



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

Ceisteanna ó Cheannairí - Leaders' Questions . . . . .	763
An tOrd Gnó - Order of Business . . . . .	772
Visit of President of European Court of Auditors . . . . .	775
An tOrd Gnó (Atógáil) - Order of Business (Resumed). . . . .	776
An Bille um an Ochtú Leasú is Tríocha ar an mBunreacht (Neodracht), 2018: An Chéad Chéim . . . . .	785
Thirty-Eighth Amendment of the Constitution (Neutrality) Bill 2018: First Stage . . . . .	785
Ministerial Rota for Parliamentary Questions: Motion . . . . .	787
Twenty-second Report of Standing Committee of Selection: Motion. . . . .	787
Disclosures Tribunal: Motion . . . . .	788
Ceisteanna - Questions . . . . .	788
Taoiseach's Meetings and Engagements . . . . .	788
Cabinet Committee Meetings . . . . .	796
Messages from Select Committees. . . . .	800
Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters . . . . .	800
Ceisteanna (Atógáil) - Questions (Resumed). . . . .	801
Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions . . . . .	801
Illness Benefit Payments . . . . .	801
Social Welfare Benefits . . . . .	807
JobPath Data . . . . .	809
Ceisteanna Eile - Other Questions . . . . .	811
Pensions Reform. . . . .	811
Social Welfare Appeals Waiting Times . . . . .	813
Pension Provisions . . . . .	815
Legislative Process . . . . .	819
Child Maintenance Payments . . . . .	821
State Pension (Contributory) . . . . .	823
Brexit Issues . . . . .	825
Jobseeker's Allowance Payments . . . . .	827
Saincheisteanna Tráthúla - Topical Issue Debate . . . . .	828
Hospital Staff. . . . .	828
Ambulance Service Provision . . . . .	831
Employment Rights . . . . .	834
Public Procurement Regulations . . . . .	837
Hallmarking (Amendment) Bill 2016: Order for Report Stage . . . . .	839
Hallmarking (Amendment) Bill 2016: Report and Final Stages . . . . .	839
African Development (Bank and Fund) Bill 2018: Order for Second Stage. . . . .	844
African Development (Bank and Fund) Bill 2018: Second Stage . . . . .	844
African Development (Bank and Fund) Bill 2018: Referral to Select Committee . . . . .	861
Housing Emergency Measures in the Public Interest Bill 2018: Second Stage [Private Members] . . . . .	861
Financial Resolutions 2019 . . . . .	886
Financial Resolution No. 4: General (Resumed). . . . .	886

## DÁIL ÉIREANN

*Dé Máirt, 13 Samhain 2018*

*Tuesday, 13 November 2018*

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

*Paidir.*

*Prayer.*

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

**Deputy Micheál Martin:** I have raised on a number of occasions in the House the value and importance of the hospice movement and the enormous public support it enjoys from many volunteers and the public generally who fund and contribute to hospices. In particular, I refer to Marymount in Cork, Blanchardstown, Raheny, Galway Hospice and the mid-west hospice in Milford, Co. Limerick. They are continually being disadvantaged by Government policy and left in unsustainable positions in terms of funding, recruitment and retention. The recent Workplace Relations Commission, WRC, agreement worsens their position and creates an unsustainable funding pathway for them to retain and recruit staff because essentially it breaks the historic link these hospices had with their HSE employees and confirms a two-tier workforce in perpetuity. The agreement covers only those who worked in the hospices at the time the FEMPI legislation was introduced. New people coming in are not covered. There is no retrospection.

The entire approach of Government for the past year and a half has been as mean-spirited as one can get towards these hospices. It is a slap in the face to the thousands of volunteers who support them and to the public who fundraise for them. It flies in the face of the national palliative care strategy, which the Government announced with fanfare last year. It is also contrary to the policies of Sláintecare, which recommends full integration of palliative care with acute hospital care within the health service. Hospices are an essential part of our health service; they are not an ancillary service. The Government's approach to pay policy has been to continue to treat them as an ancillary service. They provide community care, home care packages and vital interventions at critical parts of a person's journey with cancer or other serious illnesses. Their model is the one we should aspire to for other areas of care within our health services. They are enormously important in alleviating pressures on acute services. I met with representatives of Marymount Hospice yesterday. It costs approximately €20 million to run it on current funding, some €3 million of which is raised by the citizens of Cork and the surrounding region. The same can be said of Milford, Galway, Blanchardstown and Raheny, yet they are treated in a discriminatory manner by the Government, which must stop. In Marymount's case, as the people to whom I spoke made clear, they had to fund the pay restoration under the national agreement,

which cost €277,000 in 2017, €562,000 to date this year and is expected to cost €798,000 for the full year. They told me they cannot afford to deliver the current quantum of services. Decisions are under consideration and review about cuts to services. They had to cancel community visits to people and they are considering closing specialist palliative care beds in the hospice, which could happen as early as next January.

Is it not time to treat these hospices as essential parts of our health service, as other hospitals and health institutions are, and transition them to section 38 agencies in order that they can enjoy the same pay scales as everybody else within the HSE?

**The Taoiseach:** I acknowledge that the Deputy has raised the importance and value of our hospices and the hospice movement on many occasions. He often mentions Marymount, which he knows well, and St. Francis Hospice in Blanchardstown and Raheny, which I know well as a constituency Deputy. We have seen enormous improvements in recent years in end-of-life care and palliative care, ensuring more people die in a hospice or at home than in a hospital. This means that, in general, people who are in their final few days or weeks can pass away with dignity and comfort, managed in a pain-free environment, in a way that is much more difficult to do in a busy hospital. Those improvements will continue and new hospices are being provided in Wicklow and Castlebar, for example. There are also plans to develop palliative care in Drogheda and Waterford as well as the midlands, should we be able to come to an agreement among the different counties on an appropriate site.

As the Deputy mentioned, Sláintecare proposes that palliative care become universal, but it does not specifically propose that it be taken into the public sector as a section 38 agency. Rather, it proposes that it be universal. When I asked the Sláintecare team what that means, it said that it should be provided in all parts of the country because it is not now, or at least not to the extent that it is in other parts. There has been much Government support for hospices in recent years, such as for St. Francis Hospice, to which the Deputy referred, where the land was provided by the Government through my predecessor, the late Deputy Brian Lenihan, while the equipment and staffing were provided by this Government when we came to office.

The agreement to which the Deputy refers was brokered at the WRC. It acknowledges there is a difference between section 39 and section 38 bodies, as he will understand. The difference is that section 39 bodies are typically charities, private institutions and, in some cases, companies. They are not part of the public service and they are not owned by the public. The land and the buildings are not owned by the public, and nor are the pension liabilities or the debts. If some bodies want to move their classification from section 39 to section 38, we can consider and talk about that, but there will also be consequences to that, namely, relating to ownership, legacy pension liabilities, legacy debts, control, membership of boards and so on. These matters would have to be resolved. If some section 39 bodies are willing to give up some or all of their independence and transfer their lands and ownerships in return for becoming part of the public service, that is the type of thing we could discuss. The board of each individual section 39 body, however, would have to decide for itself that it wants to go down that road and it would have to be negotiated.

**Deputy Micheál Martin:** Words come cheap from Government. During the budget talks, the Taoiseach set his face against any consideration of bringing those agencies under section 38. He said it was not even being considered. He can make all the announcements he likes, such as the palliative care strategy or Sláintecare, but they mean nothing in the real world. When one comes face to face with the financial controllers of these institutions, who are trying their best

and have been moderate in their response, it is clear that the Taoiseach does not value them. He says he does. I get no pleasure in saying this but he does not value them, because if he did, he would not treat them as he does. He mentioned Wicklow. That will come in under Our Lady's Hospice in Harold's Cross. That means that it will be fully HSE aligned. The remaining hospices I mentioned will be further discriminated against. There will be a HSE hospice network while those in Cork, Limerick, Galway, Blanchardstown will be continually disadvantaged by the Government. The WRC agreement is a cover operation. The unions look after their members, which is their job. The Government gets to frustrate the whole thing for a year and a half and the Taoiseach can stand here and say that the Government has an agreement. In reality, behind the scenes, this puts an unsustainable strain on the hospices I mentioned. It is time for the nice words to end. People are no longer interested in the announcements that generate photo opportunities or the nice words that placate them in their daily duties.

**An Leas-Cheann Comhairle:** I call on the Taoiseach to respond. The Deputy has exceeded the time.

**Deputy Micheál Martin:** Marymount Hospice is losing staff because of this arrangement.

**An Leas-Cheann Comhairle:** I call on the Taoiseach to respond.

**Deputy Micheál Martin:** It has lost 11. The managers are cancelling community visits as we speak. They have been restrained up to now but this is not sustainable. I do not want the Taoiseach to say we can talk about it.

**An Leas-Cheann Comhairle:** I call on the Taoiseach to respond.

**Deputy Micheál Martin:** These hospices need to be sorted out. They are essential. I have been on about this for the past year but my comments have fallen on deaf ears from the Government.

**An Leas-Cheann Comhairle:** I call the Taoiseach to respond, please. I must have some control on the House and I must also think of backbenchers. While the topic is important, I must implement the rules and regulations.

**The Taoiseach:** It is welcome that we have a WRC agreement on pay. Negotiations ran for many months and we should welcome that thanks to the commission's work, with the co-operation of the unions and the Government's work, that there is now an agreement that provides for pay restoration for staff in section 39 bodies.

**Deputy Micheál Martin:** I do not agree.

**The Taoiseach:** That should not be dismissed out of hand. It was welcome.

I am not interested in platitudes either. I do not have the figures before me but I will dig them out.

**Deputy Micheál Martin:** It is being done. Midford Hospice has gone from 70% to 64%. The Government has reduced its contribution.

**The Taoiseach:** The increase in budgets for section 39 organisations compared to the HSE organisations has been greater over the past three years. I will produce those figures.

**Deputy Micheál Martin:** No, the Government has reduced its contribution to their revenue.

**An Leas-Cheann Comhairle:** The Taoiseach to speak without interruption.

**The Taoiseach:** The Deputy always interrupts when he hears the facts. I may be totally wrong, but I am not aware of any section 39 body that has asked to be taken over by the HSE and to be nationalised. If there are any that are willing to do that, we are willing to consider it.

**Deputy Micheál Martin:** We asked.

**The Taoiseach:** However, it must be done properly. We cannot have a repeat of what happened with the voluntary bodies. If they want to be taken over, the ownership and the assets must be handed over as well.

**Deputy Mary Lou McDonald:** The programme “Whistleblower” was broadcast last night on RTÉ television. It illustrated again in some detail the horrific treatment of Maurice McCabe for daring to speak out about Garda malpractice in the Cavan Monaghan division. We are agreed that Maurice is a good and honourable man of incredible strength. He, his wife, Lorraine, and their family deserve not only our support and solidarity but also our gratitude. For daring to speak out and for putting his head above the parapet, Maurice was smeared and bullied by fellow members of An Garda Síochána. He was the subject of the most despicable type of character assassination imaginable. That is a fact. The Charleton tribunal found that Maurice was “repulsively denigrated” for being nothing more than a good citizen and police officer. The tribunal also established that the then Garda Commissioner, Martin Callinan, undertook a most disgraceful attack on Maurice, aided and abetted by his press officer, Dave Taylor.

Against that backdrop, Maurice McCabe is justifiably pursuing legal action against the State and Martin Callinan. However, it has emerged in recent days that the State will pay Mr. Callinan’s legal fees, using taxpayer’s money, which is outrageous. Martin Callinan is a man who went around telling people falsely and without foundation that Maurice McCabe was a child sex abuser who should not be trusted. At the weekend the Taoiseach stated: “As a former State employee who is being sued in the course of his work it is the norm for the State to offer representation...”. However, I put it to the Taoiseach that this is not a normal case. Mr. Callinan has, of course, every right to defend himself in court but in this case, which is being taken by the person he repulsively denigrated, he should not get one red cent of State money. Setting out to destroy Maurice McCabe was his doing and he should face the consequences of his actions. The reputation of An Garda Síochána, as we all know, was deeply damaged by this episode. For the State to now come to Mr. Callinan’s aid by way of providing for his legal fees is simply not acceptable.

The decision taken by the acting Commissioner, Mr. Ó Cualáin, to recommend, under the Garda Síochána Act, that a defence be funded by the State was a decision taken before the tribunal had concluded and before it had found so heavily against Martin Callinan.

The State has already failed Maurice McCabe on numerous occasions and now it looks set to support the individual who went to extraordinary lengths to destroy his character. I want the Taoiseach to state categorically here this afternoon that this will not be the case. I want him to ensure that Mr. Callinan funds his own legal defence.

**The Taoiseach:** First, once again, I want to take this opportunity to acknowledge Maurice McCabe, the enormous service he has done to this country and his honesty and decency. As I said in the past, I believe he is a distinguished member of the Garda and a good example of the kind of person we want to have in our police force.

When it comes to what we do next, I believe the most important thing is that we do right by Maurice McCabe and his wife, Lorraine, even if that is coming rather late in the day. Some people will have seen the programme on RTE television last night and for many people who have not met Maurice McCabe and do not know him this may have been the first time they had a chance to hear his voice and understand what he, his wife and family went through for nearly a decade merely for telling the truth and merely for having the courage to expose and stand up to wrongdoing and malfeasance in the organisation, for which he worked, and how he was treated not just in some cases by senior people in the Garda but also by his peers. It is really sad to see that in our public service, when somebody in a public service position points out what is wrong and their own peers, instead of supporting them, turn on them. That was really sad to see.

The Deputy is correct to say that this is not a normal case. It is not. The decision to offer State representation to the former Commissioner, Mr. Callinan, was made in July. That was prior to the report of the disclosures tribunal and was done in accordance with section 48 of the Garda Síochána Act. We now have a tribunal of inquiry established by this House and that tribunal of inquiry has made findings. That allows us to review the position, and the position is being reviewed at the moment.

It is important to say that the fact the State is offering and providing legal representation to the former Commissioner, Mr. Callinan, does not mean the State will pay for the defence or even necessarily that there will be a defence. I would like to see this case settled, and I hope it can be settled to the satisfaction of Maurice and Lorraine McCabe sooner rather than later. I have also asked the Attorney General to advise the Government and to give us legal advice on whether we would be in a position to pursue both the former Commissioner, Mr. Callinan, and also Mr. Taylor for a contribution to any damages that may be paid. The Deputy will also be aware that it is open to Mr. Justice Charleton, as head of the tribunal, to pursue a similar process in respect of tribunal costs should he feel those witnesses, or any witnesses, did not fully co-operate with the tribunal.

**Deputy Mary Lou McDonald:** I thank the Taoiseach for that answer. I very much hope we can get clarity and finality on these matters. We are agreed that this is not a normal case. In fact, it is exceptional. We are agreed that Charleton found against Martin Callinan and that the tribunal's report has been accepted by the State. We are also agreed that it would be a contradiction in terms unthinkable for the State, on Mr. Callinan's behalf, to enter any form of defence. That simply would not make any sense at all.

The Taoiseach said this matter is being reviewed, which I welcome. When will we have the outcome of that review? When will we know for certain that not a red cent of taxpayers' money will be used to defend Mr. Callinan? If this case is settled - I agree with the Taoiseach that it ought to be and speedily - will Mr. Callinan and others be pursued for costs?

**The Taoiseach:** Until we receive the legal advice from the Attorney General and others, I cannot answer the question. I would like to be able to answer it as soon as possible. I do not want to have the Government take action without knowing what we can do legally. We do not want to find ourselves costing the taxpayer even more money by making a decision that might appear to be the right one but without having done the correct analysis first.

The Minister for Justice and Equality met Sergeant McCabe and his wife to apologise in person on behalf of the State for the manner in which he was treated. The new Garda Commissioner, Drew Harris, has done the same.

In accordance with section 48 of the Garda Síochána Act 2005, the Minister, on the recommendation of the then Garda Commissioner, approved to grant State representation to Mr. Callinan for the purpose of that case. That was done in July before the tribunal reported. He, along with all other parties in that action, is currently represented by the Chief State Solicitor's office. It is important to say on the record of the Dáil that State representation does not constitute an undertaking or a grant of indemnity. That has never been granted. Nor does the granting of representation imply that the case is going to be defended. It just means that the party is legally represented.

**Deputy Brendan Howlin:** Perhaps the Minister for Justice and Equality will come to the House either later today or tomorrow to tease out those matters in some detail.

I want to raise a different issue, namely, the gap between the earnings of men and women, which worsened from 12% in 2002 to 14% according to the most recent figures from the Central Statistics Office, CSO. That means women are working for more than a month free of charge compared to men annually. One of the great benefits of joining the European Union was a requirement of equal pay for equal work, as well as the abolition of the naked bias, such as the law which required women to leave the public service on marriage. We brought in equal pay legislation in 1974 - a long time ago - but we still await pay parity. In the past, this was explained by differences in qualifications between men and women. Today, however, significantly more young women than men have third-level qualifications. Previously, we might have explained that the pay gap happened because many women stopped working while their children were in school. This is no longer the case for a great number of families.

There is a gender difference in the professions taken up by men and women which, in turn, might explain some of the differences in pay. There is a question, however, about whether we value women's work as much as we do that of men. There is a real question as to whether men and women are being paid equally for the same work.

The Labour Party has progressed legislation through all Stages in the Seanad for the mandatory reporting by larger companies of the levels of pay by gender. The Government has promised its own legislation in this area but it has not been delivered. We are happy to work with the Government through all Dáil Stages to ensure this legislation can be swiftly enacted into law. We know mandatory reporting has worked in other countries and we believe it will work here. In some cases, companies may not even be aware of the extent of the wage differences in their own workforce. Ignorance is no excuse, however. The legislation which the Labour Party has put forward would remove that excuse. Does the Government agree that a 14% gender pay gap is both unacceptable and unsustainable? Will it undertake to support the Labour Party's legislation, which has already been passed by the Seanad, and help it through the Dáil as the swiftest mechanism to address this important issue?

**The Taoiseach:** The Government accepts that the gender pay gap of 14% is unacceptable, unfair and a hallmark of gender inequality in our society. The Deputy will also be aware that such pay gaps are not unique to Ireland and exist across the developed world, including, even, very progressive Nordic countries which have larger gender pay gaps than Ireland. However, that does not make it in any way acceptable. Equal pay for equal work was introduced in 1974 as a consequence of European law and it has made a real difference. More than 30 years later, however, we continue to have a gender pay gap for multiple reasons. One reason is that more women work on a part-time basis than men, which is often because women are still expected to bear the greater burden of caring in society, including caring for children and older people, and

are likely to work part-time as a result. That is not something that is simple to change. It can be changed, however, by providing more subsidised childcare, as we are doing, and by providing paternity benefit to men so that more men take up caring roles. That is one of the things that has to change.

Another issue is, of course, gender bias in promotions. I attended the National Gallery yesterday with the Minister of State, Deputy Mitchell O'Connor, for the launch of the actions we are taking in the higher education sector. This is just one example. While approximately 50% of the lecturers in our universities and institutes of technology are female, it is only 25% when one gets up to the professor level. It is evident that we need to put accelerators in place so that more women are promoted and in that way help to close the gender pay gap. The Deputy will be aware of the decisions we made in that regard yesterday. They are very progressive, albeit controversial in parts. On 26 June last, we approved the general scheme of the gender pay gap information Bill. The Joint Committee on Justice and Equality will carry out pre-legislative scrutiny on the general scheme on 21 November. That is in only eight days' time. I appeal to all parties in the House to get that scrutiny done quickly and before the end of the year so that we can proceed to legislate.

**Deputy Brendan Howlin:** That the gap in other countries is worse is, the Taoiseach says, no excuse and yet he uses it as an excuse. We have a vehicle in the Bill passed by the Seanad. We can pass it here readily. The notion that we will start a new Bill with pre-legislative scrutiny in a couple of weeks' time with no prospect of enactment in the current calendar year makes a nonsense of new politics. If the Government is serious about addressing the issue, it will surely not matter whether the Bill comes from the Labour Party or is drafted by Government. There was no fundamental issue with the legislation as it passed through the Seanad and, in fact, a promise to support it was made. Why will the Taoiseach not simply address this issue if he agrees that it is one of critical importance and that gender-biased pay is unacceptable? Let us start the process by shining a light on companies' pay bills and determine how exactly they fare in gender-focused pay terms. I ask the Taoiseach again to simply accept the legislation. If he wants to amend it on Committee Stage, let us do that but let us also get this done rather than pretend to want to address it while resisting the mechanism for doing so when it is presented.

**The Taoiseach:** I was not attempting to offer an excuse. While we have a long way to go, no one can dispute the Government's good record. It has done a great deal in respect of gender equality and advancing the rights and freedoms of women in our society. I mentioned it simply to point out the complexity of the issue. It surprises people to hear that some of the Nordic countries with subsidised childcare and a long-standing history of gender equality and progress have larger gender gaps than Ireland. That demonstrates the number of factors in play and how what may appear to be solutions at first glance prove not to be so on further examination. I do not wish to engage in a contest with the Labour Party on this matter. Rather, I want the legislation to be passed.

**Deputy Brendan Howlin:** Hear, hear.

**The Taoiseach:** I do not care whether the Government Bill or the Labour Party Bill goes first or who gets credit for it. However, the Government has some difficulties with the Labour Party Bill as it empowers the Irish Human Rights and Equality Commission to draw up a gender pay gap reporting scheme but leaves the decision on whether to do so at its discretion.

**Deputy Brendan Howlin:** We can change that.

**The Taoiseach:** The Labour Party Bill would require many amendments to make it acceptable to the Government, including amendments to the Long and Short Titles. For those reasons, we would rather proceed with the Government Bill.

**Deputy Brendan Howlin:** To change the Title of the Bill is a big barrier.

**The Taoiseach:** I am not interested in a contest with the Labour Party over the credit for bringing forward the legislation which will be before the joint Oireachtas committee in eight days' time. Let us get it done.

**Deputy Brendan Howlin:** Pre-legislative scrutiny is not the normal starting point.

**Deputy Ruth Coppinger:** Eight months ago, thousands of people took to the streets following the Belfast so-called rugby rape trial. We protested the treatment of the young woman involved at her clothing being passed around the jury. This week, another young woman suffered humiliation during a rape trial in Cork. We cannot comment on the verdict in the case but we need to focus on the lessons. Why has nothing yet been done to stop the routine use of rape myths in trials? How concerned is the Government about the chilling effect this is having on victims coming forward? A barrister told the jury to "look at the way she was dressed", that she was "open to meeting someone" because she was "wearing a thong with a lace front". A 17 year old was put in the dock for her choice of underwear. She was "open to meeting someone": the implication was that she was asking for it.

Women in this country are getting a little bit weary of the routine victim-blaming in Irish courts and the failure of lawmakers in this House to do anything about it. Either the Judiciary believes these rape myths, in which case judges should be forced to undergo education - it should not be voluntary - or they are being used to introduce sexist stereotypes which they know exist in society and among juries. I suspect the latter. Recently we have seen clothes, fake tan and even contraception being used to discredit women who have the bravery to go to court. The most recent study by the Rape Crisis Network estimated that, at best, 10% of rapes are ever reported and only one in 40 rapes is appropriately punished. How heroic must one be and what levels of fortitude must one have to pursue a rape trial in this country, particularly when research shows there is less chance of the accused being convicted if the complainant is young, knew the rapist, had consumed any alcohol or drugs or is from a working-class background and up against a well-paid lawyer?

We do not have data in this country because of the lack of funding for an updated Sexual Assault and Violence in Ireland, SAVI, report, but the Trades Union Congress, TUC, in Britain found that 63% of 18 to 24 year olds have experienced sexual harassment at work, as have 69% of hospitality workers and 67% of manual workers. Last week, Google workers effectively took strike action protesting sexual harassment and inequality even though they do not have a union. The #MeToo campaign has to be taken into the workplace and into society. Women and men see the necessity of taking action because they cannot wait for the pace of change being offered by this Parliament. Protests against the conduct of the trial will take place in five cities, including rallies at the Spire in Dublin and on St. Patrick's Street in Cork at 1 p.m. tomorrow.

It might seem embarrassing to show a thong here in this incongruous setting of the Dáil, but the reason I am doing it is, how do you think a rape victim or a woman feels at her underwear being shown in the incongruous setting of a courtroom? When will this Dáil take serious action on the issue of sexual violence?

**The Taoiseach:** I thank the Deputy for raising this important issue which is of enormous concern to the Irish public, both men and women. Let there be no doubt that nobody asks to be raped and it is never the fault of the victim. It does not matter what one wears, where one went, whom one went with or whether one took drugs or alcohol. Nobody who is a victim of sexual violence or rape is ever to blame for the crime committed on them. I believe any defence on those lines is absolutely reprehensible. Let me put that very clearly on the record of this Dáil.

In terms of any individual court cases, the Deputy knows how the courts work. We live in a democracy. This is Parliament. Parliament is separate from the courts. When there is a prosecution, there is a defence. The judge and jury hear all the evidence presented during the trial. The jury comes to a decision on whether there is a conviction and then the judge rules on an appropriate sentence. We cannot interfere in the way individual court cases are conducted. However, I believe we need to examine this matter. A review has been established under the chairmanship of Tom O'Malley, who is a recognised expert in this area. He will look at issues like the evidence offered, the protocols, the practice and the procedure to see whether we can improve how such trials are conducted.

**Deputy Ruth Coppinger:** The point is that this Dáil has not taken sexual violence and harassment any way seriously enough, in comparison to the level of anger and outrage that exists in society. We need massive legal changes. We need a discussion about consent throughout the length and breadth of society. The Government could start this process by approving the Provision of Objective Sex Education Bill 2018 immediately. This Bill, which has been proposed by Solidarity, has consent at its core. Will the Taoiseach give a commitment to have compulsory training for the Judiciary and for juries? Provision should also be made for advocates for survivors. If we put the survivor at the centre of this process, we will ensure we do not maintain the current high attrition rate for sexual cases. Most people have to wait two or three years to have their cases heard. All the cuts to the rape crisis centres imposed over the last decade need to be reversed. This will ensure the centres can do the type of research that is necessary. Will the Government set up the specialist Garda units that were apparently dropped, for whatever reason? We know there is a report coming from Tom O'Malley. Change is happening in a piecemeal manner and at a snail's pace, especially in the context of the feminist revolt in society, which is a huge global phenomenon. I encourage people to come to the protest. That is what forces the political establishment to act.

**The Taoiseach:** It is important to record what this Oireachtas has done. In the past couple of months, we have passed and enacted new domestic violence legislation and gender-based violence legislation. That will enable us to sign the Istanbul Convention on domestic violence and gender-based violence. In terms of services for the Rape Crisis Network, as the Deputy will be aware, Tusla is the funder of domestic, sexual and gender-based violence services. The budget for such services has been increased to €23.8 million, which represents an increase of €3.4 million from 2016 to 2018. I know that some individual service providers and advocacy bodies have had their funding reduced. Others have had it increased. Overall, there has been an increase in funding for these areas. We have put a significant effort into the whole issue of consent. This has involved workshops with professionals. A particularly big effort has been made in education - in our schools and universities - to make sure those discussions are happening.

**Deputy Ruth Coppinger:** Students are having to fund such initiatives themselves. They are not funded by the Government.

**An tOrd Gnó - Order of Business**

**An Leas-Cheann Comhairle:** I call on the Minister of State, Deputy Kyne, to announce the Order of Business.

**Minister of State at the Department of the Taoiseach (Deputy Seán Kyne):** Is é gnó an lae inniu ná Uimh. 19, tairiscint maidir le róta na hAirí i gcomhair ceisteanna parlaiminte (An Roinn Gnóthaí Eachtracha agus Trádála agus An Roinn Cosanta); Uimh. 20, tairiscint maidir leis an 22ú tuarascáil ón gcoiste roghnóireachta agus maidir le ceapadh Cathaoirleach; Uimh. 21, tairiscint maidir leis an mBreitheamh Seán Ryan a cheapadh mar chomhalta ar an mBinse um Nochtaí Cosanta; Uimh. 37, An Bille um Shainmharcáil (Leasú) 2016 - Ordú don Tuarascáil, An Tuarascáil agus an Chéim Dheireanach; Uimh. 11 - An Bille um Fhorbraíocht na hAfraice (Banc agus Ciste) 2018 - Ordú don Dara Céim agus An Dara Céim; Uimh. 38, An Bille Rialtais Áitiúil 2018 - An Dara Céim (atógáil); agus Uimh. 39 - Tairiscintí Airgeadais ón Aire Airgeadais 2018, tairiscint 4 (atógáil). Is é Gnó Comhaltaí Príobháideacha an lae inniu ná An Bille um Bearta Tithíochta Éigeandála ar Mhaithe le Leas an Phobail 2018 - An Dara Céim.

Is é gnó na Céadaoin ná Uimh. 12, An Bille Leasa Shóisialaigh, Pinsean agus Cláraithe Shibhialta 2018 - Ordú don Dara Céim agus Dara Céim; Uimh. 11 - An Bille um Fhorbraíocht na hAfraice (Banc agus Ciste) 2018 - An Dara Céim (arna hatógáil, mura mbeidh sí críochnaithe roimhe sin); Uimh. 38, An Bille Rialtais Áitiúil 2018 - An Dara Céim (atógáil); agus Uimh. 39 - Tairiscintí Airgeadais ón Aire Airgeadais 2018, tairiscint 4 (atógáil). Is é Gnó Comhaltaí Príobháideacha na Céadaoin ná Uimh. 59, An Bille um Údarás Forbartha Bhaile Átha Cliath (An Lárchathair Thuaidh) 2018.

Is é gnó an Déardaoin ná Uimh. 12, An Bille Leasa Shóisialaigh, Pinsean agus Cláraithe Shibhialta 2018 - An Dara Céim (atógáil); Uimh. 11 - An Bille um Fhorbraíocht na hAfraice (Banc agus Ciste) 2018 - An Dara Céim (arna hatógáil, mura mbeidh sí críochnaithe roimhe sin); agus Uimh. 38, An Bille Rialtais Áitiúil 2018 - An Dara Céim (atógáil). Is é Gnó Comhaltaí Príobháideacha an Déardaoin ná Uimh. 60, An Bille um Chomhroinnt Saoire agus Sochair Máithreachais, 2018. I refer to the report of the Business Committee dated 8 November 2018 in relation to today's business. It is proposed that the Dail shall sit later than 10 p.m. and shall adjourn not later than 11 p.m. Nos. 19 to 21, inclusive, shall be taken without debate and any division demanded shall be taken immediately. No. 58 shall conclude within two hours. If there are no further speakers offering on No. 39 either on Tuesday or Wednesday, the financial motions shall adjourn.

In respect of Wednesday's business, it is proposed that:

- (1) the Dáil shall sit later than 10 p.m. and shall adjourn not later than 11.15 p.m.;
- (2) No. 59 shall conclude within two hours; and
- (3) No. 39 shall resume not later than 10.15 p.m. and the order shall not resume thereafter.

In respect of Thursday's business, it is proposed that if the proceedings on No. 12 conclude after the weekly divisions, any division demanded shall be taken after the Order of Business on Tuesday, 20 November 2018.

**An Leas-Cheann Comhairle:** Tá trí mholadh os comhair an Tí. An bhfuil an moladh maidir le gnó an lae inniu aontaithe?

13 November 2018

**Deputy Bríd Smith:** Níl. Ba mhaith liom caint faoi sin. We have written to the Business Committee to ask for a slot of Government time, probably on Thursday, to have a full discussion on the Callinan-McCabe scandal because, despite what the Taoiseach says about the review, we are-----

**An Leas-Cheann Comhairle:** Are you looking for a slot on Thursday?

**Deputy Bríd Smith:** We are still facing a situation where a senior garda had threatened a Member of-----

**An Leas-Cheann Comhairle:** We have got the point. The Deputy does not have to elaborate.

**Deputy Bríd Smith:** -----the Oireachtas and is retiring-----

**An Leas-Cheann Comhairle:** There is no need to elaborate.

**Deputy Bríd Smith:** -----on a huge sum of money. That is what people in this country think is disgusting.

**An Leas-Cheann Comhairle:** There is no need to elaborate. We are all quite intelligent enough to know.

**Deputy Bríd Smith:** We are looking for a slot on it.

**An Leas-Cheann Comhairle:** The Deputy is asking a question about a Thursday slot. I call the Chief Whip.

**Deputy Seán Kyne:** I am happy to discuss that on Thursday morning at 10.30 a.m. If there is a change to the order, that can be made on Thursday.

**An Leas-Cheann Comhairle:** An bhfuil an moladh maidir le gnó an lae inniu aontaithe? Aontaithe. An bhfuil an moladh maidir le gnó an lae amárach aontaithe? Aontaithe. An bhfuil an moladh maidir le gnó an Déardaoin aontaithe? Aontaithe.

**Deputy Micheál Martin:** Deputy Cahill contacted me yesterday about a constituent of his who has been diagnosed with grade 3 cancer of the breast and had an appointment in the Mater hospital. I raise this in the context of the programme for Government, the cancer strategy and the timely attention to people in difficult situations. It is a very challenging diagnosis. The woman was given an appointment for 9 November last and was told to arrive fasting on that day at 7 a.m. She had to come up to Dublin the day before. People have to make arrangements when they are travelling from the country to Dublin hospitals. A phone call came to say the operation was cancelled along with 34 others because of some edict from on high. The Minister for Health was mentioned but I presume it was not someone at that level. There was a fear of overcrowding in the accident and emergency department and that there was a need to preserve beds and cancel what were considered to be elective procedures. No guarantees could be given as to when the procedures would take place or that such an event would not happen again.

This is not an uncommon phenomenon but it seems to be happening with greater frequency. It is an extremely worrying development because part of the success of cancer strategies has been the idea that elective treatment and treatment generally would be ring-fenced and that in the centres of excellence there would be timelines for treatment after diagnosis which would not

be breached by the pressures that acute services can impose on a hospital. I am aware of other hospitals where there are breaches and the timelines that were originally set down for treatment in the aftermath of diagnosis are not being met because of pressures on the acute tertiary hospitals.

Is the Taoiseach concerned about that? Will he investigate the situation - I can give him the particular details - and the wider issue that arises as a result of such cancellations of urgent intervention which seem to happen more frequently?

**The Taoiseach:** I am very sorry to hear that lady's operation was cancelled. It must be particularly distressing if a patient is travelling a long distance or if he or she has been psyched up for a procedure or has to fast for a prolonged period. What the Deputy mentioned does happen. Operations are regularly cancelled, unfortunately, where overcrowding occurs in hospitals. That is done for good reasons. The Deputy mentioned that overcrowding in hospitals can have an impact on mortality and morbidity, and that is why elective operations are cancelled far too frequently.

With regard to the solution, first, bed capacity must be increased. An extra 250 beds were put into the system in the last year alone. We have proposals now to develop elective hospitals that do not have emergency departments so they do not get overwhelmed on a busy day and operations do not get cancelled. We have a bit of that already with Cappagh hospital and some other hospitals-----

**Deputy Micheál Martin:** We have those but it is the tertiary centres that deal with-----

**The Taoiseach:** -----and also moving more procedures to quieter periods, such as weekends, when hospitals are less likely to be overcrowded.

**Deputy Mary Lou McDonald:** The Finance Bill is currently making its way through the Dáil and is due back in the House next week for Report Stage. In the aftermath of the budget, the leader of Fianna Fáil said he would seek additional tax breaks for landlords in the Bill. We never got to the bottom of what precisely those would be. However, I want to know whether the Taoiseach will provide a tax break for renters.

Yesterday's quarterly rental report from *daft.ie* shows rent has risen to an all-time high of €1,334 per month. In every single county in the State, the 4% rent pressure zone, RPZ, cap is being breached. In Galway city, a RPZ, average rent is 16% higher than in the same period last year. That is four times the 4% cap. Eighteen counties in addition to Galway show double-digit increases, including 20% increases in Limerick and Waterford cities. It is, therefore, time for the Taoiseach to accept that his approach to tackling spiralling rent increases has categorically failed. What we need if we are to tackle this crisis are an immediate three-year rent freeze and tax relief for tenants. Sinn Féin will reintroduce its amendments to the Finance Bill next week to provide such tax relief. The Government will then have the opportunity to do the right thing to help struggling renters, or it can do the wrong thing again alongside its partner, Fianna Fáil, and persist with introducing tax breaks for landlords instead. When this choice is made, we will then see whether the Taoiseach is on the side of renters or landlords. The choice is, of course, his. I would like to know whether he will support our amendments.

**The Taoiseach:** The Finance Bill proposes tax breaks for all workers - 1.5 million of them - as did the previous Finance Bill and the one before it.

**Deputy Mary Lou McDonald:** Not the low paid.

**The Taoiseach:** For the average household, that has resulted in a reduced universal social charge and reduced income tax of approximately €1,500 per year. That is the equivalent of a monthly rent or mortgage payment for most individuals in our society.

**Deputy Róisín Shortall:** Not if one is on low pay.

**The Taoiseach:** Deputy Mary Lou McDonald's proposal is to give a tax break only to renters. She proposes to do nothing for people struggling with mortgages or people who are living with their parents and struggling to raise money for a deposit. She proposes nothing for people who perhaps own a home already but who are struggling with other bills, such as bills for child-care. That is the difference. The Deputy wants only to single out individual groups in society and appeal to them.

**Deputy Mary Lou McDonald:** The difference is that I have asked about renters so it could be useful to respond on renters.

**The Taoiseach:** We want to do it for everyone.

**Deputy Brendan Howlin:** In the third interim report of the disclosures tribunal, Mr. Justice Peter Charleton states Sergeant Maurice McCabe was "repulsively denigrated" for being no more than a good citizen and police officer. In those circumstances, the people are rightly angry and frustrated by the idea that the people's money would be used to fund former Commissioner Callinan's legal defence. When this matter was raised, I asked if the Minister for Justice and Equality would come to the House for a discussion on it because there are legal difficulties involved. It is important that people are indemnified. Otherwise, the victim would get no money. There are many issues on which we need clarification. Will the Minister for Justice and Equality facilitate some type of interaction whereby we can ask questions and have clarity on this? It is a matter of great public concern.

**Minister for Justice and Equality (Deputy Charles Flanagan):** I acknowledge what the Taoiseach and the Chief Whip said earlier in response to questions. I will be happy to engage in any form of debate the Deputies deem appropriate, be it by way of Topical Issue, general statements or time in that regard. I am in the hands of the Business Committee. However, the Government's priority is that the civil actions that have been issued by the former Garda sergeant, Mr. Maurice McCabe, against various interested parties would be settled at the earliest opportunity, having regard to the report of the disclosures tribunal and the comments of Mr. Justice Charleton. I met Mr. McCabe and his wife recently and I apologised again on behalf of the State. I also told him that I fully accept the findings of the tribunal. The next step is to proceed in conjunction with the legal advisers and the Attorney General towards a settlement of the civil actions. I remind Members - if they need reminding - that this is not something that will be discussed on the floor of the House.

### **Visit of President of European Court of Auditors**

**An Leas-Cheann Comhairle:** Before proceeding with business, I wish, on my behalf and on that of the Members of Dáil Éireann, to offer a céad míle fáilte, a most sincere welcome, to

a former colleague in the European Parliament who is now president of the European Court of Auditors, Mr. Klaus-Heiner Lehne, and his colleague, Mr. Tony Murphy. The president is on a short visit to Leinster House to meet a number of Oireachtas committee chairs and Government representatives. He is most welcome to Leinster House and I hope he finds his visit useful and to our mutual benefit. Tá fáilte romhat.

### **An tOrd Gnó (Atógáil) - Order of Business (Resumed)**

**Deputy Richard Boyd Barrett:** The programme for Government has a chapter of extensive commitments from the Government to people with disabilities, particularly to provide them with access to the maximum supports necessary for them to participate fully in society. Against that background, members of the visually impaired and blind community in the south-east Dublin region, basically from east Wicklow up through Dún Laoghaire to Ringsend, were shocked and distraught to discover that the National Council for the Blind of Ireland, NCBI, which is mainly funded by the HSE, intends to close down its office in Dún Laoghaire. I was protesting with them on Friday and some of them believe they will be lost, isolated and left with nothing in terms of the brilliant supports that are provided by the NCBI if this office closes. They have been told that the only option is to travel to Tallaght or Drumcondra, which will be impossible for many of these service users. Will the Taoiseach contact the HSE about this? If this NCBI office closes down this will be the only HSE community healthcare organisation, CHO, area in the country that will be without an NCBI office. It cannot be allowed to close down.

**The Taoiseach:** I do not know the details about it but I will check what is the position. The HSE's budget for next year will increase by over €1 billion so I would like to understand why such a service is being removed. I will check into it.

**Deputy Michael Collins:** On page 113 of the programme for Government, in a section which deals with agriculture and the marine, the Government states that it will encourage banks within and from outside the State, including the European Investment Bank, to make competitive rates available to farmers with repayment options tailored for farm incomes. The reality is that over 28,000 acres of Irish farmland, almost 1,000 of the acres being in County Cork, are under the control of vulture funds but the Minister for Finance, Deputy Donohoe, has washed his hands of the issue. What real steps is the Government taking to save borrowers from these vulture funds? Will the Taoiseach stand idly by while families are pulled out of their homes and farms?

**An Leas-Cheann Comhairle:** Is the Taoiseach in a position to answer that? If not-----

**The Taoiseach:** I will try to come back to the Deputy with a more detailed answer but I would point out to Members that this House rather foolishly passed a resolution that the Department of Finance and the Minister for Finance could not engage with the so-called vulture funds.

**Deputy Róisín Shortall:** The Taoiseach referred to the fact that he is taking legal advice from the Attorney General in respect of the two senior gardaí at the centre of the Charleton tribunal. In a general sense, would he accept there is an issue in the State where senior public servants whose performance has been less than satisfactory and, in some cases, grossly unsatisfactory, sail off into the sunset with large lump sums and generous public service pensions?

Would the Taoiseach commit to exploring the possibility of ensuring that such pension benefits would be contingent on their satisfactory performance while they are in the job? This issue arises from time to time. It seems we are incapable of dealing with it and we need to introduce primary legislation to change the terms of employment for senior public servants.

**An Leas-Cheann Comhairle:** This matter may come under the Order of Business or the programme for Government, if it is appropriate.

**The Taoiseach:** I do not believe it is in the programme for Government, but I understand where Deputy Shortall is coming from. Many members of the public, and I too, get extremely annoyed seeing people who have been involved in wrongdoing sailing off into the sunset with very generous pensions and very generous lump sums. The question is whether there is something we can do about it. We have to consider two things. Firstly, pensions in Ireland are property rights. If a person pays into it-----

**Deputy Róisín Shortall:** Would the Taoiseach accept-----

**The Taoiseach:** For everybody who pays into their pension, it then becomes an entitlement. It is not a gift, it is something into which people have paid. We have to consider pension rights and property rights and whether or not the public would want to give us the power to take away somebody's pension rights.

