a punitive measure to ensure the worst type of speculation is no longer tolerated in the State. This Bill provides the foundation for that and I encourage the Government to state not only that it will not oppose it, but that it will allow it to proceed to Committee Stage. I ask the Government to cease its antics on money messages and the like.

Deputy Jan O’Sullivan: I thank Deputy Wallace for introducing the Bill, which the Labour Party will support. We introduced the Social and Affordable Housing Bill in 2016, which also proposed the implementation of the Kenny report but while we received the support of the left in the House at the time, we did not, unfortunately, get the support of Fine Gael or Fianna Fáil and the Bill did not pass on Second Stage. It contained a number of measures, but a central one was the implementation of the Kenny report. I support fully the implementation of that 1973 report. In fact, I was a member of the all-party committee on the Constitution which recommended in 2004 that the implementation of the report would be in accordance with the Constitution. I note for the information of Deputy Casey that the committee was chaired by Senator Denis O’Donovan, who is now Cathaoirleach of the Seanad. Our legal advisor to the committee was Mr. Justice Gerard Hogan, who was then a very eminent senior counsel. He advised that there was no constitutional impediment. Deputy Casey quoted some of Article 43, but it is no harm to quote it in full. It is quite short and I have six minutes left. Article 43.1 states:

1° The State acknowledges that man [they always said “man” in those days], in virtue of his rational being, has the natural right, antecedent to positive law, to the private ownership of external goods.

2° The State accordingly guarantees to pass no law attempting to abolish the right of private ownership or the general right to transfer, bequeath, and inherit property.

The provisions of Article 43.1 are balanced in Article 43.2 which states:

1° The State recognises, however, that the exercise of the rights mentioned in the foregoing provisions of this Article ought, in civil society, to be regulated by the principles of social justice.

2° The State, accordingly, may as occasion requires delimit by law the exercise of the said rights with a view to reconciling their exercise with the exigencies of the common good.

3 July 2018

That is pretty clear. In any case, the interpretation and recommendation of the all-party committee in 2004 were very clearly that the Kenny report can be implemented. Now is a time to do so as we are beginning to see the hoarding of land in a really big way again. It must be stopped.

Other Members have provided many statistics as to what is happening. Deputy Wallace knows better than most of us in the House the ups and downs of the business and the kinds of things that landowners will do to make more money or to protect their potential earnings. I refer to the vacant site levy in that context. It is important to ensure that measures are constitutional because if they are not, one can be sure that people will take cases, in particular people with money and power. As such, it is important to ensure that what one does is in accordance with the Constitution. Many people have dismissed the 2015 legislation and the vacant site levy as useless but they had to be proofed against the Constitution. That is one of the reasons there has been such a long lead-in time. While the registers have been compiled over the past few years, the levy is not coming in until next year. I was involved at the time and we were told we had to so provide because of the right to private property in the Constitution.

Deputy Alan Kelly was the Minister at the time and he tried to introduce a higher levy. Whether it was the Fine Gael or the legal advice, he was certainly advised at the time that he would not get any further with that. He battled to make it higher at the time and there is a proposal from Government, which I welcome, to make it higher now. Deputy Wallace's Bill seeks to bring it to a higher level also. I support that measure albeit we must ensure that it is constitutional. We have seen people with power and money use the courts in the past to delay things for years. As such, we have to be realistic. In saying that, I agree with Deputy Connolly that many local authorities had not compiled registers comprehensively or even at all. I agree with Deputy Wallace about taking away any loopholes that have been discovered. Local authorities must put their own land on the registers too. Certainly, there is evidence that they own vacant sites which they have not registered. The levy must be effective but I caution that it must also be constitutional.

I have no problem with the two Fianna Fáil Deputies who are present, but I take issue with the other three who have spoken. One said, more or less, that only Fianna Fáil knew how to get down and dirty and build houses. Another talked about how few houses were built in the first three years of the Labour Party-Fine Gael Government. However, that, of course, was because they were not started under Fianna Fáil. The Deputies know very well that the number of houses built is the number completed. They also know very well that it takes approximately three years to get from the start of a project to the end, if not longer in many cases.

Deputy Barry Cowen: It is longer now.

Deputy Jan O'Sullivan: The Minister of State, Deputy English, will, I am sure, confirm that I have attended the openings of housing developments which commenced when I was Minister of State in the Department. They are only opening this year. As such, it was a failure of Fianna Fáil not of the Fine Gael-Labour Party Government that virtually nothing was completed in its first three years of office. I was also very worried by another Fianna Fáiler who spoke about tax incentives again for developers, builders and landowners. That is what brought about the crash the last time. Houses were built in the wrong places.

Deputy Darragh O'Brien: It was the repair-to-lease scheme that was referred to. Deputy O'Sullivan should not be disingenuous.

Deputy Jan O’Sullivan: Lots of houses were built in the wrong places because of tax incentives. I am not being disingenuous and I acknowledge that Deputies Cowen and Darragh O’Brien made good contributions. However, Fianna Fáil is trying to rewrite relatively recent history and it is unacceptable.

Deputy Pearse Doherty: All they need is the tent.

Deputy Darragh O’Brien: Sinn Féin knows all about fundraising.

Deputy Jan O’Sullivan: This is a very serious issue. There are nearly 10,000 homeless people in our country and too few social and private houses are being built. We also have the point made by Deputy Ó Broin that the cost of houses is going up. The cost of rent is going sky high. That is not only about supply but about market and people making profits. It is a complex area where we need serious contributions but we do not need the kind of misinformed point-scoring that I have heard from some of the Fianna Fáil speakers.

In conclusion, my party supports this Bill. It needs to go into committee. We certainly need to bring in whatever measures we can, including the vacant sites levy and the Kenny report, in order to stop speculation on land when so many people are in such misery in this country because of homelessness.

Acting Chairman (Deputy Eugene Murphy): The next time slot is Solidarity-People Before Profit, Deputies Barry and Boyd Barrett, with 5.5 minutes.

Deputy Mick Barry: It is 7.5 minutes.

Acting Chairman (Deputy Eugene Murphy): It is down here as 5.5 minutes. The Deputies will get 7.5 minutes so. They may divide it between them, whatever way they want.

Deputy Mick Barry: This Bill proposes several positive steps that Solidarity will support. In particular, we welcome the proposal to increase the vacant site levy from 3% to 25%. We also support the removal of the right of the landowner to appeal the valuation of the vacant site as determined by the planning authority. We support giving the planning authority the power to value some vacant sites at a zero valuation. Indeed, this is something that should be considered beyond the limited circumstances envisaged in this Bill.

The biggest hoarder of land in the State is the State itself. According to research conducted recently by Mr. Mel Reynolds, the State controls sufficient land zoned for residential development to provide more than 114,000 dwellings. Some 48,724 of these could be developed on lands owned by the local authorities, 65,399 could be developed on lands owned by NAMA and yet, in the middle of the biggest housing crisis in the history of the State, the Government has built less than 1% of this total per annum in recent years.

Solidarity has proven the potential for public housing on public lands by publishing detailed costed plans for potential developments at Old Whitechurch Road in Cork, Damastown in Dublin West, Kilcarbery in Dublin South-West and Belcamp Lane, Northern Cross in Dublin Bay North.

In Cork city, there are now 310 hectares of land zoned for residential development in the hands of NAMA. This is more than 18% of all such lands owned by NAMA in the entire State. There are a further 41 hectares of land zoned for residential development in the hands of Cork City Council. In Cork city, 11,350 new dwellings could be built on the 351 hectares owned by

3 July 2018

NAMA and Cork City Council combined. Solidarity has shown how the last major Cork City Council landbank at Old Whitechurch Road could be used to build 800 new homes - 600 houses and 200 apartments - at a cost of, say, €150,000 for a two-bedroom apartment and €170,000 for a three-bedroom house, eliminating profit, etc. Mortgage repayments could cover the cost of 400 affordable homes over 25 years. Four hundred social homes could be covered by €29 million from the Department of Housing, Planning and Local Government and a sum less than one fifth of the Cork City Council capital programme budget.

The provisions of this Bill are modest but they are positive, and Solidarity supports them as far as they go. However, only the development of public housing on the vast majority of that publicly-owned, zoned land can bring this housing crisis to an end and our message to the Minister is, “Get on with the job or get out of office.”

Deputy Richard Boyd Barrett: I thank Deputy Wallace for putting forward this Bill. People Before Profit will support it.

I thank the Deputy for highlighting, once again, the obscene issue of land-hoarding and property speculation by investors, developers and property speculators of various sorts. Indeed, I tried to do the same with my own motion a couple of weeks ago dealing with different aspects of this same problem. It is important for the public out there to know, and I hope this debate gets a bit of coverage.

We talk often about the human misery of the housing crisis but what is not talked about enough is the flip-side of the coin of that human misery being suffered by so many of our citizens in which a small group of people are making a lot of money out of it and they do not care about the human misery they are causing. The more human misery they cause, the more money they make. The more desperate the situation gets in terms of the unaffordability of housing and rents, the more money they make. That is the obscenity of the matter. The Government has not only failed to deal with it, but actively facilitated it. When the history of this period is written, it will show that following the disastrous crash of 2008, the Government - first of Fianna Fáil but continued by Fine Gael - through the policy of NAMA flogged off vast amounts of land and property assets to speculators who have then speculated on that land, hoarded it and generated the crisis that we now face.

I laugh with despair when I hear the Government talking about how well it is doing. Boasting about this, they state planning permissions are up by 27%. Of course, planning permission means nothing other than that the value of that land increases for the landowner. Landowners can then sit on it and do absolutely nothing with it, and that is what they are doing. We only need look at Cairn Homes, for example, sitting on enough land to build 12,000 homes, or 20% of the zoned building land in Dublin. The company built 103 houses in 2016, it built 200 in 2017 and it is talking about ramping up at some point to 1,200 in a couple of years' time. The company is clearly drip-feeding and speculating on the value of property. When one looks at what it builds, it is unbelievable. Albany, in my area, is “Luxury coastal living”. Half of it is still empty. The start price, at €890,000, will really solve the housing crisis for us. What about Marianella in Rathgar, with the starting price of €650,000 ranging up to €925,000? Is that affordable? Profiteering is what these people are doing and yet these guys ran off with €26 million in shares last year and shared out €4.1 million in wages, bonuses and pension payments in 2015.

