



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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(OFFICIAL REPORT—*Unrevised*)

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DÁIL ÉIREANN

Dé Máirt, 6 Samhain 2018

Tuesday, 6 November 2018

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

Paidir.

Prayer.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Micheál Martin: By the end of this year, we could witness over 100,000 people having been on trolleys during 2018. So far this year, more than 10,000 people aged over 75 have been waiting for more than 24 hours in our accident and emergency departments and we have lost approximately 136,000 bed days through delayed discharges. That is only in the first ten months of the year. We know the extraordinary impact this has on patients and people, as well as on mortality rates in our hospitals and the worsening of illnesses that people have as they present to accident and emergency departments. This is not to mention the major problem of people waiting for more than 500,000 outpatient department appointments, with 16,000 children waiting for more than a year for an appointment in the three Dublin hospitals alone. Yesterday, there were 449 patients on trolleys and there are 508 patients on trolleys today. This places enormous pressure on the staff of our accident and emergency departments and hospitals.

A document leaked to *The Irish Times* this morning examined lessons to be learned from the winter crisis of 2017 and early 2018. One of its most basic observations is the need to plan in advance and have all winter plans completed by the end of July 2018. We are now in November and we still do not have a winter plan announced.

We have also learned through a leaked report via Martin Wall, who makes up for the absence of transparency within the Government and the Department of Health on health issues by revealing confidential letters on a regular basis, in a confidential letter from the Department to the HSE, that €50 million that was to be spent on additional beds last year was not spent but was instead used to deal with the excessive spending of 2017. That is incredible and it strains Government credibility on the health issue, particularly in terms of emergency departments, to the very limit when it now emerges that despite all of the announcements from the Minister, Deputy Harris, throughout the year that money would be made available for extra beds and capacity, we learn that this money was never spent on extra capacity or beds. We know from many sources, the most recent being the former HSE director, Tony O'Brien, that the inability to recruit quality consultants and the paucity of applicants for consultant posts is adding to the consultant crisis.

The need for a winter plan is basic. It is to enable people to have time to build up physical capacity in terms of beds and recruitment of staff in terms of the hospitals. That did not happen last year. It came too late and the money was not spent optimally and, as a result, we had a crisis reaction which was very poor and ultimately disgraceful. There is the potential for the same issue to arise this year due to a lack of planning.

Will the Taoiseach explain to me why that extra €50 million allocated last year was not spent on additional beds and capacity? Will he indicate to me when the plan for the forthcoming winter period is to be announced by the Government?

The Taoiseach: I acknowledge that we have a long-standing problem with overcrowding in our emergency departments which we have faced for probably two decades at this stage. As a doctor and a grandson, I certainly do not want to see any citizens or patients spending prolonged amounts of time on trolleys waiting for hospital beds. There were 391 patients on trolleys this morning at 8 waiting for admission to a bed. While that is an increase of about 28% on last year, it is much the same as it was two years ago and most of those patients will be in beds by this evening.

As is always the case, there are big variations from hospital to hospital. There are as few as two or three patients on trolleys in Portiuncula, in Mullingar, in Connolly Hospital Blanchardstown and as many as 36 in St. Vincent's University Hospital. We see huge variation from hospital to hospital, notwithstanding the fact that the same issues and challenges arise in every hospital. We see once again that the RCSI hospital group which includes Beaumont Hospital, Our Lady of Lourdes Hospital, Drogheda, Connolly Hospital Blanchardstown and Cavan General Hospital is outperforming all of the other hospital groups. The number of patients on trolleys in that hospital group is at a record low if not a ten-year low and that shows the extent to which this is about clinical leadership and management as much as it is about resources and other issues.

To answer the Deputy's question on new beds, 240 new beds have been opened. That consists of 22 in St. Vincent's University Hospital, 29 in Our Lady of Lourdes Hospital, Drogheda, 17 in University Hospital Limerick, 28 in University Hospital Galway, 19 in University Hospital Waterford, 20 in Beaumont Hospital, 23 in St. James's Hospital, 24 in the Mater Misericordiae University Hospital, Dublin, 11 in Naas General Hospital, 30 in Cork University Hospital, and 14 in St. Luke's General Hospital, Kilkenny. It was not possible to spend all of the money for many different reasons but much of the money was spent in opening those 240 beds.

Deputy Micheál Martin: Why was it not possible?

The Taoiseach: There are different reasons and different issues why beds cannot be opened. Much of it has to do with planning, for example, but if the Deputy will let me answer his question I will do so.

I have itemised the 240 beds that were opened. Another 79 beds will be opened. They have been delayed but they are planned for this quarter and the first quarter of 2019. That includes an additional 30 bed ward in Our Lady of Lourdes Hospital, Drogheda and a 40 bed modular ward block in South Tipperary General Hospital, which was due to be open by now but is under construction. There will also be four additional high-dependency beds in the Mater Private Hospital in Cork.

On the numbers of patients experiencing time on trolleys, it is important to point out that the official numbers show that the numbers of patients who have had to spend time on a trolley

waiting for a bed has been down month on month. It was down in May compared with May of last year and it was down in June, July, August, September and October.

Deputy Micheál Martin: The reality is that the small number of beds promised for 2018 were simply not delivered by the Government. The modular unit in Clonmel has been promised for over two years, if not longer, but it still has not been delivered. Yesterday the Minister for Health could not give specifics for additional bed capacity in 2019. He used the phrase “early in 2019.” To be fair, the Taoiseach’s predecessor, Deputy Enda Kenny, gave a whole new meaning to the term “early”. Normally, it meant “at the very earliest”, “the middle of the following year”, if not “the end of the year.” Therefore, the Taoiseach must forgive me for being somewhat sceptical when Ministers talk about “early next year” because invariably it means the end of next year and sometimes it will drift into early the following year. The problem is delivery and the absence of same. Too many people, particularly the elderly, are suffering far too much in emergency departments because of the absence of planning. The lesson that was supposed to have been learned from what happened last year was that winter plans must be concluded by the end of July, but again, that did not happen this year. We are facing into another winter crisis in emergency departments, with a chronic absence of any planning and a lack of confidence in the capacity of the health service to deal with the issues that will undoubtedly emerge in the coming months.

The Taoiseach: The facts are that when Fianna Fáil was in government with the Green Party, it took a decision to reduce the number of hospital beds in the health care system. It did not do so because of austerity. It did it during the boom because it decided that there would be a shift towards day care and primary care services. As a result, it started to decrease the number of beds in acute hospitals. We reversed that decision in 2014-15 and have been adding beds ever since. I have listed for Deputy Micheál Martin exactly where the 240 extra beds opened this year are located. There are 79 more on the way that will be delivered at the end of the year and the early part of next year. We are getting it done and delivering. We are putting new beds in place and reversing the Fianna Fáil policy which was to reduce the number of hospital beds in the acute hospital system.

Deputy Billy Kelleher: Fine Gael is reversing its own policies too. It reversed its policy on universal health insurance.

An Ceann Comhairle: Please, Deputy.

Deputy Billy Kelleher: The Taoiseach is talking about reversals, but there are a lot of reversals.

The Taoiseach: When it comes to winter planning, we have had a winter plan every winter for ten or 15 years and it has not worked.

Deputy Marc MacSharry: It has not worked very well.

Deputy Timmy Dooley: News flash - we had a winter.

(Interruptions).

An Ceann Comhairle: May we have order for the Taoiseach, please?

The Taoiseach: If the lesson in winter planning is that the standard winter plan that we have had for ten or 15 years, including additional home help, additional home care and transitional

care, has not worked, the last thing we need to do this year is have yet another winter plan that will not work.

Deputy Micheál Martin: It is in the Government's own document.

The Taoiseach: That is what is going to happen. Between 22 December-----

(Interruptions).

The Taoiseach: May I speak?

An Ceann Comhairle: Yes, you may. Please, Deputies.

The Taoiseach: Between 22 December this year and 3 January next year there are 12 days, seven of which will be Sundays, Saturdays or bank holidays. What has been happening in the health service for ten or 15 years is that hospitals effectively closed for seven days out of 12.

Deputy Billy Kelleher: Why?

Deputy Sean Fleming: Christmas comes every year.

(Interruptions).

The Taoiseach: We need to change that. We need to make sure, for the first time ever, that during that period radiology departments and laboratories will be open and working at full whack, that consultants will not be on holidays in the first week of the year, particularly those who work in emergency departments, and that nurses will not be on leave in the first two weeks of January. We need to make sure that every bed will be open. That is the kind of winter plan we need; not the kind we have had for years and years that does not work.

(Interruptions).

Deputy Micheál Martin: The Taoiseach has been in government for eight years. He needs to go and do it.

An Ceann Comhairle: I ask Members to be aware of the clock and try to adhere to the rules of the House.

Deputy Mary Lou McDonald: Last December when the joint report of the EU and British Government negotiators was published, the Taoiseach hailed it as a panacea for all of Brexit's ills. He said at the time that it "achieved what we sought to achieve" in avoiding a hard border. He also said it was not only rock solid but "cast iron." He claimed that it was politically bulletproof. His language was such that very many people took him at his word, but we, in Sinn Féin, urged caution at the time. We urged the Taoiseach not to oversell the achievement. Our caution was well placed because shortly after the December announcement the British Government rowed back and it has been rowing back on its commitments ever since. The bottom line and the need to mitigate the effects of Brexit are well known: no hardening of the Border on the island, no undermining of the Good Friday Agreement and no loss of citizens' rights. The so-called backstop arrangement is supposed to be our guarantee and insurance policy that there will be no hard border on the island and the interests of our citizens will be protected. I am sure the Taoiseach agrees that those protections remain vital. The consequences of Brexit are real. They are a threat to our social and political fabric and economy, North and South. They are real, lasting and enduring threats. Brexit is for keeps.

To combat those real and enduring consequences, we need a solution to match, one that is not time bound or temporary, not couched in ifs, buts or conditions, but is an absolute and permanent guarantee. I thought that was clearly understood by all of us in this House. I thought that was the Taoiseach's position. There cannot be any fudging on that. A temporary or transitory backstop is not a backstop at all. Temporary protections mean no protection. Answers for our country need to be real. Enduring Brexit is not compatible with the Good Friday Agreement and we need a unique, bespoke solution for our island.

Yesterday when the Taoiseach said he was willing to consider proposals for a review clause for the backstop, he shifted position. It is not a matter of nuance, but a substantial and reckless change in position by the Government at this most sensitive time in the negotiation. The Taoiseach's announcement yesterday was a cock-up, plain and simple, and I ask him to clarify the position of his Government and invite him to set aside any notion or proposal of a review clause in what is to be our insurance policy in the face of Brexit.

The Taoiseach: When it comes to Brexit, we should always remember what we are trying to achieve. First, we are trying to achieve a withdrawal agreement so that there is an orderly departure of the United Kingdom from the European Union. We want there to be a transition period so that businesses and individuals have two years or more to prepare for any permanent changes that might take place. That is very important for our economy and jobs. We want to protect the common travel area, and people know why that is. We want to protect funding such as PEACE and INTERREG, particularly for Northern Ireland and the Border counties. We want to guarantee the rights and freedoms of European citizens living in Northern Ireland after Brexit. When it comes to the backstop, we need one as part of the withdrawal agreement to guarantee that there will never be a hard border between Northern Ireland and the Republic of Ireland. It may never need to be used, and if it does need to be used, it may well be temporary, but we do need it, and it must apply unless and until a new agreement is in place to supersede it. Therefore, there can be no expiry date and no unilateral exit clause. Were there to be either of those things, the backstop would not be worth the paper it is written on. That is the position of the Government. That has not changed.

A review clause would have to be negotiated. We have yet to see proposals from the UK as to what it would look like, but if we do have a backstop, if it is used, if it does apply, and if it potentially lasts into perpetuity, it may be to our advantage or necessary at various times to have a review. A review is different from an exit clause and we cannot accept an exit clause that would allow the UK to resile unilaterally from the backstop, nor could we accept an expiry date. That has always been the position of the Irish Government.

We want there to be an agreement. Sometimes, to come to an agreement, especially as the point is reached where an agreement might be possible, one needs to be creative, and that means being creative around solutions and language. There would have been no Good Friday Agreement if John Hume, Seamus Mallon, David Trimble and even Gerry Adams did not understand that. There would have been no European treaties if people who negotiated them did not understand that. I know Deputy McDonald was against all of those European treaties before she became in favour of them. Yes, I am open to creative solutions and, yes, I am open to creative language, but I will not resile from the fundamental position that there must be a backstop as part of the withdrawal agreement and that backstop cannot have an expiry date or unilateral exit clause.

Deputy Mary Lou McDonald: The Taoiseach's difficulty is that he has, in fact, resiled

from his stated negotiating position. He has done it at a time that arguably could not be worse. We are at crunch time and truth time. We urged the Taoiseach and the Barnier negotiating team not to blink in their dealings with the Tories in London and to stay the course with the very reasonable bottom line protections that Ireland requires. The Taoiseach says we need an arrangement with no expiry date or unilateral exit clause, yet he countenances a review mechanism. All that serves to do is muddy the waters. I do not know if the Taoiseach has lost his nerve. I hope, for the sake of this country, that he has not. We do not need a review clause. We need a clear enunciation of the protections in legally operable text. That is what we have all agreed on and that is the job of work but yesterday, the Taoiseach potentially torpedoed all of that.

An Ceann Comhairle: I thank the Deputy.

Deputy Mary Lou McDonald: I urge him, as Head of Government, not to lose his nerve or blink at this stage. How on earth, at such a sensitive time in a negotiation, can the Taoiseach commit himself to a review clause? Reviews, by definition-----

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

Deputy Mary Lou McDonald: -----imply things that are time-bound and transitory. How has the Taoiseach committed himself to that when he now says on the floor of the Dáil that he has seen no wording and does not in fact know what it would amount to?

The Taoiseach: Quite clearly, I have committed to nothing. I said we are open to considering a review clause but I have set out clearly what that review clause could not contain. It could not contain an expiry date or the unilateral ability of the UK to resile from its commitments with regard to there being no hard border between Northern Ireland and the rest of Ireland. As I said before, to come to an agreement, one sometimes needs to be creative and one has to be open to creative solutions and creative language to get to an agreement. Those people who negotiated the Good Friday Agreement and all the European treaties understand that.

Deputy Mary Lou McDonald: That is not creative; it is dangerous.

The Taoiseach: One can still achieve all one's objectives in doing so. It is a very good thing that Deputy McDonald is not leading these negotiations. She holds the world record for failing to negotiate a coalition agreement in Northern Ireland, which now stands at more than two years. We can see from her performance here today that she is too extreme, uncompromising and bullying.

Deputy John Brady: Is looking for basic rights extreme?

The Taoiseach: Deputy McDonald would turn our friends into enemies within months. It is a very good thing that she is not handling these negotiations.

Deputy Michael Lowry: I raise the recent announcement by Bord na Móna that it is to accelerate the reduction of peat harvesting. This decision will wipe out a traditional industry with all its financial reward, rich history and tradition. The founders of Bord na Móna were people with outstanding vision and ambition who took creative, bold and courageous decisions. They dedicated themselves to achieving policy objectives by using natural resources to create employment, build communities and financially sustain rural areas. Harvesting the bog to save turf or manufacture briquettes has come to a shuddering halt. This is due to environmental consequences and the necessity to comply with European regulations regarding the use of fossil fuels.

As a representative of County Tipperary, I have seen at first-hand the devastation caused by the closure of the Littleton briquette factory, which resulted in the loss of 125 jobs and a loss to hundreds of other service providers. The workforce was made up of general workers, electrical and mechanical engineers, fitters, administrators and management. The closure of the Littleton plant has impacted on Littleton, Killenaule, Ballingarry, Templetuohy, Thurles and all of the surrounding areas. It was sudden and swift and was greeted with widespread dismay. The decision by Bord na Móna was noted for its lack of advance notice and consideration for the employees and their dependent families. The redundancy package on offer was meagre and did not reflect the years of dedicated, committed and loyal service by the workers. We had to fight long and hard to secure an enhanced package. After a protracted struggle, we got an agreement on terms which I presume will now become the blueprint for redundancy negotiations on behalf of the workers affected by the midland closures. What is evident and very clear is the absence of a strategy by Bord na Móna to provide alternative opportunities. There is no effort to maintain rural infrastructure and support the communities that are so devastated by the resulting job losses. Bord na Móna's announcement of the closure is long on aspiration and very short on detail. The bog is a unique natural resource.

The question and challenge now is how to utilise and maximise the potential for the future. Like the original inspirational leaders and founders of Bord na Móna, we must revisit the drawing board. We must be imaginative and creative to harness the bog for alternative uses. We have to create business opportunities. The question arises as to what the future will hold. If the 500 alternative jobs which Bord na Móna states it can deliver are ever to materialise, they need the full resources and support of the State. Within the national brain trust there is an abundance of relevant experience that could be made available through IDA Ireland, Teagasc, Bord Bia and Bord Fáilte. The peatlands are national assets and the best intelligence should be deployed as a matter of urgency to address their development in a concentrated and joined-up manner. Whatever the solution is, the future requires heavy investment. I ask that the Ireland Strategic Investment Fund, ISIF, which has billions of euro at its disposal, be mandated to assist Bord na Móna in developing a path to the future.

The Taoiseach: I thank Deputy Lowry for raising the important issue of the future of Bord na Móna and its impact on the economy and jobs in the midlands, in particular. He is correct to say that when Bord na Móna was established, part of the original vision of semi-State bodies was that the Government would step in to set up State-owned enterprise where the private sector dared not to go. Bord na Móna was originally established with a mandate to develop the midlands region using its natural resources, especially peat which was to be harvested for fuel to produce electricity and create jobs and economic development in the region, as it has done successfully for decades. Things have changed since and we now know about climate change and that peat is a particularly dirty fuel. Even the harvesting of peat and turf releases CO₂. Burning it for electricity does the same. Therefore, things need to change. Bord na Móna needs to transform from being a semi-State company based on peat that creates CO₂ emissions to a green company involved primarily in producing renewable energy, waste recovery and recycling and also in new industries involved in the retrofit of public buildings and houses. That is the plan the company has and it is one of which the Government wants to be part. However, as always with climate change, we need a just transition. We need to bear in mind the impact the changes will have on people who used to work in Bord na Móna and the communities and local economies supported by the revenue the company creates. It is important that redundancies be voluntary. It is also important that good redundancy packages be put in place and early retirement offers made. In addition, it is important that staff be given the opportunity to train

for new jobs in the company, whether it in the renewable energy sector, waste recovery and recycling or retrofit. That is the vision we have for Bord na Móna, namely, bringing about a just transition and turning it from a company based on peat which causes climate change to one that is all about renewable energy, retrofit and waste recovery and into a green semi-State company. There are enormous opportunities for the midlands region and the staff, including future staff, of Bord na Móna if we embrace that vision. I agree that the State needs to be involved and that potentially funds such as ISIF and others could be involved in helping to make the transition possible.

Deputy Michael Lowry: It is important that the State does become involved because it is obvious to anyone who knows anything about it that Bord na Móna's financial resources are already stretched. The cost of the redundancy package that must be available to the workers in the midlands and County Tipperary has to be met from its resources; there will, therefore, be no investment funds left. The support of the ISIF must be made available to Bord na Móna and it must work in conjunction with it.

I ask the Taoiseach to raise one other issue with Bord na Móna. In County Tipperary 10,000 acres of bog stretch from Littleton as far as County Laois. Already, we have had trespassing on these lands and people have taken ownership of lands. It is a major concern for local residents in local areas because of vandalism and the violence that goes with it. Bord na Móna should be asked to protect what is a national asset. We are talking about 10,000 acres of land in my area. We are also talking about huge industrial buildings that have a value, but if they are not secured properly, they will lose it.

The Taoiseach: I am glad that we are in the presence of the Minister for Communications, Climate Action and Environment, Deputy Bruton, as I do not need to commit to making him aware of what Deputy Lowry has mentioned. It is essential that Bord na Móna protect what are public assets – its buildings and bogs. I would not like to see a situation develop such as that that has occurred for CIÉ during the years, where large amounts of land owned by CIÉ and Irish Rail have been encroached on by people who then acquire squatters' rights and ownership of the land. It is important that public assets be protected and defended by the company in the interests of the wider public and especially people living in the midlands.

The Deputy mentioned the Ireland Strategic Investment Fund as a possible source that could be used to help to fund Bord na Móna's transition. That is an option. There are other funds to bear in mind, including the €1 billion rural development fund, the regional enterprise fund and the €500 million climate action fund. We should be able to make the first set of announcements of funding from these funds before the end of the year. There is potential in that regard, as well for the company.

Deputy Eamon Ryan: The National Transport Authority has put back the consultation on the revised metro link route on the southside of Dublin. The expectation was that the authority would lower the route on Dunville Avenue to avoid problems at the Beechwood station. The rumour now is that it is thinking of tunnelling a little further south of that station. There are real problems in building the metro, a driverless segregated system, and joining it to the light rail system which is pedestrian-friendly and has completely different characteristics. In trying to combine the two there is a risk that we will have to take out the green line for a year and a half, which would have major consequences for the city.

The question I have is whether the Government would think of asking the NTA to think big-

ger and look at two or three further options. The first option which I have pushed previously is that we not stop the tunnelling machine but follow the original route the metro was meant to follow towards the south west. There could be stations at Harold's Cross, Terenure, Rathfarnham, Knocklyon, Firhouse and Tallaght, as originally planned. There would be major benefits because that corridor, as the Taoiseach will know, being a former Minister with responsibility for transport, has the worst public transport problems. It is the hardest bus corridor for us to get right. It is the area of the city that would be most affected by the BusConnects project in terms of front gardens being taken out and disruption being caused for people living in that area. It would make real sense to keep the tunnelling machine going towards the south west to service that area and provide proper public transport for once.

Another route has recently come into view. The option involves taking a slightly different direction and not stopping the tunnelling machine but heading slightly to the south east with a stop at Donnybrook and another at UCD. It would transform the college and provide a connection between DCU, Trinity College Dublin and UCD. It would have extraordinary development potential for the city in connecting the three main universities. We would not stop there because there is an obvious line that we could follow on the reservation for the eastern bypass that would bring the metro to Sandyford. In that way, we could provide the high capacity connection needed to Sandyford to cope with further growth on the line.

This is eminently doable, but it needs political direction. The Taoiseach could, if he was thinking big and serious about how we could make this city work, look at one further development - a connecting line between Marlay and Balinteer which would join the two lines. With it we would have a southside circular route that would transform the southside of the city similar to what has been done in Copenhagen. Those responsible started to think about a metro at the same time as we did. In the meantime they have built two metro lines. Next year they will open such a circular line. Therefore, this is doable and we need it because we are not meeting our climate change targets and transport is one of the worst sectors. The city is gridlocked, which is not good for anyone in the country. The right set-up would help the economic system to work to pay the taxes which, in turn, pay for all of the infrastructure. Dublin is grinding to a halt. It needs a transport Minister and a Government that is willing to think big. Will the Taoiseach ask the National Transport Authority, NTA, to look at those options as part of the review it is doing on the south side part of the MetroLink project?

The Taoiseach: I am a big supporter of MetroLink, the Dublin metro project, which is essential. It is not the only part of what needs to be done to improve public transport in Dublin. We need to do the DART extension electrification as well. We also need to do BusConnects, and do it right. MetroLink will be a big part of the future of public transport in the city of Dublin. Starting in Swords, it will run through the airport and on to Dublin City University, DCU, the Mater Hospital, through the city centre to Trinity College and on to the south side, via Ranelagh, all the way to Sandyford, Cherrywood and Bray, when it is completed. This is a very big project, the biggest single investment in public transport in the history of the State. It will make a major difference, not just for people who live along the route in Dublin, and will make it easier for everyone to get around Dublin, even people in other parts of the city.

The NTA has carried out a public consultation, and I met its representatives personally as part of that consultation. The point of a public consultation is to listen and I am glad to hear the NTA has listened. It listened to the concerns of Na Fianna GAA club near Glasnevin and is examining alternatives to what was proposed in that respect. It listened in particular to people living in Ranelagh who were concerned about severance and is considering bringing the tunnel

further south. It is welcome that it was done in that way and that the NTA put the proposal out to public consultation, that the consultation was real and meaningful and that the NTA listened and is willing to come back with revised plans. The same will happen with BusConnects. It is a very good project that will improve bus times and bus journey times in Dublin but it included many mistakes. It is a good sign that the NTA is willing to listen, make modifications and hear what people have to say, particularly regarding the Na Fianna club and Ranelagh.

I discussed with the NTA the possibility of alternative routing options for the metro, or what used to be called metro south. What it says to me, and as somebody who spends a lot of time in Ranelagh and along the proposed line, I think it is right-----

Deputy Timmy Dooley: What does the Taoiseach do there?

The Taoiseach: -----is that the Luas south line would have to be upgraded anyway. There is a limited capacity on the Luas. Even now, it is impossible to board at the Beechwood and Ranelagh stops. There will be massive additional development in Sandyford and also with the new town of Cherrywood. As it stands, the current Luas is already close to capacity and it needs to be upgraded to metro. The proposal to go from Swords to Sandyford and on to Cherrywood and Bray makes sense. That is not to say there could not be other metro lines in the future, including perhaps some of those the Deputy mentioned, but anyone who is familiar with the Luas line south, Sandyford, Stillorgan and Ranelagh knows that the line is already at capacity and needs to be upgraded to metro.

Deputy Eamon Ryan: The Taoiseach should listen to me because I know those lines intimately. There is a solution that avoids problems and would save us the cost of stopping services on the green line for a year and a half to upgrade it. The solution is to keep the tunnelling machine going. It is very cheap to do so because the cost arises in getting the machine into the ground. Once it is in operation, we should keep it running to University College Dublin and from there to Sandyford. I would not stop there but go all the way around the south side.

Deputy Timmy Dooley: That might be the solution to the broadband problem.

Deputy Eamon Ryan: For those from the country who might ask why we should do this, I will set out a way to pay for it.

Deputy Eugene Murphy: Will the Deputy give us a bit?

Deputy Eamon Ryan: We should stop all the road expansion on the approach roads to Dublin. These are the only projects that are going ahead and they will make the problem of gridlock in Dublin worse. We should use that money to provide a high-quality public transport solution which tackles the Sandyford issue and gives us the capacity we need. It would also bring UCD together with Trinity College and DCU and transform the UCD campus and the city. It would also offer the prospect of heading west. We should start creating a capital ideas Dublin where we are not stuck in cars and where we have the same quality public transport system as Copenhagen, Berlin, Athens and every other city. Why should we not think big about public transport in Dublin? Will the Taoiseach ask the NTA to look at the option of running the metro to UCD and Sandyford as a way of addressing that issue and giving us the option of a proper public transport system for this city?

Deputy Michael Healy-Rae: It is all Dublin.

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The Taoiseach: When it comes to metro, Luas and BusConnects, the way it works is that there is a public consultation process. The NTA goes out with a design and anyone can make a submission. I have given it my views and I imagine the Deputy has done the same. It is not for me to ask them on the Deputy's behalf. He can make a submission himself and the National Transport Authority will come back with its revised plans on metro in due course.

It is not true to say that tunnelling is cheap once the machine is put in the ground. It is actually very expensive, and the underground stations are very expensive too. It is not just a case of Thomas the Tank Engine going underground and tunnelling along. We have to build station boxes and do many different things.

Deputy Declan Breathnach: What about the Fat Controller?

The Taoiseach: It costs €100 million every couple of miles. Cost is something we have to bear in mind. One thing I will not do is agree to the Green Party's proposal to divert money from transport projects in the rest of Ireland to Dublin.

Deputy Eamon Ryan: I did not say that.

The Taoiseach: As somebody who is from Dublin but is a Taoiseach for all of Ireland, I will not be diverting transport funding from the rest of Ireland to Dublin-----

Deputy Timmy Dooley: That is because there is nothing left in the country to transfer.

The Taoiseach: -----because Virginia needs a bypass, Adare needs a bypass, we need to upgrade the motorways through Kildare, we need a ring road for Galway and we need to get Dunkettle started. I do not agree with the Green Party when its members say we should take transport funding away from the rest of Ireland and put it all into Dublin.

Deputy Timmy Dooley: The Taoiseach has nothing left to take away.

Deputy Marc MacSharry: Just the north west.

The Taoiseach: Castlebaldwin and Collooney have already been started.

An tOrd Gnó - Order of Business

An Ceann Comhairle: I ask Deputies to control themselves. I call Deputy Mattie McGrath to announce the Order of Business for the week ahead.

Deputy Mattie McGrath: Today's Government business shall be No. 17, motion re title of physical therapists, back from committee; No. 18, motion re EU agreement with Kazakhstan, back from committee; No. 1, Data Sharing and Governance Bill 2018 [Seanad] - Second Stage; and No. 33, Public Service Superannuation (Age of Retirement) Bill 2018 [Seanad] - Second Stage (resumed). Private Members' business shall be No. 207, motion re water services, selected by the Rural Independent Group.

Wednesday's Government business shall be No. 34, Home Building Finance Ireland Bill 2018 - Report Stage (resumed) and Final Stage; No. 2, Criminal Justice (Money Laundering

and Terrorist Financing) (Amendment) Bill 2018, amendments from the Seanad; No. 35, Children's Health Bill 2018 [*Seanad*] - Order for Report, and Report and Final Stages; No. 1, Data Sharing and Governance Bill 2018 [*Seanad*] - Second Stage (resumed); and No. 33, Public Service Superannuation (Age of Retirement) Bill 2018 [*Seanad*] - Second Stage (resumed). Private Members' business shall be No. 208, motion re apprenticeships, selected by Fianna Fáil.

Thursday's Government business shall be No. 1, Data Sharing and Governance Bill 2018 [*Seanad*] - Second Stage (resumed); No. 33, Public Service Superannuation (Age of Retirement) Bill 2018 [*Seanad*] - Second Stage (resumed); and No. 19, Personal Injuries Assessment Board (Amendment) Bill 2018 - Order for Second Stage and Second Stage. Private Members' business shall be No. 19, motion re the report of the Joint Committee on Education and Skills, entitled Report on Positive Mental Health in Schools.

I refer Members to the second revised report of the Business Committee, dated 5 November 2018.

In relation to today's business, it is proposed that:

(1) No. 17 shall be taken without debate;

(2) No. 18 shall be brought to a conclusion after 45 minutes if not previously concluded. Speeches shall be confined to single round by a Minister or Minister of State and the main spokespersons for parties and groups, or a Member nominated in their stead, for a period not exceeding five minutes each, with a five-minute response from a Minister or Minister of State. All Members may share time.

In relation to Wednesday's business, it is proposed that there shall be no questions to the Taoiseach and the sos, in accordance with Standing Order 25(1), shall be taken at conclusion of Questions on Promised Legislation.

An Ceann Comhairle: I thank Deputy McGrath. There are just two proposals to be put to the House today. Is the proposal for dealing with today's business agreed?

Deputy Ruth Coppinger: I propose that the Business Committee should be asked to reconvene sometime today or tomorrow to place on the agenda of this Dáil the scandal relating to schools and Western Building Systems, WBS. In my area there are still 1,200 children who are not in school today. They have missed a whole week apart from the mid-term break. We have a scandal that has not been answered in this Dáil. Yes, there is a committee hearing later today, but that is not a full Dáil discussion and this issue merits one, given that it concerns 42 schools, that Western Building Systems is now building hospitals and that the same company apparently has a tender for modular housing. The question the Minister needs to answer is this. Why did he say he had no issues with the work on which he signed off with Western Building Systems on the 42 schools in question when no oversight was done by the Department?

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

Deputy Ruth Coppinger: All parties need a chance to get answers from the Minister and in respect of previous Governments.

An Ceann Comhairle: Deputy Coppinger has made her point.

Deputy Alan Farrell: We debated the issue last week.

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An Ceann Comhairle: I call Deputy Kelleher on the Order of Business.

Deputy Ruth Coppinger: Deputy Farrell said we debated the issue last week. Given that the schools are still not open, this is an ongoing issue.

An Ceann Comhairle: Deputy, please.

Deputy Alan Farrell: We debated it.

Deputy Ruth Coppinger: It may not be important to Deputy Farrell but the fact that children were put in danger because of private profit is important.

Deputy Alan Farrell: Deputy Coppinger was not here.

Deputy Ruth Coppinger: Private profits endanger children's lives. Deputy Farrell should stay quiet.

Deputy Alan Farrell: Deputy Coppinger was not here.

Deputy Ruth Coppinger: Deputy Farrell was on the council as well. What does he have to say?

An Ceann Comhairle: I ask the Deputies to desist, please.

Deputy Billy Kelleher: I also object to the proposals in view of the fact that the House has been informed that there will not be an opportunity for all Deputies to contribute to the budgetary debate. The budget was announced on 9 October and we are in the first week of November. We have the Finance Bill, yet not all Deputies have had an opportunity to contribute on the budget. Historically and traditionally, every Deputy is given an opportunity to contribute to the budgetary debate. The debate has now been shelved. If we keep going like this, it is likely we will be speaking about the budget next year.

Deputy Kevin Boxer Moran: Would that not be great?

Deputy Billy Kelleher: I consider that to be an attack on the entitlement of Deputies to at least raise the importance of the budget in the Dáil. From that perspective, I cannot accept the proposal.

An Ceann Comhairle: Deputy Kelleher's party Whip raised that matter at the Business Committee meeting and asked for a debate on the budget. That was not possible in the current week because of the business set out before us. However, it is my understanding that it is intended to return to the debate on the budget as soon as time allows.

Deputy Billy Kelleher: Yes, but-----

An Ceann Comhairle: Deputy Kelleher wants the debate this week.

Deputy Billy Kelleher: It is not that I want a debate this week. I wanted it in the last couple of weeks.

An Ceann Comhairle: We cannot turn the clock back now.

Deputy Billy Kelleher: We need the budget debated in a timely manner. We could still be debating the budget when the Finance Bill has passed.

Deputy Mattie McGrath: Deputies Coppinger and Kelleher were both represented at the Business Committee meeting. If I remember correctly, the budget debate collapsed because of a lack of speakers.

Deputy Michael Moynihan: That is not true.

Deputy Mattie McGrath: The debate ended.

Deputy Timmy Dooley: The Deputy's recollection is poor.

Deputy Michael Moynihan: The debate on the Finance Bill fell.

An Ceann Comhairle: Given the strength of feeling on these matters, we will convene a meeting of the Business Committee this afternoon at which we will seek to arrange for additional time to discuss the budget and the issue of schools.

Deputy Timmy Dooley: Perhaps that will be on Friday.

An Ceann Comhairle: I hope and trust that Members will co-operate when we arrange times.

Deputy Billy Kelleher: I thank the Ceann Comhairle for accommodating us in this matter.

An Ceann Comhairle: Is the business for today agreed to? Agreed. Is the business for Wednesday, as proposed, agreed to? Agreed. There are 26 Deputies offering. I call Deputy Micheál Martin.

Deputy Micheál Martin: The programme for Government states: "We want Ireland's image as the green island to inform all areas of policy so that the global image of our country is transformed and we are recognised as one of the cleanest and safest environments in the world." That commitment is a far cry from reports we have all read about what has happened in the context of the reconstruction of Dún Laoghaire baths, where up to 70 kg of toothpick sized plastic fibres have been recovered from the sea. It is extraordinary that such a high volume of plastic would find its way into marine life in that area. I understand 70 individuals and a specialist environmental damage team have been appointed to clean up the plastic in the sea as a result of the release of these plastic fibres during the reconstruction of Dún Laoghaire baths. This is an extraordinary failing which will damage fish and other marine life. I ask that the Minister provide the House with the most up-to-date information on the impact of this volume of plastic finding its way into the sea, the efforts being made by Dún Laoghaire-Rathdown County Council and the support the council is getting from the Department to remedy this issue in so far as it can.

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): I will communicate with the Deputy. I am not familiar with the endeavour by the Dún Laoghaire-Rathdown local authority.

Deputy Micheál Martin: Is the Minister aware of the matter?

Deputy Michael Creed: I am aware of the issue but am not aware of the specific undertaking by the Dún Laoghaire-Rathdown local authority. I will communicate with the Deputy on the matter.

Deputy Mary Lou McDonald: I want to return to the issue raised by Deputy Coppinger in respect of the structural issues affecting schools throughout the State. I understand the Minister

for Education and Skills briefed Cabinet on this matter this morning. I ask for a brief update as to where the remedial works are at and if the schools that are closed will be able to re-open this week. I also ask what plan is in place for the future to ensure structural issues that have been identified are properly and permanently addressed in all 23 of the schools where the problems have been found.

The Taoiseach: The Minister for Education and Skills is currently in the Seanad so, on his behalf, I will update the House on this important issue. Our first priority, as always, is the safety of school students and, of course, staff. I want to acknowledge the co-operation of parents, school principals, staff, patrons and boards of management through this very challenging period.

Structural assessments have now been completed in all 42 schools constructed by Western Building Systems. The summary outcome of the assessments is as follows. Nineteen have been cleared fully to open without the need for any precautionary works and 19 others have been enabled to open in full following external precautionary measures in the form of fencing around all or part of the building and protective decking. Three schools are able to open initially at ground floor level only following the implementation of both internal and external precautionary measures: this relates to two schools in Tyrellstown and one in Lucan, and all of these schools will be open before the end of the week. At Ardgillan, one building in phase one of the community college has been closed but it has been possible for all students to be accommodated elsewhere on the campus.

The implementation of all necessary precautionary measures was completed last Sunday night, 4 November, to enable schools to reopen this week. It was facilitated by an intensive effort involving more than 250 construction workers across all sites, many of whom worked through the bank holiday weekend. I particularly want to record my thanks to them for that.

Deputy Joan Burton: The CEO of AIB, Bernard Byrne, will be leaving the bank to join the Davy Group. There is, as the Taoiseach knows, a cap on pay, bonuses, remuneration and benefits of €500,000 per annum for senior staff in State-owned banks. I understand external consultants from consultancy firm Korn Ferry are being paid over €140,000 to compile a report on whether the cap should be lifted. We can all guess what they will recommend but I think members of the public would be very shocked and surprised to hear that people from the bailed out banks should be paid more than €500,000 a year, given the initial bailout total was around the €65 billion mark.

An Ceann Comhairle: Thank you, Deputy.

Deputy Joan Burton: I will finish on this. The Government is prepared to be tough on teachers' and nurses' salaries. Can the Taoiseach confirm that the Government agrees the bankers' pay cap should be lifted? Will he publish the Korn Ferry report?

The Taoiseach: I have not seen that report so I do not know what recommendations they have made. I can say there are no proposals being considered by Government at this time to raise the salary cap in regard to State-owned banks. I point out, though, that there were essentially two bank bailouts that occurred in this country about ten years ago. One was the bailout of Anglo Irish Bank and Irish Nationwide, and we will never recover that money. The second was when the Deputy and I were in government together, when we took a decision to rescue AIB and Bank of Ireland. I am now absolutely confident we will recover all of the money from

both of those banks.

Deputy Mick Barry: In recent weeks workers at Glen Dimplex in Portadown have been on strike for a pay increase of 27p an hour. It is ironic in a bitter way when one considers the fact one of its bosses is Martin Naughton, a billionaire ranked only ten days ago by the *Irish Independent* as the 11th richest man in Ireland. The 27p increase would bring these workers up to stg£8.70 an hour, in other words, the official UK poverty line. In this State, workers' wages are nothing to write home about. Hundreds of thousands of working people here are earning less than the €11.90 living wage rate. The programme for Government references reducing poverty levels by increasing the minimum wage to €10.50 per hour over a five year timeframe. Will the Taoiseach agree that this plan, already inadequate from the get-go, has been overtaken by the skyrocketing cost of accommodation and that next year, rather than keeping the minimum wage below the €10 per hour rate, it should be increased to the living wage rate at a minimum?

The Taoiseach: The programme for Government does not talk about reducing poverty; the Government is reducing poverty. One needs only look at the CSO survey on income and living conditions to see that is the case. The budget recently agreed in this House, which the Deputy will probably vote against, further reduces poverty, as confirmed by the ESRI SWITCH model. This Government led by Fine Gael and involving Independents is taking action across pay, tax and welfare to reduce poverty. The Deputy's party is voting against this. It is important everyone knows that basic fact.

In regard to the minimum wage, it will rise to €9.80 per hour in January. This will be the fourth increase in the minimum wage in the past five or six years. This is being done on the recommendation of the Low Pay Commission, which takes everything into account. The calculations done in respect of the living wage, as the Deputy knows, do not take into account that people have different circumstances and do not listen to employers. When it comes to setting the rate for the minimum wage, we need to balance the need to pay people a decent wage with any impact this may have on unemployment. The Deputy mentioned Portadown in particular. It should be borne in mind that along the Border counties employers and people compete for jobs and work with people just over the Border in Northern Ireland where salaries are much lower. We always have to bear this in mind. We are increasing the minimum wage but in a way that increases people's pay but does not threaten their jobs.

Deputy Michael Lowry: Closed-circuit television cameras, CCTV, installed in Littleton and many other towns and villages across the country are not operational following an intervention by the Data Protection Commissioner under the current legislation which permits only local authorities to monitor the cameras. The Garda Síochána is willing and able to monitor in real time but under the legislation it is not permitted to do so. This is farcical. Cameras read in real time are a preventative measure. When not read in real time, and if the Garda has to approach local authorities for permission to enter their premises to read the cameras, it is reactive policing. This is a big issue at the junction to our motorways and on the approach roads into our towns. I ask the Minister for Justice and Equality, Deputy Charles Flanagan, to outline when the amending legislation to correct this anomaly, which has serious consequences, particularly for rural policing, will be brought forward.

