



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

Ceisteanna - Questions . . . . .	661
Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions . . . . .	661
Housing Loans. . . . .	661
Social and Affordable Housing Provision . . . . .	664
Rental Sector . . . . .	667
Public Procurement Contracts . . . . .	669
Housing Provision . . . . .	672
Ceisteanna Eile - Other Questions . . . . .	675
Land Availability . . . . .	675
Credit Union Lending . . . . .	677
Housing Agency . . . . .	679
Solar Energy Guidelines . . . . .	681
Social and Affordable Housing Funding . . . . .	684
Land Development Agency . . . . .	687
Housing Estates . . . . .	689
Ceisteanna ó Cheannairí - Leaders' Questions. . . . .	691
Gnó na Dála - Business of Dáil . . . . .	699
Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation . . . . .	700
National Lottery (Protection Of Central Fund) Bill 2018: First Stage . . . . .	704
Local Government (Water Pollution) (Amendment) Bill 2018: First Stage . . . . .	706
National Monuments (The Moore Street Battlefield) Bill 2018: Second Stage (Resumed) [Private Members] . . . . .	708
Local Government (Restoration of Town Councils) Bill 2018: Second Stage (Resumed) [Private Members] . . . . .	713
Local Government (Restoration of Town Councils) Bill 2018: Referral to Select Committee [Private Members] . . . . .	715
Children's Health Bill 2018 [Seanad]: Second Stage. . . . .	716
Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters . . . . .	721
Regulation establishing Internal Security Fund: Motion . . . . .	721
Children's Health Bill 2018 [Seanad]: Second Stage (Resumed) . . . . .	729
Children's Health Bill 2018 [Seanad]: Referral to Select Committee. . . . .	742
Criminal Law (Sexual Offences) (Amendment) Bill 2018: Order for Second Stage . . . . .	743
Criminal Law (Sexual Offences) (Amendment) Bill 2018: Second Stage. . . . .	743
Saincheisteanna Tráthúla - Topical Issue Debate . . . . .	754
Pharmacy Regulations. . . . .	754
Suicide Prevention . . . . .	756
Special Educational Needs Staff . . . . .	759
Engagement with Investment Funds: Motion [Private Members] . . . . .	761

# DÁIL ÉIREANN

*Déardaoin, 27 Meán Fómhair 2018*

*Thursday, 27 September 2018*

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

*Paidir.  
Prayer.*

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## Ceisteanna - Questions

### Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

**An Leas-Cheann Comhairle:** We will commence with questions to the Minister for Housing, Planning and Local Government. The first question is in the name of Deputy Darragh O'Brien who has 30 seconds to introduce his question.

#### Housing Loans

1. **Deputy Darragh O'Brien** asked the Minister for Housing, Planning and Local Government the status of the development of a special purpose vehicle by the Irish Council for Social Housing for the investment of funds in social housing. [39181/18]

**Deputy Darragh O'Brien:** This question will probably not come as a surprise to the Minister of State because I have asked it before on priority questions. I am again seeking an update on the development of the special purpose vehicle by the Irish Council for Social Housing for the investment of funds in social housing. Could the Minister of State provide an update? This relates specifically to the credit union sector. I remind the Minister of State that it is a commitment in the confidence and supply agreement. There is €750 million ready to be invested and I am seeking an update as to the progress of the initiative.

**Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English):** My answer might not be a surprise either because I have also answered the question on more than one occasion. I am happy to engage with the Deputy on this because it is an important topic.

**Deputy Darragh O'Brien:** The Minister of State might give a good answer this time.

**Deputy Damien English:** The Deputy will find that I answered it the last time but he might not have liked the answer. I will always give the best answer and the most up to date position. I am happy to discuss this.

**An Leas-Cheann Comhairle:** I am going to be strict on time today so I advise Deputies to concentrate on the question and forget about the asides. I am going to give two minutes and that is all.

**Deputy Damien English:** I was just setting the scene.

**An Leas-Cheann Comhairle:** I have been criticised for not getting through enough questions so let us take the business seriously.

**Deputy Damien English:** Following engagement with the credit union sector on proposals for credit unions to provide funding for the provision of social housing, the Central Bank undertook a review of the relevant investment framework in 2017 and our Department fully engaged in all parts of that.

On foot of this review, revised regulations commenced on 1 March 2018. The revised regulations included the addition of investments in tier 3 approved housing bodies, AHBs, as a permitted investment class for credit unions. Deputy Darragh O'Brien is correct in saying the credit unions have been very clear that they have a lot of money they want to invest in housing schemes, so that facility was put in place. As such, since 1 March 2018, credit unions are permitted to provide funding through a regulated investment vehicle to tier 3 AHBs for the provision of social housing.

While it is a matter for the credit unions themselves to develop specific special purpose vehicles, SPVs, to facilitate this, my Department did inform the credit unions' representative bodies that it was funding a project being undertaken by the Irish Council for Social Housing, ICSH, to examine the establishment of SPVs to facilitate investment in the sector. The Department put the bodies in contact with the ICSH with a view to those bodies examining further how they could invest in the sector.

Work has been ongoing between the ICSH, a number of larger tier 3 AHBs and their financial advisers on the development of a vehicle or mechanism for delivering private financing for AHBs in respect of social housing. This project involved a number of phases, including engagement with a range of financial institutions, having regard also to the recent reclassification decision by EUROSTAT of the larger tier 3 AHBs earlier this year.

I understand that significant progress has been made with the project, with one AHB having already established a special purpose vehicle. Further work is ongoing to enable the establishment of other SPVs and it is expected that there will be further developments in this regard over the coming months.

**Deputy Darragh O'Brien:** With all due respect, it sounds like the Minister of State is beginning to wash his hands of this. Fundamentally, the SPV we are speaking about specifically relates to the credit union sector. PricewaterhouseCoopers, PwC, was taken on board by the social housing project to deliver this. It is that specific one that I am asking about and where it is at. I thought the Central Bank had approved this type of investment from 1 February - I stand

corrected that it was from 1 March - but it was actually setting up the vehicle to allow them to do so and to invest in social housing.

Do I take it from the Minister of State's answer, because he mentioned the EUROSTAT decision, that the Government is moving away from this, or it is effectively saying this is not something that it now wants to see progress? The Irish League of Credit Unions is concerned. It stands ready to assist in resolving the supply issue, or being part of the resolution of the supply issue for our housing crisis, specifically on social housing. This is a real opportunity. I sense a major drift in this project. Could the Minister of State give me a timeframe for when the work will be completed? It was commissioned by his Department, after all. When will that SPV be established? When will funds be able to be put into the SPV for people to seek investment from it?

**Deputy Damien English:** I have already been as clear as I possibly can on this. This is something into which we have put much work. We have worked with the Department of Finance and the Central Bank to make sure it could happen. The issuing and setting up of SPVs is not something the Department can do.

**Deputy Darragh O'Brien:** I know that.

**Deputy Damien English:** We are clear on that. The Department has assisted with the funding, through the ICSH, to help develop that. It is in three phases, the first two of which are complete. Phase 3, on which the Deputy is asking for an update, is due in October, in the next couple of weeks. That is to allow a special purpose vehicle to be set up. The Deputy is right to say the Irish League of Credit Unions is involved in that. I want to be clear that the Department has engaged with the two credit union bodies. I understand the Credit Union Development Association, CUDA, has made it clear to the approved housing bodies, AHBs, that it is ready to invest and open for business. It has done work on this, so CUDA is an option.

The Deputy mentioned another piece of ongoing work - a special purpose vehicle, SPV, option - being done by the Irish Council for Social Housing. I understand it is due in October. We helped to fund that arrangement, but we cannot make the council do it. I want to be clear, in that it is not for us to set up the SPVs.

**Deputy Darragh O'Brien:** The mention of October was definitive. Previous answers were more vague.

**Deputy Damien English:** That is my understanding.

**Deputy Darragh O'Brien:** That is fine and I will take the Minister of State at his word, but the indications we have received are that credit unions will not be able to invest in the SPV once established thanks to how it will be structured. The Minister of State is not personally setting it up, but has he received the same indications and does he believe that, once the work is finished in October, the credit unions will be able to invest in the SPV? I hope that my indications are wrong. I appreciate that the Government wants to seek different streams of investment for social housing. This is a good idea and should work, but we are slightly frustrated with the delays. It is complex work, but if the establishment date is now October, then it should be October. The last thing I want is for the work to be completed in October only for us to find out that there is another hurdle to get over because the SPV has been structured in such a way that credit unions cannot invest in it.

**Deputy Damien English:** I would be surprised if credit unions could not invest in an SPV that was set up to facilitate their investment.

**Deputy Darragh O'Brien:** So would I.

**Deputy Damien English:** That is what it is meant to do, so something will have gone seriously wrong if they cannot invest.

**Deputy Darragh O'Brien:** I know, and I do not want to be discussing it with the Minister of State again in October.

**Deputy Damien English:** Someone is feeding the Deputy information. That is grand, but whoever that is is obviously involved in the process, and that process is meant to find a mechanism for whoever that is to invest money. If that process does not succeed, then an SPV will not be announced in October, as allowing investment is what it is trying to do.

There are two bodies involved - the ILCU and CUDA. We have engaged with both. My understanding is that CUDA has an SPV option, is ready to invest and is open for business to engage with AHBs. That work has happened. The second piece of work is another model to achieve the same thing, and I am led to believe that it will be completed in October. The Deputy seems to know something about it as well. Something will have gone wrong if credit unions cannot invest in it, as it will have been set up in conjunction with them for their investment. We want this to happen. I can be no clearer than that. We have gone out of our way to try to make this happen.

**Deputy Darragh O'Brien:** I thank the Minister of State.

## **Social and Affordable Housing Provision**

2. **Deputy Eoin Ó Broin** asked the Minister for Housing, Planning and Local Government if he will work with South Dublin County Council to ensure that the residential development at Kilcarbery-Grange includes cost rental and affordable purchase homes in addition to social housing; and if a similar funding model to that approved for St. Michael's Estate in Dublin city will be explored to ensure that the development of the Kilcarbery-Grange meets the need for social and affordable housing. [39282/18]

**Deputy Eoin Ó Broin:** The Minister is aware that the Kilcarbery-Grange proposal from South Dublin County Council is a significant development and one that could do much to ease housing need, not just in Clondalkin and Lucan in my constituency, but across the county. The difficulty that many elected members on South Dublin County Council have is that, while there is to be a proposed 30% social housing component in the development, which is welcome, 70% is proposed to be sold at open market prices. In that part of the city, those prices would be between €320,000 and €500,000. Will the Minister work with South Dublin County Council to try to ensure a level of affordability in the development?

**Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):** I thank the Deputy for his question. The early development of major local authority residential sites in Dublin is a top priority for the Government. To that end, we are working with all Dublin local authorities, including South Dublin County Council, to see these sites brought forward as quickly as possible with the optimal tenure mix and the greatest value for money for the

taxpayer.

In the first instance, it is a matter for the local authority and its elected members to agree the optimal approach to development and financing. Kilcarbery near Grange Castle is an excellent site close to amenities and transport links, and my Department has supported enabling infrastructure for the site through almost €4.5 million in local infrastructure housing activation fund, LIHAF, funding. Plans for the development of the site have been advanced over the past two years, with a comprehensive procurement process now almost completed that will result in almost 1,000 new homes on the site. These will include 30% social housing homes, with the balance to be provided for sale at affordable prices.

Any significant change in approach to the development of this site would require a new appraisal and approval process, incurring significant project delays and risk. In addition, it would necessitate a new procurement process that could incur further delays of 18 months or more, and delay the delivery of much-needed social and affordable housing.

Under the existing proposal, I understand that the council would receive a substantial financial contribution for the land that it owns that it intends to reinvest in other housing projects, which can in turn deliver more homes, with scope for some of these to be provided under the affordable purchase or cost rental schemes.

Taking account of all of these factors, I would encourage South Dublin County Council to conclude urgently the original process for the development of the site, for which it is to be commended. My Department stands ready to work with the council in identifying, prioritising and progressing other major sites in the area for affordable homes to buy and rent, which will complement the delivery of social housing and competitively priced homes for purchase at Kilcarbery.

**Deputy Eoin Ó Broin:** I thank the Minister for his reply, but there is a difficulty. The majority of elected members have expressed a concern that the 70% of houses to be sold on the open market will not be at affordable prices. In fact, there is no contractual obligation in the draft agreement between the council and the preferred developer to provide any price for those. Given the sale prices being attained in the immediate area, standard family homes begin at €320,000 or €340,000 and increase to €500,000. As such, it is incorrect of the Minister to say that the 70% will be sold at affordable prices. That cannot and will not be guaranteed.

When the Tánaiste was Minister and O'Devaney Gardens and Oscar Traynor Road were being discussed, his intervention at the request of the majority of the elected members secured affordability on those sites. When issues with St. Michael's Estate emerged, the Minister of State, Deputy English, worked closely with Opposition Members and councillors to ensure affordability was delivered on that site. I do not accept that the Minister and the Department sitting down with the council and Deputies from the area to ensure a level of affordability on this site would cause a significant delay in the project. Given that it is the last major piece of development land owned by the council in that part of the county, I urge the Minister to work with us on ensuring affordability alongside the much-needed social housing.

**Deputy Eoghan Murphy:** I thank the Deputy for his supplementary contribution. Of the homes, 30% will be social housing. In addition, a site adjacent to the site will provide for the completion of more than 100 social housing homes. Of the 70% that will be sold at competitive prices, a cost reduction equivalent to the amount we have invested through LIHAF will be

applied.

Similar prices in the area indicate that starter homes can be provided and are being sold for less than €300,000. Given the data that I have seen, I am not sure where the Deputy is getting the figure of €500,000 from.

This is not similar to the other projects that the Deputy referenced. We are 18 months down a detailed procurement process. Were we to delay it any further by trying to make a material change to the proposal before the councillors, it would contravene EU directives and Irish regulations and invalidate the procurement process. It could set us back a further 18 months. From the point of view of the Government and people who badly need new homes to be delivered, this is a significant development of almost 1,000 new homes, and I urge the councillors on the local authority not to delay it further and to proceed with giving approval for it at the council's October meeting. The council can then move forward with this and the adjacent sites and get all the funding that has been promised to it in respect of the land it owns, which it can then reinvest into other social and affordable housing schemes in its area. This is not to mention the large crèche and even larger community centre that will be provided on the site.

**Deputy Eoin Ó Broin:** We have seen indicative prices from the lead agency. They show that none of the 70% would be affordable to single-income households and only the smallest of the one-bedroom and two-bedroom units may be affordable to couples without children under the Government's affordable lending criteria.

I have written to the Minister on behalf of five Deputies from five political parties representing the constituency asking him to meet us to see whether a resolution can be found. The 70% will not be affordable. The Adamstown development is also receiving LIHAF funding, and its homes range from €320,000 to €450,000. Shackleton Park, the nearest residential housing development, is being built beside Kilcarbery. Homes there range from €320,000 to €500,000. There is no new development anywhere close to this area where decently sized family homes are being sold for less than €300,000. Small apartments may be priced at €280,000 or €290,000. In the agreement that has been proposed for elected members to approve, no price has been agreed. Therefore, if this housing development proceeds as proposed, these houses will be beyond the reach of many within one, two or three years thanks to house price inflation. That is not a sensible use of public land. We are asking the Minister to work constructively with us, the elected members and council officials to ensure that not only do we get the much-needed social housing, but also homes that working families can afford.

**Deputy Eoghan Murphy:** If we do not build more homes and approve the massive projects that we have before local authorities, such as the one for almost 1,000 homes, then talking about affordability and prices is a complete waste of time. We need new homes to be built. The Deputy's comparisons on price do not stand up from the data I have seen from the local authority area.

I am a very reasonable Deputy. I have met colleagues across the House a number of times to try to come to agreements or solutions when we can on other issues that have been before us. However, I have no role in this and neither does Deputy Ó Broin. This is a matter for the executive and the councillors on which to come to an agreement. If the Deputy has some influence with the Sinn Féin councillors on the local authority, I urge him to urge them to support this proposal and not to block or delay the delivery of a significant number of houses in his own area, as well as a new community centre, new crèche facilities, more social housing on the ad-

adjacent site and a huge amount of money that can then be invested in other affordable and social housing schemes in that local authority area. We need to make progress here. We need to build houses. If the Sinn Féin council members and other councillors do not support this proposal next month, my great fear is that another 18 months will be lost and we will lose almost 1,000 homes that are ready to go on-site early next year.

### **Rental Sector**

3. **Deputy Darragh O'Brien** asked the Minister for Housing, Planning and Local Government the status of his plans to regulate short-term lettings here; and if he will make a statement on the matter. [39182/18]

**Deputy Darragh O'Brien:** I was just reminded by my colleague, Deputy Casey, that he initially raised this matter at the very first meeting of the Joint Committee on Housing, Planning and Local Government with the Minister's predecessor, Deputy Coveney. It relates to any plans to regulate short-term lettings in the State. In particular, the Department has a task force and I wish to ask when its report will be published.

This is an issue. People too often just mention Airbnb but it is actually short-term letting. We all agree that we need to regulate this sector. In fairness, from my meetings with Airbnb and others, I understand they would welcome regulation. What is the status of those plans, when will the task force report be published and when will legislation be published so that we can actually act on this issue?

**Deputy Eoghan Murphy:** Under action 18 of the strategy for the rental sector, my Department established a working group involving representatives of all major public stakeholders with a policy interest in short-term lettings to develop guidance in respect of planning applications and changes of use relating to short-term lettings and to examine the need for new regulatory arrangements. The proposals under consideration by the working group, which has met on six occasions to date, have been aimed at facilitating short-term letting of accommodation within permanent residences, known as home sharing, while protecting the existing stock of residential property in areas of high demand, safeguarding neighbourhood amenity and consumer protection, and generating revenue to address any negative externalities of short-term letting. The working group completed guidance for local authorities on planning applications relating to short-term lettings and my Department issued a circular on the matter last October. The group has since been focused on developing proposals for an appropriate comprehensive regulatory approach for short-term tourism-related lettings.

Having considered the group's report, as well as the recommendations in the Oireachtas joint committee's report on short-term lettings, I am engaging with other relevant Ministers on the appropriate next steps in taking the proposed regulatory regime forward. Among the options under consideration is the development of a new licensing regime for short-term letting platforms and homeowners who rent out rooms or entire properties to tourists to facilitate a more managed approach to short-term tourist lettings and protect the existing stock of residential property, in particular long-term rental accommodation, in areas of high demand. Recognising that the introduction of such a regulatory regime will take time, I am also considering what other measures might, in the interim, support the recommendations and objectives set down in both the working group's report and that of the Oireachtas committee.

**Deputy Darragh O'Brien:** It appears that we are no closer. A Bill we published on 30 November 2017, initiated by Deputy Casey, could be used to move on in planning terms. Setting up a regulatory body would of course take time.

No one is looking to shut down home sharing or anything like that. That gets mixed up in this debate. Really it is about those who are using properties on a 365-day-a-year basis for what are supposed to be short-term lettings. Not only does that have an impact on the rental sector and on stock, but it also has an impact on neighbours, where there are visitors coming in every two or three days. There are many issues, as the Minister knows. I do not think we can wait too much longer. The Minister has engaged with the sector as have I and others. It is impacting particularly in urban centres such as Dublin, Cork and Galway. It is impacting on stock. On what date does the Minister think he will be able to bring forward regulations to make changes in the sector that will improve the supply in areas of high demand?

**Deputy Eoghan Murphy:** The Deputy is right; we cannot wait any longer. I am a fan of home sharing. It is a very interesting new development that we have in the shared economy. However, it cannot happen in an unfettered way. Certainly when we have a housing crisis it cannot happen in an unregulated way.

The Deputy has me in a difficult position because I am about to finalise proposals on this. Had this question come this day next week, I think we would be talking about the changes that would have already been made, if I can put it in those terms. If we want to look to the types of recommendations and the types of changes that should be made, the Oireachtas joint committee had some excellent proposals. I was actually closer myself to that committee's recommendations than to the report I received from the group that was established. If we look to Toronto in particular, what it has done is very interesting. Essentially, what we will be talking about is potentially a two-stage process whereby in the near and immediate term we go to make a change that will have a substantial outcome in terms of getting short-term lettings back into the long-term market, but then also moving to a point after that where we can have a proper understanding of what is happening in terms of licensing, regulation and everything else.

I will give people notice when I make the announcement ahead of when the actual changes will come into law. I will do that next week in order that people can have a little bit of time to get ready for the new arrangements. I agree that it is important that we move on this quickly.

**Deputy Darragh O'Brien:** I am very pleased to hear that changes are imminent. We are talking about next week, which is to be welcomed. No one wanted to rush the fences on this issue either. I, too, am a fan of home sharing and there is a role for it. People travel differently and we have issues as well whereby we need to ensure that people can visit and experience Ireland. First and foremost, however, we need to make sure that in the midst of a housing crisis we are not losing properties and stock to the hospitality sector and that we prevent excessive profiteering in this regard as well, which has been taking place. There have been interesting decisions made by a couple of bodies including Fingal County Council, Dublin City Council and An Bord Pleanála about the type of zoning that would be required for properties that are being used solely for short-term letting right through the year. Such activity should be seen as a commercial enterprise, not a residential one.

I look forward very much to the Minister's announcement next week. I hope it is as close to the joint committee's recommendations as possible. We all will want to work together to make sure this makes an impact very quickly. It is an important part of resolving parts of our supply

issue in the residential market.

**Deputy Eoghan Murphy:** I think when we talk about the Oireachtas joint committee's recommendations, it will be very close to the committee's intentions but the manner in which we actually achieve it might be a bit different because it could be quicker the way I am proposing and that is what I have been trying to do.

**Deputy Darragh O'Brien:** We will have an open mind on it.

**Deputy Eoghan Murphy:** It is a question of how we can do this quickly and effectively. We can discuss that next week when the announcement is made. I am trying to finalise the announcement at the moment so this is not to give an absolute guarantee about next week. If something were to come up it might delay things because there is a bit of work still to be done, but we are very close. We are trying to understand the scale of this problem. The Deputy will have looked at the same data I have in terms of reports that have been published and the potential number of new homes that could come in to the rental market. If we look at the information from the Residential Tenancies Board today, it tells us how important it is. If we can quickly get 1,000 homes in the greater Dublin area, or potentially more, back into the rental market very soon, it would have a very important impact in terms of what people are experiencing at the moment. As the Deputy knows, they are experiencing an incredibly difficult situation where people are paying far too much in rent if they can even find a place to rent, which is also very difficult.

### **Public Procurement Contracts**

4. **Deputy Jan O'Sullivan** asked the Minister for Housing, Planning and Local Government his views on comments by a public official on the cost of public procurement in the context of a housing project in Dublin which will cost nearly €500,000 per unit; if this will be examined as a matter of urgency in order that publicly-owned lands can be developed for social and affordable housing as speedily and cost-effectively as possible; and if he will make a statement on the matter. [39228/18]

**Deputy Joan Burton:** I want to raise the issue of the comment by a public official on the cost of public procurement and the time public procurement takes in the context of a housing project in Dublin that will cost nearly €500,000 per unit.

**Deputy Damien English:** St. Teresa's Gardens, the housing project referred to by the Deputy, is a key regeneration project, the first phase of which will see the delivery of 54 new social housing homes. As the project is currently the subject of a tendering process, it would not be appropriate for me to comment at this time on the likely project costs. I understand this matter was discussed by the committee yesterday in respect of the same council official.

On the issue of public procurement, I can assure the Deputy that public procurement does not drive up the cost of construction projects. It is set in place to try to drive the cost down, to monitor costs and make sure we get the best value for taxpayers' money. Social housing projects funded by my Department, like all publicly-funded construction projects, must comply with the Government's capital works management framework, the objectives of which are to ensure greater cost certainty, better value for money and financial accountability. I consider the competitive tendering process required by public procurement as being a cornerstone in achiev-

ing value for money and transparency in the use of public funds.

It should be noted that the regeneration projects, such as that referred to by the Deputy, move through a number of phases including initial master planning stage, demolition works, enabling works, refurbishment and consultation and construction more generally. These projects seek to address the causes of disadvantage in these communities through a holistic programme of physical, social and economic regeneration. By their very nature, regeneration projects are complex and can incur unavoidable additional costs, including demolition, site remediation, temporary rehousing and amenities such as playgrounds, pitches and so on. The public procurement process helps ensure that value for money is achieved in rebuilding and regenerating a community and there is no reason that cannot be achieved in a speedy and efficient manner.

*11 o'clock*

I do not buy into this concept that the rules are slowing down projects. We have made a lot of changes to the processes and I have engaged a lot with local authority officials in the housing sector as has the Minister, Deputy Eoghan Murphy. We are quite confident that our new system of delivery and the new timelines that are in place are not delaying projects. As quickly as local authorities can do the work, we can get it signed through in our Department as well.

As to the cost of this project, we were on site last week - we launched our report there - and this project is finally moving on. There will be a tender decision made in the next couple of days - in the next week or two - and it will hopefully move on from there. I cannot go into details on the price but certainly the price being talked about is way off what we have estimated it will be. The project involves a lot more than just building these houses.

**Deputy Joan Burton:** The Minister of State is going to have to enlighten us all because he is in charge of this. Would it take, in the context of the housing emergency, eight weeks to get a proposal ready on the part of a county council? In terms of the Department, which has a lot more staff and expertise, would that take about six weeks? Could the Minister of State tell us if it is his view that his Department and the county council together can get this public procurement process done and dusted, and get builders etc. on site within approximately - let us double the time - 20 weeks?

As Minister of State, his job is to untangle the bureaucracy. We have county councils with flow charts. Accompanied by the flow charts, on the Minister of State's own departmental website, they look like a surrealistic painting. The reason I say "surreal" is because of the length of time it appears to be taking for public procurement, arising from the procedures of his Department, which is well resourced, and the county councils, to which the senior Minister has given a kicking recently, which the Minister of State has said was deserved. Can the Minister of State give us a timeline on how long the average public procurement process will last? Currently, the Minister of State is making people who are walking by all of the derelict sites feel utterly hopeless.

**Deputy Damien English:** I want to be clear on this. One of the first things we decided to do in the Rebuilding Ireland plan was to change the policy in relation to the process of delivering housing projects, which under previous administrations, Governments, Ministers and parties was taking three, four or five years. We put a process in place, in conjunction with the local authority sector, that is in line with best practice and the commercial sector, so that when one looks out the window and sees a field or a site, one can go through all of the processes and be on that site now in 59 weeks.

27 September 2018

**Deputy Joan Burton:** Fifty nine weeks.

**Deputy Damien English:** Can I finish, a Leas-Cheann Comhairle? The Minister and I wish-----

**An Leas-Cheann Comhairle:** We agreed this morning that we would observe the time.

**Deputy Damien English:** The Minister, Deputy Eoghan Murphy, and I would be very happy if all involved could make this happen in 30 weeks. In some cases, it is possible to do it in 30 to 35 weeks.

In the private sector, if one asks a developer or builder today, and they look out and pick a new site and ask them how quickly they can be on site, they will say roughly 14 months to go through all the planning etc. We believe we can do it in 59 weeks. We have proven that. We want it done even faster with the resources that are there. I can assure the Deputy that the delays in our Department are dealt with. We have put an end to that and we can turn applications around quite quickly. The public procurement process, which is set down by the Department of Public Expenditure and Reform on capital projects, and in which the Deputy's colleague was involved, gets good value for money and is in place. It is a nine point process. We have it down to four stages and can turn this around quite quickly.

The notion that it would cost €500,000 per unit is wrong and not true and that was explained yesterday at the committee. The average cost for a social housing unit is in or around €200,000.

**Deputy Joan Burton:** Mr. Brendan Kenny, the deputy chief executive of Dublin City Council, is well regarded by everybody who has an interest in housing over a very long period of time. He has suggested - I would seriously listen to him even if the Minister of State wanted to give him a kicking - that the cost for procurement is approximately €300,000 in the way the Minister of State's Department is running it.

Can the Minister of State sit down and untangle the bureaucratic steps? Could he produce the flow charts to us here in the Chamber?

**Deputy Damien English:** It is there.

**Deputy Joan Burton:** If we all get pen and paper, I am sure we could merge and blend some of these steps. There was a time when Fine Gael's slogan in an election was to burn all of the quangos. Now, Fine Gael resorts simply to bureaucratic gobbledygook. There are people who know all about building and all the Minister of State is talking about are steps, and then he falls back on it being the Department of of Public Expenditure and Reform's fault. The Minister mentioned another Department and made a reference, I presume, to the Department of Public Expenditure and Reform. The Minister, Deputy Pascal Donohoe, has been in that Department for a while and Deputy Michael Noonan was in it before that. Can the Minister of State give us an answer?

**Deputy Damien English:** The Deputy is forcing me into making this point to her. Previous housing Ministers from her own party had processes and positions in place that were gobbledygook, were red tape and took three, four, five and six years - ridiculous times. One of the first things we did was to get in there and change the process to get on site. I am not saying it is perfect. I would like to get it even faster but we have set out a target now, a timeline, that is available and can be followed.

**Deputy Joan Burton:** What about Dominick Street?

**Deputy Damien English:** I would be very happy if the Deputy could tell me where we could shave off more weeks but it is an agreed process, which is in line with the private sector as well, which claims to do all of these things really quickly. Our sector can now do it just as quickly.

Mr. Brendan Kenny attended the committee yesterday, and he did not blame our Department for delays.

**Deputy Joan Burton:** I did not say he did.

**Deputy Damien English:** I want to clarify it. The process is changed and I am quite happy to give the process to Deputy Burton. She can go through it and come back to me with her pen if she has any changes and I will be happy to look at it. We want to get on site more quickly - trust me. All that the Minister, Deputy Eoghan Murphy, has ever asked of local authorities is to be more urgent in delivering projects where they can. That is what we are trying to do and the process has changed. Trust me, it was gobbledygook before that.

## **Housing Provision**

5. **Deputy Darragh O'Brien** asked the Minister for Housing, Planning and Local Government the number of units due to be provided under the serviced sites fund in 2018; and if he will make a statement on the matter. [39183/18]

**Deputy Darragh O'Brien:** Turning to the area of affordable housing, I would like to ask the Minister how many units are due to be provided under the serviced site fund this year. How many have been delivered to date and has the Minister revised those targets?

**Deputy Eoghan Murphy:** I thank the Deputy for the question. On 29 June, I invited applications under the serviced sites fund from 11 local authorities to support the provision of key enabling infrastructure on their land, to get their sites ready for the delivery of affordable housing. The call and funding is being targeted initially at 11 local authority areas where it has been identified that there is a more pressing need for affordable housing, and where there are significant publicly-owned sites that could be used for affordable housing. These are the local authorities in Dublin as well as Cork, Galway city, Meath, Kildare, Louth and Wicklow.

The call closed on 30 August and the 15 proposals submitted by nine local authorities are currently being assessed by my Department. I expect to be in a position to make the initial awards of funding next month.

The Exchequer provision under the fund totals €75 million over the four years to 2021. When local authority co-funding is included, an overall minimum investment of €100 million will be available under the fund to offset the costs of providing both on-site and off-site enabling infrastructure for sites in order for them to be brought into use for affordable housing.

A total of €15 million in Exchequer funding has been allocated for 2018, to which the local authority minimum contribution of €5 million will be added. This should enable the provision of infrastructure for approximately 500 affordable homes, based on a maximum level of €40,000 infrastructure investment per home.

**Deputy Darragh O'Brien:** Am I correct in saying that nine local authorities have responded already and that they are being assessed by the Department? What two that did not respond and why? Affordable housing is a serious issue in the areas of the 11 local authorities and it is interesting to see that two have not even responded with proposals.

The original target was that 500 affordable units would be delivered in 2018. There was €20 million allocated as the Minister said. Do I take it from his answer that there will be no affordable housing units delivered in 2018? If that is incorrect, please let me know, as I will be glad to hear if I am wrong. I take it that if the Minister is assessing them and that this will not be completed until next month. I

if funding is awarded we are looking at the earliest time for construction being potentially starting next year. Could the Minister enlighten me on that? I would be particularly interested as to the two local authorities that did not respond to the call.

**Deputy Eoghan Murphy:** I thank the Deputy for his question. As I said in my initial reply, I called into 11 local authorities, nine came back to me on foot of that call and two did not come back to me. That was a judgment they made. I will publish information on that shortly when I can, once we have fully assessed the different proposals that have come in. The 11 local authorities we targeted are those that we know from data are having a very serious affordability challenge. That is not to say there may not be other local authorities that also have an affordability challenge. A separate information circular will go out to those local authorities in terms of them having to provide an economic assessment that shows there is an affordability squeeze in their areas when we compare it with existing homes being built and what they are being sold at or second homes also. That work is being done across the 31 local authority areas but we have prioritised those 11 local authorities where the affordability challenge is greatest.

An amount of €20 million has been allocated for this year and there will be a drawdown from that fund this year. It probably will not be the full amount and any money that is not drawn down will be moved into other areas of capital expenditure to make sure there is as much delivery as possible, in excess of our targets if possible, this year. Sites were under preparation ahead of that call. The ambition is 4,000 growing to 10,000 and that is before we talk about other aspects of the Land Development Agency, which is the subject of a separate question coming up.

When we look at this now at this point in the year, it is not likely we will see affordable homes under the serviced sites fund being completed this year. Other conversations are ongoing between myself and the Minister for Public Expenditure and Reform regarding the budget and in that context to see if there are quicker affordability wins that can be made. The Deputy will be aware of those conversations because he has been included in them.

**Deputy Darragh O'Brien:** I understand that and it is highly unlikely any affordable housing will be delivered this year. That is why I on behalf of my party, Fianna Fáil, have put affordable housing at the centre of our budget discussion and as a policy priority.

I want to ask the Minister about the €50 million in the local infrastructure housing activation fund, LIHAF, that he has said he is allocating in this respect, increasing the potential funding to €100 million. I take it he is proposing there would be €100 million in the fund next year, which obviously has yet to be agreed in the context of the budget. I impress on him again the urgency of this matter. People who are working, have good jobs, pay taxes and pay high rents cannot attain their dream of owning a home and they are becoming increasingly frustrated and

angry at this stage. Therefore, delivery needs to happen. The Minister had a target of building 500 houses this year but that will not be met; probably zero will be delivered. Houses must be delivered on an affordable basis next year. People need to see progress. That is what we in Fianna Fáil will be insisting upon. Will the Minister confirm again that €50 million funding in LIHAF will be added on top of the money in that fund for next year? Will he give a commitment he will name the two local authorities that did not respond to his call and that they will have to say why they did not?

**Deputy Eoghan Murphy:** I thank the Deputy for his supplementary question. He has put affordability at the centre of his budget request and I have put it at the centre of my work since I came into office. We all know in this House how important it is not only to deliver social housing homes and more homes but to make sure they are homes people can afford to buy. One thing we are doing to ensure that is putting in place an affordable purchase scheme and a cost rental scheme, which I have already commenced. That is not to say that homes that are built and sold that are not part of those schemes will not be affordable, they will be, and we have seen that in the prices up and down the country. However, the Deputy and I both recognise there are people on good incomes who cannot afford to buy homes at present and who want to, are ready to and are starting families and we have got to help them, and that is what we are trying to do. The Deputy will know that in the context of the budget negotiations that we have been trying to do that, so I will not go into those negotiations. The serviced sites fund is not the only mechanism for delivery, as the Deputy will be aware.

Because the affordability issue is very important to me, I moved the €50 million that was earmarked for a second LIHAF into the serviced sites fund earlier this year, as the Deputy will be aware, in order that we could have greater firepower behind that particular fund. In terms of a LIHAF 2, that has been subsumed into the new urban regeneration and development fund, the €2 billion war chest that we put behind Project Ireland 2040 to meet its goals beyond Rebuilding Ireland. I believe that fund will close tomorrow and we will be making announcements around that in October.

**An Leas-Cheann Comhairle:** Thank you, Minister.

**Deputy Eoghan Murphy:** Will I have another opportunity to come back in?

**An Leas-Cheann Comhairle:** No.

**Deputy Eoghan Murphy:** I will quickly give the figures for the coming year, for which the Deputy asked. The figure is €20 million this year - this is Exchequer-local authority money - rising to €26.7 million next year and then continuing until we reach a total of €100 million. That is spread over the period between now and end of the timeframe for Rebuilding Ireland.

## Ceisteanna Eile - Other Questions

### Land Availability

6. **Deputy Mick Barry** asked the Minister for Housing, Planning and Local Government the amount of publicly-owned land which is zoned for residential use; the amount which could potentially be zoned for residential use; and if he will make a statement on the matter. [39094/18]

**Deputy Mick Barry:** What is the amount of publicly-owned land which is already zoned for residential development use and the amount which could potentially be zoned for same, and will the Minister make a statement on that?

**Deputy Eoghan Murphy:** I thank the Deputy for his question. My Department, in conjunction with local authority planning departments, published a residential land availability survey in February 2015 covering all lands zoned for residential development in statutory local authority development plans and local area plans across the country. The survey showed the location and quantity of lands, whether owned privately or by the local authority, that may be regarded as being undeveloped and available for residential development purposes in each local authority area, and identified as being the highest priority for development.

The aggregate area of all such lands amounts to 17,434 ha which, given a range of densities appropriate to whether the lands are in small villages or in larger towns and cities and as determined by the relevant local authorities, could enable the construction of an estimated 415,000 dwellings. This is more than sufficient to deal with current and expected demand for housing.

Under the Government's Rebuilding Ireland - Action Plan for Housing and Homelessness, an online housing land map has been launched by my Department which aims to provide users with a range of information on residentially zoned lands. The map includes details of over 700 local authority and Housing Agency-owned sites, as well as 30 sites owned by other public bodies. In aggregate, these sites comprise some 2,000 ha, capable of supporting some 50,000 homes.

The establishment of the new Land Development Agency represents a major step forward in delivering new homes on State lands. It has an initial focus on eight sites that are capable of delivering at least 3,000 new homes in the near term, with further potential for 7,000 homes on other identified public lands. Overall, over the 20-year period of the national planning framework, the agency will have the potential to support the delivery of some 150,000 homes, including significant levels of subsidised and social housing.

**Deputy Mick Barry:** It is clear from the reply that there are vast tranches of public land already zoned for residential development. I understand that between the National Asset Management Agency, NAMA, and the local authorities, there is sufficient such land to build 114,000 new homes. Why is the Government proposing a privatisation model regarding large tranches of that land? If there is 60% private development on what is now a State asset, what will be the price of those houses? The average price of a new home in Dublin currently is €446,000. How affordable is that?

I want to ask questions about the official definition of "affordable" but I will leave that for the supplementary question. I ask the Minister directly about his plans for what is in effect - he

cannot deny otherwise - the largest privatisation programme of land in the history of the State.

**Deputy Eoghan Murphy:** I thank the Deputy for his further answer. To throw NAMA land into this issue confuses the matter because, as the Deputy knows, NAMA has security on the loans and not the land itself. That agency has been doing what it can to deliver housing on those portfolios of lands, working with the lenders and the debtors. Also, it has been offering properties for social housing where it has been in a position to do so.

We have a significant local authority landbank, which has already been earmarked for development of social housing homes. That is already under way. That is what the €6 billion behind Rebuilding Ireland is for. The Land Development Agency is something we have never had in this State previously. It involves bringing forward large amounts of public land that is used very inefficiently, not for private developers but for our public State developer to develop. For the first time, we have this massive provision whereby 40% must be social and affordable homes on these sites. That does not mean that the other 60% will not be affordable - it will depend on the market rate and where they are being built - but what we will have is the bringing forward of public land for houses to be built for the general public. I do not see what is wrong with that. We have a responsibility to all our citizens in this Republic.