Acting Chairman (Deputy Eugene Murphy): I thank the Deputy.

Deputy Richard Boyd Barrett: That is what is going on. A small group of people are profiteering on the backs of the misery of huge numbers of people. This Bill is attempting to impose punitive measures on that kind of speculation and I warmly welcome it.

Acting Chairman (Deputy Eugene Murphy): The next slot is for the Rural Independent Group - Deputies Michael Healy-Rae, Danny Healy-Rae and Mattie McGrath.

Deputy Danny Healy-Rae: How much time have we?

Acting Chairman (Deputy Eugene Murphy): The Deputies have 7.5 minutes to share between the three of them.

Deputy Michael Healy-Rae: Between the two of us now so.

Acting Chairman (Deputy Eugene Murphy): Deputy Mattie McGrath is not here.

Deputy Michael Healy-Rae: Yes, approximately four minutes each.

Acting Chairman (Deputy Eugene Murphy): That means more time for the brothers.

Deputy Michael Healy-Rae: First of all, I will not use the time to take potshots at anybody about his or her political policies in the past, whatever the party he or she is from.

I thank Deputy Wallace for bringing this matter to the fore. Whether one agrees or disagrees with some of what it contains, it is only healthy and right that we have a debate. I would sometimes have to take issue with Deputy Boyd Barrett, with whom I am very good friends, when I hear him talking about people being “obscene”, “despicable”, etc. Why is that so because there are people in this country who take it upon themselves to buy property, develop it and sell it on? It cannot be said that those people are despicable or outrageous because they want to make a living and they create employment. That seems to be going on a lot in Dáil Éireann where we are down on top of people. We need people to build houses for us and we need houses to be provided. If the State will not do it we need houses to come from somewhere and we need property to be developed. I will certainly not put my name to calling the people that are involved in that despicable. I know that bad things have happened in the past but the one thing about bad things happening in the past is that surely to God we will be smart enough to learn in the future.

Deputy Richard Boyd Barrett: We are doing it all over again I am afraid.

Deputy Michael Healy-Rae: There is an awful difference between people making what Deputy Boyd Barrett might call outrageous profits and people making a living. I can see nothing wrong with that and provided that at the end of the day people can have affordable housing and that it will not be exorbitant, that is what we all want. I would be worried too when I see the way prices are going, that again it is going beyond the control of working people who want to go away and get a mortgage and have a life along with it. They should not be stuck with a mortgage whereby they will not be able to afford to do any of the other things that young families might want to do. During a debate like this it is not helpful to hear people being branded like that. I do not agree with that.

On what is being proposed in the Bill, I would urge caution again because there are people who might own property and who are not developing it right now. Punishing people or taxing them to an extreme that forces them into doing something at a time that they might not be able to do it or that it does not suit them would involve legislating for everybody’s private busi-

3 July 2018

ness and that cannot be done. Everybody's personal situation cannot be legislated for in that way. We cannot paint everybody with the same brush. Yes, perhaps there are people who were hoarding land to the detriment of the people we are elected to represent but it is about balance and being prudent. We have to be careful about what we do when we make legislation to deal with an issue like this. I appreciate where Deputy Wallace is coming from. His heart is in the right place and his intentions are good but we have to look at situations such as where I am from where if families want to build a home on their own land to take care of their housing needs, in many cases they are not allowed to do so or there are serial objectors who stop them and sterilise home farms and stop farmers from developing on their own land. Those are things that are of concern to me.

Deputy Danny Healy-Rae: I am glad to get the opportunity to talk on this matter this evening. I believe that most people who get up in the morning want to do right and they mean well but I have concerns about putting compulsory purchase orders, CPOs, on land or taking land off people. I am worried about that because if land was handed down or had to be bought at a high price, it may not be fair to take it off people if the balance is not right as Deputy Michael Healy-Rae said. Developers may not be able to get finance, there may be right of way issues, there could be several things, there could be title issues or there could be many reasons so that is why I would not put my name to a CPO directive to take land off people and hand it on to anyone.

There was mention this evening of 200,000 houses being vacant around the country. That could be right but they are not in the right places. There are houses vacant in different rural, isolated places where families will not or cannot go as there is no public transport, facilities or services. Mention was also made of the repair and lease scheme. The reason that scheme is not successful is that there was not enough money given to it and because the local authorities could only operate the repair and lease scheme where there was a need for social housing or where there was pressure on. As far as Kerry was concerned that was Tralee, Killarney and Dingle. The repair and lease scheme did not apply to all of the rest of the county.

The Government is saying it has so many plans and reports about what it will do and what will be done but I believe that the finance is not there. Why does the Government not come out straight and say it because in Kerry there are 37 people now who have applications in for rural cottages. They have the sites themselves. They will not be considered until 2021, so if people who have the sites and the need cannot get their houses built because the Department will not give the green light to the local authority, that signals that the money is not there.

It is the same with the way demountable homes are being blocked by the Government. The Taoiseach did not even know what they were but I can tell the Minister of State that I know what they are and the people who are inside them and living in them at present in Kerry want them to be upgraded but they will not get that. The only people who will get a demountable home now are those whose house gets flooded or goes on fire. Those are the reasons that have been given by the Department. That rules out demountable homes altogether and that says to me that the Government just does not have the funding.

To get back to this Bill which proposes to take property off people. These are human beings as well and most of these people mean well. We have to look at it seriously. We should let the Bill progress and let it be evaluated in the other forums but I have a concern, as I always had, about putting a CPO on property belonging to someone else because it is not the right way to do it.

Deputy Catherine Murphy: Land availability and pricing is the key to addressing our dysfunctional, rollercoaster housing system and, to our eternal cost, we have ignored and not implemented the Kenny report. The State should be heavily engaged in active land management and that means owning, controlling and releasing land for development in a sustainable and planned way. A recent National Economic and Social Council, NESC, report, “Urban Development Land, Housing and Infrastructure, Fixing Ireland’s Broken System”, highlighted how active land management in the Netherlands, Germany and Austria has worked in the public interest to limit land cost, improve affordability and prevent price shocks and housing shortages. It is a no-brainer.

We need urgent measures to deal with land hoarding and this Bill is welcome. The Bill has a similar approach to parts of our own Urban Regeneration and Housing (Amendment) Bill. This Bill also sought to eradicate anomalies created in the 2015 Acts that allowed landowners to avoid the vacant site levies. Our Bill ensured that the levy would apply to sites of any size that could accommodate housing, provide for a vacant site levy to be increased every year that the site remained on the register and provided for the repeal of subsections 16(2) and 16(3) of the principal Act which set down lower or zero rate levies depending on the size of the outstanding loans on the site.

This Bill is not radical and we have to ask ourselves what is radical. What is radical is putting housing affordability beyond the vast majority of people on ordinary incomes and that is what is happening. What was radical was not adopting the Kenny report. What is radical is selling off State assets to vulture funds. They are the real radical things that are happening. It is time that we did something in the common good and I believe that this Bill is going some way to doing that. We have had housing shocks in every second decade and it is time we realised that what we do is creating the problem and we have to change our approach and that must address the issue of land affordability and availability. We know what needs to be done and it is time it was done. We will be supporting this Bill.

Deputy Eamon Ryan: The Green Party will also support the Bill. A couple of things that were done during our time in government may be useful or additional to this Bill, or may show that it is not impossible to take a different approach. We introduced and passed a Bill on a supernormal tax on rezoning profit. It was an 80% tax on rezoning gain, which does not belong to the landowner but to the public decision-making process. That Bill was pulled by the last Fine Gael-Labour Party Government because it was not raising any revenue but of course it was not because in 2011-2012 we were not in the part of the cycle that we are in now. It was a terrible mistake, and for no good reason, to remove a Bill that went one step towards capturing some of that value.

While I very much welcome the provisions set out in Deputy Wallace’s Bill, when we were in government we brought forward the introduction of a site value tax which would also help towards really efficient use of land. The Department of Finance fought that tooth and nail for no good reason, as far as I could see, other than at the time, back in 2009-2010, we did not know much of the ownership of land. There was a real problem around landownership particularly in Dublin city because there was not a proper, updated, modern land registry which showed who actually held the title on large sections of land. We started setting about rectifying that, updating the register and in the transfer to the new Fine Gael-Labour Party Government we pushed the site value option. It was put into the programme for Government and then abandoned as the Government went for a straight property tax model which was good at raising revenue in the short term but gave us none of the benefits that we could have got in the way of efficient use

3 July 2018

of the land which a site value tax would bring. As well as a vacant site tax to tackle the issue of land not being used but hoarded a site value tax still makes real sense. It makes real sense environmentally because it would push and promote what we need to do, denser development back in the centre and core of the city and it would provide a disincentive for our long-held tradition of spreading ever further outwards, disregarding the cost to the public purse of having to provide ever increasing infrastructure in a more and more dispersed population.

We should reintroduce the tax on zoning profit because that does not belong to the landowner. As well as the provisions in this Bill, we should consider a site value tax rather than the current property tax and we need to change our attitude. We need to stop seeing property developers as the solution to our housing problem. They are there to work for us not for their own interests.

Deputy Seamus Healy: I welcome this Bill, commend Deputy Wallace for bringing it forward and confirm my support for it. As a very young clerical officer in South Tipperary Council County Council in 1973, 45 years ago, I remember the publication of this report. There was widespread support for it and for its implementation. Unfortunately the Government of the day and Governments since bent to landowners and now we have the housing crisis that we all see around us.