Deputy Mattie McGrath: I attended a meeting last night in Nenagh, held by north Tipperary IFA. I am glad the Minister for Justice and Equality, Deputy Charles Flanagan, is in the House. The people of Tipperary are bewildered at the inaction of the Government. This is another obstacle. We were promised reform of the bail laws. We enacted legislation allowing for

electronic tagging of known criminals but not one criminal has been tagged. What is the blockage to protection of our people? The programme for Government is very strong on this issue. People are being neglected and are living in fear. Among those who attended the meeting last night were people from the constituency of the Minister for Agriculture, food and the Marine, Deputy Michael Creed, who also feel abandoned. The Garda Síochána wants to do its work but it needs the tools of the trade to do so. The issue of free legal aid must be tackled and also the bail laws. Nothing is happening and the tagging of individuals is not being implemented. The people of Ireland and, in particular, Tipperary are rising up and are very angry about this situation. The Government should take note. The people from the constituency of the Minister, Deputy Creed, said that they had spoken to him about the issue for 20 minutes last week but that it was a waste of time.

Deputy Jackie Cahill: The programme for Government includes a commitment to provide funding for the installation of CCTV in urban and rural areas. There are 78 communities in Tipperary eager to put in place CCTV systems but they are being hampered by the legislation. My understanding is that a statutory instrument was introduced which prevents the Garda from being the data protection and collection agency for the information gathered by the CCTV cameras.

We need all the weapons we can have at our disposal to fight crime in urban and rural areas. People just cannot comprehend how the Garda cannot have access to this information and use it to fight crime.

Minister for Justice and Equality (Deputy Charles Flanagan): I thank the Deputies representing County Tipperary for raising this important issue. I am fully aware of the situation, representing as I do a neighbouring constituency. The CCTV scheme, to which the Deputies refer, however, is not a Garda scheme or a State scheme. It is a community-based scheme for which a sum of €3 million is available from the State over a period of three years. There are three basic conditions to be met, and which can be and are being met. First, there must be approval from the local joint policing committee, and there is an active joint policing committee in County Tipperary. Second, it needs the consent and approval of the Garda Commissioner. This can be done by way of a report from the local crime prevention officer. Third, the local authority must, under law, act as data controller. This cannot be done by An Garda Síochána because this is in essence a community scheme.

Having regard to the fact that the problem appears to be of sufficient proportions to warrant the raising of the matter in the Dáil, I would be happy to have officials from my Department assist with many of the local community groups. These funds are available and are being drawn down, and I urge community groups in Tipperary to continue to make their application and to comply with what is an acceptable framework.

Deputy Catherine Murphy: I wish to raise an issue relating to the cervical screening scandal. I was contacted by the husband of one of the 221 women who have been caught up in the scandal. He told me that the majority of women who requested their slides have not got them six months after they requested them. Some time ago I looked at the MedLab Pathology and Quest Diagnostics contracts and raised the matter at the Committee of Public Accounts. The contracts provide that the HSE can retrieve these slides within three days, so there is no question as to ownership of the slides. There must be a commitment today that there will not be further delay in delivering this basic information to these women. I am shocked we are still talking about this and that the goalposts have changed on the issue to the point that it is caus-

ing unnecessary trouble to people who are under terrific stress. Will the Taoiseach give me this commitment today?

The Taoiseach: I will certainly commit to checking up on the matter. If someone requests his or her slides, I can understand why it might take a couple of weeks. I do not see why it should take a couple of months. I will ask my people to follow up on the matter to see the reason for the delay. I totally agree. It should not take that long.

Deputy Eamon Ryan: I regret to hear breaking news from Europe that the digital tax proposal seems to have fallen through at the Council meeting today, which the Minister, Deputy Donohoe, is attending. I regret it because I think the revenue we could raise from the proposal could be used to fund Irish media. Google and Facebook are taking all the advertising revenue. The Irish media are in crisis. I also regret the risk to our reputation in being seen as a country that harbours such low-tax companies.

Will the Taoiseach outline the Government's position from here, given that the proposal seems to have fallen foul of the Council? Are we opposed in principle to the idea of a digital tax? The Minister, Deputy Donohoe, says this should be done through the OECD. How does the Government intend doing so now? How do we restore our reputation and introduce such a tax, if that is ultimately the Government's position?

The Taoiseach: My view is that large, wealthy tech companies should pay their fair share of tax and pay that tax where it is owed. We have a profound difficulty with the EU's current proposal for a digital tax because, rather than taxing profits, it taxes turnover or revenue. At present, companies, many of them big tech companies, record profits in Ireland and we gain from this in the form of a 12.5% corporation profit tax, which is now bringing in billions of euro in revenue to allow us to fund our public services, improve our public infrastructure and tackle issues such as climate change. If we move to the model the European Commission is proposing, the levy would be on the turnover. The money would then go to the big countries, such as France and Germany, where many people are using those services. Less profit will be recorded in Ireland and we will get less revenue. Rather than funding the media, as the Deputy suggested, there will be less revenue for Ireland and that would mean having to cut back public spending.

Deputy Mary Butler: There have been ongoing issues in the Department of Employment Affairs and Social Protection with the payment of illness benefit in recent months. Many people dependent on these payments have seen them disrupted, reduced or, in some cases, not paid at all. This has caused unnecessary upset and stress to many people who depend on these weekly payments. I would like clarification of the reason for these delays, when the issue will be resolved, and if the Minister, Deputy Regina Doherty, has confidence that these issues will not happen again.

Deputy John Brady: This shambolic situation has been going on since August. Thousands of our citizens, some of whom are the sickest in the State, have received reduced payments or no payments whatsoever. It has not only had an impact on people financially, it has put them in precarious situations. They have been forced into debt and have had to face serious issues with tenancies because of being unable to pay rent. I welcome that the Minister has broken her silence on this matter and has issued some statements recently. In one on Friday, she said that over the weekend, if not on Friday, everyone entitled to the illness benefit would receive it. She was proved incorrect yesterday. Many people are still contacting me to say that they have

not received a penny. We need an update on how many people have not received payments. More importantly, when will those people receive payment? Many people who have received reduced payments since August are also owed substantial sums of money. When will those people receive the money to which they are entitled?

Deputy John Brassil: The Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, gave a commitment last week that the 20,000 people still owed some of their illness benefit payment, if not all of it, would be paid by Monday. Monday has come and gone and there are still thousands of people without payment. The knock-on effects include people having to borrow money and having to go to the community welfare officer to try to get an emergency payment. It is, as the Minister knows, also causing undue and unfair hardship. People have made their contribution towards this payment. This goes back to an information technology issue and at this stage that is not acceptable anymore. An information technology issue can surely be resolved in nine months. Will the Minister confirm to the House that the issue is finally resolved and that there will be no further hardship caused to the people on illness benefit, which is in itself a hardship payment?

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): A transition to a new information technology system in August led to a number of people on illness benefit receiving partial or no payments during recent months. Following remedial action taken by the Department in recent days, however, payment levels have now returned to normal. Action taken on two occasions last week led to 54,000 payments being issued. The normal activity is 50,000 payments. Unless Deputy Brassil has information to the contrary, every single person due an outstanding payment this week received his or her payment this week. Some people are still awaiting arrears from previous weeks, but every single person entitled to illness benefit in the last week has received a payment in the last week.

I am not happy with our communications over the couple of weeks. Most people in our Department and in this House will accept that our Department is especially customer-focused and is particularly engaged in communications. More than 6,000 people work, week in and week out-----

Deputy John Brady: People could not get through. No one would answer the phones to people.

An Ceann Comhairle: Please give the Minister time to respond.

Deputy Regina Doherty: -----to ensure they provide this service to the people entirely dependent upon it. We have said that on a number of occasions. I am not, however, entirely satisfied with the way things have been communicated in the last couple of weeks and, in particular, how we have resolved it. It took longer than we expected to resolve it. I have commissioned an independent review of how the changes in the illness benefit scheme were deployed, how they were implemented and how they were communicated both to stakeholders and to citizens and participants in that scheme. I will come back to the Deputies when I have that.

Deputy Imelda Munster: Last week the Health Service Executive, HSE, made a decision to remove the X-ray room from the planned extension to the accident and emergency department at Our Lady of Lourdes Hospital, Drogheda. Those plans have been in place for ten years and the X-ray room was costed and included in the tender. Medical professionals have for years been crying out because of the need for a second X-ray room. The only X-ray room at the

hospital is beyond full capacity and the equipment in it is ten years old and obsolete. X-ray is a major diagnostic tool for 80% of patients who go through accident and emergency departments. For the HSE to indicate it will go ahead with an extension to the accident and emergency department without an X-ray room is pure madness. It is like building a house without a roof.

Did the Minister for Health or his Department instruct the HSE to remove the X-ray room from the plans that were *in situ* for ten years? Will the Minister stand over the madness of a myopic mindset evident in senior HSE management that ignores front-line staff who, for years, have cried out for a second X-ray room? Will he instead do his job and instruct the HSE to revert to the original plans, with the inclusion of an X-ray room in the extension to the accident and emergency department? The current position is pure and utter madness.

The Taoiseach: I am quite sure the Minister for Health made no such direction and it would not be normal practice for a health Minister to get involved with the detailed design of a hospital, any more than an education Minister would be involved with the detailed design of a university or school. I will inform the Minister, who cannot be here because he is attending a committee meeting, that the matter has been raised and ask him to provide the Deputy with a written answer.

Deputy Imelda Munster: Please do. It is a very serious issue.

An Ceann Comhairle: That concludes questions on promised legislation and 16 Deputies were not reached today.

Health and Social Care Professionals Act 2005 Regulations 2018: Motion

Minister of State at the Department of Health (Deputy Catherine Byrne): I move:

That Dáil Éireann approves the following Regulations in draft:

Health and Social Care Professionals Act 2005 (Section 95(3)) (Variation of Title: Physical Therapist) Regulations 2018,

copies of which have been laid in draft form before Dáil Éireann on 1st June, 2018.”

Question put and agreed to.

Ceisteanna - Questions

Departmental Functions

1. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on the work of the international, European Union and Northern Ireland division of his Department. [40782/18]

2. **Deputy Brendan Howlin** asked the Taoiseach if he will report on the work of the international, European Union and Northern Ireland division of his Department. [42207/18]

3. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on the work of the international, European Union and Northern Ireland division of his Department. [45634/18]

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

The international, European Union and Northern Ireland division of my Department covers work on all international, EU and British-Irish and Northern Ireland affairs within the Department, including Brexit matters. The division assists me in my international role, including as a member of the European Council, and in my other EU and international engagements. The division also provides advice to me regarding Northern Ireland affairs, British-Irish relations and Brexit matters. It also provides advice and briefing relating to my varied international engagements, including meetings of the European Council and other EU summits, bilateral engagements with Heads of Government of EU member states and other countries and international affairs more generally. The division also aids the work of Cabinet committee C, which deals with EU affairs, Brexit and international matters. It works closely with other relevant Departments, notably the Department of Foreign Affairs and Trade.

To augment the ongoing work of my Department's international, EU and Northern Ireland division on Brexit, my Department has recently established a new unit to work on Brexit preparedness and contingency planning. The new unit will assist a recently established Secretaries General group, which oversees ongoing work on national Brexit preparedness and contingency planning. The unit will focus on cross-Government co-ordination, planning and programme management. It will work closely with other divisions in my Department, including the economic division, and with colleagues in the Department of Foreign Affairs and Trade, which has overall responsibility for Brexit.

Deputy Mary Lou McDonald: It says everything about the Taoiseach that when his performance or competence in the discharge of his duties is questioned, he lashes out. In an exchange earlier today, he accused me of being too radical and - ouch - apparently I am a bully. The Taoiseach levelled these accusations at me for having the temerity to put it to him that he is not acquitting himself well at this point, when the Brexit negotiations are at a sensitive point, and that he has taken his eye off the ball or lost his nerve.

The Taoiseach may have seen a letter published yesterday in the *Irish News* from over 1,000 people from what is termed "civic nationalism". They set out in the clearest terms their needs and the benchmarks required to protect their rights. They have written to the Taoiseach and I really hope he does not see them as being too radical and does not feel bullied by them on the open pages of a newspaper. If he has not read the letter, I suggest he study it very carefully. It sets out all of the well-trodden ground we have been across and all the reasons we do not have institutions in the North. For the record, those reasons have everything to do with the Democratic Unionist Party, DUP, and its toxic relationship with British Prime Minister May, as well as the fact that the Government has failed to move forward those matters. The authors, not me, have asked that language rights, rights around marriage equality and so on be honoured and given expression to. If the Taoiseach finds me too radical, does not like how I put things to him or feels - God help him, the poor delicate soul - a bit challenged by the fact that he is being challenged on the floor of the Dáil, I invite him not to respond to me because that clearly causes him angst, but to the 1,000 people who signed the letter directed to him in which they set out his re-

sponsibilities, mar Thaoiseach, to them as Irish citizens. I ask him for a response to their letter.

Deputy Brendan Howlin: Unfortunately, I missed Leaders' Questions earlier as I was attending meetings, along with colleagues, with the British Labour Party shadow Secretary of State for Northern Ireland, Mr. Tony Lloyd. It was to keep in touch with what is happening. As such, I may cover ground that has already been covered.

I will first make a general point. I have made it crystal clear in all my discussions with the British Labour Party and other politicians in Britain that there is a unity of purpose in this House across parties in our desired outcome for Brexit negotiations. There is nonetheless some merit in the view expressed by Deputy McDonald that if there is any questioning of the Government, there seems to be a tetchiness. There is an impression that this is somehow an undermining of our national effort when we are working, might and main, to be lock-step in a common objective. It is very unhelpful.

I have a question on the specific point made over the weekend because there was much rumour and counter-rumour as to where we were and whether we were close to a deal. I refer to the content of the telephone conversation between the Taoiseach and the British Prime Minister, particularly the review mechanism on which they are willing to agree. Will the Taoiseach explain this specifically? I do not understand how a review mechanism can be used with a backstop, which is, by definition, fixed and immovable until and unless such time, as we understand from the December agreement, a better alternative agreement is put in place. Will the Taoiseach clarify that once and for all?

The Taoiseach may have had other discussions and it is important we do not isolate the DUP in any of this. Has he had any discussions with Ms Arlene Foster and the DUP on the type of final arrangements that they would be satisfied with? The Taoiseach should know their minds because they will clearly have an input in the British position towards the end of these negotiations.

Deputy Richard Boyd Barrett: We all know any re-imposition of a physical border between the North and South would be a disaster and we are all united in insisting that under no circumstances or in whatever agreement is reached should there be any question of a hard border. We should make it clear to Britain and the European Union that we will not in any way facilitate this, co-operate or play any part in the erection of a physical border if Britain and the European Union fail to agree. I suggest to the Taoiseach that it would strengthen our hand in a situation where these intractable arguments go on and on and we have backstops, long stops, back long stops and long backstops if we were to put a full stop to this rather tedious discussion-----

Deputy Brendan Howlin: That sounds like American football.

Deputy Richard Boyd Barrett: -----by making it clear that the question of the Border was not up for negotiation. The Taoiseach's hand and ours would be strengthened if we were to make it clear that the Irish people would get to vote on any final deal if it were in any way ambiguous or ambivalent on the question of the Border, now or in the future. That would be pure democracy as far as I am concerned, but the people of Ireland should have a vote on any final deal if it might be adverse to their desire to ensure there will be no border.

Deputy Eamon Ryan: We should not be opposed to a review within this process, even if it is very late and we are all waiting, but it should only be a review with a view to replacing the

backstop on the basis of consensus. There can be no UK insistence that at the end of a review it would remove the backstop. As we are all absolutely agreed on that point, I hope the Taoiseach can come up with creative structures for such a review. I presume it is within the political declaration how the customs arrangement will work in practice which gives the alternative backstop and I hope it will break the deadlock which it is in all of our interests to avoid.

I agree with Deputy McDonald on the need to maintain our concentration on the rights of Irish nationalists in the North, but the State and the Government should extend it by looking to defend the rights of civic unionism in any agreement. A colleague of mine, Steven Agnew, was in Brussels recently and one of the major difficulties he has is that UK passport holders in the North may not be able to continue to avail of the Erasmus programme, for example, or the EU health card, whereas an Irish passport holder living in the North may be able to do so. We should stand up for that part of the Unionist community on these practical measures which they also deserve to have as part of the Good Friday Agreement in order that we start to break down some of the nationalist divide that has bedevilled the country for years.

Deputy Micheál Martin: One of the major problems in the Brexit negotiations is the central role megaphone diplomacy seems to be playing. It is never constructive when leaks and tweets play a major part, yet it seems that both Governments are at it nearly every day. The Secretary of State for Exiting the European Union, Dominic Raab, MP, appears to believe tendentious leaks and hardline statements help. Equally, the Taoiseach and the Tánaiste continue to engage in an ongoing public exchange back and forth. The other day the Tánaiste tweeted a particular position. In negotiations there are tried and tested ways of engagement, particularly when the eleventh hour is approaching. It seems that this megaphone diplomacy has been one of the problems from the outset, even going back as far as last December when it was unhelpful to what transpired that month, with the subsequent need for Prime Minister May to go back to Brussels to meet Mr. Tusk and Mr. Barnier to come up with a solution to that problem which has only worsened and complicated the situation in which we now find ourselves. Equally, a proper post-Brexit relationship with Britain is required. It is welcome that both Governments now acknowledge this. In other words, there is a need for a new intergovernmental arrangement post-Brexit between Britain and Ireland. We have put forward our ideas on it. The text of the draft withdrawal treaty includes a specific mechanism for a specialised committee to oversee issues related to Ireland in Article 158. Some have suggested this is a mechanism by which a decision on Northern Ireland's permanent status can be agreed. Can the Taoiseach confirm whether the operation of the Irish specialised committee is again being discussed? Furthermore, this is a withdrawal agreement stage that is being negotiated and everybody seems to agree that at this stage Britain and the European Union are talking about a Canada+ type trade agreement to be the basis of the permanent full-time relationship between the European Union and the United Kingdom. The Taoiseach said in reply to questions that the backstop would be in place until and unless it was replaced by an alternative agreement. Is that the ultimate permanent relationship between the European Union and the United Kingdom which is envisaged to supersede the backstop at the end of the day because a Canada+ type trade agreement would not be good for Ireland, would have a damaging economic impact for Ireland and be less than optimal for Northern Ireland?

The Taoiseach: For the record, I did not say Deputy McDonald was too radical; I said she was too extreme and indeed she is. I noted that she accused me of constantly lashing out. In fairness, that is her signature performance piece, whether it is at me, the British Government, the DUP one minute ago, Mrs. May one minute ago or Fianna Fáil on occasion; she is con-

stantly lashing out. What she does not do is come up with workable solutions and alternatives.

Deputy Mary Lou McDonald: That is not true.

The Taoiseach: That is what a responsible Opposition party would do. Sinn Féin comes up with demands. There is a big difference between demands and coming up with alternatives and solutions. I read the letter to which Deputy McDonald referred and agree with the sentiments expressed. I will reply to it and do what they have asked me to do to the best of my ability both in terms of a Brexit deal and in terms of what we are trying to do in Northern Ireland to get the institutions operating again-----

Deputy Mary Lou McDonald: I hope they are not too extremist.

The Taoiseach: -----and to ensure people living in Northern Ireland will have the same rights and freedoms as those living in Britain and Ireland. I note that some of the signatories, although not all, are Sinn Féin supporters. I hope they have also written to Deputy McDonald to ask her to do her job-----

Deputy Mary Lou McDonald: They do not need to. I am doing my job.

The Taoiseach: -----which is to establish a Northern Ireland Assembly and a Northern Ireland Executive and build relationships with people like Mrs. Foster to try to get an agreement done.

Deputy Mary Lou McDonald: We did the work last February.

The Taoiseach: Sinn Féin holds the world record in negotiations failure, something on which I hope it will work.

Deputy Howlin asked about the review mechanism. I am aligned more with what Deputy Eamon Ryan had to say on it. Review mechanisms are not bad in themselves. Many international treaties have review mechanisms and much of the legislation we pass in the Oireachtas has them. It is not something to which I have committed; it is only something the Government has agreed to explore on the basis and understanding it cannot involve an exit clause which would allow the United Kingdom to resile from the backstop unilaterally and cannot involve an expiry date.

I met Mrs. Foster for dinner in Dublin about two weeks ago. I know her mind on this issue and she is very clear. She says she wants Northern Ireland to be treated in the exact same way as the United Kingdom in everything, whether it be customs, regulations or anything else. That is her position and we have to respect that it is.

Deputy Boyd Barrett talked about a vote. As this is an agreement between the European Union and the United Kingdom, there is no provision for a vote, but I am confident that if there is an agreement, it will not be one on which we will need a vote because it will do what we want it to do and satisfy our needs.

Deputy Eamon Ryan mentioned UK citizens in Northern Ireland. He makes a very valid point. One of the principles of the Good Friday Agreement is that UK citizens in Northern Ireland should be treated in the same way as Irish citizens in Northern Ireland and vice versa. However, there is a difficulty. What I am trying to achieve for Irish EU citizens in Northern Ireland is that they will continue to have the same rights as though they were resident in the

European Union, even though they will not be. That is a tricky aim to achieve. When it comes to citizens' rights, there is a difference between rights as a citizen and rights as a resident citizen. For example, an Irish citizen living in Mullingar has different rights from an Irish citizen living in Montreal. The same applies to European Union citizenship. If someone is an EU citizen, he or she has the right to reside, work and study anywhere in the European Union, but rights such as an entitlement to the European health insurance card or to participate in the Erasmus programme are linked with residency, as well as citizenship. We are trying to get to a position where EU citizens living in Northern Ireland will be treated as though they are living in the European Union, even though they will not be. It will be difficult to deliver, but we are working on it. To deliver it for UK citizens living in the North also will be another ask. Perhaps it might be an ask too far.

Departmental Bodies

4. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on the work of the economic division of his Department. [40783/18]

5. **Deputy Brendan Howlin** asked the Taoiseach if he will report on the economic division of his Department. [43432/18]

6. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on the economic division of his Department. [45635/18]

The Taoiseach: I propose to take Questions Nos. 4 to 6, inclusive, together.

The economic division in my Department assists me and the Government in developing and implementing policy to deliver sustainable and regionally balanced economic growth and quality jobs and to promote effective planning and delivery of infrastructural developments, including housing. The Cabinet committees and associated senior officials' groups, backed by the division, help to deliver policies in these areas. Cabinet committee A deals with issues relating to the economy, the labour market, competitiveness, productivity, rural development, the digital economy and pensions. Cabinet committee D works to ensure a co-ordinated approach to the delivery and ongoing development of policy in the areas of infrastructure investment and delivery, housing and climate action, and provides political oversight with respect to Project Ireland 2040.

The economic division also monitors implementation of the Action Plan for Jobs, leads Ireland's participation in the annual European semester process and prepares the annual national risk assessment, which provides an opportunity to identify and consider potential economic risks and challenges on a structured basis. The 2018 report was published in July and the national risk assessment for 2019 will commence shortly.

The division is responsible for liaison with the Central Statistics Office and is also leading the preparation of the future jobs initiative in partnership with Department of Business, Enterprise and Innovation. This is the Government's new economic initiative to ensure we are well placed to meet future challenges. Future jobs will drive our development as a resilient, innovative and globally connected economy capable of coping with technological and other transformational changes ahead. It is aimed at enhancing productivity, labour market participation, innovation, skills and talent, and the low-carbon economy, and will be launched in early 2019.

A unit within the economic division works with the Minister of State with responsibility for data protection to ensure a whole-of-government approach to data protection and broader digital issues. In this regard, the unit provides the secretariat to the interdepartmental committee on data issues and to the Government data forum. The division is leading, in collaboration with other relevant Departments, the development of a new overarching national digital strategy to enable Ireland to maximise the societal and economic benefits from digitalisation. The division also provides me with briefing and speech material on economic and related policy issues.

An Ceann Comhairle: I ask Members to stick to the allocated time or we will not get through the business before us.

Deputy Mary Lou McDonald: The proposal for an EU digital sales tax was raised earlier by the leader of the Green Party and, in response, the Taoiseach gave a critique of the model that is proposed. Does he have a concern in respect of this tax in the context of overall Irish tax sovereignty?

On the issue of jobs and job plans, it is very obvious that throughout this island, North and South, there are very severe skills shortages in many sectors. There is also a very big concern around the availability of labour and staff, not least because of the very hostile and negative messages that have been sent out by Brexit which are being felt very much north of the Border. Yesterday I met 21 leaders of Northern Irish business from every sector and the message was the same. I know that their concerns are echoed south of the Border. Will the Taoiseach report on any ongoing work on those issues?

Deputy Brendan Howlin: One of the greatest risks facing us in terms of our revenue sources is, as the Taoiseach acknowledged, our overdependence on corporation tax from multinationals. A small number of companies are producing a very significant chunk of the corporation tax collected, which also represents an increasingly large chunk of the overall tax take. Has the economic division looked at this issue? Do we know why, in the past two years in particular, the Department of Finance has been so inaccurate in its forecasting of the income stream from corporation tax?

On the digital tax issue, there may be no OECD solution and many individual countries are planning unilaterally to introduce such a tax. The UK announced in the previous budget the introduction of a 2% digital services tax. Spain and Italy are pursuing their own measure and France and Germany have proposed a levy from 2020. This is a tax on the turnover of multinationals. It is coming down the tracks and will either be introduced by agreement across the OECD, which it is hoped will be the case, or it will be done unilaterally. What is the thinking of the economic division on that matter?

Deputy Richard Boyd Barrett: The Taoiseach said that Cabinet committee D deals with housing, among other things. As well as being a social and humanitarian emergency, housing is increasingly becoming a very serious economic threat to this country. Vast numbers of our citizens, working people and others, simply cannot afford to put a roof over their heads. I spent last Saturday at the national assembly of the National Housing and Homeless Coalition, one of the pillar groups that organised the Raise the Roof demonstration outside the Dáil on 3 October. The assembly agreed that another demonstration will be held on 1 December to commemorate the death of Jonathan Corrie, who died not far from the front gates of Leinster House. There was real anger at the meeting that despite the passing of a Dáil motion and an enormous public protest, the Government has failed spectacularly to change its policies or to take the radical

emergency measures necessary to deal with the housing crisis.

One point that was underlined at the meeting, on which I would like the Taoiseach to comment, explains much of the delays, problems and the escalating crisis. People railed against the fact that in council after council, Fine Gael, Fianna Fáil and, in some cases, Labour Party councillors are voting for the disposal of public land for private sector development. In Kildarbury the proposal is that 70% of land will be for private housing. In Dún Laoghaire, similar proposals are being made for public sites. Councils are selling off public land, which should be used for public housing, to the private sector. That is why we have a housing emergency. The Government's policy insists on privatising public land.

Deputy Micheál Martin: The Taoiseach explained that the economic division has a central role in the oversight of infrastructural development and supports the relevant Cabinet sub-committees. A number of weeks ago, the Taoiseach announced that broadband provision will be a personal crusade. I do not understand why it has not been thus all along and has only now become a personal crusade, after the Deputy Naughten affair. Why did the Cabinet committee on infrastructure only meet once in the first ten months of this year? The Taoiseach insists that he likes to have full discussions at Cabinet. He has said that he considers Cabinet committees to be ideal fora for detailed discussions and in-depth examination of issues, drawing on papers circulated in advance, with an ability to question closely those managing issues day to day. It is clear, however, that the delivery in critical policy areas such as broadband, housing and health has been very poor. The Taoiseach has accepted that targets have not been achieved. That suggests a very hands-off approach, where there is no real central driving force behind issues that the Government has identified as priorities.

For example, the Government has hinted and leaked to the effect that the cost of the national broadband plan will be multiples of the original estimate. Did this news just suddenly appear yesterday or in recent weeks? Were officials within the relevant Department and Ministers not aware of this all along? This issue is now a personal crusade for the Taoiseach but how has the fact that it will cost multiples of what was originally envisaged only emerged in the past month? Does the Taoiseach plan to make any changes to the way in which he and various Departments oversee policy areas in Cabinet committees in respect of key areas such as broadband?

The Taoiseach: On the digital tax issue, the Government certainly is concerned about it in the context of our sovereignty. Our view is that tax is a national competence and we would not like a digital tax to lead to other proposals such as a common consolidated corporate tax base, CCCTB, which we do not support. That said, ours is not an absolutist position. EU tax harmonisation is in place already, for example the VAT directive is EU law underpinning how VAT works across the European Union. We have no difficulty with that. We are annoyed sometimes by the inflexibility that arises but it makes sense to have a VAT directive in the Single Market and customs are harmonised across the European Union. The vast majority of customs revenue goes straight to the European budget. It is not an absolutist position but we have a concern about anything that may threaten Ireland's tax sovereignty. There are no proposals for a national digital service tax of our own.

We recognise corporation tax is vulnerable. There has been an increase in the amount of tax paid by corporations to the Irish Exchequer in recent years. We do not know for sure why that is. Part of it is down to the fact that those companies are making a lot more profit, or are accounting for more of their profits in Ireland, and there have been changes to laws around intellectual property and there have been changes in accounting standards and practices in the US

that seem to have had a particular impact on the increase in this year's tax receipts.

We are being prudent about it. We have established the rainy day fund and corporation profit tax receipts are being earmarked to go into that rainy day fund. It does not make sense and is bad policy to make long-term spending commitments on tax receipts that might be temporary windfalls. That mistake was made in the past, particularly with stamp duty. This Government is not going to repeat that mistake. That is one of the reasons for the establishment of the rainy day fund and the earmarking of corporation profit tax receipts as the revenue that will go into that fund. The Government has budgeted prudently for next year. The budget projections for next year project that the amount of money in corporation profit tax will be less than this year. If there is a surprise, it will be an upside surprise, rather than a downside surprise and I think that is prudent by the Minister for Finance.

It is my strong view that the way out of the housing crisis and solution to the housing shortage is primarily about supply. It is not just about supply, but is very much about supply. There will be 20,000 new houses and apartments built this year, more than any other year this decade. That will go up to 25,000 next year and hopefully 30,000 or 35,000 the year after. We will get to the position whereby the number of new homes being built exceeds demand and we will start to see a real change when that happens. There are over 100,000 new homes already on architects' desks for design currently and that shows what is potentially coming through in terms of additional supply.

I had the pleasure to be in Stormanstown, Dublin 9, yesterday to open a new housing development of 42 units with 150 people moving in there. That was done as a partnership involving Dublin City Council and a housing trust. Some people say that does not count because it was not a direct build by Dublin City Council. The people moving in there do not think that. They are pleased to be moving into those new homes with secure tenancies and are not concerned about the model that was used.

I disagree with Deputy Boyd Barrett. The problem with a lot of councils is Sinn Féin and others on the left wing voting down housing projects and proposals. That is being done in Dublin City Council, South Dublin County Council and other areas. There is a real ideology there that the only type of housing that should be built is social housing and the only way social housing should be built is through direct build by local authorities. I disagree with that.

Deputy Mary Lou McDonald: That is not true.

The Taoiseach: At the moment we are facing a crisis and an emergency and there needs to be as many houses built as possible as quickly as possible, by any mechanism. Those ideological ideas and constraints, if implemented, would restrict housing supply and reverse the progress that has been made in the past couple of years.

Deputy Micheál Martin: Can I get an answer about broadband?

An Ceann Comhairle: Can the Taoiseach say anything about broadband?

The Taoiseach: What was the question about broadband?

Deputy Micheál Martin: The Taoiseach knows damn well what the question was. When did he find out about it becoming a multiple of the cost?

The Taoiseach: I would have to look up my diary. It was a couple of weeks ago.

Deputy Micheál Martin: Is that all?

Deputy Mary Lou McDonald: That is ideologically driven.

The Taoiseach: Contractors have to submit a price before one knows what it is.

Deputy Micheál Martin: The Taoiseach is not being up-front or transparent with people.

The Taoiseach: The Deputy knows well that if I were to divulge a price in a contract negotiation that I would be accused of something else.

Departmental Operations

7. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on the work of the social policy and public service reform division of his Department. [40784/18]

8. **Deputy Brendan Howlin** asked the Taoiseach if he will report on the work of the social policy and public service reform division of his Department. [43433/18]

9. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on the work of the social policy and public service reform division of his Department. [45823/18]

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

The role of the social policy and public service reform division is to assist me as Taoiseach, and the Government, in delivering on the programme for Government objective of public policies and services which drive a socially inclusive and fair society and to assist in renewing and transforming the public service. The division assists the work of Cabinet committees B, E and G and the associated senior officials' groups. Cabinet committee B covers social policy and public services including education, children, social inclusion, Irish language, arts and culture, and continued improvements and reform of public services. Cabinet committee E deals with issues relating to health, including delivery of health service reforms. Cabinet committee G provides political oversight of developments in relation to justice and equality issues, including implementation of the Government's programme of reform in the areas of justice and policing.

The division also provides the secretariat for the Civil Service management board, which is chaired by the Secretary General of my Department. It incorporates the programme for Government office which publishes regular progress reports on implementation of the programme for Government. The division assists Dublin's north-east inner city initiative, including through the programme office, programme implementation board and the oversight group. It is responsible for liaison with the National Economic and Social Council, NESC, which falls under the remit of my Department.

The division also provides me with briefing and speech material on social policy and public service reform issues and participates in relevant interdepartmental committees and other groups.

Deputy Mary Lou McDonald: I understand the Minister for Justice and Equality has finally brought outstanding legal advice to Cabinet this morning that will enable his Department to progress redress payments to survivors of the Magdalen laundries. A year has passed since the Ombudsman published his report of an investigation into the administration of the Magda-

len redress scheme. That investigation found a serious inconsistency in the Department's application of the redress scheme's eligibility criteria. Women recorded as admitted to a different institution closely associated with another named laundry were wrongly refused admission to the scheme.

Even as the investigation was complete and the recommendations prepared, the first instinct of the Department was to push back and, at the Joint Committee on Justice and Equality earlier this year, Mr. Peter Tyndall told members that, in his ten years as Ombudsman, he had never reached a point where a Department had, prior to publication of a report, absolutely and categorically refused to engage in the process of accepting and implementing the recommendations made. While I welcome the belated decision to accept in full the recommendations made by the Ombudsman, I am utterly disappointed at the amount of time it has taken to do so and, more to the point, so are the women involved.

I am also alarmed to learn the Department has changed the redress scheme application process to require that elderly women include the weekly hours they worked in their respective laundries. Can the Taoiseach explain why this change was made and can he say if he believes it to be appropriate? Can he indicate that the women's applications will now be fast tracked with payments issued before Christmas?

Deputy Brendan Howlin: I ask the Taoiseach to give information to the House about the specific public service reform measures being led by the social policy and public service reform division. Are there discrete units of reform that the Taoiseach has prioritised and the division is on top of? In particular, has it oversight of the reforms of An Garda Síochána? Previously all the work suggested by the Garda Inspectorate was to be driven centrally with a specific role for the Garda Commissioner.

Does the division have a role in Sláintecare reforms? Is it looking at implementation, timelines and funding requirements? What, in the reform agenda, specifically is under the remit of this division?

Deputy Richard Boyd Barrett: The Irish Nurses and Midwives Organisation is meeting, as we speak, to consider possible industrial action over the failure of the Taoiseach's Government to recognise the pay crisis at the heart of a complete inability to recruit nurses into the public health service and the consequent crisis in that health service. Pay and conditions are so terrible that, for every four nursing jobs advertised, one application is received. The Taoiseach refuses to take on board the need to increase nurses' pay significantly. Teachers, having rejected the Government's plans not to restore pay equality for new entrant teachers, are engaging in and potentially escalating industrial action. I commend both groups because they have no choice but to fight for better pay if we are to recruit the nurses and teachers we need to provide staff in the public health service and education system. Is the problem - this is related to our earlier discussion - that much of the reason nurses and teachers have to demand and fight for extra pay and are not willing to work in these jobs at current pay rates is that their pay will not allow them to put a roof over their heads? When the Taoiseach says we just need to ramp up supply and that it is okay to sell public land to private developers to build houses at market prices, he fails to recognise that building houses nobody, including teachers and nurses, can afford when they cannot afford to pay rent either is pointless. It was that approach to housing that led to the last economic crash. It is not for ideological but practical reasons that we insist that the State needs to build public and affordable housing on public land because market prices are impossible to meet for ordinary working people.

Deputy Micheál Martin: What is striking about the Government's response to the interview given by Mr. Tony O'Brien to *The Sunday Business Post* last weekend is how it has tried to focus on one personal comment about the Minister for Health, Deputy Harris, and ignored everything else said in the interview, particularly about health policy. We have all noticed how there has not been any credible attempt to deny the other substantive claims made in the interview about there being an obsession with media management and, in particular, lip service being paid to Sláintecare. We now have new figures for the unprecedented vacancies in key medical posts and all of the evidence is that they have impacted directly on services. I raised this issue with the Taoiseach the week before last in the Dáil. It is a very serious issue which goes to the heart of the quality of care provided and safety for patients in hospitals. Does the Taoiseach intend to bring forward proposals to address the critical shortages of qualified consultants in key positions? The decision by Fine Gael to abolish the board of the HSE has been identified by everybody, from the Irish Fiscal Advisory Council to the Department of Finance, as a key cause of the continuing excessive deficits. The excessive deficits in the health sector really started in 2015 and 2016. They began at approximately €100 million to €200 million under the then Minister, Senator James Reilly, in 2012 and 2013, but they catapulted from 2015 onwards to the extraordinary Supplementary Estimate of €700 million this year. The Government now wants to bring back the board of the HSE. Will the Taoiseach outline if he has accepted the error of his policy in abolishing the board which he is now going to restore? What other priorities does he have for structural change and when will they take effect?

Mandatory disclosure has been a priority for a while, particularly since the CervicalCheck issue. Is there a specific reason for the ongoing delay in delivering the legislation when there seems to be all-party agreement on this key issue? When will the expert group on the public-private mix in the health sector report? Does the Taoiseach accept that there are far too many vacancies in the mental health service and that it is a significant problem which has not been met to date? Will he indicate whether implementation of the social care provision recommendations of Sláintecare, particularly universal palliative care, has started? Sláintecare recommended that €50 million be allocated for palliative care services in the next five years. Does the Taoiseach intend to do anything to start that process?

The Taoiseach: There were many questions asked and I will do my best to answer as many as I can.

With regard to the Magdalen redress scheme, the Government accepted the Ombudsman's report last May. The Minister for Justice and Equality and I met the Ombudsman after he gave evidence at the joint committee. I was struck by his evidence. He is a mild-mannered man, not given to condemnation, and when he criticises a Department in the way he does, while many criticise it daily, one wants to listen to his criticisms because he is very measured and a very competent public servant. On foot of his appearance at the joint committee, I asked to meet him with the Minister for Justice and Equality. We considered his report which we have accepted in full. It recommended that we extend the Magdalen scheme to women who were not resident in Magdalen laundries but who lived nearby, often in adjoining institutions, and who were required to work, unpaid, in the laundries. We are paying compensation to these women. It is for work for which they were not paid in the past. That is why there is a question about how many hours or days they worked. It is only to make sure we can maximise the amount of money paid to women making an application. It is not to try to restrict it in any way. We fully appreciate that, given the passage of time, in some cases it could be very difficult for someone to remember how many hours she worked 30 or 40 years ago. It is not to catch people out but to

work out how many hours and days they worked in laundries in order that we can calculate how much they should be compensated for. I guarantee that nobody will be left short. We are trying to give people the payment they deserve. The Cabinet agreed today to pass primary legislation to extend the medical card and other health-related supports to the women concerned. We had hoped we would be able to do so without primary legislation, but it requires such legislation. It was approved by the Cabinet today and I ask for the co-operation of all Members of the House in getting it through quickly. Every time Members demand that time be set aside to deal with certain matters, they should bear in mind that it is having on a knock-on effect and delaying the passage of other important legislation. They cannot demand more time one minute and then the next complain that something is not happening. I ask them to be sensible in the use of Dáil time. Let us use it to get necessary legislation through and not make statements and speeches. That is all I ask for from them.

Deputy Micheál Martin: We have never not been forthcoming.

The Taoiseach: Deputy Howlin asked which reforms were being overseen by the division. Different divisions oversee different reforms. I cannot remember exactly where they all fall. This one comes under the assistant Secretary General Elizabeth Canavan. She is overseeing reforms at the Department of Justice and Equality, as well as the Garda and Sláintecare reforms. They are mainly led by the line Departments, but it is the role of my Department and Cabinet subcommittees to oversee them.

On recruitment in the public sector and nursing, it is important to acknowledge that recruitment and retention are a challenge across the economy. It is a challenge from fruit farms to the ICT sector and in the public sector, too. When full employment is approached, recruitment and retention inevitably become difficult because there are so many job opportunities. There is an international recruitment and retention challenge in the health sector that every country is facing. It is present in the NHS, Germany and America too. Notwithstanding this, we have been able to recruit an extra 700 nurses in the last year. An extra 1,500 nurses have joined the payroll in the last two years. If Deputies do not believe me, they should look at the Public Sector Pay Commission's report, page 57 of which details by how much the number of nurses in the country has increased every year for the past four years. They are nurses hired by the State. We also have 5,000 more teachers than two years ago and 600 more gardaí. Notwithstanding the recruitment and retention challenge, we have more nurses, gardaí and teachers this year than last year and many more than two years ago. This often does not come across, but it is a fact.