The second issue that would need to be considered is due process. While there are people who have sailed off into the sunset with very generous pensions and lump sums, there are also those people who have been very unfairly hounded out. We would need to make sure there is due process in that regard, and consequences for those people who have hounded them out.

**An Leas-Cheann Comhairle:** With a bit of co-operation from Members, we can continue. Deputy Eamon Ryan indicated but there is just one question from whoever is the leader for the day, so the Deputy will be down further. The Deputies are a group. We will move on to-----

**Deputy Róisín Shortall:** It is part-----

**An Leas-Cheann Comhairle:** I am sorry but the Deputies cannot have it both ways. Deputy Ryan is on the list. The allocation of time has to be decided by the Deputies.

**Deputy Eamon Ryan:** I will talk to the Leas-Cheann Comhairle separately. I must leave to attend a committee now.

**An Leas-Cheann Comhairle:** We will try to accommodate the Deputy later, or at another time. I call Deputy John Lahart. Does his question concern the Order of Business or the programme for Government?

**Deputy John Lahart:** It comes under the programme for Government. Although delaying a plebiscite for the people of Dublin on whether they should choose to directly elect a mayor, and in doing so reversing previous commitments given by the Tánaiste, the Taoiseach has agreed and committed to constituting a special citizens' assembly of Dubliners. We welcome this measure if only for the reason that such a citizens' assembly would probably end up being even more radical than those on this side of the House who are proponents of a directly elected mayor. Will the Taoiseach confirm - this is important - that the 100 members of the proposed citizens' assembly would be drawn exclusively from the electoral registers of the four Dublin local authorities?

**An Leas-Cheann Comhairle:** Proposed legislation.

**The Taoiseach:** It is proposed to bring a memo to Cabinet to establish this citizens' assembly before the end of the year and to allow it to do its work in 2019. I can confirm that the citizens will all be from Dublin city and county and not from the surrounding counties. It is not intended that the directly elected Dublin mayor will have jurisdiction over parts of Meath, Kildare or Wicklow. I am happy to reassure people of that.

It may be the case, however, that all the 100 people may not be just citizens. There may be a case made for including on the assembly a certain number of councillors or Oireachtas Members from Dublin. This would follow the model of the Constitutional Convention rather than the Citizens' Assembly.

**An Leas-Cheann Comhairle:** I call Deputy Michael Healy-Rae and I ask him to try to think of his colleagues with regard to time.

**Deputy Michael Healy-Rae:** On the programme for Government, it has recently been announced that the VAT rate is being increased at the end of this month from zero to 23% on food supplements such as vitamins, minerals and health supplements in general.

This is totally outrageous. It is going to affect those businesses but it is also going to affect the health of people who rely on natural methods in order to stay healthy. We have many health food stores and to go from zero to 23% in one jump is outrageous. I ask the Government to reconsider this outrageous proposal.

**Deputy Brendan Howlin:** Hear, hear.

**An Leas-Cheann Comhairle:** Is the Taoiseach in a position to answer?

**The Taoiseach:** I am not. I will have to ask the Minister for Finance to provide a reply to the Deputy. It is probably an adjudication under the EU VAT directive rather than a decision of Government. When it comes to food supplements, my advice is *caveat emptor*. Food supplements very rarely do anything for our health. They are mostly snake oil and just cost people money.

**Deputy Michael Healy-Rae:** The Taoiseach may tell that to the health food stores.

**Deputy Pat Casey:** On page 103 of the programme for Government, long duration in direct provision is acknowledged to have a negative impact on family life. As a result, we are committed to reforming the direct provision system, with particular focus on families and children.

*3 o'clock* Given the recent announcement by the Department of Justice and Equality that it has leased the only hotel in Wicklow town, namely, the Grand Hotel, as a direct provision centre for up to 100 people, including families, how does that action form part of reforming the system? Equally, in the context of town and village renewal - dealt with in the section on urban renewal and tourism - the Government made announcements regarding Wicklow town in the context of enhancing the visitor experience, giving additional funding to Tidy Towns to reach gold medal status and providing LocalLink services to Wicklow and Glendalough.

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

**Deputy Pat Casey:** Only two weeks ago, the Minister launched the tourism strategy for

Wicklow and assigned a task force for the east coast greenway for Wicklow town. How does leasing the only hotel in Wicklow town for direct provision contribute to these strategies? People in Wicklow town have not been consulted on this. Where is the joined-up thinking?

**An Leas-Cheann Comhairle:** Deputies Eugene Murphy and Brady have similar questions. Deputies should think of their colleagues, not me.

**Deputy Eugene Murphy:** This was the reason I had my name down to speak. I raised the issue with the Minister for Agriculture, Food and the Marine, Deputy Creed, when he was standing in for the Taoiseach last week. We have a similar position in the village of Rooskey, County Leitrim, which is only eight miles from my home. I want to repeat what I said last week. We know we have responsibilities to those people and that is not what I am questioning today. There is a veil of secrecy around how this matter is being dealt with and it is not good enough. We must end direct provision. It is simply not the way to do this. To be honest, I refer to the herding of these people into hotels, as is happening in Wicklow and Rooskey, as legalised people trafficking. That is what it is.

**Deputy Charles Flanagan:** That is outrageous.

**Deputy Eugene Murphy:** We have to tackle this issue. The way it is being dealt with by the Government is not good enough. I want answers and so do Deputy Casey and others.

**An Leas-Cheann Comhairle:** Deputies Brady and McConalogue have similar questions but they must keep them short.

**Deputy John Brady:** I am deeply concerned that rather than trying to dismantle the shameful direct provision system, the Government is seeking to expand it and open a direct provision centre in Wicklow town. It must be remembered that Fianna Fáil created and established the direct provision system. It was meant to be on a temporary basis for up to six months for people seeking international protection and asylum. The Taoiseach will be aware that all the NGOs representing asylum seekers have voiced serious and deep concerns about direct provision.

**An Leas-Cheann Comhairle:** Time is short and Deputies should think of their colleagues. We are going to move on. We are running out of time.

**Deputy John Brady:** There are concerns about the use of the hotel in Wicklow town. I understand that there is an accommodation crisis for people seeking international protection but there are serious issues regarding direct provision. Does the Taoiseach share the concerns of those NGOs and are there going to be changes and a move away from the shameful use of what are described as the Magdalene laundries of our day?

**An Leas-Cheann Comhairle:** I appeal to Deputies to think of their colleagues. Our time is limited. Deputy McConalogue has a similar question.

**Deputy Charlie McConalogue:** My question is for the Taoiseach, the Minister for Justice and Equality, Deputy Flanagan, and the Minister of State, Deputy Stanton. It is in respect of the decision the Government is making on opening a reception centre in Merville, County Donegal. Will the Ministers and the Taoiseach ensure that there is consultation with the local community in advance of any final decision to proceed? I do not think it is the right way to go about things where such an important decision is made without involving the community that is being asked to welcome people in and to ensure they are well catered for.

**Deputy Eugene Murphy:** Hear, hear.

**Deputy Charlie McConalogue:** In the context of Merville, the proposal is to open a 100-person reception centre in a town that has a population of 1,500. There are two aspects to this, namely, the capacity of the town to cater for 100 additional people and the capacity of a 50-bed hotel to cater, in an appropriate manner, for up to 100 people.

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** I understand that colleagues here have concerns about these announcements. This year, we expect 3,500 applications for asylum. Last year, there were 3,000.

Asylum seekers are offered places and nobody is herded anywhere. Asylum seekers are free to take up places or not, as they wish. They are offered accommodation, food, warmth, a shower, etc.

We also had the Mr. Justice McMahon report on conditions, which included 173 recommendations to improve the accommodation systems, 98% of which have been fully or partially implemented. The Ombudsman for Children and the Ombudsman also visit the centres, listen to the people living there and take complaints.

If anybody has a better way of doing this, let him or her please tell me what it is because I have not heard it to date. Asylum seekers are guaranteed a bed, a shower and food, tonight or when they come to Ireland in these accommodation centres. We do not want people on the streets. That is the alternative, unless the Deputies can come up with something better.

**Deputy Eugene Murphy:** Lucrative deals for a small group of people making millionaires out of them.

**Deputy David Stanton:** The Deputies must come up with something better.

**An Leas-Cheann Comhairle:** The Minister of State, Deputy Stanton, without interruption.

**Deputy David Stanton:** I ask Deputies to not use the word “herding”. That is not the case.

**Deputy Charles Flanagan:** On a point of order, the Order of Business is a most unsatisfactory way of dealing with an important issue. I ask that the Deputies who wish to raise this issue might do so by way of Topical Issue and substantive debate.

**Deputy Eugene Murphy:** I object to that. That is outrageous.

**An Leas-Cheann Comhairle:** Let the Minister or his representative-----

**Deputy Eugene Murphy:** This is a lucrative deal.

**An Leas-Cheann Comhairle:** Let the Minister’s party and other parties find a better way. I am trying to implement the rules of the House and if there are Members here trying to circumvent them, I cannot think in advance for anybody. I am trying to advise Members to ask questions on the Order of Business or the programme for Government and I can do nothing more than that.

**Deputy Charles Flanagan:** This is not appropriate to the Order of Business.

**Deputy Eugene Murphy:** It certainly is appropriate. On a point of order, it is in the pro-

gramme for Government.

**An Leas-Cheann Comhairle:** I will allow questions relating to the programme for Government. That is the custom but if Members have difficulties, there is another forum where they can deal with this.

We have only one minute left. I will take a decision today I never took previously, that is, to cut it off. I call Deputy Cahill.

**Deputy Jackie Cahill:** In the programme for Government, there are commitments as regards fighting crime. Last week, we raised a number of issues concerning my own county in the House. We were told today that the Garda station in Templemore will close at 7 p.m. because of the ban on overtime. I am also told that the same will happen in Cashel. There is a Garda division in my county to which 52 gardaí are assigned and I am told by senior Garda officials that more than one third of those are not available for work at present with no replacements being assigned. If we are serious about fighting crime in urban and rural areas, these decisions need to be reversed.

**Deputy Charles Flanagan:** The Government is serious about dealing with crime, in particular, rural crime. The issues raised by the Deputy are operational and are primarily the responsibility of the Garda Commissioner. However, I am happy to pass on his concerns to Garda headquarters.

**An Leas-Cheann Comhairle:** I call Deputy Danny Healy-Rae and ask him to be brief.

**Deputy Danny Healy-Rae:** I believe the Bill progressing through the Dáil to cap contributions that farmers and small businesses must make to the fair deal scheme is being delayed because of legal issues. Many farmers have concerns that this Bill will not help them much because 100% of the value of their farms will still be assessed, which means 22.5% of the value of the family home can be used to pay for the person's care.

**An Leas-Cheann Comhairle:** It is a detailed question. The Deputy has exceeded the time.

**Deputy Danny Healy-Rae:** This will impose a severe difficulty for the young farmer who is trying to take over the farm.

**An Leas-Cheann Comhairle:** I ask the Deputy for co-operation. Is any Minister in a position to answer?

**Deputy John Brassil:** On the same issue, I raised prior to the budget the fact that 14,000 homes are currently vacant because their owners are in nursing homes availing of the fair deal scheme. The Minister of State at the Department of Health, Deputy Daly, gave an undertaking that he would review this with a view to trying to get some percentage of those properties into circulation to help deal with the housing and homeless crisis. Has he made any progress in that regard?

**Minister of State at the Department of Health (Deputy Jim Daly):** We hope to publish the heads of the Bill before year end. On the Deputy's point that it will not help farmers, I argue it will if it is capped at 22.5%. The present situation is up to 100% of the farm can be taken under the fair deal scheme. This would apply a cap at 22.5% so it would be far superior to the current arrangement. The review is still continuing. I hope by year end to have some progress on it. I note the Deputy's interest and I will keep him updated.

**An Leas-Cheann Comhairle:** I thank the Minister of State for his brevity.

**Deputy Micheál Martin:** How is the swimming going?

**An Leas-Cheann Comhairle:** I will try to accommodate Deputies providing I get co-operation.

**Deputy James Lawless:** The Taoiseach will be aware it is Science Week. I acknowledge that the Minister of State, Deputy Halligan, put on a cross-party event this morning and has more planned for during the week. I will return to a question I asked about funding this time last year at the start of Science Week. The Taoiseach will be aware that Horizon 2020 and the programme for Government committed to spending 2.5% of GDP on research and development funding. We are at about 1.6% or 1.7%, which is just over halfway there. When I asked the Taoiseach last year he answered me by saying there are many competing challenges such as housing, healthcare, transport and education, which I entirely acknowledge and agree with but which I do not see as being mutually exclusive. I will make that point. Spending on research and development can assist with our societal challenges if directed in the right way. We are not anywhere near 2.5%. That is our agreed target from Government. When will we hit that target? Where are we at in terms of meeting those commitments?

**The Taoiseach:** I appreciate what the Deputy said. I understand that target is not just for the Government. It is 2.5% of GDP from the entire economy. It is not solely down to Government to provide all the funding for science and research. Industry has to play its part as well. I do not know what the figures are for 2019 but I am confident there has been an increase in Government spending in that area. The Minister of State, Deputy Halligan, is doing a very good job in that regard and he really has taken to the whole issue.

I beg the indulgence of the Leas-Cheann Comhairle. I fear I may have done a disservice to the food supplement industry. I should rephrase. Instead of saying very rarely, I should say many food supplements have no proven health benefits but some, of course, do.

**Deputy James Lawless:** In Science Week it is okay to say these kinds of things.

**Deputy Brendan Howlin:** Spin central.

**The Taoiseach:** On that one, trust the science not the stuff on the label.

**An Leas-Cheann Comhairle:** The Taoiseach's clarity has been recorded.

**Deputy Micheál Martin:** Does that mean apple cider vinegar does not work?

**An Leas-Cheann Comhairle:** If I get co-operation, I will accommodate Deputies.

**Deputy Imelda Munster:** I refer to page 96 of the programme for Government. We desperately need more gardaí in Drogheda. I raised this on two occasions recently prior to the escalation of the ongoing feud. The situation in Drogheda now is frightening, dangerous and dire. I am personally aware of at least three mothers who have put their sons on planes out of the country in the past month alone for their own safety. Mothers have been pleading for help as homes are attacked and large sums of money are demanded of parents.

**An Leas-Cheann Comhairle:** What is the question?

**Deputy Imelda Munster:** I am coming to it. In one case, a family was informed its home

13 November 2018

was going to be attacked on a particular night. The Garda was made aware of the threat. The home was attacked and there was not a garda to be seen. I welcome the five arrests made at the weekend but the main instigators and organisers have still not been apprehended and the dogs in the street know who they are.

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

**Deputy Imelda Munster:** We desperately need extra resources.

**An Leas-Cheann Comhairle:** Please Deputy.

**Deputy Imelda Munster:** We need the same resources as Dublin and Limerick. Drogheda has never witnessed a state of lawlessness-----

**An Leas-Cheann Comhairle:** Deputy Munster is normally very orderly.

**Deputy Imelda Munster:** -----like this before. We really need the resources. Will the Government provide those extra resources in a time of need-----

**An Leas-Cheann Comhairle:** I will not give the Minister an opportunity to respond if the Deputy continues.

**Deputy Imelda Munster:** -----before somebody is killed?

**An Leas-Cheann Comhairle:** I try to accommodate and I think that is my problem.

**Deputy Charles Flanagan:** I understand there are issues of a very serious nature in Drogheda within the criminal justice system. I acknowledge a statement on the part of Garda headquarters to the effect that all leave in the Louth area has been cancelled with a view towards ensuring the issues raised by Deputy Munster will be satisfactorily dealt with.

**Deputy Imelda Munster:** Leas-Cheann Comhairle-----

**An Leas-Cheann Comhairle:** I call Deputy Butler.

**Deputy Imelda Munster:** This is too serious.

**An Leas-Cheann Comhairle:** I call Deputy Butler.

**Deputy Imelda Munster:** All leave is cancelled but there is nothing being done to deal with what is going on.

**An Leas-Cheann Comhairle:** I am not responsible for the Minister's answers.

**Deputy Imelda Munster:** The Minister gave a flippant answer the last time. Lives are at risk here.

**Deputy Brendan Howlin:** The Deputy is well over her time.

**Deputy Imelda Munster:** Lives are at risk.

**An Leas-Cheann Comhairle:** The Deputy will have to find another way-----

**Deputy Imelda Munster:** Leave being cancelled is in no way sufficient. We need extra resources like Dublin and Limerick got before somebody is killed. He does not give a damn.

**Deputy Charles Flanagan:** I reject that.

**Deputy Imelda Munster:** He does not give a damn.

**Deputy Charles Flanagan:** Of course I do.

**Deputy Mary Butler:** Page 19 of the programme for Government speaks about ending the housing shortages and mentions the difficulties facing people renting accommodation. The latest *daft.ie* report was extremely bad news for Waterford city which saw one of the biggest increases in the cost of rent by a massive 19.7% year-on-year with an average rent of €955. There is absolutely no end in sight for hard-pressed people trying to pay rent every month. Waterford was not included in the initial rent pressure zones for the 4% cap on rent increases. When will we see a review of the rent pressure zones to incorporate this new up-to-date data?

**Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):** I thank the Deputy for the question. We had the *daft.ie* report very recently. We have the report coming from the Residential Tenancies Board, RTB, in December for the third quarter. It works to a much more comprehensive data set. It will tell us that rents are increasing and that in many parts of the country rents are too high and unsustainably high for people who are trying to pay them and trying to get by and meet all those other bills.

**Deputy Brendan Howlin:** The controls are not working.

**Deputy Eoghan Murphy:** The rent pressure zones have been reviewed. Legislation will come to the House very shortly that will strengthen the rent pressure zones and also allow new enforcement powers for the RTB as well as the money that was provided to it in the budget for 2019. I am in discussions with the RTB on the qualifying criteria for the rent pressure zones because it is something we need to keep under review constantly as we continue to deal with the shortage we have in housing. The CSO has released recent data for increases in construction of housing completions which are continuing to trend upwards by the thousands each quarter.

**An Leas-Cheann Comhairle:** I will accommodate Deputies Durkan and Murphy O'Mahony.

**Deputy Bernard J. Durkan:** The Garda Síochána (compensation for malicious injuries) Bill has been mooted for some considerable time. In view of the importance of that legislation, when is it likely to come before the House?

**The Taoiseach:** In the next session.

**Deputy Margaret Murphy O'Mahony:** I thank the Leas-Cheann Comhairle for accommodating me. Under the programme for Government, the Government committed to enhancing mental health services. In west Cork there is a facility called Lisheens House which helps people with mental health difficulties and also tackles the huge problem of rural isolation in west Cork. It means that people no longer have to make the long journey to travel to the city for help. The facility has been refused section 39 funding. To add to the pain of the refusal, it had to wait for the decision. The decision about funding was due in March and it only heard in October it had been refused. Not only was it refused but it had to wait to hear of the refusal. Will the Taoiseach please guarantee funding for this fantastic facility and also explain why it had to wait so long for a decision?

**The Taoiseach:** The Minister of State, Deputy Daly, who was present in the Chamber, has

departed. The mental health budget next year will exceed €1 billion for the first time, including €55 million for development, so there is a big increase in funding in the area. It has been much acknowledged by people across the House. If it has been refused, I imagine it has been refused for a good reason but I will ask the Minister of State, Deputy Daly, to correspond with the Deputy.

**Deputy Eamon Scanlon:** On page 57 of the programme for Government there is a commitment to ensure appropriate care is in place to improve cancer services for patients and families. I will raise an issue in Sligo University Hospital. There was a day room for patients and families. The room has been closed for the past 20 weeks. The room was fitted out by public donations and was a great facility. The Taoiseach knows, as a medical person, the distress to patients and families. The room was there for families and in some cases for people to stay overnight when people were very sick. The room has been closed. I cannot understand why and I cannot get an answer. I would appreciate if the Taoiseach could talk to the Minister for Health and try to get some answers.

**The Taoiseach:** I do not know why that family room in Sligo University Hospital has been closed. I am sure the Deputy has asked the hospital manager why that is. I imagine that would be the right person to ask first rather than the Minister for Health.

**Deputy Eamon Scanlon:** I did that. I received no response.

## **An Bille um an Ochtú Leasú is Tríocha ar an mBunreacht (Neodracht), 2018: An Chéad Chéim**

### **Thirty-Eighth Amendment of the Constitution (Neutrality) Bill 2018: First Stage**

**Deputy Seán Crowe:** Tairgim:

Go gceadófar go dtabharfar isteach Bille dá ngairtear Acht chun an Bunreacht a leasú.

I move:

That leave be granted to introduce a Bill entitled an Act to amend the Constitution.

I am very happy to introduce this Bill with my colleague, An Teachta Ó Snodaigh. The Bill is similar to one I introduced in the Thirty-first Dáil and another one we introduced in this Dáil in 2016.

The Bill seeks to amend the Constitution to ensure Ireland will not and could not aid foreign powers in any way in preparation for a war, save with the assent of the Dáil. It also affirms that Ireland is a neutral State and that the State should have a policy of non-membership of military alliances. The continued use of Shannon Airport for foreign militaries to facilitate their ongoing wars, coupled with the increased militarisation of the EU and this State's deeper integration in the EU's military system through permanent structured co-operation, PESCO, ensures this

Bill is timely.

I will ask the Government and all parties and groups to support the Bill when it appears for debate and to stop undermining Irish neutrality. Sinn Féin believes that if Ireland followed a policy of positive neutrality, our State could make a highly significant contribution to the long-held global objective of peace and justice and the achievement of the goal of universal human security to which everyone has a right.

**Deputy Aengus Ó Snodaigh:** Mar a dúirt an Teachta Crowe, chuir mé an Bille céanna seo faoi bhráid na Dála roinnt uaireanta roimhe seo cheana féin ach go dtí seo níor glacadh leis in ainneoin tacaíocht tromlach mhuintir na hÉireann chun neodracht na tíre a shoiléiriú i mBunrecht an Stáit. Ní thuigim an eagla atá ag na páirtithe polaitiúla eile roimh an méid atá sa Bhille seo.

As far back as 1791, Wolfe Tone, in his first pamphlet, *Spanish War!*, argued that Irish neutrality and non-involvement in Britain's war should be the position of republicans. Some 120 years later in 1914, as the First World War or Great War, as some call it, was beginning, the Irish Neutrality League issued its first circular, which was signed by its president, James Connolly. Some 100 years after more than 40,000 or 50,000 Irishmen died in that imperialist war, the proud tradition of not aligning ourselves with belligerents and imperialists' resource wars is not enshrined in the Constitution. In fact, the opposite is the case, especially since 1997 when Fianna Fáil signed up to the NATO's Partnership for Peace.

This weekend I will open an international conference in this city. It is the first international conference against US and NATO military bases and it will be held in Liberty Hall on Friday. Guests from all around the world hold Ireland in such high regard that Ireland was selected for this conference, but that will not last if this Government, like recent others, continues to allow Shannon Airport to continue to be used as a US Army forward base, as it has been since 2002, or if it continues to go along with the likes of French President Emmanuel Macron or those in the European Commission, such as Jean-Claude Juncker, whose intention is to build a real European army through PESCO and so on and to have it in place by the middle of the next decade.

When the Bill appears on Second Stage, I hope the Dáil will reconsider how it has voted in the past. Although the numbers voting for Private Members' Bills have increased, I urge both Fianna Fáil and Fine Gael to consider their approach, not least in memory of the imperialist war and the effect it had on Ireland. Ireland has such a proud tradition internationally of not being aligned to one side or another in wars and, therefore, I urge Deputies to endorse the Bill in order that we can ask the people their opinion. Why is the Government continuously afraid of asking the people for their opinion on this issue? The only poll that was done on this issue in recent times showed an overwhelming majority of Irish people are in favour of the intent of this legislation and, therefore, I urge the Dáil to endorse the Bill when it comes before it again and allow the people to have their say. Perhaps we will, once and for all, enshrine neutrality in the Constitution.

**An Leas-Cheann Comhairle:** Is the Bill being opposed?

**Minister of State at the Department of the Taoiseach (Deputy Seán Kyne):** No.

Cuireadh agus aontaíodh an cheist.

Question put and agreed to.

13 November 2018

**An Leas-Cheann Comhairle:** Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

**Deputy Aengus Ó Snodaigh:** Tairgim: "Go dtógfáir an Bille in am Comhaltaí Príobháideacha."

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

Cuireadh agus aontaíodh an cheist.

Question put and agreed to.

### **Ministerial Rota for Parliamentary Questions: Motion**

**Minister of State at the Department of the Taoiseach (Deputy Seán Kyne):** I move:

That, notwithstanding anything in the Order of the Dáil of 12th December, 2017, setting out the rota in which Questions to members of the Government are to be asked, Questions for oral answer, following those next set down to the Minister for Culture, Heritage and the Gaeltacht, shall be set down to Ministers in the following temporary sequence:

Tánaiste and Minister for Foreign Affairs and Trade

Minister for Defence

whereupon the sequence established by the Order of 12th December, 2017, shall continue with Questions to the Minister for Finance.

Question put and agreed to.

### **Twenty-second Report of Standing Committee of Selection: Motion**

**Minister of State at the Department of the Taoiseach (Deputy Seán Kyne):** I move:

That Dáil Éireann:

(a) approves the Twenty-Second Report of the Standing Committee of Selection in accordance with Standing Order 27F, copies of which were laid before Dáil Éireann on 8th November, 2018, and discharges and appoints members to Committees accordingly; and

(b) pursuant to Standing Order 93(2), appoints Deputy Aengus Ó Snodaigh as Chair of the Committee on Culture, Heritage and the Gaeltacht.

Question put and agreed to.

## **Disclosures Tribunal: Motion**

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

That Dáil Éireann:

noting the publication of the third interim report of the Tribunal of Inquiry into protected disclosures made under the Protected Disclosures Act 2014 and certain other matters;

bearing in mind the modular approach to be adopted for the inquiry so that the work of the Tribunal could be continued and concluded, namely, as the second module, the matter at paragraph [p] of the Resolutions the text of which is set out in the recital to the Tribunals of Inquiry (Evidence) Act 1921 (Appointment of Tribunal) Instrument 2017 appointing the Tribunal established pursuant to Resolutions of Dáil Éireann and Seanad Éireann on 16th February, 2017, under the Tribunals of Inquiry (Evidence) Act 1921; and

resolves that the Tribunals of Inquiry (Evidence) Act 1921 (Appointment of Tribunal) Instrument 2017 appointing the Tribunal established pursuant to Resolutions of Dáil Éireann and Seanad Éireann on 16th February, 2017, under the Tribunals of Inquiry (Evidence) Act 1921 be amended to provide that, from the date of the making of the amending instrument—

(1) The Honourable Mr. Justice Seán Ryan, the former President of the Court of Appeal, be appointed as a member of the said Tribunal so that from that date the Tribunal shall consist of the Honourable Mr. Justice Peter Charleton, who was appointed by the Tribunals of Inquiry (Evidence) Act 1921 (Appointment of Tribunal) Instrument 2017 and the Honourable Mr. Justice Seán Ryan, and

(2) The Honourable Mr. Justice Peter Charleton, a Judge of the Supreme Court and member of the said Tribunal, shall be the chairperson of the Tribunal.

Question put and agreed to.

## **Ceisteanna - Questions**

### **Taoiseach's Meetings and Engagements**

1. **Deputy Michael Moynihan** asked the Taoiseach if he has met with Mr. Michel Barnier recently. [41065/18]

2. **Deputy Michael Moynihan** asked the Taoiseach if he and his officials have met with Mr. Donald Tusk recently. [41066/18]

3. **Deputy Micheál Martin** asked the Taoiseach if he will report on his visit to Brussels on 4 October 2018; the meetings he held; and the issues that were discussed. [41069/18]

4. **Deputy Micheál Martin** asked the Taoiseach if he will report on his meeting with Mr. Guy Verhofstadt on 4 October 2018; and the issues that were discussed and the responses he

received. [41803/18]

5. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on his recent meetings in Brussels on 4 October 2018. [43456/18]

6. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on his recent engagement with the President of the European Council, Mr. Donald Tusk. [43708/18]

7. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his visit to Brussels on 4 October 2018; the meetings he held; and if he has met with Mr. Michel Barnier. [43840/18]

8. **Deputy Joan Burton** asked the Taoiseach if he will report on his most recent meeting and conversation with Mr. Michel Barnier. [46824/18]

9. **Deputy Joan Burton** asked the Taoiseach if he will report on his most recent meeting and discussion with Mr. Donald Tusk. [46825/18]

**The Taoiseach:** I propose to take Questions Nos. 1 to 9, inclusive, together.

On 4 October, I travelled to Brussels for a series of meetings with the staff of the EU institutions ahead of an important phase of negotiations on the EU-UK withdrawal agreement. I met the President of the European Council, Donald Tusk, the chief EU Brexit negotiator, Michel Barnier, and the chair of the European Parliament Brexit steering group, Guy Verhofstadt. At all three meetings, I said we wanted the future relationship between the EU and the UK to be as close, comprehensive and ambitious as possible, but that it was essential that a legally robust backstop is set out clearly in the withdrawal agreement. I expressed my appreciation for the ongoing efforts of Mr. Barnier and his team in the negotiations with the United Kingdom and thanked all my interlocutors for their robust solidarity with Ireland. The EU proposals outlined in the draft protocol earlier this year are practical solutions to protect the gains of the peace process and to keep the Border as open and invisible as it is today. They represent no threat to the constitutional integrity of the United Kingdom.

We want to see a future relationship agreed between the EU and the UK that makes the backstop unnecessary once the period of transition ends, but that outcome cannot be guaranteed. The backstop must, therefore, be in place as part of the Irish protocol to offer full confidence that under no circumstances will there be a return to a hard border in Ireland. My interlocutors reaffirmed their solidarity with Ireland and reiterated their strong view that the UK is under an obligation to deliver on the clear commitments and guarantees that Prime Minister May gave in December, March and September if there is to be a satisfactory withdrawal agreement, including provision for a transition period to the end of 2020. I assure the House that these and other reassurances of solidarity that I receive in private are every bit as robust as those voiced in public. EU backing has been unwavering. Ongoing political engagement with our partners remains crucial and I will continue to take every opportunity to ensure our partners fully understand our particular concerns to enable the best possible outcome for this country.

Along with my fellow members of the European Council, I met Mr. Tusk and Mr. Barnier again at our most recent summit in Brussels on 17 and 18 October. I have seen President Tusk twice since then, including at the European People's Party conference in Helsinki. I also recently met President Juncker in Paris.

**Deputy Micheál Martin:** It is fair to say that recently there has been a significant amount

of coverage of the Brexit negotiations, but there continues to be little hard detail about what has been agreed. The practice of ongoing commentary caused many problems over the past year and it is understandable that the EU side is determined to allow maximum room to manoeuvre in the discussions. There is a desire to try to create some space to allow people engage in negotiations without megaphone diplomacy. It is noteworthy that Tony Connolly's piece last Saturday suggested that our Ministers had been asked to stop constantly commenting and making political points during the latest phase of discussions. From what we can see, it seems clear that there is a deal on the table with the organisation of its choreography in London the outstanding issue. The London Government has secured its main objective of having a buffer of access to the customs union until it is ready for an alternative to seeking to maintain control of when it should exit that union. Britain staying in the customs union is good for Ireland because there has been a lamentable lack of focus on the east-west axis. Our trade with Britain is critical and the idea of Britain staying in the customs union is one that should be encouraged, and for longer than some in the British Parliament would wish.

On the deal specific to Northern Ireland, the British Attorney General is reported as being prepared to argue that the wording is flexible, that the withdrawal treaty is, by definition, not capable of permanently binding the United Kingdom and that the backstop is capable of being ended if the United Kingdom so desires. As a result of a motion currently before the House of Commons, the advice of the British Attorney General will be made available. I understand that the British Government recently decided to make its legal advice available to the Commons. Our Attorney General was in Brussels last week to examine the proposed wordings. There is a real possibility that there will be one wording on the backstop but two contradictory legal interpretations as to what it means. It is entirely conceivable that the United Kingdom Government will insist that it can end the backstop unilaterally while our Government will state that it cannot. We may have an agreement with multiple interpretations.

Will the Taoiseach assure the House that he will, at the very least, make available to it the same level of information that will be available to Members of the United Kingdom Parliament, namely, the legal advice? We cannot have British parliamentarians having more information available to them than is available to their Irish counterparts. If there is a deal, will the Taoiseach commit to delivering full information on the legal implications? Will he also commit to publishing an immediate update of economic forecasts of the implications of what is agreed? Brexit has already had a significant economic impact on Britain and Ireland. We have a right to know the best estimates regarding its future impact while the agreements are being discussed and not merely after they have been concluded.

**Deputy Richard Boyd Barrett:** During his discussions with European colleagues, has the Taoiseach raised the issue of Palestine? This year, the EU has the chair of the Kimberley process, which is the certification process for the diamond industry and its exports. Ireland will hold the chair between 12 and 16 November. A key aspect of the Kimberley process is to prohibit the export of blood or conflict diamonds. Palestinian activists and civil society have called for the Kimberley process to include conflict diamonds coming from Israel on the grounds that the latter is engaged in ongoing systematic abuse of human rights, most recently launching a bombing raid on Gaza in which five people were killed. That followed a covert Israeli military operation on Sunday during which seven Palestinians were killed and also the killing of four Palestinians only a few weeks earlier. Over 200 Palestinians have been killed in Gaza since the Great March of Return this year. Should Ireland not use a power that we will hold this week as chair of the Kimberley process, to call Israel out and impose a sanction which would have a

real impact? We ought to demand that Israel no longer has a diamond trade while it continues to deny and suppress Palestinians their basic rights and wantonly kills individuals as part of its brutal oppression of the Palestinian people.

**Deputy Mary Lou McDonald:** I echo Deputy Boyd Barrett's concerns about the ongoing situation in Palestine, the siege there and the continued breaches of international law by the State of Israel.

Returning to Brexit and the imminent deal, there have been several waves of discussion and negotiation regarding the Irish protocol. The initial position held by the British Government, notwithstanding commitments into which it had previously entered, was to contest the notion that there is a need for a specific backstop for Ireland. We have come through the discussion regarding the backstop's scope. While it was ongoing, there were those - Government and others - that held steady in insisting that Northern Ireland is not as British as Finchley, that we have particularly Irish concerns and needs which must be met and that, therefore, a bespoke solution and insurance policy are required.

We then moved to the question of a backstop's duration. Tension emerged between the British demand for something that would be temporary and the Irish demand for something enduring. Many Deputies argued that temporary protections are no protections at all. I understood that we were all on the same page in respect of these matters. In our dealings with the British Government, Michel Barnier, Guy Verhofstadt and others, we went to great lengths to reiterate our position, which we believe to be commonly held across the Irish political landscape. Then the Taoiseach began to talk about a review clause and mechanism. I am deeply troubled and puzzled by that. Will the Taoiseach explain what this is and its provenance?

I want him to consider the following points. First, in any review clause or mechanism, this State, and whoever is in Government, will not be a direct party to such a review. Second, I assure the Taoiseach that even thinking out loud about the concept of a review offers the Tories the prospect of these being temporary little arrangements. Third, we all spoke of achieving stability and certainty for our politics, society and economy. By definition, review mechanisms prolong uncertainty. The Taoiseach was wrong to raise this. Has he conceded a review mechanism? Will he clarify if a review mechanism is part of the deal that is on the table? I cannot understand why he shifted substantively the Government's position at this point in the negotiations. Has he seen the review wording? Has the Attorney General similarly viewed words that constitute a review clause, as Deputy Micheál Martin has suggested? If the Taoiseach has agreed to this, why has he done so? If he has not, then why was he thinking out loud along these lines? At a time when we require clarity of purpose, a singular focus, steadiness and sticking to the bottom line in the context of this country's needs, the Taoiseach has wavered. His words and actions in this are very dangerous.

**Deputy Brendan Howlin:** In the normal course of events, EU policy decisions are taken at EU level and member states get significant time to digest and implement them locally. Unfortunately, in these negotiations we have moved into classic brinkmanship mode, with all the hard decisions being left to the final hours. We have heard that negotiators are up until 3 a.m. and resume their meetings at dawn, negotiating in what has been called "the tunnel". Everything is now urgent. There is little time left for information to be released, digested and analysed.

Like others, I want to make it clear that we need time to see specifically the structure, content and import of any withdrawal agreement and to make sure we are legally clear before

we vote in this House on any of these matters. Will the Taoiseach make Government officials available to brief us, other Members of the House and parties across the House once the agreement is finalised, if it is finalised, and provide us with any legal interpretation upon which the Government is relying?

I agree with Deputy Martin's point that the east-west part of the equation is extremely important for us. I say that not only as leader of the Labour Party but as somebody who represents Wexford and Rosslare port. A UK-wide customs union would be a great advantage but it must be established on a permanent basis. I cannot see how that could be acceptable to the UK authorities. We will see what is on offer and what is acceptable to Britain when the time comes.

I wish to ask the Taoiseach about a review mechanism that was mentioned. I asked him about that last week and he gave me some answers on it. Perhaps more has been made of this than it merits but we need clarity on it and the Taoiseach might give us that clarity now. Has he discussed the review mechanism with Michel Barnier and what is his understanding of what is meant by that term?

We have had a report today covering the common travel area. I have had discussions with a number of people on this matter. Some legal advice I got is that we should not try to codify the common travel area because once we start legally framing it we are perhaps in some ways reducing the rights base of it. The common travel area is a very shallow term for a very broad range of rights enjoyed by Irish citizens in the UK and UK citizens here right down to access to health services, education, housing and even the right to vote. My fear is that if we had an acrimonious parting of Britain and if it was perceived by the British, or certainly by the Tory Government, that the Irish issue was at the heart of the reason for an acrimonious departure, then rights enjoyed that are not legally codified and agreed may well disappear. In private briefings there has been discussions on this but perhaps the Taoiseach would put on the Dáil record what exactly is the extent of negotiations on the rights of Irish citizens and British citizens here which, separate from our European Union rights, would endure in what we now know to be, or call, the common travel area.

**An Leas-Cheann Comhairle:** I call Deputy Burton, who has tabled Questions Nos. 8 and 9.

**Deputy Joan Burton:** I want to ask the Taoiseach about the backstop agreement. Has he seen a legal draft of it? Has Mr. Barnier proposed such a legal paper or draft which has been shown to the Taoiseach or to Irish officials, or other representatives? Does he believe he still has bullet-proof proposals on the backstop? What is his desired deadline for agreement on Brexit? Is it the December Council meeting or later than that again?

Does the Taoiseach agree that the Good Friday Agreement changed the constitutional status of Northern Ireland? Will he expand on how that has affected his discussions with both Mr. Barnier and Mr. Tusk? Does he agree it is almost inevitable that if Brexit proceeds along the lines we understand it to be proceeding, there will be a constitutional crisis in the UK, specifically regarding Scotland, which voted against it but has no power in terms of the negotiation, while in the North we have no functioning Executive to represent, in a legitimate way, the views of the different parties, communities and traditions in Northern Ireland? It looks like we are drifting inevitably - I said this a long time ago - to the last few hours of the last night of negotiations. I encourage the Taoiseach to be forthcoming to the Dáil, on what is a most important decision for everybody on the island of Ireland, for the EU and for the UK, as to where he thinks

it stands now. I ask him to cut out the spin and tell us where he believes it is at.

**The Taoiseach:** Many questions have been raised and I will do my best to answer as many of them as I can in the time permitted. The negotiations are happening in private. They are happening in a “tunnel” and in private for a very good reason. I have always said throughout these talks over the past year and a half that it was not helpful to give a running commentary on negotiations. It is certainly not in our national interest to do that. That is particularly true when we are approaching a very sensitive phase. I believe we are approaching a very sensitive phase now so I hope Deputies will understand why I need to be a little cautious in the way I answer questions. However, I am very happy to make officials available for confidential briefings with the party leaders and their teams this week and also should we come to the point where we have an agreement. I would be very happy for that to happen. I will ask my officials to contact the leaders’ offices to set that up as soon as possible.

Deputy Martin was correct in saying that the UK staying in a customs union for a time or staying in a temporary customs arrangement would be beneficial for Ireland because of the benefits of frictionless trade east-west between Britain and Ireland, which is very important for the agrifood sector our small and medium enterprises and also for Northern Ireland. Let us not forget that much of the trade between Northern Ireland and Great Britain goes through Dublin Port and Rosslare. It is the quickest way to get from Northern Ireland to the midlands and the south of England. It is not Larne to Stranraer and all the way down. It is Dublin to Rosslare and across to England. I hope business in Northern Ireland will see the benefits of the UK staying aligned to the customs union. In terms of legal interpretation, again Deputy Martin made a very valid point. There have been some discussions on this already. We want to avoid a situation whereby we have an agreement that is made and then, two or three days later, we have the European Union interpreting it differently from the UK. That is something we are aware of and some consideration has been given to making sure we have a common legal interpretation, as it were, of the agreement whenever it comes.

**Deputy Micheál Martin:** The British Government in the last order said it will make it available to the British Parliament in advance of a vote

**The Taoiseach:** There is a difference there. I will make everything available to the Dáil that I can but there is a difference there. We are talking about legal advice. This is an EU-UK agreement. It is not an agreement between the UK and Ireland or the UK, the EU and Ireland. It requires ratification by Westminster and the European Parliament so the UK Attorney General is in possession of his own legal advice. The European Union legal advice is in the ownership of the European Commission legal service and the European Council legal service. It is very likely they will make that available to all of us but it will be made available to all the European Parliaments-----

**Deputy Brendan Howlin:** Hopefully, the interpretation will be the same.

**Deputy Micheál Martin:** We would have an interpretation of that advice as well.

**The Taoiseach:** -----not just specifically-----

**Deputy Micheál Martin:** I recall a former Attorney General had a difficulty with the EU legal service.

**The Taoiseach:** -----our own.

**Deputy Micheál Martin:** We need our own interpretation of it.

**The Taoiseach:** Regarding Palestine, Palestine is regularly raised at European Council meetings, most recently around the status of Jerusalem, where the European Union was united in our view that the embassy should not be moved to Jerusalem until the final status of that city is decided. Deputy Boyd Barrett has raised the Kimberley process before. I have written to him about this. I am not sure if he has received that letter yet but it explains why it does not apply to Israel and why what he proposed cannot be done, in the view of the people who know all about the Kimberley process.

