



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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# DÁIL ÉIREANN

*Dé Céadaoin, 3 Deireadh Fómhair 2018*

*Wednesday, 3 October 2018*

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

*Paidir.*

*Prayer.*

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## **Gnó na Dála - Business of Dáil**

**An Leas-Cheann Comhairle:** Before I call the Minister of State at the Department of Defence, Deputy Paul Kehoe, to make a short statement, it is important to highlight that it is now almost 10.43 a.m., 13 minutes after the time at which the House should have commenced proceedings. This gives the wrong perception to the members of the public who are watching in. It is not a matter for the Chair to provide a quorum. This is happening too frequently and unfair on those Members who have questions further down the Questions Paper. As I said, it is not the Chair's responsibility to provide a quorum. The responsibility lies elsewhere.

I invite the Minister of State to make a brief statement on troop deployment.

### **Troop Deployment: Announcement by Minister of State**

**Minister of State at the Department of Defence (Deputy Paul Kehoe):** I advise the House that there has been a delay in the rotation of Defence Forces personnel serving with UNDOF. It will result in a delay for 119 personnel who are returning home to Ireland. Following receipt of the required diplomatic clearance for the flight to rotate the Defence Forces contingent with UNDOF on Tuesday, 2 October, an issue arose unexpectedly on Monday morning with the clearance. Every effort was made by the Departments of Defence and Foreign Affairs and Trade to address the issue, but it could not be resolved within the time necessary to allow completion of the rotation on schedule on Tuesday. As soon as this was known, the personnel involved and their families were contacted and advised of the issue and the postponement of the rotation. I have been in direct contact with the honorary consul general in Beirut, Mr. Georges Siam, to try to resolve the issue.

The rotation of contingents is co-ordinated across UNDOF missions so as to maintain appropriate forces on the ground in support of missions. In addition, rotation flights through

3 October 2018

Beirut are confined to certain days and times. As such, there are limited windows during which we can rotate the Defence Forces contingent. Given these constraints, the necessary timelines to secure diplomatic clearance and the primacy of ensuring safe and secure transit through Syria and Lebanon for the rotating contingents, it is now planned to rotate the contingents on Monday, 15 October. It is expected that the personnel returning to their families will arrive in Ireland on Tuesday, 16 October.

I am acutely aware of the impact the unfortunate delay in the rotation of the personnel serving with UNDOF is having on the 119 personnel who are due to return home and their families, for which I apologise. Every effort possible is being made across the Defence Forces organisation, the Department of Defence, the Department of Foreign Affairs and Trade and the embassy in Cairo to address the issue and ensure the safe and secure return of the personnel as soon as possible. The allowances due to personnel while serving overseas will continue to be paid and their 30-day post-deployment leave entitlements will only commence from their date of return. Additionally, I have taken the decision that the personnel who have been delayed in returning home will receive an *ex gratia* payment of €1,000 in recognition of the disruption cause to them and, more specifically, their families.

### **Ceisteanna - Questions**

**An Leas-Cheann Comhairle:** In view of the late start, I ask Deputies and the Minister of State to observe the time limits.

**Deputy Jack Chambers:** Before I ask my question, it is important that I respond to the Minister of State's statement. There is massive dismay and disappointment at the manner in which the Department of Defence has handled this process. It did not follow diplomatic protocols. The HR section of the Department made a fundamental error in the organisational process for the flight. This morning I received an email from a lady stating the families were devastated. They had been looking forward to their loved ones coming home. Their return has been delayed owing to a mess-up in following diplomatic protocols. It is important that there be political oversight in that regard. It was no average mess-up but an error on the part of the Department. There has been huge negative feedback from personnel who are due to take part in the next-----

**An Leas-Cheann Comhairle:** I should clarify that the Minister of State made an announcement. I ask the Deputy to pose his question.

**Deputy Jack Chambers:** I will ask my question, but, first, it is important to say the Department of Defence has breached its own process in following diplomatic protocols.

### **Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions**

#### **Naval Service Operations**

43. **Deputy Jack Chambers** asked the Taoiseach and Minister for Defence his views on the fact that the LÉ Orla and LÉ Niamh could not set sail to conduct operations during the week

24 to 26 September 2018 as a consequence of inadequate trained manning levels. [40259/18]

**Deputy Jack Chambers:** I am seeking the Minister of State's views on the *LÉ Orla* and *LÉ Niamh* not being able to set sail to conduct operations during the week of 24 to 26 September as a consequence of inadequate trained manning levels.

**Minister of State at the Department of Defence (Deputy Paul Kehoe):** First, the delay in the return home of Defence Forces personnel has nothing to do with the HR section of the Department of Defence.

The Naval Service is the State's principal seagoing agency tasked with a variety of defence and other roles. The current strength of the Naval Service is just over 1,000 personnel, or approximately 92% of its establishment of 1,094 personnel. There is ongoing recruitment to the Naval Service, with the most recent intake of general service recruits and cadets in September. There will be further recruitment in early 2019. The level of training and experience gained by members of the Defence Forces makes them attractive to private sector employers. The Defence Forces are not unique in that regard. This is experienced in other parts of the public service and by other military organisations internationally. At the request of the Government, the Public Service Pay Commission is considering specific recruitment and retention issues in the Defence Forces.

On the two ships referred to in the question, I am sure the Deputy will appreciate that for operational and security reasons it would not be appropriate to disclose details of the operational deployment of any vessel in the Naval Service. However, the Naval Service is meeting its security and defence tasks. It is also important to note that the Naval Service is intelligence-led and must, therefore, prioritise its work carefully. Whether it is the ongoing operation in the Mediterranean or the recent joint surveillance operation off the south coast which resulted in the detention of a 40-foot vessel carrying a significant quantity of cocaine on board, the Naval Service does great work.

Last Wednesday, when this issue came to my attention, I spoke to the Chief of Staff who later in the week visited the naval base to discuss ongoing challenges. The Chief of Staff provided me with a preliminary update by telephone on Friday evening and yesterday afternoon I received a further written briefing on the issue. I am expecting a more detailed explanation from military management in the coming days. It is also important to note that ships do not sail from time to time for various reasons, including weather, mechanical reasons and personnel issues. The Naval Service maritime security and defence patrol schedule takes into account the requirement to maintain a patrol presence at sea and to schedule resupply, refitting and maintenance in harbour. Despite the challenges it is facing, I am assured by military management that the Naval Service continues to carry out its assigned security and defence tasks.

**Deputy Jack Chambers:** The Minister of State's response was similar to the comments he made on "Prime Time" last night. He is in complete and continuous denial. Who is he trying to fool here? The ships were docked because of the recruitment and retention crisis of recent months and years, yet the Minister of State cites operational and security reasons. How were operational and security tasks performed if the ships were docked? This week, for example, two ships were left in dock because of the retention crisis.

The Minister of State is in complete denial and dismisses the issue by referring to the Public Service Pay Commission. An emergency meeting of senior military management had to ad-

dress this matter. I now understand that one of the ships set sail but had to draft in personnel who were undergoing training. This is a case of robbing Peter to pay Paul to save the Minister of State's bacon in the Department of Defence. He needs to take control of this issue and stop referring to other reasons. On the "Prime Time" programme last night, he engaged in further denial when he referred to weather and technical difficulties and again tried to assure the public that security and defence tasks were not being compromised.

Under the Minister of State's management, the Department of Defence and the military are in complete crisis. There has been no assurance during his tenure. He is completely failing the people. These issues have caused a crisis in morale. Defence Forces personnel cannot sail because of the retention crisis, yet the Minister of State takes no action.

**Deputy Paul Kehoe:** I will give the Deputy some advice because we could have avoided the situation we are in. I watched an interesting programme last night about the banking bail-out. Deputy Chambers' party was involved in that. I would-----

**Deputy Jack Chambers:** The Minister of State is distracting from the point again. Will he address the issue of the military crisis we are having?

**Deputy Paul Kehoe:** I advise the Deputy to watch that programme as he might learn a lot.

I received correspondence yesterday from the Chief of Staff who assured me that, despite the many challenges, the Naval Service is still able to carry out its assigned security and defence tasks and meet its commitments under the various service level agreements. I admitted last night that we have human resources challenges in the Naval Service. I did not shirk my responsibilities.

**Deputy Jack Chambers:** The Minister of State referred to weather and technical difficulties.

**Deputy Paul Kehoe:** I advise the Deputy to watch the programme again. Maybe he did not see it.

**Deputy Jack Chambers:** I did.

**Deputy Paul Kehoe:** I stated last night that we have human resources issues and challenges in the Defence Forces. We are in a process with the Public Service Pay Commission and various other processes. I assure the general public that the Naval Service is capable. The Chief of Staff has assured me that it is well able to carry out its security and defence tasks.

**Deputy Jack Chambers:** Again, the Minister of State distracts from the point by referring to events of ten years ago. We are in the present. The Minister of State needs to take control of defence policy for the future. He is failing those who are working and risking their lives daily. I understand that to allow the ship to sail, the crew was augmented by the cancellation of specialist weapons training. Two instructors and six students were affected. I also understand the ship sailed and is docked at Roche's Point because it has such a skeletal crew that it cannot sail into deep waters to carry out its operational and security tasks.

The Minister of State claimed he cannot discuss the issue because it would compromise military intelligence. That is nonsense. It is just a facade and a barrier to allow him to avoid being held properly accountable to the House on defence policy. Again, he is failing in his duty as Minister of State with special responsibility for defence. Will he stop referring to the Public

Service Pay Commission and start doing something about this crisis? The Chief of Staff said he would make a direct plea to the Public Service Pay Commission. That gives rise to questions about the effectiveness of the joined-up approach between the Chief of Staff and the Department. I think the Chief of Staff is losing trust in the Department, the Minister of State and the management of this crisis. Our ships cannot even set sail. Members of the Defence Forces are receiving social welfare payments because of the complete failure of this Government to do anything about this recruitment and retention crisis.

**Deputy Paul Kehoe:** The Deputy is asking me to shirk my responsibilities in respect of the Public Service Pay Commission, while applauding the Chief of Staff for engaging with the commission

**Deputy Jack Chambers:** The Chief of Staff does not trust the Minister of State.

**Deputy Paul Kehoe:** The Deputy should make up his mind on which way he wants to go. It is my political responsibility. I have engaged with the Department of Public Expenditure and Reform and the Public Service Pay Commission, and a comprehensive joint submission has been made by the Department of Defence and the Defence Forces. The Chief of Staff acknowledged that when he said-----

**Deputy Jack Chambers:** What involvement did he have in it?

**Deputy Paul Kehoe:** If the Deputy listened, he would know it was a joint submission in which both parties were very much involved. It was submitted to the Public Service Pay Commission in early September. I am giving the commission the space and time to carry out its work on pay within the Defence Forces. Maybe the Deputy will read the commission's report of May 2017, which I have highlighted to him a number of times. Perhaps he has failed to read it. The report highlighted the Defence Forces as a case in point. The Defence Forces are being prioritised in the Public Service Pay Commission.

### **Public Service Pay Commission Reports**

44. **Deputy Aengus Ó Snodaigh** asked the Taoiseach and Minister for Defence the reason for the delay in submitting the joint submission from the military authorities and his Department to the Public Service Pay Commission in respect of Defence Forces pay and allowances. [40101/18]

**Deputy Aengus Ó Snodaigh:** I welcome the statement from the Minister of State about the departmental cock-up which has left 119 Defence Forces personnel stranded in Syria with families awaiting them. Personnel heading out to Syria at least have a new date. What are the reasons for the delay in submitting the joint submission from the Department and the military authorities to the Public Service Pay Commission? The submission could have helped - I hope it will help - to address some of the retention and recruitment challenges facing the Defence Forces.

**Minister of State at the Department of Defence (Deputy Paul Kehoe):** The Public Service Pay Commission was established to provide objective advice to Government on public service remuneration policy. In 2017, under my direction, the Department of Defence brought issues of recruitment and retention in the Defence Forces to the attention of the commission.

The commission produced its initial report in May 2017 and highlighted recruitment and retention issues, including in the health and defence sectors, that required further analysis. The Public Service Stability Agreement 2018-2020 provides for the Public Service Pay Commission to undertake this further analysis. In this context, the commission has initially focused on the health sector and recently produced its second report focusing on certain health grades.

Earlier in the year, the commission sought specific data from the Department of Defence. A civil-military team was tasked with sourcing these data and this work has been ongoing. The material requested included detailed data and specific trends. These data were not readily to hand and every effort has been made to provide this material as speedily and comprehensively as possible. An initial tranche of material was forwarded to the commission through the Department of Public Expenditure and Reform in early April. This focused on pilots and air traffic controllers. Further material was sent in early September and the remaining outstanding data will be forwarded this week following their recent receipt from the military authorities.

The Public Service Pay Commission's work on the defence sector is under way. As the commission's work is ongoing, I will not make any comment or engage in speculation on possible findings. I look forward to reviewing the findings of the commission in due course.

**Deputy Aengus Ó Snodaigh:** The Minister of State said earlier that the submission was made in September. Will he confirm the date in September on which the Public Service Pay Commission received or was sent the submission? The commission is due to report in autumn. As this is the last month of autumn, meeting that deadline will be an onerous task. Can the Minister of State confirm that the report from the Public Service Pay Commission will not be delayed or does he expect it to be delayed as a result of the late receipt by the commission of the joint submission from the Defence Forces authorities and the Department? We have often been told we should await the outcome of the Public Service Pay Commission's deliberations before we consider issues of pay and allowances, which will help to deal with the chaos in the Defence Forces and the failure to retain highly skilled personnel who are leaving in droves each year. My question is not on the content of the commission's report.

*11 o'clock*

Why was there a delay? It has been received but given how late the submission was received, will the Public Service Pay Commission seek additional time to tackle some of the matters or comment on the submission received? PDFORRA and RACO, two of the representative organisations, received notification in February that they had six weeks in which to prepare their submissions. They did so but have had to wait until last month before the State moved at all.

**Deputy Paul Kehoe:** The joint submission from the Department of Defence and military management was submitted on 10 September to the Department of Public Expenditure and Reform. This was a very comprehensive evidence-based submission and it was what the pay commission sought. The submission was supported by statistics and I know the commission is engaging with members of the Defence Forces now, as it has done for the past while.

Both representative associations were asked to send a submission, but this was a separate joint submission from both the Department and military management. A large amount of data was required, which had to be comprehensive and backed up with statistics and specific arguments, detailing the position of recruitment and retention. The Deputy mentioned specific

posts. I assure him every effort has been made to give as much evidence-based data as possible from both the Department and military management.

**Deputy Aengus Ó Snodaigh:** The Minister of State has clearly had no correspondence from the commission indicating a delay. I accept the amount of data required but most of that had been well signalled in advance. We all knew last year or the year before what type of data would be required to make a case to deal with the pay rates in the Defence Forces and the need to tackle reinstatement of allowances.

Is there any conflict between the military authorities and the Department on the content of the submission? There seems to be at least some commentary out there that those within the military authorities, including the Chief of Staff, were disgruntled with the delay in preparing the joint submission and the lack of urgency from the Department and the Minister of State. There was frustration over not seeing anything done since they fulfilled their portion of the submission.

**Deputy Paul Kehoe:** I instructed my Department that I did not want a wishy-washy submission from the Department of Defence and the Defence Forces. I wanted a comprehensive evidence-based submission. It runs to well over 100 pages, with graphs of trends and everything like that. The Deputy asked when I expect the pay commission to report. In April this year a submission was sent regarding pilot retention, and we know it is a major issue because pilots are sought after in the private sector. We had been bleeding pilots, so to speak, over the past while as they went to the private sector. I wanted to ensure this matter would be prioritised. The pilot submission was made in early April and I expect we will shortly have a report on that. I am not sure when we can expect a report from the pay commission arising from the submission we made in September. At this time the commission is actively engaging with members of the military. They are having face-to-face discussions about the matters in the submission. I would like to get the commission's report as soon as possible but I am allowing it time and space to do its work.

### **Public Service Pay Commission Reports**

45. **Deputy Jack Chambers** asked the Taoiseach and Minister for Defence his plans to address the manning level issues in the event that the pay commission does not make credible and functional recommendations to address the recruitment and retention issues of the Defence Forces; and if he will make a statement on the matter. [40260/18]

**Deputy Jack Chambers:** What are the Minister of State's intentions to address manning level issues in the event that the pay commission does not make credible and functional recommendations to address the recruitment and retention matters in the Defence Forces? We know from the PDFORRA conference this week how a large number of soldiers, sailors and the Air Corps personnel are buying themselves out of the Defence Forces because they are unhappy with pay and conditions. Looking at their hours, many are working at rates below the national minimum wage and there are still breaches of the working time directive. The Chief of Staff will have made a plea to the Public Service Pay Commission and he clearly does not have the same hope that the Minister does in giving time and space to the commission. What will the Minister of State do if the commission does not progress solutions to the serious recruitment and retention issues we have?



**(Deputy Paul Kehoe):** As I have outlined, the Public Service Pay Commission was established to provide objective advice to the Government relating to public service remuneration policy. The Department of Defence has provided detailed data to enable the commission to undertake an evidence-based analysis of recruitment and retention issues. The commission's work is ongoing and I have no intention of speculating on possible outcomes of that work. I assure the Deputy, however, that the Government remains committed to reaching the authorised strength of 9,500 personnel for the Permanent Defence Force, PDF. There is ongoing recruitment to achieve that target and a range of alternative recruitment approaches are being developed. A working group is examining the scope for greater use of direct entry recruitment for certain specialist positions and steps are being progressed to enable former members of the Permanent Defence Force who have sought-after skills to re-enter the PDF. I will continue to work closely with the Chief of Staff in developing these approaches.

The Permanent Defence Force continues to offer excellent career opportunities for serving personnel and for new entrants. Ensuring that the terms and conditions of serving members of the Permanent Defence Force are fair and balanced is also a key consideration. There are a range of actions outlined in the White Paper on Defence from 2015 that are aimed at advancing this goal. A commissioning from the ranks programme has been initiated and is under way. The criteria for extending service beyond 12 years have been revised and an examination of retirement ages for enlisted personnel has been prioritised. A gap analysis of skill sets in the Permanent Defence Force has also been brought forward. In addition, the military authorities have introduced further initiatives to enhance work-life balance, and this is also to be welcomed.

Last year I initiated a review of the conciliation and arbitration scheme for the Permanent Defence Force and I have recently received the report from the independent chair, Mr. Gerard Barry. I thank him for that work. I am reviewing the recommendations contained therein and I look forward to engaging fully with all parties in progressing reforms to the existing scheme. The current challenges being faced by the Defence Forces are not unique and are being experienced by other military organisations internationally. I will continue to work closely with the Secretary General and the Chief of Staff to develop appropriate management responses.

**Deputy Jack Chambers:** What recommendations did the Minister of State make to the pay commission? In a response to me in May, the Minister of State said he was not sure if I had read the recent headline in the national newspapers. Here are a few headlines the Minister of State might have read this week: "Crew shortage prevents Naval Service vessels setting sail"; "Taoiseach 'cannot confirm' naval vessels did not sail due to staff shortages"; "Defence Forces staff 'buying themselves out of service'"; "PDFORRA: Hundreds of Defence Forces personnel have paid to get to get out of service over pay rates"; "Irish Defence Forces troops left stranded in Syria after flights 'delayed'"; "Revealed: Members of Defence Forces being paid less than the minimum wage ... unless they work additional hours". This is the reality of the recruitment and retention issue we have. My fear is the Minister of State keeps kicking the pay commission's report to touch and we will not see measured recommendations from it. The Minister of State is leading an area of the public service with a unique difference from other areas that he keeps referencing.

Recruitment is up but the numbers keep going down. When will the Minister of State plug the gap so we can see a levelling of numbers and meet the White Paper targets? These are the headlines that the Minister of State must defend and reference rather than trying to put a positive spin on this, as he did in May.

**Deputy Paul Kehoe:** The minimum payment for a Defence Forces member is €27,000 and it has increased with the public service stability agreement payment. I am giving the Public Service Pay Commission the time and space to carry out its work. We gave it a very comprehensive joint submission from the Department of Defence and military management, which worked very hard on this evidence-based document. It is exactly what the pay commission sought. I will not predetermine the outcome of the pay commission's work and I will allow it do its work. It is a fully independent body away from the political sphere. These are people who will look at this in a very independent way. Allowing them to look at the challenges we face is the proper way to go about this. We have given them evidence-based data. It is not for me to recommend-----

*(Interruptions).*

**Deputy Paul Kehoe:** No, it is not. This is a pay commission. The Deputy might want to go back and look at the terms of reference of the pay commission. He spoke about people buying themselves out. There are reasons people have to do so and the Deputy should check them out.

**Deputy Jack Chambers:** If the Minister of State has made no recommendations, what is he doing as Minister of State with responsibility for defence? An element of contagion has crept in. We have seen issues in the Naval Service in recent days. Has the Minister of State received military advice about how the air ambulance service might be reduced or reassessed because of current difficulties in that section of the Defence Forces? Clearly, an element of contagion is growing across the different sectors of the Defence Forces that is not being addressed.

The Minister of State has admitted that he has made no recommendations to the pay commission. He is sitting back, is waiting to see what it comes up with and will defend whatever his Department officials hand him in a script. What we need is political control. The Minister of State needs to set officialdom aside and start dealing with issues and driving morale up in the Defence Forces because there is a recruitment and retention crisis that does not match that of any other sector in the public service. The Defence Forces led by the Minister of State were the last in line when it came to public pay and conditions and he needs to recognise that, make positive recommendations and have a strong input into the pay commission. It is very worrying that he has made no recommendations. It is hard to know what the role of the Department or the Minister of State is if they have made no recommendations.

**Deputy Paul Kehoe:** The Deputy should go back and look at the confidence and supply agreement because his party signed up to the pay commission and agreed to its terms of reference. I would ask the Deputy to look at the terms of reference. His party signed up to them under the confidence and supply agreement. It is not up to me to make recommendations. It is up to the pay commission to do that. We were asked by the pay commission to provide evidence-based data and we did so with a very comprehensive submission. I worked on that with the Department and military management in a joint submission. I am happy that we have given the kind of data required by the pay commission. I am not hiding behind anyone. I will not shirk from my responsibilities. I have stated clearly that we have challenges across the Defence Forces, and I have outlined those in the joint submission to the pay commission. I am content that we have provided evidence-based data and everything that was required.

## Defence Forces Personnel

46. **Deputy Noel Grealish** asked the Taoiseach and Minister for Defence the status of the actions taken by his Department to address concerns raised by the University of Limerick study, entitled Workplace Climate in the Defence Forces, specifically those related to pay and conditions and the retention of personnel in the Army, Air Corps and Naval Service, and if he will make a statement on the matter. [40265/18]

**Deputy Noel Grealish:** Three years ago, the Minister of State received the University of Limerick climate survey of the Defence Forces. Both the qualitative and quantitative surveys showed an organisation heading towards a crisis. A total of 55% of respondents felt their pay did not reflect the work they did, 38% felt the pay was inadequate, and 23% wanted to look elsewhere for employment. I understand that while the Defence Forces has an establishment of 9,500 members, this has fallen to 8,800. This indicates a serious crisis in retention across all services. Given the serious nature of this crisis, what steps have the Minister of State and his Department taken to address these concerns, particularly the retention of personnel in the army, Air Corps and Naval Service?

**Deputy Paul Kehoe:** The Defence Forces climate survey was commissioned on foot of a recommendation contained in the third report of the independent monitoring group which was established to oversee the implementation of recommendations relating to harassment, bullying, discrimination and sexual harassment within the Defence Forces. Follow-up work to the initial findings in the survey was conducted by University of Limerick researchers via use of focus groups. The resulting report, which was published in July 2017, further explored the issues raised in the original survey. The comments quoted therein cover a wide range of issues relating to human resources management. These include pay and conditions, vacancies, recruitment and retention, promotion systems, performance management, leadership, culture, morale, stress and work-life balance. The report pre-dated the significant improvements in pay that have taken place in the intervening period.

Members of the Permanent Defence Force have received the pay increases due under the Lansdowne Road agreement. In addition, in 2017, following negotiations with PDFORRA, improved pay scales for general service recruits and privates who joined the Permanent Defence Force post 1 January 2013 were implemented. The Public Service Stability Agreement 2018 to 2020 provides for further increases in pay ranging from 6.2% to 7.4% over the lifetime of the agreement. The first increase, due from 1 January 2018, has been paid to Permanent Defence Force personnel and a second increase is due to be applied from 1 October 2018. Further increases in pay are scheduled for 2019 and 2020. New entrants to the Defence Forces will also benefit from the measures that were recently announced relating to amendments to the pay scales for new entrant public servants recruited since January 2011. By the end of the current public service pay agreement, the pay of all public servants, including members of the Defence Forces, earning under €70,000 per annum will be restored to pre-financial emergency measures in the public interest, FEMPI, levels. The restoration of the 5% reduction to allowances cut under FEMPI is also scheduled in the agreement.

*Additional information not given on the floor of the House*

As well as pay, other issues highlighted in the survey are being addressed. Many of these are provided for in the White Paper on defence and are being progressed accordingly. A number of initiatives, including a review of the criteria governing contracts of enlisted personnel and

a comprehensive skills gap analysis across the Defence Forces, are being given an increased priority. I also commissioned a review of the conciliation and arbitration scheme and I have received the report from Gerard Barry who undertook the review. I am considering the findings and recommendations.

There is ongoing recruitment to the Defence Forces and a range of initiatives are being developed, including commissioning from the ranks, criteria for the re-entry of former Permanent Defence Force personnel with specific skills, and consideration of increased use of direct entry for specialist posts. The Public Service Pay Commission is also examining recruitment and retention issues as part of its work.

With regard to other issues relating to human resource management highlighted in the climate survey, there are extensive support systems in place for members of the Defence Forces. The personnel support service is available to provide information, assistance and counselling on a range of matters, including interpersonal problems and stress. I am satisfied that the measures outlined are serving to address the issues raised in the Defence Forces climate survey.

**Deputy Noel Grealish:** I believe the fundamental problem is that the Chief of Staff, Vice Admiral Mark Mellett, is not the Accounting Officer for the Defence Forces. He does not oversee the budget for the recruitment and, especially, retention of critical specialised members of the Defence Forces. The Accounting Officer responsible for the budget and expenditure of the Defence Forces, including recruitment and retention, is the Secretary General of the Department of Defence, Maurice Quinn, along with his assistant secretary, Robert Mooney. Mr. Mooney has day-to-day responsibility for strategic HR in the Defence Forces, a newly authorised appointment. He was promoted in 2017. Mr. Quinn and Mr. Mooney have not delivered for the Defence Forces.

Why are the Defence Forces different from An Garda Síochána where the Garda Commissioner is the Accounting Officer? The Defence Forces Chief of Staff, Mark Mellett, cannot spend without referring back to the Department and seeking approval. Surely the Chief of Staff of the Defence Forces is best placed to understand the needs of his force. We cannot have a two-tier security service where the gardaí have better pay and conditions. It was reported in *The Irish Times* yesterday that retired Brigadier General Ger Aherne described the relationship between the Defence Forces and the Department as “toxic, broken, dysfunctional and dangerous”. This is the reality and any of the Minister of State’s words today cannot hide this fact. What is the Government doing to rectify this?

**Deputy Paul Kehoe:** The Defence Forces have full control over recruitment. No civilian is involved in this. It is solely the responsibility of the Defence Forces headed by military management and the Chief of Staff who has his own people in that recruitment office. The Deputy raised a wide range of issues. I have outlined the process we are using under the public service stability programme between now and 2020. It involves pay restoration. Anyone earning under €70,000 will have their full pay restored by 2020. There has been a joint civilian and military submission to the independent pay commission. I will provide the commission with the space to do its work. I look forward to the outcome of that. I have written to PDFORRA this week asking it to come in and negotiate outstanding adjudications.

**Deputy Noel Grealish:** I acknowledge what the Minister of State said, which is that the Chief of Staff has full control over recruitment, but I am sure his hands are tied by officials within the Department who set out the terms and conditions under which he can recruit officers.

I marched with the retired soldiers and their wives and families. I listened to “Morning Ireland” yesterday and heard the young wife of a soldier say that he comes home with €400 per week. This man has three young children. Every time there are questions to the Minister of State with responsibility for defence matters they are about the conditions of soldiers. Why is that? We are all proud of them and the duties they perform at home and abroad. Every year we discuss the pay and conditions of military personnel, but we never do so in the case of members of An Garda Síochána, for which the Garda Commissioner is now the Accounting Officer. They both practically do the same work in providing security for the State. It is time the pay and conditions of members of the Defence Forces were brought up to those of members of An Garda Síochána. Will the Minister of State give a commitment that he will try to achieve this sooner rather than later?

**Deputy Paul Kehoe:** The Garda Commissioner does not set pay levels for members of An Garda Síochána.

**Deputy Noel Grealish:** He has control of its budget.

**Deputy Paul Kehoe:** That does not matter because he still does not set pay levels for members of An Garda Síochána. The minimum wage level of a member of the Defence Forces is €27,000. That trained young private could be 22 or 23 years old and have one child, two children or none at all. That is the way it is, but there is support available in the form of the working family payment, if required.

**Deputy Noel Grealish:** They do require it.

**Deputy Paul Kehoe:** The Deputy knows how the working family payment scheme works. I do not have to explain it to him.

**Deputy Noel Grealish:** I do know.

**Deputy Paul Kehoe:** He has to accept this. The payment is made in certain circumstances and supports families, if needed and required. That is why it is available. I am doing my best in advocating on behalf of the Defence Forces and have stated I live up to my responsibilities. I listen to the representative associations, be it the Permanent Defence Force Other Ranks Representative Association, PDFORRA, or the Representative Association of Commissioned Officers, RACO, and soldiers. Recruitment is a matter for the Defence Forces, not the Secretary General of the Department. It is the full responsibility of the Defence Forces.

### Naval Service Vessels

47. **Deputy Seamus Healy** asked the Taoiseach and Minister for Defence if the construction of the multi-role naval vessel at an estimated cost of €200 million has been put out to tender; if so, if a tender has been accepted; if the purchase price or part thereof or other procurement costs of the vessel will be included in his Department’s allocation in budget 2019; and if he will make a statement on the matter. [40343/18]

**Deputy Seamus Healy:** Will the Minister of State give the Dáil up-to-date details of the planned purchase of a multi-role naval vessel at a cost of €200 million? I ask this question in view of the totally inadequate pay, allowances and conditions of employment of Defence Forces personnel and the retention and recruitment crisis affecting all areas of the Defence

Forces - the Army, the Air Corps and the Naval Service.

**Deputy Paul Kehoe:** My priority as Minister of State with responsibility for defence matters is to ensure the operational capability of the Army, the Air Corps and the Naval Service is maintained to the greatest extent possible so as to enable the Defence Forces to carry out their roles as assigned by the Government, both at home and overseas.

As the State's principal sea-going agency and in accordance with international and domestic law, the Naval Service, through its patrols, undertakes a variety of functions in the maritime domain in accordance with its role in contributing to maritime security. It encompasses the provision of support for other Departments and agencies such as the Department of Transport, Tourism and Sport, An Garda Síochána, the Revenue Commissioners and the Sea-Fisheries Protection Authority. The Defence Forces will continue to provide a range of supports for these bodies in accordance with its roles in aid to the civil power and the civil authority and as set out in the applicable memoranda of understanding and service level agreements. In addition, the Naval Service has undertaken a role in meeting additional operational requirements in the Mediterranean Sea.

Future Naval Service capabilities are being planned as part of the White Paper project planning process which will determine the defence organisation's maritime capabilities. The White Paper provides for the replacement of the current Naval Service flagship, the *LÉ Eithne*, with a multi-role vessel, MRV. It is the Government's intention that the new vessel will provide flexible and adaptive capability to perform a wide range of maritime tasks, both at home and overseas. The acquisition of a modern vessel will ensure the operational capabilities of the Naval Service, as the State's principal sea-going agency, will be maintained to the greatest extent and takes account of the overall policy approach in the White Paper on defence. Planning has commenced on the project and it is intended to hold a public tender competition in due course to cover the supply of the MRV. The design and configuration of the vessel are being considered as part of the planning process. The Deputy has speculated that the new MRV will cost €200 million. However, it is the case that the cost will only be known once the tender competition is concluded. The procurement is, of course, subject to the availability of funding within the overall defence capital funding envelope. As the budgetary position for 2019 has not yet been finalised, it would be premature of me to discuss the defence allocation in that regard. However, I remain very committed, as Minister of State with responsibility for defence matters, to continuing to work to ensure financial resources will be made available to the defence organisation to ensure the required equipment and infrastructural projects will proceed in a diligent manner so as to enable the Army, the Air Corps and the Naval Service to carry out their various roles, both at home and overseas.

**Deputy Seamus Healy:** I thank the Minister of State but, again, we have received very little detail on the current position of the tender process, etc. Today and also last year in reply to a parliamentary question the Minister of State informed me that the vessel would take part in missions at home and abroad. He also said it would have the capability to carry a full infantry company, with military equipment and landing craft, and have a flight deck capable of catering for military-style helicopters, all at a cost somewhere in the region of €200 million. In what circumstances will members of the Defence Forces be put ashore abroad from this vessel? Could it, for instance, be as part of an aggressive military operation in the Mediterranean? In a recent statement President Macron of France said a new invasion of Libya should be considered. One wonders if it might be something in which the vessel might be involved? In view of the current position on pay and conditions of employment in the Defence Forces, the purchase of the

ship should be cancelled. We should fully restore the pay, pensions, allowances and conditions of employment of Defence Forces personnel to be able to retain and recruit personnel in order that the seas around Ireland can be protected, rescue missions undertaken and drug trafficking stopped.

**Deputy Paul Kehoe:** I have firmly believed since my appointment that members of the Defence Forces should be equipped to the very best standard. That is exactly what the Government has been doing in the past few years. There has been significant investment in the Naval Service. I do not see the Defence Forces being involved in any aggressive military operation. The Deputy is fully aware of our policy of neutrality. As I said in my initial reply, we are only in the very early stages of planning and have a long way to go before we get to the tendering process. That will be the stage at which we will look at the financial envelope available. The White Paper provides for the replacement of the Naval Service flagship, the *LE Eithne*, with a multi-role vessel. The *LE Eithne* has been in service for nearly 35 years, having been commissioned in 1984. We need and require up-to-date equipment and infrastructure for the Defence Forces.

**Deputy Seamus Healy:** The Minister of State has said the tendering process is in the early stages. I suggest now is the time to scrap it. He also referred to operations in the Mediterranean where Médecins Sans Frontières had been operating a ship, the *MV Aquarius*. It has since been stopped since it was deregistered Panama following pressure exerted by the Italian Government. Médecins Sans Frontières has asked the Government to accede to a request to have the ship registered under the Irish flag. Will the Minister of State agree to do so? It would prevent further drownings in the Mediterranean and not cost the Government a penny. It would simply be a humanitarian exercise. I hope the Minister of State will agree to do so.

**Deputy Paul Kehoe:** We are and have been involved in Operation Sophia for some time. I am proud of the great work members of the Naval Service are doing in the Mediterranean. Migrants picked up by it are brought to a safe European port. That has always been and will continue to be the case.

On the matter of the multi-role vessel to which the Deputy referred, we are in the preliminary stages of planning. The decision on this will not be made next week or next month. I can absolutely assure the Deputy of that.

**Deputy Seamus Healy:** It is easier to scrap it now at this early stage.

**Deputy Paul Kehoe:** I do not believe we should scrap the project. This is a commitment from the Government. We will continue until tendering stage. When we get to that stage we will look at the resource envelope available to the Defence Forces. I make no apologies for equipping members of the Defence Forces with the very best equipment.

## Ceisteanna Eile - Other Questions

### Shannon Airport Facilities

48. **Deputy Mick Wallace** asked the Taoiseach and Minister for Defence if it is the case that Defence Forces personnel involved in aid to civil power duties at Shannon Airport in 2018

were not protecting US military aircraft involved in war or military activity; and if he will make a statement on the matter. [39997/18]

**Deputy Mick Wallace:** This is not a new question, but there are always new circumstances. The world insists on throwing up new facts to support the case that what we are allowing to happen at Shannon is unethical, criminal and morally indefensible. For more than 15 years we have allowed our airspace and airports to be used to fuel the destruction of any country that gets in the way of the hegemony of the United States via the dispossession and murder of the people of these countries which are increasingly targeted on outright false and fabricated pretences. This action of ours can only be defended by a barely cohesive combination of the obfuscation of the truth, the bending of moral principles and wilful ignorance of the facts about what is being done in our name. We know that planes are involved in endless war, and Ireland is involved as well, as long as this behaviour continues.

**Deputy Paul Kehoe:** The Department of Justice and Equality and An Garda Síochána have primary responsibility for the internal security of the State. Among the roles assigned to the Defence Forces in the White Paper on Defence 2015 is the provision of aid to the civil power, ATCP, which in practice means to assist An Garda Síochána when requested to do so. On each occasion that the support of the Defence Forces is required, including at Shannon Airport, An Garda Síochána requests their assistance and, accordingly, any security assessments and consequent decisions to seek support from the Defence Forces are a matter for An Garda Síochána.

The issue of overflights by foreign military aircraft and the use of Shannon by foreign military aircraft are the responsibility of the Minister for Foreign Affairs and Trade. However, it should be highlighted that successive Governments have made overflight and landing facilities available at Shannon Airport to the United States for well over 50 years. These arrangements do not amount to any form of military alliance with the US and are governed by strict conditions, applied to ensure compatibility with our traditional policy of military neutrality.

I am satisfied that there is ongoing and close liaison between An Garda Síochána and the Defence Forces and between my Department and the Department of Justice and Equality regarding security matters generally, including the Defence Forces ATCP roles.

**Deputy Mick Wallace:** The Minister has spoken about the past 50 years, but he knows well that the beginning of the war in Afghanistan in 2001 was a game-changer in terms of how Shannon Airport is used. The American military has been using Shannon to funnel death and destruction around the world. What it is doing in Yemen today has to be the most inhuman and disgusting episode yet. What is happening to that country is horrific, and we do not even get proper news coverage of it because the mainstream media is controlled in terms of the information being presented on that conflict. The line bandied about is that the people being targeted are Houthis and supported by Iran. That is absolute nonsense. They are ordinary people, fighting for their lives and their dignity.

White phosphorous was dropped in north Yemen by the bucketful. Did it come through Shannon? Do we care? The Minister has said that other Departments are making these calls, but the Defence Forces are in Shannon and are looking after planes that could be carrying cluster bombs or white phosphorous on their way to Yemen, the Saudis or the United Arab Emirates. It is simply immoral.

**Deputy Paul Kehoe:** I acknowledge the points the Deputy has made and will take them



on board. However, his question is a matter for the Department of Foreign Affairs and Trade. I know the Deputy is passionate about this issue, but the involvement of the Defence Forces solely consists of aid to the civil power to An Garda Síochána. I am aware that the Deputy has raised this issue on a number of occasions, but the Defence Forces involvement and role at Shannon Airport does not compromise our policy of neutrality. Among the roles assigned to the Defence Forces in the White Paper on Defence is the provision of aid to the civil power, which in practice means to assist An Garda Síochána when requested to do so. Since 2003, An Garda Síochána has requested the support of the Defence Forces at Shannon Airport on a number of occasions.

The issue of overflights by foreign military aircraft and the use of Shannon Airport by foreign military aircraft are the responsibility of the Minister for Foreign Affairs and Trade.

**Deputy Mick Wallace:** While I understand that four Departments are involved, the Minister of State's Department is one of them. Bad things are happening in Shannon, and the Minister of State is overseeing it. Not only are the media not telling the truth about what is going on in Shannon, but the UN itself is complicit. Two years ago, the UN told us that almost 10,000 people had been killed in Yemen. The most recent figure provided on those killed in the conflict was also around 10,000. One would swear that nobody has died there in the last two years. Millions will die of hunger there. Saudi Arabia has not been able to defeat Yemen militarily, so it has reverted to starving the people of Yemen into submission. The results of this policy will be unbelievable. I cannot believe the EU is prepared to turn a blind eye to this. A report was compiled by the UN which condemned the use of illegal cluster bombs and white phosphorous on civilians and fingered the Saudis for using such weapons. Mr. Ban Ki-Moon personally had the report rewritten to remove any reference to blaming Saudi Arabia. What is going on is unbelievable. We cannot even trust the UN to have an honest approach to this issue.

I do not know what role the Minister of State can play, but I plead with the Government to act on this at European level. Europeans cannot continue to ignore what is happening in Yemen. Millions will die if we do not do something about it.

**Deputy Paul Kehoe:** I do not want to be flippant with the Deputy, but I will take his points back to the Tánaiste and Minister for Foreign Affairs and Trade, Deputy Coveney. I know the Deputy is very passionate about this, and I understand that he has his concerns. I will pass them on. The involvement of members of the Defence Forces here is confined to ATCP. We are not involved in policy or decision-making in this area. We assist An Garda Síochána on occasion at Shannon Airport. I reassure the Deputy that our policy of military neutrality is not compromised by this. I am very aware of the issues the Deputy has raised, and I know that he is genuine and passionate about them. I assure him that I will convey the points he makes to the Tánaiste and Minister for Foreign Affairs and Trade. The question he has raised is more suited to that Department.

### **Cyber Security Policy**

49. **Deputy Jack Chambers** asked the Taoiseach and Minister for Defence the role his Department plays in national cybersecurity; and if he will make a statement on the matter. [40000/18]

**Deputy Jack Chambers:** What role does the Department of Defence play in national cy-

bersecurity? Will he make a statement on the matter?

**Deputy Paul Kehoe:** As outlined in the Government's White Paper on Defence 2015, the issue of cybersecurity has very significant implications for governmental administration, industry, economic well-being and the security and safety of citizens. Cybersecurity is a standing item on the agenda of the Government task force on emergency planning which I chair.

The response to cyber threats remains a whole-of-Government challenge, with the Department of Communications, Climate Action and Environment taking the lead role and with inputs in the security domain from An Garda Síochána and the Defence Forces. The Department of Defence and the Defence Forces are committed to participating, under the leadership of the Department of Communications, Climate Action and Environment, in the delivery of measures to improve the cybersecurity of the State.

Ireland's national cyber security centre, NCSC, which is located in the Department of Communications, Climate Action and Environment, provides a range of cybersecurity services to owners of Government IT infrastructure and critical national infrastructure. The NCSC is also home to the national computer security incident response team, which acts as a national point of contact involving entities within Ireland, and as the point of contact for international discussions on issues of cybersecurity. The scope of activities of the computer security incident response team, CSIRT, covers prevention, detection, response and mitigation services to Departments and State agencies and critical national infrastructure providers. The Defence Forces provide seconded specialists to assist with the work of this team when resources allow.

The national cybersecurity strategy, published in 2015, is a high-level policy statement from the Government acknowledging the challenges in facilitating and enabling the digital economy and society. The strategy is based on key principles, such as the rule of law, subsidiarity, and proportionality in response to key risks and threats facing Ireland. Work is ongoing on the development of a revised strategy, which is anticipated to be published by the end of the year. This revised strategy, in conjunction with the White Paper on defence, will continue to inform our engagement in this critical area.

**Deputy Jack Chambers:** As the Minister of State said, cybersecurity is the protection of Internet-connected systems, hardware, software and data from cyberattacks. The risks are growing in presence and destructive potential. The World Economic Forum's top ten risks lists cybersecurity after natural disasters and extreme weather. In recent days, we have learned from the Comptroller and Auditor General that the overall strategic direction of the national cybersecurity centre is not clear. No strategic plan is in place and not all objectives in the previous strategy were achieved.

Despite the high-level objectives in the White Paper, there are clearly issues with regard to cybersecurity. The fact it is in the Department of Communications, Climate Action and Environment means it is seen more as an IT management issue rather than an issue of national security. I suggest, respectfully, that the Minister of State with responsibility for defence should try to have the unit removed from the Department of Communications, Climate Action and Environment and brought into the Department of Defence so he can lead policy on cybersecurity as it grows in the coming years. The report of the Comptroller and Auditor General shows a clear need for this to become functional again. The oversight body set up to monitor its performance has not even met since 2015. We need action on this and it is the responsibility of the Minister of State to get a departmental change.

**Deputy Paul Kehoe:** I must admit I have not seen the report of the Comptroller and Auditor General so I cannot comment on its contents. In budget 2018 additional funding was secured for additional personnel and technology in the national cybersecurity centre. A significant programme of recruitment will commence shortly.

I take on board the Deputy's points but this is a whole-of-Government approach led by my colleague, the Minister, Deputy Naughten. He retains overall responsibility for cybersecurity at national level. The Government task force on emergency planning, which I chair, maintains cybersecurity as a standing agenda item whereby regular updates are provided and issues of common interest may be raised and addressed. It also serves to reiterate the necessity for all Departments and agencies to address these risks when conducting risk assessments and assessing their risk management capabilities. I agree this is a huge issue but we have a whole-of-Government approach led by my colleague, the Minister, Deputy Naughten. He has a dedicated team working on this specific issue.

**Deputy Jack Chambers:** He might have a dedicated team, but if we want a whole-of-Government approach, it is important it comes from the Department of Defence because to have it in the Department of Communications, Climate Action and Environment means the focus is more on addressing a technology issue rather than a national security issue. With regard to proactive cyberprotection, deterrents and cyberthreats, Ireland's development remains immature or non-existent. The Defence Forces should develop a cyberdefence team to protect the Irish economy and society. Cybersecurity is not being taken seriously by the Government because it is in the wrong Department. The Minister of State should look at the departmental structure and have it taken into the Department of Defence.

The Department of Defence has seconded people to the Department of Communications, Climate Action and Environment but the report of the Comptroller and Auditor General revealed serious difficulties with this. We are at an immature level of development with regard to cybersecurity. The Minister for Communications, Climate Action and Environment has many responsibilities. The report of the Comptroller and Auditor General makes clear there is no strategic direction. The oversight body does not meet and the Government's objectives are not being driven with regard to performance in this area. The Department of Defence should take ownership and control of this so it can develop a proper whole-of-Government response to the area of cybersecurity as it becomes a serious national threat. It would compromise foreign direct investment if our national infrastructure were to be seriously undermined and there were to be an attack. Then we would have proper accountability as to why this was not progressed in the previous months.

**Deputy Paul Kehoe:** There is proper accountability at present in the Department of the Minister, Deputy Naughten. The question raised by the Deputy about the report of the Comptroller and Auditor General would be more appropriately addressed to the Minister, Deputy Naughten. Within the Defence Forces on the security side, we have people dedicated to working on cybersecurity. It would be a matter for the Government to assign the role to a different Department. The Minister, Deputy Naughten, is doing an excellent job. The previous budget provided additional staff and funding regarding cybersecurity. Of course, it is a priority for the Government to make sure the appropriate levels of security are available to the team there.

## **Defence Forces Remuneration**

50. **Deputy Bobby Aylward** asked the Taoiseach and Minister for Defence his plans to address the problems with recruitment and retention across the Defence Forces; his plans to improve pay and working conditions for members of the Defence Forces; his plans to improve pensions, benefits and retirement packages for former members of the Defence Forces; and if he will make a statement on the matter. [39965/18]

**Deputy Bobby Aylward:** What are the plans of the Minister of State with responsibility for defence to address the problems with recruitment and retention throughout the Defence Forces, his plans to improve pay and working conditions for members of the Defence Forces, and his plans to improve pensions, benefits and retirement packages for former members of the Defence Forces? Will he make a statement on the matter?

**Deputy Paul Kehoe:** Given the unique and demanding nature of military life, there is, understandably, a relatively high level of turnover among Defence Forces personnel. This is not new and the Defence Forces have always had a level of turnover that exceeds other areas of the public service. To balance personnel turnover, there is ongoing recruitment at enlisted and officer level. This includes general service recruits, apprentices, cadets and direct entry officers.

In 2017, under my direction, the Department of Defence brought issues of recruitment and retention in the Defence Forces to the attention of the Public Sector Pay Commission. The Department of Defence has provided data as requested by the commission for consideration. The commission's work is ongoing. The Department will continue to engage with the commission throughout the process and will give due consideration to the findings and recommendations that arise from the work of the commission.

Defence Forces pay is increasing in accordance with public sector pay agreements. The focus of these increases is weighted in favour of those on lower pay. Members of the Permanent Defence Force have received the pay increases due under the Lansdowne Road agreement. New entrants to the Defence Forces will also benefit from the measures that were recently announced on amendments to the pay scales for new entrant public servants recruited since January 2011.

The Public Service Stability Agreement 2018-2020 provides for increases in pay ranging from 6.2% to 7.4% over the lifetime of the agreement. The first increase, due from 1 January 2018, has been paid to Permanent Defence Force personnel and a second increase is due to be applied from 1 October 2018. Further increases are scheduled for 2019 and 2020. By the end of the current public service pay agreement at the end of 2020, the pay of all public servants, including members of the Defence Forces, earning under €70,000 per annum will be restored to pre-financial emergency measures in the public interest, FEMPI, levels. The restoration of the 5% reduction to allowances cut under FEMPI is also scheduled in the agreement.

The Department operates within the broader context and framework of public service pension policy. I am advised that military pension schemes, in the round, compare very favourably with the generality of pension arrangements applicable across the public service. There are no plans to amend the existing pension arrangements of Defence Forces personnel.

**Deputy Bobby Aylward:** The first step in solving a problem is to recognise one exists. The Minister of State has not realised we have a problem on our hands. I had hoped to hear an

admission or acknowledgement from him that the Government recognises the scale and impact of the issues facing members of the Defence Forces and their families. I come from Kilkenny, a town with a military barracks, and I have met members of the Defence Forces and their families. Their situation is dire with regard to take-home pay and other benefits. Over the summer, I met a former member of the Defence Forces in Leinster House. His wife was suffering from cancer and he should have been at home looking after her. He explained to me that he had promised his fellow soldiers that he would do everything he could on retirement to lobby politicians and turn the tide for those who serve.

Does the Minister accept that morale is very low within the Defence Forces, that pay and conditions of service are very poor and that there is a retention crisis? Will he go into further detail in his supplementary response on his plans to address these issues in the context of the impending budget?

**An Leas-Cheann Comhairle:** I thank Deputy Aylward for observing the time limit.

**Deputy Paul Kehoe:** I am not sure if the Deputy heard but I have recognised the challenges facing the Defence Forces on various occasions recently. We are going through a process. As I stated in my original reply, under the Public Service Stability Agreement 2018-2020, PSSA, anybody with a salary of under €70,000 will have his or her salary restored to pre-FEMPI levels by 2020. The work of the Public Service Pay Commission is ongoing and it has received a robust, comprehensive joint submission from civil and military management, with detailed and evidence-based data. I expect a report on that shortly although I do not have a specific date. I will shortly receive a report on an earlier submission on pilot retention.

I wrote to the Permanent Defence Force Other Ranks Representative Association, PDFORRA, this week to start a dialogue about outstanding adjudications, which I hope the Department can discuss with PDFORRA over the next number of weeks.

**Deputy Bobby Aylward:** I am listening to the Minister of State but I am talking about reality. What he is saying here is all rhetoric. As I said, I come from Kilkenny, a town with a military barracks. I know families who are affected by pay. Soldiers of this country are being badly left behind compared with other civil and public servants. They need a helping hand. Why are they on family income supplement, FIS? I know several military families in Kilkenny who are getting FIS. If they have a job in the public service, why are they on FIS? There is a reason for that and the Minister of State needs to wake up and see what is happening on the ground.