The differential rent scheme now being operated by local authorities, particularly the scheme being reviewed and operated by Tipperary County Council, is based on section 58 of the Housing Act 1966, which was amended by section 31 of the Housing (Miscellaneous Provisions) Act 2009. That section made the making of a differential rent scheme a reserved function of the members of a local authority. That was never implemented despite promises made by the then Minister of State, Deputy Penrose, in 2011 and by the current Minister for Housing, Planning and Local Government, in January of this year. Now senior management in councils throughout the country are using the non-implementation of the section to impose savage increases in local authority rent.

That has happened very recently in Tipperary County Council where I estimate the increase in rents will come to in excess of €2 million. The increases are unacceptable. Significant numbers of tenants are subject to increases of anything between 30% and 100%. That is being done by way of changing the method of treating joint incomes of spouses or partners and subsidiary earners, and also carers who save the State millions of euro a year. They are being assessed on their half rate or full rate carer's allowance and lose one fifth of that income which is outrageous. The same is happening to those in receipt of family income supplement who are on low pay. I want the Minister of State to instruct Tipperary County Council to defer these increases and I want the Minister to commence section 31 of the 2009 Act which allowed local authority members, as a reserved function, to have a say in this scheme. This is an outrageous situation and one that the Minister should deal with immediately.

Deputy Maureen O'Sullivan: I had a sense of *déjà vu* when I first read Deputy Wallace's Bill because it brought me back to the early days of my predecessor, the late Tony Gregory, when he came into the Dáil. He was facing what we are facing today, the land hoarding going on in Dublin city. It created a major housing crisis. When he spoke in May 1982 he lamented the fact that the Kenny report from 1973 was still being ignored almost ten years later. It has been ignored for 45 years. We know it came out of a crisis which involved a huge increase in the price of building land yet it contained proposals that would have made a difference. We can only speculate on the differences it would have made today if it had been implemented. When

we ask why we are told that one of the reasons is that it revolves around Article 43 of the Constitution under which the State guarantees to pass no law that attempts to abolish the right of private ownership. I do not believe that the authors of the Constitution intended protecting the kind of private ownership we are seeing today, the land hoarding, sitting on vacant sites until the market guarantees an astronomical price, the speculating and putting owning one's own home out of the reach of most people, not to mention the disastrous effects on social housing. When Tony Gregory spoke in the Dáil in 1982 he said "The speculation and profiteering in building land is a crime." He described speculators as "being on the same level as heroin dealers. Both profit from the misery of their victims".

The sense of *déjà vu* continues until 2005 when there was an incredible rise in the cost of houses, massive increases in prices, which had spiralled out of control, lengthy waiting lists for local authority housing and a small number of multimillionaire developers controlling most development land. In 2005 the average price of a house in Dublin was in excess of €300,000. The term "affordable housing" meant absolutely nothing. In Dublin we saw the rise in gated community complexes, houses and apartments at very high prices which played a role in furthering social inequality. In 2006 the average price was over €420,000. We could be talking about today. The collapse of the public private partnerships promised so much for the residents of O'Devaney Gardens, Dominick Street and St. Michael's Estate but they were left frustrated. I acknowledge that the first sod is being turned in O'Devaney Gardens tomorrow morning. Good complexes have been built in Dublin city, such as St. Bricins, Father Scully House and Peadar Kearney House.

We know that the principal contributory element in the increasing cost of housing is the very high cost of building land. That is fuelled by owners who are allowed to sit on vacant sites. There have been too many examples over recent years of what has not worked. The 3% vacant levy has not delivered the land that is needed. If something is not working a plan B is needed. This is the plan B. It is good that the Bill is moving forward but I hope it will not take a meandering route through various Stages and not see the light of day.

Deputy Thomas Pringle: I welcome the debate on this important Bill and its intent to target the large-scale developers who have been hoarding land yet pay nothing for the privilege. The Bill will increase the vacant site levy to 25%, remove exemptions that decrease the levy, provide restricted definitions of what constitutes a vacant site and offer the owner of a site deemed vacant the opportunity to enter into negotiations with the relevant local authority or estate agency to sell the site for 60% of its value instead of paying the 25% vacant site levy.

Deputy Wallace is right. We need to stop developers sitting on land. That has led to land becoming overvalued, creating a housing supply which does not meet the needs of the population and which has created a homelessness crisis. It seems we also need to stop the Government, together with the developers, because the Government makes it work for them. The only way we can do that is by getting rid of Fine Gael and Fianna Fáil. That is the only way this will be changed.

The Minister of State, Deputy English, stated he felt that a 7% site levy was adequate. From whom did he get that sense? Where did it come from? How was it arrived at? That is what we have to know.

What has frustrated me the most throughout the housing crisis is that this Government and successive Governments, of which Fianna Fáil was a part, have made it their central policy to

3 July 2018

financialise housing, which has escalated this mess. The former Minister, Deputy Noonan, back in the day, gave a very big welcome to vulture funds and multinational developers coming into this country and made them a handsome profit at the expense of the welfare of the ordinary citizens of the country. The Government's relationship with developers has been so cosy it has led to developers sitting on land waiting for a handout until they can maximise their profit margins even further and the Government has been more than happy to feed the beast.

This profit-driven model has been in existence for half a century but was accelerated dramatically when Fine Gael came into power. Little or no social housing has been built, which fits into its model of the private sector reigning supreme and minimum intervention has since been carried out in the private sector. Every single housing measure the Government has put out to boost housing supply has utterly failed. That is because its policies give preferential treatment to land developers and not to ordinary people.

While the Government has claimed time and again that measures being introduced as part of Rebuilding Ireland would unlock more construction sites to deliver more housing units, this has not been the case after three years and house prices have been increasing year on year. Not only that but rental prices have been increasing as more people cannot afford to buy a house and little or no social housing is available to them.

Housing is a fundamental right. People cannot live full lives without it and other rights fail to be realised without housing. That is the reason I have twice introduced the Thirty-fifth Amendment of the Constitution (Economic, Social and Cultural Rights) Bill 2016, which includes the right to housing but which was voted down by Fianna Fáil and the Government because once again, they consistently prioritised private sector interests above the needs of individuals.

It is time for the Government to rights-proof decision making and bring the rights of the individual to the core of policy making. It must build social houses, increase tenant rights, control rents and invoke proposals such as the one Deputy Wallace has presented here today by putting the onus on developers to use land wisely, for the people and not themselves.

If we make housing a right, which the State then defends, we can prevent the same situation from occurring over and over again by having developers dominate our decision making process and finally we can have a Government that is accountable to the people. That, however, will not be a Fianna Fáil or Fine Gael Government.

Deputy Joan Collins: The hoarding of land is a long established and very profitable practice in the property development and construction business in this country. As long as there are big profits to be made, land hoarding will continue. Land hoarding was recognised as a key factor in driving up house prices going back to the 1960s.

The Kenny report was commissioned and published in the early 1970s and proposed a workable, if far from radical, solution to the problem. Kenny based his report on a long-established practice in England whereby the Government decided where new towns or estates were to be built, a Bill in Parliament set up a planning commission, the land required was taken into public ownership and parcels were released to developers to build on. He proposed a version of this system where development land would be acquired by local authorities at no more than 25% above agricultural value. It was never implemented. We had the hoary old chestnut about a conflict with property rights in the Constitution. Yet, Part V measures in the Planning and

Development Act 2000 were challenged in the courts and failed. The Supreme Court ruled Part V measures as being constitutional. From this, my understanding would be that a challenge to the implementation of the Kenny proposals would also be likely to fail and that it would fail in regard to Deputy Wallace's Bill.

The real reason the Kenny report was shelved was the opposition of powerful vested interests with strong political connections. A succession of Governments, involving Fianna Fáil, Fine Gael, the Labour Party and even the Green Party, did not want to know when it came to this issue. As a consequence, instead of a rational system of development led by planners to meet the needs of society, we had a free-for-all led by speculation and corruption. Speculators would buy land, usually just above agricultural value and then push for rezoning. Rezoned land could rise in value by ten times. Purchasing such rezonings with brown paper envelopes was simply good business. Corruption in the planning process still continues, as recent events in Donegal and Monaghan demonstrate.

The current vacant site levy will not deal with this issue. A good question to be asked would be whether it ever was intended to do so. There has been a very slow response by local authorities in drawing up the vacant site lists in their areas. South Dublin, Fingal and Dún Laoghaire-Rathdown county councils have yet to declare any and that is also the case in Cork, Galway and Limerick. There are too many loopholes and the fee is too low. It is having no effect. For example, the National Asset Management Agency, NAMA, sold land to developers with a potential for 50,000 units but only 3,000 have been built. There is enough zoned land nationally to build half a million homes but, at the current rate of construction, it will take 100 years to achieve that potential. There is no urgency on the part of the Government to drive building in a planned way in response to the housing emergency.

The measures outlined in this Bill are a big step in the right direction but to solve the housing and homelessness crisis, we need a complete change of direction. Housing must be seen as a right, not as a means to superprofits for developers, and in particular, we need cost rental affordable models that would make housing accessible for ordinary people.

Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan): I thank the Deputies who spoke and Deputy Wallace for introducing his Bill. As the Minister of State, Deputy English, said earlier, while the Government has some differences of opinion and emphasis, it is remarkable that the Government's position on the levy, and its establishment, has been echoed by all those who spoke on the Bill. There is a significant difference in terms of scale of the levy but I welcome this opportunity to have a discussion on it. As most Members said, the value of land is a very significant component in the cost of house production, whether it is public or private. As land is a finite resource, there is an unquestionable public interest in ensuring it is efficiently used, particularly in urban areas but also in rural areas.

As the Minister of State, Deputy English, indicated, the vacant site levy was introduced in 2015 with the aim of incentivising the development of vacant and under-utilised sites in urban areas for both housing and regeneration purposes. As a Government, we are open to ensuring that the levy continues to be an effective land management tool. While the levy has been levied since this year, it will not be payable until 1 January next year. It would be fair to say, therefore, that its impact would be difficult to measure now but from speaking to a number of local authorities that have put together a register, there has been activity in terms of ownership, planning applications and inquiries about planning applications on sites that are included on the

vacant site register.