Palestine was also discussed last week in Helsinki at the European People's Party, EPP, congress. There was a discussion around the Human Rights Watch report on human rights in Palestine, Two Authorities, One Way, Zero Dissent, which is worth becoming familiar with. It refers to the extent to which Palestinians in the West Bank and Gaza face oppression by both Hamas and the Palestinian Authority. It is important that when we talk about the conflict in Israel and Palestine, we do not turn a blind eye to the human rights abuses being committed by Hamas and the Palestinian Authority. Sometimes it seems that if a Palestinian is a victim of human rights abuses by Israel, it is raised. However, when a Palestinian is a victim of human rights abuses by Hamas or the Palestinian Authority, there is silence. I hope that the Deputy does not have a higher level of tolerance for human rights abuses committed by Hamas or other Palestinian groups than those committed by the state of Israel.

**Deputy Richard Boyd Barrett:** I do not but I know what the source of the problem is.

**The Taoiseach:** He never mentions them and I just thought I would put that on the record.

On the backstop, it is important to remember the joint report in December which set out options A, B, and C. Option A is about avoiding a hard border through the future relationship; option B provides for specific solutions proposed by the UK; and option C is the backstop. We should never forget that this is intended to be a backstop. It is intended that it will never be invoked. If it is ever invoked, it would only be temporary as a bridge to option A or B.

**Deputy Brendan Howlin:** It should be there.

**The Taoiseach:** It has to be there. It has to be legally operative. It cannot have an expiry date and cannot be cancelled by one side unilaterally. That is the position we have had persistently all the way through. We should always bear in mind the objective, namely, the avoidance of the emergence of a hard border on our island. That is the objective. Whether it is a double backstop, a backstop to a backstop or a hybrid backstop is not the point. The point is having a legally binding guarantee that a hard border would not emerge between Northern Ireland and Ireland.

I know Deputy McDonald is hostile to the review clause. I just do not agree with that position.

**Deputy Mary Lou McDonald:** Will the Taoiseach explain what it is then?

**The Taoiseach:** We often have review clauses in treaties and legislation. I have no doubt that if the Deputy was leading the negotiations, she would have walked away by now over the review clause. We then would have no deal, just as we have no deal in Northern Ireland.

**Deputy Mary Lou McDonald:** We did the deal last February. We should not become dis-

tracted. What is the review clause?

**The Taoiseach:** I am adopting a different approach, which is willing to consider creative solutions and creative language where necessary.

**Deputy Mary Lou McDonald:** That is dangerous language.

**The Taoiseach:** When I met Mark Durkan at the presidential inauguration on Sunday night, he reminded me of the fact that the Good Friday Agreement has a review clause. Part of the understanding behind the Agreement was that if one wanted it to be long-standing and enduring, it made sense to build into it review mechanisms.

**Deputy Joan Burton:** That is totally different.

**Deputy Mary Lou McDonald:** What are they?

**The Taoiseach:** That was his understanding of it which I thought was wise. There is no review clause yet. It is a proposal that has been put forward and is under consideration.

**Deputy Mary Lou McDonald:** By whom?

**The Taoiseach:** I cannot describe something that does not exist yet. It was put forward by the UK side.

**Deputy Mary Lou McDonald:** Surprise, surprise.

**The Taoiseach:** We have been clear that we are willing to consider a review clause but we are not willing to consider a backstop that can be unilaterally terminated by one side.

**Deputy Mary Lou McDonald:** So the Taoiseach has openly entertained a review clause suggested by the British but the content is unknown and-----

**The Taoiseach:** Every time we try to have a serious discussion about Brexit, I am more convinced that there would be no deal if Sinn Féin were leading these negotiations. It is evident that this uncompromising and extreme approach would not work. If we are going to have an agreement between the UK and the EU, one has to be willing to be generous on occasion and give them something, so long as one maintains one's objectives and outcomes. The approach Sinn Féin would pursue would ensure we have no friends in Europe and there would be no deal with the UK.

**Deputy Mary Lou McDonald:** That is absolute rubbish.

**An Leas-Cheann Comhairle:** We have taken up two slots. I respectfully suggest that the next two questions, Questions Nos. 10 and 11, are factual and we deal with those immediately in order to move on to the more substantial questions, Questions Nos. 12 to 14, inclusive.

**Deputy Brendan Howlin:** They are all factual questions. Getting factual answers is the problem.

## **Cabinet Committee Meetings**

10. **Deputy Brendan Howlin** asked the Taoiseach the number of Cabinet committees he has attended since June 2018. [41075/18]

11. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on the number of Cabinet committee meetings he has attended since June 2018. [43709/18]

**The Taoiseach:** I propose to take Questions Nos. 10 and 11 together.

It is a totally factual answer.

I have chaired five Cabinet committee meetings since June 2018. Cabinet committee B, social policy and public services, met on 7 June and 22 October. Cabinet committee C, European Union, met on 21 June. Cabinet committee A, economy, met on 9 July and 12 November. Cabinet committee D, infrastructure, is scheduled to meet on Thursday, 15 November.

**Deputy Brendan Howlin:** Factual answers are important. In the previous Administration, much work was done through Cabinet sub-committees which usually met for a full day. I know it is the Taoiseach's practice that more work is done at full Cabinet meetings rather than at Cabinet sub-committee meetings. However, that means one has long agendas.

Does the infrastructure committee deal with the national broadband plan? We went through a hiatus on one of the most important infrastructure projects in the State because of the resignation of the former Minister for Communications, Climate Action and Environment. The Taoiseach himself has described the roll-out of broadband as analogous to the rural electrification programme. What has happened on this? Has a Cabinet sub-committee discussed the national broadband plan? Where are we now with the review of the integrity of the plan's process to date? When will proposals be brought back here?

Tens of thousands of people living in my constituency and throughout the country are desperately anxious to know when they will have access to broadband. This is one of the areas one would imagine a bespoke Cabinet sub-committee would be set up to bring in all the officials concerned from across various Departments to ensure there is a full and vigorous evaluation completed of the process to date, what needs to be done to mend the fatally damaged hand of the Government and how we proceed.

**Deputy Mary Lou McDonald:** I am not sure at which committee the idea was floated by the Minister of State, Deputy D'Arcy, that the Government would consider a referendum to override judicial discretion in the awarding of compensation claims if judges do not reduce injury payouts over the next two years. The cost of insurance working group, which the same Minister of State chairs, published its seventh progress report yesterday which highlighted, again, the Government's failure to set up an insurance fraud unit. This sums up the Government's overall failure to tackle the insurance rip-off. Yesterday, we were told that the Garda Commissioner has yet to form a view on the proposal and that several issues will require further consideration before any decision to proceed is taken. This is a disjointed and messy set of messages coming from the Government. Will the Taoiseach afford us some clarity on the matter?

**Deputy Micheál Martin:** When the old system of Cabinet committees was changed and replaced with, allegedly, much broader mandates, we were told this was to enable a more dynamic and active role from the committees. The opposite seems to have happened. I agree with

Deputy Howlin that the reality is that many of the committees meet rarely. It cannot be argued that the Cabinet committees play any substantive role in moving policy forward. If one looks at two critical issues, health and broadband, there is no evidence that the relevant committees have made any impact. They have only met several times this year.

The last time he was challenged on this, the Taoiseach said he liked to raise issues at full Cabinet meetings. That would mean brief and limited papers being prepared, as well as brief discussions. There would be none of the more detailed discussions which were the norm with Cabinet sub-committees of the previous genre. Previously, there would have been a full afternoon on a particular topic.

**Deputy Brendan Howlin:** It would also be attended by all relevant officials.

**Deputy Micheál Martin:** Yes, all relevant officials would have been available.

Relevant Ministers also attended and that is how well functioning Cabinet committees worked. The infrastructure committee met once at the start of the year and will meet once or twice this year. Is the Taoiseach happy that this represents adequate strategic oversight of an issue like broadband? Given the growing shambles and incoherence in relation to rural broadband, which is now the subject of a personal crusade of the Taoiseach, how has Cabinet been carrying out its oversight role, in particular in view of how rarely the matter has been discussed at Cabinet-committee level? It is a real issue given what we are now learning about costs being multiples of what was originally understood as well as in relation to what transpired over the last five to six weeks with certain meetings. One gets the distinct sense that the Cabinet's eye was off the ball in relation to rural broadband and that there was no Cabinet committee which was on top of the issue.

*4 o'clock*

**Deputy Richard Boyd Barrett:** The failure of the Government to deliver social and council housing for people on housing lists or in homelessness hubs is well known. What discussions has the Taoiseach had, which sub-committee deals with it and to what extent does the Taoiseach have a handle on the issue of affordability for those whose incomes are above the eligibility threshold but too low to get a bank loan? Yesterday, for example, I had a distraught mother telling me about her son and daughter-in-law. Her son is highly qualified and works for a telecommunications company. He cycles all the way from Ballybrack to Dundrum every day and gets a reasonable wage while his wife works as a hairdresser. They applied for the Rebuilding Ireland home loan scheme but were refused without explanation. They have their deposit and a clean credit rating but they were refused. That mother simply asked me if the scheme was a scam. If someone like her son and his wife, making the efforts they have made to get themselves educated and working, cannot get this scheme, who can? How could they possibly be turned down? She went on to say that her research shows that 67% of applications for the Rebuilding Ireland home loan scheme are being refused. Can the Taoiseach confirm that?

**Deputy Micheál Martin:** That is correct.

**Deputy Richard Boyd Barrett:** It is a shocker. What is the Government doing? What sort of scheme is that to help those who cannot get on the housing list and yet have absolutely no chance of being able to afford a home on the open market?

**Deputy Micheál Martin:** It was never designed to give people access.

**Deputy Richard Boyd Barrett:** It is extraordinary. Does the Taoiseach have a handle on

this? Does he understand it? What does he have to say to that distraught mother and her son?

**Deputy Joan Burton:** To comment on the last point, I produced a similar case to the Taoiseach not long ago of a tradesman married to a hairdresser with her own business. Their only child is ten years old which means their childcare costs are not as high. They meet all the criteria and yet they have been turned down.

Some time ago, I asked the Taoiseach about meetings of the Cabinet committee on security and related issues, including An Garda Síochána, and on the report on the future of policing. The Taoiseach told me that he had a different style as Head of Government, which is fair enough, and that he did not like having Cabinet sub-committees. He prefers to have reports like that discussed by the Cabinet as a whole. That is fine and it has always happened. However, I asked him in a follow-up question what had happened and he said the report was noted. Since then, I have seen no evidence that the report has been acted on. From my experience with a report as detailed as the one on the future of policing, I cannot see how progress on the detailed list of actions can be discussed other than at some kind of sub-committee. It is at a sub-committee that detailed actions can be commissioned by the Taoiseach for the implementation of this vital report. In our constituency, people are complaining strongly that they simply do not see enough community policing which is at the heart of the proposals in the report on the future of policing.

**Deputy Micheál Martin:** The Taoiseach may not be aware of it, but in the last five minutes, RTÉ has broken the news that a text has been agreed between UK and EU negotiators. It was agreed last night at 9 p.m. and, as such, the Taoiseach is probably aware of it. Apropos the response to Deputy Burton's earlier question, the Taoiseach might comment on that. The text was agreed last night at 9 p.m.

**Deputy Mary Lou McDonald:** Has that just broken now?

**The Taoiseach:** There are often things in the media that are reported-----

**Deputy Micheál Martin:** Tony Connolly gets it right.

**The Taoiseach:** Obviously, I have been here for the last two hours and I have not spoken to my officials or been able to speak to them in that time. I was asked about working mechanisms and it is always sensible to be flexible in that regard and practical about how one decides to operate Government business. As Members have acknowledged and unlike the case with previous Governments, I have focused on involving the whole Cabinet in decision making as far as is practical. Today, for example, we spent an hour on Brexit. While Cabinet committees include officials and advisors, they often exclude Ministers. I like to do more things with Ministers than was the case in the past and often hold bilateral or trilateral meetings, in particular around health and housing. These meetings involve me, the line Minister and another relevant Minister, usually the Minister for Finance. We also use the Cabinet committees. For example, we decided specifically in regard to the O'Toole report on the future of policing that the Cabinet would note it and agree to its publication and that the Minister for Justice and Equality, Deputy Flanagan, would come back to the Cabinet sub-committee with a reasoned response to it and an implementation plan. On that occasion, the right approach was that it should be noted by Cabinet and published and then referred to the Cabinet sub-committee for further consideration.

The infrastructure committee, which is sub-committee D, covers the national broadband plan and I receive a report every two weeks on the progress being made. On Thursday, we will have a meeting of that Cabinet sub-committee to deal with two major issues, namely housing

and the implementation of Project Ireland 2040, respectively. The latter discussion will include broadband. There are two steps to come in the national broadband plan. The first involves the report of Peter Smyth on the process and whether it has been okay.

**Deputy Brendan Howlin:** When is that due?

**The Taoiseach:** It is imminent. I do not have an exact date, but it is imminent. The second matter is the making of a decision on the bid. We will have to take into account the costs, time-lines and practicality in deciding whether to go ahead.

**Deputy Micheál Martin:** What is the review saying?

**The Taoiseach:** I have not seen it. As I said, it has not arrived yet but it is imminent. There are no proposals for a referendum on compensation payments currently. I acknowledge in this context the work done by the Minister of State, Deputy Michael D'Arcy, and his predecessor, the current Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, which has had results. For example, motor insurance premiums peaked in 2016, having risen very steeply, and they have now fallen by 20%. Much of that is down to the work led by those Deputies. Health insurance costs had been increasing very rapidly under previous Governments but they have levelled off and even fallen in the last year or two. Much of that is down to the legislation we introduced on lifetime community rating, which has worked. It is legislation I brought through the House and which has made a difference to health insurance costs which had been rising every year for I do not know how long. They have now levelled off and actually fallen for VHI customers.

On affordability, I am advised that approximately 1,000 Rebuilding Ireland home loans have already been approved, which is a not insubstantial number.

**Deputy Willie Penrose:** However, 20,000 have been refused.

**The Taoiseach:** Under the rules one has to have been refused by a bank or credit institution but one must also be able to afford to pay the loan back. That is a prerequisite of any loan. There have been a lot of complaints, however, including at least six to me from my constituency. It is a new product and 1,000 people have already qualified for it, but it may be the case that it can be improved. That is something the Department is working on.

**Deputy Micheál Martin:** Deputy O'Dea has 106 cases.

**Deputy Joan Burton:** What about the report on the future of policing?

**The Taoiseach:** I dealt with that but the Deputy was not listening. She was chatting. It is on the record.

**An Ceann Comhairle:** We have just over one minute remaining for the third batch of questions and I will take the Taoiseach's response.

**Deputy Micheál Martin:** Perhaps the Taoiseach might speak on the text of the EU agreement.

**Deputy Mary Lou McDonald:** Should we not invite the Taoiseach to say something on Brexit and how we will be briefed?

**An Ceann Comhairle:** I do not know how Deputies can expect the Taoiseach to comment

on a matter on which he has not been briefed.

**Deputy Brendan Howlin:** We discussed the issue in the context of the previous group of questions and the Taoiseach stated that he would revert to us.

**The Taoiseach:** On what is the Deputy stating that I will revert to the House?

**Deputy Micheál Martin:** The agreement that was reached last night.

**An Ceann Comhairle:** What are the Deputies asking the Taoiseach to do?

**Deputy Brendan Howlin:** I ask that we be briefed on any agreement which has been reached.

**The Taoiseach:** I have been in the Chamber for the past two hours and ten minutes. I have yet to be briefed on the developments.

**An Ceann Comhairle:** It is unreasonable to expect the Taoiseach to comment on a matter on which he has not been briefed.

**Deputy Micheál Martin:** RTÉ reported that the text of the agreement was agreed at 9 o'clock last night. Perhaps that is incorrect.

### **Messages from Select Committees**

**An Ceann Comhairle:** The Select Committee on Finance, Public Expenditure and Reform, and Taoiseach has completed its consideration of the Finance Bill 2018 and has made amendments thereto.

The Select Committee on Health has concluded its consideration of the Health (Regulation of Termination of Pregnancy) Bill 2018 and has made an amendment thereto.

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

**An Ceann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Richard Boyd Barrett - to discuss a recent TASC report on work and living; (2) Deputy Dessie Ellis - to discuss funding for the drugs and alcohol task forces and the pay structures of staff; (3) Deputy Imelda Munster - to discuss the changes to the extension at Our Lady of Lourdes Hospital, Drogheda; (4) Deputy Tony McLoughlin - to discuss the lack of ambulance cover in County Leitrim; (5) Deputy John Brassil - to discuss amendments to the application forms for illness benefit; (6) Deputies Maurice Quinlivan and David Cullinane - to discuss problems relating to the failure to collect data on bogus self-employment; (7) Deputies Eoin Ó Broin, Mick Barry, Pat Buckley and Joan Collins - to discuss the 11.3% annual rise in rents outlined in the *daft.ie* quarterly report; (8) Deputy James Browne - to discuss further IDA Ireland investment in County Wexford; (9) Deputy Maureen O'Sullivan - to discuss the impact

13 November 2018

of nursing staff shortages on cancer patients in the Mater Hospital, Dublin; (10) Deputy Mattie McGrath - to discuss an interdepartmental task force to address employment and investment in Tipperary town; (11) Deputy Catherine Connolly - to discuss the admission, care and treatment of a patient with active tuberculosis, TB, and the cross-infection of staff; (12) Deputies John Brady and Michael Fitzmaurice - to discuss the opening of a direct provision accommodation centre in the Grand Hotel in Wicklow town and the number of hotels being used as refugee centres in rural areas; (13) Deputy Jackie Cahill - to discuss the application of guidelines for food labelling for the successful suppliers to the Garda College in Templemore; (14) Deputy Peadar Tóibín - the future of Our Lady's Hospital, Navan; (15) Deputy Gino Kenny - the recent upsurge in violence in Gaza; (16) Deputy Billy Kelleher - the need for the Minister for Business, Enterprise and Innovation to outline the plans to publish an account of the investigative failures identified by a person (details supplied); and the steps she is taking to address them, emanating from the trial of a person; (17) Deputy Pat The Cope Gallagher - the need to address the closure of post offices in County Donegal; (18) Deputies Frank O'Rourke and Anne Rabbitte - to discuss with the Minister for Finance and Public Expenditure and Reform the proposed Revenue changes to mileage relief allowances for employees of Waterways Ireland; and (19) Deputy Mick Wallace - to discuss the fact that Wexford County Council and eight other local authorities have not drawn down any allocated funds for Traveller accommodation in the past year.

The matters raised by Deputies Maureen O'Sullivan, Maurice Quinlivan and David Cullinane, Tony McLaughlin and Jackie Cahill have been selected for discussion.

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

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

##### **Illness Benefit Payments**

70. **Deputy Willie O'Dea** asked the Minister for Employment Affairs and Social Protection her plans to rectify issues relating to the payment of illness benefit; and if she will make a statement on the matter. [46897/18]

71. **Deputy John Brady** asked the Minister for Employment Affairs and Social Protection the position regarding the payment issues experienced by persons in receipt of illness benefit; the actions she has taken to resolve these issues; and if she will make a statement on the matter. [47049/18]

74. **Deputy Willie Penrose** asked the Minister for Employment Affairs and Social Protection the number of persons who have been impacted on by delays in the payment of illness benefit; her plans to address the matter; the number delayed; and the number of persons who have received supplementary welfare payments as a result of delays. [46896/18]

**Deputy Willie O’Dea:** I raise this issue to seek answers on behalf of those who have been suffering stress, trauma and deprivation as a result of circumstances entirely outside their control but within the control of the Department of Employment Affairs and Social Protection.

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** I propose to take Questions Nos. 70, 71 and 74 together.

My Department has experienced significant difficulties in processing illness benefit payments in recent times which, regrettably, have impacted on people in a manner that has correctly been described as unacceptable. This is a matter of great concern to me and my Department. I am extremely disappointed and embarrassed by our failure to maintain the usually exceptionally high standard of service provided by the staff of the Department. The root of the difficulty lies in the transfer of the illness benefit scheme to our new core business objectives information technology, IT, platform on 4 August. The transfer had a number of objectives, including moving the illness benefit payments from a very old IT platform which is approaching end of life to a newer platform which already manages most of my Department’s other payment schemes. We wish to realise cost savings by eliminating the need for labour intensive data entry and enabling the re-use of existing data already on the business objectives platform. It was hoped that the transfer would facilitate, in due course, with the co-operation of general practitioners, GPs, the move from submission of paper medical certificates by people to one whereby an e-certificate is transmitted electronically from the GP to my Department and the move away from certification each week by a GP to a system whereby a single certificate is provided to cover the entire illness period. The system change worked effectively for approximately 80% of those who claim illness benefits but a several difficulties arose which affected payments to a significant number of people.

The redesign of the medical certificate enabled the forms to be scanned rather than manually entered into the system. However, approximately 50% of GP practices initially continued to submit old form medical certificates which led to long delays in claim processing on the new system in early August. The delays were overcome by the Department implementing an automatic certification process to ensure that people, including those whose GPs were not submitting the correct certificates, were paid. Although the process ensured that people received their payments, it resulted in approximately 15% of recipients receiving a split payment in the period from September to November. People who received split payments were not underpaid as a consequence of this approach; the total amount paid to them was in accordance with their entitlement. However, they did not expect the payment to be split. During this time, my Department deployed additional staff to process old form certificates received from GP practices. This allowed us to cease the auto-certification process in mid-October and the issue of split payments has since been largely resolved. Approximately 75% of medical certificates now being received are in the correct format and the remaining forms are being processed manually on the day they are received.

The removal of the auto-certification process has belatedly exposed some underlying deficiencies in the design and operation of the new illness benefit system. The main issue identified relates to the transition from a payment-in-arrears approach to a current-week payment approach, that is, from a system whereby people are paid their entitlement the week after the submission of a certificate to one whereby they are paid during the week of certification. This leaves very little tolerance for late receipt of certificates once a claim is in payment, which is causing significant uncertainty for people. The new system has very tightly defined rules which must be satisfied before a claim and a certificate can be accepted and processed. Although these

rules are valid in principle, they are leading to payments being delayed for reasons that would not have been applied under the legacy system. My Department has taken three main steps to resolve these issues. We have deployed additional staff to process the tasks and respond to inquiries arising from the tight application of scheme rules by the new system. We have developed some new IT routines or work-arounds that, in effect, build in a seven-day buffer to address the payment gap issue and automate the processing of tasks to ensure a faster flow-through of payments. We are reviewing the design rules in the system, including the payment in the current week rule, and will modify the system to afford greater flexibility in processing of claims and certificates. In addition, my Department continues to engage with the medical profession regarding the implementation of e-certification and single closed certification. We hope that these measures will lead to an improved delivery of services. My Department has allocated additional managers to take responsibility for the programme of work I have set out. The management team includes a full-time assistant secretary and additional staff at principal, assistant principal and higher executive officer level. As a consequence of these measures, people who are due a payment and whose certificates and claims are in order should now receive their payment entitlements. Payment volumes were restored to normal levels last week and are being monitored on a daily basis to ensure that they remain at that level. Any further issues that may arise will be quickly identified and further remedial action may be taken to address them. It is important to note that there are always cases - and there were always such cases under the old system - of people's payments being legitimately stopped or paused for a variety of reasons. Such issues will remain and are normally dealt with via our helpline number. In addition to the system issues, my Department sincerely acknowledges that it did not communicate effectively with people in advance of the new system coming into effect or in the immediate post-implementation period. Although my Secretary General wrote to all those in receipt of illness benefit some weeks ago to apologise for the difficulties they were experiencing and to advise of the supports available, I accept that communication was too little, too late and of limited comfort to those unduly distressed. Our experience with the illness benefit transfer has been a salutary reminder of the longer-term impact of short-term remedial actions. Such actions, even those taken with the best of intentions, may have unanticipated issues or failures and must be carefully thought through before implementation. In order to ensure that lessons are identified and learned from this experience, I and my Secretary General have commissioned an independent review of the project to be undertaken by a retired Revenue Commissioner. I expect that it will be delivered to me by the end of the year and its findings will inform our approach to future system and process changes. As I have stated, my Department sincerely regrets the distress it has caused to recipients of illness benefits in recent months and we will endeavour to ensure that nothing like this happens in our Department again.

**Deputy Willie O'Dea:** I listened carefully to the Minister's reply and I appreciate it. However, we must bear in mind that much of her reply was couched in the past tense, as if the problem had now resolved itself. I could show the Minister the five messages I received on my mobile phone today in respect of this issue. My office has probably received many more. The problem has not yet been resolved. We must remember that this has been going on for three or four months. It began in August when the new form of medical certificates which require a significant amount of extra information were demanded out of the blue without any notice or consultation. When that seemed to be about to be resolved, the software problem kicked in. We have to bear in mind that we are dealing with some of the most vulnerable people in the country. They are too sick or too disabled to work. In the vast majority of cases, they depend entirely on social welfare from week to week. We have all heard various stories and received emails telling us about instances of hardship caused by this problem in individual cases. On

behalf of all those people, I ask the Minister for an assurance that this will not recur. Is there any accountability here? I am not looking for a head or anything like that. Surely somebody in the Department made the decisions that gave rise to all this hardship, anguish and pain. Has anybody spoken to the officials in question to point out the error of their ways?

**Deputy John Brady:** This has been an unmitigated mess. The sickest and most vulnerable people in the State are looking for their entitlements and benefits. They paid into the Social Insurance Fund in the hope that it would kick in as a safety net when most needed, but it failed them. I have heard the apology to people who have been messed up since August. They have been running from pillar to post in an attempt to get money to which they are entitled. There was a major failure in communications between the Department and the recipients. Some community welfare officers around the State were stepping in to give payments, but others were not. They claimed that people were not entitled to payments because they had received part-payments.

Accountability is the key issue here. I want to ask specifically about the consultants who rolled out this IT system. What accountability is there? The Minister did not act when I first identified and raised these issues in August. She has acknowledged that action was not taken until October, when three different things were implemented. Serious questions need to be answered in that respect. The Minister and the Department have said on a number of occasions that anyone who is entitled to money has received money, but that is clearly not the case. Two weeks ago, the Minister went on radio on a Friday to say that people would be paid, but that has not happened. At this moment in time, has everyone received the money to which they are entitled? In the cases of those who are due money from the Department, have underpayments been made? Can we have a figure? People are fearful about overpayments that took place when they received money they were not due. What measures are being put in place to deal with such serious concerns?

**Deputy Willie Penrose:** Politicians sometimes exaggerate to make a particular point. I will deliberately refrain from doing so. Instead, I will set out my point by reading from a letter that some of us have received from a person who continues to serve this country in a very important role. He speaks for everyone in the letter, which reads:

I am close to a complete breakdown due to a system which is clearly even more overrun than it was prior to the changes, changes which I am guessing were introduced in an effort to improve an already troubled setup, but which are a disaster. I would like to ask at this point if you may have been aware of these difficulties which many of the population of this country are faced with and, if so, if you might be willing or able to step in to attempt to rectify the endless and needless stresses which this puts on me and on my family and on many many others throughout the country. What will it take in order for our services and systems to stop pushing already struggling and suffering citizens to despair and desperation? Is it going to take an example like this on Joe Duffy to highlight the mess the system is in?

This person has paid his taxes and made his contributions. His case is a genuine one. When he asked for a bit of help from the system, he found he was entitled to nothing. It is an awful story. There is more to it. I cannot believe it.

People were left hanging on phones. How many additional people were asked to deal with this? I want to know whether the officials were in favour of this at all. Was there a big change in the Minister's Department? Was that part of the problem? We are talking about appointments

of assistant secretaries general, etc. We left these people high and dry. This is an insurance-based system. People are entitled to their money. The Minister should not tell people to go down to the community welfare office, where means tests are used and people have to sit looking in. It is just not right. I have met people who are destitute. I think it is a disgrace. A system should not be changed like this ever again. Why was it changed at all? We should never change something that is doing all right. This is the first time I have ever got angry with the Minister. I think she is doing a good job but this was an utter failure. It is rare for me to use words like that. This was a shambles of the highest order.

**Deputy Regina Doherty:** I thank the Deputies. I am not trying to justify any of the actions that happened over recent months. I have said on a number of occasions that this is particularly difficult to accept because an exemplary level of service is offered by people in the Department 99.9% of the time. That is why this debacle is so difficult to try to explain. I assure Deputy O’Dea that I am not talking in the past tense. We have issued over 50,000 payments in recent days. We have issued 29,000 payments this week alone, and it is only Tuesday afternoon. On average, we would have 50,000 people on illness benefit in any given week. That has been the average weekly tranche this year, last year and the year before and it will be the expected number of weekly payments next year.

All arrears have been paid. There may be cases in which arrears are still due. We are using the business-as-usual manual processing for some of the old forms. Anyone who is awaiting arrears from an old payment form will receive those arrears this week. There has been a significant reduction in the number of calls being made to our helpline arising from the changes that have been made in recent weeks. That is how I know that the vast majority of changes have been successful. The number of calls has returned to normal levels. I reiterate that there will always be cases in which people are refused illness payments because they are not entitled to such payments, because the medical certificate was not filled out correctly - the incorrect date may have been used, for example - or because a payment was missed. There will always be a small number of issues with some of the 50,000 payments that are made each week. That was true of the old system and it is true of the new system.

The first change was made in August. It had to be made because just 50% of doctors were using the new form. I acknowledge and accept that this was our fault. There was a lack of communication with doctors. We have learned so much. It is probably the case that we have yet to identify things that we need to learn. I hope that will happen on foot of Revenue’s independent audit. The only thing I can genuinely do is apologise sincerely to the people we have distressed over the last couple of months. It was never our intention to distress them. While we were trying to improve the system, we genuinely upset people. This was not our intention. We are going to make sure it does not happen again.

**Deputy Willie O’Dea:** If the Minister assures me that the problem is fizzling out and most people are being accommodated, I will accept that. However, I am continuing to get a number of queries. The Department might be telling the Minister that all arrears are being paid, but that certainly does not tally with the information I am getting from my constituents. I accept that the Minister is not seeking to justify what happened. I accept that she does not stand over it. I would like to return to a question I asked earlier. Will anybody be held accountable, even in the sense of being spoken to or remonstrated with? If consultants were involved in the installation of this software, as has been suggested, what are the prospects that they will be employed by the Government again? Have they been spoken to? What about the officials who signed off on the new medical certificates last August without any notification or any advance notice to anybody?

**Deputy John Brady:** The Minister has said that everyone has received the payments they are due. I have spoken to numerous people yesterday and today. One woman, who is a new applicant, told me yesterday that she has not received a payment for six weeks. I have spoken to another woman who was out sick and is actually back in work now, but has not yet received a payment. There are substantial issues in this area. Accountability is one such issue. I would love to see the remit or terms of reference that were given to the consultants who were involved in this process, particularly with regard to training. Certainly, the staff in the Department who were expected to administer and deal with this matter did not receive enough training. That is no reflection on the staff, who have been put under massive amounts of pressure because of the roll-out of this system, which seems to have been doomed from day one. The Secretary General told the committee that this IT platform is due to be rolled out for the one-parent family payment and for jobseekers' payments. The independent review will be critical. I was given a commitment that the terms of reference of that independent review would be circulated. We need to get them but that review should be made public and scrutinised because lessons need to be learned from this. People have been affected unnecessarily and that must never happen again to anyone entitled to funding and a safety net from this State.

**Deputy Willie Penrose:** I think the Minister would agree that it is not acceptable for somebody to be left holding on for 90 minutes when they make a phone call. That is not good enough. There are staff in the Department who work very hard and I concur with the Minister because I saw them working there. If the Minister does not put enough people on to man or woman the lines – women do an awful lot of this good work – she is in trouble. That is a problem.

Surely the Minister is not intending to roll out this system for any further payments after this fiasco until this report comes clear and we get an opportunity to examine, scrutinise and invigilate it to ensure that the mess that was made of this is sorted out. Deputies Brady and O'Dea are correct, we are paying out many thousands of euro to consultants and everybody else when it might be better to allow the Department's people to work within their own system and make qualifications to ensure that it complies with modern day standards. I would be against any further roll-out of this until this problem is sorted out.

**Deputy Regina Doherty:** I understood the terms of reference for the independent review were given to the Oireachtas Joint Committee on Employment Affairs and Social Protection. If they were not I will get them for Deputy Brady. There is no problem about sharing them. I am not doing the review to keep it a secret. We can all go back to the committee so that we can all learn effectively together. The most important reason for doing it is to learn why it went wrong and how we did or did not effectively respond to it so that I can ensure it does not happen again. When the report comes back to us I will be quite happy to go back to the committee and talk about it and to glean the Deputy's advice and suggestions.

In response to Deputy Penrose, we are going to move our other schemes from the old system to a new one because the old one is creaking and has been around for probably 40 or 50 years. It is on its last legs and needs to be moved to a new system. I can absolutely and categorically assure him that any plans we have are on hold until we learn from this particular roll out all of the lessons we need to learn to make sure this does not happen again.

In response to Deputy O'Dea, there is nothing wrong with the medical certificate because I know he thinks there is and that it caused the problem.

**Deputy Willie O'Dea:** It was the way the system was changed suddenly and without any

consultation.

**Deputy Regina Doherty:** There is nothing wrong with the new medical certificates.

**Deputy Willie O’Dea:** I did not say there was.

**Deputy Regina Doherty:** The doctors who use the new medical certificates were among the 80% who were not affected. In effect, had the system gone the way it was supposed to go it would have worked but it gave rise to other anomalies that we did not recognise because of the changes we had to make in the response to people using the old medical systems. That is our fault, nobody else’s fault. The miscommunication is our fault. It is part of the learning process to make sure we improve our communications.

I recognise, as Deputy Brady says, that our staff were put under incredible pressure and that they told us that there were deficits in the training programmes given to them. I think the training was probably as good as it could have been but when people tell me it needed to be better I have to listen to that and take it on board.

In response to Deputy Penrose, approximately 1,000 calls come into the Department every day. That number went up to 12,000 a day. I do not know where I would have got the staff to turn around the kind of service that is given daily but I hear what he is saying.

If Deputy Brady knows a lady who has not received a payment for six weeks this is not why she has not received it. If the Deputy gives me her details and personal public services number, PPSN, I will resolve that issue today.

### **Social Welfare Benefits**

72. **Deputy Willie O’Dea** asked the Minister for Employment Affairs and Social Protection her plans to establish a separate agency to claim maintenance on behalf of lone parents; and if she will make a statement on the matter. [46898/18]

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** As the Deputy is aware from previous questions on this matter, the Department is working on a review of the maintenance and liable relative procedures, insofar as they relate to the payment schemes operated by my Department. From a broader perspective, the wider issues relating to maintenance, including the establishment of a child maintenance service to assist lone parents, are a matter for my colleague the Minister for Justice and Equality, Deputy Flanagan, who has responsibility for the family law Acts, which govern maintenance requirements.

The family law Acts place a legal obligation on parents to maintain their children. In cases where the family unit has broken down, these obligations continue to apply. Relevant maintenance payments can be arranged either directly between the parties themselves, or with the assistance of supports from the Department of Justice and Equality, such as the family mediation service and the Legal Aid Board, or ultimately through the courts.

With regard to the work within the Department, the preliminary stages of the internal review have now concluded. My officials now intend meeting with the Department of Justice and Equality, with a view to ascertaining its views and to considering jointly the next steps in relation to family maintenance arrangements. A meeting has been scheduled for later this month.

**Deputy Willie O’Dea:** Is there not a maintenance recovery unit in the Department which applies only to lone parents whose child is younger than seven years? Why has that not been extended in tandem with the changes in the lone parent allowance regulations? When the child is older than seven years the lone parent gets a different type of payment, jobseeker’s transition, as opposed to lone parent allowance but there seems to be no logical reason why that system does not apply equally to somebody who is in the jobseeker’s transition on the basis that they are a single parent.

**Deputy Regina Doherty:** I tend to agree with the Deputy but I am not sure whether we should expand or do away with it. I am not sure it is our job in the Department of Employment Affairs and Social Protection to chase errant parents. It is definitely somebody’s job but I am totally against penalising women, as they are in the main, for not chasing the errant partner to look after their children. I have several ideas as to what should happen if the world was perfect but some of them fall under my remit and some do not. That is what will be discussed at the meeting later this month. Once that meeting has been held we can maybe have a further conversation about what might be most suitable.

**Deputy Willie O’Dea:** It is not just a question of the Department chasing errant parents but of combatting poverty. The poverty statistics among lone parents, as the Minister is aware, are particularly stark. In many cases somebody is not in a position to go to court because their partner is violent. Even when they do go to court and do not get paid the Department tends to assess them for maintenance which the court has granted but which they are not being paid.

**Deputy Regina Doherty:** We do not.

**Deputy Willie O’Dea:** If that has changed the change must have been very recent because as far as I can see it is still the position. If somebody is in that situation they will not want to take the risk of getting an order for maintenance which they feel sure is not going to be paid and having it assessed against any lone parent allowance they will get.

The lone parent allowance will not make anybody rich and in its current form it will not do much to combat the levels of poverty among single parents but if they were able to get maintenance in addition it would certainly combat poverty in an area where it is particularly prevalent.

**Deputy Regina Doherty:** Whether we expand or downgrade our liable relatives division has no impact on a parent’s poverty whatsoever because the payment issued to the parent is done on the basis of that parent’s circumstances. If they get maintenance there is a very generous maintenance disregard. If they do not get maintenance it is not included in our assessment. They do not get it and we compensate for the fact that they do not get it. That is as it should be. The Department is here to look after people in vulnerable positions. If they get money towards maintenance they get a generous disregard. If they do not get money it is up to the State to ensure that family has a minimum standard of living.

I need to square the circle of whether it is the Department of Employment Affairs and Social Protection’s legal responsibility to chase errant parents or that of some other arm of the State, or maybe a collective authority from the Department of Justice and Equality and our Department. Until I figure that out, I am not going to put any woman, and it is in the main women, in the vulnerable position of having to chase somebody so that she can qualify for a payment from our Department. That is not the way it should be and that is not the way it is now.

## **JobPath Data**

73. **Deputy John Brady** asked the Minister for Employment Affairs and Social Protection the reason persons are being referred to JobPath for a second time having already completed the scheme in full; the number of persons who have been referred for a second time; the associated costs involved; and if she will make a statement on the matter. [47050/18]

**Deputy John Brady:** Why are people being referred to JobPath for a second time having already completed the scheme in full? How many people have been referred? How much did that cost?

**Deputy Regina Doherty:** JobPath is one of our more successful activation services. It supports the long-term unemployed in securing and sustaining full-time paid employment. Jobseekers are referred to the service by means of a selection process.

A person who has previously completed a year with JobPath is referred back to an Intreo case officer. This is in-house, so to speak. If after six months, he or she has not found sustainable employment or is not engaged in education, training or with any other employment support we offer, he or she may be randomly reselected to go back on JobPath. Jobseekers referred for a second time will start working again with a personal adviser, who will review their development during their previous time with the service. Together they will prepare a new personal progression plan to build on that progress. The actions and tasks agreed will be based on their previous engagement, with particular focus on the identified barriers that prevented them from moving into full-time suitable employment during the first 12-month stint.

Since 2015, more than 193,000 jobseekers have engaged with JobPath. Of these, 15,000 have been referred to the service for a second time.

JobPath providers receive a registration fee each time they register a jobseeker for the service and the balance of their fees is paid subject to their clients achieving sustained full-time employment for a minimum of 13 weeks.

There is no separate costing structure for jobseekers who are referred to the service for a second time. The Department does not release details of fees paid to JobPath providers as these are commercially sensitive. To do so would place the State at a disadvantage both in terms of the contracts currently in place and, in particular, in any procurement that may be undertaken in this area.

**Deputy John Brady:** Turas Nua and Seetec must be rubbing their hands together and laughing with glee. The Minister implied in her answer that they are getting paid a second time when people sign the personal progression plan. What is the figure for this? How much is being paid out for the 15,000 people referred for a second time?

What is the difference between the training in the first stint, which has not worked in finding jobs for the 15,000 people, and that in the second? I have spoken to many of those referred for a second time and they say they are doing the exact same things a second time round, namely learning how to write a curriculum vitae and engaging in other meaningless tasks. There are being put in front of a computer and told to find themselves jobs. The service did not work the first time round and it certainly did not work the second time round. Could I have the figures? The argument about commercial sensitivity does not wash. The service is costing us millions of euro. Issues are clearly arising, and I have raised them with the Minister on many occasions.

**Deputy Regina Doherty:** The Deputy has an ideological problem with JobPath. To answer his question, it is interesting that the vast majority of representations I receive from Deputies ask me to intervene directly with people on community employment schemes for a number of years and who desperately want to stay on them for a number of years. It is one of our successful activation processes. A large number of members from the Deputy's party have asked me specifically to intervene to allow people to stay for longer periods in community employment and activation processes than would normally be allowed, yet he has a problem with what is probably the most successful activation scheme and process we have ever had.

**Deputy John Brady:** They are very different. The Minister should not muddy the water between community employment and JobPath.

**Deputy Regina Doherty:** I am answering the Deputy's question. If he does not like the answer, that is fine. This is the most successful activation programme we have ever run in the history of this State, yet the Deputy has a problem with people getting a second chance to participate in it. He does not have a problem, however, with people getting a second chance on the community employment scheme or Tús, which is incredible.

The service works. The reason we send people back for a second time is that they want to do so. They want to work. Despite the recommendations or protestations of Sinn Féin, the people on the live register want to work and avail of the assistance of any arm of the State to secure a full-time job.

**Deputy John Brady:** The Minister and I will probably never see eye to eye on the privatisation of the sector. The two companies are rubbing their hands together with glee. The Minister failed to answer the questions I put to her on the training given to a person referred for a second time round. There is no difference whatsoever between the training on the first occasion and the second.

Do the State and Department have a responsibility to continue to feed agreed numbers to the two companies until the contracts with them expire? The State is running out of people to feed this monster that it has created. The Department is obliged under contract to continue to feed the two companies. That is why the 15,000 people have been referred for a second time. I could show the Minister dozens of cases in which people do not want to be in the service for a second time. They feel their time is being wasted by being referred for a second time. The Minister is saying people want to participate but that is not true.

**Deputy Regina Doherty:** We have conducted an econometric review of the JobPath service in collaboration with the OECD so I can have factual data allowing me to have these kinds of conversations. Every time we have oral questions, Deputy Brady brings anecdotal evidence as to how desperately people are treated on JobPath, yet it is undoubtedly one of the most successful activation programmes we have had in the history of the State. I would love to say we are running out of people to put on JobPath. I am pleased that the number unemployed is under 200,000 but there are still 200,000 people in this country who have no work and who want to work and avail of the assistance of any arm of the State that will train them, give them education and experience and assist them in getting a full-time job. The Deputy is ideologically opposed to JobPath. He would rather see people on the ground living on €198 per week. That is what keeps him happy.