I will comment on the situation that has left many members of the 57th Infantry Group in an awkward position in Syria. There is much dismay among the families of those affected due to the manner in which this matter is being handled. A number of those affected by the delay have plans for vacation time with their families after six months' service in Syria, and they will now be forced to incur the costs of missed flights and accommodation deposits. Will the Minister of State and his Department investigate the possibility of assisting those affected in covering the associated costs of missing out on their travel commitments? I bring this up because four or five families contacted me yesterday whose husbands and fathers are serving in Syria where they will be stranded until 24 October. They need to be compensated for that and the families need to be looked after. I ask the Minister of State to take that on board also.

**Deputy Paul Kehoe:** I announced this morning that the contingents will return home on Tuesday, 16 October. I took the decision this morning that personnel delayed in returning home

will receive a €1,000 *ex gratia* payment in recognition of the disruption caused. I announced that in recognition of what the families are going through. This was done before the Deputy raised the issue. I have spoken to some of the families, many of whom are from Wexford, and members of my party have contacted me about this issue in recent days, including Deputies Phelan and Heydon, and a number of people from Cork. I understand the families will suffer and they may have had holidays planned, but they will receive an *ex gratia* payment of €1,000.

The Deputy spoke about family income supplement. Fewer than 1% of members of the Defence Forces and staff of the Department of Defence are in receipt of the working family payment. That payment is provided for a reason. Staff across the public sector receive the payment, as do employees in the private sector. The Defence Forces and the Department of Defence are not alone in this respect; other people also receive the payment. The working family payment is provided to assist families.

### **Defence Forces Remuneration**

51. **Deputy Peter Fitzpatrick** asked the Taoiseach and Minister for Defence the status of recruitment plans for the Defence Forces for 2018 and 2019; and if he will make a statement on the matter. [39922/18]

55. **Deputy Brendan Smith** asked the Taoiseach and Minister for Defence the number of personnel serving in the Permanent Defence Force; the projected enlistment for 2019; and if he will make a statement on the matter. [40058/18]

62. **Deputy Bernard J. Durkan** asked the Taoiseach and Minister for Defence the degree to which he expects an increase in the strength of the Defence Forces with particular reference to the need to ensure maximum operational capacity; and if he will make a statement on the matter. [40067/18]

64. **Deputy Brendan Ryan** asked the Taoiseach and Minister for Defence his views on reports that Defence Forces personnel are leaving for the private sector; his further views on the success of the recruitment drive; and if he will make a statement on the matter. [40064/18]

65. **Deputy Jack Chambers** asked the Taoiseach and Minister for Defence the strength of the Permanent Defence Forces in whole-time equivalent terms; and if he will make a statement on the matter. [40001/18]

**Deputy Brendan Smith:** I fully agree with the sentiments expressed by my colleague, Deputy Aylward, on the need to urgently improve the pay and conditions of Permanent Defence Force, PDF, members. It is necessary to ensure we retain the members. I understand the approved establishment figure is at a strength of 9,500 members. What is the current enlistment figure? What proposals does the Minister of State have to ensure a substantial increase in the number of serving PDF members in 2019? We are aware of the upcoming challenges. Other Departments are recruiting in advance of Brexit and the possibility of the return of a border on our island. I would like to know what is happening in respect of the Permanent Defence Force.

**Deputy Paul Kehoe:** I propose to take Questions Nos. 51, 55, 62, 64 and 65 together.

The current whole-time equivalent strength of the Permanent Defence Force for the end of September is estimated at just over 9,000 personnel. The Government remains committed to

returning to and maintaining the agreed strength of the PDF at 9,500 personnel, as set out in the White Paper on Defence 2015. In order to achieve this target, there are significant recruitment opportunities available in the PDF at both enlisted and officer level for eligible individuals who wish to have a rewarding and positive career in the service of the State. The PDF continues to offer excellent career opportunities for serving personnel and new entrants. General service recruitment campaigns, an officer cadetship competition, a competition for Air Corps apprentices, a competition for the Defence Forces School of Music instrumentalists and the 2018 Reserve Defence Force, RDF, recruitment campaigns all took place this year, and the applications are being progressed.

In addition, the Defence Forces medical corps is accepting applications from suitably qualified medical doctors, and the Naval Service has a number of opportunities for bridge watch-keeping officers, marine engineering officers and electrical engineer officers. Arising from the general service recruitment campaigns held earlier this year, new recruits will be inducted between September and the end of November. The 95th class of 85 recruits was inducted on 24 September. A second general service recruitment campaign was launched on 10 September 2018 and will close on 7 October 2018. I expect the Chief of Staff to propose similar plans for 2019. Final figures for numbers enlisted in 2018 will not be available until after the year's end. As of 25 September 2018, some 414 personnel have been inducted in 2018 and inductions will continue for the rest of the year. The bulk of inductions are weighted towards the second half of the year. Recruitment progress will be reviewed at year end and this will inform the approach in 2019.

The level of training and experience gained by members of the Defence Forces makes them attractive to private sector employers. The Defence Forces are not unique in this regard, and this is experienced by other parts of the public service and other military organisations internationally.

*Additional information not given in the House*

In 2016, the Government established an independent Public Service Pay Commission to provide objective analysis and advice on the most appropriate pay levels for the public service, including the Defence Forces. This informed the most recent pay agreement. Under my direction, the Department raised recruitment and retention issues as part of the submission to the commission. The Government has tasked the commission with examining these challenges in the defence sector in more detail. This work has commenced and the Department has submitted detailed material. The commission has commenced surveying members of the Defence Forces and is facilitated in this work by military management. With the support of the Chief of Staff, the Government is committed to retaining the capacity of the Defence Forces to operate effectively across all roles and undertake the tasks laid down by Government, both at home and abroad.

**Deputy Brendan Smith:** I thank the Minister of State for his reply. He referred to a rewarding career in the Permanent Defence Force. From speaking to many serving personnel, I know it is not a rewarding or properly remunerated career at the moment, unfortunately. In my constituency of Cavan-Monaghan there is a strong Irish Army tradition. I have spoken to members of families who have served for three generations in the PDF and they are utterly dismayed by their pay and conditions and the lack of strength in serving barracks. Some military installations do not have adequate numbers to ensure they carry out their duties in the way that their officers and members wish to carry them out. The Minister of State mentioned recruitment

campaigns, which we welcome, but alongside the campaigns, he must ensure conditions are in place to retain serving members. Is the Minister of State confident the establishment figure of 9,500 will be reached in the early part of 2019? My understanding is that establishment figure has not once been reached in recent years.

**Deputy James Browne:** On a similar issue, will the Minister of State address the conditions under which the Defence Forces operate, particularly with regard to mental health services and psychiatric support?

**Deputy Paul Kehoe:** On Deputy Smith's point about pay and conditions, I accept we have challenges in the Defence Forces, which I have highlighted at every given opportunity. I look forward to the outcome of the Public Service Pay Commission's deliberations. A number of processes are continuing under the PSSA, including pay restoration. The Defence Forces and civil and military management have also made a submission to the pay commission, the outcome of which I look forward to.

*12 o'clock*

It is my aim to get back up to full strength. There are challenges in that regard which I am trying to mitigate to the best of my ability.

To answer Deputy James Browne's question, prior to the retirement of the Defence Forces' in-house psychiatrist, where a patient required outpatient psychiatric care, he or she would attend an in-house psychiatrist. Those who require outpatient care are currently referred to an external private psychiatrist, pending the appointment of an in-house replacement. All urgent cases have always been referred to an HSE emergency department for assessment. If hospitalisation is required, there are no reported waiting times. Where in an assessment by the HSE hospitalisation is deemed not to be required, the patient may be referred to an external private psychiatrist for treatment, if required, or to a non-psychiatrist care service in the Defence Forces, as appropriate. The issue is receiving attention. We are awaiting the appointment of a replacement in-house psychiatrist.

**An Ceann Comhairle:** That concludes questions to the Minister of State with responsibility for defence matters.

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

**An Ceann Comhairle:** I call Deputy Micheál Martin.

**Deputy Micheál Martin:** Is the Ceann Comhairle calling me?

**An Ceann Comhairle:** I am.

**Deputy Micheál Martin:** I apologise; I did not hear the Ceann Comhairle.

**Deputy Michael Healy-Rae:** The Deputy's time has come.

**Deputy Micheál Martin:** I thank the Deputy for that endorsement.

The lack of housing and the level of homelessness are an appalling blight on our society



and, without question, represent an emergency. It is an emergency that demands urgent, effective and targeted action. Too many families and children are homeless. Rents are far too high. Too many people are waiting far too long for council houses. Young working people cannot afford to buy houses. Students' third level experiences are compromised and diminished by the housing crisis and the high cost of accommodation. Official figures do not tell the full story. We all know, from the people we meet at our clinics, the countless number on social housing lists who are living with their parents and other families and of the ensuing strain and stress for all concerned. It is an emergency that has lacked any effective intervention. If the contents of the series of governmental and ministerial announcements in the past four years had come to fruition, in any shape or form, the problems would not be half as bad as they are. Delivery has not matched the high blown rhetoric of ministerial announcements.

The repair and lease scheme, promised in 2017, promised 800 houses, of which none has been delivered. The affordable rental scheme, promised since 2015, has delivered nothing. The rapid build scheme, announced in 2015, with a target of providing 1,500 houses, has delivered 208. NAMA had nearly 7,000 units certified as being available for local authority and social housing, of which approximately 2,400 were delivered. There were 400 units promised by the end of 2018 under the affordable homes scheme, but the number delivered is zero. There was meant to be credit union off balance sheet funding for housing, with a clearing house group set up in 2015, but as yet nothing has been delivered. The Poolbeg West scheme was a strategic development zone announced by the Tánaiste, Deputy Simon Coveney, in May 2016. He said the pace at which it would be delivered would take us by surprise. He certainly took us by surprise. It has not yet been delivered and will not be for another couple of years. In 2015 Deputy Alan Kelly announced a public private partnership to provide 534 houses. The successful tender was announced only yesterday and the houses will not be completed until 2020.

Above all is the farcical situation where local authorities must submit plans for any build that will cost more than €2 million to the Department of Communications, Climate Action and Environment. That is also the case with any development of more than ten houses and it takes nearly 50-odd weeks to deliver them. These bureaucratic delays at local authority level are farcical and mean that local authorities have an inability to get schemes off the ground.

Does the Taoiseach accept that there is a fundamental gap between ministerial announcements and delivery and will he explain the absence of delivery across the board? Does he accept that we are facing an emergency?

**The Taoiseach:** I know that the issue of housing is of huge concern to people across the country and that many will express that concern by attending the protest today. I know that many people are frustrated by the pace of delivery. I, too, am frustrated by it, as is everyone in government. We all understand and share those concerns and frustrations and the desire to get results much more quickly. The Government is investing huge resources and amounts of time in the issue. It is determined to get on top of it and resolve the housing crisis.

People often ask what the Government is doing to deal with the problem. I could speak for hours about all of the actions and measures that are under way. I will mention the five main ones.

The biggest social housing programme in decades is under way. It will provide more than 100,000 houses in the next ten years, including 8,000 this year alone. People on housing lists will receive the keys to new homes this year and more will receive them next year.

The supply of new homes for people to buy is being accelerated. About 20,000 new houses and apartments will be built this year, up from 15,000 last year and 10,000 the year before. There will probably be 25,000 built next year. There is an acceleration of home building all around the country. Behind the figure of 20,000 new houses and apartments are 20,000 families - men, women and their kids - who are moving into new homes for the first time. There are more people renting than ever before and because of this the Government has passed new laws to strengthen the rights of tenants. It has brought in rent caps in urban areas to stop the spiralling, double digit rent increases, but there is more to be done in that area. The laws need to be tightened further and enforcement needs to be improved. That is exactly what the Government intends to do.

In the past couple of years the Government has focused on the issue of rough sleeping. The latest count shows that the number who are rough sleeping is down by 40%. That was not by accident. It happened because the Government had worked with NGOs and charities to get people off the streets, place them in secure accommodation and ensure they would have wrap-around supports to deal with other issues related to health, addiction and family breakdown in order that they would not end up on the streets again. We are seeing progress in that regard.

The Land Development Agency has been established. People ask why the Government does not use State-owned lands to build housing. That is exactly what it is doing. It is public land and taxpayers' money that will be used to provide housing for everyone in society. There will be a mix of social housing, affordable housing, cost rental accommodation and houses for purchase.

All of these things are under way. I appreciate that we are playing catch-up, but we are catching up. I understand people's frustration that things are not happening more quickly, but we are determined to ensure they will happen and happen more quickly.

**Deputy Micheál Martin:** I asked the Taoiseach if he thought it was an emergency and that we were in a crisis. I also asked him to explain the absence of delivery across a range of schemes that his Government had announced in the past four years that had not been delivered. If we are in an urgent crisis, as we are, the simplest problem to tackle is the inexplicable delay in the approval of housing schemes submitted by local authorities to the Department of the Communications, Climate Action and Environment. It takes about 59 weeks. Anything that will cost over €2 million has to be sent to Dublin. Why is the Government paying the CEOs of local authorities? Why is it paying whole teams in the housing departments of local authorities? Given the urgency of the issue, it should be telling local authorities to build 500 houses and get it done. It could be audited afterwards, but this is an emergency, a crisis. It is beyond belief that housing schemes in Kilnamanagh submitted 12 months ago are still awaiting approval in principle from the Department in the legendary four-stage process. Does anybody in government get it? Does anybody in officialdom get it? Every Deputy knows people who call in every week, in desperation, knowing that there will be no house for them in three or four weeks' time when they will be evicted, yet there are these long, unacceptable delays. They should not have to be sent to the Department, given the emergency we are in.

Will the Taoiseach explain the Poolbeg development which was announced by the Tánaiste, Deputy Simon Coveney, in 2015. He said the pace with which it would be delivered would surprise us.

The public private partnership for the supply of social housing was announced by Deputy

Alan Kelly in 2015.

**An Ceann Comhairle:** The Deputy has made his point. Time is up.

**Deputy Micheál Martin:** The tender was announced yesterday. Will the Taoiseach explain it? No one believes the announcements for the next five or ten years, given what happened with previous ministerial announcements. That is a fair point. No one can attach any credibility to what has been said will happen in the future, given that the announcements made in the past did not deliver.

**Deputy Dessie Ellis:** Maybe if an emergency was declared, Fianna Fáil would vote for it next time, for God's sake.

**The Taoiseach:** It is an emergency. I am on record as having said that as far back as January or February of this year, if not long before that. Of course it is an emergency. If it was not an emergency, we would not be spending €60 million a year to put people up in emergency accommodation, we would not have brought in rent caps in urban areas and we would not have brought about fast-track planning. They were all emergency measures brought in because this is an emergency. Calling it an emergency does not actually solve the problem. What solves the problem is building houses and new homes and apartments that people can live in. That is where there is delivery. If we look at the facts, nearly 20,000 new homes and apartments will be built this year. That is up from 15,000 last year and 10,000 the year before. Before Christmas, 20,000 new homes will have been built this year and 50,000 or 60,000 people will have been given the keys to a new house. They can then live in those homes and free up accommodation for others. That is real delivery. The truth is that there are rate-limiting factors. There is only so much concrete in the country and only so many serviced sites and construction workers. There also has to be a planning process. We are ramping things up as quickly as we can. Again, to look at the numbers, when we started on this programme, less than 10,000 homes were being built. We then had 15,000 last year and we will have about 20,000 this year and 25,000 next year.

**Deputy Danny Healy-Rae:** I do not know who is counting.

**Deputy Mary Lou McDonald:** This afternoon, thousands of people will gather outside these gates to take a stand against the housing and homelessness crisis. This is no stunt. These are people who have studied and who live the facts. These are people taking a stand against the fact that the policies of the Government have left almost 10,000 people homeless. They are raising their voices and recording their deep outrage that almost 4,000 of those are children in emergency accommodation. How is that for a fact? These are people taking a stand against rents that are out of control and continuing to rise. They are expressing their anger that owning a home is now beyond the reach of ordinary working people, particularly younger people. These people, having studied and lived the facts, are telling the Taoiseach and the Minister for Housing, Planning and Local Government that enough is enough. They are demanding meaningful action now.

Later today, we will debate a cross-party motion which calls on the Government to officially declare the housing crisis an emergency. The Taoiseach should do that. He should accept that we face an emergency and then act accordingly. Our motion calls for a dramatic increase in the number of social and affordable homes. This must happen. Next week's budget must mark a step change in tackling the housing emergency. The Taoiseach and his partners in Fianna Fáil

need to get their heads around that and understand that more of the same simply will not cut it. The Government must double capital investment in housing and social housing. That is what we in Sinn Féin propose and what tonight's motion calls for. It is also what those outside the gates today will demand.

We need delivery of 10,000 real social houses next year, as recommended by the Committee on Housing and Homelessness. We need affordable housing. The Government has not delivered one affordable home in three years and has no affordable housing targets for next year. That is some fact. We propose the delivery of 4,500 affordable homes. We must call a halt to the rental crisis. We propose the introduction of a temporary tax relief for renters and a three-year emergency rent freeze.

These are just some of the measures required on budget day and the Government can deliver them. Alternatively, it can continue to live in its fool's paradise. The Government and Fianna Fáil can fool themselves, but they will not fool the people who are gathering at the gates. I ask the Taoiseach, as Head of Government, to officially declare a housing and homeless emergency and support the joint party motion which will come before the House today.

**The Taoiseach:** I have acknowledged before that the country faces a housing crisis. I acknowledged many months ago that this is an emergency and because it is an emergency, we have taken emergency actions. Some €60 million is being spent this year on providing emergency accommodation for people who need it, so that they have a roof over their heads. Emergency powers have been brought in to fast-track planning. This is now working, with big developments getting through planning much more quickly. There are measures to control the rising cost of rents, which had not been done for decades. I am not sure what the Deputy means by declaring an emergency. Does she mean suspending the Constitution? Does she mean ending civil liberties?

**Deputy Jonathan O'Brien:** The Government should double capital investment.

**The Taoiseach:** A declaration of something does not build any houses or change any policies. It does not provide any resources. In many ways, that sums up the Sinn Féin policy on housing.

**Deputy Seán Crowe:** It just sums up-----

**The Taoiseach:** It is to make declarations and speeches, and to play politics-----

*(Interruptions).*

**The Taoiseach:** -----but not to put forward solutions that are workable or, in many cases, affordable.

*(Interruptions).*

**An Ceann Comhairle:** The Taoiseach must be allowed to speak.

**The Taoiseach:** Sinn Féin has no credibility on housing. Let us not forget that, according to the Simon Community, 200,000 people are homeless in Northern Ireland. I appreciate there are different ways of counting homelessness but 200,000 is a lot of people. We see Sinn Féin councillors all over the country voting down social and affordable housing proposals, including on Dublin City Council and South Dublin County Council.

**Deputy Seán Crowe:** That is not true.

**Deputy Niall Collins:** That is very true.

**The Taoiseach:** In Northern Ireland, where there is a housing crisis, Sinn Féin walked out of office over a renewable heat initiative and will not go back in.

**Deputy Billy Kelleher:** We have to appoint Tom Feely as building tsar.

**The Taoiseach:** In councils all around the country, Sinn Féin votes down social and affordable housing-----

**Deputy Niall Collins:** Priory Hall.

**The Taoiseach:** -----because the truth is that Sinn Féin does not want to solve this problem but wants it to get worse because it believes it can benefit from it politically.

**Deputies:** Hear, hear.

**The Taoiseach:** That is a real shame.

**Deputy Mary Lou McDonald:** I will tell the Taoiseach what we should do. Let us go out to the people at the gate in an hour's time.

**Deputies:** Hear, hear.

**Deputy Mary Lou McDonald:** Let us test whose credibility is in question on the issue of housing and homelessness. It is not mine.

**Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):** What has Deputy McDonald done?

**Deputy Mary Lou McDonald:** It is the credibility of the Taoiseach, Deputy Micheál Martin and Fianna Fáil as a party.

**Deputy Billy Kelleher:** We can test everything during elections.

**Deputy Mary Lou McDonald:** People know who the authors of this catastrophe are and they know it is not Sinn Féin. Far from acting as if we are in an emergency, the Taoiseach has been timid and a lackey to private landlords. He has sat on the sidelines in the vain hope that the market will sort it all out, even though all of the evidence tells him that the market is not sorting this out, that the State has to do the heavy lifting and that any Government worthy of the name needs to intervene in an emergency fashion. That means doubling capital investment, being bold, having ambition and ditching the Government's pathetic excuse for dealing with rent control and introducing a rent freeze. It means ensuring that the Government stops the despicable practice of landlords turfing families out to get vacant possession on properties that the State assisted these people to buy. It must stop that.

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

**The Taoiseach:** The Taoiseach knows which amendment I am referring to. That is what the Government needs to do. If he is prepared to do that, he should say so and, if not, he should make that clear. Let us then go out to the gate and we will test who has the credibility problem.

**Deputies:** Hear, hear.

**The Taoiseach:** As is so evident, Sinn Féin's only interest when it comes to housing-----

**Deputy Martin Ferris:** Why not go out to the gate?

**The Taoiseach:** -----is to exploit this issue for political gain and try to turn it into a party political issue. That is what it is seeking to do today in the Chamber and no doubt that is what it will seek to do outside the House today. We have heard the charge again that the Government or Fine Gael has some ideological objection to social housing-----

**Deputy John Brady:** When it suits the private landlords.

**The Taoiseach:** -----and that we believe the market provides all the solutions. That is a political charge. I expect to hear political charges from Sinn Féin but I am disappointed to hear it from others. That charge is absolute bunkum. This is a housing crisis and an emergency. In a crisis or an emergency, one tries to provide new homes as quickly as possible by any mechanism one can find. That could be building houses, buying them, leasing them or renovating them. It could be done through local authorities-----

**Deputy Dessie Ellis:** What about social housing?

**The Taoiseach:** -----approved housing bodies or through private developers. It can be social, affordable, cost rental or for purchase. The real ideologues are the people who think there is only one way to provide housing and only one mechanism that is legitimate.

**Deputy Mary Lou McDonald:** Yes.

**The Taoiseach:** This is a crisis. This is an emergency, and therefore we will try to provide new homes and apartments throughout the country by any and all mechanisms possible, as quickly as possible. That is our policy and that is why we will build 20,000 new homes and apartments this year in Ireland, more than in any other year this decade.

**Deputy Bríd Smith:** I fully agree with Deputy McDonald that the crowds outside the gate today are serious in supporting the motion that will be brought before the House in the afternoon, which has support across many parties but not all parties in this House because there is an ideological difference between them. What the protest does have is the support of a coalition of forces from all of the NGOs dealing with housing, all of the trade unions, all of the smaller political parties, all of the housing associations and many academics and other bodies. It would be worth the Taoiseach's while listening to that message.

Fifty years ago this month the civil rights movement in Derry took to the streets. It brought out caravans and barricades and blocked the streets in protest over the right to housing and it got the right to housing. Those on the Taoiseach's side of the House who say protests do not build houses are wrong. They do, because if people keep protesting and keep making sure that people power is in the face of the ruling elite, then it will listen. We are going to make sure this movement is heard. I refer to the Take Back the City movement, the Homeless and Housing Coalition and others. We will make sure the Taoiseach listens and that protests will build houses.

A week ago the Taoiseach seemed unable to finish a statement in response to my colleague, Deputy Barry. In the exchange the Taoiseach said he believed this side of the House divided people and created walls between those who pay for everything and who do not qualify for

anything, and those who, but he could not finish the sentence. He got a bit flustered and he sat down. That was good spin and good drama training that made him sit down. I will tell him what he was going to say. It was those who pay for nothing and expect everything for free. He was referring to people who live in social housing. I grew up in a social housing estate, as I am sure many other Deputies did. We paid our rent. We paid a differential rent according to the income that came into the house. Nobody expects a home for free. We grew up in an area where people worked as bus drivers, post office workers, nurses, cleaners, soldiers, the whole nine yards of society. It was not a ghetto. We are not about creating ghettos.

I wish to ask the Taoiseach a serious question. I also want to ask it of Deputy Micheál Martin. Will they instruct the Deputies in their parties who are landlords either to support the motion this afternoon or to abstain? There are at least 30 Deputies who are landlords and who benefit in no small measure from the subsidies that have grown to a shocking €700 million this year, almost €1 billion, and probably rising. Those who watch these things are forecasting that the subsidies to landlords will reach €1 billion next year. All those Deputies in this House who are landlords, who therefore have a vested interest, and who do not support the motion should abstain. Otherwise, there is a conflict of interests that is immoral and does not fit with any pretence that they give a damn about the homelessness crisis in this city.

**The Taoiseach:** Protest is part of democracy. Provided the protest is lawful and peaceful then it is welcome. I have no objection to anyone taking part in protests to highlight important issues that affect society, because they highlight issues and spur us on to do more to deal with them. That is my view on that. Any protest that is peaceful and lawful should be welcomed in a democracy, and I do.

What the Deputy tried to do was a classic fallacy. If I did it, no doubt people would call it spin, but it is not spin. It is a fallacy. It is an attempt to put words in other people's mouths, to finish their sentences or to do what they often do, namely, to tell us what we think, as if they knew. It is just classic fallacy.

As Deputy Bríd Smith rightly pointed out, what I was describing was her politics, which is to divide people. We do not want to do that. We want to create communities. We want integrated housing and we want housing for everyone in society. People who are on housing lists need social housing and people who want to buy their own homes should be able to do so. The average person buying his or her own home in Ireland is in his or her mid-30s, which should not be the case. People should be in their 20s, as was the case in the past. I lead a Government that believes in home ownership and we want to make sure that more and more people can buy their own homes, and in particular that people in their 20s can afford to do so again. That is the reason we are doing what we are doing.

As I said earlier, we have put in place the biggest social housing programme in decades. More than 100,000 social houses are to be provided over the next ten years. This year alone we will increase the social housing stock by 8,000. People will move into those homes this year with their families. We are building more homes for people to purchase. A total of 20,000 new houses and apartments will be built in Ireland this year, up from 15,000 in 2017 and 10,000 in 2016. We will build more new houses and apartments in Ireland this year than any year in the past ten years, and we intend to build even more thereafter. The solution is to build homes of all types because everyone in society deserves to have a roof over their head, and that is what we want to achieve.

The ideologues and the people who are wedded to particular political philosophies are not us. We are the ones who want to build new homes as quickly as possible, and we will do so by any mechanism we can find.

**Deputy Bríd Smith:** It is a long time since I heard the phrase classic fallacy. It is not often used. If I am guilty of a classic fallacy then I must be very rare because the phrase is not used very often. I wish to respond to the notion that we are attempting to divide. The Deputy tripped up in his discussion with Deputy Barry last week, and in the past. Deputy Boyd Barrett told me that in an exchange with him the Taoiseach clearly said that people cannot expect housing for free. I do not believe Fine Gael and the ruling elite understand what social housing is. It is about the State providing a safe, affordable roof over the heads of the population. That is not happening. I am constantly being texted and contacted by people who are about to be evicted from private rented accommodation. Part of this afternoon's motion is that there should be no evictions into homelessness. If the Taoiseach does not support that, then he is an ideologue. In fact, I know he is an ideologue but he will prove it this afternoon when he refuses to support the motion.

Will the Taoiseach please address my question? Will he instruct his Deputies who are landlords and who have a conflict of interest because of the massive subsidies being paid in the rental accommodation scheme, RAS, the housing assistance payment, HAP, and other leasing arrangements to the landlord class in this country not to vote in this motion?

**Deputy Timmy Dooley:** They are not getting HAP.

**Deputy Bríd Smith:** They are compromising themselves, the Fine Gael Party and the Fianna Fáil Party when they do so.

**The Taoiseach:** I do not believe the Deputy is an ideologue, I believe she is a populist. Populists present easy answers to complex problems. They replace emotion with reason and they try to demonise and misrepresent their opponents. What Deputy Bríd Smith is trying to do here is a classic example of that.

**Deputy Bríd Smith:** It is a classic ideologue fallacy.

**The Taoiseach:** I lead a Government that contains at least two Cabinet members who grew up in a council home and they are proud to have done so. I also lead a Government that perhaps includes people who are landlords. We should bear in mind that landlords who receive rent supplement and HAP are not receiving subsidies. They are receiving payments that provide housing for people who need it, and until such a time as we can build enough social housing to replace that, it will be necessary.

There is a limit to the number of houses that can be built in any one year. We will increase the social housing stock this year by 8,000, but there will still be tens of thousands of people who will need to be accommodated in the meantime. That is why we use mechanisms such as rent supplement and HAP. It is not a subsidy, it is paying the rent for people who cannot afford to pay the rent themselves, and that is a good thing.

**Deputy Thomas Pringle:** I reiterate the message put forward by my colleagues in the House today and express my own outrage at the Government's persistent neglect of its citizens when it comes to what should be viewed as a basic, fundamental human right, namely, the right to housing.



3 October 2018

I also reiterate what the UN special rapporteur, Leilani Farha, stated in her letter in *The Irish Times*, which was signed by 50 other housing rights experts. The letter states that:

the current crisis is the manifestation of deep structural problems in housing policy and the philosophy that underpins it. Unless there is a radical change, we believe the crisis will simply deepen and worsen.

It calls for a rights-based approach to the housing situation and a referendum to enshrine the right to housing in the Constitution in order to change fundamentally and radically the Fine Gael policy which has led to nearly 10,000 people being homeless in Ireland today.

As the Taoiseach is aware, I recently introduced the Thirty-Seventh Amendment Of The Constitution (Economic, Social And Cultural Rights) Bill 2018 which seeks to enshrine rights to housing, healthcare and education and many other rights in our Constitution. It is the third time I have introduced the Bill which has twice been voted down by the Government and Fianna Fáil. It would support the concept of housing as a fundamental right alongside other rights which would facilitate healthy, sustainable life within the home, something every person in this country deserves. Enshrining the right to housing and associated economic, social and cultural rights would adequately and consistently defend the individual's right to housing rather than leaving him or her at the mercy of the ideological preferences of the Government of the day. The Bill would provide a mechanism to break down those structural problems by bringing about a human rights-based approach to service provision which would be defensible in the courts. As 83 constitutions in countries around the world include such provisions, it should be possible to pass such legislation in this State.

Fine Gael's reliance on the private market and refusal to intervene has led to private interests being prioritised over the needs of individuals in this State. If our Constitution was fully rights-proofed, we would not be in this situation whereby half a million people are currently deprived of adequate housing and many more will be in the years to come. Homelessness is not normal or a market correction. It results from a choice made by this Government which facilitates an unhealthy relationship with private market interests. Will the Taoiseach enact a human rights-based approach to the housing crisis? Will he support the call for the right to housing and associated economic, social and cultural rights to be enshrined in the Constitution?

**The Taoiseach:** Housing is recognised as a human right in the UN Universal Declaration of Human Rights to which this country signed up many decades ago. I have an open mind on inserting economic, social and cultural rights into our Constitution but we must be careful about adding to the Constitution. I refer to the difficulties we went through in removing the eighth amendment and the ban on divorce.

**Deputy Bríd Smith:** It is shameful to compare the housing crisis to those issues.

**The Taoiseach:** When adding to the Constitution, one must get the wording right and at least try to understand how it may be interpreted by the courts in two, ten, 20 or 30 years time. As Deputy Pringle rightly pointed out, 83 countries have a statutory right to housing. In some cases, that is provided for in the constitution of the country. Each of those countries has a level of homelessness which may be better or worse than that in Ireland. In many of the countries, some people live in shanty towns. Enshrining a right in legislation does not necessarily solve the problem. I am sure the Deputy is aware of the situation in Scotland, where the statutory right to housing was written into law in 2012. Some people believe we should do likewise. Al-

though housing numbers fluctuate, the housing list in Scotland is as long now as it was in 2012. Homelessness there declined initially, but is now rising.

A simple amendment to legislation or enshrining some wording in our law or Constitution does not provide homes for people to buy-----

**Deputy Joan Collins:** It would be a statement of intent.

**The Taoiseach:** -----or make rent cheaper. We need practical solutions and that is what we are doing. The biggest social housing programme in decades is now under way. Some 100,000 social homes will be provided over the next ten years, with 8,000 provided this year and 7,000 last year. Some 20,000 new houses and apartments, many of them in my constituency, have been built across the country this year, up from 15,000 last year and 10,000 the year before. The solution is to build more homes of all types for people to live in. That is what must be done. The people restricting that are those who profess the ideology that there is only one way to build housing. This is an emergency and we will provide housing any way we can, by building, renovating, buying or leasing and through private, public and approved housing body development of social, affordable and other housing. We need more houses to be quickly delivered. I wish that those raising this issue would stop blocking such provision.

**Deputy Richard Boyd Barrett:** We do not need unaffordable houses.

**Deputy Bríd Smith:** Deputy Pringle should stop laughing.

**Deputy Thomas Pringle:** I am amazed by the Taoiseach's response which exemplifies why we need to enshrine the right to housing in our Constitution. It shows that he has no knowledge of or empathy towards those who depend on the State to step in and be the provider of last resort for housing. The Taoiseach referred to 8,000 social houses being provided this year. Where are they? I ask that the list of those houses be provided to every Member of the House. I guarantee it does not exist. It is an example of the lies which the Government has been coming out with when the issue of housing is brought up.

The Taoiseach associated housing with the repeal of the eighth amendment. The two are in no way connected. Enshrining the right to housing in the Constitution will not provide houses, but it would put the responsibility on the Government to solve the problem and provide the houses that are needed instead of publishing make-believe lists. We know that the 8,000 houses referred to by the Taoiseach have not been provided. If they have, I ask the Taoiseach to circulate the list to all Members of the House so that we can see where those homes have been built.

**Deputy Eoghan Murphy:** The list is available online in the quarterly construction report.

**Deputy Richard Boyd Barrett:** Only 16 social houses were provided in Dublin in the first half of this year.

**The Taoiseach:** As the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, pointed out, that list is online.

**Deputy Thomas Pringle:** Where is it available?

**The Taoiseach:** I acknowledge that not all of the 8,000 properties are houses directly built by local authorities.

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**Deputy Thomas Pringle:** The Taoiseach is agreeing that 8,000 houses have not been delivered.

**The Taoiseach:** Some were built by affordable housing bodies such as the Iveagh Trust, which has been providing housing in Dublin for decades or centuries, but the Opposition-----

**Deputy Thomas Pringle:** The Taoiseach initially stated that 8,000 social houses were built.

**The Taoiseach:** -----do not count such houses. Some of the houses were bought directly from developers. Many people in my constituency received social housing that was bought directly from a developer in places such as Waterville. However, to the Opposition such housing provision does not count.

**Deputy Eoghan Murphy:** The Taoiseach's reference to 8,000 social houses is accurate.

**The Taoiseach:** Many people are living in houses with long-term 20 or 30 year leases and have secure tenancies. None of that counts for some members of the Opposition, but it counts for the people living in those houses. I have handed over the keys to people moving into new homes such as those. Those people are not ideological about the mechanism used to provide the houses. Rather, they care about having a home in which to live.

Deputy Pringle acknowledged that a constitutional right to housing will not provide housing. He is correct in that regard. He stated that such constitutional provision would make it the responsibility of the Government to deal with this problem. We accept that it is the responsibility of the Government to deal with this problem. That is why we are doing what we are doing.

**Deputy Thomas Pringle:** What the Government is doing is wrong.

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

**An Ceann Comhairle:** Yesterday on the Order of Business the Business Committee was asked to consider providing time for Questions on Promised Legislation next week, budget week. That was agreed to by the Business Committee. A request was also made to hold a Friday sitting to consider the Health (Regulation of Termination of Pregnancy) Bill 2018. A majority of members of the committee were not in favour of that Friday sitting.

**Deputy Bríd Smith:** I was not in attendance at the meeting of the Business Committee. However, the original schedule for this week provided time tonight and tomorrow night for discussion of the Health (Regulation of Termination of Pregnancy) Bill. One of those slots has now been removed. The budget will take up a significant amount of time next week. It is imperative that we deal with the Health (Regulation of Termination of Pregnancy) Bill in a smooth and timely manner. Putting it back in this manner is unacceptable and very frustrating, particularly for women facing crisis pregnancies. Why are we waiting so long to progress the legislation? Why can we not dedicate the time to get the Bill over the line as soon as possible? Every day we wait, another 12 women in this country experience a crisis pregnancy.

**An Ceann Comhairle:** It is not for me to make that decision. A request was put to the Business Committee yesterday. A majority of its members were not in favour of a Friday sitting and that ends the matter.

**Deputy Bríd Smith:** Can it be put to a vote?

**An Ceann Comhairle:** I do not see the necessity for that.

**Deputy Bríd Smith:** Can that question be put to the House rather than the Business Committee?

**An Ceann Comhairle:** There is no motion before the House on the matter.

**Deputy Bríd Smith:** If I bring forward a motion, can it be put to a vote?

**An Ceann Comhairle:** There will be another meeting of the Business Committee on Thursday. The Deputy is entitled to raise the matter at that meeting.

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

**An Ceann Comhairle:** We now move to Questions on Promised Legislation. Some 20 Members are offering. We will be able to get to them all if Members keep their contributions brief.

**Deputy Micheál Martin:** In the housing crisis vein, and accepting that it is a crisis, I put to the Taoiseach earlier the regulatory framework governing the submission by local authorities of housing schemes to the Department of Communications, Climate Action and Environment and the inexplicable delays in sanctioning such projects. If it is an emergency and a crisis, surely that framework should be changed. The idea that a council that wants to build ten houses at a cost of anything more than €2 million has to submit those plans to the Department, go through a four-stage process and a 59 week timetable is ridiculous, if we accept it is a crisis. Housing schemes submitted as far back as last February have not been sanctioned. That is why I ask the question: do people not get it? This is a real crisis.

**An Ceann Comhairle:** Thank you, Deputy.

**Deputy Micheál Martin:** Schemes are ready to go.

**An Ceann Comhairle:** Let us get the answer now.

**Deputy Micheál Martin:** What is going on is unacceptable, and I do not believe it can be defended.

**Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):** I thank the Deputy for the question. The first thing to acknowledge is that when we are talking about building homes that will stand for 60 or 70 years to house many generations of families, we have to get it right. In the past, certain planning schemes did not get it right. What we did in the Department was work with the chief executives of the local authorities to streamline what was an eight or nine-stage process down to the current four-stage process, which is 59 weeks and is comparable to the private sector when we are talking about large-scale development of housing on large sites and the different work that needs to be done as part of that timeline.

One of the areas I looked to try to cut down the time on was procurement. We cannot step around European Union procurement law. There is a one-stage process local authorities can

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go through. It is a much quicker process. Approximately 100 projects that have come to the Department through the four-stage process could have gone through the one-stage process but the local authorities did not submit them under the one-stage process.

**Deputy Micheál Martin:** Why?

**Deputy Eoghan Murphy:** That is why-----

**Deputy Micheál Martin:** The Minister should ask himself the question why.

**Deputy Danny Healy-Rae:** He knows the answer to that question.

**An Ceann Comhairle:** Can we let the Minister answer?

**Deputy Eoghan Murphy:** -----I have been bringing the chief executives of local authorities-----

**Deputy Micheál Martin:** The Minister does not have to do that.

**Deputy Timmy Dooley:** They would not have got the money to do it.

**Deputy Eoghan Murphy:** -----into housing summits to talk through the problems we have and to make sure they try to bring about housing provision in the fastest way possible. It is also the reason I am in discussions with the Minister for Public Expenditure and Reform to see what we can do about public spending controls to make the one-stage process work better for those local authorities that would use it.

**An Ceann Comhairle:** Thank you, Minister.

**Deputy Eoghan Murphy:** Currently, there are more than 100 projects that should have gone through the one-stage process that did not, and the city managers did not put them through.

**Deputy Micheál Martin:** Who is in charge?

**Deputy Eoghan Murphy:** The local authorities provide local authority housing.

**An Ceann Comhairle:** Minister-----

**Deputy Micheál Martin:** The Minister knows why they did not.

**Deputy Eoghan Murphy:** We provide the policy and the money.

**Deputy Micheál Martin:** We have raised this in the budget talks. This is a simple thing the Minister could do.

**An Ceann Comhairle:** Deputy Martin, the time is up.

**Deputy Eoghan Murphy:** I told the Deputy we were addressing it.

**Deputy Timmy Dooley:** He brings the chief executives up every couple of weeks.

**An Ceann Comhairle:** I call Deputy McDonald.

**Deputy Micheál Martin:** What are the local authorities there for?

**Deputy Mary Lou McDonald:** Some time ago-----

**Deputy Micheál Martin:** To second-guess the-----

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

**Deputy Mary Lou McDonald:** Some time ago, the Constitutional Convention, the Citizens' Assembly and the representatives from the political parties alike agreed that a referendum ought to be held on extending the voting rights in presidential elections to citizens living outside of Ireland and those living in the North of Ireland. Is the Taoiseach still committed to holding such a referendum next May? There is an urgency about this issue. It has been decided that this referendum ought to take place. There is a presidential election under way as we speak but, more to the point, citizens, particularly those living in the North whom the Taoiseach correctly vowed would never be left behind again, are looking to this measure as a level of reassurance at a time of great political insecurity.

**Deputy Timmy Dooley:** I suppose they would have to on the basis that they do not have an assembly.

**The Taoiseach:** The answer to the Deputy's question is "Yes". It is intended to hold that referendum in May, at the same time as the local and European elections, on the issue of extending voting rights in presidential elections to Irish citizens no matter where they live. It is quite complicated because issues like postal votes, polling stations and so on have to be worked out but, given that the Presidency is a seven-year term, we believe changing the Constitution next May gives us enough time to get those systems in place, and we intend to do it.

**Deputy Brendan Howlin:** The Taoiseach is the Minister for Defence, and the programme for Government commits the Government to the improvement of the welfare of our military. Today, 119 members of the 57th Infantry Group who were due to arrive home in Dublin today are stuck in Syria. They have worked on the Golan Heights for the past six months and have their own tales to tell about their equipment and so on. These people were due home today to their families, many of whom have paid for holidays. They are now told that because of an administrative error in the paperwork, which did not allow them to transit Lebanon, they will be stuck in Syria for another two weeks. The Department of Defence is blaming the Army. The Army is blaming the Department of Defence. How could it be, when the beginning and end of this deployment was known, that the proper paperwork could not be done to ensure these people who have served the State so well could not be brought home to their families in time?

**The Taoiseach:** I understand this is a very unfortunate situation and I extend my apologies to those members of the Defence Forces who have been affected. They will now rotate. It seems they will come home on 16 October, so it will be a two-week extension to the deployment. The Defence Forces are providing a €1,000 *ex gratia* gratuity to each member affected to defray any costs that may arise. Also, annual leave will be changed to allow people to take their leave at a different point.

Every effort is being made across the defence organisation, the Department of Foreign Affairs and Trade and our embassy in Cairo to resolve this issue-----

**Deputy Brendan Howlin:** How did it happen?

**The Taoiseach:** -----and the Minister of State, Deputy Kehoe, has been in direct contact

with our honorary consul in Beirut, Georges Siam. It happened because military flights require specific diplomatic clearance from all countries through whose airspace they fly. These clearances require prior notification, are time limited and must all be aligned to allow the flight to proceed.

In the case of UNDOF, additional clearances for the transit of military forces through Lebanon and Syria and to cross the Syrian border are also required. This involves multiple countries, some with unstable administrations, with which both the Department of Defence and the Department of Foreign Affairs and Trade have successfully co-ordinated over many missions.

Following receipt of all the required diplomatic clearances for the flight to rotate the Defence Forces contingent in UNDOF on Tuesday, 2 October, an issue arose unexpectedly in regard to the clearances on Monday morning. As soon as it was known, the personnel and their families were contacted and advised of the issue and the extension of the rotation. I can provide the Deputy with a more detailed explanation in writing.

**Deputy Michael Collins:** Today, hundreds of farmers travelled voluntarily from all across the country for a peaceful protest outside Agriculture House to send the simple message that suckler farmers are on their knees. Next Tuesday is D-Day for many suckler farmers.

The past 12 months have been horrendous in Irish agriculture, with hard-working farmers experiencing severe pressure. I advised the Minister for Agriculture, Food and the Marine that animal deaths on farms will be at an all-time high, only to be met with shouts of “Nonsense”. Figures from the Department records show a 21% increase in on-farm animal deaths in the past 12 months.

Those who came here to protest today want the Minister for Agriculture, Food and the Marine to stand up to the factories to ensure we get a fair price for farmers. Will the Taoiseach answer a straight question? These farmers need a fair suckler cow scheme after next Tuesday’s budget. If that is not put in place, many of these farmers will be forced to go on welfare.

**Minister of State at the Department of Agriculture, Food and the Marine (Deputy Andrew Doyle):** In response to the Deputy’s point, the Minister, Deputy Creed, is attending a meeting of the beef forum today, which the farm organisations decided not to attend. I would have preferred if they had, and I believe the Minister would too. If they want to address the people the Deputy says need to be addressed, those people were present at the forum today. We see much media speculation about differences of opinions on the type of scheme that needs to be rolled out. Budgetary matters are ongoing between the Department of Agriculture, Food and the Marine and the Department of Public Expenditure and Reform. No more than anyone else, I cannot divulge the full extent of what will be available on budget day next week because I do not know.

**Deputy Gino Kenny:** In the programme for Government under the area of mental health, the Government commits to building further capacity in child and adolescent mental health services, CAMHS. In reality, since that document was produced, CAMHS have seriously deteriorated. I will outline some of the awful statistics on CAMHS. There are 40% fewer clinical psychologist posts, 50% fewer social workers and just under 60% fewer occupational therapists. At the same time, 50% of the country is still not covered by out-of-hours CAMHS. That is having a seriously detrimental effect on children and their parents.

At 2 p.m. on Saturday in the Garden of Remembrance, the Still Waiting campaign will high-

light the awful situation of waiting times in our health service. Will the Taoiseach address the position on CAMHS in particular?

**The Taoiseach:** The programme for Government commits to increasing resources for mental health. That is being done. We had spending at approximately €700 million in 2011. It is well in excess of €900 million now, and will approach €1 billion next year. There has been a 67% increase in clinical CAMHS staff since 2008. Twenty more teams have been put in place, an increase of 40%. Also, 3,000 more appointments are being offered this year, while 50% of new appointments are now seen within four weeks, an improvement on the previous figure of 46%. There has been an increase of 100% in the number of acute inpatient units and an increase of 375% in the number of acute inpatient beds, from 16 to 76. Rather than read all of this information, I can provide the Deputy with a more detailed note. There is a huge level of investment which has happened, is under way and planned. Of course, there is also a huge need to be met.

**Deputy Eamon Ryan:** On Monday the Broadcasting Commission of Ireland made a statement on its latest five-year review of RTÉ and TG4 which raised real alarm. It stated the organisations had made all of the cuts possible in the past five years and that there was strong justification for increased levels of funding. It called for immediate additional funding of €30 million for RTÉ and €6 million for TG4. It stated the funding available was not sufficient to ensure the broadcasters' sustainability. We need sustainable broadcasters and media to maintain our democracy and the welfare of the country in a range of ways. What legislative or other measures does the Government intend to take to provide such funding? Will the Broadcasting Commission of Ireland's report go unanswered?

**The Taoiseach:** The Government is examining the matter. I had the opportunity to meet the chairperson and director general of RTÉ only in the last couple of days. Ultimately, any money provided is public and taxpayers' money and we have to make sure it is used to best effect. There is a lot of public service broadcasting beyond RTÉ. There is also TG4 and many other news and media organisations that engage in public service broadcasting. The issue needs to be looked at in the round.

**Deputy John Brassil:** Page 70 of the programme for Government includes a commitment to improve the lives of people on welfare payments through providing better access and supports. I do not know if the Taoiseach is aware that in recent times the medical form that needs to be signed to receive illness benefit payments was changed without consultation with general practitioners. It is creating a severe backlog. Coupled with the centralisation of decision-making in such cases and the absolute inability of anybody to contact the helpline in the Department when applying for the payment, it is leading to unnecessary delays and hardship. What measures are being put in place to alleviate the unnecessary delays in receiving a payment that is paid for by those claiming it through their stamps? I am receiving numerous calls at my constituency clinics. The new form is creating hardship all over the country. The issue needs to be addressed immediately.

**The Taoiseach:** Anyone who is entitled to receive illness benefit and does not will have his or her payments backdated to the point at which they were entitled to receive it.

**Deputy Timmy Dooley:** That will not help them to pay for groceries.

**The Taoiseach:** It is a simplification process. The process is being moved online. As happened with maternity and paternity benefit payments in the past, it does appear that there are



some problems in making the transition. I stand to be corrected, but I understand there were consultations with doctors through the Irish Medical Organisation, IMO, but not the National Association of General Practitioners, NAGP. The Deputy will know that there is an issue between the two bodies. It is the IMO with which Departments consult on these issues. We are very keen to have the matter resolved as soon as possible. Anyone who does not receive his or her entitlements will have the payments backdated. I will ask the Minister, Deputy Regina Doherty, to provide the Deputy with an update that is more up to date.

**Deputy Danny Healy-Rae:** I know that, as night follows day, the Taoiseach will increase funding and the allocation for the HSE and the health service in the budget. I ask him to, please, not let it be consumed by HSE management. I also asked him to do this last year. He needs to be specific with the increased allocation. Nurses throughout the country are under severe pressure, both mentally and physically. In the first place I am asking the Taoiseach to take County Kerry as an example. An extra 43 beds are needed, but we need 60 nurses to man them. Six beds are closed in Dingle because we do not have enough nurses. They are looking to recruit six nurses there. Nurses are under so much pressure. I will highlight just one case. When a patient's wife was going home the other evening, the nurse asked her to stay for a few minutes longer to help her to put the man into bed. The nurse was actually crying when she asked her to do so.

**An Ceann Comhairle:** The Deputy cannot go into individual cases. He will have to finish up.

**Deputy Danny Healy-Rae:** Yes, but what I am asking is that the allocation be made specific for front-line staff because otherwise they will not continue. Nurses cannot be recruited or retained if they are not paid properly.

**The Taoiseach:** The Deputy is, of course, correct on one point - there will be a further substantial increase in funding for health service and the HSE in the forthcoming budget. We are already spending record amounts of money on health services and will break a new record in the provision of funding and resources again next year. The important point, the thing that can be very difficult to do, is ensuring the money gets to the patient. It is worth reading if the Deputy has not yet had the chance to do so, but the report of the Public Sector Pay Commission on nursing and nurse recruitment shows how some of the money has definitely got to the patient because the number of nurses working in the health service has increased every year for four years. We have 1,000 more nurses than we had last year. As is the case across the economy, as a result of full employment and because of the enormous demand for additional staff, there are vacancies too.

**Deputy Michael Moynihan:** There are many fine words in the programme for Government about people with disabilities, as well as very noble aspirations. We have a situation where service providers for people with disabilities - this point has been raised by me, my party leader and many on this side of the House in the last while - have been left suffering as a result of the inadequacy of the block grant for section 39 organisations. It is now the case that organisations have to ask for a voluntary contribution of €30 per week per family. They have contacted each family in the past few days to look for such a voluntary contribution on behalf of the most vulnerable people in society. Whatever else the Taoiseach is going to do next week, people with disabilities and their service providers will have to receive adequate funding. There is a massive crisis within the service. It is the last straw if they are looking for a voluntary contribution of €30 per week per family.