**Deputy Mick Barry:** I will zone in on the issue of affordable housing. For genuinely affordable housing, one would not want to be paying over €200,000. If we take the Central Bank's guidance that a mortgage should be no more than three and a half times the household income, for a household with an income of €60,000, the top rate it could pay for a house is €210,000 if we are talking in terms of an affordable price, but the Minister does not seem to be talking in those terms. He is quoted in an article in *The Irish Times* as having said that when we talk about house prices, we talk about €320,000 generally in the greater Dublin area, Cork and Galway and €250,000 in other parts of the country. The idea that a home for sale at €320,000 is affordable is incredible; it is a joke. Ordinary workers on ordinary wages are locked out of the housing market with that kind of price. How can the Minister stand over that as an affordable price?

**Deputy Eoghan Murphy:** I thank the Deputy. One can just about build a home for €200,000. We need to be reasonable in terms of what we are trying to deliver and in terms of people's expectations. If the Deputy looks at the Ó Cualann model, which we support and which the local authority delivered, and which we want to do to scale using the serviced sites fund, each of those houses got between €70,000 and €80,000 of a discount for each site to allow people to be able to buy those houses for less than €200,000. We need to be honest with the public when we talk to them about what we are trying to achieve in terms of delivering more affordable homes for them.

When we talk about €320,000, we are talking about a cap. Two people earning the average wage of €40,000 can get a mortgage to buy a house at €320,000. The problem is that not enough homes are being built. We have a shortage of housing and we are playing catch-up, although we are catching up very quickly. As we build more homes in particular areas we see that it has a mitigating impact on the price of houses being sold there. If we look outside of Dublin, the greater Dublin area, Cork and Galway, 88% of homes sold in the last 12 months were sold for less than €250,000. Of course, there is a problem in Dublin and the greater Dublin area, but approximately one third of homes sold there in the last 12 months were sold for less than €250,000.

27 September 2018

Clearly, there is a problem in terms of affordability. That is why we are bringing forward schemes like the subsidised housing scheme using the serviced sites fund and LIHAF. That is why the Land Development Agency will bring forward land that would not have been available for housing in order to deliver that land in a way that is social, subsidised and for the general public.

### **Credit Union Lending**

7. **Deputy Jan O’Sullivan** asked the Minister for Housing, Planning and Local Government the progress that has been made on ensuring that a funding vehicle for credit unions to invest in social housing provision as committed to under Rebuilding Ireland is compatible with Central Bank of Ireland regulations in view of the fact that such a vehicle will have to be regulated by the Central Bank; if an assurance can be given that such a vehicle will be established that will facilitate credit union finance being made available to approved housing bodies; and if he will make a statement on the matter. [39066/18]

24. **Deputy Eoin Ó Broin** asked the Minister for Housing, Planning and Local Government the status of the work on assisting credit unions to provide lending for the purposes of building social housing; and the reason, almost a year after the approval of such lending, no progress has been made to date on this matter. [39017/18]

**Deputy Joan Burton:** Does the Minister have plans for a funding vehicle for credit unions to invest in social housing provision through, for instance, approved housing bodies in the context of the Central Bank having indicated it will allow credit unions to invest in such social housing provided the Department creates a suitable funding vehicle?

**Deputy Damien English:** I propose to take Questions Nos. 7 and 24 together.

Following engagement with the credit union sector on proposals for credit unions to provide funding for the provision of social housing, the Central Bank undertook a review of the relevant investment framework in 2017. On foot of this review, the revised regulations commenced on 1 March 2018. The revised regulations included the addition of investment in “regulated investment vehicles where the underlying investments of the regulated investment vehicle are investments in Tier 3 Approved Housing Bodies” as a permitted investment class for credit unions. As such, since 1 March 2018, credit unions are permitted to provide funding, through a regulated investment vehicle, to tier 3 approved housing bodies for the provision of social housing.

In respect of the development of specific special purpose vehicles, SPVs, by the credit unions to enable them to make investments in the sector, it is a matter for the credit unions themselves to make the necessary arrangements to facilitate this. We had this discussion earlier. It is something we want to encourage and to see happen, and there is a process in place to make it happen. My Department informed the credit union representative bodies that it was funding a project being undertaken by the Irish Council for Social Housing to examine the establishment of SPVs to facilitate investment in the sector. The Department put the bodies in contact with the Irish Council for Social Housing with a view to those bodies examining further how they could invest in the sector. There are two different credit union bodies and we want to make sure both get equal and fair treatment. They have been asked to engage with the Irish Council for Social Housing around this SPV.

I outlined to the House earlier that there are three phases to that work, two of which are complete, and the last part will, hopefully, be completed in October but certainly in the weeks ahead. That should facilitate more investment. Again, to be clear, one approved housing body has set up a special purpose vehicle and can take money, and one of the credit union bodies is also ready to make investments.

**Deputy Joan Burton:** Is the Minister of State suggesting credit unions are now able to invest in the provision of social housing through approved housing bodies? How many credit unions are now able to do that? I am sure the Department monitors this. It is a really good social development and it would be a very good provision for co-operative-type housing developments, like the Ó Cualann development, to be funded through the credit union model. How many credit unions have actually succeeded in doing this so far?

**Deputy Damien English:** I agree with Deputy Burton it is a very good development. It is something the whole House wanted to happen and we tried to ensure it happened. My understanding is that no credit union has invested money yet.

**Deputy Joan Burton:** Zero.

**Deputy Damien English:** That is the question I was asked and I am giving the Deputy the answer. Since 1 March they are allowed to do this and they have spent the year working on the process to do it. One of the credit union bodies, the Credit Union Development Association, is ready, able and available to invest money through approved housing bodies if it wants, and it has been engaged with that sector. That process is there and that is as far as we can bring it, to be honest. The sector overall is working with the Irish Council for Social Housing to develop another SPV and there will probably be a range of vehicles to facilitate different types of investment. That work should be completed in October. We are not in a position, and we are not allowed, to design that SPV for them but we are trying to encourage the process to make it happen because we would like it to happen. It will come down to approved housing bodies deciding who they want to take their money from. That is where it is at.

**Deputy Eoin Ó Broin:** I completely understand it is not the Department's responsibility to create the SPVs, whether for the approved housing bodies to borrow or the credit unions to lend. However, what we are hearing from both of those sectors is they do not feel they are getting enough assistance from the Department of Finance, with its expertise in this area, and possibly from the Minister of State's Department to help them set up either one vehicle or two separate vehicles, that is, one to lend and one to borrow. I urge the Minister of State to use his good offices, along with the Department of Finance, to bring together the various players and to try to assist them in doing what we all agree on, namely, the setting up of the vehicle or vehicles to get the lending flowing.

**Deputy Damien English:** Again, I think that is unfair criticism from the sector, in that we have engaged with them as much as we possibly can. We cannot design it for them. They are private entities. I want to be very clear on this. Our job is housing. We are not in the business of setting up special purpose vehicles. We have been trying to engage with the process and certainly through our offices, both of us, as Ministers, and our officials have met them on many occasions to try to engage with them, encourage them and put them together. One of the credit union movements is ready; it is through all of the process and has money available. I cannot be any clearer than that. The other credit union movement is engaged with a process which should be completed in October and that will enable it also. My understanding is that one approved

housing body has its own SPV. People need to understand what is going on here. We brought this as far as we could possibly bring it. I would be unhappy that it took so long from the Central Bank point of view but we are not in charge of that section. It is my understanding that we cannot do any more for them at this stage.

**Deputy Joan Burton:** Has the Cabinet sub-committee on this issue met? Has the Government brought together the Department of Finance, the Department of Housing, Planning and Local Government and the credit unions? To be honest, the credit unions are being treated like “pass the parcel”. They are going to the Central Bank, which has given the okay after a lot of consideration, and they are going to the Department of Finance but it is telling them to go to the Department of Housing, Planning and Local Government. All of those offices are held by Fine Gael Ministers. Can these guys not sit down over a caffè latte or something like that and actually agree to iron it out? This is an area where they could untangle the bureaucracy in which they are buried in order that people who need housing could get it, in particular through the co-operative model. It is sad. There is €13 billion to €14 billion in credit unions at the moment, a proportion of which could be very safely invested in providing much-needed homes for people. The credit unions are a community movement. They want to do it. Can Fine Gael and the Government not facilitate this?

**An Leas-Cheann Comhairle:** I understand Deputy Ó Broin does not require a supplementary question, which is helpful.

**Deputy Damien English:** I think my colleague on my right prefers a mocha frappuccino, although they are not very common down in my area. I prefer the mocha to be straightforward. To be clear, we have sat down with them. I would point out that when we took up the brief of housing, as Fine Gael Ministers, one of the first issues was to make sure the money that credit unions have was made available, and while they would not have €13 billion or €14 billion to invest in housing, they certainly have an amount of money. Our Departments did come together and facilitated a lot of meetings and processes.

We do not control the Central Bank. The Central Bank is not run by any Fine Gael Minister. The Central Bank has completed its work. The process is complete in terms of the work that can be done by the Departments of Finance and Housing, Planning and Local Government and by the Central Bank. It is up to the entities themselves to develop SPVs and to work with the Approved Housing Bodies, AHBs, on that. Some have been successful and are through the process and money is available to be spent today. I am trying to be very clear about that. That part is complete. The AHBs have to decide who to borrow money from and how much they will pay for that money. That is their decision. We cannot make them do it. We have encouraged them to bring forward projects. There is a pipeline of projects across many sites. Currently, there are over 1,000 sites and development projects coming forward and a large percentage of them are through AHBs. There are options there in terms of this investment happening. The Fine Gael Ministers have sat down and done their work on this and that work is complete.

## Housing Agency

8. **Deputy Eoin Ó Broin** asked the Minister for Housing, Planning and Local Government why only 529 properties out of 3,967 offered to the Housing Agency for purchase have been acquired to date; and the reason the vacant homes strategy published over the summer contains no targets or new funding allocations to ensure the maximum return to the housing stock of

vacant homes across the State. [39020/18]

**Deputy Eoin Ó Broin:** Rebuilding Ireland promised the delivery of 1,600 homes over a number of years through the Housing Agency's €70 million fund. It was a good initiative which Sinn Féin welcomed at the time, although we felt it was underfunded. Of the 3,967 properties offered to the Housing Agency for purchase under this fund, only 529 have actually been formally purchased which is a success rate of 15%. Is the Minister satisfied that the 3,438 homes that have not been purchased or will not be purchased were not available or appropriate for social housing? Can he confirm he has looked at the list to satisfy himself of that?

**Deputy Eoghan Murphy:** I thank the Deputy for his question. Under Rebuilding Ireland, the Housing Agency is actively engaged with banks and investment companies on its acquisitions programme. An acquisitions fund of €70 million, which is a revolving fund, has been established with the objective of acquiring some 1,600 units over the period to 2020 for social housing use. The agency also acquires units through other funds made available to it.

As of 31 August 2018, the agency had bids accepted on over 900 homes for acquisition. Contracts have been signed for 552 homes and 529 of these purchases have closed. The process of selling properties on to AHBs is underway, with 181 onward sales completed and other homes under caretaker lease arrangements with AHBs which allows upgrade works and tenanting to proceed in advance of the onward sale.

Properties offered to the Housing Agency may be rejected for a number of reasons such as the guide price being above unit cost limits, the property being a non-residential unit such as a holiday home or student accommodation, a lack of demand for a property in a particular area or an oversupply of social housing in an area already. Even when a property is considered appropriate by a local authority, a bid may still not go through because the property may be withdrawn or the bid not accepted.

The national vacant housing reuse strategy, which I published in July, acts as an overarching roadmap and a focal point for the co-ordination and implementation of initiatives right across Government to ensure that we are utilising our existing housing stock to the fullest extent possible. The aim is to return as many recoverable vacant properties as possible back to viable use and to increase the supply of sustainable housing while also revitalising the vibrancy of local communities. Several initiatives are already targeted at bringing vacant homes back into use. More recently available data and survey work suggests a much reduced vacancy level from that recorded in Census 2016. Nevertheless, work under these various initiatives will continue, in co-operation with local authorities.

**Deputy Eoin Ó Broin:** I thank the Minister for his reply. There are two issues. One is the length of time it is taking to purchase these properties and get them tenanted and the other is the very significant number of properties for which bids have not been made. I did not table this question in order for the Minister to outline how the scheme works. I understand that very well and the Minister has just repeated all of the details he gave me last week in response to a parliamentary question I submitted. My question is a genuine one. There were 3,028 properties for which bids were not placed. I understand the generality of why that might be the case. I am asking whether the Minister is personally satisfied that none of those 3,028 units were appropriate or suitable for social housing. I am asking that direct question because these are turn-key properties that we know could be used for housing first clients or to get families out of emergency accommodation and a level of additional scrutiny from the Minister's office could

be helpful in this regard.

**Deputy Eoghan Murphy:** I thank the Deputy for his follow-up question. I do not inspect the properties myself. I have engaged with the Housing Agency and with my officials who have been in constant engagement on this issue and am satisfied, as Minister, that everything that can be done is being done. We must recognise that this is an acquisition programme over a three year period with the aim of securing 1,600 homes. As I said earlier, bids have been accepted on more than 900 homes to date, so a huge amount of work has already been done.

I will give the Deputy a more detailed breakdown of what has happened with regard to the 3,967 homes that were offered initially. The local authorities themselves were interested in 2,742 of those homes. This figure was reduced to 2,163 when some of the homes were withdrawn by the vendors. The Housing Agency placed bids on 1,492 homes and to date, 939 of those bids have been accepted. Contracts have been signed for 552 of those bids. A final decision is awaited on a further 97 and an additional 194 were withdrawn by the vendor. When one looks at the amount of properties that were available to the Housing Agency and in which the local authorities were actually interested, the percentage secured is actually very large. A huge amount of work has been done and that work continues in terms of bidding and the negotiations that are already underway. It is a fantastic programme because it enables us to acquire homes that have already been built and to get them into use for social housing, with the co-operation of the AHBs. That work is happening.

**Deputy Eoin Ó Broin:** I understand that this process takes time and that multiple agencies are involved. However, with a 15% purchase rate to date and a 30% bid rate, it seems the Department will not meet the target of 1,600 homes by 2020, although I hope it does. If Sinn Féin can assist in any way with any local authority, we will do so. Where local authorities are not expressing an interest, is the Minister satisfied that it is for legitimate reasons? Some might not express an interest for very good reasons like the property being in the wrong location but some might use spurious arguments about an already existing oversupply of social housing which may not be valid. All I am asking is that the Minister, if he has not already done so, ensures that where properties are not being pursued, it is for the right and appropriate reasons. Every one of these properties that is purchased, as the Minister knows, can potentially get a family or a single person out of emergency accommodation. In that context, greater urgency is required in ensuring that the Department meets, if not exceeds, the target of 1,600 by 2020.

**Deputy Eoghan Murphy:** We are going to meet the target of 1,600 by 2020. I am satisfied with the work that the local authorities have done in terms of making sure that these are properties that they actually want and need and that we can use, bearing in mind the criteria that must be met for social housing. If one looks at the actual offers made, the rate is almost 50%. In terms of the bids that were made by the Housing Agency, after it was satisfied that such bids should be made, 939 were successful out of 1,492, which is somewhere in the region of 70% to 75%. These bids have been accepted by the other side and we are moving to sign contracts as quickly as we can.

## Solar Energy Guidelines

9. **Deputy James Browne** asked the Minister for Housing, Planning and Local Government the detail of his Department's engagement with the Department of Communications, Climate Action and Environment concerning the introduction of planning guidelines for solar energy

projects; and if he will make a statement on the matter. [39088/18]

**Deputy James Browne:** I ask the Minister to provide details of his Department's engagement with the Department of Communications, Climate Action and Environment concerning the introduction of planning guidelines for solar energy projects.

**Deputy Damien English:** As is the case with the large majority of development types, there are currently no specific planning guidelines in place in respect of solar farms. Proposals for individual solar farm developments are subject to the statutory requirements of the Planning and Development Act 2000 in the same manner as other proposed developments, with planning applications made to the relevant local planning authority and a right of appeal to An Bord Pleanála. Within the wider national and local planning context, planning authorities must make decisions based on the specific merits or otherwise of individual planning applications.

While I am satisfied that the planning code is sufficiently robust to facilitate the assessment of individual planning permission applications for solar farm developments, the matter is being kept under review, in consultation with the Minister for Communications, Climate Action and the Environment, who leads on renewable energy policy. Our two Departments are exploring the potential for enhancing national planning guidance on solar energy, taking account of solar energy projects being assessed by planning authorities and the scope for future development of the sector in the context of the ongoing development of renewable energy policy. On foot of this ongoing engagement between the two Departments, where the need for specific planning guidance for solar farms is identified, my Department will develop such guidance as appropriate but that need has not been identified as it stands.

**Deputy James Browne:** The Minister of State's last statement is absolutely bizarre. The chairman of An Bord Pleanála has sought solar energy planning guidelines and has argued that they are needed. The Minister of State has said that they are not needed but he should talk to the chairman of An Bord Pleanála. I also have an issue with the language being used by the Minister of State and his references to "solar farms". He is using the language of the large, commercial energy sector but these are not farms. The Department of Agriculture, Food and the Marine has said that they are not farms because their owners are not entitled to claim under the basic payment scheme. The Revenue Commissioners have said that they are not farms because no farming takes place on them. Indeed, owners lose their agricultural relief if they set their farms over to solar energy projects.

The Minister of State needs to change his language. He also needs to look into this more carefully because effectively it is the Wild West out there in terms of these solar energy projects. There are no guidelines. Planners are crying out for guidelines, as are the rural communities that are being undermined by these solar energy projects. Solar energy is crucial if this country is to meet its renewable energy targets but we need proper guidelines to protect our rural communities.

**Deputy Damien English:** Solar farms have been called for over many years. We can certainly review the terminology if that is what the Deputy wants but it is not the case that thousands of planning applications have been granted or applied for. There is a good deal of speculation about that and, as such, this area is speculation-led. The policy in this area is put in place in conjunction with the two Departments, and it is something we carefully monitor. There is not a great demand for guidelines on this issue. We will certainly give guidance to planning authorities but our planning department works with planners from every local authority on a

daily basis and consults with them on these issues.

An Bord Pleanála is separate and independent from our Department. When we decide, in conjunction with the Department of Communications, Climate Action and Environment, that there is a need for planning guidelines in this area we will certainly do that, but we do not believe that need has been proven yet. These decisions are still best made locally. That is what local planners do: they make the best decision on these individual site applications as they come forward, as they do with many large-scale developments. Local council members set the planning and development guidelines in their own areas, in conjunction with national policy, and that works quite well in the majority of cases.

**Deputy James Browne:** Local planners, An Bord Pleanála and rural communities are calling for these guidelines. How did the Minister determine that there is no need for these guidelines? Who in his Department is saying they are not required? This will have a real impact in local communities once these projects are constructed. Effectively, they are industrial projects. They take grade A arable farmland out of use. Where is the joined-up thinking in terms of our food security needs? Grade A, top-class land should not be allowed to be converted into solar projects. That land needs to be kept for its proper use in terms of farming.

In terms of speculation, in my county of Wexford, applications have been made for 400-acre farms to be turned into solar projects. There is massive controversy in the United Kingdom over huge solar projects on 200-acre farms. We are turning 400 acres of top class lands across Wexford into these solar projects. There is a desperate need for guidelines. It is probably too late for Wexford, considering the sheer volume of applications that have been submitted, but this will spread to other counties and the Minister of State needs to provide guidelines for these projects.

**Deputy Damien English:** Under the Act, each planning authority, city or county development plan must set out an overall strategy for the proper planning and sustainable development of the area concerned. That is what local councils would do. Section 10 of the Act requires a development plan to include, *inter alia*, objectives for the provision or facilitation of the provision of infrastructure, including energy facilities. Many local authorities have developed renewable strategies for their areas in this context.

As with many development types for which there are no specific planning guidelines, in making decisions on planning applications for solar farms, planning authorities and the board must consider the proper planning and sustainable development of the area, having regard to the provisions of the local development plan; any submissions and observations received; and the relevant ministerial or Government policies, including any relevant guidelines issued by the Department. Planning authorities must then make their own decisions based on the specific merits or otherwise of individual planning applications.

As Ministers with responsibility for planning, our role is to ensure that a development is facilitated in a planned, sustained and considered way. Most of the policies are set by the Department of the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, which determines the scale, scope and financial viability of such proposed developments.

There are not as many planning applications coming forward as the Deputy stated. There is speculation and talk about them but there are not many applications coming through yet.

**Deputy James Browne:** They are going to An Bord Pleanála on appeal. How can the Minister of State say they do not exist?

**Deputy Damien English:** I did not say they do not exist-----

**Deputy James Browne:** He said “speculation”, whatever that means.

**An Leas-Cheann Comhairle:** Deputy Joan Collins’s Question No. 10 is linked with Deputy Darragh O’Brien’s Question No. 12. I call Deputy Darragh O’Brien.

### **Social and Affordable Housing Funding**

10. **Deputy Joan Collins** asked the Minister for Housing, Planning and Local Government if there have been discussions or agreement on providing capital funding from budget 2019 for a local authority and cost rental housing pilot scheme at an estate (details supplied) or other local authority cost rental housing schemes nationally; and if he will make a statement on the matter. [30956/18]

12. **Deputy Darragh O’Brien** asked the Minister for Housing, Planning and Local Government if the pilot project cost rental scheme has gone to tender; if so, when construction will begin; and if he will make a statement on the matter. [38900/18]

**Deputy Darragh O’Brien:** I ask the Minister if the pilot project-----

*(Interruptions).*

**An Leas-Cheann Comhairle:** Hold on. Lest there be any doubt, these two questions are linked. We will get there. Deputy Wallace, in fairness, has been-----

**Deputy Mick Wallace:** No, I have the next question. Just do not take all day.

**Deputy Darragh O’Brien:** In fairness, I think I have kept to the time, like most people, but I might not this time.

**An Leas-Cheann Comhairle:** Come on. The clock is ticking.

**Deputy Eoghan Murphy:** He is delaying it now.

**Deputy Darragh O’Brien:** I will be brief but this is a very important issue. It is to ask the Minister if the pilot project on the cost rental scheme has gone to tender; if so, when construction will begin; and if he will provide an update on it. I have asked this question a number of times. I hope we will get a positive response to the effect that there is some progress this time.

**(Deputy Eoghan Murphy):** I propose to take Questions Nos. 10 and 12 together.

I thank the Deputy for the question. Acknowledging that renters in Dublin and other urban centres are currently facing significant affordability challenges, this Government is committed to the introduction of an affordable, not-for-profit cost rental sector in Ireland. Together with delivering more affordable and predictable rents, cost rental will make a sustainable impact on national competitiveness and the attractiveness of our main urban centres as places to live and work.

27 September 2018

Taking account of the expected population increase of almost 1 million extra people by 2040, we will need around 500,000 new homes over the next 20 years and the State must be proactive in identifying and delivering the types of new homes that our changing population will need. We need to offer something different to renters on moderate incomes in Dublin, who are currently facing average rents of over €1,500, and I believe the cost rental model can deliver just that. From the extensive debates on the issue in this House, I welcome the broad agreement on all sides that cost rental needs to form a significant part of our future housing system.

It is now crucial that we identify and support good projects to prove the cost rental concept in an Irish setting and to inform the development of a framework for further projects. In this regard, there are now two pilot cost rental schemes being advanced, one at Enniskerry Road, in Dún Laoghaire-Rathdown and one at St. Michael's Estate, in Inchicore. It is expected that 50 affordable units and 105 social homes will be made available on the Enniskerry Road site, while the site at St. Michael's Estate can accommodate over 470 homes. While the final tenure mix on the Inchicore lands will be decided by Dublin City Council and informed by the detailed site development process, it will likely include 140 social housing homes, with the remaining 330 homes predominantly provided by the city council under cost rental arrangements.

The Enniskerry Road project has now gone to tender and it is anticipated that, once the procurement process is completed, construction will commence in the first quarter of 2019. With regard to St. Michael's Estate, while this project is at an early stage of development, Dublin City Council has appointed a dedicated project manager and a project team to drive the project forward. In addition to pre-existing consultative arrangements, the council is also facilitating the establishment of a special Inchicore regeneration consultative forum specifically for this project.

With regard to the funding arrangements, I have made it clear that direct Exchequer funding will be provided for any social housing element of these mixed-tenure developments. My Department is engaging directly with the Department of Public Expenditure and Reform, as part of the budgetary process, with regard to housing funding more generally. In addition, my Department is in regular discussion with the European Investment Bank with regard to financing options for the Inchicore project and also leveraging the bank's vast experience and knowledge in developing and supporting public housing projects in other member states.

**Deputy Darragh O'Brien:** I thank the Minister. I am glad the tender has been received. The pilot project for Enniskerry Road was announced in 2015, which is more than three years ago, so it is important that we move on with it. The Minister is right, and I and many other Members believe, that the cost rental model will be part of the solution but we need to start delivering supply again in this area. The Minister will have seen the report today that average rents in Dublin are almost €1,600 per month, which is 26% above the peak in 2008. There are individuals and families across this country paying up to 55% of their net take-home pay as rental payments. The market is broken, so a cost rental scheme is an absolute must. Can the Minister expand on when the income limits will be announced? He is running a pilot scheme but that construction does not start until quarter 1, 2019. Can he announce the parameters of the scheme?

I am pleased about the decision for St. Michael's Estate, and I commend that group and the residents for the work they have done, but have any changes been made to the St. Michael's Estate plan on foot of the recent hurried discussions with the Minister's colleague, the Minister of State, Deputy Catherine Byrne, in advance of Tuesday's motion? Have any concessions been

given to her *vis-à-vis* St. Michael's Estate?

**Deputy Eoghan Murphy:** No changes have been made in terms of our ambitions for St. Michael's Estate. I can be quite clear on that. What I am not clear on is Fianna Fáil's position in the constituency in terms of supporting this project. When I launched the plan in June, the Deputy's party's representative turned up. It was the first time I ever heard her speak about it and it was in negative terms. The Deputy might clarify the position on it with his colleague.

**Deputy Darragh O'Brien:** The Minister might answer the question.

**Deputy Eoghan Murphy:** On the timeline for St. Michael's Estate, we are talking about the project team being fully in place, Part 8 planning in November 2018, project funding to go to the European Investment Bank, EIB, which has said the project is eligible, for December of this year, and construction procurement in quarter 1 of next year. We then go to expressions of interest, also in quarter 1 of 2019, with construction beginning later in the year.

When we talk about income limits around our cost rental project, what we are talking about is a reduction of the current market rent of 15% to 25%, depending on the site. The income limits will be the same as those which applied to the affordable purchase scheme, namely, €50,000 for an individual and €75,000 for a couple.

The Deputy referenced the rent index report we saw today. It is clear that people are paying too much for rent and that rents have to be better controlled. One of the positives we saw is that one in four rent agreements entered into in the last quarter was for more than 12 months. We are seeing some stability in that regard but we need to see more, and longer-term leases. That is what cost rental can deliver but other measures can deliver it as well.

**Deputy Darragh O'Brien:** We must do more to incentivise longer-term leases and improve security of tenure for tenants by way of legislation.

The residential tenancies Bill which was due to be brought forward in July of this year was delayed. Will it be put before the House this month or next? It is urgently needed. I acknowledge the budget is coming up in ten days but I ask the Minister to clarify the current status of the residential tenancies Bill.

**Deputy Eoghan Murphy:** The residential tenancies Bill is incredibly important, particularly given the data we have seen today. It will give more powers to the Residential Tenancies Board, RTB, and provide a rent register, more rent transparency and RTB inspections and greater security for tenants, who will be entitled to a longer notice period before having to quit their accommodation. All of those things will happen under that Bill. It was delayed in the last Oireachtas term. Deputy Darragh O'Brien may remember that there was a significant amount of filibustering of other legislation so the Bill could not be brought forward.

**Deputy Darragh O'Brien:** Yes.

**Deputy Eoghan Murphy:** It underwent pre-legislative scrutiny by the joint Oireachtas committee. I have been very closely engaging with the Attorney General on the Bill in the past week and a half. There is one particular legal element which we must clarify but it is my intention to publish it in the next two weeks.

27 September 2018

## Land Development Agency

11. **Deputy Mick Wallace** asked the Minister for Housing, Planning and Local Government when he expects legislation to be introduced on the Land Development Agency, LDA; the number of staff the agency currently employs; if the position of CEO of the agency was advertised; and if he will make a statement on the matter. [39097/18]

**Deputy Mick Wallace:** When does the Minister expect legislation relating to the Land Development Agency to be brought before the House? How many staff does the agency currently employ? Was the position of CEO of the agency advertised? The Minister stated that the LDA will enable the Government to address traditional volatility in land prices as a result of speculation. I ask him to outline how that will be done. Is the Government planning to bring in separate legislation to complement the LDA, such as a tax on unused land? If not, I fail to see how bundling together public land and allowing developers to build on it will address volatility and speculation.

**Deputy Eoghan Murphy:** Together with the Minister for Finance and Public Expenditure and Reform, Deputy Donohoe, I signed the establishment order for the LDA on 13 September 2018. It will act as a new commercial State body to actively manage the development of public lands.

The establishment order is an initial and enabling measure to get the LDA up and running as quickly as possible, ahead of the provision of a more comprehensive primary legislative basis for the agency and its intended scope of powers and operations.

Work is already under way on this legislation and I expect to have the general scheme of the Bill ready for submission to the Government in early November. This will seek approval for the detailed drafting of the legislation which will then be taken forward urgently so that a Bill can be published and brought before the Houses as early as possible in the new year, with the aim of securing enactment of the legislation by Easter 2019.

The LDA has been established with three staff members initially, rising to five in the coming weeks and increasing progressively thereafter, in line with a business plan and the expansion of its development lands portfolio.

As is common in agency start-ups of this kind, I have appointed a chief executive on an interim basis. The filling of this position on a permanent basis will be subject to open competition and advertisement upon enactment of the primary legislation for the agency.

**Deputy Mick Wallace:** I thank the Minister for his reply. As he is aware, I believe that the LDA will hand control of the supply of housing to a few elite entities, such as developers and investors, rather than it being under the control of the Government or builders. That is not the right way to move forward.

I am mystified as to how it was decided to appoint a former NAMA chief financial officer as CEO of the LDA. What expertise does he have in residential delivery?

We are giving up public land and allowing financiers to speculate on it for profit and private builders to build on it for profit. One cannot expect that the private units in such schemes will be affordable. I have introduced legislation proposing an increase in the vacant site levy to 25% and the removal of many of the exemptions that currently apply. It is awaiting a money

message from the Department of Public Expenditure and Reform before Committee Stage may begin. If the Government wishes to address land volatility and speculation, it must support that Bill. Does the Minister agree with a 25% tax on landbanking?

**Deputy Eoghan Murphy:** I thank the Deputy for his reply. I will not mention any individual who does not have the right to come to the House to defend himself or herself.

The Land Development Agency is the developer. It is a public developer. It will guarantee an uplift from all the work it will put into the land in terms of preparing master plans for sites, obtaining planning permission, seeking procurement, buying sites before they are zoned for residential use and taking on board the ten to 15-year time horizon to ensure we are providing homes in the right places for the next 15 to 20 years and will avoid a crisis such as the two we experienced in the past two decades. It will take that uplift and put it back into affordability in these homes. The State will develop housing. In certain cases, it will sell land under licence. It will progress development according to a timeline and ensure that houses are built on public land for the general public. It will provide social houses, subsidised houses and other houses for the public. That is a good thing to do, in particular on very desirable sites such as that in Dundrum. Everyone should have the right to be able to buy a house on such a site and that is what we are trying to achieve with the Land Development Agency. It has not been done before.

On the vacant site levy, I more than doubled that levy when I came into office. It will be at 10% over two years and 7% every year thereafter. If the owner of a vacant site does not develop it, the levy will rise very quickly and be very punitive. Although the increase we have put in place is not yet in effect, we have seen examples of it being a factor in vacant sites being brought into delivery.

**Deputy Mick Wallace:** Land site cost per unit is currently increasing by approximately 25% per annum. Even if the 7% vacant site levy put forward by the Minister applied to all developers sitting on landbanks, it would not bother them. However, because of all the exemptions it contains, very few developers will have to pay it.

The Government stated that the LDA is based on best practice in European countries such as Germany. However, that is not the case. Under German planning law, the value of land is frozen when the local municipality specifies the area for residential construction. If that was done here, there would be no room for all the lobbyists who would come to the Oireachtas. Will the Government freeze the value of land when it is zoned for residential development? I will believe it when I see it.

It is incredible that the Minister states that the LDA will provide affordable housing. As he stated, 60% of those houses will be sold for private use. We will be lucky if the price of such houses starts at €320,000. For the majority of people in Ireland, that is not affordable housing. Why does the State not build those houses?

**Deputy Eoghan Murphy:** Just because we refer to an affordable scheme does not imply that the other houses sold on a site will not be affordable. It is probably more correct to say that they are subsidised housing. It depends on the location of the land brought forward for development. It is possible that none of this land would be developed for housing if we had not brought in the Land Development Agency and a requirement that other Ministers bring forward their entire portfolio of landbanks in order that we can examine them and determine the most efficient use of land. We will attempt to decant one site onto another and deliver housing where

it is needed. That is what we are trying to achieve.

I am aware that Deputy Wallace has brought forward a Bill proposing a tax on vacant sites. Unfortunately, the Bill would not make it through the Houses because of several problems it contains. I more than doubled the vacant site levy when I came into office and we are seeing a positive impact from that. That levy will remain in place to ensure we get vacant sites developed. However, we also now have the Land Development Agency to potentially deliver 150,000 homes for the general public over the next 15 years on public land which might not otherwise have been developed. That is very important.

*Question No. 12 answered with Question No. 10.*

### **Housing Estates**

13. **Deputy Martin Heydon** asked the Minister for Housing, Planning and Local Government the status of progress with Irish Water in developing a policy for the taking in charge of developer-led waste water systems which is delaying the taking in charge of many housing estates; and if he will make a statement on the matter. [39092/18]

14. **Deputy Aindrias Moynihan** asked the Minister for Housing, Planning and Local Government the status of measure 2 of the new taking in charge initiative; the level of funding that will be available; when it will reopen for applications; and if he will make a statement on the matter. [39081/18]

32. **Deputy Aindrias Moynihan** asked the Minister for Housing, Planning and Local Government the status of the review of the Taking In Charge Initiative measure 2; when it will reopen for applications; and if he will make a statement on the matter. [39080/18]

**Deputy Martin Heydon:** What progress has been made on developing a policy on the taking in charge of developer-led waste water systems which is delaying the taking in charge of many housing estates? Local authorities claim their hands are tied in terms of how they can engage on the matter but in some instances the local authority, such as that in Kildare, is spending a significant amount of money on water tankers and short-term solutions but states that it cannot spend money on remediating the overall issue.

**Minister of State at the Department of Housing, Planning and Local Government Deputy Damien English:** I propose to take Questions Nos. 13, 14 and 32 together.

My Department launched the national taking-in-charge initiative, NTICI, in April 2016 to trial new approaches and working methods in supporting and accelerating overall national and local action on the process for taking in charge housing estates, including estates with developer-provided water services infrastructure, DPI. Under the terms of the NTICI, which was underpinned by €10 million in funding, developments subject to valid taking-in-charge applications were eligible for inclusion in the associated call for funding proposals. Ultimately, €7.5 million of the allocated funding was paid to local authorities in respect of 330 developments, affecting more than 14,000 houses.

Findings and recommendations from the NTICI process will be included in a report on the initiative that will be sent to the Minister, Deputy Murphy, and which it is intended to publish shortly. The publication of the NTICI report will be of value to local authorities such as that

in Kildare and other stakeholders in applying the lessons from the pilot programme in a more general roll-out of a streamlined approach to taking in charge, including through co-ordination with capital works by Irish Water.

In addition, the national development plan includes a provision of €31 million for developer-provided water services infrastructure in the period from 2018 to 2021, demonstrating the Government's commitment to transition from the pilot phase under NTICI to a programme phase. It is hoped that that will resolve many of the issues affecting housing estates in Kildare and elsewhere.

**Deputy Martin Heydon:** The policy of allowing developers to develop and retain control of sewerage systems, as happened in many estates, was questionable from the start. I can offer the example of Walshestown Park in Newbridge, County Kildare. A couple of times each year residents there are subject to an overflow of the wastewater treatment system. Kildare County Council has probably spent a fortune on the tanker clean-up in the short term but when we seek funding for a long-term solution, which has been costed at approximately €250,000, the council says it does not have the funding for it because the estate is not taken in charge. There is a gap between the local authority, Irish Water and these housing estates and the residents of the estates are falling into it. I do not doubt that it will cost a substantial amount because there are many such estates. How many estates are affected around the country? This issue is affecting people in many areas and it is not a good use of our money. The problem also occurred in Oak Park in Narraghmore and was eventually resolved, but it is hard to resolve these matters without an overarching approach. I look forward to seeing what is in the new initiative when it is introduced. It is important that we deal with this properly because it is having an impact on people. It also affects the resale value of houses and the ability to get these estates taken in charge.

*12 o'clock*

**Deputy Aindrias Moynihan:** I have raised the taking in charge of these estates a number of times. There are housing estates scattered around the country, including Cluain na Croise in Crossbarry, where this represents their best chance of having the scheme in the estate upgraded. We have repeatedly heard this year that the report will be available soon. It is good that there is a review under way and that the report will be produced but when will the scheme reopen for new applications? Has the Minister set a date for that? He said there is approximately €31 million in funding for the new scheme. Is he satisfied that amount is adequate given that there was €10 million for the pilot scheme, which ran over two years and only served a number of counties? The new scheme will be expected to cover the country so is there adequate funding? This scheme represents the best chance for people in housing estates throughout the country to have the terrible plant at the end of the estate upgraded for once and for all.

**An Ceann Comhairle:** Perhaps the Minister of State will correspond with the Deputies.

**Deputy Damien English:** I will give a brief answer.

**An Ceann Comhairle:** The Minister of State has 30 seconds.

**Deputy Damien English:** It is fair to say that this was a bad policy and it is not one we will continue. It was introduced under a previous Government. There are more than 900 estates and it affects more than 30,000 homes. We are putting a procedure in place to correct this and we have allocated €31 million for it. It might require more money but what is needed is a process to make it happen. The policy in the past allowed this to happen, with no plan or initiative in

27 September 2018

place ever to take them over. That is what we are trying to correct and we are making good progress on it.

*Written Answers are published on the Oireachtas website.*

### **Ceisteanna ó Cheannairí - Leaders' Questions**

**Deputy Dara Calleary:** We all saw and heard Ms Rebecca Carter this morning. She is an 18 year old student from Wexford who completed her leaving certificate examination this year hoping to get enough points to do veterinary medicine in University College Dublin, UCD. When Rebecca received her results in August, she fell just short for the first and second round offers and sought a recheck of her papers. That review revealed that the examiner had wrongly added up her marks. Had that error not occurred, Rebecca would have received a higher grade. She would have exceeded the points required and been offered a place. However, the State Examinations Commission, SEC, decided not to formally recheck her results before mid-October, thereby costing her the place in university she had earned. The commission says that any alleged error can only be corrected through the formal appeals process and that the error could not be dealt with through a rectification process. It is extraordinary that if the totting up error had appeared on the front cover of the examination script, it would have been rectified outside the normal appeals process but because it happened inside the paper, it had to be dealt with through the formal system. One could not make it up.