The Minister of State, Deputy English, has brought through the other House a number of reforms by way of amendments to the original 2015 Act to strengthen some of its key provisions that he outlined earlier. I would have a naturally more hesitant way of approaching some of these issues, but with respect to Deputy Wallace's provision of a 25% levy, most of people to whom I have spoken in the legal profession would say it is in contravention of Article 43 of the Constitution. The Government's role cannot be to put forward legislation it believes to be unconstitutional. Through the levy's introduction in 2015 and on foot of it becoming payable from 1 January next year, we will have a standard with which to compare activity in the housing market and the impact the levy is having on it in Dublin and right across the country.

On the amendments that were recently brought through the Seanad by the Minister of State, Deputy English, there was much discussion in the agricultural community around the definition of vacant and idle lands for the purpose of the vacant site levy. Many family farmers who had operated lands for agricultural purposes before the land was ever zoned, and who never sought for the land to be rezoned, were deemed to be liable for the vacant site levy despite the fact that most people's definition of vacant and idle would not include an active family farm. By differentiating between lands that were purchased following a zoning change to residential, and lands that were long held and operated as family farms, the proposed amendment will target developers or speculators who hoard zoned, serviced land that has been zoned for residential use. It would allow farmers who have operated their farm for a number of years prior to its rezoning from agricultural to residential, to continue to operate that farm without liability for the levy. It is important to point out that if those same farmers wish the land to remain zoned for residential purposes it would fall liable to the levy into the future. It should not, however, be used and it was never designed to be used, as an instrument to remove families from farms they have farmed for generations.

I particularly welcome the balanced and targeted amendment brought in by the Minister of State, Deputy English, which brings clarification to the specific point of implementation of the levy, along with the other amendments which further strengthen the levy provisions. In response to some of Deputy Wallace's points, the Government's amendments include proposals to increase the levy to 7%, to remove the application of reduced rates, to strengthen the Ministers regulating powers generally, and to provide that the Minister can change the levy rate, within the 7% ceiling, by regulation to enable the levy rate to be varied to respond promptly to future changes. These were matters that Deputy Wallace wanted to see addressed, and we are doing that in a reasonable and legally sound way.

I must echo the Minister of State, Deputy English's comments regarding serious concerns of a legal and constitutional nature about how this Private Members' Bill proposes to address these issues in a way that exposes the legislation to the likelihood of a legal challenge, which could undermine the entire concept and progress of a vacant site levy.

Many Members have referred to compulsory purchase. This Private Members' Bill proposes to facilitate the purchase of vacant sites deemed suitable for housing purposes from site owners for not more than 60% or 40% of their market value in specific circumstances. There is already a range of State bodies and agencies that have existing compulsory purchase powers for a variety of functions. These powers are important instruments in facilitating public interest objectives in regard to housing, transport and other areas. It is fair to say that the existing rules around compulsory purchase often lead to a very cumbersome process that becomes legally

embedded in the courts process, which is also a very expensive process. Many local authorities and other agencies are reluctant to go down that route. This is why the Government recently asked the Law Reform Commission to conduct a review - the commission has commenced the project - on how best to reform and update the law and procedures around the compulsory acquisition of land. The outcomes of this review will be considered fully and speedily by the Government. There is much agreement that the current system of compulsory acquisition belongs to a different era.

In addition, and as referred to by Deputy Wallace, against the backdrop of the national planning framework, it is proposed to establish a national regeneration and development agency to assist in ensuring a more effective approach to strategic land management, particularly in terms of publicly owned land. The establishment of this agency was one of the main recommendations in the national planning framework and is endorsed in National Economic and Social Council's, NESC, recent report, "Urban Development Land, Housing and Infrastructure: Fixing Ireland's Broken System", to disrupt the current land market and make better use of State controlled lands to shape the development and revitalisation of our cities, towns and villages. The agency will work with and support local authorities, public bodies and others to harness public lands to stimulate regeneration and achieve compact, sustainable growth, with a particular emphasis on regeneration projects and the provision of affordable housing. Detailed arrangements for the establishment of the agency are currently being developed and are expected to be finalised shortly.

I will now return to the levy itself. We first need to introduce the Government amendments proposed, and I look for the support of the House in this regard, and then focus on implementation in a clear, consistent and proactive way. Under the 2015 Act, planning authorities are required to establish a register of vacant sites in their areas, beginning in January 2017, and to apply the levy in January 2019. On foot of a recent review by my Department of the online vacant site registers across all local authority areas, I understand that 14 authorities have populated their vacant site registers to date, collectively amounting to more than 230 individual sites, and the majority of these will be subject to the levy in January 2019. There are 17 other local authorities that have not yet populated the register. Those local authorities have members from different groups in the House and they should really get down to it. Most of the local authorities are involved in that work but they have not yet produced a populated register. They really need to do this.

The implementation of the levy is an ongoing process and it is expected that further sites, both in public and private ownership, are being added to the registers as these authorities and others continue their assessment of suitable sites and undertake the necessary preparatory work and procedures set out in legislation prior to putting the sites on the register. My Department actively engages with local authorities in relation to the levy implementation by providing guidance and organising information seminars. Most recently, in May, a workshop was held with all 31 local authorities to assess progress generally, to facilitate a sharing of best practice among authorities and to ensure consistent application of the levy across local authority areas.

We will continue to monitor implementation of the levy to ensure that it is being fully used, in line with its intended purpose of incentivising the development of vacant or under-utilised sites in urban areas. Further guidance and clarification can be provided to planning authorities, on foot of the introduction of the proposed Government reforms.

Despite some of the concerns expressed by the Minister of State, Deputy English, and me,

3 July 2018

the Government has addressed some of the concerns in its most recent amendments, as introduced by the Minister of State, Deputy English, and we do not intend to oppose the Bill at this Stage.

Deputy Clare Daly: I put it to the Minister of State, Deputy Phelan, that contrary to his assertion, the Government's position has not been echoed by anyone in this House. It is quite the opposite. Everyone is saying that the Government is in total denial and if it keeps on this path the housing crisis will get worse.

By my count, since the start of this Dáil just over two years ago, there have been 31 motions, statements or Bills about the housing crisis. We also had a specially convened Committee on Housing and Homelessness. The issue of housing is raised every single day in this Chamber and yet the situation is getting worse. The Government seems to think that the measures it implements are helping but everybody else can see they are not helping. Every citizen in the State is affected by this issue, not just the people who tonight are awake on the streets or those who cannot sleep because they are so worried about having the money to pay rent or whatever. It even affects the people who are sitting on the property they bought in the 1990s. They saw the value of their property increase by 431% between 1995 and 2007 but they may have their adult children at home with them tonight, probably with their children too. These adult children are trying to save for a deposit. Every single citizen knows that land hoarding is one of the key contributing factors in the lack of affordable housing. This Bill is an attempt to deal with that.

For me this is a crossroads discussion in the House tonight. We now either move decisively on the issue, which has not been done for 45 years, or we continue as we are. It is totally disingenuous for the Government to come into the House and say the measures it puts forward are making a positive contribution. The Government is putting up the card saying that it might be unconstitutional, even though the foremost legal minds have evaluated this aspect and have said it is not unconstitutional.

Even if we did not have that advice and the Government genuinely believed it was right, it would be proposing a constitutional referendum on the issue, it is that important. It is not good enough for the Government to sit here and pretend we are on the right road when, unless it moves on this, it will only make matters worse. Land speculation and hoarding are at the core of much of what is wrong with our housing market.

Also at that core is NAMA's interference. I will cite a brief example from my area. A group of individuals had been trying to purchase the old rugby club in Malahide from NAMA since 2015. They did not want to make a killing on the deal, only to provide for local families, and were willing to pay NAMA above the odds. The Minister for Finance told us that the lands were part of NAMA's residential delivery programme. However, those individuals were cut out of the equation and houses are now being developed, with NAMA seeking €700,000 for them. It is a joke.

The measure before the House could transform the situation overnight in a way no other could. I plead with the Government to forgo the nonsense of killing the Bill with kindness and pretending it does not oppose the legislation. Otherwise, it will do our citizens a great disservice. They deserve better. The Government can step back from its position and progress the Bill in a genuine and positive way.

Deputy Mick Wallace: My Bill does not deal with compulsory purchases. Under my pro-

posed arrangement, a developer who was willing could agree a sale with a local authority at approximately 60% of the market value instead of paying the 25% tax rate. At 50% over two years, it would be cheaper for the developer to sell the property if he or she were not in a position to hold it and pay the tax. This would have given site owners a way out.

The idea is to stop landbanking by making it less attractive. Deputy Jan O'Sullivan stated that Labour could not achieve a higher levy than 3% because it would have been illegal, but now the Government can achieve 7%. Explain that. If 3% and 7% are okay, the principle is the same whatever the figure, so if 25% is illegal, then 7% is as well. That does not make any sense. Come on. The notion that 7% would work is total bollocks. The average price of a house in Dublin is €357,000. Let us say that, last year, it was €300,000 before increasing by 10% to €330,000. However, build costs did not change, which means the land price did, increasing from €100,000 to €130,000, or 30%. Where is the Government going with its 7%? It is a waste of time. No one in his or her right mind will bother with 7%. Nor will it catch the majority.

The Minister of State, Deputy English, stated his belief that there could be a legal problem with the appeals mechanism. He mentioned introducing it in January 2020. If the four appeals were left, it would take only five or six years for anyone who went to the effort - it would pay plenty of people to do it - to get into the net. That means 2026. Where will the housing crisis be then? Let us tackle it now. We must. It is the elephant in the room, but the Government does not want to see it and is pretending it is not there. Jesus, it is so attractive to buy these large tracts of land. NAMA sold 3,800 sites in Cherrywood to Hines, a vulture fund, for €27,000 each. Hines then sat on them because it did not have to pay annual tax for doing so. No hassle. Hines moved the first of those sites at €72,000. I know to whom it sold them. It sold the next little bundle for €100,000. Then it started selling sites for €120,000. I do not know what it has done with the rest. It is probably still sitting on them.