**Deputy Kevin O’Keeffe:** I support my colleague on the same issue. He referred to St. Joseph’s Foundation in Charleville which provides an invaluable service throughout north Cork, including in my back yard of Mitchelstown and Fermoy. It has sent a message to all guardians of family members who avail of services to start collecting €30 a week. It is a downright disgrace that it has to do this. It is one of the foundations that was also affected by the section 39 employment regulations. I ask the Taoiseach to intervene and make more funding available.

**The Taoiseach:** As the Deputies will appreciate, section 39 organisations are all very different. They range from what are, effectively, very large corporate service providers to very small charitable organisations and their financial position differs from one another. There are discussions taking place at the Workplace Relations Commission about the provision of additional funding. The Deputies may be interested to know that in respect of the section 39 organisations that have responded to the request to submit their financial information and data, the average increase in funding from the Government in the past three years was 28%, more than enough to cover the cost of any pay restoration.

**Deputy Willie O’Dea:** The Taoiseach will be aware that Permanent TSB is in the process of selling almost 7,500 loans linked with family homes to a vulture fund, Start Mortgages. There is a specific provision on page 29 of the programme for Government which states unequivocally that “we will provide greater protection for mortgage holders and tenants and SMEs whose loans have been transferred to non-regulated entities”, in other words, vulture funds. What action has been taken on foot of that commitment?

**Deputy Declan Breathnach:** A fellow Kildare man of the Ceann Comhairle, Christy Moore, sang, “I’m an ordinary man, nothing special, nothing grand.” The lyrics of the song go on to mention the importance of house ownership.

*1 o’clock*

In addition to the issue that Deputy O’Dea has raised, aside from those who are homeless in all our constituencies there are people in trepidation of their properties being repossessed. We can talk about introducing legislation to sort out a crisis. Would the Taoiseach support a motion in this House calling on the banks and the vulture funds to desist from what they are doing and to offer those properties with distressed mortgages which are suitable to local authorities to be purchased at the same knockdown prices for which they are being offered?

We are taking one step forward and two steps back. Louth County Council has been lauded for its compulsory purchase orders, bringing in excess of 100 housing units back into stock. The reality is that Louth County Council now has no money for repairs and is boarding up almost a similar number of houses. In order to put some pressure on the vulture funds and banks, without needing legislation, these properties should be offered to the local authorities at the same knockdown prices.

**Minister of State at the Department of Finance (Deputy Michael D’Arcy):** On the vulture funds, Deputy O’Dea will be aware that the Government is supporting the legislation introduced by Deputy Michael McGrath, the Consumer Protection (Regulation of Credit Servicing Firms) (Amendment) Bill 2018 which is on Report Stage. We expect to have it concluded in the coming weeks.

**Deputy Niamh Smyth:** The housing crisis also exists in rural counties, including in my constituency of Cavan-Monaghan. Hundreds of people have been on housing waiting lists

for years. In the past two years Cavan County Council has delivered 120 social houses. Of that 120, only six are houses the local authority built itself. There is something fundamentally wrong when a local authority can deliver only six built houses over two years even though the council was capable of providing schemes of 70 or 80 houses a number of years ago. Will the Minister ensure that assistance is given to the local authorities? They have lost the capacity to do this and to deliver on it. The building of just six houses over two years is very disappointing.

**Deputy Eoghan Murphy:** I thank the Deputy for the question. In the past two years since Rebuilding Ireland began, the number of people on the housing list has fallen by about 20,000. That is because local authorities throughout the country are implementing solutions to get people into social homes. As the Taoiseach mentioned earlier, we do not have an ideological objection over how they do that; we want it to happen as quickly as possible. That involves building homes, acquiring homes and long-term leasing. A number of local authorities do not have the experience necessary at the moment to meet current housing demand because previous governments outsourced their responsibility almost exclusively to the private sector. This Government has taken that responsibility back into the State and into the local authorities.

**Deputy Niamh Smyth:** It is not happening. There have only been six in two years.

**Deputy Eoghan Murphy:** That is why I have been working with the local authorities' chief executives to get them to build thousands of homes.

**Deputy Bobby Aylward:** Page 105 of the programme for Government commits to ensuring that every young person is enabled to reach their full potential. I have been contacted by the principal of St. Patrick's school in Kells, County Kilkenny, which caters for pupils with moderate and severe learning disabilities. The principal is very concerned over the unacceptable delay in the payment of the bus escort grant. The board of management of St. Patrick's is responsible for paying the salaries of 21 bus escorts. These bus escorts have been working since the school reopened on 29 August and are being paid every fortnight. The cost is approximately €13,800 every fortnight. This week the school is facing into a third payment on 4 October which will bring the total to €41,400 and it has to find the funding to meet these payments as it awaits payment of the grant.

The school is operating an overdraft for this vital facility at its own cost. Why has the payment not been made? I ask the Minister for Education and Skills to use his good offices to ensure this is rectified immediately.

**Minister for Education and Skills (Deputy Richard Bruton):** I am not aware of this particular problem. I will talk to the Minister of State, Deputy Halligan, and departmental officials to see what is causing the delay in issuing the grant. I will get back to the Deputy.

**Deputy Declan Breathnach:** On a point of order, on the housing issue, I asked that the vulture funds be instructed to offer properties to the local authorities. I have not received an answer from either the Taoiseach or the Minister for Housing, Planning and Local Government.

**An Ceann Comhairle:** I ask the Minister to correspond with the Deputy on the matter.

**Deputy Eoghan Murphy:** I could answer it now.

**An Ceann Comhairle:** Go on.

**Deputy Eoghan Murphy:** I did not respond to the Deputy because his question was linked

with another Deputy's question.

The Housing Agency has a role and a fund to engage with institutional lenders and those who have homes on their books to acquire them for social housing. That is happening currently. There are almost 1,000 homes currently as part of the mandate to get 1,600 homes into the stock of social housing through the acquisition fund the Housing Agency has. It then works with the local authority to get that house for that local authority which can then be tenanted either through the local authority or through a housing body.

**Deputy Michael Healy-Rae:** As the Taoiseach is well aware, farming at any time is a precarious way to make a living. Unfortunately this year a number of unforeseen circumstances have resulted in farmers suffering extreme difficulties. The price of cattle is on the floor and they are having a really tough time. Although I am only one Deputy in Kerry, yesterday I came across five farmers whose areas of natural constraint, ANC, payments were held up. These are people who diligently do their paperwork and do everything right. I am not criticising the excellent people working in the Department who are doing their best. I ask the Taoiseach to ensure they have the additional resources required to ensure that farmers awaiting payments will get them without undue delay.

**Deputy Andrew Doyle:** The Minister has secured agreement to advance 85% of the payments for the basic payment scheme, BPS, which is due to commence on 16 October. I believe more than 90% of the ANC payments have been made; there may be some technical delays. The green low-carbon agri-environment scheme, GLAS, is the next one due for payment with which there have been problems. In the past two years considerable work has been done to deal with some of the technical issues more efficiently. The feedback at the National Ploughing Championships was that farmers were fairly satisfied that if they had a concern, it was being answered as quickly as possible.

**Deputy Charlie McConalogue:** I have a question for the Minister for Education and Skills. It relates to the development of a three-school campus in Buncrana, County Donegal. As he will know, the Department of Education and Skills has been involved in purchasing a site to allow the development to proceed. On a number of occasions in recent years in an effort to get it progressed I have highlighted how the Government has failed to prioritise the issue. Unfortunately reports in recent days indicate that the preferred site, the old Fruit of the Loom factory, has been sold to a third party. I ask the Minister to advise the House if that is the case. I ask him to take every step possible to get the project back on track and ensure the prompt delivery of the three schools on one campus for Buncrana. We need to see an end of the lack of prioritisation of the project over recent years by the Government.

**Deputy Richard Bruton:** The Deputy will know I met him and others about this when I visited Donegal in the recent past. We are working very closely with Donegal County Council to seek to secure a solution. I am aware of the newspaper reports the Deputy mentioned. At this point I am not in a position to clarify the way forward. I will communicate with the Deputy and other Deputies as soon as any clarification is available.

**Deputy Jackie Cahill:** A few months ago I raised the issue of the complete lack of funding for the specialised training of dogs for children with severe autism. Has there been any progress on an allocation for this very important initiative?

**The Taoiseach:** I apologise to Deputy Cahill; I do not have up-to-date note on that particu-

lar matter. I will ask the Minister to provide him with a detailed reply.

**Deputy John Curran:** The issue of the illegal and problematic use of quad bikes and scramblers in housing estates and parks continues. Other colleagues and I have raised the matter on a number of occasions in the past two years. I acknowledge the recent welcome intervention by the Minister for Justice and Equality with an interdepartmental and interagency approach. Does the Government anticipate introducing primary legislation to enhance registration of these vehicles and increase powers for the Garda to seize these vehicles?

**Minister for Justice and Equality (Deputy Charles Flanagan):** A number of issues are involved here. I along with the Minister for Transport, Tourism and Sport and other stakeholders are actively involved in finding solutions. On the specific issue the Deputy raised, I am speaking with the Attorney General to ascertain whether primary legislation is warranted. I would be happy to continue my communication with the Deputy on the issue.

**Deputy James Browne:** Page 54 of the programme for Government refers to the expansion of the role of pharmacists. The Pharmaceutical Society of Ireland, PSI, recently approved rules significantly restricting the roles of pharmacists' assistants. This puts their livelihoods at very real risk and jeopardises the provision of pharmacy services, especially in rural areas and for sole traders. The vast majority affected are women and most are retiring in the next five to ten years. They have made a valuable contribution to their community and have done so in a safe manner. It is baffling that these proposals are being made now, and many are very upset at seeing their professionalism and integrity effectively being brought into question. Will the Taoiseach allay the fears that their professionalism will be undermined by these rules?

**The Taoiseach:** As the Deputy knows, this is an ongoing issue that has been running for a few years now. It relates to the professional qualifications of pharmacy assistants who are not pharmacists but who have played a very valuable role down the years in filling in for pharmacists during their absence. Ultimately, however, it is a matter for the professional regulatory body rather than the Government. The professional regulatory body needs to make sure it puts patient safety first in coming to any decision on this.

**Deputy Colm Brophy:** One of the education measures in the programme for Government and the Action Plan for Education was the Education (Admission to Schools) Bill. I ask the Minister for Education and Skills when the measures in the Bill will be commenced.

**Deputy Richard Bruton:** I am glad to say I have been in a position to commence a number of the measures to date, specifically, the restriction on the use of religion in admission to primary schools and the provision in regard to giving the Minister the power to designate a school to open an ASD unit, which was something Deputy Thomas Byrne was very keen to see included in the Bill. There is also commencement of the banning of any fees, including booking fees, and a provision for schools to co-operate in regard to admissions so they can share waiting lists to identify the problems. There is big progress on that Bill.

**Deputy Margaret Murphy O'Mahony:** The programme for Government committed to the enhancement of the health service. A constituent contacted me this morning who had a cervical smear test 17 weeks ago. The results came back as unclear and it was recommended that the test be redone but she was told she will wait another 17 weeks. For a woman who is very worried at this stage because the results were unclear, surely something can be done. I presume this lady is not alone in this.

**The Taoiseach:** There have been some delays in processing smear tests, given the very large number of women who went for a repeat test after the CervicalCheck controversy back in May and June. I understand those delays are now largely resolved. I do not see why the patient mentioned cannot have that retest done soon, unless there is perhaps some medical reason.

**Deputy Margaret Murphy O'Mahony:** She can get the test but she will be waiting 17 weeks for the result.

**The Taoiseach:** I do not know the details of any individual case, but if the Deputy gives the details to me or the Minister for Health, we can check up on it.

**Deputy Margaret Murphy O'Mahony:** I thank the Taoiseach.

**Deputy Timmy Dooley:** The programme for Government set out a timetable for the signing of a contract to roll out the national broadband plan in June of last year, but it has not happened. The Government has undertaken a procurement process described by the Minister as unusual in character and which has taken four years to come to a conclusion. During the course of that, all the major infrastructural development companies that had shown an interest and had begun the process have fallen by the wayside. One of the original bidders that remained in the race is no longer in it. In fact, one of the participants in the consortium has changed to the extent that we have a venture capital company left as the bidder.

**An Ceann Comhairle:** We cannot get into that now.

**Deputy Timmy Dooley:** All of the major infrastructural companies - ESB, Eir, SSE and John Laing - have pulled out. The only remaining individual is a venture capital company.

There are two questions that arise. Does this raise concerns for the Taoiseach about the long-term possibility of the rolling out of broadband? Does it raise concerns about the kind of procurement process that has been undertaken, when all we have left at the end of a four-year process is a venture capital company offering to roll out the most critical piece of infrastructure this State has ever undertaken?

**The Taoiseach:** It is fair to say this whole process is novel and has not been done before. We will become one of the first countries in the world to provide high-speed broadband to every premises - every house, every business and every farm - in the entire country. This is a big undertaking, potentially the biggest investment in rural Ireland in the history of the State and perhaps the most important one since rural electrification many decades ago. I am confident the process is robust, and that is what the Minister and the Department say to me. As the Deputy can understand, however, for very good reasons, as a member of Government I am not personally involved in that process.

**Deputy Timmy Dooley:** Is the Taoiseach aware the Minister met the company involved?

**The Taoiseach:** I read that, yes.

**An Ceann Comhairle:** That concludes Questions on Promised Legislation. It occurs to me, not for the first time, that Questions on Promised Legislation has morphed into a form of Topical Issue debate and questions could be about whatever you are having yourself. It appears we need to discuss these matters, maybe at the reform committee, to see how we could do things a little bit more efficiently.

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**Deputy Micheál Martin:** The Parliament is an inflexible sort of forum now and again or, at least, when I came in here first, that is the way it used to be.

**An Ceann Comhairle:** I want to be clear we are very flexible. However, maybe we should not be calling it something it is not.

### **Sittings and Business of Dáil: Motion**

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

That, notwithstanding anything in Standing Orders, and unless the Dáil shall otherwise order, the following arrangements shall apply in relation to the sittings of the Dáil on 9th, 10th and 11th October, 2018:

(1) (i) there shall be no Order of Business or questions on promised legislation within the meaning of Standing Order 28 on Tuesday or Wednesday, respectively, and questions on promised legislation shall take place on Thursday for 30 minutes;

(ii) Leaders' Questions shall not be taken on Tuesday, and shall be taken on Wednesday and Thursday after Oral Questions as the second item of business, and in accordance with the Schedule to this Resolution;

(iii) Oral Questions under Standing Order 38(1)(b) shall be taken on Wednesday and Thursday at 10 a.m.; otherwise no Oral Questions under Standing Order 38(1) shall be taken: save that written questions under Standing Order 42(2) shall appear on the Order Paper and be answered in the normal way;

(iv) Topical Issues under Standing Order 29A shall not be taken on Tuesday or Wednesday and shall be taken on Thursday as the last item of business, when the Ceann Comhairle shall select a maximum of five;

(v) leave may not be sought under Standing Order 34 to adjourn the Dáil on a specific and important matter of public interest;

(vi) Private Members' business shall not be taken;

(vii) no Committee report shall be taken on Thursday evening under Standing Order 140(2);

(viii) all divisions shall be taken immediately;

(ix) the Dáil shall sit at 1 p.m. on Tuesday, and at 10 a.m. on Wednesday and Thursday;

(x) on Wednesday, the Dáil shall adjourn not later than 10 p.m.;

(xi) on Thursday, the Dáil shall adjourn not later than 5 p.m.;

(xii) there shall be no block voting time within the meaning of Standing Order 70(2) on Thursday; and

(xiii) any votes claimed on Thursday, 4 October, 2018, after the block voting time shall be taken at the block voting time on Thursday, 18th October, 2018;

(2) in relation to the sitting of the Dáil on Tuesday, 9th October, 2018, the following arrangements shall apply:

(i) the Dáil shall sit later than 10 p.m., the motion for the General Financial Resolution shall be moved not later than 12 midnight, and upon the moving of the General Financial Resolution, the Dáil shall adjourn forthwith; and

(ii) the business to be transacted shall be the Budget Statement and Financial Motions by Deputy Paschal Donohoe, Minister for Finance and Minister for Public Expenditure and Reform, and the following arrangements shall apply:

(a) the statement of Minister Donohoe shall not exceed one hour;

(b) following the statement of the Minister, statements may be made by the spokespersons on Finance and Public Expenditure and Reform for Fianna Fáil, Sinn Féin, the Labour Party, Solidarity-People Before Profit, Independents 4 Change, the Rural Independent Group, and the Social Democrats-Green Party Group, who shall be called upon in that order, and whose statements shall not exceed an aggregate of 60 minutes in each case, and such members may share their time; and

(c) following the statements, the sitting shall be suspended for 30 minutes, and on the resumption of the sitting, a Minister or Minister of State shall move an allocation of time motion for the Financial Motions; and

(3) in relation to the sittings of the Dáil on Wednesday and Thursday, 10th October and 11th October, 2018, the business to be transacted shall be the business outlined in this Resolution along with the resumed debate on the General Financial Resolution, to which the following arrangements shall apply:

(i) the speech of the Taoiseach and of the leaders of Fianna Fáil, Sinn Féin, the Labour Party, Solidarity-People Before Profit, Independents 4 Change, the Rural Independent Group, and the Social Democrats-Green Party Group, or Members nominated in their stead, who shall be called upon in that order, shall not exceed 30 minutes in each case; and such members may share their time;

(ii) the suspension of sitting under Standing Order 25(1) shall take place on the conclusion of speeches by leaders, or a Member nominated in their stead, and shall continue until 5.30 p.m.;

(iii) the speech of each other Member subsequently called upon, who may share his or her time, shall not exceed 20 minutes in each case; and

(iv) when there are no further Members offering, the debate shall adjourn, and, in any event, on Thursday 11th October, 2018, the debate shall adjourn not later than 4 p.m.

## **SCHEDULE**



<i>Wednesday</i>	<i>Thursday</i>
<i>1 Fianna Fáil</i>	<i>Fianna Fáil</i>
<i>2 Sinn Féin</i>	<i>Sinn Féin</i>
<i>3 Labour</i>	<i>Labour</i>
<i>4 Rural Independent Group</i>	<i>Solidarity-People Before Profit</i>
<i>5 Fianna Fáil</i>	<i>Sinn Féin</i>
<i>6 Independents 4 Change</i>	<i>Social Democrats-Green Party Group</i>

Question put and agreed to.

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

#### **Northern Ireland**

1. **Deputy Micheál Martin** asked the Taoiseach if he has met or spoken to Ms Arlene Foster and Ms Michelle O'Neill recently on restoring the Northern Executive. [37318/18]

2. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his recent engagements with political leaders in Northern Ireland. [38645/18]

3. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on his recent engagements with political leaders in Northern Ireland. [39830/18]

**The Taoiseach:** I propose to take Questions Nos. 1 to 3 together.

The devolved, power-sharing institutions are at the heart of the Good Friday Agreement and are the best means for achieving accountable, representative decision-making for all the people of Northern Ireland, and I am deeply concerned at the ongoing impasse in regard to their restoration. In my recent conversations with Prime Minister Theresa May, I have emphasised the Government's full commitment to the Good Friday Agreement and our continuing determination to secure the effective operation of all of its institutions. In this context, the Government is in ongoing contact with the political parties in Northern Ireland at political, official and adviser level. I last met Michelle O'Neill during my visit to Belfast in June and I last met Arlene Foster when I visited Enniskillen last November. I have had informal contacts with DUP representatives since then, including through a meeting in Washington in March. In addition, I have visited Northern Ireland on seven separate occasions since becoming Taoiseach, often meeting DUP representatives. Meetings are being arranged over the coming days with some of the Northern parties, and I have made it clear that I will be available to meet the other parties, should they wish to do so.

As well as keeping in close contact with the Northern Ireland political parties, the Tánaiste is also actively engaged with the Secretary of State for Northern Ireland on how both Governments can most effectively support that urgent work in the period immediately ahead. We want to put a political process in place that can secure an agreement on the operation of the devolved institutions. We will continue to engage with the Government and the political parties in Northern Ireland to seek urgent progress on that in the period immediately ahead.

**Deputy Micheál Martin:** The question was whether the Taoiseach had met or spoken to Ms Arlene Foster and Ms Michelle O'Neill recently. Will the Taoiseach give me the specific dates when he spoke to Arlene Foster and Michelle O'Neill last?

We can all agree that, today, we are at a low point in terms of the Brexit process so far and the operation of the Good Friday Agreement. Let us be clear that what we have seen from the Tories and the DUP is belligerence and, frankly, ignorance. They do not get to change anything unilaterally in the fixed peace settlement on this island. Instead of spending our time escalating this dispute, the question is what we are going to do to overcome it. As someone who was intimately involved in very difficult negotiations on Northern Ireland, negotiations which led to real progress, I would have to say that the level of public sniping back and forth which we have heard to date is unprecedented. The lack of even basic working relations between key players is clearly a serious part of the problem. It may be that the Taoiseach thinks circumstances make this inevitable, but no one can seriously look at what has been happening and say that the tradition of the Department of the Taoiseach in building close relations and leading from the front on Northern Ireland is still operating. For major stretches of this year - seven weeks in the first part of the year and ten weeks up to the recent summit - there has been no personal contact with Downing Street. It is probably over 30 years since there was such a lack of ongoing contact.

This is not about laying the blame. It is about looking for what is causing the breakdown and trying to change the destructive dynamic which has taken hold. It is also undeniable that the continued absence of the assembly and Executive is directly empowering the DUP. The anti-Brexit, common-sense majority in the assembly and Northern Ireland generally have, in effect, been silenced and denied any input into the discussions which are increasingly becoming sectarian. It is incomprehensible that the anti-Brexit majority have been denied a parliamentary platform for so long. The only political platform for any politician in Northern Ireland is at Westminster which is currently dominated by a belligerent and unco-operative pro-Brexit presence. There is no forum for anti-Brexit parliamentarians and the assembly and the Executive are a huge loss for those of us who want a soft-Brexit which would do the least damage. Will there be any initiative to unblock the operation of the institutions? It is blindingly obvious that current efforts are too timid and have failed miserably. It is beyond time to insist on a new initiative.

**Deputy Brendan Howlin:** Deputy Micheál Martin is right that it is a monumental disaster that the voices of the majority in Northern Ireland on Brexit have no forum in which to contribute. The only forum for Northern Ireland representatives only includes those who are virulently pro-Brexit. Most of us were dismayed by the statement yesterday of the leader of the DUP. It is becoming increasingly clear that the DUP has taken a very strong position on Brexit and, in effect, exercised a veto on the possibility of the United Kingdom delivering on our understanding of the backstop into which it entered with the European Union last December. I would be interested in hearing the Taoiseach's view on the matter. Is it his understanding he can get around the obstacle of the DUP which appears to regard any divergence on trade between Northern Ireland and the rest of the United Kingdom as a matter of constitutional importance, whereas any divergence on fundamental social rights such as marriage equality and abortion would be regarded as affecting a defining characteristic of Northern Ireland. Go figure - it does not make sense to me. We could all list a myriad of instances in which Northern Ireland is demonstratively different, including in the areas of animal health and welfare, from the rest of the United Kingdom. In fact, the existence of the Good Friday Agreement underscores this point. My question is on a matter that is the source of profound worry. On the Irish backstop agreed

to between the EU 27 and the United Kingdom last year, is the Taoiseach engaged directly with the DUP to understand and, I hope, assuage any concern it has? Does it appear to the Taoiseach that, through its veto on the proposal, the DUP will prevent the British Prime Minister, Mrs. Theresa May, from delivering on her promise made last year?

**Deputy Imelda Munster:** The actions of the leader of the DUP yesterday have caused concern for many of us across the island, not least in relation to Brexit and how the negotiations will play out in the coming weeks. Brexit is of concern to many in my constituency of Louth. The onus is on political leaders to defend our political and economic interests. That is what has guided Sinn Féin in its approach to Brexit. We have not sought to play politics on it, as I am sure even the Taoiseach will acknowledge. We have supported the Government and the European Union negotiating team which we have met on numerous occasions in the course of its endeavours to get the best deal possible, which we certainly want to be the final outcome. That should be everyone's position, including every party across the island. However, there is now an onus on the British Government to step up to the mark, while the onus on the Irish Government is to defend and promote an all-Ireland view. Last December the Taoiseach said he had received a cast-iron guarantee in protecting Ireland, nothing less than which is acceptable. He must stand firm when defending the interests of the entire island and protect the rights of all citizens. He must remain resolute when he comes up against British intransigence. The European Union must remain true to its word that without an agreed, legally enforceable backstop, there will be no withdrawal agreement. Has it reaffirmed that commitment to the Taoiseach recently? Does he accept that we need a legal, as opposed to a, political guarantee?

**The Taoiseach:** I am afraid I cannot give Deputy Micheál Martin the specific dates of my contacts with Ms Arlene Foster. We have each other's mobile phone number and have had for quite some time. As such, we are able to keep in touch regularly.

**Deputy Micheál Martin:** I am asking about meetings.

**The Taoiseach:** I gave that information in my reply. We met a couple of months ago.

**Deputy Micheál Martin:** The Taoiseach cannot recall when they last spoke.

**The Taoiseach:** I can. As I said, we have each other's mobile number. I do not have the exact date, but it was within the last couple of weeks. We were counterparts before, have each other's mobile number and can be in touch. We have been trying to organise a formal meeting for quite some time. We had a date which fell through and are trying to organise a new one. The truth is that the environment is poor politically, not because of anything interpersonal but because of Brexit and the RHI inquiry. The efforts made at the start of the year to get the assembly and the Executive back up and running were unsuccessful. The Tánaiste and I take the view that our best chance to successfully get the institutions up and running again in the North will be when there is greater clarity on Brexit and when the RHI inquiry will either be completed or further on in its work. The focus for the next couple of weeks is very much on Brexit, the withdrawal agreement, the Irish protocol and the framework for the future relationship between the European Union and the United Kingdom. When that is agreed to, we will be in a better space to make another effort to re-establish talks among the different parties in Northern Ireland.

I met Ms Michelle O'Neill a couple of months ago, but, of course, she is the deputy leader of her party and her main contact is the Tánaiste. My main contact in Sinn Féin is the leader of the party, Deputy Mary Lou McDonald, with whom I interact and to whom I speak regularly. We

have a date in the diary for a meeting to discuss Northern Ireland with both the leader and the deputy leader of Sinn Féin and the Head of Government and deputy head of Government. It is due to take place next week or the week after - I do not have the exact date in my head. Contacts between Downing Street and the Department of Taoiseach are very close. I note that the Leader of the Opposition is trying to make out that they are not or that there is some difficulty, but there is not. The difficulty is not a lack of contact or a question of personality, it has to do entirely with the political issues with which we are grappling, in particular Brexit. The ongoing contact happens at official level, sherpa to sherpa, at Secretary General and Permanent Secretary level, at adviser to adviser level and, of course, at Prime Minister to the Taoiseach level. There is regular contact and efforts are regularly made to understand the thinking and position of the Irish Government and the UK Government. That contact happens a couple of times a week.

It is important to emphasise that while we are in contact all of the time to understand each other's perspective and position, we are not engaging in bilateral negotiations with the United Kingdom. While the United Kingdom may wish that to happen, it is not how the negotiations are being conducted. They are being conducted with representatives of the European Union, including Ireland, on one side of the table and of the United Kingdom on the other. We are determined not to allow the issues related to us to be subject to bilateralism in any way. Anyone who understands the issues will know why that is the right course of action to take.

**Deputy Micheál Martin:** The question was about the Northern Ireland Executive.

**The Taoiseach:** The same applies to the DUP, Sinn Féin or any other political party. We are not negotiating on Brexit with a UK or Northern Ireland political party; rather, we are negotiating with the United Kingdom in Salzburg.

**Deputy Micheál Martin:** The question was about the Northern Ireland Executive. There were two questions.

**The Taoiseach:** I am confused. The constant interruptions make it difficult to remember what the question was.

**Deputy Micheál Martin:** I am not interrupting. The three questions asked were about Northern Ireland, not Brexit.

**The Taoiseach:** The last contact on Northern Ireland between the British Prime Minister, Mrs. Theresa May, and I was in Salzburg a week or so ago. All of our officials and senior advisers were there. As to what is being said in general about Brexit in the media, we need to understand there is a British Conservative-----

**Deputy Micheál Martin:** On a point of order, I am not trying to interrupt, but there are other questions about Brexit. The first three questions in this group are specifically about Northern Ireland and the restoration of the Executive. I am not getting personal but asking a basic question. The bottom line is that we have had an unprecedented absence of the Northern Ireland Assembly and the Executive. In previous eras, major initiatives would have taken place, Prime Minister to Prime Minister, to try to unblock this. That is the point. That is all I am saying. I am not talking about Brexit.

**The Taoiseach:** On a contrary point of order, the written questions are indeed about Northern Ireland. They do not refer to Brexit, but I was asked about Brexit during the oral part of these questions. It regularly occurs that the questions in writing are about one topic but

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Deputies raise other issues verbally and I am then accused of not answering the question, even though it was not asked in writing. It is a no-win situation. I am asked to answer questions that are not among the questions and then constantly-----

**Deputy Brendan Howlin:** My question is about engagement, not Brexit or Northern Ireland.

**Deputy Micheál Martin:** The first three questions in the group are about Northern Ireland. The Taoiseach should not muddy the waters.

**An Ceann Comhairle:** The Deputies should let the Taoiseach respond.

**The Taoiseach:** Perhaps the different Opposition leaders should have a debate among themselves as to what question they are asking me.

**Deputy Micheál Martin:** The questions are written down.

**The Taoiseach:** It would certainly make it easier because what is written down are questions-----

**Deputy Micheál Martin:** Forget it. This is pathetic.

**The Taoiseach:** -----about Northern Ireland, not Brexit. I am nonetheless happy to answer them as best I can in the time I am given.

**Deputy Micheál Martin:** Yes, the Taoiseach should answer the questions about Northern Ireland.

**The Taoiseach:** However, when I am constantly interrupted and barracked, it makes it extremely difficult.

**An Ceann Comhairle:** The Taoiseach has only 15 seconds left.

**Deputy Micheál Martin:** He is hardly being barracked.

**An Ceann Comhairle:** I am afraid we will not get answers to any of the questions.

**The Taoiseach:** I know but I am-----

**An Ceann Comhairle:** The Taoiseach is doing his best.

**The Taoiseach:** It is not my fault. I am doing my best.

**An Ceann Comhairle:** Yes, I appreciate that.

**The Taoiseach:** I thank the Ceann Comhairle.

I was asked about respect for the Good Friday Agreement. As I said, the Good Friday Agreement has two major philosophies, two component parts, behind it. The first is respect for the principle of consent, and we respect that Northern Ireland is part of the United Kingdom until such time as the majority of people in Northern Ireland consent to a change. The agreement also recognises, however, that Northern Ireland is a special place owing to its unique history and geography. At the heart of the Good Friday Agreement is a recognition that there are special arrangements for Northern Ireland. The fact that there are such special arrangements

in any number of areas does not make Northern Ireland any less part of the United Kingdom.

### **Programme for Government Review**

4. **Deputy Brendan Howlin** asked the Taoiseach his plans to review and extend A Programme for a Partnership Government. [38644/18]

5. **Deputy Joan Burton** asked the Taoiseach his plans to extend and renew A Programme for a Partnership Government. [39678/18]

6. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on his plans to review A Programme for a Partnership Government. [39725/18]

7. **Deputy Micheál Martin** asked the Taoiseach if he is satisfied with the progress on the implementation of A Programme for a Partnership Government. [39765/18]

8. **Deputy Micheál Martin** asked the Taoiseach the status of the commitments on defence policy in A Programme for a Partnership Government. [40023/18]

**The Taoiseach:** I propose to take Questions Nos. 4 to 8, inclusive, together.

A Programme for a Partnership Government was agreed in May 2016 during the formation of the Government. It is a five-year programme of work being undertaken for the duration of the present Dáil. The Government publishes progress reports on the programme each year, the second of which was approved by Cabinet in May 2018 and is published on my Department's website. This report reflects the significant work undertaken by all Government Departments to deliver progress across a wide range of issues, including housing and homelessness, education, health and rural development.

There is more work to be done. The experience of the past two years means it is now reasonable to chart an ambitious path for the remaining three years of the current Dáil. That path is about ensuring that, to the greatest extent possible, every citizen is enabled to achieve his or her full potential and every part of the country benefits from our prosperity. We will continue to work towards improving access to our health services; increasing the supply of affordable housing; planning for Brexit; generating quality employment; driving justice and policing reform; continuing the progress that has been made in education; and much more besides.

As for specific commitments on defence policy, the Government is committed to building and maintaining defence capabilities. Progress continues to be made on defence-related commitments in the programme for Government, mainly through the White Paper on Defence. More than half the 88 projects identified for implementation in the White Paper on Defence will have either commenced or been completed by the end of this year. These include efforts to restore the Defence Forces to full strength in personnel terms, increase female participation and support veterans. Crucially, they also involve a massive investment in equipment and improvement of facilities. This is being progressed at present, with some €35 million worth of infrastructure projects now at various stages of implementation. In addition, there is a commitment in respect of new vessels and aircraft.

The Government will continue its work over its lifetime to strengthen our economy and to ensure that all citizens benefit.

**Deputy Brendan Howlin:** There was a very public exchange of letters between the Taoiseach and the leader of Fianna Fáil over the summer about extending the existing confidence and supply arrangements between their parties. The Taoiseach lost a Deputy this week. Fine Gael and Fianna Fáil have a threshold agreed between them for maintaining the Government. The Taoiseach has also lost a member of the Independent Alliance, part of the coalition that supports the Government, which adds a certain fragility to the Government's existence. Has he opened negotiations with the Independent Alliance on the extension of this programme and, if not, does he intend to do so? Second, since all we know from the exchange of letters between the Taoiseach and the leader of Fianna Fáil is what is in the public domain, do they have an agreed timeframe by which they will sit down and negotiate an extension of the current arrangements, or is it intended to have such a discussion?

**Deputy Joan Burton:** Regarding the programme for Government and the commitments the Taoiseach and his Government made, the Taoiseach cannot deny that there are serious crises in health, housing and the whole area of tax justice and fairness. In health, for instance, the Department of Health now reliably appears to be at least €600 million over budget, having in each of the past number of years got substantial infusions of cash. It feels like no one in the Government is in charge of health. Regarding housing, a plumber married to someone like a self-employed hairdresser with a reasonably good business and perhaps a joint income of €80,000 or €90,000 cannot get an affordable house. Where they can get perhaps a second-hand house, the loan levels in the Taoiseach's and my constituency for a modest but well-built house, as he knows, are now reaching approximately €400,000 because land is changing hands at ten to 15 times what it was just a few years ago. Again, the Government simply seems adrift.

On tax justice and fairness, we have had the Comptroller and Auditor General's report of last week indicating that several hundred high net worth individuals, with assets of €50 million - I ask the Taoiseach to think how many €400,000 houses they could commit to - are paying roughly the same in tax as a family on an income of anywhere from €40,000 to €70,000.

**An Ceann Comhairle:** I thank the Deputy. She is well over time.

**Deputy Joan Burton:** Is this not a programme for Government that is in total disarray?

**An Ceann Comhairle:** The Taoiseach will not be able to answer if Deputy Burton does not abbreviate her questions.

**Deputy Joan Burton:** I understand Fianna Fáil has an arrangement with Fine Gael, but it does not seem to be able to bring much influence to bear.

**Deputy Imelda Munster:** Next week we will debate budget 2019. It is, like all budgets, a matter of choices, and those choices have been made. We in Sinn Féin are firmly of the view that we need to make next week's budget a housing budget. If the Government or its partners in Fianna Fáil are serious about tackling the housing and homelessness crisis, this is what must happen. This means, as a key measure, doubling capital investment in social and affordable housing, as Sinn Féin proposes. Government expenditure on social housing for next year is projected at €1.3 billion, with a target of 7,410 social houses. This is a drop in the ocean given the scale of the crisis and when compared with what is needed. It is necessary to increase this expenditure by a further €1 billion. This would deliver an additional 2,850 social homes, which would bring the total number of social housing units delivered in 2009 to 10,260, as was recommended by the Oireachtas Committee on Housing and Homelessness.

Another area which requires substantial investment is affordable housing. The Government has not delivered one affordable home in three years and has no affordable housing targets for next year either. We would deliver 4,630 affordable homes, of which 1,435 would be cost-rental and more than 3,000 affordable sale.

We would also introduce measures to curb rents, which are out of control, as the Taoiseach knows fine well. It is now time to accept that the Government's rent pressure zone legislation is not working either. That is what we are proposing - the introduction of a temporary tax relief for renters in tandem with a three-year emergency rent freeze. These are just some of the measures we are proposing, but the Taoiseach knows that because he is aware of them, despite the fact that he says repeatedly that we have no solutions. We are putting forward these solutions. Given the dismal failure of Rebuilding Ireland, if the Taoiseach is genuinely concerned about solving the housing crisis, will he accept and implement some of these proposals?

**Deputy Micheál Martin:** The review of the programme for Government published during the summer is quite striking in how it includes a statement of how much has been spent on everything but has almost no engagement with the impact which policies are or are not having. For example, the shambolic failures of this Government and the previous one in respect of broadband are ignored. So too are nearly all adverse statistics. It is a make-believe stuff because nothing has happened on broadband for the past three or four years and we are now told that it will be the greatest thing since rural electrification. People have to suspend their disbelief when they hear that kind of thing.

In respect of housing, the review has six pages of commentary and a list of claims concerning activity. In reading it, however, nowhere does one come across the figures for rising homelessness, the unaffordability of house prices, or the acute crisis in the private rental sector. Last November the Taoiseach announced that the Rebuilding Ireland housing plan was working. Since he made that declaration the number of homeless people has increased by 1,300, with an incredible 15% increase in child homelessness. Does the Taoiseach still think that the plan is working? It is reported this morning that the Minister, Deputy Eoghan Murphy, stated at an event for the Construction Industry Federation that some radical new policies are required in housing. Why are new policies needed if the Government's current plans are working?

On the defence question, will the Taoiseach confirm what he could not confirm yesterday, namely, that two ships could not set sail because no crews were available? I asked the Taoiseach that question yesterday. The Chief of Staff has said he would prefer the term "serious challenges" rather than "crisis". He would like to address the Public Service Pay Commission as he thinks pay is the big issue, but all he can do is advise Government. Clearly, reading between the lines, that is what he has done. The Taoiseach has failed in respect of the Defence Forces. I said that yesterday. Talking to the spouses and partners of members, it seems there are significant issues in terms of the depletion of officer ranks and a lack of morale among the force generally. Notwithstanding what is in the programme for Government, the reality is very different.

**The Taoiseach:** I thank the Deputies very much for their questions. The confidence and supply agreement is an agreement between Fianna Fáil and Fine Gael. It has no expiry date as such but it has always been understood to last three budgets. The budget is taking place next week. There is also provision for a review before the end of this year, and we are now very much into the fourth quarter of this year. That is where it stands at the moment. I promise to update Deputies in due course should there be any change. The agreement between Fine Gael, the Independent Alliance, and the Ministers, Deputies Naughten and Zappone, is the programme



for Government. That is a five-year programme and that stands. Therefore it does not require renegotiation, or certainly not at this stage.

It is true to say that the Department of Health is running several million euros over budget, but it is also worth recognising that is happening for a reason. It is because recruitment is happening at a great pace across our health service. There are approximately 1,000 extra nurses working in our public health service this year-----

**Deputy Brendan Howlin:** Is the Taoiseach saying the recruitment was not budgeted for?

**The Taoiseach:** -----in comparison with last year. There are more doctors working in our public health service than ever before. Pay restoration is happening across the public service for more than 100,000 people. All those things cost money.

**Deputy Brendan Howlin:** They are all budgeted for.

**The Taoiseach:** Waiting times are falling. There has been a significant fall in the number of people waiting for angiograms or for operations or procedures on hips, eyes, knees, cataracts and skin lesions. The number has fallen by more than 10,000 since this time last year. The average patient is now waiting less than six months for those operations.

**Deputy Micheál Martin:** Why?

**The Taoiseach:** It is because money is being spent-----

**Deputy Micheál Martin:** On the National Treatment Purchase Fund?

**The Taoiseach:** -----on the National Treatment Purchase Fund and other things, including both insourcing and outsourcing.

**Deputy Brendan Howlin:** That is privatising a public resource.

**The Taoiseach:** That is having a result. Free GP care has also been extended to carers because carers need to be cared for too. Medical cards are now a right for children with profound disabilities who are in receipt of the domiciliary care allowance regardless of their parents' income. That was resisted in the past but this Government decided to do it. Additional hospital beds are also being provided. I note that HSE numbers indicate that in every month this year from May onwards-----

**Deputy Brendan Howlin:** So the budget is only indicative.

**The Taoiseach:** -----there have been fewer people waiting on trolleys. The nurses' figures suggest that was true last month, but not for the other months. Certainly hundreds of people fewer were spending time on trolleys this summer compared with last. These are among the reasons the Department of Health is running over budget.

On tax, it is important to give the full picture. The Comptroller and Auditor General acknowledges that Ireland's tax system is one of the most progressive in the world. Those on the lowest incomes pay least and those on higher incomes pay most. That is as it should be.

**Deputy Joan Burton:** That is not what the Comptroller and Auditor General said at all.

**The Taoiseach:** Approximately 30% of people, those on the lowest incomes, pay no income

tax at all. He says that it is certainly not fundamentally flawed but that it does give rise to issues around so-called high-worth individuals. The Government is going to examine loopholes and reliefs to see what we can do to close any legal loopholes that are being abused or to take away reliefs that are allowing people not to pay their fair share of tax. It is important to acknowledge, however, as the Comptroller and Auditor General does, that some of these high-worth individuals are not resident in the country. It is possible to own property in Ireland and not pay income tax. I suspect Mr. Trump, who owns a hotel and golf course in Doonbeg, does not pay income tax in Ireland-----

**Deputy Brendan Howlin:** Nor does he pay it anywhere else by the looks of it.

**The Taoiseach:** -----because he makes his income in the US. There would be many examples of people-----

**Deputy Micheál Martin:** He gets help with planning though. He gets a lot of assistance.

**The Taoiseach:** That is just one obvious example of someone who owns property or has wealth in Ireland and who does not pay income tax here because he does not earn any income in Ireland and lives in a different country. He earns his income elsewhere. It is important that we not be misleading about these things.

**Deputy Joan Burton:** He is not resident in Ireland anyway. That is a ridiculous example.

**The Taoiseach:** There is also a difference between wealth and income. It is possible to own land or a business that is worth many billions of euro and not derive-----

**Deputy Brendan Howlin:** The Taoiseach is talking about people who are not tax resident here.

**The Taoiseach:** -----an income-----

**Deputy Joan Burton:** They have no tax applications here other than on income arising. That is ridiculous.

**An Ceann Comhairle:** The Taoiseach is out of time, we need to move to Question No. 9.

**Deputy Micheál Martin:** Hold on-----

**An Ceann Comhairle:** No, we cannot.

**Deputy Micheál Martin:** The Taoiseach did not answer the question on whether he would confirm-----

**An Ceann Comhairle:** If we keep interrupting the Taoiseach-----

**Deputy Micheál Martin:** He deliberately avoids answering the questions.

**An Ceann Comhairle:** There are constant interruptions.

**Deputy Joan Burton:** He is not answering the questions.

**Deputy Micheál Martin:** He is deliberately avoiding the questions. There are not constant interruptions. He is just not answering the questions.

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**An Ceann Comhairle:** We are moving on to Question No. 9.

**Deputy Joan Burton:** He gave us an absurd suggestion about President Trump.

**Deputy Micheál Martin:** He is deliberately refusing to answer questions.

**An Ceann Comhairle:** We are moving to Question No. 9.

**Deputy Joan Burton:** This is absurd and bizarre.

**The Taoiseach:** I do take issue with those comments. We touched on this earlier. I am not deliberately avoiding answering questions. The Ceann Comhairle has written to us all and asked us to keep to time. I am obeying his-----

**An Ceann Comhairle:** We will have to organise a course in-----

**Deputy Brendan Howlin:** We have to know how this works.

**Deputy Micheál Martin:** We do not need a course. Let us not overdo it here. We get less than a minute to ask questions. The Taoiseach deliberately goes off on tangents about-----

**An Ceann Comhairle:** Absolutely, but-----

**Deputy Micheál Martin:** -----Donald Trump and all the rest of it instead of answering the specific questions that were asked.

**Deputy Imelda Munster:** He did not answer any questions on housing.

**An Ceann Comhairle:** We are consuming time out of the next block of questions.

**The Taoiseach:** I know some of this is parliamentary pantomime from the Opposition.

**Deputy Brendan Howlin:** That is just shocking.

**The Taoiseach:** To say that I go off on tangents in my answers-----

**Deputy Micheál Martin:** Will the Taoiseach confirm-----

**The Taoiseach:** All any reasonable person has to do is look at the questions that are put to me and then look at the tangents that other people go off on.

**Deputy Joan Burton:** Housing? Health? Tax justice?

**The Taoiseach:** The Deputies are only accusing me of doing things they do themselves.

**An Ceann Comhairle:** Can we deal with Question No. 9?

**The Taoiseach:** The public deserve a better quality of accountability than they are getting.

**Deputy Micheál Martin:** Absolutely.

**Deputy Imelda Munster:** They deserve answers.

**The Taoiseach:** That is not down to me. It is down to poor Opposition.

*Dáil Éireann*  
**Gender Equality**

9. **Deputy Brendan Howlin** asked the Taoiseach his plans for reconvening a Citizens' Assembly. [38646/18]

10. **Deputy Mary Lou McDonald** asked the Taoiseach if will report on plans to establish a Citizens' Assembly in respect of gender equality. [38650/18]

11. **Deputy Micheál Martin** asked the Taoiseach his plans to address gender equality issues in a Citizens' Assembly. [39541/18]

12. **Deputy Joan Burton** asked the Taoiseach if will report on plans to establish a Citizens' Assembly in respect of gender equality. [39680/18]

13. **Deputy Richard Boyd Barrett** asked the Taoiseach his plans for reconvening a Citizens' Assembly. [39829/18]

**The Taoiseach:** I propose to take Questions Nos. 9 to 13, inclusive, together. With regard to gender equality-----

**Deputy Brendan Howlin:** The Taoiseach is beginning to sound like Donald Trump.

**An Ceann Comhairle:** Can we please let the man answer?

**The Taoiseach:** With regard to gender equality in society, we must ensure that women have opportunities to participate fully and effectively in economic, public and political life. We need to see more women participating in decision-making roles across society so as to empower future generations of women and girls. As I have stated publicly, most recently at the Congress of Women's Caucuses on 10 September, I intend to bring forward proposals for the establishment of a new Citizens' Assembly to consider the issue of gender equality shortly. I would further propose that a Dublin Citizens' Assembly be specifically convened to consider the issue of directly elected mayors for Dublin and the form that should take. This is part of a comprehensive local government reform paper brought to Government by the Minister of State with responsibility for local government, Deputy John Paul Phelan.

**Deputy Brendan Howlin:** The Taoiseach has informed us that he will reconvene a Citizens' Assembly to address the issue of gender equality. He may be aware that today the Seanad is dealing with Report and Final Stages of the Labour Party's gender pay gap reporting Bill to deal with the issue of gender equality. It is expected to pass this week. When it does, it will come back to the Dáil. The indication is that it is to be parked at that stage and the Government will introduce, at some future date, its own Bill which will have to start off the entire process again. Will the Taoiseach give consideration for allowing the Labour Bill, even if it needs to be amended, to become law this side of Christmas?

The Taoiseach also said yesterday that there would be a Citizens' Assembly specific to Dublin to deal with the possibility of a directly elected mayor for Dublin. That is not a bad idea. The Citizens' Assembly model has worked well.

Yesterday, I asked for a Citizens' Assembly to discuss the future ownership and control of schools, an issue very much on the agenda. I do not believe that one Citizens' Assembly on gender equality and a bespoke Dublin one should prohibit us from considering another one to address that particular issue.

**Deputy Joan Burton:** On the proposal in respect of Dublin and other large cities and towns, we all value community and the development of strong community bonds. These are essential not just to the economic development and presentation of an area but to the quality of the lives of the people who live in it. Is the Taoiseach amenable not just to having a potentially elected mayor in the whole of the Dublin region but to have large towns, such as Swords, Blanchardstown and Dún Laoghaire, clearly represented by an identifiable mayoral figure?

On the Citizens' Assembly on gender inequality, does the Taoiseach propose to include in its terms of reference an indication in favour of quotas of women, as well as an indication in respect of narrowing and eliminating the gender pay gap? What we are getting at the moment is occasional participation by many women in a field. Then, when those exceptional women who have held that position pass on to something else-----

**An Ceann Comhairle:** Thank you, Deputy. Time is up.

**Deputy Joan Burton:** -----it just reverts to the male, stale and pale model that the Taoiseach and his Government have focused on so far in its term of office.

**Deputy Imelda Munster:** Will the Taoiseach outline when the Citizens' Assembly on gender inequality will actually be established and what timeframe would be involved? He has also stated that the gender pay gap should be one of the issues considered by the Citizens' Assembly. It remains one of the starkest reminders of the continued inequality faced by women in this State. The most recent figures available from the CSO, Central Statistics Office, indicate women are paid 14% less than men on average. I am sure the Taoiseach will agree that is a shocking statistic.

The Government announced it intends to introduce a gender pay gap information Bill. Sinn Féin would broadly welcome its intention but we do intend to introduce significant amendments to it in order to name and shame companies which fail to make information public and to shorten the timescale for its implementation. When will the Bill be introduced?

Domestic violence is another critically important issue. Before the summer, the Taoiseach informed the Dáil that the expert group considering a second SAVI, sexual abuse and violence in Ireland, report was nearing completion of its work. Will he confirm if it has completed its work? What is the timeframe for the completion of the study to identify the prevalence of sexual abuse and violence? When will it be published?

**Deputy Micheál Martin:** I agree with Deputy Burton on gender equality that there is a whole range of areas to be addressed, not just pay equality, such as under-representation of women, for example, in the senior echelons of universities and third level education which is quite striking. Where the Citizens' Assembly model has been effective is where the question put to it has been specific rather than covering a general area. Where its recommendations have had the most impact, it has been where the Oireachtas has had a complementary process for considering the issue. With the repeal of the eighth amendment, we all agree that work of the Oireachtas all-party committee was an essential part in ensuring that the final proposal considered by the people answered all reasonable questions and was soundly based.

On past recommendations, the assembly recommended that an electoral commission should be established with some urgency. This recommendation was recently supported by the committee looking at electoral integrity and disinformation. Will the Taoiseach explain why relatively straightforward but important legislation has been delayed so long? If one looks back,

the then Minister, John Gormley, began drafting work on legislation in 2010. For some reason, however, this was stopped and not restarted, in spite of the following two Governments committing to enact the legislation. Will the Taoiseach clear up the mystery as to why there seems to be an incapacity and inability to have legislation on an electoral commission?