On public sector pay, we have a pay deal. We are in the first year of a three-year deal with the public service. It involves pay increases this year, including an increase in October, as well as pay increases next year, with two increases for staff on less than €30,000 and a special increase in March for recent entrants. There is a limit to how much the Government can do and how much taxpayers can afford. There is an extra €1 billion for the health service next year, of which over €300 million is already earmarked for public sector pay increases. I hope the rest will go towards new drugs, equipment, new buildings, new medicines and new services. I do not want all of the money to be eaten up by pay increases and pay claims. We need to get the balance right. Significant resources are already going towards pay increases for public servants next year and I do not want us to be in a situation where we will have to start curtailing our plans for service improvements next year, in the process taking money away from patients, students and users of public services to increase public sector pay more than we have already agreed. That would not be right.

4 o'clock

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Thomas Pringle - to discuss the delays in the processing of illness benefit payments in County Donegal; (2) Deputy Michael Moynihan - the need for a progress report on the new amalgamated primary school in Kanturk, County Cork; (3) Deputy Michael McGrath - to discuss the outstanding payments related to the collapse of Setanta Insurance; (4) Deputy Eugene Murphy - to discuss safety measures on the N4 following an escalation of road collisions at the Cootehall and Croghan junction; (5) Deputy James Browne - to discuss the need for funding for St. Aidan's care services in Gorey, County Wexford; (6) Deputy John Brassil - to discuss the vacancies on employment schemes throughout the country and the impact of full employment on the schemes; (7) Deputy Thomas P. Broughan - the need for additional consultant psychiatrists at the Kilbarrack west mental health service; (8) Deputy Mattie McGrath - the need to review DEIS status for the primary schools in Tipperary town and county; (9) Deputy Ruth Coppinger - to discuss the continued closure of Tyrrelstown schools; (10) Deputy Fiona O'Loughlin - to discuss the impact of the M7 roadworks on commuters; (11) Deputy Clare Daly - to discuss the delays in the payments of the Magdalen redress scheme; (12) Deputy Mick Barry - to discuss delays in the construction of the Cork event centre; (13) Deputies Bernard J. Durkan and Martin Heydon - to discuss the next stage of development of new units at Naas General Hospital and an update on new developments in mental health services at the hospital; (14) Deputy Mick Wallace - to discuss the procurement process regarding schools in Ireland; (15) Deputy Pat Buckley - to discuss the closure of services to referrals of homeless persons at the ACCESS mental health unit; (16) Deputy Robert Troy - to discuss establishing a dedicated public transport police to tackle antisocial behaviour; (17) Deputy Declan Breathnach - to discuss the issue of offences committed while perpetrators are out on bail; and (18) Deputy Richard Boyd Barrett - the need for a new school for North Wicklow Educate Together.

The matters raised by Deputies Thomas Pringle, Michael Moynihan, Bernard Durkan and Martin Heydon, and Pat Buckley have been selected for discussion.

Ceisteanna (Atógáil) - Questions (Resumed)

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Airport Development Projects

An Leas-Cheann Comhairle: I remind those Deputies who are participating, and the Minister, to observe the clock.

60. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport his views on the construction of a second runway at Dublin Airport; if this is a priority over the construction

of a third terminal; and if he will make a statement on the matter. [45945/18]

Deputy Robert Troy: What are the Minister's views on the construction of a second runway at Dublin Airport? Does he consider it a priority to ensure the construction of a second runway and for it to be operational ahead of the construction of a third terminal in light of the recent report the Minister initially leaked and subsequently published?

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I welcome the Deputy's question and the opportunity it provides to reiterate my full support, and that of the Government, for the provision of additional runway capacity at Dublin Airport. The airport experienced its seventh consecutive year of growth last year, welcoming close to 30 million passengers, and the importance of ensuring that we have adequate airport capacity at our biggest airport to drive national economic growth cannot be overstated.

Project 2040 recognises, at a national level, the importance of delivering the north runway as soon as possible, given its strategic importance for the country. With the award last week by the Dublin Airport Authority, DAA, of the main construction contract for the north runway, I look forward to the commencement of the works and their completion in early 2021.

In addition to the north runway, the DAA's focus is on delivering a package of projects that are needed to address existing capacity constraints at the airport, and the authority has recently announced its plans to spend in the region of €900 million by 2023 on an expansion of airside facilities. These projects will ensure that the airport can accommodate the expected growth over the coming years to approximately 40 million passengers. Ireland needs those projects to be completed to ensure maximum international connectivity for the economy.

While there is no question over the priority accorded to addressing the immediate capacity development requirements at Dublin Airport, it would be wrong to lose sight of the need to plan for the longer term. To that end, as the Deputy will be aware, Oxford Economics in conjunction with Cambridge Economic Policy Associates were contracted last year, in line with a commitment outlined in the national aviation policy, to conduct a high-level strategic capacity review of Ireland's State airports. This review was delivered to me at the end of August and provides a very helpful assessment, which is both specific about short-term actions as well as identifying further work that needs to be undertaken to assist in decision-making for the longer term to 2050.

I am sure the Deputy will agree that it is critical to get strategic development decisions right. To ensure that there is an open approach to the options for Dublin Airport, including any decision on a third terminal, I have just commenced a process of consultation on the review in which all stakeholders will have an opportunity to set out their views. When I have all the views and information available to me, I will carefully consider the issues and make recommendations to the Government in early 2019.

Deputy Robert Troy: The select leaking of elements from the report on terminal 3 supports the Minister's view on an independent terminal, but the authors of the report say an independent terminal might not be worth the effort. A third terminal would be premature given the much more pressing demands for an operational runway, additional aircraft stands, a taxiway and parking stands. What is the rush? Has the Minister engaged with the DAA on terminal 3? Has he engaged with any private stakeholder or developer on their interests in terminal 3?

The Minister referred to plans that are under way by the DAA on the €900 million devel-

opment. Does he have any concern that the red herring he raised about an independent third terminal might put those very plans in jeopardy and have a negative effect on decisions that are being taken to increase the capacity that is needed here and now?

Deputy Shane Ross: These are not competing projects. They can run in parallel and they have a very different timeline. The aim is that the runway would be completed by 2021 but we have to think more long term given the capacity problems that afflict Dublin Airport in particular. As Deputy Troy is aware, at the moment Dublin Airport has approximately 30 million passengers going through it annually. What is anticipated in the report, to which the Deputy refers, is that passenger numbers could increase to between 50 million and 60 million by 2050. The runway is a very short-term project compared with what we have to consider in the long term.

In general, airport infrastructure must be considered in the long term. The Government realises that the run-in for such projects takes a long time and, as promised and as we are obliged to do, we commissioned a report that came up with some startling figures. An independent third terminal is one option that has been considered. My Department and others will be involved in talks and consultations with stakeholders about the prospects for a third terminal and the need for it.

Deputy Robert Troy: It is a fact that the report was not requested by the Government's national aviation policy in 2015. Has the Minister met the DAA to discuss a third terminal? He can indicate whether the answer is yes or no. Has he met any key private stakeholders about the third terminal? Again, the Minister can indicate whether the answer is yes or no.

An independent noise regulator is critical to the runway that is to be constructed by 2021. Will the legislation for such a regulator be enacted before Christmas of this year, as was promised? Is the Minister confident that the legislation he is introducing will be sufficiently robust and independent considering that we are one of the few countries that is opting for the local authority to be appointed the independent noise regulator?

The DAA must make a submission to the Commission for Aviation Regulation by the end of the year on charges and the €900 million worth of planned development works to deal with current capacity requirements. However, the Minister adding the red herring of a third terminal into the mix puts a question mark over the feasibility of what is being proposed.

Deputy Shane Ross: The Deputy is mistaken. The €900 million which the DAA intends to spend is aimed at dealing with a maximum potential of 40 million passengers. However, we must plan for beyond that point. The DAA is making some good, serious and constructive suggestions. I made an effort to meet the DAA to discuss matters, and I will meet the authority in the very near future to see what its plans are.

Deputy Robert Troy: Did the Minister meet the DAA - yes or no?

Deputy Shane Ross: The DAA could not meet me.

Deputy Robert Troy: Did the Minister meet any private stakeholders?

Deputy Shane Ross: Let me make it absolutely clear: I will meet anyone who has a vested interest, including the DAA, private interests, Aer Lingus, Ryanair and anybody else who has an interest in the development of Dublin Airport, if they have a constructive interest in doing that. The future of Dublin Airport is very exciting but it is very demanding, and we have to

consider every possible option. That is what the report did. I have not made up my mind-----

Deputy Robert Troy: What is the rush?

Deputy Shane Ross: -----nor am I intent on making up my mind in the next two weeks, ahead of the findings from the consultations with the stakeholders. The Deputy will understand that when that has been done, I will be very happy to make an early decision because airport infrastructure demands long-term but early decisions.

Bus Services

61. **Deputy Imelda Munster** asked the Minister for Transport, Tourism and Sport to outline the rationale for the continued privatisation of the public bus network, in particular, the latest tranche of Bus Éireann routes to be put out to tender, in view of the fact that the first privatisation effort has only begun and has, therefore, not been subject to a performance review. [45720/18]

Deputy Imelda Munster: What is the Minister's reaction to the continued privatisation of our public bus network and, in particular, the latest tranche of Bus Éireann routes to be put out to tender? What is the Minister's reaction in view of the fact that the first privatisation effort has only begun and has, therefore, not been subject to a performance review?

Deputy Shane Ross: I thank Deputy Munster for her question. The current direct award public service obligation contracts with Bus Éireann, Dublin Bus and Iarnród Éireann expire at the end of November 2019. It is a statutory function of the National Transport Authority, under the Dublin Transport Authority Act 2008 and Regulation (EC) No. 1370/2007, to award PSO contracts and to determine the appropriate mix of directly-awarded and competitively tendered PSO services. It is incorrect to describe competitive tendering as privatisation as nothing is being sold, services are not being deregulated and control remains with the NTA.

The NTA is required to follow a statutory process underpinned by EU and national legislation before the direct award contracts may be renewed. As part of this process, the NTA launched a public consultation process in early October for the bus services contracts. This will inform its forthcoming decision on the renewal of the contracts, including the decision relating to the direct award and competitive tender balance of contracts. Dublin Bus, Bus Éireann, users of bus services and other stakeholders were invited to make submissions on the NTA proposals. The closing date for submissions was 30 October 2018.

As the Deputy is aware, the NTA is proposing to directly award to Dublin Bus an equivalent service level that the company will have at December 2019. The NTA is proposing to directly award to Bus Éireann an equivalent service level that the company has in December 2019. Furthermore, the NTA is proposing to amend that contract in 2021, reduce it by up to 10% of services and provide the removed services through a separate contract following an open competitive tender process. Should the NTA decide to competitively tender 10% of Bus Éireann services, it will be open to Bus Éireann to tender for these services if the company so wishes. The Deputy will recall that Bus Éireann was successful in the recent competitive tender competition run by the NTA for the operation of five city bus routes in Waterford city.

The new direct award contracts proposed by NTA will provide a guaranteed level of PSO funding to Dublin Bus and Bus Éireann up to 2024. The PSO programme represents significant

expenditure of taxpayers' money and has increased by some 35% in the past three years. This year €285 million in funding has been allocated toward funding our PSO services.

Additional information not given on the floor of the House

I remind the Deputy that all public transport services, whether provided by direct award contracts or through competitive tender, will continue to be regulated by the NTA so that Leap services, free travel pass, real time information, etc., will all continue to operate on these services and fares will continue to be regulated by the NTA.

The NTA has statutory responsibility to award PSO contracts and to determine the appropriate mix of directly awarded and competitively tendered PSO services. Under law, this is not an area in which the Minister has a role. Following the conclusion of the NTA's public consultation process, I understand the board of the authority will take its decision on this issue later this month.

Deputy Imelda Munster: This is privatisation, despite what the Minister says. It is the start of the privatisation route. Our public transport network needs to be protected. It is a public service. It is about connecting communities and urban and rural areas. It provides a lifeline to rural Ireland and is also better for the environment. Public transport is not supposed to be about profit. It is supposed to be about providing a public service. We need to invest in our public transport network rather than trying to tear down Bus Éireann.

The Minister is going ahead with the plan to place the next tranche of Bus Éireann routes out to tender despite the fact that there has been no review. He is not even waiting to see whether his first privatisation effort was successful. I am sure the Minister has done his research but he need only look across the water to see the disaster privatisation was over there. It appears he is jumping the gun in his eagerness to tear down our national carrier, Bus Éireann. Where will it all end?

Deputy Shane Ross: I thought I had nailed the lie that this was privatisation. I thought Deputy Munster would know that this opening of the bus market is not privatisation. If she can explain to me what is being sold, I will listen to her. Nothing is being sold. None of the assets is being sold, as Deputy Munster knows full well. The privatisation scare will continue to come into this House as long as the Deputy does this. I hope she survives it because the privatisation scare simply does not hold any credibility. What is happening here is the allocation of some direct award contracts and some competitive tender contracts. These are running at approximately 10% in some cases. What we are seeing is a continuous attempt to dub this as privatisation. It is not privatisation because not a single State asset is being sold. What we are seeing is a certain amount of competition entering the market, which is welcome.

I agree with a good deal of what Deputy Munster said and I share one of her interests in this matter, namely, that this should not be about profit. I want to see revenue being generated and the companies doing well, but not primarily for the purpose of profit. I want passengers to get the most out of these companies. That is the objective and that is why we are putting these routes out to tender.

Deputy Imelda Munster: I beg to differ with the Minister. The most profitable public transport routes are being sold, notwithstanding what he says. Does he accept that his privatisation agenda for our public transport routes will ultimately cost the State, just as it did elsewhere when public services were privatised?

I imagine the Minister is aware of reports and findings from across the water which clearly show that Britain's privatised bus system is a source of widespread and justified disgruntlement. The system is described as an overpriced, inefficient, poor quality mess. When privatisation commenced in Britain in 1986 it was with the promise that, as the Minister might say, more people would travel. However, the number of bus trips taken in cities outside of London subsequently collapsed from 2 billion per year to 1 billion per year. Britain's bus privatisation story, or disaster, is one of profit before need. It is a dismal tale for those who believe that the private sector automatically trumps the public realm, a view shared by the Minister. It should serve as a stark warning to him when he looks across the water and sees exactly what has happened there. Privatisation eventually cost more, especially in the London area. The Minister already knows that but it is as if he does not care and has decided to leave a mess for someone else to clean up afterwards.

Deputy Shane Ross: Maybe Deputy Munster would like to do it. If she does not know the difference between privatisation and competitive tendering, she would not be able to sit in this seat for too long.

Deputy Imelda Munster: I will not take the route the Minister has taken in any case.

Deputy Shane Ross: There is a major difference. The Deputy says the most profitable routes are going out to competitive tender. She did not use that term but that is what is happening. The next Bus Éireann routes the NTA is proposing to put out to competitive tender are those which are low-performing. It proposes to tender these routes, which serve the Dublin commuter area and the eastern region, in 2021. The level of customer services on these routes has been below performance targets. Let us not get that point wrong as well. Deputy Munster can get one thing wrong but to get two things wrong in one minute is rather a lot.

Deputy Imelda Munster: The Minister has exceeded his allotted time.

Deputy Shane Ross: It is not about profit. It is about social need on routes that are not profitable and keeping them going for the good of the community. That is what the NTA is doing and that is the reason the PSO subvention increased by 36% in the three-year period from 2016 to 2018. Deputy Munster complains that we are somehow running down these routes and the companies in question when the opposite is the case. We are committing more and more capital and money to them.

Insurance Costs

62. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport to outline the status of the progress in implementing the recommendations of the cost of insurance working group that fall within his remit; and if he will make a statement on the matter. [45946/18]

Deputy Robert Troy: Following a Fianna Fáil motion in 2016, the Government established a cost of insurance working group to examine the high cost of insurance. Responsibility for implementing several of the working group's recommendations was ascribed to the Minister and his Department. Will the Minister provide an update on the progress made in implementing those recommendations?

Deputy Shane Ross: The cost of insurance working group is chaired by the Minister of

State at the Department of Finance, Deputy D'Arcy. My Department has responsibility for 12 of the 71 actions arising from the cost of insurance working group report published in January 2017. Quarterly update reports are issued by the Department of Finance and are available on its website.

The current status of my Department's actions are that six are complete and six are due for completion in quarter 4 of 2018. The six actions completed to date relate to the holding of formal discussions between the advisory committee on small public service vehicles and Insurance Ireland, which is broken into two actions, with those discussions having commenced; establishing a fully functioning database to identify uninsured drivers, with insurance companies compelled to provide the driving licence number for such purposes; the submission of a detailed project plan for the development of a master licence record; and a requirement on the insurance industry to promote compliance with road safety legislation. My Department remains committed to the delivery of the remaining actions arising out of the recommendations of the working group.

As regards the cost of motor insurance, the main contributing factor in my area of responsibility is road safety and the improvement of road safety. In that respect, the implementation of the actions set out in the Government's road safety strategy for the period 2013 to 2020 should, over time and taking account of the recent mid-term review of the strategy, lead to a reduction in road traffic collisions, fatalities and injuries, and material damage claims. This should make an important contribution to reducing the cost of motor insurance as the insurance industry has acknowledged it has done over the past decade and a half.

There is a rather larger duty upon us to reduce insurance premiums by way of having a policy that increases road safety. I believe the Deputy will agree that we are doing that very effectively, and with his support in very many cases. We have reduced the number of collisions and, it is hoped, the number of road deaths, and introduced legislation that has contributed enormously to road safety.

Deputy Robert Troy: The cost of insurance is a significant for motorists, taxi drivers and the haulage industry. The cost of car insurance has seen increases of 70% between 2013 and 2016. Last year, Verona Murphy of the Irish Road Haulage Association cited that some hauliers were seeing an increase of 300%. Nevin's Taxis in the midlands, which operates six cars, has seen its insurance costs increase by €60,000 in one year. The Minister will know Tom Allen, the music promoter. His insurance costs increased from €562 in 2013 to €2,162 in 2018, with no claims.

The Minister's Department was the lead Department in respect of seven recommendations by the cost of insurance working group, which published its report in January 2017. Of those seven recommendations, not one has been completed. As a consequence of that, there are other recommendations that are unable to be completed and, as a result, we are continuing to see hard-pressed motorists being gouged for the cost of insurance. The Minister and his Government colleagues are failing to address that.

Deputy Shane Ross: I believe I addressed most of that in the answer to the Deputy's question when I referred to 12 out of the 71 recommendations. The cost of insurance working group took into account all the other issues the Deputy mentioned. We have succeeded in completing six of the recommendations and we will complete the other six in time.

The important job we do, and that we have done reasonably well, is to keep the cost of insurance premiums down as far as possible by making the roads safer. That is our primary job. I will list some of those measures. I am sure the Deputy knows that today I introduced to the Cabinet, and Deputy Munster will be interested in this as well, a measure that is very dear to the Deputy's heart, namely, a measure on rickshaws, on which I accepted an amendment from Deputy Munster in this House in 2016. That will be implemented now and it will make the roads in Dublin and Cork safer from the menace rickshaws have become. It is to be hoped that will also mean that non-motorised rickshaws will have to take out insurance to which the Deputy referred.

An Leas-Cheann Comhairle: The Minister will have another opportunity.

Deputy Robert Troy: The Minister is living in cloud cuckoo land. He is taking credit for implementing an amendment in respect of rickshaws that was voted on in this House two years ago. How is the consolidation of the Road Traffic Acts coming along? Has it even commenced? According to the response to a freedom of information request, it has not.

Can we stick to the question I am asking on the recommendations of the insurance reform group? The Minister's Department was the lead Department in respect of seven of the group's recommendations and of those, none is completed. Recommendation 10 is that regular engagement should commence between the advisory committee on small public service vehicles and Insurance Ireland. The update as of the end of the previous quarter is that regular meetings between the advisory committee and Insurance Ireland have not occurred. Recommendation 28 is to establish a database to identify uninsured drivers - motor third-party liability insurance. The update is that legislative changes are needed to require drivers to provide insurance with their driving licence number. That has not happened. Recommendation 30 is to develop a master licence database to make it easier to access information on car and driver. The update is that this is two years behind schedule and it will be delivered by 2020 at the earliest. These are the updates from the Minister's Department. Meanwhile, people are being ripped off by the cost of insurance and the Minister talks about regulating rickshaws two years after the Dáil voted on that amendment. He should get real.

Deputy Shane Ross: Before Deputy Troy bursts another blood vessel in his phony outrage, I will try to do as he asked. He is quite right. Some of these recommendations have not been implemented. Six out of 12 have been implemented. On one the Deputy mentioned, ongoing meetings of the database project board are being held to oversee the project's implementation, and others are progressing. They have not all been done and they will not all be done in a timetable that is dictated by the Deputy. He complains about whatever happens on these issues. I do not mind that. We are doing a very effective job in keeping the roads safe.

Deputy Robert Troy: The Minister should ask people who are paying a 300% increase in the cost of their insurance if he is doing a good job.

An Leas-Cheann Comhairle: The Minister, without interruption.

Deputy Shane Ross: There is a problem with insurance companies. Insurance companies have had problems with their profits for a long time. The reality probably is that they are charging far too much because they are trying to catch up with profits they lost a long time ago. That is unforgivable.

Deputy Robert Troy: Do something about it.

Deputy Shane Ross: Allow me to say something about the courts. The payouts for whiplash in this country, with which the Government has nothing to do, are multiples of what they are overseas. It is more than 12 times the typical amount it costs the claimant in terms of medical expenses. To put that in perspective, according to a report today in the *Daily Mail*, compensation awards for whiplash in Ireland are five times higher than in the United Kingdom. Insurance companies ultimately pass on that cost to all their consumers. The Deputy should not blame the Government for all of this. The insurance companies are charging too much and the courts-----

Deputy Robert Troy: It is the Minister's job to regulate it.

Deputy Shane Ross: -----are giving outrageous awards.

Deputy Robert Troy: For God's sake.

Rail Services Provision

63. **Deputy Brendan Ryan** asked the Minister for Transport, Tourism and Sport if he will approve the requests from Irish Rail for additional carriage stock to ensure capacity can be maintained and subsequently increased on the main commuter routes; and if he will make a statement on the matter. [45931/18]

Deputy Brendan Ryan: Commuter rail routes into Dublin are bursting at the seams at peak times. They are under-resourced and under pressure. Recent timetable changes have not fixed the problem on the northern commuter line. While the number of trains has been increased, the trains have had the number of carriages reduced. Therefore, the overall capacity problem has not been addressed. Overcrowding is not only leaving people stranded on the platforms and late for school, work or hospital appointments, but also creating an unpleasant commuting experience for those crammed into the carriages. Travel on some peak services is reported to me as being unsafe.

Deputy Shane Ross: As the Deputy is aware, the National Transport Authority has responsibility for ensuring the development and delivery of public transport infrastructure in the greater Dublin area, including, in consultation with Iarnród Éireann, the provision of rail fleet. Public transport passenger numbers have increased in recent years, reflecting broader economic and employment growth. Rail passenger numbers have similarly increased across the network, in particular on the commuter network in the greater Dublin area. These increases are welcome. However, they clearly place pressure on the capacity of the network and the National Transport Authority, NTA, and Iarnród Éireann are continuing to make service and infrastructure improvements to address these pressures.

In recent years, new services were introduced on the Kildare line using the reopened Phoenix Park tunnel. These services have provided additional capacity on this important commuter corridor. In September this year, the DART moved towards a ten-minute service during the core operating day. Since the introduction of the new services, the NTA and Iarnród Éireann have monitored the impact on the broader commuter network and made adjustments as necessary in response to any identified issues. A number of additional services in the morning peak on the north side of the network have recently been approved and will provide additional capacity. Additionally, by the end of this month all peak-time DART services will be operated using

six-car or eight-car train sets, which will provide a moderate increase in capacity. December's revised timetable will see additional off-peak capacity added to the Kildare, Maynooth and northern lines, providing passengers with additional travel options throughout the day.

While these are all immediate measures which will enhance overall capacity, other medium-term and long-term measures are required. Key to these measures is the provision of additional rail fleet. In the medium term, it had been hoped to refurbish a number of older train sets with a view to their reintroduction to service. However, following a tender process the overall cost of the refurbishment tripled as compared with initial estimates and the refurbishment proposal simply does not represent value for money.

The need for additional rail fleet remains, however, and the NTA and Iarnród Éireann have begun a process of identifying the potential of acquiring second-hand rail fleet, either through lease or purchase. The Deputy will be aware that this is complicated by the fact that the Irish rail network operates to a different gauge than those of the UK and most other European countries, and any second-hand vehicles would require modification for Irish use.

Additional information not given on the floor of the House

A decision on the viability of the second-hand vehicle option approach will be made by the end of this year, following market availability analysis and procurement options analysis.

In the longer term and as part of the DART expansion programme generally, there is a need to significantly increase the fleet in any event. Work on developing tender documentation and train specifications for the proposed bimodal fleet of rail vehicles is progressing. The formal procurement notice seeking interested train manufacturers is expected to issue before the year's end and a formal contract for the new fleet is expected to be signed in 2019.

As the Deputy can see, a number of immediate short-term, medium-term and longer-term measures are under way which are designed to deal with the increased numbers of passengers availing of rail services. The Deputy is aware that investment in the greater Dublin area commuter rail network is a key priority of the Government, as reflected in the inclusion of the DART expansion programme in the national development plan, NDP, and an indicative funding allocation of €2 billion over the next ten years.

Deputy Brendan Ryan: Irish Rail has requested capital investment in its carriage and train infrastructure. A host of other infrastructural works is needed to upgrade lines, provide further electrification and improve signalling junctions, but extra carriages can be provided now. This would help to provide solutions to our overcrowding now and make commuting more reliable and comfortable. Transport in Dublin is at breaking point. If the new fleet is not ordered now and we do not find a solution along the lines alluded to by the Minister, there will be no additional capacity by 2021. Irish Rail is seeking to lease 70 new carriages, which would provide 5,500 extra journeys. It also needs to expand the existing fleet of 629 carriages with the national development plan sanctioning investment in 300 new vehicles. The first order of 100 vehicles is likely to be in place by next year but they will take up to three years to deliver.

Decisions need to be made now as otherwise the Minister will store up problems that will lead to disaster only two years from now. I acknowledge underinvestment has been an issue in the years of the downturn and it is necessary to catch up.

Deputy Shane Ross: I thank the Deputy for acknowledging that. It certainly has been

difficult to play catch-up, especially after the difficult period we had. As he is from the north side, the Deputy might be interested to learn that the main issue that arose concerned capacity around the north side of Dublin. The NTA and Iarnród Éireann responded swiftly to customers' concerns by scheduling additional morning peak services from Portmarnock and Clongriffin. At Portmarnock, it provided an additional 7.29 a.m. service to Pearse Station and a 7.42 a.m. service to Bray and, from Clongriffin, it provided an additional 7.45 a.m. service to Bray. With these additional services, Portmarnock has the same number of peak morning services as it had before the timetable change and Clongriffin has one extra peak morning service. Iarnród Éireann has stated that it believes these changes will address the frequency concerns of passengers from Portmarnock and Clongriffin and the capacity issues that have arisen, particularly at DART stations such as Harmonstown and Killester. The NTA and Irish Rail are considering the potential of acquiring second-hand rail fleet through either lease or purchase. However, the Irish rail network operates on a different gauge, that is, the width between the two rails, from that of most other European countries, including the UK. This means that any second-hand vehicles would require modification.

Deputy Robert Troy: For the Minister's information, he is rereading his earlier answer.

Deputy Shane Ross: A decision on the viability of the second-hand vehicle option will be made later this year.

Deputy Robert Troy: Does the Minister realise he read the same answer twice?

Deputy Brendan Ryan: I thank the Minister. If the NTA and Irish Rail can deliver on that second-hand option very quickly, it will be welcome. However, commuters cannot rely on services and are being forced to get earlier trains to get to work on time, leading to overcrowding on trains during peak times. We will have serious problems when commuters start to lose confidence in public transport. In my constituency of Dublin Fingal, necessary and welcome new housing estates are being built in Donabate, Lusk, Rush, Skerries and Balbriggan. Among many other things, the people who buy these houses will be attracted by the fact that they are located near a commuter rail line. At the moment, there is not enough capacity to cope with existing demand. The Minister must urgently provide Irish Rail with the funding for extra carriages and capacity measures. I have raised the fragility of the M1 corridor with him on several occasions. The road and bus network in this corridor has slowed to an absolute crawl, and the M1 cannot take any more. Extra train carriages must be leased immediately to allow for the lead time for delivery. This matter must be treated with the urgency it deserves.

Deputy Shane Ross: I agree that it is an urgent matter. We are sometimes victims of our own success. The upsurge in commuters in the Dublin area has put a lot of pressure on rail services and public transport in general. In some ways, this is wonderful but in other ways it creates difficulties. Funding of €230 million over the period from 2018 to 2021 has been allocated to mainline rail projects. Further investment includes the Dublin city centre resignalling project to improve speeds through the city centre and the new central traffic control centre, which will enable the DART expansion programme to progress, as well as generally improving national rail movements. The benefits are not just confined to the Dublin area. These investments will be of benefit across the rail network nationally.

As I stated, additional funding will also increase the rail fleet and allow further progress to be made on the electrification of the northern rail line to Balbriggan, which is now expected to be delivered in 2022. We will also commence work on the Maynooth line, which is part of the

Dublin to Sligo line.

Traffic Management

64. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport his views on the College Green plaza; if he will advance an alternative option; and if he will make a statement on the matter. [45947/18]

Deputy Robert Troy: In light of An Bord Pleanála's recent decision on College Green, has the Department considered alternatives in consultation with the NTA and Dublin City Council? What is the Minister's plan for future traffic flow around College Green?

Deputy Shane Ross: I thank the Deputy for his question. He will be aware that the planning application was brought by Dublin City Council and the decision to refuse was made by An Bord Pleanála. The council's application was made in its role as the relevant local and roads authority for Dublin city. I am sure the Deputy respects the role of the city council and all local authorities regarding their statutory roles and responsibilities.

The Deputy refers to the development of a plaza on College Green, which forms a central element of Dublin City Council's plans for the area and features in the council's development plan. There is a transport element to the council's plans for College Green, and that was founded on part of the 2015 Dublin city centre transport study, which was developed by the council in partnership with the NTA. This transport study sought to address the transport issues facing the core city centre area, facilitate the implementation of the council's development plan and safeguard the future development of the city.

The study noted that the development of the Luas cross city service required a renewed focus on traffic and junction arrangements along its route, including the College Green area. Complementing that focus, the council sought to improve the public realm and create a new civic plaza. As I mentioned, I understand that the proposal to upgrade the public realm forms part of the council's current development plan. Therefore, as the Deputy can appreciate, the planning application for the College Green plaza proposal is a matter for the council.

However, as I stated, there is a transport context for this. The issue of congestion formed the backdrop to the 2015 study and also forms the backdrop to any discussion of transport within the core city centre today. As we all know, the College Green area is an important transport corridor for public transport, pedestrians and cyclists. The implications of An Bord Pleanála's recent decision are being carefully considered by the council in its role as the relevant local and roads authority for the area, as well as by the National Transport Authority in its statutory role as transport authority.

Additional information not given on the floor of the House

That consideration reflects the statutory responsibilities of the various State authorities. It is not a matter for decision by a Minister as to what the traffic arrangements on a city centre street might be or whether a public plaza should be created or how it should be created.

What I am responsible for is the development of public transport policy and the overall funding to provide for its implementation. In that regard, we have made progress in recent years since publication of the city centre transport study in 2015. We have increased rail ser-

vices through the reopening of the Phoenix Park tunnel; continued to invest in the city centre resignalling project; introduced ten-minute DART services; invested in new bus services and fleet; and invested in improved cycle routes and expanded public bike sharing schemes.

We are planning for the future too, through the BusConnects, MetroLink and DART expansion projects. Therefore, there has been progress in public transport in recent years and that progress will continue and accelerate with the roll-out of the projects to which I have just referred.

As to the specific issues in the College Green area, I expect the council and the NTA to fully consider the board's recent decision in the context of the known issues which remain in the movement of transport through the area.

Deputy Robert Troy: Whether one raises the issue of congestion with the Minister, the NTA, Dublin City Council or Dublin Bus, the response is always that one must wait and see what the outcome on the College Green plaza is because the decision will be central to the future plans for traffic flows in Dublin. As the Minister correctly said, this issue dates back to 2015 when the NTA and Dublin City Council carried out the Dublin city centre transport study. Despite identifying it in 2015, it took Dublin City Council a further two years to make an application to An Bord Pleanála. Public hearings were postponed because Dublin City Council misadvertised in the national newspapers. Because the Government allowed a situation to continue where the membership of An Bord Pleanála was depleted, it took longer for the issue to be adjudicated on. Given the importance of the scheme and the additional time both the NTA and Dublin City Council have had, has the Minister met the CEO of Dublin City Council and the CEO of the NTA and brought them together to see how are we to advance the plans made or what are the next steps in the process?

Deputy Shane Ross: The answer to the Deputy's question is "No" and I have no intention of doing so. The city council and the NTA are the principal parties. Obviously, An Bord Pleanála has played another part, but the city council is responsible for what happens. It is responsible for the appeal to An Bord Pleanála. It is responsible, with the NTA for taking a further decision. These people are grown-ups. I can only inform the Deputy of what I know about the issue, that is, at a council meeting last night a number of councillors stated the project for which permission was refused owing to the board's concerns about the significant negative impact it would have on bus transport and traffic must not be abandoned. It seems the likelihood is that councillors wish to go ahead with a plaza of sorts and respond to the reservations of An Bord Pleanála about the project. One of the councillors, the council's head of traffic, stated last night that there was an urgent need to reconfigure College Green to take account of the increased numbers of pedestrians and cyclists in the area and the new requirement for 55 m Luas cross city trams. They are taking their responsibilities seriously. Much as I would like to see a result as soon as possible, it is not up to me to become involved in the issue.

Deputy Robert Troy: The Minister has a flair for blaming someone else or stating it is the responsibility of someone else such as Dublin City Council, the NTA or Dublin Bus. Does he have any responsibility to the tens of thousands who commute in and out of the capital city on a daily basis who have seen their commuting time increase dramatically in recent years? Does he have any responsibility to get the key stakeholders together to advance the major projects that need to be advanced because Dublin Bus is waiting to rerouting certain service until the decision is made? The Minister stated he would leave it to Dublin City Council. Given that it took the council two years, from the time it was decided to make the application, to make it, the

fact that it misadvertised in the media, which delayed the project further, and that the application, as submitted by the council, did not meet the approval of An Bord Pleanála because the arguments put forward in it were weak, surely the Minister has some responsibility to bring the key stakeholders together to ensure we will advance the project and work to reduce congestion and get the capital city moving again.

Deputy Shane Ross: The Deputy should stand for election to Dublin City Council as that is where he should be if that is what he maintains. It would be the proper platform. That is where the issue was discussed last night and where it will be decided. It is looking for various solutions and good luck to it. Like the Deputy, I would love to see it happen. The Deputy says I am washing my hands of something, but the opposite side of the coin is that he would ask, if I did do something about it, how dare I interfere with the NTA and Dublin City Council when it was none of my business. It is not a matter for me in which to become directly involved. It is unrealistic and untrue for the Deputy to say we have not done anything about the traffic problems in Dublin. The plaza is an area in which I have no jurisdiction. I do in others. Let me repeat to him some of what I have stated *ad nauseam* in the past but which for some reason he does not seem to be able to acknowledge or take in.

Deputy Robert Troy: The Minister takes credit for successful measures.

An Leas-Cheann Comhairle: We will have to move on.

Deputy Shane Ross: We have done a large amount about traffic problems in Dublin city. We have increased the percentage of passengers on public transport which is part of our policy. I suppose Deputy Troy has never heard of ten-minute DART services.

Deputy Robert Troy: It is chaotic.

Deputy Shane Ross: I suppose he has never heard of the improvements in bus services and the bus fleet.

An Leas-Cheann Comhairle: We are making no progress.

Deputy Robert Troy: The Minister should take the ten-minute DART service and see what he thinks of it.

Deputy Shane Ross: I suppose the Deputy has never heard of the Phoenix Park tunnel or the Luas.

An Leas-Cheann Comhairle: There are other Members in the House.

Deputy Shane Ross: I suppose Deputy Troy has never heard of the city centre resignalling project either.

Ceisteanna Eile - Other Questions

Park and Ride Facilities

65. **Deputy Brian Stanley** asked the Minister for Transport, Tourism and Sport if he will address the need to expand the number of electric vehicle charging points at Portlaoise and Ballybrophy train stations, County Laois and the need to expand the parking facilities to encourage the use of renewable transport and greater use of public transport; and if he will make a statement on the matter. [45482/18]

Deputy Brian Stanley: I welcome the opportunity to ask the Minister this question related to the rail stations in Ballybrophy, Portlaoise and Portarlington. In Ballybrophy and Portlaoise there are problems with the parking areas, including a shortage of parking spaces. I hope the Minister can address the issue because we must start to make it easier for commuters.

Deputy Shane Ross: I am glad to hear a temperate and serious point being made. It is appropriate that we talk about electric vehicles, EVs, charging points and issues which are of importance to all of us and behind which we can all unite.

Travel demand is increasing in Ireland. It is imperative that we meet this growing demand in the cleanest manner to limit further emissions from the transport sector. Where feasible, increased demand must be accommodated on the public transport network or through walking and cycling. Improving public and active transport services and infrastructure is central to providing a greener alternative to the private car, reducing both congestion and emission levels. I was delighted to secure a 20% increase in capital investment in budget 2019 to support sustainable mobility projects and welcome the Government's commitment in the national development plan to invest €8.6 billion in public transport in the ten years to 2027.

The Deputy asked about electric vehicle charging points at two specific train station park and ride facilities. I note that responsibility for national charging infrastructure rests with the Minister of Communications, Climate Action and Environment. As Minister for Transport, Tourism and Sport, I strongly support the transition to electric vehicles as a necessary step-change for Ireland to effect a substantial reduction in transport emissions. In fact, through the national policy framework for alternative fuels infrastructure for transport in Ireland 2017 to 2030, I have firmly outlined an ambition that all new cars and vans sold in Ireland from 2030 onwards will be zero emission-capable.

As to the named train stations, I am not currently aware - the Deputy may be more aware than I am - of a charging point located at Ballybrophy train station, but I was encouraged to note high usage rates of the charging point at Portlaoise train station. I am informed that it was used 45 times in October alone. This charging point was supplied, installed and commissioned and is maintained by ESB Networks. I understand the ESB has in a recent announcement committed to expanding and carrying out upgrade and replacement works on its public charging infrastructure.

Additional information not given on the floor of the House

Park and ride facilities are an effective way of increasing the catchment area of the public transport network and encouraging a modal shift away from the private car. Where possible,

the combination of driving to a train station in a low-emitting vehicle to continue one's journey on public transport is a model I would like to see become widespread. I have no role in respect of Iarnród Éireann car parks, but I am informed that parking at both mentioned train stations is spatially limited and at peak capacity on weekdays. I understand from Iarnród Éireann that the expansion of car-parking facilities at train stations is subject to the conduct of feasibility studies to determine average occupancy and developing expansion strategies, as appropriate.

I am happy to report that the uptake of electric vehicles in Ireland has more than doubled this year compared with last year, albeit from a low base. The barriers to electric vehicles are increasingly being overcome with wider vehicle availability, in improving journey distance ranges, through better affordability and greater consumer awareness. The Government is playing its part. An interdepartmental low-emitting vehicles task force was jointly convened by my Department and the Department of Communications, Climate Action and Environment to consider a range of measures to expedite the deployment of low-carbon technologies, especially the uptake of electric vehicles. Recommendations from the task force were considered in the previous two budgetary processes and a generous package of measures to promote the uptake of electric vehicles is in place, including purchase grants, vehicle registration tax and benefit-in-kind relief, reduced tolls and a home charger installation grant. These incentives have resulted in there being approximately 6,500 electric vehicles on Irish roads today.

We are also seeing continued strong growth in heavy rail use. In 2017 there were an extra 2.7 million passenger journeys, a 6.3% annual increase on the figure for 2016, which brought the total to 45.5 million journeys, similar to the 2007 peak. New services such as those using the Phoenix Park tunnel in Dublin have contributed to this expansion.

These are welcome trends. It is only through the combination of cleaner technologies with more efficient, greener transport solutions that Ireland will be capable of catering for growing transport demand in a sustainable, low-emissions manner.

Deputy Brian Stanley: I thank the Minister for his answer. I am glad to hear that we are on the same page in expanding the number of electric vehicle charging points. The point is that there is not one at Ballybrophy and we want one, two or three. Traditionally, the station at Ballybrophy has been quiet. It is situated in a rural area between Rathdowney and Borris-in-Ossory and becoming busy again, which is no bad thing. There is a charging point at Portlaoise, although there is a problem with it. We need more at that station. There is also a problem as a result of all-day parking. Some drivers of EVs plug them in and think they have exclusive parking rights for the day. This issue needs to be addressed. There is a need for a system to be put in place by Iarnród Éireann to ensure motorists will not let their vehicles sit at these parking spaces for 12 or 14 hours. Commuters have a hard job. There are 11,477 people commuting out of County Laois alone to work each day and many of them travel by train. As somebody who uses the train occasionally, I can tell the Minister that it is hard work using the service because of the lack of parking spaces. I will give one example. Somebody who wants to attend a hospital appointment but who arrives at Portlaoise or Ballybrophy stations after 7 a.m. will not get a parking space because they are not available. If that person is disabled, there is a problem. There is land adjacent to the station that needs to be developed for parking.

Deputy Shane Ross: I do not believe there is a charging point at Ballybrophy although there is one in Portarlington.

Deputy Brian Stanley: There is one but we need an extra one.