**Deputy John Brady:** The individuals are in part-time work.

13 November 2018

**Deputy Regina Doherty:** I have no idea why he feels that way. The people we are supporting are getting full-time jobs. I am thankful that the number unemployed is coming down. With some 198,000 people on the live register, we are far from running out of people to send to JobPath.

*Question No. 74 answered with Question No. 70.*

## **Ceisteanna Eile - Other Questions**

### **Pensions Reform**

75. **Deputy Willie Penrose** asked the Minister for Employment Affairs and Social Protection the status of her plans for legislative changes in pension law; when amendments will be tabled to the Social Welfare, Pensions and Civil Registration Bill 2017; the reason for the delay of more than a year; and when the Bill will be progressed. [46879/18]

113. **Deputy Bríd Smith** asked the Minister for Employment Affairs and Social Protection her plans for legislation that will offer CIÉ workers and other semi-State workers protection on their pension schemes; and if she will make a statement on the matter. [46892/18]

115. **Deputy Bríd Smith** asked the Minister for Employment Affairs and Social Protection when she will introduce measures to offer workers in defined benefit pension schemes adequate protection; and if she will make a statement on the matter. [46891/18]

**Deputy Willie Penrose:** What is the status of plans to legislate for changes to pension law? When will the amendments be tabled to the Social Welfare, Pensions and Civil Registration Bill 2017? What is the reason for the delay of more than a year?

**Deputy Regina Doherty:** I propose to take Questions Nos. 75, 113 and 115 together.

The general scheme of the social welfare and pensions Bill 2017 - now the Social Welfare, Pensions and Civil Registration Bill 2017 - was published in May 2017 and contained a number of key measures relating to defined benefit pension schemes. It is intended that these measures will act to support existing provisions in the Pensions Act by providing for further protection for scheme members' benefits and enhance employer responsibilities for their schemes.

In July 2018, Government approval was obtained to draft additional provisions to be included in the Bill on Committee Stage, including provisions relating to defined benefit schemes. In developing these, it is essential to recognise the current pension landscape in Ireland in order that a balanced, proportionate approach is developed and that unintended negative consequences do not arise.

Under existing pensions law, there is no legislative obligation on the employer to make contributions to a scheme. The provisions of this Bill, however, will introduce a new regime into the Pensions Act 1990 that, among other things, will ensure that an employer cannot "walk away" at short notice from the pension scheme it is supporting by providing a 12-month notification, and will enable the Pensions Authority to make a funding obligation direction specify-

ing payments to be made by a sponsoring employer to the pension scheme where no agreement is reached, within a specified time period, to resolve a funding deficit.

The defined benefit pension provisions are very technical and involve complex policy issues. It has been necessary to consult and obtain numerous legal advices from the Office of the Attorney General on various aspects of this policy to achieve a resilient solution. When these matters have been resolved and amendments approved by the Government, I will request an early date for Committee Stage.

Many of the provisions contained in the EU directive on institutions for occupational retirement provision, IORP II, will also support positive reform of the Irish occupational pensions sector. My officials, together with the Pensions Authority, are working on the transposition process to ensure the necessary amendments to existing laws, regulations or administrative provisions will be made to give full effect to the directive. I hope this clarifies the matter.

**Deputy Willie Penrose:** I thank the Minister for her reply. It is now a year and a half since the legislation was introduced. Deputies O’Dea and Brady and I have introduced Bills in this area. The one I am asking about is a distillation. Each of us had a Bill with more lofty objectives. The aim was to ensure the protection of workers who are being thrown sacrificial lambs, even with well-to-do employers running amok. The introduction of our Bills led to one company coming back from the brink and giving at least some employees protection. There are important measures in the defined benefit scheme to ensure that employers do not disavow their obligations willy-nilly. This Bill was to offer some degree of protection to workers in defined benefit schemes but a year and a half has passed. I accept that the Attorney General’s office is snowed under and the Minister has said there is a European dimension to it as well in respect of European legislative provisions that will enhance it, I hope, but can she give an indication of the likely time in 2019? Does she expect it to be in the first quarter of 2019?

**Deputy Regina Doherty:** I would love to be able to say I can but I cannot. The reason is that the amendments we are proposing are particularly technical and complex. The only thing I can guarantee is that I am as frustrated by the delay as the Deputy. Advancing this legislation is on our management board meeting agenda every week. It is near the top of my list and will certainly not go away until we get the date and the amendments we need accepted and brought back to the Cabinet. All I can say is that it is getting my full attention.

**Deputy Willie Penrose:** I appreciate that the Department must examine the balance and other such matters. We had a detailed discussion with ICTU and the various unions, including SIPTU and Unite. All the trade unions are of one voice on this. We want the legislative changes brought forward and the Pensions Act 1990 significantly amended. There will be funding obligations coming forward that will curtail the smart alec employers from walking away from their obligations. These people have significant funding and are not even insolvent employers. If they were, sometimes the employees would be in a better position, as with Waterford Glass. In this case, however, people who are very well off are making sure to enrich themselves and to give bigger shareholder payments and dividends, while throwing to the wolves the unfortunate workers who have contributed many years of their working lives. We want to ensure that does not happen. I urge the Minister to keep it at the top of her agenda.

**Deputy Regina Doherty:** Deputy Penrose and I are on the same page. I will keep in touch with him.

*Question No. 76 replied to with Written Answers*

### **Social Welfare Appeals Waiting Times**

77. **Deputy John Brady** asked the Minister for Employment Affairs and Social Protection the wait time for processing appeals; and if she will make a statement on the matter. [46860/18]

**Deputy John Brady:** Will the Minister outline the current waiting times for the appeals process across all social welfare payments?

**Deputy Regina Doherty:** All decisions taken by my Department's deciding officers and designated persons are appealable to the chief appeals officer. Approximately 85% of all claims are awarded in the first instance and just 1% are appealed annually. Nevertheless, my Department is concerned that these cases are dealt with as quickly as possible.

Significant efforts and resources have been devoted to reforming the appeal process in recent years. As a result, appeal processing times improved from 52.5 weeks for an oral hearing in 2011 to 26.4 weeks in 2017 and from 25.1 weeks for a summary decision in 2011 to 19.8 weeks in 2017. The most recent figures for the period January to October 2018 are 30.5 weeks for an oral hearing and 25.3 weeks for a summary decision.

The time taken to process an appeal reflects a number of factors including that the appeals process is quasi-judicial and decisions have to be formally written up to a quasi-judicial standard because they are subject to review by the High Court. Accordingly, the desire to process appeals quickly must be balanced with the competing demand to ensure that decisions are consistent, of high quality and made in accordance with the legislative provisions and the general principles of fair procedures and natural justice.

A number of new appeals officers have joined the appeals office over the past 12 to 18 months to replace staff leaving on retirement. Given the complexity of the appeals process it takes some time for new staff to be trained up and develop expertise. This has led to longer processing times during this period.

The chief appeals officer has advised me that appeal processing times continue to be a priority for her office and that she expects processing times to improve as recently appointed staff develop the necessary experience and expertise to determine appeal decisions to the standard required.

An appellant can claim supplementary welfare allowance pending the outcome of his or her appeal.

**Deputy John Brady:** I am looking at a reply I received to a parliamentary question last September and the appeal times are absolutely ludicrous and unacceptable. They vary from 17 to 64 weeks. A carer who appeals a decision, for example, must wait 29 weeks without a penny for a decision. A jobseeker must wait 37 weeks. That is ludicrous. I heard the Minister's response but what is going on in the appeals section? I accept her comments about new staff having to be trained to replace retiring staff, but that is only to tread water. What additional staff have been appointed to deal with this crisis in the appeals section?

**Deputy Regina Doherty:** I disagree with the Deputy's comment that they are without a

penny. Nobody is forced to wait whatever length of time is involved, be it 17, 19 or 26 weeks, without a penny. That is what the supplementary welfare system is for. I encourage anybody who is waiting a lengthy period for an appeal decision to go to the local office where we will look after him or her financially. That is what we do. In addition to the continuous focus on improving appeal processing times, work is ongoing in the Department on a number of fronts in the context of improving the quality of first-instance decision-making, reducing the number of appeals being received and reducing the time taken in the Department to prepare the appeal submission. These include better information gathering at the initial claim stage, which hopefully leads to better outcomes and better decisions; better explanation of the reasons for any decision to make it easier for customers to understand the decisions we make and to reduce the number of unnecessary appeals; and a significant programme of training for decision makers on all aspects of their decision making functions.

Social welfare forms are consistently being monitored to ensure they capture sufficient information at the claims stage. In recent years, for example, improved claim forms were developed for the domiciliary care allowance application and that has caused the number of weeks people are waiting for the initial decision to reduce drastically. We did something similar recently in the case of the carer's allowance application with the Carers Association. Again, we expect it to yield a number of results for us. Everything we do is to try to improve the situation.

**Deputy John Brady:** Some measures have been taken to deal with the crisis across the board. The Minister knows, however, that when somebody applies to the community welfare officer, the matter is at the officer's discretion, in the first instance, and, second, it is means tested. Not everyone will get a penny from the community welfare officer. That is not the solution to the failure within the Department to deal with this situation. Yes, forms have to be simplified but in the majority of cases it is not forms being filled incorrectly that leads to appeals. The Minister did not answer my question about additional staff. A key failure is that there are not enough staff to deal with the level of appeals. Perhaps she will answer that question. In addition, other means must be explored. What are the Minister's views on accelerating the appeals? She referred to simplifying forms and other measures. I would be interested in hearing about them.

**Deputy Regina Doherty:** First, the vast majority of schemes that are appealed are allowance schemes, all of which are means tested, so it is not fair to say on the one hand that I am expecting people to live without a penny and when I say that people do not have to wait but have the option of going to their social welfare office to then say they will be means tested. Most of these schemes are means tested anyway. People would not apply or qualify for them if their means were not within that realm.

Second, there are almost 6,000 people working in the Department of Employment Affairs and Social Protection. I cannot answer the question about whether we have asked for more people in the appeals office. However, we have tried, particularly in the difficult economic circumstances in the last number of years, to do more with the people we have. In fairness, one can see the result in the fact that our appeal waiting times have come down drastically. The reasons are that we have improved efficiencies in how we collect our information, we have provided people with new forms to make it simpler and we have tried to help people to understand that they do not need to hold back some information for appeals because they expect that everything will be rejected in the first instance.

My main message is that, first, 85% of all applications that are made are found in the af-

firmative. In fact, the social welfare Bill tomorrow will provide for automating that to make it even faster for people. Second, nobody should be waiting without any money. If people are, they can go to their local community welfare office and we will look after them. We will continue to try to improve the turnaround level for decisions.

*5 o'clock*

### **Pension Provisions**

78. **Deputy Clare Daly** asked the Minister for Employment Affairs and Social Protection if correspondence has been issued to date outlining changes under the total contributions approach 2012 to the pensioners affected by contributory pension changes in 2012; and the reason for the delay in issuing this correspondence in view of the fact that the decision to address this issue was made on 23 January 2018. [46828/18]

93. **Deputy Eugene Murphy** asked the Minister for Employment Affairs and Social Protection the number of persons who have already received correspondence in relation to the review of their pension entitlements due to the 2012 pension changes; the number that have yet to receive correspondence; and if she will make a statement on the matter. [46462/18]

97. **Deputy John Curran** asked the Minister for Employment Affairs and Social Protection the number of pensioners who have been contacted regarding the interim total contributions approach pension by November 2018; when all pensioners will be contacted; when they will receive payments; the date from which payments will be calculated; and if she will make a statement on the matter. [46822/18]

107. **Deputy John Brady** asked the Minister for Employment Affairs and Social Protection the process in place to address the issue of the 2012 pension changes through the total contributions approach; the timeframe for the issuing of correspondence to those affected; and if she will make a statement on the matter. [46856/18]

116. **Deputy Joan Collins** asked the Minister for Employment Affairs and Social Protection the reason correspondence reassessing the pension entitlements post-2012 were not issued by the end of October 2018 in view of commitments made by her in this regard. [46894/18]

**Deputy John Curran:** The Minister will recall that this time last year we had considerable debate about a group of people who were adversely affected in the 2012 changes to the contributory State pension. The Minister then embarked on a process to amend it. As of now - November 2018 - how many people have been contacted about this and where are we in the process for payments to those people?

**Deputy Regina Doherty:** I propose to take Questions Nos. 78, 93, 97, 107 and 116 together.

It is hard to believe that it has been nearly a year. We are getting old.

Pensioners born on or after the 1 September 1946 affected by the 2012 changes in rate bands, can have their contributory state pension entitlement calculated under an interim total contributions approach, TCA. The announced changes also provide for up to 20 years of home

caring credits in the pension entitlement calculation for those who took time out of the workplace for parenting or caring duties.

Significant preparatory work was required to design and develop the new, necessary ICT system changes and the necessary legislative provisions to underpin these changes, as initiated last week in the Social Welfare, Pensions and Civil Registration Bill 2018.

The latest data I have identify approximately 79,000 pensioners to be reviewed, of whom just over 70,000 reside in Ireland. The first 11,000 information letters issued last week to Irish residents. I would expect and anticipate that the remainder will issue by the end of this week or early next week at the latest. The 8,000 pensioners who are resident outside of Ireland are expected to receive letters from us in December. The Department waited until we had access to end of month data before issuing letters as we wanted to capture as many of those pensioners as possible who will be entitled to a review.

The letter informs pensioners that the Department will contact them again directly with either the outcome of their individual review, where sufficient information is available to us, or to request further information regarding gaps in their social insurance records. It is not necessary for people to contact the Department on this matter in that we will do all the heavy lifting for them.

The examination of social insurance records is under way. Reviews and payments will commence in the first quarter of 2019. Where an increase is awarded, it was agreed by this Parliament last year that it will be backdated to 30 March 2018, or the person's 66th birthday if later and arrears paid. Pensioners who do not qualify for an increase as a result of this review will continue to receive their existing rate of pension.

**Deputy John Curran:** I thank the Minister for her reply. As she said, it is a long time ago and much water has gone under the bridge. When we discussed the matter this time last year we were hopeful that by the end of the year people might have received payments but now it is to be in the first quarter of next year. I have some concerns that the letters are only going out. The Minister said that 11,000 letters had been issued to date. I am concerned that the Minister said the Department will do all the work. It will still be up to the individuals to be satisfied that the intended changes have actually been made and applied to them correctly. If they want to appeal the decision it would be some time down the road before those people might see their payments.

There were two real anomalies arising from the changes that occurred in 2012 that need to be addressed. Perhaps the Minister could comment on them. One relates to the period of time that some people were out of work due to caring and the averaging of contributions by moving to a total contributory system. The second issue has not been mentioned and it relates to the total number of contributions required to be eligible for consideration in the first instance. Prior to 2012, it was 260 contributions but in the change in 2012 it went to 520 contributions. Does the Minister's proposal recognise those people who had 260 contributions?

**Deputy John Brady:** The Minister might find it surprising that I welcome the fact that 11,000 letters have issued as of last week. Hopefully, we will see multiples of that number this week. A total of 79,000 letters need to be issued prior to Christmas and 70,000 of those are to issue to people who currently live in the State. That is welcome news but it has been a long time coming. There are, however, still concerns. People have asked me what they need to do when they receive the letter. Do they need to request a review or does that kick in automatically?

People need to be given assurance when the Minister says they do not need to do anything and that the review will automatically kick in.

There are other concerns with regard to the 20 years for caring duties. What do people need to do to satisfy that? I have asked questions on this matter on a number of occasions. People might not have the necessary correspondence or proof to satisfy the criteria. What exactly is the process around that and what do people need to do to satisfy the Department's criteria in that regard? I would appreciate some clarity on those points.

**Deputy Regina Doherty:** Peace has broken out.

**An Ceann Comhairle:** It might not last long.

**Deputy Regina Doherty:** You may well be right on that.

**Deputy John Brady:** I will get the Minister in the next round.

**Deputy Regina Doherty:** As soon as I say it, it will be over. To answer the Deputies' questions, the letter is quite lengthy and it explains exactly what needs to happen and who needs to do what. In the main, people will not have to do anything and I will explain why. I will answer Deputy Curran's questions first. It is 520 contributions because these people have already qualified for the new pension. However, they received a reduced rate because of the averaging.

I will now address the issue of gaps in a person's record. The balance of the letters will be sent out by the end of this week to all Irish residents, or the beginning of next week at the latest. As we have their records, we already know that in 65% to 70% of cases people are entitled to an uplift. We have already done a trawl of our internal systems to identify people who will get an uplift. They will be told they are getting an uplift, that the review is to be conducted, how much their new payment will be and when it will come into effect.

There is not a delay. It could not have been done without legislation being passed and I, along with other Deputies, will attempt to do that, starting tomorrow. We will automatically be able to tell the majority of people who have a full record on the system what their new entitlement will be. The people who will need to help us with the conducting of the review are those who have gaps in their contributions. Some people will be able to tell us the reason for the gaps. In many cases, it will be due to caring for children and we will already have the children's birth dates and PPS numbers but if we do not have them, we will ask for them. In other cases, the gaps will be due to people looking after wives, husbands, grandparent, aunts or some other loved one. It will literally be as easy as giving us the information. People need to be reassured that there is probably no legal way of proving a gap from 1977. We are, however, doing this collectively as a Parliament because it is the right thing to do, that is, to look after the people who were adversely affected by the changes in 2012. We are not going to further punish people by putting them through loads of hoops. We want to give these people the money they are entitled to.

**Deputy John Curran:** I am glad we are making the progress we are. It might be a bit slow but I take the point that the measure required the legislation. From the Minister's comments, I take it that a common sense approach will apply to persons who might not be able to supply documentary evidence for periods of missing contributions where they may have been caring for a parent or someone other than a child. That was my interpretation of what the Minister said she intended.

I am pleased to see the proposed legislation contains the provision for payments to be backdated to March 2018, which is what the Minister said in her reply. Unfortunately the legislation does not provide a payment or a commencement date. This is a matter for the Minister. I welcome the backdated payment is in the legislation.

I have one final concern. As there is a period of up to 20 years allowed in this measure for caring - I acknowledge this is an interim total contributions system - it indicates that it is being viewed over a 40 year working life cycle. I hope it does not mean this is the policy position in terms of our general pension as we go forward with regard to total contributions proper, rather than the interim measure.

**Deputy John Brady:** I agree with Deputy Curran's point. It is a critical one and we will come back to that in other discussions and debates in the near future. I want a categorical assurance, as do many of the 79,000 people who are entitled to see their money restored to the rate it should be, that those backdated payments will be made in the first quarter of next year. Can the Minister give a categorical assurance to the people who are entitled to increases that they will get that money backdated in the first quarter of 2019?

My second point is where the criticism comes in, which is no surprise. While there is retrospection up to 2018, many people have been impacted from 2012 up to now and the retrospection should go all the way back. I am critical of the fact that this is not the case as are organisations such as Age Action and the people who have been impacted since 2012. That is where the criticism is. This is a welcome first step but that is all it is. We need now to have it paid retrospectively to 2012.

**Deputy Regina Doherty:** Regarding Deputy Curran's question, 2012 does have the conditionality of a 40-year life span but it is because we have the 20 years of caring credits as opposed to what we would have historically had, which was a 30-year working average life span but only ten years of credits. That does not presuppose that this is what 2020 will look like. The public consultation has not been finished. I thank the Deputies who have made submissions to that. The outcome has not been determined. What the Deputy certainly cannot expect to have is 30 years and 20 years caring. If one goes up, the other goes up and if one goes down, the other goes down, which eventually will mean the same result. I would like to be as flexible as I can with regard to caring credits in the new system.

I can categorically give Deputy Brady a commitment that the back payments will be made from 30 March 2018 because €55 million is allocated in the budget this year to make sure the money is there for those people. I cannot give him a commencement date because I do not know how quickly the legislation will pass but, hopefully, it will pass. A new IT platform is also needed. We have a new interface screen on *mywelfare.ie* to interact with people in a much more friendly and interactive way. The new system will go live in January, I hope, but I cannot tell the Deputy it is going to be the second week in January, just in case.

*Question No. 79 replied to with Written Answers.*

### **Legislative Process**

80. **Deputy Willie Penrose** asked the Minister for Employment Affairs and Social Protection when it is planned to introduce the Employment (Miscellaneous Provisions) Bill 2017 in

Seanad Éireann; and the amendments she plans to make to the Bill. [46881/18]

**Deputy Willie Penrose:** When does the Minister intend to introduce this Bill in the Seanad? We passed it in this House last July. The legislation is urgently needed.

**Deputy Regina Doherty:** I am pleased to confirm that the Bill is scheduled for Second Stage in the Seanad on 20 November and for Committee Stage on 28 November. I am currently considering a small number of amendments, some of which are drafting amendments or just technicalities to be brought forward on Committee Stage. I will clarify the position during the Second Stage debate. The Bill delivers on the commitment in A Programme for a Partnership Government to tackle the problems caused by the increased casualisation of work and to strengthen the regulations relating to precarious work. This is important legislation, the key objective of which is to improve the security and predictability of working hours for employees on insecure contracts and those working variable hours in all sectors of employment.

Good progress has been made over the past number of years, in the context of our economic recovery, to create new job opportunities, the majority of which are full-time positions. While this is great, we must remember those people who, not by choice, are in less secure arrangements and may not know from week to week what hours they are working. This makes it difficult for them to plan their lives outside work. The Bill will significantly improve the employment protections for all of those people. I want the Bill to complete its passage through the Oireachtas as quickly as possible in the current session. If we all work closely together, we will get this out of the Seanad and back into the Dáil and completed before Christmas so that we can deliver for the people who are in those precarious situations this year.

**Deputy Willie Penrose:** I thank the Minister and I am glad to see this important legislation will progress. We will all put our backs behind it to make sure it is accelerated and becomes law. I am aware that the Minister reviewed a number of aspects of the Bill as passed by the Dáil. Has she re-examined the various arguments made in the Dáil by Labour Party Deputies and colleagues in the other parties to deal with if-and-when contracts? If these rotten arrangements are not dealt with, they will become the weapon of choice for bad employers and that is the worry, even though there are thousands of good employers who work well with their employees.

There are elements of the proposed legislation that are welcome and many of them were drawn from the proposals of my colleague, Senator Ged Nash, which he put forward to the Government in late 2015. It seems that for most workers trapped on if-and-when contracts, their work will continue to be treated as casual. This will deny them access to important provisions because they will not be classified as employees in the first place. For example, if-and-when workers will not be able to request to be placed on an appropriate band of hours to better reflect the reality of the hours they work, as other workers can. Has the Minister given any thought to that?

**Deputy Regina Doherty:** Yes, we have given it loads of thought. Each of the main elements of this Bill will improve the employment protections for people on if-and-when contracts. The banded hours provision, for example, will apply to somebody on such a contract so that if they have worked an average number of hours over the previous 12-month reference period, they will be entitled to be placed on the band of hours that reflects the realities of those hours that have been worked. The amendments to the terms of the Terms of Employment (Information) Act 1994 will require employers to inform their employees including those on

if-and-when arrangements by the fifth day of commencing employment what the employer reasonably expects the normal length of the working day and the working week to be. Employers will also be required to state the expected duration of their contract and whether that contract is fixed or temporary. Employees on if-and-when contracts will also benefit from the new minimum compensation provisions. Where they are given notice of hours of work but do not receive those hours, they will have to be given their two hours' compensation in lieu of the work they have not been given. Finally, employees on if-and-when contracts will also benefit from the anti-penalisation provisions in order that if an employer penalises them for exercising their rights under this Act, they will be entitled to pursue the matter through the WRC.

**Deputy Willie Penrose:** There is an urgent need for these provisions, giving hope and dignity to a cohort of workers who need to be brought in from the cold and given some hope for the future. We in the Labour Party have certainly not changed our policy or views on if-and-when contracts. My colleague, Senator Ged Nash, will table amendments to the legislation in the Seanad to address this problem. Particularly, he will propose an amendment providing that where a period of employment has to be calculated, casual work should be included in the calculation if the casual worker was employed on a regular or systematic basis and if during the period of service the worker has a reasonable expectation of ongoing employment by the same employer. That is important. The law must have regard to the basic facts of working life such as whether the employee was offered work regularly, whether the employee generally accepted work when it was offered and whether there was a pattern or system to the work offered each week even if the amount of work offered might have varied. Those are important components and indicia of a situation that should be comprehended and captured within the Bill. That is the one amendment that I can signal already that Senator Nash will be proposing.

**Deputy Regina Doherty:** I have not seen the amendment but I have spoken to the Senator and I will disagree with what he is attempting to do. The Senator Nash wants us to ban if-and-when contracts but there are so many industries in this country, government being one of them, that simply could not live without such contracts. I do not want to make life difficult for industry in carrying on its normal business but we will not tolerate a situation where people who are working on if-and-when contracts do not have the same employment protections as everybody else. I am prepared to move a bit this way if Labour Party Members are prepared to move a bit that way. I cannot countenance banning them even if all the Deputies and Senators gang up on me because there would be a significant backlash but perhaps we can try to achieve the same thing, which is to provide protections in law for the people who are currently working in those circumstances. We might have a win-win situation.

**Deputy Willie Penrose:** It is like the dance. We should come up a good bit of the way and the Minister might go and meet us.

*Question No. 81 replied to with Written Answers.*

### **Child Maintenance Payments**

82. **Deputy John Brady** asked the Minister for Employment Affairs and Social Protection if she is engaging in work regarding child maintenance payments; the process in place for seeking such maintenance; and if she will make a statement on the matter. [46857/18]

**Deputy John Brady:** I want to ask about child maintenance payments and whether the

Minister has examined the area. What are her intentions in this respect?

**Deputy Regina Doherty:** I have to be careful that I do not say something different from what I said ten minutes ago. There is a review going on within our Department. The Deputy will be aware from conversations we have had here previously that I was not happy with some of the aspects that I discovered when I came to this portfolio, particularly in respect of people who are under threat of domestic violence. We have made those changes. That allowed me to stick my nose into this section and say, “Hang on a second, what are we doing here?” We have conducted a review over the past couple of months but, before finalising what we should do, manners would dictate that we should sit down with the people in the Department of Justice and Equality who have responsibility for this. I need to question whether we should have a liable relatives division in our Department. That does not mean it needs to go. It either needs to be beefed up to do what everybody wants it to do or it needs to become the responsibility of some other Department. I will not countenance people being disenfranchised because of a condition of application to schemes regarding what they are currently entitled to for the sustainable minimum living standards of themselves and their children.

**Deputy John Brady:** There is a crossover between the Departments of Employment Affairs and Social Protection and Justice and Equality. The Minister said earlier that she will meet officials in the Department of Justice and Equality this month, which I welcome. The Minister stated that she carried out a review. It would be helpful if details of that review could be circulated to Members.

The Minister will be aware of the current set-up regarding child maintenance. Predominantly, it is the mother who is affected. If she does not receive a payment, by and large she has to go to the District Court to chase it up. Yesterday, I spoke to a mother who told me it had cost her €9,000 in legal fees to try to get child maintenance payments. Does the Minister agree it is wrong that they should have to go to court? There are so many difficulties there. People are afraid and feel intimidated going into a court setting. That needs to be eliminated.

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

**Deputy John Brady:** I published a proposal for a stand-alone child maintenance service.

**An Ceann Comhairle:** I thank the Deputy. Time is up.

**Deputy John Brady:** I sent it to the Minister. I would like to get her views on introducing something similar to what is in place in Britain. Would the Minister consider rolling that out?

**Deputy Regina Doherty:** The Deputy sent me the proposal some months ago. I thank him for sending it and I did read it. However, the matter does not fall within my remit. Much as I stick my nose into stuff that is none of my business, this definitely is not my business. My Department exists to support people. However, I agree with one thing. The former partner of the lady who paid €9,000 should be ashamed. Every parent has a responsibility towards his or her children. We should not need to bring someone - man or woman - to court to bear that responsibility. We have a system that does not seem to be working and nobody is really satisfied with it because it infringes on the ability of our Department to give people who are most vulnerable the support they need to have a minimum standard of living. We need to sit around a table to decide whether we are in or out, whether the Department of Justice and Equality is in or out, or whether we collaboratively do something that actually provides a straightforward mechanism. Perhaps it could be something like in the United Kingdom with attachment orders

against wages or social welfare payments.

I have discovered that if there is an attachment order against a social welfare payment, we would just have to increase the social welfare of the person, meaning that again the State pays. We need to tease these things out so that the State does not end up on the hook and taking over the responsibility from errant parents.

**Deputy John Brady:** As the Minister may be aware, in 2017 the UN made a recommendation that endorses my proposal for a child maintenance service. I accept that is not necessarily the responsibility of the Department of Employment Affairs and Social Protection but that of the Department of Justice and Equality. I have sat down with officials from the Department and they have said it is not on their radar. It needs to be on their radar and it needs to come from the Minister for Employment Affairs and Social Protection with responsibility for lone parents to put the pressure on. I welcome the meeting later in the month. That needs to be a core element of the discussion on child maintenance.

The Minister for Employment Affairs and Social Protection has responsibility. Why does she still include child maintenance when assessing means for social welfare payments? The Minister will be aware that child maintenance is seen as a means of helping lift children out of poverty. She has responsibility for that. Does she see it as a payment for the household or as a payment for the child?

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

**Deputy John Brady:** It is totally wrong for child maintenance to be considered in assessing means for social welfare payments. That is her responsibility. The Department of Justice and Equality-----

**An Ceann Comhairle:** The Deputy has made his point; now let us hear the Minister.

**Deputy John Brady:** ----- is responsible in other areas, but that is her responsibility.

**Deputy Regina Doherty:** I take some solace in knowing the Deputy thinks that I have more influence in the Department of Justice and Equality than he does.

**Deputy John Brady:** It is a Government colleague.

**Deputy Regina Doherty:** I know what he would like to see; I am somewhere in between. We will have that meeting with the Department of Justice and Equality later this month. I will come back to the Deputy and we will have a conversation on how best to progress it. I am aware of the UN recommendation.

The Department of Employment Affairs and Social Protection has generous regards with regard to maintenance. Income is income into a household. Why would the State give the same money that is already coming into a household for a child a second time? The Deputy cannot discount that is there; there certainly is a disregard for it. The Deputy cannot discount that somebody is bearing the financial responsibility towards their child. It would be errant for the State to make a payment twice. We can certainly have a conversation about the Deputy's belief that it should be a higher payment. That is a different discussion. However, he cannot discount. We are talking about ensuring that people are bearing their responsibilities for looking after their own children. The Deputy wants us to say, "Don't worry about them doing it. It's grand. We'll give you extra money anyway." I do not agree with that.

### **State Pension (Contributory)**

84. **Deputy Martin Heydon** asked the Minister for Employment Affairs and Social Protection the timeline for reviews of post-2012 contributory pensions; and if she will make a statement on the matter. [46756/18]

89. **Deputy Aindrias Moynihan** asked the Minister for Employment Affairs and Social Protection if she will report on the preparation works being carried out, including additional staff, needed to implement measures for correcting the post-2012 contributory pensions issues; and if she will make a statement on the matter. [46877/18]

120. **Deputy Mary Butler** asked the Minister for Employment Affairs and Social Protection the position regarding persons who have had anomalies in their pensions due to the way pension contributions have been calculated since the changes in 2012; the number of persons who have been contacted to date; and if she will make a statement on the matter. [46861/18]

**Deputy Martin Heydon:** I welcome that the process to restore post-2012 contributory pensions has started with some of the 79,000 letters now being sent out. When does the Minister expect all those letters to be sent? I ask her to update us on the timeline for the review? How long does she expect it to take? When does she hope the entire review process will be completed?

**Deputy Regina Doherty:** I propose to take Questions Nos. 84, 89 and 120 together.

Pensioners born on or after 1 September 1946 and affected by the 2012 changes in rate bands can have their State pension (contributory) entitlement calculated under an interim total-contributions approach. The announced changes also provide for up to 20 years of home-caring credits in the pension-entitlement calculation, for those who took time out of the workplace for parenting or caring duties.

Significant preparatory work was required to design and develop the necessary IT system changes and the necessary legislative provisions to underpin these changes, as published in the Social Welfare, Pensions and Civil Registration Bill last week.

The most recent data, which became available at the end of October, identified approximately 79,000 pensioners to be reviewed under this new system. Of these, over 70,000 reside in Ireland. The first 11,000 information letters issued last week to Irish residents. I expect the remainder to issue by the end of this week or early next week at the latest. More than 8,000 pensioners resident outside of Ireland are expected to receive letters in December.

The letter informs pensioners that my Department will contact them again directly with either the outcome of their individual review, where sufficient information is available to make a decision for them, or to request further information regarding gaps in their social insurance record. However, it is not necessary for anyone to contact the Department on this matter; we will do the contacting of the recipients.

Over 60 temporary staff have been recruited to examine the social insurance records of these pensioners. This phase is expected to continue to the end of the year. Following further

recruitment planned for January 2019, reviews and payments will commence in the first quarter of next year. It will take my Department a number of months to work through the reviews and the payments.

Where an increase is awarded, it will be paid immediately and backdated to 30 March 2018, or the person's 66th birthday, if later, and arrears will be paid. Pensioners who do not qualify for an increase will continue to receive their existing rate of entitlement.

**Deputy Martin Heydon:** That is very informative. We have discussed this in the House previously. It is an issue of major concern to the people affected and communicating the information to them properly is key. Those letters as they arrive this week and next week will be very much welcomed. I ask the Minister to confirm if the 79,000 covers everybody who is in receipt of a post-2012 pension.

I am sure this project is a logistical nightmare. How many staff are working on these reviews? Does the Minister hope to be able to gather all the information from the time spent caring from the Department's records or does she envisage the Department will need to go back? Will the pensioners be given the opportunity or be expected to provide information themselves? I know the Minister has said that initially the Department does not need that information back. What happens in the case where somebody does not get a letter? Do they have a means to be able to contact the Department of Employment Affairs and Social Protection to inform it that they believe they should have got a letter?

**Deputy Regina Doherty:** The information letters will issue to approximately 79,000 contributory pensioners. We have identified them because they are receiving less than 100% of a pension since the changes were made in 2012. The first 11,000 information letters issued last week and the remainder will issue this week or next week at the latest. People do not need to do anything for us because in the main we can already tell from our records whether they are entitled to an increase. For the vast majority of people, probably between 65% and 70% of the people who are due to get letters, we will know between now and Christmas whether they are entitled to an increase because of the records already *in situ*.

We will be inviting those people who have gaps to log onto *mywelfare.ie* to fill in those gaps for us. For example, a lady may have taken out ten years in the 1970s or 1980s to look after her children, but we may not have a record of her children. There are many reasons why people might have been out of the system caring. Heretofore it would only have been looking after children. This particular caring credit could relate to an elderly relative, for example a parent, an uncle or an aunt. Where there are gaps in our records, we will invite people to fill in the gaps and then we will conduct the review. Anybody who is due the increase will get the increase backdated in quarter one next year. Anybody who is not due an increase will remain on the payment they are on.

**Deputy Martin Heydon:** I thank the Minister. I am also mindful of the fact that when this is reported in the media, females are probably discussed but between 25% and 30% of those affected are male, many of whom left the country in the 1980s to work in England when there was no employment here. They sent pay packets home but had that break in contributions. They are as badly affected. At the end of the process, if somebody feels they were entitled to an increase but the Department has adjudicated they are not, will there be an appeals mechanism or will there be some way for them to argue that point?

**Deputy Regina Doherty:** People who left the country to go to work in another country can avail of the credits. If there is a reciprocal arrangement between the country the person went to work in and Ireland, he or she can arrange for his or her credits to be included on his or her record. The gaps can only be filled in this system by caring credits. People who went to work, say, in London will not be able to come home and say they were missing. They have to know who they were caring for and the period of time they were caring. They can give us that information on a bona fides basis. There are some people who will not be able to prove that in 1974 they were doing something but we will accept their bona fides. As with everything, there is an appeals process. If a person does not feel we have been satisfied about the gaps in their records, they can sit down with us. I hope that during the review process over the next couple of months and through the interactive website we have established, *mywelfare.ie*, they will be able to provide us with all of the information and we will go and check it out. If there are any anomalies, we will talk to people. The ultimate aim of the Parliament was to recognise there were people who were getting less of a pension than they should have as a result of the rate changes made in 2012. We want to rectify it from 30 March next year which is what we will do.

### **Brexit Issues**

85. **Deputy Willie O’Dea** asked the Minister for Employment Affairs and Social Protection the steps she has taken to minimise the impact of Brexit on the current reciprocal arrangements for social insurance schemes, social assistance schemes and child benefit between Ireland and the United Kingdom; and if she will make a statement on the matter. [46809/18]

**Deputy Willie O’Dea:** I submitted the question because, as the Minister will be aware, approximately 135,000 Irish residents are in receipt of a British pension. Approximately 35,000 people in Britain are getting an Irish pension. I want to ensure the arrangements to pay pensions on both sides will continue seamlessly despite the decision of the UK to leave the EU.

**Deputy Regina Doherty:** I thank the Deputy for raising this, particularly on the day when we may have a deal. It is important to note that the social security arrangements between the UK and the EU 27 have not changed. The future operation of arrangements will be determined as part of the complex process of negotiating the UK’s exit from the EU. My key area of concern is the impact of Brexit on the current reciprocal arrangements for social insurance schemes, social assistance schemes and child benefit between Ireland and the UK, including Northern Ireland.

The maintenance of the common travel area arrangements is one of the Government’s four Brexit priorities. The importance of maintaining the common travel area was acknowledged in Prime Minister May’s letter of 29 March 2017, which triggered Article 50 of the Treaty on European Union, the joint EU-UK progress report agreed at the European Council on 15 December 2017 and the protocol to the draft withdrawal agreement published by the Commission on 28 February 2018. It has also been acknowledged in the technical paper issued by the UK Government on 13 September 2018.

I met the UK Secretary of State for Work and Pensions, the Right Honourable Esther McVey, on Monday 23 April 2018, along with all of her officials. I emphasised my objective of ensuring that the reciprocity of social welfare rights and entitlements, which currently exists for Irish and UK citizens moving within Ireland and between Ireland and Britain under the common travel area, are safeguarded and maintained. I am happy that we have a broad agreement to

preserve the *status quo* in that regard.

I have a dedicated team in my Department which is conducting a deep analysis of scenarios on a scheme-by-scheme basis and contingency planning is ongoing for all outcomes, including a no-deal or worst-case outcome, which hopefully we will not require.

**Deputy Willie O’Dea:** I accept the Minister’s point about people’s intentions but is she aware of a report published today which was presented by a joint human rights committee set up under the Good Friday Agreement and concluded that the common travel area would benefit from greater legal certainty to ensure the smooth operation of reciprocal rights after Brexit? It also stated the common travel area is not underpinned by a single legal agreement but by a hotchpotch of laws. Does the Minister agree the common travel area would benefit from greater legal certainty? What steps is the Minister taking to ensure greater legal certainty is provided? Will whatever provisions are necessary be in place by 29 March?

**Deputy Regina Doherty:** I have a dedicated team in the Department. They have been working for almost a year on each individual scheme that has reciprocal rights between Great Britain, Northern Ireland and the Republic of Ireland to ascertain what exactly we need to do to maintain those reciprocal arrangements. I read the report with interest and was curious as to why it came out this morning but that is the nature of it. It stated that we require greater legal certainty regarding the articulation of the common travel area. It is untrue to say it does not exist in legislation. It exists in much legislation. It would be more ideal if it existed in just one Act. We will need to move to put some sort of an agreement together. That is what is being worked on. I suggest it will be finalised long before 29 March but I will keep the Deputy posted and let him know.

**Deputy Willie O’Dea:** The Minister referred to the analysis being conducted in her Department and the study being done on various scenarios including a no-deal scenario. Is it possible for the Minister to share that analysis with the House? We are all getting queries on this matter. We all need to reassure people who are coming to us. Can the Minister confirm that the present seamless reciprocal arrangements will continue after Brexit regardless of what happens with Brexit, deal or no deal?

**Deputy Regina Doherty:** Once the outcome of the analysis is complete and the negotiations are complete, I will be happy to share the analysis with the House but the outcome will probably be evident at that stage because the ambition of both Esther McVey and I is continuity of the existing arrangements. The only reason the Deputy would be surprised is if something goes askew on that and we do not have it but then we will all be very surprised. She and I have exactly the same ambition. There are long-standing relationships between the people of Ireland and the people of the UK. We share common ground in tens of thousands, if not hundreds of thousands, of human capital. We will ensure the reciprocal arrangements that exist between Northern Ireland and the Republic of Ireland, particularly on child benefit and all the social insurance and assistance schemes we have, are enshrined into the future. Until it is done, it is not done so I cannot give the Deputy much more information until it is complete, other than our ambition.

*Questions Nos. 86 to 88, inclusive, replied to with Written Answers.*

*Question No. 89 answered with Question No. 84.*

*Questions Nos. 90 to 92, inclusive, replied to with Written Answers.*

13 November 2018

*Question No. 93 answered with Question No. 78.*

*Question No. 94 replied to with Written Answers.*

### **Jobseeker's Allowance Payments**

95. **Deputy Richard Boyd Barrett** asked the Minister for Employment Affairs and Social Protection if she will re-examine the issue of the reduced rates of jobseeker's allowance for those under 26 years of age with an aim to restoring them to the standard rate; and if she will make a statement on the matter. [46888/18]

108. **Deputy Willie O'Dea** asked the Minister for Employment Affairs and Social Protection her plans to equalise the rates of jobseeker's payments for those under 26 years of age; and if she will make a statement on the matter. [46810/18]

**Deputy Willie O'Dea:** Has the Minister plans to equalise the rate of jobseeker's payments for those aged under 26?

**Deputy Regina Doherty:** I propose to take Questions Nos. 95 and 108 together. I do not think we have ever reached this number of questions.

In line with EU and OECD jurisdictions, reduced rates for young jobseekers were introduced from 2009 on a phased basis to tackle high youth unemployment. These measures guard against the development of long-term welfare dependency by providing young jobseekers with a strong financial incentive to engage in education or training or to take up employment. If a young jobseeker in receipt of the reduced jobseeker's allowance rate participates on an education or training programme, he or she receives the maximum rate of jobseeker's allowance of €198.

Age-related reduced rates do not apply to jobseekers with a qualified child, those transferring directly to jobseekers allowance from disability allowance and 18 to 24 year olds who were in the care of the Child and Family Agency during the 12 months before they reached 18 years of age.

The youth employment support scheme, which I launched in September, is a work experience scheme for long-term unemployed jobseekers aged 18 to 24 or who face significant and particular employment barriers. Participants will receive a minimum of €229.20 per week or a weekly top-up of €22.50 if they have dependants.