**Deputy Brendan Howlin:** I found a memorandum I produced in 1996 for the then Government on it.

**Deputy Micheál Martin:** It is important to the credibility of the Citizens' Assembly and the Oireachtas.

**The Taoiseach:** I am not sure who Deputy Burton was referring to as being male, pale or stale. I am definitely not pale. When we talk about gender equality and gender diversity, whether in politics, the workplace or in any field of life, I do not think it is right to be diminutive or dismissive of anyone based on their gender, pallor or level of experience. I hope that when we talk about these issues, we will not use that kind of language about anyone, whether it is men or women, older people or younger people, white people or black people. I do not think that sort of language serves us well.

I agree with Deputy Martin's assessment on the Citizens' Assembly. It would very much tie in with Ms Justice Laffoy's assessment that the assembly works best when it is asked to examine specific proposals rather than wide-ranging issues, as well as having the input of the Oireachtas and people with experience of legislation, policy and politics. This can be useful and we saw that very much with the process around the eighth amendment.

The gender pay Bill was discussed at the Cabinet just this week. I would like to have the legislation passed in this calendar year if that can be done. It could be done with a bit of give and take and compromise. The best thing to do might be for the Minister for Justice and Equality, Deputy Flanagan, or the Minister of State, Deputy Stanton, to sit down with the Bill's sponsor, Senator Bacik, to see if it is possible to amend the Bill, as passed by the Seanad. With goodwill and compromise all around, that is achievable and we could get the legislation enacted by the end of the year and actually implemented next year. I would be very open to that.

On the Dublin Citizens' Assembly, there are many different ideas as to how local government should work. In Cork city, Limerick and Waterford, we will be offering people a plebiscite on a directly elected mayor with executive powers. Dublin is more complicated because it has four local authorities to which people feel differing degrees of attachment. The proposal put forward by Fianna Fáil and the Greens in the past was that the four authorities would stay with their own mayors and then there would be a super assembly with a super mayor. It would be a whole new layer of governance with a directly elected mayor over that. That might work.

My preferred model, however, is a different one which is more akin to London and Paris which I accept are much larger cities. It would be one where one would have a single Dublin authority, say a greater Dublin council, with a directly elected mayor over it. Then there would be many small borough councils to which people would feel they have an identity or connection, whether it is Swords, Lucan, Blanchardstown or Malahide.

I do not have the monopoly of wisdom on this nor do I claim to. That is why a Citizens' Assembly would be valuable in asking the people of Dublin what they think would work best. Deputy Eamon Ryan has proposed the assembly should also involve a number of councillors and politicians.

*2 o'clock*

We will give consideration to that matter. The Constitutional Convention worked on that basis. On its make-up, two thirds of its members were citizens, while one third were politicians. Perhaps something along the lines of that model might work.

On proposals for other citizens' assemblies, we can only have so many at any one time. The plan is to approve before the end of the year the proposal for a Dublin citizens' assembly and a citizens' assembly on gender equality and have them meeting next year. I am totally open to suggestions for citizens' assemblies that might follow, but there is limited bandwidth in determining how many there can be at any one time. It is best to have one or two at a time properly, rather than trying to have four or five at the same time.

I was asked about the expert group on sexual violence. It has either completed its work or almost completed it. The Government will proceed with the new survey of gender based violence to follow up on the SAVI report from ten years ago. It was necessary to involve the Central Statistics Office, CSO, because we wanted to make sure it was accurate. As people are increasingly relying on the CSO to provide accurate statistics, it took a bit of time. Also, there was an issue with what would happen if somebody reported during the survey that they had been a victim of gender based or sexual violence because we now have many rules for mandatory reporting which would not have been in place ten years ago. There were many issues in that regard. For example, would the person carrying out the survey then have an obligation to make a report to the Garda and so on? Matters about which many people and I did not think have become issues, given that so much has changed in ten years. However, we intend to do it with the involvement of the CSO which will give everyone confidence that the results will be accurate.

**Deputy Imelda Munster:** On that point, does the Taoiseach know if the report has been published?

**The Taoiseach:** No.

**Deputy Imelda Munster:** Does the Taoiseach have any idea of when we can expect it to be published?

**The Taoiseach:** It will have to be brought to the Cabinet first.

*Written Answers are published on the Oireachtas website.*

### **Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters**

**An Ceann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Sean Sherlock - to discuss funding for the INFANT Centre at UCC-CUMH; (2) Deputy Donnchadh Ó Laoghaire - to discuss the ban on Garda overtime; (3) Deputy Joan Collins - to discuss additional funding for the HSE to alleviate waiting times for the Dublin South-West school age team; (4) Deputy John Curran - to discuss Garda resources at Rathcoole; (5) Deputies Clare Daly, Darragh O'Brien and Louise O'Reilly - the need to discuss current conditions in St. Mologa's school, Balbriggan; (6) Deputy Fergus O'Dowd - to discuss

the HIQA report on handling complaints of abuse and engagement with State agencies; (7) Deputy John Brassil - to discuss changes to illness benefit claim forms and the engagement with GP representative bodies; (8) Deputy Charlie McConalogue - to discuss fair beef prices from factories at today's beef forum meeting; (9) Deputy Seán Crowe - to discuss capacity and the danger of cross-infection in the haemodialysis unit in Tallaght Hospital; (10) Deputy Alan Kelly - to discuss crime figures data provided by An Garda Síochána for the CSO; (11) Deputy Dessie Ellis - to discuss a scheme to replace lead piping in housing across the country; (12) Deputies Pat Casey, Fiona O'Loughlin, James Lawless and Frank O'Rourke - to discuss the draft regional spatial and economic strategy and the implementation consequences for population growth; (13) Deputy Marc MacSharry - the closure of the post office in north County Sligo; (14) Deputy Gino Kenny - to discuss the Government's proposed medicinal cannabis access programme; (15) Deputy Brian Stanley - to discuss the funding of a new building for Kolbe special school in Portlaoise, County Laois; (16) Deputy Pat Buckley - to discuss the need for maternity leave support for elected representatives; (17) Deputies Martin Ferris and Michael Healy-Rae - to discuss the problems surrounding the Gaeltacht school recognition scheme; (18) Deputy Peadar Tóibín - to discuss the concerns with the GP system; (19) Deputy John Brady - to discuss the State purchase of lands at Luggala estate in County Wicklow; (20) Deputy Mick Wallace - to discuss the use of Shannon Airport to facilitate the transport of bombs; (21) Deputy Caoimhghín Ó Caoláin - that the Minister for Health explain his continuing refusal to accept the Beneluxa Initiative concerning Nusinersen, Spinraza, now that Ireland has joined the initiative; (22) Deputy Niamh Smyth - to discuss support for the community of Mageracloone following the mining incident last week; and (23) Deputy Catherine Connolly - to discuss the withdrawal of the National Educational Psychological Service, NEPS, from a number of schools in Galway.

The matters raised by Deputies Sean Sherlock; Donnchadh Ó Laoghaire; Fergus O'Dowd; Pat Casey, Fiona O'Loughlin, James Lawless and Frank O'Rourke have been selected for discussion.

*Sitting suspended at 2.05 p.m. and resumed at 3.05 p.m.*

### **Message from Seanad**

**An Leas-Cheann Comhairle:** Seanad Éireann has passed the Mental Health (Renewal Orders) Bill 2018, without amendment.

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

#### **Science Foundation Ireland Grants**

**Deputy Sean Sherlock:** I thank the Minister of State with responsibility for this issue for coming before the House today. I want to raise the issue of the defunding of the INFANT research centre, a perinatal healthcare centre in University College Cork. It is a Science Foundation Ireland funded research centre that is led by female investigators and the only one of its kind in the State. The centre deals specifically with ensuring better health outcomes for



pregnant women and their children and babies, both *in utero* and after birth. A decision has been made by Science Foundation Ireland to defund the centre. I will not use any other words to describe the decision. No matter what way it is parsed, it was a decision to defund this vital research centre.

The INFANT centre subscribed to an external process whereby its activities were reviewed by an international panel of experts, chaired by none other than Professor Gordon Smith, head of the obstetrics and gynaecology department at Cambridge University. In its deliberations while examining the work and output of INFANT, the panel clearly stated that the centre should continue to be funded by Science Foundation Ireland. Under a subsequent decision, which is now in the public domain, Science Foundation Ireland instigated its own process. Notwithstanding the rigorous process the research centre has undergone as part of the external review, Science Foundation Ireland decided, based on a second opaque and secretive process, that the INFANT centre should be defunded.

I raise this issue today because there are serious question marks over the Science Foundation Ireland process. It has not been transparent and neither I nor the taxpayers of this country have sufficient insight into the process by which this decision was made. When millions of euro of taxpayers' money are at stake, we need to hear from the Minister of State the reasons the second process was designed, who was in charge of it and whether the director general of SFI oversaw the second oversight panel. It rankles me that two eminently qualified members of the board of governors of INFANT, Dr. Ruth Barrington and Professor Douglas Kell, resigned recently. According to a statement from Dr. Ruth Barrington, a former chief executive of the Health Research Board, the Science Foundation Ireland process was "neither objective nor fair".

I hope that the Minister of State and his officials will have clear oversight of the process. I hope he will give us some hope that he will pour light on the approach taken by Science Foundation Ireland and its director general on this issue.

**Minister of State at the Department of Business, Enterprise and Innovation (Deputy John Halligan):** I thank Deputy Sherlock for raising this issue. I am aware that he is a former Minister of State with responsibility for research and innovation and that he has an interest in this area. I visited the very fine centre to which he refers.

Science Foundation Ireland research centre funding for the INFANT centre will cease in May. I welcome the indication from University College Cork that the INFANT centre will continue with research work, having built up a diverse range of national and international funding agencies, industrial partners and philanthropic donors. As for the background to this case, since 2013 Science Foundation Ireland, SFI, has been building a network of research centres that deliver excellent scientific research, with economic and societal impact in areas of strategic importance to Ireland.

**Deputy Sean Sherlock:** Gabh mo leithscéal, is there a copy of the Minister of State's speech?

**Deputy John Halligan:** Does the Deputy want me to wait?

**Deputy Sean Sherlock:** No.

**Deputy John Halligan:** Areas of speciality include pharma, big data, medical research, nano materials, telecommunications, smart manufacturing and, in the case of INFANT, clinical

and health research and innovation in pregnancy, birth and early childhood. Science Foundation Ireland's commitment of €429 million to these research centres is complemented by an industry commitment of €230 million. The research centres are an embodiment of Science Foundation Ireland's transformational effect on the national research system. They represent major funding awards, linking scientists and engineers in partnerships across 19 research bodies, including all seven universities, and 328 companies throughout Ireland.

Science Foundation Ireland currently supports 17 such research centres. They are approved for funding following a rigorous international peer review process. Once established, each centre is subject to a rigorous on-site review involving international experts every two years. Furthermore, all research centres understood at all times there was not to be any automatic guarantee of additional funding for a new six-year term at the end of their award term. As part of their four-year strategy review, centres were invited to submit a proposal for a second six-year term of research funding. The quality and overall competitiveness of these new funding proposals, from a scientific and impact perspective, were evaluated by the same international experts assessing the centre's progress to date. In addition, an international oversight panel was involved, whose role was to provide quality assurance to the review process.

In the case of INFANT, the independent international oversight panel recommended that it should not receive immediate refunding. That was the assessment. The independent international oversight panel instead recommended that INFANT proceed to a separate competition to be reviewed against other potential centre applicants in 2020. SFI has followed this recommendation which means SFI's funding, for the time being, will end in May 2019. The decision, therefore, is the product of a rigorous procedure of evaluation undertaken by a panel of international experts. Through this process, SFI can be assured of an impartial and independent procedure, based on established best international practice. As SFI has run such an international review process in line with best practice, I, as Minister, cannot intervene in the process.

I will revert to the Deputy on two other issues he raised.

**Deputy Sean Sherlock:** The key line in the Minister's response is: "In the case of INFANT, the independent international oversight panel recommended that it should not receive immediate refunding." I know the Minister of State does not wish to deliberately misinform the House. I know notes were prepared for the Minister and I have been in that position. Let us be clear that there are two processes here. One is the international peer review which is the external process. That was chaired by Professor Gordon Smith, one of the most pre-eminent professors of obstetrics and gynaecology in the world, and he enthusiastically recommended refunding without further review.

The Minister of State refers to an international oversight panel. That is SFI's international oversight panel, a second and separate process which is secretive and anonymous and with which none of the researchers or principal investigators involved in INFANT had any dealings. There is something opaque and lacking in transparency in this process. It is for the Minister of State to examine that process on behalf of the taxpayer because I fear that it was deliberately gamed to take out a research centre which is one of the smallest of the seven to hand. The centre was led by women researchers and dealt with women and children. The SFI tried to take out the lowest hanging fruits and thought it was on the path of least resistance. There is an issue of transparency here. Dr. Ruth Barrington and Professor Douglas Kell stood down because they questioned that SFI process.

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I implore the Minister to look at this. I am being genuine in the interventions I am making. It is extremely disappointing that UCC did not appeal the decision or back its own female researchers. Why is that? There are serious questions in this regard.

**Deputy John Halligan:** I will deal with two issues I wanted to address in my first response. Is there transparency in the decision on INFANT funding? Science Foundation Ireland has provided detailed written feedback from the international review process to the INFANT centre and UCC, as a lead partner. In addition, SFI met the centre and UCC leadership to provide feedback in July and this information pertaining to the review of the new research proposal is confidential to INFANT. I am not privy to it given the strategic importance of research and the high level of industry collaboration involved.

The Deputy asked why one review panel recommended refunding for INFANT and another did not. That is not the case. The review consisted of a detailed written review by the international experts on the progress of the individual SFI research centres and the proposals for future research outlined in the applications. I am told the international reviewers conducted an on-site review and subsequently wrote a report with a recommendation and scores. The final review process then consisted of an international oversight panel, whose job was to provide quality assurance for the review process and to review the normalising scores of the different international panel reviews of the various research centres. This is important as an on-site panel reviewing the research centres comprised different reviewers. The oversight panel was then charged with ensuring conformity and consistency across all reports and making the final funding recommendations to the SFI executive board.

I was disappointed when I was informed of this matter. I have visited the centre and it is an excellent facility. It is interesting that UCC has not made a comment on this. Is there transparency in the decision on the INFANT funding? To my knowledge, there is. If one review panel recommended funding and the other did not, that is as the case may be.

### **Garda Overtime**

**Deputy Donnchadh Ó Laoghaire:** Cuirim fáilte roimh an Aire. Táim sásta go bhfuil an tAire sinsearach, the senior Minister, is here to deal with this issue.

The Garda Commissioner announced a ban on Garda overtime two weeks ago. That caused considerable concern among gardaí, the Garda Representative Association, GRA, and the public. Something like this occurred in December last year as well but for a much shorter period and funding was found. This year, we are facing a ban that will last for the full final three months of the year. I am concerned that the scale of the pullback in policing this will cause will have potentially serious ramifications for crime and community safety.

The lack of front-line gardaí means overtime has become a fact of life. Sergeants and superintendents say that overtime is essential just to keep a station and a district functioning on a basic level. Stations cannot function properly without it. For all the Minister's talk, most Garda stations only run at a standstill, even with additional probationary gardaí. Practically every Garda subdistrict and division has fewer gardaí than in 2010 and 2011. To give the Minister a flavour of that in Cork, Garda strength in Blackrock Garda station is down from 31 to 22, Ballincollig from 23 to 19, Watercourse Road from 50 to 45 and Togher is down from 61 to 59. Across the division, Garda strength has declined from by 22 from 700 to 678. However,

the position is much worse because senior gardaí have been centralised in specialist units. Who will take the place of upwards of 22 gardaí in the division? It is the current gardaí who do more to fill the gaps through approved overtime. In the absence of this overtime, operations and ordinary patrols will not proceed. Overtime is needed to try to fill the gaps and keep an adequate number of gardaí rostered and patrols and checkpoints on the streets.

A ban on overtime is a blunt instrument. This is essentially an outright ban, which means we are heading for a long winter with gardaí being pulled and stretched in every direction. The Christmas period often sees an increase in crime, specifically burglary and public order issues, as well as greater demand for managing major events and increased road traffic patrols and checkpoints. Gardaí will be expected to do all this with only the most basic resources.

The Minister will echo Commissioner Harris's statement that overtime will still be available for specific policing and security operations, but only with the approval of the relevant assistant commissioner following discussion with the deputy commissioner in charge of policing and security. All additional overtime sought by any station will have to go to the desk of two of the most senior gardaí in the country. Officers have been advised that it should only be incurred if approved in exceptional circumstances. Either the two senior gardaí in question will spend the rest of the year going through reasonable overtime applications or, far more likely, many sergeants and superintendents will assume they are not meant to ask. In the meantime, much work that the gardaí would do and want to do will not happen.

Last week, I paid tribute to the Garda on the significant successes it achieved recently in tackling the scourge of serious and organised crime. Some of that involved major operations and investigations and was intelligence-led. A significant roll-out of checkpoints and surveillance also played an important role. Will such measures be sanctioned? Will we see patrols on the streets where we need them? A lack of overtime will seriously hamper the ability of the Garda to continue with these operations. The Minister said he meets gardaí regularly. He needs to meet the Garda Representative Association, GRA, on this issue, and with Commissioner Harris to see how this can be resolved because I am concerned that this will not work over three months.

**Minister for Justice and Equality (Deputy Charles Flanagan):** I listened carefully to the Deputy. I want to clarify that the Garda Commissioner is responsible for the allocation of the very substantial budget that An Garda Síochána receives. I do not politically interfere in policing matters nor direct the Commissioner where to deploy resources. The allocation of Garda resources is a matter for the Commissioner, in light of his identified operational demands and arrangements for Garda overtime. It is not a matter for which I, as Minister, have responsibility. This is in accordance with the Garda Síochána Act 2005 under which the Garda Commissioner is the Accounting Officer for the Garda Vote and is responsible for the effective and efficient use of the resources at his disposal. Under the Act, the Commissioner is responsible for directing and controlling the Garda Síochána and for carrying on and managing generally the administration and business of An Garda Síochána.

I again confirm the Government's firm commitment to supporting An Garda Síochána and ensuring that the organisation is appropriately resourced. The resources available to An Garda Síochána have reached unprecedented levels, with provision this year of more than €1.6 billion, including the allocation of €98.5 million for overtime. As I stated, the allocation of these resources is a matter for the Commissioner, in light of his identified operational demands. I am informed by the Garda authorities that expenditure on overtime to the end of September 2018

amounted to €95.1 million. I am further informed that, in order to limit the projected overspend for this year, the Commissioner has directed a number of measures to effectively manage Garda resources and limit the need for additional public funding. I am informed that these measures include cancellation of overtime for administrative purposes to ensure that front-line policing services have the required resources for the remainder of the year. I understand that some other measures have also been put in place in relation to overtime. For example, Garda management has been directed to ensure that Garda duties such as attendance of Garda members at courts and in the management of prison escorts are undertaken on regular tours as opposed to on overtime. A range of other measures to reduce expenditure across a number of other subheads, including travel and subsistence, was also introduced to limit the need for additional funding.

Management of Garda resources by the Commissioner in this way does not equate to a ban on overtime, as mentioned by the Deputy. I am informed that the cancellation of overtime for administrative purposes is precisely to ensure that front-line policing services continue with sufficient resources. I have been informed by the Garda authorities that all essential policing operations, such as Operation Thor, will continue as before.

I remind the House that Garda overtime cannot be considered in isolation. We are making tangible progress on achieving the Government's vision of an overall Garda workforce of 21,000 personnel by 2021, including 15,000 Garda members, 2,000 reservists and 4,000 civilians. Since the opening of the Garda College in Templemore in September 2014, almost 2,200 recruits have attested as members of An Garda Síochána and have been assigned to mainstream duties across the country, including Cork.

The unprecedented investment now being made in Garda ICT infrastructure, with €342 million between 2016 and 2021, will enable An Garda Síochána to deliver on reform, work more efficiently and deploy the latest cutting edge technologies in delivering professional policing and security services for the community, as conceded by Deputy Ó Laoghaire.

The key issues are that management of the Garda budget, including overtime, and management and control of An Garda Síochána are matters which, by law, fall to the Garda Commissioner.

**Deputy Donnchadh Ó Laoghaire:** I am disappointed by the response and fairly sure that people listening in will also be disappointed. At the end of the day, the Minister is the paymaster. There are budgetary issues for An Garda Síochána, some of which may relate to its management of resources. There has to be a better way to approach this than the blunt instrument that has been put before us. The Minister may argue that this is not a ban but when one asks districts and divisions to clear the test set for them, that is as good as an overall ban. The Minister is the paymaster and the person with the greatest political accountability for An Garda Síochána and its role in tackling and preventing crime and in community safety. If this becomes a difficulty over the course of this winter, I would not be surprised if the Minister started to sing a different tune. He should head this off at the pass and seek a meeting with the GRA. There is nothing to prevent him from doing that under any statute. He meets the association regularly. He should meet it about this specific issue, hear what its representatives have to say and let them outline the implications that this will have.

John O'Keeffe of the Garda Representative Association stated:

This is an extraordinary development. As overtime is only ever incurred where neces-

sary and must be approved in advance. Where the requirement continues to exist, it is clear evidence of a resourcing issue. Overtime is essential if our members are to provide an effective policing service to the general public in Dublin and across the country.

He also noted that the Oireachtas needed to be especially conscious of the “signal this directive sends to the criminal fraternity”. The GRA is expressing very serious concerns, which are warranted. Whatever way one cuts it, fewer hours means less policing and less Garda visibility on the streets. The Minister will be answerable for that. There is time to resolve this matter. There are three months of the year left. The measure is probably beginning to cut. The Minister should head this off at the pass, meet the GRA and try to explore alternatives.

**Deputy Charles Flanagan:** I am concerned to ensure that any potential misunderstanding of this issue is firmly avoided. Management of Garda overtime is not a matter for which I have responsibility as Minister. Budgetary provision for An Garda Síochána is more than €1.6 billion, including an allocation of almost €100 million for overtime. The allocation of Garda resources is a matter for the Commissioner in the light of his identified operational demands. I am informed by the Garda authorities in response to the projected overspend for this year that the Commissioner has directed a number of measures to manage the resources of An Garda Síochána effectively. I want to ensure that the measures are such that front-line policing services that have required resources for the remainder of the year are intact. I have been informed that all essential policing operations such as Operation Thor will continue as before.

I do not accept that there is a ban on overtime. I do not consider the actions of the Garda Commissioner as a ban on overtime. Overtime cannot be taken in isolation from the other resources available to An Garda Síochána. There has been significant capital investment in Garda ICT and in the Garda fleet. We are making real progress in increasing the numbers to achieve the targets for the next three years. Under the governance and oversight arrangements in place between my Department and An Garda Síochána, there is regular structural engagement between An Garda Síochána and all relevant parties relating to resources, including overtime, as appropriate. It is for the Garda management to manage effectively and efficiently the significant resources being made available to them in accordance with operational need. The Commissioner has my full support and that of the Government.

## **HIQA Reports**

**Deputy Fergus O’Dowd:** I welcome the Minister of State, Deputy Finian McGrath, to the House. I acknowledge his commitment to improving services, especially in the area of disability and care.

Serious issues arise in terms of safeguarding all people who are in care in nursing homes, disability centres and children’s services. While I acknowledge the vast majority of staff who work in the homes and institutions are dedicated, committed, caring and compassionate, there are serious problems with the quality of care in many centres. Safeguarding legislation is urgently needed. I call on the Minister of State and Members on all sides of the House to act collectively so that we have effective action and a determined Taoiseach to lead a new Cabinet subcommittee to advance the best possible legislation to protect citizens. That must become an immediate priority for the Government. We measure society in terms of how we care for and protect those who are most vulnerable, weak and at risk.

It is almost a year ago since I started to find out exactly what was going on in HIQA, what information it got and what it did with it. Under freedom of information HIQA very kindly decided to charge me the sum of €11,000 to get to the bottom of the situation. Thankfully, when I appealed to the Information Commissioner he quashed HIQA's decision. I will now outline some of the facts that I found.

I will deal with disability centres first, of which we have more than 1,000. There are more than 8,800 residents in the centres and there were 8,177 notifications of concern about care and welfare. Some 4,600 of them were about suspected or confirmed abuse, which is more than 52%. A total of 1,364 related to cases of serious injuries by the residents that required immediate medical or hospital treatment. There were 2,726 allegations of physical abuse, more than 1,000 of psychological abuse and more than 209 of sexual abuse. Some 14% of disability centres were referred to the HIQA regulation risk committee, and 20% of service providers were required to attend meetings to discuss their level of non-compliance with HIQA regulations. A total of 9% of registered centres have additional non-standard conditions applied to their current registration.

A total of 51 centres were issued with a notice of proposal to cancel or refuse their registration, and to date only 18 have registered. There are very serious problems in the centres. In spite of all the thousands of notifications HIQA received, both unsolicited and mandated information, there has been no investigation by HIQA or anyone else into the allegations. There is no memorandum of understanding between the Garda and HIQA. There were discussions on one but it did not happen and that is unacceptable. I have been in touch with the Ombudsman who is ready, willing and able to take up all of those cases if they are sent to him, but that has not happened to date.

We need the Minister of State's support and we need reform. The Government must be committed to that. I know the Minister of State is personally committed to the introduction of safeguarding legislation to ensure each allegation is investigated and that we protect the most vulnerable. During my supplementary questions I will deal with the response of the Minister of State and nursing homes.

**Minister of State at the Department of Health (Deputy Finian McGrath):** I thank Deputy O'Dowd for raising this issue and for the opportunity to respond to the House. The safety and protection of vulnerable people in the care of the State is paramount. The Government's primary concern, and my concern, is that their needs are being prioritised and addressed. More than 23,000 older people and 8,500 people with a disability are in receipt of residential care in Ireland from more than 1,600 service providers. The Health Information and Quality Authority, HIQA, is the statutory independent regulator for residential services in the disability and older persons sectors. HIQA has published standards against which it registers residential services for older people and those with a disability. The standards establish the requirements for people living in residential care to ensure high-quality, safe and effective services which promote person-centred care, uphold the rights of people, respect privacy and dignity, and protect people living in residential care from abuse and neglect. Service providers must ensure that all reasonable measures are taken to protect residents from all forms of abuse. They must have policies and procedures in place for the prevention and detection of abuse and the response to it. Many people do not know that. Furthermore, operators must notify HIQA of any allegation of abuse or serious adverse incident that occurs in a residential centre. HIQA welcomes information about designated centres for dependent persons, reviews all information about services received, and calculates it against the regulations and standards. If there is a serious risk to the

health and welfare of persons accessing the service, HIQA may decide to take appropriate action.

A report by HIQA on the use of information gathered and received in the regulation of services was received by my Department this week and we are examining this very useful document. The report outlines how unsolicited information and mandated monitoring notifications are received and reviewed by an inspector of social services who assesses the related risk and decides on a regulatory response. Every piece of information received, whether unsolicited or mandated, is reviewed in such a manner. I know that some concerns were raised recently in the media about the manner in which unsolicited information received by HIQA was dealt with. HIQA reports that in 2017, a total of 820 pieces of unsolicited information were received in connection with older persons' services. In the case of 342 of those pieces of information, further information or a provider-led investigation of the issue identified was requested following initial review and risk rating of the information. Review of the unsolicited information triggered 17 targeted inspections. HIQA concluded that none of the issues raised by the unsolicited information required referral to other organisations. HIQA reports that in the case of disability services, from 2,911 pieces of unsolicited information, further investigation or provider-led investigation was requested in 140 cases, ten targeted inspections were triggered and none of the issues raised by the unsolicited information required referral to other organisations. Where referrals are required, they take place. In the case of children's services, 13 of the 108 pieces of unsolicited information received were signposted to Tusla's complaints process, the Office of the Ombudsman, the Office of the Ombudsman for Children and the health and social care professionals regulator, CORU. I note that HIQA is very open and transparent regarding the information it gathers in its regulation of services and publishes an annual report.

**Deputy Fergus O'Dowd:** I again ask the Minister of State to commit to bringing forward legislation to protect all vulnerable people. These concerns have not been dealt with. There was no investigation of individual cases and none of the people affected was consulted. One in every six persons living in a nursing home - a total of 30,000 persons - was the subject of a care and welfare mandatory notification or unsolicited information given to HIQA, while in the past year one in every 12 suffered serious injuries requiring immediate medical or hospital treatment. That is entirely unacceptable. Some 4% or more than 1,338 of those residents suffered a fracture or fractures, while 3% or 899 cases involved confirmed or alleged abuse, including 366 cases of physical abuse, 138 of psychological abuse and 68 of sexual abuse. Some 9% of all nursing homes were referred to the HIQA regulatory risk committee, while 18% had additional non-standard conditions applied to their registration and almost 20% had to attend meetings to discuss regulatory non-compliance.

The report did not just land on the desk of the Minister of State. Rather, it was prompted by my freedom of information request and the decision of the Information Commissioner to take action on the attitude displayed HIQA towards transparency, as referred to by the Minister of State, and accountability. I have met representatives of HIQA, the Information Commissioner and senior gardaí on the issue. I ask the Minister of State to commit, as I believe he can and will, to bringing forward safeguarding legislation to protect all such vulnerable people because these cases involve serious issues which are not being dealt with. It is unacceptable that the human rights of some of the most vulnerable in society are compromised, yet none of the thousands of complaints received by HIQA was considered.

**Deputy Finian McGrath:** I thank Deputy O'Dowd for casting light on this very important issue which the Government takes very seriously. It is very important that any allegations are



comprehensively dealt with. The safety and protection of vulnerable people in the care of the State is paramount and my primary concern is that their needs are prioritised and addressed. The progressive development of quality care within these services is clearly demonstrated in the inspection reports regularly published by HIQA. My Department received the HIQA report earlier this week on the use of information gathered and received in the regulation of services. I have noted the steps taken relating to the handling of these issues, including decisions made in terms of referrals to other organisations.

On the safeguarding of vulnerable people at risk, of course, I support the main point put forward by Deputy O'Dowd, namely, that the Health Service Executive have a national safeguarding policy and procedure to protect vulnerable people at risk of abuse. That policy was published in 2014 and is now under review by the HSE. It is anticipated that the review will be completed by the end of 2018.

On legislation, the Government approved the development of the health sector adult safeguarding policy and work is under way to develop a clear, consistent and carefully considered and implemented policy platform including legislation as may be required. I agree with the points raised by Deputy O'Dowd. The Government is committed to bringing forward legislation on this issue.

### **National Planning Framework**

**An Leas-Cheann Comhairle:** Four Members have tabled the next Topical Issue. They each have one minute to make an initial statement. If they exceed it, they will be depriving a colleague of time.

**Deputy Pat Casey:** We were informed by email that we would have one minute and a half each for an initial statement, followed by 30 seconds for a supplementary question.

**An Leas-Cheann Comhairle:** The Deputies have one minute each for an initial statement followed by 30 seconds for a supplementary question.

**Deputy Pat Casey:** Let us begin. The clock is ticking.

**Deputy Frank O'Rourke:** Deputy Casey is nearly out of time.

**Deputy Pat Casey:** As the Minister of State, Deputy English, is aware, I raised this issue in the House and at committee as soon as the draft national planning framework was published. I expressed my concerns, of which he is well aware, at that stage. Those concerns were confirmed when the national planning implementation roadmap was published at the start of the summer.

I will refer to Wicklow specifically in the few seconds I have remaining. The county development plan adopted only a year ago and approved by the Department of Housing, Planning and Local Government provided for population growth there of 42,500 up to 2031. However, the proposed national planning framework implementation roadmap now provides for population growth in Wicklow of 22,750 in that period, a decrease of almost 50%. That has serious implications. Some €120 million has been invested in critical infrastructure in Wicklow town but planning permission for housing in the town will not be granted until 2026 and even then only permission for 20 houses will be granted. Arklow has not had a waste water treatment

plant for 30 years but is now getting one. However, under the plan only 24 houses may be built there per year.

**Deputy Fiona O'Loughlin:** Sixty seconds is insufficient time to explain the potential crisis and problem which will affect not only my county of Kildare but also County Wicklow and the Minister of State's home county, Meath. The draft plan indicates that 53% of all growth in County Kildare will be in the northern metropolitan part of north Kildare but I wish to address Newbridge and south Kildare. Newbridge is the economic and trading centre of the county but it needs a mechanism to allow it to grow and develop sustainably as a town. We want an opportunity for the people of the six towns, 32 villages and 18 settlements of south Kildare to live, obtain employment, have access to services such as schools and have communities. However, this plan will stymie growth. Under the plan, only slightly more than 8,000 residential units may be built in south Kildare up to 2032. That number has already been exceeded in planning for Newbridge and County Kildare. The plan is ridiculous. It will push up the price of housing, ensure that we will not have affordable housing at a time of great crisis and prevent development of the infrastructure needed in south Kildare.

**Deputy Frank O'Rourke:** The introduction of the national planning framework makes no sense in the middle of a housing crisis when we are seeking to have residentially zoned land developed in an attempt to address the housing issue which is under discussion in this House every day of the week. It does not stack up. I have spoken to private individuals and representatives of the local authority about this issue. In my constituency of Kildare North, land currently zoned for housing would be dezoned under the national planning framework. Building in various areas would be stopped. Significant funding is being invested through the local infrastructure housing activation fund, LIHAF, and other funding streams to deliver ring roads, bridges, waste water treatment plants and so on. Under the national planning framework, that infrastructure would be built but the houses it will service which were planned for development and growth of certain areas under the guidelines and plans that were in place would not. I ask the Minister of State to take on board the argument my colleagues and I are making, namely, that equalisation of population may make sense at some point in the future, but it does not make any sense now. It must be done on a phased basis over a five or ten year plan or more but certainly not overnight. We ask him to consider this issue because it is having a serious negative impact on local authorities and north Kildare, which I represent.

**Deputy James Lawless:** It need hardly be restated the housing crisis is in full swing - one can almost hear the drums outside the House on Kildare Street. Every inch of available land is being considered for development. Funds such as LIHAF have been put in place and every kind of assistance and support is available to ensure such land can be developed to provide housing units. However, while we are in the centre of this crisis, under this plan land is being dezoned and further growth in the commuter belt is actively being curtailed.

The population of Naas, the county town of Kildare and a tier 1 growth town under every plan for the past 20 years, is projected to grow to 50,000. Local authorities, State agencies and public representatives of all hues have been working towards that goal. Infrastructure has been put in place. Some €110 million is being spent on the N7 bypass and Sallins train station has been massively upgraded. Several new schools are being built in the area. The Osberstown wastewater treatment plant is being upgraded. I refer to the Naas ring road and the Sallins bypass. The Millennium Park employment centre is being built, with the Kelly Group and other multinational companies locating in the area. Everything that is needed for growth of a county town with a population of 50,000 is in place, including the infrastructure, services and other

supports. It has been planned and ready to go for the past 20 years and just as we are on the cusp of that coming good, we are now being told to pull down the curtain, turn away and build no more. That is insanity at any time, but particularly in the middle of a housing crisis. I hope the Minister of State will consider that.

**Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English):** I thank the four Deputies for raising these matters and welcome the opportunity to discuss the implementation of the national planning framework, NPF, on which we are now focused. The national plan was published earlier this year. It sets out the long-term strategy for the future development of Ireland as a whole, and the NPF implementation road-map was published subsequently to address a number of practical implementation measures.

To prepare the NPF, the Economic and Social Research Institute, ESRI, was commissioned to prepare population projections, based on demographic and econometric factors, for the years ahead to 2040. The ESRI conclusions are in line with the latest mid-range Central Statistics Office, CSO, population projections, also published this year. I am conscious that each local authority has other ways of predicting population projections as well, so there is time, during discussion on these regional plans, to agree on the population figures and how we can try to monitor them as best we can.

At a high-level national policy context, the NPF is to be followed by more detailed regional strategies that are being prepared by the three regional assemblies. In turn, local authority development plans are being prepared by the 31 local authorities. The aim is that the county plans would align with the regional plans, which align with the national plans also. There is a fair amount of scope within those plans to allow for proper planned development, which is what we are trying to achieve.

Notwithstanding the finalisation of the national planning framework, there were many calls from local authorities for individual county population projection data, which became necessary to address inaccurate, locally driven estimates derived from NPF regional figures and which were leading to commentary, which was well wide of the mark, about population allocations and caps. As was stressed in the House during the debate on the planning Bill, it is not about caps. That is not what we are trying to achieve. It is about proper development and reaching targets in a sustainable way in terms of building houses, jobs and all the other services. The caps have become the issue but we need to tease that out more to ensure we can get agreement on reaching level 2 because we want to have proper planning for what we are trying to achieve.

To provide clarity, my Department published the NPF implementation framework, including projections for individual counties, based on the ESRI work and the NPF. That was accompanied by a detailed circular, which outlined how the projections would be applied, taking account of transitional factors, and which was to enable the regional strategies to plan for the period to 2031 and for local authorities to plan to 2026.

The focus on population figures alone, however, risks missing the point about the purpose of planning and having a national planning strategy. The Deputies will be well aware, as will other Members in the House, of recent and historic trends which saw very high levels of housing developments in areas on the margins of Dublin, which did not always match the growth in local employment opportunities and the provision of essential amenities and services for fast-growing communities. That is something we discussed at the very early stage of the national planning framework. In counties like Wicklow and Kildare and my county of Meath

that undertook a lot of housing, we have to make sure, under the national planning framework, that we join up the dots, that those houses are serviced properly, that they are provided with all the amenities they need, and that they have the jobs matched up as well. Without doubt, more houses will have to be built, but we also have to plan for everything else those counties did not get, and they did not get the proper funding to go with that. They got all the development and all the housing but they did not get the resources to match everything else up. The essential part of the regional plans will be how we join up those dots. Our areas of Wicklow, Meath and Kildare are singled out in the national planning framework for special attention in terms of how we can achieve that.

It is right that we are having this conversation but we should not get sidetracked on the population caps. They are not necessarily meant to be caps. They are predictions of where we are trying to go. While I understand the debate has become focused on that, we need to determine how we can get this teased out to get agreement on plans that give us what we need for our counties. Focusing on the populations is missing the point.

We need to move away from the old and failed models of just zone and build, which, while rewarding landowners and developers with high financial returns from speculative housing development, did not tackle the longer-term issues facing existing communities, often from previous suburban expansion, such as congested roads, pressure on schools, limited amenities and a general sense of housing being provided ahead of jobs and services, not the other way around. We need the balance. How do we get the building of housing at the right pace whereby we can match up the infrastructure? I am very conscious that some of these counties have invested in infrastructure that was probably needed ten years ago but is in place now. We have to make sure that is used as well. It is about having that conversation to decide how we can achieve that in a planned and co-ordinated way and not focus just on caps. It is about how we can get good planning, allowing for the population increases that will happen, but also trying to ensure there are population increases in the future in the other counties that did not see such increases.

**Deputy Pat Casey:** I thank the Minister of State for his answer. I was well aware what it would contain. Population, deaths, births, marriages and net immigration are the cohort in terms of how we calculate this. In Wicklow, however, the population grew where the infrastructure was located. That is the only place Wicklow allowed the population grow. The Minister of State is getting skewed figures for Wicklow. The Taoiseach stated less than four hours ago that there is a housing crisis. We have the infrastructure in Wicklow town and the Minister of State is saying that, with this roadmap, we cannot build a house until 2026. That does not make sense. What is the process for adopting the draft regional spatial and economic strategy? If it is not agreed at assembly level, what happens? I understand the implementation roadmap is not a statutory document. As he agreed to do in the House before we rose for the summer recess, will the Minister of State bring the regional plans before the House for debate by all the relevant Deputies?

**Deputy Fiona O'Loughlin:** I will be brief. I have another question for the Minister of State. What does he really think about this issue? I am not sure that what he said to us in his reply is what he really thinks about it. He will bear in mind that we did not get a copy of his reply, which are sometimes difficult to follow, but I have a major concern about his comment that our towns will not get the infrastructure they need if they are not in the metropolitan area of Dublin or in areas around Dublin, even though they are in County Kildare. Such infrastructure would include the second bridge in Newbridge. We might not even get the final delivery of the outer relief road for Athy because the Minister of State is saying that housing will follow the

infrastructure. I agree that we need infrastructure, but we need that development for our towns as well.

**Deputy Frank O'Rourke:** The reality is that the caps will stop the building because if the Minister of State applies the figures being produced in the national planning framework to the local authorities' local area plans, that will cause a problem and it will stop building. Those figures are being reached now. In my constituency of Kildare North, the land that is zoned, with the commencement notices in, will reach the figures predicted in the national planning framework. We are delighted to have this conversation with the Minister of State in a meaningful way to bring about a practical solution because this does not make any sense. The infrastructure is in place. Whether it is wastewater, roads or bridges, it is happening, and it will be delivered, but if this was to be implemented properly in the national planning framework, we would have houses that do not match the infrastructure in place.

**Deputy James Lawless:** I am glad that both Ministers with responsibility for housing are in the Chamber. The chair of the Housing Agency, Dr. Conor Skehan, in terms of the national development plan, referred to the foolishness of these types of initiatives and of the overall plan. Let us be clear on what we are doing. In the middle of a housing crisis we are taking established areas in our commuter belt that are supplied with infrastructure and services, with serviced and zoned lands that are ready to go, and we are saying we should put a curtain over them and fold them up for 20 years. That is insanity. In the case of Naas, the 2031 caps have been met, with the sites under construction in 2018. The 2031 figures will be reached, possibly later this year. For the next 11 or 12 years, there will be no more housing in that commuter belt. That is insanity.

**Deputy Damien English:** I will give a quick reply, if that is in order.

**An Leas-Cheann Comhairle:** I think the Deputies took the Minister of State's time but I will allow him the two minutes to reply.

**Deputy Damien English:** I will be brief. I apologise about the script. I have copies here.

**Deputy James Lawless:** Just say you will change it all. That will be fine.

**Deputy Damien English:** It is my fault. I had copies with me but I forgot to arrange for them to be handed out.

In fairness to Deputy Casey, he asked at the end of the debate on the planning Bill if we would have a discussion on this matter. I am sure that can be facilitated either in the House or in committee because in our Department we like to do that and talk through what we are trying to achieve with these regional plans. I know the Deputy genuinely wants to ensure there is proper planning, and there is scope in the case of Wicklow, which is projected to have population growth of 15,000 by 2026, plus another 8,000 on top of that. The question is how we make sure that happens and go forward with the plan in a co-ordinated way thereafter. That is a fair increase in population. Likewise, the figure for Kildare is in excess of 31,000. That is a lot of people to accommodate, and I am not convinced this will happen as quickly as people believe it will. The regional plans are a means of talking that through and working that out.

To be clear to Deputy O'Loughlin, I have always said that we need proper planning. That is what the Minister, Deputy Eoghan Murphy, wants, and it is what I want. That is the purpose of the planning framework in terms of our planners. I have been consistent on that throughout my

20 year political career. We did not see good planning in Kildare, Meath, Wicklow and many other counties, and we are trying to achieve that. The obsession should not be with the targets. It should be with having proper planning and building more houses while at the same time providing the infrastructure, the necessary community services, jobs and so on.

*4 o'clock*

In the past, we had the houses but did not have the jobs to match them. That is why we got clogged up. It is not that we are trying to cap any particular area, but we must consider how to achieve that ambition in a proper, planned and co-ordinated way. That is what we are trying to achieve through the regional and county plans.

I accept that the debate has become focused on targets and caps. We need to move away from that and have a good discussion on good planning. We are happy to do that because there is agreement to be reached here. We also want to bring the councils on board with the regional plans. It is good planning and we are all part of that. We are discussing it in the House endlessly. We are going to have a two-hour debate now about housing failures. They are to do with poor planning and investment in the past but we are trying to get it right for the future. That is what we are trying to achieve through this as well.

### **Housing: Motion [Private Members]**

**Deputy Richard Boyd Barrett:** I move:

That Dáil Éireann:

notes that:

— access to secure and genuinely affordable housing is increasingly out of reach for many people;

— from the locked-out generation of students and young workers or unemployed people, to older workers facing into retirement, high-cost insecure accommodation is a reality for too many people;

— the failure of the Government to provide an adequate supply of good quality public housing in sustainable communities lies at the heart of the housing crisis;

— the most graphic symptom of this crisis is the growing number of children living in emergency accommodation;

— a new approach to housing is required to meet the housing needs of all those locked out of the private market including young people, those on modest incomes, those on low pensions, those on council waiting lists, Travellers, people with disabilities, older people and students; and

— important proposals to address the housing crisis have been put forward by a wide variety of groups including the National Homeless and Housing Coalition and the Irish Congress of Trade Unions; and

calls on the Government to:

- declare the housing and homeless crisis an emergency;
- dramatically increase the supply of social and affordable (including cost rental) housing by increasing capital spending on housing to €2.3 billion in Budget 2019, increase Part V requirements to 20 per cent in standard developments and 30 per cent in strategic development zones, prioritise the delivery of public housing on public land, and aggressively target the return of vacant houses to active use;
- reduce the flow of adults and children into homelessness with emergency legislation to make it illegal for landlords, banks and investment funds to evict tenants and homeowners in mortgage distress into homelessness, provide real security of tenure and real rent certainty by linking rent reviews to an index such as the Consumer Price Index and introducing measures to reduce the cost of rent, and introduce a target for ending long-term homelessness and the need to sleep rough; and
- hold a referendum to enshrine the right to housing in the Constitution.

I am sharing time with Deputies Ó Broin, Adams, Gino Kenny and Coppinger.

Today, 10,000 people filled Molesworth Street. They could not all even fit on the street. There are still hundreds of students outside the Department of the Taoiseach supporting this motion, which was brought forward by the Raise the Roof campaign and supported by the Irish Congress of Trade Unions, the National Housing and Homelessness Coalition, the Union of Students in Ireland, the National Women's Council and dozens of housing NGOs and housing activist groups. Most important, this motion is being proposed on behalf of 130,000 families who are waiting a decade and more on housing lists, 70,000 families in serious mortgage arrears, 10,000 people, including 4,000 children, who are in emergency accommodation, a whole generation of young people and working people who are locked out of the housing market because of extortionate rents and property prices, and renters who are afraid they could be evicted this week or next by their landlord.

The response of the Government to this motion is a litmus test for Fine Gael and Fianna Fáil as to which side they are on. Are they on the side of those hundreds of thousands who need a secure, affordable roof over their heads or are they on the side of vultures, property speculators, corporate landlords and others who are profiting obscenely from the human misery that is the housing emergency? That is the equation. The vast majority in society are losing out because of this housing crisis but a small cohort is watching the profits pile in because of the human misery caused by it.

Our motion sets out an alternative set of proposals to the failed policies the Government has pursued of depending on the private sector, vulture funds and landlords to solve this crisis. It calls for a declaration of a national housing emergency, a dramatic increase in expenditure on public and affordable housing built on public land, including an extra €1 billion in the budget that will be decided next week. It calls for an end to economic evictions into homelessness. It calls for aggressive measures to take control of empty property and unused building land that is being speculated on and hoarded by landlords and vulture funds to make it usable for the housing that people need. The motion calls for rent controls that control rents and bring them to affordable levels. It calls for an increase in the portion that goes to social and affordable housing on private developments from the miserable 10% which we are not even getting up to

a minimum of 20% for private developments and 30% for strategic development zones. It calls for a constitutional referendum to insert the right to housing as a basic right into our Constitution. Those alternative proposals are not just a critique of the policies of the Minister, Deputy Eoghan Murphy. They are alternative proposals. How does the Minister answer them?

I will put a human face on this. This is just the latest tragic story, of which we hear many. In a way, it captures a lot of the themes that have come up in public debate this week. A woman, Terry O'Reilly, in her 30s is living in her car in Shanghanagh Cliffs in Shankill, a council estate where she was brought up. She is sleeping in the car and has gone there because at least in that estate she feels safe. She served eight years in the Irish Army and now she is homeless. As a result of a medical condition, she has to use Lyrica patches, which means it is dangerous for her to go into hostels where there is active drug use because that medication is sought after by active drug users. The only accommodation she is being offered is a hostel in town where there are active drug users. The council will not even give her the right to self-accommodate, which is a miserable alternative to proper, secure housing. That is what we have come to. Someone who served the Irish State in the Army for eight years is sleeping in a car in the estate where she was brought up. Behind every single one of the 130,000 families on the housing list, the 70,000 in mortgage arrears and the 10,000 who are homeless, there is the same kind of human story, misery, anxiety, and fear.

Any Government that cannot deliver a secure, affordable roof over the heads of its citizens is not worth the name of "government". Is the Minister going to change tack? Fine Gael has had seven years of warnings, pleading and appeals from people on this side of the House to break its addiction to the private market and to the profiteering of the speculators and vulture funds that have swooped in on the human misery it has facilitated. We ask it to change tack for the sake of those hundreds of thousands of citizens and for the sake of the young people who are out marching now because their future is being stolen from them while the Government cannot secure an affordable roof over their heads. I appeal to the Government to support this motion and listen to the people outside.

**Deputy Eoin Ó Broin:** Rebuilding Ireland has failed. That is not just my view, it is the view of the thousands of people who gathered outside the Dáil today. Raise the Roof was not just another march. It marks the beginning of a mass movement demanding change. The Irish Congress of Trade Unions and all of its affiliates, the Union of Students in Ireland, the entire homeless sector, grassroots campaigning groups, Take Back the City, and the entire Opposition have spoken today with one voice. We are telling the Government again that its housing policy is not working. Underinvestment in public, social and affordable housing is not working. Overreliance on the private sector is not working. Repeatedly sticking its head in the sand and defending the indefensible is not working.

It is time for change. The Government will ignore at its peril the thousands who stood outside the House today. They in turn represent hundreds of thousands more: young people locked out of secure and affordable accommodation, families trapped with children in emergency accommodation, single people stuck in a cycle of hostel accommodation and rough sleeping, workers paying more than 30% of their income on mortgages or rent, Travellers living in 19th century squalor, or migrants living in appalling conditions or trapped in direct provision. As many as half a million people are hurting because of the failed housing policies of this Government. The Minister will ignore all of them at his peril.

Today's rally was timed to coincide with this Private Members' motion. Some 47 Deputies



have signed it and a majority of Deputies will pass it through the House today. It sets out what the Government should be doing to tackle the housing crisis. The Government keeps telling us that the Opposition has no alternatives. This motion puts that lie to bed. The alternatives are clear. We call on the Minister to declare an emergency to signal his intent to do things differently; double capital investment in public housing in budget 2019 to meet social and affordable housing need; increase the stock of real social and affordable housing by 15,000 units next year; introduce emergency measures to stem the flow of families into homelessness; take action to halt rising rents; and pass legislation to allow the holding of a referendum to enshrine the right to housing in the Constitution. These are all credible policies that we on the Opposition benches have been calling for for years. The Government has ignored us up to now and will probably ignore us again this evening. Every Fine Gael backbencher knows that the Government's policies are failing. He or she knows that the hundreds of thousands affected by the Government's failure have votes and that he or she cannot ignore all of them.

I genuinely welcome the support of Fianna Fáil for the motion. All those in need of housing demand more than just words from politicians; they want action. Fianna Fáil Members may think they can stand with the people today and get away with facilitating another failed housing budget next week, but the people outside beg to differ. The budget next week will be the litmus test of the sincerity of Fianna Fáil's commitment. If its Members force a real housing budget from the Government, I will stand here and commend them. However, if they fail, they must withdraw their support from the Government and its failing housing policy. Let the people decide who should govern the country.