Rebecca decided she would not allow such absurd bureaucracy to waste her life. She took her case to the court and won it yesterday. She should be commended for shining a light on the system. However, the case has highlighted a number of serious deficiencies in our examination marking process. If the SEC cannot decide on an appeal prior to the allocation of places in the academic year for which students are sitting the leaving certificate examination, the system is clearly unfit for purpose. On RTÉ this morning, Brian Mooney, who is well respected in this area, said the examiners are totting up marks using their own pens and pencils. They do not have IT available to them to carry out that process. Deputy Thomas Byrne has pointed out for some time the inadequacies of the resources being allocated to the marking process for both the leaving certificate and junior certificate examinations. It was shown during the court hearing yesterday that 1,700 examiners marked 390,000 papers in 54 days. Mistakes will be made with that type of pressure on examiners but, as we saw in Rebecca's case, mistakes interfere with people's futures. Deputy Thomas Byrne has repeatedly pointed to a major resource issue in terms of recruiting examiners yet the Minister for Education and Skills, Deputy Bruton, continued to stick his head in the sand.

What plans has the Government to review the system and the outcome of the case yesterday? What does it say about our State examination marking system that a student must go to the High Court to get the place in university she has worked hard for awarded to her this year? Is the Government aware of any other such cases where errors in the process have cost people places?

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** I thank the Deputy for raising this case. I will respond in two ways. First, I am the mother of somebody who is the same age as Rebecca. I have children at home who have just gone through

the leaving certificate examination and who are going through it. The smile on that young lady's face yesterday was worth €1 million, and the pride and happiness of her parents show the determination that young woman has to achieve and succeed in what she wishes to do. I am delighted for her and wish her every success. The Ceann Comhairle should watch this space because that young woman is going to have a bright future.

Speaking as a politician, what happened in the past number of weeks is regrettable. From the perspective of the Department of Education and Skills, we watched and noted what happened as it was played out in the High Court over the past couple of days. We will review what happened with a view to ensuring that something similar does not happen again. The specifics of the review have not yet been released because the High Court judgment was only made yesterday, but I guarantee that the terms of reference of the review will be reviewed in the next couple of days. Tens of thousands of people sit the State examinations. The mistakes that can be made are human. It is not because people are under pressure or they do not have pens, as the Deputy's colleague suggested. It is because people are human and they make mistakes. However, there is a fundamental need to ensure there is enough time after the errors have been recognised to have them corrected before somebody's place is taken from them in the given academic year. If Rebecca had not gone to the High Court, she would have had to defer her application until next year, which is not a situation anybody can countenance or stand over. I certainly cannot, and neither can the Government.

The review will take into account the number of people sitting examinations, the average number of appeals and the duration of those appeals. Perhaps, as has been suggested by some commentators this morning, we need to address the recruitment issue for that time in the appeals process when most secondary school teachers have gone back to work in their normal day job and are not available. The review must be thorough and ensure that when it is completed cases such as Rebecca's never happen again.

On the Deputy's final question, I am not aware of any other cases. That does not mean there are no others, only that I am not aware of them.

**Deputy Dara Calleary:** We all smiled with Rebecca, but where were we last August when Rebecca was in tears when she missed out on her place? Where were we when she was told that she should not have missed out on that place but that she would not have it until this time next year? We smiled because Rebecca had to go to the High Court to smile. She had to go that far and spend that kind of money to secure her right to something she had earned. The Minister announced a review. What is the timeline for the review? Who will conduct it? Will it be outsiders, people who will bring some type of order to the system and, most importantly, give clarity to the 60,000 students who will sit the leaving certificate examination next year in order that none of them falls into the trap that affected Rebecca? We accept that mistakes can be made and that these things happen. We cannot allow this to happen. There needs to be additional checks when dealing with people's futures, particularly people of a young age who have worked incredibly hard to achieve an ambition but who have that ambition denied to them because of error. This cannot and should not be stood over. I am sure the Minister will want to give an assurance to the 60,000 people who will sit the leaving certificate examination next year that this will not happen again.

**Deputy Regina Doherty:** In fairness, nobody was smiling at the fact that she had to go to the High Court, which I acknowledge the Deputy did not infer, but we were all happy to see her determination pay dividends. I hope that she gets what she wants before noon on Friday, which

is a well deserved place to study to become a veterinarian in this country. The Deputy will be aware, as I am sure everybody else will be, that the SEC is an independent public body under the aegis of the Department of Education and Skills. It is because of that independence that the public has confidence in the process that is the examination of the leaving certificate and in the outcome and the results arising therefrom. Errors are made by human beings. I cannot confirm to the Deputy that the review will be done in a week or a month, though I will come back to him on the matter, but we do need to ensure that it is robust so that when errors do occur the process facilitates people being able to access the places they apply for in a given year. Some 57,000 people sat the leaving certificate last year and more than 3,000 examiners examined approximately 380,000 papers. That is a big task. The review has to be conducted and a better process put in place in order that there will be no mistakes that cannot be rectified in a timely manner in the future.

**Deputy Pearse Doherty:** This morning, the Residential Tenancies Board, RTB, published its quarterly rental index for quarter 2 of 2018, which shows that rents continue to spiral out of control. The average cost of renting a home across the State is now €1,094. This equates to an annual increase of 7.6%. In the greater Dublin area, the situation is even worse in that average rents are now a shocking €1,587, which is an annual increase of 8.8%. In my home county of Donegal, the increase year-on-year is 6.7%. What is equally worrying is a clear emergence of two-tiered rental market. The report shows that while rental costs in existing tenancies increased by 4.9%, which is in excess of the Government's rent cap of 4%, those in new tenancies increased by 8.4%. Sinn Féin warned the Government that landlords would use the refurbishment clause to circumvent the rent pressure zone, RPZ, caps and re-let properties. All of us in this House know that this is happening. In a large number of cases, landlords are using these loopholes to evict tenants and secure increased rents, which is scandalous.

Sinn Féin has been calling for some time now for the RTB to be given additional powers to combat this practice. I acknowledge that the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, has finally accepted this argument from my colleague, Deputy Eoin Ó Broin. We now need to see that legislation introduced without delay. This morning during Oral Questions, the Minister said that people are paying too much in rent and that this has to be better controlled. On that point, he is correct, but his plan is wrong. It is now essential that the RPZ legislation be reviewed because it is not working. We need a change of policy and this means taking urgent action to help hard-pressed renters. Sinn Féin has proposed the introduction of a three-year emergency rent freeze. Existing tenancies would have their rents frozen at current levels, while new tenancies would be pegged to the RTB average rent index for their area. Even with a freeze, rents are too high and, for this reason, Sinn Féin believes a tax relief for tenants for a period of three years needs to be introduced. This would give hard-pressed renters one month's rent back annually. This is a proper response to this crisis that has unfolded under the watch of the Government.

We also need to fast-track the legislation to give the RTB more enforcement powers and additional resources. The Minister, Deputy Doherty, must accept that this crisis is out of control and that meaningful and real action is required now. Will the Government introduce the measures I have outlined, including a rent freeze and a tax relief for hard-pressed renters, and will it ensure that a residential tenancies Bill is introduced to this House without delay?

**Deputy Regina Doherty:** The Deputy is correct that the latest RTB data was published in the past 24 hours. The report on rents paints a much more nuanced picture than the headline. The Government is aware that quarterly trends are volatile and that because rents continue to

increase, we face a considerable challenge. People are paying what we consider to be too much rent. Rents need to be controlled. Rents for existing tenants are in line with the RPZs but rents for new tenancies and leases tend to be higher. One in five tenancies is now for longer than four years, which is welcome, and one in four new tenancies agreed in the past number of quarters was for more than 12 months, which shows a sign of stability for tenants. That said, there is still a tremendous way to go. We propose to introduce a rent register that will show comparable rents in areas, which will be published and in place before the end of the year, because we know people renting continue to face a challenge. It is because of the challenges in this area that the Government proposes to introduce a new rent protection measure into the Dáil in the next number of weeks and to pursue measures to provide for longer leases and tenant protections when properties are sold by landlords regardless of the reasons put forward for that sale. Home-sharing by organisations such as Airbnb will be tackled in the next number of weeks. It is because of all of these challenges, of which Government is well aware, that all of these actions will be taken in the next couple of weeks, on top of all of the actions taken over recent years.

**Deputy Pearse Doherty:** Existing rents are not in line with the RPZs. I am sure the Minister has read the report. The increase in rents was 4.9%, which is in excess of the 4% cap. The Minister's reference to the volatility of quarter-on-quarter reports is accurate but the problem is that the Government does not understand the pressures that renters are under at this point. According to the RTB report, rents in the greater Dublin area have increased by €1,536, which is €1,536 more that people renting in the greater Dublin area have to find. Wages are not increasing by that amount. These families are under pressure as a result of the high cost of living, childcare costs, insurance costs and other cost-of-living pressures. We all know that those entering homelessness are, in the main, tenants whose landlords have taken vacant possession and who are no longer able to afford rents in their areas. We need serious proposals. On six occasions, the Government, with Fianna Fáil, voted down rent certainty that would have curtailed these increases, which is the reason landlords are able to seek sky-high rent prices.

Will the Government introduce the measures I have proposed? Rather than continually saying that rents are too high, will it introduce a rent freeze and a tax relief for renters and bring forward the necessary legislation, staff and resources to enable the RTB to properly monitor and police this area?

**Deputy Regina Doherty:** In case the Deputy missed what I said in my initial response, I will repeat it. It is because the Government recognises the challenges in the market that it proposes to introduce, between now and Christmas, a rent register which will show the average rents street by street, town by town and county by county.

**Deputy Pearse Doherty:** That will not stop rent increases.

**Deputy Regina Doherty:** It is because of those challenges the Government will introduce new rent protection measures through legislation in the Dáil, giving the RTB increased powers to interact with people on a case-by-case basis; continue to pursue measures that will see people having access to longer leases and thus stability in their home lives in the places they choose to rent; and introduce new measures to tackle the issue of short-term letting in the next number of weeks.

**Deputy Mick Barry:** Yesterday in the Dáil when debating the issue of social housing the Taoiseach said that the socialists want to divide our society into people who live in different areas, with some people paying for everything but qualifying for nothing, following which he

checked himself, paused and did not finish the sentence. Perhaps the full sentence was, “some people paying for everything but qualifying for nothing and some people paying for nothing and qualifying for everything”?

**Deputy Ruth Coppinger:** Yes.

**Deputy Mick Barry:** The Taoiseach did not have to finish the sentence. A dog whistle is a dog whistle, half sentence or full. When Fintan O’Toole wrote last week in *The Irish Times* accusing the Government of supporting an ideology, which contains “a profound class prejudice against social housing”, he hit the mark.

The Taoiseach made that attack when criticising comments I had made suggesting that public land should not be privatised and should be used entirely for both social and genuinely affordable housing. Income thresholds for social housing should be raised to include more middle-income earners, young people and workers on the average wage currently locked out of the housing market. The State should directly engage builders, write off land prices and value added tax, VAT, and offer genuinely affordable housing at cost price. Rather than sell to developers and define “affordable” as being exorbitant market rates minus a discount, such a model could cut the price of affordable homes from €300,000 plus to less than €200,000 and a 50:50 social and affordable mix is a good mix to build new communities. Who could argue with that? The Taoiseach could and so too last Tuesday night could the Minister for Housing, Planning and Local Government. He stated that we must avoid “failed policies that did not work before such as building giant social housing estates.” Was Ballyphehane a failure? How about Marino or Drimmagh? Was Gurranabraher a failure? These schemes rescued a generation from the lanes and slums. This generation needs to be rescued from being forced to live at home with their parents into their 30s, from sky-high rents which have gone up again today and from the hotels, bed and breakfasts and Garda stations.

The Government is not letting a good crisis go to waste. It is exploiting it to push a privatisation agenda. The Government’s vision is for 87,000 households to be housed with housing assistance payment, HAP, landlords in the years to 2021. If that effort was put into building an equivalent number of social homes, €23.8 billion would be saved over 30 years. The Government preaches prudence to the people but the same does not apply when steps are taken to enrich the landlords. The Government wishes to privatise public land and sell houses at unaffordable market rates and unaffordable so-called affordable rates. I conclude by asking the Government to stop the privatisation madness. There is enough public land in the hands of the National Asset Management Agency, NAMA, and the local authorities alone have zoned enough residential land to build 114,000 homes. How can the Government disagree in the face of all of this evidence that building public homes on public land on a major scale is the only way to go?

**Deputy Regina Doherty:** I do not know whether the Deputy has noticed but I am not the Taoiseach, nor am I in the habit of finishing anybody else’s questions unlike him. However, increasing housing supply is the most fundamental and important issue on the agenda of our Cabinet and Government at the moment because it is raised at every Cabinet meeting and in every session of this Dáil. We intend to introduce affordable housing for purchase, to make sure that cost rental homes will form a major chunk of the landscape in the rental market in the future and to provide €75 million in Exchequer funding to enable infrastructure to be developed on service sites in order that local authorities can open up land for development. The most recent announcement we made a couple of weeks ago was the establishment of one of the most impor-

tant State organisations in generations, which will open up public land to offer social, private and rental houses to everybody in the market at every cost that they can afford-----

**Deputy Peadar Tóibín:** That is all in the future.

**Deputy Regina Doherty:** I do not know what part of that the Deputy could disagree with but given his practice, I am sure he will find something to disagree with. The fundamental project for this Government is to ensure that anybody who wants to rent, purchase or mortgage a house is able to do so at an affordable rate according to their income. That is the fundamental premise behind what we are trying to do and it is the backdrop of every policy and initiative that has been instigated in the past number of months and that this country will continue to support. The local authorities are starting to gear up and we can see in our towns and villages that houses are starting to be built, maybe not as quickly as the Deputy or I would like, but they are starting. The percentage increases year on year from last year to this are enormous. The figures are still small but they will grow larger. So far this year, in excess of 14,000 homes have been built. It is nowhere close to what is needed but it is a hell of a lot more than the number built last year and the year before.

I reiterate that we have no ideological issue with building any homes. There are a tremendous numbers of people in my party, not just in the parliamentary party, but in towns and villages up and down the country who grew up in county council houses and have no ideology against them whatsoever. I am proud of the community that I came from, which gave me the fundamental beliefs that I hold today. We will build and we will solve the housing crisis. We will not sit on Opposition benches and come up with unworkable and unrealistic claptrap. We will support local authorities and private developers and we will fundamentally open up publicly-owned lands to ensure that people such as couples of all ages can afford to buy or rent in the areas that they want to.

**Deputy Mick Barry:** I realise that the Minister is not the Taoiseach-----

**Deputy Regina Doherty:** That is good.

**Deputy Mick Barry:** -----but I note the fact that she did not distance herself one iota from the dog-whistle politics that the Taoiseach demonstrated on the floor yesterday. I note her points on affordable homes but everyone should note the comments of the Minister for Housing, Planning and Local Government earlier when he repeated his claim that €320,000 falls within the remit of affordable housing as he sees it. I note the Minister for Employment and Social Affairs' points on the Land Development Agency and suffice to say that it will prepare the ground for the biggest privatisation of land in the history of the State. The Government's housing policies are divisive. They are dividing rich from poor and we heard the Taoiseach's rhetoric yesterday about families in hotels being split up and so on but ordinary people are beginning to unite. The single mother who has received notice to quit, the student who cannot afford the rent, the homeless couple, workers on an average wage and ordinary people with a social conscience are giving their support to social movements such as Take Back the City. It is not just in the Dáil that the Government has an alternative and an opposition now but it is on the streets as well and we will see it next Wednesday, 3 October at 12.30 p.m. outside the front of this House when I hope that thousands will converge to demand a major increase in the capital spend on social housing in the budget and I appeal to all, especially young people, to attend that.

**Deputy Regina Doherty:** If anything, the plans that the Government has announced and

will continue to work on are inclusive. They are far from divisive. Building large-scale social developments in the hundreds is divisive-----

**Deputy Dessie Ellis:** How is it divisive for God's sake?

**Deputy Regina Doherty:** It puts people in segregated areas when we want people to live happily together in communities and that is why mixed developments are the foundation of Government's policy. When we look at the indicators, the figures are trending positively. The number of new homes that have become available for use in the past 12 months to the end of June was 19,650 individual homes. That is a 24% increase on the year from the end of June 2017. Planning permissions were up to 26,752 units to the end of the second quarter of 2018.

**Deputy Richard Boyd Barrett:** That just puts up the value of land.

**Deputy Regina Doherty:** Commencement notices are up to 19,451 units, a 17% increase from the previous year and registrations are up to 9,269 units, an increase of 9%. The numbers might not be going up as quickly as some people would like but what some Deputies cannot ignore, even though they will do their best to do so, is that the numbers are going in the right direction.

**Deputy Pearse Doherty:** Homeless numbers are also going up.

**Deputy Mattie McGrath:** I better not call the Minister "Taoiseach" whatever I do. After a long and hard fought community-based campaign relating to South Tipperary General Hospital, we will, hopefully, see construction of a modular unit that will provide 40 additional beds for the facility. Planning permission was granted for this recently. Despite the many premature announcements surrounding delivery, this is a welcome development. However, what is deeply concerning to patients, staff and the community is the issue of recruitment and retention of staff in the unit. I have been told by one of my colleagues that 75 new staff, including nurses, will be needed. The Irish Nurses and Midwives Organisation, INMO, says that at the current rate of recruitment, it will be impossible to find the staff needed to allow that unit to open. Not only would this be a crushing blow but it would greatly increase the existing problems in the hospital, where I understand that there is a staff deficit of 35 nurses. This is causing awful stress to patients and staff alike and it is unfair to them. The INMO indicated the total number of nursing staff was to increase nationally by 1,224 whole-time equivalents yet the latest data show only a net increase of 13 whole-time equivalents was achieved. That is not even 1%. It is appalling. It seems increasingly likely that it will result in a long list of wards and other spectacular new facilities around the country lying idle and empty due to an inability to get staff. One of those is in Cashel, where more than €21 million was spent, and it is lying idle. It is a pristine building which the Minister of Health saw.

The Government's Bring them Home campaign, which was launched in July 2015, targeted 500 nurses and midwives employed in the UK. However, only 91 nurses were enticed to return to work in the Irish public health system and a staggering 40 of them left prior to fulfilling a year's service. What is wrong? It clearly indicates that something is profoundly wrong with the current system and that it will have a devastating impact on South Tipperary General Hospital's future. Will the Minister outline to me what measures the Government is taking to ensure that South Tipperary General Hospital and its modular unit will be targeted for adequate staff recruitment? I am very concerned. Unfortunately it is not the only issue of staff recruitment affecting the health infrastructure in our county. Information supplied to me in reply to

a parliamentary question showed that Clonmel, Thurles, Cashel, Tipperary town, Nenagh and Roscrea each has only one emergency ambulance to cover night duty from Monday to Sunday each week. The reply given to me shows there is not a single rapid response vehicle for either day or night duty in Thurles, Nenagh, Roscrea or Cashel. It is appalling when the Government is talking about the recovery in the economy.

In January of last year I was informed by the National Ambulance Service that despite recommendations from its first ever capacity review on the urgent need to recruit additional staff, this would only occur over the next four years. It is now clear that as far as Tipperary is concerned, there has been zero additional capacity built into the ambulance service covering the county. It is also clear that no matter what area of healthcare delivery or staff recruitment one looks at, the Government is failing on all fronts.

**Deputy Regina Doherty:** I acknowledge the development of the modular unit that both Deputy Mattie McGrath and a number of other Deputies, both past and present, in Tipperary have been fighting for in the last number of years. To see it reach its final stages and be a provision of service in the Deputy's county is an excellent result. I congratulate the Deputy and his constituency colleagues including my former colleague, former Deputy Tom Hayes-----

**Deputy Dara Calleary:** A new coalition.

**Deputy Regina Doherty:** -----for the service they have given to their county. It is off the back of the growing and recovering economy that we are in the fortunate position to be able to increase the spend on health and to be able to provide the extra 40 beds in Tipperary that the Deputy is so good to mention. The €14.5 billion that was implanted in the HSE's budget this year is €608 million more than it was, year on year, and that allowed us to do a capacity bed review and to commit to 2,600 acute beds and 4,500 additional short-term and long-term residential beds of which the 40 the Deputy has just described are part.

I could go on and list all the other positive things we are doing in health but I think the Deputy wants me to assure him that the staffing required to make sure those 40 beds are operational will be put in place. I assure the Deputy the staff will be put in place. We are not in the practice of opening beds and not having staff to staff them. I was not aware the Deputy was going to raise the issue today so my information is not as accurate as it might otherwise have been. I will come back to the Deputy in the next number of days with the exact details of the HSE local area plan and how it is going to develop the opening of the 40 beds, what staff will be required and how we will recruit that staff to make sure we get it open as soon as possible.

**Deputy Mattie McGrath:** The Government keeps making the same mistakes. It tried to bring home and recruit 500 nurses. It successfully recruited 90 and 40 left after a year. There is something appallingly wrong if we cannot get staff. The Minister cannot assure me the HSE will have the staff because they do not want to work in the health service. I salute the many who do. I walked into a GP's office in Clonmel last Monday week and she told me that after 18 years she could not wait to get out of the hospital because of the intolerable conditions and shortage of staff. I could point to example after example such as Cashel hospital, which is pristine. This year €600 million has been added to a budget that is expanding to billions but there is waste and people do not want to work. I met representatives of the Irish Medical Organisation, IMO, this morning. It cannot get doctors or consultants. They are voting with their feet. Our brightest and best have been educated here. They had the passion and vision to go into all types of medicine. They do not want to leave but they are forced to leave because of the unorganised

27 September 2018

bedlam that is allowed to continue. The Government keeps throwing money at it and keeps paying architects to design new buildings and they are lying empty. In the Minister's county and all over the country, pristine buildings are unoccupied. They are unoccupied and unstaffed and it is costing a fortune to heat them and keep the lights on with no staff. It is a failed policy. There has to be a system that people want to work in. There has to be a system that doctors and nurses want to give their dedication to and serve our people in but the Government is not making the conditions right for them.

**Deputy Regina Doherty:** The Deputy does a real disservice to the thousands of women and men who man our hospitals and primary care centres and provide an absolutely state-of-the-art, excellent service, day in, day out, on a 24-7 basis. Our young nurses are the bedrock of our delivery of services and they work their socks off, which is why the Government has worked so hard to provide a pay agreement for the next couple of years to recognise the concerns they have raised over the past number of years. That is why the ballots will be taking place in the next couple of weeks. I wish everybody well. I do not accept that people are leaving in their droves.

**Deputy Mattie McGrath:** They are.

**Deputy Regina Doherty:** People have pride in our health service.

**Deputy Mattie McGrath:** I have the figures.

**Deputy Regina Doherty:** While we might stand in this Chamber and pick out the blatantly obvious concerns we have with regard to the delivering of the health service, it is not true to say the health service does not deserve the pride and respect of every Member of the House. I challenge the Deputy. If he has any bright ideas that might lead to the increased retention of staff let me hear them instead of just giving out about it all the time.

### **Gnó na Dála - Business of Dáil**

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** It is proposed, notwithstanding the Order of Business on Tuesday, 25 September 2018, that the Dáil shall take No. 24, motion re JHA protocol of the Treaty of Lisbon, internal security fund - back from committee - at 2.30 p.m. and it will be brought to a conclusion after 45 minutes. Any division demanded shall be taken immediately after the Order of Business on Tuesday, 2 October 2018. Speeches shall be confined to a single round for a Minister or Minister of State and the main spokespersons for parties or groups or a Member nominated in their stead, at five minutes each with a five-minute response from the Minister or Minister of State. All Members may share time and the order shall resume thereafter.

**Deputy Donnchadh Ó Laoghaire:** I understood the debate was to take place today. Will the debate and division take place on Tuesday?

**Deputy Regina Doherty:** The debate is to take place today.

**Deputy Ruth Coppinger:** I have a query on that as well. When will the protocol on the Treaty of Lisbon be debated?

**Deputy Regina Doherty:** On 25 September.

**Deputy Ruth Coppinger:** On 25 September.

**Deputy Regina Doherty:** I beg the Deputy's pardon. It is today. The vote is deferred.

**An Ceann Comhairle:** It was agreed unanimously at the Business Committee this morning. Is that agreed? Agreed.

### **Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation**

**Deputy Dara Calleary:** The Minister mentioned earlier that the Government will establish a rent register. It is absolutely crucial it is established particularly given the report this morning. It has been promised on many occasions. When exactly will renters in this country have access to that rent register and to the information? Will they have access to it before the end of this year?

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** Yes.

**Deputy Pearse Doherty:** I will raise the issue of overcrowding. Last month, 8,000 sick and injured people were left without a bed, an increase on the previous year. Scandalously, 30 of them were children. Letterkenny University Hospital is top of the list in terms of the number of patients on trolleys and in wards. This morning as we speak there are 27 people on trolleys in that hospital. Every day last year there were on average 19 people on trolleys in that hospital. What is scandalous is that there is a ward with 19 beds lying empty because the Government will not provide the necessary resources which the hospital management asked for one and a half years ago and instead we have patients lying on trolleys as a result. Senator Pádraig Mac Lochlainn and I have launched a campaign. There has been a huge response with thousands of people signing a petition demanding action be taken and that we give dignity to all people instead of having them lying on trolleys and that we open the ward that has 19 beds. I have raised this time and time again. Will the Government make the necessary resources available to open the ward, which has been lying empty year after year, and to take patients out of the corridors and have them treated in the ward?

**Minister for Employment Affairs and Social Protection Deputy Regina Doherty:** I acknowledge that anybody waiting on a trolley is in a stressful situation and anything that can be done to alleviate that stress should be done. This morning's TrolleyGAR number is 284. That is 284 people too many but it is a 17% reduction on this time last year. An extra €608 million of taxpayers' money was allocated to the HSE last year. The HSE service plan, which promises to deliver 4,500 additional beds and the 2,600 step-down beds, needs to speed up. The Sláintecare team probably needs to work more closely with the HSE in delivering a service plan next year.

**Deputy Brendan Howlin:** The programme for Government commits the Government to the full implementation of the Good Friday Agreement, which sets out equivalency of rights protections for all citizens North and South. The Taoiseach said any rights or freedom that an Irish citizen has in Ireland or rights that a British citizen has in Britain should be enjoyed by British and Irish citizens in Northern Ireland and that applies to matters such as marriage equality and abortion rights. The Minister will be aware that scores of Members of these Houses and

27 September 2018

the UK Parliament wrote an open letter last July calling on both Governments to ensure that the spirit of the Good Friday Agreement is upheld and that human rights of women in Northern Ireland are fully vindicated. What is the Government's response to that strong call from parliamentarians of these islands to ensure that reproductive rights are given to the women of Northern Ireland?

**Deputy Regina Doherty:** Personally I feel that the rights enjoyed by a person on one part of the island should be enjoyed by every person on the island of Ireland but the only way that we can assist in asserting those rights in Northern Ireland is to do everything we can to help the reinstatement of the sharing of power in Stormont. That is what we have been doing for the past number of months and that is what we will continue to do so until it is reinstated.

**Deputy Richard Boyd Barrett:** Contrary to the Minister's earlier assertions that the Government respects the incredible work and dedication of nurses in our public health system, the response from the nursing unions and the nurses at their recent special delegate conference suggests that they do not feel the Government respects them whatsoever and that its latest pay offer is an insult that will do nothing to address their concerns about the miserable levels of pay enjoyed by nurses, who are the worst paid health professionals, by a considerable margin. The Government's failure to offer the full re-establishment of pay equality for nurses and teachers and other public sector workers and to bring nurses' pay up to the level of other similarly qualified health professionals has led them to say they have no choice but to consider industrial action. Does the Minister not think that we need to listen to what the nurses and their representatives are saying about the need to restore their pay and establish pay equality?

**Deputy Regina Doherty:** The Public Service Stability Agreement 2018-2020 that was commenced many months ago resulted in the proposals being made to all unions this week. It provides a fair, affordable and sustainable – which is probably the most important aspect for the country – path to managing the €200 million of costs associated with reversing the measures introduced since 2011. The agreement provides for two interventions at points 4 and 8 on the pay scale and will have the effect of bypassing these points on the scale, reducing the time for those professionals having to reach the maximum point. If they are accepted, the measures will apply from 1 March 2019 and each applicable entrant will reach the scale point much faster than they would today. The measure over time will benefit more than 60,000 new public service entrants since 2011. I very much wish all the unions well in their deliberations and encourage them to take a lengthy look at what is on offer.

**Deputy Mattie McGrath:** The programme for Government is loud in its claim that it would support agriculture. I am glad the Minister for Agriculture, Food and the Marine is beside the Minister for Employment Affairs and Social Protection. The suckler herd is diminishing and this will have a devastating impact on our rural economy. Deputy Creed has been the Minister for almost two years and has done absolutely nothing. The farmers were promised funding which they have not got. There is a massive fodder crisis to compound the problem this year. In July, the Minister told me he would do an audit in September and report back. September is almost over and there is no more fodder available because there was a major drought, although thankfully not as bad in some parts of the country as in others.

The farmers have not seen a cent of the low-cost funding that the Minister was to make available in this year's budget. How will they survive and be sustained and sustain our economy, as they always did for decades? The Irish Farmers Association, IFA, met us yesterday. The Irish Creamery Milk Suppliers Association, ICMSA, and other farming organisations are

telling us that the Minister is doing nothing for the farmers and is blatantly ignoring them in respect of the suckler herd, the low-cost funding and the fodder, which he said he would count in September. I do not know if the Minister is able to count because a blind man could see there was no fodder in July or now.

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** I recall my conversation with the Deputy in the closing weeks of the summer session of Parliament and the discussion of an audit.

**Deputy Mattie McGrath:** In early July.

**Deputy Michael Creed:** The Deputy rubbished the idea of an audit then. That audit was concluded and, at that stage, indicated a deficit of almost 30%. The most recent audit, which the Deputy is obviously unaware of, showed that we had, through a series of initiatives, including a tillage initiative, an imports initiative, extending the chemical and organic fertiliser deadlines, flexibility around the green low-carbon agri-environment scheme, GLAS, and a stakeholder group working to deliver messages to farming individually, closed that the gap to 11%. The critical message between now and the end of the growing season and, fortuitously, we are enjoying something of an Indian summer-----

**Deputy Mattie McGrath:** There is frost every night.

**Deputy Michael Creed:** -----is that we maximise the opportunities between now and then to close further the deficit in fodder.

**Deputy Mattie McGrath:** There is frost at night.

**Deputy Michael Creed:** I am confident that will happen given all the initiatives we have taken.

**Deputy Mattie McGrath:** What about the suckler herd?

**Deputy Michael Creed:** On the issue of-----

**An Ceann Comhairle:** No, we cannot go into it. The Minister's time is up.

**Deputy Mattie McGrath:** The Minister made it with waffle. He waffled. The Minister is a waffler.

**An Ceann Comhairle:** Can we let the Members ask their questions please?

**Deputy Bobby Aylward:** On page 105 of the programme for Government, there is a commitment to ensuring that every young person is enabled to reach their full potential. I have written to the Minister for Health regarding the provision of the drug Spinraza for children suffering from spinal muscular atrophy, SMA. The HSE has acknowledged that the drug works well and it is now solely an issue of cost. Some of the affected families attended a demonstration at the gates of Leinster House last week. One was from my county, Kilkenny. The family is waiting in desperation for an answer on this drug, which will make a significant difference to the life of their young son. Can the Minister instruct the HSE to engage with Biogen regarding the provision of the drug? Can the Minister engage with these families and provide them with an up-to-date status report on the process? I understand the HSE is meeting tomorrow to discuss the drug and now is the time for the Minister to intervene.

**Deputy Regina Doherty:** I thank the Deputy for raising this matter because I know many young patients are waiting for a positive outcome on this. We do not need to direct the HSE to do anything because, as the Deputy said, a meeting has been organised. There is a standard procedure for authorising drugs in this country and it is independent of Government and of politics for the very reason that the debate on some drugs can become emotional. We need to take the emotion out of it. The health service needs to deliver for all of our patients as best it can. The Deputy and I are aware that meeting is happening later this week and I wish both parties every success.

**Deputy Donnchadh Ó Laoghaire:** The Garda Commissioner last week announced a ban on Garda overtime causing concern among gardaí, the Garda Representative Association, GRA, and the public. That is with three months left in the year. Due to a lack of front-line gardaí, overtime has become a fact of life and an essential part of keeping a station and district functioning. Much of the recent success the gardaí have had in tackling the scourge of serious organised crime had to do with significant overtime. Will the Minister for Justice and Equality meet the GRA and the Garda Commissioner, Drew Harris, to allow them outline the significant impact this will have on front-line policing and to examine alternative sources of funding instead of tying the hands of the gardaí behind their backs with this blunt instrument?

**Deputy Jackie Cahill:** I have been approached by Garda officials as well to say that Commissioner Harris has introduced a ban on overtime to the end of the year. The programme for Government contained targets for resources to be put into fighting crime. Whether it is dealing with the incidence of drug-related and serious crime in urban areas, or crime in rural areas where rural gangs have resurrected themselves, this ban will greatly reduce the effectiveness of An Garda Síochána in all these operations.

**Deputy John Brassil:** After some difficult years for An Garda Síochána, the public's confidence is beginning to return under the new Commissioner, Drew Harris, and morale is beginning to lift in the force itself. Numbers are still not at the desired level and in their absence the facility of overtime is needed. Introducing a blanket ban for the remaining months of 2018 is a blunt instrument that could have devastating effects. I ask all parties concerned, the Minister for Justice and Equality, the Government and the Garda Commissioner, to review and reverse this decision and to allow the confidence growing in the force to continue.

**Minister for Justice and Equality (Deputy Charles Flanagan):** The Garda budget is of the order of €1.6 billion. Out of that, less than €100 million is the bill for the overtime budget. The Garda Commissioner said in his initial public comment three weeks ago that he was going to look at the Garda budget. That is what he is doing. I keep in regular contact with him and with the Garda representative associations. I look forward to completing the ongoing ambitious programme for recruitment in An Garda Síochána. With the reopening of the Garda training college in Templemore, which was closed when Fianna Fáil was in office, I expect that by the end of this year we will have 500 new, ambitious, energetic and fully trained gardaí on our streets. The Garda budget is a matter primarily for the Garda Commissioner himself.

**Deputy Pat Buckley:** In A Programme for a Partnership Government, under the residential care capital plan 2016 to 2021, it was proposed that an amount of €2.67 million be allocated for the refurbishment of a 38-bed community nursing home refurbishment in Youghal, County Cork and €10.3 million was proposed for a new-build community nursing home on the grounds of Midleton Community Hospital. It is now 2018 and the Health Information and Quality Authority, HIQA, is yet to register the current buildings this year. It is likely that these hospitals

will face a number of bed closures until the completion of these projects. Will someone tell me when these projects are going to start?

**Deputy Regina Doherty:** I am not in a position to give that information to Deputy Buckley right now but I will come back to him before the close of business today.

**An Ceann Comhairle:** There are three Deputies remaining. I will take them if we can do each question in 30 seconds. I call Deputy Michael Moynihan.

**Deputy Michael Moynihan:** This is within the remit of the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty. There is an anomaly in the system of farm assist and social welfare payments. I refer to farmers who have set up a partnership. The declining health, because of one disease or another, and resultant incapacity of one of the partners to sign off can block the other partner from getting farm assist. Low-income farmers are mentioned in A Programme for a Partnership Government but there should be something done in the regulations within the Department of Employment Affairs and Social Protection or the Department of Agriculture, Food and the Marine. These people comply with all of the regulations on income and everything else but it is a partnership and the herd number is in both of their names. The Minister might look at it for me.

**Deputy Regina Doherty:** What Deputy Michael Moynihan might call an anomaly is something that we call a condition of application to the scheme. I am not 100% familiar with the anomaly mentioned so I will look at the conditions of the farm assist scheme and respond to Deputy Moynihan later today.

**Deputy Bernard J. Durkan:** Approximately 4,000 gardaí have been injured in the course of their duty over recent years. The Garda Síochána (compensation) Bill has been listed. When is it likely to come before the House for full debate?

**Deputy Charles Flanagan:** It is unlikely that item of legislation will be prepared in time for this term. I will keep Deputy Durkan fully informed of developments.

**Deputy Tony McLoughlin:** The €75 annual support for householders for pay-by-weight charges has not been introduced. I had asked about this.

**An Ceann Comhairle:** Perhaps the Minister of State at the Department of Housing, Planning and Local Government, Deputy English, might correspond with Deputy McLoughlin on that important matter. I thank the Deputies for their co-operation. That concludes Questions on Promised Legislation.

### **National Lottery (Protection Of Central Fund) Bill 2018: First Stage**

**Deputy Jim O'Callaghan:** I move:

That leave be granted to introduce a Bill entitled an Act to protect the Central Fund of the National Lottery established under section 8 of the National Lottery Act 1986 and section 44 of the National Lottery Act 2013 by amending the Betting Acts 1931 to 2015 by introducing a condition on certain licences granted under the Betting Acts 1931 to 2015.

Members of the House will be aware that in 1986, the Oireachtas established the national lottery in legislation enacted that year. There may have been some opposition at the time to the State putting into place a lottery which was a form of gambling. Part of the reason it was supported by the Oireachtas and by the public back then was because the legislation was clear in providing that significant amounts of money would be available for what was referred to as “good causes”. In many respects, the national lottery replicated the good parts of the Irish hospitals sweepstakes that operated in Ireland from 1930 until the 1980s and which donated much money to public hospitals in Ireland.

The legislation introduced in 1986 contained a specific provision ensuring that good causes would be met and money would be available for those good causes. We know, and the Government will be well aware, that the good causes are established in the legislation. It allows the Government to make disbursements to certain areas specified in the legislation. Money can be allocated to sport and recreation, national culture and heritage, the arts, the health of the community, youth welfare and amenities, the natural environment and such other objectives as the Government may determine from time to time. Amending legislation was introduced in 2013. Section 40 of that legislation provided that 50% of the moneys collected by the national lottery had to be available for prize money. It also provided in section 41 that the good cause fund, as it was then called, should be available and have a statutory basis. At present 28% of the moneys received by the national lottery are devoted to these good causes.

In practical terms, that means every year approximately €225 million is available for good causes. It is not something that is just available in an individual year. Over the past 30 years or so, many good projects in this country have been funded by the national lottery. The reason this legislation is being introduced is to try to protect the good cause fund. A number of unregulated offshore companies are now offering bets on the national lottery. If the amount of money collected by the national lottery decreases, so does the amount of money available for the good cause fund. There are approximately 15 bet-on-lottery operators operating in the Irish market and it is likely this number will increase. These operators allow people to bet on the six numbers that may be drawn out by the national lottery instead of purchasing a ticket.

People are entitled to bet on things but the effect is that the amount of money being received by the national lottery declines and consequently, the amount of good cause money available decreases also. This legislation proposes to put in a particular condition in respect of the Betting Acts 1931 to 2015. The Bill seeks to overcome the threat to the fund by prohibiting operators from taking bets on lottery products. Such a prohibition is proportionate and reasonable in light of the public interest in preserving and protecting the fund. The Bill proposes to insert a condition that will attach to a bookmaker licence, or a remote bookmaker licence, requiring that all such licences contain a condition that such a licence cannot include an entitlement to bet on the outcome of any lottery game under the National Lottery Acts operated within or outside the State.