Deputy Shane Ross: The one in Portlaoise is very well used. I take the Deputy's point. If he thinks there should be more in Portlaoise, I will pass on that message to Iarnród Éireann and see what is the response. I share the Deputy's concern about people parking for the day and blocking the parking spaces and the charger. If that were to happen, it would be unforgivable. If it is happening, it should be remedied either by the ESB or Iarnród Éireann, or a combination of the two, because it is obviously counterproductive. It was used 45 times in a month but, if people are blocking them, that could obviously be improved.

I am happy to report the uptake of electric vehicles generally in Ireland has more than doubled this year compared to last year, and while that is admittedly from a low base, it is very encouraging. The barriers to electric vehicles are increasingly being overcome with wider vehicle availability, improving journey distance ranges, better affordability and greater consumer awareness. The Government is playing its part. An interdepartmental low-emitting vehicles task force was jointly convened by my Department and the Department of Communications, Climate Action and Environment to consider a range of measures to expedite the deployment of low-carbon technologies, especially the uptake of electric vehicles. Recommendations from the task force were considered in the previous two budgetary processes and a generous package of measures to promote the uptake of electric vehicles is in place.

Deputy Brian Stanley: Car parking at Ballybrophy and Portlaoise needs to be expanded as current facilities are not adequate. There is land adjacent to both stations that can be utilised, with the land at Portlaoise located right beside the station. The county council is interested in doing this and has been trying to do something about it. I urge the Department and Iarnród Éireann to liaise with the county council to try to get that in place.

In regard to charging points, Ballybrophy does not have one and it needs to have one or two, and we need an extra one or two in both Portlaoise and Portarlinton. We need to find a system to stop people from blocking the charging points all day long, in other words, parking, plugging in, going to work and using the charging point and the space for the whole day.

The other point on parking is that it is very difficult for people who arrive after 7 a.m., which is a major problem. At Portlaoise all spaces are gone by 6.45 a.m. and it is impossible after 7 a.m., while it is difficult at Ballybrophy. This needs to be addressed. We have to start getting people to use the trains and we have to make it easier for them. It is a very costly service. It is €100 a week to use the train but it is also €4.50 a day to park. When it is all added up, it is costly. We need to make it easier and we need to keep the prices down.

Deputy Shane Ross: I want to do everything I can to encourage people to use these charging points. What the Deputy is expressing is probably a microcosm of what is happening elsewhere. While I am talking rather loosely as I have no other evidence, it would appear that Portlaoise is not the only place where this is happening. If people are blocking parking spaces and using chargers, they may be frustrating others who wish to charge their cars.

Although Deputy Troy will be very annoyed, I cannot interfere with the workings of the NTA or Iarnród Éireann-----

Deputy Robert Troy: Are they not reporting to the Minister?

Deputy Shane Ross: -----but what I can do is pass on Deputy Stanley's message and I can ask them the question-----

Deputy Brian Stanley: The Minister is the shareholder.

Deputy Shane Ross: I will do that. I will ask them a question about whether this is a frequent occurrence and whether it is affecting EVs, because that would be an important point to make.

Deputy Robert Troy: How the lion became a lamb.

Deputy Shane Ross: We will also continue to promote EVs through purchase grants, VRT and benefit-in-kind relief, reduced tolls and the home charger installation grant. These incentives have resulted in some 6,500 electric vehicles being on Irish roads today. The position is improving rapidly and we are working to ensure that continues.

Semi-State Bodies Expenditure

66. **Deputy Imelda Munster** asked the Minister for Transport, Tourism and Sport the breakdown of additional spend for each of the three CIÉ companies, capital and current, and a company (details supplied) in budget 2019. [45646/18]

Deputy Imelda Munster: The question asks for details of the exact breakdown of additional spend for each of the three CIÉ companies, capital and current, and for Go-Ahead in budget 2019.

Deputy Shane Ross: In budget 2019 I secured an overall allocation for 2019 of €2.3 billion for the transport, tourism and sport Vote. This spending will support delivery of the national strategic outcomes outlined in the national planning framework, it is aligned with the strategic investment priorities of the national development plan and it is a 17% increase on the 2018 level. Some €788 million, or 34%, of the total is being provided towards sustainable mobility measures.

The Deputy asked about the additional spend for certain individual transport operators for 2019. Since 2010 my Department no longer pays direct subvention to operators for public transport services. The award of PSO funding to support socially necessary but financially unviable services falls under the independent statutory remit of the NTA. The allocations to the individual companies are decided by the NTA in the exercise of its statutory mandate and in accordance with the various contract arrangements it has in place with PSO service providers. Iarnród Éireann, Bus Éireann and Bus Átha Cliath provide the majority of PSO services. However, Go-Ahead has now commenced operating on a number of routes under the recent competitively tendered contracts awarded by the NTA under bus market opening. There are also a small number of PSO routes operated by other private operators.

As the Deputy is aware, the PSO programme represents a significant expenditure of taxpayers' money and aggregate funding has increased in recent years. This year I provided an allocation of €285 million in PSO funding to the NTA, which is €75 million higher than in 2015, representing an increase of 36% in the past three years. This funding is allocated via the NTA to support the delivery of these socially necessary but financially unviable services, which have grown in recent years. In budget 2019 I secured further additional funding which means I will be providing €287 million to the NTA for PSO funding in 2019.

Additional information not given on the floor of the House

As well as those increases in current expenditure, I have also secured significant increases for capital expenditure. These increases will allow the NTA and the operators to address both current infrastructure challenges and also plan for the future in terms of new and expanded infrastructure.

As the Deputy is aware, a key priority in recent years has been to reach the “steady state” level of investment in our heavy rail network. I am pleased to inform the Deputy that budget 2019 provides around €200 million to Iarnród Éireann in 2019 to maintain our extensive heavy rail network across the State. Achievement of the “steady state” level is a significant step forward for the rail network and is in line with last year’s IMF report on public investment, known as the PIMA report, and also the commitments outlined in the national development plan.

In terms of other capital investment programmes, my Department provides funding to the NTA, which in turn then allocates funding to the individual operators in accordance with its agreed capital investment priorities. Budget 2019 provides for significant increases in available funding for both heavy rail enhancement and BusConnects, and specific allocations will be agreed between the NTA and the operators in the coming weeks. The projects to be funded under these programmes include city centre rail resignalling, the new national train control centre and bus fleet renewal and expansion under BusConnects.

The increased funding I have secured over recent budgets will enhance and improve the experiences of the travelling public in 2019 and beyond.

Deputy Imelda Munster: The Minister seems to have handed over responsibility. I am surprised. The question was very direct and precise and I thought he would be only too happy to deal with it. I will repeat the question. I asked for details of the exact breakdown of additional spend for each of the three CIÉ companies, capital and current. Even if he has given over responsibility to the NTA, the fact he did not request those figures from the NTA, and then is happy to tell me exactly what was allocated for each company in capital and current spending, speaks volumes. This is added to the fact the last three budgets have been disastrous for transport. When a €30 million reduction in capital spend this year for transport, tourism and sport is taken into account, what the Minister secured overall was just €20 million in additional spend for his entire portfolio. There is no investment worth speaking of. Even for the basics like regional roads, rail and public transport, there is nothing. That the Minister could not come in here and tell me that he secured X, Y and Z in capital and current funding for each of the CIÉ companies is not what I expected.

Deputy Shane Ross: I get staggered from time to time when I listen to Deputy Munster. I sometimes think good news is very unwelcome to her and that she finds it rather uncomfortable, so she has somehow to misinterpret it. I do not know what planet she is on. I have to repeat that the PSO subvention increased in 2016, 2017 and again this year. It is an increase. I do not know if the Deputy thinks it is a decrease. Over three years it will increase by 36% in total. That is an awful lot of money. Funding of €285 million is being allocated in 2018 to support the delivery of socially necessary but financially unviable journeys and routes. I do not see how the Deputy can complain about that. I can understand why she does not like the opening of the bus market but how she can complain about increased spending baffles me.

In terms of other capital investment programmes, my Department provides funding to the NTA, which in turn allocates funding to the individual operators in accordance with its agreed

capital investment priorities. Budget 2019 provides for significant increases in funding for heavy rail enhancements and BusConnects and specific allocations will be agreed between the NTA and the operators in the coming weeks. The projects to be funded under these programmes include city centre rail resignalling, the new national train control centre and the bus fleet renewal and expansion under BusConnects.

An Leas-Cheann Comhairle: The Minister is taking advantage.

Deputy Shane Ross: I cannot see how the Deputy can be dissatisfied with the spend.

Airport Development Projects

67. **Deputy Imelda Munster** asked the Minister for Transport, Tourism and Sport the rationale for putting forward plans for a third terminal at Dublin Airport despite opposition from key stakeholders; the details of the lobbying efforts to his Department and office in favour of a third terminal; and if he will make a statement on the matter. [45645/18]

93. **Deputy Brendan Ryan** asked the Minister for Transport, Tourism and Sport his position on a possible third terminal in Dublin Airport; if a new terminal would be publicly owned and operated; and if he will make a statement on the matter. [45652/18]

Deputy Imelda Munster: Will the Minister outline his rationale for putting forward plans for a third terminal at Dublin Airport despite almost universal opposition from key stakeholders? Will he also outline the details of the lobbying efforts to his Department and office in favour of a third terminal, and will he make a statement on the matter?

Deputy Shane Ross: I propose to take Questions Nos. 67 and 93 together.

I am not aware that there is universal opposition to the proposal. The Deputy must know something I do not know. We have not yet carried out the consultation, but I do not expect that there will be universal opposition to it. I expect that during the consultation differing views will be expressed, with some in favour of the proposal and others against it.

As the Deputy will be aware, Oxford Economics in conjunction with Cambridge Economic Policy Associates were contracted last year, in line with a commitment outlined in the national aviation policy, to conduct a high-level strategic capacity review of Ireland's State airports. This review was delivered to me at the end of August and provides a very helpful assessment that is specific about short-term actions and identifies further work that needs to be undertaken to assist in decision-making for the longer term. The review looks to the future needs of the three State airports to 2050, identifying priorities for new or adjusted infrastructure development to pre-empt any capacity constraints at the airports in Cork and Shannon as well as at Dublin Airport. To ensure that there is an open approach to the policy options for Dublin Airport, my officials and I have commenced a process of consultation on the review in which all stakeholders will have an opportunity to set out their views. When I have all the views and information available to me, I will carefully consider the issues and make recommendations to Government in early 2019.

DAA holds statutory responsibility to operate and develop Dublin and Cork airports and its focus, rightly, is on delivering the north runway by 2021, along with a package of other projects that are needed to address existing capacity constraints at the airport. Ireland needs these

projects to be completed to ensure maximum international connectivity for our economy. It is a matter of record that in 2016 my officials and I met individuals who have publicly expressed an interest in developing a terminal at Dublin Airport. I will be very clear to the House, as I was to the individuals concerned, that if a decision in favour of an independently owned or operated terminal at Dublin Airport were to be made at any point in the future, there would have to be an open tendering process for the award of the concession.

Deputy Imelda Munster: Many stakeholders, including the DAA and several airlines, have questioned the Minister's plan for a third terminal at Dublin Airport. They say that he needs to concentrate on the more immediate needs of the airport, including the third runway, which has been a litany of disasters from the Minister's point of view. Also, the Minister's recent report raises issues around immediate capacity at Dublin Airport at peak times. Surely, this issue should be prioritised. What work is being done in this regard?

Deputy Eamon Ryan: In the consideration of our aviation strategy for Dublin Airport in particular, what consideration is given by the Minister to climate emissions? How does he integrate this issue into the decision-making process in terms of investment in projects and the strategy he is following?

An Leas-Cheann Comhairle: I will allow a question from Deputy Troy during the next round of supplementary questions.

Deputy Shane Ross: Deputy Munster mentioned that the trade unions and various other groups are opposed to the proposal. I have not heard any response from the trade unions on the proposal. Maybe they have issued a statement, but I have not seen it.

Deputy Imelda Munster: I did not mention the trade unions.

Deputy Shane Ross: They are key stakeholders and I presume they will have an interest in the matter. They will be consulted, as will all of the airlines. All people who are interested in making submissions should do so, including DAA, Ryanair, Aer Lingus and other interested groups. We will take those submissions into account. That is the purpose of the consultation process and the reason the report was commissioned.

On Deputy Eamon Ryan's question, the consultants were told that in compiling their report they should take into account Government policies.

Deputy Imelda Munster: The Minister has ignored the rail review over the past two years. It was flagged on numerous occasions that there are serious safety concerns around it. This pet project of the Minister is not urgent. Why is he so enthusiastic about it and why the rush to progress it? Deputy Troy asked the Minister to provide details of lobbying efforts for a third terminal and of meetings or other interactions between the Minister or his Department and lobbyists on the issue, to which the Minister responded that he would have no issue meeting lobbyists. Will the Minister confirm if he has met any lobbyists?

Deputy Eamon Ryan: I am keen to hear more detail from the Minister on how he and-or his Department take account of the climate change implications of transport policies which they are applying given the Taoiseach's statement that climate change is a priority for the Government and the significant number of international reports on the issue. The Minister mentioned that the consultants take account of overall policy. Does the Minister or the Department in specific projects take into account the impact of climate emissions?

Deputy Robert Troy: Perhaps the Minister will identify the private stakeholders he has met in regard to the future development of the airport. DAA is of the view that a third terminal is not needed. Ryanair, the largest operator at Dublin Airport, is of the view that aircraft stands and operation of the second runway, not a third terminal, are the priority. Aer Lingus, which operates a successful hub, is also of the view that a third terminal is not a priority. Everyone but the Minister is of the view that it is not a priority.

In his earlier reply to me the Minister made the point that there is a need for long-term planning in regard to Dublin Airport. How are the plans in regard to the appointment of the independent competent authority for noise regulation progressing, which process up to now has been bad? The Minister failed to mention earlier if he stands by his decision to appoint Fingal County Council as the competent authority and how many other countries have appointed a local authority to be the independent competent authority. Will the most recent timeframe of the end of this year for the independent competent authority to be put on a statutory basis be adhered to?

Deputy Shane Ross: On Deputy Troy's questions, I have no hesitation in saying that I stand by the appointment of Fingal County Council as the independent competent authority. The necessary legislation should be introduced this month. We believe we will deliver on schedule. There is no slippage in the timetable.

Deputy Robert Troy: There is slippage.

Deputy Shane Ross: We will deliver by March 2021 and the runway will be in operation by the end of 2021 as envisaged.

On Deputy Eamon Ryan's question, to which I did respond earlier, the consultants were told that in making their report they should consider everything in line with Government policy and that any recommendations they made could not contradict that policy.

Deputy Eamon Ryan: What is the policy on climate change?

Deputy Shane Ross: That is a very reasonable assertion for them to make.

On Deputy Munster's question, there will be opposition. There will be parties who will not be in favour of it and there will be others who are. I have met several groups of people. In recent months - I do not know how recently - I met representatives of virtually all of the airlines. I met the McEvaddy brothers two years ago and I have not seen them since.

Deputy Robert Troy: Is the Minister sure about that?

Deputy Shane Ross: I met the airlines more recently and I meet the DAA frequently. All their views, if they wish to make them known during the public consultation, will be taken into account. There will have to be a legitimate procurement process if this goes ahead, but that has not even been decided on. What we are doing at present is consulting on the basis of this report, which makes various suggestions as to whether or not to have an independent terminal.

Deputy Robert Troy: May I ask-----

An Leas-Cheann Comhairle: No, the Deputy may not ask a further question.

Deputy Robert Troy: Did the Minister-----

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An Leas-Cheann Comhairle: I call Deputy Maureen O’Sullivan. Other Deputies have been waiting.

Deputy Maureen O’Sullivan: I thank the Leas-Cheann Comhairle.

Deputy Robert Troy: -----say he is sure he has not met the McEvaddy brothers in the past two years?

Deputy Maureen O’Sullivan: I would like to put my question now, please.

An Leas-Cheann Comhairle: Deputy O’Sullivan has the floor.

Deputy Robert Troy: That is on the record of the House now. Is the Minister happy with that?

Road Traffic Legislation

68. **Deputy Maureen O’Sullivan** asked the Minister for Transport, Tourism and Sport his views as to whether the laws relating to horse-drawn vehicles and-or carriages are in need of review and strengthening. [45523/18]

Deputy Maureen O’Sullivan: My question to the Minister relates to horse-drawn carriages and vehicles and whether the laws relating to them are in need of review and strengthening.

Deputy Shane Ross: I thank Deputy O’Sullivan. As she may be aware, some local authorities develop by-laws to license horse-drawn carriages operating commercially. Through by-laws, these local authorities set their own rules and stipulations to govern such operations. It is under Part 19 of the Local Government Act 2001 that local authorities are provided with the power to make by-laws.

In most counties there seems to have been little demand and by-laws are not in place, while in other areas the matter is more relevant. For example, in Kerry, where there is a long tradition of jarvey operation, by-laws have been adopted to regulate the operation of these horse-drawn hackney carriages. Dublin City Council also made by-laws in 2011 for the same purpose and under the same legislative provisions. My Department has very recently had sight of a note prepared by the Dublin City Council law agent which gives the view that the city council has no legal basis on which to make such by-laws and indicates that such powers may rest instead, under the Dublin Carriage Acts 1853 to 1855, inclusive, with the Commissioners of the Dublin Metropolitan Police, to which the Garda is the successor.

While I am currently of the view that these matters should normally be managed at local government level, I will now ensure that this matter is given due consideration by my Department. I will task the Department with engaging with relevant stakeholders, including An Garda Síochána and Dublin City Council, and to seek separate legal advice if this is deemed necessary. Depending on the outcome, there may be a requirement to amend or repeal legislation to ensure an appropriate, modern regulatory framework is in place.

I believe the Deputy’s concerns may relate in particular to animal welfare issues. As she may know, the Animal Welfare Act 2013 provides powers to gardaí and authorised officers to deal with issues of animal welfare. The animal welfare legislation comes within the ambit of

my colleague, the Minister for Agriculture, Food and the Marine.

As the Deputy knows, during consideration of the Road Traffic Bill 2016, Dáil Éireann accepted an amendment proposed by Deputy Munster to provide for the regulation of certain passenger transporters, including rickshaws and horse-drawn carriages. The amendment was passed and became section 31 of the Road Traffic Act 2016.

Additional information not given on the floor of the House

I subsequently took legal advice on the implications of Deputy Munster's amendment prior to commencing those provisions. Following receipt of this advice, I decided not to commence section 31. The legal risk associated with the provision was deemed unacceptably high, with a strong likelihood that any regulations made under the provisions could be challenged and ultimately struck down.

Deputy Maureen O'Sullivan: I thank the Minister. I know my question related to reviewing and strengthening the by-laws but I realised when I looked at the matter that there are not many regulations in place in respect of this industry. Like the Minister, I saw the Dublin Carriage Acts 1853 to 1855, inclusive, leading to the Dublin Carriage Bye-Laws 1946 and then a Road Traffic Act in 1961, which states that "regulations [may be made] in relation to the use of vehicles in public places". Then, in 2012, the Road Safety Authority amended the definition of "vehicles" to include animal-drawn vehicles. Then we come to the Road Traffic Act 2016, which states that the National Transport Authority, NTA, may make regulations under the Taxi Regulation Act 2013 in respect of horse-propelled hackney carriages. The Minister mentioned section 31, but that has not yet commenced. From what I have been reading, there appears to be a big gap here and it comes from concerns over animal welfare. I know there are owners who look after their horses very well, but there is no doubt but that there are concerns. Could the Minister consider an amendment to cover this issue as part of his deliberations regarding legislation on rickshaws?

Deputy Shane Ross: I do not want to make any promises on that because this has taken me by surprise. I do not want suddenly to make the mistake Deputy Munster made, which was to put a wrong amendment in a wrong Act, as a result of which it was legally questionable. I will, however, look at the possibility of a repeal. This document has taken my Department and me very much by surprise. I think it was only drawn to our attention last week. We will bring together the stakeholders to consider the matter. The key points, which should be put on the record, are that some local authorities develop by-laws to license horse-drawn carriages operating commercially under Part 19 of the Local Government Act 2001. However, by-laws may not be made under the 2001 Act where powers exist elsewhere in legislation, which is, I believe, the position in this case. Since 2011, Dublin City Council has made by-laws under the 2001 Act to allow licensing of horse-drawn carriages and, in doing so, took over those functions from the Garda in the Dublin city area. In the past, the Garda licensed horse-drawn carriages in Dublin under the Dublin Carriage Acts 1853 to 1855, inclusive. As the Deputy will know, it has now come to light that these powers under these Victorian Acts still exist.

An Leas-Cheann Comhairle: The Minister has significantly exceeded the allocated time.

Deputy Maureen O'Sullivan: I very much welcome that the Minister will have a consultation on this and engage with the relevant stakeholders. I ask that the animal welfare groups, particularly those that are engaged with horse welfare, also be invited to attend and give their

views on this. It seems to be one of those areas that fall between a number of groups. The NTA has some responsibility, the local authority has some responsibility, and now there is the Government. I do not want to see the kind of bouncing of the ball there was between the local authority and the Government over rickshaws happen in this case. As the Minister said, we have now drawn attention to the fact that whereas the local authority may issue licences, there are other aspects besides licences that need to be looked at. I hope we can start this engagement sooner rather than later.

Deputy Shane Ross: Dublin City Council has told my Department how this came about. It had legal advice that it was legal and appropriate for it to make these by-laws but during a review of the 2011 by-laws, the council's law agent provided legal advice that since the 19th century Dublin Carriages Acts had not been repealed, there was no legal basis for the council to make by-laws for horse-drawn carriages. I will ensure that this matter is given due consideration, including further engagement with An Garda Síochána, Dublin City Council and others mentioned by the Deputy and the seeking of separate legal advice if that is deemed necessary. Depending on the outcome, there may be a requirement to amend or repeal legislation, upon which we will act if necessary. It should be said that it seems clear that the council acted in good faith when it made its by-laws in 2011. Following legal advice, it has very recently raised the matter formally with my Department. I will ensure that the matter is given due consideration.

An Leas-Cheann Comhairle: If Deputy O'Sullivan is satisfied, we will move to the next question, in the name of Deputy Catherine Martin, to be taken by Deputy Eamon Ryan.

Cycling Policy

69. **Deputy Catherine Martin** asked the Minister for Transport, Tourism and Sport the reason he is not implementing the majority of the actions set out in the national cycle policy framework. [45644/18]

Deputy Eamon Ryan: The Minister is forever saying he does not have responsibility for anything, but I believe he is the person responsible for the implementation of the national cycle policy framework. Unfortunately, we set ourselves the target that by 2020, 10% of all trips will be made by bike. In fact, the proportion of trips made by bike stands at less than 3%. Nothing is happening. Safe routes to schools, demonstration towns and major infrastructure are not being developed and not a single cycle project is under way. When will we start taking cycling seriously? When will the Minister ensure that in his Department, in his job, the existing policy to promote cycling is actually implemented? Nothing is happening.

Deputy Shane Ross: I reject Deputy Ryan's assertions, which fly in the face of the evidence. He repeats a mantra I have heard from him so often that I do not expect him to reverse on it in the face of the evidence. I expect instead that he will keep saying it in order that some people will believe him.

I am somewhat surprised by the Deputy's claim that the majority of actions under the national cycle policy framework are not being implemented. As he will appreciate, the economic and financial crisis which accompanied the publication of the framework in 2009 had an impact on the levels of public expenditure available, but that is very different from asserting that implementation is not ongoing. Similarly, the Deputy will also appreciate that the economic and financial situation today is vastly different from that of 2009 and subsequent years.

As Minister, I have secured significantly improved multi-annual funding until 2021 for active travel measures which will be used to support the ongoing implementation of the framework. This improved funding includes €110 million specifically dedicated to cycling and walking infrastructure in our major urban areas; €135 million for sustainable urban transport measures; and €750 million towards the BusConnects programme in Dublin, which will include delivery of approximately 200 km of segregated cycling lanes, where possible. That is pretty good. I do not know what Deputy Eamon Ryan has to complain about there. It is just not enough for him.

Deputy Eamon Ryan: It is not.

Deputy Shane Ross: It is one hell of an improvement. We also have €53 million to support the development of new greenways in more rural areas, in line with the recently published greenways strategy. The national cycling framework contains 19 objectives with 109 supporting actions. All of these have been developed against the six broad themes of planning and infrastructure, communication and education, financial resources, legislation and enforcement, people and evaluation and effects. As the Deputy will be aware, a range of bodies are responsible for the implementation of the various actions. These include my Department, Government Departments, local authorities and the NTA, but I recognise, obviously, my Department's overarching responsibility for the policy area.

Additional information not given on the floor of the House

I believe that, notwithstanding the constrained funding available across all areas of Government spending in the years immediately after the framework's publication, collectively we have made real progress in implementing actions in support of the framework's objectives. For example, in terms of planning and infrastructure, implementation has seen the development of a design manual for urban roads and streets and the national cycle manual which apply international best practice to design, provision and maintenance of cycle lanes, the funding of the smarter travel areas and active travel towns programmes which saw significant investment in infrastructure in towns around the country, the integration of the framework within development plans, the publication of the greater Dublin area cycle network plan in 2013, and the establishment of public bike schemes in Dublin, Cork, Limerick and Galway.

In the area of communication and education, implementation of the framework since 2009 has witnessed the establishment and roll-out of the green schools programme, the establishment and ongoing support of the annual bike week, the establishment and roll-out of Cycle Right, the national cycle training programme, to primary schools throughout the country, and the establishment and continued support of the smarter travel workplace and campus programmes in big companies and third level institutes.

As regards funding, as I have acknowledged, the economic and financial crisis of a decade ago meant that funding in those early years was not available at the level that would have been hoped for when developing the strategy. That is now behind us, however, and increased levels of funding are available and are being allocated through the NTA to local authorities.

In the area of legislation, I have brought through a number of proposals such as the Road Traffic Act 2016, which allows for 20 km/h speed limits to be set by local authorities in residential areas, while on the minimum passing distance my Department is engaging with the Office of the Attorney General with a view to implementing alternative solutions which are legally robust. I expect that legislation to be in place before the end of the year.

If we look at outcomes, we see increased numbers of commuters using the bike to get to work, not just in Dublin where the cycling share has increased from 3.7% in 2006 to 7.6% in 2016 but at a national level also. That is a positive sign and one we will look to build upon in the coming years. I have given the foregoing just as a snapshot of actions taken under the framework so that the Deputy can see that progress has been made and that implementation is ongoing.

Deputy Eamon Ryan: There is not a single person with an interest in this issue who would think the way we are managing the promotion of cycling is working. I do not think there is a single person who would side with the Minister in this argument. I could go down through a litany of examples of actions. The Liffey cycle route was in planning for six years. The financial crash had nothing to do with it not going ahead. It was a lack of political will and that is coming from the centre, in part from the Minister's Department and in part from his own office. In regard to College Green plaza, the problem was a traffic management plan done by An Bord Pleanála that was still based on an incredibly car-centred system. On safe routes to cycle to school, Finglas councillors voted against putting in such provisions in regard to new schools despite it being policy in the new national development plan. The Minister and his Department did nothing about it. That was in the past two years. The proposal for a south Dublin cycleway, which would have really promoted cycling on the south side of the city, was again blocked-----

An Leas-Cheann Comhairle: The Deputy will have another opportunity.

Deputy Eamon Ryan: -----and the Minister and his Department did nothing about it. There is not a single cycling project being built. Nothing is happening.

Deputy Shane Ross: I do not know. I sometimes give up. Deputy Eamon Ryan has a lot to complain about because nothing is ever quite right. When progress is made, he does not acknowledge it but other people do. People who are keen advocates of cycling do so. The Velo-City conference is coming to Dublin next year. Is that right?

Deputy Eamon Ryan: That is right.

Deputy Shane Ross: It is organised by the European Cyclists' Federation. Is that right?

Deputy Eamon Ryan: That is correct.

Deputy Shane Ross: The director of that series of conferences, after choosing to come to Dublin, said that Dublin is a great example of a city moving towards a more liveable, safe and active environment for its citizens. I accept that plaudit. I accept that others, apart from Deputy Eamon Ryan, recognise that we in Ireland have bought into the cycling story.

Deputy Robert Troy: A bit.

Deputy Shane Ross: We are doing things because the percentage of cyclists as commuters is going up. We have committed to 200 km of dedicated segregated cycle lanes in the future.

An Leas-Cheann Comhairle: I call Deputy Eamon Ryan for his second supplementary question.

Deputy Shane Ross: We are doing-----

An Leas-Cheann Comhairle: We have to move on.

Deputy Shane Ross: -----many of the things that Deputy Eamon Ryan was advocating back in 2009.

An Leas-Cheann Comhairle: I call Deputy Eamon Ryan for his second supplementary question. The Minister will have another opportunity.

Deputy Eamon Ryan: If we were at 10% of all trips on bikes, I would say that was fine and that something was happening, but we are not. There is a major pent-up demand that would mean cycling would take off if we had some political leadership. I will be honest. There is real embarrassment in the cycling community about the prospect of Velo-City 2019. I have been to it and it is a great conference but we now have the embarrassing situation of Velo-City 2019 coming here when nothing, and I mean nothing, is happening on the ground.

I hope it might steer a change in the Minister's mind and in his Department that our ambition must be scaled up. Scaling up our ambition would bring all sorts of benefits. I refer to economic, environmental, social and health benefits. The truth, however, is that there are more schoolgirls driving themselves to school than cycling at the moment. The conditions on the roads in this city and in every other city in the country are atrocious. The Minister needs to do something about it rather than pretending it is all going fine.

An Leas-Cheann Comhairle: I call Deputy Troy for a supplementary question.

Deputy Robert Troy: If the Minister engaged with cycling activists nationally, they would not praise the work he is doing. Since Deputy Ross became the Minister for Transport, Tourism and Sport, the funding for cycling infrastructure went from €19 million in 2015 to €8 million in 2018, according to the Minister's written reply which he sent to me. I see the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, coming into the House. She might be interested to know that the Minister for Transport, Tourism and Sport, Deputy Ross, promised in February of this year that the statutory instrument in respect of the minimum passing distance for cycling would come in immediately. Has he signed it? If he has not, when will he?

Deputy Shane Ross: I thank Deputy Troy for his question. I will repeat to Deputy Eamon Ryan that he can go to whomever he likes but Velo-City has chosen Dublin for the cycling conference. It has applauded Dublin-----

Deputy Eamon Ryan: It was the Green Party-----

Deputy Shane Ross: -----as a city which is going in the right direction with cycling. It may be inconvenient for Deputy Eamon Ryan but when he set out on that road in 2009, which is what he or his colleague mentioned, he was sitting in Government at the time bankrupting the country.

Deputy Eamon Ryan: Build-----

Deputy Shane Ross: The reason that it could not be implemented-----

(Interruptions).

An Leas-Cheann Comhairle: Please, Deputies.

Deputy Shane Ross: -----as quickly as possible, is because Deputy Eamon Ryan and his

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Fianna Fáil friends were in government together as the country was going down the financial tubes.

Deputy Eamon Ryan: Deputy Ross was waxing lyrical.

Deputy Shane Ross: It could never have been afforded. What we are doing-----

Deputy Robert Troy: Appoint Seán FitzPatrick as Governor of the Central Bank. Who suggested that?

Deputy Shane Ross: -----is acknowledging happily that the plan produced by Deputy Eamon Ryan when he was in government was a very good one.

Deputy Eamon Ryan: Nothing has been done about it.

Deputy Shane Ross: The Green Party in government was good at one thing and that was producing plans. It could not, unfortunately, deliver on anything at all.

An Leas-Cheann Comhairle: We are going to move on to the final question.

Deputy Shane Ross: I have no doubt-----

Deputy Robert Troy: What about the minimum passing distance?

Deputy Shane Ross: -----Deputy Eamon Ryan has his ambitions to get his chance again, and perhaps he will.

An Leas-Cheann Comhairle: I ask the Minister to concentrate on the question regarding the minimum passing distance.

Deputy Shane Ross: I have told Deputy Troy the answer to that question.

An Leas-Cheann Comhairle: It has been answered.

Deputy Robert Troy: Will the Minister tell the House?

Deputy Shane Ross: We will be replacing that with a dangerous overtaking offence.

Tourism Funding

An Leas-Cheann Comhairle: We will move on, and it looks as if this will be the final question. It will be the question, one supplementary and one answer.

70. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport the way in which the additional €35 million committed in Budget 2019 to provide targeted support to the tourism sector will be spent. [45629/18]

Deputy Robert Troy: I will let the Minister go ahead straight away.

An Leas-Cheann Comhairle: The Minister will proceed with Question No. 70 without introduction.

Deputy Shane Ross: Is this the question from Deputy Troy on the spending of €35 million?

Deputy Robert Troy: Yes, that is it.

Deputy Shane Ross: The breakdown of the total Exchequer provision for tourism services by subhead will be available in the Revised Estimates Volume, REV, for public services which will be published by the Department of Public Expenditure and Reform. It is not possible to provide details of the specific amounts allocated to the various subheads within the Vote in advance of the publication of the Revised Estimates Volume. I am delighted to have secured a 26% increase in funding for the tourism sector in budget 2019, which represents the largest increase in the tourism budget in 15 years. This increased funding will allow Fáilte Ireland and Tourism Ireland to continue to grow tourism regionally and across the seasons in line with key policy objectives.

Brexit has already had an impact on tourism, and funding has been allocated to the tourism agencies to ensure that the tourism sector is Brexit ready. In this context, Fáilte Ireland will implement a programme which places a focus on retaining business from Northern Ireland and Britain while also offering supports to enterprises to equip them for the post-Brexit marketplace. Tourism Ireland will implement the recommendations of a recent review of its operations in the British market and extend the regional co-operative market access scheme.

The increase in the tourism marketing fund will also enable Tourism Ireland to begin implementing growth strategies in new and emerging markets, along with Germany and the USA, in line with the Government's Global Ireland 2025 strategy. Tourism Ireland will also be able to increase its investment in digital tourism marketing.

As well as helping meet the challenge of Brexit, additional funding secured for Fáilte Ireland in budget 2019 will help to build resilience into the industry through a multi-strand programme of specific industry supports, festivals and events and targeted marketing campaigns. In line with the national development plan, NDP, the capital allocation to Fáilte Ireland for tourism product development has been increased to enhance tourist attractions and Ireland's activity-based offering.

The development and sustainability of Irish tourism will be further supported by funding targeted at growing high-yielding event and business tourism. This includes provision to support Ireland's hosting of Euro 2020 matches and, in particular, related promotional activities to be undertaken in 2019.

Extra funding has also been allocated to greenways for 2019. This will be drawn down by projects that are successful under the current funding call which closes on 30 November 2018. It is planned to allocate greenways funding in 2019, following assessment of the applications.

Deputy Robert Troy: The increase arises because the Minister failed to retain the favourable VAT rate for the hospitality sector. He blamed everybody else instead of taking responsibility for the failure. The additional €35 million is welcome but this year's budget of €135 is still far below the €153 million it was in 2008. There is a way to come. When the Minister considers how to spend the additional money, will he engage with the key stakeholders, including Tourism Ireland, Fáilte Ireland, the Irish Hotels Federation, Bed and Breakfast Ireland, as well as representatives of the museums and cultural institutions, to see where the money can be best spent? We need to increase our marketing budget in existing and emerging markets, and we must consider how we will tackle the shortages in key personnel that are having a major impact on our tourism industry. Before the Minister allocates this, it is critical that he engages

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with the key stakeholders: they know where additional money must be allocated and we will get a better return on the €35 million investment as a result.

Deputy Shane Ross: It is appropriate to say there is one thing about which Deputy Troy and I agree. That is that the tourism agencies, Tourism Ireland and Fáilte Ireland, have done a spectacularly good job. As Deputy Troy is aware, tourism figures are improving and continue to defy gravity, despite the effects of Brexit, one of which was a plunge in the value of sterling. The numbers of visitors year on year from the United Kingdom are up, which is an extraordinary achievement, and that must be put down, partly at least, to the amazing efforts being made by both our tourism agencies. I am delighted to be able to take this opportunity to say that the tourism industry continues to boom. I accept the Deputy's congratulations on that and it is very appropriate that he should send those congratulations to those responsible for it.

Deputy Robert Troy: The Minister had nothing to do with it. It is happening despite him.

Deputy Shane Ross: I know the Deputy regrets this but his own area of the country is benefitting from it as well, as he knows. The tourism agencies have embraced very widely the idea put forward so eloquently by one of his colleagues, Deputy Kevin Boxer Moran. They have embraced the idea and it will run hard. It will be part of the continued success of the Irish tourism boom.

Written Answers are published on the Oireachtas website.

Saincheisteanna Tráthúla - Topical Issue Debate

Illness Benefit Payments

Deputy Thomas Pringle: I thank the Minister for taking this issue. I know she has spoken on the matter a number of times already but this Topical Issue was deferred from a number of weeks ago before the Houses went into recess. I appreciate the opportunity to speak to the Minister and I hope some clarification can be offered to those affected by the delays in processing the payment of illness benefit. For over two months now there have been major delays in the processing and payment of illness benefit to people across the country. I have been contacted every day by constituents in Donegal genuinely upset by the disruption to their payment. One can imagine what they were thinking when suddenly no money was coming to their account.

This payment is granted to people unable to work and it is a very important income source for many affected by disabilities of varying degrees. As an income source the money is used to pay typical bills, including rent, mortgages and utilities. One can imagine the chaos that ensued when somebody's main income source suddenly dried up and the person was left to find alternative income. That is exactly what happened. Most people were getting staggered payments of a little here and there but some were not getting any payments whatever with no clarification or warning from the Department. Some constituents who contacted me only found out about this when direct debits and standing orders were not successful and overdraft fees were charged. As a result, people have been forced to take out unnecessary loans or have had their credit rating compromised.

Attempts by people to contact the Department were in vain and many gave up trying, as they preferred to contact my office instead as they panicked about getting their payments restored. Staff in my office were unable to contact the Department and phone calls were continuously left unanswered. For that reason, I asked parliamentary questions of the Minister to see why our calls were not being answered. This is when we discovered the Department was switching to a new system. I have contacted the Department since and the Minister's office has been particularly helpful, allowing us to bypass the lengthy parliamentary questions process for the time being. I thank the Minister and her staff for that. I commend the staff on the support they have offered but we really should not have been in this position to begin with.

I understand the Minister made a commitment that last week would see the end to delays and the resolution of payment issues. However, we are still getting calls from people to say they are still only receiving partial payments. People whose payments were corrected recently have even been delayed again. How can that be possible? The most worrying aspect of this is that the recipients about which we contacted the Department were told they had already been paid when that was not the case. The Department has requested these individuals to provide a copy of their bank statement to prove they have not been paid, which is a completely unfair and unwarranted request. The Department should have to prove it paid the money rather than the other way around, as this is the fault of the Department rather than the recipient.

This matter has not yet been fully resolved and as a result of delays, people are in a compromised financial position. In effect, they are being penalised for something over which they had no control. No initial communication or warning was given to recipients that changes were being made to the system and we still do not understand how it caused such confusion and delays to payments. It is my duty to bring this matter to the Dáil as every week I still get people coming to my constituency offices in Donegal because they are not receiving their entitlement.

I take the opportunity to ask the following crucial questions, which I know are on everybody's minds. What caused this delay? Why was no communication made to recipients prior to changes being made and why was the response to the problems so slow? Why were Department staff not available and phone calls unanswered in the meantime? Most important, will the Department provide a stand-alone compensatory payment to all those affected who have been financially compromised as a direct result of the Department's mistakes?

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I particularly thank the Deputy not just for raising this matter but also for his patience and waiting for me to be available to reply to this debate. I know he raised the matter before the Halloween break but I was not available on the day so I am grateful that he is allowing me to put the following on the record of the House and respond to his queries. The matter has affected not just people in Donegal but people nationally so my response applies to all of them.

My Department implemented a new information technology, IT, system on 4 August 2018 as part of a programme of modernising its approach to managing illness payment claims and this was a first step in a programme which planned amongst other things to provide quicker access to payments for customers, move from a paper system for medical certs, greatly reduce the manual processing work involved in administering claims and move illness benefit payments off a legacy payments IT platform that is approaching end of life to a new system that is already managing many of the Department's other payments.

Unfortunately, although the majority of customers continued to receive payments, following

implementation a number of difficulties arose. These included some customers missing or not receiving payments or receiving split payments for a week rather than a single weekly payment. In particular, by moving from a week in arrears system to a real-time payment system, difficulties arose with some people receiving split or in many cases lower payments. Additionally, the change from a payment in arrears approach to a current week payment approach coupled with the new system, which has very tightly defined rules and is a very unforgiving system, led to payments being blocked altogether for reasons that might not have been applied under the old human-led manual system. These issues caused difficulties for many customers, leading to a large volume of calls to the Department's helpline and long delays in responding to calls. As the Deputy noted, in some cases the calls were not responded to at all. In order to address this, the Department deployed additional staff to manage customer calls but, regrettably, there were still delays for many customers.

My Department has been working hard over the past few weeks to resolve the many issues that arose, including allocating additional staff to illness benefit claim work and developing a number of IT modifications to identify and rectify payment issues. I am pleased to note that payment levels of illness benefit are now at their normal level. For information, in any one week we pay approximately 50,000 customers who are entitled to an illness benefit payment. Last week approximately 54,000 payments were made, while approximately 4,000 payments in excess of the normal weekly payments were made to customers who were due arrears. The Department would like to assure people that they will receive their back payments that continue to be outstanding as soon as possible, which will be this week and in the coming weeks.

The Department confirms that a normal level of payments will issue to illness benefit customers this week and every week from there on. It is important to note that there will always be some people who will not be paid in a given week for a variety of reasons, due to issues such as delays in receipt of claims and/or certificates, incorrectly completed certificates, human error, inconsistencies between the information submitted and the information already on file or the existence of another welfare payment for the main claimant or his or her dependants on the claim, all of which can lead to payments being suspended or delayed. This is not new and would have occurred under the old system. Therefore, these are routine issues over and above the non-routine issues that have happened in recent weeks.