I commend the Irish Congress of Trade Unions and its members, the National Women's Council of Ireland, the Union of Students in Ireland, the National Homeless and Housing Coalition and all of the other groups, many of which are represented in the Visitors Gallery. Today marks the beginning of a new mass movement for change in our society. We will not stop until we ensure all people have access to secure and affordable accommodation. I have no hesitation in supporting the motion.

**Deputy Gerry Adams:** I also commend all of those who took part in the Raise the Roof protest. It was a great demonstration and marked the start of a mass movement for change. Those assembled showed their anger at the Government's shameful attitude to the almost 4,000 children who are living in emergency accommodation. They expressed their outrage at rents people could not afford. They were protesting against evictions and the Government's failed housing policy. They were voting for the right to a home. Mar a déarfá i nGaeilge, níl aon tinteán, mar do thinteán féin.

There are more citizens homeless in the State than the combined populations of the towns of Ardee, Castlebellingham, Dunleer, Jenkinstown and Tullyallen in my constituency of Louth. According to *daft.ie* County Louth has witnessed the greatest annual increase in rental costs. According to the July figures from the Department of Housing, Planning and Local Government, the number of adults homeless in the north-east region, including County Louth, has remained unchanged since July last year. Clearly, the Government's housing strategy is not working. However, the Minister for Housing, Planning and Local Government and his colleagues constantly parrot the claim that their plan is working.

Sinn Féin's housing plan in its alternative budget for 2019 proposes the introduction of temporary tax relief for renters, in tandem with a three-year emergency rent freeze. We would also increase investment in social and affordable housing to tackle homelessness. That is one of the

many differences between Sinn Féin and the Government. We believe citizens have the right to a home; the Government does not.

The Taoiseach responded today to a reasonable question from an Teachta Mary Lou McDonald about the Government's failed housing policy by attacking Sinn Féin's refusal to stay in government in the North with a party which was denying citizens their rights. The Taoiseach has a duty to uphold the rights of people living in the North, not to attack them. He also knows the efforts Sinn Féin has made and the reprehensible way in which the British Government and the DUP have responded by refusing rights which he knows are being denied at this time. He knows the disrespectful way in which they treat him and the Tánaiste and Minister for Foreign Affairs and Trade.

This has nothing to do with the housing emergency in the State, but it is proof of how the Government responds in a dishonest way and brings the Taoiseach's office into disrepute. It adds to the sense - we saw this on the streets earlier - that the Government does not really care about the homelessness crisis.

**Deputy Gino Kenny:** People have run out of adjectives to describe the housing crisis. There is a simple reason for it. It comes down to ideology of and the Government's neoliberal policy for the past seven and a half years.

I want to address some of the terminology Ministers have been using which I find quite offensive. Using terms such as "ghettoisation" and "free homes" is insulting to anybody who has ever lived in a council house and I call on the Minister for Housing, Planning and Local Government to withdraw them. The Government goes on about the mistakes of the past. However, the provision of social housing has been a social success; the Government's housing policy has been a social disaster. Social apartheid is ongoing.

One of the best examples of the crisis is in Clondalkin. A publicly owned 70-acre site is to be sold to a developer on Monday owing to a policy of the Government and the local authority. I say to our colleagues in the Labour Party and Fianna Fáil that there is an onus on their councillors to vote against this deal. At the height of the worst crisis in our generation we are selling public land to a developer. We cannot do so; the land needs to stay in public ownership.

Today has been fantastic and it is just the start of a bigger movement across the country, but I do not believe the Government is capable of changing the situation. It is bedded down by ideology which is impossible to change. The only way to get rid of the Government is by holding a general election, for which the people are crying out because the longer Fine Gael is in government the more social damage it will do.

**Deputy Ruth Coppinger:** Two hundred years ago a preposterous notion was challenged - the divine right of kings. Today an equally preposterous notion has to be challenged - the divine right of private property. We live in a state where 10,000 people are officially homeless and 250,000 workers and young people face housing unaffordability. While there is ample land and resources available to resolve the crisis, the rights of private property prevail. Land hoarding is criminal during a housing emergency and I would like to hear the Minister for Housing, Planning and Environment say this. Private developers are sitting on land waiting for prices to rise. The developer Cairn has enough land to build 14,000 homes in and around Dublin, but it has only built 399 in 2018. The Government's solution is to pay private developers to build on State land, while they hoard their own, which is incredible.

A right-wing ideology is preventing resolution of the housing crisis, while the establishment parties have turned their backs on the provision of public housing. The Taoiseach's stigmatising and divisive remarks last week are testament to this. He spoke about people who paid versus those who did not. While he did not mention the latter, we all know what he implied. One in five people used to live in public housing; these are the people Fine Gael is stigmatising. Public house building on a major scale rescued tens of thousands of families from the slums and lanes. This generation also needs to be rescued. NAMA should have been turned into an instrument that would end the housing crisis, but, of course, it was not. The Player Wills site on the South Circular Road in Dublin could accommodate about 1,000 affordable homes or apartments for workers and young people in this city where the housing crisis is most acute. Will the Minister intervene to stop the selling off of the site and not allow the development to happen?

The crisis can only be resolved by a large-scale public house building programme. We need an emergency programme. Local authorities and NAMA have enough land zoned residential to build 114,000 homes. They own three quarters of all land zoned residential in Dublin where the crisis is acute. As that land could accommodate more than 71,000 homes, why is it not happening? Department of Housing, Planning and Local Government figures indicate that even if they were built privately, a one-bedroom unit could be built for between €144,000 and €183,000; a two-bedroom unit for between €150,000 and €195,000; a three-bedroom unit for between €167,000 and €209,000; and a four-bedroom unit for between €177,000 and €220,000. They are from private developers and incorporate the price of land. Imagine what could be done on local authority land and if the costs of a private developer were cut out. People could be supplied with affordable homes at half of the price the Minister has touted as being affordable.

We have heard a lot from Fine Gael and Fianna Fáil on radio today that they want to hear solutions. We have been offering solutions in the Dáil for about five years. The solution is very clear: it is to build on publicly owned land using the resources we have available. Solidarity has put forward four examples of how this could be done in areas where it has representatives. In Damastown in Dublin West up to 1,200 affordable and social houses and homes could be built. The situation is similar at the sites at Kilcarbery in the South Dublin County Council area which the Government is going to sell, Old Whitechurch Road in Cork city and aBelcamp in Dublin Bay North. We have put forward four viable plans, but, unfortunately, we are up against ideological opposition. This is becoming an international phenomenon, whereby governments that follow a like-minded ideology to that of the Government are refusing to invest in the provision of public homes. In America and throughout Europe homelessness is at record levels. The only way the crisis can be resolved is if there is a complete change, with parties that are not wedded to this ideology, that will oppose capitalism and private property rights and build public homes on public land.

**Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):** I wish to share time with Deputy Martin Heydon.

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

**Deputy Eoghan Murphy:** We face a serious crisis and are putting in place emergency responses, some of which were outlined by the Taoiseach earlier today in the Dáil. We need to do more and to do better. I know that the crisis is hurting people today and that tonight children will sleep in hotels and emergency accommodation, which is unacceptable. Of course, I support people's right to protest legally, peacefully and safely. I am glad to be a participant in a democracy in which people can go out and do so. However, we are not protestors here; rather,

we are law-makers. We have been elevated to a privileged position, with which comes a mandate and a responsibility to seek to change the law where we believe it needs to be changed in order to do better for the people. That mandate does not just fall on the Government alone; it also falls on each Deputy in this House. Ours is a minority Government. That means that every Deputy is empowered to bring forward the right ideas, to get support for them, to see them through the House and to see the laws changed if we work together. Let us try to do so. Let us try not to use housing and the people who are suffering in the crisis as a political weapon. Let us try not to divide the House on this issue but to find common ground where we can work together. Let me try to do so in two ways. The Government has no ideological position when it comes to housing. I want to see safe houses being built in the right locations for all of the people. I want to see this happen quickly and will use any method at my disposal to do so. I will not oppose a local authority in buying or leasing a home long-term if it gets homeless families out of homelessness more quickly. Where I might have an ideological position, if I can call it that, is where I believe we should use housing policy to deliver mixed tenure and support and unite communities, rather than divide them.

Another issue on which I would like to find common ground in this House is local opposition. I know that Deputies, in every party and none, have gone out and opposed local plans for house building. I know that has happened before.

**Deputy Ruth Coppinger:** In fairness, it is usually the Minister's party.

**Deputy Eoghan Murphy:** If we all believe, as I do, that we are in a crisis and that we need emergency responses, none of us should leave today and oppose the development of housing in our constituencies. More than that, we should work with councillors in our own parties, or councillors over whom we have influence, to make sure they are not opposing the building of houses. Let the planners do their work, according to the systems in place, and let houses be built because they are needed.

In my contribution last week I spoke about a young mother whom I had had the privilege to meet who was living in a hub and waiting for a home. I told the Dáil that I had told that mother that she was going to receive a home because every family who had gone into the hub before her had been given a home, that we were building thousands of homes to provide social and other types of housing. Earlier this week I was very pleased to hear that she had been allocated a home. While it is fantastic news for her, it is not enough for so many others. It has always been very clear to me that the State has to do the heavy lifting when it comes to resolving the crisis. What that means is a massive housing programme that will see 110,000 social housing homes added to the stock of social housing in the next ten years. Almost 8,000 homes will be added to the stock of social housing this year alone. Thousands are on sites across the country. We have the lists which are published. Houses are being built on local authority land; it is happening and it is important that we continue to support it. As I said, if a local authority needs to buy a home or lease a home long-term to help families out of homelessness, I will not oppose it in a time of crisis. If we look at our plans which came from the Oireachtas joint committee's recommendations, in 2020 and 2021 we will house more people from the stock of social housing than we will in the private rental sector. That is where our plans really begin to show what is being done through the increases in the stock of social housing that are being provided in their thousands.

When we look at the challenges we face in building new homes, one challenge we do not face is a lack of investment by the taxpayer. Some €6 billion of taxpayers' money has been put

behind the plan. Asking for the money to double will not lead to delivery being doubled next year or halve the time it takes to build new houses. It does not work that way, as I think people understand.

**Deputy Richard Boyd Barrett:** It could double the number of houses provided.

**Deputy Eoghan Murphy:** As we catch up in building more homes - we are doing so - we have to protect people who may not have a home or who are at risk of losing it because they cannot afford the rent. However, freezing rent increases will not help to build new apartments and we need thousands of new apartments. Linking rent increases with inflation is fine when it is low, but what happens if inflation goes up dramatically? What then for the people concerned? As they would not be protected in that instance, we need to be careful. We have rent caps which were agreed to by the House-----

**Deputy Eoin Ó Broin:** They do not work.

**Deputy Eoghan Murphy:** -----but they need to be strengthened. We also need proper enforcement. These changes are coming in the legislation will be brought before before the Dáil in the next couple of weeks. If we work together, we will have that legislation passed very quickly and it will make a real difference for tens of thousands of people throughout the country.

It is not right when a young couple earning good money cannot afford to buy or rent a home, particularly when we see that the economy is going so well, with jobs being created and with many of the social changes that have happened. Not only can people move back home because there are jobs available, but they want to move back home to the new Ireland. How can we help them? We can help them by building new homes. We must do everything we can in that regard. For example, we streamlined the fast-tracked planning process, while 10,000 new places have been made available as a result of the new plan that came online only last year. This year 20,000 new places in which to live will be built and we expect to see 25,000 being built next year. That will do a lot for a lot of people, but we still need to do even more. As a Government, we have taken responsibility for social housing provision away from the private sector and given it back to the State. However, as Minister, I also recognise that it is not acceptable if someone who is not eligible for social housing and will receive all of the State supports will get practically nothing. That is why we need to focus on the issue of affordability. In the 12 months to June, roughly one in two first-time buyers across the country bought a home for less than €250,000. Clearly, many people are able to buy homes, although far too many are not. That is why, for the first time in seven years, I recommenced the affordable housing scheme and this year we are progressing cost rental and affordable housing programmes with the local authorities. Just because a site does not have a certain percentage of affordable scheme houses does not mean the rest of the houses on it are unaffordable; it just means that, for some of them, the State will provide extra help to help those who are working but still struggling.

We have put in place emergency responses to deal with the crisis, but we need more time and also new initiatives. We need to continue to drive the plan we have, as we did in dealing with the jobs crisis. That is how we find solutions. We need to be honest about the challenges we face. We will not pretend that one line in a law can resolve the homeless crisis and will not use housing as a weapon to divide the people.

**Deputy Ruth Coppinger:** They have already divided the people.

**Deputy Eoghan Murphy:** We will always support people's right to protest. We will always

support good ideas in this House that will make a real difference for people .

**Deputy Martin Heydon:** It is important to remember that Rebuilding Ireland was born out of many proposals and recommendations from across industry and stakeholders. The Peter McVerry Trust's Housing First is very successful and the help-to-buy scheme has proved its worth. There have been calls to expand it even further. Our plan is working, but the plans were never going to be sorted overnight.

**Deputy Mick Barry:** Overnight. They have had seven years.

*(Interruptions).*

**Deputy Martin Heydon:** No one else was interrupted. Perhaps people do not like hearing it. There was also a strategy of heckling last week.

*(Interruptions).*

**An Ceann Comhairle:** Deputy Martin Heydon is entitled to speak, without interruption.

**Deputy Mick Barry:** He is insulting people.

**Deputy Seán Barrett:** The Deputy should not insult the House. He should show some manners.

**An Ceann Comhairle:** Deputy Martin Heydon should proceed.

**Deputy Martin Heydon:** Let me remind Members that for almost a decade the State had no money to build houses. In those years the banks had no money to lend to developers, first-time buyers or any buyer. The construction sector collapsed and workers emigrated. Parents also actively discouraged their children from considering courses such as engineering or apprenticeships. In a normal eight to ten-year period one would expect 200,000 new houses to be built. That is the level we are trying to achieve to catch up. To suggest that can be done overnight is completely disingenuous. Just like we fixed our massive unemployment crisis through the Action Plan for Jobs, we will fix the housing sector through Rebuilding Ireland. We will fix it for our families, workers, pensioners and children. We are doing it in a co-ordinated way through Rebuilding Ireland, Project Ireland 2040 and the national planning framework. As we work through the finer detail of the regional plans, we will get it right. It is not just about building lots of houses really quickly, albeit we need that.

**Deputy Ruth Coppinger:** That would be disastrous.

**Deputy Martin Heydon:** We need much more than that. We need to build communities. We need a co-ordinated approach to the sustainable development of our communities to avoid the boom-to-bust mistakes of the past. Our plan is focused on people's quality of life as much as on ensuing they have homes. The communities in which they live must have top-quality schools for all children to attend. That is what Project Ireland 2040 is about. There will be investment in community supports all along the way. Those children's parents will be able to aspire not only to own their own homes but to work locally so that not everyone has to commute on long journeys like so many of my constituents in Kildare. We will continue to drive on with a co-ordinated, whole-of-Government approach because it is the right thing to do and it will deliver for the people in this country in a sustainable way into the future.

**Deputy Darragh O'Brien:** I wish to share time with Deputies Casey, Curran and O'Rourke.

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

**Deputy Darragh O'Brien:** Fianna Fáil supports the motion. We would have liked to have had more input into its content, but on balance and accepting its spirit, we support it. The scale and depth of the housing crisis represents the most serious challenge we face as a country today. There are spiralling social housing waiting lists and the scars of homelessness pockmark our cities. Renters struggle to find a place to live and then scrape together money to make ends meet. The dream of home ownership is slipping away from a generation with the lowest rate of homeownership since 1971. The crisis is everywhere. The State must step in and lead, as it did in the 1930s, 1940s and 1950s to provide homes for its people.

The motion places housing front and centre on the political stage days before a critical budget. That is exactly where housing needs to be. No party has done more to place an emphasis on housing than Fianna Fáil. We have put forward more than ten Private Members' Bills and motions and we have used our position in the confidence and supply arrangement to press for change. We have not shouted from the sidelines, but have taken action. The upcoming budget must be a housing budget. That is why Fianna Fáil is supporting the principles and spirit of this motion. As a party, we have an important role also in providing stability during fragile Brexit talks. The budget negotiations form an important part of that process. We are committed to acting responsibly and putting forward constructive solutions. This is the only way to make real progress that will deliver bricks and mortar on the ground.

Pressing for this change while providing stability is difficult, but it is, ultimately, the most responsible path forward. Our support for the key principles underpinning this set of proposals should be seen in this light. Unlike the headline grabbing acts of motions of no confidence, today's debate focuses on actual proposals to address the housing crisis. While they do not cover the broad range of issues Fianna Fáil believes should be addressed, the proposals are a start. We will do our part responsibly in progressing these policies and providing a stable Government. In contrast to the approach of others in May, we will not reject the motion's good ideas on the basis of where those ideas emanate from. In comments to the Construction Industry Federation, CIF, yesterday, the Minister stated that future policy changes will not be "too drastic or too dramatic". We need far more innovation, immediacy and ambition than that. I hope genuinely that the Government will reflect on the strong and urgent measures required to get to grips with this crisis. Fianna Fáil will continue to use its role in confidence and supply and, most important, its mandate to press for change

I will discuss the specific measures outlined in the motion before setting out additional steps we believe should be pursued. In declaring a national emergency, we need to be clear about what specific powers are required. The recent Indecon report on a vacant home tax called for a major programme of compulsory purchase orders on suitable residential vacant sites. Equipping local authorities with the resources and clear powers to purchase properties compulsorily would serve two purposes. First, it would directly increase the number of units available for social housing. Second, and just as important, it would send a clear signal of intent to anyone speculating on vacant property and would incentivise its use.

Such moves should not be token gestures designed to tick a box. This requires a measured policy move brought forward in conjunction with other targets. The motion sets out an ambitious target of €2.3 billion in capital spending, or more than double the 2018 level. That would

build some 11,500 units in 2019, which is a major increase on the existing target of 7,500 builds and acquisitions for next year. While it is important to set ambitious targets and to put forward the resources to back them up, we must be honest about what can be delivered. Money has to be combined with reform to ensure real delivery. We have to be realistic about how many units can be delivered within planning constraints next year.

Local authorities need to be adequately equipped to direct build, the Department's role must be streamlined and approved housing bodies must be scaled up to meet the challenge. This is not the first time I have called for these changes. Without these fundamental changes to the process of building, we will not get the full impact of the extra money that we need to commit. The two should go in tandem to transform our social housing construction levels. For example, the discretion of local authorities to build to scale without undergoing a protracted procurement process must be reviewed and expanded. The €2 million cap must be lifted, which is a matter we have discussed with the Minister at committee and which he is considering. We are tying the hands of local authorities in the delivery of social housing.

Part V was introduced by Fianna Fáil in 2000 with the aim of ensuring that private development offered some contribution to social value. It also encouraged mixed tenure development which had a broader social benefit. Its operation was beginning to yield significant value before the recession. The decision to slash the allocation from 20% to 10% was a retrograde step and it should be reversed. The State has sufficient land for more than 42,000 units. The newly announced Land Development Agency has the potential to help manage land effectively and bring new units on stream. However, it will not deliver units for years, perhaps four to four and a half years. We come back once again to delivery. Targets and allocations mean nothing if the units are not delivered. The role of the State should not be relegated to middleman for land sales. The State has to take the lead in direct build, supporting approved housing bodies and launching a comprehensive affordable housing scheme. We cannot leave it solely to the market. We need an efficient State that can deliver for its citizens in this most basic of areas.

The rental crisis is driving homelessness further and further towards unprecedented levels. To have 10,000 people and 4,000 children in homelessness is a scar on the conscience of the State. The economic and moral challenge of addressing homelessness demands immediate political action. The measures contained within the motion go some way to targeting the problem. Security of tenure and rent certainty combined with protections from undue evictions should be prioritised.

There are a number of additional steps Fianna Fáil believes it is necessary to take to get to grips fully with this crisis. The strength of a State rests on each citizen having a clear stake in it. Home ownership is the clearest way of securing that link. For this reason, Fianna Fáil has placed a special emphasis on launching a comprehensive affordable housing scheme. I was disappointed at the lack of cross-party support for the proposals my party brought forward last May to deliver affordable housing. I hope that other parties here will reconsider their position and support steps to ensure genuine affordable housing and a proper affordable housing scheme.

Last week, we discussed a motion of no confidence in the Minister. I disagreed with it as it would have brought down the Government in the midst of Brexit negotiations. That would have been a reckless act of political selfishness. Political parties playing political games will not build one additional home. Constructive actions will. There is no silver bullet, but there are better policies. We support this motion in that spirit of urgent, decisive action, co-operation and collaboration in a constructive and responsible way. Let us work together to get to grips



with the crisis that touches every single family in this State. In the dark times of the 1930s we cleared the slums and built houses on an unprecedented scale. With real ambition and political will we can achieve that kind of scale again.

**Deputy Pat Casey:** The thousands of concerned citizens who protested outside the gates of Leinster House today are reflective of the nation's view that the Government is still not getting the message on its failures in housing. The message on housing is simple but it also involves radical and realistic action. I stated just last week, and it needs to be stated again, that the Irish housing crisis can be solved. It is resolvable if the resources of our Republic are put fully behind a simple premise, that the Irish State must ensure we have an adequate supply of affordable housing units for both long-term rental by local authorities and for sale to citizens who have the legitimate ambition to own a home. The State must ensure that the right to housing is not just an aspiration that was inserted into our Constitution to make us feel good. The right of Irish citizens to a home is the responsibility of the State to manage. This Government still believes that this is a market anomaly that will fix itself with short-fix improvements to funding. The housing market that operates in Ireland is designed to be boom and then bust. We should have learned the lessons of the disastrous consequences of this model.

The basic commodity needed for any housing is land. That land's value is maximised and hoarded during high-demand periods such as now and bought at rock-bottom prices during low periods. This market cannot be allowed uncontrolled power over the lives of our citizens. The State's responsibility, which will help the stability of the private market, is to build and maintain a large stock of affordable housing units for long-term rental and for sale to families. This simple two-line target will then free up all the other broken parts of the Irish housing system, from homeless families to land hoarding, to finance for builders and prospective homeowners, to the shortage of rental units with rents and sale prices that are out of control.

We all agree that we need to be building at least 10,000 publicly owned units a year, but the Government could only manage 2,000 in all of last year and only 800 in the first six months of this year. The Minister's predecessor, Deputy Coveney, said we would be taken by surprise at how quickly the Government would build houses. We are surprised all right. Those homes are still not built and will not be built for a number of years to come.

This Government's housing policy is not working and needs a sea change in attitude and focus. My colleague, Deputy Darragh O'Brien, has put it in plain language with no spin nor focus groups nor websites needed to make our views in Fianna Fáil understood. My party leader, Deputy Micheál Martin, also did not need to spend public money on expensive public relations consultants when he spoke last night in Trinity College about a concrete policy proposal whereby we believe that the State should provide a subsidy of €50,000 per unit where it is estimated that it costs €210,000 to build a home on State-owned land. This will bring the average cost down to €160,000. This will then be an affordable unit to a household on €45,000 a year.

We could also stop the blame game whereby local authorities are blamed for failures. Our local authorities must be allowed and empowered to build again. Alongside this, the approved housing bodies and co-operatives are well positioned to deliver homes, but all the red tape needs to be reduced.

Next week's budget needs to be a housing budget. It needs to prove that this Government is listening to the citizens outside and to the elected Members in this Chamber. Next week's budget cannot and will not resolve the housing crisis but it can make the dramatic gear shift

that is needed from the Government. If the budget starts that process, we in Fianna Fáil will be responsible in ensuring that housing delivery is increased rapidly. We will not exploit this crisis for political power. The empty promises of others in this House are the shallow and cynical politics of yesterday. We in Fianna Fáil will support every sensible, realistic and affordable proposal that will provide homes for all our citizens.

**Deputy John Curran:** Today's demonstration clearly shows the public's concern with the housing crisis, but probably much more important, its concern with the lack of resources and of achievement in implementing the various programmes. We in the Oireachtas have known since the election of the Thirty-second Dáil that there has been a housing crisis. That is why the elected Members of this Dáil established an all-party committee to address the issue of housing and homelessness before the formation of the Government, which is a very unusual thing to have happened. That committee met over a two-month period and formulated a very comprehensive report. Many of the items that were in that report are reflected in the motion before the House, and in this regard I am very happy to support it. It was a collaborative report which found almost unanimous agreement from all the members, with one dissenting voice, and it is regrettable that with the passage of time the report was not developed and implemented in its entirety. Instead, we find ourselves where we are today.

The report was published on 17 June. The following month the Government launched its policy, Rebuilding Ireland. I acknowledge that many, though not all, of the actions in Rebuilding Ireland flowed from the committee's report. During the debate on Rebuilding Ireland, I said that while many of the recommendations from the committee's report were to be found in Rebuilding Ireland, it had the capacity, if implemented effectively, to have a significantly positive impact. As we enter the third year of Rebuilding Ireland, I regret to say it has not had the impact that was anticipated, and the question must be asked why. It is simply not good enough to say the plan is not working. We should be saying that the Government is failing to implement the plan in full in accordance with the timelines it set itself. The Minister and the Taoiseach frequently highlight some of the targets that have been achieved and, quite frankly, that is not good enough. Rebuilding Ireland was not a selective piecemeal document. Rather, it was a holistic approach aimed at all aspects of housing and homelessness. Every time the Minister is questioned here, he gives specific figures. It is not good enough. Every element of the housing market impacts on every other element, so if houses are bought from the private sector to put into social housing, it takes away from opportunities for first-time buyers. It is very important that there is openness and transparency in this regard.

I refer specifically to the very first action in Rebuilding Ireland. Action No. 1 was to address homelessness and to build 1,500 rapid-build houses. They were to have been completed by the end of 2018. As we approach the latter end of 2018, there are only a few hundred. Had these houses been built in accordance with the Government's own plans, we would not be saying today that there are nearly 10,000 people homeless. That figure would be significantly reduced.

While other areas in the plan have gone ahead, the fact is that the Minister is missing some of his own key targets. He introduced the repair and leasing scheme, which had great potential but is simply not delivering what he expected it to deliver. I do not blame him for introducing it. When something is not working, however, one must adapt with speed to amend it and try to make it work. It is all well and good for the Minister to say he is doing so. The scheme has been around-----

**Deputy Damien English:** It changed six months ago and has worked very well since.

**Deputy John Curran:** How many houses are in use today as a result of it? The point is that the urgency is not there.

I was amazed by the Minister today. He said 100 properties submitted by local authorities were eligible to be considered under the single-stage scheme but councils did not opt for that, opting instead for the normal four-stage scheme. He is dead right. They should have opted for it. Why did they not do so? It is because it is not fit for purpose. Why did it take the Minister until now to realise there were 100 projects in the scheme before he took action? It should have become obvious at a much earlier stage, and local authorities are not behind the curtain in saying why. There are problems with the scheme.

Deputy Gino Kenny mentioned a scheme in my area, and I want to refer to it briefly. I refer to the Kilcarberry development, where almost 1,000 units of accommodation are to be built, 70% private and 30% public. The Minister has said in this House a number of times that he wants a collaborative approach and is prepared to work with us to find solutions. He was specifically asked by my colleague, Deputy Ó Broin, who has gone missing now, to meet public representatives from the area with a view to seeing how we could advance an affordable housing project as part of that development. He refused the meeting. I am not saying it would have been successful but the meeting did not come about. We are very conscious that we cannot and will not hold up a development, but the point is that we asked for the meeting and it has not been-----

**Deputy Eoghan Murphy:** It is the councillors' decision and they are holding up the development, and the Deputy knows that. That is disingenuous. He knows-----

**An Ceann Comhairle:** Please.

**Deputy John Curran:** The Minister was asked for a meeting on the issue. We could have discussed the matter in a meaningful way instead of across the floor of this House.

**Deputy Eoghan Murphy:** The development will be put back by 18 months.

**Deputy John Curran:** I hope that when this motion is passed, it is not just filed away. I genuinely hope we go back to where we were two and a half years ago and work collaboratively and across parties to address the issues of housing. No one side has the answer to this. The original report had a lot to offer and we should work in that vein again.

**Deputy Frank O'Rourke:** I will be very brief in the time I have left. Perhaps I will receive some flexibility from the Ceann Comhairle. The common denominator in all of the contributions made here - I met with the Minister, his officials and the Minister of State, Deputy English, on numerous occasions with regard to bringing forward proposals to try to deal with the current housing crisis and the homeless issue - is lack of supply. We have heard that on numerous occasions. The problem is that the system that is there currently is too slow. Funding may be an issue, but so is the process. I know of Part 8 developments that were approved by local authorities seven months ago and which have not moved on to the next stage of construction. One would imagine that seven months after a Part 8 development has been approved one would see machinery on site and construction starting. It is not happening. Regarding private sector developments going through the system of An Bord Pleanála, I have checked with a number of individuals and it takes a minimum of 12 months, and more than likely 14, to get from the start of that process to completion.

How can we say that we are serious about delivering houses quickly knowing that these processes are really slow? We need to look at the processes and see how developments can be accelerated in a meaningful way under a proper sustainable planning mechanism in order to ensure delivery of houses. When local authorities buy a house from the private sector, or turn over a house which a council tenant has left, it takes ten or 12 months until they can put a tenant back into it. There are a lot of mechanisms there and a lot of problems in the process which are causing issues in respect of approval. Different forms of red tape are causing delays to the process thereby adding to the issue of homelessness. This is the major problem.

We spoke at length in the Dáil last week about very low-hanging fruit, such as the housing assistance payment, HAP, process, which could be immediately actioned in order to make processes better and more accessible so that people can move from homelessness and into properties. There are solutions. We have brought forward proposals and we need them to be actioned in a positive, practical and pragmatic way in order to deal with this issue. We are talking about it as if we are reinventing the wheel. We are not really. We need to look at the process and look at what is causing the delays and put solutions in place to deal with them.

**Deputy John Brady:** I am sharing with four of my colleagues. The average price of a home in Wicklow is now €320,000, which is up 6.6% on last year. The average rent in Wicklow is now €1,335, which represents a rise of 11.9% in the last year and which means Wicklow has the second highest rents in the State. It has been seven years and the crisis is deepening, if the Minister is ready to listen. In Wicklow there are also 3,810 families lingering on the council housing waiting list, many for ten, 12 or many more years. Those figures, however, do not really reflect the real housing need within the constituency. Many cannot even get on the housing list. One young mum recently came into one of my clinics with her six year old son. They had been refused access to the housing list. They were told that they did not have a housing need and that there was ample space in the one bedroom available in the family home, which was already overcrowded. It was deemed suitable for her to share that room with her six year old until he reached puberty and that they could then reapply. That is totally unacceptable.

The homelessness figures for Wicklow also do not reflect reality. The July figures issued by the Department show that there are only 20 people homeless in the constituency. That figure does not include the many hundreds sofa-surfing and sharing with families and friends in overcrowded conditions. It simply means that Wicklow County Council has put 20 people into emergency accommodation. The reality is that Wicklow is not offering any emergency accommodation because it simply does not have it. The council is actually referring homeless women and children to the local women's refuge. This in turn is creating difficulties for, and putting pressure on, those providing domestic violence services in the area. We have no affordable homes, no private rented homes, no social housing and no emergency accommodation. It is time to get real. It is time to face the realities and, more importantly, it is time to act.

**Deputy Pat Buckley:** Some 190,000 people. This figure does not include what we call the silent homeless. These are couples who have reared their families and put them through college and who are paying a mortgage when all of a sudden the banks foreclose on that mortgage. The marriage breaks down and the family unit is broken up. To make it worse, social justice is battered, beaten and killed because the bank puts a barring order of 200 m on that home so the people affected cannot even visit their neighbours. These are the effects of the housing crisis. There is absolutely no future plan for our youth. I fear for my own kids. There is no plan for the future.

I spoke to the Minister about his rent pressure zones a number of months ago. He does not have a plan B. The legislation is certainly not working in my town of Midleton and in the surrounding areas. Rental prices are escalating and going absolutely out of control. The Minister mentioned a while ago that it falls on each Deputy in this House. That includes his own party's Deputies. I ask them to have a conscience and to think before tomorrow because these are human beings. The Minister mentioned bricks and mortar and prices but this is about families. I met a mother who has been bounced between seven different towns in the last three months. She is in emergency accommodation with her daughter. In the last week she has sometimes had to drive more than two hours to get her daughter to school. The Minister does not have empathy. Fianna Fáil is speaking out of both sides of its mouth tonight. It has been in here long enough propping up the Government with the confidence and supply agreement. Deputy O'Brien can wave his hand. Confidence and supply: there is no confidence. All Fianna Fáil is doing is propping the Government up.

**Deputy Darragh O'Brien:** Deputy Buckley should not get angry. We know what happens when he gets angry.

**Deputy Pat Buckley:** It is not holding the Government to account. That is absolutely shocking.

**Deputy Darragh O'Brien:** The Deputy should calm down.

**Deputy Pat Buckley:** Fianna Fáil has normalised this and is facilitating the Government. It has normalised homelessness and both sides of debt. It should be absolutely ashamed. Fianna Fáil should get its finger out.

**Deputy Darragh O'Brien:** Why did the Deputy vote against affordable housing in May?

**Deputy Aengus Ó Snodaigh:** I do not think the Minister believes there is a housing emergency in this State, because if he did he would take different actions. He seems to be oblivious to it. He does not get it fully because having young mothers with kids living in a single hotel room for years is a national scandal. Pensioners having no choice but to live in a car is equivalent to elder abuse. Not being able to cook or wash clothes in the bed and breakfast to which one has been sent to live is a disgrace. Having to sleep in tents along the Grand Canal in Dublin and elsewhere is desperation. Living in a dilapidated mobile home in the back garden of an already overcrowded two-bedroom house is appalling. Allowing greedy landlords, banks and vulture funds to profiteer in an emergency is treacherous as it the profiteering itself. Having no right to a home in a supposed republic is perverse. The Minister should take the first step and declare the national emergency.

Tá géarchéim againn. Nuair atá éigeandáil ann ba chóir go dtógfaí na cinntí chun an pobal a chosaint. Is gá é sin a dhéanamh anois. Ní fheicim an chéim sin tógtha go dtí seo. Níl na cinntí sin ann maidir le tithíocht ná maidir leo siúd atá gan dídean in aon chor. Tá beathaí i mbaol. Tá saolta páistí agus saolta aostach á scrios toisc nach bhfuil an Rialtas seo dáiríre faoi na céimeanna is gá a thógáil chun déileáil leis an ngéarchéim seo. If the Minister was serious at all he would declare the national emergency and take the steps required in a national emergency to ensure delivery of the solutions that are there, which have been put forward and which can be delivered on.

**Deputy Denise Mitchell:** The housing crisis in this State is nothing short of disastrous. The fact that we had thousands of people protesting outside the gates here today is proof. Today we

have record numbers of children homeless in this State. We have record numbers of people in emergency accommodation. We have record numbers of people on housing waiting lists. In the past three years this Government has delivered zero affordable houses. The reality is that a new approach is needed to allow our young people, couples on modest incomes and single people to afford their own homes. This motion makes reference to older people. It is absolutely shocking that we are seeing many of our older citizens, people who worked hard all their lives, becoming homeless.

*5 o'clock*

We need to see a significant increase in social and affordable housing. We need to protect renters. This is one of the cornerstones in tackling this crisis. The pressure is building on this issue across Dublin city and the State. The proper response to it is to build more houses, protect renters, return vacant homes back into use and we need to declare a housing and homeless emergency. We need to hold a referendum to enshrine the right to housing in our Constitution.

The protest outside the gates of Leinster House today is only the start of many.

**Deputy Dessie Ellis:** Today everyone could feel the palpable anger on the streets of Dublin at the Raise the Roof protest outside Leinster House. This anger is not just being heard on Kildare Street but on every street across the country. People from every walk of life came to express their anger and want action, as well as to let the Minister know that this crisis in housing and homelessness never was and never will be acceptable. It seems people power is the only way the Government will listen to the voice of reason and be forced to take action.

This march gives a voice to the 4,000 homeless children who the Minister is deaf to and who are calling out to the Government to end their plight. If the Minister will not listen to these children, then maybe he will listen to the thousands who stood outside the gates of Leinster House today. It also gives voice to the many who have died on our streets. Homeless figures have grown, week in, week out, with no end in sight, despite what the Government says.

The people have risen. There will be more marches and more protests. The Minister is wrong on housing and homelessness. He is wrong on his ideology, more so. The thousands who gathered today for the Raise the Roof protest know the Minister is wrong too. It is time he listened to the people and stopped defending the indefensible.

**An Ceann Comhairle:** I call on Deputy Jan O'Sullivan who is sharing time with Deputies Brendan Ryan and Burton.

**Deputy Jan O'Sullivan:** The Minister will lose this vote and the motion will be passed tomorrow. The Minister needs to take notice of it and act on it. We have seen many motions before which the Government has lost but we have seen no action on them. This one has to make a difference and the Minister has to take action.

Whatever about the 47 Members who signed the motion, as well as the Fianna Fáil Party which has now joined us, there were thousands on the streets today at a large rally. There were trade unions, which represent thousands of people around the country, campaign groups, housing agencies, Traveller representatives, the National Women's Council of Ireland, students' unions and concerned citizens who want a fundamental shift in policy to deal with the housing crisis.

The Minister must listen to that and make a difference for the thousands of homeless people, the tens of thousands who fear losing their homes and all of those low and middle income earners who see no prospect of a secure home to rent or to buy. They can wait while the Minister keeps telling us to trust him that he knows what he is doing and it will be all right. That is not good enough anymore. We need that fundamental shift in policy which we are asking for in this motion.

We have come together with a common voice on this motion and made specific proposals. The Minister challenged us, claiming we did not make specific proposals. There are specific proposals in this motion. On behalf of the Labour Party, I published the affordable housing for all strategy, a comprehensive document containing specific proposals on housing. We do not want to hear we are not bringing forward solutions: we are.

The Minister spoke about mixed tenure but he needs to recognise that social and affordable housing is mixed tenure. It is just that it is not making huge profits for private landowners.

The most important part of the motion is the need to shift policy from hoping the private sector will do most of the heavy lifting, because it will not, to publicly led action. That means committing sufficient money and public lands to build social and affordable homes now. It means protecting those whose homes are rented rather than the owners of those homes. These are the core demands in the motion.

Changing the Constitution to include a right to a home would alter the balance between the rights to property, already enshrined in the Constitution, and the right to the fulfilment of one of the most basic needs of any person or family, the right to have a secure roof over one's head. All of the actions called for in our motion make sense. The fundamental shift we want is for the Minister to look at the housing crisis from the point of view of those who need a home rather than those who own property. That is the policy shift we and the crisis are demanding.

**Deputy Brendan Ryan:** The housing crisis is getting worse, more complex, more hopeless and more devastating for people facing homelessness and those already there. The sharp edge of the housing crisis is now being felt where the private rental market is driving prices outside of the reach of ordinary people. I have people in my constituency clinics who are receiving tenancy termination notices, many of which are invalid initially. They have to go back and forth between Threshold, their landlords and the council, all the while knowing there is little light at the end of the tunnel.

There are not enough housing units being built. All that is offered is housing assistance payment, HAP, but there is nothing to it. HAP is a method of simply affording a home in the private rental market. While it may provide a solution and is much better than rent supplement, we need one, two, three and four-bedroom housing units delivered. We need housing and apartment units for people with disabilities and older people. We need to activate our landbanks to deliver these new units and new communities.

We must forget the private market. Those involved in it will operate for their own ends as they always have. They sat and continue to sit on their own landbanks, parcelling them off in small chunks which only serves to increase house prices and profits for themselves. They never delivered enough. When they did, it was for the few and out of reach for most.

The Minister is diminishing the ability of local authorities to provide homes by leaning increasingly on approved housing bodies. These bodies should be there to supplement local

authorities, not replace them, as the primary deliverer of social and affordable housing. In Fingal, the number of local authority schemes getting off the ground has stalled since 2016. The projects being delivered now were pushed through at the start of 2014. Now the strategy is HAP and approved housing bodies only when we need council housing urgently.

**Deputy Joan Burton:** The Government has dodged repeatedly the production of an adequate supply of affordable housing for young people, many of them now in their late 20s and 30s for whom ever purchasing their own home on a mortgage is becoming an impossible dream. The Government seems to have accepted this. Instead, people are languishing in a rental trap which means they are paying rents which are rising constantly. In many cases in my own area, they have now gone over €1,500 per month - even up to €2,000 per month - for ordinary three-bedroom houses. Something is fundamentally broken in the housing market when rents are significantly higher than the cost of financing a mortgage on a monthly basis. For that alone, the Government should recognise that it is a broken market and an emergency.

Speculation and speculators in land are back in business with values going up by a factor of ten to 15 times. New houses typically are around the €400,000 mark on a 35-year mortgage. That is not sustainable. We have unserviced land and land for development all around Dublin. The Government commits too little too late for vital infrastructure to allow thousands of acres to be opened up and the land to be developed. Dereliction all over Dublin city centre tells its own story of the Government's lack of will and purpose. Unless the Minister gets his act together sooner rather than later, he will be classified as helpless, hopeless and hapless, and as having, as so many members of this Government have, something of an air of entitlement. I wonder at times if he understands the incredible stress and strain on people who are now routinely caught in this grinder of a lack of housing, unfair rents and a lack of access to an affordable home or a social house.

The Minister scoffed some months ago when I said the Government is not training apprentices at anything like the rate the construction industry requires. Could he even learn some simple small lessons? Notwithstanding that the national average unemployment rate is around 5.5%, there are areas where it is about 18%. Young people would give their eye teeth for a decent apprenticeship but the Minister is sitting on his hands and doing little or nothing.

**An Ceann Comhairle:** The next speaker is Deputy Catherine Connolly who is sharing with her colleagues.

**Deputy Catherine Connolly:** I have two minutes to contribute, therefore, I will be blunt and to the point. I listened this morning as the Taoiseach responded to Leaders' Question and his replies were pathetic, insulting and irresponsible - pathetic and insulting, I can live with, but irresponsible, I can not. When he traded insults across the floor and accused us of being ideologically bound by certain things, he was telling untruths. The only ideology in this Chamber is the Government and its supporters who say the market will provide.

The Government is dealing with housing like a Lego set; it builds one thing one day, another thing the next day, and something else the next day, and the only common theme is that it does everything to support the market. This Government and the previous one - the Labour Party will have to take note of its part in this criticism - were instrumental in changing housing policy through the housing assistance payment, HAP, scheme. Under it, €300 million this year - which was doubled from last year and is likely to be doubled next year - is going into the landlords' pockets with absolutely no security of tenure, minimum inspection and so on, and we were told



that was the only game in town.

If the Minister does not want to listen to us, perhaps he might read a letter from more than 50 academics, researchers and experts in this area that appeared in an edition of *The Irish Times* last week. They told us, “the current crisis is the manifestation of deep structural problems in housing policy and the philosophy that underpins it”. They stated that a radical change is needed. I do not have the time to read it all. They go on to illustrate the effects of that and they talk about a new policy. That is what we are asking for here, a new policy. Public housing must be built on public land. The State must have a fundamental role in that policy, otherwise we will keep going from crisis to crisis. More than a year ago, Deputy Healy asked for a declaration of an emergency, finally we are getting it today. I ask the Minister to have a little humility, to do a little less talking and to listen to what is being said, if not by us, by the more than 10,000 who were outside these Houses today and by the various people who put their names to that letter last week.

I will finish on this point. I am from Galway. People have been on the housing waiting list since 2002 and there is no chance of them getting a house because only one house has been built there since 2009.

**Deputy Joan Collins:** Obviously I support the motion because I have signed my name to it. The members of Government, and in particular the Fine Gael members, should be forewarned. Their refusal to change and to implement the policies in this Bill, which the dogs in the street know provide the solution to the housing and homeless crisis will no longer be tolerated. There was a fantastic turnout of young people in the demonstration outside the Dáil today. The demonstration was attended by more than 10,000 and possibly up to 12,000 people. While out at the protest, it struck me that the 10,000 people who were on the street equate to the number of people who are homeless. When I saw that number of people it had a visual impact in terms of the number of people who are living in hotels, bed and breakfast accommodation and hubs.

A new generation is moving into action and they will not accept the future the Minister is holding out for them, a future with limited rights, precarious work and precarious, unaffordable housing. They will not accept the dog-eat-dog world of neoliberal capitalism. These young people have already shown their ability to organise and achieve change. They were a key component of the campaign to achieve marriage equality and the right of women to control their bodies. They are now mobilising on another key issue facing our society.

The Irish Congress of Trade Unions called this demonstration today. It was the first time in a long time I have heard people say that more action needs to be taken, leading up to strike action. If this Government does not build public housing on public lands and deal with the issues, that is what we will be facing in the near future.

**Deputy Mick Wallace:** The lack of honesty in the Government’s approach and its failure to acknowledge the fact they have failed miserably to deal with the housing crisis is shocking. I heard Audrey Carville pin down the Minister to eventually putting a figure on the number of newly built local authority social housing in 2018 and he put it at 4,000. I advice him that the chances of that happening are less than zilch. I do not understand why those in government cannot tell the truth about what is happening. It is a bit like saying the US military can use Shannon Airport to bomb the living daylight out of wherever they like while we are still a neutral country.

The Land Development Agency is a joke. I do not know what the Minister knows about the industry but he is not showing a great knowledge of it at present. The Government talks about using the expertise of the National Asset Management Agency, NAMA, in this regard. These are the NAMA boys who sold units in Cherrywood for €27,000, which are now being sold for €120,000. Also, NAMA allowed investors' directors with loans of €352 million to sell them for €26 million to a shell fund they had set up in Luxembourg and it gave them €25 million recently to build in Dublin. Give it to someone else. Those in government are unbelievable.

In 2015 I begged the then Fine Gael-Labour Party Government not to let NAMA sell Project Arrow to Cerberus; those were all residential properties in the Republic of Ireland and now the Government is buying back some of them. I am sure Cerberus will give them to the Government for the same price; it is a bloody joke.

**Deputy Clare Daly:** In my area of Fingal alone, there are more than 17,000 ha of residential land available that could potentially build just short of 50,000 residential units. The Minister's Government has the absolute neck to criticise the work of local authorities and to try to spread a lie that the market will deliver, that they just need time. Fine Gael has had time. It had seven years, along with its friends in the Labour Party who pursued the same policies when they were in government, and it has not delivered because it has failed to address public housing and should not rely on the market to build.

Every one of us in this House knows the devastation that is impacting on families who on a daily basis come to us, and we have to say there is nothing we can do for them. They are being told that everywhere they go. The first-time buyer's age has risen to 34. Rents have gone up by more than 80%. We have the highest rents in Europe, they are twice the cost of rent of Berlin. The Government talks about attracting people into jobs in this State.

The days of the rack-renting, slump-owning landlords are well back. Tenements are back in this town, and they are defining a generation. The solution years ago was to clear them out, to get rid of the private rack-renting slump-owning landlord and build public housing. That, too, is the message of today. That is what people were asking for today. It is not about social housing for people who do not have money. Everybody needs to live in a decent house with a roof over their head that does not soak up 50% to 60% of their income.

**An Ceann Comhairle:** The next speaker is Deputy Peter Fitzpatrick who is sharing with the Deputies Michael and Danny Healy-Rae.

**Deputy Michael Healy-Rae:** The Deputy is very welcome to our crowd.

**Deputy Peter Fitzpatrick:** In terms of housing supply, Louth County Council has had success in the use of compulsory purchase orders, CPOs, for recovering vacant and derelict properties. This, however, is only the tip of the iceberg. Most of the properties acquired by the council are in the hands of the banks and vulture funds. Nationally, about 1,000 properties are being sold to banks and the Housing Agency for distribution to councils and approved housing bodies. I am satisfied that many thousands of these units are not being made available by the banks. Banks are waiting for values to go up. The Government should target these units. They are already built and could be made available within a short time.

The Government must allow local authorities to build on their land banks by providing the approvals for same and covering the land purchase costs which the councils are carrying. Most of these sites are good ones that could be developed very quickly and by refunding the coun-

cils the land cost, the Government could stabilise the councils' financial status. Is the Minister aware that Louth County Council is boarding up a vacant property because it cannot afford to carry out the necessary work before it relets the property? That is serious.

I will now address the issue of homelessness. The Government needs to declare more rent pressure zones. These zones are working in the areas where they have been designated. A new rent pressure zone must be declared as soon as possible in Dundalk. Rents are increasing at a faster rate than house prices in the area. A large number of properties owned by landlords are being repossessed. The banks appear to have targeted these properties and many tenancies are being ceased because banks are insisting on vacant possession. In this time of crisis, we must introduce legislation that removes the vacant possession requirement and allows the recovery and disposal of the property with the tenant unaffected, as happens in commercial property transactions.

More work also needs to be done in providing assistance to those households which struggle to maintain a tenancy, whether through addiction, mental health issues, disability, behavioural issues or child support issues. The relevant sections of the Health Service Executive and Tusla must assist councils with these cases with a view to ensuring that tenancies are sustained and not lost.

This morning, the Taoiseach asked for solutions.

**Deputy Danny Healy-Rae:** The Deputy is after overrunning. The Chair should reset the time for us now.

**Deputy Peter Fitzpatrick:** I have offered the Minister solutions to increase housing supply and address homelessness. I ask that he listens.

**Deputy Michael Healy-Rae:** Someone should buy Deputy Fitzpatrick a new clock.

**An Ceann Comhairle:** Deputy Healy-Rae is good at running the old clock himself.

**Deputy Michael Healy-Rae:** I must declare an interest before I make my contribution. I thank the Deputies who instigated this debate and all those who organised the protest today. I welcome anything that will make the Government wake up to the problem that we have. I am sick of reports and studies and everybody talking about the problem. The issue is simple. I may take a slightly different approach to other Deputies who made contributions. I will not jump up and down and point a finger at the Minister or anyone else or say this is all his fault. That is not the way to deal with a problem. There are many practical, sensible solutions and all sides of the House know what they are. I fail to understand why the Minister at the Cabinet table or the officials in the Department do not have a more practical, workperson-like way of dealing with this problem. I am not being simplistic about it. It happens to be a topic I know a lot about. Earlier today, I heard a Member state that certain categories of people should not be allowed to contribute to the debate or talk about the problem.

**Deputy Bríd Smith:** I said they should not vote.

**Deputy Michael Healy-Rae:** I am sorry but I believe that is wrong. I am as much entitled to vote as anybody else. I make no apology to anybody if I have very good knowledge of this problem because of the work I do.

**Deputy Bríd Smith:** The issue is not the work but the conflict of interest.

**Deputy Michael Healy-Rae:** It is not a conflict of interest. That is why I always declare my interest. The Ceann Comhairle knows that I always say if I have an interest in something and I am always very straight about it. There are solutions to this problem. I would like to see the Government do more, work on this issue and listen to Deputies from all sides when they are making suggestions. This is an enormous problem and unless there is real Government action, it will get a lot worse before it gets better.