I am fully aware that at present, the national lottery, like the old Irish hospital sweepstakes, is run by a private company. It is, however, different to other forms of gambling and lottery since it was established by the Oireachtas for the purpose of the public benefit. The good cause fund, which produces 28% of all moneys taken in by the lottery, is useful and for the public benefit. It is appropriate, therefore, that we deal with the threat to the moneys raised by the national lottery. We know from other jurisdictions, such as Australia, that the amount of funds available has decreased because of the operations of these unregulated offshore operators that allow betting on the outcome of the lottery. As this legislation is to prohibit that, I seek leave

to introduce it.

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

**Minister for Justice and Equality (Deputy Charles Flanagan):** 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 Jim O'Callaghan:** I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

### **Local Government (Water Pollution) (Amendment) Bill 2018: First Stage**

**Deputy Martin Kenny:** I move:

That leave be granted to introduce a Bill entitled an Act to amend the provisions of the Local Government (Water Pollution) Act 1977 to provide for the granting of discharge licences by a water services authority for the development of single houses; and to provide for related matters.

This Bill seeks to amend the Local Government (Water Pollution) Act 1977 to provide for the granting of discharge licences by a water service authority for the development of single houses and to provide for related matters. For the past six years there has been an ongoing problem getting planning permission in some rural areas where the soil is heavy and fails the percolation test. All these problems flow from strict new Environmental Protection Agency, EPA, guidelines, which were adopted by the Government and lodged with the EU, as part of measures to prevent ground water pollution from septic tanks. This strict regulation on rural planning has led to rural decline and depopulation in some parts, mainly in County Leitrim and other areas with heavier soil. The EPA guidelines state that if the percolation test fails, there must be zero discharge of effluent. Zero discharge is impossible, and this rule has effectively imposed a ban on building in many rural areas. This part of the EPA guidelines rules out all reasonable engineering solutions or proposals to treat and dispose of the sewage effluent where the T-test fails, regardless of how high the treatment standard. The EPA guidelines also state that where the test fails, the local authority can issue a waste water discharge licence. However, the interpretation of the legislation at present around discharge licences is that they should be used for multiple houses or industrial settings, as in a small housing estate. In fact, the regulations refer to the discharge of over five cu. m of effluent per day, which is approximately the volume produced by six houses. This interpretation of discharge licences being only for multiple dwellings is effectively copper-fastening the ban on rural planning, even with the use of the most environmentally sound sewage treatment solutions.

*1 o'clock*

I am proposing an amendment to the Local Government (Water Pollution) Act 1977 to change this and clearly accommodate the granting of wastewater discharge licences for single

27 September 2018

houses in rural areas where the T-test fails. I have consulted EPA officials and planning and environmental experts in local authorities and private practise, for the past several months on the appropriateness of discharge licences for single houses where percolation tests fail, and all agree it is a workable solution to this problem. The licence can be designed specifically for single houses where the conditions of the licence could include the installation of a mechanical sewage treatment system, from which effluent would pass through a polishing filter and be discharged into a reed bed and willow pond. This type of treatment method had been used extensively on sites with poorer soil conditions prior to the coming into effect of the new EPA guidelines. They work extremely well, with the final treated discharge water meeting the highest environmental standard. The cost of installing such a treatment system with a wastewater discharge licence would be well under €20,000, but may require a small licence fee.

In the past situations have arisen where people have opposed single houses in rural areas because too many were being built in close proximity to each other. However, the excess in one area should not be used to excuse a famine in another area, which is what we see in many areas of rural County Leitrim. In some parishes we cannot build houses, which means that no new young families can live in them. It is a devastating situation for those areas.

For several months now, I have been consulting with legal advice to establish the correct part of legislation to amend and to test that it will have the desired effect without causing any unintended consequences. We examined the planning and development laws, the pollution laws and EU directives and statutory instruments. I am satisfied that this amendment is the best way to accommodate people in rural areas to build a home for themselves and their families and still comply with the EPA guidelines. It may cost slightly more for the person building the house to comply with the licence, but at the same time it will protect the environment more than adequately and hopefully bring some life back to rural areas. I expect to get the support of all Members of the Dáil for this Bill, which, if passed into law, would mean so much to communities in depopulated rural areas.

I commend the Bill to the House and seek leave to introduce it.

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

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** 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 Martin Kenny:** I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

**National Monuments (The Moore Street Battlefield) Bill 2018: Second Stage (Resumed)  
[Private Members]**

The following motion was moved by Deputy Peadar Tóibín on Thursday, 20 September 2018: “That the Bill be now read a Second Time.”

Debate resumed on amendment No. 1:

To delete all words after “That” and substitute the following:

“Dáil Éireann declines to give a second reading to the National Monuments (The Moore Street Battlefield) Bill 2018 in order to allow the Moore St. Advisory Group to continue and conclude its deliberations, given that the Bill, as proposed, is pre-emptive of the on-going work of the Group, which—

(a) has broad political representation; and

(b) is actively addressing the issues to which this Bill relates and the recommendations of the *Moore St. Report – Securing History*, prepared and agreed unanimously by an earlier consultative group with similarly broad political and stakeholder representation.”

- (Minister for Culture, Heritage and the Gaeltacht)

**An Ceann Comhairle:** I must now deal with a postponed division relating to the amendment to the Second Stage motion on the National Monuments (The Moore Street Battlefield) Bill 2018 on Thursday, 20 September 2018. On the question, “That the amendment to the motion be made”, a division was claimed, and in accordance with Standing Order 70(2), that division must be taken now.

Amendment again put:

<i>The Dáil divided: Tá, 89; Níl, 26; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Aylward, Bobby.</i>	<i>Barry, Mick.</i>	
<i>Bailey, Maria.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Barrett, Seán.</i>	<i>Buckley, Pat.</i>	
<i>Brassil, John.</i>	<i>Collins, Michael.</i>	
<i>Breen, Pat.</i>	<i>Coppinger, Ruth.</i>	
<i>Brophy, Colm.</i>	<i>Doherty, Pearse.</i>	
<i>Broughan, Thomas P.</i>	<i>Ellis, Dessie.</i>	
<i>Browne, James.</i>	<i>Ferris, Martin.</i>	
<i>Bruton, Richard.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Butler, Mary.</i>	<i>Healy, Seamus.</i>	
<i>Byrne, Catherine.</i>	<i>Kenny, Gino.</i>	
<i>Byrne, Thomas.</i>	<i>Kenny, Martin.</i>	
<i>Cahill, Jackie.</i>	<i>McDonald, Mary Lou.</i>	
<i>Calleary, Dara.</i>	<i>McGrath, Mattie.</i>	
<i>Canney, Seán.</i>	<i>Mitchell, Denise.</i>	

27 September 2018

<i>Carey, Joe.</i>	<i>Munster, Imelda.</i>	
<i>Casey, Pat.</i>	<i>Nolan, Carol.</i>	
<i>Cassells, Shane.</i>	<i>Ó Broin, Eoin.</i>	
<i>Chambers, Lisa.</i>	<i>Ó Caoláin, Caoimhghín.</i>	
<i>Collins, Joan.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>Collins, Niall.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Connolly, Catherine.</i>	<i>O'Brien, Jonathan.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>O'Reilly, Louise.</i>	
<i>D'Arcy, Michael.</i>	<i>Quinlivan, Maurice.</i>	
<i>Daly, Jim.</i>	<i>Stanley, Brian.</i>	
<i>Deering, Pat.</i>	<i>Tóibín, Peadar.</i>	
<i>Doherty, Regina.</i>		
<i>Dooley, Timmy.</i>		
<i>Doyle, Andrew.</i>		
<i>Durkan, Bernard J.</i>		
<i>English, Damien.</i>		
<i>Fitzgerald, Frances.</i>		
<i>Fitzpatrick, Peter.</i>		
<i>Flanagan, Charles.</i>		
<i>Fleming, Sean.</i>		
<i>Gallagher, Pat The Cope.</i>		
<i>Grealish, Noel.</i>		
<i>Griffin, Brendan.</i>		
<i>Halligan, John.</i>		
<i>Haughey, Seán.</i>		
<i>Heydon, Martin.</i>		
<i>Howlin, Brendan.</i>		
<i>Kehoe, Paul.</i>		
<i>Kelleher, Billy.</i>		
<i>Kelly, Alan.</i>		
<i>Kyne, Seán.</i>		
<i>Lawless, James.</i>		
<i>Lowry, Michael.</i>		
<i>McConalogue, Charlie.</i>		
<i>McEntee, Helen.</i>		
<i>McGrath, Finian.</i>		
<i>McGuinness, John.</i>		
<i>McHugh, Joe.</i>		
<i>McLoughlin, Tony.</i>		
<i>Madigan, Josepha.</i>		
<i>Moran, Kevin Boxer.</i>		
<i>Moynihan, Aindrias.</i>		

<i>Moynihan, Michael.</i>		
<i>Murphy O'Mahony, Margaret.</i>		
<i>Murphy, Catherine.</i>		
<i>Murphy, Dara.</i>		
<i>Murphy, Eoghan.</i>		
<i>Murphy, Eugene.</i>		
<i>Naughten, Denis.</i>		
<i>Naughton, Hildegarde.</i>		
<i>Neville, Tom.</i>		
<i>Noonan, Michael.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Keeffe, Kevin.</i>		
<i>O'Loughlin, Fiona.</i>		
<i>O'Rourke, Frank.</i>		
<i>Penrose, Willie.</i>		
<i>Pringle, Thomas.</i>		
<i>Rabbitte, Anne.</i>		
<i>Ring, Michael.</i>		
<i>Rock, Noel.</i>		
<i>Ross, Shane.</i>		
<i>Ryan, Brendan.</i>		
<i>Ryan, Eamon.</i>		
<i>Scanlon, Eamon.</i>		
<i>Sherlock, Sean.</i>		
<i>Shortall, Róisín.</i>		
<i>Smith, Brendan.</i>		
<i>Stanton, David.</i>		
<i>Zappone, Katherine.</i>		

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

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

<i>The Dáil divided: Tá, 92; Níl, 24; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Aylward, Bobby.</i>	<i>Barry, Mick.</i>	
<i>Bailey, Maria.</i>	<i>Boyd Barrett, Richard.</i>	

<i>Barrett, Seán.</i>	<i>Buckley, Pat.</i>	
<i>Brassil, John.</i>	<i>Collins, Michael.</i>	
<i>Breen, Pat.</i>	<i>Coppinger, Ruth.</i>	
<i>Brophy, Colm.</i>	<i>Doherty, Pearse.</i>	
<i>Broughan, Thomas P.</i>	<i>Ellis, Dessie.</i>	
<i>Browne, James.</i>	<i>Ferris, Martin.</i>	
<i>Bruton, Richard.</i>	<i>Healy, Seamus.</i>	
<i>Butler, Mary.</i>	<i>Kenny, Gino.</i>	
<i>Byrne, Catherine.</i>	<i>Kenny, Martin.</i>	
<i>Byrne, Thomas.</i>	<i>McDonald, Mary Lou.</i>	
<i>Cahill, Jackie.</i>	<i>Mitchell, Denise.</i>	
<i>Calleary, Dara.</i>	<i>Munster, Imelda.</i>	
<i>Canney, Seán.</i>	<i>Nolan, Carol.</i>	
<i>Carey, Joe.</i>	<i>O'Brien, Jonathan.</i>	
<i>Casey, Pat.</i>	<i>O'Reilly, Louise.</i>	
<i>Cassells, Shane.</i>	<i>Ó Broin, Eoin.</i>	
<i>Chambers, Lisa.</i>	<i>Ó Caoláin, Caoimhghín.</i>	
<i>Collins, Joan.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>Collins, Niall.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Connolly, Catherine.</i>	<i>Quinlivan, Maurice.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Stanley, Brian.</i>	
<i>D'Arcy, Michael.</i>	<i>Tóibín, Peadar.</i>	
<i>Daly, Jim.</i>		
<i>Deering, Pat.</i>		
<i>Doherty, Regina.</i>		
<i>Dooley, Timmy.</i>		
<i>Doyle, Andrew.</i>		
<i>Durkan, Bernard J.</i>		
<i>English, Damien.</i>		
<i>Fitzgerald, Frances.</i>		
<i>Fitzmaurice, Michael.</i>		
<i>Fitzpatrick, Peter.</i>		
<i>Flanagan, Charles.</i>		
<i>Fleming, Sean.</i>		
<i>Gallagher, Pat The Cope.</i>		
<i>Grealish, Noel.</i>		
<i>Griffin, Brendan.</i>		
<i>Halligan, John.</i>		
<i>Harris, Simon.</i>		
<i>Haughey, Seán.</i>		
<i>Heydon, Martin.</i>		
<i>Howlin, Brendan.</i>		

<i>Kehoe, Paul.</i>		
<i>Kelleher, Billy.</i>		
<i>Kelly, Alan.</i>		
<i>Kyne, Seán.</i>		
<i>Lawless, James.</i>		
<i>Lowry, Michael.</i>		
<i>Madigan, Josepha.</i>		
<i>McConalogue, Charlie.</i>		
<i>McEntee, Helen.</i>		
<i>McGrath, Finian.</i>		
<i>McGrath, Mattie.</i>		
<i>McGuinness, John.</i>		
<i>McHugh, Joe.</i>		
<i>McLoughlin, Tony.</i>		
<i>Moran, Kevin Boxer.</i>		
<i>Moynihan, Aindrias.</i>		
<i>Moynihan, Michael.</i>		
<i>Murphy O'Mahony, Margaret.</i>		
<i>Murphy, Catherine.</i>		
<i>Murphy, Dara.</i>		
<i>Murphy, Eoghan.</i>		
<i>Murphy, Eugene.</i>		
<i>Naughten, Denis.</i>		
<i>Naughton, Hildegarde.</i>		
<i>Neville, Tom.</i>		
<i>Noonan, Michael.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Keeffe, Kevin.</i>		
<i>O'Loughlin, Fiona.</i>		
<i>O'Rourke, Frank.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Penrose, Willie.</i>		
<i>Pringle, Thomas.</i>		
<i>Rabbitte, Anne.</i>		
<i>Ring, Michael.</i>		
<i>Rock, Noel.</i>		
<i>Ross, Shane.</i>		
<i>Ryan, Brendan.</i>		
<i>Ryan, Eamon.</i>		

27 September 2018

<i>Scanlon, Eamon.</i>		
<i>Sherlock, Sean.</i>		
<i>Shortall, Róisín.</i>		
<i>Smith, Brendan.</i>		
<i>Stanton, David.</i>		
<i>Zappone, Katherine.</i>		

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

Question declared carried.

### **Local Government (Restoration of Town Councils) Bill 2018: Second Stage (Resumed) [Private Members]**

The following motion was moved by Deputy Brendan Howlin on 26 September 2018: “That the Bill be now read a Second Time.”

Debate resumed on amendment No. 1:

To delete all words after “That” and substitute the following:

“Dáil Éireann declines to give the Local Government (Restoration of Town Councils) Bill 2018 a Second Reading in order that the issue of town councils can be considered in the context of the report ‘Municipal Governance – Districts, Towns and Local Electoral Areas’ on potential measures to boost local government leadership and accountability, and to ensure that local government funding, structures and responsibilities strengthen local democracy, including the issues of town or borough council status and reduction in the size of local electoral areas, which is currently under consideration by the Oireachtas Joint Committee on Housing, Planning and Local Government.”

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

**An Ceann Comhairle:** I must deal with a postponed division on amendment No. 1, in the name of the Minister of State at the Department of Housing, Planning and Local Government, to the Local Government (Restoration of Town Councils) Bill 2018. On the question, “That the amendment be made,” a division was claimed. In accordance with Standing Order 70(2), that division must be taken now.

Amendment again put:

<i>The Dáil divided: Tá, 44; Níl, 71; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Bailey, Maria.</i>	<i>Aylward, Bobby.</i>	
<i>Barrett, Seán.</i>	<i>Barry, Mick.</i>	

*Dáil Éireann*

<i>Breen, Pat.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Brophy, Colm.</i>	<i>Brassil, John.</i>	
<i>Bruton, Richard.</i>	<i>Broughan, Thomas P.</i>	
<i>Byrne, Catherine.</i>	<i>Browne, James.</i>	
<i>Canney, Seán.</i>	<i>Buckley, Pat.</i>	
<i>Carey, Joe.</i>	<i>Butler, Mary.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Byrne, Thomas.</i>	
<i>D'Arcy, Michael.</i>	<i>Cahill, Jackie.</i>	
<i>Daly, Jim.</i>	<i>Calleary, Dara.</i>	
<i>Deering, Pat.</i>	<i>Casey, Pat.</i>	
<i>Doherty, Regina.</i>	<i>Cassells, Shane.</i>	
<i>Doyle, Andrew.</i>	<i>Chambers, Lisa.</i>	
<i>Durkan, Bernard J.</i>	<i>Collins, Joan.</i>	
<i>English, Damien.</i>	<i>Collins, Michael.</i>	
<i>Fitzgerald, Frances.</i>	<i>Collins, Niall.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Connolly, Catherine.</i>	
<i>Flanagan, Charles.</i>	<i>Coppinger, Ruth.</i>	
<i>Griffin, Brendan.</i>	<i>Doherty, Pearse.</i>	
<i>Halligan, John.</i>	<i>Dooley, Timmy.</i>	
<i>Harris, Simon.</i>	<i>Ellis, Dessie.</i>	
<i>Heydon, Martin.</i>	<i>Ferris, Martin.</i>	
<i>Kehoe, Paul.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Kyne, Seán.</i>	<i>Fleming, Sean.</i>	
<i>Madigan, Josepha.</i>	<i>Gallagher, Pat The Cope.</i>	
<i>McEntee, Helen.</i>	<i>Grealish, Noel.</i>	
<i>McGrath, Finian.</i>	<i>Haughey, Seán.</i>	
<i>McHugh, Joe.</i>	<i>Healy, Seamus.</i>	
<i>McLoughlin, Tony.</i>	<i>Howlin, Brendan.</i>	
<i>Moran, Kevin Boxer.</i>	<i>Kelleher, Billy.</i>	
<i>Murphy, Dara.</i>	<i>Kelly, Alan.</i>	
<i>Murphy, Eoghan.</i>	<i>Kenny, Gino.</i>	
<i>Naughten, Denis.</i>	<i>Kenny, Martin.</i>	
<i>Naughton, Hildegard.</i>	<i>Lawless, James.</i>	
<i>Neville, Tom.</i>	<i>Lowry, Michael.</i>	
<i>Noonan, Michael.</i>	<i>McConalogue, Charlie.</i>	
<i>O'Connell, Kate.</i>	<i>McDonald, Mary Lou.</i>	
<i>O'Dowd, Fergus.</i>	<i>McGrath, Mattie.</i>	
<i>Ring, Michael.</i>	<i>McGuinness, John.</i>	
<i>Rock, Noel.</i>	<i>Mitchell, Denise.</i>	
<i>Ross, Shane.</i>	<i>Moynihan, Aindrias.</i>	
<i>Stanton, David.</i>	<i>Moynihan, Michael.</i>	
<i>Zappone, Katherine.</i>	<i>Munster, Imelda.</i>	

27 September 2018

	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Murphy, Catherine.</i>	
	<i>Murphy, Eugene.</i>	
	<i>Nolan, Carol.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Brien, Jonathan.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Keeffe, Kevin.</i>	
	<i>O'Loughlin, Fiona.</i>	
	<i>O'Reilly, Louise.</i>	
	<i>O'Rourke, Frank.</i>	
	<i>Ó Broin, Eoin.</i>	
	<i>Ó Caoláin, Caoimhghín.</i>	
	<i>Ó Laoghaire, Donnchadh.</i>	
	<i>Ó Snodaigh, Aengus.</i>	
	<i>Penrose, Willie.</i>	
	<i>Pringle, Thomas.</i>	
	<i>Quinlivan, Maurice.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ryan, Brendan.</i>	
	<i>Ryan, Eamon.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Sherlock, Sean.</i>	
	<i>Shortall, Róisín.</i>	
	<i>Smith, Brendan.</i>	
	<i>Stanley, Brian.</i>	
	<i>Tóibín, Peadar.</i>	

Tellers: Tá, Deputies Joe McHugh and Tony McLoughlin; Níl, Deputies Brendan Ryan and Willie Penrose.

Amendment declared lost.

Question, "That the Bill be now read a Second Time", put and agreed to.

### **Local Government (Restoration of Town Councils) Bill 2018: Referral to Select Committee [Private Members]**

**Deputy Brendan Howlin:** 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.

*Sitting suspended at 1.30 p.m. and resumed at 2.10 p.m.*

### **Children's Health Bill 2018 [Seanad]: Second Stage**

**Minister for Health (Deputy Simon Harris):** I move: "That the Bill be now read a Second Time."

I am delighted to be here today to introduce the Children's Health Bill to this House. Last week, the Bill completed its passage through the Seanad and I sincerely thank all the Senators who made valuable contributions to the debate on this Bill. I also thank the Oireachtas Joint Committee on Health for undertaking pre-legislative scrutiny on the general scheme of the Bill last October and for its general support of the overall aims of the Bill.

The background to this Bill is the well-accepted need and long-held ambition to significantly enhance paediatric services for all the children of Ireland. In 2006, the Health Service Executive, HSE, published Children's Health First, which outlined that there was compelling evidence for one national specialist paediatric hospital based in Dublin, which would also provide all the less complex hospital needs of children in the greater Dublin area. The report underlined the need for access to urgent care centres in Dublin in addition to the proposed hospital. The establishment of the new children's hospital provides a unique opportunity to introduce a new model of care for all paediatric services. This is really important and we are not just building a new hospital, as it must enable a new model of care allowing us to tackle current and future challenges in child health. A network of care will be established throughout the country, reaching every community in Ireland through regional centres in Cork, Limerick and Galway. Under this new model service providers will work together to ensure the standard of care will be the same whether it will be in the new children's hospital, a regional unit or in the two paediatric outpatient and urgent care centres in Connolly or Tallaght.

Paediatric services in Dublin are currently provided by three separate hospitals, namely, Our Lady's Children's Hospital in Crumlin, Temple Street Children's University Hospital and the paediatric service at Tallaght. All three hospitals have a proud tradition of caring for our children and families over many years, which I acknowledge with gratitude. Importantly, all three fully support the development of the new children's hospital as a world class national hospital playing a central role in serving an integrated clinical network for paediatrics in Ireland. Currently, the three children's hospitals are voluntary hospitals with their own boards and the integration and oversight of services of the three hospitals is managed by the children's hospital group board, an administrative board. However, providing services under the same roof in the new facilities but not under the same governance structure would clearly not be feasible. The staff and services of the existing hospitals need to come together under one single governance and management structure, hence this important legislation. Operational and cultural integration of three organisations is complex and challenging and needs to happen well in advance of the transition to new facilities. Creating this new entity with single governance and management as early as possible is essential to support this complex integration programme.

Under the Bill, the board of the children's hospital group, which includes representatives

of the three hospitals' boards, will become the first board of the new entity, thereby providing continuity in overseeing the important integration work. Establishing the legal entity as soon as possible, creating a virtual single hospital across three sites, will support service reorganisation and reconfiguration generally across the three hospitals where that can improve access, quality and cost-effectiveness in advance of the move to the new facilities.

As my colleague, the Minister of State, Deputy Catherine Byrne, said on Second Stage in the Seanad, in drafting this legislation we need to achieve the integration of the three children's hospitals in Dublin in a way that respects the values and cultures of each while creating a new entity with the effective governance and accountability required to ensure that the State's capital and revenue investment in this project delivers the benefits required for children and young people. We are making a massive €1 billion investment in children's health, which is right and proper, but we must ensure we have those governance and accountability structures to oversee it. I commend the three children's hospital boards and the children's hospital group board for their tremendous work and dedication to the progress being made to this project.

The approach in drafting the Bill has been to establish a distinct body with appropriate governance to take over the services currently provided by the three hospitals and to have a leadership role nationally in the implementation of the national model of care for paediatrics and neonatology. Like the existing children's hospitals, it will operate as a provider of services under section 38 of the Health Act 2004. In other words, it will be funded by the Exchequer through the health Vote. The functions of this new entity, children's health Ireland, will include planning, delivering and developing acute paediatric services as part of an integrated clinical network of paediatric care. The new entity will run the new children's main hospital and centres at Connolly and Tallaght when they are built. Before that, it will run the services on the existing sites at Tallaght, Temple Street and Crumlin.

The new entity will need to work closely with paediatric service providers in other hospitals across the country, in the primary care system and in the community. Accordingly, it is given broadly worded functions that provide clarity, authority and certainty relating to its leadership role nationally in paediatric healthcare and the national model of care. It will deliver on its remit for education, research, philanthropy and advocacy on behalf of children's health care in this country.

The new entity will be led by a 12-member competency-based board appointed by the Minister for Health, the first of which, as I stated, will be the board of the children's hospital group.

The Bill gives the board sufficient autonomy to make and implement the decisions required in order to effectively carry out its remit as a State body, subject to the high standards of corporate governance and accountability required of all State bodies.

The three hospitals coming together under this Bill have different legal forms and the provisions in the Bill relating to their transfers are, accordingly, slightly different. Our Lady's Children's Hospital and the Children's University Hospital Temple Street are established under the Companies Act - Temple Street as a subsidiary of the Mater Misericordiae and Children's University Hospitals Limited. Tallaght Hospital is a body corporate under charter and ministerial order.

As they are funded as section 38 bodies, the hospitals' employees are classified as public servants, subject to standard salary scales for the health sector and with access, in the main, to

a public service pension scheme. The Bill provides that employees will transfer on existing rights and entitlements. As stated above, the proposed new entity will also be a section 38 body.

The Bill recognises the historical voluntary ethos of the three hospitals. For example, in line with their current practice, board members of the new entity will not receive fees. The Bill provides that the board of the new entity will nominate eight out of the 12 board members and the chairman of the board will be elected by the board.

Members may recall that I announced earlier this year that the new entity would not be called “Phoenix Children’s Health”. The legal name “Children’s Health Ireland” reflects the object and functions of the new entity. However, it is considered that it may be useful for it to also have an operational name or, if we call it that, a brand name. We are not making any decisions on that name in this Bill. The Department is engaging with the Children’s Hospital Group on arrangements for a new process to agree an operational name which would then be endorsed by Government. While ensuring wider consultation, this new process will acknowledge some of the work undertaken, particularly the valuable input of staff, patients, services users and the Youth Advisory Council. Members may have particular views on the operational name and I can assure the House that there will be opportunities to contribute to the naming process. Indeed, I would welcome the Members’ views.

A two-step commencement approach is planned. It is proposed to establish children’s health Ireland and its board before the end of 2018, and on 1 January 2019 proceed to transfer the three hospitals to the new entity. The transfer is best made at beginning of the year for a variety of technical and financial reasons. However, the transfer will be subject to the completion of the necessary preparations and confirmation by the new board that it is satisfied it has the necessary structures and processes in place for a safe transfer day.

I will now summarise the main provisions of the Bill, which consists of 67 sections contained in 9 Parts. Part 1, the preliminary and general part, provides for the Short Title of the Bill, definitions and administration costs. Part 2, establishment and functions of children’s health Ireland, provides for establishment day and sets out the object and functions of the new entity. These have been well described already by me. It will be able to form or acquire subsidiaries or other corporate vehicles for limited reasons and only with the approval of the Minister for Health and the consent of the Minister for Public Expenditure and Reform. It may acquire and dispose of lands, borrow, and accept gifts. Part 3, the board of children’s health Ireland, relates to the composition, role and *modus operandi* of the board. It will be, as I have said, a competency-based board. It is essential that we have such a board with the range of experience and skills to oversee the delivery of these services.

Of particular note is the method of appointing members of the board. The first board will be the board of the Children’s Hospital Group. Half, in other words, six members, will serve for three years and six for five years thereby ensuring continuity on the board. When the term of office of the six members appointed for three years expires, they will be reappointed or replaced on the basis of two chosen by the Minister, and four nominated by the outgoing board, similarly with those appointed for five years, and so on every two years thereafter. While the Bill does not provide for nominations by professional bodies, this is not to say that members of those bodies may not be members of the board at any given time through the variety of processes available. However, employees of the new entity cannot be members of the board. Board and board committee members may be paid expenses, but not fees. This is in line with the voluntary ethos of the three children’s hospitals.

Part 4, which relates to the chief executive officer and employees of children's health Ireland, provides that the CEO will be appointed by the board, with the consent of the Minister, and can be required to appear before the Committee of Public Accounts, which is an essential component of public accountability. The CEO of the Children's Hospital Group immediately before establishment day will be the first CEO of the new entity. The superannuation provisions provide continuity for staff of the three hospitals - employees eligible for the single public service pension scheme will be members of that scheme and all other employees will remain or become members of the voluntary hospital superannuation scheme.

Parts 5 to 8, inclusive, relating to transfers of the three hospitals and the HSE to the new entity are quite similar, and I will summarise them together while drawing attention to some particular issues. These Parts contain standard provisions for the transfer of employees, property, rights and liabilities, contracts, agreements and records of Crumlin and Temple Street, and such as may be agreed or designated for transfer from Tallaght Hospital and the HSE to Children's Health Ireland.

Of note is that land and buildings are transferring to the new body only from Crumlin Hospital. Temple Street University Hospital does not own the land and buildings it occupies in Temple Street. It is owned by a holding company - The Mater Misericordiae and the Children's University Hospitals Limited - and, of course, there is no land to transfer from Tallaght Hospital which will continue in existence as an adult hospital. No decision has been taken yet as to what will happen to the sites when the services move out in 2022.

After the transfer to the new entity, Crumlin and Temple Street companies will be wound up by their directors under the provisions of the Companies Act 2014. As directors will no longer have the indemnity they would have enjoyed had the companies remained in existence, the Bill empowers the Minister of the day to indemnify past directors of Crumlin and Temple Street hospitals post wind-up where a director has discharged in good faith his or her duties in pursuance of the functions of the company concerned.

In relation to Tallaght, I will in time bring a motion before the Houses to move an order to amend the Tallaght charter consequent on the transfer of Tallaght's paediatric services to the new entity.

Part 9, the National Paediatric Hospital Development Board, provides for a number of amendments to the order under which the National Paediatric Hospital Development Board was established, and for the dissolution of that board in due course.

The statutory instrument is updated consequent on the establishment of children's health Ireland. For example, it substitutes children's health Ireland for the three children's hospitals in articles providing for consultation on the development of the new facilities, and amends the appointment process to the board to better reflect its role of constructing, equipping and furnishing the new facilities. Section 67 provides that the members of the board in office immediately before the section is commenced shall cease to hold office, thereby allowing for the appointment of a board under the new process.

In addition, the Bill provides that the board may plan, equip and furnish the maternity hospital to be located on the St. James's Hospital's campus next to the new children's hospital. However, this function will only be commenced if a future decision is taken that the board is the appropriate body to do this. It makes sense, I suppose, to future-proof as we bring this legisla-

tion forward.

The new children's hospital will be a world-class facility to care for children and young people from all over this country who are in need of specialist and complex care. I am so excited about this project. So many people have been waiting so long for this. Developing a new national children's hospital has been debated in this country for an awful long time. There is an entire generation of children who could have benefitted from a new national children's hospital who have grown up during the time people were debating the site, the location, the name and many other matters. We now need to get on and build it. That work is under way.

There is a considerable body of work that has been undertaken over the past number of years by a dedicated team of officials in my Department, by the existing three children's hospitals, both staff and boards, by the children's hospital development board and by the Children's Hospital Group and I thank everybody for that work.

We will move from a situation where we have good care in our children's hospitals today - I do not take that away from those hospitals in any way, shape or form - in antiquated facilities, a situation where mums and dads, if they are lucky, sleep on the floor beside the bed of their sick child. We have hospitals where children spend very significant amounts of time when they have complex medical needs and it is important that we can provide them with world-class facilities. It is also important when we build a new hospital that we aspire for that hospital to be world class in terms of the recruitment and retention of some of the best healthcare professionals that we ever could wish to see working in our health service.

The development of this hospital is a massive development for healthcare but it is also a massive investment in children. It is right that we invest in children who make up a third of the population - I know we all agree on that, right across this House and this country.

I am confident that the new facilities, along with the two outpatient and urgent care centres at the Connolly and Tallaght hospital campuses, will radically improve the quality of service for patients for years to come. Not all roads lead to Dublin and it is important, in debating this Bill, that we also talk about the regional units and that there will be a new model of care to look after every child in this country in the best possible way in meeting his or her medical needs regardless of what part of the country we live in.

I am pleased to bring this Bill before the Dáil and look forward to hearing the contributions throughout Second Stage. I hope this Bill can see speedy passage through these Houses.

**An Leas-Cheann Comhairle:** As the Members will be aware, the Order of Business is that at 2.30 p.m. we must interrupt this debate to deal with the motion regarding proposed approval by the Dáil of a proposal for a regulation of the European Parliament and of the Council establishing the internal security fund. I will call Deputy Rabbitte after that 45-minute debate.

Debate adjourned.

## **Ábhair Shaincheisteanna Tráthúla - 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 Jackie Cahill, Mary Butler and John Brassil - to discuss the proposed changes to working practices of pharmaceutical assistants; (2) Deputy Mick Wallace - to discuss the need for Ireland to end all trade restrictions with Iran; (3) Deputy James Browne - to discuss the use of 076 prefix telephone numbers for HSE services; (4) Deputy Peadar Tóibín - to discuss difficulties in the GP system; (5) Deputy Brian Stanley - to discuss funding for the “SOSAD” support charity service in Tullamore, County Offaly; (6) Deputy Charlie McConalogue - to discuss the factory prices being paid to beef farmers; (7) Deputy Thomas Byrne - to discuss the State Examination Commissions appeal process; (8) Deputy Robert Troy - to discuss assessment of properties for connection to broadband services; (9) Deputy Gino Kenny - to discuss the Government’s programme for access to medicinal cannabis; (10) Deputy Clare Daly - to discuss the coastal impact of the greater Dublin drainage project; (11) Deputies Joan Collins and Richard Boyd Barrett - to discuss the recent RTB rent index report; and (12) Deputy Eugene Murphy - to discuss SNA posts for children with autism in the Roscommon-Galway constituency;

The matters raised by Deputies Jackie Cahill, Mary Butler and John Brassil, Brian Stanley, and Thomas Byrne have been selected for discussion.

### **Regulation establishing Internal Security Fund: Motion**

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

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

Proposal for a Regulation of the European Parliament and of the Council establishing the Internal Security Fund,

a copy of which was laid before Dáil Éireann on 9th July, 2018.

Over recent years, security threats have intensified and diversified in Europe. They are increasingly cross-border in nature meaning that member states must co-operate. The European budget can support member states as they work to keep Europeans safe and, together, build a Union that is resilient to future security challenges and is better equipped to respond to emergencies.

The objectives of the internal security fund are based on the scope of its predecessor instruments, including the instrument for police co-operation, preventing and combatting crime and crisis management, ISF-P, which was established by EU Regulation No. 513/2014 and formed part of the internal security fund in the period from 2014 to 2020.

Ireland participates in the current ISF-P, which will be replaced by this regulation. The ISF has enabled high-volume investments, especially in IT systems, from which Ireland has benefited - for example Ireland's connection to the fixed Interpol network database, FIND, for linked member countries to access Interpol's global databases. The ISF fund has also been utilised to help establish Ireland's passenger information unit as part of our compliance with the passenger name record EU Directive No. 681/2016. For the current ISF, An Garda Síochána acts as both the responsible authority and the audit authority. My Department regularly reviews expenditure under the current ISF fund in Ireland through the ISF monitoring committee. The committee meets quarterly and is comprised of officials from both my Department and An Garda Síochána.

The future ISF structure will contain a single general objective, namely, to contribute to ensuring a high level of security in the Union, in particular by tackling terrorism and radicalisation, serious and organised crime and cybercrime and by assisting and protecting victims of crime. This reflects the Union's security policy. The overall objective is supplemented by the following three important horizontal objectives: first, to increase the exchange of information among member states' law enforcement and other competent authorities and other relevant European Union bodies, as well as with third countries and international organisations; second, to intensify cross-border joint operations among member states' law enforcement and other competent authorities in relation to serious and organised crime with a cross-border dimension; and, third, to support efforts at strengthening the capabilities in relation to combatting and preventing crime including terrorism in particular through increased co-operation between public authorities, civil society and private partners across the member states.

The proposal aims to address the need for greater flexibility in managing the future fund. A new thematic facility comprising €1 billion will be allocated periodically allowing the funds to, at the initiative of the Commission, support targeted actions by member states and allow for a rapid response to immediate security challenges or emergencies. Funding under the thematic facility will be in line with the objective of the proposal, that is, increased exchange of information, law enforcement cross-border co-operation relating to serious organised crime, and strengthening capabilities to prevent crime including terrorism.

Allocations under the future internal security fund will be based on a 60:40 split. Approximately 50%, or €1.25 billion, will be allocated to member states initially, with a later mid-term allocation of 10% or €250 million. The remaining 40%, or €1 billion, will be assigned to the new thematic facility.

Each member state will receive a one-time fixed amount of €5 million to ensure a critical mass at the start of the programming period, plus an amount varying according to a distribution key weighted on the following criteria: 45% in inverse proportion to gross domestic product; 40% in proportion to the size of the population; and 15% in proportion to the size of the territory.

Under the current ISF police fund, approximately €9 million was allocated to Ireland to fund nine programmes. I welcome the increase by a factor of 1.8 of the funding available to member states' national programmes and expect that Ireland's allocation will similarly increase. A precise figure can only be determined by the information available in 2020. This will also depend on the types of projects pursued by An Garda Síochána under the fund, participation in specific actions which are eligible for additional allocations, and on the mid-term review in 2024.

The proposal does not present any fundamental policy difficulties for Ireland, and the Office

of the Attorney General has advised that it sees no legal impediment to opting into this proposal.

I strongly believe that Ireland should participate in the adoption and application of each of these proposed measures. In doing so, Ireland will be in a position to benefit from financial assistance in pursuit of the various forms of police co-operation to which the proposed measure relates. Our participation will also enable Ireland to have a say in their final content, including particular budgetary allocations within and between each measure. Opting in now does not necessarily imply that all elements of the proposal are completely acceptable to Ireland, but simply that we support the substance of the proposals and wish to participate in their negotiation and adoption. Opting in now will lend weight to any policy positions that we may take during the negotiation process and will allow us to maximise our influence on the final shape of each of these regulations.

**Deputy Jim O’Callaghan:** The Lisbon treaty was a lengthy and complicated process, particularly in this country. The treaty is a lengthy document with a series of protocols attached to it. One is Protocol No. 21 which deals specifically with entitlements that Ireland and the United Kingdom have with respect to certain issues concerning justice and home affairs. It shows how on matters of justice and home affairs in Europe, Ireland and the United Kingdom shared many views, partly because we are both common law jurisdictions.

Article 3 of Protocol No. 21 provided that Ireland and the United Kingdom could opt out of certain issues and provisions in respect of justice and home affairs. Subsequently, within the Irish legal process, we determined that if we wanted to be part of European Union justice and home affairs issues, there would have to be a vote of the Oireachtas. It shows that there is still democracy within the European project. Sometimes people complain that decisions are made by European bureaucrats in Brussels but at least here elected representatives have the opportunity to vote on the issue. The issue before us here is whether we should opt in to the regulation regarding an internal security fund. The name might be frightening to some, but it should not be. Fianna Fáil will support the proposal that we opt in to the process.