I acknowledge that the majority of the delays in the past few weeks were due to system and processing issues rather than the normal levels of exceptions. I genuinely and sincerely apologise, not only to the Deputies who have been representing their constituents but to all persons who were not in receipt of proper payments of illness benefit in recent weeks.

An Leas-Cheann Comhairle: I call Deputy Pringle.

Deputy Regina Doherty: I would like to finish by saying-----

An Leas-Cheann Comhairle: The Minister will have a further two minutes.

Deputy Thomas Pringle: I thank the Minister for her response so far. It is true that this is exceptional and not the norm, as the Minister acknowledged in what she said. That is vitally important because it would not be a Topical Issue if it was normal. What really sticks with people is the fact that it happened out of the blue and the first they knew about it was when the money did not appear in their accounts. They had received no correspondence from the Department about what was happening or indicating that there was a change taking place. Something could

have been communicated to them to tell them to expect delays because of the change. These are the customers of the Department if we look at it in an economic sense and it has let them down badly. If it was Dunnes Stores or Bank of Ireland, we would be jumping up and down and saying it is not acceptable that they should treat people like this. I get on very well with officials in the Department which is generally very good in dealing with clients and customers and gives them a good response, but in this instance it has failed. That has to be acknowledged and recognised by it. People are suffering as a result and that also has to be recognised by the Department. That is why I have asked the Minister if she will apply the stand-alone compensatory payment for people who have incurred genuine extra costs through no fault of their own. They depend on this system which has failed them and let them down. The Minister should issue an exceptional needs payment to them.

Deputy Regina Doherty: I do not dispute anything the Deputy has said. I am grateful to him for acknowledging the good service given by the Department. It is apt for me to state the Department of Employment Affairs and Social Protection makes 1.2 million payments every week and has a really good record, which is why it is so difficult to understand how this issue was as badly managed and communicated as it was.

One of the questions the Deputy asked me earlier was why there had been no communications prior to the change. I do not yet have an answer for him, other than to say it was supposed to be seamless and people were not supposed to see any change, except that the system would be more efficient. That was a mistake.

The other question the Deputy has asked me is what caused the issue to arise. There is not just one issue, there were a number of issues that conspired together to cause a problem to arise in one week that was solved the following week and which then gave rise to another issue. That tells me that we should have tested the system for far longer in the virtual world as opposed to going live in the real world and affecting customers as badly as we have.

The Deputy has said we failed people. I only accept failure when something is over and cannot be fixed. We have fixed it this week, but I acknowledge how badly we have let people down.

On direct communications with customers in the past couple of weeks, we wrote 55,000 letters, albeit they were late, but I hope that explains to our clients, customers and the people in receipt of illness benefit what happened. More importantly, lessons need to be learned. We have arranged for an independent review to be carried out of how the changes in illness benefit payments were planned, how they were implemented and, most importantly, how they were or not communicated to clients. The report is being conducted by an independent person outside the Department and I expect to have it by Christmas.

What is most important to me is that I can say everybody who is entitled to receive an illness benefit payment, outside of routine issues that can happen to anybody at any time and human errors, is receiving the payment to which he or she is entitled. Because of the lessons we have learned, we will go back to a payment in arrears system for all new payments from this week onwards.

School Accommodation Provision

Deputy Michael Moynihan: The Minister and I have been on the opposite side of debates in the past, but this is important. The amalgamation of the schools in Kanturk, County Cork is a long running issue. There have been many promises, commitments and press releases and when the people of the community hear of another statement on the school development, they throw their eyes up to Heaven and say they have heard it all before. We raised this issue back in March to establish what the process was. It started with the enabling works which are ongoing on the site in Kanturk.

Where is the amalgamated school? I understand there was a commitment and that funding has been locked down for the last eight or nine years for the project. There have been many false dawns and many people involved in the project are frustrated, but much work has been done on the ground to try to bring it together in relation to access and planning permission, in the seeking of which the Department had to take the project back to An Bord Pleanála. We now have planning permission and access has been achieved through the work done locally. What we need is a definite timeframe for the school. We want to know where the tender process is at. When is it envisaged that construction will start? One of the most fundamental questions I want to have answered is what is the completion date for the project and when is the school likely to open for students and teachers alike? We need a clear timeframe and to be able to say the project is going ahead and that there is a commitment to it. I have put more questions about this issue which I have raised in Topical Issues debates than on any other in the number of years I have been lucky enough to be in this House. As I said, we need a clear timeframe for the tender process. Where is it at and when will it be completed? When will construction commence and what is the timeframe for it?

I ask the Minister to ensure the Department and the officials involved in it will adhere to whatever timeframe is set or commitments are given because we do not want to go back to the school community or the community of Kanturk and Duhallow only for them to say they have heard it all before because questions keep coming up about what progress has been made and when the school will open because flowery commitments have been made to generations of people during the years since the project started and they have all come to nought. Will the Minister outline what he and his Department are doing?

I ask the Leas-Cheann Comhairle to let me use the remaining time later.

An Leas-Cheann Comhairle: The Deputy will have a further two minutes.

Minister for Education and Skills (Deputy Joe McHugh): Gabhaim buíochas leis an Teachta as ucht an cheist fadúda an scoil i gCeann Toirc i gContae Chorcaí. I thank Deputy Moynihan for raising this issue. The Deputy will recall the update provided by the former Minister for Education and Skills, Deputy Bruton, in March. He will also be aware that this project has had a difficult history, both on the site acquisition front and during the statutory planning processes which started back in 2012. These matters have been complex to resolve and my Department fully understands the frustration of the schools and the local community.

As the Deputy knows, the project in question is to provide a new primary school building to accommodate the amalgamation of St. Colman's boys national school and the Convent of Mercy girls national school in Kanturk. A 16 classroom school with a three classroom autism spectrum disorder, ASD, unit is planned for delivery. The site for the project was purchased

by Cork Education and Training Board, ETB and the project is being delivered by the Office of Public Works, OPW. The project has been delayed primarily due to planning permission issues but also as a result of complications with site ownership and in respect of the provision of services to the site. The resolution of these issues involved a large number of complex and interrelated matters, including appeals to An Bord Pleanála and the acquisition of licences to allow works to take place, all of which took time to resolve. However, I am glad to be able to report that the vast majority of these issues are now resolved and we hope that the path is now clear to progress the project as quickly as possible.

I welcome the opportunity to outline to the House the up-to-date position. I am delighted to be able to provide assurances to Deputy Moynihan that the project is now progressing well and the funding to progress it is in place to the end of this year and into next year. As the former Minister previously outlined, the resolution of the issues around land ownership has permitted necessary enabling works to begin. After successfully concluding the tender process for this element of the project, a contractor was appointed and these works commenced on site on 24 September last. The expected timeframe for completion of the works is five weeks, meaning that they are expected to conclude shortly. The ESB will then go on site to check the works, following which it will programme the associated cable installation works. We do not, as yet, have a date for the completion of this element of the programme. Meanwhile, the OPW is proceeding with the pre-qualification of contractors for the main works and published a notice on the e-tenders website on 4 October last in that respect. The pre-qualification process should take between six and eight weeks. Once it is completed, we will approve the project to proceed to tender and construction.

Deputy Moynihan asked when the school will be finished. It is too early at this stage to give a definite timeline for project completion. All going well, however, the tendering for construction will take place in the first quarter of 2019.

Deputy Michael Moynihan: I thank the Minister for his reply and wish him the very best of luck in his new portfolio.

The community in Kanturk is exasperated. The Minister has just said that a contractor started work on 24 September and the work involved was expected to take five weeks. Completion of that work is a week or ten days overdue now. There must be real time limits in place because people are totally frustrated by what has happened with this project over the years. When will the ESB go on site to check the enabling works? Is it possible for the Minister to get a definite timeframe on that issue so that we can say that the enabling works are completed to the required specification and to the satisfaction of the OPW, the Department and the ESB?

On the pre-tendering process, a notice was published on 4 October and the process itself takes between six and eight weeks. Can the Minister say with certainty that this process will be completed by the first week in December? We must stick to the timeframes outlined because people will get very exasperated if there is any further slippage. If the pre-qualification process is complete by the first week of December, will the tendering process take place in the first quarter of 2019? How many weeks after completion of the pre-qualification process before the project goes to tender? How long will the tendering process take? When will the contractors be appointed to construct the school? It is vitally important that no more time is lost. An enormous amount of work has been done by many people to get the project this far and we must make sure that the OPW, the Department and all those involved stick to the timeframe laid down. There can be no slippage.

I ask the Minister to clarify whether the enabling works have been completed and to give me an assurance that the pre-qualification process will be completed by the first week of December. How long will it take after the pre-qualification process for the project to go to tender?

Deputy Joe McHugh: I understand that the Deputy is trying to keep the momentum going on this project. He can see the starting line and wants to get the diggers on site. The initial works began on 24 September and were scheduled to take five weeks. We are in that space now and once that work is complete the ESB will go on site. I have no doubt that the Deputy will use his influence at a local level to try to ensure that happens as quickly as possible and raising the matter in the House tonight will do the project no harm. The OPW is proceeding with the pre-qualification process for contractors for the main works and published a notice on the e-tenders website on 4 October. According to the information I have been given, the pre-qualification process takes between six and eight weeks. While I cannot guarantee that the process will be finished this side of Christmas, I can say that the Department understands the importance of this project to the local community in Kanturk. This project has been in the pipeline since 2012. The journey has been a long one and the community wants to get it over the line. We are in a space now where everything is coming together. Funding for the project is committed for this year and next so there should be no delay. I will speak to my officials directly to make sure it is moved along as quickly as possible.

Hospital Facilities

Deputy Bernard J. Durkan: I am grateful for the opportunity to raise the important issue of the development programme for Naas General Hospital in County Kildare and the urgent need to approve the remaining stages of same. The hospital is located in the greater Dublin area, GDA, on the edge of our capital city and meets an enormous level of demand for high quality services but pressure is growing for more services to be provided at the hospital. The need for a new endoscopy unit has been well publicised and it is time to move ahead with that development. A great deal of work can be done now before tendering begins so that the process is not delayed any further.

The quality of life for both staff and patients is a function of the services available throughout the hospital and the standard of the accommodation. In terms of the proposals to which I and Deputy Heydon refer, it is time to push ahead. The necessary measures must be put in place to ensure that the hospital recognises where it is going in good time. If approval is given soon it will be to the benefit of the hospital and the quality of services provided therein.

Deputy Martin Heydon: I thank the Minister of State for being here to discuss this important issue today. Kildare and west Wicklow have a combined population of approximately 241,000. Times have changed significantly since the Lakeview mental health unit and Naas General Hospital were designed and built. Lakeview, for example, was designed and built in the 1980s when the combined population of Kildare and west Wicklow was only 135,000. The 30 bed mental health unit is no longer fit for purpose because demand is far outstripping supply, unfortunately, due to demographic pressures and the size of the youth population in particular. Regularly, people in Kildare who need acute mental health services must avail of acute beds in overflow in Portlaoise and Tallaght. That is not good enough. People in Kildare who need acute mental health services deserve to be treated and cared for in their own county, close to their family and friends who will help them through their darkest days.

It is crucial that we push on with a redevelopment of a new stand-alone unit for Lakeview.

The long-planned endoscopic unit for Naas General Hospital, which would include a physical therapy and medicine unit, oncology unit and a day ward, is critical for the greater development of Naas General Hospital, not just for Kildare people on waiting lists or who have to travel for such services, but also to strengthen the links between Naas, Tallaght and St. James's hospitals as part of a strategic development for the Dublin and Midlands hospital grouping.

The new 50-bed unit for Lakeview, as listed in the capital development plan, Project Ireland 2040, would include a high observation unit which would provide an improved safety and working environment for the staff, better facilities for the elderly and single rooms to ensure patient privacy. The proposed new stand-alone mental health facility would also be on the site of Naas General Hospital. This would be a win-win because a development of a new stand-alone mental health facility on the grounds of Naas General Hospital would free up the existing Lakeview mental health unit, which is adjoining Naas General Hospital in close proximity to the emergency department, and would provide the opportunity to deliver quickly increased capacity for Naas General Hospital, which is needed with the growing population in Kildare.

6 o'clock

Minister of State at the Department of Health (Deputy Finian McGrath): I thank Deputies Bernard Durkan and Martin Heydon for raising this important issue because I know the two Deputies are committed to the development of the health service in Kildare and in particular Naas General Hospital. They have been supportive of me as Minister of State with special responsibility for disability issues.

I welcome the opportunity to update the House on the capital development projects at Naas General Hospital. As you will be aware, my colleague the Minister for Health has previously met with management of the hospital to discuss the plans for increased endoscopy and other healthcare services. There are two distinct development proposals for Naas General Hospital currently. The first development consists of accommodation and ancillary services to support the new endoscopy unit, physical medicine unit, physical therapy unit, oncology unit and day procedure department. It will also include a duplex, rather than simplex, reverse osmosis filtration system and two lifts.

This new development is a key strategic priority for the Dublin Midlands Hospital Group, DMHG, and would help to clear the significant urgent scopes waiting list. Naas General Hospital would become a major ambulatory centre within the hospital group and this development would also enable significant strategic links to be developed between Naas, Tallaght and St James's hospitals.

As the Deputies are aware, planning permission has been received and the project is at tender stage. Funding for this development is included in the HSE's capital programme 2018-22. It is anticipated that the tender for construction of this project will commence in 2019. All stages of capital projects, including the design and tendering processes, are subject to review to ensure the projects deliver value for money. This includes, where possible, future proofing to ensure that capital developments meet not just current standards, but that provision is made for additional capacity and/or improved equipping and that these are addressed appropriately. This has resulted in a significant increase in the scope of both of these projects at Naas General Hospital and as a consequence impacted the estimated timescale and costs.

Increasing capacity is a priority of this Government. Over the past 12 months an additional 240 beds have been opened including 11 beds in Naas General Hospital which came on stream in the last quarter of 2017.

With regard to mental health services, the original development proposal comprised the provision of an eight-bed intensive care unit at the existing 30-bed mental health unit called Lakeview on the grounds of Naas General Hospital. A design team had been appointed for the mental health project. Following a review of the proposal, a significant expansion of the project scope is now proposed, with an associated increase in project value. This has meant the design team's engagement has recently been terminated and HSE estates is now preparing to procure a new design team for this much expanded project.

The timeframe for the completion of the new acute mental health unit project will be informed by the work of the project team and this work will be undertaken in conjunction with Naas General Hospital and the HSE. I am happy to confirm that both of these developments at Naas General Hospital have been included in the national development plan, NDP, announced earlier this year as part of the Project Ireland 2040 policy initiative. The NDP provides €10.9 billion for health capital developments across the country, including both national programmes and individual projects, across acute, primary and social care. Health capital projects and programmes currently underway will continue. As is to be expected with a ten-year plan, many proposals are at an early stage and will require to progress through appraisal, planning, design and tender before a firm timeline or funding required can be established.

The delivery of NDP projects and programmes, including these projects in Naas, will result in healthcare facilities that allow for implementation of new models of care and for delivery of services in high quality modern facilities.

Investment in healthcare infrastructure, including these projects, must be considered within the overall capital envelope available to the health service. The HSE will continue to apply the available funding for infrastructure development in the most effective way possible to meet current and future needs, having regard to the level of commitments and the costs to completion already in place.

Deputy Bernard J. Durkan: At the outset, I thank the Minister of State for coming into the House and for the positive tone of his reply. I acknowledge the quality and standards of the services provided by the management and staff at Naas General Hospital. They have done exceptionally well over a long number of years. In order to give a realistic *imprimatur* to their work, now is a good time to bring forward the date for the finishing of the tendering process and approval of contract. Quite an amount of time can elapse between the two so it would be no harm at all, by way of acknowledgement of their work so far, if that could be done.

The quality of the services demanded in a very competitive area, with an increasing population, is something that we must keep in mind and recognise that pressure increases with every day that passes. The request and demand for a high quality standard of services does not go away.

Deputy Martin Heydon: I thank the Minister of State for his positive response. The provision of acute beds for mental health support in Kildare-west Wicklow currently is one of the lowest levels per head of population in the country. We are starting from behind and playing catch-up. Procuring a new design team and getting on the 2019 corporate plan is crucial for a

new and much needed expanded Lakeview.

The endoscopic unit, as the Minister of State has outlined, is at a different stage. It is much more advanced. It has its detailed design and its planning permission is secured. We need to progress to tender for construction as soon as possible. That is both for Kildare patients who are currently on waiting lists for scopes, or who are currently travelling outside of the county to have those scopes done, but also for the wonderful staff in Naas General Hospital whose morale would be greatly boosted and who deserve to work in improved, state-of-the-art facilities. It is crucial. Kildare's population has grown exponentially and it must be recognised by Government. Project Ireland sets that out and it is up to myself and Deputy Durkan, working with the Minister of State, Deputy McGrath, and his colleagues in the Department of Health, to deliver for Kildare as soon as possible.

Deputy Finian McGrath: I thank the Deputies for their responses and, in particular, Deputy Bernard Durkan for his comments about pushing for a realistic date. That is something to which I will give my support and I will bring that message to the Minister for Health, Deputy Simon Harris.

Deputy Martin Heydon made the point about the increasing population up to 241,000 people. I take his points on board. I also take on board the Deputy's points about mental health and the staff morale in Naas General Hospital.

Naas General Hospital serves the catchment area of Kildare-west Wicklow which is an area with a rapidly growing population. The hospital provides quality patient care, delivered safely by skilled and valued staff through the best of available resources. As I said earlier, there are two distinct development proposals for Naas General Hospital currently: the mental health one and the new accommodation and services. There has been significant increase in the scope of both projects and, in these circumstances, the current position is the Health Service Executive expects to commence construction on the endoscopy project in 2019 and is preparing to procure a design team for the expanded mental health unit. The Deputies can take it that I will take their strong messages back to the Minister for Health, Deputy Simon Harris, and they will have my full support on these projects.

Mental Health Services Staff

Deputy Pat Buckley: I welcome the opportunity to speak on this important issue. We have been informed today by groups working on the front line that the specialist ACCES team for homeless people with severe mental health difficulties, located on Conyngham Road in Dublin, is now closed to new referrals due to staff shortages. This special community mental health team for homeless people is a vital service that liaises with homeless agencies to ensure that at least some people within homeless services who are very unwell can access appropriate mental healthcare. The absence of this service is likely to lead to people with acute psychosis not getting appropriate treatment. We know that homelessness is at an unprecedented level with over 10,000 people, many of them parents of young children, suffering because of the housing crisis. They are forced to couch surf, to sleep in hostels, on cots or in hotel rooms totally inadequate for anything other than the shortest of emergencies. Some feel they have no choice but to sleep on the streets. These people are under huge strain and the damage that this experience is doing to their mental health should be clear to anyone who cares enough to consider it.

We know that those who suffer homelessness are seriously vulnerable to mental health problems not just because that is common sense but because the statistics show it. Some 47% of people in homelessness last summer were found by Simon and Mental Health Reform to have at least one diagnosed mental health condition. Those are just the ones who can be diagnosed. We know that these strains lead to worsening or development of substance abuse problems which make recovery and rehousing even more difficult for individuals and services. A survey found that 17% of those surveyed had attempted suicide in the previous six months and 19% had engaged in self-harm. Some 21% said they had experienced barriers to accessing mental healthcare.

It is difficult enough to access services. These are front-line people who provide a vital service and yet we are heading into the winter, with people who are in dire circumstances, homeless and have mental health difficulties which are often severe, and no more referrals will be taken in this centre. I cannot understand why this issue keeps coming up about staff shortages. Can we find out when this will be resolved? Was this flagged up beforehand? There are recurring staff shortages with no forward planning. I am very conscious that the Minister of State mentioned staff morale in an earlier Topical Issue debate. It is important to acknowledge that staff are doing their very best in extremely difficult circumstances. We as legislators, the Minister of State and the Government are letting these people down terribly. We are aware that things will worsen. Can anything be done to resolve this issue as soon as possible? Otherwise we will unfortunately face more deaths on the streets.

Deputy Finian McGrath: I thank Deputy Buckley for raising this important issue. I take this opportunity to emphasise that mental health remains a priority in the programme for Government. Since 2012, approximately €200 million, or 28%, has been added to the HSE mental health budget which is now €910 million. We have secured an additional €55 million for new developments in the recent budget. Despite serious financial pressures overall, 2019 will see a total HSE mental health budget of almost €1 billion, an increase of 40% on 2012. Dual diagnosis in particular has been given specific attention.

The HSE mental health division has recognised the need for a clinical programme for dual diagnosis to respond to people with substance misuse, both alcohol and-or drugs, together with mental illness. The aims of this programme are to develop a standardised evidence-based approach to the identification, assessment and treatment of comorbid mental illness and substance misuse. This includes increasing awareness of the frequent co-existence of mental illness and substance misuse; ensuring there is a clear pathway for management of people with such a dual diagnosis including when they present to emergency departments; ensuring a standardised service is provided throughout the country; and ensuring adolescents are also included within the scope of the clinical programme. An additional €2 million in funding was made available from the €35 million of new development funding for mental health in 2016 to address the specific needs of homeless persons in the Dublin region, with a particular focus on mental health needs.

A key requirement was that any mental health supports provided would be provided as part of an overall cohesive response to homelessness. This €2 million has helped to fund the expansion of in-reach services and supports for temporary accommodation for charities such as the Peter McVerry Trust, Crosscare, Sophia Housing Association and Dublin Simon Community. The additional funding has continued to be provided to fund these additional services for homeless people with mental health and addiction needs. As part of these services, the Assertive Community Care Evaluation Services, ACCES, team is based in Parkgate House, Conyngham Road, Dublin. This specialist community mental health team for homeless people is a service

that liaises with homeless agencies to ensure that people within homeless services who are very unwell can access appropriate mental healthcare. I understand that ACCES is currently unable to take on new referrals. I take Deputy Buckley's earlier point. The HSE has informed me that there are vacancies at psychologist, social worker and occupational therapist levels. While the psychologist is on maternity leave and is due back in March 2019, the HSE is attempting to recruit the new social worker through the national recruitment service and the occupational therapist has been recently appointed and is awaiting a start date.

Deputy Pat Buckley: I thank the Minister of State for his answer. I will revert to what I mentioned earlier about the problems with staff shortages and forward planning. It is not a personal attack on anybody but if somebody is going out on maternity leave, surely there is forward notice or somebody will cop on that if somebody is expecting to go on leave, which they are totally entitled to, something should be put in place where the HSE can plan ahead, so it can know that someone is due to go on maternity leave on a certain date and should be able to recruit and fill that gap temporarily.

March is five months away. October, November, December, January, February and March are very bad months here so I am not optimistic about the forward planning, as we call it. Vacancies for a psychologist, social worker and occupational therapy is a huge gap in services. How have people been coping with this? It goes back to the morale of the people on the front line. I am black and blue from coming in here and to committees and asking Ministers why the powers that be and the HSE cannot plan ahead. We have said it repeatedly. We will be facing a major issue in the next couple of years. We will possibly have 500 people in mental health services retiring and nobody is planning for it because the system works on a basis of having to wait first for the individual to retire, then it goes into a 12 month cycle and the crisis gets larger. I want to highlight it. It is not a personal attack on the Minister of State and I appreciate the answers he gave me. I am disappointed that we do not have forward planning. We have another emergency in Dublin with people who will be severely affected, not just with mental health difficulties and weather, but we are being told the best the Department can do is say that it will see them again in March.

Deputy Finian McGrath: I thank Deputy Buckley for highlighting the issue. It is very important. I take his point about forward planning. It is a strong message which we will have to bring back to the HSE. I will bring it back to the Minister, Deputy Harris. The Government is committed to ensuring all those in need of mental health services and supports will have access to them, in particular vulnerable groups such as the homeless and those to which the Deputy referred. It is not acceptable that somebody who is homeless, poor and marginalised cannot receive a service. A broad range of support initiatives are under way or planned across mental health services to cater for that group and I believe the initiatives will help us to achieve equity of access and support for those individuals in order that they can access care at the earliest possible stage.

I accept the Deputy's point about the ACCES team receiving ten to 15 calls per week inquiring about referrals. It amounts to approximately 150 to 200 calls per year. I agree with the Deputy that such persons could be facilitated with some forward planning. Money is not the issue; rather it is a case of planning to implement services and find people to fill the posts. There is a difficulty in filling posts, including in my area of responsibility, namely, the disability sector. In recent months we have had a steady stream of occupational therapists and speech and language therapists returning from England, in particular. That will help to address the issue. I agree with the Deputy that there is a need for more forward planning in order to resolve the

issues. I will bring the message back to the Minister and the HSE.

Agreement with Kazakhstan: Motion

Minister of State at the Department of Business, Enterprise and Innovation (Deputy Pat Breen): I move:

That Dáil Éireann approves the terms of the Enhanced Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Kazakhstan, of the other part, signed at Astana on 21st December, 2015, a copy of which was laid before Dáil Éireann on 6th July, 2018.

I welcome the opportunity to discuss the motion proposed by the Tánaiste and Minister for Foreign Affairs and Trade. It was considered by the Select Committee on Foreign Affairs and Trade on 23 October. My colleague, the Minister of State, Deputy McEntee, very much appreciated the discussion with the members of the committee on this important motion. The enhanced partnership and co-operation agreement will provide a framework for strengthening the bilateral relationship between the European Union and Kazakhstan. Kazakhstan has already ratified the agreement, as have 23 EU member states. The European Parliament gave its approval in December 2017. Some parts of the agreement where the European Union has exclusive competence are being applied on a provisional basis, pending ratification by all parties.

While it is important in a political and economic context, we must not forget that respect for democratic principles, human rights and fundamental freedoms are an essential element of the agreement. As mentioned during the discussion with the select committee, the situation as regards human rights in Kazakhstan is challenging. While progress has been made on reform, including in the criminal justice and administrative sectors, it is clear that more must be done. The structured engagement for which the agreement provides will allow Ireland and the European Union greater scope to encourage progress on human rights and good governance. Ireland, together with the European Union and fellow member states, continues to encourage reform within Kazakhstan, particularly in the areas of the rule of law, freedom of expression or belief, and human rights. We are in a better position to influence change within the framework of the agreement where we can engage constructively on these matters. Surely it is better to see incremental progress over a long period on the basis of engagement, rather than end up with restricted engagement where we have no influence. The European Union and Kazakhstan have an annual dialogue in the area of human rights and the next dialogue is due to take place later this month. Although the agreement is of unlimited duration, if any party is in breach of its obligations in respect of human rights, appropriate measures can be taken in response, up to and including termination. It is important to point that out.

Deputy Paul Murphy: But they will not be.

Deputy Pat Breen: The agreement is the first of its kind to be concluded between the European Union and the former Soviet states of central Asia. It is a clear acknowledgement that Kazakhstan is a priority country within the European Union's central Asia strategy. The agreement also forms part of Kazakhstan's multi-vector foreign policy which is intended to diversify Kazakhstan's political and economic relationships outside its traditional partners. The Europe-

an Union is Kazakhstan's largest trading partner and also the largest originator of foreign direct investment into the country. The agreement provides an opportunity for the European Union to deepen co-operation across a range of sectors, including co-operation in trade and investment, justice and legal co-operation, economic and sustainable development and an enhanced regulatory framework for businesses. As was mentioned during the select committee's discussion with the Minister of State, the agreement is mutually beneficial to the European Union and Kazakhstan.

The agreement will also provide a basis for Ireland to deepen co-operation with Kazakhstan. As a small country on the western edge of the European Union, we must continue to seek to develop our profile and reputation in countries where we are still a somewhat unknown quantity. Although our bilateral trade is small, there are opportunities in agriculture and education, in particular. Strengthening our bilateral relationship with countries such as Kazakhstan is all the more important in view of the political and commercial realities the United Kingdom's exit from the European Union will undoubtedly effect.

The agreement will provide an opportunity for closer co-operation between the European Union and Kazakhstan on a political and economic level and, importantly, continue to provide a platform for the Union to raise human rights issues with Kazakhstan. That will, accordingly, create opportunities for Ireland to forge stronger political and economic relations with Kazakhstan, whereby we can also continue to raise these issues, as we will always do. I hope Dáil Éireann will support the motion in order that Ireland can proceed to ratify the agreement in the near future.

Deputy Seán Haughey: I thank the Minister of State for his remarks on the motion and explaining the Government's position on the matter. Fianna Fáil supports the motion and approves the terms of the enhanced partnership and co-operation agreement between the European Union and the Republic of Kazakhstan. As a party, we recognise the need to enhance engagement and build partnerships with central Asian countries such as Kazakhstan. Kazakhstan, central Asia's largest economy, is an upper middle income country which is aiming to join the world's 30 most developed countries by 2050. It acquired WTO membership in 2015 and the agreement will further strengthen its integration in global trade and the global economy. Its rapid economic growth, coupled with reforms in areas such as education and health, have paved the way for notable improvements in the social position, advancing the country to the high human development level. Kazakhs now enjoy a healthier and longer life, with less poverty and inequality. Kazakhstan's human development index, HDI, value for 2017 was 0.800, which puts the country in the very high human development category, positioning it at 58 out of 189 countries and territories. Between 1990 and 2017, its HDI value increased from 0.690 to 0.800, an increase of 16%. In the same period life expectancy at birth increased by 3.2 years, mean years of schooling increased by 3.7 years and expected years of schooling by 2.7 years. Kazakhstan's GNI *per capita* increased by approximately 64.7% between 1990 and 2017.

Kazakhstan has increasingly integrated into the world trading system. For the European Union, Kazakhstan is important both in its own right as the largest and wealthiest country in the strategic central Asian region and also as a transit country on trade routes between Asia and Europe. In addition, Kazakhstan is increasingly becoming an important player on the world stage. It is a member of the European security council for 2017 and 2018 and has acted as a mediator in hosting Syrian peace talks.

I welcome the economic and social changes taking place in Kazakhstan, but I am mindful

of its poor human rights record. Fianna Fáil believes enhanced partnership and co-operation between the European Union and Kazakhstan must be achieved in tandem with efforts to improve democracy and human rights. Economic interests cannot be advanced to the detriment of all else and it is essential that human rights are given the same degree of importance. The European Union must carefully monitor this agreement to ensure actions will follow words and that commitments made in it to co-operate with civil society, as well as to respect human rights and the rule of law, will be upheld. Kazakhstan has problems related to the torture and rights of detainees. There is a broad prohibition on the right to strike, while women continue to face distinct economic hardship and employment discrimination. There is a lack of female representation in public life and decision-making bodies, in spite of a 30% quota being legally required in political institutions. NGO registration is compulsory and authorities enjoy wide discretion to close down groups for apparent violations of law. It is incumbent, therefore, on the European Parliament to monitor developments in Kazakhstan to ensure progress will be made not only on the economic front but also in the area of democracy and human rights. While supporting the agreement Ireland should not be silent when it comes to concerns about human rights. It must use its influence at EU level to advocate for the strengthening of human rights and civil society in Kazakhstan. Fianna Fáil will support the motion, but I hope the Minister of State will take on board the comments I have made.

Deputy Seán Crowe: It will come as no surprise to learn that we will not be supporting the agreement. The enhanced partnership agreement seeks to increase co-operation between the European Union and Kazakhstan in 29 areas, including economic and financial co-operation, energy, transport, the environment and climate change. While we welcome co-operation in some of these areas, others are problematic. Thus, Sinn Féin opposes the agreement.

The agreement calls for the European Union to create an enhanced partnership with Kazakhstan, but it does not take a strong stance on human rights in Kazakhstan, one of the least free countries in the world which Nazarbayev's regime has ruled with an iron fist since independence in 1990. No elections held since have been judged to have been free or fair. It is wholly inappropriate for the European Union to increase co-operation with any country with such severe human rights issues. More than 140 participants in the peaceful protests held on 10 May and 23 June have been persecuted for exercising their right to peacefully demand that the political oppression and torture be stopped and advocating for free education. On 7 October Kazakhstani human rights defender Elena Semenova was banned from leaving the country to participate in meetings with members of the Parliamentary Assembly of the Council of Europe.

In recent years the European Union financed a €5.5 million project aimed at enhancing the criminal justice system in Kazakhstan and co-financed the programme to support the Kazakh authorities in improving the quality and efficiency of the justice system, yet, according to the reports of human rights organisations and independent international watchdogs, the officially presented outcomes are imaginary and do not correspond to reality. The European Union should withhold financial support from Kazakhstan, unless it makes genuine progress in protecting human rights, rather than implementing any new co-operation agreement. Kazakhstan is ranked as one of the least free countries in the world.

The European Union's insistence on liberalising trade with as many countries as possible will have negative consequences for ordinary people in Europe and throughout the world. The problem with the agreement is that we know from experience the human rights mechanisms will never be enforced or triggered. It amounts to *carte blanche* for the regime to carry on its suppression and oppression. One need only look at the European Union's free trade agree-

ments with Colombia and Israel to see this. Colombia remains the most dangerous country in the world in which to be a trade unionist. Hundreds of community leaders have been murdered there with impunity this year. Sinn Féin opposed the EU-Colombia free trade agreement. The Government repeatedly told us that it would be a step forward in protecting human rights, but all we have seen is a major regression. None of the human rights mechanisms in the agreement has been triggered.

Israel has implemented an apartheid regime and commits war crimes with impunity. The EU-Israel association agreement has a human rights mechanism, but even in the face of the most serious human rights and international law violations, it has never been triggered. The European Union failed to suspend the agreement when Israel murdered 1,400 Palestinians in Gaza in the space of three weeks in December 2008 and January 2009 during Operation Cast Lead. Again, there was no suspension when it murdered over 2,200 Palestinians in Gaza in the space of seven weeks in July and August 2014 during Operation Protective Edge. The European Union has never moved to suspend the agreement while Israel maintains an illegal and mediaeval siege of Gaza and continues to build illegal colonial settlements on the West Bank. If the European Union will not abide by the human rights mechanisms in the face of these war crimes, when will it ever do so? That is the question.

The Minister of State, Deputy Breen, has referred to the influence Ireland will have. What influence has it used against the daily slaughter of Palestinians? There are no answers. In fact, my colleague, an Teachta Ó Snodaigh, raised this issue with the Minister of State at the Department of Foreign Affairs and Trade, Deputy McEntee. He asked for one example of an EU co-operation or trade agreement that had been suspended because of the issue of human rights. The Minister of State was unable to name one. I cannot think of one either. Despite these agreements including clauses on human rights, they are never enforced or acted on. They are simply used as cover and it will be no different in this case. Therefore, Sinn Féin cannot and will not support the agreement and will be voting against it.

Deputy Paul Murphy: This agreement and the fact that Fine Gael and Fianna Fáil support it tell us everything we need to know about the truth of European Union trade policy. It is only words and empty rhetoric when it comes to human rights. In its actions the European Union is concerned about profits for big EU companies. It is concerned about market access and willing to dress it up in whatever language it takes. That is, ultimately, all that it cares about.

The agreement is being and will be used by the Nazarbayev regime to portray itself as improving, increasing democracy, moving westward, etc. These are exactly the talking points the Government features in its speeches. That is exactly the line used by the regime. Those responsible refer to it as being better to see incremental progress over a long period on the basis of engagement, rather than ending up with restricted engagement. That is merely an excuse from the point of view of the European Union. There is no evidence whatsoever that engaging in such trade deals promotes democracy, assists the work of civil society organisations or creates freer space for trade unionists or those who are attempting to organise in countries such as Kazakhstan. Instead, it has the effect of bolstering regimes, but the European Union simply does not care about it.

The regime in Kazakhstan is utterly horrific. I have first-hand experience of it. I visited Kazakhstan as a Member of the European Parliament in 2011. I spent several days there. During my visit I met human rights activists and trade unionists throughout the country. I spent several days across the Mangystau region in the west of Kazakhstan where a major strike of oil

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workers was taking place. It was an illegal strike. They were operating outside the framework of the official trade union movement because that movement is completely state-controlled. It is an independent movement of tens of thousands of workers.

After I came home I discussed the matter with the workers again. There is an active socialist movement in Kazakhstan and there are members of the sister party of the Socialist Party in Kazakhstan.

We discussed organising a protest on Kazakhstan independence day in December 2011 in Zhanaozen, which is the provincial capital of the Mangystau region. On that day, tens of workers were massacred when they went out to protest. They were shot down in the streets by state forces and the massacre was captured on video. The Minister, Fianna Fáil Deputies and whoever else wishes can view the footage. Those are the actions of this type of regime.

Before I visited Kazakhstan, my colleague, former Deputy Joe Higgins, visited some of the country's prisons where he saw the horrific conditions of systematic torture experienced by people who had been arrested on charges such as stirring up social discontent. People in Kazakhstan can be arrested, imprisoned for years and tortured in a brutal way by the regime on the basis of accusations of stirring up social discontent.

I attempted to visit Kazakhstan again to try to assist in an investigation to uncover the names of those who were killed and undo and expose the impunity afforded to those who ordered the massacre. I was refused a visa on two occasions and was never able to access the country, despite being a member of the European Parliament with a particular focus on the question of Kazakhstan.

The record of Kazakhstan, as I am sure the Minister of State knows, is horrific in every possible way. In terms of freedom of association, no independent political parties are legally registered in Kazakhstan and workers are not able to organise in trade unions. In the past decade, media outlets have been consistently shut down and anyone who speaks out against the regime is silenced. Perhaps worst of all are the conditions of torture that prevail within the country's prisons.

I want to mention the human rights lawyer, Vadim Kuramshin, with whom I worked closely in recent years. Thankfully, Mr. Kuramshin finally left prison some months ago, having been arrested and jailed on trumped up charges for six and a half years. I note the Minister spoke in the committee about improving penal conditions. Mr. Kuramshin wrote about the conditions he suffered in prison. I want to read out a few sentences he wrote so that when Members vote to proceed with this agreement, they will know the kind of torture they are endorsing. He stated:

From the date of my last conviction ... I had constantly been subjected to torture. Practically my entire sentence was spent in punishment rooms and solitary confinement.

When I arrived at the correction colony of Ust-Kamenogorsk on the 12th December 2017, I was immediately subjected to cruel beatings by the prison officers of this establishment. I was beaten by dozens of officers all at one time.

When I asked them not to beat my back, the officers used their knees and even began to jump on my back. This caused me great pain and distress. I was then carried into the inspection room. There, in the presence of human rights activists and employees of the prosecutor's office, two knives which had been planted on me were ostentatiously removed.

[This was] filmed in order to use against me.

As Mr. Kuramshin noted, this was “a gross breach of the international code of conduct which Kazakhstan is supposed to adhere to.” That the European Union would do such a trade deal and the establishment political parties would endorse such a regime tells us everything we need to know.

Acting Chairman (Deputy Eugene Murphy): As no further speakers are offering, I ask the Minister of State to conclude.

Minister of State at the Department of Business, Enterprise and Innovation (Deputy Pat Breen): I thank all the Deputies who made a contribution. Many genuine concerns were expressed and we all understand the nature of those concerns. I repeat that we must recall that Kazakhstan is still a relatively young country, gaining its independence in 1991. It is on a reform path but, as we all know, it takes time to build a democratic society. The agreement provides for a broad framework to reinforce political dialogue, providing EU member states with a range of tools for influencing reform, including institutional links that allow for regular discussions.

The agreement updates and augments the existing partnership and co-operation agreement agreed in 1996. It will contribute to modernising the commercial environment in Kazakhstan and increase the ease of doing business for Irish and European firms.

Kazakhstan is a key regional partner for the EU in Central Asia. With the development of a new central Asia strategy next year and the belt and road initiative, the region will only increase in importance over the next decade. I ask Deputies to take note of that.

Kazakhstan works well to engage constructively on a multilateral basis. It works with the OSCE, the United Nations Development Programme, UNDP, and the Council of Europe in its legislative reform. We must also note that Kazakhstan sought the opinion of the Venice Commission on several occasions, including most recently on its administrative procedure and justice code.

This agreement covers 29 sectoral areas, among them civil co-operation, co-operation in education, which is extremely important, as the Deputies opposite know, culture, research and innovation. The scope for engagement at all levels provides an ideal platform for Ireland and the EU to encourage change in Kazakhstan.

The EU continues to support Kazakhstan in its efforts to reform. More than 350 projects amounting to €180 million have been funded by the EU, with a particular focus on strengthening the capacity of regional and local government, supporting reform of the justice sector and improving the capacity of the public sector to introduce social and economic reforms.

Some Deputies opposite may believe that delaying ratification of these agreements until such time that progress is made on human rights is the sensible approach to take. They are entitled to make that argument but I argue that this would go against the very essence of what the EU stands for in promoting change through dialogue and engagement. All of us know how important dialogue and engagement was in our country.

Let us not forget that respect for democratic principles, human rights and fundamental freedoms is an essential part of this agreement. If any party is in breach of its obligations on respect

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for human rights, appropriate measures can be taken in response, up to and including termination of the agreement.

Deputy Seán Crowe: That has never happened.

Deputy Pat Breen: Please allow me to speak. This is a step that has been carefully considered. While I would prefer to dwell on the agreements with countries such as Georgia that have brought about positive reform, there are times when the EU activates the mechanisms within these agreements when there is a deterioration in the human rights situation. While it rarely happens, it sometimes occurs. I will give the two Deputies opposite an example of that. In 2016, the EU suspended its direct aid to Burundi's government under the clause of the 2000 Cotonou Agreement between the bloc and the 77-country African, Caribbean and Pacific, ACP, group guaranteeing the respect of human and democratic rights.