**Deputy Michael Collins:** I am grateful to have the opportunity to speak on this motion. While we are all aware of our current housing crisis, what is being done to relieve this ongoing problem? We spend so much of our time in the Dáil discussing housing, but I have had enough discussions on this matter. It is time now for the Government to deliver on its promises and stop believing the illusion that it is dealing with this crisis. We want real action taken now. Consider, for example, the Rebuilding Ireland scheme launched earlier this year. It seemed great on paper and certainly made the Government look like it was finally taking action. However, it was just another smokescreen behind which the Government could hide. The Rebuilding Ireland home loan could have made some difference to the housing crisis and helped get people on the property ladder. Instead it was launched without adequate resources on the ground to deal with the numbers of applicants. Figures in recent reports indicate that 50% of applicants are being rejected. This is outrageous.

I am blue in face from standing up in the House to ask the Government to deliver on promises it made in the programme for Government. The Government promised rural proofing during the talks for Government. Rural proofing is a commitment by the Government to review and examine all public policy to ensure it does not disadvantage rural areas. During the talks on forming a Government a rural resettlement scheme was discussed. Depopulation is a worrying trend in rural communities. Communities do not stand still. They either develop or decline as the housing crisis in our towns and cities worsens. There has never been a better time to actively promote the concept of rural resettlement.

I will cut my speech short to give other Deputies a chance to speak on the motion.

**Deputy Danny Healy-Rae:** My brother declared an interest. I do not know what we has or does not have but I must also declare an interest. He does not tell me anyway. The Minister and the Government have said all along that money was not the problem in the building of houses, but it must be a problem. In Kerry, we are limited to building two rural cottages a year from 2016 to 2021. That is the truth, the whole truth and nothing but the truth. That is not enough for us and there is, therefore, something wrong in terms of money.

There was much talk this morning between the leader of Fianna Fáil and the Minister on the stages of approval required by the Department. As I understand it, a single stage approval can only be given if the project does not cost more than €2 million. Is the Minister listening to me? A single stage approval is possible only if the project does not cost more than €2 million. That would amount to eight houses in Kerry, but it may only build four houses in Dublin, I do not know. Single stage approval, however, does not comply with the Department of Finance guidelines on value for money. The Minister is aware of this and if he is asked the question properly, he must tell the questioner this.

In every other instance there are four stages of planning approval. We highlighted this to the previous Minister but he obviously did not listen. This is why time has been lost. In Kerry, if a development exceeds eight houses, it needs four stages of planning approval. In Dublin,

that may apply to developments of only two or three houses. The Minister must review what is happening in the Department in this regard. It is very wrong of the Minister or anybody else to blame the local authorities. There were murmurs here this morning blaming the local authorities. They are not to blame. The Department is to blame for the delay with the stages of planning approval and that is where the delays must be tackled. The Minister is in charge of the Department and he must bring it to task and bring it around because that is where the delay is.

**Deputy Catherine Martin:** I am sharing my time with Deputies Shortall and Healy.

When people are being made homeless faster than the Government can get them out of homelessness, something is not working. When more than 50 households enter into rental distress every day and need to avail of the housing assistant payment, HAP, something is not working. When Fine Gael has been in government for more than seven years and the housing crisis has only grown worse and worse, something is not working. The Government's solutions to the crisis are not working. That is why many political parties, as well as trade unions, students, community activists and housing and homelessness organisations were united at the Raise the Roof demonstration outside Leinster House today to demand the real action that is needed on housing and the homeless crisis.

In July of this year, there were 9,891 people who were homeless and in emergency accommodation, almost 4,000 of whom were children. The number of homeless families has increased by 18% since the summer of 2017. Rent in Dublin is at an all-time high and many renters are living in insecure tenancies. House prices are entirely unaffordable for most people. In Dún Laoghaire-Rathdown the median house price is more than €500,000. This is unaffordable for young and older people in my constituency. Frankly, it is unaffordable for most people in my constituency, full stop.

Why does the Government continue to accuse all Members of the Opposition of not putting forward solutions when clearly we all have done so? The Green Party in the Dáil and Seanad has put forward proposals for measures to invest in large-scale cost-rental public housing; create an independent building regulator; increase and strengthen the vacant and derelict sites levy; and to expand the security of tenure for renters. Sinn Féin has put forward solutions, as has Solidarity-People Before Profit. The Labour Party, the Social Democrats, Fianna Fáil, Independents 4 Change and many other Independents have come forward with solutions but the Government does not listen.

The Government needs to make a truly substantial investment in cost-rental public housing, as proposed and supported by all parties that have tabled this motion. Let us build public housing to scale, open to people of all incomes and social backgrounds, creating sustainable, diverse communities, as in Vienna and many other European cities. In my constituency of Dún Laoghaire-Rathdown there are several sites that would be perfect locations for the cost-rental model. I and community organisations such as Dundrum Housing Action have called on the Government to ensure that State lands are used for public housing, including all of the Central Mental Hospital land in Dundrum, the sites between the Central Bank buildings in Sandyford, the NAMA site in Sandyford industrial estate and the site beside Leopardstown racecourse, to create a diverse community of people of all incomes in affordable State rental homes. Dundrum, Dublin and Ireland need this model.

I plead with the Minister to listen to the experts, those who work every day on housing and homelessness and the people of Ireland who gathered outside Leinster House today. The

Government must build public housing on public land and build stronger and more secure communities.

**Deputy Róisín Shortall:** The Minister denied that his ideological outlook on life or politics was a factor in his failure, and that of the Government, to address the housing crisis. I do not accept that. There are many solutions and they are, in many ways, self-evident. They have been proposed by all parties in the House, housing experts and non-governmental organisations. However, they have not been adopted by Government. The only conclusion that one can draw is that the Minister is ideologically opposed to tackling the housing problem in a sustainable and fair manner.

At the heart of this issue is an overdependence on the market. That was evident from the start of the previous Government when it proposed the housing assistance payment, HAP, scheme and moved away from the principle of providing public housing to a dependence on the market. We are now in a position in which we have fuelled the demand for limited private housing to the point where rents are going through the roof and it is impossible for people to get their feet on the housing ladder. The State is not getting any value for money and there has been a complete failure to address unsustainable dependence on the market.

Many people have spoken about supply, which is important. The HAP did nothing to increase supply.

The other key issue is affordability. This has not been recognised by Government. At no point has this Government or its predecessor set out to make housing affordable and that means driving down the cost of housing. On the contrary, they did the reverse by fuelling the cost of housing. Introducing the help-to-buy scheme some years ago, the then Minister for Finance, Deputy Michael Noonan, referred in his budget speech to the need to increase the price of housing. Will the Minister clarify what is the objective of Government? Is it to increase the price of housing to help the banks' balance sheets? The Government seems more concerned about that than about helping families put a roof over their heads. This is at the heart of the problem before us. If the Minister were serious about ensuring affordability, he would tackle the problem of land hoarding because the normal rules of supply and demand do not apply to housing. The home building industry will not solve the problem. Government must do that by taking brave decisions to stamp out land hoarding and build on publicly owned land. The Minister seems to be doing nothing at the rate required.

**Deputy Seamus Healy:** There is a huge housing and homelessness crisis that is devastating families and damaging children. The 10,000 protestors at the Raise the Roof demonstration outside the Dáil today are an indication of the depth of that crisis. The protest is the start of a national campaign, including work stoppages, demanding the building of social and affordable houses on public lands. The protest was supported by the Irish Congress of Trade Unions and its affiliates, the Union of Students in Ireland, the National Women's Council of Ireland, housing NGOs and political parties in opposition.

It is blindingly obvious that the private market has utterly failed. It is also blindingly obvious that seven years of Fine Gael, Labour Party and Independent Alliance housing policies have also failed and are further damaging children and families. The time for talking is well and truly over and the 10,000 homeless people and 100,000 families on local authority housing lists are demanding action now. The key action identified in the motion is the declaration by the Oireachtas of a housing and homelessness emergency. That means the Oireachtas must pass

legislation declaring such an emergency. It must curtail the rights of private property. This is not new or unique. It was done by the previous Government of Fine Gael and the Labour Party when it introduced an emergency regulations, including the financial emergency measures in the public interest or FEMPI legislation, which interfered with the private property of pensioners.

What will a declaration of an emergency do to address this crisis? It will allow the Government to stop all evictions by banks, building societies, vulture funds and landlords. Evictions into homelessness are driving the homelessness crisis. It will allow the Government to reduce and freeze rents and fast-track the compulsory purchase of vacant properties. It will also allow it to commence an emergency, large-scale, public, local authority social and affordable house building programme. Public housing on public land is what is needed. The Minister must do it and do it now.

**Deputy Mick Barry:** Dáil Éireann is stuffed full of landlords. The Fine Gael and Fianna Fáil benches groan with them. This Government of landlords can deal with the crisis seriously or it can continue to choose not to deal with it. If it continues until the next general election to do what it is doing to the people on housing, it should expect many more people on the streets protesting and far fewer Government Deputies in the House after the election.

A recent Irish Congress of Trade Unions, ICTU, survey found that one in two young workers has had to borrow or sacrifice another basic need such as food, heating or transportation to pay their rent or mortgage in the past year. The classic Lou Reed album, “New York”, includes the track “Dirty Boulevard” which contains the following lyrics:

This room costs \$2,000 a month. You can believe it, man, it is true. Somewhere a landlord is laughing until he wets his pants.

Those landlords are not just in New York anymore. They are in Cork, Dublin, Limerick and Galway. They are making bloody fortunes off the backs of those young workers.

I-RES REIT is a landlord that typifies what is going on. It controls 2,608 rented properties. I-RES REIT did not exist before 2013 but it is now Ireland’s largest residential property landlord. Fine Gael and the Labour Party legislated to allow real estate investment trusts to operate in Ireland. I-RES REIT set up here and started by buying more than 1,200 apartments on ten sites in 2013 and 2014. Since then, it has ramped up the average rent at every site by between 23% and 40%. In September 2013, for example, it bought 224 apartments at Lansdowne Gate in Drimnagh. Since 2014, it has increased the average rent on these apartments by 40%. At the same time, it bought 102 apartments at Priorsgate in Tallaght. It has increased the rent on the apartments by 31%. Does the Minister know by how much average pay has increased in the same period? It has increased by 7%. Every single penny of that meagre pay increase, and much more besides, is gone paying rent to I-RES REIT.

If rent gouging was not enough, I-RES REIT has also benefitted from a colossal increase in the value of the homes it has bought. It paid €308 million for 1,200 apartments in 2013 and 2014. According to its accounts, it now values those apartments at €410 million, an increase of one third. That is a capital gain of more than €100 million, on top of rent gouging. This is colossal profiteering from the housing crisis.

It gets worse. When he was Minister for Finance, Deputy Michael Noonan introduced an exemption from capital gains tax on properties purchased in 2013 and 2014. The €30 million

or more in capital gains tax that would normally arise when I-RES REIT sells these apartments will be lost to the public finances. That €30 million would build nearly 200 new homes.

Nothing would do the Government but to bring in the likes of I-RES REIT. It stated it would create demand and stimulate an increase in supply that would solve the housing crisis. The housing crisis is escalating. Everywhere we look, we see that the Minister has created a property market that has become a State-sponsored process for the extraction of public monies and workers' incomes, to be routed to the corporate owners of rental properties. Making housing a product of the marketplace is the Minister's ideology and its failure and that of the Minister are total. A reason we back the motion is the call for rent controls, but linking rents with the consumer price index would not go far enough. Rents are already too high. Real rent controls would mean cutting rents by a significant amount. To achieve this, we need a protest movement which will grow and grow and challenge the power of landlords and the landlords' Government.

**Deputy Paul Murphy:** The Minister has told the House that he has no ideological position on housing. That is the best capitalist ideology of all. It is an ideology that presents itself as simply being common sense, pragmatic and what is natural and implies that we are the ones with an ideology, which is not true. The Government has an ideological bias against public and social housing. That is clear from what the Minister and the Taoiseach say, but, above all, it is clear from the facts. Last year the Minister built, on the most positive estimate, fewer than 800 local authority homes, less than 10% of the number that would have been built in the late 1980s. There is an ideological bias which flows from the Minister's general capitalist ideology that sees housing as a commodity which is to be delivered by the free market. That ideology which the Minister does not acknowledge coincides happily with the interests of those he represents. It coincides with the interests of landlords who are now experiencing the highest profits in the entire European Union, as well as with the interests of developers. That is how ideology works, even if one chooses not to acknowledge it.

It is because of that ideology that the Minister says we have no alternative because we do not put forward an alternative that sticks to the rules of that ideology. We have alternatives, with the minority report on housing we produced, numerous local plans, for example, a plan for Kilcarbery which could be supported on Monday in South Dublin County Council and which could, instead of 70% of public land being privatised, see it being used for a 60% social and 40% affordable housing scheme. The Minister does not recognise that alternative because it starts from an entirely different logic. It starts from the need of people to have a decent quality of life, which means a right to quality and affordable homes for all people. Addressing these needs means breaking from the Minister's ideology and the rules of the capitalist market. It means socialist policies whereby people's needs and their right to a home would come before the right to make a profit of landlords, developers and the banks. It means that the motion is only the starting point in terms of what is needed. It means a ban on economic evictions to stop the tidal wave of people being forced out of their homes. It means effective rent controls, backdated to 2011 and linked with the consumer price index. Crucially, it means massive investment by the State to build public and social affordable homes, at a rate of 20,000 a year over five years, to reach a figure of 100,000, which would include Traveller and student accommodation. The Minister will not do it.

The Minister has said we are not protestors but lawmakers. He can speak for himself. I was protesting today, like all other Solidarity-People Before Profit Deputies and many others. They were right to do so. We are arguing in favour of the motion inside the Dáil, but we were right to



join the protest. Anybody who wants to see an end to the crisis and the nightmare for so many in this country should be out protesting. If people did not protest, the Government would do nothing. Frederick Douglass said, "Power concedes nothing without a demand. It never did and it never will." If people had not protested and distributed abortion pills, would we still have the eighth amendment in the Constitution? Would there be access at 12 weeks? If people had not protested and refused to pay water charges, would we still have them? I think we would. We have to protest to force change because it goes against the economic interests reflected in the ideology the Minister put forward, that of landlords and developers. Today's demonstration was very significant. It was the biggest mid-week protest on any issue for many years. It has to be the starting point of a mass movement to force change. It means that the occupation of vacant homes should spread and that a date should be set for a national demonstration on a Saturday which would force the trade union movement to put its full weight behind it, combined with different housing campaigns, campaigners and others across the country, to ensure we bring tens of thousands onto the streets on the next occasion and put the Government and its policies in peril.

**Deputy Maria Bailey:** I am not a landlord and believe it is important that I declare I am not. While I was not present at the protest, I was dealing with an issue in my local authority, where there is a pinch point on a site. I was teasing through it to find a solution. That is what I deem to be the most appropriate use of my time, finding answers to real problems, rather than just saying we will do something and not do it. While it is welcome that other Members are putting forward suggestions, including some financial solutions, I do not see any physical policy for how they will physically put bricks and mortars on any site. If it was as easy as they are making it out to be, it would have been done a long time ago. While we all recognise the very difficult circumstances in which individuals and families find themselves, we have to support them with a range of measures while getting supply back on track. I hear Deputies state the money we spend in providing emergency accommodation should be spent in building houses. While I fundamentally do not disagree, I never hear how they will house the vulnerable people in question in the interim while the houses are being built.

**Deputy Ruth Coppinger:** Stop evictions.

**Deputy Maria Bailey:** I sat here for two hours and not once did I interrupt anybody. Those families and individuals are in very vulnerable circumstances which can be complex and varied and require tailored solutions. Broad statements will not solve these cases. I would rather give people hope based on solid foundations than make false promises. I would rather talk about the difficulties we are trying to tackle in an honest way than mislead and tell people not to transfer from the rental accommodation scheme to the housing assistance payment, not to accept emergency accommodation or accommodation in a family hub and to hold out in a hotel room until a home is delivered. That is both disingenuous and misleading.

**Deputy Ruth Coppinger:** Who is doing that?

**Deputy Maria Bailey:** As the parent of two small children, I find it really disingenuous. I would prefer if people engaged with the agencies which have the expertise and are in a position to give the best advice on the facilities that are available. One cannot build a house without architectural and engineering drawings and one cannot throw extra money at something without saying how one will implement it. It is easy to throw extra money at something when it is somebody else's money. This is taxpayers' money that we have a duty to spend in a transparent manner. It is not as simple as throwing a box of Lego on a site and having houses appear.

Housing developments need the provision of roads, water, public transport, schools, shops and other services. We are trying to build communities, not isolated islands or the ghost estates of the past. Something is clearly working if, in March this year, planning permission had been granted for 25,000 homes. Clearly, some policies are working.

Sinn Féin is calling for the abolition of local property tax in the next couple of years, yet it wants to put a tax on anybody with a second home. Many of the people with second homes are accidental landlords. All Sinn Féin is doing is moving figures around on a page, being disingenuous and preying on vulnerability. Rebuilding Ireland is working and we are seeing progress, albeit not at the pace we all want. We are two years into a five-year programme across all five pillars which have to work together. We are turning a corner. We must bear in mind that tweaks are needed in the rental sector and other areas. We never said Rebuilding Ireland was perfect, but it is a strong policy platform that is having and will have the required outcome.

The motion makes reference to the affordability of housing. We are starting to see movement in that regard. We make no apologies for focusing first on the most vulnerable in society. Local authorities have circulars from the Department, but they do not need a circular to deliver affordable housing schemes. I wish to correct the record about what was said about my area in Dún Laoghaire-Rathdown. It was not Fianna Fáil councillors who came forward with the scheme for the Shankill site. It was Councillor John Bailey, Councillor Michael Merrigan and Councillor Shane O'Brien of Sinn Féin who brought forward the proposal. Many other local authorities are bringing forward tangible solutions to the shortage of housing. We need to get this right in order that we do not repeat the mistakes with which my generation had to deal. We still bear the scars. I remember queuing overnight at marketing suites to put down a cheque in schemes that had not yet been built. The following week prices went up by between €10,000 and €30,000. I still remember those days and want to make damn sure they do not happen again.

**Deputy Ruth Coppinger:** Prices are rocketing.

**Deputy Maria Bailey:** I did not interrupt anybody else. I show Members respect in this Chamber.

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

**Deputy Ruth Coppinger:** Does Deputy Maria Bailey expect us to sit here like absolute dummies? This is a serious issue.

**Deputy Eoghan Murphy:** Members should show respect for other colleagues in this Chamber.

**Deputy Ruth Coppinger:** The Minister could have answered some of the questions we had posed instead of ignoring them.

**Deputy Eoghan Murphy:** We made our contributions.

**An Ceann Comhairle:** Constant harping and interrupting is unhelpful.

**Deputy Maria Bailey:** I am eating into the time of the Minister of State, Deputy Damien English. With your forbearance, a Cheann Comhairle, may I have 30 seconds to finish my contribution?

**An Ceann Comhairle:** Yes.

**Deputy Ruth Coppinger:** That is great.

**Deputy Maria Bailey:** If Members of this House were to bring forward proposals to speed up the delivery of housing based on evidence, I would very much welcome them. Top lines will not solve one problem in the provision of housing, one has to solve the problem in its totality. I do not need to shout to prove my sincerity. I prove it with action, not amateur dramatics. I do not prove it with threats and accusations. I heard phrases such as “at your peril” and “Which side are you on?” What is happening is that people are trying to divide communities and society. I am not prepared to let that happen.

**Deputy Paul Murphy:** Society is divided into classes.

**Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English):** I will respond to a few of the points raised. It continues to be said we are opposed to social housing.

**Deputy Paul Murphy:** Then the Government should build them.

**Deputy Damien English:** Opposition Members cannot keep saying that because the facts do not back it up. They might not like the facts, but the Government has put a structured plan in place and taxpayers’ money behind it of €6 billion to build houses. The plan is delivering. It is delivering more houses than any other speaker can provide in his or her plans.

**Deputy Paul Murphy:** No, it is not. Is it delivering 20,000 houses a year?

**Deputy Damien English:** Please do not keep telling me that we lack the desire, ambition or nature to do it. We are fully committed to doing so. We all accept that it cannot happen quick enough to solve the problem. We genuinely wish it could. Who would not? Nobody wants people to have to live in hotels, family hubs or anywhere else of that nature. They are not places in which to raise a family. We are committed to doing it, but first we have to make it happen. Our short-term plan is to deliver 50,000 houses in the next couple of years and then 110,000 social houses in the next ten years. That is not included in anybody else’s plan. Tonight there was talk of delivering 20,000 houses.

**Deputy Paul Murphy:** In the next five years.

**Deputy Damien English:** Sinn Féin’s plan is to provide 100,000 houses. That is the plan for tonight.

**Deputy Paul Murphy:** That was our plan two years ago.

**Deputy Damien English:** We have been consistent in our message in recent years. What is more important is that the plan is delivering because it has been thought out and worked out site by site. There are more than 1,000 projects in the pipeline which aim to deliver more than 16,000 houses. We want to double that number and add more to it. Houses are being built. Deputy Maria Bailey is correct. We are not against anybody’s ideas. We have repeatedly asked Members to bring to our attention any new concept for delivery or quicker ways to deliver houses. In a debate in July I asked for solutions to deliver houses more quickly and most of the Members present were present for that debate. It is now October and I did not receive any proposal for how to deliver a house more quickly on site.

**Deputy Ruth Coppinger:** We gave the Minister of State four plans.

**Deputy Damien English:** There was ambition, talk, plans and everything else but no concrete ideas on how we could provide housing more quickly. Deputy Michael Healy-Rae is conveniently no longer in the Chamber. I am talking about physically building a house quicker.

**Deputy Michael Collins:** The Deputy-----

**Deputy Damien English:** Let me finish the point. He spoke about solutions. I thought he was going to give a list of ideas, but he sat down without providing any solution and then went out through the door. In fairness to Deputy Michael Collins, he referred to the rural resettlement scheme, with which we totally agree. There has been some movement in that regard and we want to see more. It is a good solution. It does not provide new houses but uses existing houses, something we all want to do. I have not heard many idea for how we can physically provide more houses faster.

More than 7,000 adults who were homeless in the past 18 months are no longer homeless. We do not deny that there are still close to 10,000 people homeless.

**Deputy Paul Murphy:** Some people who did have homes are now homeless.

**Deputy Damien English:** The Minister, Deputy Eoghan Murphy, publishes the figures every day of the week. It is very important that those who are homeless understand an effort is being made to make things better. There is an effort to improve the position for those who are homeless but also to find a permanent solution. We are doing so. A total of 7,060 adults who were homeless are not homeless today. Members should not keep saying we are doing nothing because it is not true.

**Deputy Ruth Coppinger:** Ten thousand people are on the homeless list.

**Deputy Damien English:** Neither the Minister nor I have any problem in saying it is not enough because we know it ourselves and will keep doing more, but it is wrong to say we are doing nothing. It is not true and not honest.

I repeatedly heard Members who support the motion say the Government had to start a social housing plan, as if there was no plan. I have sat across the table from some of them and asked if they are aware of Rebuilding Ireland and that there is €6 billion available for that plan. Everyone in the House supported it. I accept that some wanted more, with which I have no problem, but everybody said 50,000 houses was the minimum number we should provide. That plan is in motion and delivering houses. Most stakeholders agreed two years ago when the process started that in some cases we would have to rely on the private sector in the short term, as we restarted the process of building social houses. Any sane person would accept this.

**Deputy Paul Murphy:** Why?

**Deputy Damien English:** There is no choice while we are waiting for social housing to be built. People have to live somewhere. There is a reliance on the HAP and other schemes. We accept that it involves the private sector, but many in the private sector are helping us to provide housing solutions. It is accepted that in the short term we will have to do so, while we increase the social housing stock. There is no other way of doing it. People cannot be left without a house.

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I hear every day of the week that the HAP scheme is not working. We all accept that in some cases it has not worked out ideally for everybody, but 40,000 people are using the scheme which was introduced by the previous Government as an improvement on the rent assistance scheme because it allowed people to go back to work. I remember having meetings with Deputy Joan Burton when she was Minister when the scheme was being devised. It is a good scheme which works well for thousands, although I accept that it has not worked well for others.

**Deputy Seamus Healy:** There is no security for tenants and the scheme is a bonanza for landlords.

**Deputy Damien English:** There is also an issue with perception. Some refuse to avail of the HAP scheme. I argue that one is much better off on a journey to a permanent house, be it social, private or affordable, being in a house with the help of the HAP scheme, rather than living in emergency accommodation.

**Deputy Ruth Coppinger:** It costs twice as much as building a house.

**An Ceann Comhairle:** The Minister of State's time is up.

**Deputy Damien English:** I will defend the scheme to the hilt. It is not about ideology. We are committed to the provision of social housing, but we are also committed to the provision of affordable and private housing. As a Government, we have a role to play in increasing the supply of housing in general.

**An Ceann Comhairle:** The Minister of State is way over time.

**Deputy Damien English:** Rebuilding Ireland and Project 2040 put in place a sustainable housing construction sector again that was not in place five, seven or ten years ago because nobody was building houses. There was no money available. Now we are heading back to having a sustainable housing construction sector.

**An Ceann Comhairle:** The Minister of State's point has been made.

**Deputy Damien English:** Our job is to deliver houses across the system and we will continue to do so.

**An Ceann Comhairle:** The final time slot will be shared between Deputies Donnchadh Ó Laoghaire, Imelda Munster, Bríd Smith and Richard Boyd Barrett. I will leave the allocation of time up to the Deputies to decide.

**Deputy Bríd Smith:** The Minister said we were not protestors but lawmakers. However, there are many ways to protest. Shakespeare famously said in the play "Hamlet", "The lady doth protest too much, methinks." She was not outside the castle with a placard, rather she was talking too much because she knew that she was guilty and her only way of covering up her guilt was by trying to talk her way out of it, which is what I see the Government doing constantly on the issue of housing.

I congratulate the National Housing and Homeless Coalition that pulled together today's demonstration and organised us to debate this motion. It will not be the last we will see of that protest. There will be many more to come.

When the Minister says he is a lawmaker, not a protestor, he must ask himself if the laws

are working. Unless he is going to lie to us, he must clearly admit that the housing laws are not working because the evidence shows that the problem is increasing on a daily basis. It is not just about those who are homeless and living in homeless accommodation. How many of us are dealing with families with three and four children who are living on top of their parents for up to 16 years and cannot get access to a house? We know, as does the Minister, that there is a tiny cabal of very wealthy organisations and individuals who are profiting from the misery overcrowding and homelessness present in this country.

*6 o'clock*

We must challenge that sort of profiteering. Protesting is one way to challenge it.

The conflict of interest for Members who are landlords may be a sore point for some, as acknowledged by Deputies Bailey and Michael Healy-Rae. Unless such Members vote in favour of the motion, that conflict of interest becomes clear because the motion challenges their right to the housing market and to be subsidised by the State to the outrageous total of €7 billion in the past 14 years. The motion will help to challenge such practices. In voting against the motion, members who are landlords and will compromise themselves and the notion of democracy.

**Deputy Donnchadh Ó Laoghaire:** I have listened to the recent statements of Fine Gael Deputies and Ministers on this issue. In typical Fine Gael manner, three common themes emerged. One could call it a three-point plan. The first is that Sinn Féin councillors are objecting willy-nilly to local authority houses. That is absolutely untrue, as Fine Gael Deputies know. For all the criticisms they or local authority managers throughout the country may have of Sinn Féin, they know that our councillors are a thorn in their side and are seeking more social housing. The second theme is that Sinn Féin has no alternatives. That is consistently repeated by members of Fine Gael but it is also untrue. We have published eight policy documents and put forward eight Bills and dozens of motions, many of them detailed, along with fully costed budget proposals to provide solutions. Members of the Government know that charge is untrue but they keep repeating it anyway. The third theme is that no party has moral authority or monopoly on the issue, which is true. Having listened to the contributions of some on the Government benches, however, I am unsure that all of its members believe it. Some of the speeches by those on the Fine Gael benches indicate that there is a belief that the moral and intellectual authority is on that side of the House.

It is true that Fine Gael inherited an emerging housing crisis for which Fianna Fáil should not get off lightly. That said, while Fine Gael stated that the crisis cannot be tackled overnight, it has now been in government for seven years. Not enough social housing has been built and not enough has been done on affordable housing or to protect those in private rented accommodation. The Minister survived the motion of confidence. A housing rally took place outside the Houses today. He needs to listen and to change course.

**Deputy Imelda Munster:** We are facing another winter with a housing crisis. In spite of Fine Gael having had seven and a half years in government to deal with this issue, the housing crisis has escalated each year under its watch. It is the worst it has ever been but the Government cannot accept that Rebuilding Ireland has been a dismal failure. Its determined resistance due to its ideological block has forced thousands of people into homelessness. The Minister is opposed to the roll-out of a State-funded countrywide social and affordable house building programme because he is a right-wing Tory. It is as simple as that. His denial of a housing emergency is shameful. He daily defends the indefensible in spite of knowing the misery caused by

this crisis. When he is defending the indefensible, does he ever think of those who are forced to sleep in doorways, cold, wet, miserable and frightened? Does he ever take a moment to think of those forced to sleep in alleyways or along river banks? Does he ever think about the people who are too scared to tell their landlord that their heating has broken in case they are evicted and become homeless? Does he ever spare a thought for the thousands of working families who cannot afford to buy a home because, as a result of Government policies, there are no affordable homes?

As the Minister is aware, the solution has been staring him in the face for years. We need a countrywide State-funded social and affordable house building programme. If the Minister refuses to act on that, it will come back to haunt him.

**Deputy Richard Boyd Barrett:** The Minister of State, Deputy English, accused some of us on this side of the House of not liking facts. We very much like facts, but the facts regarding what the Government is delivering in affordable and public housing are pretty grim. In the first six months of this year, the Government delivered 203 council houses in the four Dublin county councils, 16 of which are in Dublin city. That is a disastrous failure. If the Minister thinks it is not easy to deliver council houses, I ask him to explain to me, please, how this State built 38,450 houses in the 1930s, 52,500 in the 1950s and 61,953 in the 1970s but in the eight years that Fine Gael has been in government it has managed to build 3,148 council houses. We could do it when this was almost a Third World country but the Government cannot do it when we are one of the richest economies in the world. That is not an accident because there is another set of facts summed up by these headlines from the past year or two: “Cairn Homes profit jumps 191%”; “Cairn Homes founders receive €61.4 million in share awards”; “Profits at Ires Reit more than double during first half of 2018”; “Cerberus paid just €70,000 tax on Irish profits of €20m”; “Profits soar at one of Ireland’s most well known developers”. The last headline refers to Park Developments. The list could go on. Those are the facts.

NAMA has flogged €30 billion worth of property and land. The Minister may state there was no money for public housing when Fine Gael came into government, but we had NAMA, which had land, building and assets. However, Fine Gael allowed it to flog that land to property developers and speculators who are now selling it back to the State at massive profits and will walk away without paying any tax. The Government cannot even tell us how much tax has been forgone through the section 110 tax relief afforded to such speculators. That is a scandal, not an accident. Those are the facts.

The crisis can be resolved by building public housing on public land. Why does the Minister insist on telling fibs about Rebuilding Ireland? He stated that under Rebuilding Ireland the Government was going to add 110,000 social housing units. According to my copy of Rebuilding Ireland, 87,000 of those units will be delivered under the housing assistance payment, HAP, and the rental accommodation scheme, RAS. That is not social housing. Rather, those are tenancies which the landlord can pull out of at a couple of months’ notice and land those people back into homelessness and emergency situations. Those are the figures provided by the Government.

**Deputy Eoghan Murphy:** We are not counting such tenancies.

**Deputy Richard Boyd Barrett:** I ask the Minister to, please, stop trying to deceive the public. The Government must build public housing on public land and stop relying on vulture funds, speculators and corporate landlords which are making an obscene fortune from the mis-

ery of others. It is clear the Government will not do that, which is the reason for the protests and people power of the sort exemplified by the Take Back the City campaign and the Raise the Roof demonstration today. We will see many more such protests over the coming months until we force the Government to end its support for speculators and developers and start to side with the people of this country and their right to an affordable, secure roof over their heads.

Question put.

**An Leas-Cheann Comhairle:** In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 4 October 2018.

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

**An Leas-Cheann Comhairle:** I understand there is a proposal to change the Order of Business. I call Deputy Bailey.

**Deputy Maria Bailey:** It is proposed, notwithstanding the Order of Business on Tuesday, 2 October 2018, that the Dáil shall take No. 24*b*, motion re report of the Joint Committee on Justice and Equality under Standing Order 114 on the amended proposals for a regulation of the European Parliament and of the Council on establishing a framework for interoperability between EU information systems – COM (2018) 478 and COM (2018) 480, tomorrow, without debate, immediately before the voting block.

**An Leas-Cheann Comhairle:** Is that agreed?

**Deputy Donnchadh Ó Laoghaire:** It is not agreed. I was not expecting this. This was the proposal that was referred to the joint committee yesterday, which was to be taken after the committee meeting next week. Is that correct?

**An Leas-Cheann Comhairle:** Does the acting Whip have any clarification on that?

**Deputy Maria Bailey:** My understanding is different, but I will seek clarification on it for the Deputy.

**Deputy Donnchadh Ó Laoghaire:** I am not sure I can agree to it. Reservations were expressed, although not by me, in private session of the committee yesterday and the matter was to be discussed further at a committee meeting next Wednesday. I am not sure we can-----

**An Leas-Cheann Comhairle:** It is customary that the Chair will have a copy of it, and I do not have a copy. I am just facilitating the House.

**Deputy Aengus Ó Snodaigh:** We can do it tomorrow.

**Deputy Maria Bailey:** I am sorry, a Leas-Cheann Comhairle. It was discussed by the joint committee today.

**An Leas-Cheann Comhairle:** I know, but the Chair does not have a copy, which is unusual. If it was discussed by the joint committee, was it discussed with the Whips?

**Deputy Aengus Ó Snodaigh:** No.



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**An Leas-Cheann Comhairle:** I might suggest that rather than take a decision now, if some clarity can be provided, Deputy Bailey can come back in about an hour. We can interrupt business.

**Deputy Maria Bailey:** I was told it was discussed today at the committee, but I will seek clarity on it and come back to the House in an hour.

**An Leas-Cheann Comhairle:** Not at the Business Committee, however, because Deputy Ó Snodaigh is a member of that committee. If the Deputy would obtain clarity and come back at a later stage, we will facilitate her.

**Deputy Maria Bailey:** I thank the Leas-Cheann Comhairle.

### **Public Health (Alcohol) Bill 2015: Report Stage (Resumed)**

**An Leas-Cheann Comhairle:** I remind Members that a decision was taken on amendment No. 16. Amendment No. 17 in the names of Deputies Sherlock, Grealish, Scanlon, Aylward, Fitzpatrick, Breathnach, O’Keeffe, Nolan, Fitzmaurice, Michael Collins, McLoughlin, Deering and Burke has been discussed with amendment No. 16.

**Deputy Michael Collins:** I move amendment No. 17:

In page 17, to delete line 7 and substitute the following:

“products,

(a) directional signage, an advertisement, or any other commercial communication, relating to the promotion of a visitor centre owned by a licenced manufacturer of alcohol products which may or may not attach to a premises licensed for the manufacture of alcohol products,

(b) special interest and trade publications, or

(c) airside travel retail.”.

Amendment put.

**Deputies:** Vótáil.

**An Leas-Cheann Comhairle:** Deputy Sherlock wants us to withdraw his name from the amendment. Will the Deputies claiming a division, please, rise?

*Deputies Michael Collins, Clare Daly, Danny Healy-Rae, Maureen O’Sullivan and Mick Wallace rose.*

**An Leas-Cheann Comhairle:** As fewer than ten Members have risen, I declare the amendment lost. In accordance with Standing Order 72, the names of the Deputies dissenting will be recorded in the Journal of the Proceedings of the Dáil.

Amendment declared lost.

**Deputy Michael Collins:** I move amendment No. 18:

In page 17, to delete lines 14 and 15.

Amendment put.

**Deputies:** Vótáil.

**An Leas-Cheann Comhairle:** Will the Deputies claiming a division please rise?

*Deputies Michael Collins, Catherine Connolly, Clare Daly, Danny Healy-Rae, Maureen O'Sullivan and Mick Wallace rose.*

**An Ceann Comhairle:** As fewer than ten Members have risen I declare the amendment lost. In accordance with Standing Order 72 the names of the Deputies dissenting will be recorded in the Journal of the Proceedings of the Dáil.

Amendment declared lost.

Debate adjourned.

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

**Minister of State at the Department of the Taoiseach (Deputy Joe McHugh):** It is proposed, notwithstanding the Order of Business on Tuesday, 2 October 2018, that the Dáil shall take No. 24*b*, motion re report of the Joint Committee on Justice and Equality under Standing Order 114 on the amended proposals for a regulation of the European Parliament and of the Council on establishing a framework for interoperability between EU information systems - COM (2018) 478 and COM (2018) 480, tomorrow, without debate, immediately before the voting block.

Question put and agreed to.

### **Public Health (Alcohol) Bill 2015: Report Stage (Resumed) and Final Stage**

**An Leas-Cheann Comhairle:** Amendment Nos. 19 and 20 are related and will be taken together.

**Deputy Michael Collins:** I move amendment No. 19:

In page 19, line 34, to delete “or”.

**Deputy Sean Sherlock:** Consequent on the Minister’s explanation in respect of signage on amendment No. 17, I wish to withdraw my name from amendments Nos. 19 and 20.

**Deputy Michael Healy-Rae:** These amendments relate to advertising and ensuring that places, be they interpretive centres or microbreweries, can advertise what is going on. This comes back to the question of whether the consumption of alcohol, the sale of alcohol and the

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promotion of the industry as a whole are bad things. As I said previously, we have to be very careful in this debate about the demonisation of an industry. There is nothing wrong with producing or selling alcohol and nothing wrong with drinking it, if people do it in moderation.

I have continually stated publicly that the best people to look after the sale of alcohol are barmen and women, especially people who have been bred into the industry and worked in it since they were children. They are responsible and diligent. They want to ensure that people have a good, safe and happy time on licensed premises. These people cherish the fact that they possess a licence to sell alcohol.

In what we would call these more modern times, people who have started off microbreweries from very small beginnings and created employment in their places of business are to be commended. They are the types of people we want in communities. They are producing local beer and spirits and branding them locally.

This comes back to the amendments and the reason I am on my feet which relates to signage. When people invest they want to be able to let people know where they are operating. For example, Killarney has a microbrewery which started very small, got a bit bigger and created more employment. It is located on the Muckcross Road and it is now like a visitor centre. People can come to have a bite to eat and sample the beer that is brewed locally. It has a local brand and we want to promote that brand. These microbreweries are not just in Killarney, but in other places in Kerry and Cork and around the country. There is nothing wrong with promoting alcohol in moderation.

There is one thing I do not want to see happening here and it seems to be happening a lot. People are sticking their noses up at the idea and saying we should not promote alcohol or have anything to do with it. People drank when there was prohibition. When there was supposed to be no drink, there was never as much alcohol sold and consumed. Over in America they thought prohibition was a good idea and we saw what happened. It became part of organised crime. They could not bring back the properly administered sale of alcohol quickly enough because they realised they made the biggest boo-boo ever in bringing in prohibition. It led to a totally crazy situation where criminals took over.

I neglected to say it the last night and I am sorry. I want to declare, obviously, my brother is a publican with a seven-day licence. I readily admit I am involved in the sale of alcohol. I own an off-licence. I might be accused of saying what I am saying because I have a vested interest. I know the Minister would not say it, but people who are against me might want to say it. However, that is rubbish. I am saying it because I am entitled to say it. I have been elected to represent everybody and that includes people who might be totally against alcohol. I am also here to represent people who want to consume alcohol in a proper, safe and measured fashion. I am here to represent the publicans, the hoteliers and the off-licence holders, first of all in County Kerry, and then the rest of the people throughout the country who are involved in the sale of alcohol.

Throughout my life I have had the pleasure of having great friends who are publicans and hoteliers. I know first-hand how hard they work. They work seven days a week. I know they are highly responsible people. They never want to see a situation where there is a row in their licensed premises or where someone leaves and has a mishap, be it an accident or a fall, or hurts himself or herself or has anything bad happen to him or her. They feel as responsible as a person who sells a meal and wants people to enjoy that meal and have good food and a good

experience. People who sell alcohol are the exact same.

I am very worried at the way this whole debate has taken on a life of its own. I am not 100% blaming the Minister or the Government but I am not praising them either because there seems to be an idea creeping in that, “We are the Government and we are totally against alcohol”. If it is totally against alcohol, it is totally against the industry and totally against all these people who create an awful lot of employment and collect an awful lot of tax. While we are talking about publicans and hoteliers, I want to talk about the amount of tax they bring in. They hand it in to Government and the Government then has it to spend as it wishes. They are big tax collectors for the Government. When the Government is criticising them and hitting their industry, it should remember it is criticising people who are working for it from early morning until late at night, because they are glorified tax collectors. That has to be put on the record.

It cannot all be a one-way street. Of course, I am as concerned as anyone else about alcohol being controlled. We do not want young people to consume alcohol and we do not want people to overindulge in alcohol. However, do we want people to go out and enjoy themselves? Of course, we do, and there is nothing in the world wrong with that. There is nothing in the world wrong with people at a wedding having a few drinks and enjoying themselves. There is nothing in the world wrong with people going out on a Saturday night after a hard week of work and having a couple of beers for themselves and meeting their friends. There is nothing wrong with that. Anyone with any bit of common sense will say that the reasonable consumption of alcohol can be a happy experience for people, and everyone enjoys themselves.

I commend the alcohol industry on its responsible nature over many years. When it comes to the issue of signage, I do not want a situation where people will not be allowed to advertise their businesses.

**An Leas-Cheann Comhairle:** I cannot allow the debate on this amendment to degenerate into a Second Stage. What I will do is call the Minister to explain the implications of the removal of the word “or” in amendment No. 19. We will focus on this amendment and not have Second Stage.

**Minister for Health (Deputy Simon Harris):** Thank you. The section of the Bill and the amendments we are discussing do not refer to any of the broader issues that have been raised. Section 14 is trying to design an environment that is alcohol free in areas that are frequented by children. It is about making sure we protect children from alcohol advertising. What the Bill is endeavouring to do, on this basis, is ensure the advertising of alcohol products is prohibited within 200 m of the perimeter of school grounds, a crèche or a local authority playground. I want us all to be clear that is what we are debating. It is Report Stage of the legislation and we are debating whether it is appropriate to have a restriction of 200 m near a school, a crèche or a playground. That is what section 14 and the amendments pertain to, and this is in addition to a prohibition on advertising in or on public service vehicles and at public service transport stops or stations. To me, that sounds like a terribly sensible thing to do. Schools, crèches, playgrounds and public transport hubs should not be locations where we advertise alcohol to young children. That is what we are at here.

The Opposition amendments Nos. 19 and 20 propose a number of exemptions to that, a number of attempts to weaken a provision that protects our children in schools, crèches and playgrounds. These amendments propose to exempt advertisements attached to travel retail and to parks or open spaces where there is a licence to sell alcohol in operation. In addition,

they propose to exempt directional signage and advertisements which relate to the promotion of a visitor centre. Section 14, as I said, prohibits alcohol advertising from certain locations, including parks, public transport stops and within 200 m of schools, crèches and playgrounds. These are locations where our children and young people congregate and the objective is to ensure they are not exposed to alcohol advertising and marketing every day. It is not about having a glass of wine or a few drinks at the wedding, as referenced by Deputy Michael Healy-Rae. This is about protecting children and, in particular, areas where children gather. On other issues, perhaps Members could try to amend other parts of the Bill, but that is what this is about.

The first exemption sought is for advertisements attached to airside travel retail. Section 14 prohibits alcohol advertisements from the locations listed in the sections such as parks, train stations and bus stops. Airports or airside travel retail are not listed here, so this exemption is not necessary. Section 14 also prohibits alcohol advertising from within 200 m of the perimeter of a school, crèche or local authority playground. I am not aware of any airport shopping complexes that would be so close to a school, crèche or local authority playground and, therefore, I do not believe the issue as outlined in the amendment arises. On that basis, it is not clear to me at all what is the intended effect of this amendment.

These amendments also propose to exempt a park or an open space owned or maintained by a local authority during the time that an occasional licence to sell alcohol is in operation. Events for which an occasional licence would be granted for a park or open space include open air concerts or music festivals which particularly appeal to younger people. It is difficult to see the need for any additional alcohol advertising at such events, especially during a time when alcohol is already on sale. I have never heard of anyone going to a concert or a music event outdoors having difficulty accessing alcohol. The question is why there would be a need to have additional alcohol advertising to point out to people why they should drink alcohol. This Bill prohibits alcohol advertising in parks and open spaces because it is here that our children go to play and young people go to play sports. It is the intention of this Bill that children and young people can do this without being exposed to alcohol marketing.

I also want to discuss the issue of directional signs. I will not dwell on it as we discussed it already, but it is related to this amendment. I have received legal advice from the Attorney General which makes clear that directional signs are not advertising under this Bill and, therefore, not restricted under section 14. If Members are attempting to say a directional sign is a billboard or an advertisement, that is a different matter, but a directional sign is not prohibited. Therefore, claims that tourists will be unable to find their way to these visitor centres because the signs will be banned or will not be allowed to contain the names of visitor centres is simply untrue. In fact, many of the pictures I have seen put forward by industry representatives, and supported by some in this House, are allowed under this Bill.

I accept Deputy Michael Healy-Rae's bona fides in representing his constituents and I appreciate his declaration of interest. I am representing a public health argument in this House, an argument I do not think is heard enough. We have heard an awful lot from the drinks industry during this debate. We need people at this stage to stand up for public health. Our children and young people are being exposed to an horrific amount of alcohol advertising in areas where they congregate. All we are trying to do in this section is to protect them from that so they can go about their childhood, go about playing their sports or playing in the park and go to their crèche or school without being subjected to advertising.

On the idea from the industry that advertising does not work, why does the industry spend

so much on advertising? This is a multibillion euro drinks industry that targets our children and young people to ensure they are exposed to alcohol advertising from a young age. Under this Bill, we say that can happen no more, and I am very proud we are going to do this.

The House will be pleased to know we are taking these actions based on evidence. Research from the April 2017 issue of the medical journal, *The Lancet*, from where I would take medical advice and opinion, found that the strongest evidence for the impact of advertising on alcohol consumption comes from reviews of longitudinal and cohort studies observing children. These studies report consistently that exposure to alcohol advertising is associated with an increased likelihood that children will start to drink or, if they already drink, will drink greater quantities. The physical effects of drinking for an adolescent are significant compared with an adult. The 2016 evidence review, *Alcohol in Ireland*, from the Health Research Board, makes this clear when it states as follows:

Because of the relative immaturity of the adolescent brain compared to that of an adult, excessive drinking is especially hazardous for young people. An adolescent need drink only half as much as an adult in order to experience the same negative effects, and even occasional binge drinking can damage the young brain.

This measure will also contribute to protecting our young people from the mental health effects of alcohol consumption. The 2017 *Young Lives in Ireland* report from the National Suicide Research Foundation found, from a survey of more than 1,000 students aged 13 to 16, that significantly more of those who drank regularly had poor well-being, significant levels of depression and anxiety and had reported suicidal ideation when compared with those who were not regular drinkers. Adolescents who were drinkers were also eight times more likely to have attempted suicide compared with their peers.

Section 14 prohibits alcohol advertising from places where our children and young people go every day. It is a sensible section of the Bill. Any attempt to reduce these protections for our children is misplaced. The intention of the Bill is to ensure that young people can travel, be educated and play without being exposed to aggressive forms of alcohol advertising. For these reasons, I certainly do not propose to accept these amendments.

**An Leas-Cheann Comhairle:** Clarity is important. I ask Deputy O’Keeffe and others who speak not to deviate from the amendment.

**Deputy Kevin O’Keeffe:** It was interesting to note that not once in his deliberation on the effects of alcohol did the Minister mention the cancerous effects. It was announced a few times today that it is the sixth most significant cause of alcohol related death. I raise the issue of the exemption of visitor centres. While I appreciate the Minister’s response, further clarification is needed. The Minister said last week that directional signs for visitor centres were exempt from the provision of the Bill. I am concerned this may not be the case. Section 14 states clearly that a person shall not advertise alcohol products within 200 m of the perimeter of the grounds of schools, early years services or playgrounds. The only exemption in the Bill is for signage attached to premises. This means free-standing directional or waymarking signage containing the name of a brewery, distillery or alcohol brand would be banned from display within 200 m of a school or early years facility.

I give the Minister an example from my own backyard. In east Cork, we have the Jameson experience in Midleton, which is a very popular Irish whiskey museum and visitor centre. The

facility has been operating as a visitor centre for many years and welcomes more than 100,000 guests per year, including 100,000 visitors in 2017. Under the Bill, the Jameson experience in Midleton will not be allowed to advertise unless the fonts are changed. It is the Jameson experience, Midleton. That is the only name one hears when one hears of whiskey in east Cork. It is the big one. Does this mean this signage will not be allowed in the vicinity of some of the schools in Midleton? Irish Distillers is based in Midleton and on the approaches to it from every direction, one passes many schools. The problem arises when the visitor centre includes the name of the brand. That is why I am coming in here. The name of the brand is the name of the visitor centre. The majority of visitors arrive by bus or car and they avail of directional signs.

I note the position in this big city of ours. In Dublin 8 alone, there will be chaos and confusion as tourists struggle to find the visitor centres they wish to visit, including the Guinness Storehouse, Teeling Whiskey Distillery, Pearse Lyons Whiskey Distillery or the Dublin Liberties Distillery. Many of those premises carry the name of the brand or alcoholic drinks being sold. How does the Minister propose to provide for directional signs for those centres? Some distilleries market their brands under a different company name, but I have a problem where distilleries and breweries have signage including the brand name. How do we get around that issue? Will they have effective directional signs? That is what I want clarification on.

**An Leas-Cheann Comhairle:** The Deputy can look for clarification later. I call Deputy Michael Collins to whom the same rule applies. We do not want to curtail debate.

**Deputy Michael Collins:** Last week, I tried to get clarity on a couple of issues but the Minister said I was only being frivolous, which was to talk down to me. I was only asking an honest question. This is the time to clarify this. The total time I have spent contributing on this issue is 20 minutes and we have a right to speak and put forward amendments. There is no point clarifying matters when the horse has bolted.

There is still confusion over the directional signage. It came up during the debate last week when the Minister claimed that directional signs to visitor centres would be unaffected by any of the provisions of the Bill. I am concerned that this is not the case and raise the matter once again. Cork South-West is home to Blacks Brewery, West Cork Distillers and West Cork Brewing Company. These small enterprises play a huge part in enhancing west Cork's reputation as a key tourism destination. Blacks Brewery in Kinsale is located close to St. Multose national school and directional signs to its visitor centre would have to be removed from the town under the provisions of the Bill. The West Cork Brewery in Kinsale also boasts a visitor centre. Its capacity to advertise that visitor centre would also be affected by the Bill. These are issues which need to be clarified.

I should mention at this stage that I have a conflict of interest as two of my brothers have public houses in west Cork, one in Bandon and one in Bantry. My daughter depends on the pub business also as she works in one. That connection is not influencing me in any way, however. I will make my own decisions here.