The fund is designed to deal with issues concerning terrorism and organised crime. Some may believe that some causes of terrorism relate to policies carried out by European Union countries themselves, and they may be correct in that, but that does not make anyone entitled to take another person’s life. It does not give any organisation the authority to state it represents a political movement and as part of that will attack or kill people. For many years, this country saw how senseless that ideology was. Some people still think that this ideology is appropriate to secure the reunification of the national territory but it is not. To launch a campaign of violence against unionists is not a method by which we can attract them into a united Ireland. Unfortunately, terrorism and organised crime still exist in this society and throughout Europe. The people in the Bataclan theatre in November 2015 were victims of terrorism, as were the people on Westminster Bridge and in other areas of London in 2017. We must recognise that people in this country and elsewhere are entitled to be protected from terrorism. They are also entitled to have their lives protected from organised crime. In a civilised and organised society they ask their police forces to do that. Particularly in light of Brexit, it is crucial that there be increased co-operation between police forces in the European Union. We will lose Britain from the European Union in March next year, so increased co-operation with our European partners in investigation on terrorism and organised crime is more important than ever. I and other Members have spoken many times in this House of the need for increased resources for An Garda Síochána. This is an opportunity for it to receive greater resources from the European internal security fund. It is clear that some €1 billion of the fund of approximately €2.5

billion will be invested in what has been referred to as a thematic facility. I asked the Minister questions about this thematic facility yesterday. I do not know where it is going to be based.

**Deputy Charles Flanagan:** Brussels.

**Deputy Jim O’Callaghan:** I am supportive of it, but we need further information on it. Some €1.5 billion will be distributed to member states. I hope we will get a significant amount of that. The Minister has said that the distribution of this part of the fund will not be determined until 2020. I expect, on the basis of the information that was given to us yesterday, that we will receive a significant amount. It will be based on the size of our GDP, our population and our territory. Anyone who is interested in getting funding and resources for the members of An Garda Síochána and other police forces around the world as they seek to fight organised crime and terrorism should welcome this initiative. The role played by EU military countries around the world is a separate issue. We should be independent enough to be capable of criticising those countries if necessary. That does not justify people launching physical armed attacks against citizens and other individuals in this country and other countries.

**Deputy Donnchadh Ó Laoghaire:** Before I address the substance of this proposal, the importance of co-operation between states, Governments, police forces and security organisations is evident if we are going to tackle serious crime, threats to society and international terrorist organisations. There is scope for significant co-operation. While there has not been an incident of this nature in Ireland in recent years, we would be naive to believe that Ireland could not be subject to an attack or to threats on Irish life.

The proposal before the House has two different elements. The first portion of the overall pot of €2.5 billion is a fund from which governments will have discretion to draw down money. In the case of Ireland, An Garda Síochána will be able to draw down money from this fund to aid its operations and resources, etc. This is reasonable and I do not have a particular difficulty with it. As I am agreeable to this proposal, we will not oppose it. However, we will not support it because we have significant reservations about the second aspect of it. The Minister has outlined on two occasions that he has reservations and concerns about the second part of this proposal, which relates to a €1 billion thematic fund, and I have similar concerns. This fund differs from the previous ISF proposal - the ongoing project - insofar as it proposes to increase the flexibility of the fund to accommodate targeted actions agreed by the European Commission. Clarity is still required in respect of this aspect of the matter. If the Minister can address it, he should do so. Will member states be required to go to the Commission with proposals for approval, or will proposals be initiated by the Commission? There is a significant difference between those two approaches.

I would also like to raise questions about the overlap between this part of the fund and the Common Security and Defence Policy, Frontex and the integrated border management fund. As a political party, Sinn Féin has reservations about areas of the Common Security and Defence Policy, which would have implications for Irish political and military neutrality. Such issues need to be addressed. I hope the Minister follows through on the reservations and concerns he has expressed about them. There will be negotiations, as the Minister outlined. I hope he takes a robust position in ensuring this fund is applied in a discrete manner and is not used to further whatever end the Commission desires. I refer, for example, to the possibility that a much broader remit will be sought for defence or common security and military ends. That needs to be avoided.

I have set out my reservations about the second part of this proposal, which is inadequately fleshed out. There is a need for further clarity and transparency. However, we will not oppose this measure because the first part of it is important so that An Garda Síochána is able to draw down the resources it requires to tackle domestic and international crime and co-operate with other relevant international policing and security organisations. It is in that context that we have decided not to oppose the motion before the House. The Minister needs to address the concerns I have raised on the floor of the House and in Europe.

**Deputy Clare Daly:** I would like to share time with Deputy Wallace. The Minister said at yesterday's meeting of the Joint Committee on Justice and Equality that the ISF will be used for things like automatic facial recognition, information sharing between EU states, advance security at airports and surveillance. This type of thing should send a shiver down the spine of anybody who gives a hoot about civil liberties. The Minister went on to say that he is keen for Ireland to play a full role in that sort of stuff. He described it as the "best practice" in the war against terror. I have to break it to him that this kind of trampling on civil liberties and this kind of security lunacy is the terror with which we should be at war. None of the nonsense that has been pursued since the Americans invented this concept 20 years ago is making any of us safer. Instead, it has made us vastly more insecure, frightened and uneasy. It has killed hundreds of thousands of desperate refugees in the Mediterranean Sea. It has invaded the private spaces and private lives of innocent citizens across the bloc.

Just under €11 billion is being spent on security in the EU between 2014 and 2020. Approximately €6.9 billion of this is being spent between the ISF and the asylum, migration and integration fund, the latter of which falls under the heading of security, which is inevitable in light of the EU's weaponised racism. A further €1.7 billion is being spent on the European security research project and €2.4 billion is being spent on EU home affairs agencies such as Europol and Frontex. Now the Government wants us to give the nod to a proposal which would double the ISF. Indeed, the EU's stated position is that it will double funding across the board on all of its security programmes. This is completely and utterly ineffective. If the western powers and the EU are serious about combatting terrorism, they will stop backing states that have wreaked war and destruction in the Middle East. It is reprehensible that we are here. Contrary to what Deputy O'Callaghan said, this is not a testament to our democracy. We would not even be discussing this if we had not kicked off at this week's committee meeting. Where are the so-called civil libertarians in the left-wing groups and the Social Democrats? Nobody is paying attention to these issues. People will wake up in years to come, when public money is being spent on the security industry and the weapons are being turned in, but it will be too late.

**Deputy Mick Wallace:** The Minister told the Joint Committee on Justice and Equality yesterday that Ireland's participation in the current ISF, which started in 2014 and will run until 2020, "has enabled high-volume investments, especially in IT systems, from which Ireland has benefitted". He also said "An Garda Síochána acts as both the responsible authority and the audit authority" for the expenditure of the internal security fund. Alarm bells ring when we hear IT systems, An Garda Síochána and audits being mentioned in the same sentence.

As I have pointed out on multiple occasions, there are serious problems with the functioning, value for money and procurement of the Garda's IT systems. I would like to ask a question about EU funding. Will the Minister confirm whether all external expenditure from the ISF between 2014 and 2020 was tendered for? An audit of Garda IT expenditure that was carried out in 2017 warned that the lack of expenditure controls may not satisfy the European Commission. In April of this year, I asked the Garda chief administrative officer, Mr. Joe Nugent,

about certain EU projects that had been awarded to Accenture. I referred specifically to the EURODAC project in 2016, the Prüm project in 2017 and the Schengen information project in 2016. Mr. Nugent confirmed that neither the Prüm project nor the EURODAC project had been tendered for. It is not 100% clear whether this funding came from the ISF or from another EU fund. Will the Minister confirm which fund it came from? Is he concerned that we are using EU funding for IT systems without tendering for those projects.

When Deputy O'Callaghan addressed the House on behalf of Fianna Fáil, he said that the people in various places in Europe that have been attacked by terrorists are entitled to be protected. I am not one bit surprised by the Fianna Fáil position. I am a bit disappointed that Sinn Féin is not opposing this motion because I believe it is absolute rubbish. Does Fianna Fáil believe the people of Iraq, Afghanistan, Yemen, Palestine and Syria are not entitled to have their lives protected? We are doing the opposite of protecting these people. One reason for the terrorism in Europe in the past couple years is that we are bombing the living daylight out of these communities.

In a survey in Paris about three months after the attacks in that city, the French people indicated by way of a huge majority that they wanted the French Government to stop bombing the homes of people in Muslim countries. Every time one drops a bomb on these people, it makes matters worse. The European Union seems okay with it. The Irish Government does not seem to have a problem with it either given that it allows the US military to use Shannon Airport. We are facilitating the dropping of bombs on people. More than 33 million people have been displaced by bombing, mostly driven by the United States and supported in the main by France and Britain. Unfortunately, we are also complicit. If we want to stop terrorism in Europe, why not stop bombing homes? Every time one drops a bomb and kills a member of a family, one inspires 20 to 30 individuals who are prepared to die for a ridiculous cause. We do not agree with any form of terrorism. We want the people of Europe to feel safe. One of the best ways of doing that is to stop bombing these people.

**Deputy Eamon Ryan:** I was following the debate from my office and I listened with interest to the various speeches. Our party will not be voting for the motion. Our position is along the lines of that expressed by Deputies Clare Daly and Mick Wallace, namely, that the best contribution we can make to countering terrorism, which I understand is the key objective in the establishment of the fund and the distribution of moneys, is to use the position we have - a very good position - in our relationship with people in the Middle East, particularly the Arab world. Yesterday, along with the Ceann Comhairle, a delegation met an Egyptian parliamentary delegation. It was here because we visited Egypt last year. At the sideline meeting, I happened to meet the Sudanese and Moroccan ambassadors and a number of others from the Middle East. I was reflecting that the only way of developing a long-term secure relationship between Europe and the Middle East, which is the area of concern, is through the diplomatic and political culture we bring to the relationship. We are in a unique position to try to provide a different perspective on what provides security.

While I am a strong supporter of the European Union, I believe it may be making the wrong investment and taking the wrong approach to security, particularly on border control. The way to deal with the very complex and difficult migration problem we face is ensuring security, stability, demographic advancement and the peaceful development of all the countries on our southern border. A security-led approach will not work.

I listened to what Deputy Jim O'Callaghan was saying on fighting terrorism. Have we

learned anything in this country? We have learned that the way to address terrorism is to address the root causes. A security-led approach to the fear and threat of terrorism will be counter-productive. That is not to denigrate the good work of the Garda and the need for it to maintain intelligence and other resources. We are genuinely capable of presenting a different perspective on how to proceed. We will vote on that basis, standing up for investments in overseas aid and really close political dialogue and co-operation, and not holding up our noses to any one regime. It is a matter of trying to listen and of talking to regimes one would not necessarily agree with. One is better to engage in dialogue and peaceful diplomatic processes. That has been the strength of European Union. I fear that while we need to strengthen and develop our Union, the right way is not in radical, rapid, advanced security co-operation, as seen with PESCO and the likes of this fund. There is talk in Europe about even deeper co-operation in a range of areas. We oppose the motion and support an alternative - a positive, more practical and workable approach to the provision of security.

A friend of mine did aid work for many years in Afghanistan. She was working with the American Army there. I asked her what the generals thought. Having been in the country for five or ten years, one general at a high level told her that if he had only 1,000 workers, they would be worth 10,000 marines. That is true. We bring that political perspective. It goes right back to our roots. Irish nationalism was born in the early part of the 19th century. There is a lot in common between Irish nationalism and Arab nationalism. We have that position in place. We can help to address the terrorism issue by applying that thinking rather than going down the route of heavy securitisation.

**Minister for Justice and Equality (Deputy Charles Flanagan):** I thank Members for their contributions. I am pleased to have the opportunity to address the plenary session of the House on this important issue following yesterday's committee deliberations. I understand, however, that it was the Labour Party that was quite vocal in ensuring the Dáil had an opportunity to debate the matter. I did not see its members at the committee meeting. We do not see its members here today either.

**Deputy Clare Daly:** They did not open their mouths so I do not know where the Minister got that from.

**Deputy Mattie McGrath:** Tá siad imithe.

**Deputy Charles Flanagan:** I wish to reiterate the importance of member states working together on areas where co-operation enhances our individual efforts. I say so particularly in light of recent tragedies that have affected European citizens in several member states. That we in Ireland have not been the subject of a terrorist threat does not mean we are in some way immune. I acknowledge the work of the Garda and intelligence organisations, both internally and with our EU colleagues, to ensure the safety and protection of citizens in Ireland and the rest of the Union.

I thank Deputy Jim O'Callaghan, in particular, for his support. To respond to a number of questions he has raised, the office in respect of the thematic organisation will be in the EU Commission office in Brussels from where the fund is disbursed and administered.

*3 o'clock* As far as the working of the thematic facility is concerned, member states will be actively involved in a negotiation process. Member states will set the priorities for the thematic facility, which will be used for specific actions from time to time where the need arises, particularly emergency assistance that may be appropriate.

I acknowledge the concerns of Deputy Ó Laoghaire. I do not believe his concerns warrant an abstention on the part of his party but I assure him on the limited scope of the operation. I refer again to the objectives I mentioned in my opening comments. Any actions with a military or defence purpose, or the purchases of any customs-control equipment, are not ordinarily eligible for support under the fund. I assure the Deputy in that regard.

I do not necessarily agree with the overall perspective shared by Deputy Eamon Ryan. He fails to see a need for organised counter-terrorism policies across the European Union.

I acknowledge the work Ireland does with its EU colleagues in terms of close co-operation in counterterrorism and also Ireland's influence in the broader international arena, with particular reference to the United Nations. Ireland's campaign for a place on the Security Council in 2021-22 is important and I hope that campaign has the support of every Member of the House, including the Green Party and the wider international Green movement. Ireland's soft power internationally is important.

I strongly believe we should participate fully in the adoption and application of each of the proposed measures. In doing so not only will we benefit from the financial assistance in pursuit of the various forms of police co-operation to which the measure relates but also our participation enables us to have a say in their final content.

**Deputy Mick Wallace:** We have no say in military matters. That is a joke. A Leas-Cheann Comhairle, you should pick the Minister up on that.

**Deputy Charles Flanagan:** The cynical laughter of Deputies Clare Daly and Wallace belies Ireland's position. Opting in now will lend weight to any policy positions we may take during the negotiation process.

**Deputy Mick Wallace:** The Minister is only going along for the sandwiches. He will have no say.

**Deputy Charles Flanagan:** I note what Deputy Ó Laoghaire said in that regard. The negotiations are taking place and it is important that we have a seat at the table-----

**Deputy Mick Wallace:** That is a joke. How can the Minister say that with a straight face?

**Deputy Charles Flanagan:** -----in order to maximise our influence in the final shape of the regulations. It is important that we engage in the dialogue to allow us to maximise our influence and to confirm our commitment, as set out in the Lisbon treaty, to a Europe that stands for freedom, justice and security.

**Deputy Mick Wallace:** It bombs the living daylights out of other countries.

Question put.

**An Leas-Cheann Comhairle:** The division is postponed until immediately after the Order of Business on Tuesday, 2 October 2018, in accordance with the order of the Dáil today.

**Children's Health Bill 2018 [Seanad]: Second Stage (Resumed)**

Question again proposed: "That the Bill be now read a Second Time."

**Deputy Anne Rabbitte:** Fianna Fáil supports this Bill. It puts the new national children's hospital on a statutory footing. The Bill is long overdue, having been on the Government's legislation list for three years. It is disappointing that the new children's hospital will not be operational until 2022. When the St. James's Hospital site was chosen in 2012 it was expected that the hospital would be built by now. It is five years since the Higgins report and this is the first hospital to be put on a statutory footing. My local hospital group, the Saolta University Health Care Group, is not on a statutory footing so perhaps the Minister of State, Deputy Jim Daly, will seek clarification from the Minister, Deputy Harris, on when the Government is planning to bring forward legislation to put other hospital groups on a statutory footing. Good corporate governance is important, as was clearly highlighted in the Scally report. We look forward to the HSE board being formed and to legislation being introduced in that regard.

Earlier the Minister referred to two or three issues which I wish to discuss. One was the naming of the hospital. I welcome that there will be a process whereby political parties and the general public can have an input into the naming of the new children's hospital. It was a little premature to name it before there was proper consultation, so many bodies will be happy about that.

With regard to arrangements being made with fast food companies in respect of play or recreational areas within the hospital grounds, I have a clear viewpoint on that. It is hard to have a fast food outlet in a prominent position in a major new innovative hospital if we are promoting healthy living. It should not be done if we are trying to achieve a balance. That is my personal viewpoint although I am sure that when it reaches that stage we will be delighted to see that the hospital is nearing its opening.

It has taken six years for us to get to this stage and, like others, I welcome it. As we have said all along, the most important thing is to get the hospital built. Why is that? The Minister of State is well aware of the waiting lists that have fed into this. There are currently 44,000 children on the waiting lists for Temple Street, Crumlin and Tallaght for various appointments. With regard specifically to cardiology and ophthalmology, there are over 2,000 children waiting for specialised cardiology treatment and 2,277 are waiting for ophthalmology treatment.

I am glad the Minister acknowledged that along with this hospital, which is the subject of this Bill, he is going to look at other centres which he intends to improve. He mentioned Galway specifically and I welcome that. There is a great deal of concern that all roads are going to lead to Dublin and that a regionally balanced approach in respect of caring for children, be it in Galway or Cork, might be forgotten. We must ensure a balance in that regard.

As I said, we support this measure and I wish the staff and the new boards of management, when they are established, the best of luck. Most importantly, we must make every effort to ensure that we meet the final deadline that has been set. That is imperative. We cannot wait any longer. Children have to be front and centre in this. They are our future and we must protect them. Anxious parents need to know that we will have a centre of excellence not just in respect of the quality of care that will be delivered but also in respect of research and the training of the staff there. That will be very welcome. I have nothing further to say aside from wishing everybody the very best of luck.

**Deputy Louise O'Reilly:** I welcome the Bill. I watched with interest how efficiently it passed through the Seanad. Given recent events here it was quite refreshing to see it progressing quite quickly. The Bill relates specifically to the board of the children's hospital but the construction of the hospital is progressing quite well. I wish it every success as it is much needed. I commend the work on the project to date by all those involved, from the Department to those constructing the new hospital as well as those who worked on the legislation. The Bill focuses on the structure of the new board to take over the running of the children's hospital and on the transfer of employees and property rights and liabilities to the new board. The transfer of contracts and provisions for preservation of contracts in this manner is always a tricky thing to do but, having spoken to the workers and members of the unions, I accept there has been some dialogue and engagement.

I wish to raise a number of points and I seek some clarifications which I hope will be provided on Committee and later Stages. First, with regard to the name of the hospital, I ask the Minister to agree to naming the hospital the "Kathleen Lynn Children's Hospital". That name would be recognition of her important role in delivering medical care for the women and children of Dublin, particularly the poor, in her pioneering St. Ultan's hospital, which was only down the canal from the St. James's Hospital site. It also would be appropriate in this commemorative period that her role as a suffragette and a volunteer in the Irish Citizen Army during the 1916 Rising would also be marked. This would be appropriate at the St. James's Hospital site given that it is the site of the republican strongholds during the 1916 Rising in the South Dublin Union. Dr. Kathleen Lynn was a Mayo woman who challenged many of the norms in society at the time in regard to women. She was a suffragette, a fellow of the Royal College of Surgeons in Ireland and the first resident doctor in the Royal Victoria Eye and Ear Hospital. She was instrumental in the roll-out of the BCG vaccine, a soup kitchen worker during the Lock-out of 1913, an Irish Citizen Army volunteer and the officer commanding the City Hall garrison at the end of Easter Week 1916. She also was a prisoner of war, a Deputy, a councillor and the founder of St. Ultan's hospital, where she worked until she was over 80 years of age. There is no more appropriate name for this hospital than the Kathleen Lynn children's hospital. I hope this proposal will at least start a discussion on the naming of the hospital.

On section 6 of the Bill, I suggest that a reference be included therein to medical and health professionals, under objects and functions, ensuring that their well-being is prioritised and that there are no barriers in their way as regards training or services. At a time of crisis among our healthcare professionals, it is imperative that the objects and functions of Children's Health Ireland ensures this.

Section 9 makes provision for borrowing for capital purposes against the income and the assets of the hospital, which I understand. This provision is similarly used by many universities across the State. However, I do not understand why the hospital would need to borrow for current purposes given that the State should be funding the hospital to deliver in line with demand. Hospitals run by the State should be funded for the provision of current services by the State from the Exchequer. If this provision remains in the Bill, any Government can underfund the hospital and instruct it to borrow money to provide paediatric healthcare services. Its inclusion would allow for exploitation, and we should all be wary of this.

Section 8(3) is questionable. It exemplifies what is called "mission creep", which is a gradual shift in objectives, often resulting in unplanned longer-term change. I do not understand why Children's Health Ireland would need to acquire, hold and dispose of shares or other interests in a company, or become a member of a company. The hospital and board has a mis-

sion, namely, to provide paediatric healthcare to children across the State. I do not understand why the board of the children's hospital would need to become a member of a company. The board has the scope under other subsections of section 8 to establish subsidiaries and so forth and it has room to take part in the formation of a company. Therefore, I find it a little curious that Children's Health Ireland would require the power to become a member of a company. I do not feel this is appropriate and there is more here than meets the eye.

As regards the board of the hospital, there could be more of a role for the Oireachtas in this process. There is a history in this State of Ministers appointing to boards people who are completely unsuitable to be members of such boards. To ensure that candidates are satisfactory there may be an oversight role for the Oireachtas in this process. If people have a problem with that, I assume they have a problem with transparency and ensuring accountability. As regards the board, I propose that membership with non-voting observer status be given to a representative of ICTU, a patient advocate and a member of Dublin City Council. Sinn Féin believes that a representative on behalf of ICTU would be important in relaying the concerns of staff across the hospital and would also guarantee a healthy working link between the board and the staff in the hospital.

Dr. Scally has highlighted the need for more patient advocates within the health service and I believe the inclusion of a patient advocate on the board would strengthen the relationship between it and the parents and their children in the hospital. There is a Dublin City Council representative on the current board of Crumlin children's hospital and I believe this practice should be continued. With regard to the current children's hospitals that will move to the new hospital, I would welcome an assurance that the existing facilities will remain in use for health service purposes. Has the Department considered turning the Crumlin site into an elective-only hospital, a step-down facility or to using it for some form of health use given our capacity problems?

On section 24, will subsidiaries be added here in order that the Committee of Public Accounts will have powers to ensure public accountability of the subsidiaries of the children's health board? The Committee of Public Accounts often has been precluded from examining or asking questions in respect of subsidiaries because they are not covered under the legislation which established them. The inclusion of subsidiaries would be both sensible and practical and would ensure transparency when it comes to public moneys.

Sinn Féin supports the Bill and asks that the Minister consider its suggestions prior to Committee Stage. As a former trade union official, I have some experience of what happens in the aftermath of hospitals amalgamation. While this is not an issue material to this Bill it is one that requires consideration. In the amalgamation process in which I was involved, only some staff members were consulted about the process. It appeared to be the case that the higher one's professional grade the greater the level of consultation, despite the necessity for all staff to move. The remaining staff, often referred to as ancillary staff - a term I do not like - were not consulted until close to the end of the process. I do not think this should be allowed to happen. The process needs to be inclusive so that everybody is involved and when the move happens everybody believes they have been consulted and involved in the process.

**Deputy Gino Kenny:** This Bill provides for the transfer of the land, property, rights and liabilities of the three children's hospitals to the proposed body. It is a very technical Bill, which gives continuity to the incumbent Children's hospital group board. I have reviewed the board membership of the national paediatric hospital development board and the Children's hospital group board. As mentioned by the previous speaker, there are not many union representatives,

worker representatives or lay people on those boards, which is an astonishing omission in terms of membership of these boards. I hope that this new board will take cognisance of lay people, union representatives and worker representatives who work in the hospital. The hospital location in the form of the St. James's Hospital site is fantastic and it has been the subject of discussion for a very long time.

I refer to the juxtaposition of the glitter of the new hospital and the manner in which we are treating children in today's Ireland. Like many other Deputies, I have engaged with parents on access to child and adolescent mental health, CAMHS, services and other services. The lack of services is beyond belief. Parents are so stressed and put to the pin of their collar that this is having an affect on both their daily lives and those of their children. These are determined parents who want the best for their children. They have organised into a new group called Enough is Enough, where every voice counts. The Minister of State, Deputy Jim Daly, will be aware of the crisis surrounding assessments of need. Owing to the suspension of the proposed new standard operating procedure, the system is in a mess. I am sure the Minister of State will agree that without diagnosis, children and their parents remain in very difficult situations. The current waiting time for an assessment of need is up to two years, which is unacceptable. Some parents have resorted to paying privately for speech and language services for their children, at a cost of approximately €120 to €140 per week. The Minister of State will, I believe, understand the point I am trying to make. On the one hand we are building a new hospital and new boards are being established and provided with statutory powers while at the same time thousands of children are waiting for elementary services, which are so important to their development, but they are not able to access them. The point I am making is that what is going on in terms of hospital building is in contradiction with what is happening in children's services.

As a member of the Joint Committee on the Future of Mental Health Care, I am aware of the ongoing crisis in our system in terms of staff and so on. I support the Bill. It is important it be progressed quickly, given construction of the new children's hospital was first mooted in 2007. There is a big demonstration called by Enough is Enough on 6 October at 2 p.m. in the Garden of Remembrance for our parents and children who are awaiting vital services. It is important that people who are extremely frustrated by waiting times for their children come to this protest.

**An Ceann Comhairle:** Deputy Mattie McGrath is swapping with Deputy Joan Collins.

**Deputy Mattie McGrath:** Deputy Joan Collins is on her way; she is at another meeting. I am happy to speak on this Bill, which seeks to provide for the enhancement of children's health services and to establish a body that will be known as Children's Health Ireland to plan and deliver paediatric services. Goodness knows that development is needed in that area and we know that the saga of the new children's hospital went on for decades and we still have no deadline for when it will be delivered. I must declare that my late brother was a paediatrician who worked in many hospitals in Ireland and abroad. He finished up working in South Tipperary General Hospital and he was a wonderful advocate for sick children and children with special needs such as dyspraxia, dyslexia and autism. The lack of support services for these conditions causes trauma, pain and anguish to families.

The Minister of State knows better than anyone about this seeing as he has met some parents with me and he has tried to sort out the child and adolescent mental health service, CAMHS, situation in our area and especially in Cork. I would like a progress report on that because the service is not there at the moment. The Minister of State is well aware of my thoughts on this issue of the children's hospital ever since we in the Rural Independent Group tabled a Private

Members' motion on the national children's hospital in late March 2017. As part of the motion, we called on the Government clarify the exact mandate and the statutory and legal standing of the Children's hospital group board and the National Paediatric Hospital Development Board. That matter remained shrouded in vagueness.

I said at the time that it was a national disgrace that the interests and vanities of medical academics, certain third level institutions such our neighbours out the road, Trinity College Dublin, and the political inability to admit a mistake took precedence over the pleas of parents and sick children. Previous speakers talked about the lack of consultation with staff and I agree that there should be meaningful consultation at all levels. It should not be the case that the higher up the pecking order one is that he or she would get more consultation. There should be proper and meaningful consultation and the people who should have been consulted were the sick children's parents and the likes of the Jack and Jill Children's Foundation and other organisations that do so much to fill the gaps and provide some semblance of service for very sick children and babies. "Gaps" is the wrong word to use because it is not a gap; it is wide open. They do not have the services. As Jonathan Irwin so excellently recounts in his tale of when he took his little baby home from hospital, "You are on your own", and it has become much worse in the 20 years since that happened. There is no support for the care of special needs children.

None of the arguments put forward by the Minister of State, the Minister or his party has allayed the fears of the parents of all of these sick children because they are hollow. I saw it here myself when we had a briefing in the audiovisual room. We were being supported on all sides that it was the wrong site but then when the party Whips came in, everything changed and there were only a few of us left standing. However, a wrong decision is never right. The location is not right and will never be right. I do not like to think of sick children in ambulances trying to access that hospital. Deputy Gino Kenny says it is a wonderful development. I have not seen it lately but I know where it is. I have been there and access is just not viable. We had a saga about whether there would be a helipad there and then I found out that the Sikorsky rescue helicopters are unable to land there. They will have to attempt to land on the three or four-storey side of a building. Pure, sheer and utter contempt and madness are being used to justify bad decisions taken by successive Governments.

What is equally galling is that we know that Members in each of the main parties explicitly accepted that this was the wrong site but have somehow convinced themselves that getting the hospital built now is more important than getting it built in the right place. That is sad because it will never be the right place in an expanding and overgrown city. A silk purse cannot be made out of a sow's ear and that is what it is. The staff have to have security going out to their cars at night as well. I am not trying to demonise the people living in that area but that is the sad fact. Nurses have been attacked and threatened on the way to and from work and the car park is not safe.

I asked questions at the time about the tender for the site, the process and the price. I know this from my small amount of experience in construction that the price will double because of the costs of demolition. Nice buildings with heritage value are being demolished but the cost of disposing of them and taking them out along with the noise and the interruptions to a hospital with sick children will be high. The cost of asbestos disposal will also come into it, not to mention the problems with the neighbours who have to be respected. It is difficult to undertake any construction project in the inner city. It doubles the cost because of the lack of landfill space and the legislation that we rightly have around that. We had a greenfield site out the road where anything could have been designed with ample green spaces and therapeutic gardens for sick

children. Instead they will be looking out on concrete all their lives and at the moment they are looking out at cranes, jackhammers, noise, dust barriers and God knows what for the duration of the construction. There will be no outdoor therapeutic space with flowers, fauna, water and everything else that we know is helpful to children with many difficulties.

That should have been thought of as well but the stubbornness and buy-in from some of the medical profession had to have this. When they came in to brief us after they got scared about our motion, I counted them the evening that I was here sitting in the audiovisual room. There were 24 officials of all levels here from the HSE. Why three or four could not come in and tell us what they were doing is beyond me and they did not answer any questions. We thought it was a mighty crowd when we went in but the room was half full if not two thirds full with officials from the HSE along with the consultants who were proposing this. Considering the zeal with which they promoted it, one would wonder what vested interests were there because, as I said, a silk purse cannot be made out of a sow's ear. It will never be the right site and it will never be a site where people can go in with their child or their family and take them out for a stroll in a pram and sit for a while in a nice garden with a nice atmosphere away from noise and the hustle and bustle of the city with their specially trained dogs and everything else with them. We cannot do any of that on this site.

It was totally reckless to carry on the project at all costs. After many years of delay and threats of court action the people from Connolly for Kids came together to try to expose the madness of this project but they were rubbished, vilified and not listened to. The power of the system and senior officials in the HSE was brought to bear against them. Ministers who are afraid to stand up and give proper scrutiny and evaluation of proposals that are brought about by others rather than their own system the HSE and that is why we have it. I was over at the Irish Nurses and Midwives Organisation, INMO, this morning and the people there said that they are never listened to. They go into meetings with the Department of Health and they think that they are getting engagement but the next thing is that the Department of Public Expenditure and Reform just rubbishes it and they do not get listened to. I am an employer myself and if an employer does not listen to its employees, it is on a shaky road because they often have valuable information to impart and it is nice to respect them for their thinking. Deputies mentioned engagement and consultation with them. They should be consulted. They work there and have to drive there. It is their career and their vocation in many cases and they should have been properly listened to but, like many other things in this country today, what is big is wonderful, powerful people get their way and to hell with all ordinary people and their views and ideas even though they make common sense.

The Minister of State was not in the role at the time but he is continuing with this. It is the wrong site and I cannot imagine the disruption that is there at the moment. I have met nurses who cried in front of me and I am sure other Deputies have met them. They told me how long it takes for them to get in and out of work. Some of them have to get up at 5 a.m. They arrive there at 6 a.m. to get ahead of the rush and then sleep in their cars for an hour or an hour and a half. They do it to avoid the rush. It was a crazy decision. I salute Jonathan Irwin and the Jack and Jill Children's Foundation and the other people who led the campaign. They have been crushed but they have not gone away. It will be proven in the fullness of time that they were 100% right. They had no vested interest. They were concerned with the interests of the sickest and weakest children in our State and future generations and nothing else. They did it selflessly. They were joined by some eminent professionals whose names elude me. They came in here and they were vilified and demonised as if they were crackpots. They had experience of build-

ing children's hospitals in other countries. They had experience of these kinds of very delicate developments. This will be one of the costliest in Europe according to the projected figures. I am sure it will be two - if not two and a half - times the price in the contract.

There were questions when BAM got the contract. It had issues straight away. Much negotiation had to take place before a sod was turned or any machinery went on site. I would love to know how it is going on with the quantity surveyors and risk assessors regarding the issues with the structures that had to be removed and the damage done to the structures left behind and the reinforcement which was required. It is a difficult job. We all know, for example, what a major reconstruction of a home can involve. We often ask why we did not just build a new one. Many people look at a greenfield site and they cannot get planning permission so they do up an old house on the farm. They have wide walls and structural problems with roofs and drains, for example. A greenfield site can be adapted by bright and intelligent architects and engineers.

We had the model put before us. We have the space to do what we want. We could have a helicopter pad. A helicopter will have to land elsewhere and the patient will have to be transported by ambulance through traffic on the final leg of the journey. It is daft to have a national children's hospital without a helipad. It would not happen in wartime, when one would be under pressure. The first thing to do is secure the airspace and have some place to get people in and out fast.

The craziness continued and all the assurances of the National Paediatric Hospital Development Board rang hollow for the parents. They still ring hollow and will be proved loud in the fullness of time. It is my great fear we will be back here in a few short years talking about completely avoidable deaths. I do not say it lightly. I am not scaremongering. I fear we will be back here in a few years talking about completely avoidable deaths that unfortunately will have taken place when vulnerable high-risk babies had to travel from rural Ireland or some parts of Dublin to gain access to the congested St. James's site. I met the ambulance drivers and the specialist nurses. The Minister of State met them too. Did he listen to them? In such situations, the nurses scream at the drivers asking how long more when they are clogged up in traffic despite the sirens and Garda escorts. No one listened. That was four and five years ago when traffic was low on account of the downturn in the economy. The nurses were screaming and trying to do their best, for example for a very sick baby transferred from Clonmel, Cork, Donegal or anywhere in the country by ambulance. There was no helipad. These were our children and loved ones and perhaps the family was following behind them in a car or perhaps the mother was with them while the nurse was shouting to the driver, "How long more?" and the driver was in a cold sweat, doing his best. Advanced paramedics do their best to drive in those conditions in no-go areas.

It was madness. It was disgraceful. I do not know how one would describe it. They bulldozed the project through and insisted it go ahead in spite of the parents, the nurses, paramedics and people such as Dr. Finn Breathnach, who had unquestionable expertise in building projects such as this in the UK and elsewhere. It has been brushed under the radar. No doubt there will be more Supplementary Estimates passed to build it. It is draining resources from all the other services. It is reckless spending. One would think there was an unending purse. CAMHS and many other children's services, including orthodontic treatment services, are starved. There are children with all kinds of different issues and there is no place for GPs to refer them onto. Other Deputies referred to the fact that people have to go private when they cannot afford to do so. They have to pay €125 or €150 for a consultation. The CAMHS waiting lists are shocking. There are young adolescent children with mental health issues in the paediatric ward. It is

causing untold trauma to their parents who have to stay with them. We have to hire agency staff to come in and sit with them at night but no one is thinking of their massive trauma. I spoke to the Minister of State and he agreed to intervene for one or two of them but I should not have to speak to the Minister of State and he should not have to intervene. The wonderful paediatric ward in South Tipperary General Hospital won an award last Friday night. No cognisance is taken of the interference and disruption it is causing the other sick children that are in there with medical issues and not mental health issues. One has to ask oneself why 12, 13, 14, 15 and 16 year olds have those serious issues but they have them.

The Minister of State told me that half the beds covering our area in Cork are unopened because of the vagaries of consultants who will not agree and play ball or do their duty. They have a hippocratic oath and a duty. They should cut out the nonsense. The Minister of State told me he was powerless to do anything. I accept that but it should not be the situation in a modern democracy. The buck should stop with the Minister and the red tape should be cut out in this dispute with consultants when sick children with mental health issues are languishing in children's wards. They are adolescents and should not be there at all. It is a terrible situation. It causes trauma for the whole hospital. It causes trauma in the children's ward. Some decisions have been taken lately by the management that they will not take these sick or distressed children anymore. Where will they go? I understand they are not being admitted into the hospital in Tipperary. I do not have proof of that. Where will they go? Their parents are desperate and frightened and they need support. They need psychiatric help. The parents have been traumatised. We are wasting the money. I was told today by the Minister, Deputy Regina Doherty, that the budget will increase by €600 million this year. It increased last year and the year before and we keep increasing it. The result is worse outcomes and fewer outcomes. There are some great outcomes in the HSE but the most vulnerable children of all are being denied access. I do not know what the Minister of State thinks of it but I look forward to his reply.

I hope the day never comes - I fear it will because we have persisted in the madness of pursuing the present location of the national children's hospital - that lives will be lost as a result of the inaccessibility of the hospital and its lack of a helipad. There is some kind of a helipad on the third or fourth floor. I cannot understand why. It will cause noise and disruption to the other sick children in the hospital who should be treated in a tranquil, sanitised, peaceful and calm area. Children love quiet. They love fun and games too but they love the quiet. Sick children are very special to me as they were to my late brother.

I am just saying that the train left the station and nobody had the power or the gumption to stop it. It is almost a full-time job trying to counter the professional spin and aggressive tactics used by the National Paediatric Hospital Development Board to push the project over the line. I salute the foot soldiers, the volunteers, the people who cared and the ordinary people, daoine na hÉireann, the Jack and Jill Children's Foundation and others that came together to form that group. I spent lots of time with them. Nobody wanted to listen. This was a vanity project for some professionals. No doubt the name of the Minister, Deputy Harris, will be on the door but if people cannot get into see it, it is not much good to them.

I have many serious questions on the legality of the National Paediatric Hospital Development Board and I will frame those after I review what the Minister says on the matter. There are serious question marks over the way it was pushed through and the way they would not countenance any engagement. To hear from Deputy O'Reilly, who was a trade union official, certain elements of staff were consulted more than others. They can consult all they want but if they do not listen it is very sad. I believe Mahatma Gandhi said it is bad enough to make a

mistake of doing the wrong thing but to persist in doing the wrong thing is appalling.

I hope the Minister of State will have some answers and some accountability, which is very scarce in the Government, the Department of Health and the HSE these days. I hope he will clarify some of those issues and that we will get an update. Why are any of us who want to be brought out not brought out to get a site report, to see the mayhem, the bedlam and the progress? We will know for ourselves when we arrive on site how close to completion it is because dates have come and gone, announcements have come and gone but it does not matter because we should be representing sick children not big business and not consultants with big egos. We had that experience in the last debate on the Bill we are going to discuss next week: big egos and consultants. The truth did not matter, it got crushed. Today the Government has decided to bring the legislation forward without pre-legislative scrutiny, more bullying tactics and more irresponsibility on the part of the Minister for Health, Deputy Harris. He is quoted in the *Irish Examiner* today saying that he wanted full scrutiny of that Bill but he has proposed to introduce it without pre-legislative scrutiny. That is totally arrogant, juvenile and childish on his part.

**Deputy John McGuinness:** I understand the importance of the Children's Health Bill 2018 but there are issues I wish to raise about the care of our children and our young population's health. The Department of Health under the Minister, Deputy Harris, has the handy knack of creating a smokescreen such as the introduction of this Bill when there are so many major issues being debated publicly around the provision of health services: 1 million people on waiting lists of one kind or another, the problems around cervical cancer and the availability of new drugs. As all of that is being debated and the controversy continues, the Minister introduces this Bill. Forgive me if I doubt his sincerity about the timeframes involved. He says there are nine sections in the Bill, all of which will be commenced at different stages by ministerial order. One would imagine if the legislation was that urgent it would be specified in the Bill where the legislation is going and there would be less use of ministerial order.