Furthermore, the EU has twice chosen to suspend financial assistance to Moldova, most recently last June. Following the invalidation of elections by three courts in Chisinau, the EU suspended macro-financial assistance based on clear evidence of the violation of political conditionality criteria.

The agreement provides a framework for closer economic co-operation, which can bring about peace, as we have seen in the past. As part of such co-operation, we can continue to emphasise the need to protect human rights and encourage Kazakhstan on its reform path.

I emphasise again that by ratifying this agreement, we will be in a position to add our voice to the EU and the 27 other member states in encouraging Kazakhstan on its path to reform, rather than sitting on the sidelines as others engage. I hope Dáil Éireann will support the motion so that Ireland can proceed to ratify the agreement in the near future. Sitting on the sidelines is not a way forward. Engagement and dialogue are the most important way to improve human rights. We have seen that in the past.

Question put.

Deputy Seán Crowe: Vótáil.

Acting Chairman (Deputy Eugene Murphy): In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 8 November 2018.

Gnó na Dála - Business of Dáil

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit at 9.30 a.m. tomorrow to take No. 33a, statements on structural issues at WBS-constructed schools. The statement of the Minister shall not exceed ten minutes and following the Minister's statement, each party or group in opposition shall have six minutes each, and the six minutes shall consist of alternating questions and answers, each of which shall not exceed one minute. The Minister shall have five minutes in conclusion and the statement, the questions and answers and the concluding reply shall not exceed 57 minutes in total. If the statements conclude before 10.30 a.m., the House shall suspend until 10.30 a.m.

Acting Chairman (Deputy Eugene Murphy): Is the proposal agreed to? Agreed.

Data Sharing and Governance Bill 2018 [Seanad]: Second Stage

Acting Chairman (Deputy Eugene Murphy): I welcome the Minister of State at the Department of Public Expenditure and Reform. I was listening to him from Tallaght Hospital earlier this evening.

Minister of State at the Department of Public Expenditure and Reform (Deputy Patrick O'Donovan): I move: "That the Bill be now read a Second Time."

I am very pleased to have the opportunity to introduce this Bill to the House. It was published in June and commenced in Seanad Éireann, where it received strong cross-party support. The Bill was actively engaged with by the Members of the Seanad and I look forward to further constructive debate in this House. Members may be aware of the number of amendments that were tabled and accepted in the Seanad.

The Data Sharing and Governance Bill proposes a series of reforms to the way the Government shares data to improve public services for the benefit of citizens and businesses, as well as measures to improve the safe handling of that data by bringing consistency and improved safeguards to the way it is managed. This legislation is just one part of our ambitious programme of reform in the digitalisation of public services and the use of data. The eGovernment strategy 2017-2020 sets out a vision of a Government using data and digital technology to increase efficiency and effectiveness, thereby constantly improving public services. The actions in Our Public Service 2020, the new framework for development and innovation in the public service, provide for a more integrated, shared and digital environment to enhance the delivery and evaluation of public services.

The Government must deliver on its commitments in this area. The advent and adoption of digitalisation and data analytics have revolutionised the global economy and changed business models and the nature of jobs. We can use our computers and phones, and now even our watches, to do many everyday things, including keeping up with our families and friends, reading the news, watching television, banking and shopping. Digitalisation also opens up new opportunities for innovation in how we design and deliver our public services. We must keep pace with public expectations of how people should be able to access services and with the availability of new technology. Achieving this objective requires modern laws on the use of data in public services to protect and use the information that enables us to deliver these services to the public.

Data sharing is carried out extensively across the public service under the existing legal framework. Indeed, it would not be possible to deliver many services effectively without this sharing taking place in the background. I will provide some examples. Details of birth registrations are forwarded by the General Register Office to the Department of Employment Affairs and Social Protection to generate child benefit claims automatically on behalf of parents. Student Universal Support Ireland, SUSI, shares data with the Department of Education and Skills, the Department of Employment Affairs and Social Protection and the Revenue Commissioners to streamline the processing of student grant applications, reducing the need for applicants to provide documents. The Revenue Commissioners share data with a number of sources, includ-

ing the Property Registration Authority, for the purposes of maintaining the local property tax register. These are three simple examples of how sharing and reusing data benefits the public.

However, those who deliver public services often face problems in gaining access to information held by other public bodies. Data protection law requires that data sharing needs an explicit legal basis. The examples of data sharing I have just given are made lawful by the specific sectoral Acts of the bodies concerned. Access to the legislative schedule is limited and as a result the process of obtaining the required powers to share data can be painfully slow for public bodies.

Furthermore, the reliance on sectoral legislation as a basis for sharing data has resulted in a set of data sharing laws that have grown piecemeal over time to respond to specific policy needs. This patchwork of laws is complex and not very transparent to the public. There is a clear need, therefore, to update our legislative regime to provide for a flexible legislative gateway that will simplify the complex legal landscape slowing the pace of our efforts to modernise and improve the services we provide to people and businesses. We also need to allow for data sharing to be carried out in a systematic, consistent and transparent way so that members of the public can be confident that their information is being used for the right purposes and remains securely held.

When data are used effectively, everyone benefits from better services that can be delivered more responsively and efficiently at a lower cost to the taxpayer. Members of the public also have a strong expectation that their data will be used responsibly, proportionately and securely in a manner that respects their privacy and upholds their data protection rights. As the volume of data grows and our capacity to deliver digital services expands, the opportunities to improve services increase. So too must the governance and safeguards we have in place to keep people's data safe.

The House will be aware of the EU's general data protection regulation, GDPR, which came into effect on 25 May. The GDPR and the Data Protection Act 2018 represent a very significant reform of the data protection regime to keep pace with the many technological advances and new business models that have emerged in recent years. The GDPR strengthens the control of members of the public over their personal data and the purposes for which this information may be used. A key principle underpinning the development of this legislation has been that the Bill should not weaken the protections afforded by data protection law, including the GDPR. Therefore, as well as providing a clear legislative gateway for public bodies to share data, this Bill must also provide a framework for public bodies to share data in a manner that is compatible with the requirements of the GDPR. I refer in particular to the requirement that bodies must be transparent with people about exactly who is sharing their data, what data are being shared and why this is necessary.

In this regard, I would like to take the opportunity to thank the Members of this House and Seanad Éireann who undertook the pre-legislative scrutiny work on this legislation in their capacity as members of the Oireachtas Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach. The committee's report made many useful recommendations which we have tried to address as much as possible during the drafting process. A clear theme that emerged from these recommendations was the committee's concern not only about the risks to people's data protection rights arising from the sharing of data but also from the misuse and mismanagement of data by public bodies generally.

I share these concerns. This is why this legislation is a data sharing Bill and a data governance Bill. The scope of the governance provisions in this Bill goes beyond just regulating how we share data. The Bill also strengthens the way the public service manages its data in respect of how data are collected and processed, how data are kept secure, and how access to data is controlled, monitored and logged. Many of these governance provisions were added to the Bill following the pre-legislative scrutiny and I believe they go a long way to addressing the concerns raised by the committee. I believe that these provisions will reassure people that their information is being held, processed and shared in a responsible manner and in compliance with data protection law.

I wish to outline to the House the main provisions of the Bill. The purpose of this Bill is to provide for the regulation of the sharing of information, including personal data, between public bodies; to provide for the regulation of the management of information by public bodies; to provide for the establishment of base registries; to provide for the collection of public service information; to establish a data governance board; and to provide for related matters.

The Bill comprises the following parts. Part 1, comprising sections 1 to 4, inclusive, contains a number of standard legislative provisions concerning the Short Title, commencement, orders and regulations and expenses.

Part 2 comprises sections 5 to 12, inclusive. Section 5 provides that the Bill shall not apply to the sharing of the special categories of personal data specified in article 9 of the GDPR.

7 o'clock These include data revealing racial or ethnic origin, political opinions, religious beliefs and trade union membership as well as genetic and biometric data and data concerning a person's health, sex life and sexual orientation. There are three specific instances where the Bill does apply to special category data and I will address these when I reach the specific parts of the Bill that relate to this.

Section 6 contains an explicit statement that the Bill shall not affect the operation of the GDPR or the Data Protection Acts. Sections 7 and 8 set out how the Bill interacts with certain existing sectoral legislative provisions concerning data sharing, including the Social Welfare Consolidation Act 2005. Section 9 defines data sharing for the purpose of this Bill as being "the disclosure of information, including personal data, by a public body to another public body".

Section 10 defines the term "public body" for the purposes of the Bill. I want this Bill to apply to the widest possible number of public bodies and so, among others, the definition encompasses the Civil Service, local authorities, the HSE, An Garda Síochána, the Defence Forces and the non-commercial State agencies.

A list of bodies excluded from the Bill, mainly the commercial semi-State bodies, is set out in the Schedule.

Section 11 provides that the Bill applies to data concerning deceased persons. This is to allow for records to be updated upon a person's death.

Section 12 provides that the Bill does not apply to data sharing for the purposes of law enforcement, national security and defence.

Part 3, comprising sections 13 and 14, sets out the conditions under which public bodies may share personal data using this Bill. Section 13 provides that public bodies may only share data for the purpose of the performance of one or more of their lawful functions and only for

one or more of the following purposes; to verify the identity of a person where a public body is providing a service to that person; to identify and correct erroneous information held by a public body; to support the “once only” principle that persons should not have to provide the same information multiple times to different public bodies; to establish the entitlement of a person to the provision of a public service; to facilitate the administration, supervision and control of a service, programme or policy; to facilitate the improvement or targeting of a service, programme or policy; to enable the evaluation, oversight or review of a service, programme or policy; and to facilitate an organisational study of a public body. This section also provides that public bodies must comply with regulations and orders made by the Minister under Part 9 of the Bill concerning proper data management and that data sharing be carried out in accordance with a data-sharing agreement. Section 14 gives the Minister the power to direct two or more public bodies to share data, subject to the provisions of the Bill.

The provisions contained in Part 4, comprising sections 15 to 22, inclusive, concern the data-sharing agreements referred to in section 13. Section 15 clarifies that the provisions of this Part only apply to data sharing carried out under this Bill, while section 16 obliges public bodies to enter into a data-sharing agreement before sharing data under this legislation.

Section 17 sets out the formal requirements for a data-sharing agreement and section 18 allows for additional parties to be added to a data-sharing agreement, if required.

Section 19 specifies what information should, at a minimum, be included in a data-sharing agreement. Among other things, public bodies must be explicit in these agreements about the purpose of the data sharing, what data will be shared and how the data will be further processed and kept secure, in accordance with the principles of data protection.

Section 20 provides for the periodic review of data-sharing agreements. Section 21 provides that one of the parties to the agreement shall be designated as the lead agency responsible for the management of the data-sharing agreement. Section 22 sets out the conditions for the expiry or termination of a data-sharing agreement.

Part 5, comprising sections 23 to 32, inclusive, gives the Minister for Public Expenditure and Reform, or another Minister of the Government where he or she has responsibilities in this area, the power to collect and process specified information regarding public servants arising from their membership of a public service pension scheme. This information includes provisions for the administration of pension scheme benefits for beneficiaries earned over a public servant’s entire career in the public service. It will be necessary to collect and process some special categories of personal data for these purposes, for example, to record if a public servant has retired due to ill health. Section 24 explicitly provides for this.

Part 5 also provides the basis for the establishment of a centralised pension system to support the long-term administration of the single public service pension scheme. It provides for the Minister for Public Expenditure and Reform to collect and analyse information, in pseudonymised or anonymised format, as appropriate, on the number of public servants employed and expenditure on pay and pensions, including the carrying out of actuarial evaluations. This data will be used to inform public service expenditure Estimates and support public service resource planning and policy development.

Part 6, comprising sections 33 to 36, inclusive, gives the Minister for Public Expenditure and Reform the power to issue a unique business identifier number, UBIN, for the purpose of

uniquely identifying any undertaking that has a transaction with a public body. It also specifies a set of business information that can be shared between public bodies in the performance of their functions. This UBIN and business information data set will assist in building the business data element of the national data infrastructure.

Part 7, comprising sections 37 to 43, inclusive, gives the Minister for Public Expenditure and Reform the power to designate a database owned by a public body as a base registry. Base registries will allow us to designate a single data set as the official source of that data that can be reused by other public bodies. This will improve the data quality across the public service by reducing the number of independent copies of data and allows us to focus our resources on the security and protection of a single data source, as opposed to many copies.

Section 38 obliges base registry holders to keep this information up to date, accurate and complete and to make this information available to other public bodies for lawful purposes. Section 42 obliges public bodies to use the information on a base register rather than collecting it directly from the data subject.

The intention of Part 8, which comprises sections 43 and 44, is to facilitate the creation of a portal to make it easier for members of the public to exercise their access rights under the GDPR to see what information public bodies hold about them and the purposes for which the information is collected and processed. A provision to enable the development of such a portal was one of the key recommendations of the pre-legislative scrutiny report. This will extend to special categories of personal data and this is provided for explicitly in section 43.

Part 9, which is split into three chapters and comprises sections 45 to 68, inclusive, provides for better governance in the management of all data held and processed under this Bill or under another enactment by public bodies and will help public bodies to comply with their obligations under GDPR. Many of the provisions have been influenced by the recommendations in the pre-legislative scrutiny report on the Bill.

Chapter 1, comprising sections 45 to 52, inclusive, provides for the Minister for Public Expenditure and Reform to appoint a data governance board to advise on the operation of the Bill. Section 47 sets out the provisions concerning the membership of the board and includes provisions providing for gender balance and for external appointments to be made via the Public Appointments Service process.

Chapter 2, comprising sections 53 to 62, inclusive, sets out the process for enhancing transparency regarding data sharing and for advance scrutiny of any proposals for data sharing between public bodies as follows. Public bodies will be required, under section 55, to publish an advance draft of any proposed data-sharing agreement and invite the public to comment on the proposal. Section 56 requires that the draft data-sharing agreement, along with a summary data protection impact assessment - if one has been carried out - and any comments received during the consultation, will then be submitted to the board for consideration. Section 57 provides that the board may issue a set of recommendations in respect of the draft data-sharing agreement, which the public bodies shall incorporate into the final agreement before signing. Section 60 provides that the signed data-sharing agreement shall be submitted to the Minister for Public Expenditure and Reform and laid before the Oireachtas. The Minister for Public Expenditure and Reform shall publish the signed data-sharing agreement along with the summary data impact assessment and any recommendations made by the board.

Chapter 3, comprising sections 63 to 68, inclusive, gives the Minister for Public Expenditure and Reform the power to prescribe binding rules, procedures and standards for the management of data across the public service; issue guidelines for management of data across the public service; and prepare model data-sharing agreements that public bodies shall use as the basis for any data-sharing agreements they enter into.

Section 63 provides that this chapter shall apply to special categories of personal data as the intention here is to drive a set of robust common standards across the public service for the management of personal data. Clearly, such best practice standards must apply to the management of special category data in particular.

Finally, Part 10, comprising sections 69 to 73, inclusive, includes a number of miscellaneous provisions. Section 69 gives the Minister for Public Expenditure and Reform powers to prescribe certain documents that public bodies should not collect directly from a person but should instead avail of data sharing in order to avoid unnecessary requests for documents. Section 70 gives the Minister power to direct public bodies to collect information in a format specified in the direction. Section 71 gives the Minister powers to direct public bodies to provide information in relation to all data-sharing arrangements being carried out under this Bill or any other enactment. Section 72 is a technical amendment to section 17A of the Ministers and Secretaries (Amendment) Act 2011 to ensure compatibility with Part 5 of the Bill. Section 73 adds the National Shared Service Office to the list of bodies specified under the Social Welfare Consolidation Act to collect and process the personal public services number, PPSN.

A number of amendments have been identified which I will introduce on Committee Stage, most being of a technical nature. In addition, I agreed on Report Stage in the Seanad that I would consider adding some form of wording to exclude application of the Bill to any sharing of data that would support commercial activities of public bodies. I hope to bring forward a proposal to this effect on Committee Stage. I am also considering an amendment to provide for wider use of the Revenue online service digital signature, in keeping with the Government's wider digital strategy. I will be proposing a minor technical amendment to the National Shared Services Office Act 2017 in regard to the Irish name of that office.

The nature of the subject matter of the Bill means that it contains a number of quite technical provisions. In that regard, my officials are available to assist any Member who requires clarification on any of the technical aspects of the legislation. I reiterate my thanks to the Members of both Houses who worked on the Bill during its pre-legislative scrutiny stage which greatly influenced its development. I thank the Members of Seanad Éireann for their support and contributions. I also thank the various stakeholders who contributed to the development of the Bill, including those who took the time to make submissions during the public consultation process when the general scheme was being developed and those who attended the pre-legislative scrutiny hearings at the committee. Their input was also a great help in the preparation of the Bill. I thank Members of this House for their attention. I hope they will support this important legislation and look forward to hearing their contributions throughout the debate.

Deputy Barry Cowen: I welcome the opportunity to speak to the Bill. Fianna Fáil supports and welcomes the Bill which has been designed to better enable public bodies to share personal data with each other with the consent of the individual citizen. It will also regulate the process by which public bodies can share data.

In the modern technology-driven world the issue of individual rights and privacy is cru-

cial. For Government and public bodies, a balance must always be struck between efficiency in administering tasks for the benefit of the citizen and the protection of the citizen's personal information and data. The general data protection regulation, GDPR, sums up these often conflicting issues. Even today, the issue of GDPR was brought up on "Liveline", in particular the inconvenience of implementing it for companies and individuals throughout the country. On the other side of the coin, when one considers the special categories of personal data under the GDPR which include people's racial or ethnic origin, political opinions and sexual orientation, among other things, nobody can deny that these details must be protected. The balance is now more important than ever. We live in a world where, all too often, people's personal information is treated as a commodity or something to be shared without consent or control. The basic right to privacy has been gradually chipped away, both with the rise of unfettered social media and also the rise of data hacking by the more sinister elements in this world. The State gathers a vast amount of information on each citizen on an almost daily basis. The Revenue Commissioners and social welfare offices possess detailed financial data for the vast majority of citizens. The Department of Health and the Health Service Executive possess detailed information on our health and health history. The State knows exactly where we live and work. In view of this, it is crucial for any democratic state that appropriate protections are put in place to prevent data from being transferred without consent. It is crucial that the State take the lead when it comes to protecting the right to privacy for the individual citizen. It was for this reason that the European general data protection regulation was brought into force and it is vital that the Bill be cognisant of it, not only legally but also in spirit. In that regard, I must recognise, as the Minister of State has done, the work done during the passage of the Bill through the Seanad, which served to strengthen it and put extra protections in place.

When a citizen deals with the State, be it with regard to a tax submission, a social welfare claim or a medical card application, he or she has an expectation that this work will be undertaken in an efficient manner. For the State to serve the citizen better and process actions faster, it needs to be better able to transfer data from one public body to another. For many citizens, it is frustrating, for example, to provide data for one public body and then have to replicate the process with another public body and give the exact same information. Of course, this will not be eradicated entirely, but with the Bill, the process should be improved.

Another key consideration that is at least partially addressed in the Bill is fraud. The vast majority of Irish citizens do not commit fraud, but it must be said a small proportion do. By collaborating in such a manner, the instances of fraud should reduce and the State should be better enabled to detect and tackle fraud. When someone commits fraud, be it in claiming social welfare benefits not owed to them or when he or she fail to pay his or her tax, it costs everyone else.

I turn to the specific sections of the Bill. Part 2 deals with the application in practice of the Bill and how it will interact with the Data Protection Acts and the general data protection regulation. It outlines what aspects of the Bill need to comply with the general data protection regulation and provides a framework by which the Bill will interact with the Social Welfare Consolidation Act 2005.

Section 9 defines precisely what data sharing is for the purposes of the Bill. Data sharing means the disclosure of information, including personal data, by a public body to another public body. Section 10 defines precisely what is a public body.

Section 12 sets out the areas where the Bill will not apply. It does not apply to data sharing for the purpose of the prevention, detection or investigation of offences and everything that fol-

laws thereafter. It does not apply to data sharing in the defence of the State.

Part 3 of the Bill regulates the data sharing process and sets out the conditions under which public bodies may share personal data. Section 12(2) provides that public bodies may only share data for the purpose of the performance of one or more of their lawful functions and only for one or more of the following: to verify the identity of a person where a public body is providing a service for that person; to identify and correct erroneous information held by a public body; to avoid the financial or administrative burden that would otherwise be imposed on a person to whom the service is being delivered; to support the “once only” principle that persons should not have to provide the same information multiple times; to facilitate the administration, supervision and control of a service, programme or policy; to facilitate the improvement or targeting of a service, programme or policy; to enable the evaluation, oversight or review of a service, programme or policy; and to facilitate the organisational study of a public body.

Part 4 of the Bill deals with data sharing agreements which must be completed in order for data to be shared between public bodies. Part 5 of the Bill deals with information on public service pension schemes. Part 6 of the Bill deals with the transfer of business information. Part 7 of the Bill deals with base registries.

Part 8 of the Bill seeks to establish a personal data access portal, whereby a citizen can exercise his or her right to see what data public bodies hold on him or her. This is a crucial check on the State and will add a level of transparency that is essential for the citizen to be able to hold the State to account.

Part 9 of the Bill provides for better governance in the management of all data held and processed under the Bill. This will enable the Minister to establish a data governance board. Section 46 sets out the functions of the board, while section 47 sets out its membership. Chapter 2 involves the review of data sharing agreements. This will be a crucial role for the board which will be charged with reviewing such agreements. It is crucial that the board be truly independent because, when things go wrong, we know what the standard response from any institution has been and, in many cases, continues to be - to circle the wagons. It is crucial that the board, in reviewing data governance, acts independently and genuinely holds public bodies to account. Chapter 3 deals with the governance of personal data, including special categories of personal data.

To reiterate, Fianna Fáil will be supporting the Bill and will engage constructively on Committee Stage. However, I take the opportunity to raise issues that, while not directly related to the Bill, are nonetheless relevant to the debate. We are living in a world in which there is unprecedented risk when it comes to data security. On an almost weekly basis we hear and read about another hacking incident in which people’s personal data have been stolen, often for malicious purposes. These crimes are being perpetrated against public bodies, governments and companies. It seems nobody is beyond this scourge. We in Ireland are no exception and are as vulnerable to this threat as those in any other country. In the coming years and decades, to protect citizens and the companies that operate here, Ireland will have to significantly beef up its defence and law enforcement capabilities. The threats are becoming ever more sophisticated by the day and we need to keep step with the perpetrators.

Another area of data security not directly related to the Bill but that is nonetheless crucial is the regulation of social media platforms. The increase in online bullying is becoming ever more difficult to detect and stop before it is too late. People are losing control of their online

data as they are shared and passed on to individuals and parties unknown to them. In the coming years we also will need to address this threat. People's individual right to privacy is coming under threat in an unprecedented way. While technology can offer better ways of doing things, it brings with it threats that we must not underestimate.

Deputy Jonathan O'Brien: I thank the Minister of State, Deputy O'Donovan, for bringing the Bill before the House. I acknowledge and thank him for the offer a number of weeks ago of a briefing on the Bill which is quite technical and his offer tonight of a further briefing in the lead up to Committee Stage should we require one. The Bill has been through the Seanad where the Minister of State took on board some of the recommendations made. Sinn Féin will be supporting the Bill, but we will take up the Minister of State's offer of a briefing with his officials in the lead up to Committee Stage to discuss some amendments we propose to table.

As stated by the Minister of State, the Bill is not only about the sharing of data, it is also about the governance of data being shared. This is critical because there is a balance to be struck between the sharing of data and privacy. As we all know, there is a constitutional right to privacy. The Library and Research Service analysis of the Bill touched on this constitutional right and how it was balanced in the Bill. As we are all aware, following pre-legislative scrutiny of the Bill last year by the Oireachtas Joint Committee on Finance, Public Expenditure and Reform, the committee produced a report in July and many of its recommendations were taken on board by the Government and are reflected in the published Bill, which is welcome.

Technology is advancing rapidly and while there are advantages in that regard, with those advantages come increased responsibilities, which is the purpose of the Bill. In the context of the recent legislative changes surrounding data protection, it is timely. In essence, the Bill is about providing a legal framework for the sharing of data between public bodies and institutions to improve service delivery. We all know the advantages of improved service delivery not only to the bodies concerned, financially, but also to the citizens who benefit from those services, but it is important that there are safeguards in place in the sharing of personal data between these bodies. The Bill, in terms of the data governance body to be established by the Minister, provides those safeguards. The information portal is a critical aspect in people knowing what information is being shared, how it is being shared, the purpose for which it is being shared and the duration for which data will be retained by a public body.

An issue I have not seen covered in the Bill - as I have not studied it in detail, it may be covered - is a mechanism by which a citizen can have data held by public bodies corrected or removed. As I said, I have not studied the Bill in detail, but I will do so in greater detail in the drafting of amendments. If the issue is covered in the Bill, the Minister of State might comment on the mechanism by which a citizen who does not agree with the validity of the sharing of data can have them removed or changed. The sharing of data between public bodies is about the streamlining of public services. I do not believe there is anyone in this House who would be opposed to the streamlining of public services, the benefits of which include determining people's entitlements, identifying inefficiencies in the system and correcting false information held by a particular public body once shared with other public bodies.

As I said, Sinn Féin will be supporting the Bill, albeit with one or two amendments that we would like to see made. We recognise that there is a balance to be struck between the interests of privacy and data protection and the responsibility of the State and public bodies to ensure effective public service delivery. There is no trade-off between these rights and responsibilities. In other words, the Bill provides for the effective delivery of public services, while at the same

time safeguarding the interests of privacy and data protection.

Data sharing is not a novel idea. It is already in place in some public bodies. We know from the regulatory impact analysis carried out at pre-legislative scrutiny stage that it already occurs between numerous public bodies and institutions under existing legal provisions and frameworks. It is worth noting that the regulatory impact analysis concluded that public services would deteriorate if the sharing of data was to cease. In other words, the analysis carried out as part of the pre-legislative scrutiny process highlighted the efficiency and importance of data sharing and noted that if data sharing between public bodies was to cease, the impact on the provision of public services would be detrimental. It also recognised that the primary policy issue facing the Government in the passage of the legislation was that an overly restrictive interpretation of data protection laws could preclude or discourage some public bodies from sharing data, which could, in turn, lead to the inefficiencies in the system I mentioned and, in effect, impact detrimentally on the provision of public services. While this is justifiable, data protection is a right that cannot be traded or diluted. That is the reason we need the safeguards provided for in the Bill.

As I said, the information portal is critical and welcome, but I would like to hear from the Minister of State if provision is made in the Bill for a mechanism by which citizens can have false information held by and shared between public bodies corrected. Sinn Féin will support the Bill, but we would like to schedule a meeting with the Minister of State's officials to discuss amendments we would like to see made but which may not be necessary. To ensure we will not take up time unnecessarily on Committee Stage, we would like to discuss the amendments with the officials. We will be in touch with them to schedule a meeting, I hope next week, but it is dependent on the deadline for the tabling of amendments to the Bill. Sinn Féin will work with the Minister of State to ensure adequate scrutiny and the passage of the legislation as quickly as possible.

Deputy Joan Burton: It should be noted that we have just come through a presidential election in which one candidate made wild and wrong allegations about, for instance, the Traveller community as a whole. It says something about data in Ireland that many people believed much of the negative trolling on social media and the different stories that had currency. It was a terrible period for people from the Traveller community because of the way in which they were maligned. This ought to be revisited and an accurate reflection given of Travellers' relationship with the State for good and for bad because it was very unfair to so many from that community who work very hard, do their best for their children and are very good, law-abiding citizens of the State.

In my years in the Department of Social Protection, I was very conscious as Minister of the fact that the Department held a vast amount of data on a substantial percentage of the population. As Minister, I made a decision after ten years or more of a project to consider whether to move to a modern personal services card, which has been subject to legislation and protection in terms of people's data. In a way this brings out the key issue in this legislation. We want to be able to use modern IT in the most efficient way possible for the sharing and use of information in a beneficial way. This is very important. It is now so easy for retired people, for instance, to get on a bus or a train if they have their personal services card, to get a private service whereby they can just go quietly, get their train ticket or get on the bus and travel and carry that out without anyone else who is using the transport being aware in any way of what their status might be. That is as it should be.

When I came into the Department in 2011, however, I remember being horrified by the briefing I received on a number of cases dating back quite a number of years in which data had been accessed and which were over the years, rightly, the subject of a number of court cases. Whether out of curiosity, because of personal relationships or for other reasons, certain people in the employ of the Department saw fit to access individuals' data, but it is wrong of any public servant to do so. The IT was tightened up considerably in my time such that if one accesses a file, one leaves a trace on the file. The same probably applies nowadays to the Garda. Therefore, if something gets out about an individual that is a breach of his or her data, that can be tracked and traced. It is very important that the Minister of State gives us an assurance that this has been done.

I have a proposal to make in this respect. I notice there is to be a data governance board within the framework of the Bill. My understanding is that this may be within the Department of Public Expenditure and Reform. Is it correct that that will be the home Department?

Deputy Patrick O'Donovan: Yes.

Deputy Joan Burton: I urge caution. When I was in the Department, I had a number of discussions with civil servants when I found out about these cases to see whether we could establish within the Department a data board consisting for the most part of people external to the Department in order that there could be a constant vigilance as to how protective the Department was. As we all know, there are a number of Departments that hold masses of data: the Department of Employment Affairs and Social Protection, as I have just instanced; the Department of Health, which holds very private data on individuals, families and the general population throughout most of their lives; and the Department of Education and Skills, which also holds a lot of information on people. The Minister's proposal that this governance board be a solo board in the rather rarefied atmosphere of the Department of Finance is not sufficient because when it comes to data protection, there is a factor of simple human curiosity whereby people mean no wrong but nonetheless feel they may be entitled to a peek. Members may remember the case of someone from Limerick winning an enormous prize in one of the lotteries and a departmental staff member who was found to have accessed information on the prizewinner. Whether he or she did, I do not know, because it was a very long time ago, but there is an instinct in people to be a little curious, particularly about people they know, but perhaps also about people in the public media.

My suggestion for the Minister of State's consideration is that the big data-holding Departments, if not every Department, should have a governance board which looks at how the Department handles its data but also underlines to public servants that protecting the privacy of the data is a key objective of each Department. Just passing this over vaguely to some worthy board in the Department of Finance, in my view, as a Minister with a lot of experience in this area, is not sufficient. The Minister of State may say to me that the Secretaries General of the Departments of Health, Finance, Education and Skills and so on will all be on this board. Perhaps they will be, but they are rather busy people and the Government needs to think about the kind of people it wants on the board. I suggest to the Minister of State that the Government needs some very bright, younger IT people - men and women - who will have a knowledge of and a feel for what is likely to be of interest to people who want to snoop. As the Minister of State may be aware, in the Department of Social Protection there were a small but significant number of prosecutions in the courts. The courts arrived in some cases at convictions and passed sentence. It is very important we have a very strict approach.

Another thing I want to ask the Minister of State about is referred to in the background of the Bill. Just as there are Departments that have access to a lot of data about all of us at different times of, or during all of our lives, there are also Departments which hold data about people which they do not allow them to have. This Bill should be an opportunity for the Government to provide a principle that citizens, people who are resident in Ireland, have a right to their own data. We have done this for a long number of decades in colleges and universities and in respect of examination scripts, whether at college or secondary school level. It has been a good system and, it is to be hoped, in the not-too-distant future will be made a better system. I refer in this regard to the Adoption (Information and Tracing) Bill. Unlike other common law countries which have the same legal framework and provide these data access rights for their citizens, citizens here have no such rights. Citizens in Scotland have had these rights for more than 40 years. Citizens in the rest of the United Kingdom have had them for more than 50 years. Citizens in British Columbia and the rest of Canada have had them for about the same period. Citizens in Australia and New Zealand also have the same rights. The Minister needs to be challenged on why the 50,000 or so people in this country who have been adopted have no legal right to information on their adoption.

Worst of all, the body responsible for handling these data is Tusla. We know from the recent report by Mr. Justice Charleton that it is not a perfect organisation. Some very strange stuff was going on with data in it from the information that was before a recent tribunal. It was interesting that a party to the tribunal, Sergeant Maurice McCabe, might not have had any legal right to get his files from Tusla. He had to engage the services of his legal team to do so. We need to look around a few corners and challenge ourselves a little more on how we protect citizens.

To the Minister of State and his officials I say some thought should be given to this issue. From the time of the Adoption Acts in the early 1950s up to when adoption had pretty much died out in the 1980s, other than inter-family adoptions and the adoption of babies overseas, there were about 50,000 adoptions. In the period from the foundation of the State, there were probably about another 50,000 informal adoptions and long-term fosterings. None of the people involved or their descendants has any legal right to his or her data. People adopt all sorts of mechanism to find their data and, in many cases, do find them. As someone who has been through the process, it is all very hush-hush, but guess what? A social worker is also necessary to access data. Can the House believe that?

I will refer to my own case. By the time I had managed to get in contact with the adoption agency that had arranged my adoption, I had been elected to the Dáil, was a fellow of the Institute of Chartered Accountants, had lectured in Ireland and Africa and held down jobs. To access my data or even talk about it, however, I had to be assigned a social worker. I am told that is the policy Tusla is also adopting. Can the Minister of State get the Department to change that silly process? I refer to how it approaches the oversight of the release of data to the people who own them. All of us in this Chamber know that there are many children who need a social worker. By and large, unless they ask for a social worker where they believe they need one, people do not need a social worker in accessing their data. Nobody ever suggests a person who goes to the Department of Employment Affairs and Social Protection to obtain information on his or her pension or other entitlements, should he or she become unemployed, needs a social worker. A person might be very traumatised by the information, but he or she is simply given his or her information and, as far as possible, an explanation for it. In a European context, the Bill is necessary and appropriate, but I am not sure the issue of data protection in Ireland is treated with as much respect as it ought to be. By the way, the penalties should be very severe for civil

servants who abuse data protection by taking data to which they are not entitled and examining it. We must show all citizens the highest level of respect in dealing with their personal data.

Deputy Mick Wallace: The Bill contains some welcome provisions which have the potential to improve efficiency in the public sector, interactions between staff and the public and also reduce costs. The proposed personal data access portal, the establishment of a data governance board and new data sharing agreement requirements, particular the necessity for all public bodies to hold a public consultation process before entering into a data sharing agreement, are all positive. However, some problems still need to be addressed in the Bill. Many of them relate to how the Bill, particularly section 7, will interact with the Social Welfare Consolidation Act 2005.

The Bill attempts to establish a legal basis for the large-scale data sharing that is already happening via the public services card registration process. Most people will welcome the convenience the once-only principle in the Bill promotes. I refer to the idea that a person will only have to give his or her data or information to a public body once. He or she will not have to provide his or her data repeatedly should he or she need to interact with other public bodies. However, it is also true that many people will want more control over their data and will not want them reused for an additional purpose other than the one specified when they were initially collected.

We cannot continue to coerce people to consent to the sharing of their data. That is what we have been doing illegally for a few years. The Bill fails to address the problem of forced consent. According to the general data protection regulation, GDPR, “consent should not be regarded as freely given if the data subject has no genuine or free choice or is unable to refuse or withdraw consent without detriment”. Withholding a pension payment from an elderly woman for 18 months because she had refused to register for a public services card is clearly coerced consent and a form of State coercion.

It is important to acknowledge the work done in the Seanad by Senator Alice-Mary Higgins in amending the Bill into shape. It is also important to acknowledge that the Minister of State, Deputy O’Donovan, and his Department seem to have genuinely engaged with the Senator and accepted many of her amendments or else, based on conversations with her, came back with Government amendments to improve the Bill. That is to be commended. However, during the debate in the Seanad the Minister of State stated that when people presented to the Department of Employment Affairs and Social Protection to apply for a social welfare payment, “it could be inferred that there is a consent already contained in that by virtue of the fact that they have presented themselves to look for that particular support or service from the State.” That can be a worrying statement. People apply for social welfare support because they are vulnerable and need help. It would be strange for the Minister of State to extrapolate from this that these vulnerable people are at the same time also automatically consenting to such widespread sharing of their data. There are approximately 150 public bodies with which data are being shared via the single customer view database. It is important to understand the fundamental fact that, according to Article 4 of the GDPR, consent must be freely given and cannot be coerced. Recital 42 of the GDPR gives us further guidance on how we should interpret this definition of consent. Consent must be informed, which means that the data subject must be made aware of the purpose of processing. Informed consent cannot be obtained if there is no clearly defined purpose for the processing of a person’s data. The data subject needs to know why his or her data are being collected and processed.

The lack of a defined purpose for such large-scale data processing is addressed to some extent in Part 4 of the Bill and the requirements in respect of data sharing agreements. The once-only principle which forms the basis of the Bill completely undermines any meaningful notion of consent. The Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, has been blurring, consciously or unconsciously, the true purpose of this data processing. She has repeatedly tried to suggest in this Chamber that the SAFE2 process is simply a matter of verification and that the public services card is merely a token having completed the verification process. In February this year the head of client identity services in the Department of Employment Affairs and Social Protection told the Oireachtas Joint Committee on Employment Affairs and Social Protection that “the SAFE public services card programme is simply about verifying the identity of people engaging with public services. It is no more or less than that.” It is, of course, completely acceptable and very welcome that the Department should verify an applicant’s identity to minimise fraud and make sure the payment is going to the right person. We have no problem with this and no one is questioning it. However, the claim that the SAFE2 process and the public services card a person receives having successfully completed it are just about verification and no more or less than that is disingenuous. The Minister and her Department are attempting to divorce the SAFE2 registration process and the public services card from what is a data sharing project of enormous proportions, the single customer view database and the sharing of the public services identity data set.

The Bill interacts in a very significant way with the Social Welfare Consolidation Act 2005, of which section 247C states the Minister may require any person receiving a benefit to satisfy the Minister as to his or her identity. Of course, this is a completely reasonable requirement. Section 247C(3) of the Act specifies the manner in which the Minister may be satisfied and essentially describes the SAFE2 verification process for registering a person’s identity. The Minister has repeatedly stated this is a similar approach to that taken by the Passport Office in its systems when processing passport applications and renewals. Why not just accept a passport as proof of identity when a person applies for a social welfare benefit? Why does someone now need a public services card to obtain a passport? It is because the aim of the public services card and the SAFE2 process is not just verification, it is also to coerce consent to data sharing and enable the creation of a serious database of citizens’ data. However, section 247C(3) of the Social Welfare Consolidation Act 2005 does not state the purpose of going through the verification process is to have data entered into a national database or that data will be shared with 150 other public bodies.

Section 247C(1) makes it clear that the purpose of the verification process described is “to satisfy the Minister as to his or her identity”. Once a person’s identity has been verified and the Minister is satisfied as to his or her identity, there is absolutely no legal basis for any further processing of the person’s data, unless consent has been obtained from him or her. I am not saying data sharing is inherently wrong and I have no problem with necessary and proportionate sharing of data. As I have mentioned, there are positive developments in that regard in the Bill, but the Government must be honest and clear about what it is trying to achieve as otherwise it will continue to undermine trust in how the State handles personal data.

The Bill needs to give people a mechanism to opt out of the once-only principle and indicate a preference to give each of the specified bodies the data separately. In the Seanad the Minister of State indicated that the right to object under the GDPR would serve this purpose instead, but the right to object process is far more arduous for the individual and, more importantly, that process would not solve the problem of coerced consent, as a person would not be able to

access public or welfare services without first consenting to the large-scale reuse of his or her data. The Minister of State told the Seanad that he would reflect further on the opt-out option in advance of the Bill being brought to the Dáil and I hope the Bill will see some changes in that regard.

I am glad that the Minister, in conjunction with Senator Alice-Mary Higgins, has amended the Bill to resolve the contradiction between sections 6 and 12 of the Bill, as initiated. The internal contradiction in the Bill derived from the fact that while section 12 specifically excluded the sharing of special categories of personal data, as defined by the GDPR, section 6 permitted the sharing of a person's public services identity. The problem was that a person's public services identity contained biometric data which the GDPR defined as a special category of personal data. I am thankful that the Bill has been amended to remove this contradiction. Strangely, however, the Ministers seem to deny that photos or facial images collected as part of the SAFE2 process are biometric in nature. At an Oireachtas joint committee meeting in September the Minister said her Department did not view photos as biometric data. She said the definitions were different and that the Department's definition of biometric data did not include a photograph. Unfortunately, the definition of the Ministers and their Department of "biometric" is completely irrelevant; what matters is the definition in the GDPR and European Union case law, both of which make it very clear that facial images or photographs are biometric in nature. The Irish Data Protection Commission also issued an information notice on biometrics which included, for example, raw images consisting of recognisable data such as an image of a face or fingerprint.

I recently accessed a bundle of emails via the freedom of information process between the Secretary General of the Department of Employment Affairs and Social Protection and the Department's data protection officer covering the period from early July this year which covered biometric processing. Some of the statements made in the emails by the Secretary General reveal a strange and jumbled logic, as well as a complete failure to grasp the basis of the definition of "processing" in the GDPR. The content of the emails was used to brief the Minister for a response to a parliamentary question on 12 July, in which she stated the Department was also clear that it did not collect or share biometric data but that it created such data for its own use in accordance with the law. In an email on 9 July the Secretary General indicated that the Department did not collect data or share biometric data but that it did process them and had been clear that it did so. The Secretary General has admitted to processing biometric data and says there is nothing to hide, but the Secretary General and Minister seem to think the processing in which the Department engages is a second order of processing. That is a failure to understand the definition of "processing" in Article 4 of the GDPR which includes basic operations such as storage, use, retrieval and consultation. It is clear that the Department is processing biometric data and, therefore, special categories of personal data. This is not necessarily bad, but there are separate rules for processing special categories of data. The Department cannot adhere to these rules if it does not acknowledge that they apply to what it is doing.