We encourage landbanking in Ireland. Through the policy decisions made in this Chamber, we encourage houses to be unaffordable. That is a fact. Thirteen consecutive Governments have refused to deal with landbanking. We will never have affordable housing if the Government does not deal with landbanking. As Deputy Ó Broin said, it is not just about supply. Supply was never greater in the history of the State than it was in 2006 and 2007, yet affordability was non-existent. Prices went through the roof and reached their highest levels ever. The idea that prices reduce when there is greater supply does not stack up. It can happen, but it does not necessarily happen. There is no rationale behind this. Look at the history.

One of the reasons for apartments and housings growing so expensive when they are plentiful is that those who own landbanks will not make the land available until the price goes high, when it will then pay to sell. They will not do it otherwise. Over the past six months, I have examined sites in this city. People are putting a price on apartment sites that a builder cannot afford. The equation between what a builder is asked to pay and what his or her build, financing, legal and other costs are does not work at the moment. By the time the builder sells, there is no money in it. That is why no one is building apartments. The people who own the land in the private sector have no incentive to sell because they know they will get more for it later and do not have to pay any tax while they are sitting on it and watching its value grow.

In the meantime, the Government is not getting sites freed up to deal with the housing crisis. What is it thinking? This is so frustrating. If the House did nothing else this year other than deal with the issue of landbanking, it would not solve every problem overnight because Rome was not built in a day, but it was started. We have not even started. The Kenny report came up

3 July 2018

with an idea, but I am not suggesting we use that report, since that will never happen.

The Bill's measures would have a major impact on and be game changers in how we supply housing, but the Government has to have the appetite to do so. Stop being afraid of legal types saying this or that cannot be done. I can understand. I would say they wore the carpets out in the Department of the Environment, Community and Local Government when the Government was trying to introduce the site levy. Let them come. Let them take their case to the courts. Let us test it if we have to, but I do not believe for a second that it needs a referendum. It needs the Government's will to do things differently. More than 99% of the people of Ireland would benefit from this, but the Government still will not do it because it claims there is a legal issue. Come on, do the right thing.

Question put and agreed to.

Urban Regeneration and Housing (Amendment) Bill 2018: Referral to Select Committee [Private Members]

Deputy Mick Wallace: 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.

Heritage Bill 2016: Report Stage (Resumed)

Debate resumed on amendment No. 15:

In page 12, to delete lines 1 to 22.

- (Deputy Peadar Tóibín)

Deputy Bríd Smith: Just before we adjourned, the Minister stated, regarding the decline of the bird population by 28% reported by BirdWatch Ireland, that the EU placed an emphasis on the protection of Ireland's birds. However, she went on to state that the latest report given to the EU was in 2013. BirdWatch Ireland's report is very recent. Obviously, the report from five years ago does not tally with the evidence coming from BirdWatch Ireland. I refer to the issue of the bees. The Minister did not deal with that. There is an interesting report in *The Irish Times* today by Fitzpatrick and Murray, who have published their findings. In 2006, they indicated, having done a careful study of the bee population, which is difficult, that half of all the species in Ireland were in decline. They sum it up in one sentence today, that a third of all bee species in Ireland will be extinct by 2030. They say that some bees are declining so rapidly that we are facing a silent spring of loss. These are our great unpaid pollinators. If they go missing, then what? The Minister said that is largely due to pesticides. Pesticides play a role but this study also shows that the cutting and abandonment of hedgerows and the flowers that grow in them also play a major role. I reiterate those arguments. To respond to the Deputies who spoke here about farmers and how we regard farmers, I think they have an attitude that we are somehow just city slickers who dismiss the concerns of farmers. Not at all. I mention the

Burren and the exercise undertaken there because they were forced to listen to the farmers and do the sort of things that the farmers required. It is working. We need to revert to looking at a different attitude to nature and the environment and to approach the farming community with a clear agenda to enlist them as guardians and protectors of our wildlife, and to ensure that they are adequately incentivised and rewarded for guarding and protecting our wildlife. This Bill will do quite the opposite. We need to consider what is at risk here.

Deputy Richard Boyd Barrett: What research has been done to ensure that burning in the uplands in March will not damage bird habitats as a background to introducing this measure in this Bill? The answer is none. Under the birds directive, the Minister is required to safeguard the habitats of these birds but she is introducing a measure which potentially endangers them without doing the necessary background research, when the precautionary principle should apply before she takes a measure like this. She has not done the research and is endangering bird life as a consequence.

In response to Deputy Fitzmaurice, I accept the point that people who live and work on the land know much more about these things than those of us who do not. He should also accept that there is a biodiversity problem which represents a significant danger to everybody, including farmers, and our ability to continue to produce crops and indeed to hold the environment on which all of us, farmers most of all, depend. There is tension between certain types of land use by certain forms of agriculture and the concerns about maintaining biodiversity, enhancing afforestation, hedgerows and so on. We need to overcome that tension. We need to work with farmers to do so and we need to give them supports, incentives and so on to be guardians of biodiversity. It is not helpful to attack city slickers as people who do not give a damn about the livelihoods or concerns of farmers. We should not get into that game. We should recognise that there is a genuine problem with the degradation of biodiversity, bird life, bees and so on, and that we all have an interest in protecting them. This Bill will not do that but will degrade biodiversity.

An Leas-Cheann Comhairle: Deputy Ó Cuív has been in but can come in for two minutes. Does he want in now?

Deputy Éamon Ó Cuív: Well, whatever.

An Leas-Cheann Comhairle: A few Members have seven minutes. Has Deputy Fitzmaurice been in at all?

Deputy Michael Fitzmaurice: I was in for two minutes already.

An Leas-Cheann Comhairle: If the Deputies can wait, Deputy Michael Healy-Rae has not been in so he has seven minutes.

Deputy Michael Healy-Rae: I do whatever I am told.

An Leas-Cheann Comhairle: Normally the Deputy does.

Deputy Michael Healy-Rae: I am grateful to be given the opportunity to speak to this important debate. I would like to put on the record a statement that I have made before when we talked about the protection of wildlife and the protection of the future of our family farms. The people who are best able to protect our countryside, who know what is right for land and what is right for wildlife, are the people who own that land. I know of no farmer who would want to

3 July 2018

do anything to denigrate his or her farm or the wildlife that lives on it.

I would like to put to bed a couple of bits of nonsense that the Minister and others have to listen to. With regard to birds and bird habitats, a main reason that we are given why hedges on the sides of our public roads cannot be cut is that we cannot do it during the season in which it is deemed that birds would be foolish enough to put their nests on the side of busy roads. I have been observing wildlife as much as anybody throughout my life and I have never yet seen a bird be so stupid or foolish that it would want to put its nest on the side of a busy public road. There are plenty of other places to put a nest. If people were to come along and cut hedges, they would not do anything on the side of a public road that would bother or interfere with our bird life. I and others who are involved in farming and represent farmers on a daily basis have the practical common sense of having two eyes in our heads and being able to see what is around us. That is one thing that I would like to be put to bed.

There is no reason to stop people from cutting hedges on the sides of public roads in the interest of bird life. That is not true. It is simply not a fact that birds make nests on the side of the public road where lorries whiz by and buses brush off the sides. Why would they be so stupid as to do that? Many politicians seem to jump up and down, saying that one cannot cut any hedge because one might interfere with bird life. That is an absolute nonsense.

When legislators come into the House, one of the first things they should do is seriously listen to the farming community, the people who own the land and the people who represent the farming community, such as the Irish Farmers Association, IFA, and the Irish Creamery Milk Suppliers Association, ICMSA, people who deal on a daily basis with farmers and the groups which represent them. I was very grateful to the Minister, and will be looking for a further written reply, that she was kind enough to meet a group of farmers from Moanveanlagh and other bogs where they were debarred from cutting turf. They were stopped on a very false premise. We are looking to get those people back into action, and get them doing what they were good at, cutting and saving turf, and putting fires for themselves, a thing that their fathers, grandfathers and grandmothers did before them. We want to see them and the future generations being able to cut turf again as they did in the past.

I will be looking for an update on that from the Minister in the next ten days. The people are looking for an update and it is good for the Minister to know that. There are traditions in country life that are very important, whether it comes to cutting turf or to this year when people were fortunate enough to be able to save hay. Despite that we looked for a derogation from the Minister relating to 1 July, we did not get what we were looking for. At the same time, we tried our best to make common sense prevail. If the Minister let us down on the first Sunday, perhaps the weather will not now anyway and people will be able to get hay from those grounds on which they were debarred from cutting hay on 1 July. I have always said that calendar farming is a nonsense because one quite simply cannot have a situation where one can predict what the weather is going to be like and therefore tell people to farm in accordance with the calendar. One cannot do that. One could often have a better January or February than July or August when it comes to spreading slurry and other such business. Those are things that have to be taken into account.

I was not in the Chamber but I heard Deputy Fitzmaurice's contribution. I thought it was worthwhile and sound and nothing less than I would have expected from him. It is nice for people to know what they are talking about when it comes to burning. It is also nice for them to understand how important burning is and to have a common sense approach. There are only

certain times of the year when one can burn, quite simply because the place will bloody well not burn. The killing thing about it is that when one does not want it to burn, it will burn and if one wants it to burn one cannot get it to burn at all. That is the climate we are living in. People think that we can legislate while ignoring common sense issues such as the weather, and the climate we are living in, but allowances must be made for such issues. That is why I would like to see common sense prevail. We went from one extreme to the other. Hills were overgrown, then completely bare and now they are overgrown again because of people in Europe and various forums making laws when they did not know the first thing about what they were talking about. If any of them had a bit of practical common sense they would not engage in half the nonsense and rubbish they talk. More reports are compiled and forums brought together and very little good comes out of an awful lot of them. All it takes is a bit of practical common sense to know what we need in rural Ireland to survive, to keep places in order and from being overgrown and to make sure that vegetation that should be burnt to allow regeneration is burnt at a time when it can be burnt and not to have some person with a suit telling people when they should try to burn it and when they should not try to burn it.