The Minister's reference to the new board shows exactly where the Department and the HSE are. They have approved a new consultative approach to agreeing a brand image, an operational name for the new entity. The naming process to be undertaken by the children's hospital group will be a shortlist of names for the Government's endorsement, prior to announcement. There seems to be more weight given to the creation of a corporate entity and the concern around that than to dealing with the real issues in the care of children's health. The waiting lists for Temple Street, Crumlin and Tallaght hospitals in 2018 is 44,615. Of those 16,862 have been waiting for more than 12 months and 10,304 have been waiting more than 18 months. Outpatients is a disgrace because that waiting list increased by 33% from 33,492 to 44,615. It is absolutely outrageous. The Bill we are debating will deal with something in the future commenced by ministerial order. The date has been shifted time and again. This has been generally on the books for consideration since 2012. The Government promised this hospital in the last term of 2011. The then minister and current Taoiseach promised it for 2019. Now we are being told it will be 2022.

I welcome the hospital because I believe that overall it will improve the healthcare of the youngest in our society but I cannot understand the emphasis on this corporate structure and the turning of a blind eye to what is currently happening in respect of the care of those children. Parents around the country will want to know what is going to happen my child who is on the waiting list between now and 2022 when the Minister says this will be delivered. I would like to see the Minister of State address that issue and give some sort of timeframe to those parents for the care of their children because that is the biggest concern in their lives. I would not say

there is a Member in this House who would disagree with prioritising the health of young children. To deprive them of their healthcare, as he is with the waiting list of approximately 16,000, is to deprive them of the quality of life that they are entitled to now and not in 2022. Can the Minister of State address how he will deal with the waiting lists that are currently there, with no waffle, no bluff, just facts? The Minister of State should give us the facts in a given timeframe so those parents can plan for the future healthcare of their child in a different and more positive way. Every child who is sick or who may have a poor health future is of huge concern to their parents and siblings. It has to be dealt with and explained.

I understand this new entity will come under section 38. The Minister states that the chief executive officer will be the Accounting Officer. There has been serious difficulty in the past in dealing with section 38 and section 39 organisations and their accountability to the Committee of Public Accounts. I appeal to the Minister of State to ensure the language in this Bill makes it crystal clear that section 38 and 39 organisations in general are accountable to the Committee of Public Accounts. The Minister of State has to clarify the language, otherwise they will duck and dodge and avoid accountability and transparency, which has been the history of that sector as long as I can remember because the HSE within its own culture believes it is above accountability.

This year, with all that is required to keep it going and that it has spent, the HSE will be €1 billion over budget. That is not an exaggeration. The Department will bluff the figures again and massage them to make them look okay but every single year it has gone from a bad position to a worse position and then to a position of almost not being able to deal with the overrun. If the Minister of State does not get that in hand he is not serving the Department or the health of the country very well and he is allowing it to happen. That is my concern about the accountability of this new structure.

The other concern I have is around the amalgamation of these hospitals into one unit with other services to be provided. The Minister, in his statement today, stated it provides a “unique opportunity to introduce a new model of care for all paediatric services”. What does that mean? How will that new model of care impact on the current waiting lists? They will remain, and stubbornly so, because the Government lacks the vision, humanity and compassion to deal with those lists. Will the Minister of State tell me what that means? What will be the tangible result for the children on those waiting lists? There is an obligation on the Minister of State to explain this. There is an obligation on the Minister for Health, Deputy Harris, to ensure that all of this happens.

Forgive me for using the word “bluff” but the fact of the matter is the Government bluffed the Irish electorate into believing that it was going to rectify the health services. It bluffed them into believing it was going to burn down every quango in the place. Then, in the last term and this term, the Government put further quangos in place without any bother or any understanding that it had given a promise to the people it now represents. Is this management system being put in place just another quango? Could it have been done differently and in a more financially beneficial way and at the same time achieve the same or a better result? I would like to hear what the Minister of State has to say on why that has happened.

In the few minutes I have left, I have been asked to raise directly with the Minister the care of a constituent of mine, Ms Alice Taylor. This young woman, together with her mother, went public about the drug pembrolizumab, which she requires. It has been said to her that it will make a difference to her life and will prolong her life. The cold and inhumane response from

the Department of Health and the HSE simply beggars belief. We are dealing with the life of a young woman. I ask the Minister of State to check out this case. I raised it in a parliamentary question recently. Will the Minister of State do something to help prolong the life of this young woman? Will he ensure that the drug she has been advised she should take is approved for her? She is supported by Ms Vicky Phelan, who is one of the bravest women to come from Irish society in recent years. She is now not only dealing with her own case but is advocating for others. She is taking on the system and dealing with the disgraceful cases that have come before the courts and the use of the confidentiality clause.

The second case I want to bring to the attention of the Minister of State is again that of a young person, namely, Isaac Brennan. He also went public outside of the gates here seeking the use of the drug for spinal muscular atrophy. I do not know how any Government, as hard as it could be, could turn a child away from the care and treatment he or she deserves. I know it costs money but one should sit at meetings of the Committee of Public Accounts any week and listen to how the HSE squanders vast sums of money, not on patients but on the administration of a dysfunctional system. How can the Minister say “No” to Alice Taylor or to Isaac Brennan? If he does and if that is his position, thereby abandoning all understanding of humanity and compassion, then he should not be where he is. His interest and his actions should be for the common good. It is a shameful Government that would ignore not just those two cases but also cases that are similar to both of those young people.

I will turn finally to scoliosis. I have watched very young children being abandoned by the State in the context of their care. I have watched their deformed bodies plead with the State to provide the health system and actions required to give them a better quality of life. I have, frankly, been less than impressed by the action of the Government and the HSE. Similar to this hospital and the management system being set up, the HSE has shown no regard for health. It would seem that the general message from the HSE - I hope it will not happen with this hospital - is, like the Department, to bluff and fumble its way through a dysfunctional system.

There is much to be learned on the care of our children from what has happened in the past. There also are many questions that need to be answered in the context of the delivery of what is outlined in this Bill. I do not see much content in the Bill that gives an indication as to what changes are going to be made directly for the care of the children on the waiting list from this day onwards to 2022. I give a general welcome to what the Bill is trying to achieve. I have raised the questions I need to raise with the Minister and I have personalised some of them to specific cases and healthcare. I ask the Minister of State to acknowledge the efforts being made by Members of this House to get acknowledgment of the rights of within our society who are sick and are not receiving the care and attention they deserve within the current health system. The system has failed them and refuses to acknowledge what is now perhaps better practice than before in the care of a specific medical condition.

**Deputy Eugene Murphy:** I wish to make a short contribution to support this Bill, as my colleagues Deputy McGuinness and Deputy Rabbitte have already done. It is important to get this hospital put on a statutory basis. As already has been noted, we have been waiting for a long time for it. I was doing some research on our hospitals and some facts on the national children’s hospital, now incorporated in Tallaght Hospital, came up earlier today. It was founded in 1821 and was the first children’s hospital in Ireland and Britain. It is one of the oldest in Europe. I was equating that with the 13 years that have elapsed since a Government decision was made to build a new hospital. A child that was one or two years of age then is now 15. That is since we decided to build a children’s hospital.

It is shameful that this would happen because of our system and delays within it. I am surprised that people are not angrier. We do have to deal with planning issues and objections and we have to give everybody a fair crack of the whip but imagine that 13 years have elapsed since the decision was made to build this hospital. The Taoiseach and the Minister are now announcing a date of 2022. One wonders if we will not have that date pushed out again. I hope that will not happen again but it is possible that it will. We have heard what Deputy McGuinness and Deputy Rabbitte said about the appalling waiting lists for children in many of our hospitals.

The figures are shocking; 44,000, including 16,000 waiting for more than 12 months and 10,000 waiting for more than 18 months. It shocks and hurts me, as a new Deputy, that families have been so badly treated in our society. We have all helped families with sick children. We have all had the calls late at night to contact a consultant or a hospital to get something done.

4 o'clock One has to pay tribute to the outstanding work done in hospitals such as Tal-laght and Crumlin, and the outstanding care given there. There have been great breakthroughs in terms of children's health in this country. We have the medical people. We may have shortages of them in some areas but the brains and the commitment are there. However, the system has let those families down desperately, and let many people in the health sector down as well. I am talking about the people who work within the system.

An Bord Pleanála has approved the choice of St. James's Hospital as the site for the new national children's hospital. There were many battles around that, and many different points of view were expressed. We can all look at it and agree that perhaps there will be some shortcomings with the site. There was a lack of consensus among clinicians and other stakeholders around that choice. We should remember that it would have been impossible to have unanimous agreement on a site. There was always going to be a group of people, including individuals and politicians, who had different views or who had a different site in mind. Nobody could guarantee that any alternative site would have got planning. We are where we are, and I am not as pessimistic as Deputy Mattie McGrath. While I foresee some problems, people should wake up and realise we are talking about our children, the future generations of citizens. Early years are so important when it comes to dealing with illnesses and it is essential that we move as swiftly as we can. Nobody, whether politician or clinician, should put any roadblock in place to cause further delay, which would cause further anger to many people in our society.

Many people from rural areas have had their children rushed to Dublin and looked after very well. They slept on the floor if it had to be done; they stayed with their children and hospital staff to help their children through very difficult times. The children's hospital is long overdue. I am hopeful that it will be finished quickly. As the development of a site progresses, I acknowledge that issues will arise.

I recently had experience of hospitals due to an issue in my own family. My mother, who is now 82 years old, had a terrible experience in Portiuncula Hospital in Ballinasloe. The staff were brilliant and outstanding. My mother was referred there by a doctor and got to the hospital at 6.30 p.m. She was left sitting in a chair until 7 a.m. the next morning. Fortunately one family member was able to stay with her. She sent me a text message the next morning to say that she had just got a bed and that she was extremely tired. She was not worried about herself, however. She said to me that she was concerned about sick children, two or three years of age, in buggies waiting for a bed. Parents were trying to keep them as settled as possible, and staff were doing their best. Doctors were not able to see those children of two and three years of age because they had no bed. An 82 year old woman, in good health, who had been referred by

her doctor but otherwise in good shape, was left sitting for a long time. Her concern was the youngsters. The experience really made me think about how we treat these issues, and consider the delays in place. We all must think about those situations.

We have seen the figures for the waiting lists for children, which are desperate, and not improving. The outpatient figures are particularly shocking. It is so important that there are no delays when children are being treated, because it is often the case that the illness can be dealt with swiftly and that the child can be restored to health and back to participating in society, able to attend their schools and play games. When things are prolonged and children are left waiting in outpatient departments, illnesses deteriorate and the children get sicker. It costs the State more money, but it might also cost a child more, including worse illness and even death.

I will not hold up the debate any further. Like my colleagues, I am delighted that we are moving. However, I want to say again that sick children being forced to wait for treatment is unacceptable to me, and to most people.

**Minister of State at the Department of Health (Deputy Jim Daly):** I thank Members for their comments on this legislation and the children's hospital programme. I assure Members that all of their comments have been recorded and noted, and the Minister for Health, Deputy Harris, will respond on Committee Stage to the concerns raised, and at later Stages.

The transition of the existing paediatric services to a single entity is a complex matter, involving considerable forward planning and work, and as such an effective governance structure is required to implement service reorganisation, including staff deployment, around the hospital outpatient and urgent care centres when they are built, and to oversee the complex work of integration and transition to the new facilities. The board and CEO of the administrative Children's Hospital Group already overseeing this complex body of work are to become the first board and CEO of the new entity. The board members, appointed just over a year ago, were selected on foot of nominations and an open, competitive Public Appointments Service process to ensure the board has the correct mix of skills, experience and expertise. The board includes a member from Northern Ireland and an international expert, representatives from the boards of the three children's hospitals, and expertise in patient safety, change management, law and corporate governance. The establishment of the new children's hospital provides a unique opportunity to support the implementation of the HSE's new model of care for paediatric healthcare services in Ireland that will optimise how paediatric services are provided in Ireland. The model aims to ensure that all children can access high-quality services in an appropriate location within an appropriate timeframe, irrespective of their geographical location or social background. The model supports Government policy, with outcomes outlined in the future of the national policy framework for children and young people for 2014 to 2020, which sets out transformational goals for achieving the best outcomes for children, young people and families. The model also aligns with the aims and objectives of the Sláintecare report, the ten-year plan published by the Oireachtas Committee on the Future of Healthcare, which seeks to transform the delivery of healthcare in Ireland.

The new hospital outpatient and urgent care centres, along with the regional paediatric units in Limerick, Cork and Galway and local paediatric units will all work together to deliver this new model of care for paediatric services. In addition, for those who need to access specialist services in Dublin, the co-location of the hospital with adult acute services, and the eventual tri-location of the hospital with maternity services, will result in patients from infants to adolescents being able to avail themselves of the best clinical expertise on one campus. The new

children's hospital has been designed to meet projected child population growth and unmet clinical need. The design is based on meticulous healthcare planning, which will result in a facility which is able to provide for very significant expansion - up to 30% - in the delivery of healthcare, and will help deliver on improving, promoting and protecting the health and well-being of children and young people. The new entity will be an element within a larger public health system, and accordingly it will have to take account, in its activities, of the paediatric healthcare services provided in other hospitals across the country in the primary care system, child and adolescent mental health services and in the community. This includes performing its functions and utilising its resources in the optimal way to achieve its objective of children's healthcare. As a single national tertiary and quaternary care provider, the new body will have to take on a national leadership role in terms of paediatric healthcare and the national model of care for paediatrics, and deliver on its remit for education, research, philanthropy and advocacy on behalf of children's healthcare in this country.

I am confident that this legislation will put the correct structure and approach in place in order to integrate the existing services and prepare for the delivery of the best possible paediatric healthcare in the new facilities. I am confident that the Bill as proposed will provide this new entity with the powers and functions it needs, both now and in the future, to manage the transition into the new children's hospital and provide services for children's healthcare while ensuring appropriate accountability for the use of State funding. It is our hope that the Bill will progress through the Houses in time to allow the new entity to be established and operational by year's end and before the opening next year of the first outpatient and urgent care centre at Connolly Hospital.

I reiterate the comments of the Minister for Health, Deputy Harris. I commend and thank the staff and boards of the three hospitals coming together and also the board of the Children's Hospital Group, for the vision and commitment they have shown to this project in getting it to the stage we are at today. Finally, I thank Members for their contributions and I look forward to the Bill being considered further on Committee Stage.

Question put and agreed to.

### **Children's Health Bill 2018 [Seanad]: Referral to Select Committee**

**Minister of State at the Department of Health (Deputy Jim Daly):** I move:

That the Bill be referred to the Select Committee on Health pursuant to Standing Orders 84A(3)(a) and 149(1).

Question put and agreed to.

27 September 2018

### **Criminal Law (Sexual Offences) (Amendment) Bill 2018: Order for Second Stage**

Bill entitled an Act to amend the Punishment of Incest Act 1908 and the Criminal Law (Sexual Offences) Act 2017; and to provide for related matters.

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

Question put and agreed to.

### **Criminal Law (Sexual Offences) (Amendment) Bill 2018: Second Stage**

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

I am pleased to have the opportunity to present this legislation, which deals with aspects of sentencing for sexual offences, to the House. I know that Deputies on all sides are interested in the Bill and I look forward to hearing their contributions.

The Bill marks a further step in a programme of reforms to sexual offences legislation initiated by this Government. Members will recall the enactment last year of the Criminal Law (Sexual Offences) Act 2017, which was one of the most comprehensive and wide-ranging items of sexual offences legislation to be introduced in more than a decade. That Act updated existing laws to combat child pornography and introduced new measures to combat the sexual grooming of children. It also contained important provisions around criminal evidence in sexual offences trials.

The legislation on sexual offences has come under rightful scrutiny this year, prompted by high-profile cases both here and in Northern Ireland. I will continue to emphasise the importance of a robust legislative basis for the prosecution of sexual offences that is sensitive to the impact of these crimes on victims and, indeed, on society as a whole. In keeping with this commitment, I have initiated a review of protections for vulnerable witnesses in the investigation and prosecution of sexual offences. The review will examine: the adequacy of the mechanisms available in law and practice relating to protections for vulnerable witnesses; the investigation and prosecution of sexual offences, including measures to protect vulnerable witnesses during evidence; further practical and legal supports for victims; and restrictions on reporting of trials for sexual offences. The review will take place over a period of months. It will make recommendations in respect of legislative and practical changes that will reflect the needs of vulnerable witnesses. I thank Professor Tom O’Malley at the National University of Ireland Galway, a leading academic in this area, for undertaking to chair this review. I look forward to working closely with him and indeed hearing from him once he has completed the review. This review is in addition to the Bill before the House. Further legislation in this area is also being prepared. The Sex Offenders (Amendment) Bill 2018 currently being readied will enhance the monitoring of convicted sex offenders. I look forward to also bringing these proposals before the House.

The Bill represents a further branch of this programme of reform. It is vital and necessary that we enhance the current body of legislation with this measure. It is important that sentenc-

ing provisions for sexual offences are appropriate to the offences in question. I want to acknowledge the contribution of my colleague, the Minister of State at the Department of Public Expenditure and Reform, Deputy Kevin Boxer Moran, who initiated some of the provisions in this Bill while a private Member of the House representing the constituency of Longford-Westmeath. I acknowledge the importance of his Criminal Justice (Commission of Sexual Offences) (Amendment) Bill 2017, which provided for a scheme or arrangement of presumptive minimum sentences for repeat sex offenders. I am pleased that the broad scope of the Minister of State's proposals have been incorporated in the Bill before us. They seek to address some of the most serious offences in our society and protect the most vulnerable citizens from serious harm. In acknowledging the contribution and leadership of the Minister of State, I also want to acknowledge the important role played by civil society and by many victims in the production of this legislation. I want to mention Ms Debbie Cole, who, I understand, is one of the Minister of State's constituents. Arising from her experience, the Minister of State was very keen for the subject matter of this legislation to be brought before the House. I am very pleased that both of us as Ministers are now appealing to the all Members to debate this proposal, to move matters into the appropriate committee and, ultimately, to enact the legislation at the earliest opportunity.

The role of legislators in sentencing is to set out the maximum sentence that can be imposed. It is then a matter for the courts to decide the appropriate sentence in any particular case taking into account all of the circumstances. Sentencing in individual cases is a matter for the Judiciary, whose members apply sentences according to principles and the facts of the case, guided by what is provided for in legislation. Lest there be any doubt, I want to stress that the courts are wholly independent in the exercise of this judicial function. The court is required to impose a sentence which is proportionate not only to the crime but also to the individual offender, in that process identifying where in the sentencing range the particular case should lie and then applying any mitigating factors which may be present or any representations which might be made on the conclusion of the trial.

There are very few instances in which mandatory or minimum sentences are specified in law. There is a mandatory sentence of life imprisonment for murder. Minimum sentences are also in place for a number of serious offences such as crimes involving drugs or firearms. The use of minimum sentences is intended to reflect the impact of such crimes on society as a whole as well as individuals, often traumatised families and indeed communities. This Bill sets out presumptive minimum sentences for repeat sex offenders. These provisions will apply to those who have been convicted of a serious sexual offence and received a sentence of at least five years. If those offenders go on to commit a further offence within ten years, a presumptive minimum sentence will apply. It should be acknowledged that many convicted sex offenders are effectively managed through the Probation Service and the Garda Síochána on their release from prison and do not go on to commit further offences. However, it is clear that some do go on to reoffend and often offend again and again. By putting these provisions in place the Government is recognising the impact of sexual offences, both on individual victims and on society as a whole. It is ensuring that appropriate measures are available to the Judiciary at sentencing in order to ensure that these crimes can be dealt with both appropriately and effectively.

The Bill also proposes to equalise the penalties for incest by both male and female offenders. Currently, the sentence for a male committing incest is life imprisonment. For a female, the maximum sentence is seven years. It is proposed to equalise these penalties by lowering the sentence for a male to ten years and increasing the sentence for a female to the same level. This

matter was the subject of debate on a number of occasions and was contemplated by a number of reports that formed the basis for this legislation. It is an issue I am sure we will have an opportunity to consider in detail on Committee Stage.

As Deputies will recall, provisions on sentencing for incest were proposed for inclusion in the wide-ranging reforms of the Criminal Law (Sexual Offences) Bill that went on to become the Criminal Law (Sexual Offences) Act 2017. At the time, proposals were brought forward to raise the sentence for females convicted of incest to life, to match that in place for males. However, these provisions were removed on Report Stage to allow for further consideration and advice on the issue. The impetus to equalise the sentences for males and females is based on advice from the Attorney General that the gender disparity in sentencing has the potential to give rise to constitutional challenge. It is important, therefore, that this issue be dealt with through legislation in order to avoid any potential legal difficulties that may surround this offence.

While this provision will have the effect of lowering the potential sentence for a male convicted of incest, it still provides for a sentence befitting the seriousness of the offence. Sexual offences are among the most serious offences and the sentencing provisions in place reflect this, as is appropriate. In considering this provision, I note that Part 5 of the Criminal Law (Sexual Offences) Act 2017 contains a number of other provisions regarding the penalty for incest that have been enacted. These provisions have not yet been commenced pending the equalisation of the penalty for incest in this legislation.

Turning to the Bill, I would like to draw the attention of the House to the main proposals contained therein. Sections 2 and 3 of the Bill equalise the maximum penalty for incest by a male and incest by a female at ten years imprisonment by way of amendment to the Punishment of Incest Act 1908. Under the 1908 Act, incest by a male carries a sentence of up to life imprisonment whereas incest by a female carries a maximum sentence of seven years imprisonment. As I have noted, the Department of Justice and Equality has been advised by the Office of the Attorney General that the difference in penalty between a man and a woman could give rise to a constitutional challenge. The proposed legislation equalises the maximum penalties for the separate offences of incest by a male and incest by a female at a period of imprisonment of ten years.

Section 2 provides for an amendment to section 1 of the Punishment of Incest Act 1908 regarding incest offences committed by males. It introduces an amendment to the maximum term of imprisonment from a life sentence to one not exceeding a period of ten years.

Section 3 provides for an amendment to section 2 of the Punishment of Incest Act 1908 relating to incest offences committed by females, and introduces an amendment to the maximum term of imprisonment to one not exceeding ten years. The section substitutes in its entirety section 2 of the Punishment of Incest Act 1908, which provides for punishment of incest by females of or above the age of 17. The new provision brings the provisions up to date and in line with section 1 of the 1908 Act and provides for a sentence of up to ten years imprisonment. At present, a female of or over 17 years convicted of an incest offence is liable to up to seven years imprisonment.

The provisions in sections 4 and 5 have been developed based on the proposals brought forward by Minister of State, Deputy Boxer Moran, in the Criminal Justice (Commission of Sexual Offences) (Amendment) Bill. Section 4 provides for the insertion of a new section 58 into the Criminal Law (Sexual Offences) Act 2017. The new section provides that where an

offender is convicted of a sexual offence listed in Schedule 1 of the 2017 Act and sentenced to imprisonment for a period of at least five years, and is convicted of a further offence listed in Schedule 1 within ten years, the court shall, when imposing sentence for that offence, specify the minimum term of imprisonment to be served by the person. According to these provisions, the minimum period of imprisonment shall be three quarters of the maximum term of imprisonment prescribed by law in respect of such an offence and, where the maximum term is life imprisonment, the minimum shall be specified as a term of not less than ten years. However, the court will have discretion in the application of the sentence if it is satisfied that this would be disproportionate in all the circumstances of the case.

Section 5 inserts a schedule into the Criminal Law (Sexual Offences) Act 2017. The schedule lists the offences to which the provisions of the new section 58 of the 2017 Act will apply. All of the scheduled offences are offences of a serious nature where the maximum penalty on conviction on indictment is five years imprisonment or above.

The House will agree that any measure that seeks to strengthen legislation governing sexual offences is of the utmost importance, and I hope these issues are given due consideration by Members in order that we can proceed to enshrine them in our body of law in due course. I look forward to hearing and discussing these proposals with the Members. I thank once again the Minister of State, Deputy Boxer Moran, for his collaboration on the proposals contained in the Bill. I acknowledge the important role played by a number of victims of crime, in particular Ms Debbie Cole. I look forward to a constructive and fruitful debate on the provisions of the Bill, and I hope Members will support these efforts to strengthen our legislation governing serious sexual offences. We do so with the objective of protecting all members of our society from serious harm.

**Deputy Fiona O'Loughlin:** Fianna Fáil will support the Bill and we will work to strengthen the measures outlined in it on Committee Stage. The recent statistics published by the Central Statistics Office on the recorded incidents of sexual offences in the first quarter of 2018 show a 10.6% increase in the number compared with the first quarter of 2017. This makes sexual offences a category with one of the highest percentage increases in all recorded crime. This is sad and shocking. The actual number is likely to be higher than indicated due to the fact that reporting rates for crimes of rape and sexual abuse are extremely low in this country. This trend of under-reporting is largely because the victims of these heinous crimes are left in a state of fear that our criminal and legal system will fail them, that the perpetrators will avoid just sentencing and that the victims themselves will be put on trial. We have certainly seen this over the past 12 months. The Bill is a welcome step towards removing this fear from the victims.

Establishing consistency in the courts with regard to sexual offences is a vital step that we should have taken long ago. The Bill will help assure victims that there are strong standards of justice to which we hold everyone to account. The Bill also calls for the long overdue establishment of a judicial sentencing commission that would prepare sentencing guidelines for the Judiciary. We welcome this provision.

The State must provide adequate resources to the office for Internet safety in the Department of Justice and Equality, knowing it will be able to effectively target those abusers who use computers and smart phones to commit their crimes. Prioritising post-release supervision of convicted sexual offenders is another important aspect that has been overlooked. Victims, as well as those convicted, need to know we have not forgotten about them and that we hope to keep society informed and safer because of this.

The provisions in the Bill will, no doubt, mean more stringent sentences for repeat sex offenders. This is very much welcomed as sexual offences are among the most abhorrent of crimes. The leniency of sentences handed down to persons convicted of sexual offences has been consistently in the headlines and rightly so. The public is rightfully disgusted and angered about this. Behind the headlines are victims who are left feeling totally devastated by the system and who are negatively affected once again. There is no doubt, and it is only right to say, that lenient sentences can have a real and damaging impact on survivors and deter others from reporting offences. That is if the Minister wishes to listen.

Increased sentences for these awful crimes are to be welcomed but the failure of this Government to establish a sentencing commission means that even when this legislation is in place, there will continue to be major inconsistencies in cases of this nature. In April 2018, Ms Justice Úna Ní Raifeartaigh, in sentencing a man convicted of the repeated rape of his granddaughter, described the lack of rape sentencing guidelines as “somewhat bizarre”. She specifically pointed to the fact that whereas there was much authority as to general sentencing principles, there was very little in the way of actual figures to guide her in making her decision.

In 2013, Fianna Fáil published a Bill calling for the establishment of a judicial sentencing commission that would prepare sentencing guidelines for the Judiciary. This also formed part of our manifesto for the 2016 general election. Similar Bills have followed from other parties but despite paying lipservice to the need for consistency in sentencing, the Government has repeatedly failed to prioritise legislation of this nature. Judges, victim groups and Opposition parties are in unison in calling for this legislation. It is impossible to understand why the Government is dragging its feet on such an important matter. The Bill also equalises the maximum penalty for incest by males and females aged 17 years or over at ten years’ imprisonment, which is welcome.

Sadly, we must acknowledge that rates of crime of a sexual nature, in particular repeat sexual offences, are on the rise. We owe it to the people of Ireland to prioritise this Bill and start gaining the trust of victims. They must know that persons convicted of sexual offences will not be handed lax sentences. They must know that we hear them in this House and that we will take a strong unified stance against all crimes of a sexual nature. The Minister will not find Fianna Fáil wanting in supporting this Bill.

**Deputy James Browne:** I thank the Minister and I welcome this Bill, which seeks to introduce more stringent sentences for repeat sex offenders. Fianna Fáil will support the Bill. The rising rates of crimes of a sexual nature is deeply worrying for society but horrendous for victims. We know how sexual offences have become more prevalent in recent years. The Central Statistics Office noted a 10.6% increase in the number of recorded cases of sexual offences in the first quarter of this year compared with the first quarter of 2017. In truth, the figures are likely far higher, and it is accepted that the reporting rates for crimes of sexual abuse are much lower than the real incidence.

The Bill before the House is urgently needed. We are all familiar with cases where the leniency of sentences handed down to sexual offenders has been called into question. Lenient sentences can have a damaging impact on survivors of sexual abuse. When people hear of cases where the sentence handed down is reportedly lenient, those who may have considered reporting a sexual offence are often deterred from doing so. There can be a perception that the criminal justice system is not on the side of the victim, and one area that certainly must be addressed is the matter of consistent sentencing. That would help to address that perception. There is also

stereotyping and stigma around the victims of sexual assault, which must be absolutely ended. Evidence is clear there is no particular profile of a victim of sexual assault, and it can happen to absolutely anybody. Nevertheless, certain groups are more vulnerable than others.

My party welcomes the Bill and we hope to strengthen it with proposed changes on Committee Stage. I have practised criminal law and I am aware of a couple of lacunae in and around the sexual assault areas of law. I hope they will be addressed in the Bill. The Government has not addressed the need for consistent sentencing for sexual offences with enough urgency. In 2013, Fianna Fáil published a Bill calling for the establishment of a judicial sentencing commission and in 2016 our general election manifesto included the need to provide sentencing guidelines for the Judiciary. However, we are now in the final quarter of 2018 and the Government has yet to prioritise legislation that would encourage consistent sentencing in our courts. It must take action and set up a sentencing council to issue sentencing guidelines and provide clarity and consistency in sentencing. We need to see that convicted sex offenders will be subject to more vigorous supervision after their release, with the Government providing proper resources for the Office for Internet Safety to target sex abusers preying on vulnerable people. Unfortunately, it is a growing trend for predators to use the Internet to target vulnerable people. In that respect, I would also like to see the appointment of a digital safety commissioner, as that role is absolutely crucial.

**Deputy Louise O'Reilly:** I thank the Minister for bringing this Bill before the House. I am pleased to get the opportunity to discuss both the legislation and the topic more broadly. It is legislation that Sinn Féin broadly supports and we are happy to engage with the Minister for Justice and Equality on the relevant Stages as it progresses through the Houses.

The Bill appears to contain what my party believes to be changes in the law that are sensible and necessary, particularly in respect of the equalisation of proposed sentencing between genders. Although it is a step forward in laws and cases involving sexual offences, it is somewhat piecemeal and much more could be done regarding consistency in sentencing, a point that my colleague, Deputy Ó Laoghaire, has previously raised with the Minister. This relates to sentencing guidelines, a point I intend to return to and one on which I hope the Minister can provide some commentary.

The Bill has two primary purposes. The first is to amend the Punishment of Incest Act 1908 to address a gender anomaly in penalties, something we support. It also seeks to amend the Criminal Law (Sexual Offences) Act 2017 to provide for presumptive minimum sentences for repeat sex offenders, which we also support. The first issue was raised during the debate on the 2017 Act when my colleague, Deputy Jonathan O'Brien, and Fianna Fáil's Deputy Jim O'Callaghan raised concerns around the approach to harmonisation. They argued that the benefit to the public of achieving harmonisation by providing for a sentence of up to life imprisonment had not been demonstrated. It appears the Minister has listened to this point and responded in this Bill with a sentence of up to ten years, to apply to men and women.

There are still anomalies in the law on incest that require further consideration. The wording still implies that a woman cannot initiate incest, as it is worded, "any woman who permits". Likewise, it is limited to carnal knowledge and therefore excludes acts of abuse and incest that fall short of intercourse. It also excludes certain same sex relationships. These are elements that require amendment and I ask the Minister to consider this an opportunity to address them.

The significant amendment to the Act of 2017 is detailed and welcome. Where an offender

is convicted of a sexual offence listed in the Schedule to the Criminal Law (Sexual Offences) Act 2017 and is sentenced to imprisonment for a period of at least five years, and is subsequently – within a period of ten years – convicted of a further offence listed in the Schedule, the court shall, when imposing sentence for that offence, specify the minimum term of imprisonment to be served by the person. The minimum period of imprisonment shall be three quarters of the maximum term of imprisonment prescribed by law in respect of such an offence and, where the maximum term is life imprisonment, the minimum shall be specified as a term of not less than ten years. The court will have discretion in the application of the sentence if it is satisfied that this would be disproportionate in all the circumstances of the case. Section 25 can be triggered by a subsequent offence committed while in prison.

The Minister will agree it takes two or three readings of the specific proposal to understand it entirely. Essentially, it means that with a person who has committed a serious sexual offence, in the calculation of the sentence of a further relevant sexual offence, the length of the sentence handed down for that second offence will be a minimum of three quarters of the first sentence. This provision is similar to provisions in the Criminal Justice Act 2007 and, as in that Act, it includes scope for deviation from the minimum sentence where it is deemed disproportionate. Hence it is a presumptive minimum as opposed to a mandatory minimum. This has been described by Mr. Thomas O'Malley in *Sentencing Law and Practice* as “a significant safety valve”. This makes sense for the most part in that those who repeatedly offend, carrying out such heinous crimes and leaving a trail of devastation in their wake, have clearly not engaged in or benefited from any rehabilitation attempts or services provided to them, making them a live danger to others.

Sexual assault, or any crime of a sexual nature, is a very serious crime that must carry one of the highest penalties. I need not go into the detail of both the psychological and physical scars that assault leaves on any victim. While not perfect, the law around sexual offences is ever changing, but we can still do much more in our efforts to protect victims of sexual offences, be that in their treatment by the courts, and in increasing funding to services to deal with the victims of such crimes.

More broadly, it is important that the Garda is recording its data accurately as it has a knock-on effect on the wider system and how we, as a society, deal with offences, in particular, sexual assaults. There are issues in the Garda about the culture and understanding of the importance of accurate data, that the current system being used by An Garda Síochána is not fit for purpose, and that its IT systems are in dire need of upgrading. This matter was also touched on by the Commission on the Future of Policing in Ireland. The Minister must address this as a matter of priority.

As I stated at the outset, a better and more comprehensive approach to reform of sentencing where it relates to sexual offences relates to sentencing guidelines. The Minister has agreed with my colleague, Deputy Ó Laoghaire, that this issue is one that he supports, and, indeed, that needs to be progressed.

It is vitally important that the public has confidence that the courts will hand down appropriate sentences that are proportionate to the crimes committed. Unfortunately, that is currently not the case. There are wide disparities in a number of areas, including sexual offences. Some sentences have drawn considerable comment and, indeed, anger. Time and again, we have seen sentences handed down that are, quite frankly, inadequate. There are undoubtedly issues relating to inconsistency, leniency, and light sentences. There are problems in other areas unre-

lated to what is being discussed here today, such as assault, and in regard to road traffic issues. Research conducted on judicial sentencing habits has shown sentence lengths ranging from 14 days to five months in an assault case, while, for a theft case, sentences ranged between 30 days and nine months, and in road traffic and burglary cases, between two and 12 months. As a result, the public does not trust the justice system to deliver punishments that fit the crime. As legislators, we have a duty to address what is a considerable issue in relation to sentencing. It is my party's belief that collating, publishing and ensuring judges have these parameters is the best way to ensure consistency in sentencing.

Deputy Ó Laoghaire met the Minister over the summer and the Minister indicated that minimum sentence guidelines would be introduced at the next Stage of the Judicial Council Bill 2017. I hope that Stage will commence as a matter of urgency, as it would impact the specifics discussed within this Bill as well as addressing disparity in areas such as the ones I have outlined.

My party will be supporting this Bill. Sexual offences are especially heinous, intrusive, inherently violent, and leave long-lasting damage. It is important that we have strong enough legislation to tackle this to ensure that the sentences attached are fitting of the crime.

**Deputy Clare Daly:** There are two parts to the Bill. The first deals with the maximum sentences for incest and the second deals with the introduction of new mandatory minimum sentences for repeat sexual offenders. I will deal with the two parts in reverse order.

First, in terms of the new mandatory minimum sentencing, I understand the motivation behind the proposal. Repeat sexual offenders have a considerable impact, both on their previous victims and, obviously, on those they go on to offend against. They are some of society's worst offences and we obviously all want a regime in place which makes it less likely that someone having committed one offence would ever go on to commit another. In that context, the Bill's sentencing proposals run along a bizarrely complex formula which makes no sense to me. Basically, what the Bill is calling for is that where somebody was convicted on indictment of an offence specified in the Schedule - the first offence - and was sentenced to imprisonment for at least five years, and is subsequently convicted of another scheduled offence committed within ten years of the first conviction, a presumptive minimum sentence applies to the second conviction. The sentence for the second offence must be at least three quarters of the maximum sentence which can be imposed for the second offence. If the maximum term for the second offence is life imprisonment, the minimum sentence should be at least ten years, and any suspended portions of a sentence do not apply. In other words, if someone was sentenced to seven years with three years suspended for an offence and then goes on to commit another offence, the person will not fall under this Bill's ambit because the person only served four years of the sentence. It is complex and hard to get one's head around it. To be honest, it seems completely arbitrary.

In any case, the proposal in the Bill to introduce mandatory minimum sentences will not achieve the goal of making offending less likely. In general, years of evidence shows us that mandatory minimum sentences for any crime are not effective deterrents. The fact is reflected in the findings of the 2013 Law Reform Commission report on mandatory sentencing and the 2014 strategic review of penal policy. Both made clear recommendations that no new mandatory sentencing scheme should be introduced. The strategic review of penal policy, in particular, was a cross-agency report which included victims' representative groups alongside agencies tasked with crime prevention and the IPRT. While deterrents might be an appealing

concept in theory, the empirical evidence shows that there is no justification for that in reality. In fact, there is evidence that sanctions, in general, may provide some deterrent but no evidence to suggest that a more severe penalty is a greater deterrent than a less severe penalty. While mandatory minimums, I suppose, have a feel-good factor to them in that they give politicians the opportunity to vent their horror at particularly shocking crimes and give the appearance of taking action, the fact is that they do not deter criminals in general. In particular, given that the recidivism rates in terms of sexual offences are among some of the lower ones, I am at a lost as to why the Minister would think that this legislation would act as any deterrent to the particularly determined and particularly disturbed individuals who buck the trend and go on to become repeat sexual offenders.

On top of that, there is the point that Sinn Féin cut a deal with the Government during the Judicial Appointments Commission Bill 2017 in looking for sentencing guidelines linked to the new Judicial Council Bill 2017. In fact, in fairness to the Judiciary, it has been crying out for that for years, particularly for tricky cases. It is wrong to introduce a new regime while that is pending.

I should also point out that the Minister is waiting for a review of presumptive minimum sentencing which was commissioned by this Department, and was due to be published in July. Why are we not waiting for the outcome of that before rushing in with this legislation? It does not make any sense.

The reality is that mandatory minimums are knee-jerk responses to media hype. Sentencing guidelines, on the other hand, are carefully considered, data based and evidence driven, and they are far more effective and useful. The Judiciary itself would feel that.

When one looks at it, the Bill, while recommending a presumptive minimum, allows judicial discretion in applying the minimum and, ultimately, it is bringing it back to the judges anyway. What is the point in having this legislation at all? It defeats its own stated objectives. Why not expedite the Judicial Council Bill 2017 which we have been promised since the start of this Government and create proper sentencing guidelines? If this is politics, it is pretty poor politics and it is selling people short.