Deputy Clare Daly: In discussing this issue we must go back to the beginning and look at how we got to where we are with the Bill. It is the case that a number of years ago the Government decided that it wanted to introduce a national identity card. We are not really sure why. The war on terror was in vogue and there was a general desire to engage in mass surveillance which was always in the background. It may also have been about being able to make a quick buck. In any case, it was not clear, but there was such a desire. The concept was beaten back in the United Kingdom and the Government realised it was a deeply creepy concept to which

many people objected. A national identity card would not come about in that way and even the Tories found it reprehensible. Instead of being up-front and calling it a national identity card when introducing it to the population, we had a back-door version. It was introduced via the most vulnerable in society and called a public services card. A new policy was introduced - if somebody wanted to receive social protection payments, he or she had to obtain a public services card. If that did not happen, the person's income would be cut.

Although it is shocking and outrageous, it is interesting that the media largely ignored the matter. At the time, Fine Gael and the Labour Party, including the former Minister for Social Protection, pushed the lie that social welfare fraud was a major problem and that the cards would have solved it. Nobody even noticed it until a pensioner's payment was cut when she refused to obtain a public services card. At that stage the media started to take notice, although tens of thousands of cards had already been issued. We know that the Data Protection Commission launched an investigation which has been ongoing for over a year, which is unbelievable when we consider there is not much to investigate. In the meantime, the card was made mandatory to receive a range of essential services, despite the fact that there was no legal basis for it. Each time it was made mandatory for a new service, the policy was reversed. This debacle has been ongoing in the background.

Last September a draft of the Data Protection Commission's investigation report was leaked. Essentially, it indicates that there might have been a legal basis in the Social Welfare Consolidation Act 2005 for the card to be used for social welfare services but that there is no legal basis for forcing people to obtain one to access anything outside the Department of Social Protection. It is probably not that surprising that just a few short weeks later we are debating a Bill intended to provide such a legal basis for the public services card to be used across a bunch of Departments. A cynical person might think the Data Protection Commission's investigation was deliberately delayed to give the Government time to get the Bill into the House and here we are. A sum of €20 million has been spent so far and the Government has really been prepared to flout the law.

Like Deputy Wallace, I acknowledge some of the improvements made to the Bill in the Seanad, largely as a result of the work of Senator Alice-Mary Higgins who has done very good work. Nonetheless, there are still serious issues with the Bill.

Debate adjourned.

Water Services: Motion [Private Members]

Acting Chairman (Deputy Eugene Murphy): We will now move to Second Stage of the Public Service Superannuation Age Retirement Bill 2018.

Deputy Danny Healy-Rae: The Acting Chairman has the wrong item.

Acting Chairman (Deputy Eugene Murphy): We are moving to Private Members' business. I call Deputy Mattie McGrath to move the motion.

Deputy Mattie McGrath: I move:

That Dáil Éireann:

notes:

— the findings of the Environmental Protection Agency Report ‘Urban Waste Water Treatment in 2017’ include:

— the waste water treatment at 28 of Ireland’s 179 large urban areas failed to meet European Union standards;

— raw sewage from the equivalent of 88,000 people in 38 towns and villages flows into the environment every day;

— waste water is one of the main threats to the quality of our rivers, lakes and estuaries;

— waste water contributed to poor quality bathing water at six beaches in 2017; and

— coming into contact with inadequately treated waste water poses a health risk;

— many small rural towns and villages and a number of large coastal urban centres are currently without any effective waste water treatment system;

— the lack of any effective waste water treatment systems in such small villages and towns is halting sustainable development and increasing planning refusals by An Bord Pleanála due to existing waste water constraints;

— many small rural towns and villages have developed plans and have designs in place for the construction of waste water treatment systems but are unable to proceed due to a lack of funding; and

— the 2016 launch of the National Taking in Charge Initiative (NTICI) for residential estates, to support and accelerate overall national action on the taking in charge process for housing estates, including estates with developer-provided water services infrastructure;

further notes that:

— since the transfer of water services to Irish Water there is no statutory obligation on Irish Water to maintain, repair or replace combined drain water connections to domestic premises that were previously maintained, repaired or replaced by the water services authority;

— the refusal to maintain such combined drains causes huge difficulties within a row of houses where a blockage may occur in one particular property and responsibility falls on that property owner for repairs on behalf of all property owners served by the drain, thereby causing financial difficulties for that homeowner, and health and safety difficulties if a delay arises in repairing the combined drain;

— such difficulties did not arise when water services authorities maintained such combined drains;

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— Irish Water, in its Water Services Strategic Plan, has noted the management of sewage effluent from combined drains during times of periodic flooding as a key challenge; and

— grant payments issued by the Department of Housing, Planning and Local Government to group water schemes, private well owners and all local authorities to administer the Rural Water Programme amounted to €70,116,335 in 2011, but had dropped to €20,902,851 for 2016; and

calls on the Government to:

— increase and escalate investment in Irish Water to upgrade deficient waste water treatment systems, prevent pollution and avoid financial penalties;

— implement a capital investment programme to provide specifically for the development of waste water treatment systems in rural towns and villages to allow for sustainable development to continue;

— review the service level agreement between Irish Water and local authorities to provide a statutory mandate to Irish Water to repair and restore combined drains systems that were previously under the remit of local authorities;

— expedite progress by local authorities and relevant stakeholders, including Irish Water, in addressing a build-up of pending cases relating to housing developments not yet taken in charge under measure two of the NTICI;

— continue improving how treatment systems are operated, managed and maintained;

— address information shortfalls on the risks to marine life and fishing stock, and the condition of public sewers; and

— urgently prioritise full restoration of the funding provided for group water schemes and private well owners to levels commensurate or above the funding provided during the 2011-2016 period.

I am sharing with Deputy Danny Healy-Rae who was trying to give the Acting Chairman meaningful and constructive advice but ní raibh sé ag éisteacht. Bhíomar ag iarraidh cabhrú leis.

Acting Chairman (Deputy Eugene Murphy): Is annamh a bhím ag éisteacht.

Deputy Mattie McGrath: I am delighted to speak to this motion. The motion refers to the astounding and shocking findings in the Environmental Protection Agency, EPA, report, Urban Waste Water Treatment in 2017, particularly wastewater treatment in 28 of Ireland's 179 large urban areas which failed to meet European Union standards. We talk about Brexit and everything else but this is a major indictment on us. This was on the Minister's and on his predecessor's watch. Níl sé ag éisteacht ach an oiread. I do not know what is going on. He is probably doing sign language or something like that because I do not do his sign language.

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I was making sure the clock was working. I would not want the Deputy to get more time than

he deserves.

Acting Chairman (Deputy Eugene Murphy): Finish discussing the motion.

Deputy Mattie McGrath: I am trying to.

One of the Minister's predecessors, big Phil the enforcer, the former Deputy Hogan, who is currently EU Commissioner, tried to taint all rural dwellers who had septic tanks and their own treatment plants as being the problem, but the problem is here in this damning report by the EPA done under the Minister's watch and which found 179 major failures. That does not include all the smaller failures in small villages in every county, including in my county from Carrick-on-Suir and Ahenny right over into Cluain Meala, Cill Chais - "Cad a dhéanfaimid feasta gan adhmaid?" - Tipperary, Monard, Limerick Junction, Aherlow and across into Durlas Éile and áiteanna eile.

Perhaps most disturbingly, it also finds that raw sewage from the equivalent of 88,000 people in 38 towns and villages flows into the environment every day and that many small rural towns and villages and a number of large coastal and urban centres are currently without any effective wastewater treatment plant. The fact that these events have been noted by the EPA on an almost annual basis demonstrates the complete disregard that many parts of rural Ireland experience. It is time the Government listened to them and paid heed.

Like the roll-out of the national broadband plan, the Government has squandered almost every opportunity to reform wastewater infrastructure in rural Ireland. Some villages have been waiting decades for simple infrastructural change. My own village of An Caisleán Nua na Siúire, Newcastle - not Newcastle-upon-Tyne but Newcastle in Tipperary - which is a proud place, is begging and fighting for a proper treatment plant. It is also the case that even where those people in rural Ireland seek to effectively manage their water supplies they are not being supported, rather they are being hammered. Many people who were pioneers of group water schemes and sank their own wells are not getting any support. For example, I submitted a parliamentary question some time ago on the amount paid to group water scheme machine operators. The information provided to me showed that there was a massive drop in the grant payments issued by the Department of Housing, Planning and Local Government to the group water scheme private well owners from 2011 to 2016 under the Government's watch. It might have been the Minister's predecessor but he was part of it. In 2011 the Department funded all local authorities to administer the rural water programme to the tune of over €70 million. By 2016, a mere five years later, that amount had dropped to just over €20 million. It is a shocking indictment that €50 million was cut from the pioneers and the people who enacted the water schemes, many of which the councils took over. Now Uisce Éireann has them. That is the thanks they get - two fingers every time. That is an astonishing gap of almost €50 million which needs to be explained by the Minister and I hope he is taking notes and will have some explanations when he replies to this motion.

During the same period, in Tipperary alone there was a reduction in payments under the rural water programme from €1.95 million in 2011 to a mere €718,558 in 2016, a 50% cut. This caused huge frustration within rural areas. Why would it not when other people say they cannot and will not pay? These are people who have always paid and will continue to pay. However, they needed supports and they did not get them from the Government. While the Government was engaging in trench warfare with the pay for nothing brigade it was crucifying middle Ireland. They are Mr. Peter Casey's new supporters. Why would they not support him when they

are being crucified every which way all the time?

I am aware the Minister confirmed that an initial €3.6 million was to be paid under the 2017 rural water programme, on top of the €11.6 million announced in June of last year and we welcome that. It is a step in the right direction but these grant allocations to local authorities for group water and sewerage schemes are only a drop in the ocean in comparison with the cuts imposed on the schemes over recent years.

The motion also refers to the lack of any effective wastewater treatment systems in small villages and towns that is haunting sustainable development and increasing planning refusals by An Bord Pleanála due to existing wastewater constraints. That is a fact that we have to live with even though we are trying to grow our country.

The Government has plans for 2040 with a new vision for a new Ireland. That cannot happen in small villages like my own village of An Caisleán Nua, Burncourt, Ballylooby, Kilcash, Moyglass and Grangemockler, where a scheme has been designed for years, and Mullinahone. The Minister is welcome to come to Mullinahone to see for himself what he will find when he walks into the treatment plant but he better have his wellies and a face mask.

Even when small rural towns and villages have developed plans and have designs in place for the construction of wastewater treatment plants they are not able to cope because of the lack of funding and that is the problem. There are many pioneers, many good engineers in the county councils and many designs are done by architects and consultants. Sites are procured by willing farmers, landowners and householders and there is co-operation from all involved but there is a thumbs down from the Department every time.

I mention the transfer of water services to Irish Water. There is no statutory obligation on Irish Water to maintain, repair, replace or free a combined drain water connection to a domestic premises that was previously maintained, repaired and replaced by the local authorities. This is an indictment on us. I am told that it was not transposed over in the agreement. I believe it is more sinister than that and is deliberate. It is a case of to hell or to Connacht for the peasants. We have schemes of houses in places, such as Elm Park in Clonmel, and in many other old estates, such as College Avenue, that had a combined drain either in front of the houses or in the garden at the rear. Indeed, if one wanted to build an extension at the back of the house one was not allowed or had to divert the pipe all the way around to the front. If one wanted to extend in the front garden one was not allowed to do so if the drain was there. Blockages are occurring there now but Irish Water is saying that it is not its responsibility. It is its responsibility. Those schemes were built by the council. Many of them were built by hardy and good builders over the years. Irish Water is not freeing the blockages. Heretofore the council workers were ready, willing and able to free the blockages. They would go in with a rod and free the blockage where raw sewage was coming up in people's porches and gardens. The house might be number ten in a row of 30 houses. The householder has to pay the cost of getting in a private operator.

I am pleading with the Minister in this regard. I had a Private Member's Bill and I copied some details from the British model where the same thing happened. I got good support from the technical staff in the Oireachtas and from my two councillors, Councillors Lonergan and Molloy, and my own staff in the office. Unfortunately the Ceann Comhairle - not the Leas-Cheann Comhairle but his boss - and his staff ruled it out of order because of a money cost. What about the people who have lived and served? I know the Leas-Cheann Comhairle has no boss tonight, he is my boss-----

An Leas-Cheann Comhairle: I want to interrupt the Deputy. Anything that was ruled out by the Ceann Comhairle would have been done on the basis of the existing guidelines.

Deputy Mattie McGrath: I am not blaming the Ceann Comhairle at all. Is cara liom é. It is the officials and mandarins who ruled it out. They did so under the Minister's instructions and anything with a money cost gets ruled out. These people are entitled to a modicum of service. They have served this State well. The Leas-Cheann Comhairle has dazzled me now. They have paid their taxes and their rent and they are entitled to have a decent service like anyone else when there is a bust in the road. This is a quasi-public mains. It was built by the county council through contract or by the council itself directly and it should be maintained. It is an anomaly that is having an impact on old people in Carrick-on-Suir, Clonmel, Tipperary town, in villages, in Caiseal Mumhain, Ard Fhíonáin agus gach baile eile and all the villages as well. People are suffering because of this but they should not be. Irish Water is just ignoring them. It says it cannot do it but it will not allow the council to do it. This is an anomaly that the Minister must fix. It is within his power to fix it and take those people out of their misery because this is backing up in the gardens of all these houses.

Deputy Danny Healy-Rae: I am glad to have the opportunity to highlight the needs of the people of Kerry who have been left behind since Irish Water took charge of much of the water and sewerage schemes in the county in 2014. I am glad the Lough Guitane water treatment plant, which services Killarney and Tralee, is now operational. The Minister of State, Deputy Griffin, attended the official opening ceremony yesterday. That is one good story but we have a lot of bad stories in Kerry.

Irish Water took over the water services in 2014. It keeps telling us it is only responsible for the maintenance and upgrading of sewerage and water facilities that are already in existence. It is not concerned with all of the places, particularly the small villages, that have no treatment plant. Kilcummin is one such village. It was promised a sewerage scheme in 2004. Funding was approved for the project in 2008 but then it was withdrawn. The road leading up to the village is in a shocking state. I appeal to the Minister to ensure the Kilcummin sewerage scheme is on the investment programme for next year. There is a nursing home in the village which needs to expand. The road needs to be serviced or upgraded and the people in the catchment area need a proper treatment plant to protect the Deenagh river and the lakes of Killarney.

Kenmare urgently needs an upgrade. A planning application for 50 houses was granted but the developer was told that not one house can be built until the treatment plant is expanded. There are many group water schemes in Kerry that are ready to be taken in charge. The elderly people in such schemes can no longer keep them going but Irish Water does not have the funding to take these schemes in charge and says it is not responsible for doing so. I ask the Minister to consider this issue and to work with Irish Water and the local authorities on it, particularly in Kerry where there are many group water schemes waiting to be taken in charge. We also need funding for the provision of new group water schemes, new water mains extensions and new group sewerage schemes.

The people of Castleisland have been waiting since 1986 for improvement works to the treatment plant and for an extension of the sewerage scheme to the people of the Black Road, Tully Road, Brosna Road and College Road. There are over 120 houses with septic tanks in the town of Castleisland. The village of Scartaglin was number three on a priority list in 2007 or 2008. The former Deputy and councillor, Tom Fleming, and I worked very hard in the Killarney electoral area to ensure it would progress up the list. It was at number three but where is

it now? It is not on any list, programme or plan. The people of Scartaglin are deserving of a treatment plant. The village of Currow, a few miles from Scartaglin, comprises a council housing estate, a shop, a school and all that a small village should have but there is no treatment plant. What is happening? Each week, the sewage is being drawn into the treatment plant in Killarney, which is not acceptable in this day and age. Currow needs its own plant. The village of Beaufort is also awaiting a treatment plant. Many villages and communities in Kerry cannot expand or progress without a treatment plant. I ask the Minister to work with Irish Water. Many people have free water, free sewage treatment and free everything and the people in rural areas are entitled to these services as much as the people in Dublin 4 and other urban areas. I appeal to the Minister to address this anomaly because the people are entitled; they are paying their taxes, including property tax. The people of Glenflesk, Currans, Cromane, Cloghane, Castlecove, Caherdaniel, Boolteens, Ballyfinnane, Astee, Templenoe, Knockanure, Lauragh and many other places are entitled to treatment plants. They are being left behind but not alone are they being left behind in terms of sewerage facilities, many of them cannot get funding for group water schemes either. Everyone is entitled to a clear, safe and plentiful water supply. We must address this issue. We need a plan. The Department must work with the local authorities because these communities cannot be left behind.

Deputy O'Dowd, when he was Minister of State, was in Tralee to announce Irish Water's takeover of water services. I told him that we would prefer to keep the existing regime under the local authority but that was not to be. I remember asking Deputy O'Dowd to ensure that the provision of water would be kept under the thumb of the Minister. There is now a split or a divide, with one group of people being looked after and others being left behind. The people in the rural towns and villages and rural areas are being left behind. Irish Water is saying that it is only responsible for ensuring that existing water and sewerage facilities are maintained to a high standard but that it is not responsible for providing any new services. That is the anomaly that must be addressed.

In 2008 the excellent director of finance in Kerry County Council, Mr. John O'Connor, made the case to councillors that levies would have to be charged to new planning applicants for the provision of sewerage and water services. The levies that were put in place were exorbitant. The justification for the levies was that the council would be fined €500,000 each year until all treatment plants were brought up to scratch. Ten years later and the people of Kilcummin still do not have a treatment plant. They do not have a road either. The road will not be resurfaced until the treatment plant is built. If the road had been done in 2004, when the need for the treatment plant was identified, it would still have to be done again now. Imagine what the people of Kilcummin have suffered for the last 14 or 15 years. The road is terrible. It is like the bed of a river. I appeal to the Minister to ensure that funding is provided to Irish Water or to the local authority for the Kilcummin sewerage scheme next year. It is one of the most pressing issues in the county. All of the rural villages and small places to which I am referring are dying because planning permission for housing will not be granted in the absence of the facilities that are available to most urban dwellers. People in rural areas are entitled to the very same facilities.

Deputy Eoghan Murphy: I am sharing my time with Deputy O'Dowd.

An Leas-Cheann Comhairle: Ten minutes in total. That is agreed.

Deputy Eoghan Murphy: I will not get to give my full contribution but a copy of the script is being circulated to Deputies and the Minister of State, Deputy English, will address any issues I do not address in my reply.

Deputy Mattie McGrath: We will wait in anticipation.

Deputy Eoghan Murphy: I thank the Deputies for bringing forward this motion for debate in the House tonight. High-quality, sustainable water services are a fundamental necessity for our citizens and environment and we do not distinguish between rural or urban areas when talking about the application of those principles. The motion highlights some significant issues of interest and concern around the need for investment in rural water services which are shared by the Government. The motion calls for a series of actions across a number of areas, most of which are already being addressed. In many instances the Government is going beyond what is sought in the motion.

However, there are elements within the motion that convey an impression that insufficient attention is being given to rural water services. I want to assure Deputies that this is not the case. A huge amount is being done and is being planned to be done in the future.

Overall though, the Government has no fundamental issue with the sentiment behind the motion and much of what it says. In these circumstances the Government will not be opposing or seeking to amend the motion just for the sake of it. I therefore want to advise the Deputies who proposed the motion, and the House, that the Government will not be voting against this motion tonight. Nevertheless, in responding, I want to defend the commitment of the Government to supporting water services in rural areas. This commitment has been backed up by resources which have and will continue to increase year on year for the coming years. Over €8.5 billion is being spent on public water services under the national development plan over the next ten years. That is not in 2040, that is this year, next year and for the next ten years. It is happening now. This investment is tackling many of the issues identified in the motion.

Separately, investment under the multi-annual rural water programme is being increased. In addition, €31 million has been committed for the period 2018 to 2021 to address legacy issues associated with what is called developer provided infrastructure. This is mentioned specifically in the motion before the House.

I undertook a review of the annual group water scheme subsidies in late 2017. This was done in consultation with the National Federation of Group Water Schemes, the representative body of the group water sector. This resulted in significant improvements to subsidy levels that the Government put in place with effect from 1 January of this year. We increased the maximum subsidy per house in private group water schemes from €140 per household annually to €231. The maximum subsidy for public group water schemes also increased substantially. We changed the qualifying rules to allow for more expenditure to fall within the scope of the subsidy regime.

In April of this year I established a working group to conduct a review of the wider investment needs relating to rural water services. The group's aim is to recommend measures to ensure an equality of outcome between those who receive water services from Irish Water and non-Irish Water customers. The terms of reference of the review provide for a two-strand approach. Strand 1 is considering the composition and distribution of funding for the multi-annual rural water programme from 2019 up to 2021. Strand 2 is considering the more complex, longer-focus issues surrounding the longer term future resourcing of the rural water sector. The working group is currently finalising a report to me on strand 1 of its deliberations. This report will make recommendations on the measures to be funded for the next cycle of the rural water programme. This will include provisions in respect of water services to support rural develop-

ment which are a focus of the motion. I expect to announce details before the end of November. As part of the new programme, I am also planning to implement improvements to the grants available to undertake works on private wells and septic tanks. I expect that these will come into effect from January 2019. While we are looking to the future we also have to support rural water services in the present. In September this year, I announced capital grant supports totalling €20 million for 2018 under the rural water programme. This funding is enabling development and improvement work to be undertaken on group water schemes and group sewerage schemes in rural areas. It also provides grants for households to upgrade private wells and septic tanks. In addition to these capital grants, €24 million is being provided in current funding in 2018 for the subsidies to support the delivery of rural water services that I mentioned already. The motion makes a claim that grant payments issued by my Department to group water schemes, private well owners and all local authorities to administer the rural water programme dropped between 2011 and 2016 but a good deal of investment was made in the mid to late-2000s and addressed a ruling by the European Court of Justice in 2002 which found Ireland in breach of its obligations under the drinking water directive. However, looking at the period between 2011 and 2017, a combined total of €273 million was invested in capital and current funding directly related to rural water services. This does not include further spending by Irish Water that benefitted villages and towns. The Government is increasing this investment further. The annual allocation to the rural water programme has increased from €20 million in 2018 to €23 million next year. Under the national development plan this is set to increase to €25 million each year in both 2020 and 2021. The motion makes extensive reference to the findings of the Environmental Protection Agency report Urban Waste Water Treatment produced in 2017. This latest EPA report is based on the assessment of effluent monitoring results from 1,100 wastewater treatment plants reported to the EPA by Irish Water and on enforcement activities carried out by the EPA during 2017. Since 1 January 2014, Irish Water has statutory responsibility for all aspects of water services planning, delivery and operation at national, regional and local level, including investment in wastewater treatment plants, and Irish Water's primary function is to provide clean, safe drinking water to customers and to treat and return wastewater safely to the environment. Following actions taken by Irish Water, the EPA has found that the number of priority urban areas where wastewater treatment needs to improve is down to 132 from 148 in 2016. Of 44 towns and villages where raw sewage was being discharged in 2016, six are now connected to treatment plants. The remaining 38 towns and villages, with a population equivalent of 88,000 people, will be connected by 2021.

Deputy Fergus O'Dowd: The Members in opposition spoke the truth tonight about the great need for increased investment in water infrastructure particularly in rural Ireland but also in urban Ireland where I live. The water system in Staleen in Donore failed twice in the past two years when 70,000 people had no water supply at all which led to significant trauma. Thankfully the money has been found, the capital is being spent and the water supply is being augmented in my area.

The same could happen tomorrow in many of our towns and cities. There is Victorian infrastructure in many places and that is part of the reason for the problems. To replace that infrastructure and improve the quality of water and allow urban and rural communities to develop as people would wish them to be developed is all about money. That is the reality.

The country has made a decision that there will not be a charge for water and, as a democrat, I accept that. Any money that we spend between now and kingdom come has to come out of our current capital account. It comes from current spending out of the budget every year. I

welcome the Minister's iteration of increased financial support for water improvement services but it will not go far enough. The reality is, as industries and towns want to develop, there has to be a significant increase in the capacity of the water supply. Dublin is the big area but other parts of the country are important. I appreciate the point that was made about Kerry which had a large number of small group water schemes. The idea was to replace a significant number of them with improved infrastructure and Deputy Danny Healy-Rae referred to a facility which was recently opened by the Minister of State, Deputy Griffin. That is a good thing.

We are left with climate change which will have a significant adverse impact. I know some Deputies do not like that, but it will significantly affect where water is going to fall and where it has to be brought to in the decades to come. The question of conservation of water is a very important issue. They are the issues. In the absence of a plan to meet all the requirements of the country right now, the question is if we had the money, where we would spend it? We have to be very strategic in what we do.

I note there is a Deputy here from Roscommon. Some years ago, the highest water leakage in the country happened to be in Roscommon. I think it was over 60%; it was incredibly high. The question of conservation of water is something we must tackle. Putting a water services plan together for all parts of the country is something we, as a Parliament, could decide and agree upon. I would agree with what Deputy Mattie McGrath has said. That is what we need to do, but where we get the money from, and where we have to take it from, is the crisis that we are in because it is on balance sheet. It will continue until we find a satisfactory outcome and I do not have any immediate expectation of that happening. The public would not support a charge for water right now. That is the real problem. Where do we go from here?

An increased share of the tax take has to go on improving water infrastructure and each town and county will make its own case. One thing that struck me when I was a Minister was a group water scheme in County Mayo. There is an awareness in rural areas about conservation. In one part of County Mayo, the young people, the schoolchildren, actively went into the community to identify water leaks and ensure the group water scheme dealt with them and that resources were not wasted. Deputy Breathnach has a similar case in his area and my area.

We are dealing with a finite resource in difficult financial circumstances. It would have to come out of current expenditure. Accepting that, I agree with the Minister, Deputy Eoghan Murphy, that we should try to go forward together to increase expenditure on our water infrastructure from direct taxation. That is what the Oireachtas has decided and what we have to do.

Deputy Darragh O'Brien: I thank my colleagues in the Rural Independent Group for tabling this motion on the need for investment in water services, with a particular emphasis on the rural wastewater network. Fianna Fáil would not make a distinction between rural and urban areas in the sense that further investment is required in our wastewater treatment network.

Deputy Mattie McGrath: On a point of order-----

An Leas-Cheann Comhairle: There is no point of order.

Deputy Mattie McGrath: They have the confidence and supply and are all right.

(Interruptions).

Deputy Darragh O'Brien: I was just going to address that. Deputy McGrath was obvi-

ously reading my notes.

Deputy Bobby Aylward: It is true, though.

Deputy Darragh O'Brien: Deputy Aylward will never steal my thunder. Unlike some others, we tried to use our mandate responsibly in the context of negotiating the confidence and supply arrangement. A large part of trying to negotiate that was unpicking the mistakes made by the establishment of Irish Water with the charges and the infrastructure itself, to which Deputy O'Dowd alluded. I remind people that while charges were in place, it cost the Exchequer approximately €30 million net a year. With all the difficulties that arose related to the charging infrastructure, we were investing €300 million less per annum in water infrastructure in that time. I agree with the single utility model structure with regard to focusing on where the investment needs to go. During that confidence and supply agreement, we insisted as a party that there would be fairness between both rural and urban dwellers for water charges with a particular focus on group water schemes. The agreement has secured a series of funding increases to group water schemes and established a working group to review funding.

Not enough is being done and we wait to see the outcome of that review but Deputy O'Dowd is correct that each local authority area needs to submit its needs. There is a responsibility in the liaison between the local authorities and Irish Water. Fianna Fáil is committed to ensuring equity of treatment between rural and urban dwellers in accessing water services. In light of that, we fully support this motion. We have boosted funding to the group water scheme under the confidence and supply arrangement. We pushed for that and will press on with the working group as a priority to ensure equity between urban and rural dwellers and water supply costs.

New subsidy arrangements have been put in place, endorsed by a special delegate conference of the National Federation of Group Water Schemes on 13 December 2017, which came into effect on 1 January 2018. It is estimated that the revised subsidy levels would cost approximately €23.5 million per annum compared with the average annual cost of €19.5 million for comparable years. Capital funding for the rural water programme is now set to increase by €5 million to €25 million per annum in 2019. This enhanced level of investment will be maintained up to 2021 and we will insist on that. Including funding being provided this year, a total of €95 million has been secured for the period, 2018-21. One point jumps out from the page in the motion tabled by the Rural Independent Group, relating to the grants provided in 2011 of more than €70 million. It dropped to just under €21 million by 2016. It shows that much work is needed in that regard. I welcome the review that is under way and think that money can be saved elsewhere as well.

I inform my colleagues who do not know about it of a plan under the greater Dublin drainage scheme to spend more than €1 billion on the creation of a massive sewage treatment plan that many of my colleagues and I believe is not required on the east coast. We believe that waste should mainly be treated in the areas in which it is generated. Surely localised plants are a better way forward. We need to look at our wastewater plan in general and, nationwide, we need to look at the big projects that many engineers seem to favour, including projects with large capital expenditure. While the Minister is present, I ask that he follow through on a commitment given by Deputy Howlin as Minister for Public Expenditure and Reform that a full review would be carried out with a cost-benefit analysis of a greater Dublin sewage scheme with one large sewage treatment plan in the Cloghran and Clonshaugh area of north Dublin.

Deputy Shane Cassells: I am delighted to contribute to the debate. I pay tribute to the

Rural Independent Group for bringing forward these proposals. They are well thought out and touch on a number of important issues, including Irish Water not addressing the problems of wastewater in housing estates, which heretofore would have been assisted by the county councils. If one speaks to any county councillor or residents' association throughout this country, they will say it is a major issue causing a lot of distress for many residents.

One line in the motion goes to the very heart of the issue we are discussing, which is the basic health of communities. It is stated that wastewater is one of the main threats to our rivers, lakes and estuaries. This issue does not just impact on small towns and rural villages, as set out by the Rural Independent Group; it also impacts on large towns throughout Ireland. My home town, Navan, has a population in excess of 32,000 people but last summer we witnessed a disgusting and disgraceful raw sewage discharge into the historic River Boyne which runs through the heart of the town. It happened because of a wastewater treatment plant which did not have sufficient capacity. As a result, the pumping station sent the overflow straight into the river in the middle of the town. The famous River Boyne, where the mythical Salmon of Knowledge was caught, was subjected to a planned discharge of raw sewage. Not many salmon were caught in the river following that discharge and if Fionn Mac Cumhaill had been swimming in the river that day, he would have choked. At the time, the *Meath Chronicle* captured perfectly the impact of this planned discharge when its journalist, Louise Walsh, described the scene: "Navan anglers have posted stomach-churning images of sewage floating on top of the river as well as condoms, sanitary towels, tampons and baby wipes, which they say have been released from an over-capacity pumping station at Blackcastle, along the town's scenic Ramparts walkway."

This river is famed for its stock of salmon, brown trout, eel and bream. The anglers have claimed that these planned discharges happen on a regular basis but it was extremely prevalent on this occasion because the river was low due to the lack of rain. At the heart of this was a pumping station which was supposed to pump the sewage from the treatment plant but when it reaches capacity, the overflow goes into the Boyne. The authorities will say that it is not breaking any laws and that the sewage has been diluted by heavy rain. This time, there was no rain so the waste was lodging on the riverbed and along the river. There were children paddling in the water downstream from where this waste was. The issues outlined in this motion are important and need to be addressed, not just in rural Ireland but in urban Ireland too, because the health of communities is at stake.

Deputy Jackie Cahill: I thank the Rural Independent Group for tabling the motion. Fianna Fáil supports it. A central component of the confidence and supply agreement relating to water charges was fairness to both rural and urban dwellers. This is also a key outcome of the Committee on the Future Funding of Domestic Water Services. This agreement has secured a series of funding increases for group water schemes and established a working group to review funding, combined with a coherent plan for taking in charge estates in rural towns and villages. In County Tipperary, 11,475 houses are not connected to a public supply. They are supplied by private group schemes or their own wells or have no piped water supply. This represents 19% of households in the country. An additional 1,717 households, representing 3% of all households, are supplied by public group water schemes. This is where the network is controlled by a group scheme but the scheme receives its water from a public source. This means that 22% of households in Tipperary are not supplied directly by Irish Water. I am sure the figures are the same for other rural counties. It is vital that these households are treated equally when it comes to supply of domestic water. Fianna Fáil is committed to ensuring equality of treatment

between rural and urban dwellers in accessing water services, which is why we support the motion.

A key outcome of the special Oireachtas committee on water charges was the establishment of a working group to verify the subsidy levels needed for rural dwellers and those on the public water supply. The work of the group is ongoing and this motion reflects much of its remit. Fianna Fáil has already boosted funding to group water schemes under the confidence and supply agreement. We will press on with this working group as a matter of priority to ensure equity between urban and rural dwellers in the context of domestic water supplies.

New subsidy arrangements have already been put in place, endorsed by a special delegate conference of the Federation of Group Water Schemes on 13 December 2017, and they came into effect on 1 January 2018. It is estimated that the revised subsidy levels will cost approximately €23.3 million per year compared with an average annual cost of €19.5 million for past comparable years. Capital funding for the rural water programme is set to rise by €5 million to €25 million per annum in 2019. This enhanced level of investment will be maintained up to 2021. Including the funding being provided this year, a total of €95 million has been secured for the period 2018 to 2021. A central recommendation contained in the report of the Joint Committee on the Future Funding of Domestic Water Services, endorsed by both Houses of the Oireachtas in April 2017, is that there should be equity of treatment and equivalent financial support between households using public water services and those availing of private water services. That must and will be delivered upon.

Deputy Bobby Aylward: I am delighted to contribute to the debate on the motion on water services tabled by the Rural Independent Group. A central component of the confidence and supply agreement on water charges is fairness to rural and urban dwellers. That was a key outcome of the work of the Joint Committee on the Future Funding of Domestic Water Services. There was a need for equity between rural and urban dwellers. The agreement has secured a series of funding increases to group water schemes and established a working group to review funding, combined with a coherent plan for taking in charge estates in rural towns and villages. That should be continued.

As a rural Deputy, I am conscious that what group water schemes are doing is very important. They are supplying and subsidising what should be provided by Irish Water. The situation should be examined and more funding should be made available. Although water charges have been abolished the members of group water schemes are paying for the maintenance and upkeep of the system every year and they must be provided with annual funding to assist them. Where there are no group water schemes in rural areas we have private wells and grants must continue to be provided in order to ensure equity in the system between urban and rural dwellers.

A survey carried out by the 31 local authorities and collated in December 2015 indicated that of the 5,556 developments yet to be taken in charge that developers had provided water services infrastructure in approximately 914 estates. It is very important that those estates would be taken in charge.

I wish to refer to connections provided to people by Irish Water. Water charges are gone but Irish Water is now taking advantage when connecting individuals or businesses to the system. I regularly hear about cases in my constituency where people are charged anything between €11,000 to €15,000 for water connections. That is ridiculous. The situation has got out of hand.

Irish Water is only trying to make up for funding that is not otherwise available to it. The company has gone overboard and the situation must be examined. Young couples who are getting married and trying to build homes are being charged up to €15,000 for water connections. The situation must be reviewed. A brewery that started on the Kilkenny and Carlow border received a bill of €250,000 for a water connection. How could any business possibly start up with such a charge for a water connection? The situation is out of control. I urge the Minister to examine the position and to bring an end to those extraordinary charges.

Deputy Éamon Ó Cuív: I am delighted to be able to say a few words on the motion. I compliment the rural alliance on tabling a motion that goes to the practicalities of people's lives.

An Leas-Cheann Comhairle: I have been asked to clarify that the motion has been tabled by the Rural Independent Group.

Deputy Mattie McGrath: We are not aligned to anyone but ourselves.

Deputy Éamon Ó Cuív: I thought you were all aligned to each other. It does not matter, the group can take the credit for the motion. I will focus briefly on three issues. I tabled a question to Irish Water on providing sewerage services to towns and villages, for example, Kilronan on the Aran Islands, that urgently need a sewerage system. I was told that it must be done on a purely commercial basis. If that were the case in cities and towns and households and businesses were obliged to pay for them, we would not have any sewerage systems. What is the Minister going to do about this issue?

This Government must be the greatest ever for introducing new schemes that appear attractive on the outside, with lovely shiny wrapping and a little bow on top, but that have a sting on the inside. The Government increased the subsidy for group water schemes but if the subsidy does not cover the full cost of running a scheme for domestic dwellings, the administrators of that scheme cannot go to the householders to collect the balance. Are they meant to have a collection or run a raffle? What is the point of the ruling? The Minister must explain the situation because he has put some people in a very peculiar position. That is typical of the kind of petty rules that are being introduced to stop ordinary people doing practical things and getting on with their lives.

I read a very interesting report on water. The CLÁR scheme used to provide top-ups so that we could bring water to rural houses that do not yet have water from either a group scheme or a public water scheme. Many places along the west coast suffer from that syndrome. The State subsidy per house costs between €10,000 and €15,000. The Minister will tell me that is outrageous but he should remember that water is all they will ever get. Could he indicate the cost of providing water, street lighting and running a sewerage system for an urban house? Would he get much change from €15,000? He surely would not. Why is it not a stated objective of the Government, with the money to back it, to ensure that every house in the country has access either to a public water scheme or a group water scheme? Why is there apartheid in this country when we say in all of the programmes that we will make water available to everybody?

Deputy Declan Breathnach: The old adage that you do not miss the water until the well runs dry is apt when we come to talk about Ireland's most valuable and sometimes under-appreciated resource, namely, water. I spent 25 years as secretary to the largest group water scheme in my county. I pay tribute to the many group water scheme committees that have worked might and main on a voluntary basis to improve the lot of their communities in providing water

to villages, businesses, farms and households. The source of the water for many of the group schemes has consisted of lake extraction, river extraction and aquifers. Many of those sources have endured massive pressures following the expansion and development of industry, the proliferation of septic tanks and, often, local authority mismanagement of sewerage plants. In addition, during the boom times, local authorities allowed private group sewerage schemes to service many housing developments that are not being managed by anyone at present. Many of the voluntary committees, through no fault of their own, often fall foul of trying to meet quality standards under the EU Water Framework Directive. Algal bloom on lakes at certain times of the year causes significant problems. Group water schemes also deal with farm run-off and nitrates, not to mention the unscrupulous illegal dumping that has happened on many occasions both of domestic waste and diesel sludge from diesel laundering plants in my county.

A commitment was given in both the programme for Government and the confidence and supply agreement that rural dwellers would not be at a serious disadvantage and that charging and costs would be spread evenly across the country, whether the water was provided by Irish Water, or through group water schemes. Approximately 6% of the population get their drinking water from group water schemes. Of those, 11% of households or approximately 170,000 households operate from private wells. We know from the EPA that approximately 30% of household wells are contaminated with E. coli. All other households and premises get water through an Irish Water connection as well.

I wish to draw the attention of the Minister to one point Deputy Aylward has raised. There is a commitment that Irish Water would have a flat charge of €5,600 for every water connection in future. I know of instances of people being charged €18,000 for a simple water connection. That needs to be brought in immediately rather than being put on the back-burner by Irish Water.

We need to talk about equity. It is unfair that time and again rural communities are subjected to boil water notices whereas households with public supply seldom have such inconvenience. This is relevant for people living in the countryside with no public water passing within a short distance of the home and where the house has never been connected to a group water scheme. The issue of grants for wells and the upgrading of wells needs to be enhanced and increased.

Average water use per person is 55,000 l per year. Good quality fresh water is a vital resource. More Exchequer funding is needed for improvements to group water schemes and group sewerage schemes to upgrade the infrastructure especially in rural Ireland.

I will conclude with an Irish acronym created by children in a school where I taught many years ago. It spelled the word “uisce”. The children put it in an Irish phrase: “Uisce inár saol, cosain é”. This translates as: “Water in our environment – we need to protect it”.

An Leas-Cheann Comhairle: An Teachta Martin Kenny and an Teachta Eoin Ó Broin are sharing time. They have ten minutes in total.

Deputy Martin Kenny: I thank the Rural Independent Group for bringing forward this motion. The essence of the motion sets out the difficulties we have in many parts of the country with regard to the outcome in cases where we do not have an appropriate system or one that works and delivers properly. We see that in many areas. There are pollution problems and that must be acknowledged. There are restrictions on development and expansion in many areas where change is badly needed.

One thing comes to mind for those living in a rural area like County Leitrim. At this stage in County Leitrim, almost 35% of the water is delivered through group water schemes. That is putting considerable pressure on the main source of water in Carrick-on-Shannon, which is the water treatment plant there. At a meeting of Leitrim County Council two weeks ago, I was told the council needed to get funding from Irish Water to get at least 50% additional capacity into that plant. This is necessary to cope with the pressure on the facility at present, which is above full capacity. The plant needs a certain storage volume in place but the facility does not have it at present. Those responsible need to look to the future for any expansion that may come throughout the county.

We also have Lough Talt in County Sligo in my constituency. I know the Minister is aware of this. There is a major problem with the water treatment system there. An upgrade is supposed to be undertaken. We understand there are issues with planning and various things. Every effort needs to be made to get that moving as quickly as possible to get the investment in place.

I acknowledge that investment is visible in some places. In September I visited Bundoran, where a €25 million project for an upgrade of the water treatment system is under way. Investment is visible in some places but not enough is happening in many areas throughout the country. One of the major issues with Irish Water in this regard is a failure in the sense that certain people cannot get the connection between the needs of the people and what Irish Water is prepared to deliver. This is evident in towns or areas where there is potential for business to develop. Carrick-on-Shannon is the location of a business called Masonite, which uses a great deal of water. It takes the water from the Shannon. Other businesses are looking to come to the area. They need large volumes of water but there is a difficulty in providing water for them. Irish Water is not a local authority and has no responsibility for economic development whereas the local authority has a responsibility in that regard. There is a disconnect in that sense. More needs to happen in that respect.