To date, these policies have been effective in reducing both youth and long-term unemployment numbers on our live register, which is exceptionally welcome. For example, the most recent data show that Irish youth unemployment has fallen from a peak of 31.2% in 2012 to just under 12% in October 2018. There has been a significant drop in the number of Irish youths who are unemployed. Irish youth unemployment, which was at 23% in 2012, has fallen well below the EU average of 14.9%.

**Deputy Willie O'Dea:** While the drop in youth unemployment is welcome, it is not solely due to this measure. There was a time before 2009 when, on turning 18, claimants were paid a rate of social welfare, namely, jobseeker's allowance, that was equivalent to what everybody else got. That was changed, initially in 2009 by a Government which was led by Fianna Fáil

and of which I remember being a member. I remember well the arguments to and fro and the rationale that was advanced, but it did not achieve what was forecast. While in other countries, such as the UK, there was a differential between people of different ages, I do not think that the objectives were achieved, insofar as I can recall them being outlined during the debate around the Cabinet table. Circumstances have since changed dramatically. What is the rationale for maintaining this distinction?

**Deputy Regina Doherty:** Dare I say that the Deputy is questioning his own decision from 2009, for which the rationale remains exactly the same today. We do not want our young people aged between 18 and 24 to be sitting at home watching “Judge Judy”. Rather, we want them in education, training or employment opportunities, which is exactly what this measure has achieved. Anybody who is at home on a reduced rate, aside from the people I described who have dependent children, have every opportunity to earn either €198 per week by entertaining employment, training or education opportunities, or by going on the recently launched youth employment support scheme, which will, I hope, give them long-term attachment to a workforce and a long-term job.

*Written Answers are published on the Oireachtas website.*

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

### **Hospital Staff**

**Deputy Maureen O’Sullivan:** Gabhaim buíochas leis an gCeann Comhairle as an deis seo a thabhairt dom labhairt ar an ábhar seo. Is cinnte go bhfuil díomá orm nach bhfuil an tAire Sláinte i láthair, ach leanfaidh mé ar aghaidh leis an Aire Stáit, an Teachta Catherine Byrne.

We all know the considerable work that goes on in our hospitals, for which the staff must be acknowledged. We know there are many difficulties with getting into the system because there is ample evidence of the waiting lists. There was always the feeling, however, that once one entered the Irish system, the treatment and care were excellent. While that continues to be the case, there are growing exceptions. Patients are in the system, but the understaffing and workload are so significant that it has a detrimental effect on the mental and physical health of both the staff and patients. The working environment, therefore, is not as it should be. Although I am speaking about the Mater Hospital, in particular, it applies to other hospitals also.

On St. Vincent’s ward, which is an oncology and haematology ward at the Mater Hospital, the patients are very unwell and they need extensive nursing and medical input. Consequently, the ratio of patient to nurse was historically 4:1. Nowadays, the standard is 6:1, but there are many days when there is one staff nurse for 12 patients, with a student nurse from 1st, 2nd or 3rd year on the ward also. It is difficult, therefore, to give the patients the care they need. For that ward to have the staff it needs to provide that care, there should be six staff nurses and two managers daily. In recent times, however, there have been four members of staff and one manager.

The patients on the ward are there for chemotherapy or complications relating thereto. They

must experience a safe, effective delivery of chemotherapy and support with follow-up monitoring, which needs two nurses who are qualified and trained in safe chemotherapy administration practice on the ward at all times, according to the ward's policy and guidelines. In the past two weeks, it was lucky to have one qualified chemotherapy-trained nurse, leading to inexperienced nurses administering chemotherapy or vital chemotherapy being delayed. There has been some improvement in the numbers following meetings with the Workplace Relations Commission, the director of nursing and the union, but the issues leading to those problems are not being adequately addressed. Rather, there is high staff turnover because of the stress involved in working on a ward with very ill patients who do not receive the recommended care from qualified staff.

Experience counts for so much, which newly qualified and overseas nurses who do not have experience of Irish hospitals may lack. Newly qualified nurses need the guidance of qualified staff in order that they will become experienced staff in time. Nurses who are trained abroad are entering a system with which they are not familiar. I am not undermining or demeaning in any way the newly qualified or immigrant nurses, but they need to be guided by the experienced staff in Ireland in order that there is a mix of skills.

Nurses are under a great deal of stress. On a recent Sunday, three nurses were on sick leave, two of whom were trained in safe chemotherapy administration, which left on the ward two nurses who had been qualified less than two years previously and who were not qualified to administer chemotherapy. That is not acceptable for patients or nurses.

It is disturbing that the information I present today is in a context of excellent facilities and treatment for cancer. So many advances have been made and we know so much more about cancers and their treatment. It was disappointing and alarming, therefore, to hear about the staff issues. I know it is not confined to the Mater Hospital because I have information about other hospitals also.

**Minister of State at the Department of Health (Deputy Catherine Byrne):** As I will take this matter on behalf of the Minister for Health, Deputy Harris, I asked the Deputy whether she wished to withdraw the matter but she did not.

I understand that the Mater Misericordiae University Hospital has experienced some difficulty in recruiting both permanent and temporary specialist oncology nurses for the oncology day unit in the hospital. Due to a combination of resignation, sick leave and maternity leave, there were several vacancies. The Minister was assured by the HSE that all avenues have been and are being explored to address the lack of oncology nurses. As a result of these efforts, one nurse commenced induction yesterday and another will commence induction in December, after which all staff nurse vacancies will be filled.

The Mater Hospital is working with the clinicians and nursing staff to reduce the impact on service delivery through redeployment of appropriately trained staff and the provision of additional training. The national cancer control programme has also supported the Mater Hospital in resourcing an additional oncologist who has been appointed and will commence in the new year. The hospital continues to work closely with the Ireland East Hospital Group in conducting a review of its operational capacity as demand for oncology day services continues to rise.

More generally, there are recruitment and retention difficulties in certain other areas of the health service, including nursing specialties. In these instances, the HSE utilises a range of

long-term measures such as overseas recruitment with agencies, rolling recruitment campaigns, recruitment fairs, social media recruitment campaigns and short-term measures such as staff reassignment to support service delivery.

The HSE also continues to offer contracts to graduate nurses and midwives once they have obtained their registration from the Nursing and Midwifery Board of Ireland, NMBI. The Minister believes the recent pay proposals put forward by the Public Service Pay Commission were a positive step towards making the public health service a more attractive place to work for nurses and midwives. The Government proposals made to address the issue of new entrants' pay will also benefit approximately 10,000 nurses to the value of approximately €3,000 each. The recruitment and retention of nurses and midwives has been a consistent priority for the Minister. Challenges exist with recruitment and retention of these professions against a backdrop of shortages at a global level.

Despite the challenges, the data show that the HSE has managed to increase the number of nurses and midwives employed. When the number of nurses and midwives employed by the HSE is compared between September this year and last year, it shows that there was an increase of 1,050 whole-time equivalents.

**Deputy Maureen O'Sullivan:** I went ahead with this matter today because of its urgency. I see there has been some progress. I had heard that some nurses came into work while unwell rather than let down their patients and fellow staff but that is not good safe practice, especially considering the immune systems of people who have cancer.

We know that nurses are a very skilled workforce. They have degrees in science, some have Masters degrees and other qualifications, and they have done a great deal of work and study to become registered. They want to deliver the service for which they have been trained and give the best care to their patients. For cancer patients, it is about giving them every chance to recover and live their lives.

I know St. James's Hospital and the pressures on its services well. I know from someone who is currently receiving treatment there that it begins at 8 a.m. and the nurses see dozens of patients daily. The first tranche is at 8 a.m. and the next is at 9.30 a.m. or 10 a.m. Not all of these people are receiving chemotherapy; some are getting injections or hormone infusions and blood. There are 12 beds in the ward, and as soon as the treatment of one patient is finished, the next is called. The nurses and doctors are run off their feet from 7.30 a.m. until late at night. It can be after 8 p.m. before they finish. I am sure that like me, the Minister of State has had family and friends with cancer who have gone through our system, facing the illness. The treatment and the effects that go with it are very difficult but we have good success and recovery rates. Cancer is not the death sentence it once was. However, we need the qualified and the experienced nursing staff to work alongside the newly qualified because the experienced staff can bring their new colleagues along.

We know that the problem is the overall pay and conditions, with the cost of living including housing that has resulted in our very well-trained nurses travelling to other countries. It is those countries which benefit from the education and training provided here and it is the patients who suffer in the meantime.

I have the reply and there are issues which I will have to follow up with the Minister.

**Deputy Catherine Byrne:** We all understand there are problems in the health service, par-

ticularly with the recruitment of staff for hospitals across all departments. I want to impress on Deputy O'Sullivan and others in the Chamber that both the Minister, Deputy Harris, and I believe that those working in the services in hospitals across Dublin do a fantastic job. Sometimes they find themselves pushed and can work under a great deal of pressure with several cases at once, particularly in units as important as oncology day wards. Living very close to St. James's Hospital, I understand the situation there.

The Minister wants to assure Deputy O'Sullivan that he will continue to monitor what is happening in the Mater Hospital and will work to address recruitment issues in the short and long term and carry out measures which will improve the situation as we go into next year. I assure the Deputy that the HSE recognises the need to focus on recruitment and retention of front-line staff and is committed to making a public health service a more attractive place to work. I understand Deputy O'Sullivan's frustration. It is something that I am contacted about daily in my own office, and I will continue to raise it with the Minister on the Deputy's behalf.

### **Ambulance Service Provision**

**Deputy Tony McLoughlin:** I have tabled this matter as the people of County Leitrim seek clarity from the Government as to why ambulance waiting times in the county are so high and why south Leitrim generally has been left without any ambulance cover whatever in recent months. They want to know why the new ambulance service which was based in Carrick-on-Shannon in County Leitrim has been moved to Boyle in County Roscommon. They want to know when the new measures which were promised by the HSE about new personnel, ambulances and first responder schemes will be put in place in Leitrim as advised in the 2015 capacity review of the national ambulance service.

As an elected representative for the County Leitrim area of the constituency, I also want to understand the problems and to help to identify what has gone wrong with ambulance waiting times in the county. I want to know what is being done by the HSE management to try to improve response times in the county and when the national ambulance service will be returned to its new base in Carrick-on-Shannon to cover the southern part of the county.

There is much concern on the ground about this as there have been several shocking cases where people have been left waiting for hours for an ambulance. In January this year in Ballinamore, a woman aged 85 years who had fallen and broken her leg had to endure a two and a half hour wait for an ambulance. In June, another elderly lady in Ballinamore had to wait for almost five hours. An ambulance was first called at 2.50 p.m. but did not arrive at her home in south Leitrim until almost 7 p.m. The woman was eventually brought to Cavan hospital which is only a 40 minute drive from her home, and had surgery a few hours later.

These are shocking examples of what is going on across the county under the current service. I have done some research on the issue and have been advised in a written parliamentary question, according to the assistant chief ambulance officer, Mr. Oliver Reilly, that County Leitrim only ever had two ambulance rosters on duty, one during the day and a night shift. One is based in Manorhamilton while another was set to be based in Carrick-on-Shannon but, as I noted earlier, is now based in Boyle in County Roscommon where it will remain for the foreseeable future. It is alarming that only one ambulance is ever on call in the whole county. In effect, one ambulance is often not available as under the current system, ambulances must often attend emergencies in other rural parts of the county.

Does the Minister believe this is sufficient ambulance cover for a widespread rural area in which few community first responder units have yet been established? If not, will he agree to make the HSE acutely aware of local communities' concerns on this issue and will the Department of Health make representations to the HSE as a matter of urgency?

**Deputy Catherine Byrne:** I welcome the opportunity to address the House on behalf of the Minister, Deputy Harris, regarding the ambulance service in Leitrim. The national ambulance service operates from two locations in Leitrim, namely Carrick-on-Shannon and Manorhamilton. However, services in Leitrim are not exclusively provided by staff based at these Leitrim stations. This is because the national ambulance service is increasingly moving to a policy of dynamic deployment. This ensures that vehicles are strategically located where they are most likely to be required, rather than located at a particular station. In line with this policy, and using the advanced medical priority dispatch system to triage calls, Leitrim is supported by other national ambulance service ambulance bases in Boyle, Sligo, Loughglynn, Cavan, Roscommon and Longford. Several developments have been made by the national ambulance service in order to address the issue of response times and ambulance cover in Leitrim.

I know too that in Border counties the national ambulance service works closely with the Northern Ireland Ambulance Service in order to provide a more responsive service for patients.

The capacity review, published in 2016, identifies particular difficulties serving rural areas such as Leitrim. The capacity review indicated that the only practical way to improve first response times in rural areas is through voluntary community first responder, CFR, schemes. The national ambulance service continues to work with local CFR groups across the region to enhance services.

The national ambulance service has undergone a very significant process of modernisation in recent years and there have been important service innovations and developments. This ambulance reform programme is taking place against the backdrop of the HIQA review of ambulance services, which was published in late 2014, and the national ambulance service capacity review.

The National Emergency Operations Centre has been established, where emergency calls are received and emergency resources are dispatched. The national ambulance service has visibility of all available paramedic resources and vehicles in real time, ensuring that the closest available resource is dispatched to an emergency. In addition, the national ambulance service has developed the intermediate care service to provide lower acuity hospital transfers, which frees up emergency ambulances for the more urgent calls.

A permanent emergency aeromedical support service has also been established to provide a more timely response to persons in rural communities.

During recent years additional investment has been directed towards the national ambulance service. This year, an additional sum of €10.7 million has been made available, which includes €2.75 million to fund new developments. New developments include the development of alternative pathways to care with the Hear and Treat clinical hub that went live in the national emergency operations centre in March of this year. This diverts some lower acuity patients to alternative care pathways and frees up some emergency capacity. It is anticipated that such initiatives will help to improve response times around the country, including in the Leitrim area. I

will come back to the Deputy on other issues he raised.

**Deputy Tony McLoughlin:** I thank the Minister of State for her reply and I have a few queries on foot of it. A capacity review into the national ambulance service was conducted in 2015 and its findings were released in 2016. It found that in order for the service to meet strict HIQA standards, additional staff needed to be hired. Can the Minister of State identify the Government's efforts in that regard and indicate the progress that has been made to date in providing new staff and ambulances for the service? I note the capacity review outlined the case for working with community first responders in rural areas in County Leitrim. They are generally the local GPs who are under considerable pressure, working in large rural areas on their own and they have very busy surgeries without adequate back-up and support. What efforts are in hand to improve matters?

I ask the Minister of State to come to Leitrim to meet the local doctors to hear at first hand their genuine fears for their patients, namely, the prospect that they face the worst outcome as a result of longer than acceptable response times.

As per the commitment given by the national ambulance service, will she agree to facilitate a meeting with the management of the north west ambulance service to enable its members to outline their efforts to increase resources in the area, place more than just one ambulance in the new base in Carrick-on-Shannon to serve the people of south Leitrim and west Cavan and reduce waiting times to under one hour?

I have been advised this evening that the Boyle ambulance crew has filed a health and safety complaint regarding the deployment of the second ambulance from Carrick-on-Shannon to their base, thus prompting serious concern that only one crew from Carrick-on-Shannon will be moved and that the crew currently based there will be moved to Sligo, leaving no ambulance service for Leitrim in the county. That would be regrettable and it is a matter of great concern to me as Deputy representing the county. While the Minister of State is responding to the requests I have made, it is vital that these facts be brought to the attention of the Minister.

**Deputy Catherine Byrne:** The Deputy has raised a number of specific questions to which I do not have a response. I will, therefore, have to go back to the Minister and ask him to respond to the Deputy on a personal basis. I understand the Deputy's frustration and the concerns he raised. He has outlined the difficulties that arise when people who have suffered an injury are not transported by ambulance immediately and often have to wait for up to two and half hours or even longer for an ambulance. I will raise those with the Minister and, if the Deputy wishes, I will also ask the Minister if he will consider meeting him and visiting the area to enable him to fully recognise and understand the problems that have occurred in the past as the Deputy outlined. I have taken a note of all of his questions and I will ask the Minister to respond to him on a personal basis.

**Deputy Tony McLoughlin:** I thank the Minister of State for that.

## **Employment Rights**

**Deputy Maurice Quinlivan:** The continued use of bogus self-employment throughout Ireland means that workers are not defined as employees and they are not protected by some key employment legislation. As a result, they are entitled to fewer benefits such as sick pay, over-

time, increments, pension contributions, maternity leave and holiday pay.

Department officials attended a meeting of the Joint Committee on Employment Affairs and Social Protection last week to discuss the issue of bogus self-employment. I was dismayed to learn the Department does not keep any records on bogus self-employment, despite carrying out inspections to supposedly identify it. Despite keeping no records of cases of bogus self-employment, the Department believes from some reports it cites that the issue of bogus self-employment is not significant or prevalent in the State. That is in stark contrast to the Irish Congress of Trade Unions, for example, which has estimated that over an eight-year period the State may have missed out on €640 million in unpaid PRSI due to bogus self-employment in the construction industry alone. The newly-formed Connect trade union, which represents 40,000 craft workers, has estimated the practice is costing the State €300 million a year. Bogus self-employment is prevalent not only in the construction industry but in other sectors. The Eversheds Sutherland report highlights significant difficulties and inconsistencies in employment practices at RTÉ. The Unite union has highlighted the problem faced by workers in the English language teaching sector. I understand there may be some employees - or they are not employees in the correct sense - in this establishment who are suffering from bogus self-employment practice. The Minister needs to investigate that and come back to us on it. With the increase in the prevalence of fast food, delivery services are becoming a major issue in this regard. Does the Minister have any intention of introducing measures to combat this problem, which is costing the State significantly in lost tax revenue and leaving thousands of workers vulnerable in their employment?

**Deputy David Cullinane:** The practice of bogus self-employment and employers forcing workers on to self-employed contracts when they should be employees is, unfortunately, on the increase. According to the Connect trade union, which organises more than 40,000 tradespeople, it is now rampant in the construction industry. We also see it in the media and film industries, particularly in RTÉ, and in many other sectors.

The Irish Congress of Trade Unions calculates that the loss to the Exchequer is approximately €80 million per year and amounts to €680 million since 2007. With all this in mind, it is baffling that the Department of Employment Affairs and Social Protection keeps no records in cases of bogus self-employment, despite carrying out inspections to apparently identify the problem. The Department cites that in 2017 it carried out 2,698 employer reviews with savings of €2.27 million recorded, which we welcome, but it could not tell the joint committee the number of these reviews which resulted in bogus-self employment being identified. We have a bizarre situation where inspections are being carried out, yet no data are being kept on the level of bogus self-employment found. That begs the question as to why the Department would even bother carrying out the inspections in the first place. Despite keeping no records of bogus self-employment, the Department believes in some reports it cites that bogus self-employment is not significant or prevalent. This shows a very lax attitude on behalf of the Department to the issue of bogus self-employment and no real intention of tackling it. While on the one hand the Department is happy to put pressure on ordinary citizens to recoup money where it makes a mistake and an overpayment is made, and the Government was happy to roll out a campaign on so-called welfare cheats which itself turned out to be bogus, it does not show the same urgency when it comes to employers using this practice.

The Government has said time and again that this is not an issue, yet it is not collecting the data to demonstrate how serious an issue this is. That is a failing on behalf of the Government and I want to know how that will be rectified.

**Deputy Catherine Byrne:** I am taking this matter on behalf of the Minister for Employment Affairs and Social Protection.

False self-employment is consistently brought up by Deputies as a prevalent issue. If any Deputy is aware of any particular cases, the Minister strongly urges them to bring these to attention of the Department of Employment Affairs and Social Protection to ensure they can be investigated.

The Department's scope section makes in excess of 1,000 employment status determinations each year covering a range of issues including directors of companies, family employments, partnerships and public sector employments. The number of cases involving a direct conflict of employment or self-employment status is relatively small. In 2017, the scope section made 138 decisions resulting in a class A employment decision. Of these, 35 could be described as disputed employment/self-employment cases. In the current year, the section has made 113 decisions resulting in a class A employment decision of which 27 could be described as disputed employment self-employment cases.

Following a scope section decision, the employer will be liable for class A PRSI for the full period of employment. This can be a significant penalty for a business. Most employers cooperate fully with the Department's inspectors in insuring compliance following a scope decision. Where they fail to comply, additional measures, including prosecution, can be brought to bear. Cases referred to the Department's central prosecution service, CPS, for consideration of prosecution are examined using the principles established by the Director of Public Prosecutions, DPP.

Employer-specific social welfare offences have been considered by the courts as being of a technical nature in that they relate to a failure to keep and maintain prescribed records and remit PRSI. If, during the proceedings, the employer remits the PRSI or provides the records that were requested, the case is commonly withdrawn or struck out. The Department will generally only pursue a case where the employer refuses to comply.

The Department carried out a media campaign on false self-employment in May 2018 to ensure better public awareness of the important service the Department provides in determining employment status, as well as to help develop a better understanding of the scale and nature of false self-employment. The scope section received 50 calls and 30 emails during the campaign from individuals who had become aware of the service directly as a result of the advertisement campaign. Up to 15 scope section investigations were created as a direct result of the media campaign.

Given the relatively low number of formal requests for determinations, there may be some reluctance by individuals to seek a scope section determination due to concerns over how an employer will react. This suggests that the most appropriate way to address the issue will be through inspection. Anti-victimisation measures may be required to provide assurance to workers that they cannot be victimised if they raise legitimate concerns regarding their employment status.

Although the response was low, the response to the campaign will inform the inspection work of the Department, Revenue and the WRC, including in sectors other than construction. The Department has intensified its employer inspection activity since the campaign. A separate series of investigations took place in the west focused on the construction sector. Two further

projects with a particular emphasis on identifying false self-employment are planned for the Dublin north and mid-west divisions.

It is difficult to identify hard data on false self-employment without individuals coming forward for investigation and decision. While there are some cases of false self-employment in particular sectors, this has not translated into any increase in overall levels of self-employment as might be expected if there was a growing problem. The self-employed continue to make up just over 15% of total employment. This is in line with the average rate of self-employment in the EU and has not increased in the past 16 years.

**Deputy Maurice Quinlivan:** I thank the Minister of State for the response. However, the Minister for Employment Affairs and Social Protection has not grasped the scale of the problem with bogus self-employment. We all meet people in our constituency offices who believed they were on different contracts but found out that they were not employees but self-employed. This, in turn, caused problems when they retired or needed to access social services.

Will the Minister of State forward our concerns to the Minister? Will the Minister introduce legislation to outlaw this practice? If not, why not? It has been done in other jurisdictions. For example, in Australia, the Fair Work Act 2009 protects genuine employees from sham independent contracting arrangements and outlines an employer's obligations in establishing an employment relationship. In addition, the Prohibition of Bogus Self-Employment Bill 2018 has been introduced in this House.

As a result of the evidence provided to the Joint Committee on Employment Affairs and Social Protection last week, will the Minister make the necessary changes to ensure inspection records are kept in order that evidence can be gathered to establish how widespread the practice is? Bogus self-employment needs to be addressed immediately to ensure workers have their full employment rights and the State does not lose out on millions of euro in lost revenue and PRSI. The Minister needs to act on this issue.

**Deputy Catherine Byrne:** There is a commitment in the programme for the Government to address the increase in casualisation of workers and to strengthen employment regulations. The Employment (Miscellaneous Provisions) Bill 2017 is currently going through the Oireachtas and it addresses several workers' rights issues, including prohibiting zero-hour contracts in most circumstances and requiring the terms of employment to be produced by an employer within five days, a new minimum payment for employees called in to work but sent home again without work, a new right for employees whose contract of employment does not reflect the reality of the hours they habitually work, and for employees to be entitled to be placed in a band of hours that better reflect the hours they have worked over a reference period, as well as strong anti-penalisation provisions for employees.

The Minister welcomes the broad support for the Bill, which aims to improve the security and predictability of working hours for employees on insecure contracts and those working variable hours. It particularly focuses on low-paid or vulnerable workers.

I am aware of people attending my constituency office with these issues. I go directly to the Department about these cases. I urge the Deputies to bring these matters to the attention of the Department of Employment Affairs and Social Protection, as well as writing to the Minister about them.

## Public Procurement Regulations

**Deputy Jackie Cahill:** The concept of tendering for State contracts is, in principle, worthwhile, placing an obligation on the Government to get the best value for money for taxpayers. Several issues have arisen, however, in how the State's procurement process has been implemented. Ireland is a small open economy and has vulnerabilities that other European countries do not have. The size and scale of our economy has put Irish contractors at a distinct disadvantage in the process.

It has been brought to my attention that a product supplied by a company, which was successful in winning the tender to supply the Garda training college in Templemore, County Tipperary, does not match the normal standards for food labelling. The contract was won at the expense of a local producer who had supplied the college for many years. The product in question is a roasted coffee product. The following issues have been presented to me which are of serious concern.

The product is branded to suggest that it is from a company registered in Ireland. However, there is no such company registered in Ireland, despite the packaging implying so. The packaging implies that the product is roasted in a specific town in Ireland. I can emphatically state that there is no coffee roasterie in that town. There is a minimum of three different types of coffee making up this product but the packaging does not state this. There is no labelling as to the origin of these coffees. A high percentage of the coffee from the sample pack tested was damaged, under-roasted and of low quality and consistency. A list of ingredients is not labelled on the sample pack examined. This is one product from one supplier. I am offering the Minister of State, Deputy Stanton, evidence that normal standards of food labelling and safety have not been adhered to. This raises serious concern about the effectiveness of the State's procurement process and demands that the particular incident be properly investigated. On this evidence alone, it is clear the process is completely unable to guarantee the same standard of food which local companies supplied for generations.

I have raised this issue on at least four occasions over the past two years and it is now a matter of urgency that we see real change in the national procurement process. No account is made in the tendering process for the local supplier with generations of experience in the supply of quality, safe foods to the public sector. I can also quote a furniture company, an office stationery company and a building company in my home town of Thurles which have been frozen out from supplying the public sector. They offer well-paid sustainable jobs in our communities and can match price and service, yet the Government says "No thanks". The Government believes some big international supplier can do better than our indigenous companies but it is wrong. These big international suppliers cannot do it better than our own local Irish suppliers. In this case, the big international companies are supplying a substandard product with very questionable labelling. I remind the Minister of State that this is a food product that we are talking about. In this case alone, the State's procurement process has got it terribly wrong. No one can be expected to believe this is an isolated incident. With the hundreds of thousands of products being supplied to the public sector daily, there is every chance that this is not the only low-quality product being provided. I argue that the business model of these international suppliers involves replacing quality products with cheaper substitutes to secure contracts. The Government is being penny-wise and pound-foolish.

I ask the Minister of State formally today to begin a root and branch review of the process

and to put at its heart quality of product and service throughout the tender process. I ask the Government to show some support for our local companies and to stop hiding behind EU regulations. For once, let us support Irish jobs in Irish companies.

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** On behalf of the Minister for Justice and Equality, Deputy Flanagan, I thank Deputy Cahill for raising this matter this evening. As the Deputy will be aware, the Garda Commissioner is responsible for carrying on and managing the administration and business of An Garda Síochána and the Minister has no direct role in the management of the finances of the Garda College in Templemore. It is important to note that the Commissioner is the Accounting Officer for the Garda Vote and that expenditure in relation to the Garda College and the procurement procedures operated at the college are primarily his responsibility. The Deputy will also be aware that the Garda Síochána's internal audit report on financial procedures in the Garda College, which was completed in February 2017, raised serious issues in relation to governance and accountability in the college. Oversight of the implementation of the recommendations of that report was referred to the Policing Authority by the Minister's predecessor in March 2017.

One of the issues of concern highlighted by the report was that the manner in which goods and services for the college were procured was not in accordance with public procurement legislation. The Commissioner accepted the findings set out in the report and put in place arrangements to ensure that its recommendations were implemented. The Commissioner has advised that, upon a request from An Garda Síochána, the Office of Government Procurement issued a request for tenders on 16 November 2017 via the eTenders procurement portal to establish a single supplier framework for the provision of goods to the college. To encourage small businesses to bid for this contract, the competition was divided into 13 product lots. The Minister is further informed that the request for tender for the food contracts for the Garda College restaurant clearly outlined that all labelling of the goods must comply with national and European food labelling requirements. The tender also included requirements in relation to HACCP and food safety compliance. The Minister is advised that the procurement process is complete and that contracts have been awarded to the successful tenderers.

The Policing Authority has assessed the action taken by An Garda Síochána regarding the recommendation in the audit report dealing with procurement at the Garda College and has deemed it completed. The Garda Commissioner has advised that the principal administrator at the college continues to ensure that the procurement of all goods and services is in line with public procurement procedures.

**Deputy Jackie Cahill:** While I thank the Minister of State for his reply, the procurement policy operated by State bodies is the Government's responsibility. The fact of the matter is that small local companies are being frozen out. Templemore is just one example of what is, unfortunately, happening in the vast majority of tendering processes nationally. I can set out other examples besides the issue with the quality of the coffee which I cited in my opening statement. The quality of products being sourced is not up to the standard that obtained previously in the depot. There were 14 or 15 local companies supplying products to the depot previously and they provided valuable local employment which was essential to the local economy. All but one lost out in this procurement process, however.

I have seen the tender process that was forced on these small companies. It was not possible for small companies to do what the procurement process demanded. It was extremely expensive and required the expenditure of a great deal of money in a lot of cases. Questions were also

13 November 2018

asked of suppliers which it was unreasonable to expect them to respond to. No small company could deal with them. One example relates to a local fruit company which had been supplying the depot for over 30 years and was asked what it would do in the event of a storm and about its capacity to source product. During the storm event which took place a couple of months ago, however, it was ironic to find the depot having to turn back to local suppliers to source supplies for the students and employees of the college. The procurement process which has been put in place renders it impossible for small local companies to win contracts.

I make the following point forcefully to the Minister of State. We now have proof that the product being supplied to one particular State institution is of an inferior quality by comparison to what was supplied previously. I am sure the same will apply elsewhere. This warrants investigation and I ask that one takes place.

**Deputy David Stanton:** The disappointment of local businesses which previously supplied goods and services to the college but were not successful in the recent tender process is understandable. I am sure the Deputy will appreciate the obligation on the Commissioner to ensure that best practice under public procurement legislation is followed in the sourcing of goods and services at the Garda College. However, the points the Deputy makes in his contribution and the concerns he raises are serious and an investigation is merited. I will therefore ask the Minister, Deputy Flanagan, to investigate this matter.

### **Hallmarking (Amendment) Bill 2016: Order for Report Stage**

**Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys):** I move: “That Report Stage be taken now.”

Question put and agreed to.

### **Hallmarking (Amendment) Bill 2016: Report and Final Stages**

**Acting Chairman (Deputy Bernard J. Durkan):** Amendments Nos. 1 to 3, inclusive, are related and may be discussed together.

**Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys):** I move amendment No. 1:

In page 4, between lines 2 and 3, to insert the following:

“ ‘multi-metal article’ means an article comprised of 2 separate metals, one of which is precious metal or an alloy of precious metal, and the other of which is non-precious metal;

‘non-precious metal’ means any metal other than—

(a) gold, silver, palladium or platinum, or

(b) alloys of gold, silver, palladium or platinum;

‘offshore hallmark’ has the meaning assigned to it by section 2(1)(aa);”.

Amendments Nos. 1 to 3, inclusive, provide for the insertion of a new provision in the Hallmarking Act 1981 to allow the hallmarking of multi-metal articles. Ireland has been out of step with other countries whose legislation provides for the hallmarking of multi-metal articles. Making these amendments will enhance Ireland’s attractiveness as a location for inward investment by high-end jewellery undertakings which need to be able legally to hallmark multi-metal articles as part of their business. The provisions propose to lay down in legislation the requirements for both precious and non-precious metal elements of any multi-metal articles to ensure consumers can clearly see what they are being sold.

**Deputy Maurice Quinlivan:** I will not comment on specific amendments but will simply make a few comments on the conclusion of the Bill. Sinn Féin will be supporting all the Minister’s amendments.

Amendment agreed to.

**Deputy Heather Humphreys:** I move amendment No. 2:

In page 4, to delete line 4.

Amendment agreed to.

**Deputy Heather Humphreys:** I move amendment No. 3:

In page 7, between lines 9 and 10, to insert the following:

**“Amendment of Principal Act**

**9.** The Principal Act is amended by the insertion of the following sections after section 6A (inserted by section 99 of the Act of 2007):

**“Multi-metal articles**

**6B.** (1) Subject to subsection (2), the following requirements shall apply to a multi-metal article:

(a) both the precious metal, or alloy of precious metal, and non-precious metal of the article shall be clearly visible;

(b) the precious metal, or alloy of precious metal, of the article shall be marked with an approved hallmark;

(c) the non-precious metal of the article shall be—

(i) clearly distinguishable from the precious metal, or alloy of precious metal, of the article by its colour,

(ii) neither coated nor treated to give the appearance of a precious metal or alloy of precious metal, and

(iii) marked with the word ‘METAL’.

(2) Paragraphs (a) and (c) of subsection (1) shall not apply to any non-precious metal of a multi-metal article where that non-precious metal performs a mechanical function for which the precious metal, or alloy of precious metal, of the multi-metal article is unsuitable either for reasons of strength or durability.

(3) The provisions of this Act, the enactments specified in subsection (2) of section 8, and any regulations made thereunder, shall, with any necessary modifications, apply to the precious metal, or alloy of precious metal, of a multi-metal article as if that precious metal or alloy of precious metal were an article of precious metal and, for that purpose, a reference to articles of precious metal shall include a reference to the precious metal, or alloy of precious metal, of a multi-metal article.

### **Offence relating to supply of multi-metal articles**

**6C.** (1) It shall be an offence for a trader to supply a multi-metal article that does not comply with the requirements specified in subsection (1) of section 6B.

(2) A person guilty of an offence under this section shall be liable on summary conviction—

(a) in the case of a first offence, to a class B fine or to imprisonment for a term not exceeding 6 months or to both, and

(b) in the case of any subsequent offence, to a class A fine or to imprisonment for a term not exceeding 12 months or to both.

(3) Sections 78, 80 and 84 of the Act of 2007 shall apply to an offence under this section as they apply to an offence under that Act and, for that purpose, references in those sections to an offence under that Act shall be construed as including references to an offence under this section.

(4) Sections 10(1), 24, 35 and 36 of the Competition and Consumer Protection Act 2014 shall apply for the purposes of this section and section 6B, subject to the modification that references in those sections to the relevant statutory provisions shall be construed as a reference to this section and section 6B.

(5) In this section—

‘Act of 2007’ means the Consumer Protection Act 2007;

‘trader’ and ‘supply’ have the same meanings respectively as they have in section 2 of the Act of 2007.”.

Amendment agreed to.

**Deputy Heather Humphreys:** I move amendment No. 4:

In page 7, to delete lines 29 to 32 and substitute the following:

“(a) by the substitution, in subsection (1), of “to the Assay Master or an authorised assay office” for “to the Assay Master”,.”.

Section 9 of the Hallmarking Act 1981 provides for the manufacturer of a precious metal article to apply a distinctive mark to the article, known as a sponsor's mark, and to have the manufacturer's design approved by the Assay Master. As indicated on Committee Stage, provision has been made in the Bill to transfer approval of sponsors' marks from the Assay Master to the Company of Goldsmiths which had operational responsibility for the assay office, but amendment No. 4 deletes this provision. Having considered the matter further and to ensure that there are no possible governance issues, the assay office and the Assay Master should maintain their independence from the Company of Goldsmiths.

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendments Nos. 5 to 7, inclusive, are related and may be discussed together.

**Deputy Heather Humphreys:** I move amendment No. 5:

In page 9, to delete lines 21 and 22 and substitute the following:

“an article of precious metal where that hallmark, stamp or other mark is a forged hallmark and he or she knows or believes such hallmark, stamp or other mark to be a forged hallmark.”.

Amendments Nos. 5 to 7, inclusive, are consequential and technical amendments to the Bill. They provide for amendments to section 12 to update the new forgery offence provisions to take account of forgery by knowingly applying a forged hallmark to an article of precious metal and the offence of knowing that hallmark stamp or other mark be a forgery. Amendment No. 7 inserts new text into the Bill to take account of offences by a body corporate as there is no such standard provision in the Hallmarking Act 1981.

Amendment agreed to.

**Deputy Heather Humphreys:** I move amendment No. 6:

In page 9, to delete lines 24 and 25 and substitute the following:

“that bears a hallmark, stamp or other mark where that hallmark, stamp or other mark is a forged hallmark and he or she knows or believes such hallmark, stamp or other mark to be a forged hallmark.”.

Amendment agreed to.

**Deputy Heather Humphreys:** I move amendment No. 7:

In page 10, between lines 3 and 4, to insert the following:

**“Offences by body corporate**

**13.** The Principal Act is amended by the insertion of the following section after section 12A (inserted by *section 12 of the Hallmarking (Amendment) Act 2018*):

**“12B.(1)** Where an offence under this Act is committed by a body corporate and it is proved that the offence was committed with the consent or connivance, or was attributable to any wilful neglect, of a person who was a director, manager, secretary

or other officer of the body corporate, or a person purporting to act in that capacity, that person, as well as the body corporate, shall be guilty of an offence and may be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.”.”.

Amendment agreed to.

**Deputy Heather Humphreys:** I move amendment No. 8:

In page 10, line 22, to delete “Jobs” and substitute “Business”.

This is a technical amendment to reflect the change in title of the Minister since the Bill was originally published.

Amendment agreed to.

Bill, as amended, received for final consideration.

**An Leas-Cheann Comhairle:** When is it proposed to take Fifth Stage?

**Deputy Heather Humphreys:** Now.

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

Question proposed: “That the Bill do now pass.”

**Deputy Maurice Quinlivan:** I thank the Minister for bringing forward the Bill. As has been stated, it is technical in nature, with the main aim of including palladium and mixed precious metals on the list of precious metals which may be hallmarked by the Irish Assay Office. On foot of the Bill being brought forward, I was kindly invited to and subsequently visited the assay office in October of last year to better inform myself about the process of hallmarking and the changes the Bill was seeking to bring about. I wish to thank John Harbourne and Robert White, who invited us to the office, showed us around and explained in great detail the impressive history and operations of the assay office, which dates back to 1637. I was very impressed by the set-up of the office in Dublin Castle and the expertise of its staff. Similar to most people, I had limited knowledge of hallmarking, but the visit made me acutely aware of its significance. The assay office is a very impressive and effective organisation staffed by people who have a deep desire to ensure customers are protected and Irish jewellery retains its extremely high reputation for quality. I was encouraged to see that it is exploring opportunities arising from Brexit and the potential benefits for Ireland and our hallmarking institutions. Hallmarking is a very niche process and I was delighted to have the opportunity to better understand its history, system and importance.

Members were probably contacted by jewellers’ representatives groups on the Bill. Most were happy with the provisions of the Bill, but some wanted weight exemptions included. After carrying out research and consulting with the representative bodies, we concluded that no amendments for weight exemptions should be introduced in order to ensure the high quality of

Irish products is maintained and to protect consumers. We were happy to support the Bill in its original format and will similarly support its amended form. I thank the Minister for bringing forward the Bill and thank the staff of the assay office for their important work in this area. The Irish Assay Office has been in operation for the past 381 years. I hope the changes contained in the Bill will help to protect the high quality of Irish jewellery for years to come.

**Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys):** I thank Deputies for their engagement on the Bill, which aims to enhance consumer protection and strengthen consumer confidence regarding the proper hallmarking of articles of jewellery made from precious metal. I too visited the assay office and I agree with Deputy Quinlivan on the commitment and dedication of its staff. The work that they do goes on out of the public view, but they do excellent work in protecting consumers. I look forward to the enactment of the Bill as soon as possible.

Question put and agreed to.

**An Leas-Cheann Comhairle:** The Bill will now be sent to the Seanad.

### **African Development (Bank and Fund) Bill 2018: Order for Second Stage**

Bill entitled an Act to provide for the approval of the terms of the Agreement Establishing the African Development Bank; to provide for the approval of the terms of the Agreement Establishing the African Development Fund; to provide for payments under those agreements; and to provide for related matters.

**Minister of State at the Department of Finance (Deputy Michael D'Arcy):** I move: "That Second Stage be taken now."

Question put and agreed to.

### **African Development (Bank and Fund) Bill 2018: Second Stage**

**Minister of State at the Department of Finance (Deputy Michael D'Arcy):** I move: "That the Bill be now read a Second Time".

The African Development (Bank and Fund) Bill, if approved by the Oireachtas, will facilitate Ireland's future membership of the African Development Bank and the African Development Fund, the key entities of the African Development Bank Group, a multilateral development finance institution focused on contributing to economic and social development in the African region. The bank was founded in 1963 and the fund established in 1972 with membership consisting of 54 African states and 26 non-African states. The group's mission is to help reduce poverty, improve living conditions and mobilise resources for the continent's economic and social development. To achieve this, the bank group mobilises and allocates resources for investment in its regional member countries and provides policy advice and technical assistance to support development efforts. This Bill will facilitate the approval of the agreement establish-

ing the African Development Bank and the agreement establishing the African Development Fund and facilitate payments to be made to the bank and the fund, respectively.

Following the approval of the Government in November 2017, the Department of Finance has been engaging with the bank secretariat regarding Ireland's potential membership. Formal notification of Ireland's interest in participating in the fund and being admitted as a member of the bank was sent to the current president of the bank, Mr. Adesina, in February of this year. If Ireland is to complete its membership of the bank and the fund, we are required to consent to be bound by the international agreements establishing the bank and the fund. Membership shall oblige Ireland to contribute to both the bank and the fund. As Deputies will be aware, Article 29.5.2° of the Constitution provides that "the State shall not be bound by any international agreement involving a charge upon public funds unless the terms of the agreement shall have been approved by Dáil Éireann". The enactment of the Bill before the House would confirm such approval. Similar requirements applied when Ireland joined other international financial institutions such as the World Bank and, most recently, the Asian Infrastructure Investment Bank last year.

The rationale for Ireland's membership of the bank and the fund is primarily based on the bank's alignment with Ireland's development priorities, as well as our trade relations with the wider African economy. In particular, the bank's emphasis on climate change, agriculture and nutrition, fragile states and jobs and economic development align closely with four of the six priority areas for action identified in Ireland's current international development policy. Historically, Ireland has had a long and positive relationship with Africa. Strong links were built through the development work of missionaries and aid workers and the effectiveness of our aid programme. Our reputation has been enhanced by the positive contribution of our peacekeepers, diplomats and business people. Our decision to join the bank and the fund complements our existing development relationship and is consistent with the priorities set out in the Global Ireland 2025 initiative, which was launched recently. I refer, for example, to our ambition to double the scope and impact of Ireland's global footprint across the next seven years. This initiative relates specifically to the objective of extending our influence in Asia and Africa.