With regard to advertising restrictions, I highlight in particular the impact these provisions will have on imported publications. That important point has yet to be touched on. It will be unlawful for any magazine imported into Ireland for sale and distribution to be sold unless it meets the specific criteria set out in sections 13 and 18, including the specified health warnings and recently added cancer warnings. How will this measure be enforced? Does the Minister expect that imported publications will be redesigned completely? Will their alcohol advertising

satisfy the requirements of the Bill? Will the Department go through *Time*, *Vogue* or *National Geographic* and tear out the pages? Will the Minister instruct magazines across the world that they will not be allowed to advertise their beer or will they have a clear run at advertising their products in our country without any of these warnings? It creates a very unfair playing pitch. We want real clarity on this issue. Requiring newspapers and magazines from the UK and elsewhere in the EU to redesign their alcohol advertisements to meet the specific criteria in the Bill will place costs on these publications equivalent to a barrier to trade within the EU and breach Article 34 of the Treaty on the Functioning of the European Union. I ask the Minister to consider removing the cancer warnings from these advertisements.

I will move to my final remarks. While it is democratic to put forward amendments, it would not be to spend too much time speaking to them. Last week, the Minister said he spoke to several expert groups and individuals about this. He named 20 or 30. The people are crying out, however, and asking in regard to the hundreds of thousands on waiting lists why the Minister is not talking to experts and taking action on waiting lists. What about the 50,000 people who need eye surgery as a matter of urgency, some of whom are going blind? Deputy Healy-Rae and I are taking them to the North of Ireland. They are going blind on the Minister's watch.

**Deputy Simon Harris:** This is not relevant.

**Deputy Michael Collins:** The Minister will say that has nothing to do with this Bill but if he can take advice from all of those people, he should take it from a lot more. People are going blind on his watch but he has his eyes covered to it.

**Deputy Simon Harris:** There will be fewer people on waiting lists. This legislation is to protect people.

**An Leas-Cheann Comhairle:** We are straying.

**Deputy Simon Harris:** Quite significantly.

**An Leas-Cheann Comhairle:** I call Deputy Danny Healy-Rae and remind him that we are dealing with directional signs.

**Deputy Danny Healy-Rae:** It is directional signage to places where people are working. There are 6,450 people employed in the drinks and hospitality trade in County Kerry, which is 10.5% of the total number of people in employment in the county. I should declare that I am the owner of a pub and have been for many years. I live there. This demonisation of alcohol is going too far. There was never anything wrong with a man having a pint on a warm summer's evening after a hard day's work.

**An Leas-Cheann Comhairle:** There is nothing in the Bill to say that a man who wants a pint on a hot summer's day cannot have one. It is not relevant. I ask the Deputy to home in on the advertising provisions of section 14 and the proposal to amend it.

**Deputy Danny Healy-Rae:** Worried people have asked me about the situation where pubs are close to schools. What will happen there?

**Deputy Simon Harris:** They are not affected.

**Deputy Danny Healy-Rae:** Are they going to be prohibited from advertising what they have on their premises?



*7 o'clock*

**An Leas-Cheann Comhairle:** The Minister says no.

**Deputy Danny Healy-Rae:** All this will have a detrimental effect on employment and the people who work in these visitor centres and in the drinks industry as a whole. Again, the cancer label is a kind of stigma that people will look at and they will refrain from having just a social drink or a drink to which they are entitled after a hard day's work.

**An Leas-Cheann Comhairle:** That is not the issue.

**Deputy Louise O'Reilly:** That is not what we are discussing.

**An Leas-Cheann Comhairle:** We are not debating that.

**Deputy Jonathan O'Brien:** We have gone past that.

**An Leas-Cheann Comhairle:** If the House decides that it wants to go back to a Second Stage debate-----

**Deputy Stephen S. Donnelly:** No thanks.

**An Leas-Cheann Comhairle:** I am merely implementing the rules. Please, Deputy Healy-Rae.

**Deputy Danny Healy-Rae:** I am still very worried about this signage-----

**An Leas-Cheann Comhairle:** Let us get clarification from the Minister. If he needs a bit of leeway in time, we will give it to him.

**Deputy Danny Healy-Rae:** -----and the effect it will have on these visitor centres and the people who, as was stated, in bad times set out on a road of creating employment and producing a product for the market. This will hurt them in a very real way. Maybe we cannot fully understand yet the implications of it, but the worry is that it will have a seriously detrimental effect on the industry and that there will be no gain from what we set out to do in the first place. What this Bill set out to do when it started out over three years ago was to curb underage drinking and to-----

**Deputy Róisín Shortall:** No, it was not.

**Deputy Simon Harris:** That is not true.

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

**Deputy Danny Healy-Rae:** That is what it set out to do, but many things have been added onto it in recent times.

**An Leas-Cheann Comhairle:** I will use my discretion and allow the Minister to allay Deputy Healy-Rae's fears.

**Deputy Danny Healy-Rae:** I am very opposed to what the Minister is proposing.

**Deputy Jonathan O'Brien:** To answer the question, which I think was what implication this legislation will have for visitor centres and businesses, the answer is "none" because direc-

tional signs are allowed under the legislation.

**Deputy Simon Harris:** Yes.

**Deputy Jonathan O'Brien:** I do not know whether everyone heard the Minister's clarification, but what I heard was that he had got advice from the Attorney General to the effect that directional signage would be permissible under this legislation-----

**Deputy Simon Harris:** Yes.

**Deputy Jonathan O'Brien:** -----so I do not know why we are even debating this again. Well, I do - we all know why - but we need to get off this. The Bill will pass, and the quicker it passes, the better.

I know the Jameson distillery in Midleton well. It is in Deputy O'Keeffe's constituency, my neighbouring constituency. If I were a tourist trying to find it, I would probably put it into my satnav and drive to it. I would not walk around looking for a directional sign, which under this legislation will still exist, and for any Deputy to try to suggest that any change to directional signage, which will be permissible under this legislation, will have an impact on tourist numbers or jobs is ludicrous and must be called out for what it is. This is a tactic on the part of individuals in this House-----

**Deputy Louise O'Reilly:** Yes. That is all it is.

**Deputy Jonathan O'Brien:** -----to delay this legislation for as long as possible. I ask them to stop and to listen to the Minister-----

**Deputy Kevin O'Keeffe:** The Deputy should stop playing to the Gallery.

**Deputy Jonathan O'Brien:** -----when he gets to his feet. He went to the trouble of clarifying this and then you get up and try to sidetrack it with-----

**An Leas-Cheann Comhairle:** Through the Chair.

**Deputy Jonathan O'Brien:** -----"I need a sign to find my way home because I live in a pub", or "If I do not have directional signage, the person down the road might not be able to find my own pub". This is crazy stuff, lads. Let us just pass the legislation tonight.

**An Leas-Cheann Comhairle:** I call Deputy Scanlon.

**Deputy Eamon Scanlon:** I am glad to have an opportunity to speak. I have listened to everyone's view. I cannot understand why the Bill has taken three years to get to this stage and I will not delay it this evening, but I would like to make a few comments.

I am glad the Minister clarified the situation regarding directional signage for distilleries, breweries, etc., when he spoke. I do not own a pub, I have no axe to grind and, thank God, I can take a drink or leave it. It does not matter to me. At the same time, I recognise the amount of employment that has been created by these industries, particularly in my home town and in other rural areas. They are the only jobs that have come into rural areas since the recession, since the real bang came, and we are lucky to have them. I am delighted there are 30 jobs in my home town. Quite recently there was a visitors' day at the brewery. Some 1,500 people arrived by a special train to my home town to see what happens in breweries. I could not believe it, but it is a massive tourist attraction.

When one considers that 2.5 million people came into this country last year to visit distilleries or breweries throughout the country, including the Guinness Storehouse, it is clear it is big tourist business. All we want to do is ensure we do not damage this because these jobs are awfully important. People have taken big risks to create them. I refer in particular to micro-breweries. What we want is a level playing field. I understand what the Minister is trying to do about alcohol. I fully understand, as does everyone in this House and outside it, the damage alcohol does, whether it be fatalities on the road from drink-driving or families destroyed. No one likes this and no one wants to see it, and we are not trying to protect it. What we are trying to do is protect the jobs that have been created in a reasonable manner in order that these people, having invested a lot of money, have an opportunity to survive and that their businesses grow. Most of what is being produced in these breweries and distilleries is being exported. It is not being drunk in Ireland, as far as I can see - very little of it anyway. It is all export, which creates more wealth for the country.

I wish to raise another issue, one to which I referred the other night. I was in a shop the other evening and two cans of lager could be bought for the same price as a bottle of Coke. There is something wrong with that. Young people are in these shops and looking at what is going on in them. This below-cost selling and the sale of loss leaders to try to attract people into businesses need to be addressed.

**An Leas-Cheann Comhairle:** That is another issue for another day. We will have clarification from the Minister to allay some of the fears expressed and then we will move on.

**Deputy Simon Harris:** I will be very brief because I think I have addressed much of this already. To respond to Deputies O’Keeffe and Scanlon and the other Deputies who asked for clarity on directional signs, let me yet again state that directional signs are not classified as advertisements. They are allowed. The point Deputy Jonathan O’Brien made is also valid. We have many ways of finding our way around to visitor centres - Google Maps, satnavs and so on - but directional signs are allowed under the legislation.

To respond to Deputy Danny Healy-Rae’s point as to whether the pub is allowed to advertise, the legislation is clear that an advertisement attached to a licensed premises is not included in the restrictions either, so the local pub advertising its existence with a sign attached to the licensed premises is indeed allowed.

To respond to Deputy Michael Collins’s questions, the legislation is very clear as to who will carry out inspections in respect of the various compliance sections in the legislation, and that is the environmental health officers. They are the authorised officers in the legislation. I take and appreciate the point Deputy Scanlon makes. No one in this House has a monopoly on concern for people who have experienced very significant alcohol difficulties and for the harm alcohol has caused our country, families and communities right across the land. It is not good enough, however, for us just to understand. We must do something about this. In fairness to Deputies on the opposite side of the House, when their party was in government, it showed great courage on tobacco, not just saying we have a problem with smoking, but also doing something about it. It instigated a series of legislative measures in respect of public health and tobacco, and successive Governments, of which we are one, are building on that and seeing the benefit of it. We need to pass public health legislation in respect of alcohol because it is not enough for us all to say we know about the terrible problems. We must try to fix them. We must try to do something. We are not powerless in this House to act, and that is what this is about.

For all the reasons I have outlined, I am not in a position to accept the amendments.

**Deputy Kevin O’Keeffe:** On a point of order-----

**An Leas-Cheann Comhairle:** A point of order? What is the point of order? Let me hear what the point of order is and I will decide-----

**Deputy Kevin O’Keeffe:** On a point of clarification, going forward-----

**An Leas-Cheann Comhairle:** Clarification?

**Deputy Kevin O’Keeffe:** Yes. I apologise. Much has been made of marketing initiatives and so forth. If an individual in south Tipperary comes up with the brand name “Galtee” tomorrow morning and opens up the Galtee distillery, can he use directional signage which uses the name “Galtee”? This is going to come down the road when new companies form.

**Deputy Simon Harris:** Brand names are allowed on directional signage. On the Deputy’s use of the term “tomorrow morning”, we have already had 1,000 days of discussion on the legislation and there will be a one-year lead-in period in respect of the restrictions on advertising and a three-year lead-in period in respect of other elements of the Bill. There is a lead-in period for everybody to get prepared.

Amendment put.

**Deputies:** Vótáil.

**An Leas-Cheann Comhairle:** Will the Deputies claiming a division please rise?

*Deputies Michael Collins, Danny Healy-Rae and Michael Healy-Rae rose.*

**An Leas-Cheann Comhairle:** As fewer than ten Members have risen, I declare the question lost. In accordance with Standing Order 72, the names of the Deputies dissenting will be recorded in the Journal of the Proceedings of the Dáil.

Amendment declared lost.

**Deputy Michael Collins:** I move amendment No. 20:

In page 19, between lines 35 and 36, to insert the following:

“(iii) airside travel retail,

(iv) a park or open space owned or maintained by a local authority, which is the subject of an Occasional Licence granted under the Intoxicating Liquor Act 1962, while that licence is in operation, or

(v) any premises provided it takes the form of directional signage, an advertisement, or any other commercial communication, relating to the promotion of a visitor centre owned by a licenced manufacturer of alcohol products which may or may not attach to a premises licensed for the manufacture of alcohol products.”.

Amendment put.

**Deputies:** Vótáil.

3 October 2018

**An Leas-Cheann Comhairle:** Will the Deputies claiming a division please rise?

*Deputies Michael Collins, Danny Healy-Rae and Michael Healy-Rae rose.*

**An Leas-Cheann Comhairle:** As fewer than ten Members have risen I declare the amendment lost. In accordance with Standing Order 72, the names of the Deputies dissenting will be recorded in the Journal of the Proceedings of the Dáil.

Amendment declared lost.

**An Leas-Cheann Comhairle:** Amendments Nos. 21 and 23 are related and may be discussed together.

**Deputy Louise O'Reilly:** I move amendment No. 21:

In page 20, between lines 13 and 14, to insert the following:

**“Prohibition of sports sponsorship**

**15.** (1) Alcohol sponsorship will be phased out by 31 December 2023.

(2) In this section—

“sponsorship” means any form of public or private contribution to any sports event, sports area, association or person with the aim or direct or indirect effect of promoting an alcohol product or brand or alcohol consumption;

“sports area” means an area, whether indoors or outdoors, where participants participate in sporting activities, or competitors compete in sporting competitions, and includes a playing pitch or area, a swimming pool, an athletics track, a dog or horse racing track or a motor racing track.”.

Comprehensive evidence shows that children and young people are not only exposed to a large amount of alcohol marketing but that their behaviour and beliefs are influenced by these messages about alcohol and its use, increasing the likelihood they will start to drink or, if using alcohol, drink more. Unfortunately, our sporting organisations are now one of the primary vehicles through which the alcohol industry markets its unhealthy products. Sports should be inspiring and encouraging good health and active participation, not alcohol consumption.

Exposure to alcohol sponsorship during sporting events themselves is just one part of it. Alcohol sponsorship of sport is now the foundation for a wide range of alcohol marketing activity, with advertising in a variety of forms then used to activate the sports sponsorship and drive consumption of alcohol. Pairing a healthy activity such as sport with a potentially unhealthy product such as alcohol is inappropriate and ultimately makes that product seem less unhealthy. It creates a culture where children and young people perceive alcohol consumption as something closely associated with sporting success and celebration. We need to break the link between this healthy activity and this potentially unhealthy product as we did with tobacco.

A ban on alcohol sponsorship of sport would help to protect children from exposure to the relentless promotion of alcohol. Phasing out alcohol sponsorship of sport over several years, rather than seeking to implement an immediate ban, is a proportionate response and one that provides sporting organisations with the time they need to secure replacement sponsors. Again, the recommendation of the steering group on the national substance abuse strategy was that

drinks industry sponsorship of sport and other large public events should be phased out in legislation by 2016. We have ignored that proposal and now this legislation could and should aim to address that. The steering group noted the need to balance the argument on support for sponsorship with the requirement to decouple the association between sports and culture with alcohol in order to protect public health. It is by phasing out sponsorship that we give sporting bodies the chance to examine alternative sources of sponsorship.

**Deputy Michael Healy-Rae:** I would like to speak to this amendment because I am totally opposed to what is being proposed. We cannot take young people and wrap them up in cotton wool and say they will never see something that we do not want them to see. Every young person today has a mobile phone. It is no longer a communications instrument for making phonecalls. It is their connection to the outside world. It is their newsfeed. There is advertising on mobile phones and they can see everything on them, whether it has something to do with alcohol, smoking or anything else.

It is wrong to try to demonise our sporting industries and our GAA clubs. If a team wins a game and the people who played on the team or who were at the game want to celebrate that win, or if people want to celebrate when something good happens in a parish or a community, there is nothing wrong with that provided the people are of the appropriate age to drink alcohol. None of us is saying anything about allowing, promoting or wanting young people to get interested in alcohol when they are underage. However, if people participate in a sporting game, be it hurling or football, and if they want to go for a celebration after it, it is not right to paint the picture that is wrong and that people should not go to the local public house. If they wish to do so, there is nothing wrong with that. There was a long-standing tradition that if a team won a cup and the team and its supporters went to the local pub, the local publican would put something into the cup and the people would have a little sip out of the cup. It is not right to insinuate there is something wrong with that.

I mean no disrespect to the Deputy and she has her opinion, but I have my opinion. I do not agree with demonising those involved in sports and saying that this is wrong. I see nothing in the world wrong with people going to the local pub to have a celebration after winning a game, a championship, a county final, a local club game or an all-Ireland final. If people want to celebrate those events, there is nothing wrong with that. Life is short and if people want to celebrate any issue, there is nothing wrong with that provided they are adults, of the appropriate age, and that they act in a responsible fashion.

To say it is wrong for sporting organisations to get advertising sponsorship from drinks groups is more rubbish. I totally disagree with that and I will tell the Deputy the reason. If the drinks industry has money, wants to advertise and is willing to support a local club or team, I see nothing in the world wrong with that. It is perfectly above board. It is wrong to try to make that illegal. It would be like throwing the baby out with the bathwater. I do not agree with it. That has been the practice for many years. If young people who are of an age want to have a drink and act responsibly, there is nothing wrong with that. If they want to join the local pioneers and be a member of the pioneer association, that is fine too. People have choices to make in life.

In the context of the Bill, I support measures promoting alcohol awareness and the level of alcohol people could or should consume. If, as is proposed, we break the sports sponsorship link with the drinks industry and those involved in the alcohol business, where will the money come from to fund local clubs that have been relying on sponsorship from drinks advertising?

Who is going to make up the shortfall? There is nothing wrong with advertising alcohol. It is the same as advertising any other product. It is not an illegal product. There is nothing wrong with alcohol in moderation. This proposal is a nonsense. It is wrong. It would be very hurtful to many of our sporting organisations. Many people have asked me what they are supposed to do to make up the shortfall of money if they are not allowed to accept advertising or sponsorship from drinks groups.

**Deputy Sean Sherlock:** I seek clarification on the amendment. There are many bars throughout the country which sponsor soccer teams, GAA teams, all classes of sporting organisation and the *quid pro quo* for that sponsorship is that their particular hostelry is emblazoned on the jersey. As a consequence of this amendment, will that practice cease beyond 31 December 2023? That practice is, by implication, advertising alcohol. If that is the case many smaller clubs who rely on that essential sponsorship from small local family owned inter-generational bars could have a serious permutation in terms of trying to fill the gap on foot of the lack of that sponsorship that would have been readily available. I seek clarification on that?

**Deputy Louise O'Reilly:** May I clarify that?

**Acting Chairman (Deputy Eugene Murphy):** Yes.

**Deputy Louise O'Reilly:** The steering group on a national substance abuse strategy was very cognisant of that exact point which is the reason it recommended phasing it out. That is the reason the amendment references 2023. In proposing the amendment we are seeking to ensure that alcohol sponsorship is phased out, rather than immediately stopped so that there would not be an immediate cliff, as it were, but a phasing out of the sponsorship.

**Deputy Sean Sherlock:** Therefore, it will cease.

**Deputy Louise O'Reilly:** Yes.

**Deputy Sean Sherlock:** In essence, if a local bar in a local town or village wants to sponsor the local GAA team beyond 2023, the permutation of this amendment is such that they will not be able to do that anymore.

**Deputy Louise O'Reilly:** Yes because that is in line with the recommendations of the steering group on a national substance abuse strategy.

**Deputy Sean Sherlock:** I thank the Deputy.

**Acting Chairman (Deputy Eugene Murphy):** I have allowed that clarification.

**Deputy Kevin O'Keeffe:** I would like further clarification. In many villages in the area I come from where there are sports clubs, the only vibrant sponsorship available is from the local publican. They have been given a few years grace but the way things are going in rural Ireland, they will not need it because many of them will have shut down, especially if we have more draconian laws coming out of this House.

I attend many sports events. Lately, I attended a cricket match in the Deputy's constituency and I did not see any unruly behaviour. Over the years I have attended major Gaelic games matches in Munster where people had access to alcohol before a match and I did not see any unruly behaviour whatsoever. I never saw that at any match, even at all-Ireland finals in Dublin. The only time I saw a fight was in Dublin in 1982, the year we drew with Dublin and they had

Barney Rock. The Dublin fans on Hill 16 came running down by Barry's pub and we had to get off the street. That was not from the alcohol; it was just the force of the Dublin supporters who attended the match. What message are we sending out with this Bill? If the Deputy were to amend her amendment to propose a ban on such advertising in the case of under-age teams, I could probably understand but, for God's sake, I ask her not to put senior clubs out of business.

I am concerned that we are going to decimate our remaining rural pubs. Due to issues with transport, if these pubs did not have established reputations they would already have gone out of business. Young people no longer hang around in villages. At weekends, they travel to the big towns and the cities. Recently, a man who has a disco bar said to me that I must ask the Minister to reduce the licence fee that applies to such bars at weekends. I asked why and he explained that when that licence fee was increased more than ten years ago - it was probably done by my party when in government - many people were going to clubs but that this is no longer the case because they are going off to big events. There are big concerts in Dublin every night. From where are the resources being pulled? They are being pulled from rural Ireland. There is only one last real opportunity for survival for these pubs and local GAA and rugby clubs. This Bill will kill them off straight away, however, with no thought into the issue. I am aware that a run-in period is being provided in the amendment but the damage is going to be done.

**Deputy Danny Healy-Rae:** This amendment is deplorable. This is another attack on rural Ireland, or what is left of it. I am a publican and I make no bones about that fact. What is proposed will, as Deputy O'Keeffe noted, affect publicans in rural towns and villages who have given freely to sponsor local clubs. The Acting Chairman, Deputy Eugene Murphy, probably understands that most villages have only one pub and one shop. There are not too many places that GAA clubs can go within their communities in order to try to attract support. What is proposed will deny those clubs an option. We are referring to the GAA in rural communities in this context. To deny a GAA club the option of going to the local pub to obtain sponsorship is deplorable. I hope the Minister is opposed to the amendment. Denying clubs a chance to get sponsorship from the local publican - whoever he or she may be - is an almighty attack on GAA clubs. This will break up whole rural communities, villages and small parishes.

Small GAA clubs in rural areas face a desperate task in trying to retain their identities and even in trying to get enough players to field teams. Consider the great village of Sneem, from where the great John Egan came. John Egan feared nobody in any county, in Croke Park or wherever he played. The village of Sneem has had to join up with Castlecove and Caherdaniel in order to field a team. In south Kerry and along the Ring of Kerry, it is a struggle to even make up the numbers in schools. Only two new children enrolled in one of the schools in south Kerry this year.

Where will the sponsorship come for local clubs if publicans are deprived of the opportunity to provide sponsorship? They are doing their best. GAA officers are trying to keep the game going and to keep children involved. It is absolutely ridiculous that it would even be suggested that the link between local business people and GAA clubs should be broken. What is proposed is terrible and it is shameful. I do not have the words to describe how bad it is. This is a real attack on rural Ireland. The Minister will be reminded of it when his fellow Deputies are on the canvass. If the Minister stops publicans from giving a few bob to their local GAA clubs, he will hear about it and he will be bullyragged about it everywhere he goes. This is a really serious attack on rural Ireland. The Minister will never be forgotten if he does this to the people in rural villages and small towns.



**Deputy Róisín Shortall:** The reason we have finally reached this point, and will hopefully pass this legislation, is because our society, across all age groups, has an unhealthy relationship with alcohol. A particularly concerning aspect is that our young people are so exposed to alcohol. Many adults tend to have an ambivalent attitude to alcohol and the exposure of children to the it. We know from recent surveys that approximately one third of secondary school students engage in binge drinking on a monthly basis and that one quarter of those students are aged between 13 and 15. There is an undoubted connection between that level of binge drinking and the fact that children are exposed to a high level of alcohol advertising. The promotion of alcohol takes many forms and sports sponsorship is a significant component in that regard.

Representatives of the three main participation sports in Ireland have been very reluctant to divulge all the information on how much they receive in sponsorship from the alcohol industry. The indications are that funding they receive from that source each year is somewhere between €10 million and €20 million. The dependence on alcohol sponsorship is heavier for soccer and rugby, and especially for rugby. It is much higher than for the GAA. Thankfully, alcohol funding is now a relatively minor and declining element of the latter's sponsorship. It is clear that such sponsorship is not done for philanthropic reasons. It is sometimes put forward that those in the alcohol industry are providing these vast amounts of money out of the goodness of their hearts. Clearly, there is a substantial commercial gain for the drinks industry if it is willing to spend such sums on the promotion of its products.

There is ample evidence to show that the sponsorship of sport by the alcohol industry is effective and that it works in the context of increasing both brand share and the volume of alcohol consumed. There is substantial evidence in that regard. One of the very compelling pieces of research was conducted by Dr. Patrick Kenny at the Dublin Institute of Technology. Dr. Kenny has presented evidence that links alcohol promotion and sports sponsorship with harmful drinking. It is very difficult to dispute that research, and I am sure the Minister has come across the study. In the UK, Dr. Peter Anderson has written extensively on this matter.

Curbing the promotion of alcohol is supported by many reputable sources, including the chief medical officer, the Royal College of Physicians of Ireland, the British Medical Association and the World Health Organization. It is also important to note the analysis that was conducted by Professor Gerard Hastings into sponsorship by the alcohol industry of sports and music events in the UK. Internal industry documentation was sourced as part of an investigation that was carried out by the House of Commons Health and Social Care Committee. One industry document that was sourced, "They'll drink bucket loads of the stuff", outlined the benefits for the alcohol industry in sponsoring sports and other activities. The analysis highlighted a very deliberate use of sports and music sponsorship to recruit young drinkers, especially young male drinkers. Internal documents from Carling concluded that the point of Carling sponsorship was to, "Build the image of the brand and recruit young, male drinkers". That is the intention of Carling's sponsorship according to its own statement.

The document pointed to the attractiveness of piggy-backing on the heroes of young people in sport, music and other areas. The document concluded:

They [young men] think about four things. We brew one and sponsor two of them.

Having read this evidence, it would be impossible to conclude anything other than that the promotion of alcohol, including sport sponsorship, leads to earlier initiation of drinking, higher levels of consumption and greater health risks.

It is important to note that the proposed ban on sport sponsorship was contained in the original report of the steering group and identified as a key area that needed attention. Since then the alcohol industry has been successful in its active lobbying of successive Ministers and particularly, in the last Government, the Minister for Transport, Tourism and Sport and the Minister for Agriculture, Food and the Marine. Regrettably the industry was very successful in its constant lobbying of those two Ministers. Those Ministers have since moved Departments and one would hope they have a greater insight into the importance, for health reasons, of banning the sponsorship of sporting events by the alcohol industry.

Members have warned of the impact of a ban on sports funding. Other sponsors will step in to take the place of the alcohol industry if their sponsorship is banned. That happened in the GAA, where there does not seem to be any difficulty in finding replacement sponsors. The Magners League is now the RaboDirect Pro-14. The Guinness Hurling Championship is now sponsored by Etihad, Centra and Liberty Insurance. Where Carlsberg was once the shirt sponsor for Liverpool FC, it is now Standard Chartered. The Carling Cup is now the Capital One Cup. There is not an issue with finding alternative sponsors.

This is a reasonable proposal. It proposes phasing out alcohol sponsorship of sporting areas and events over a five-year period. I urge the Minister and the main Opposition party to support this amendment. Advertising works and that is why the alcohol industry does it. We can protect our young people in particular by banning it. I urge support for the amendment.

**Deputy Michael Collins:** I think phasing out alcohol sponsorship is one step too far. I totally disagree with it. There is a perception in the House that, when people see an advertisement for alcohol, they will turn into a zombie and go drinking for the evening. There are extremes in every walk of life, but 99% of people I know act responsibly.

Deputy Shortall said sporting organisations will find alternative sponsors. That is easily said. That may be true for big organisations. Local community centres or GAA clubs with an advertising hoarding at the side of their pitch advertising a drinks company might be dependent on that few hundred quid. This proposal is destroying every one of them. Where are they going to get sponsorship? It is no bother to Deputies here, who are all high and mighty with their talk, while thinking about the organisations at the top. I am talking about people at the bottom who are barely surviving. They depend on €300 or €400 to put an advertisement at the side of their pitch. According to this proposal, there will be no advertisements at playing pitches, swimming pools, athletics tracks, dog or horse racing tracks, or motor racing tracks. A man flying around in a car would stop for a while, look at the advert and head to the pub. That is the assumption here and the proposal will stop all of that. This is one step too far.

The Minister must look at the bigger picture and protect local, community, voluntary sporting organisations that need to make a few quid by putting an advertising hoarding at the side of their pitch. They need that money desperately. They will not be able to find it at the flick of a switch. I am involved in plenty of community and voluntary organisations and it is extremely difficult to get sponsorship in rural Ireland. If they lived in rural Ireland, some of the Deputies would understand that and would not be talking the way they are. They are not talking with any level of understanding.

I have no doubt that, at the top level, some organisations might be able to convince insurance companies or something else to advertise and move away from drinks advertisements. I am talking on behalf of the ordinary, community, voluntary people and the ordinary sporting,

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GAA organisations and other organisations on the ground that totally depend on a few quid that is not going to lead anyone astray. There is a perception here that, if one sees an advertisement, one is heading to the pub for the rest of the evening. That is not the way it works in reality.

The Minister has to make a decision whether he supports this proposal or he supports the community and the GAA clubs.

**Acting Chairman (Deputy Eugene Murphy):** I intend to let the Minister in to have his say in a minute. Before that, Deputy Alan Kelly has seven minutes if he wishes.

**Deputy Alan Kelly:** I will only take 60 seconds.

There is no doubt the drinks industry is unscrupulous. Its behaviour can, at times, be concerning and unscrupulous in many different ways. I have spoken about it in the House. I have made charges in this House about the industry's competitive practices and the manner in which it behaves. I am well aware of how the industry uses and targets advertising.

However, the Labour Party will be opposing this amendment. The simple fact is the amendment uses a mallet to break a nut. The consequences of this on various sporting organisations across the country would be seismic. Anyone who has an appreciation for small clubs across all codes, not just the GAA, would know there are many mixed businesses, whether serving food and drink, or whatever, that contribute to their community. It is not necessarily for the sake of the advertising that they get because some of the clubs that get advertising from bars or restaurants would not be the most successful clubs. The sponsors are contributing to their community and helping the clubs to continue to do something very healthy in promoting sport and providing facilities. That would end under this proposal. That would not be good for all of these clubs. I am adamant that, when it comes to small sponsorship of sporting events and clubs in rural or urban communities across Ireland, to lose the capacity to do that would be a negative thing. It would also be a negative thing from a health perspective. In many of these locations there are very few outlets to go to for advertising income.

On the basis of that alone, the Labour Party will be opposing this amendment, even though I know the nature of some of the large-scale drinks companies and have promoted small producers of beverages and had legislation passed dealing with that issue.

**Deputy Simon Harris:** I want to say to Deputy Collins that advertising works. Nobody is suggesting people will become zombies but, as Deputy Shortall has eloquently outlined, the drinks companies take out advertising because they believe it will make us drink more alcohol and more of their brand of alcohol. They would not be spending many millions of euro of their commercial operation on advertisements if they did not believe it works. They are not advertising for the good of their health. They are advertising to the detriment of people's health.

*8 o'clock*

Instinctively I think there is something wrong with the idea of something, as Deputy Kelly has rightly articulated, which is as good as sport for our health and which is part of our Healthy Ireland agenda, being contaminated by advertising things that are clearly bad for our health. It does not sit well with me as Minister for Health and it should not sit well with any of us. There is an idea that the Bill is bad for rural Ireland. We often hear on many different health matters that they only affect people living in the greater Dublin area. There is a serious problem with alcohol in all parts of this country, both urban and rural. As Minister, I have a need and a duty to

introduce public health legislation, which protects all of our people in every part of the country. We should not try to divide our country into parts. This is a national health issue, which affects every community in our country.

I do not accept that there are no alternative ways to fund sport. Deputy Shortall gave examples of where that has happened. I do not see this as a Holy Grail with a link between the two that can never be decoupled. It can be and should be, and it is desirable that it would be. I propose in the Bill that we make a start in the provisions that we have outlined to protect children in sport. I propose that we then, with the built-in review to this legislation within three years of commencement, return and sports sponsorship could be examined as part of that review.

Section 15 will prohibit the advertising of alcohol in, or on, a sports area during a sporting event, an event aimed at children or at events in which the majority of participants or competitors are children. In addition, section 16 will prohibit the sponsorship of events in which the majority of participants or competitors are children, events aimed particularly at children and events involving driving or racing motor vehicles. It is important that we clearly break the link between driving and alcohol. Sponsorship is defined as a contribution that is intended to promote an alcohol product or brand or to promote alcohol consumption. I am pleased that we are making a start in the legislation and I would like us to go further in the future. Section 21 provides that there must be a review of all advertising provisions within three years of the commencement of that section. The issue of sports sponsorship will be revisited as part of that review. For these reasons, I do not propose to accept these amendments on this occasion.

**Acting Chairman (Deputy Eugene Murphy):** Members who have contributed are entitled to another two minutes if they wish. It is Deputy O'Reilly's amendment, if she wishes to make a short contribution.

**Deputy Louise O'Reilly:** I note the Minister's comments and welcome his commitment to deal with this at a later date. Deputies who raise the issue of rural Ireland at every available opportunity, as they will, do so on this occasion in a somewhat misguided way. Some 500 people every year die as a direct result of alcohol harm in this State. It is not confined to cities. If it was, I could understand and take seriously some of the concerns. It gets a little hard to hear every day that everything that happens is an attack on rural Ireland. This is a health Bill.

**Deputy Simon Harris:** Hear, hear.

**Deputy Louise O'Reilly:** It is about the health of the entire nation. It is about the health of the citizenry of the State. It is not designed to impact more on one area than another. There are 500 people who die. If any person in this Chamber could stand up and say that was a Dublin-only issue, I could take seriously some of what was said. It is regrettable that the Government is not supporting this but I welcome the Minister's commitment to deal with this issue later. It is not just my opinion or that of my party. It is a view shared by the steering group on the national substance abuse strategy that we need to phase out sponsorship regardless of the age or the code. We need to do that and to set a date for it. I am happy to engage with the Minister after this process so that we can put that timeline in place.

**Deputy Michael Healy-Rae:** I reiterate that I cannot agree with the amendment. I do not agree with what the Minister proposes to do in the future. I never mentioned rural Ireland in my contribution because I never tried to say that this was specifically for one area or another. I am against what has been proposed for the whole country because I do not agree with it. If

people are here in Dublin, win a game and want to go to a public house to celebrate, I can see nothing wrong with that. If they live in rural Ireland and want to do the same, I see nothing wrong with that. It is political correctness gone mad. That is what is happening in this country. While things may have been wrong in the past, we are now in a race to the bottom in trying to make ourselves so politically correct that when people win a match, they should go away and have a banana. If people want to celebrate, there is nothing wrong with it, with or without alcohol. It does not have to be with alcohol. Many people go to their local pub after a game and they celebrate by having a mineral or a bottle of orange. I have been great friends with people who never tasted a drop of alcohol in their lives but are regular visitors to a pub, like going to matches and like celebrating in the local pubs afterwards. It is not about alcohol but being in a place where people gather. People in Ireland gather in public houses. It has been a tradition in the past and I see nothing wrong with that. It is not a criminal offence to want to visit one's local pub.

**Deputy Kevin O'Keeffe:** I welcome the remarks from Deputy Róisín Shortall. She pointed out that the major conglomerates such as the GAA with Croke Park, and the Aviva Stadium, have worked together with regard to the reduction of alcohol advertising. I am not talking about the alcohol brands in the local papers; I am talking about public houses themselves. Deputy O'Reilly proposed that publicans themselves should be shut out of giving sponsorship any time their name is used. That is what I am getting at. The only time some of these rural pubs in my area get a bonus is when the local club team wins. I recently saw my own club officials tell the young players to hang around the village for a while because the publican supports the club. The youngsters did the formality of having one or two drinks but went on to Cork city afterwards. We have to be careful. I am not talking about brand sponsorship but contributions from publicans themselves or from licensed restaurants. Deputy O'Reilly should pull back on that. I acknowledged that I have no problem with banning the advertisements directed at under-age players. With regard to senior clubs, I am sure when people get past 21 years of age, they have some responsibility. As Deputy Michael Healy-Rae wondered, have we gone over the top with political correctness and do we have no responsibility in rearing our children? Should we pass the buck on to the Department of Children and Youth Affairs? Let us be responsible here.

**Deputy Róisín Shortall:** Listening to some Members, one would think we were proposing to ban alcohol. We need to get this into perspective. The point of sports sponsorship is to create an association between alcohol and positive events in life, particularly positive events for young people, such as sport and music events. They do that because it works. They plough millions of euro into it every year because it works. It recruits young drinkers. Let us not fool ourselves about that. On section 15, something is better than nothing, but it is weak. What is the Minister talking about when he refers to events where a majority of participants are children? There are few such events - perhaps community games or a swimming gala. The main sports that kids are really caught up in, interested in and enjoy are those with heavy sponsorship. There is a reason for that. I note what the Minister says about the review in three years. That is fine. The difficulty is that this whole process started nine years ago when the steering group was set up. Are we going to go through another big long rigmarole on this again for a review? The commitment is that in three years' time a review will be established so it is kicking it down the road quite a bit. Is the Minister prepared to go a bit further tonight and to commit to setting up a group to examine the issue in the short term with a view to having the analysis and research done within three years in time for the statutory commitment to review the situation?

**Deputy Michael Collins:** I am pleased the Minister is on our side this time in opposing the

amendment.

**Deputy Simon Harris:** Deputy Collins should not go that far.

**Deputy Michael Collins:** I knew that sooner or later he would understand this was one step too far. I am pleased that his party colleagues or someone has brought him to his senses to some degree.

**Deputy Louise O'Reilly:** Deputy Collins's friends.

**Deputy Michael Collins:** I make no apology to any Deputy or anyone else when I speak about rural Ireland. I come from a constituency where rural Ireland is very much relevant. In the past three weeks seven businesses that I know of have closed in my constituency. They were businesses that contributed to local and community organisations.

**Acting Chairman (Deputy Eugene Murphy):** Could we stick to the amendment?

**Deputy Michael Collins:** Yes, I am getting to the point.

**Acting Chairman (Deputy Eugene Murphy):** I am sorry.

**Deputy Michael Collins:** You should give me a second, Acting Chairman, I am getting to the point.

**Acting Chairman (Deputy Eugene Murphy):** The Chair has the right to speak, nobody else. In all fairness, we are dealing with advertising and the Deputy should please stick to that.

**Deputy Michael Collins:** That is what I am talking about. The seven businesses were giving sponsorship and such businesses were great to provide sponsorship to organisations in towns and villages and now they are gone. Unfortunately, in some situations, we are again dependent on alcohol companies to help sponsor local community centres and GAA clubs. Such sponsorship is vitally important. If such sponsorship is removed, it will only add more hardship to community groups. I am pleased the Minister agrees this is not the right way forward and that he will not support the amendment. While I am in the Dáil I will never support such an amendment.

**Acting Chairman (Deputy Eugene Murphy):** Does Deputy Kelly wish to make a further contribution?

**Deputy Alan Kelly:** It has all been said.

**Deputy Danny Healy-Rae:** I thank the Minister for not accepting the amendment. I did say that it would hurt people in rural areas more because in a rural parish or village there are perhaps only four or five businesses that can be approached for sponsorship. There may be one shop, one pub and perhaps a couple of other people that a club can approach so the proposed amendment would have affected rural areas in a more adverse way.

More goes on in a pub than the consumption of alcohol. People go to pubs for different reasons. One of them is that it is a place to meet because there are not too many places in a rural area where people can meet to have a cup of tea.

**Acting Chairman (Deputy Eugene Murphy):** I do not want to cut across the Deputy but I do not think anybody is proposing stopping people going into a pub. We are talking about

advertising.

**Deputy Danny Healy-Rae:** But it would inadvertently stop publicans from sponsoring the local GAA team.

**Deputy Jonathan O'Brien:** It would not, unless his name was Heineken.

**Acting Chairman (Deputy Eugene Murphy):** We are dealing with-----

**Deputy Danny Healy-Rae:** You are wrong to interrupt me, Acting Chairman. A publican cannot say he is sponsoring a team because he is serving tea. That is what was happening here. The measure could have been brought in very stealthily. A publican does a lot of other things than serve alcohol.

**Acting Chairman (Deputy Eugene Murphy):** The Deputy should address the amendment.

**Deputy Danny Healy-Rae:** He provides a lot of other services than alcohol. The amendment could deprive a publican of sponsoring a team which he gave his life to play for when he was younger. That is what the amendment is about.

**Acting Chairman (Deputy Eugene Murphy):** The Deputy's time is up.

**Deputy Marcella Corcoran Kennedy:** What is the Deputy talking about?

**Deputy Danny Healy-Rae:** I make no apology for saying it, no rural Deputy would think of tabling such an amendment. I make no apologies for saying that, Acting Chairman.

**Acting Chairman (Deputy Eugene Murphy):** Deputy Danny Healy-Rae should respect the Chair. In fairness, I try to allow everybody to have their say any time I am in the Chair and I am quite annoyed that he is interrupting me the way he is. I only tried to point out to him that we are dealing with Deputy O'Reilly's amendment.

**Deputy Danny Healy-Rae:** That is what the amendment was about.

**Acting Chairman (Deputy Eugene Murphy):** We were not talking about stopping anyone going into a pub. They were the words the Deputy used. Would the Minister like to have a final say before we conclude discussion of the amendment?

**Deputy Simon Harris:** Very briefly.

**Deputy Danny Healy-Rae:** The amendment would stop the publicans from sponsoring teams.

**Acting Chairman (Deputy Eugene Murphy):** The Minister should be allowed to speak without interruption.

**Deputy Simon Harris:** The only side I am on is the side of public health and passing this Bill which has been held up for more than 1,000 days. Different sections of the Bill were targeted with great intensity at various times. Tonight, all going well, we will pass the Bill through this House and we will end the three-year impasse and get on with commencing elements of the Bill.

My position is that we are making a start on the issue of sports sponsorship, but it is only a start and I accept the points Deputy O'Reilly and Deputy Shortall make in that regard. I am

pleased that the legislation will allow for a review. I would like to see the review take place. I would be happy to interact with health spokespersons in terms of work that could be done, perhaps through the health committee. I am conscious that the committee played a very important role in leading the way on tobacco. It was perhaps ahead of its time and it could be a useful forum in which we could further explore this issue in advance of any such review. I would be very happy to engage with any Deputy with an interest in this issue in the interim. We are making a start tonight in this area. My priority and focus is on getting this Bill and all that is good in it passed as quickly as possible.

**Acting Chairman (Deputy Eugene Murphy):** How stands the amendment? Is Deputy O'Reilly pressing it?

**Deputy Louise O'Reilly:** Yes, I am pressing it.

Amendment put:

<i>The Dáil divided: Tá, 23; Níl, 65; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Adams, Gerry.</i>	<i>Bailey, Maria.</i>	
<i>Barry, Mick.</i>	<i>Barrett, Seán.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Breathnach, Declan.</i>	
<i>Broughan, Thomas P.</i>	<i>Brophy, Colm.</i>	
<i>Buckley, Pat.</i>	<i>Bruton, Richard.</i>	
<i>Crowe, Seán.</i>	<i>Butler, Mary.</i>	
<i>Doherty, Pearse.</i>	<i>Canney, Seán.</i>	
<i>Ferris, Martin.</i>	<i>Carey, Joe.</i>	
<i>Funchion, Kathleen.</i>	<i>Casey, Pat.</i>	
<i>Healy, Seamus.</i>	<i>Cassells, Shane.</i>	
<i>Kenny, Martin.</i>	<i>Collins, Michael.</i>	
<i>Mitchell, Denise.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Munster, Imelda.</i>	<i>Creed, Michael.</i>	
<i>O'Brien, Jonathan.</i>	<i>Curran, John.</i>	
<i>O'Reilly, Louise.</i>	<i>D'Arcy, Michael.</i>	
<i>Ó Broin, Eoin.</i>	<i>Deasy, John.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Deering, Pat.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>Doherty, Regina.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Donnelly, Stephen S.</i>	
<i>Quinlivan, Maurice.</i>	<i>Dooley, Timmy.</i>	
<i>Ryan, Eamon.</i>	<i>Doyle, Andrew.</i>	
<i>Shortall, Róisín.</i>	<i>Durkan, Bernard J.</i>	
<i>Stanley, Brian.</i>	<i>English, Damien.</i>	
	<i>Fitzgerald, Frances.</i>	
	<i>Fitzmaurice, Michael.</i>	
	<i>Fitzpatrick, Peter.</i>	
	<i>Flanagan, Charles.</i>	



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	<i>Harris, Simon.</i>	
	<i>Harty, Michael.</i>	
	<i>Haughey, Seán.</i>	
	<i>Healy-Rae, Danny.</i>	
	<i>Healy-Rae, Michael.</i>	
	<i>Howlin, Brendan.</i>	
	<i>Kelleher, Billy.</i>	
	<i>Kelly, Alan.</i>	
	<i>Kyne, Seán.</i>	
	<i>Madigan, Josepha.</i>	
	<i>McGrath, Finian.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moran, Kevin Boxer.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Murphy, Eugene.</i>	
	<i>Naughton, Hildegarde.</i>	
	<i>Neville, Tom.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Dea, Willie.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Keeffe, Kevin.</i>	
	<i>O'Loughlin, Fiona.</i>	
	<i>O'Sullivan, Maureen.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Pringle, Thomas.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ring, Michael.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Sherlock, Sean.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Stanton, David.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Aengus Ó Snodaigh and Louise O'Reilly; Níl, Deputies Joe McHugh and Tony McLoughlin.

Amendment declared lost.

**An Leas-Cheann Comhairle:** Amendment No. 22 has already been discussed with amendment No. 21. I call Deputy O'Reilly to move the amendment.

**Deputy Louise O'Reilly:** The amendment is not being pressed.

Amendment No. 22 not moved.

**An Leas-Cheann Comhairle:** How stands amendment No. 23?

**Deputy Louise O'Reilly:** It is not being pressed.

Amendment No. 23 not moved.

**An Leas-Cheann Comhairle:** Amendment No. 24 has already been discussed with amendment No. 1. I call Deputy O'Reilly to move amendment No. 24.

**Deputy Louise O'Reilly:** It is not being pressed.

Amendment No. 24 not moved.

**An Leas-Cheann Comhairle:** Amendment No. 25 has been ruled out of order.

Amendment No. 25 not moved.

**Deputy Stephen S. Donnelly:** With your indulgence, a Leas-Cheann Comhairle, can I seek clarification on two technical points from the Minister on section 22? The first is a health and safety issue that has been raised regarding wheelchair access. It is not looking to do anything to the heights of the barriers; they are what they are. Some of the retailers have stated that for wheelchair access there must be some visibility through a moving barrier. The section, as it stands, refers to no visibility. When this has to be implemented by the retailers, will the Minister liaise with the relevant health and safety group to make sure they can comply with the legislation and with the relevant health and safety legislation for wheelchair access?

The second issue is a minor clarification. Section 22 states that if a shop's sales are wholly or mainly alcohol, the provisions around physical separation do not apply. A concern has been raised that if the revenue from alcohol in a particular shop were to tip over, say, to 50%, the very good protections being put in place through the Bill would no longer apply, creating a perverse incentive. It is just a reference in the legislation to the alcohol revenue being wholly or mainly from alcohol. Would the intent of the Bill be that that would be well in excess of 50%? That is the clarification I seek.

**Deputy Simon Harris:** Deputy Donnelly raises two important issues. First, from a practical point of view, in terms of engaging with retailers to be prepared for the structural separation we have in place, I am pleased to give the commitment in the House that it absolutely will take place. Obviously, there is a lead-in time of two years, which will allow for practical discussions on how people can comply with the legislation. It would be important that we facilitate that information being provided.

Second, this is very much about the difference between a shop that sells effectively purely or almost all alcohol, that is, an off-licence, rather than any sort of hybrid effort. I believe direction and clarity will be given to our environmental health officers in terms of how they enforce

it.

Bill, as amended, received for final consideration.

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

**Deputy Danny Healy-Rae:** Vótáil.

**An Leas-Cheann Comhairle:** Will the Deputies claiming a division please rise?

*Deputies Michael Collins and Danny Healy-Rae rose.*

**An Leas-Cheann Comhairle:** As fewer than ten Members have risen I declare the question carried. In accordance with Standing Order 72 the names of the Deputies dissenting will be recorded in the Journal of the Proceedings of the Dáil.

**Minister for Health (Deputy Simon Harris):** I thank all the Deputies who contributed to this Bill as it passed through the House. This Bill has had very lengthy consideration in Dáil Éireann and Seanad Éireann. I pay particular thanks to my officials who have worked so hard on this Bill over a sustained period of time. I thank Dr. Tony Holohan, the chief medical officer, Clare Gordon, Denise Keogh and Siobhan McNamara for their dedication to this Bill. It has been a very long journey to get to this point. I really want to thank them for the leadership they have shown in the Department of Health during the passage of the Bill.

This is the first time in the history of our State that we have endeavoured to use public health legislation to address issues in respect of alcohol. It is, therefore, a groundbreaking measure. For the very first time in our history, we are legislating for alcohol as it affects our health and it is right and proper that we do so. We know that we have a relationship with alcohol in this country that is not good, damages our health, harms our communities and harms many families. The measures in this Bill will make a real difference to changing the culture of drinking in Ireland over a period of time.

I acknowledge the many Members of this Oireachtas who worked to make it a reality. I congratulate and commend Deputy Marcella Corcoran Kennedy for her great leadership on this issue.

**Deputy Josepha Madigan:** Hear, hear.

**Deputy Simon Harris:** I commend the former Minister of State, Deputy Róisín Shortall, for the leadership she showed in the Department of Health on this issue. I am very pleased that we are joined by Senator Frances Black, who has shown great leadership on this issue in Seanad Éireann. I commend all of the health spokespersons - Deputies Louise O'Reilly, Alan Kelly, Stephen Donnelly and Michael Harty - and others who have been so dedicated to the Bill.

I thank those in the Gallery and watching at home who make up Alcohol Action Ireland and the public health lobby. The alcohol lobby often gets a really loud hearing but these guys showed their resilience in making sure the public health lobby got a hearing as well. We are here today because of their work and dedication.

Question put and declared carried.

**An Leas-Cheann Comhairle:** The Bill is considered to be a Dáil Bill under Article 22 of the Constitution and will be sent to the Seanad.

## **Taxation Agreement: Motion**

**Minister of State at the Department of Finance (Deputy Michael D'Arcy):** I move:

That Dáil Éireann approves the following Order in draft:

The Multilateral Convention to Implement Tax Treaty Related Measures Order 2018,  
a copy of which was laid before Dáil Éireann on 13th September, 2018.

Today, I am seeking approval for a motion as part of the process of ratifying a particularly important international tax agreement. The Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting seeks to modify the application of existing double taxation agreements to ensure they are robust and in line with new OECD base erosion profit shifting, BEPS, best practice. This is one of two motions on tax agreements which we will discuss tonight. This debate will be followed by a separate debate on a new double tax agreement with the Republic of Ghana.

The multilateral convention is a key part of the OECD BEPS project and its ratification is crucial to ensuring that Ireland continues to play its role in the international efforts to address aggressive tax planning. So far, 84 countries have signed up to the multilateral convention and 15 countries have now ratified the agreement. Passing this motion will enable Ireland to complete the ratification of the convention in the upcoming finance Bill.