If the goal of this Bill is to right the wrongs of the past, as other Deputies have said, I would say we have seen some shocking sentences handed down for some of the most appalling sexual crimes. In such cases where say sentences have been totally suspended or where the offender has been invited to make a financial contribution to the woman he raped or whatever, which, I accept, is appalling sentencing, the fact that suspended sentences are not counted in this legislation in calculating the minimum for the second offence means the Minister will not fix that problem with this legislation. It also falls short on that count. It is completely wrong that we would introduce anything like this at present.

On the Bill's other provision regarding incest, I see no problem with aligning the maximum sentence that can be given to men or women. I have no problem with the reduction in the maximum sentences given that the Bill relates to consenting adults where other aspects of our criminal justice legislation deal with abusive or coercive incest. However, it is something we should look at in this legislation because sexual abuse and child sexual abuse in particular is something that sadly takes place overwhelmingly within families and extended families. It is something which is very much in focus at present. HIQA's recent report on how Tusla manages allegations of child sexual abuse was a scathing indictment of failures in the system and should

greatly worry us all. It worries me a great deal. What worries me more still is the number of people who have contacted us who have seen children go through that system and have seen the system fail at multiple different points of the process.

The following example captures not only the problems that exist in how allegations of child sexual abuse are dealt with but also how those problems radiate out and compound the really serious problems that exist within our family law system. Let us say that a child makes a disclosure to her mother that her father is sexually abusing her. The mother, horrified, reports it to Tusla which does a preliminary assessment and decides the allegation is sufficiently credible for a full assessment to be done. Therefore the child goes in for interview. If she is lucky this will be done by a specialist unit, of which there are a couple around the country, but if there is no specialist unit nearby, then she will be assessed by social workers whose training and skill in the forensic interview techniques needed for this delicate work may not always be present. The full assessment might be a couple of 15-minute interviews, after which only two findings are available: the allegation is either founded or unfounded. Unlike criminal law, for example, where there can be a finding of insufficient evidence, that is not provided for here. Once a decision has been made that an allegation is unfounded, that is the end. The case is closed, and the file is put on the shelf to gather dust. Prior to the child's interview there was no risk assessment, no home visit or investigation, and once an allegation is declared unfounded there is no follow-up whatever. It is game over.

The Minister for Children and Youth Affairs recently told me about this blunt tool that Tusla are civil authorities making findings on the balance of probabilities. She continued that this may differ from the burden of proof for criminal prosecution required by investigations by An Garda Síochána, but that is precisely the problem. Tusla is making findings on the balance of probabilities, but if the agency gets it wrong and determines that an allegation is unfounded, the child is condemned to continue being abused. It applies particularly in cases where a child lives with a parent who is carrying out the abuse on him or her. Surely we should contemplate legislation which provides for a middle ground between founded and unfounded - it could be called insufficient evidence, perhaps - but there has to be something that puts in place a risk assessment that really protects children and provides meaningful engagement.

Let us return to the hypothetical child. When the allegation is decided to be unfounded, Tusla closes the case, the mother cannot believe it and is further horrified when her daughter goes on to make further disclosures of sexual abuse by the father. In the meantime the relationship between the parents has broken down and custody proceedings have started. Every time her daughter discloses abuse by the father, the mother reports it but because it has been deemed to be unfounded, before long there are social workers sitting beside the mother telling her she is the one who is abusing the daughter by emotionally abusing her and coaching her. The child keeps coming back to say terrible things are happening, and things get worse because the mother, who now is being accused of coaching, will not shut up. Custody proceedings are in full swing and the court orders a section 47 report. This is something I have raised with the Minister. A section 47 report is compiled by either a psychotherapist, a psychologist or a psychiatrist, with the intention of providing a guidance to the judge. In practice, judges place a great deal of weight on these reports. They are not supposed to rely on them completely but they do so severely. In some instances, and in the hypothetical case I am outlining here, the person doing the section 47 report is a psychotherapist, which is an unregulated profession. Such individuals can essentially say what they like in a report that determines the fate of that child. Courts have ordered the child to remain with the abuser, and to go into his or her full custody, in

that case. It is a crazy system. If we want to deal with abuse and sexual abuse within families, we must pay attention to this huge deficit in our system. Psychotherapists can theoretically do what they like during the interview process, which is about interviewing vulnerable children and there is nowhere for anyone to complain about it. If the child in that situation is in the middle of a custody battle, the psychotherapist doing the section 47 report has seen the report from Tusla with the assessment on the original allegation as unfounded, has been told that the mother will not let it go and that she is the one engaging in abuse. Suddenly, the process then unwinds. The mother has nowhere to go or to complain because the family court is held *in camera*. That means that it is a criminal offence to disclose to anyone not involved in the hearings what happened in that court case, which means there is nowhere to go. It is almost like a licence to facilitate paedophilia in this State. Sadly, the hypothetical instance I have given is not hypothetical at all. People in Ireland are in this situation today because of the shortcomings in our legal system. It will be the new scandal of our age. While I am sure and I hope people here are motivated to help the victims of sexual abuse, if we do not address the time bomb of this *in camera* rule and this appalling way of dealing with child sexual abuse in our State then we will have on our hands a new modern horror scene, the likes of which makes abuse that happened to children in our State in the past pale into insignificance. We should use the opportunities presented by legislation such as this to deal with these appalling deficits. While it is nice to equalise consensual incest, it is not comparable with the appalling child sexual abuse which goes on and is not dealt with in this State.

**An Ceann Comhairle:** I call Deputy McGuinness. We have just about three minutes remaining.

**Deputy John McGuinness:** I agree with much of what Deputy Clare Daly said. Sexual abuse must be dealt with in a definite way in the context of legislation but I must reflect on the role of Tusla in many of the cases I have come across where false allegations have been made by a professional within the family home and where those allegations have been proven to be false, but yet it is almost impossible to deal with the issue and have the family cleared. The allegation will have been reported to An Garda Síochána and to Tusla but there is no process by which the family can adequately clear its name. In a situation such as this, the moment sexual abuse is mentioned there is a presumption of guilt. That issue should be addressed in the Bill.

Deputy Clare Daly outlined many of my concerns. My other issue relates to children who are in the care of the State. This Bill has been debated by this House. We are all interested in getting issues right such as mandatory minimum sentencing and so on. However, what about when this House discussed the Grace case and when Members decided to hold an inquiry?

5 o'clock      Nothing has been heard about that since. We are talking about those who are most vulnerable and are in the care of the State, those who are mentally or physically challenged and who have been terribly abused in the past, such as Grace and the other 46 cases, yet the Government made every effort to narrow that investigation and to shut it down. Where within this Bill can we deal with cases like that? Where in this Bill is the State's responsibility outlined in respect of cases such as that relating to Grace?

Where stands that investigation? How will it be dealt with in the context of the principle of the legislation we are debating here today? It is an absolute shame that the Government has abandoned these 47 cases and has done nothing to ensure HSE compliance with the investigation. In that investigation, the families that were most affected by the most awful sexual abuse on family members were treated in an appalling way by the HSE. The investigation against them was so aggressive that they became the victims of the investigation. I ask the Minister to

investigate that and see what can be done.

**An Ceann Comhairle:** We will return to this important legislation in the near future.

Debate adjourned.

## **Saincheisteanna Tráthúla - Topical Issue Debate**

### **Pharmacy Regulations**

**Deputy Jackie Cahill:** I am sharing time with Deputy Butler.

**An Ceann Comhairle:** Agreed.

**Deputy Jackie Cahill:** Pharmaceutical assistants comprise a small group of professional people who have done their jobs in a very professional manner over many years. It is difficult to understand why changes in their work conditions and responsibilities are being proposed. There has been no public outcry looking for such changes to be made. No errors have been made by those working in this profession. As I consider this matter from the outside, it seems to me that large chains are at work here. Pharmaceutical assistants are absolutely vital for pharmacies that are operating on their own as small sole traders. Such businesses depend on pharmaceutical assistants. The number of people working as pharmaceutical assistants is shrinking. The youngest pharmaceutical assistant is in his or her mid-50s. It is baffling in the extreme that changes in pharmaceutical assistants' responsibilities and working conditions are being proposed at this stage. There are many questions to be answered. Why is the Pharmaceutical Society of Ireland, PSI, bringing forward these proposed changes? Many questions need to be asked. These changes are completely unwarranted and unjustified. There is absolutely no justification for them.

**Deputy Mary Butler:** The PSI recently approved rules that will restrict the work practices of pharmaceutical assistants. Under existing codes of practice, pharmaceutical assistants are entitled to cover short absences such as lunch hours. They can cover two half-days or one full day per week, as well as any unscheduled short absences. In the case of a temporary absence resulting from the holiday entitlements of a pharmacist, the assistant is entitled to cover two working weeks per annum. As we know, this system has worked very well for the past 128 years. Even though these practices have been in place for a very long time, it is proposed to limit pharmaceutical assistants to covering temporary absences of one hour each day. If the new rules are signed into law, a pharmaceutical assistant will no longer be able to provide professional cover for a pharmacist on his or her day off. The effect of the implementation of these changes would be to diminish the role of pharmaceutical assistants. It could also jeopardise the provision of pharmacy services around the country, especially in parts of rural Ireland.

**Minister of State at the Department of Health (Deputy Jim Daly):** I thank the Deputies for raising this issue. The Pharmacy Act 2007 established the PSI. The functions of the PSI are set out in the Act and are carried out on its behalf by the council of the PSI. The council comprises 21 members who are lay members and pharmacists. Section 30 of the 2007 Act provides

for an exception to the general provision in the Act which requires the sale and supply of medicines at a pharmacy to be conducted under the personal supervision of a registered pharmacist. It specifies that no offence is committed when “a registered pharmaceutical assistant acts on behalf of a registered pharmacist during the temporary absence of the registered pharmacist”. Section 30 of the 2007 Act also permits the council to make rules governing “what may or may not be done by a registered pharmaceutical assistant when acting on behalf of a registered pharmacist” and “what constitutes the temporary absence of a registered pharmacist”.

On 21 June last, the council of the PSI approved for issuance for public consultation the proposed draft Pharmaceutical Society of Ireland (temporary absence of pharmacist from pharmacy) rules 2018. The public consultation, which commenced on 17 July and ran until 14 August, afforded any interested party the opportunity to make representations on the matter directly to the PSI. On foot of this, the council of the PSI approved the proposed draft rules at its meeting on 20 September last. Rules made by the PSI under the Pharmacy Act 2007 are subject to the consent of the Minister for Health. The Minister has not yet received the draft rules from the PSI for his consideration. I understand that the draft rules approved by the council define the temporary absence of a registered pharmacist as any period, not exceeding one hour per day, during which the registered pharmacist is not physically present at the premises where a retail pharmacy business is carried on. I understand that the draft rules state that the council shall approve a professional task list setting out what may and may not be done by a registered pharmaceutical assistant while acting on behalf of a registered pharmacist in the temporary absence of the registered pharmacist. This list has not yet been established.

**Deputy Jackie Cahill:** I thank the Minister of State for his reply. The Minister, Deputy Harris, told me yesterday that he has not received the submission. The Minister of State has outlined the difficulties that exist. Both the Irish Pharmacy Union and Fianna Fáil have made submissions to the PSI, but neither of us has received a reply. There is no explanation or rationale for the PSI’s proposal to downgrade the role of pharmaceutical assistants. I propose that the PSI should be brought before the Joint Committee on Health and the Committee of Public Accounts to explain why it wants to downgrade a professional service provided by people who have done their jobs professionally over many years. As I said in my opening remarks, it is baffling that these changes are being proposed at this time. As my colleague, Deputy Butler, said, this measure will put rural pharmacies and sole traders under extreme pressure. I ask that representatives of the PSI be brought before the two committees I have mentioned to explain why this approach is being adopted.

**Deputy Mary Butler:** I would like to reiterate what my colleague has just said. It is strange that the Minister has not received the draft rules, given that this matter has received quite an amount of traction. Like Deputy Cahill, I would like representatives of the PSI to come before the Joint Committee on Health to explain where they are coming from with this idea. Many pharmacists are already struggling to get enough cover to keep their pharmacies open and to provide traditional services to their customers. I understand that the youngest pharmaceutical assistant in the country is 56 years of age. This means that all pharmaceutical assistants will have been phased out nine years from now because they will all have reached the retirement age, or ten or 11 years from now if the retirement age has increased. I estimate that 99% of pharmaceutical assistants are women. Common sense needs to prevail here. These people have provided valuable services to their communities. The knowledge and experience they have gleaned over many years should not be thrown aside because of an over-zealous desire to regulate.

**Deputy Jim Daly:** I thank the Deputies again for the points they have so well made. As I have said, the role of the Minister for Health in this process, as set out in the Pharmacy Act 2007, is limited to the consideration of any rules that are submitted for his consent. The Minister must consider any rules that are presented to him from a fair and impartial perspective and without prejudice or prejudgment. Although the draft rules that have been approved by the council of the PSI are publicly available, under the 2007 Act the Minister must await the receipt of those rules from the PSI for his consideration. Unfortunately, I will not be in a position to discuss the matter any further until the Minister has the rules. The concerns of the Deputies are noted, however.

**Deputy Jackie Cahill:** The Minister of State will note our request to the bring representatives from the PSI before the committee.

**Deputy Jim Daly:** As the Acting Chairman, Deputy Durkan, will know, neither the Minister nor I would have a role in such affairs. It would be a matter for the Chairman and members of the Joint Committee on Health. The Members opposite would be quite free to make the request to the Chairman and members of the committee. It is not in my gift or that of the Minister to decide who appears before any Oireachtas committee.

### **Suicide Prevention**

**Deputy Brian Stanley:** I welcome the opportunity to address this matter with the Minister of State. I acknowledge he is concerned about suicide and self-harm. He takes a personal interest in these matters. They are all too common across the State. Statistics show that, last year alone, there was an average of one suicide per day in the State. This means one life too many was lost per day.

Save Our Sons and Daughters, SOSAD, Ireland, which has six branches across the State, provides a valuable service and does so at a time when people need it. The organisation provides the service to people who are very vulnerable. It is an important service that is easily accessed by people. SOSAD Ireland has been in existence for over 11 years. The Tullamore office has been in place for five years. The six branches do not receive HSE funding. An average of 60 people per week attend the service in Tullamore. The service is provided voluntarily. This week, 15 hours of voluntary counselling will be provided in Tullamore by accredited councillors. This is important. The councillors do not charge for the service and depend on contributions and fundraising to keep it going. The Minister of State will appreciate the difficulty. No matter what little service one runs, once one rents any premises at all and opens the front door, one faces costs of a couple of thousand euro per month.

Medics and other professionals are referring people to SOSAD. The referrals show that the service has a value. Attendees are not just from County Offaly but also from across the midlands. The Tullamore office will not be open after Christmas, however. It may not last until Christmas. It has sought HSE funding. SOSAD Ireland, the overarching body, has sought funding in the past from the HSE. It has been unsuccessful.

We know from the domestic violence groups and various other agencies providing valuable services in all our communities that they cannot rely solely on voluntary fundraising efforts. They need a core of funding to be able to provide their services. This State and all public representatives, at local and national levels, have seen money being spent. Sometimes we get a

good return and sometimes we get a very poor return. Hand on heart, I would not have submitted this matter for discussion if I did not believe the service is providing value for money. If it saves one life, it will be worth it. The service could save a number of lives. Countless examples have been recounted to me, even in recent weeks, of clients with whom the service has dealt. I was told how the service has intervened and how people have received counselling and a sympathetic ear, and how they were referred to other services. In the approach to the budget, there will be a huge number of demands. Even those of us on this side of the House, Opposition Deputies, realise there is considerable lobbying and competition for funding. We are interested in mental health, and I know the Minister of State is also. He knows my party is genuine about this. Others in this House are also genuine about it. It is an issue that we need to deal with and help out with. I hope we can do something to put some little package of funding in place for the organisation in question.

**Deputy Jim Daly:** I acknowledge that the Deputy and his party always co-operate and take a positive approach to mental health issues. I have never found Members of the Deputy's party to be partisan or politically opportunistic in any shape or form regarding mental health. I include his party leader, Deputy McDonald, and Deputy Buckley in that. They have always been very constructive and co-operative.

I wish to raise a couple of issues concerning the Deputy's query, which concerns Tullamore. I am informed by the HSE that it does not have any record of an application for funding from SOSAD in Tullamore. My Department officials have made contact with SOSAD since the Deputy raised this issue in order to advise it that there are two ways to apply for funding. SOSAD Tullamore has been in existence for five years. The HSE is aware of its existence but does not have any record of any funding application from the charity. There are two avenues for an organisation such as SOSAD to apply for funding to the HSE. Both would be on the HSE website. One involves a section 38 or section 39 funding application. This would be the most substantial. There is also national lottery funding, administered by the HSE. It is available in small amounts. The application forms for both processes are available on the HSE website. My officials have made contact with SOSAD to advise it on both avenues but the HSE has informed me it has not received any application for funding to date from the organisation.

I acknowledge the bona fides of the organisation, which the Deputy has mentioned. I absolutely accept them. I appreciate the work that organisations such as SOSAD do. Effectively, they fill the gaps where they exist. Organisations such as SOSAD are organic, ground-up organisations. They do a power of work, particularly in such a sensitive and important area. We have the National Office for Suicide Prevention, the funding for which, I am glad to report, is increasing exponentially year on year. That funding stands at approximately €12 million per year. A total of 17 local Connecting For Life plans have been developed throughout the country and 15 have been launched. I am launching the sixteenth on 16 October in Kilkenny. There will be only one left to launch, namely, a localised plan whereby all the agencies will come together to combine their efforts to work towards the prevention of suicide. While one life lost to suicide is one too many, I am thankful that the number of lives being lost to suicide has been decreasing significantly year on year recently. We are having some success but I assure the Deputy that this does not encourage complacency on my part or that of my officials, or in the HSE or the National Office of Suicide Prevention. I welcome any opportunity discuss mental health issues, particularly those relating to suicide prevention. I thank the Deputy for his interest and for his contribution.

**Deputy Brian Stanley:** I thank the Minister of State for his response. There is a positive

note in it. My information is that the national organisation applied for funding. From what the Minister of State outlined, I believe the local branches need to apply through the HSE locally for lottery funding. Section 38 and section 39 applications might be difficult because they tend to relate to the bigger organisations and agencies. Obviously, if funding can be secured through a section 38 section or 39 application, so be it. From my limited knowledge, I am not sure that is how it is going to go. Perhaps the Minister of State will come back to me on that. He gave some hope that genuine applications from genuine organisations at local level, such as SOSAD, will be considered sympathetically. I welcome the fact that he has accepted the bona fides of organisations. There are organisations that spring up whose bona fides may be questioned, along with the work they are doing. From what I can ascertain and from the feedback on the ground, however, SOSAD has really made a difference to a number of people's lives.

Many factors affect mental health. One is housing, on which we had a fairly heated debate this week. Employment is another. All these factors feed into mental health. Clinical medical health issues obviously have to be dealt with but societal issues can feed into mental health also. Unfortunately, when people get to the end of their tether and reach the point at which they are likely to self-harm, it is vital to have the grassroots organisations - this is the phrase the Minister of State used - at the front line to intervene. There is a very informal approach for people who visit the service. Not dealing with the problem has social, community and family costs. The rate of self-harm among young people and children soared by 22% in the past ten years. That is considerable so we really have to get to grips with the issue.

I welcome the Minister of State's response and will be taking back his message to SOSAD Tullamore. If he has further information, he might send me a written reply. If there are any other opportunities to secure funding for this organisation or others like it, the Minister of State might send me information in the next week or so. I thank him for his reply.

**Deputy Jim Daly:** I do not have any further information other than sections 38 and 39 and the national lottery funding. Both application forms are available on the website. There is no reason that a local organisation or a local branch of an organisation such as SOSAD could not apply for section 38 or section 39 funding. I saw recently that 1,027 organisations in the State that specifically help with mental health issues are receiving funding. That is one of the challenges we have because people do not know where to go when they have a mental health issue. For that reason I aim to establish a single access point for all mental health queries, be it a telephone line, text line or email, so people can be referred appropriately. If one is in the Tullamore region, for example, one will ring a single national telephone number. The person at the other end, who would be appropriately qualified, will say: "SOSAD is an organisation on our list, it is in the geographical area and it can offer the service", rather than SOSAD trying to make itself known to everybody. ALONE, Aware, Jigsaw and Pieta House are trying to do the same thing. They are all trying to sell their brand, as it were, and make people aware of their existence. We are trying to streamline a single access point for all these organisations, provided they have the appropriate level of governance be they clinical.

Many practitioners in the field of mental health and I are big supporters of organisations such as SOSAD. Lower levels of intervention can be very powerful. Not every young person needs to go into the child and adolescent mental health services, CAMHS, which are led by a consultant psychiatrist. In some cases younger people just have anxiety issues and they do not need to be seen by a specialist service. That is why organisations such as the one the Deputy mentioned are so vital for early intervention, to ensure we can stop people going into the specialist services and the queues that build therein.

27 September 2018

## Special Educational Needs Staff

**Deputy Eugene Murphy:** I thank the Minister of State, Deputy Stanton, for attending this debate. I wish to highlight the lack of special needs assistant, SNA, support for children with autism and other special needs in my constituency of Roscommon-Galway. I and many of my colleagues are dealing with cases every week in which parents of children with special needs are struggling and fighting for services for those children in a bid to meet their educational and psychological needs. Like other parents, those parents only want the best for their children but they are constantly encountering obstacles.

I will outline the story of a ten year old boy in my constituency. This boy is non-verbal and presents with autism and associated intellectual disability. He previously had access to resource teaching hours and SNA support on a full-time basis for a number of years in a primary school setting. However, the SNA support has been removed from September 2018, which is having a detrimental effect on his schooling and development. This child needs constant supervision. He has issues with self-care and safety and he is at risk of running out of the classroom or the schoolyard if not properly supervised. The little boy is non-verbal and was making very good progress with his SNA. The family has provided all the assessment reports and the psychology report outlining his case in detail. I have submitted a parliamentary question on this matter. I would be grateful if the Minister could assist this young boy and reinstate his SNA as soon as possible. It is vital for his future educational and psychological needs.

I am aware of another boy in a national school, a neighbour, in the same situation. He needs the full-time care of an SNA but that has been withdrawn. An appeal for that boy has been submitted and I sincerely hope it will be successful.

In a reply to a parliamentary question from me in June last it was indicated that 800 additional SNAs were to be allocated from the beginning of the school year, with 140 expected to be allocated by the end of 2018. I would be happy if the Minister of State could provide an update on those figures even if he does not have it with him today. Have the additional 800 been allocated and, if so, how many have been allocated to the Roscommon and Galway area? I hope we can look after these vulnerable children. I have a nephew and a niece who suffer from autism. They are looked after quite well by the authorities, it must be said, but when I watch their parents I can tell it is a challenge and a struggle. I have fantastic time for the parents of such children. They make such an effort. It falls to us to make every representation possible on their behalf so they receive the supports.

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** I thank the Deputy for raising this important issue and I acknowledge his sincerity in doing so. The Minister for Education and Skills also thanks the Deputy for raising this matter and sends his apologies for not being here to reply. The Minister wishes to assure the House that the education of children with special educational needs remains a key priority for the Government. The Government now invests €524 million in the special needs assistant scheme annually, as part of a total €1.75 billion investment in special educational needs overall.

There will be a total of 15,000 SNAs working in our schools, providing support for approximately 36,000 pupils, by the end of this year. This is a 42% increase on 2011 when the number of SNAs stood at 10,575. The Minister welcomes the fact that we have been able to continue to meet the needs of children with special educational needs attending our schools and to increase provision to address emerging needs in this area. The SNA scheme, in particular, has been a

major factor in both ensuring the successful integration of children with special educational needs into mainstream education and the provision of support to pupils enrolled in special schools and special classes. The Minister assures the House that schools which have enrolled children who qualify for support from an SNA will continue to be allocated SNA support in a manner appropriate to their needs.

The House will be aware that the National Council for Special Education, NCSE, which is an independent agency, is responsible, through its network of local special educational needs organisers, for allocating a quantum of special needs assistant support for each school annually, taking into account the assessed care needs of children qualifying for SNA support enrolled in the school. Importantly, each school's allocation of SNA support can change from year to year and may be increased or decreased as students who qualify for SNA support enrol or leave a school. New students with care needs may or may not enrol to replace students who have left, for example, or SNA allocations may be decreased where a child's care needs have diminished over time.

The NCSE policy advice on supporting students with autism spectrum disorder found that students are generally well supported in schools with: appropriate curriculum; extensive teacher and SNA supports; improving range of educational placements supported by improved accommodation and equipment; improved teacher knowledge and understanding and a generally good standard of provision at primary and post-primary levels. The NCSE policy advice noted that ASD is a spectrum condition, so some students with ASD require little support in school and are relatively independent in their learning while others require significant levels of support. The Department's policy is to ensure that every child who is assessed as needing SNA support will receive access to such support.

The NCSE has an appeals process, to which the Deputy alluded, which may be invoked by a parent or a school where it is considered that a child was not granted access to SNA support on the grounds that Department policy was not met. Schools may also appeal a decision where the school considers that the NCSE, in applying Department policy, has not allocated the appropriate level of SNA support to the school to meet the care needs of the children concerned. Where a school has received its allocation of SNA support for this school year, but wishes new enrolments or assessments to be considered which were not taken into account when the initial allocation was made, it may continue to make applications to the NCSE.

The Minister for Education and Skills is pleased to advise that schools in Roscommon and Galway have had an increased SNA allocation over the last number of years. Roscommon has been allocated 186 SNA posts for the start of this school year, an increase from the 171 posts allocated for the 2017-2018 school year. The SNA allocation for Galway has also increased from just over 778 posts for the last school year to over 819 posts for this school year. This is an increase of 9% and 5%, respectively, for Roscommon and Galway for this school year.

As part of budget 2018 funding is being allocated for the recruitment of more than 1,000 new SNAs in 2018. There were 70 allocations made between January and June, 800 additional SNA posts were made available for allocation to schools in September 2018 to meet the demands for the new school year and there is an additional allocation of 140 posts expected between September and December 2018, bringing the total to 1,000.

**Deputy Eugene Murphy:** I thank the Minister of State for his detailed response. In fairness, extra SNAs have been appointed. All of us agree that, in general, they do a fantastic job.

27 September 2018

They build up a great relationship with the children and their parents. They give the children much care, love and attention. In most circumstances, it works out well. My concern is the increasing number of cases being brought to my attention by parents. The number is greater than it has ever been in the time since I became a Deputy. I am dealing with five cases, two of which have progressed to appeal stage. The others will be a little more difficult to address. Often a child will have a SNA full time in primary school and progress well only for the goalposts to change when he or she moves on to secondary school. In one such case the child comes out of school crying, is unsettled and has difficulty in sleeping at night. Everybody does not fit into the same category. Circumstances can be different. In two of the cases with which I am dealing children received one-to-one attention in primary school, but they are not receiving it in secondary school and are as a result regressing. I hope that when this is pointed out in the appeals process, it can be rectified. As I said, parents of children with disabilities are struggling. As we all know, dealing with a child with autism is very trying. We need to provide every support we can. I acknowledge the role of school principals, teachers and SNAs.

**Deputy David Stanton:** I will convey the Deputy's concerns to the Minister. SNAs are provided to assist recognised schools in catering for pupils with disabilities who have educational and significant care needs in an educational context and where the nature of these care needs have been outlined in medical and professional reports as being so significant that a pupil will require additional assistance in order to be able to attend school and participate in education. In considering applications for SNA support for individual pupils the special educational needs organisers take account of the pupil's needs and consider the resources available to a school to identify whether there is a need for additionality or whether the school might reasonably be expected to meet the needs of the pupil from its current level of resources. The Minister wishes to emphasise that SNAs are allocated not to individual pupils but to schools as a school based resource. The Government is committed to ensuring children with special educational needs are supported and given every opportunity to fulfil their potential. The Department's policy is to ensure every child who is assessed as needing SNA support will have access to such support. Special needs assistants play a key role in supporting children who have additional care needs to attend school and participate in education. More children with special educational needs are participating and we are investing more than ever before to support them. As I said, the NCSE appeals process may be invoked by a parent or a school where it is considered that a child was not granted access to SNA support on the grounds that departmental policy had not been met in accordance with Circular 0030/2014. Schools can also appeal a decision where the school considers that the NCSE, in applying departmental policy, has not allocated the appropriate level of SNA support to the school to meet the special education or other care needs of the children concerned.

### **Engagement with Investment Funds: Motion [Private Members]**

**Deputy John McGuinness:** I move:

That Dáil Éireann:

— shall consider the Report of the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach entitled, Engagement with Investment Funds, copies of which were laid before Dáil Éireann on 15th March 2018;

— notes the continuing, unsuccessful efforts of the Joint Committee to engage with unregulated private investment funds and regulated credit service firms and regrets the position of these entities in declining invitations from the Joint Committee to attend hearings of the Joint Committee and to be accountable to Parliament;

— acknowledges the support of the Governor of the Central Bank of Ireland in calling for the unregulated private investment funds and regulated credit service firms to attend at Joint Committee on the basis that “firms with a serious role in the Irish economy have a social responsibility to account for themselves before the Committee”;

— notes the information provided by the Department of Finance detailing the level of engagement with the funds industry from 2013 to 2016 detailing approximately 125 relevant meetings held, thus demonstrating the level of interaction between the funds industry and the Department over those years; and

— calls on the Government to implement the recommendations contained in paragraphs 17 and 18 of the Report, namely:

— to cease all engagement with unregulated private investment funds and regulated credit service firms until these entities are accountable to Parliament; and

— to introduce legislation for the regulation of all unregulated entities operating in the Irish mortgage market in order to protect Irish consumers.

The motion was agreed by the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach, without amendment, on 24 May. The original report was laid before the House on 15 March this year. It is clear that what the motion seeks is greater transparency and accountability in respect of vulture funds and agents. We have tried, without success, to get the vulture funds to become before the committee. In 2017, 19 requests were issued. A further 19 were issued in 2018. Only one of the funds replied; the remainder either refused or did not respond. These are the very funds that are purchasing loans in this country and doing awful damage to Irish society, Irish society being families the Minister of State, Deputy Michael D’Arcy, and I represent and that are in serious difficulty in keeping their homes. Between 2013 and 2016, the Department of Finance met the vulture funds on 125 occasions, yet they will not deal with or be accountable to this Parliament through the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach, which is shocking.

What is even more shocking is the Government’s amendment to the motion which was produced very late in the day. In general, it accepts what is being put to Parliament, but it avoids insisting on the vulture funds engaging with the joint committee and regulating them to the extent that they must be attend. It is a shameful piece of work on behalf of the Minister of State. This is the Government which is attempting to avoid accountability for the funds because, like the European Union, it believes there is a need for them in a capitalist society where capitalism operates without regulation. That is what is going on and the Government is turning a blind eye to it. Unfortunately, politically, the confidence and supply arrangement stands in the way of the main Opposition party providing real opposition for the Government and its policies. I would like to think that on this occasion, however, we could stand up to the Government in the interests of the people. That it could cause a general election should make no difference. We should stand up to the Government on behalf of the people we represent and demand the accountability that has been asked for by an all-party committee of the House. The Minister of

State's colleagues on the committee and colleagues on this side of the House and others have agreed unanimously to the motion before us.

The confidence and supply arrangement references a commitment to significantly increase and expedite the delivery of social housing units, to remove barriers to private housing supply and to initiate an affordable housing scheme. It is pretty much accepted throughout the country that the Government has failed in that respect. The Government also agreed with Fianna Fáil to protect the family home and introduce additional long-term solutions for mortgage arrears cases. It has not protected the family home. We face the possibility of there being 16,000 evictions. The Central Bank notes that there are 50,000 mortgages of one kind or another in arrears. We are told that when the vulture funds buy distressed mortgages, they have no regard, on behalf of the individuals concerned, to the code of conduct on mortgage arrears. They treat them in a way that should not be accepted by any civilised society. It just should not be accepted. One only has to visit the courts to see how they are treated by the judicial system, how families are affected in a negative way and how children looking at their parents having to fight for their home are affected.

We need to look at what is happening within the vulture fund community in Ireland. They are training individuals within the sector to be aggressive, not to show humanity or compassion and to do their utmost to get the maximum amount from families and individuals who do not have anything. I am not arguing for the strategic defaulters who will not pay, but I am firmly arguing for those who are making an effort and we should keep them in their own homes.

On the confidence and supply agreement, we agreed to provide greater protection for mortgage holders, tenants and small-medium enterprises, SMEs, whose loans have been transferred to non-regulated entities, namely the vulture funds. Deputy Michael McGrath's Bill came before the House and went to Committee Stage. There were 13 sections in the Bill, all of which were withdrawn and replaced with amendments from the Department of Finance. The Central Bank wrote to the committee regarding the Bill and recommended that it now be sent to the ECB for further scrutiny as was done with the original Bill. There is no law or protocol in place that demands of this Parliament that any Bill relating to finance should be sent to the ECB. We do not have to do it; there is no rule. If I am wrong and there is, please show me where in writing. The ECB may express an opinion but we do not necessarily have to follow that opinion. In terms of our sovereignty we are entitled to deal with the issues as we see fit within this State. Within this State, individuals are being badly affected by what is happening.

All that has to be done is to take from any of the websites of these vulture funds because they all tell the same story. They are interested in seeking investment opportunities in markets that have suffered an economic or banking crisis resulting in a dislocation in asset pricing and value opportunities. Lone Star's site specifically says that it seeks to capitalise on market conditions where banks have failed. They are here as vultures preying upon the most vulnerable in our society to whom we offer no protection, and the Government invited them in. I suggest to the Minister of State that they have no role here. We should force the banks that we own to do the next best thing, which, in fairness, some of them have done. They should drill down into each account, find out if there is any means by which the matter can be dealt with and keep people in their own homes because that is what we agreed in the confidence and supply agreement. In case my own colleagues feel that it may not be party policy, in 1948 during an election address, Éamon de Valera stated, "We regard a state as being ordained for the individual, not the individual for the state." That leads me to the point that the first obligation of Government is to keep its people safe. I keep repeating that and, in this instance, the Government has not

kept its people safe.

The committee wants to get on with its work and bring in the vulture funds. It should be borne in mind that these funds have a special charitable status, which results in them having a special tax arrangement. I wonder if that arrangement is similar to Apple's. Is that where we will go with this because that is a case of state aid? State aid rules do not permit that and it could be argued that this arrangement is state aid. Will these vulture funds have to repay the State sometime in the future what they should have paid in the first place?

We are letting the banks off the hook. There is no tax on the banks, not even at a marginal level where we can say to them that we will ask them to pay €250,000 in tax notwithstanding what we have agreed with them. Some make in excess of €1 billion in profits. It is morally wrong that they are allowed to do that in a State where people have been made victims of the system. We will save the banks but we will not save our people. They should not be let off with this scot free. At the invitation of Government, vulture funds come in and buy up all the distressed mortgages at a knockdown price. They can double their investment in a short period by selling on the property and the next vulture fund will still have the opportunity to make a 100% profit. As the value of the housing market increases, they will make even more money.

The Minister of State will probably reply that there are protections in place. A distressed mortgage holder or an SME with a loan that has been defaulted on will be in breach of contract because the loan or mortgage is in default. In that case, how sure is the Minister of State that the code of conduct and that the rights of the borrower will be adhered to? He cannot be sure because I know that the agents have refused to appear before my committee, even though they are regulated. The vulture funds dictate to their agents what to do. I have to ask the Minister of State to believe me because I know that he has a different opinion but dealing with these vulture funds regarding a business loan is next to impossible because they extract the maximum out of an individual. The funds bleed them for everything that they have and homeowners do not stand a chance because of the aggression, anger and deliberate attempts to bully them into submission to pay. Their stories have to be heard from them to be believed.

While I blame the vulture funds, this House is in the wrong because we have created the environment for them to thrive in. This is a political question, which is covered in the confidence and supply agreement. A decent Parliament would protect its people from what is happening. It is our fault because, as an Opposition, we are caught up with the Government in the confidence and supply agreement and then the Government is at fault because it does not have the bottle to take on the vulture funds or the banks. They are now back with the same levels of aggression and arrogance that they displayed during the boom times. Imagine the Minister for Finance saying that it might be acceptable to increase bankers' salaries to in excess of €500,000. Is the Government mad? These banks, which are owned by us, refused to respond to us in a meaningful way. They caused a tracker mortgage scandal and now the Government will increase the salaries of bankers. The Government has not made any attempt to fulfil its agreement to introduce legislation to regulate them, make them come before the committee and save the people we represent.

**Minister of State at the Department of Finance (Deputy Michael D'Arcy):** We are not mad but maybe the madness took place exactly ten years ago when Fianna Fáil were over here and they guaranteed every bank in the State-----

**Acting Chairman (Deputy Bernard J. Durkan):** The Minister of State must first move

the amendment in the Minister's name.

**Deputy Michael D'Arcy:** I move amendment No. 1:

To delete all words after “and the Department over those years; and” and substitute the following:

“— calls on the Government to implement the recommendation contained in paragraph 18 of the Report to introduce legislation for the regulation of all unregulated entities operating in the Irish mortgage market in order to protect Irish consumers; and

— calls on investment funds to engage with the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach as a matter of urgency and to attend the Joint Committee when invited.”

I repeat that the madness took place ten years ago on 29 September 2008 when every liability was guaranteed by the Deputy's party in government.

The Deputy should not forget that. That is what his party did. That was the madness. That was the insanity which cost €64 billion gross and which eventually cost €32 billion or €33 billion. Deputy John McGuinness should not forget that. His party did that.

I welcome the opportunity to speak on the motion. There is public concern about the sales of loans and it is important that considered discussion on the topic takes place. I am glad the report specifically acknowledges that relevant borrowers whose loans are sold to unregulated third parties maintain the regulatory protections they had prior to the sale, including the protections provided by the Central Bank's code of conduct.

It is regrettable that these funds and particularly regulated credit servicing firms have not agreed to appear before the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach. These funds and firms are an important part of the financial services landscape. They should show due respect to the democratic institutions of the State in which they are operating.

I am surprised by the format of the debate this evening. Although we are considering the report of the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach on engagement with investment funds, the format is a motion that calls on the Government to take particular actions following the recommendations in the report. This is different from the normal consideration of a committee report.

Subject to amendment on one issue, the Government can support this motion and the recommendations in the report of the joint committee on engagement with investment funds. The one issue with which we cannot agree is the recommendation to cease all engagement with unregulated private investment funds and regulated credit service firms. Aside from the potential harm flowing from this element of the motion in terms of promoting Ireland as a good place to do business and to make investments, I have a concern about penalising companies for failing to do something they do not have a legal obligation to do. If, on the other hand, the intention behind the motion is that these firms should be compelled to be accountable to Parliament, then we are entering a whole other debate that has a long history in the House. Compellability powers are available to Oireachtas committees in certain circumstances under the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013. I suggest we avoid that debate

today given the legal complexities and complications that accompany the issue.

The motion calls on Government to cease all engagement with unregulated private investment funds and regulated service firms. The report refers to the statement of the Governor of the Central Bank regarding the social responsibility of firms operating in the Irish economy to be accountable to Parliament. However, while members of the House have alluded to evidence that has been provided to them on misbehaviour, the report itself does not produce any such evidence. The report states anecdotal evidence suggests that a disproportionate number of complaints made to public representatives by mortgage-holders are mortgage-holders whose loans are now owned by vulture funds. However, if the anecdotal evidence is like the representations that have been received in my Department on these funds, many of the complaints are about the fact that the loan was sold to a fund rather than specific complaints about the behaviour of the fund.