As Deputies will be aware, Ireland is in the process of developing a new international development policy to take account of the significantly evolving international development context. In light of the increasing interconnectedness and scale of the international agenda, the co-ordination of efforts and the combining of resources will be increasingly important. Our partnership with multilateral institutions like the African Development Bank Group will be a key part of our approach. Ireland's membership of the bank and the fund is consistent with our commitment to the UN 2030 agenda for sustainable development and is reflective of our whole-of-Government approach to implementing the sustainable development goals. While the overarching rationale for our membership of the bank and the fund is based on values, our membership will also create new opportunities for Irish business. When we join the bank and the fund, our enterprises will be able to tender for the delivery of services or products for bank and fund projects which were not previously available to them. While the return from such access is difficult to quantify given the size of the operations of the bank and the fund in predominantly emerging economies, the potential for such new markets is timely and welcome.

The operations of the African Development Bank Group are underpinned by its corporate strategy. The African Development Bank's strategy for 2013 to 2022 is firmly rooted in a deep understanding of the process of economic transformation which Africa has embarked on in recent decades. It focuses on two objectives: improving the quality of Africa's growth and

facilitating inclusive growth and the transition to green growth. The delivery of this work is to be achieved through five channels: infrastructure development, regional economic integration, private sector development, governance and accountability, and skills and technology. The authorised capital stock of the bank is approximately €79 billion, with approximately €6 billion of paid-in capital. In addition to subscriptions from member countries, the African Development Bank, like other multilateral development banks, raises capital on international markets at competitive rates by maintaining its AAA rating.

The African Development Group has 80 member countries, comprising 54 regional member countries and 26 non-regional member countries. Most of the countries in the latter group are in Europe, America and Asia. Among the European countries are Austria, Belgium, Denmark, Finland, France, Germany, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom. Non-regional member countries account for approximately 2.65 million of the total shares within the bank, representing 40.9% of the total shares and 40.9% of the total voting power. Of the non-regional countries, the US is the largest shareholder, occupying 6.6% of the total voting power. Based on the terms offered by the bank, it is intended that Ireland will acquire 53,620 shares, which is equivalent to 0.799% of the bank's total shareholding. This is in line with the shareholdings held by Belgium and the Netherlands, which hold 0.65% and 0.8% of the total shareholding, respectively. Each member country at the bank is represented at the bank's board of governors, which is the bank's highest decision-making body. As part of a system that mirrors the position at each of the other international financial institutions of which Ireland is already a member, the Minister for Finance would be the governor for Ireland at the bank. The Department of Finance would manage Ireland's shareholding and representation at the bank, which replicates the position at all other international financial institutions, including the World Bank, the Asian Development Bank and the Asian Infrastructure Investment Bank.

The board of governors meets formally once a year for the bank's annual meeting. This board is responsible for electing the president of the bank, who is elected for a five-year term which can be renewed once. The current president is Mr. Akinwumi Adesina, who is a former Minister of Agriculture and Rural Development in Nigeria. He was elected as the eighth president of the bank in May 2015. The bank's board of directors, which is responsible for the bank's general operations, comprises 20 members who are neither governors nor alternate governors. Thirteen members are elected by the governors of regional countries and seven members are elected by the governors of non-regional member countries. Directors are elected for terms of five years which can be renewed once. The non-regional representation at board level is broken up into seven constituencies, four of which are led by EU member countries. Negotiations regarding the constituency which Ireland will join following membership are ongoing.

The operations of the African Development Bank Group are wide-ranging. The bank finances projects and programmes in areas like agriculture, health, education, public utilities, transport and telecommunications and the private sector. The bank also finances non-project operations, including structural adjustment loans, policy-based reforms and various forms of technical assistance. In 2017, total disbursements for the bank group peaked at approximately €6.6 billion, with project approvals amounting to approximately €7.5 billion across 249 operations. With regard to performance, the success of the bank group in delivering results for Africa has been recognised by the Multilateral Organization Performance Assessment Network, which is a network of like-minded donor countries that monitors the performance of multilateral development organisations and of which Ireland is a member. A recent assessment from the network, which was conducted in 2016, concluded that "the Bank is a robust and resilient

organisation that, while operating in a particularly difficult environment, is able to continually adjust and improve to meet the changing conditions". It is of particular note that the assessment highlighted that the bank is particularly strong in the area of safeguards and standards, which facilitates the delivery of social and environmental standards, as well as in the area of screening projects against gender and climate change criteria. While the bank is an independent institution, it has a close working relationship with other multilateral development institutions such as the World Bank, specifically in the area of co-financing. In 2017, co-financing investments from partners such as the World Bank and the European Investment Bank generated approximately €9 billion.

Subject to the enactment of this Bill and the completion of our application for membership, Ireland will acquire 53,620 shares, which is equivalent to 0.799% of the bank's total shareholding. In capital terms, this equates to a capital allocation in the order of €630 million, of which approximately €37.8 million represents paid-in capital, with the remainder of the allocation, €592.2 million, comprising callable capital. In general, callable capital represents the capital which a member country would be liable for if the institution encountered acute financial distress, while paid-in capital is the amount which a member contributes under normal circumstances. Based on Ireland's membership of existing international financial institutions, the probability of the callable capital being called upon is negligible. Therefore, in practice, our proposed shareholding equates to a subscription of approximately €37.8 million, payable over eight years at €4.7 million annually. With regard to our participation in the fund which is a prerequisite to facilitate our membership of the bank as a non-regional member country, a subscription of approximately €62 million will be required, with payments to be encashed in up to eight annual instalments. This is in line with our pledges to similar funds at the World Bank and the International Development Association.

Combined, the expected cost of Ireland's membership of the bank and fund would be approximately €99.8 million, payable over eight years at approximately €12.4 million per annum, depending on prevailing exchange rates. As is the case with our membership of other international financial institutions, Ireland's contributions to the bank and the fund would be sourced from the central fund, with payments to be provided for in the legislation. Furthermore, in the context of our continued efforts to achieve the UN target of 0.7% of gross national product, GNP, for overseas development assistance, ODA, Ireland's contributions to the bank and fund provide a further channel to effectively deliver increased levels of ODA. Moreover, the consistent level of payments over an eight year period would avoid perceptions of volatility or periodic reductions in Ireland's annual ODA contribution.

I now turn to the specific provisions of the six sections of the Bill. Section 1 deals with the Short Title, section 2 sets out the definitions used and section 3 provides for the approval of the agreement establishing the bank, thereby enabling the State to be party to the agreement. The agreement establishing the bank is attached as a Schedule. Section 4 makes provision for payments and receipts under the terms of the agreement establishing the bank. Section 5 provides for the approval of the agreement establishing the fund, thereby enabling the State to be party to the agreement. The agreement establishing the fund is attached as a Schedule. Section 6 makes provision for payments and receipts under the terms of the agreement establishing the fund.

I also would like to bring to the attention of Deputies that, subject to Government approval, a number of amendments may be introduced on Committee Stage, and, of course, any suggestions put forward by Deputies will also be considered by the Minister. I strongly recommend Ireland's membership of the bank and fund. The bank and fund play a significantly important

role in driving economic and social development in Africa, and hence our membership would strengthen our existing development relationship in the region. Additionally, our membership would be consistent with the priorities set out in the recently launched Global Ireland 2025 initiative, notably the ambition to double the scope and impact of Ireland's global footprint over the next seven years, and with regard to the objective of extending our influence in Africa. In that context Ireland's participation in the bank provides an opportunity to extend our reach and impact in terms of trade, in particular through enhancing opportunities for Irish companies to secure procurements. The membership of the bank and fund would also provide a further channel to effectively deliver increased levels of ODA. I commend the Bill to the House.

**Deputy Michael McGrath:** This is a very important Bill. We support the Government's decision that Ireland become a member of the bank and the fund. This is a €100 million commitment over eight years, split between capital, called-in capital to the bank and the contribution to the development fund, amounting to €12.4 million per annum. This is much more than a monetary commitment. It is important that Ireland participate actively in various multilateral institutions particularly in the area of international development. We are already a member of several international development banks, including the International Monetary Fund, IMF, the World Bank, the European Bank for Reconstruction and Development, EBRD, the European Investment Bank, EIB, the Council of Europe Development Bank, the Asian Development Bank and, most recently, through the legislation passed in this House, the Asian Infrastructure Investment Bank. The decision to become a member of the African Development Bank and fund is in line with those commitments.

It is an opportune time to acknowledge the incredible work of many Irish missionaries in Africa down the years and which continues to this day. The selfless dedication and work of many members of different religious orders from Ireland over many years in Africa has been quite astounding. It is important to acknowledge that and express our thanks for that work.

The fact the African Development Bank emphasises issues such as climate change, agriculture and nutrition, fragile states, economic development and job creation makes it worthy of support. Our shareholding will be modest, coming in at just under 0.8% of the overall share profile of the bank. We will be one of a growing number of European countries which will be members of the bank and fund. It is important that the objectives of the bank and the fund are consistent with the sustainable development goals we have signed up to through various international commitments. It is important that Ireland's voice and that of the European Union are heard positively ensuring that the sustainable development agenda is to the fore when the board of directors of the bank makes decisions on where to invest funds and what types of project to invest in.

The terms of the Bill are straightforward. We will participate fully on Committee Stage in the analysis of the Bill to make sure it achieves the objectives as set out. There is a trade dimension to Ireland's business relationship with Africa. It is a growing relationship as Irish businesses look to diversify their presence in different markets, not least against the backdrop of Brexit, which remains uncertain, although we welcome reports of an agreed text between the EU and the UK negotiating teams in recent hours. There are, however, several hurdles to be crossed before there is a workable agreement that avoids the type of disruption we do not want to see affecting the Irish, UK and European economies.

In 2017, according to information provided by the Oireachtas Library and Research Service, the total value of Irish exports to Africa was €1.42 billion, with imports to Ireland worth €601.3

million. The main export markets in Africa for Ireland are, first, Nigeria, worth €280 million, second, South Africa, worth €243 million, and then Egypt, Morocco and Algeria.

There will be further opportunities. Reputationally, Ireland's membership of and participation in this bank and the African Development Fund will enhance the opportunities available to Irish firms to develop trade links further in the period ahead. That is very welcome.

The Minister of State is saying that, in respect of additional calls of capital that may be required, the prospect of the estimated €600 million ever being called in is negligible. He used the term "negligible". It is important, of course, that we assess properly the likelihood of this and make sure we are protected by way of our Exchequer contribution. This bank will operate very much in a similar way to the other international development banks to which Ireland is currently party. Our Minister will be a governor of the bank and will attend the AGM once a year. Ireland will be participating, presumably on a rotational basis, as part of a constituency of non-African member states to share the director role. As a result, there will at some point be an Irish director for three years, renewable for one term. I am sure the Government will seek to ensure we have representation that is proportionate to the contribution and commitment we are making to this initiative.

The contribution we are making is reckonable in terms of Ireland's ODA commitments. There is an arguable case in either direction on that front because it is not ODA in the traditional sense, but I acknowledge the work of this bank can contribute very significantly to economic development within Africa. This, of course, is a goal of the Government. The definition of ODA is evolving. We have to continue to examine ways of expanding our influence in favour of the type of model we believe works and will work in Africa, such that countries there can continue to explore opportunities to develop their economies and build trade links with other countries, taking account of the vast size of the continent and its diversity along so many metrics.

I will not elaborate beyond that. The Fianna Fáil Party supports this legislation. It is a demonstration of Ireland's commitment to participating in organisations internationally that focus on development, particularly sustainable development. We need to ensure that agenda is pursued in the operational decisions made by the bank. We are making a modest financial commitment up-front but it is an important one. It will enhance Ireland's reputation and its presence on the continent of Africa. It will open doors and create opportunities for further business and trade links to be developed, which is in the common interest of Africa, Ireland and the wider European Union.

**Deputy Pearse Doherty:** Ba mhaith liom fáilte a chur roimh an mBille seo. Cosúil le Banc Infheistíochta Bonneagair na hÁise, a phléigh muid ar na mallaibh, tá sé tábhachtach go bhfuil ár bpáirt á ghlacadh againn i mBanc Forbraíochta na hAfraice. Is ceart an rud é go bhfuil an tír seo mar pháirt de na bainc forbartha seo agus ag cur le forbairt an domhain ar an iomlán. Níl dabht ar bith, agus muid ag teacht amach as amanna crua, go bhfuil sé sin níos tábhachtaí fós. Caithfidimid díriú i gcónaí ar réigiúin an domhain nach bhfuil chomh láidir ó thaobh cúrsaí eacnamaíochta de is atá an tír seo. Ba cheart dúinn a chinntiú go bhfuilimid ag idirbheartaíocht leis na tíortha eile sa domhan ar an bhunús ceart. Níl dabht ar bith ach gur féidir leis na bainc fhorbartha seo ról lárnach a imirt agus iad ag cur airgid ar fáil le tograí infreastruchtúrtha tábhachtacha a chur i bhfeidhm.

I welcome this Bill. It is right and proper that we participate in development banks that make a contribution to the development of the entire world. As we know, Africa is a continent

that is desperately short of key infrastructure, such as roads, rail networks and power plants. It is important that any efforts to tackle this infrastructural gap be African led and managed and part of a sustainable development plan.

ODA was once widely viewed as humanitarian assistance or a simple cash transfer. It is important to note that for what European countries give out in ODA, they take back multiples from African countries by means of unfair trade systems, the dumping of goods and, in particular, tax-avoidance schemes. Throughout Europe's brutal colonial occupation of most of the African continent, the latter was robbed of its natural resources, minerals and people. Some of the structures that were in place at the time remain in place today. We must bear that in mind before congratulating ourselves too much today in taking the decision to join this bank. While the AIIB was a new bank, driven by China, the African Development Fund and African Development Bank are long established and African led. Ireland is late in the day joining up as a member but it is better late than never. Unlike the case of the AIIB, there is no disadvantage to not being a founding member.

While in the grand scheme of things Ireland's contribution is small, both from the perspective of our budget and the budget of the bank, it is nevertheless €62 million or thereabouts, to be encashed in eight annual instalments and amounting to approximately €8 million per annum, for participation in the fund. There is a paid-in contribution in the region of €37.8 million for membership of the bank, which is also payable over eight years and amounts to €4.7 million annually. The first instalment is to be paid when the Oireachtas passes this Bill. This Bill therefore deserves our full attention and proper scrutiny. This means insisting that provision is made for accountability in order that the Oireachtas will not simply be writing a blank cheque. After all, I understand the maximum callable capital under the agreement would amount to just less than €600 million in Ireland's case. I fully accept that this is highly unlikely to ever be called because it never has been. It is important, however, to err on the side of caution. With that in mind, I will consider for Committee Stage amendments to ensure accountability and transparency will be central to the legislation.

There is no provision in the Bill stipulating that the annual report of the fund or bank be laid before the Houses of the Oireachtas. This is just a small example. I note that any moneys, including amendments, must be approved by the Dáil and not just the Minister for Finance. This is welcome. It has not always been the case, and that is why I make the point.

Regarding the Finance (Certain European Union and Intergovernmental Obligations) Act, which was originally entitled the Single Resolution Board (Loan Facility Agreement) Bill 2016, Sinn Féin made the point, accepted through an amendment, that when we sign off on these international agreements it is not good enough to have the Dáil sign off once and then have changes to what we agreed without further approval. That is not in this legislation, which is to be welcomed. At first glance, the legislation seems tighter but I will examine it and propose further amendments, if necessary.

The other major issue for me is how we account for the money. This was touched upon in terms of our ODA. The Minister told my colleague Deputy Crowe that the OECD Development Assistance Committee has decreed that 85% of contributions to the AIIB are eligible to be recorded as ODA. Could the Minister of State clarify what percentage of the African Development Bank payment could be counted towards our ODA target? I hope the moneys will go towards development but Ireland, as an investor rather than a donor, should not be counting the full cost as ODA. That would amount to cooking the books to inflate our ODA payments.

We still have a journey ahead of us to meet our ODA obligations. The recent report of the Joint Committee on Foreign Affairs and Trade, and Defence indicates that “for Ireland to reach the 0.7% target by 2030, the overall aid programme needs to grow from €707 million (currently) to €2.5 billion, or an increase of €150 million per annum over the period (an increase of close to €1.8 billion).” Budget 2019, announced on 9 October, provides an additional €110 million for 2019 so we are already falling short in respect of what our trajectory should be. We must recall how grossly distorted the State’s GDP is but also that there are times, such as when meeting our fiscal targets, that it plays to our advantage. Either way, we must accept we are a long way from reaching our ODA obligations. There has to be a clear trajectory and roadmap from the Government on how it proposes to do this. It should be hived off from the budgetary process in order to make it clear internationally that we stand by our commitments and intend to meet them.

We should not end this debate when the Bill is passed. It is vital that the system relating to ODA is accountable and transparent. Ultimately, this is taxpayers’ money and there must be constant oversight of how it is paid, to ensure that when it is paid it is making a meaningful difference to the lives of people in the regions for which it is intended. As part of that, the Tánaiste should attend before the finance committee annually to discuss the Department of Finance’s ODA spend so that we can hear more about how it is being spent and the impact it is generating. The joint committee regularly meets the Tánaiste and Minister for Foreign Affairs and Trade to discuss the ODA spent by his Department. The finance committee should do likewise. What is the Minister of State’s view on that?

When it announced the decision to take part in this development bank the Department of Finance told us that it was “an opportunity to extend Ireland’s reach and impact in terms of trade, in particular through enhancing opportunities for Irish companies to secure project contracts”. That may be true but the Department might have led with the fact that it would allow us to aid the development of the continent of Africa in conjunction with the people who live there. Undoubtedly, there are many positives for trade and Irish businesses, but this is a worthwhile decision in its own right purely based on the merits of what the development bank and fund does. That is why, first and foremost, I am supporting this legislation.

I mentioned the need for transparency and accountability. As with the AIIB, the agreement before us could much stronger ar an timpeallacht agus ar chearta daonna, le dhá shampla a thabhairt. Ba chóir go mbeadh sé níos láidre ar na hábhair sin. The agreement could be stronger in the context of the environment and human rights, to give two examples. The African Development Bank is a financial provider to African governments and private companies investing in the regional member countries. I am unaware of what structures, if any, are in place to monitor the human rights due diligence of companies that receive moneys from the African Development Bank. We also must guard against the hollowing out of the state. The state is a key driver in development, not companies that only care about their bottom lines in these regions. Until robust state structures which redistribute wealth and provide for the social needs of citizens are in place and functioning correctly, economic underdevelopment and inequality will continue to exist. Caithfimid béim a chur air sin. Ba cheart go mbeadh na struchtúir ann le cinntiú go bhfuil maoinithe na tíortha seo á roinnt mar is ceart, go bhfuil na nithe sóisialta ann do shaoránaigh agus go bhfuil na coinníollacha cearta eacnamaíochta sna tíortha seo sa dóigh is go mbeidh cothromaíocht iontu.

Many African countries are displaying incredible economic growth on paper but, like in Ireland, that does not reflect the reality of those countries’ positions and definitely does not

mean that each country is providing for the needs of its citizens. The infrastructure sector, including power supply, water, sanitation, transportation and communications, has traditionally received the largest share of African Development Bank lending. While Africa is not the continent that is producing the worst pollution and degradation of the environment it is one of the hardest hit. We must acknowledge that. It is important for organisations such as the African Development Bank to give financing to programmes to develop renewable energy technologies adapted to the natural environments of different African climates and the unique and specific energy needs of African countries.

I cannot let this opportunity pass without looking at how our other policies interact with development in these regions. I have made this point on numerous occasions, not least when we were discussing the Finance Bill. In particular, I raise the issue when discussing our corporation tax policy and other policies and how they interact with developing nations and territories. When debating the Finance Bill, we discussed how Ireland has chosen the weakest model under the controlled foreign company, CFC, rules and the multilateral convention, where we have opted out of Article 12. These decisions have consequences in other places, and we cannot ignore that. To do so is wrong. Tagann sé salach ar an mhéid atá á dhéanamh againn le tacaíocht a thabhairt don bhanc agus don chiste infreastruchtúrtha seo go bhfuilimid ag glacadh cinní ar an taobh eile atá impleachtaí diúltachta acu ar na réigiúin seo. Not only has Ireland opted out of Article 12 and chosen the weakest model of the CFC rules and the multilateral convention, it still opposes public country-by-country reporting. That should end now.

Tugaim tacaíocht don Bhille seo and I hope our other policies match much of the rhetoric about the intent behind the Bill that we have heard here today. Given what we are dealing with, is dócha nach mbeidh an Rialtas sásta bogadh ar na hábhair atá luaite agam ag an roghchoiste airgeadais agus ar an Tuarascáil ar ais sa Dáil. É sin ráite, beidh mise agus mo pháirtí ag tabhairt tacaíochta don Bhille seo.

**Deputy Joan Burton:** The future of Africa is central to the future of the planet. As Africa, hopefully, enters a period of renaissance continent-wide, we must interrogate what this Bill proposes to do for, and in partnership with, it. Will it represent a positive development in Ireland's relationship with Africa or will it turn our development co-operation programme and Irish Aid into a more exploitative relationship with the continent? Rather than the people, the environment and the ecosystems of Africa benefiting, will it mark a milestone where our relationship with Africa will become a tied aid only relationship in which, as donors, to use an old-fashioned term, or contributors, we will seek to tie our development support to a crudely exploitative model of the type with which Africa is all too familiar? Ireland was never a colonial power as many of our European neighbours were. Reading the list of European countries involved with the development bank, one sees that more than 90% of them were once colonial powers. Although Ireland does not have that history - far from it - we must be fully aware of the appalling cruelty and disaster visited on Africa by European and other colonial powers down through the centuries. Great African civilisations in places such as Zimbabwe that date back thousands of years lie in ruins because of the exploitation, greed, death and killing in Africa.

Can we think about the legacy of the slave trade on Africa and its impact right up to this day? Can we also consider the horrible legacy of the slave trade, which is racism? Even though the experiences of people coming from Africa to live in Ireland have been mostly positive, we are not entirely free from that. Rather than just turning business people away from any consideration of all the negative things that have happened to Africa, I want to hear the Minister of State say that we can use the Bill as an opportunity to face into these legacy issues, regarding

which we also must interrogate ourselves. This is not a pat on the back for Ireland. The sums involved are small and we have not reached our development pledge of 0.7% of GDP to be spent on development projects. This is the context in which we debate the Bill.

We need to be assured that the African Development Bank is not helping vultures and jackals in the way one can see them in the Serengeti by stripping the continent bare as happened in history and leaving the bleached bones to lie there. We need reassurance and some commentary on how this connection with the bank, which was founded in the heady days of liberation and independence of the 1960s, will change for the better. I believe it was Harold Macmillan who spoke of the “wind of change” blowing through the continent when he visited Africa, yet that speech was followed by the horrible decades of apartheid, especially in South Africa. I speak as a former secretary of the anti-apartheid movement in Ireland, and I speak as a former Minister of State with responsibility for ODA. Earlier in my life, I also worked in Tanzania in east Africa. When I became a Minister of State, I did a lot of work in the aftermath of the genocide. Ireland needs to be clear eyed about what it is we intend to achieve with this modest couple of million euro a year. It is an important but modest amount.

Africa is beautiful, immense and incredibly wealthy in culture, natural resources and people. We have to find a language and framework that says we will assist that and not simply exploit it. I am worried at the reference to this connection being just about trade rather than development. A cornerstone of Ireland’s development programme has been that it is not a tied aid programme. I want to hear from the Minister of State, Deputy D’Arcy, that he is not arbitrarily changing the policy now for short-term gain, be it to Ireland or to Africa.

We are aware of what happened in Africa’s history. Ireland cannot, and should not, turn a blind eye. I refer to some of the areas that are referred to in the Department’s papers and in the objectives of the bank. We specifically want to know about the people-centred development, which is about eliminating poverty and developing a positive economic programme. It is for the Minister of State to show us how this will be achieved by Ireland joining the African Development Bank, how it will lead to less exploitation and not more, and how it will empower and provide for African women and children who tend to be at the bottom of the pile when it comes to economic development.

I say all of this in the context of Ireland having signed up to the UN development goals. They have had a lot of success but there is a great deal of corruption in Africa. Corruption is the modern-day problem of Africa that holds it back. Even countries such as South Africa have incredible experience of appalling corruption. Development banks and bankers are sharp people. They can persuade entire countries that a dam here or a river there is in the interests of economic growth but they may move many people away from their traditional lands, which may not be in the interests of a sustainable environment. These issues are difficult and it is difficult to know the right answers to them, but instead of patting ourselves on the back, we should seek to interrogate this. Many people in Ireland have been, and currently are, involved in development in a positive way. We should take many of those people as our models, as opposed to the bankers in the sharp suits. Will there be a reference to ensuring that the IFSC does not develop potential for money laundering such as stealing of assets from poor countries and empowering, in some cases, dictators? Has the Department thought about this and how it might be prevented? What will Ireland’s approach be to the endemic problem of corruption in Africa, or are we simply just not going to talk about it? Wherever one goes in Africa, notwithstanding great economic, educational and other developments, corruption is so incredibly pervasive that at times it would make a person despair. It is at the cost of poor people and rural people. It is

also at the cost of the drugs they do not have in the health services to cure simple diseases such as malaria and of fair trade. Many restaurants and coffee shops in Ireland are ambassadors for fair trade. The restaurants and the bars in the Houses of the Oireachtas largely buy Fair Trade products. This is positive co-operation that will help people and empower them to grow.

There are very good models such as those developed by Bóthar and many branches of the Irish Farmers Association to help African farmers to improve the breeding of livestock and to provide livestock. These are small businesses and, in many cases, small farms. Is this the model we will choose to assist with business development?

I also want to know from Fine Gael if this will be about Fine Gael businessmen going to African financial partners with Government accreditation or will the party take its courage in its hands and support a financial transactions tax? Africa generates a vast volume of the mineral wealth in the world but it only secures a fraction of that wealth in return for its countries. I am not saying I expect the Minister of State to be able to provide any of these solutions. I want him to question how our programme might go about beginning to do that in line with current economic developments. I want to ask about heavily indebted poor countries, HIPC, and debt forgiveness for many countries. We know a lot about debt forgiveness in Ireland because we do not get it for people who are very often at the end of their tether in terms of trying to meet mortgage commitments and hold on to their family homes. We know about vulture funds and what they have done since they came to Ireland. I want to know if we can apply the framework of some of the experiences and difficulties we had during the crash, when lots of people lost their employment and huge amounts of whatever wealth they had managed to build up. Out of that learning may come programmes that are both modern and relevant to how we might have a relationship with African countries.

As Nelson Mandela said, we know that the key development tool is education. Will co-operation in terms of education be an appropriate area for development and investment? In particular, what is badly needed in Africa is both apprenticeship training and third level education. I also refer to investment in drugs, for instance to treat malaria, a disease that kills many people and reduces the life capacity of millions right throughout the African continent. We have big pharma all over Ireland. Will we lend some of our expertise to try to get rid of the scourge of treatable diseases like malaria? We have a small NGO here called Engineers without Borders, founded in Ireland by engineers from DIT in particular. Students from all over Ireland take part in projects at third level to look at how to improve water quality, sanitation and conservation in terms of what is happening as a result of climate change. These are all small business-type developments that often have enormous consequences for improving people's quality of life. Has that been given consideration? On agriculture, I am sure the Minister of State is aware that most farmers in Africa are women and most farm assistants in Africa are children. Anything that seriously improves the lives of farmers and children living on small family farms will certainly get my support.

We really have not heard anything about the vision behind this Bill. Are we just signing up to this as something the Department of Finance, the officials and the Minister of the day can be involved in or is there some vision that is ethical, empowering and constructive for ecology and good quality growth that helps people's lives? If the Minister of State can answer these questions I do not think I would have any difficulty in supporting the Bill but I want to hear the answers.

**Deputy Maureen O'Sullivan:** I am sharing time with Deputy Pringle. It has to be ac-

knowledged that Ireland has a special relationship with Africa and that began with the work of many missionaries in education and health. That work has been enhanced and added to by the various Irish NGOs. Central to that work has been community empowerment in those countries in Africa, so that their citizens are providing the education, health and social services that are vital. I have been a member of the Oireachtas Joint Committee on Foreign Affairs and Trade since 2009 and, from that and my involvement with the Association of European Parliamentarians with Africa, AWEPA, I know the respect for Ireland that exists in those countries in the global south.

It has been mentioned that the Joint Committee on Foreign Affairs and Trade, and Defence did a review of our aid programme. We produced it back in February 2018 and after many months it eventually got approximately 30 minutes' debate in the Chamber. Then it was adjourned and has not reappeared. I cannot help contrasting that with the time being given to the African Development Bank. We have three hours now and if that is not enough there will be more hours tomorrow or Thursday. Banking matters obviously take precedence over our overseas development aid, ODA. The committee's conclusions and recommendations recognised and strongly supported the central focus within Irish aid, which is to address the needs of the poorest and the most vulnerable. Ireland has been a strong advocate for maintaining a poverty focused definition of ODA. It is also important to recognise the work of our ambassadors and the embassy staff in the 11 African countries that have a role in the African Development Bank. Countries in Africa trust Ireland. That comes from the fact that our aid is poverty focused and driven by certain targets. The respect and trust are particularly due to the fact that our aid is untied. We have a 100% record in untied aid which means we have not looked for anything in return, until now anyway.

A very strong recommendation from the committee was the need to improve policy coherence. We have the experience and the examples of policy incoherence. We are giving the aid but the incoherence comes with certain tax issues. It also comes in respect of climate change and when it comes to the arms trade. We are giving the aid with one hand while taking it back with the other because of what we are not doing in respect of climate change and tax practices and in failing to stand up at EU and UN level to those countries that are making billions of euro from the arms trade. Our committee strongly recommended a cross-government plan of action as recommended by the OECD, as well as establishing a cross-departmental body to ensure better co-ordination and coherence of development policy across government and in line with the strategic development goals, SDGs. We have been following a coherent policy to date when it comes to the aid-for-trade debate and agenda because of our aid being 100% untied. Because of that, my experience is that African countries do want to trade with Ireland because they trust us that the business will be ethical and fair. While we have the fair trade brand, it needs to be more than just a brand name.

Where does Ireland's membership of the African Development Bank fit in with our existing reputation and the relationships we have had with countries in Africa to date? African countries need to be able to develop their own resources, some of which are considerable. Those resources have to be for the benefit of the people. Some African countries are seeing strong economic growth and are moving into the range of middle-income countries but it is as if they make progress in one direction only for it to be impeded by other factors elsewhere. The ironic reality is that we have strong economic growth alongside extreme poverty. While the mantra for the sustainable development goals is to leave no one behind, millions are being left behind for various reasons, perhaps because of where they live, or because they are female or have a

disability; it could be their ethnicity or their gender. Even where the success of the millennium development goals is acknowledged with statistics showing a significant increase in primary school enrolment, for example, such goals can still leave an awful lot to be desired because we are not talking about quality education with the necessary resources and suitably qualified teachers. While there have been positive results in child mortality rates and nutrition, for example the Scaling Up Nutrition programmes, what are these children surviving for if they are to remain in dire poverty, hunger, conflict and displacement? That is why there is a need for policy coherence across all of these areas, including economics and banking.

Irish exports to Africa have been increasing in recent years. In 2017, the total value of exports to Africa was €1.42 billion. However, we import less than half that amount, resulting in an imbalance there. When it comes to the EU trade agreements there is also a danger of imbalance with these agreements being more to the benefit of the European country. In the context of Brexit I believe we will see more examples of trade being more for the benefit of the non-African countries. I again give a very simple example relating to chickens. There was a lucrative European trade in frozen chicken parts to west Africa and yet west Africa had thriving small businesses selling live chickens. This is where we are seeing that imbalance with the local businesses losing out.

The Library and Research Service has outlined the mission strategy and goals. They refer to inclusive growth and helping Africa gradually transition to green growth. The areas for annual financing needs are as follows: light up and power Africa; feed Africa; industrialise Africa; integrate Africa; and improve the quality of life for the people of Africa. However, the other table dealing with the progress in these is abysmal, as is clear to anyone who visits those countries. If those are the needs, we need more regular progress reports on how those needs are being met. For example, 8.3 million Africans have improved access to water and sanitation. While that is very welcome, it is a very low number. At the same time Africa is experiencing population growth, part of the reason being lack of access to reproductive and sexual health measures.

The business and human rights report eventually came out after a number of years. It is languishing somewhere still waiting to go to the committee and still awaiting implementation. If we are planning to become a member of the African Development Bank, surely the whole area of rights needs to come into that. Some of those on the list of subscribers leave much to be desired on human rights, which makes me wonder who is benefiting. There are also questions over the investment in certain countries in Africa. In particular, I know there are concerns over China and what its agenda is.

On the role of other banks, a recent report showed that 119 countries in the global south were critically in debt. In 87 of them the debt situations had worsened over the past four years and 13 countries had ceased payments to creditors. The IMF loan policy conditions continue to be highly controversial in key economic policy areas. What is Ireland's stance in supporting the non-payment of unjust global south debt? The economic policy conditionality of the IMF and its partnership organisation, the World Bank, has been damaging. The governance of the IMF and the World Bank needs fundamental reform to ensure fair representation of global south nations when it comes to decision making. At least the African Development Bank had 23 African countries as founding members.

I hope our membership of the African Development Bank will be of benefit and will continue the very positive relationship we have had with African countries and will not undermine or demean the relationship that has been built up over many years.

**Deputy Thomas Pringle:** The Bill seeks to establish Ireland's membership as a non-regional applicant country to the regional multilateral development finance institution, known as the African Development Bank. The bank established in the 1960s declares its aim to be to contribute to the economic development and social progress of African countries. The African Development Bank declares its central mission to be helping to reduce poverty, improve living conditions and mobilise resources for the continent's economic and social development.

Ireland's status as an ex-colony with a long history of missionary work fosters a natural relationship between this country and African states. We have a long tradition of offering strong support in programme countries in Africa as part of our overseas development budget. The Government is very open on its policy objective in joining the bank which is to reinforce Ireland's political, development, economic, trade and cultural relationships.

While development and social progress is the motto from the bank and Ireland's interests are spread out over trade and cultural relationships, unfortunately significant failings exist in the operation of the African Development Bank. I believe the membership of developed nations in the bank is mainly to blame for these shortcomings. The bank's ownership structure consists of African and non-African countries. However, over time a situation has developed in which only 11 African countries feature among the top 20 of the bank's most powerful member countries. Between them, the 11 countries account for only around 40% of the vote.

Ireland's subscription for membership of the bank will be €65.14 million to be encashed in up to eight annual instalments of approximately €8 million. This would notionally place Ireland 34th of 79 members with a shareholding of 0.799%. Ireland will have a higher percentage share in the African Development Bank than Tanzania, Mauritius, Madagascar and Mozambique. This level of inequality is a huge concern for the African nations involved. How can a small western developed country like Ireland with a population of only 5 million have more voting rights in an international bank than, for example, Tanzania, which has a population of 57.3 million, Madagascar, which has a population of 25.5 million, or Mozambique, which has a population of 29.6 million?

The African Development Bank has failed to retain significant voting power within the region because it is designed and modelled on other international banks set up by developed nations such as the World Bank. These banks are beacons for the global neoliberal agenda, the exact cause of persistent economic poverty in African states. They have promoted a system of trade injustices robbing countries of funds which are rightfully theirs.

Instead of being free to follow economic policies that best suit them, countries in southern Africa are being put under enormous pressure to open up their markets and expose their producers to unfair competition. Trade rules and agreements also often allow big business to profit at the expense of people and the environment. Will Ireland's involvement in the African Development Bank put a stop to that? Unfortunately, I doubt it.

Let us not forget that most development projects in Africa are still World Bank-led, with the African Development Bank only occasionally playing a supporting or facilitation role. African members of the bank are demoted to positions of subservience to richer developed nations and their economic priorities - no doubt neoliberal in nature.

The EU engages in harmful trade practices. According to one analysis, of the 7,000 harmful trade measures implemented by countries across the globe since 2009, more than half have

come from the EU. The bank itself has made it clear that the continent's nations bore the brunt of measures including export taxes, tariff and non-tariff barriers and state aid.

Ireland should be pushing for more democratic change and transparency as part of its membership because as it stands the model the African Development Bank has copied means that development needs are not prioritised based on the fundamental needs of its member countries. The decision-making process is thereby compromised and we are feeding into this neoliberal machine by seeking membership without calling for a change in its governance structure. For effective agenda setting, the bank must revisit its ownership and voting structure with the required acceptance of responsibility this would entail.

Africa cannot afford to replicate neoliberal institutions like the World Bank or maintain their hegemonic existence in nation states. Despite strong economic growth in the past decade, 45.1% of the population of African countries represented in the bank still live in extreme poverty, subsisting on less than \$1.90 a day.

Representatives of various African civil society groups met in Dakar from 10 to 12 May 2009, shadowing the 44th annual assembly of the African Development Bank. At this meeting, the performance of the African Development Bank in a number of countries and the role the bank has played in mobilising resources for development on the continent was assessed as was the bank's relationship with civil society, which is vital for the promotion of the welfare of people in member states as is the stated mission of the bank.

However, these civil society groups remarked on how the bank has drifted away from its original message of welfare of the African people and the development of the continent. In their view the bank had become nothing more than a clone of the international financial institutions. Profitability had replaced meeting the basic needs of the population as the main criterion for project selection. The bank has submitted to the neoliberal agenda by subscribing to the tenets of market fundamentalism. The African Development Bank has further served to promote the very liberalisation and privatisation policies that have exacerbated the economic and social crisis on the continent. The group also felt that the bank had not come up with a single noteworthy initiative of its own to resolve the African debt crisis and has instead merely adopted the proposals put forward by the World Bank and the IMF.

The incorporation of non-African countries has provided these new players a level of unprecedented influence that is not reflective of their investment in the African Development Bank. Many have power of veto over the orientation and the policies of the bank making it a completely undemocratic institution, serving the interests of the global elite.

It has been documented that the African Development Bank does not engage in true dialogue with civil society, preferring to engage in policies that avoid any critique by African citizens. Civil society groups have called for the following to bring about greater engagement with civil society in its policies and decision-making: first, to establish an information-sharing policy; second, to re-establish an independent environmental assessment mechanism; and third, to consider the long-term financial needs of African countries within the context of sustainable development.

There is a need for Africa-relevant development strategies. The bank's coming of age after 50 years must reflect in its engaged understudy of the region's problems, development of appropriate strategies and readiness to offer technical support to implement them. Collaboration

with experts across African universities is a prudent way of ensuring this. Scholars who study their environment from within are best placed to point to relevant and effective solutions.

Alongside trade justice, will Irish representatives in the bank promote the principle of climate justice? Our economic practices over the past century have caused this global phenomenon and yet it will be the poorest populations paying the highest price. To what extent will funds be used to develop defences for communities most exposed to climate change and will we do our part leading by example on climate change mitigation? Crises due to drought in Africa are certainly not a new phenomenon. However, with climate change, the frequency and intensity has risen sharply over the past decade. Rainfall is becoming increasingly unreliable. As a result, crops fail, animals die, livelihoods are lost and people have no food to feed their families. Many are forced to flee to the cities where they live in slums in appalling conditions. Africa, the poorest and least developed of the world's regions, will find it particularly difficult to adjust without assistance from developed nations. Although sub-Saharan Africa produces less than 4% of the world's greenhouse gases, scientists predict with very high confidence that the region's diverse climates and ecological systems have already been altered by global warming and will undergo further damage in the years ahead. A third of Africa's people already live in drought-prone regions and climate change could put the lives and livelihoods of an additional 75 million to 250 million people at risk by the end of the next decade. Flood-prone areas in southern Africa, on the other hand, are likely to become wetter as rainfall patterns shift, causing floods to become more frequent and severe and diverting resources from development to emergency relief. Ireland must address the issue of climate justice on global platforms like African Development Bank and use its political and economic leverage to encourage alternative economic models suited to African nation states and their populations' needs. It must encourage the opening up of the bank towards more democratic and transparent governance structures and decision-making processes with central involvement from civil society. Unfortunately, I do not think we will do that.

**An Ceann Comhairle:** I will interrupt the Minister of State at 8 p.m. and ask him to propose the adjournment of the debate.

**Minister of State at the Department of Finance (Deputy Michael D'Arcy):** I will make sure to conclude by then because I want to move on to the next Stage. A significant number of questions have been asked by all who contributed. I do not have the answers to all the questions so I will not pretend. We can try to get into more detail on Committee Stage.

In the context of our international development policy with regard to extending our influence in the African region in line with the objectives of the 2025 initiative, we feel this is the best way of doing it. Deputies noted the important work of African Development Bank in contributing to the economic and social development of the African region and its important role in continuing to drive its economic transformation for the future. Like other development banks, it has a role which is to provide funding for ethical projects. It was very similar to the conversation we had about the AIIB. The objective here is not that Ireland will invest in an institution that will just operate as it sees fit. There are governance structures in place and I will touch upon them.

The fund will require the approval of our membership by the board of directors and subsequently by the board of governors. It is expected it will take place at the next annual meeting in June 2019 in Malabo. That will complete our membership.

With regard to the bank's safeguards and standards and the question about how Ireland can influence these, this section encompasses most of the questions that have been asked. African Development Bank's integrated safeguard system adopted in 2013 is the cornerstone of its strategy to promote growth that is socially inclusive and environmentally sustainable. As I have already mentioned, safeguarding standards are already in place in which MOPAN found that African Development Bank is particularly strong. It is highlighted by the assessment that facilitates the delivery of high social and environmental standards including through the screening of all projects at the bank against gender, environment and climate change criteria.

Specifically with regard to gender, 2017 saw the gender, women and civil society department become fully operational and the approval of the gender marker system, the bank's approach to mainstreaming gender in its operational work, with the roll-out taking place this year.

On climate change, African Development Bank has pledged triple climate financing to reach 40% of investments by 2020. In 2017, African Development Bank made strides on these targets with about 28% of all approvals allocated as climate finance.

On how Ireland can input into this area, as in the case of the other multilateral development banks, Ireland will seek to use its influence in co-ordination with our members and constituency partners to ensure the high performance and standards of African Development Bank are maintained or improved where necessary as the bank evolves.

A question has been asked about Ireland. Is Ireland progressing in meeting the UN target of 0.7% of GNP on ODA? The programme for Government sets out our ambition to make progress on this target as resources allow. This commitment reaffirms our global initiative 2025, which was published this year. Based on current forecasts we anticipate the percentage of ODA for 2017 having reached 0.3% of GNP. However, recent revisions of GNP have reduced this percentage despite increases in overall funding for ODA in recent years. The Government's ambition is to meet the 0.7% target through sustained managed increments. ODA will be required. Ireland will continue to work towards this target as economic circumstances allow but our contributions to African Development Bank and fund will also develop and contribute towards that.