Deputy Joan Burton: I support the amendment. I wish to address my remarks to Fine Gael. I understand that in many ways Fine Gael is a farmers' party, in particular of big farmers. My understanding of farmers, both big and small, is that they are interested and dedicated to the preservation of the wildlife heritage of Ireland. In all the material and the various videos produced so far for the Government by the strategic communications unit there are lots of overviews of the island and prominent in the sweeping lyrical shots that move in from the Cliffs of Moher and eventually go over counties such as Meath and others is a mixture of fields and hedgerows. Essentially, our hedgerows are there in place of a lot of the deciduous forests which for various historical reasons we do not have in this country. I do not understand where Fine Gael is coming from in suggesting that the hedgerows should be endangered and put in peril.

Lots of young people, in particular, respect our environmental heritage. The people who came and lobbied the Dáil and Seanad on a number of occasions were interested in issues such as pollination and pollinators, insects and birds. Nobody has made an argument that what is proposed in the Bill will not imperil all of that wildlife heritage that we as a people have inherited and which we should continue to protect. We should do it for ourselves and for what we have inherited, but if we want to think about money, we should do it to bolster the marketing strategy we use for both people in Ireland and those who come from abroad to get them to holiday here. We should do it because of the way we have branded and marketed food through Bord Bia and other products from cattle, sheep and other animals. We should reiterate that Ireland is a small island but with a strong appreciation of its wildlife heritage and its heritage in terms of hedgerows.

I do not understand to whose advantage this is other than in some narrow way of tidying up the countryside. The issues concerning potential traffic accidents and the work that needs to be done to provide for road safety have been adequately dealt with and can be addressed via the local authorities. I am sure the Minister is as committed to heritage and to hedgerows and wildlife as the rest of us and I urge her to think again because once the hedges become diminished and reduced over a period it is too late. As Members who are farmers will be well aware, what is diminished and reduced is difficult to restore. We are all familiar with the big machines that scalp hedges so that little or nothing is left and the various species of birds, other fauna, trees and plants that inhabit the hedges will be diminished by being constantly hacked back. That would be a mistake for Irish people and the visitors who come to Ireland who enjoy the green-

3 July 2018

ness of the countryside, which is a function of the linear system of hedgerows comprising tens of thousands of miles of special ways of natural wildlife.

At the moment we are creating walkways and cycleways all around the country on disused roads and railways lines and we are all taking pleasure in that. I accept farmers have a living to make and we all know they have it tough but, notwithstanding that many people making the argument in favour of the changes claim they are acting in the best interests of farmers, ultimately those who farm have to be close to the land, close to their animals and they must know they farm it to pass it on to the next generation. I appeal to the Minister and the Fine Gael Party. This is a majority Fine Gael Government. It does not have to listen to other voices. Most of the Independents in the Government come from the Fine Gael family so they are talking to themselves. That is all the more reason the Government should ponder whether it should do this as easily as it seems to be doing. I urge the Minister to think again on this.

Deputy Éamon Ó Cuív: In general, in many parts of the country the hedges are much higher and bigger than they were 40 or 50 years ago, or more especially 100 years ago, where every winter they were cut back low. The available testimony tells us that was the way it was because land was scarce and precious. The people then had a way of folding the hedges in. If one looks out across the countryside from my house, which is on a slight height, one will see far more growth than there was when I began living there.

There has been discussion of fires in the Dublin mountains over the past week. It always seems to me that people presume that such fires are started by farmers who purposely disregard the law. I understand the fires occurred on land in the ownership of the Minister's Department. Has she any preliminary indications as to who started them, how they started or whether they were started by farmers?

Deputy Danny Healy-Rae: I welcome the Bill and the extension of hedge-cutting time to include the month of August and burning time to include the month of March. Farmers in Northern Ireland are allowed burn until 15 April and, as there is only a ditch between the North and the South, it does not make much sense for farmers here to have to cease by the end of February. Many Februarys have been wet and farmers could not burn. Burning is necessary because land becomes overgrown and useless and cannot be grazed by sheep or cattle. There is great merit in extending burning time to include February or March because there might be a dry spell in the middle of February and one would be able to burn the land one wishes to burn. We should go back to farmers' former practice of controlled burning. At that time, Coillte helped farmers. A farmer would notify Coillte that he or she wished to burn and it would assist the farmer to ensure that the fire did not spread to forestry or other land. That can be done methodically and carefully by opening a fire vent such that the fire does not travel. All farmers whose land is prone to burning or whose fire may spread to other land should open fire vents, which is not very expensive. It could improve matters greatly if controlled burning was carried out and we should be aiming for that.

Under the Bill, the cutting of roadside hedges will be allowed in August, which I very much welcome even though I have always maintained that the cutting of roadside hedges should be permitted all year round for the safety of all road users. We are told that it is good for our health to walk but those doing so on country roads are in danger. Some roads are so dangerous that one's eyes might be picked out if one tried to stay close to a hedge on a narrow road in order to avoid being knocked down. Cyclists could be knocked off their bicycles by briars, etc. It is imperative that roadside hedges are cut and that roads are safe for people to walk, cycle and

drive on. Many people regularly complain to me about hedges which need to be cut. They have difficulty passing cars on narrow roads. A new car costs money and one should not have to run the risk of one's property being scratched or damaged by hedging. I also receive regular requests for hedges or branches to be cut in order to allow school buses pick up children on country roads. That is one of the main issues with which local representatives deal. It is important for the safety of children that a branch or briar does not break the windscreen or side window of a school bus and injure a child travelling on it. Farmers regularly complain that they cannot get goods or milk lorries up or down the roads to their farms. Wing mirrors, which may cost €1,000, are often broken. Parts of the Ring of Kerry are still unsafe for tour buses. The road is only the width of one bus and buses cannot pass a car where hedges or briars extend into the road.

It is ridiculous that people are stating that the Bill, if implemented, will lead to nesting birds being harmed. As I put it to Kerry County Council, what bird would be so foolish as to make a nest on the side of the road where the wind from a lorry could blow the feathers off the bird and leave it standing naked in the middle of the road? It does not make any sense. I do not request permission to cut the field side of hedges but the side facing the road should be cut, and continually so, for the safety of all road users. The next thing will be for someone to say that part of the road should be given over to wildlife as well as the side of the road. The side of the road is part of the road network and should be treated as such. Local authorities have previously refused to cut roadside hedges because of a law passed by the Oireachtas in approximately 1993, as a result of which the local authorities believe the cutting of hedges is none of their business. However, if one were to take certain actions beyond the ditch forming the border between one's land and the road, the local authority would not be long in putting a stop to it. The roadside is part of the local and national road network and should be treated as such.

Another Bill progressing through the House will require motorists to give cyclists 1.5 m passing space. However, if a cyclist is keeping out from briars, he or she will be closer to the centre of the road, which would mean there may be no space for a motorist to pass on a narrow road, particularly with, for example, a car and possibly a bicycle coming in the opposite direction.

I support the Bill, which is designed to ensure that roadside hedges are cut in the month of August and that farmers be allowed to burn in the month of March.

Deputy Michael Fitzmaurice: I wish to address some points raised by Deputy Boyd Barrett. This is not a city-against-country scenario. Last year, however, some farmers, particularly in Galway and Mayo, were accused of starting fires deliberately. The individuals in question had nothing to do with those fires. There are records available which prove that they, and others who were questioned, had nothing to do with the fire. The Irish Wildlife Trust submitted a formal complaint about the fires to the European Commission, as a result of which the farmers were left without money in one of the worst winters in recent years. Tourists and others expect to be able to hike up mountains in those areas, which is great and to be welcomed, but there should be a consideration of the farmers who were left penniless last winter as a result of the report that was submitted. We have to work with people and not report them.

We have to look at the green low carbon agri-environment scheme. Deputy Smith spoke about the bees. In that regard, there is an obligation on farmers in GLAS to put out sand. I do contracting. I bale for people and they have their sand out in the field, which has actually improved the number of bees. The problem is that the badgers are coming out, eating the honey

3 July 2018

and killing some of the bees. I have seen it. Farmers will tell the Deputy what is going on but they are doing that. They are putting up bat boxes. In terms of the traditional hay meadow, they are cutting fields from the middle out to save wildlife. All that is helping the biodiversity. It is very important that we acknowledge the amount of work being done by farmers in all areas.

In terms of burning, everyone should be clear that we are not asking to burn at this time of year. Everyone is going on about the current fires but let us not talk about farmers doing that. It is as a result of someone's carelessness. No one condones fires or anyone doing anything like that. We are talking about Connemara or mountain areas in February. One would not start a fire because it would not take. It is controlled burning. It cannot be done willy-nilly. As I said, the vegetation that grows back is very important. All these things need to be understood in terms of what we are trying to achieve.

Deputy Catherine Martin: To reply to some of the comments the Minister made, I appreciate that prosecutions have been taken under section 40 of the Wildlife Act which relate to the cutting of hedges during the closed periods. Not very many were taken but they happen. However, it is section 22 of the Wildlife Act which protects birds, their nests and eggs from mutilation and injury. That is the section the Minister reminded Deputies of on Committee Stage in terms of its importance for the protection of our birds. Since 2015, however, there have been zero prosecutions carried out. The protection and the resources do not exist to protect our birds.

I know the Minister has a hectic schedule so I was very interested to hear that she had time to meet a turf cutting delegation courtesy of Deputy Michael Healy-Rae because it is my understanding that BirdWatch Ireland requested a meeting with the Minister to discuss the impact of this devastating Bill and no such meeting was facilitated. That is highly regrettable. Since she had time to meet the turf cutters, did she have time to meet the members of the Environmental Pillar and the Irish Wildlife Trust? I know that BirdWatch Ireland definitely asked her for a meeting and no such meeting was facilitated. That is a shameful lack of consultation with a stakeholder such as that.