The multilateral convention offers a mechanism to include agreed BEPS measures into multiple double taxation agreements simultaneously. Although there are a small number of countries with which we are updating treaties bilaterally, the multilateral convention will modify the majority of Ireland's tax agreements when it comes into force. Of Ireland's 74 treaty partners, 57 have signed up to the multilateral convention, and we have written to the remainder to encourage them to sign up as soon as possible. If any of our treaty partners fail to sign up, we will look to update those treaties bilaterally.

In adopting the multilateral convention, countries have choices as to which BEPS measures to adopt. It is proposed that Ireland will adopt the vast majority of the choices contained in the multilateral convention. The small number of articles which Ireland is not opting into will be kept under review as it would be open to Ireland to opt into them at a later date.

The key provision in the convention is for countries to include a general anti-avoidance clause into their tax treaties. All countries, including Ireland, will be introducing a principal purposes test, which requires activity to be in a country for legitimate purposes in order to access the benefits of the country's tax treaties. This will be a very important change to treaties which will give significant powers to tax authorities to prevent tax avoidance.

I would like to draw particular attention to articles 12 to 15, inclusive, which cover permanent establishment rules. Ireland has opted to include articles 13, 14 and 15 but is reserving its position on article 12. Article 12 creates a new test for permanent establishment when a company is operating in a country through an agent. We believe there is not yet sufficient certainty as to how the new rules in article 12 would be interpreted and applied and our caution is shared by almost 60% of countries that have signed the multilateral convention. I am committed, how-

ever, to keeping this issue under review and it is possible for Ireland to adopt article 12 at a later date once there is greater clarity about how it will operate in practice.

I should also mention inaccurate reports published last week that claim article 12 is relevant to the aggressive tax planning structure known as the single malt. That is simply not the case; there is no connection. Article 4 of the convention is, however, relevant to reducing the possibility of this type of structure being used, and Ireland is opting into article 4. While US tax reform should eliminate or substantially reduce the tax benefits of operating this type of structure, we are committed to evaluating if any further action is needed. To this end, discussions have been ongoing with the Maltese authorities to identify any bilateral actions that can be taken to remove any remaining concerns. I am optimistic that a bilateral approach can be agreed on this issue.

This multilateral convention and the entire BEPS project is a very positive and successful example of countries co-operating to address tax avoidance. Ratifying the convention will be an important step in Ireland's ongoing engagement with international tax reform. I commend the motion to the House.

**Deputy Michael McGrath:** I am glad to have an opportunity to contribute to the debate. I was not involved in the discussion on this matter when it was before the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach. Deputy Cowen substituted for me at that stage but I have been briefed on the discussions, particularly of the Ghanaian double taxation treaty.

I want to signal Fianna Fáil's support for ongoing engagement with the BEPS process. We believe it is critically important that Ireland continues to play its role in international tax reform. We are cognisant of the whole issue of base erosion profit shifting, particularly around transfer pricing, royalty payments, the shifting of intellectual property, IT, and on-shoring. We saw the very dramatic impact of this on Ireland back in 2015. It is very important that we are leading on these issues. The motion is very important in approving this convention, in effect ensuring that the double-taxation agreements we have already entered into are brought fully up to date and fully in line with OECD BEPS best practice. The Minister of State said the majority of countries with which we have a double-taxation agreement have signed up to the multilateral convention. That will modify the majority of the tax treaties when it comes into force. In the case of others which fail to sign up, the Government will move to deal with those on a bilateral basis.

I have also been briefed on the concerns Christian Aid has raised. The Minister of State touched on a certain aspect of them in his remarks. It is important that those points are addressed in the debate and that he keeps an open mind on further changes that may be necessary. On Committee Stage of the Finance Bill we can go into the fine detail of changes to the Taxes Consolidation Act and so on.

In his opening remarks the Minister of State drew attention to Article 12, relating to the permanent establishment rules for a company operating in a country through an agent. He made the point that he is reserving the Government's position on Article 12 because he does not believe there is sufficient certainty. I am not sure if the Minister of State gets to reply at the end of the debate, but if he does he should elaborate on what he is referring to there. In particular, what uncertainty has led the Government to the conclusion that it does not wish at this point to sign up to Article 12 on permanent establishment. I acknowledge his point that almost 60% of

the countries that have signed the multilateral convention have adopted the same position on Article 12. It is important for the Minister of State to address that point.

Overall we believe we should continue to support BEPS. We should adopt the multilateral convention to bring the double-taxation treaties we have already entered into up to date and in line with BEPS best practice. It is an important step for Ireland and one the House should endorse.

**Acting Chairman (Deputy Eugene Murphy):** The Minister of State will have five minutes to conclude and he will be able to respond to the points the Deputy raised.

**Deputy Pearse Doherty:** Gabhaim buíochas fá choinne an deis labhartha ar an rún seo atá os comhair an Tí anocht. Tá Sinn Féin ag tabhairt tacaíochta don rún seo. Tá sé tábhachtach ó thaobh an phróisis BEPS. Níl sé gan locht. Níl dabht ar bith go bhfuil lochtanna ann. Tá deacrachtaí móra againn ó thaobh an rúin seo, cé go mbeimid ag tacú leis. Leagfaidh mé amach cuid díobh sa mhéid atá agam le rá. Caithfidh mé a rá gur próiseas iontach tábhachtach é an próiseas atá ag an OECD ó thaobh BEPS. Is próiseas fiorthábhachtach é. Tá a fhios againn go bhfuil athrú mór tagtha ar an saol agus ar an domhan sna blianta beaga a chuaigh thart ó thaobh teicneolaíochta, ó thaobh cúrsaí eacnamaíochta, agus ó thaobh na tseanstíle ina raibh daoine ag déanamh rudaí. Ní mar sin atá sé níos mó. Is ceann de na laigí agus de na fadhbanna a fheicimid ná go bhfuil stádas BEPS íslithe agus go bhfuil cúlú á dhéanamh ar an mhéid a bhí ráite sa chéad dul síos.

While I welcome the motion, I have my reservations which I will outline. The OECD's BEPS process is hugely important given how the world has changed. The way technology and the economy impact on each other means the old ways of doing things simply no longer apply. BEPS is far from perfect and we have concerns that the initial aim has been watered down significantly. However, it is the best game in town at this time.

The multilateral convention is an important keystone in the BEPS process and we need to ratify it. However, I am disappointed that the Government's method of implementation will be a minimalist one or at least one that falls significantly short in some very important ways.

The opting out of Article 12, as the Minister of State outlined in his speech, is the most serious reservation I have. This article specifically takes aim at companies artificially avoiding permanent establishment status through double-taxation treaties. It is terribly disappointing that the Government has taken the decision to opt out of this article.

When he signed the convention the then Minister for Finance, Deputy Noonan, said:

If you make the widgets in Dublin, the tax liability on the profits from the widgets is an Irish tax liability... It will be illegal to transfer tax liability to other jurisdictions to avoid taxes.

Yet now at its implementation the State is opting out of that article, which actually prevented what he was talking about. The Government is choosing to leave the door open to some future double-Irish scheme to develop. It is a deliberate decision by the Government. After all we learned - or maybe not learned - it is little wonder that Ireland has a reputation for aggressive tax avoidance.

Likewise on Article 13 the Government has chosen Option B which will also allow for the

continued artificial avoidance of permanent establishment status through applying a weaker test in specific activity exemptions listed in double-taxation treaties. I accept the Minister of State is correct in saying the majority of countries applying the instrument have taken the same approach to Articles 12 and 13 but they do not have the same reputation that Ireland has. We should not just look at what other countries are doing; we need to do what is right and best for us, and what is right for other countries, particularly developing countries.

I also wish to know why the Government is invoking a reservation on Part IV which covers arbitration. I believe we could have done better in how we chose to implement Article 7. The default option in the instrument and the option of most EU countries is to adopt a principal purpose of transactions, PPT, provision instead of a limitation on benefits, LOB, provision. The limitation on benefits applies a series of objective tests that must be complied with by the person claiming the benefits of a tax treaty.

The limitation on benefits is often preferable for developing countries. It is understandable why Ireland wants the PPT to apply, and similar rules are in EU directives. However, we could have chosen an asymmetrical option, where the treaty partner can apply an LOB rule and Ireland could apply the PPT rule. The Minister of State is correct in saying the vast majority of instrument countries are choosing the PPT with no asymmetrical application. However, that process should have been considered and included in how we implement this.

The Minister of State seems to be looking for congratulations today on this proposal, but it is not warranted. The State has huge issues in our tax system, both in terms of reputation and in real terms. Were it not for the OECD moves and the work of many activists, the Government would happily be kicking this can down the road.

The Minister of State is not here because he passionately believes in tackling aggressive tax avoidance. He is here because the State's reputation is in the mud. He is taking a very weak option in implementing this.

**Deputy Richard Boyd Barrett:** The issue of global multinational corporations avoiding tax by shifting profits from where they are actually generated to other jurisdictions where they can through complex means avoid paying tax is arguably the major contributory factor to staggering levels of inequality globally that are galloping away in their obscenity.

*9 o'clock*

Year after year, the gap between the wealth of a tiny minority and the need and often intense poverty of the huge numbers of people just grows and grows.

It says everything about that process that these debates, during which the nuts and bolts of all of this are discussed, are watched by nobody, listened to by nobody, covered by no media outlets and are too obscure and complex for most people to get their heads around. Yet, in that obscure late-night detail is the real devil that is responsible for obscene and staggering levels of inequality and, ultimately, poverty and deprivation, particularly in the developing world.

This multilateral treaty is, on the face of it, a good thing. It is trying to address some of the mechanisms through which these corporations shift their profits and close down those mechanisms and loopholes. However, of course, true to form, on one of the key articles of this treaty which might help to do that, the Government wants to opt out. It asks us to believe that we need clarity. On what exactly does it need clarity? Although I have not had time to look at the new

nuts and bolts of all of this, I was chatting to Sorley McCaughey of Christian Aid and he was convincing in explaining how our decision to opt out of Article 12 leaves the door open to this kind of profit shifting continuing and to us essentially engaging in the sort of tax piracy we were very familiar with and that we engaged in with the double Irish and that continues with the Irish malt. This is an effort to close it down yet we decide to opt out of that article.

The Minister of State asks us to believe the Government is going to seriously look into it, will consider it and perhaps ratify it down the road. I am sorry but the Government has no credibility on the issue of tackling corporate tax evasion. It was forced under pressure to get rid of the double Irish but, as soon as the pressure became irresistible, it opened up new windows, specifically on the issue of intangible assets, where it increased the tax relief to 100%. Lo and behold, all of the multinationals that had benefitted from the double Irish onshored all their intangible assets and, as a result, avoided paying hundreds of millions euro in tax, which even Mr. Seamus Coffey said should not have been done. That was deliberate. There is no doubt in my mind that was worked out between the Government and the multinationals to ensure they escaped the noose that was tightening on them and that a new loophole was created. Do I trust the Government on this? Absolutely not. In broad terms, this treaty is a good thing so we have to support it because it is pushing in the right direction. However, it says everything that the Government wants to opt out of one of the articles.

While I may not have time to stick around for the debate on Ghana, it deals with the same issue. In theory, a double taxation treaty should be a good thing in that it makes sure there is not double taxation, but it also has to make sure there is not double non-taxation and, in particular, that we are not implicated in robbing tax revenue from countries like Ghana. Ghana is a poor country where there are 4 million children living in poverty, where a significant proportion of the population suffers extreme deprivation and where the collection of tax is a problem precisely because of multinationals filtering profits out and not having them taxed in that regime. We again are not putting in the provisions that would ensure this cannot be done in the taxation treaty with Ghana. Tax haven Ireland sails on, although some of us are trying to watch it and ring the alarm bells.

**Deputy Michael Fitzmaurice:** We are dealing with this day in, day out. Vulture funds and companies set up abroad can get away without paying tax. We need to make sure the loopholes used by certain companies are not used again in any agreements that are being signed.

**Deputy Eamon Ryan:** I move amendment No. 1:

To insert the following after “13th September, 2018”:

“and that the Department of Finance shall report back to Dáil Éireann within one month on:

- what measures the Department of Finance will be taking to prevent the use of tax structures commonly known as the ‘Single Malt’, beyond its reliance upon United States tax reforms;

- what measures the Department of Finance will be taking to prevent companies from avoiding a permanent establishment in jurisdictions where their agents make sales and then booking the resulting sales income as the income of an Irish company;

- what actions the Government is taking to amend bilaterally its double taxation con-



ventions with other states that have declined to adopt Article 4 of the Multilateral Convention to Implement Tax Treaty Related Measures Order 2018, in order to ensure that the tax residence of Irish-registered companies is determined in accordance with Article 4 of this Convention or with section 43 of the Finance Act 2014;

- precisely which areas of the application of Article 12 of the Multilateral Convention to Implement Tax Treaty Related Measures the Department of Finance regards as continuing to be uncertain, given the completion of additional guidance under Action 7 of the Organisation for Economic Co-operation and Development base erosion and profit shifting project on the attribution of profits to permanent establishments, and the publication of this additional guidance on 22nd March, 2018; and

- the reasons why the Department of Finance regards the application of Article 12 of the Multilateral Convention to Implement Tax Treaty Related Measures to be more uncertain than the application of the other articles of this Convention which the Government is adopting through the Multilateral Convention to Implement Tax Treaty Related Measures Order 2018.”

The amendment addresses the concerns raised on all sides of the House regarding the Government opting out of Article 12 of the convention. As noted by many speakers, the convention is one we agree with, but the amendment seeks to express the concern that in opting out of that article, we are leaving a loophole. The amendment is structured in such a way that it will not stop the ratification of the convention by Ireland but asks that the Department of Finance would report back to Dáil Éireann, which is a reasonable and rational check in the context of the concerns we have.

It asks what measures the Department of Finance will take to prevent the use of tax structures commonly known as the single malt. While the Minister of State says that does not apply to Article 12 and that Article 4 covers us, we read in the newspapers - I commend the work of Christian Aid - of the specific example of US companies based between here and Malta that are able to do the trick that has been done for many years, particularly in respect the large profits from intellectual property, and transfer them to an area where they are effectively not taxed and the end point is that the company pays low single-digit tax returns. That has to stop. We have to close those loopholes. The concerns we have echo those of Christian Aid, which are welcome. We need to hear from the Department what measures it has in place to stop it.

We need to hear from the Department what measures it will take to prevent companies from avoiding a permanent establishment in jurisdictions where their agents make the sales but the resulting sales income is accounted for as the income of an Irish company. We need the Government to outline what steps it is taking bilaterally on double taxation conventions with states that have declined to adopt Article 4, which the Minister of State cited as a concern. Within this motion, we need to insert mechanisms whereby we hear back specifically what the Government intends to do to avoid such loopholes continuing and to ensure that Irish-registered companies cannot use such loopholes to avoid tax being paid in any jurisdiction. The motion asks the Minister to report back on exactly which areas of the application of Article 12 he regards as continuing to be uncertain, given there is no clarity on that and there are no specific reasons why we are opting out of it. We need to know the reason the Government regards the application of the article to be more uncertain than the application of the other articles of this convention which the Government is adopting through the tax treaty-related measures order.

While that is complicated, the amendment is not specifically designed with a view to blocking or hindering transparency but to informing and improving it. We need this because this country is being damaged. Our reputation has been seriously damaged within the EU and further abroad because we have allowed and facilitated the aggressive tax avoidance measures that are driving political anger and public distrust, and an undermining of public services. It simply has to stop and we have to be seen to lead. The failure to apply Article 12 within this motion is a retrograde step. The motion should be redesigned to give the Government a chance to restore our reputation, provide much greater certainty and clarity in how we implement the treaty. I will look for support to make that amendment when we press it later on.

**Minister of State at the Department of Finance (Deputy Michael D’Arcy):** I recognise that some Members have differing views on one or two of the choices the Government proposes in ratifying the convention. However, it is important to acknowledge that ratification is a powerful weapon against aggressive tax planning. The small number of articles Ireland is not adopting will be kept under review as it would be open to us to opt in at a later date. It is important to highlight the significant changes Ireland is opting into and which will be introduced through the convention if the Dáil ratifies it. The following new anti-avoidance rules would be included in Ireland’s tax treaties by the multilateral convention; anti-avoidance rules targeting hybrid entities; new residency rules to prevent mismatches arising due to companies being dual resident; an overall anti-avoidance test which is expected to be a game-changer in stopping treaty abuse; stronger anti-avoidance rules regarding the taxation of dividends and capital gains, and anti-avoidance rules to prevent the artificial avoidance of having a taxable presence. In addition, new and improved dispute resolution mechanisms will be introduced to facilitate cross-border trade and investment by ensuring that tax disputes cannot go on indefinitely. If the convention is not ratified, none of these important changes will be introduced into Ireland’s double taxation agreements.

I cannot support the amendment proposed by Deputies Eamon Ryan and Catherine Martin, but I would like to address the questions it poses. As I said in my opening address, Ireland is opting into the articles in the multilateral convention that may be relevant to structures like the so-called single malt. Article 12 is simply not relevant to these structures as it has no impact on the residence status of a company. In reference to the single malt, bilateral discussions with Malta are ongoing and we are confident of finding a solution. US tax reform will already have eliminated or substantially reduced any tax benefits of operating such a structure, but we are committed to working with Malta to examine what further actions may be needed. Nearly 60% of countries which have signed the convention have not opted into Article 12. Ireland’s position is therefore consistent with the majority of countries. Germany, Sweden, the UK, Italy, Denmark and 40 other countries have taken the same position as Ireland. However, we are signing up to three other articles in the convention, namely, Articles 13, 14 and 15, which prevent companies from artificially avoiding having a permanent establishment. While initial guidance has been agreed at the OECD as to how Article 12 should be interpreted, it covers a very limited number of scenarios. There remains significant concern and uncertainty about how the new rules would ultimately be applied in practice. This uncertainty is reflected in the way a large number of countries have opted out of Article 12. We are committed to keeping the position under review as it would be open to Ireland to opt into Article 12 at a later date. It would also be open to Ireland to include Article 12 bilaterally in any tax treaty should the treaty partner make a sufficient case for us to do so.

It is important to note that Ireland is signing up to the majority of options within the conven-

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tion. The convention is a truly international initiative with 84 countries having signed up to it to date. It is important that Ireland ratifies the convention to show that we are serious about BEPS implementation. Ratifying the convention will demonstrate Ireland's commitment to international tax reform. Failure to ratify would be a serious blow to our international reputation and the efforts we have made in recent years to ensure Ireland is seen to be at the forefront of international tax reform. Any suggestion that Ireland is stepping back from the OECD's BEPS process could only be perceived negatively and would have consequences for our reputation and attractiveness for inward investment. I commend the motion to the House.

**Deputy Richard Boyd Barrett:** Our reputation went a good while ago.

**Deputy Michael D'Arcy:** The Deputy does not help it.

**An Leas-Cheann Comhairle:** Is the amendment being pressed?

**Deputy Eamon Ryan:** The Minister has said he wants to review, which is what the amendment allows. As such, I will press it.

Amendment put.

**An Leas-Cheann Comhairle:** In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 4 October 2018.

### **Taxation Orders 2018: Motion**

**Minister of State at the Department of Finance (Deputy Michael D'Arcy):** I move:

That Dáil Éireann approves the following Order in draft:

Double Taxation Relief (Taxes on Income and Capital Gains) (Republic of Ghana) Order 2018,

a copy of which was laid before Dáil Éireann on 14th September, 2018."

The motion seeks Dáil Éireann's approval for an order as part of the ratification of a double taxation agreement with Ghana. In 2012, officials from the Republic of Ghana raised with the Department of Foreign Affairs and Trade the possibility of negotiating a double tax agreement with Ireland. Ghana had earlier been identified by the Department of Foreign Affairs and Trade as one of four strategic partners for a tax treaty to advance Ireland's prosperity by promoting our economic links internationally. Negotiations on the agreement started in 2014 and were successfully concluded in early 2016. The agreement was then signed by both Ireland and Ghana on 7 February 2018. Ghana requested that Ireland enter into negotiations for this agreement. The Ghanaian authorities have decided that double taxation agreements are good for their country's economic development and this is the 17th treaty that they have signed.

The agreement was negotiated by both countries in good faith and on an equal footing. The final agreement includes a number of provisions that Ghana requested that are not typical of Ireland's tax treaties. These include a number of clauses from the UN model convention, which developing countries like Ghana sometimes, but not always, seek to include. For example, Ireland agreed to the inclusion of the imposition of withholding tax on technical fees at the request

of Ghana. In addition, to encourage the development of education in Ghana, there is a two-year tax exemption for teachers and researchers who work in a higher educational establishment in Ghana.

It is very important to consider the impact of domestic and global taxation rules on developing countries. Ireland is one of only two developed countries to carry out a comprehensive spillover analysis on the impact of our tax system on developing countries' economies. This research project was commissioned by the Department of Finance and the methodology was designed and carried out by the independent and highly respected International Bureau of Fiscal Documentation. It concluded that there was no negative spillover from the Irish tax regime, or Ireland's modern tax treaties, on the economies of developing countries. In the past, two old tax agreements with developing countries were found not to be sufficiently beneficial to those developing countries. Those agreements, which were with Zambia and Pakistan, dated back to the 1970s and they have been replaced by new agreements. There is simply no comparison between those agreements from more than 40 years ago and the agreement being debated today.

I wish to respond directly to some of the questions raised at the committee discussion on this last week. I was asked why the agreement does not include the BEPS measures included in the multilateral convention which the House has just discussed. As I said at the committee hearing, negotiations on the treaty with Ghana concluded in early 2016. At that time, the drafting of multilateral convention was still a work in progress and, consequently, neither Ireland nor Ghana was in a position to discuss the provisions. The text on how to translate the BEPS measures into property treaty provisions was not yet agreed. Ireland's position on the multilateral convention makes clear that this agreement will be automatically updated as soon as both Ireland and Ghana ratify the convention. As Ghana has not signed up to the convention to date, Ireland has contacted Ghana's tax authorities proposing a bilateral protocol to the treaty if that is Ghana's preferred way to implement the anti-BEPS measures. In July 2018, Ghana's authorities replied saying to say that they are considering the best way forward for Ghana on this matter.

Comments were also made at the committee to the effect that this agreement is somehow a bad deal for Ghana. With respect, I do not agree. It represents an appropriate agreement similar to other agreements entered into by both countries. The Ghanaian authorities have not raised any concerns with us regarding the agreement. I commend the motion to the House.

**Deputy Michael McGrath:** I thank the Minister of State for his opening remarks. As a party, we support the expansion of double taxation agreements into which we enter as a country. I note, as the Minister of State said, that the initial request in respect of this agreement came from the Ghanaian authorities back in 2012. In general terms, double taxation agreements are a positive thing in that they facilitate trade and commerce between countries and avoid the kinds of distortions that can arise in the administration of a tax system where there is no such reciprocal arrangement in place.

The Minister of State has said - and this is in the information note - that the Department of Finance provided that this agreement includes provisions in drafting which feature in both the OECD and the UN model conventions, which he said are there to address harmful tax practices and are the international gold standard. Again, both at the committee hearing and directly from Christian Aid we have heard some very significant concerns about particular provisions on withholding taxes, the most favoured nation mechanism, permanent establishment provisions and certain taxing rights on the gains from the sale of assets. I understand the point the Minister

of State makes, that the Ghanaian authorities have not raised concerns directly, they presumably want this to proceed and they are in favour of it, but he needs to address these concerns.

In addition, and on foot of the debate we have just had on the multilateral convention, there is no commitment, it would appear, from Ghana that it will sign up to the multilateral convention. What the Minister of State has said on this point is that as Ghana has not done so, the Irish Government has contacted Ghana's tax authority proposing a bilateral protocol to the treaty if this is Ghana's preferred way to implement the anti-BEPS measures. The Ghanaian authorities have replied saying they are considering the best way forward for Ghana on this matter, but the "what if" question must be asked and answered. What if Ghana does not sign up to the multilateral convention and does not bring forward any proposals as to how to deal with the BEPS provisions, which are provided for within the multilateral convention? We have a duty not only to protect Ireland's interest, but also to ensure that countries with which we enter into double taxation agreements meet the same standards as ours. The Minister of State needs to address this question in his closing remarks.

We would like to see this double taxation agreement proceed. In general terms, having such agreements in place is a positive thing for developing countries, and it is worth remarking that the initiative has come from the Ghanaian side. It wants this to proceed and clearly believes it is in its national interest for the agreement to be put into force. That said, the fact that it has not yet signed up to the multilateral convention raises questions. Then we have the provisions in this agreement that are particular to the agreement we have with Ghana into which the Minister of State proposes we enter, as opposed to the common features of agreements we have with other countries. These issues need to be addressed as well.

**Deputy Pearse Doherty:** Our position as a party is very clear: double taxation agreements are good. They can allow citizens to work without being taxed twice. They can, however, also be exploited and used as a way of avoiding tax and of exploiting developing countries.

Regarding this specific agreement, however, has the Minister of State made any estimate of the amount of unrelieved double taxation Irish taxpayers actually suffer in Ghana, given that in the absence of a tax treaty Revenue has already unilaterally offered Irish companies and individuals tax credits for a wide range of foreign taxes incurred, including on dividends, royalties, interest, foreign branch profits, leasing income and capital gains from foreign assets? I would like to hear from the Minister of State on that question.

This agreement has elements that need to and should be improved on before it is signed off on. I thank the Minister of State and his officials for the detailed briefing note and the replies to queries that were raised at the finance committee, but in some ways these lead to further questions. For example, the note we got tells us that the negotiation began at Ghana's request, something the Minister of State has repeated here today. It has been suggested to me, however, that this is not quite the full story. We know in fact from documents that have been released that the Irish ambassador to Nigeria and Ghana approached the Ghanaians during the week commencing 2 July 2012 to propose treaty negotiations after it was set as "a deliverable" by the Department of Foreign Affairs and Trade. There is an issue here. It is not the biggest issue, but there are obviously two versions of a story that needs to be clarified.

The important thing, however, is the content, and I welcome the clarification that Ireland has contacted Ghana's competent authorities proposing a bilateral protocol to the treaty if that is Ghana's preferred way to implement the anti-avoidance BEPS measures. In July 2018, as the

Minister of State mentioned, Ghana's competent authorities replied to Ireland stating they were considering the best way forward for Ghana on this matter. This is not a one-sided conversation or discussion, however; it is an agreement before us between two sovereign partners. We need to hold ourselves up to high standards, and to me it is not clear why the BEPS anti-avoidance measures, which the Government says the OECD finalised in December 2016, could not have been included in this treaty with Ghana, which was not actually signed by either of the parties until February 2018. The OECD process, as the Minister of State mentioned in his speech, was ongoing at that point but the signature of this treaty came two years later, after the OECD BEPS process had finalised in December of that period. Furthermore, why is the Oireachtas being asked to ratify a treaty now if it is going to change in the immediate future?

This agreement brings up some broader questions as to how we make double taxation agreements, and I have raised this at committee a number of times, especially how we do double taxation treaties with developing countries. The OECD rules are a huge improvement, as was discussed earlier, but the OECD is a rich man's club - let us be clear about that - and the UN model for tax arrangements should be what we use as a rule. The Minister of State's note downplayed the importance of the reduced rates of source country taxation. In effect, these are the rates such as for withholding tax and royalties which would only be 8% for Ghana, whereas Ireland charges 20% as a general withholding tax. I am conscious in all of this discussion that the Ghanaian people are independent and sovereign and have negotiated this agreement, as the Minister of State said. My hope is that by the time this agreement is ratified in full in the finance Bill, all sides will have implemented the most up-to-date anti-abuse rules. They should have been included before this was signed off on by the State.

Finally, will the Minister clarify the scope that will be in the finance Bill to deal with either this treaty or the previous motion we discussed?

**Deputy Thomas Pringle:** This is a very interesting proposal when one looks at the details of it. I must say that the only reason I looked at it was that Deputy Maureen O'Sullivan was not going to be around last week when this was supposed to come up for debate so I was standing in for her to discuss it and read through it and read up on it to see what I could find out about it. It is very interesting because if one looks at what we say and the impression we present to the world as to how Ireland takes our responsibilities very seriously in looking at the developing world, the Department of Foreign Affairs and Trade says one thing, and then when one looks at what is actually being done through the Department of Finance and through these treaties, it raises many questions, such as what we are actually doing. This Ghana double taxation order is a perfect example. The Department has said that it did not initiate the agreement, but papers were released from the Department which show clearly that it was the Department that initiated the negotiation. We, therefore, do not know what is actually happening. Then we see that since 2012, Ireland has become Ghana's biggest source of foreign direct investment. No doubt the Government will argue that the reason it is pushing for the agreement is Ghana is becoming more important. However, the agreement will limit Ghana's rights over income, profits and economic activity. One has to wonder why it is being pushed through now if that is the case.

I refer to Christian Aid's document in respect of withholding taxes as it encapsulates the issue. It states that the Ireland-Ghana treaty halves Ghana's taxing rights over income paid from Ghana to Ireland as royalties and technical services fees. It, therefore, reduces Ghana's key defence against profit shifting via such payments, for which Ireland remains Europe's leading conduit. This greatly increases Ghana's exposure to the risk of this kind of profit shifting. What are we doing here? It goes against everything we have been saying in other fora.

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The Minister of State said that this agreement will be beneficial for Ghana and that the spill-over analysis agrees with him. However, I have information that the analysis does not agree with him and that it says that it will not be beneficial for Ghana. What is the position? Even the IMF, of which I am not in wild favour, says that the benefits are doubtful. We would not put much store in the IMF but it is speaking out against this as well. We should be more careful and engage in much more scrutiny. These agreements should be opened up to more discussion in this House.

**Deputy Maureen O’Sullivan:** I want to place my contribution in the context of the Irish Aid programme. Last night, I was at the launch of the 2017 Irish Aid report which the Tánaiste Minister for Foreign Affairs and Trade, Deputy Coveney, launched in the EPIC centre in central Dublin. Irish Aid is rightly recognised as one of the best of such programmes. It is untied and targeted, and it is focused on poverty reduction. We have our partner countries but we also support a number of other countries in the global south and the developing world. The support is given to groups to take people out of poverty and get them into education and to look at food production or health, etc. Whether through the missionaries, the NGOs or our embassies, it works with local people to empower them. Irish Aid is effective and is making a difference. Irish Aid has to do itself out of a job to continue making that difference. One of the ways to do that is to empower people in these countries to trade, ethically and in a fair way, and to raise and collect taxes through tax treaties.

That brings us onto the principle of tax justice. There are concerns about ratifying this agreement because it has the potential to unfairly deprive developing countries of those taxing rights that are vital in reducing aid dependency, which is part of Irish Aid’s strategy. It also has the potential to open up opportunities for profit shifting and tax avoidance. While Ghana is progressing to becoming a middle-income country, it is vulnerable on social issues and poverty. Ghana wants to do business with Ireland because Ghana trusts Ireland. Our foreign direct investment is important to the country. It trusts us because of that untied aid and our aid programme. Are we repaying that trust in the debate we are having tonight? Christian Aid is one of the organisations bringing these concerns to us. Why is the treaty being ratified before it is amended to provide basic anti-abuse protections? There are serious concerns that the treaty lacks the minimum level of protection against treaty abuse, yet the Minister of State says that Ireland is committed to ensuring that all our tax treaties meet minimum standards agreed in the BEPS process. I will highlight one particular example. The rate of withholding tax on royalties is 8% for Ghana and 20% for Ireland.

I acknowledge the Minister of State said that Ghana has been written to in order to propose adding the BEPS anti-abuse provisions in a protocol to the treaty in the future, but why not delay signing the treaty until we have it? We are talking about policy coherence. The tax treaties in which our country is involved should complement our Irish Aid programme. We are signed up to the sustainable development goals. Their motto is: “Leave no one behind”. The Minister of State said that he does not want to see this as a bad deal for Ghana. Are we sure that it is the best deal for Ghana?

**Deputy Eamon Ryan:** I move amendment No. 1:

To insert the following after “14th September, 2018”:

“that the Department of Finance shall report back to Dáil Éireann within three months on responses received from the government of Ghana to its offer to insert as a protocol to

the Convention between Ireland and the Republic of Ghana for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital Gains the ‘minimum standard’ anti-treaty-shopping provisions defined in Action 6 of the Organisation for Economic Co-operation and Development’s base erosion and profit shifting process; and

further calls on the Government in accordance with its commitments to the principle of policy coherence for development in Article 208 of the Treaty on the Functioning of the European Union, its commitments under the Addis Tax Initiative, and the provisions of European Parliament resolution 2015/20158(INI) on negotiating double tax agreements with developing countries, to write to the government of Ghana proposing that this additional protocol may also include additional measures to safeguard source taxing rights, including;

— that furnishing services may constitute a taxable permanent establishment in accordance with Article 5(3) of the United Nations Model Taxation Convention between Developed and Developing Countries;

— that withholding taxes on royalties may approach the rates currently established in Ghanaian and Irish law; and

— that the source country may tax capital gains in accordance with Article 13(5) of the United Nations Model Taxation Convention.”

We speak in favour of the double taxation agreement with Ghana but we raise concerns, many of which have been outlined by the Deputies who have contributed, as to why we are not applying what we have just said in our earlier debate in respect of highest standards in this agreement, which should and could have been written taking into account the convention that we are joining. It is important because Ghana is an important country. Thankfully, as it rises, as several African countries are doing, our aid budget for it as a percentage of our overall aid programme is reducing. The influence of Ireland’s foreign direct investment is significant and important for Ghana. This is not an insignificant treaty agreement and it is important to get it right.

The various concerns we have tried to outline in our amendment relate to the prospect that withholding tax provisions could be further reduced. These provisions are important in providing protection for developing countries in any trade environment. As I understand it, the royalty withholding tax rate will reduce from 15% to 8% under this treaty and the technical services withholding tax will reduce from 20% to 10%. This does not reassure us that the treaty provides the protection we think is necessary for a country such as Ghana. Even if those provisions are coming from the Government, this Parliament still has the right to say that we are concerned that protection is being reduced. This is particularly the case because, as I understand it, we are inserting a most favoured nation provision in this treaty. This means that if Ghana makes another double tax agreement which has lower rates in respect of royalty or other payments, an Irish company would be able to avail of those rates.

I am also concerned, in light of the latest advice from European bodies, the UN and other tax protocols, that we are not insisting on a serviced permanent establishment. We are not insisting that in any tax agreement done between an Irish company and a Ghanaian company in respect of trade there be a real, commercial, physical employed entity in Ghana. The intention of our



motion is not to stop the treaty, but to pick up on these issues. The Minister of State said in his contribution that he is hoping to come back with a proposed bilateral protocol to the treaty that would insert the various anti-BEPS measures to which we are signing up in the wider convention.

The Minister of State says that the Ghanaian authorities replied and said that they are considering the best way forward for Ghana on this matter. I believe the amendment we are presenting gives a very useful stimulus in that regard because it asks the Department to come back within three months and to report to the Dáil on that correspondence. It means that we will not just forget about this and not bring it back. As Deputy Boyd Barrett said earlier, the difficulty with these international tax arrangements is that they are so complex they do not attract attention. Our amendment is a way to provide a reminder to us to return in three months. If we are signing this now because we have not had the time to implement the recommendations or the elements of the multilateral convention, this gives us the time. It gives a prompt to the Department and to both Governments and makes it clear that this Parliament wants to make sure that what the Minister of State has said in his speech is implemented. That would be the effect of our amendment, which I hope could be supported.

**Minister of State at the Department of Finance (Deputy Michael D'Arcy):** Questions were raised around whether tax treaties are beneficial to developing countries. Double tax agreements provide tax certainty for taxpayers and tax administrators and they reduce tax barriers to cross-border trade and investment. This ensure that the best conditions with respect to eliminating double taxation are eliminated to enable trade and investment to occur. Documents were mentioned which noted that the academic literature in 2012 was inconclusive in respect of the outcomes from this facilitation of trade and investment. Since then, Ireland has commissioned and published its own independent spillover analysis, which made clear that there are no negative spillovers on developing countries from Ireland's modern tax treaties. It is also clear that Ghana strongly believes that such treaties benefit its economy. Ghana has double taxation agreements with 16 other countries, including Belgium, Denmark, France, Germany, Italy, the Netherlands, South Africa, Switzerland and the United Kingdom. I was asked whether Ireland had carried out any spillover analysis on this specific treaty. A specific spillover analysis was not carried out before entering negotiations with Ghana. However, the results of the broad spillover exercise carried out in 2015 did not find evidence of negative effects from Ireland's modern tax treaties. We would expect that the same result would apply to the treaty with Ghana. I am not aware of any country carrying out a spillover analysis about how an agreement might affect the other country in advance of said agreement being negotiated. It would be difficult, if not impossible, to accurately assess this in advance of an agreement being reached and data being available as to its impact.

The Ghanaian authorities believe this treaty is a good deal for Ghana. I have no reason to believe they are incorrect. Accordingly, I cannot support the amendment proposed by Deputies Eamon Ryan and Catherine Martin to ask for the Department to report to the Dáil on ongoing international discussions with Ghana on updating the double tax agreement. It is a long-established practice internationally that countries keep the details of ongoing negotiations or discussions confidential. It would be highly inappropriate to comment in the Dáil on Ghana's views or responses to us without its consent. It would damage Ireland's credibility as a negotiating party for any international tax agreement. As stated earlier, we have written to Ghana previously as to how it would prefer to update the treaty to include the BEPS measure. We will continue to follow up on this.

The amendment proposes that Ireland insists that the treaty be amended to include clauses or changes which the Deputies believe to be in Ghana's interests. The Ghanaian tax authorities, however, did not seek these clauses or changes during negotiations. The treaty does include UN model provisions which Ghana sought during negotiations. It is inaccurate to assume all developing countries want all UN model provisions to be included in all treaties. The Ghanaian negotiating team was led by a member of the UN Committee of Experts on International Co-operation in Tax Matters which is responsible for the design of the UN model provisions and was well placed to determine what was or was not in their interests. It would be unusual and inappropriate for Ireland to insist that Ghana accepts clauses that it does not want based on the presumption that Ireland knows what is best in its interests.

This is a bilateral agreement reached between Ireland and Ghana. It has been signed by both countries. Over two years have passed since negotiations concluded and we have received no indication that Ghana has any concerns with the content of the agreement. Failure to ratify the agreement would reflect poorly on Ireland as a negotiating partner for any bilateral tax agreement. This is a fair and balanced agreement which should benefit both Ireland and Ghana.

I commend the motion to the House.

Amendment put.

**An Leas-Cheann Comhairle:** In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 4 October 2018.

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

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

**Deputy Sean Sherlock:** I thank the Oireachtas Library and Research Service, which did a fine job in assisting us with interpreting the Bill. Broadly speaking, the Bill is non-contentious and is aimed at two distinct issues. With regard to the sentencing of repeat sexual offenders, these provisions originated in a Private Members' Bill, sponsored by the Minister of State, Deputy Kevin Boxer Moran, and subsequently adopted by the Government.

Essentially, the Bill proposes a new section 58 for the Criminal Justice (Sexual Offences) Act 2017, to be headed commission of another offence specified in Schedule within a specified period. This proposed new section mirrors section 25 of the Criminal Justice Act 2007, which provides for a regime of enhanced custodial sentences for offenders who reoffend. The basic idea is that where an adult is convicted on indictment of one of the serious offences scheduled to the Act and is sentenced to at least five years and where he or she is subsequently convicted of another scheduled offence within seven years of the first conviction, the court must sentence the defendant to a minimum of three-quarters of the maximum permissible sentence for that subsequent offence. However, there is an important proviso. If the court is satisfied that it would be disproportionate in the circumstances to impose such a sentence, the court may deviate from it. This mirrors section 25 of the 2007 Act. Tom O'Malley describes this as "a significant safety valve", in what would otherwise be "quite a swingeing provision that could result in remarkably harsh sentences for certain offences which, while inherently serious for the most part, might not always merit the minimum sentences apparently required by the section."

The Oireachtas Library and Research Service paper states that no regulatory impact assessment was published alongside the Bill. The service is not aware of any assessment which may have been conducted by the Department regarding potential costs, implications or expected impact of the Bill. It again quotes Tom O'Malley on the 2007 precedent:

How much impact s[ection] 25 has had on sentencing practice is impossible to identify. Arguably, a court sentencing a person to whom it applies should always begin by identifying the minimum term to be specified and then decide if that term would be disproportionate in all the circumstances. One suspects, however, that s[ection] 25 seldom impinges on day-to-day practice, save to the extent that courts will have regard to relevant previous convictions as a matter of course.

If the Minister of State has an insight on this, it would be useful to hear it.

**Minister of State at the Department of Public Expenditure and Reform (Deputy Kevin Boxer Moran):** I thank all Deputies for speaking on this Bill. I also thank my colleague, the Minister for Justice and Equality, Deputy Flanagan, for allowing me to sum on up on this important Bill.

This Government Bill originates from a Private Members' Bill sponsored by me and introduced to the Dáil in May 2017. In July 2017, it was announced the Government would be drafting its own legislation which would broadly reflect the proposal put forward in my Private Members' Bill. As an Independent Member in my first term, it is a great privilege to be in a position to have played a major part in bringing this legislation before the House. I am fulfilling my mandate to the people who elected me. I am here trying to make a difference to the lives of ordinary people who look to us for support and to make their lives that small bit safer.

The Bill addresses the situation where convicted sex offenders have gone on to commit further and more serious crimes. We have seen many instances where a convicted sex offender has gone on to commit further serious and horrible sex offences. We owe a duty as legislators to the people to protect them through safer and stronger laws. The Bill is aimed at serial sexual offenders who ignore all rehabilitation efforts and remain a constant public danger and menace to men, women and children. This issue was raised some time ago by a constituent, Debbie Cole-----

**An Leas-Cheann Comhairle:** Can I interrupt the Minister of State? Deputy Ó Laoghaire, who is his party's spokesperson on justice, was not aware this Bill was being taken tonight. The Minister of State might give way.

**Deputy Kevin Boxer Moran:** I will give way.

**An Leas-Cheann Comhairle:** With the approval of the House, I propose we would give Deputy Ó Laoghaire a maximum of ten minutes.

**Deputy Kevin Boxer Moran:** That is no problem.

**Deputy Donnchadh Ó Laoghaire:** I appreciate that. I thank the Minister of State very much. I was caught napping a little bit. I was not expecting this Bill to be taken tonight.

**Deputy Kevin Boxer Moran:** It has been a long week.

**Deputy Donnchadh Ó Laoghaire:** I was expecting it to be taken tomorrow.

I thank the Minister for bringing the Bill before the House. I am delighted to have the opportunity to discuss the legislation and the topic more broadly. It is legislation we are broadly in support of and we will be happy to engage with the Minister of State and the Minister, Deputy Flanagan, on the relevant Stages as the Bill progress through the House.

On the contents of the Bill, it appears to contain what I and my party believe to be changes in the law that are sensible and necessary, particularly regarding the equalisation of proposed sentencing as between genders. Although it is a step forward in laws and cases involving sexual offences, we believe it is somewhat piecemeal and that more can be done regarding consistency in sentencing, a point that I have raised previously with the Minister, Deputy Flanagan, regarding sentencing guidelines and one to which I intend to return. I hope the Minister of State or the Minister, Deputy Flanagan, can provide some commentary on that point. Perhaps the Minister of State might do so in his reply if he has any views on that matter.

The Bill has two primary purposes, namely, to amend the Punishment of Incest Act 1908 to address a gender anomaly in penalties, something of which we are supportive, and to amend the Criminal Law (Sexual Offences) Act 2017 to provide for presumptive minimum sentences for repeat sex offenders, which we will also be supporting. With regard to the former, it is a matter that was discussed during the debate on the Criminal Law (Sexual Offences) Bill 2015 and both my colleague, Deputy Jonathan O'Brien, and Deputy O'Callaghan raised concern around the approach to harmonisation to the effect that the benefit to the public by an increase and harmonisation to life imprisonment had not been demonstrated. It appears the Minister has listened to this point and responded with a sentence of up to ten years in this Bill, and that it applies both to men and women.

There are still anomalies when it comes to the law on incest which require further consideration. First, 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, therefore, excluding acts of abuse and incest that fall short of intercourse, as well as excluding certain same-sex relationships or same-sex incest and abuse of that kind. These are issues which require amendment and I ask the Minister of State to consider that this is an opportunity to address some of those anomalies.

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 sentence would be disproportionate in all the circumstances of the case. Section 25 can be triggered by a subsequent offence, which is committed while in prison. I believe the Minister of State will agree, and as somebody who proposes legislation he will understand it better than most, that for many of us it takes two or three readings of the specific proposal to entirely understand it.

Essentially though, it means that in the case of 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 minimum three quarters of that first sentence. This is very similar to the Criminal Justice Act 2007. Like that Bill, it also includes scope for deviation from the minimum sentence, where it would be disproportionate. Hence it is a presumptive minimum, as opposed to a mandatory minimum. This has been described by O'Malley in the legal text, *Sentencing Law and Practice* as a significant safety valve, and I agree with that. 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 with or benefitted from any rehabilitation attempts or services provided to them, making them potentially a significant danger to others.

Sexual assault, or any crime of a sexual nature, is a very serious and violent crime that should carry one of the highest penalties. I do not need to delve into either the psychological and physical scars they leave on any victim for a lengthy period and perhaps permanently. While not perfect, the law around sexual offences is ever changing, and we can still do much more in our efforts to protect victims of sexual offences, be that in their treatment by the courts or increasing funding for the 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 deal with offences, in particular sexual assaults, as a society. I believe 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 system is in dire need of updating. This was a matter that was touched upon by the Commission on the Future of Policing in Ireland and the Minister, Deputy Flanagan, must address this as a matter of importance. Data are important to this and to every crime to ensure we know the exact detail of what is going on. In that context, it is important that the Government progresses the SAVI 2 report. We saw an increase of 10% in sexual crimes in the quarterly crime statistics but we do not know the extent to which this might be due to increased reporting or an increase in historical cases. Perhaps it is difficult to break down the percentages and that is why the SAVI 2 report will be so important in understanding what the actual scale of sexual crime and sexual assault in this State is. As I stated, I believe that a better and more comprehensive approach to reform of sentencing where it relates to sexual offences or any other matter is in the form of sentencing guidelines. The Minister, Deputy Flanagan, has agreed with me that this an issue that can be progressed and needs to be progressed.

It is vitally important that the public have confidence that our courts will hand down appropriate sentences that are proportionate to the crimes committed. Unfortunately, currently, that is not the case. There are wide disparities in a number of areas, including sexual offences, but also areas that sometimes come before the District Court such as road traffic offences, and there are many sentences which have drawn considerable comment and anger. Time and time again we have seen sentences handed down that are inconsistent and inadequate. There are issues relating to leniency and light sentences, as well as inconsistency. There are problems in other areas unrelated to what is being discussed today in terms of assault and road traffic issues. The research on judicial sentencing habits conducted shows that sentence lengths range from 14 days to five months for an assault case; from 30 days to nine months for a theft case; and from two to 12 months for road traffic cases and some burglary cases. As a result, members of the public do not have the confidence we would like them to have that the courts would hand down consistent sentences and punishments that fit the crime. As legislators, we have a duty

to address these issues in sentencing. It is our belief that collating and publishing data on this and ensuring judges have these parameters as guidelines is the best way to ensure consistency in sentencing.

I met the Minister, Deputy Flanagan, over the summer and he indicated he would introduce such sentencing guidelines at the next Stage of the Judicial Council Bill, and I hope that Stage will commence as a matter of priority, as it is relevant to the serious issues we are trying to address with this Bill and the addressing of those disparities.

We will be supporting this Bill. Sexual offences are especially heinous, intrusive, inherently violent and leave lasting damage. It is important we have strong legislation to tackle this and to ensure that the sentences attached are fitting of such a crime. I thank the Minister of State again for his forbearance.

**Deputy Sean Sherlock:** I beg the indulgence of the Leas-Cheann Comhairle and that of the Minister of State, who was in mid-flight when Deputy Ó Laoghaire came into the House. I ask the Minister of State to take cognisance of the Library and Research Service paper on this Bill. I made reference to the other issues with the current law on incest. There are a number of points addressed there which I will not go into now. It would be useful at the next Stage of the Bill if the Minister could have regard to those points.

**An Leas-Cheann Comhairle:** I ask the Minister of State to continue now.

*10 o'clock*

**Deputy Kevin Boxer Moran:** I thank Deputy Sherlock. We will take those points into consideration.

This Bill is aimed at the serial sexual offenders who ignore all rehabilitation efforts, who remain a constant public danger and who are a menace to men, women and children in society. This issue was raised with me some time ago by a constituent of mine, Debbie Cole, who suffered the severe trauma of being raped at the age of 19. Her attacker went on to commit further serious crimes. Debbie asked me if I could change the law in this area and I said I would try. Today, I am fulfilling that promise to her and many other victims of sex attacks. There are also other well-known cases of serial sex offenders who commit repeat offences in the State and where the offenders have made no effort to change their ways. The media have highlighted some such cases recently.

The effects of rape and other serious sexual offences on the community and the victims are well documented. Serious sexual crimes not only impose emotional and physical trauma on the victim but such offences also attack the unity and stability of society as a whole. It tears away the protection that society offers to all its citizens and we, as politicians, must be careful not to let this happen. If we allow serial sex offenders to continue unchecked, by going on to commit similar or other more serious crimes without imposing longer sentences for subsequent offences, then society as a whole is devalued.

Figures show that a small number of sex offenders released from Irish prisons undertook treatment programmes. Gardaí are also monitoring at any one time, some 100 sex offenders who remain a threat to society. Repeat offending by sex offenders is an affront to any democratic society that seeks to protect its citizens. Our laws must reflect our disgust at this behaviour. We must show our support, in a meaningful way, for those victims who have suffered at

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the hands of serial sex offenders.

I thank all Members in the House. I applaud Debbie Cole because for the last 20 years, since the age of 19, she has been campaigning for this. Ms Cole has spoken to a great number of people in the House over those 20 years. This Bill has so far failed to come to fruition, until today. I especially thank Debbie and her family - and all the “Debbie Coles”. We had christened this Bill the Debbie Cole Bill or “Debbie’s Law”, and that is how it will stand with me. For Debbie and all the victims who have since come out and looked for support from the legislation, I appreciate all the Members in the House. The Bill did not just come about by us sitting in an office; we spoke to victims and Debbie Cole was one of those victims. I thank and applaud her. I thank all Members of the House for their contributions on the Bill. I thank also my political adviser, Mr. Eugene Deering, who wrote the Bill. It is the second piece of legislation I have introduced in the House over the last two and a half years and I get great pride in that.

Question put and agreed to.

### **Criminal Law (Sexual Offences) (Amendment) Bill 2018: Referral to Select Committee**

**Minister of State at the Department of Public Expenditure and Reform (Deputy Kevin Boxer Moran):** I move:

That the Bill be referred to the Select Committee on Justice and Equality pursuant to Standing Orders 84A(3)(a) and 149(1) of the Standing Orders relative to Public Business.

Question put and agreed to.

The Dáil adjourned at 10.05 p.m. until 10.30 a.m. on Thursday, 4 October 2018.