I look forward to a more detailed discussion on Committee Stage.

Question put and agreed to.

### **African Development (Bank and Fund) Bill 2018: Referral to Select Committee**

**Minister of State at the Department of Finance (Deputy Michael D'Arcy):** I move:

That the Bill be referred to the Select Committee on Finance, Public Expenditure and Reform, and Taoiseach pursuant to Standing Orders 84A(3)(a) and 149(1).

Question put and agreed to.

## **Housing Emergency Measures in the Public Interest Bill 2018: Second Stage [Private Members]**

**Deputy Seamus Healy:** I move: “That the Bill be now read a Second Time.”

The Bill seeks to formally declare the housing and homelessness crisis a national emergency. It provides for the delimiting of the rights of landlords, banks and finance houses, including vulture funds, in order to protect tenants and mortgage holders from eviction as provided for under Bunreacht na hÉireann and as advocated for by Focus Ireland and many other agencies dealing with homelessness.

On 29 March, the Taoiseach addressed the Select Committee on Finance, Public Expenditure and Reform, and Taoiseach. He stated “I have no difficulty whatsoever describing the housing shortage or the homelessness crisis as an emergency.” The situation has worsened significantly since then. Comparing like-with-like figures, by September 2018 the total number of homeless had increased by 1,497 persons including 442 extra adults and a shocking 1,055 extra children, reaching a total of 11,304 persons.

Focus Ireland also pointed out that 193 additional children became homeless in September alone.

Last week, Professor Eoin O’Sullivan, head of the school of social work and social policy at Trinity College Dublin, advised the Oireachtas Joint Committee on Housing, Planning and Local Government that the housing situation would get worse next year. He said that much more than 50% of people who become homeless are from the private rented sector, that rents are escalating rapidly, and that until something is done about the right to terminate tenancies there will be a continuing flow into homelessness.

Yesterday there were shocking new figures of rent increases. Rents nationwide rose by 11.3% in the year to September, with no slowdown in sight, as average rents nationally were pushed to an all-time high of €1,334, €304 or 30% more expensive than during the Celtic tiger.

*8 o'clock* The average rent in Dublin is close to €2,000 per month, while rental growth in Limerick exceeded 20% in the past year. It is clear the Government’s policy of rent pressure areas is simply not working. The national spokesperson for the Simon Community, Niamh Randall, put it in a nutshell when she said on radio that rents cannot be controlled while evictions from the private rented sector continue.

Tenants are afraid to complain lest they be evicted, and there is no national register of rents. New tenants have no way of knowing what the rent paid by the previous tenant was, and dare not ask lest they be excluded from consideration for scarce accommodation and end up homeless. The Government knows well that its policy of rent control in rent pressure zones is not working, as it has repeatedly been told by the various homeless agencies.

The dice are loaded in favour of landlords. While some decent landlords are not taking advantage, the commercial landlords, including the vultures, are. Irish citizens are paying a heavy price and the common good is not served by current Government policy. At least half a million people in the Republic are in housing situations that are causing them serious distress, as homelessness campaigner Fr. Peter McVerry stated at a conference in Liberty Hall recently.

As legislators, we all have a responsibility to change drastically this situation in the interest of the common good. Dáil Eireann has, by majority, called on the Government to propose

emergency measures to do so, through a Private Members' motion that called on the Government to declare the housing and homelessness crisis an emergency; to reduce the flow of adults and children into homelessness through emergency legislation making it illegal for landlords, banks and investment funds to evict tenants and homeowners in mortgage distress into homelessness; to provide real security of tenure and real rent certainty; to introduce measures to reduce the cost of rent; and to introduce a target date to end long-term homelessness and the need to sleep rough.

As an Opposition Deputy, under Standing Orders I am not allowed to propose a money Bill. Accordingly, the Bill implements only measures to halt the worsening situation. Focus Ireland has repeatedly highlighted through its services and research that the main reason for families becoming homeless is that they are being evicted from their homes by private landlords due to properties being sold or repossessed. To remedy this, the right to private property must be delimited, as provided for in Bunreacht na hÉireann in Article 43.2.2°, which states: "The State, accordingly, may as occasion requires delimit by law the exercise of the said rights with a view to reconciling their exercise with the exigencies of the common good." A large number of citizens are being subjected to unreasonable and extortionate rents, contrary to the common good, and the problem is worsening continuously. This must be halted.

Section 1 provides that Dáil Éireann affirms in law that a housing emergency exists. Section 2 provides that a housing emergency will continue for a period of three years after the passing of the Bill and that the Government will bring a review before both Houses of the Oireachtas on the expiry of the three year period. Section 3 provides that no tenant shall be evicted from a buy-to-let dwelling, that is, a dwelling purchased for letting purposes, during the period of this national housing emergency. Section 4 provides that there shall be no further increase in rents on dwellings. Section 5 provides that existing private rents shall be reduced to reasonable levels, having regard to the differential rent that would be payable by a tenant *in situ* to a local authority for rental of a similar dwelling. Section 6 provides that no resident of a mortgaged dwelling shall be evicted from that dwelling during the period of this national housing emergency.

Under the Financial Emergency Measures in the Public Interest Act, the State delimited the exercise of private property rights by public service pensioners. The Bill seeks to use the same provision in Bunreacht na hÉireann to delimit the powers of landlords to evict people and to oppress them with unreasonable and extortionate rents. The measures enacted under this Bill supersede all existing law on the matters concerned while the emergency continues, and the housing emergency formally brought into existence by this measure will continue for a three year period from enactment, allowing time for the fundamental causes of the housing emergency to be addressed. Large-scale public housing on public land is required.

Speaking at a recent seminar to mark the 50th anniversary of the founding of the civil rights movement, Fr. McVerry said the Government was facing a catastrophe, with the housing crisis set to deepen. He called for a major Government programme of social housing construction on a scale not seen in decades to alleviate the crisis. He said that we could have a catastrophe coming down the road unless Government policy changes. The Government's response to homelessness and social housing was to provide three out of every four houses in the private rented sector but this sector is part of the problems, not part of the solution. Fr. McVerry said that most people becoming homeless are out because they were evicted from the private rented sector.

The Bill does not provide for the increased building of public housing on public land. If it

did, it would have been ruled out of order as a money Bill. It implements measures, however, for the common good to prevent the situation continuing to worsen and provides some alleviation of the extreme distress being suffered by significant numbers of people while long-term solutions are put in place. Its passage would force the Government to accept that its current housing policies have failed and it would give an opportunity to Oireachtas Members to change the failed policies of this minority Government.

Some Deputies may have difficulty with some of the measures proposed, while others may have additional proposals. These can be discussed on Committee Stage, where detailed amendments can be tabled and discussed. I appeal to Deputies, therefore, to allow the Bill to proceed to Committee Stage. At the end of the three year period of the national housing emergency, the Oireachtas will review the situation and consider how to proceed for the common good in the context of the housing and homelessness situation at that time. Once again, I appeal to Deputies and, in particular, to Fianna Fáil and the Government, to support the Bill, which is crucial to addressing the disastrous housing situation.

**Deputy Catherine Murphy:** I welcome the opportunity to speak on the Bill and the general topic, which is timely given that *daft.ie* published a report yesterday. It demonstrated the chaos in the current rental market. Today, the Minister for Finance, Deputy Donohoe, was quoted as saying that rising rents are causing much anxiety. That is a great understatement. There is sheer panic. Frustration is spilling over because of the stress experienced by individuals and households, including children. Does the Minister for Finance really understand the degree of anxiety felt by a person who faces a cumulative 36% increase in their rent over a period? This was another report on top of a pile of previous reports for each quarter going back years. Each time one of these reports is published, it details yet more rent increases. It clearly shows a sector which has been allowed to spiral out of control. The State's inactivity of building the required level of housing has contributed to the shortfall in housing and rising rents.

When is the right time to shout stop? Rents are at an unsustainably high level. The Social Democrats have called for an immediate nationwide rent freeze, but we recognise that freezing rents at such high levels will not be a complete solution - or indeed any solution - for people who are at the pin of their collar. However, it would ensure that we will not be here next quarter or the one after that to discuss the increase being 38% or 40%. There must be a point at which we say stop; we think that we reached this point long ago. Deputy Healy has been calling for an emergency to be declared on this for several years and this legislation would give some teeth to that.

I listened to the chairperson of one of the landlords' associations on radio yesterday morning. He said that it would be unfair to force purchasers of buy-to-let properties to keep existing tenants *in situ*. In the current situation, I fundamentally disagree. We need emergency responses. What would be unfair would be to turf out a tenant who had met all the terms of his or her tenancy agreement and force him or her either into homelessness or to face a significant rent hike at another property.

We must take a sustainable view on this. We cannot allow market forces to continuously pile people onto the streets or into emergency accommodation. That is in no one's interest. It damages the social fabric of our country but also the economy. We can see significant societal damage. There cannot be one of us here who does not experience families coming to us in panic. They tell us things like "Homelessness was never something I expected to happen to somebody like me". That is typical of what people say. When they come in first, they say they

have four months notice. Invariably, one sees them in the following weeks and one tries to give them as much advice as possible and try to find alternative accommodation but it is just not there. One can see the deterioration in people from the time they receive the eviction notice to when they either find somewhere or they face having to find somewhere to store their possessions or perhaps find temporary accommodation.

We must be realistic; we are not just talking about a few people. Typically, we see couples where both are at work. We see families, individuals, ordinary workers. The average rent in Dublin is now €1,968 a month, €32 shy of €2,000 a month often for fairly average homes. We are not talking about mansions, we are talking about typical homes. It takes only a basic understanding of economics to know that if that figure continues to rise, there will be hundreds if not thousands more who will find themselves forced into homelessness.

Talking about percentages can be easy but, in practical terms, the average rent in Dublin is now close to €2,000, which means that a family or a person renting in Dublin is paying close to €24,000 on rent, before utilities, food, the cost of getting to work and other costs. Even if someone took home €50,000 after tax, which is a good income, rent would still account for more than 50% of their income. For those of more modest means, the reality is even more stark. There are people paying 60% or 70% of their income to put a roof over their head. People who run the food stalls in town say that people are coming to them looking for food who are not homeless. What does that tell us? The knock on effects for the rest of society become obvious. Greater demands on wages means less disposable income circulating in the economy, consumer activity decreases and businesses suffer as a result. That is before we begin to consider the societal and human cost of forcing people into everyday poverty, just because they are trying to put a modest roof over their head. It is also unsustainable, as the Minister knows, from the perspective of rent assistance or HAP because rents are spiralling.

The time for hand-wringing is long gone. There must be emergency measures to put a full stop on this while a more accelerated construction programme is under way. We hear that close to 10,000 individuals, adults and children, are in homelessness but that is not the full story. Others during the same year will also have experienced homelessness. In the past year, an additional 4,000 people will have had experienced homelessness and gone through that panic. Numbers are important. There is a big thing about trying not to get to 10,000 and numbers have been disputed. When we see the scale of what we are discussing, when one adds those who have experienced homelessness and those who are currently in homelessness, it can be called nothing other than an emergency. I really want it to get better and to be able to compliment the Minister and say that things are working but I am sorry that I cannot. Based on what I see, anecdotally, if I were to say if things are getting better or worse, I would say that it is far worse this year than last year. It is almost impossible to find properties for people to rent and the levels of rent that are being demanded are not possible for ordinary people.

**Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):** I thank the Deputy for tabling this Bill. I welcome the opportunity to speak on housing. It is an opportunity this House has every week and we must use it because it is a crisis. It is an emergency, as the Taoiseach has recognised. I very much welcome the spirit of the Bill. It has been tabled in an attempt to help people who are really suffering. All the Deputies in this House know that people are suffering with rents they cannot afford, with insecure accommodation and a fear of homelessness, and the people in emergency accommodation of whom there are far too many. The scale of the crisis is incredible. I recognise that the spirit and intention behind this Bill is to try to help.

In the context of the rental market, the *daft.ie* report was published this week. We also have the Residential Tenancies Board, RTB, report, which is from a larger dataset. They tell us the same story about a trend particularly in the rental sector, with rents being unacceptably high for people and putting people to the pin of their collars.

Unfortunately, the Government will be opposing the Bill. There are a number of technical complications in the drafting of the Bill that we could not support and that could not be fixed on Committee Stage. There are also a number of constitutional difficulties with the Bill. Even if we could overcome those two hurdles, concrete ideas are put forward in this Bill that would do more harm than good. There are unintended consequences that have not been properly thought through. People will come forward with an idea to deal with a particular problem or aspect of our housing crisis and it might do somebody some good at that moment but we must be aware of the unintended consequences which they have not thought of or considered that would ripple through and, potentially, cause more harm than good.

The Taoiseach has said that this is an emergency and the Bill refers to declaring an emergency. We must ask whether the absence of a formal declaration of an emergency prevents us from putting in place emergency responses. No, it does not because we have already put in place emergency responses. One example is the change in planning law. The Deputy who introduced this Bill knows the importance of planning law. I am sure all the Deputies are in constituencies where objections have been submitted in respect of different types of developments. We know the importance of the right of individuals to be able to make their observations known when planning applications are submitted and yet we have put in place an emergency response in respect of fast-track planning.

Another way we could look at the question regarding the formal declaration of an emergency is in terms of whether such a declaration allows us to do something that we are not already doing. The answer to that is “No, it could not”. I have already looked at this and I have spoken to the Attorney General on this. For example, in the area of procurement law, if we could go outside of procurement, we could fast-track the delivery of housing, with supply being the fundamental issue, and get that done more quickly than at present. However, EU law in this area is solid and cannot, even with the declaration of an emergency, be ignored. That law was put in place to protect the public good because there are and can be - we have seen this in the past - negative consequences when people ignore procurement law or go around it.

Another issue is that relating to constitutional protections. Would the declaration of an emergency allow us to ignore certain aspects of the Constitution? No, it would not. This does not mean that we cannot, in the context of the Constitution and the existing interpretations of it, rebalance rights away from the individual and towards the collective because we recognise that there is an emergency, but we cannot trample on those individual rights altogether. I will provide brief examples of where we have rebalanced these constitutional rights. The vacant site levy is one such example. We have imposed a levy in respect of certain people’s property - the property they own - because we are not happy with the way they are using or not using it as is the case may be. Another example of where we have rebalanced those rights is the introduction of rent pressure zones and rent caps, with the putting in place of a restriction on what a person can charge for something he or she owns. Rental reforms have been made and more will be made. These will further limit the ways in which people use property they own. We can rebalance rights in the context of the Constitution but we cannot trample on them at the same time.

The absence of a formal declaration of an emergency has not prevented us from putting in

place emergency responses. I mentioned the fast-track planning process. This has seen planning approval been granted for thousands of new homes in the three-month timeframe that has been put in place. The help-to-buy scheme to assist first-time buyers is a temporary emergency response. The establishment of Home Building Finance Ireland is a temporary response which recognises the scale of the emergency in one part of our housing sector whereby small builders still cannot obtain money to build those small clusters of homes that we need built in many areas. Family hubs are an emergency response because we recognise that hotel accommodation is not suitable for families. The Housing First programme is a response to the emergency that exists and that will be with us for some time because the complexity of individual people in homelessness is one that takes years to resolve. More than 200 tenancies have been created through the Housing First programme and between 80% to 90% of the people who have taken up those tenancies have not fallen back into homelessness. It takes people out and keeps them out of emergency accommodation.

The rent caps are a temporary response we have put in place because there is not enough supply in the rental market. The housing assistance payment, HAP, is a new form of social support for people in the private rental market. It provides for a discretion of 20% above prices and a homeless HAP discretion of 50% above prices, recognising the emergency that people are facing in trying to meet their bills and the fact that rent prices are too high. Unfortunately, this means that the Government has to pay more until more homes are built. Regulating short-term lets would be a longer term measure, again recognising the fact that there is not enough housing stock. The initial response we took more than two years ago was to ring-fence €6 billion in funding to deliver 50,000 homes into the stock of social housing to facilitate the production of at least 25,000 homes in that period, and building up to 110,000 social housing homes under Project Ireland 2040. In all these measures we have taken, we recognise the emergency that exists and the severe difficulty in which people have been placed. The Government and the Oireachtas are doing everything possible to put in place supports that can protect those people in this time of crisis.

The Bill refers to the emergency continuing for three years after its enactment. I would welcome that time horizon because it recognises that this could not be solved overnight, even if we put in place additional responses. Those the Deputy outlined are quite radical and, unfortunately, unconstitutional. He refers to a three-year period that would bring us to the end of 2021, which is the time horizon for Rebuilding Ireland. The latter is a five or six-year plan that we have put in place to bring about real reform of the rental sector and introduce measures such as those relating to the cost-rental scheme. I have spoken of the number of homes that need to be built and the thousands of people and families who we have prevented from entering into emergency accommodation as a result of the different programmes that have been put in place under Rebuilding Ireland. Thousands more will exit emergency accommodation during the period of the plan. The Bill refers to a review at the end of the three-year period. In Project Ireland 2040, we have already looked beyond 2021 and committed to the delivery of those 110,000 homes in the period to 2027. That is approximately 12,000 homes per year going into the stock of social housing after 2021. A huge amount has already been planned and prepared in order to ensure that when we exit this particular period of crisis, we will not fall into another crisis in the future. We will also ensure that no matter what is happening in the wider economy - and there will be shocks in the future - we will never stop the State producing homes into the stock of social housing on local authority land. That is very important.

I want to briefly go through some of the proposals in the Bill. One of its provisions seeks to

prohibit evictions. We must be careful about the language used. An eviction is very different from a notice of termination. Evictions happen when people are not paying their rent or when there has been damage to the property. Evictions are enforced through the courts. Evictions are not the main source of people entering emergency accommodation but we know that one of the sources is in circumstances where notices of termination are served. In introducing his Bill, the Deputy is trying to help people and ensure that they do not find themselves in that precarious position whereby they have to find somewhere new to live. Too many people are in that situation but to put in place such a provision could dramatically reduce the supply of homes available to rent. The rental sector is a part of the solution and we have more homes in the rental sectors not fewer. We can give greater protections to renters through rent transparency, for which provision will be made in the Bill I will publish shortly. We can give independent enforcement powers to the RTB so that renters do not have to worry about their positions, the RTB will do so for them. We can give longer notice to quit periods so that individual renters will have a greater period to find a new place to live when a notice of termination is served. The Government's new Bill will do all of these things.

This Bill before the house seeks to freeze rents but we have to consider the unintended consequences to which this could give rise and which could do more harm than good. Almost all economists agree that when one freezes rents in an economy or even in a particular geographic location, it undermines the supply of homes. People also stay in their existing arrangements and there is less movement in the market. A rental market needs movement. Two people meet each other, they come together as a couple and move from having two homes to having one and that frees up one home, or two people in a relationship fall out of that relationship and need to move somewhere else and find a new place to live. Economists who have looked at rent freezes see that this churn does not happen and that this prevents new people from entering into the market as they move to a country, come of working age or move to a different part of a country. All these things have happened. They have been tried and they have failed.

Another trend we see - and which means that rent freezes are not a social good - is that people who could afford to pay more are not obliged to do so. This means that their potential rent increases are subsidised by individuals who are earning less. That is not socially desirable. It is another unintended consequence of rent freezes. However, we can and we have put rent caps in place. We have capped rent increases at 4% per annum in rent pressure zones. These have worked but they need to work better and we need to do more to ensure that this happens. The Bill I will introduce in the near future will see to that. It will strengthen rent pressure zones, make it a serious offence to be in breach of the rules relating to them and give the RTB more powers and resources to properly police them.

This Bill we are discussing also seeks to reduce all rents very dramatically. However, 70% to 80% of our landlords own only one or two properties. Many of them are accidental landlords because of the economic crash that we experienced. They need fair rents in order to be able to cover the investments they have made. They may have mortgages on second properties and those properties might be leveraged against their homes. The unintended consequences of doing what is proposed would be to undermine those people's housing security. It could make our homelessness crisis worse and it could also reduce the number of properties available to rent.

I know that rents are too high, that supply is still too low and that renters need greater protections. We do not need to declare an emergency as a potentially tokenistic response. We can actually put in place greater protections without doing that. It is not the case that declaring an emergency would allow us to do things we cannot already do. We will do those things to fix

these problems. We will do everything we can to help get people out of emergency accommodation more quickly than we already are and to prevent people from having to enter into emergency accommodation. We will do more and we will do better.

**Deputy Shane Cassells:** I am sharing time with Deputies Butler and Murphy O'Mahony.

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

**Deputy Shane Cassells:** I thank Deputy Healy for bringing forward this Bill. It facilitates the debate which allows us to continue to focus on the housing crisis and the need for a range of measures across the State and the support agencies to tackle it.

An emergency exists in the housing area as agreed by the House when it passed a Private Members' motion declaring a housing emergency. However, the responses of the State, even at a county level, do not keep pace with the scale of the problem. Imaginative ways of tackling the housing crisis need to be found.

Last weekend, at the Professional Footballers Association of Ireland annual awards ceremony, the Dundalk manager, Stephen Kenny, used his acceptance speech not to speak solely about his achievements or the magnificence of his Dundalk winning team capturing both the FAI Cup and the League of Ireland but instead to speak about the housing crisis. The debate has truly moved from the political sphere and this Chamber to our national consciousness. Stephen Kenny stated in his speech:

It used to be people with addictions but now it is normal families who cannot afford their rent. I think it is a massive issue and the fact that it is not being treated as a national emergency, as Fr. McVerry suggested, is a big disappointment.

Stephen Kenny's remarks were putting it mildly. The housing and homelessness crisis is so serious that it cannot be used as a political football in this Chamber. If a two-page Bill was the answer to our housing crisis, I would have brought it in myself, as would have the Minister. If such a Bill truly helped the people of Navan, Trim or Enfield, I would back it to the hilt. Bills which are clearly unconstitutional, unfortunately, do nothing to help the thousands of people in real and dire need. Despite its good intentions, the Bill is unconstitutional and would not have a positive real-world impact.

We are in the midst of a serious housing emergency which threatens homeownership levels for an entire generation locked into unsustainable rent levels. Fianna Fáil supports any efforts to debate the crisis. However, we have to be clear in our policy responses and not engage in selective grandstanding. While we support the declaration of a housing emergency, the provisions of this Bill are unconstitutional and, alas, do nothing to help. The Bill seeks a three-year termination on any evictions on any grounds and arbitrarily reduces rent in the private sector. We believe the housing crisis demands a more sophisticated and holistic effort to address the private rental and social housing crisis which we face.

Over the past three years when we have debated this issue, all sides of the House have acknowledged everybody involved in the supply of housing must work together. I can never get my head around the continued agenda of the left, particularly the hard left, to come forward with policy ideas which would drive those who we require to supply homes and apartments out of the market. Amazingly, the left thinks this would have no impact. These policies would end up putting people on the streets. The left would make more people homeless not house them.

Either the left does not care or it does not think about how the real world works. Preventing people from being evicted because they do not pay their rent because the law protects them will have an impact on landlords. They will simply sell up and get out. Such an approach defies belief. It smacks of an ideology of a left-wing college professor I knew strutting around campus thinking the world existed purely inside the four walls of his lecture theatre. It does not.

On the policy front, the elimination of the ultimate right to evict for non-payment of rent or gross misconduct, a significant issue in the private market and council tenancies, would profoundly damage the mortgage market and any other private investment in the construction sector. Why would a developer invest in new housing units if the people who bought them could refuse to pay for them but still live in them? There are significant issues with rents. Every single Member knows that. However, we have to encourage people to build homes and apartments, not introduce madcap laws which would drive them out of the market. Neither should we drive those who finance construction away from projects. If that were to happen, then we would have a different debate in the House about construction firms and developers not being able to access finance because of such laws. Hard left Members always claim they are the only ones who can speak on behalf of families. It is as if no other Member has families in his or her clinic with housing issues. Deputy Healy would see the same people he has in his clinics at my clinics in Navan, Athboy or Oldcastle. We are actively trying to see proper solutions that result in people getting a key to a home not an eviction notice. I have many young couples with good incomes who cannot get a home. What they need are developers and construction companies breaking ground and building homes.

I often wonder if those in the hard left ever stand on a construction site rather than a picket line. Do they ever get up on scaffolding rather than have a sit-in? Rather than shouting, maybe they would listen to what those who actually build homes require. We all share the same goal. Bringing unconstitutional Bills to the floor of the House for the sake of a soundbite does little to address the call to arms issued by Stephen Kenny last weekend. Rather it scores an own goal.

**Deputy Mary Butler:** I thank Deputy Healy for bringing forward this well-intentioned Bill. As my colleague said, however, Fianna Fáil opposes the Bill. While we support the declaration of a housing emergency, certain provisions of the Bill are unconstitutional.

The housing crisis demands a more sophisticated and multifaceted approach to address the private rental and social housing crisis we face. Unfortunately, this Bill does not achieve that. Ireland is in the midst of a serious housing emergency which threatens homeownership levels for an entire generation locked into unsustainable rent levels. Fianna Fáil supports any effort to debate the crisis. We have to be clear in our policy responses, however. We cannot engage in selective grandstanding. This Bill is unconstitutional and would not have a positive real-world impact despite its best intentions.

The Bill would declare a three-year emergency which would be subject to review at the end of the period. This emergency would allow that no tenant could be evicted from a buy-to-let dwelling, a dwelling purchased for letting purposes. It would provide that existing private rents would be reduced to reasonable levels, having regard to the differential rent payable by the tenant *in situ* to a local authority for rental of a similar dwelling. During the period of this national housing emergency, no resident in a mortgage dwelling could be evicted from a dwelling in which the resident resides. In effect, this would mean that a person cannot be evicted for any reason, regardless of his or her tenure type, whether rented or owner-occupied. This could send the wrong signal to tenants for if the rent was withheld, the person could not be evicted. These

measures are all-encompassing and present several constitutional and policy issues which undermine completely the stated goal of addressing the housing crisis. On the policy front, the elimination of the ultimate right to evict for non-payment of rent or gross misconduct would profoundly damage the mortgage market and any other private investment in the construction sector. Why would a developer invest in new units if those who bought them could refuse to pay and remain living there for three years?

With rent levels at such highs, a whole generation cannot save enough to own a home. While vulnerable households are at risk of homelessness, the prospect of homeownership is slipping away from an entire generation. As house prices rise at a rate of 13% per annum, wages are rising at a rate of approximately 2.5%. At 68%, the homeownership rate is at its lowest since 1971. The latest report from *daft.ie* sets out extremely bad news again for a sector of the market which is in deep trouble and under severe pressure. The simple reason for the continued increase in rents is the capacity-demand mismatch. There are not enough houses to go around. The news for Waterford city was particularly worrying as it has experienced one of the largest increases in rents at a whopping 19.7% year-on-year. Average rents in the city have risen to €955 per month.

There is no end in sight for hard-pressed people who are trying to pay their rents every month. The quarterly increase was 3.7%, which is unsustainable. Most people aspire ideally to owning their own homes. People earning an average income used to be able to afford a mortgage and to make the repayments on it. Unfortunately, the cost of housing now means many people find themselves renting houses, some of which are substandard, and paying more than they would have to pay to service a mortgage on the same property. With all of their money going month-by-month on paying rent for their accommodation, people are simply not in a position to put a deposit together to try to get a mortgage. Even if they have mortgage approval, it is unfortunately the case that the affordable housing market is at an all-time low. As in every other city in Ireland, demand in Waterford outstrips supply.

While it is well-intentioned, unfortunately this Bill is not the solution. There is no easy solution to the housing problem. There can be no short-term solution. All pillars must work. Local authorities must ramp up the delivery of local authority housing as they did in the past and they must turn voids over much more quickly. A 20-week period to turn over a void is simply not acceptable. By “void” I do not mean a derelict house or one that has been ransacked. A void exists where someone has left a local authority house. In Waterford, the local authority boards up such houses and it can take up to 20 weeks to place a new tenant. That is too long. There is no reason that it should take 20 weeks to do that. Any tenant to whom one speaks who is desperate to get into such a house will tell one that he or she would paint it if allowed to move in. All people want is a roof over their heads. However, there are delays in procurement which are slowing up the system. We cannot blame local authorities entirely. The Department must look at the reasons behind the length of time it takes to move from planning to delivery.

We must also look at the affordable market. Budget 2019 will go some way towards addressing this through the investment of €300 million in an affordable housing scheme which should reduce the cost of new homes by approximately €50,000. The rental sector is under severe pressure and must be strengthened. The areas of Waterford and Limerick which do not qualify as rent pressure zones must be addressed. A review of rent pressure zones is required to incorporate this new data and it must be undertaken. The review should also examine whether the 4% rental increase cap is being adhered to. It is important to look at rent controls to determine whether they are working where they have been implemented. We must also look at the

areas in which they have not been implemented. We must keep landlords in the market. Of all landlords, 75% own one or two properties and most are accidental landlords. They might have inherited a house or bought one investment property. If we do not have landlords, we will not have any houses available for rent. However, rents must stabilise with equal respect between the landlord and the tenant. Longer leases are necessary and tenancies must be strengthened.

**Deputy Margaret Murphy O'Mahony:** While homelessness figures in Cork South-West are not officially very high, this is due mainly to the fact that two, three and sometimes four generations of a family will live in the same house rather than have one generation moving onto the streets. As such, the figure is somewhat misleading. Even so, homelessness figures in west Cork are definitely increasing. I thank Deputy Healy for introducing the Bill. I have no doubt that it comes from a very good place. Unfortunately, however, I cannot support it. Fianna Fáil does not agree with the Bill. Placing a moratorium on rents or mortgages or in respect of any other housing arrangement is a short-term solution with no ultimate resolution. The Bill represents another ill-thought out plan which follows from many of the Minister's own plans which have come before the House in the past. As with many of the Minister's plans, the Bill seeks simply to kick the can down the road.

The measures outlined in the Bill will not house the young woman with whom my office is currently dealing. She lives on her own behind the public toilets in a west Cork town. She says it is the safest place she could find at this time. Is that not some reflection on our country in this day and age? It is nothing short of shameful. These measures will not reassure the family who have contacted me on numerous occasions distraught at having fallen on hard times. They have lapsed in their mortgage payments and are endeavouring to negotiate with the bank which is, unfortunately, unwilling to listen. The Bill will certainly not help the numerous families who have already presented to me with eviction notices providing them with a date and time by which they must vacate the properties which they call home.

The Fianna Fáil approach focuses on increased funding for social housing, new affordable housing schemes and measures to keep landlords in the market. The confidence and supply agreement has allowed us to negotiate a 25% increase in the overall capital budget. This includes funding for social housing and homelessness capital funding. It has never been suggested that the solution would be easy to find, but all Members must be pragmatic. A comprehensive long-term plan is the only way to address the issues faced by so many nationally and about which we have all spoken here tonight. Stop-gap solutions are part of the reason we find ourselves in the current housing emergency and it is time for serious action.

The Minister is a busy man and he may not be able to meet me at another time. Now that I have him here, therefore, I note that the key accountability test will be delivery. Since coming into office, Fine Gael has launched Construction 2020, the 2020 social housing strategy, Rebuilding Ireland 2016 and capital plans in 2012, 2015 and 2018. Housing cannot be used as the basis for exercises in grandstanding. Motions and announcements of things which never come to fruition should not take the place of serious policy and the investment which is needed to get to grips with the crisis.

**Deputy Eoin Ó Broin:** I wish to share time with Deputy Ellis. We will take five minutes each.

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

**Deputy Eoin Ó Broin:** I thank Deputy Healy and his colleagues for introducing this Private Members' Bill which provides the House with an important opportunity to discuss, yet again, the continuing and ever-deepening housing crisis. I support absolutely the spirit behind the Bill and while I may not agree with some of the mechanisms proposed in it, these are matters which can always be dealt with adequately on Committee Stage. I will go through those mechanisms one by one.

The Minister, Deputy Eoghan Murphy, is right that declaring an emergency will not, in and of itself, do anything. However, if the Government declares an emergency officially and follows that declaration with emergency action, it could have a positive impact of the sort which, contrary to what the Minister said in his remarks earlier, we have not seen to date. Tackling vacant possession and notices to quit, which are the single greatest cause of family homelessness, is worth doing. Of course, the Minister may say that vacant possession notices to quit are not evictions, but let him tell that to the families who week after week are effectively being evicted from their homes to end up in emergency accommodation. For such families, it feels like and, to all intents and purposes, is an eviction. It must be addressed. For a party to say that the Bill might incentivise people not to pay their rent or to engage in anti-social behaviour and damage their tenancy misses the point of what is being proposed by Deputy Healy. Such concerns could easily be dealt with on Committee Stage.

Rents are too high. I do not accept that a rent freeze while we are ramping up the delivery of cost rental and affordable purchase homes would be contrary to the Constitution because property rights are not absolute but, rather, limited by principles of social justice and the common good. I would like for that to be tested in the courts. When Part V was being introduced by Fianna Fáil many years ago, many people thought it unconstitutional. It was tested in the courts and - guess what - was found to be constitutional because it was rightly circumscribed by those limitations on property rights. An emergency rent freeze for two or three years would be treated in the same manner. Why not let it be tested in the courts?

On rent reductions, I do not necessarily agree with the mechanism proposed by Deputy Healy. One would end up in far more contractual legal difficulty if one tried to revise rents downwards. That is why Sinn Féin proposed a temporary three-year rent relief to refund renters to the value of approximately one month's rent, capped at €1,500. Such a measure would be a practical step to put money back in the pockets of struggling tenants and would not encounter the legal difficulties which may beset Deputy Healy's proposal. However, although he and I may disagree on the mechanism, we agree on the principle that not alone are rents too high, they must decrease.

On evictions of those in mortgage arrears, if people do not agree with the mechanism proposed in the Bill in that regard, that is fine, but let us find another way to deal with it. The difficulty is that in the private market properties which were in negative equity for a long time are now entering positive equity and it will no longer be problematic for banks to begin to ramp up voluntary surrenders under pressure of eviction. That issue must be addressed, but nothing that I have seen in recent Government policy will do so.

I listened very carefully to the Minister's remarks on the Bill from my office. I get the sense that he is on autopilot and that there is a series of remarks which he delivers when we deal with these issues, irrespective of the mounting evidence with which he is faced. He stated that the rent pressure zones are working but not working well enough. That is just not true. All of the evidence from the RTB and *daft.ie* indexes confirms that over a year after their introduction,

they are not working. We told the Minister that they would create a two-tier rental market and we were right. We told him the exemptions were too lenient and would allow landlords to hike up rents and we were right. When we debated this issue with the Minister of State, Deputy English, he put forward the same arguments used by the Minister today, namely, that we must find a balance between landlords and tenants and avoid unintended consequences. However, not only is the Government screwing tenants, but 9,000 rental properties have been lost to the rental market since the Government put this rental strategy in place. It is not even doing right by landlords, let alone tenants. At some point, it must realise that renters cannot cope and that it must bring forward new solutions to deal with the matter.

I welcome that the Government will bring forward legislation to increase the policing powers of the RTB and we will work with it in that regard. However, the RTB will not be able to tackle the crisis by itself.

On rising homelessness, Deputy Healy and I tabled the Focus Ireland amendment to the Planning and Development (Housing) and Residential Tenancies Act two years ago but it was blocked by Fianna Fáil and Fine Gael. In spite of that Act, hundreds continue to become homeless because of vacant possession notices to quit. When we bring forward legislation in that regard on Second Stage in December, I hope Fianna Fáil has a change of heart and supports us. If the Minister disagrees with the wording of our Bill, I urge him to suggest amendments and support us. If we continue to allow families to be forced into homelessness because of vacant possession notices to quit, things will get worse.

The central problem is not Deputy Healy's Bill but, rather, Rebuilding Ireland, which is the housing policy of Fianna Fáil and Fine Gael. Until that changes, this crisis will get worse. Perhaps if we started to realise that, we might get ourselves out of the hole created by those two parties.

**Deputy Dessie Ellis:** Táim ag tabhairt tacaíochta don Bhille seo. Sílim go bhfuil sé thar am gearrchéim tithíochta a ghlaoch. I welcome the Bill and thank Deputy Healy and his colleagues for bringing it forward. It aims to acknowledge and affirm what common sense as well as the national statistics on homelessness, housing and the rental sector tell us, namely, that there has been a serious but undeclared emergency in housing and homelessness in recent years. Sinn Féin and others have brought forward motions seeking to persuade the Government to declare a housing emergency, but to no avail. It is obvious that the solutions put forward by the Government to this emergency are not working.

The crisis reflects the Government's failure through its reliance on the private sector to deliver housing. It is clear that this policy has failed and will continue to fail for as long as the Government pursues its ideology. The pandering of the Government to the private sector and its reliance on the market is something about which we should be very concerned. The Government must be more ambitious and radical and completely change its mindset. We need to build social and affordable housing in sufficient numbers. Doing so would help to control the cost of building private housing. The answer to the current lack of social and affordable housing is for the Government to give the lead to local authorities in building such housing. It is amazing that we still do not have an affordable housing scheme in spite of all that has happened. It is imperative that the Government provide local authorities with the funding to build those houses rather than being so reliant on the private sector.

On the rental sector, a recent report compiled by *daft.ie* indicates that rents have risen 30%

above Celtic tiger rates and reached a record high for the tenth consecutive quarter. The rise in rents has far outstripped the rise in average wages. Exorbitant rents in the absence of matching wage increases put renters in a very precarious position. People are increasingly struggling to pay their rent. Many in the private rental sector or buy-to-let properties fear being made homeless. Increasingly, newly homeless families come from the private rental sector. There is a need to properly regulate the private rental market to protect against homelessness. Current rents are unsustainable and far exceed the 30% of household income considered affordable. Some rents are many multiples of that percentage. The massive State subsidies through the housing assistance payment, HAP, the rental accommodation scheme, RAS, and rent supplement cost the Exchequer more than €700 million per annum. The Bill states: “During the period of this national housing emergency no resident in a mortgaged dwelling shall be evicted”. That proposal should allow time to help steady the market and stop the haemorrhage of people to homelessness.

I am not surprised that, once again, Fianna Fáil has refused to back a proposal to declare a housing emergency. The principles of the Bill should be supported by anyone who realises the seriousness of the crisis we face. The private market has every interest in exploiting the emergency and no interest in solving it. Why would it solve the crisis when it has proved so profitable for it? People need rent certainty which would give stability to their lives and those of their families. With over 1,000 children homeless and the huge implications for their health, well-being and stability, surely it is time for the Minister to acknowledge this crisis. In addition, high rents are a disincentive to taking up employment in many areas of the country, particularly in many locations in Dublin. People have died and are still dying on the streets. Coming up to Christmas, many children and their families do not have a place to call their home. They do not have stability. Rather, they have chaos and instability. What will it take to declare a housing emergency?

**Deputy Jan O’Sullivan:** I thank Deputy Healy for bringing forward the Bill. It is very important that an emergency be declared in the light of the current level of homelessness, the rental increases outlined in the *daft.ie* report in recent days and the slow pace of housing construction, particularly social and affordable housing.

It is an emergency. Nearly 4,000 children are homeless. If that is not an emergency, I do not know what an emergency is. I suggest that the declaration of an emergency can be a practical and effective way of dealing with a crisis. In 2008, the bank guarantee was passed in this Chamber following a late sitting. We opposed it, but it went through. The effect of that measure was to guarantee the banks with the support of the nation. The debts of the banks were basically put on the backs of the people. If we had a home guarantee instead of a bank guarantee, would it not make a difference? Is it not more important to guarantee that people have homes than to include financial institutions, including the ones that caused all of the problem, in a bank guarantee? If we have values, surely it is more important to guarantee homes than to guarantee banks. If we were to pass a Housing Emergency Measures in the Public Interest Bill to accompany the various Financial Emergency Measures in the Public Interest Bills we passed in the last decade, would that not make things happen? Have we not reached a position where we need to do something much more dramatic than what we are seeing from the Government?

I fully support the principle that underpins Deputy Healy’s main proposal in this legislation. While there are issues with various other parts of the Bill, they could be amended. I will refer to some of them later in this contribution. I genuinely think we have reached a point where

we are in an emergency. It seems quite incredible that at a time of what is normally described as near-full employment, with a recovered economy, we still have a hopeless housing situation. We hear people using phrases that suggest things are getting better and are working, but there is no evidence in what we are seeing on the ground that this is the case. We have come to a point where we have to say that this is a housing emergency. If we do that, we can take actions that we would not take in normal times. I believe such actions are needed. We have come to a stage where we must put the right to a home into the Constitution. I know that legislation to that effect has been considered by the House. I suggest that housing must be given the central position it needs to have to become the priority of the Government and of public policy. That is where we are at and that is what we must do. We have to balance the rights in the Constitution. Private property rights are constantly trumping the rights of people to have a roof over their heads. There was evidence of that in last month's budget when Fianna Fáil happily clapped in support of measures that support developers and landlords rather than tenants and people who are trying to build a house or to afford to buy a house.

I have described the main substance of the legislation as I see it. The rent pressure zones are not working. I welcome the Minister's statement that he is preparing a Bill, although I am not quite sure what will be in it. Maybe the Minister of State, Deputy English, will enlighten us a bit more. We have rent pressure zones. According to the *daft.ie* report - I accept that I am not referring to the Residential Tenancies Board report - the average rent in Dublin increased to €1,968 in the third quarter of 2018. How can anybody on a low income afford almost €2,000 a month, or approximately €23,000 a year? It would take up practically their entire income. The average rent in my own city of Limerick, which is not a rent pressure zone, has increased by 20.3% to €1,151. We are constantly chasing the average. In order to attain rent pressure zone status, there must have been a percentage increase in four of the previous six quarters and the average rent must be above the national average. As rents continue to increase in Dublin, the national average now is €1,334. We are chasing that figure all the time. We will see whether Limerick city, or at least part of it, is included when the next review is conducted on the basis of the Residential Tenancies Board figures. I would be surprised if all of the city were to be included. The rent pressure zone system is based on local electoral areas, which means that part of the rural hinterland of the city is taken in as well. Unfortunately, we have been proven to be correct in what we said when the rent pressure zone legislation was going through the House two years ago, just before Christmas 2016. We all wish the system introduced under that legislation was working. We are dealing with people in our clinics every day who are terrified that they will lose their rented homes because they cannot afford their rents and are worried they will increase.