Reference was made to group water schemes and group sewerage schemes. These have the potential to do a great deal in many areas on the outskirts of small towns and villages. There are large numbers of septic tanks in such places. There are opportunities to put in place group sewerage schemes in these areas and pump back water into the treatment plant in the town or village. There seems to be a freeze in the funding to get such developments in place.

Several issues were raised in the motion. The call for additional investment is clear. We need to see investment. Deputy Ó Broin will go into the matter in more detail. We are conscious that the money allocated to Irish Water to spend on wastewater systems has been under-spent in recent years. This continues to be the case up to the present.

We need to see a clear commitment from Government to deliver for people, not only the people in urban Ireland but those in rural Ireland too. I wish to raise another issue relating to septic tanks and sewage treatment systems for single houses. We have a problem in many areas in the country because the Environmental Protection Agency has a ban on building a house in rural Ireland if it does not meet the percolation test regardless of the quality to which the householders treat the associated sewage. At present, we have instances in County Leitrim whereby the sewage is treated to bathing water standard and yet people cannot get planning permission. Regardless of the standard to which people treat the water, the agency has a zero discharge rule in place. We need to have that issue dealt with.

The fundamental principle is that the money needs to be put in place, but it seems that even when the money is put in place – we have seen some of the money put in place with Irish Water – it is not going to the right places. It is not delivering to ensure that we protect the environment and provide for the needs of people in future.

I welcome the motion. The Minister needs to take a hand-on approach with Irish Water to ensure the company delivers for people. The feedback we are getting from local authority members and people throughout the country is that they are getting a poor service when they try to talk to Irish Water about their needs. I will leave it at that.

Deputy Eoin Ó Broin: I thank the Rural Independent Group for tabling the motion. I wish to talk a little about the urban wastewater treatment plants and the difficulties we have currently with regard to the spend. Much of the focus has been on the 38 agglomerations that are subject to the European Court of Justice hearings. My understanding is that the court hearing was last month and that we are waiting for the outcome. If the Minister is in a position to give us an update on the matter in his concluding remarks later it would be most welcome.

It is important to note that the Irish Water capital plan has significant increases in the coming years. I agree with the view of the Minister in this area. Next year it is due to increase to €777 million, which is a significant uplift on this year. Then, it goes up to €800 million the following year and so on. Part of the difficulty is that not enough of that money is being spent on upgrading urban wastewater treatment plants as well as those in rural areas. Even where there has been an increased allocation, the figures from Irish Water show significant underspending. In 2016, we were told by the then Minister, Deputy Coveney, that the projected spend in upgrading wastewater treatment plants in 2017 would be approximately €229 million. My understanding is that the amount actually spent at the end of last year was €151 million. That is an underspend of €78 million. Some of this is to do with difficulties in the planning process and in securing planning permission. Some of it is to do with tendering and procurement. In any event, given there is money to spend on some of these upgrade works, I call on the Minister to come back to the Joint Committee on Housing, Planning and Local Government, which has responsibility for this area, to explain the difficulties in getting the allocated money spent.

Irish Water estimated in 2017 that the cost of bringing the 38 agglomerations up to scratch would be approximately €1 billion. If Irish Water only intends to spend €150 million per year, it will take a considerable amount of time simply to get those treatment plants up to order. Obviously, that will not be fast enough for the European Commission. In turn, this means we would face the prospect of significant fines and we would possibly have to rethink the capital investment programme to accelerate the upgrade.

I am concerned about all the wastewater treatment plants identified by the Environmental Protection Agency as being potentially at risk. I am not simply talking about those currently in breach of the wastewater treatment directive. Perhaps the Minister will have an opportunity later today to talk us through the extent to which he and his Department are satisfied that the Irish Water capital investment plan in this area will treat all these plants. Otherwise, the Minister might apprise the committee at a later stage. This is not only about the plants that are falling foul of the existing directive requirements - it is relevant for all those others as well.

I have been calling for some time for investment. This does not necessarily mean an increase in the overall level of investment of Irish Water, although that would be welcome, but it means ensuring that an adequate distribution of the existing capital allocation is going to

wastewater treatment. Certainly, based on the figures I have seen today I am more convinced than ever before in this regard.

It is important to highlight why we are facing this enforcement action by the European Commission in the first place.

Capital investment in wastewater treatment fluctuated between €250 million and €300 million right up until 2010. While that was not an adequate level of investment, that is where the historic level sat. From 2011 onwards, however, it was slashed down to its lowest level in 2013 to €124 million. That was the year the European Commission initiated the enforcement proceedings, and it is no accident that it initiated those in the year of the lowest level of expenditure. What is more troubling is that in the years that followed up to 2016, capital investment continued to be low, and it is no accident that the European Commission decided to initiate court proceedings in 2016.

While I understand the intention of the motion, the issue is a little more complex. There is money available that is not being spent. We need to understand the reason for that and fix that problem. When that money is spent, if there is a requirement to shift more across to wastewater treatment, that would be welcome. At that stage, we could have a conversation about whether the total quantum of investment in Irish Water's capital investment plan needs to increase. The tragedy would be if it increases next year by more than €150 million and the money does not get to the parts of our water infrastructure it is needed. The more the Minister can reassure us about that, the better.

Irish Water and the Environmental Protection Agency will be before the Joint Committee on Housing, Planning and Local Government before the end of this term. I invite the members of the Rural Independent Group who are not members of the committee to come and exchange their views with both of those bodies because that would be welcome. Ultimately, the buck stops with the Minister and I would be interested to hear what he has to say, particularly about the issues I have raised.

Deputy Jan O'Sullivan: I thank the Rural Independent Group for tabling the motion. The wastewater area has been somewhat neglected, with water supply getting more attention. The wastewater issue is important, particularly in rural Ireland but also in urban Ireland. My party will support the motion, although I note the Minister has responded on significant funding that is committed, and we should acknowledge that.

The Minister indicated that he hopes the working group will report towards the end of November and that that would involve further investment. I presume he will keep us updated at that time on expenditure and the areas that need it.

I was a member of the Joint Committee on the Future Funding of Domestic Water Services. I did not always agree with every member on it, as those who were members will know, but we all fully supported section 6 of the report on equity and fairness. It is probably no harm to quote the relevant recommendations. Section 6.1 states: "The Committee recommends that the principles of equity of treatment and equivalent financial support should be applied equally between households on public water supplies and those in Group Water Schemes (GWS), Group Sewerage Schemes (GSS), those using Domestic Waste Water Treatment Systems (DWWTS) and Individual Domestic Water Supplies (IDWS)."

Section 6.2 states:

The Department of Housing, Planning, Community and Local Government should therefore conduct a review [I presume that is the review the Minister spoke about], in coordination with the National Federation of Group Water Schemes and other relevant stakeholders, to quantify what additional investment will be required to equalise treatment between those availing of domestic water services and those availing of private services. The Committee recommends that, following this review, identified investment should be provided.

That is what is being requested in the motion and is generally what Members across the House believe should happen.

I support what was said on the underspend in an area where there is clearly a need, and I heard various towns, villages and townlands being referred to earlier. All of us could quote some of those in our areas, but there is a need for investment in particular parts of the country and we want that to happen.

Another recommendation was that there should be some way the Minister could ring-fence the money provided. I believe the wording was, “Ensure that this funding goes directly to the water utility for the specific purpose of investing into the water infrastructure so as to ensure full compliance with Ireland’s EU obligations under the WFD.” As is probably always the case, however, the ring-fencing of money for any particular purpose does not happen. The problem then is that these wastewater and water services are in competition with all the other areas where spending is needed. We need to keep an eye on that to ensure money continues to be provided for this important service.

There will not be charges. The Minister might clarify this but I understand in January 2019 there are supposed to be charges for those who excessively use water and who have been warned and so on. Perhaps we might get some information on that because it is something I support, although not everybody in this House does, in that where people are excessively wasting water they should be charged. Apart from that, the money has to come from the Exchequer and is in competition with many other needs in our economy. That is just the way it is.

I want to raise another issue that seems to be sitting on the back-burner, that is, the first recommendation of the committee, which was that there should be a referendum to ask the people to ensure that water services continue to remain in public ownership. As far as I know, that is still sitting in the committee and there are some issues around progressing it further. I want to put on the record again that I believe that is important because it reassures people that there is no intention of privatising wastewater services. If there is any update on that, I would welcome that. It was intended that it would be dealt with through a Private Members’ Bill that had been referred to the committee but I have not seen much progress on that, so I would be interested to hear it.

There are some areas where Irish Water has done good work, particularly regarding lead. That was a major issue in my city of Limerick where significant work was done to bypass the lead pipes. That is important because it is a serious health concern for people who live in areas where there are old lead pipes. I would hope that programme will continue wherever an issue arises.

I recognise that this is a serious issue in many parts of the country. If we are to have equity and the kind of water and wastewater system we all want, it needs investment if we are to avoid fines from the ECJ with regard to the hearings. If there is any update on that, I would welcome

it. There are a number of reasons but the most important reason is that, for our health and the health of our environment, we must have the kind of system we all want. I support the motion.

Deputy Michael Fitzmaurice: Water and wastewater services are important to all parts of the country, be they urban or rural, and we need proper wastewater systems.

Regarding the group water schemes in rural areas especially, we welcome the €230 subvention last year for schemes that have their own well and their own pump and the upgrade of moneys in that regard. That is badly needed because many of them were struggling.

I ask the Minister and his officials to note that there are rural areas where people may have their own pump and the quality of water might not be great. If they want to start a group water scheme themselves, the Department does not provide funding for that. I ask the Minister to address that because there are a number of such schemes throughout the country.

I note also that for Irish Water to take over a scheme it has to be brought up to a standard but currently it is reluctant to take them over. I ask the Minister to make sure that it speeds up in that regard.

With regard to regulations and the Water Framework Directive, we have a two-tier system in Ireland in that if one is lucky enough to have a public sewer, one does not have to be worried about it. People in the rural parts of Ireland with septic tanks will get a grant if they are included in the 5% and earn less than a certain number. However, if someone happens to report a septic tank that he or she sees is not functioning properly, someone who is not in that 5% is in trouble. We have to make sure the funding is there for those people. It is costing a good few pounds.

From reading the report, I believe this is a way of going forward. The funding for community schemes needs to be increased. I know the Minister of State is carrying out a cost-benefit analysis, but that cost-benefit analysis does not add up. To solve a problem like this is very important for people.

I also wish to mention the prices Irish Water is charging. The issue has been mentioned here. Group water schemes are taking in people for between €800 and €1,300. They will provide a new connection. Someone could get a price of €3,000 and after that it would be measurable in digital figures.

We need to pay tribute to the people throughout the country who look after the group water schemes today and in years past. The report flies in the face of madness. Deputy Martin Kenny spoke about the situation in Lough Talt in Sligo. Some 50% of Irish Water's sources are in designated areas. People object to efforts to improve the quality of water. An Bord Pleanála mounts objections. It is very hard to improve the quality of water and put in proper systems when one arm of the State is stopping another from doing it.

A situation has arisen with An Bord Pleanála and the EPA. I know of a scheme in Glenamaddy where raw sewage has been an issue in report after report for the last 20 years. When Irish Water looked for planning permission and a discharge licence, lo and behold, it was blocked. The authorities wanted Irish Water to go seven miles down the road. That has a ferocious cost. On top of that they are taking Irish Water to court for the sins of years gone by, things that were not done by councils. They are fining Irish Water. The State is stealing money that is needed to put sewerage schemes in place. In fairness, people may give out about Irish Water, but I remember an incident in Roscommon two or three years ago. A boil water notice was applied to

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Williamstown, Cloonfad and Granlahan. Like a spare wheel, a temporary system was brought in from Israel to keep services going and then the scheme was put together.

Improvements have been made. However, there are small towns around this country into which we know raw sewage is going. If we want to solve this problem we need to allow a higher rate per house. At the moment it is something like €6,000. Irish Water will not do it on its own. If we encourage community groups to get together they will get the work done and help.

Moreover, issues are arising from the Water Framework Directive that are not helping the situation. Farmers have to record what they take out. If a river runs near some land, it is important to be able to install a sump pump and draw the water for cattle, rather than having to chlorinate it, apply ultraviolet radiation to it and so on before pumping it up and down the road. I ask for one thing. If anything is to come out of tonight's debate, I ask the Minister of State to put funding in place for those group water schemes that are not already in a scheme and may not have good water.

Deputy Catherine Connolly: Tá mé thar a bheith sásta an deis a thapú chun cúpla focal a rá ar son an rúin seo agus tá mé sásta nach bhfuil an Rialtas ag dul in aghaidh an rúin. Tá sé sin tábhachtach freisin agus gabhaim buíochas don dream neamhspleách as ucht an rúin a chur os comhair na Dála.

I thank the Rural Independent Group for bringing this motion forward. I have no hesitation in supporting it and I welcome the fact that the Government is not opposing it. It has been well laid out, but a number of statistics jump out at me. I am very familiar with them after spending 17 years listening to report after report at local authority level. In the 21st century, in 2018, we still have raw sewage from the equivalent of 88,000 people in 38 towns and villages flowing into the environment every day. We know that wastewater is one of the main threats to the quality of rivers, lakes and estuaries.

I am not going to read the rest of the motion. However, I wish to note the fact that there was a significant reduction in the Department's funding for group water schemes at the time when they were most needed. I pay tribute to the group water schemes and to those people who have worked very hard to keep them going. They deserve our thanks.

I want to make some comments about Irish Water in that context, as someone who was fundamentally opposed to its establishment. Never once did I personalise the issue. For 17 years I watched a local authority starved of funds. Report after report told us what needed to be done but we had no money in good times or bad. In Galway, 40% leakage was recorded. We knew that. We begged for assistance and we did not get it.

It was a very bad decision to set up Irish Water. It was a waste of money when the local authorities were starved of funds. I say that as someone who was an absolutely committed city councillor, who lived through cryptosporidium and indeed suffered from it at the time, through the lead debacle and so on. The expertise was at local authority level. The people of Galway, to use the example of that city, trusted the local authority, interestingly enough. They trusted the engineers who had the knowledge on the ground. All of that was wiped out by the setting up of Irish Water. Suddenly there was no problem with giving money to a vehicle that should never have been set up.

That is done. However, the continued decisions by Irish Water are troubling. For instance, raw sewage is going into the sea in Galway, Spiddal and Carraroe. Last week I went to Clon-

aslee in Laois. I looked at the integrated constructed wetlands, a site with the potential to cater for a population of up to 800. It looks after 100 households. Raw sewage goes into a natural area and comes out absolutely spotlessly clean. I have to pay tribute to the local authority and indeed Irish Water in this regard. I would love to see those schemes extended. I was there with a group from Inis Oírr who were very interested in applying this solution, albeit in a different environment, the sandy soil on Inis Oírr. I hope that the Government and Irish Water are 100% behind community groups like this which want to participate and want a good system. I have never had any time for NIMBYism, but I believe that various Governments and local authorities have used that word wrongly. For example, practically everyone in Spiddal is unhappy with raw sewage going into the water, but with the help of Údarás na Gaeltachta, Irish Water has picked a site, agus tá an suíomh sin iomlán mí-oiriúnach. Tá sé cúpla slat ón scoil náisiúnta le gasúir óga ann agus tá sé beartaithe ag Uisce Éireann ionad séarachais a thógáil ansin. Is é toradh an chinnidh sin ná go bhfuil sé os comhair An Bord Pleanála.

The matter in Spiddal has now gone to An Bord Pleanála. It would not have happened if those responsible had made the right decision in the first place, worked with the people on the ground and picked an appropriate site. Similarly, in Carraroe, they have picked a suíomh cois farraige, áit atá thar a bheith mí-oiriúnach, áit álainn ina bhfuil féidirtheachtaí iontacha do chúrsaí turasóireachta, do chúrsaí bádóireachta agus do chúrsaí iascaireachta. Is é an rud atá beartaithe ag Uisce Éireann ná ionad cóireála séarachais a chur ar an suíomh sin.

I will translate that. The people of Carraroe are crying out for a treatment plant. However, the site chosen is wrong. We have a battle on our hands rather than co-operation. Short-sighted decisions are being made at the expense of the people of the area and at the expense of the possibility for tourism, fishing and the use of the area for boats when there is an alternative site available. Uisce Éireann should at least be able to tell us that it has looked at the alternative site and ruled it out. I never wish to be parochial in the Dáil but I use these as two practical examples where the people want a treatment plant, but not what is on offer. The caighdeán - the standard - that is being proposed is basic. Interestingly enough, the Minister of State, Deputy English, might look at this particular project. In 2008, it was withdrawn. At that stage, there was a higher standard of treatment proposed but the Part 8 was withdrawn then because the councillors indicated they would not support it. We move forward but, in fact, we move backwards. In 2018, it is in the hands of Uisce Éireann. Uisce Éireann has decided to go back and use the same site that the elected members refused to look at in 2008 only this time the treatment standard is lower because, according to Uisce Éireann, it is not near any beaches. There are two beaches that they have not bothered to mention. They stated it is not near any houses but there is a circle of houses. Most importantly, it is on a beautiful inlet, an Cuan Chaisle, and across from Rossaveal, where, on an Údarás site, they have an existing treatment plant that could be upgraded without affecting any house or the area and add to the whole lot.

Ag dul ar ais arís go dtí an bpointe atá á dhéanamh agam, anois tá Uisce Éireann ann ach tá droch-chinntí á ndéanamh ag an eagraíocht sin mar tá sé faoi bhrú rud éigin a dhéanamh. Tá an cosúlacht ar an scéal go mba chuma leis maidir leis an gcinneadh ach é a dhéanamh agus ní féidir liom glacadh leis sin. Anois beidh an dá phlean seo curtha siar arís fad agus atá séarachas ag dul isteach san uisce.

An Leas-Cheann Comhairle: Rachaimid ar ais arís chuig an Rural Independent Group agus an Teachta Michael Healy-Rae.

Deputy Michael Healy-Rae: I thank David and Triona in Deputy Mattie McGrath's of-

for the research and work they put in to this Private Members' motion, and Deputy Mattie McGrath himself. I also thank my two colleagues, Deputies Grealish and Michael Collins, for swapping around the time to allow me have my quick say on this matter.

I have been sent here with a clear message from, and on behalf of, the people of Kerry. While other Members have said they do not want to be parochial, I wish to be parochial and to talk about County Kerry and about the towns and villages in Kerry that need existing scheme upgrades or where schemes are non-existent and where they are crying out for a scheme to be put in place and have been doing so for many years. The local authority, Kerry County Council, has prioritised on numerous occasions and costed the funding required to put in sewerage schemes and all the preparatory work in the places my brother has mentioned, such as Caherdaniel, Castlecove and Kilcummin, where we need upgrades or where we have no schemes whatsoever. It is ridiculous.

The local authorities throughout the country are the biggest polluters in any county, quite simply, because of lack of investment. It is not the local authorities' fault. It is the fault of not only this Government but Governments dating back over the years which failed to ensure the proper resources were put in place. The funny aspect of it is that if one goes back over the history, schemes could have been put in place for sums that were not large but now, with modern systems, of course, it involves bigger money.

I, too, was glad to attend at Lough Guitane, where there is a new water treatment plant which serves big towns up to 50 miles away in Kerry. It is servicing Tralee, Killarney and a massive hinterland. It was great to see that massive investment in Kerry being opened yesterday. It is future-proofed. It will be there for the generations to come.

We need so much more in Kerry. On a day when the Green Party is saying it wants funding for transport to be taken from areas around the country for Dublin, I would say maybe Dublin has enough for a while. Perhaps before Dublin blows up with the amount of money that is being invested in it, people will eventually wake up to what I have been saying for many years that there is a world beyond the Red Cow roundabout. Kerry is at the bottom of the country but, by God, we certainly do not want to be left behind when it comes to investment. We are every bit as entitled to investment in Ballinskelligs as they are in Blackrock. I will continue to say that in such a way that eventually the message will get home and Ministers and taoisigh who are centred on Dublin and who might not think that there is anything beyond the Red Cow realise that there is, and that we are crying out for investment.

We want people to work with our excellent local authority, Kerry County Council, where the engineers and water staff have served us so well over the years. It would be neglectful of me to talk about services without mentioning those who have worked in Kerry County Council over the years. When I say "worked", of course, there are excellent engineers but I want to talk about those who go out on Christmas Day, Sundays and bank holidays and who never open their mouths. When the call goes in that a waterpipe has broken or a pump has given up in a treatment plant, they are the ones who go out and who have served us so well over the years. I say thank you very much to past, present and future staff who have worked in our services in Kerry County Council for their excellent service over the years - it does not cost anything to say that. I remind people that the water would have stopped flowing only for these staff going out. Not too long ago, there was a massive water break in the heart of Killarney town and the water service staff went out. It was such a break that the repairs went on into a second day. They worked through the night and they did not question it. They did not hum or haw. They merely tore at it.

Men came with machines and lorries and with shovels and they tore at it and kept going until they ensured that every one of the houses in that entire area had water in the quickest possible time. That type of sterling service must be recognised. When Members in here are blowing about schemes, blowing about this and that and blowing about big money, it is important to talk about the men with the shovels who will go into a trench, dig down and repair a waterpipe and put their heart and soul into it. I thank these people for that.

I want to make sure that in the future when the Minister of State sees the priority list coming from places such as Kerry County Council, he will acknowledge them. I am sorry that I have gone over my time.

Deputy Michael Collins: My colleagues in the Rural Independent Group and I have put forward this motion on wastewater services this evening. The Environmental Protection Agency produced a report in 2017. It found that: the wastewater treatment in 28 of Ireland's 179 large urban areas failed to meet European Union standards; raw sewage from the equivalent of 88,000 people in 38 towns and villages flows into the environment every day; wastewater is one of the main threats to the quality of our rivers, lakes and estuaries; wastewater contributed to poor quality bathing water at many beaches in 2017; and coming into contact with inadequately treated wastewater poses a major health risk.

It saddens me to say that even without this report such shocking examples are all around us. In my own constituency of west Cork, the coastal communities are urgently waiting on Irish Water works to address raw sewage that is being released directly into the sea.

At a sitting of a Dublin court last month, Irish Water heard that 64% of Castletownberes's wastewater was untreated and carried by a pipe and discharged directly into the town's harbour - a situation described as extraordinary by Judge John Brennan, who was presiding over the case. The EPA inspector, Mr. Patrick Chan, said he had lifted a manhole in Castletownbere and could clearly see human waste travelling out into the harbour untreated. Castletownbere is a picturesque tourist town. It has a brilliant fishing port. For so many businesses in rural Ireland, it is hard to make a living and they rely on their town's natural untouched beauty to attract customers to the area. How will any business in a town where 64% of the untreated sewage is being discharged directly into the town's harbour be expected to attract customers back into the town? These businesses have been let down by the Government. Not only do they face increases in their VAT rate, they are putting up with raw sewage being pumped into their town's main attractions and their once beautiful harbours. Not only is this affecting businesses, but we have young children playing on shorelines who are being exposed to water into which raw sewage is being pumped.

This is a serious health concern. According to Irish Water, Castletownbere and Castletownshend are among five towns and villages in County Cork where untreated sewerage is currently discharged to receiving waters, either directly from sewer network outfalls or via septic holding tanks where the level of treatment provided is inadequate. The Castletownshend sewerage scheme is needed to stop untreated wastewater being discharged directly into the harbour. Currently, the equivalent of more than 400 wheelie bins of raw sewage is being discharged into the harbour every day, which is an outright disgrace.

What I cannot wrap my head around is that following parliamentary questions submitted to the Dáil in 1992, 1994 and 1995, most replies gave the impression that work would get under way in the near future, resources permitting. We are far beyond the near future now. It is

time for action on the ground to get this matter addressed once and for all. This situation is no longer acceptable. Irish Water intends to rectify this problem in conjunction with Cork County Council by constructing a new wastewater treatment plant and network infrastructure to ensure that wastewater discharging to Castletownshend meets appropriate discharge standards. It is believed it may be 2022 before the works are completed. In my book, this is way beyond reasonable time. The people of west Cork have waited endlessly for these works to be started and completed. This Government needs to shake up and deliver on promises that were made to the people.

This is not only about Castletownbere and Castletownshend because other villages such as Inchigeela and Goleen, my own parish, are also affected. I was chairperson of the community council which brought people in from all over the world ten or 12 years ago to deal with this issue with the county council. We paid for it and the local businesswoman, Sue Hill, put these people up so we could sit everybody down around the table and work together for a solution. Ten or 12 years later, we still have no solution. There is no growth in rural towns and villages because of this raw sewage seeping into the sea. Water levels in towns such as Clonakilty are at an all-time low, which is another serious issue. In Ballylickey and Inchigeela, the rivers cannot be cleaned because we might hurt a fly or a fish, yet there is raw sewage going into the water and there is no problem with that. What is wrong with us? We are working backwards. As I have said previously, I strongly recommend that members of the Government take a drive outside Dublin, take their heads out of the clouds and see the problems for people living in rural areas such as Castletownbere.

Deputy Tony McLoughlin: I thank the Minister, Deputy Murphy, for sharing time to make a few points. I appreciate some of the concerns expressed by members of the Rural Independent Group and other Members. Many of the concerns expressed are real, honest and come from first-hand experience of the problems faced by people on the ground in our constituencies. I commend them on raising these concerns. However, I do not want to focus my attention on simply highlighting what needs to be done to fix these problems as I believe that we on this side of the House are very much aware of how to resolve the legacy problems with our water system and, in fact, according to the EPA report referenced, we are very much on the way to achieving that between now and 2021; instead, I want to take this opportunity to illuminate a few examples of where our action has been successful in addressing the types of concerns raised.

I can testify wholeheartedly to the positive impact of Irish Water's investment in wastewater treatment in my own constituency and how that positive impact is being felt by communities in counties Sligo, Leitrim and south Donegal as new wastewater plants have been built and are in the process of being upgraded. Since 2014 Irish Water has upgraded or built new wastewater treatment plants in 55 locations throughout the country, including 12 towns where raw sewage was going directly into the water. There are also plans with funding in place that are progressing to resolve the problems at the remaining 38 locations mentioned earlier. One of the locations listed was Bundoran, County Donegal. A €9 million investment was made there by Irish Water in 2015 and, today, this new facility has stopped the equivalent of more than 66,000 wheelie bins of raw sewage from entering the sea every day. This must be applauded and recognised. Irish Water is also investing €16 million in upgrading the Grange, Strandhill and Tubbercurry wastewater treatment plants in County Sligo and it has carried out rehabilitation works on the main sewer line in Sligo town in works costing €9 million. For decades, nothing was done by previous Governments in this area. These new and upgraded plants will improve the environment, support tourism and, in many cases, build capacity for new homes and businesses. Again,

this work must be recognised.

It has been brought to my attention on countless occasions that there is a need for increased funding for Irish Water, which is something I agree with 100%. However, I must remind the House of Fianna Fáil's shameful move to the side of populist politics when, in 2014, and subsequently in 2016, it insisted on the abolition of the water charge regime - a minimal water charge that more than 70% of people were paying. Because of this political game between Fianna Fáil and Sinn Féin, unfortunately, Irish Water now has to compete with our schools, hospitals and the Garda for funding.

This is the reality of the situation and, as such, a number of the projects mentioned tonight must wait to be upgraded until the funding is available. Nonetheless, Irish Water is prioritising those locations that are not compliant with European standards under the urban wastewater treatment directive and it will then focus on those locations with no treatment of raw sewage. The EPA's annual urban wastewater treatment report points to the progress made by Irish Water in 2017. The utility increased expenditure by 25% to €215 million last year to ensure the development and delivery of solutions to support the safe return of wastewater to the environment from almost 1.1 million homes throughout Ireland after it has travelled through 30,000 km of public sewers and been treated at 1,100 wastewater treatment plants. Irish Water is increasing investment in wastewater infrastructure year on year and has planned to increase spending on wastewater projects in the existing capital investment plan. Many wastewater projects are currently in the design and planning stage and expenditure during this stage is significantly lower than during construction. Consequently, there will be a large increase in wastewater expenditure in the years up to the end of 2021, which will, hopefully, get us some way to addressing all of the areas of concern that have been highlighted this evening, including in counties Tipperary and Kerry and many other areas.

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): I thank Deputies Mattie McGrath, Michael Collins, Grealish, Harty and Lowry, as well as Deputies Danny Healy-Rae and Michael Healy-Rae, for tabling this Private Members' motion. We briefly touched on this during Leaders' Questions a few weeks ago but we did not get a chance for a full discussion so it is nice to come back to debate the facts. There has been a productive and informed debate so far. As is evident in the Government's response, there is agreement on all sides of the House on the substance of the motion. Much of what has been set out in terms of issues raised, proposed actions and policies is being addressed. The Government has adopted a progressive and considered approach to developing structures and systems and providing resources that will underpin rural water services, not just for the short term but also for the long term.

I would like to address a number of specific points in the motion. It notes the 2016 launch of the national taking in charge initiative, NTICI, for residential estates to support and accelerate overall national action on the taking in charge process for housing estates. This includes estates with developer provided water services infrastructure. The motion calls for funding for this area. It should be noted that the national development plan includes provision of €31 million for the period 2018 to 2021 to address issues with developer-provided infrastructure, rightly so, because people have been left in limbo in many estates. The Government launched the NTICI in April 2016 to trial new approaches and working methods in supporting and accelerating overall national and local action on the process for taking in charge of housing estates, including estates with developer-provided water services infrastructure. Under the terms of that scheme, which was underpinned by €10 million in funding, developments subject to valid

taking in charge applications were eligible for inclusion in the associated call for funding proposals. Ultimately, €7.5 million of the allocated funding was paid to local authorities in respect of 330 developments, containing some 14,930 homes.

The Minister and I intend to publish a review report shortly on the success of the 2016 initiative, with recommendations to inform and direct future taking in charge plans, including in respect of developer-provided water services infrastructure. The report will be of value to local authorities and other stakeholders in applying the lessons from the pilot programme in a more general roll-out of a streamlined approach to the process of taking in charge, including through co-ordination with capital works by Irish Water. The funding provided under the national development plan demonstrates the Government's commitment to transition from the pilot phase under NTICI to a programme phase. In a planned and co-ordinated way, we will be able to deal with these problems over a couple of years.

The motion notes a number of factors regarding Irish Water's approach to combined sewers. There appears to be confusion in this regard. I want to provide clarity on where the responsibility lies and indicate what action has been taken. The term "combined sewers" generally refers to the public network which transports foul water and storm or rain water. These remain the statutory responsibility of Irish Water. Local authorities, on the other hand, are responsible for drainage which does not include sewerage. The position appears to be confused with what are called "backyard services" - an issue often raised with Deputies by constituents - which are on private property. Irish Water took over responsibility for public water services in January 2014, with the local authorities providing operational services to the company under service level agreements. While statutory obligations in respect of water services passed from the local authorities to Irish Water at that time, there were no changes made to the statutory obligations regarding the maintenance of drains or service connections for private property. Service connections link individual premises to the public sewer network or, in the case of shared service connections, more than one property to the network. Individual service connections are generally located in the public area, for example, under footpaths or roads. Shared service connections are generally located partly within the boundaries of individual premises and partly in the public area.

Under the Water Services Act 2007, as amended, responsibility for maintaining service connections lies with the owners of the individual premises. Although local authorities were not legally obliged to maintain service connections prior to January 2014, they adopted different practices in this regard. Some took no responsibility for maintaining service connections - including shared service connections and connections within public areas - or for clearing blockages in them, while others took responsibility for maintaining and clearing blockages in shared service connections. Since this issue arose in 2014, Irish Water has worked with local authorities on the basis that established practice should continue and that any public health issues be addressed. Irish Water has also recognised the difficulties which could be faced by homeowners in trying to maintain service connections that are located in public areas. This would include, for example, the cost and time involved in obtaining road opening licences. Irish Water has, therefore, decided to assist by taking responsibility for maintaining that part of the service connection which is located in public areas. It communicated this decision to the local authority chief executives in March. Leaving aside the fact that changing the statutory provisions would be expensive, this issue is finally being addressed.

The motion also calls for action to address what are claimed to be information shortfalls on the risks to marine life and fishing stock and the condition of public sewers. Irish Water has

commenced a programme of asset studies - to the value of €50 million - which will provide comprehensive information on the sewer network in 40 towns and cities. To assess the potential impact of its assets on shellfish, Irish Water has developed a shellfish water impact assessment methodology as required under specific wastewater discharge licences. The proposed methodology for undertaking shellfish water impact assessments includes a number of stages which will be carried out in consultation with external stakeholders over the next few years. On completion of the assessments, the next stages will be identification and undertaking of any improvement works that are deemed necessary. I assure Deputies that the concerns raised in the motion are being dealt with.

Deputy Noel Grealish: I am delighted to have an opportunity to speak on the motion. I thank my colleagues for proposing it and I also thank the staff in Deputy Mattie McGrath's office for drafting it. The statistics set out in the motion are frightening. The findings of the EPA report into urban wastewater treatment in 2017 stated that 28 of Ireland's 179 urban areas failed to meet European standards and that raw sewage from the equivalent of 88,000 people in 38 towns and villages flows into rivers, lakes and the sea every day. We hear reports daily about water quality in our rivers and lakes. How can we expect them to be of a high standard when so much raw sewage is being discharged into them? These are the same lakes and rivers from which the vast majority of Irish people get their drinking water. Our beaches are also affected by this raw sewage discharge, which resulted in six beaches being closed by the EPA in 2017. This must pose a serious health risk not only to the Irish people but to the many tourists that enjoy the Irish beaches, rivers and lakes each year.

The lack of wastewater treatment systems in many rural towns and villages is having a negative effect on rural communities as people cannot build homes in the towns and villages in which they grew up. This is contributing to population decline in rural Ireland and puts extra pressure on the major towns and cities that have treatment plants as young people have no choice but to move to get on the property ladder. Every day, we hear about the lack of housing. We have a solution. If the Government would provide the necessary funding and support to Irish Water to facilitate the upgrading of wastewater treatment plants and the construction of new plants in towns and villages, this would help to alleviate the housing crisis. In Galway, there are many rural towns and villages where people have grown up but are unable to live because planning permission to build is not possible as a result of a lack of a proper sewerage system to service housing estates. These people also cannot get planning permission to build outside the towns and villages because such build is deemed urban-generated rural development. This is causing major problems and putting pressure on the towns and villages that have treatment plants in place.

There is another problem regarding the transfer of water services to Irish Water in that the company no longer has responsibility for maintaining, repairing or replacing combined drain and water connections to domestic premises that were previously maintained, repaired and replaced by the water services in each local authority. Refusal by Irish Water to maintain such drains causes huge difficulties within a row of houses where a blockage may occur at one private property and the responsibility falls to the owner of that property to repair the drain, even though a large number of properties might be serviced by that pipe. This issue could have huge financial consequences for a particular family, not to mention the health and safety issues that could arise when a drain is blocked for a number of days while these issues are being resolved. Funding must be put in place for Irish Water to address these issues.

The motion calls on the Government to:

- increase and escalate investment in Irish Water to upgrade deficient waste water treatment systems, prevent pollution and avoid financial penalties;
- implement a capital investment programme to provide specifically for the development of waste water treatment systems in rural towns and villages to allow for sustainable development to continue;
- review the service level agreement between Irish Water and local authorities to provide a statutory mandate to Irish Water to repair and restore combined drains systems that were previously under the remit of local authorities;
- expedite progress by local authorities and relevant stakeholders, including Irish Water, in addressing a build-up of pending cases relating to housing developments not yet taken in charge under measure two of the NTICI;
- continue improving how treatment systems are operated, managed and maintained;
- address information shortfalls on the risks to marine life and fishing stock, and the condition of public sewers; and
- urgently prioritise full restoration of the funding provided for group water schemes and private well owners to levels commensurate or above the funding provided during the 2011-2016 period.

The latter funding has been reduced from €70 million to €20 million. This is causing major problems for new schemes and in the context of the taking in charge of old schemes, many of which, as my colleague stated, are being looked after by elderly people. It is time funding was put in place to enable these schemes to be taken in charge.

Another issue is the amount of water that is being lost by rural group schemes. These schemes are begging for the local authorities to take them in charge but the local authorities do not have the funding to do so. Local authorities also cannot put in place new schemes in particular areas because there is great difficulty in obtaining approval for them from the Department.

I welcome that the Government and the Opposition have accepted the motion. However, it is no good accepting the motion for the sake of doing so. The Government needs to put in place the funding to ensure that the actions called for in the motion are taken.

Deputy Mattie McGrath: I am delighted that the Minister of State will accept the motion and that we are supported by many of the Opposition parties but I am disappointed in some I see pontificating gach lá anseo. Every day of the week we hear Deputy Eamon Ryan from the Green Party talking about the environment and everything else yet he is not troubled by this very significant issue that affects rural and urban Ireland. We are not a bit anti-urban. Then there are our colleagues in the Social Democrats and Deputy Boyd Barrett, who want money for everything and champion the cause of the cannot pay, will not pay, want everything and pay for nothing brigade. Where are they when there are real issues for the people who have to pay all the time and who never minded paying and putting their shoulders to the wheel to dig the wells, develop and provide the water schemes, hold community meetings and collect the money. Ní neart go cur le chéile, as the adage of the meitheal goes. I can think of many water schemes I saw when I was coming home from school as a buachaill óg. I saw the men who worked on them before they even had JCBs. Then they got the equipment. I could talk about a scheme in

Tedavnet, in north Monaghan. My late father-in-law was its chairman for years and my sister-in-law runs it now. Eight hundred people are involved. It runs seamlessly. People pay €700 or €800 to collect and there is no problem. The charges Irish Water is looking for are in the tens of thousands. Like my colleagues, I praise the many engineers and the other people, including the clerks of works, the ordinary technicians and the footsoldiers, who develop many schemes and reservoirs. When Irish Water and big Phil the enforcer took over there was not a pipe. There was no water anywhere, only buckets. We had proper infrastructure and all we wanted was a little money to help keep it going and maintained.

I worked on this motion. I worked very hard with the Office of the Parliamentary Legal Adviser for several months to draw up a Private Members' Bill on the issue of combined drains. I want the Minister of State to clarify to me right now a statement he made a few minutes ago in this regard. The Bill was eventually deemed to require more than the incidental expenses allowable and was ruled out of order. As the motion mentions, the refusal to maintain such combined drains causes huge difficulties within rows of houses where a blockage may occur in a particular property. The Minister of State is wrong and I will correct him. These were built by local authorities, either by themselves or by contractors. The quasi-public pipe went along the front gardens or the back gardens and down to the public sewer at the road. That is a quasi-public pipe where it connects with several public mains. Why is this not taken in charge? I think it was trick-o'-the-loop. It must have been Hallowe'en when the transposition took place because this was deliberately left out. I thank the council officials and outdoor members who went in regularly and cleared the pipes with a Dyno-Rod jet or whatever else. Many pipes have dropped and shattered and toilet paper, etc., gets caught in the crevices. That needs to be sorted. It is not fair to Mary, Bidy or Tommy in their 90s to have blockages in their areas, with wastewater coming up into their porches in some cases. I have been in the houses. I have seen two or three instances of excrement coming up. The people in the houses up along the line are under pressure and have to hire the people with Dyno-Rod jets to come in. It is totally unfair and is discrimination against these people, and the Minister of State must sort it out. Such difficulties did not arise when the local authorities looked after water services. Irish Water, in its water services strategic plan, has noted that the management of sewage effluent from combined drains during times of periodic flooding is a key challenge. The Minister of State heard stories from all over the county tonight. Rivers are being polluted, our environment is being damaged, our waterways are being polluted and we need to do something about it.

The Minister of State mentioned Fianna Fáil and blamed whomever else for negotiating to get rid of water charges. Fine Gael acquiesced. It gave in. It should never have done so. It should have held the ground and turned off the taps for a while of the people who do not want to pay for anything and then they would pay. What about the man who has to go to the well, pay to repair his own well, and maintain the electricity? The electricity goes off when the frost comes and these men have to leg it out and put red lights on the wells. One will never know the value of water until the well runs dry, as I mentioned. The people who worked on and developed water schemes were pioneers.

There is no fairness for rural dwellers, urban dwellers or those from towns. Incidentally, there are 100,000-odd septic tanks in the city of Dublin, so it is not entirely an urban issue. I am surprised that An Teachta Ó Riain ón gComhaontas Glas - beidh an páirtí imithe le Páirtí an Lucht Oibre - was not here to debate this motion tonight. This is an issue that affects all of Ireland, irrespective of whether one is a rural or an urban dweller. I resent the fact that we have been bundled, like the bundled packages, into the Independent Alliance. We have nothing to do

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with the Independent Alliance of the Minister, Deputy Ross. He is only interested in big rugby balls, Garda stations and so on. We are interested in rural Ireland and ordinary people who pay their way and are willing to do so having a fair crack of the whip. All they want is a little support, a little cabhair - ní neart go cur le chéile - and to be let live in dignity and have clean water in which their kids can swim and bathe and safe drinking water and not to have the EPA hitting them with fines.

When the Minister of State goes to Europe - I do not know whether he wears a blindfold so he does not hang his head in shame-----

An Leas-Cheann Comhairle: The Deputy is in full flight. I have no option but to interrupt him. In compliance with the order of the House-----

Deputy Mattie McGrath: Níl sé 10 a chlog fós.

An Leas-Cheann Comhairle: I must put the question as it has been two hours.

Deputy Mattie McGrath: Níl two hours críochnaithe fós.

Question put and agreed to.

The Dáil adjourned at 9.55 p.m. until 9.30 a.m. on Wednesday, 7 November 2018.