On previous Stages of the Bill, the Minister justified this legislation's expansion of burning into March and Northern Ireland's burning period, which extends to 14 April. However, what she did not mention is that this situation is currently an unmitigated disaster in Northern Ireland. In 2017, there were 2,231 wildfires throughout Northern Ireland that the Northern Ireland Fire & Rescue Service had to attend, and 511 of those occurred after 1 May. The Minister kept making that comparison and said that this will be good and that it will stop things happening but despite having that longer burning season, out of control fires have continued to wreak havoc in Northern Ireland. Changing the dates for burning will not stop out of control fires as controlled burning, as a management tool, is virtually non-existent in Ireland. This Bill as currently drafted will be disastrous for our wildlife and our natural heritage.

Deputy Catherine Murphy: I want to add my voice to some of the points raised on sections 7 and 8 of this Bill. The question we must ask ourselves is whether they add to the protection to wildlife. I do not believe the argument can be made that they do that. They do the reverse. We know that one third of the 98 bee species in Ireland is threatened with extinction. We also know how important the bee population is in terms of pollination of crops and plants. I have a very small garden but I deliberately grow plants that attracted bees. One can see that one can have a very positive impact in very small spaces in reversing the kind of damage that happens as a consequence of pollutants, pesticides, agri-chemicals and so on. I believe most farmers appreciate the importance of wildlife on the health of land and agriculture but agricul-

ture is having a direct impact on the threatening of the bee population.

I thought I was seeing things when I saw birds' nests in trees close to where I live that are right beside a road. I was thinking that the birds in Kildare must be terribly stupid. They do not seem to be that stupid in Kerry where they can avoid making their nests on the side of the road. To be perfectly honest, I never heard anything so ridiculous. We should not lecture people about knowledge of the countryside. One only has to drive along a road to see that birds do not pick and choose where the road system goes. They will nest where they can find an appropriate place to nest.

Deputy Danny Healy-Rae: That is better planning than the side of the road.

Deputy Catherine Murphy: Can we talk a little bit of sense?

An Leas-Cheann Comhairle: I think everybody had an opportunity to contribute. I call the Minister who has only two minutes.

Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan): I know and, unfortunately, the only way I can be fair is to start with the Members who spoke first and if I do not get to deal with the other Deputies' contributions, my apologies.

I spoke about the bees earlier so I will not talk about that again. Deputy Smith mentioned the curlews also and managed burning is very good for the curlew and the red grouse. The biggest enemy of the curlew is unmanaged or degradation of existing habitat and predation. That is the scientific view of the leading expert on our birds in the National Parks and Wildlife Service, Dr. Barry O'Donoghue. I spoke about that at the committee. My Department is spending €400,000 over the next three years on a curlew management programme.

Deputy Sherlock, who is not in the Chamber, mentioned a public consultation process, as did Deputy Boyd Barrett. There was an extensive public consultation. There were 188 submissions and analysis was done by my experts from the National Parks and Wildlife Service, led by the chief scientist, Dr. O'Keeffe. That is a pilot that will be very closely monitored.

What BirdWatch Ireland is saying is a flagrant distortion of the facts. What it is characterising is not evidence based and in my view and that of the Department, and our scientific research, does not bear gravitas.

Deputy Eamon Ryan: That is a disgraceful comment.

Deputy Bríd Smith: Absolutely.

Deputy Josepha Madigan: Deputy Boyd Barrett did not make a submission even though he spoke about the public consultation. A number of stakeholder groups contributed, including BirdWatch Ireland, An Taisce, the Irish Farmers' Association and the ICMSA.

I thank Deputy Fitzmaurice for his contribution. The dose of reality he brings regarding the obligations on the landowner since 1993 is refreshing.

Deputy Ó Cuív mentioned the regulations. They will permit controlled burning only, and only in years when the winter rainfall is higher than average. Advice will be provided on rotational burning. Also, there will be guidelines to state that burning should not be carried out in blanket bog habitat.

3 July 2018

The guidelines will also emphasise that species and habitat considerations should also be to the fore before embarking on a plan to burn and the objective should always be to return the habitat to its pre-burn condition in a reasonable timeframe. Guidance will also be provided on how to carry out controlled burning to benefit certain ground nesting birds such as the hen harrier, the red grouse, the curlew and the golden plover. I thank Deputy Ó Cuív for the second dose of reality as well. The Bill gives limited authority to allow burning in parts of Ireland for some time during March under certain conditions on a pilot basis.

Deputy Catherine Martin raised the issue of people who are fighting the fires. My staff and other public servants have been doing that and I thank them for their bravery. The fires that were set in the Dublin mountains were the result of arson and they are being investigated at the moment. The Deputy's use of the term, "slash and burn", is unfortunate, inaccurate and political. She is simply courting a headline. These are pilot initiatives subject to statutory instruments that will come before the Houses and there will be guidelines. The Deputy also mentioned Ticknock. Regrettably, the setting of those fires follows a pattern of fires in uplands close to large urban centres. We only need look at Manchester this week. Today, my senior officials met Coillte officials to plan a programme of action to monitor and police this antisocial activity, including the possible use of drone technology to catch the perpetrators in the act.

I reassure Deputy Sherlock that this is the eleventh time the Bill has been before the Oireachtas. There have been more than 32 hours of debate prior to tonight and the public consultation to which Deputy Boyd Barrett referred lasted four months and there were almost 200 submissions.

In response to Deputy Tóibín, as Minister, I make regulations when necessary, for example, when weather has been adverse. There is no question of a blanket permission to burn in March. May I beg the Leas-Cheann Comhairle's indulgence for a few more moments?

An Leas-Cheann Comhairle: The Minister has been begging it for the past five minutes. Because of the interest, we will give her another minute.

Deputy Josepha Madigan: I reassure Deputy Eamon Ryan that the fires in March will not be the result of a carte blanche. In 2008, the Government of which he was a member stopped recruiting NPWS rangers. This Government is now recruiting rangers. I stress to Deputy Boyd Barrett that the positive effect of managed burning at the correct time of year is important. Unmanaged burning results in extensive areas of upland burning for long periods and irreversible change to the habitat. My Department's NPWS is constantly maintaining and counting species. We spend millions per annum on our science programme and that is how we know about species in decline. The reports the Deputy cited are NPWS reports.

Deputy Healy-Rae made an interesting point. Approximately 455,000 ha or 6.4% of the country is covered by hedgerows, individual trees and woodlands. The birds are still protected. I assure Deputy Burton that the Bill will not result in the removal of a single hedgerow. It will allow the trimming of a single year's growth on the road-facing side of roadside hedges. I agree that our hedgerows need to be cared for and managed and the Bill seeks to allow for careful management of our hedges on roadsides. The Labour Party supported the Heritage Bill 2016 when it was published and Deputy Burton was a member of the Government that approved the Bill. We are not scalping hedges and to suggest that is a mistake. The Deputy should know that we are prohibiting flails and grubbing, which is an improvement. We also have provided for prosecutions under the Wildlife Act.

Deputy Peadar Tóibín: The majority of farmers in this country are broke. Only a third of farmers have economically sustainable farms given the way the industry has gone. Another third have to work outside the farm to make ends meet. They are broke for a number of reasons. The main one is that they are not getting paid enough for their produce. Meat factories and supermarkets are squeezing them. Another reason is that because of the way the CAP system is built, richer farmers are getting the bulk of the money and farmers are drowning in a sea of paperwork. Climate change is radically affecting the way farmers are able to work.

Deputy Danny Healy-Rae: Rubbish.

Deputy Peadar Tóibín: Year after year, there are fodder crises. The country is not able to provide enough fodder for the farming industry. Anybody who stands up and tells farmers that this Bill is a panacea or will solve the problems they face is involved in deceit. This is not going to stack up to a hill of beans in respect of the issues facing farmers. There is a false dichotomy here as well. We have heard again and again from the Minister and some Opposition Deputies that this is about road safety. There is nobody in this Dáil or this country who is saying not to cut a verge and a hedge back when they are dangerous. Everybody agrees with doing that. All we are saying is to cut the dangerous ones back and leave the rest of them there. That is why we have proposed these amendments. Anybody who stands up here and talks about children on buses and people in new cars is talking tommyrot.

Deputy Mattie McGrath: What?

Deputy Danny Healy-Rae: We are telling the truth. The Deputy is antagonising us.

Deputy Peadar Tóibín: Any number of amendments would solve the issue of dangerous verges and dangerous hedges. It is important that people accept that first and foremost. Let us call a spade a spade. When landscapes are burned and hedges cut back, one destroys habitats and sustenance for the biodiversity of this country.

Deputy Danny Healy-Rae: If he had a spade he would starve - he would have more dinner times than dinners.

Deputy Peadar Tóibín: The biodiversity of this country is radically depleting before our eyes. This Bill proceeds with that. I ask the Minister to delete section 7 because it is the most odious element of the Bill. I urge her to accept logical, reasonable responses such as amendment No. 19, which asks the Minister to make regulations to establish a new task force to identify efficient agriculture and environmentally sympathetic ways of doing business. Both the environment and agriculture can work in sympathy if they are allowed to do so but not under these provisions.

11 o'clock

An Leas-Cheann Comhairle: How stands amendment No. 15?

Deputy Peadar Tóibín: I am pressing it.