I am not an apologist for these funds or for the regulated credit servicing firms that service the loans on their behalf. However, if there are examples of misbehaviour which have been brought to the attention of Deputies, it is appropriate that they be raised with the Central Bank of Ireland to ensure this misbehaviour is eradicated. Individual borrowers also have a means of complaint through the Financial Services and Pensions Ombudsman when they have exhausted the internal complaints mechanism in the credit servicing firm. The Ombudsman has the power to refer complaints to the Central Bank if he detects a pattern which shows evidence of a systemic issue.

The Central Bank has written to the regulated credit servicing firms and outlined its expectation that these firms would attend before the committee and co-operate fully with the committee when requested to do so. I also appreciate that the Central Bank does not have the power to compel these firms to do so. I would strongly support the Central Bank's expectation that they show up.

However, as I have said, the motion calls on the Government to cease all engagement with unregulated private investment funds and regulated credit service firms until these entities are accountable to Parliament but neither the motion nor the Oireachtas joint committee report on which it is based goes on to clarify exactly what this means, both on the extent of Government and the meaning of "accountable". Is the intention that Ministers or Departments cease to meet with such entities or is the intention that no arm of the Government or the State should have any engagement? With regard to the former, the motion notes that the Department of Finance has had multiple engagements with private equity funds over the years. The principal rationale for the Department's routine engagement with such funds is that it allows the Department to obtain market intelligence from firms that have invested in or will invest in the Irish economy in order to understand how they perceive Ireland versus other countries in which they invest. Such information enables the Department to provide me and the Minister with better insights which are cross-checked against other information channels when we are considering policy matters.

It should also be noted that the Department has on many occasions taken the opportunity afforded by such meetings to urge such funds to agree to appear before Oireachtas committees if invited.

If the intention is that no arm of the Government or State should engage with such entities, there are numerous unintended consequences. These investment funds operate in many parts of the economy providing much needed capital investment to sectors as diverse as hotels, retail

business and nursing homes. As the Central Bank is independent of Government, we can assume this motion is not telling the Central Bank to cease engaging with credit servicing firms it regulates. However, both credit servicing firms and investment funds are resident in the State with employees. Are Departments or IDA Ireland not to engage with any funds operating in or considering opening up new operations in Ireland? I presume we would still like the Revenue Commissioners to engage with all such entities to collect the relevant payroll taxes and pay related social insurance. Several of the investment funds are moving operations into the State in response to Brexit. Where they purchase offices, I presume the Revenue Commissioners should collect stamp duty. What about public-private partnerships which include investment funds? Should all Departments refuse to meet such firms, even when they are providing much needed capital to the economy to develop much needed infrastructural and other projects? What about the discretion that is available to Ireland as a member state of the EU in transposing EU directives into Irish law? Many directives are highly technical in nature and there is a need to consult with industry to ascertain its views as an input into the decision-making process. That is not to say that industry is a decision-maker but its views are important in ensuring we have the fullest amount of information available to inform the decision-making process. What about venture capital funds which make much needed investments in ambitious, fast-growing companies with the potential to develop into significant businesses? These funds work with management of high potential companies and usually provide expertise and mentoring in addition to actual capital. They are common in high-growth sectors such as healthcare, life sciences, medical devices, ICT and fintech and pose absolutely no threat to consumers. However, the recommendation in the motion is worded so loosely as to capture engagement with these funds.

With regard to being accountable to Parliament, neither the motion nor the report is clear. Will the joint committee be satisfied if such firms appear before it or is there to be a defined standard of accountability against which firms can be measured? What if the committee does not like the answers it receives from a fund or credit servicing firm? Should the committee require information on the performance of the regulated credit servicing firms on adherence to the code of conduct on mortgage arrears, it is already in a position to get this information from the body which regulates credit servicing firms, the Central Bank of Ireland.

The bank appears before the committee regularly and could be asked to comment on these matters. The bank wrote to the committee on 18 September and made it clear that the Consumer Protection (Regulation of Credit Servicing Firms) Act 2015 ensures that relevant borrowers maintain the same regulatory protections that they had prior to the sale of a loan book.

For these reasons, the Government is of the view that we need to delete part of the motion and replace it with a call for the funds to appear before the committee when invited. Our amendment proposes that the words, “to cease all engagement with unregulated private investment funds and regulated credit service firms until these entities are accountable to Parliament” should be deleted and should be replaced with “calls on investment funds to engage with the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach as a matter of urgency and to attend the Joint Committee when invited”.

As for legislation on the regulation of unregulated entities operating in the mortgage market, Deputy Michael McGrath initiated a Bill to provide for the regulation of loan owners, which the Government has committed to supporting. Amendments were prepared by the Office of the Attorney General in conjunction with departmental officials. The Consumer Protection (Regulation of Credit Servicing Firms) (Amendment) Bill 2018 passed Committee Stage on

12 July. As currently amended, it would require loan owners to be authorised and regulated as credit servicing firms. Departmental officials have been in contact with the Central Bank and with Deputy McGrath following Committee Stage and we hope to progress to Report Stage shortly. We must be careful that any actions we take to further protect borrowers whose loans are sold do not have unintended consequences for the banks, their relationship with the regulator and all our citizens who depend on a functioning banking system in their day-to-day lives.

Therefore, it is not incumbent on the Government to introduce this legislation since it has already been introduced and discussed at the committee chaired by Deputy McGuinness. I am glad that we have had the opportunity to discuss this important topic and we can agree to the motion, subject to the amendment proposed in respect of ceasing all engagement with unregulated funds. Deputy McGuinness is absolutely within his authority to continue with Deputy McGrath's Bill. The Central Bank of Ireland is independent of us and we are independent of it. It is a matter for the committee to progress if the Chairman sees fit, prior to receiving an opinion from the ECB.

I have said here previously that the Minister for Finance, Deputy Donohoe, has not met representatives of any of the private equity funds and neither have I. The banks are in profit and will not be paying taxes because of the deferred tax assets but they pay a levy of €100 million every year and that is a matter for the Government and the Oireachtas to increase or decrease as they see fit. I want to nail one incorrect statement that is made all the time and it is important that this Oireachtas does not perpetuate it. It is said we have not done enough, "we" being both of these Houses. There have been 17 actions, by which I mean legislation and guidelines, starting with the code of conduct for mortgage arrears and moving to the mortgage arrears resolution process, MARP, since 2011. That is one action every six months. We have protected and are protecting the borrowers of this State more than anybody else in any jurisdiction, certainly in Europe, that I know of.

We have the lowest levels of repossessions in Europe. There have been approximately 8,000 repossessions, many of which were voluntary, through the courts or not, over the past decade. That is too many and nobody in this or the other Chamber or any public representative who I know wants to see a repossession in this State but some loans are unsustainable. We have to accept that is the case. Some people will not come out from under those loans. That is why we moved the insolvency legislation in this House from 12 years to one year. That was the right thing to do. There is an opportunity for people in a financial situation that is not sustainable to use that legislation to their benefit in order that they can re-start in business from zero.

**Deputy Mick Wallace:** I find it hard to listen to the Minister of State talking about insolvency legislation and what it protects and does not. It is absolutely useless because the Government allowed a bank veto. It was a waste of time.

Deputy McGuinness pointed out that there were 125 meetings with vulture funds between 2013 and 2016 but that they would not meet the Oireachtas Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach. The Minister of State's efforts to address that do not amount to much. He stated, "The principal rationale for the Department's routine engagement with such funds is that it allows the Department to obtain market intelligence from firms that have invested in or will invest in the Irish economy". The Minister of State should give us a break. He boasts of how neither he nor the Minister for Finance, Deputy Donohoe, have met these people. Could the previous Minister for Finance make the same boast because most of this happened on his watch? He could not have.

27 September 2018

To digress for a minute, in the budget in 2013 the Government set up legislation that allowed the formation of real estate investment trusts, REITs. On 16 January 2014, I said in here to the then Minister for Finance, Deputy Noonan:

The Government might view real estate investment trusts, REITs, as a quick fix measure to get rid of properties on the books of the National Asset Management Agency, NAMA, and the banks, but questions must be asked about the increased corporatisation of property, with little financial gain for the State. REITs are not taxed on their rental income as long as they pay 85% of it to their shareholders as a dividend, they are exempt from corporation tax as long as their income relates to rental income and non-resident investors are also exempt from Irish capital gains tax. There must surely be implications for the rental market in the years ahead.

The Minister assured me:

it is not expected that REIT ownership of property will reach the level of concentration at which a distortion of competition in the market may occur. ... it is expected that rental values in the Irish market should continue to be determined by normal market forces and not by the presence or absence of REIT landlords. ... I also wish to highlight to the Deputy that potential benefits for property tenants were a motivating factor in the introduction of the REIT framework ... It is hoped that the introduction of this type of professional property management into the Irish market will, in the long term, help to standardise and improve management standards across the rental property sector as a whole, which would be of benefit to both investors and tenants.

I replied:

The Minister says that the amount of property held by REITs around the world tends to be small. However, given that such a bank of property is going to flood our market from NAMA and the banks in the next few years, that will probably not remain so here. The rationale behind REITs is to allow people to invest in property without having to manage it themselves. It is a stockmarket version of absentee landlordism. The investors do not have to pay a lot of tax but are buying up large sections of property here.

Those investment funds and vulture funds have bought up a huge section of Ireland at a huge cost to the Irish people. There is a difference between a vulture fund and an investment fund but neither of them tends to behave very well. Vulture funds probably have been more aggressive in that such a fund tends to buy stressed assets and move them on fairly quickly. I have heard the Minister of State imply in the past that one could make a deal with them but I have had some direct dealings with a serious vulture fund and they are not very nice people to deal with. In the case of the REITs, Deputy McGuinness spoke about the 125 meetings the vulture funds had with the Department of Finance.

According to freedom of information, Mr. Bill Nolan had 67 meetings in two years in these Houses at which he lobbied. Did the Department and Ministers not have anything else to? It was obviously worth Mr. Nolan's while. I repeat that he had 67 meetings in two years. How mad is that? Despite this, the Government cannot get these same people to attend a meeting of the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach. Does it support the committees or view them as a hindrance? Does it support them only when in opposition? It beggars belief that the Government thinks it is alright that these guys, who have

had such influence on what has gone on in Ireland in recent years, should not have to answer questions. That is not fair, although I understand why they do not come in here. It is because they would not like their behaviour to be scrutinised. I also understand why the Government is not pushed about them having to come in here to be held to account. It is because that would completely expose the Government. The Minister of State, Deputy David Stanton, can shake his head all he likes. The truth will out in time. I will not name people in the Chamber in connection with people making connections with the Department of Finance and organising for some deals to go ahead. As I said, the truth will out in time and it will not be good for the Department of Finance. I assure the Government of that.

The Minister of State, Deputy D'Arcy, referred to "the potential harm flowing from this element of the motion in terms of promoting Ireland as a good place to do business and to make investments". I am bemused by that statement. I do not know how some of these comments can be made with a straight face. The Minister of State continued:

However, while Members of the House have alluded to evidence that has been provided to them on misbehaviour, the report itself does not produce any such evidence. The report states anecdotal evidence suggests that a disproportionate number of complaints made to public representatives by mortgage holders are mortgage holders whose loans are now owned by vulture funds.

My God. Deputy McGuinness pointed out that the confidence and supply arrangement includes a promise to protect the family home. Will the Minister of State be honest and admit the Government has failed to protect the family home? I know many people who have lost their homes and many others who will lose them in the future. That is the truth. Why does the Government pretend that is not the case? I do not understand that. Who does it think it is kidding? The Irish people know that the vulture funds have wreaked untold damage across this island.

**Deputy Thomas P. Broughan:** Hear, hear.

**Deputy Mick Wallace:** They have made a fortune at the expense of the Irish people. They bought loans from NAMA for peanuts, paid a bribe to get Project Eagle in the North and we are fine with that. God help us. What will the history books tell us? I hope they detail statements the Government made in this House in its efforts to defend what has taken place. I remember begging Fine Gael and the Labour Party several times in 2015 not to sell Project Arrow or allow NAMA to continue with the sale of those loans to Cerberus. The loans in Project Arrow had a par value of more than €6 billion and it was sold for €800 million. The sale included approximately 2,000 units and all of those properties are in the Republic of Ireland. We had a housing crisis in 2015 and before that as well. Why did the Government allow that to happen? NAMA belongs to the State. When the agency was set up we were told its purpose was to place assets in cold storage and sell them only when the market had recovered. They were then sold for a fraction of their value way ahead of time. I am convinced that the behaviour of NAMA has cost the State between €20 billion and €25 billion, at a minimum. That the Government allowed that to happen is terrible.

**Deputy Anne Rabbitte:** I welcome the opportunity to speak on this issue. I apologise on behalf of Deputy Michael McGrath who could not attend this debate, which has given me the opportunity to speak on the motion. As with Deputies McGuinness and Wallace, this has also been one of the main issues raised by my constituents since my election. The issue is how people are being treated. I also agree with Deputy McGuinness that the Dáil should have been

recalled during the summer recess to discuss the sale of Permanent TSB and Ulster Bank loans. We know that 10,700 mortgages were sold to Start Mortgages, which is owned by Lone Star, while Ulster Bank has announced the sale of 5,200 mortgages to Cerberus, consisting of 2,300 family home mortgages and 2,900 buy-to-let loans.

It is also important to note that the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach, in its report on engagement with vulture funds, called on Apollo, CarVal, Cerberus Capital, Lone Star Europe, Oaktree Capital and Starwood Capital to appear before it. The report recommended that the Government cease engagement with all unregulated loan owners or vulture funds until such time as these entities agree to meet with the joint committee for the purposes outlined in its report. It then recommends that the Government introduce legislation to provide for the regulation of entities that are currently unregulated loan owners operating in the Irish mortgage market.

Listening to previous contributions, a number of clichés sprung to mind, notably that we are elected by the people to protect the people and to be the voice of the people. That is what I consider to be my role this evening. I am experiencing what the joint committee tried to articulate in its report. It wants to achieve transparency and accountability and seeks reassurance about the role of vulture funds in the Irish market. How will we protect the owners of the 11,314 principal dwelling homes and 6,778 buy-to-let properties affected? We talk about houses and buy-to-lets but inside every one of those four walls are families or individuals. We are talking about people living in communities where their children attend school and where they work. Now there is uncertainty. Deputy Wallace spoke very well about the number of people facing repossession. That is what we are facing with the figures I am staring at. This is already happening.

It is disingenuous not to support the motion put forward by the Chairman of the joint committee, Deputy John McGuinness. It is incumbent on the Government to rethink its position. Amendments have been withdrawn because people have had second thoughts. I will certainly not support the Government amendment. It is important to remember what Deputy McGuinness said. I do not often refer to the confidence and supply arrangement. This may be the first time I have referred to it in the two and half years since the Fianna Fáil Party engaged in it.

There is a commitment in the confidence and supply arrangement to provide greater protection for mortgage holders, tenants and SMEs whose loans have been transferred to non-regulated entities, also known as vulture funds. I am the voice of the people of my area and want to protect them, like everyone else here.

On the large-scale loan sale by banks to unregulated loan owners, the joint committee undertook to invite these investment funds to appear before it to discuss the approach taken to mortgage arrears and distressed loans. It could not have been more simple; the clerk to the committee wrote a letter and invited the investment funds to appear before the committee in order that they could explain what was going on. It wanted to find out what the plan was, what strategy the funds had and what their motivation was, and how they were going to look after the families affected. The committee wrote to the funds most recently on 11 April, I believe, and each of the six funds I named earlier declined to appear before it. None came forward to give any form of reassurance or to provide transparency. It beggars belief that those funds were able to meet behind closed doors. What was discussed behind closed doors that cannot be discussed at committee? Many people and groups have appeared before the committee since I was elected, and I have seen heads roll out of committees. Why is there such secrecy involved in this instance? They are putting doubts into our heads as to what we are dealing with. Deputy

Wallace put the matter very eloquently. He asked what there is to hide. I have doubts which have been copper-fastened by the fact that there is an amendment to this motion this evening. This should cease.

Fianna Fáil believes the banks should be working through their loan books on a case by case basis instead of outsourcing the dirty work to unregulated and unaccountable vulture funds. Through Deputy Michael McGrath we have introduced legislation that will regulate these loan owners, as the Central Bank had originally intended to do. The Government has accepted this legislation, and it is working its way through the Dáil, as the Minister of State D'Arcy said. That said, the refusal of these funds to appear before the joint committee is an affront to democratic accountability. It is even more obscene in circumstances where these funds had no problem with meeting the Department.

It is unfortunate that this motion is being taken on the graveyard shift. We have had some great debates on the graveyard shift, but it is a pity that this one, the content of which hits every county and community in the country, was listed at this time. There was a time when people believed that repossessions happened because people did not pay their loans. I am currently working on the case of a couple who, for the last five years, through all their distress, have negotiated and reduced their repayments to €315 per month. That might sound like a small amount; it is very large for this family. I met with them when this situation with Permanent TSB and Ulster Bank arose. They were very nervous, and so I went to their house. In fairness, I also got one of the fund managers to come with me to meet them. The loan these people had taken out had been sold on to Cerberus. They were reassured that paperwork would follow within a week and that they could get an extension for sixth months, allowing them to investigate other avenues, such as rent-to-buy. They rang my office last night to tell me that the paperwork has not arrived, but that they had received a call to say their loan repayments have increased to €1,200 per month. They will miss three of those payments, and by missing them it means they will renege on their deal. The black mark is out. The company managing the loan is not regulated - it can do what it wants. That is the fact of the matter.

We should support this motion, which proposes that until such time as these funds appear before the committee all engagement should cease.

**Deputy Peadar Tóibín:** I warmly welcome the report of the Joint Oireachtas Committee on Finance, Public Expenditure and Reform, and Taoiseach. The figures contained in the report are astounding. There are 18,000 mortgages, valued at €3.9 billion, currently in the hands of unregulated vulture funds. Thousands of family homes, rental properties, businesses and family farms across the country are in the grip of these funds. The business model of the vulture funds is very simple. They seek to profit from asset-stripping. They buy in bulk at knock-down prices and maximise the return they can get. They buy cheap, grind out a profit and leave. I have heard of cases in my own county where the funds have bought at a rate of 25 cent to the euro and then pursued the individual family for up to 80 cent or 90 cent to the euro. It is totally wrong that such a system should be in place. It is not a system, unfortunately, that has emerged by accident; it was designed and created by the Government.

I will give an example of one family in my county. The McCann brothers bought 38 acres of land in Meath a decade ago. Unfortunately, like many others they bought at the top of the market and got into financial difficulties subsequently. They offered around 20 acres as a security to Ulster Bank, and the loan was then sold to a vulture fund. The vulture fund sought to sell the 38 acres, including the 20 acres given as security, at auction. The family had no prior knowledge

27 September 2018

that the land was going to auction. In fact, the credit servicing firm was negotiating with them at the time it was put up for auction. It was described as vacant land when it was put up for auction; it clearly was not. Once the land was sold the vulture fund sought to pursue the family for any outstanding debt. To try to fix the problem the McCann's sold the family farm and paid out approximately €80,000 from that. The home of another brother was remortgaged, and approximately €150,000 from that went towards paying the mortgage. In addition, a site on the land was sold and the proceeds handed over to the bank to bring down the amount owed. The family has approached the credit servicing firms with a repayment package on top of all this, but today its debt level is almost exactly what it was on the first day. After all those changes it owes roughly the same money it borrowed. The Irish Farmers Association has been helping, and the family has put forward further proposals that would see part of the land sold by way of a voluntary sale rather than forced sale.

It is incredible to think that if the vulture fund accepted the new deal and let the McCann family stay farming it would still be getting double the amount of money it paid Ulster Bank for the loan. The level of asset stripping is mind-blowing. The vulture fund would double the money it paid for the loan yet it is still not satisfied with it.

I remember standing in front of the former Minister for Finance, Deputy Noonan, around four years ago. We were horrified at Fine Gael's plans regarding these vulture funds. I told the Deputy that it did not make any sense to sell these properties at knock-down prices to vulture funds. I suggested that the families, businesses or farmers who owned these properties should be given the chance to buy the properties at roughly the same price, given that they had invested their lives in them. I suggested that if the businesses and farmers were given the chance to buy it would ensure that jobs would not be lost, and that if families had the chance to buy people would not be added to the homeless register. Deputy Noonan rejected that logic. I felt that he was telling them to get stuffed.

At the heart of this are families, just like ours. These families are caught up in an all-consuming catastrophe. They are being mentally and physically tortured. While the family I spoke about is doing its best to fight through the problem, we know of families around the country which have not been able to fight through it and who are no longer with us. They are the victims of the policies the Government has followed.

When we get answers to questions on this issue it is often the case that Fine Gael Deputies wring their hands and offer, in soothing tones, their efforts to ameliorate the damage that is being done by the vulture funds. However, the stark truth of the matter is that the vulture funds are an economic tool the Government has employed within the economy. The Government has invited these funds into both the market and the economy. It has invited them into family homes and farms throughout the country. It is a tool the Government is seeking to use. Deputy Noonan said that vultures carry out a very good service in ecology. It is startling. Fine Gael's policies are often brutal and cruel. While they have better marketing and branding than the Tories in Britain, there is very little difference in the damage that they do.

Sometimes Deputies finish up late, go home and forget about what has happened during the day. However, it is really important to realise that our decisions and votes as Deputies lead to effects on other human beings. We are directly and personally responsible for what happens to those other human beings as a result of the decisions we make here. For too long people have tried to isolate and insulate themselves from the damage that has been done. Fine Gael Deputies are directly responsible for these families due to the tools they are using.

It is astounding. Some of the people trying to unwind their problems with vulture funds find the vulture funds will not talk to them. I tell them that the vulture funds will not talk to us. It is incredible that the vulture funds are giving two fingers to the Oireachtas and the elected representatives in Leinster House by refusing to come before the committee. They know that they are untouchable because Fine Gael has made them so. As a result, they simply ignore the invitations issued by joint committee.

The vulture funds are not shy, however. They are well able to talk, and when they get an opportunity to talk to decision-makers directly, out of the public glare, that is what they do. The report shows that vulture funds met with the Department of Finance 125 times in the past few years. They are giving the elected members two fingers but they have open access to the Department of Finance. It is incredible that this is happening. I understand that the Minister of State routinely meets companies that would be considered vulture funds though their interests may not be in residential property. I commend the joint committee and its Chairman on publishing this report. The information in it is striking.

The committee recommends that the Government introduces legislation to provide for the regulation of entities that are currently unregulated, the loan owners operating in the Irish market. Three years and four months ago, I sat on the Joint Committee on Finance, Public Expenditure and Reform and I made exactly the same proposal in a piece of legislation. Only two members of that committee voted for that proposal, Deputy Richard Boyd Barrett and myself. Unfortunately Fine Gael, Fianna Fáil and the Labour Party voted against it. I know that there are exceptions within Fianna Fáil with regard to this particular issue. It is really important that we intervene here. Both Fianna Fáil and Fine Gael can step in and intervene. It is also important to mention that while it will help, regulation is not a silver bullet. Far from it. To stop the vultures we have to stop feeding them. The Minister is in a position to stop feeding them through his influence over the banks and the National Asset Management Agency, NAMA. It is important to draw a line and say that no more of this will happen in the future. Again, I ask the Minister to do that; to actually use his influence for the people the Government represents rather than for business interests.

In so many aspects of Irish society, whether it is housing, banking, health, the issues surrounding Moore Street or even education, Fine Gael's natural instinct is to defer to the private sector all the time. The private sector has an important role to play in this country. We need to have commercial activity in this country for the country to function. However, we do not have to defer to it on all occasions. The market is not always the solution to these issues, especially the distorted market that the Government has created.

**Deputy Thomas P. Broughan:** I am delighted to have a chance to comment on this motion on the report on engagement with investment funds. I commend the joint committee and its Chairman on bringing this matter to the attention of the House and for publishing this short and very important report on how we, as representatives of the people, are treated.

Over the last month or two we have probably all met many constituents who were absolutely stunned to find that their mortgages had been transferred from Permanent TSB to a vulture fund, a non-bank entity. The Minister of State has probably met them himself in east Cork. People are in incredible distress over what will happen in the future or if they have any history of being out of work or getting into difficulty with mortgages. That is the reality. Looking at the report, the statistical release of the Central Bank on 7 September confirms the very good reasons for such anxieties. The banks are responsible for 72% of mortgages on principal dwell-

ing homes in arrears for more than 720 days. It should have been their core role as pillar banks to work out those arrears with the mortgage-holders. Unregulated entities own 18% of those loans. Non-bank entities own a further 10%. Moreover, banks own 75% of principal home mortgages in arrears for more than 90 days. Again, 13% are owned by unregulated entities and 12% by non-bank entities.

Under the leadership of the Chairman of the joint committee, many of our fellow citizens are expecting us to take urgent steps about this. The Minister of State, Deputy D’Arcy, says it is regrettable these companies did not come before the committee. I am a former member of that committee. It is not regrettable, it is totally unacceptable. It is an insult to this House and to the people who sent us here that Deputy McGuinness and his colleagues should not be able to hold these companies to account. If there is a need for legislation, let us legislate. We stayed up all night two or three times in this Dáil and the last one to bring in terrible austerity measures. Why is there not the same sense of urgency in this regard?

I know the Minister of State is probably busy. When he was here, he said that compellability powers are already available to Oireachtas committees in certain circumstances under the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013. He then went on to say we should avoid debating that today. An amendment about compellability was proposed to give the Dáil and our colleagues on the Committee on Public Accounts, that most constitutionally important committee in this House which looks into State spending, powers of compellability. That was brought in by the Minister of State’s austerity Government. It was around the same time that it wanted to abolish Seanad Éireann.

The austerity Government made no attempt to convince the public of the utter necessity of compellability powers, as is apparent in this matter. I therefore strongly agree with the conclusion in section 13 of the report in which the committee states that the legal lacuna concerning the Central Bank and vulture funds must be plugged. We have to bring in legislation in this regard. It represents a gap in the current legislative framework. Section 16 rightly concurs with the Governor of the Central Bank, Professor Philip Lane, holding that vulture funds have a social responsibility to be accountable to Parliament. That being the case, we should not even have to have this debate. More than 18,000 Irish mortgage holders are customers of this unregulated fund, with a value of almost €4 billion. There is no question that such a large body of our fellow citizens expect us to be able to regulate one of the most important areas of their lives, namely, the mortgages on their homes.

The Consumer Protection (Regulation of Credit Servicing Firms) Act 2015 provides for how credit servicing firms are regulated and it is worth noting, as outlined in section 3, that people whose loans are sold from credit servicing firms to unregulated entities “maintain the regulatory protections they had prior to the sale, including the protections provided by the Central Bank’s statutory Codes of Conduct” and the code of conduct for mortgage arrears. We saw earlier this summer, the great distress and worry caused by the Project Glas sale. This was a portfolio of approximately 10,700 properties. In reply to a parliamentary question on 7 of September, the Minister told me he expected the Central Bank’s report on its review of the code of conduct for mortgage arrears by the end of this month. Is this still on schedule? Will we see the review? The Minister of State might come back to this.

The reply to another parliamentary question on the same date informed me the Minister and his officials had met the chair of the supervisory board of the ECB and had discussed the treatment of split mortgages as non-performing loans and requested that they would be recat-

egorised. It is a sad indictment of lack of autonomy that the European banking authority gave a strict Europe-wide definition of non-performing loans which means that certain restructures are deemed to be non-performing loans even if customers are meeting the revised payment schedule. We have all been contacted by many upset customers who feel great anxiety and distress at this time.

I agree with the many constituents who strongly assert that the securitisation of loans on principal family homes should be abolished and forbidden in law by this House. As Judy Garland said in “The Wizard of Oz”, and which is featuring in an advertisement at present, there is no place like home. Earlier, the Chairman of the joint committee referred to the idea of somebody’s contract to pay back the debt on the family home being sold, interfered with it and transferred to a non-Irish-based company as totally outrageous. It is something we need to address. The securitisation and financialisation of key elements of the lives of citizens and families has been one of the most disgraceful practices of Thatcherism and globalisation since the 1980s. As the economist Mariana Mazucatto notes in her famous books, *The Entrepreneurial State* and *The Value of Everything*, increasingly over the past 40 years, national governments withdrew from necessary regulatory functions, often in industries the states themselves had established and in which they had a primary interest. One of our primary interests is to ensure every Irish family and citizen has a home. We had an emotional debate about this on Tuesday evening and we will have another one next Wednesday. Everybody wants to deal with the desperate housing and homelessness situation we have. It is incredible that the securitisation of family homes is permitted. This is a huge lacuna.

Families who are devastated by the recent decision of Permanent TSB to offload many of their home loans, with some fearful of becoming homeless, are looking to this House to remedy the situation urgently with regard to vulture funds. The finance committee has made a reasonable request to us that we should not engage with these funds until legislation is passed that will make them subject to our regulation and the regulation of the people whom we represent. The Governor of the Central Bank, Philip Lane, also has a grave responsibility in this regard. The Chairman of the finance committee has tried to advance the situation whereby we can protect and keep people in their own homes. The Governor refused to intervene in the recent Project Glas sale and in other sales to vulture funds in recent years. Restoring those in the pillar banks to their pre-crash salaries and restoring other excesses, to which the Chairman of the finance committee has referred, seems to be the key driving force in the Central Bank’s administration of our financial system. It was we who restored those pillar banks and, therefore, it is we, on behalf of our people, who have the right to call the tune.

Colleagues have referred to the Fine Gael austerity Governments, led economically by Deputy Michael Noonan, which have embedded the current appalling securitisation culture in our mortgage market. I hope the forthcoming general election will end this era of non-accountability and shocking cavalier treatment of householders and mortgage payers and make all bank and non-bank entities subject to the regulation of the House and its finance committee.

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** I am pleased to have the opportunity to speak on the motion. I listened to all of the contributions made on the issue and I appreciate where colleagues are coming from on it. It is only right and proper that firms doing significant levels of business in Ireland, and which have a significant impact on the daily lives of large numbers of people and are subject to the laws of the land, have due respect for the democratic institutions of the State. This is why we have tabled the proposed amendment to the motion calling on investment funds to engage with the joint committee as a

matter of urgency and to attend the joint committee when invited.

I agree, as does the Government, that funds and other firms should pay due respect to the committee and attend before it, when invited. I hope this is clear. It is the main point we are all making, that the committee would be able to engage and question the funds. This is the end result we want. Officials in the Department of Finance have strongly advocated in meetings with these funds that they should appear before the committee.

I was the Chairman of a committee for four or five years. We must look at how we treat witnesses when they appear before committees and whether any changes to the style of seeking information should be considered to encourage witnesses to attend voluntarily. Nobody likes to be attacked and shouted at. We need to look at this. Perhaps speaking softly and asking precise questions can bring precise answers. People making speeches and grandstanding for the sound-bite does not work. I am not saying this happens at the finance committee by any means but I have seen it happen at some committees. Perhaps it would be better to have precise, focused and incisive questions to get at the nub of an issue rather than making Second Stage speeches which I have seen happen at many committee meetings. It is what I tried to encourage as Chairman of the justice committee and I believe it worked pretty well.

Other things could be done to explore ways for committees to advance the issue. The term “vulture funds” has been used quite a bit during the debate. This has come to take on a pejorative meaning in discussions on loan sales. People who work for these funds, including the witnesses whom the committee would wish to attend, would not describe themselves as being employed by a vulture fund. The committee may wish to consider whether the tone of the report is likely to help or hinder the future attendance of such witnesses.

The recommendation that the Government should “cease all engagement with unregulated private investment funds and regulated credit service firms until these entities are accountable to Parliament” has already been addressed to a large extent by the Minister of State, Deputy D’Arcy, in his opening speech. I echo his points. It is in the interest of the State that we should continue to engage with these funds. Otherwise, how can we get them to change their minds about appearing? Also, engagement with private equity funds allows the Department of Finance and other Government bodies to develop market intelligence to allow better policy development. As has been noted, such communication and interaction with private equity firms is a two-way process, in that officials and Ministers can communicate what various Government policies mean in order to demonstrate that Ireland is a good place for such funds to invest.

There is also a worrying lack of clarity in the motion as formulated. It could have multiple unintended consequences because of how it is worded. It could be interpreted as prohibiting contact with all kinds of funds that may have legitimate reasons for wishing to invest in Ireland and to engage with the Government on multiple levels. There are sound policy reasons this engagement should take place. Many of these funds have no dealings with Irish consumers or mortgages and have a solely international focus. It is important that motions and legislation drafted and put before the House are practical, realistic and clear and that they can be implemented in a straightforward way. I urge the committee to use the powers it has to explore matters of concern and to ensure that the consideration of the topic is as thorough as possible. For example, there is much discussion about non-banks being most aggressive in repossessing properties but the figures on repossessions indicate clearly that most repossessions are undertaken by banks. The full-year figures for 2017, for example, indicate that of 1,417 principal dwelling homes repossessed, only 148 were repossessed by non-banks and 1,269 were repos-

sessed by banks. The Central Bank has a wealth of data on this and it accepts invitations to attend the committee. The Central Bank is also willing to accept any evidence of wrongdoing by regulated entities, including regulated credit servicing firms. I urge the committee to consider how best to inform itself on this issue in the absence of witnesses making themselves available to attend before it. The committee could also consider seeking written answers to the questions it wishes to pose, if it has not done so. I am not sure if that has happened and perhaps the Chairman will tell us when he sums up.

To conclude, the Government considers that these funds should attend before the committee but that prohibition of all engagement with investment funds would be counterproductive and is also too loosely worded to be practical. It has, therefore, tabled an amendment, which I commend to the House.

**Deputy John McGuinness:** I say to the Minister of State here and the absent Minister of State, Deputy D'Arcy, that their response is shocking.

**Deputy David Stanton:** Here we go.

**Deputy John McGuinness:** They are living in a bubble and do not understand what is happening.

**Deputy David Stanton:** Here we go again.

**Deputy John McGuinness:** Their arrogance is such that they have decided to lecture the committee on process and proper presentation of a motion.

**Deputy David Stanton:** Here we go again.

**Deputy John McGuinness:** Members of the Minister of State's party are members of this committee. There was unanimous agreement on the content of the motion. It has been placed before the House in a proper manner. It calls for certainty within an unregulated market. The Minister of State has addressed these matters in an attempt to mislead the people who may be listening by telling us about what we should or should not do, the Department and getting involved with a red herring. We are not talking about investment funds that make positive investments in the country; we are talking about vulture funds that come in to buy what is on the market at the lowest possible rate while treating people abominably. The Minister of State wishes to dress down the committee, saying we should ask representatives of these vulture funds to come before us. At the same time, they are beating up those who took out these mortgages.

Deputy Anne Rabbitte illustrated the human face of this matter, relaying how people, including families with young children, are involved in this process. People have lost their lives through suicide because of this. That is a fact. The IFA is now taking this seriously and is engaging on the matter. What more evidence does the Government need about vulture funds when we can see repossessions going on all over the country? People are appearing at repossessions with balaclavas and dogs. What kind of society is the Government allowing to be created by people who are not even from this country? They have come here for no other reason but to profit off the backs of the people with distressed mortgages. When those distressed individuals turn to the Government, its only response is the pathetic content of the Minister of State's speech. He tried to personalise the issue, singling me out over the committee. He also sought to lecture the committee on what it should do.

We have provided the report to this House based on witnesses testimony and fact. We have the letter from the Central Bank that indicates, if we read between the gobbledegook, that it does not want to regulate vulture funds. In a visit by a committee delegation to the ECB over the past few weeks, we found that its officials never told the Irish banks to reduce their exposure to bad loans from 26%, and in some cases to 5%. They never instructed the banks in Ireland to sell to the vulture funds. They asked the banks to work out the loans with the individuals concerned but the banks want to outsource the dirty, grubby work of repossessions and to drag families through the courts. All we have to do is look at how the banks presented the sales during the recess. There were thousands of them. As Deputy Broughan noted, people had agreements and arrangements with banks but the banks decided to go against the ECB. For example, if part of a loan had to be warehoused, it was classed as a non-performing loan and it had to go. Shame on the Minister of State and shame on the Minister for Finance for attempting to throw up a smokescreen in front of the members of this committee in this debate.

Let us look at what is happening. The vulture funds and the banks do not pay tax. The Minister of State has suggested we speak softly and nicely to the witnesses who might appear before the committee. However, he does not recognise the fact that those same witnesses are probably part of an entity that is beating up the citizens of the State and making their lives a misery by dragging them through the courts, as lay litigants in some cases. Children are watching parents trying to defend their family home. Is that what the Minister of State is happy with? If there were 125 meetings in the Department of Finance, how many recent meetings were held in the Department of Housing, Planning and Local Government on housing projects involving vulture funds? That question must be answered. The Government is going about its business in a State where it is watched. The general public knows damn well what is going on.

We bailed out the banks and, in one case, a bank sold almost 700 houses to a vulture fund called Cerberus. The State then purchased those 700 houses, not at the knock-down price or a price with a bit of added value for the fund over the original purchase price, but at market value. The Government then had the neck to include those figures in the Rebuilding Ireland acquisition figures. The vulture funds, the banks and all the entities other than the family have gained on the double or treble even just in that instance. Does the Government believe that is okay? The Minister of State suggested we write to agents of the vulture funds and ask them questions but we are fed up of writing on behalf of the Irish people to agents of vulture funds. We are fed up of the heavy-handed activity of the same funds. We are fed up of the language they use with their customers in attempting to gain the last pound of flesh from them. The people they condemn with a poor quality of life are appealing to us to intervene.

If the Government agrees with the confidence and supply arrangement and says it will bring forward legislation to protect SME business loans and the homes of individuals and families, why do we not see the results? Why, just before we into a third budget with this Government, did Deputy Michael McGrath have to bring forward such legislation?

That was the reply from Department of Finance officials at the committee. In case the Minister of State thinks we did not ask all of the questions, we did. There are approximately four levels of regulation for these firms and the Department tells us that if we were to regulate them, it would probably be at the lowest level of regulation. That is not what we want. We want to see proper upfront regulation. We want the vulture funds to appear by right before the committee. We do not want, as the Minister of State does, to engage with them to try to get them to respond to him or deal with him on a softly, softly basis. How dare he question the way in which witnesses are treated at the committee? I

7 o'clock

have seen witnesses being treated properly before committees of the House, some of whom had to be treated in the way they were because they had not been forthcoming with any information. The people have a right to expect us to deal with matters in the way we see fit to get to the truth and answers.

I again ask the Minister of State to acknowledge positively the work of the joint committee and what it is trying to do; that the stories we have been telling him or that he states are merely being told generally are, in fact, real; that lives have been lost; that people have lost their homes and are under threat. He should go to the courts to see how many are lined up and going through a process that is unfamiliar to them and desperate to try to save their homes. They have the support of Abhaile and the sum of €250, but then one looks at the banks which are represented by solicitors and barristers, both senior counsel and junior counsel. One point made by the Sinn Féin spokesperson is that one cannot get information from them. They will leave someone to hang and sweat it out. They will not proactively try to resolve issues. It is shame on the Government if the Minister of State does not engage proactively to bring about a situation where not only will they be accountable but where they will have respect for this House and the people.

Amendment put.

**Acting Chairman (Deputy Eugene Murphy):** In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 4 October 2018.

The Dáil adjourned at 7.05 p.m. until 2 p.m. on Tuesday, 2 October 2018.