Amendment put:

<i>The Dáil divided: Tá, 31; Níl, 58; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>

3 July 2018

<i>Adams, Gerry.</i>	<i>Aylward, Bobby.</i>	
<i>Barry, Mick.</i>	<i>Bailey, Maria.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Brassil, John.</i>	
<i>Brady, John.</i>	<i>Breen, Pat.</i>	
<i>Broughan, Thomas P.</i>	<i>Browne, James.</i>	
<i>Buckley, Pat.</i>	<i>Bruton, Richard.</i>	
<i>Burton, Joan.</i>	<i>Burke, Peter.</i>	
<i>Connolly, Catherine.</i>	<i>Butler, Mary.</i>	
<i>Crowe, Seán.</i>	<i>Byrne, Catherine.</i>	
<i>Cullinane, David.</i>	<i>Cahill, Jackie.</i>	
<i>Doherty, Pearse.</i>	<i>Calleary, Dara.</i>	
<i>Ferris, Martin.</i>	<i>Canney, Seán.</i>	
<i>Healy, Seamus.</i>	<i>Carey, Joe.</i>	
<i>Howlin, Brendan.</i>	<i>Casey, Pat.</i>	
<i>Kenny, Martin.</i>	<i>Cassells, Shane.</i>	
<i>Martin, Catherine.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Mitchell, Denise.</i>	<i>Creed, Michael.</i>	
<i>Munster, Imelda.</i>	<i>D'Arcy, Michael.</i>	
<i>Murphy, Catherine.</i>	<i>Deering, Pat.</i>	
<i>O'Brien, Jonathan.</i>	<i>Doherty, Regina.</i>	
<i>O'Reilly, Louise.</i>	<i>Donnelly, Stephen S.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Doyle, Andrew.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Durkan, Bernard J.</i>	
<i>Pringle, Thomas.</i>	<i>English, Damien.</i>	
<i>Quinlivan, Maurice.</i>	<i>Farrell, Alan.</i>	
<i>Ryan, Brendan.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Ryan, Eamon.</i>	<i>Harris, Simon.</i>	
<i>Smith, Bríd.</i>	<i>Healy-Rae, Danny.</i>	
<i>Stanley, Brian.</i>	<i>Healy-Rae, Michael.</i>	
<i>Tóibín, Peadar.</i>	<i>Heydon, Martin.</i>	
<i>Wallace, Mick.</i>	<i>Kyne, Seán.</i>	
	<i>MacSharry, Marc.</i>	
	<i>Madigan, Josepha.</i>	
	<i>McEntee, Helen.</i>	
	<i>McGrath, Mattie.</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>	

Dáil Éireann

	<i>Murphy, Eoghan.</i>	
	<i>Naughten, Denis.</i>	
	<i>Naughton, Hildegarde.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Keeffe, Kevin.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Ring, Michael.</i>	
	<i>Rock, Noel.</i>	
	<i>Smith, Brendan.</i>	
	<i>Stanton, David.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Peadar Tóibín and Bríd Smith; Níl, Deputies Joe McHugh and Tony McLoughlin.

Amendment declared lost.

Deputy Eamon Ryan: I move amendment No. 16:

In page 12, to delete lines 2 to 7.

Amendment put:

<i>The Dáil divided: Tá, 31; Níl, 59; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Adams, Gerry.</i>	<i>Aylward, Bobby.</i>	
<i>Barry, Mick.</i>	<i>Bailey, Maria.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Brassil, John.</i>	
<i>Brady, John.</i>	<i>Breen, Pat.</i>	
<i>Broughan, Thomas P.</i>	<i>Browne, James.</i>	
<i>Buckley, Pat.</i>	<i>Bruton, Richard.</i>	
<i>Burton, Joan.</i>	<i>Burke, Peter.</i>	
<i>Connolly, Catherine.</i>	<i>Butler, Mary.</i>	
<i>Crowe, Seán.</i>	<i>Byrne, Catherine.</i>	
<i>Cullinane, David.</i>	<i>Cahill, Jackie.</i>	

3 July 2018

<i>Doherty, Pearse.</i>	<i>Calleary, Dara.</i>	
<i>Ferris, Martin.</i>	<i>Canney, Seán.</i>	
<i>Healy, Seamus.</i>	<i>Carey, Joe.</i>	
<i>Howlin, Brendan.</i>	<i>Casey, Pat.</i>	
<i>Kenny, Martin.</i>	<i>Cassells, Shane.</i>	
<i>Martin, Catherine.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Mitchell, Denise.</i>	<i>Creed, Michael.</i>	
<i>Munster, Imelda.</i>	<i>D'Arcy, Michael.</i>	
<i>Murphy, Catherine.</i>	<i>Deering, Pat.</i>	
<i>O'Brien, Jonathan.</i>	<i>Doherty, Regina.</i>	
<i>O'Reilly, Louise.</i>	<i>Donnelly, Stephen S.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Doyle, Andrew.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Durkan, Bernard J.</i>	
<i>Pringle, Thomas.</i>	<i>English, Damien.</i>	
<i>Quinlivan, Maurice.</i>	<i>Farrell, Alan.</i>	
<i>Ryan, Brendan.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Ryan, Eamon.</i>	<i>Flanagan, Charles.</i>	
<i>Smith, Bríd.</i>	<i>Harris, Simon.</i>	
<i>Stanley, Brian.</i>	<i>Healy-Rae, Danny.</i>	
<i>Tóibín, Peadar.</i>	<i>Healy-Rae, Michael.</i>	
<i>Wallace, Mick.</i>	<i>Heydon, Martin.</i>	
	<i>Kyne, Seán.</i>	
	<i>MacSharry, Marc.</i>	
	<i>Madigan, Josepha.</i>	
	<i>McEntee, Helen.</i>	
	<i>McGrath, Mattie.</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>Naughten, Denis.</i>	
	<i>Naughton, Hildegarde.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	

	<i>O’Keeffe, Kevin.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Ring, Michael.</i>	
	<i>Rock, Noel.</i>	
	<i>Smith, Brendan.</i>	
	<i>Stanton, David.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Eamon Ryan and Peadar Tóibín; Níl, Deputies Joe McHugh and Tony McLoughlin.

Amendment declared lost.

Deputy Eamon Ryan: I move amendment No. 17:

In page 12, lines 3 and 4, to delete “that section” and substitute “section 40 (1)(a)”.

Amendment put and declared lost.

Deputy Catherine Martin: I move amendment No. 18:

In page 12, to delete lines 8 to 13 and substitute the following:

“(2) Notwithstanding section 40 of the Act of 1976, the Minister may make regulations to provide for derogations from the restrictions of section 40(1) of the Act of 1976 in order to permit the management of vegetation growing in any hedge or ditch for the purpose of ensuring public health and safety pursuant to section 70 of the Roads Act 1993.

(3) Regulations made under subsection 2 shall specify—

(a) the species of wild flora which are not subject to the derogations,

(b) the circumstances of risk and the circumstances of time and place under which such derogations may be granted,

(c) the authority empowered to declare that the required circumstances obtain and which can impose conditions on the management of vegetation under the derogation, and

(d) the controls which will be put in place to ensure compliance with the conditions.”.

Amendment put:

3 July 2018

<i>The Dáil divided: Tá, 31; Níl, 59; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Adams, Gerry.</i>	<i>Aylward, Bobby.</i>	
<i>Barry, Mick.</i>	<i>Bailey, Maria.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Brassil, John.</i>	
<i>Brady, John.</i>	<i>Breen, Pat.</i>	
<i>Broughan, Thomas P.</i>	<i>Browne, James.</i>	
<i>Buckley, Pat.</i>	<i>Bruton, Richard.</i>	
<i>Burton, Joan.</i>	<i>Burke, Peter.</i>	
<i>Connolly, Catherine.</i>	<i>Butler, Mary.</i>	
<i>Crowe, Seán.</i>	<i>Byrne, Catherine.</i>	
<i>Cullinane, David.</i>	<i>Cahill, Jackie.</i>	
<i>Doherty, Pearse.</i>	<i>Calleary, Dara.</i>	
<i>Ferris, Martin.</i>	<i>Canney, Seán.</i>	
<i>Healy, Seamus.</i>	<i>Carey, Joe.</i>	
<i>Howlin, Brendan.</i>	<i>Casey, Pat.</i>	
<i>Kenny, Martin.</i>	<i>Cassells, Shane.</i>	
<i>Martin, Catherine.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Mitchell, Denise.</i>	<i>Creed, Michael.</i>	
<i>Munster, Imelda.</i>	<i>D'Arcy, Michael.</i>	
<i>Murphy, Catherine.</i>	<i>Deering, Pat.</i>	
<i>O'Brien, Jonathan.</i>	<i>Doherty, Regina.</i>	
<i>O'Reilly, Louise.</i>	<i>Donnelly, Stephen S.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Doyle, Andrew.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Durkan, Bernard J.</i>	
<i>Pringle, Thomas.</i>	<i>English, Damien.</i>	
<i>Quinlivan, Maurice.</i>	<i>Farrell, Alan.</i>	
<i>Ryan, Brendan.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Ryan, Eamon.</i>	<i>Flanagan, Charles.</i>	
<i>Smith, Bríd.</i>	<i>Harris, Simon.</i>	
<i>Stanley, Brian.</i>	<i>Healy-Rae, Danny.</i>	
<i>Tóibín, Peadar.</i>	<i>Healy-Rae, Michael.</i>	
<i>Wallace, Mick.</i>	<i>Heydon, Martin.</i>	
	<i>Kyne, Seán.</i>	
	<i>MacSharry, Marc.</i>	
	<i>Madigan, Josepha.</i>	
	<i>McEntee, Helen.</i>	
	<i>McGrath, Mattie.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moran, Kevin Boxer.</i>	

Dáil Éireann

	<i>Moynihan, Michael.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Naughten, Denis.</i>	
	<i>Naughton, Hildegarde.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Keeffe, Kevin.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Ring, Michael.</i>	
	<i>Rock, Noel.</i>	
	<i>Smith, Brendan.</i>	
	<i>Stanton, David.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Catherine Martin and Peadar Tóibín; Níl, Deputies Joe McHugh and Tony McLoughlin.

Amendment declared lost.

Debate adjourned.

The Dáil adjourned at 11.30 p.m. until 10.30 a.m. on Wednesday, 4 July 2018.