We have to protect tenants. There are measures in this Bill to protect tenants. We cannot say that there can be no evictions whatsoever. In fairness, if people have not been paying their rent for years - even in local authority tenancies - there has to be some provision for eviction. The same should apply in cases in which people are wrecking the homes they are renting. I would amend the legislation in that regard. We have already made proposals in respect of the evictions that happen when properties are sold or given to the landlord's grandson or whom-ever. People should not be put out of their properties for those reasons.

While I have some issues with this Bill, I agree that overall, we have reached a point where it is needed. We need to build homes. The Labour Party has proposed that €16 billion be spent over five years to build 18,000 social and affordable homes and we have said where the money would come from. It is mad to put €500 million a year into a rainy day fund. Even though we

have people with no homes, we are putting money away in case we might need it in the future. Where are we putting it? We are probably investing it in something that is totally useless to us anyway. We are probably borrowing to get the money in the first place. There is no logic to a rainy day fund in the current situation. We must face up to the fact that we have a very serious problem. It does not seem to me that there is much evidence that things will improve in the near future. We are still looking at vacant homes all over the place. I got an email from my local authority today relating to a property in a private estate that was bought by the council and has been empty for six months. I was told in the email that the local authority cannot afford to do it up because it does not have the money to do so.

**Deputy Damien English:** That is rubbish.

**Deputy Jan O’Sullivan:** Obviously, there is the voids scheme. I will write to the Minister on this matter because it does not make any sense to me that the council is saying that the property in question is in a queue now for when it gets around to doing it up.

**Deputy Damien English:** The Deputy is right - it does not make sense. It is not true.

**Deputy Jan O’Sullivan:** There are families on waiting lists that would love to move into the house in question. There is something very wrong in the current situation. We have been debating these issues more or less every week and we will debate them again tomorrow. This is urgent and serious. We need much more action than we are getting.

**Deputy Mick Barry:** I would like to share time with Deputy Boyd Barrett.

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

**Deputy Mick Barry:** I want to read into the record of the House new information that comes from the Rebuilding Ireland social housing construction projects status reports for the first and second quarters of the year. They contain new information on the number of new local authority homes that were built in the first six months of this year. The total for the 31 local authorities throughout the State was 350. Reading through the list, I looked out for Cork city and saw that the total was zero. I also looked out for Cork county and saw that the total was one. My eyes were assaulted by the number of zeros on the page. The figures for Clare, Donegal, Kildare, Leitrim, Monaghan, Offaly, Roscommon, Sligo, Tipperary, Waterford and Wicklow were zero. Twelve of the 31 local authorities had no local authority build completions in the first half of this year.

We learned from yesterday’s *daft.ie* report that rents nationally have increased by 11% year on year. The figure for Cork city is 14%. This shows that there is a need for local authorities to build houses. The Joint Committee on Housing, Planning and Local Government was told today by representatives of the Economic and Social Research Institute and the Nevin Economic Research Institute that Brexit will create an upward pressure on rents, particularly in the big cities. They said that the Government would be wise to ramp up the construction of social and affordable houses. This is the reality of the position.

The motion before the House calls for the declaration of a housing emergency. I do not know how that could be debated at this stage. The Minister has taken 1,600 people off the official homelessness figures to try to keep the overall figure artificially below the 10,000 mark. We could debate whether the figure is a bit below 10,000 or a bit above 11,000. Officially it should be the higher figure. There are a heap of people who are homeless or effectively home-

less who are not included in the official figures over and above that number. Did the Minister of State know that rough sleepers are not counted in the official homelessness statistics?

**Deputy Damien English:** They are.

**Deputy Mick Barry:** No they are not. We checked it at the Oireachtas Joint Committee on Housing, Planning and Local Government last week. Women living in domestic violence shelters, 5,000 people living in direct provision, people living in emergency shelters that are not funded by local authorities, and couch surfers are not counted in the official statistics. If these groups were counted what would be the real homeless rate? Would it be 20,000, 30,000 or more than that? Fr. McVerry is right. There are 500,000 people living in distress daily as a result of their housing situation.

The National Homeless and Housing Coalition has called for a national demonstration on the streets of Dublin on Saturday, 1 December. This is an important demonstration and I appeal to everyone affected by the housing crisis, by high rents, by being the locked-out generation who want to see change on this issue and who are dissatisfied with the do-nothing approach of the Government to join that demonstration in the largest possible numbers on the day.

**Deputy Richard Boyd Barrett:** I will begin where Deputy Barry ended in appealing to people to take to the streets on 1 December in what is the follow-on demonstration from the 3 October mobilisation outside the Dáil. It is the anniversary of the death of Jonathan Corry, who died yards from the entrance to the Dáil two years ago. Shamefully, the crisis that contributed to his death has continued to escalate. I thank Deputy Healy for putting forward this Bill calling for a declaration of a national emergency and for emergency measures to deal with the housing crisis. It is not the first time that has been put forward, yet the Government continues to vote them down and defend the indefensible failure of its housing policies that have created this crisis, particularly the NAMA policies, the abandonment of the construction of council housing when it first came into power and, more recently, its continued reliance on vulture funds, real estate investment trusts, REITs, and the private rental sector to solve a crisis that it created and that it is exploiting now, jacking up rents, evicting people and speculating on land and property.

Why should people protest? Last Monday morning in my clinic, but it could have been any Monday, Elaine came in. She has four kids. She got a notice to quit in April, being evicted on the basis of one of the loopholes that the Government failed to close because the property is being sold. She has gone through all the Residential Tenancies Board, RTB, appeals and will be homeless very soon. She went to the council, which told her to find a place to rent on housing assistance payment, HAP. The limit for HAP is €1,800 or €1,900 per month, but rents in Dún Laoghaire are €2,200 or €2,300. We asked if she could get an uplift. The answer was no. She cannot even get the homeless HAP until she is almost homeless. The council has known for months but it will not give her the homeless HAP until she is about to become homeless. Months have been wasted in between. We do now have a placefinder service, but it cannot find a place because there are no places.

The next person who came in was a mother with a two year old child. She burst into tears, crying helplessly in front of us, begging us to get her out of the hub in Monkstown she has been in for the past year. She cannot take it any more, psychologically and emotionally. She was pleading with us to see if there was any way she could get out of this place.

I then got a call from a mother, distraught about her son. He is working in telecoms, he is

highly qualified, and his wife, a hairdresser, is also working. They are over the limit for social housing so they applied for the Rebuilding Ireland home loan scheme. They were refused because they cannot demonstrate the capacity to repay. They have the deposit and a clean credit record. The scheme for people earning between €35,000 and €75,000 a year does not work. The mother told me 67% of people applying for that are being refused. What the bloody hell is the point of this scheme?

**Deputy Damien English:** That is not true.

**Deputy Richard Boyd Barrett:** It is true.

**Deputy Damien English:** It is not.

**Deputy Richard Boyd Barrett:** Then the Minister of State should explain how they were refused.

**Deputy Damien English:** It is 48%.

**Deputy Richard Boyd Barrett:** The mother wrote to the Minister's office and asked him to explain this. He said it was nothing to do with him and he could not interfere. That is why we need to get out on the streets.

**Deputy Catherine Connolly:** Tá sé thar a bheith deacair bheith foighneach le leibhéal na díospóireachta seo ón Rialtas agus ó Fhianna Fáil agus iad ag caint as dhá thaobh a mbéal. Tá sé thar a bheith deacair. Tá géarchéim tithíochta i gceist agus tá sé thar am aihteantas a thabhairt don ghéarchéim sin agus céimeanna faoi leith a thógáil chun dul i ngleic leis an ngéarchéim.

It is difficult to remain patient with the reply from Government and the approach by Fianna Fáil to this matter. I have no hesitation in supporting the principle of this Bill and I fully understand where the Deputy is coming from on it, as with all the other initiatives we have brought in over the past two and a half years. In a sense I am glad the Minister has left the Dáil, although I realise he is busy, because my patience has worn thin listening to him talking about not trampling on people's rights. The Minister of State, who is in the Chamber, might acknowledge that we are trampling on people's rights. There are 10,000 or more people homeless, including almost 4,000 children. I would call that trampling on their rights. The high number of people on the waiting list is increasing by the day.

The Minister talks about unintended consequences. At what stage does a sensible and rational government realise that 10,000 people homeless is not acceptable collateral damage from its market-driven policies? At what stage does it realise that if it keeps on and acknowledges that it is pouring money into the private market, it is part of the problem not the solution? Twenty-seven people have died on our streets as a result of homelessness. There are long waiting lists. In Galway the list goes back to 2002. They are the people being housed there.

The Minister talks about ideology and the far left. I have repeatedly said I am a very practical, pragmatic female politician and there is a solution to this problem. It is not the ideological left that has ideology, it is the Government, driven by the ideology that the market will provide, in flagrant disregard for the evidence that the market is not providing but is part of the problem. Fr. McVerry, repeatedly and without any agenda, has drawn to the Government's attention the extent of the housing crisis. I read in a letter written in September by 51 academics. We often accuse them of living in ivory towers but they came out of their ivory towers, including six

professors, 42 doctors, an architect and a research officer with SIPTU and so on, not the hard ideological left, to tell us there is a major housing crisis and we cannot pursue the market-driven agenda.

The Government needs to step in i lár an aonaigh to be right in the middle of providing houses, to enshrine a right to a home in our Constitution. What this Government and previous ones, including, I am afraid, the Labour Party, have done is privatise and marketise houses and not look on them as homes. The first step in doing that was taken by the Labour Party and Fine Gael in respect of HAP. They said it was the only game in town and, unfortunately, it is, but there are no homes in Galway available under HAP. The Department is setting weekly and annual targets for the local authority to move people from rent supplement to the HAP. There are no HAP houses. On my desk I have a letter from somebody whose supplement has been stopped and who cannot get a HAP landlord. The individual is in a house but the landlord does not want to enter the HAP scheme. The individual is in receipt of no payment. This is what the Government's policies are doing. The Government is not declaring an emergency, as was mentioned already. An emergency was declared in respect of the FEMPI legislation and the guarantee for the banks. Incidentally, the banks we bailed out are not loaning developers any money now. The Government had to set up another quango and another level of bureaucracy lately in order to loan money.

This legislation may have practical difficulties but they can all be sorted out with the appropriate amendments. What it is doing is asking the Government to recognise an emergency so appropriate steps can be taken to restore the balance. We clearly need landlords but the biggest landlord should be the State. We praise and follow the European Union in many areas and want to be the best boy and girl in the class but we will not follow the European Union on social housing. We will not look to Austria or to other good examples of a very high rate of public housing. We need to send out a message to the market that the Government will provide homes for our people. Pending the construction of those houses, which should be done on a multi-pronged level, involving small builders, co-operative housing bodies and all sorts of steps the Government is not taking, there has to be a freeze on rents. The proposals in this Bill can be suitably amended.

Galway city has the biggest housing crisis in the country. It has the biggest homelessness problem. We have land but need more. The land we have in public ownership, at Ceannt Station, the docks and elsewhere, is not subject to a master plan. I have pointed out repeatedly that the approach is developer-led all over again. The city should have no housing crisis, yet its problem is the worst in the country.

**Deputy Michael Collins:** I am grateful to have the opportunity to speak this evening. I have no doubt that at this stage almost everyone in the country is aware that our housing and homelessness situation is at crisis point. This Bill seeks to declare the housing and homelessness problem a national emergency. In March of this year, the Taoiseach stated he had no problem describing the housing shortage or the homelessness crisis as an emergency. Can the Minister of State, Deputy English, state why we are still waiting for this to formally happen? Circumstances have only got worse since March, not better, and action needs to be taken.

I am blue in the face begging the Government to take action. We need it. There are 11,304 people homeless. Of these, many are children. Focus Ireland has reported that 193 additional children became homeless in September of this year. This is heartbreaking. These children need to be given the security of having a place they can call home with Christmas less than six

weeks away. It is unthinkable that almost 4,000 children have almost no home for Christmas. Last year, we saw on the “Late Late Show” a lovely young girl who was homeless and living in cramped conditions. This year, it is sad to say the housing and homelessness crisis is no better.

Currently, there is a vicious cycle, with people being evicted from their homes by private landlords due to their properties being sold or repossessed. The footfall in my office of young people unable to secure mortgages is considerable. I believed the Rebuilding Ireland scheme, launched earlier this year, was going to be the answer to all my prayers to have young people able to secure a mortgage but we know that there has been a 50% rise in homelessness.

I will certainly support this Bill. I thank Deputy Healy for introducing it. I am very disappointed Fianna Fáil is not supporting it tonight.

**Deputy Mattie McGrath:** I, too, am delighted to support this Bill, introduced by my colleague from Tipperary. I thank him for the work he put into it.

The Taoiseach said he accepts there is a national housing emergency yet the Minister responsible for housing, Deputy Eoghan Murphy, who is not here tonight although he should be, has reportedly undermined confidence in his homelessness statistics by ordering earlier this year the removal of 1,600 people from the housing data. The Government is playing with figures. The Minister must be the seventh Minister responsible for housing in the past two Administrations. One is worse than the next. It is like the “Magnificent Seven”. The Government must be the Underwhelming Seven. AK-47, the former Minister, Deputy Alan Kelly, was firing blanks in my constituency. They are all firing blanks and have lost the will to build houses. They are not building and will not allow private builders to do so. It will not give Home Building Finance Ireland the necessary powers and will not give people who can build them loans. Deputy Richard Boyd Barrett mentioned the issues we all encounter every day. People earning between €30,000 or €35,000 and €70,000 cannot get a loan. They cannot go anywhere. A measly three people were approved in the previous scheme in Tipperary, and I believe nobody was approved under Rebuilding Ireland. What an inept and unsuitable title. The Government does not have the first iota as to how to build. It is not because it is not able or because the private builders are not able; it is fundamentally because of Fine Gael, supported by Fianna Fáil. Fianna Fáil was always the party of building houses so I cannot believe it will not support this Bill tonight. I am not saying it is perfect but it can be amended and nurtured as it passes through. The Government, however, is in hock to the banks and Europe and does not care about the people who have no houses. It has a fundamental ideological blockage regarding allowing people to build houses themselves. I know of ten couples in south Tipperary who want to build their own houses. They have their own sites and can get the loans but the authorities will not give them planning permission under the so-called plans associated with Project Ireland 2040. There are those who want to buy houses but they cannot obtain approval for a loan. The Government is pushing paper from Tipperary up to Dublin and down again and over to the west, and back around six or seven different places in the Department. The Government is doing nothing and should hang its head in shame. If it is not going to build houses or let somebody else build them, it should get to hell out and call an election.

**Deputy Michael Healy-Rae:** I declare an interest in this matter so nobody will be able to say I did not. I am glad to have the opportunity to speak on this because every one of us is dealing every day with young couples and young mothers who are trying to do their best for their families and put a roof over their heads. One of the saddest things one has to deal with is young people who cannot find or afford accommodation.

There is one point I will not agree with or pander to. I am not talking about Deputy Healy or anybody in particular but am referring to when I hear people continuously criticising people who own property and rent it out. There is nothing criminal about that. There is nothing wrong with it. In many instances, those people are really struggling themselves to try to keep on top of bank repayments, rent out a property, keep it in good condition and pay their taxes. Every Minister knows that if those people were not in the market and taking a chance, there would be total chaos in this country. Admittedly, one could say it is their private business, but what are they guilty of? They are guilty of doing work and trying to improve their lot. There are Members here denigrating landlords, calling them this and that, and asking about this and that as if landlords were pariahs or doing something wrong. They are respectable people who are just earning a living. They are doing it by the book. That is a difficult job. To brand landlords as unimportant is not acceptable because they are bloody well important. If they were not doing what they are doing, the homelessness crisis would be much worse because the Government is not doing enough.

**Deputy Danny Healy-Rae:** If Deputy Michael Healy-Rae owns houses, I suppose I have to declare an interest because I am his brother. I am thankful for the opportunity to talk about this important topic.

I do not believe the Government when it said funding would not be an obstacle. I believe it is. I have my reasons. I have spelled them out here at different times. We have nearly 40 or 50 people waiting for rural cottages to be built. The people have their own sites but the local authority does not have the funding or the ability to give them the green light.

With regard to social housing, the Department is holding matters up. There are four stages of approval. Private developers are finding it very hard to gain access to funding. There are so many levies and obstacles to be overcome. I am aware of one developer who is trying to start building houses for a voluntary housing group. The process has been going on since the summer with one thing after another. If it is not Irish Water requiring matters to be dealt with, there is duplication between the local authority and all the other agencies. There are so many problems. The Department is also involved. There is so much red tape. One would have the houses built while there is all this paper and pen pushing. Something must be done to unblock that.

In addition, funding must be made available to private builders. There is a shortage of supply. People are complaining about the cost of rent and how rents are increasing. The lowest rent in Killarney is €1,300 per month. People cannot find that type of money. It should also be realised that the Government is taking 50% of what most of the landlords are getting in rent per month. They are paying 50% tax and something must be done about that if we want rents to decrease.

**Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English):** I am glad of the opportunity to speak on this Bill. I understand the spirit behind the Bill and what Deputy Healy is trying to achieve. We have had a number of debates previously and this is a genuine attempt to deal with the issue. We do not agree with some of the measures in the Bill because we are not sure they will achieve what the Deputy is seeking, but I understand and accept the spirit of what he is trying to do. All of us want a rental sector that works and gives people a chance to have a home and rent a property at a reasonable cost that they can afford. That is what the Deputy is seeking and I support his sentiments, but we do not agree that implementing what is in the Bill will resolve the issue.

It is repeatedly said that declaring an emergency will solve the problem. To be honest, if any of us thought that declaring an emergency would increase housing supply tomorrow, we would declare it. Why not? However, declaring an emergency will not provide us with even one extra house tomorrow or two or three months hence. It does not change anything. We recognise the emergency here. It is a difficult situation. That is why we have committed taxpayers' resources to a structured, funded plan that has a timeline and can deliver. We started it over two years ago. It is a five-year plan and it is ambitious. We want to deliver a minimum of 10,000 social houses per year. That is the magic figure everybody is seeking. We will reach it by next year because we started our plan two years ago, not yesterday or next week. Two years ago we recognised the importance of putting taxpayers' money behind the plan and implementing it.

Members of the House demand 10,000 and 20,000 houses, but somebody must do it. That is up to the Government. The Government must set the policy and secure the money from the Department of Finance. People's hard-earned money that is handed over in taxes is being spent on housing. That is our job. We spend it through all our partners and stakeholders, such as the local authorities and the NGOs, which draw down approximately €60 million of our taxes every year to spend on homeless services, building houses and so forth. The local authorities are in charge of the housing delivery programme and are implementing it. We have ensured they have teams of people with the skills they need as well as the funding. They can now build houses. It is absolutely wrong to come to the House week after week and insist that the Government is not building social houses. It is just not true. I have no problem with having debates on housing every day and every week in the Dáil, but there must be honesty in the conversation.

There were calls tonight for people to pile onto the streets and join the march. I listened to most of the people who spoke at the last march. They were students, members of NGOs and other groups, members of unions and so forth. The common thread in the different demands they made on that march was that the Government should start a social housing building programme. That was the first demand. Second, they said that entailed 10,000 social houses per year. It is clear from the record of the House for anybody who wishes to check the debate that this is exactly what the Government is doing. We started it two years ago. There was a commitment of taxpayers' money through the various policies to deliver 10,000 social houses per year. We are doing exactly what everyone is calling for in their speeches. We put it in place two years ago. We recognised that one cannot just decide that if one wants 10,000 houses tomorrow it will happen. One must start somewhere.

We started two years ago and put in place all the changes that were required, including cutting the red tape, allocation of resources, putting all the teams together and engaging with the private sector, public sector, local authorities, approved housing bodies and anybody who cared to work on this. That is what had to be done. We engaged with all of them in a structured plan that we track every week and month through the officials in the Department of Housing, Planning and Local Government and other Departments. As we track it every week we can say with confidence that next year we will reach the magic number of 10,000 social houses delivered per year, which everybody is calling for. We will reach it next year because we started two years ago, not a week or month ago. We put the plans in place to make it happen. That is our job. I must say there was cross-party support for that. Everybody wants to achieve that and nothing less. Some want more, which is fair enough. However, every week the Members come to the House and claim it is not happening.

Some €2.4 billion in taxpayers' money has been secured and ring-fenced for housing for 2019. It is the highest ever spend on housing. The taxpayers need to know their money is

yielding a result. Members all agree to spend the money so they must admit at some stage that we are opening real houses across all the sites each week. People are moving into them. Week in, week out the Members repeatedly say that I, the Minister, Deputy Eoghan Murphy, and the Department are doing nothing. It is not true. The Minister, the Taoiseach, the Department's officials and I have no problem admitting that the number of people who need a house is extremely high. It amounts to thousands. Of course it is an emergency. Nobody is denying that. We count them and present the figures. We are not hiding that. However, there should be a little honesty. Taxpayers deserve honesty and to realise that their money, which amounted to €2 billion last year and will be almost €2.5 billion next year, is doing something and is delivering houses.

People also tell me it is a hopeless situation. That is unfair to people who are homeless and who need to know they will eventually get a house. It is unfair because the facts do not support the people who say it. In the last 16 months, 7,000 adults and their thousands of children left homelessness and are in homes today. Next year, thanks to the taxpayer, the money allocated will deliver 10,000 social houses and 19,000 other social housing solutions through HAP and so forth. Over 5,000 adults and their children will also leave emergency accommodation and will not be homeless this time next year. That is the reality. That is our commitment because we know we can do it. We have done it for the last two years. Nobody is denying that a homeless situation is not a nice place to be and is absolutely no place to raise a family. A hotel, family hub or the like is not the place to be and nobody should be left there. It is our job to ensure people come through that system as quickly as possible and into a house. It is wrong to say it is hopeless and it is not fair to those people. They must have some hope. They are entitled to have hope because money is being spent to provide solutions for them. The NGOs and people such as Fr. McVerry are part of the solution. They are all getting taxpayers' money. It is being channelled in a proper, co-ordinated way and is delivering results.

We know the process is not happening fast enough. Every day we try to make it faster. We change the system and try to push it as much as we can to deliver more houses. It is delivering houses. It will deliver the magic number of 10,000 that everybody wants next year. The combination of 6,500 builds, long-term leasing and acquisition will bring us over the number of 10,000. Everybody continues to say that this Government is against social housing, but we have committed the country to providing up to 12,000 social houses per year. That money is committed over the long term under Project Ireland 2040 and the ten-year capital plan. We are repeatedly told that we are ideologically opposed to social housing, but we are the only Government to have committed the resources to make it happen. It is wrong for Members to come to the House week after week and say that we have a problem with social housing. It is not true and I take great offence at it. It is our job to ensure that people get a house and a home, be it social housing, affordable housing or private housing. It is not true to say that this Government is against social housing. If that was the case we would not allocate €2.4 billion of taxpayers' money for it next year. We would not do it with the support of Fianna Fáil and the Independent Alliance. We would spend the money somewhere else.

I have no problem coming to the House and listening to the Members demand more. That is fine if Deputies were to come to the House with new ideas and solutions that might work. We would take them all on board, but this constant coming into the Chamber and saying nothing is happening is not fair on the poor unfortunate families who are struggling tonight, stuck in emergency accommodation and want to get out of it. They are entitled to know that in the next year most of them will leave emergency accommodation and we have done this in the last

year. When we analyse the figures, we see that the social housing stock increased by 7,000 last year and 8,000 this year and will increase by 10,000 next year. These are the figures that give people hope. They are factual. There are more than 1,000 social housing projects that were not in place two years ago. They are in the system at different stages of delivery. It is my job and that of the Minister, Deputy Eoghan Murphy, and the Department to work with the local authorities and the approved housing bodies to make sure houses are delivered, week in and week out. That is happening.

When we go to housing projects and meet people in their homes, some of them tell us that they had been waiting for a house for eight or nine years on a housing list. Others tell us that they were homeless for three, six or eight months. Everybody has a different story to tell and taken a different journey. They are on that journey and coming through the system. We know and admit that there are thousands of them. We put out the figures for genuinely good reasons; we do not hide them. Thankfully, the majority stuck in emergency accommodation tonight will spend less than six months in it. Do not get me wrong; it is six months too long, but two years ago they would have spent two or three years in emergency accommodation. Thankfully, most are now offered a solution quite quickly. Not everybody chooses a solution or the one they are offered does not suit them in the long term. There are different reasons and we must constantly work to find better solutions.

I will make a final point. Yes, in the short term we have to work with the private sector through the HAP scheme and so on. On a daily basis, however, we are adding new social housing. It is a five-year plan and by year three or four we will have tipped the balance by using more new social housing, rather than relying on the private sector. That is to what we are committed in the longer term. One cannot resolve a social housing supply issue in year one. For many years the country did not deliver enough social housing. The only way to fix that problem is by having short and long-term plans that over a period of time will genuinely increase the social housing stock by 50,000 by 2021 and 12,000 social houses each year thereafter in the next ten years. Then we will be able to say we are at a European level in the provision of social housing. Let us not kid people. We cannot just draw houses, demand them, call for them and hope they will arrive. One has to physically do it site by site, county by county, to make it happen with real money, real people and real ambition and plans. That is what we have done as a Government and that is what we are committed to doing.

I thank the Ceann Comhairle for giving me time to speak on this issue.

**An Ceann Comhairle:** After all of that, will Deputy Healy, please, respond and summarise?

**Deputy Seamus Healy:** Not only is the Government's response to the Bill deeply disappointing, it is absolutely disastrous for the 500,000 people affected by the housing and homelessness emergency. We have heard it all before from the Minister and the Minister of State. Phrases such as "live horse and you will get grass" and "believe in your own propaganda" come to mind. The fact is that everybody associated with the homelessness issue in the State knows that Government policy is not working and that it has been an absolute dismal failure. Not only is the Government's policy a failure, Fianna Fáil's policy is also a failure. Fianna Fáil's policy is the policy of Fine Gael and the Government. We have had crocodile tears from Fianna Fáil on vulture funds, mega landlords and developers. I remind it that putting faith in developers, vulture funds and mega landlords is the policy that created the housing and homelessness emergency today. It is time to change it by supporting the Bill.

The Bill is fully constitutional. The measures proposed and the policy outlined in it are specifically outlined in Article 43.2.2° of Bunreacht na hÉireann. The very same principles were used by the last Fine Gael-Labour Party Government in the introduction of the financial emergency measures in the public interest legislation. The question of delimiting private property rights in accordance with the Constitution has been upheld by the courts in respect of Part V of the Planning and Development Act. Citing constitutional difficulties is the last resort of politicians who have failed on all other arguments. That is the fact of the matter. The Government has failed in all other arguments and is now attempting to use the Constitution as an excuse for the absolute failure in this policy area.

I have another criticism. The Minister, Deputy Eoghan Murphy, said that declaring an emergency would not build a single house. Of course, it would not build a single house and nobody has ever suggested it would. I said quite clearly in my introductory remarks that the Bill was specifically to ensure the situation did not get any worse. Everybody involved at the coalface in dealing with the housing and homelessness issues knows that the situation is getting worse and that if we do not take significant and serious measures, it will continue to get worse. As Fr. Peter McVerry said, we will have a housing “catastrophe”. The Bill is simply to ensure the situation will not get any worse and give an opportunity to the Government to build social and public housing on public land. That is its effect.

We have been told that the Bill will worsen the crisis, but that is patent nonsense. It is patent nonsense from people who represent the wealthy in our society. The Bill will definitely reduce the price of dwellings and not before time. Even if some landlords did sell, the dwellings would still be in place. That would improve the situation because people would be in a position to buy cheaper dwellings. Landlords who were willing to make a moderate profit could buy. It would also repel the vulture funds that are part of a global demand that artificially drives up house prices and rents to exorbitant levels. The Government has encouraged this global demand with tax and other incentives. Housing should not be a commodity. In any civilised society there should be a constitutional right to housing. Only today in the *Irish Independent* we find that mega landlords are using the housing crisis to obtain massive rents through Government-sponsored rental support schemes. The country’s largest private landlord, Ires REIT, has almost trebled the number of State-funded social tenancies on its books. The company which recently announced profits of €19 million for the first half of the year stated it had 303 tenants who received State help under the housing assistance payment scheme. This equates to 11% of its total portfolio of 2,678 rental units. This compares with just 4% of its properties being rented to tenants in receipt of State support in 2017.

It has also been claimed by the Minister for Finance, Deputy Donohoe, in *The Sunday Business Post* that completely banning the eviction of mortgage holders would raise mortgage rates for those who did pay. His response is typical of the thinking that created the housing and homelessness crisis. If there is any threat to the profits of vulture fund, banks and super-rich investors, the Minister immediately declares the Government’s intention to allow the banks, finance houses and vulture funds to transfer the burden onto another section of the population. This is despite the fact that the declaration of an emergency in this Bill would give the Government and the Minister all the powers they need to prevent such an occurrence. That is why Members of the Oireachtas must take a hands-on approach to addressing the housing emergency.

The Minister implied that most people would not pay their mortgage without the threat of eviction. That is an insult to the vast majority of mortgage holders. The Minister seems to be prepared to allow mortgage companies to punish compliant mortgage holders for the crisis cre-

ated by successive Governments, including this Government. This is an emergency. We are facing a catastrophe, as Fr. McVerry said, unless normal commercial rules are set aside. Already, the Government has allowed mortgage rates far exceed the European average. According to the latest figures from the Central Bank, the average interest rate issued for new mortgages in August of this year was 3.15%. This compares with an average rate of 1.77% across Europe. This means Irish mortgage rates are 78% above the European average already and mortgage holders here, who already contributed to the national bailout of banks, are now bailing out the banks a second time. This simply must be stopped. The declaration of an emergency would allow the Minister to prohibit any increase in mortgage rates and enable him to reduce current mortgage rates to average European levels.

This Bill is absolutely necessary. We are experiencing a disastrous housing and homelessness emergency, which needs to be addressed. The evidence tonight is that the Government and Fianna Fáil are not prepared to address it. However, the public will address it. They turned out in massive numbers on 3 October when more than 12,000 people protested outside the Dáil. A further march, which will be reminiscent of the marches on water charges, has been organised by the National Housing and Homelessness Coalition for 1 December. I call on all those involved in housing and homelessness, particularly those affected by the issues and those on the front line, to attend the march and send a very strong message to the Government and Fianna Fáil that this emergency must be tackled head on. An emergency must be declared. The Bill should be allowed to progress. I appeal again, at the 11th hour, to the Government and Fianna Fáil to allow it to go to Committee Stage where it can be considered and amended. I urge them to allow it to progress to address the disastrous situation in housing and homelessness.

Question put.

**An Ceann Comhairle:** In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 15 November 2018.

## **Financial Resolutions 2019**

### **Financial Resolution No. 4: General (Resumed)**

Debate resumed on the following motion:

THAT it is expedient to amend the law relating to inland revenue (including value-added tax and excise) and to make further provision in connection with finance.

- (Minister for Finance).

**Deputy Billy Kelleher:** An bhfuil 20 nóiméad agam?

**An Ceann Comhairle:** Má's gá duit iad a úsáid. Sin suas duitse.

**Deputy Billy Kelleher:** I thank the House for facilitating this debate and welcome the op-

portunity to speak. It is important that every Deputy has an opportunity to speak on the annual budget and raise issues about which he or she has genuine concerns, not only in the context of the national budgetary framework but also, from time to time, on more regional and local issues. In that regard, it is important that Deputies can convey views from their constituencies.

The budgetary framework is set against a backdrop of grave uncertainty. We all acknowledge the disquiet caused by Brexit and the events that will unfold tonight and tomorrow in Westminster, Brussels, Dublin and Belfast. Any Government would have to take that uncertainty into account when framing a budget. However, other issues are also affecting the broader international economy. The America First policy, for example, has the potential to have a profound impact on the Irish economy because a large number of American anchored multinational companies have located operations here. That is a headwind of which we have to be conscious and which we must take into account in formulating policy.

We have a great dependency on multinational companies. Attracting them to Ireland has been the template for the expansion of the economy for more than 40 years. This approach has been underpinned by the policies of successive Governments, including through our 12.5% corporation tax rate, which has been a critically important factor. Equally important has been our access to the European Union as members of the EU, the fact that we are English speaking and our geographical location between the United States and Europe. We offer many advantages for multinational companies and we have benefitted greatly from the critical mass of such companies located here, be they in the areas of medical devices, pharmaceuticals, financial services, or companies like Microsoft, Google and Facebook. All of the major companies that are household names have made large investments here. From that perspective, the America First policy is a critical issue that we must face up to because in the long term, we cannot take for granted that there will be continued expansion of and investment by the multinational scene in this country.

For this reason, it is important that we try to expand indigenous small and medium sized businesses. We talk about Ireland as a great country in which to set up a small business and do business. While it may be a great country to start up a small business, it is not a great country in which to continue to run a business owing to the costs with which businesses are burdened. Those costs undermine the competitiveness of the broader economy and the ability of small and medium sized businesses to grow and operate in our volatile and open economy. While we consistently applaud ourselves for being good in this area, the evidence shows that the contrary is the case.

Access to capital is a serious problem for small and medium sized businesses. Our pillar banks are dysfunctional at this stage when it comes to funding start-up companies. Enterprise Ireland is now in the business of providing soft loans to small and medium sized businesses. Traditionally, it took out equity in companies but it is now providing loans. We could argue about why that is the case but I suspect it is because our pillar banks are no longer able to assess small and medium sized business plans and have become completely risk averse. Lending to the sector has dried up as a result. We will continue to pretend that it has not but all the evidence shows that it has. The credit review group in the Department of Business, Enterprise and Innovation is toothless and incapable of dealing with this issue. The Central Bank seems to be moribund and uninterested, to say the least, in trying to establish why our pillar banks are not in the business of lending money. The banks change short-term overdraft facilities to term loans and pretend it is new lending. They are up to every trick in the book, as they have been for a long time. I do not say that lightly or to be alarmist.

I have yet to meet people in business organisations or chambers of commerce who can say with certainty that our banks are on the side of business, helping and supporting businesses, assessing and analysing a business plan, and actually funding it. Our access to capital is a major problem.

Allied to this, we have not been great in incentivising entrepreneurs and giving them seed capital support. It is very challenging for private equity to get involved in start-up businesses in this country for a number of reasons. First, if it does not succeed, there is a loss. If it does succeed, it is hard to capitalise that business at some stage down the road and for the investor to take out their money. There is no incentive for people to invest money with the hope that if the company grows and expands, they will be able to capitalise it at some stage in the future, take their equity and move on. Seed capital entrepreneurs need to be able to do that. That happens in the US, on the west coast and the east coast. It also happens in the UK and elsewhere. However, we do not have that flexibility in this country. We do not seem to have that capacity in terms of policy development and maybe also in terms of our history and tradition of funding; we expect the State to do it all. However, we need to unshackle that element of private equity investing in companies, being able to capitalise at some stage down the road and take out profit. Profit is not a dirty word. We need to look at the issue of capital gains tax for small and medium-sized businesses. We have an opportunity to do that now.

*10 o'clock*

We are obviously obliged to comply with EU budgetary deficit requirements. We also need to be conscious that the economy is facing headwinds. There are also major pinch points in the economy following a lack of investment in infrastructure over a number of years. We can see evidence of that in our public transport systems and roads. Our third level institutions are under enormous pressure in trying to expand their facilities to provide proper education and training. We seem to be eternally incapable of addressing the issue of how we fund third level education. If we want to have the best graduates in the world, we need to have the best universities in the world. If we do not face up to that, we will remain forever moribund and in mediocrity. We should aspire to be ambitious and go well beyond that.

Housing has just been discussed. I know simplistic solutions have been proposed in this House on many occasions. I do not stand here this evening, believing I have any grand answers. We are absolutely failing generations of people with what is happening at the moment. Every day families are traipsing around the capital city awaiting a phone call from emergency accommodation officers advising them where they can sleep that night. Traditionally that would have been for single people with drug addiction, alcoholism, mental health issues and other illnesses. However, the homelessness we traditionally saw has gone beyond that. Families are sleeping in cars and vans, and on couches. Families are sleeping in hotels and bed and breakfasts which they have to vacate at 10 a.m. and traipse the street again until that evening.

I am not criticising; I am just highlighting. The difficulty is that it has gone beyond the issue of traditional homelessness. It is now evident across society and in every region. People in south Dublin are now paying €2,000 a month to put a roof over their heads. People in parts of Cork North Central, the constituency I represent, can pay up to €1,400 for a nice two-bedroom or a three-bedroom house.

All this is taking money out of the family system that they should be investing in themselves. People do not appreciate the impact this will have and the problems it is stirring up because parents do not have surplus cash to invest in their children, such as the child who has

reading difficulties where the parents from time to time might get some assistance for that child, the child who is brilliant at music, but they cannot afford piano lessons for that child or the child who would like to play football or hurling, but the pressure is on because they just do not have that money. We are effectively enslaving an entire generation to bricks and mortar again. We have tried it before and it failed; and it will not succeed this time.

It is now necessary to have two middle to high-income earners, living with mam and dad for a number of years before they get the deposit together and before they can even go to the market to contemplate buying a house. From the day they buy that house they are on a treadmill of misery to fund that mortgage for 20 years. That is with historically low interest rates. Even though Ireland has the highest interest rates in the European Union, historically the ECB rate is the lowest it has ever been. That will not stay low for 20 years as otherwise it will show the European Union is failing as an entity because there will have been no economic growth.

We will store up major problems because if they can barely afford to buy a house now with historically low interest rates, what will happen in three, four, five or six years' time when interest rates start to rise across the European Union? They will go from 3.2% to 4.3% or to 5.2%; who knows? However, we know for sure they will not stay at historically low rates forever.

If two-income families cannot afford to buy a house in Dublin with historically low interest rates, what will happen in years to come? It is almost foretold that there will be great major problems. In the meantime there is no surplus money available to families to do the things families should be doing, which is investing in themselves. They should be investing in the social capital of that household, lightening the burden of the State, investing in themselves in order that the State does not have to do it. However, it seems we will enslave them again for another generation.

This is not some ideological view of mine; it is just the harsh reality of economics. We are storing up problem after problem. The Minister of State and I see it every week in our clinics, as does every Deputy in the House. Parents constantly tell me they would pay for it if they had it, but they do not have it and the State cannot give it to them either. That issue must be addressed. Because the Minister of State, Deputy English, is in the House taking the debate tonight, I had written down housing, infrastructure, competitiveness and entrepreneurship as the focus of my budget speech.

We must accept that the changes required in the overall economy are coming too slowly for us to reposition ourselves. I point particularly to the area of competitiveness. Our competitiveness is being continually undermined. The most recent report shows we have dropped to 23rd in the ranking of competitiveness. That should set alarm bells ringing. Once our competitiveness starts to drop, other issues start to roll in. Requirements for wage increases further erode competitiveness. These are wage increases to fund mortgages and rising rents. All these things continually feed into the economy. That is fine when the economy is rising as it is at the moment, but it will not always grow at the rate it is growing.

We know for certain that at some stage it will slow and then the Government will be found out because our competitiveness has been eroded. Competitiveness is a significant issue because we do not know what Brexit will bring. We do not know what it will bring with the United Kingdom, for example. A key issue in terms of what will happen in the negotiations tomorrow in Westminster and here is the common travel area with the United Kingdom. I hope there will be no barriers in trade between the Republic and the United Kingdom. It would

mean that an Irish person can still work in the UK unhindered and in the European Union unhindered through the free movement of people. It will mean our labour pool has access to two markets. In view of the fact the United Kingdom may not have access to the European market any more, it will mean our labour pool will primarily see the UK as an area for employment. Our economy could be under significant pressure very quickly in trying to keep skill sets in the economy. If one looks at all the metrics across all the skill sets, we are under pressure in every one of them. Our apprenticeship roll-out has been slow. The training programmes that are required for the economy in key areas of construction, both commercial and residential, are light years behind what we need in terms of ramping up productivity and output. We were very slow to acknowledge the issues. I remember in the House the Government was still talking about knocking ghost estates when everyone else was saying we need houses. We did not ramp up the apprenticeship schemes on time. We do not have enough engineers, architects, planners or construction workers across all the trades and crafts. There is a very long lag. If European labour is cut off from the United Kingdom, this economy and labour pool will be potentially pulled to the United Kingdom. I do not know what is in the text but I detect it would be of concern if the United Kingdom did not have access to the European labour market but had access to the Irish labour market because of the common travel area. The issue of skill sets is a significant impediment to the economy's competitiveness. I have spent the past 18 minutes highlighting the problems. It is important we acknowledge the issues.

In terms of infrastructure, I spoke about the national issues but I also have to talk about local issues. The North Ring Road is not in the national development plan and it should be. The North Ring Road is the road that was envisaged to run from the Glanmire bypass across the northern district of the city joining the south link road in Ballincollig. It is on plans and there was a rough route. It is very important that this road is developed in the short and medium term. I will tell the Minister of State why. It is not because it runs through the constituency I represent but because if anything ever happens to the Jack Lynch Tunnel, which is now the only real link between north and south, we will see serious problems and consequences. It can happen from time to time as a result of flooding or maintenance on the tunnel. That whole region comes to a standstill. The whole region of south Munster, in terms of access to ports, the airport and hospitals is completely and utterly dependent on the Jack Lynch Tunnel. If we had a circuitous orbital route at least if something happened to the tunnel as a result of maintenance, a catastrophic accident or some infrastructural problems, we would have a link around the city to serve it. It would also bring some balance to the city because all the development is on the south side of the city and we do not have enough infrastructure to encourage investment in the north side. From that perspective I urge that the Government looks at it. It would also assist in opening up the area to further housing development, which is something we critically need in the constituency of Cork North-Central.

**Deputy Brendan Smith:** I welcome the opportunity to make a contribution on the budget. I will refer to some of the concluding remarks my colleague, Deputy Kelleher, made, particularly on Brexit and what might or might not be happening with regard to a possible deal between Britain and the European Union. We sincerely hope there will be a good deal and a good outcome to the negotiations. As I have had the opportunity to say in the House and in committees over the past number of years, a bad deal for Britain will result in a very bad deal for Ireland. I campaigned in Northern Ireland along with the SDLP, Justin McNulty, MLA for Armagh, and my colleagues, Deputy Breathnach and Senator Wilson. We canvassed in Newry and elsewhere prior to the Brexit referendum. At that time, I remember remarking to colleagues here that I had my concerns about whether the referendum would result in a "Leave" or "Remain" vote

because people were voting on issues that were not relevant to the question that was being put to them in the referendum. They talked about immigration, hospital waiting lists, difficulties getting children into school and the cost of putting children through third-level education. All the issues of the day were merged into a vote to leave the European Union.

Earlier this evening, I had the opportunity to attend the launch of a book by Donnacha Ó Beacháin of Dublin City University, DCU. It is a very scholarly book entitled *From Partition to Brexit* in which he gives a great outline of Irish Government policy on Northern Ireland and the different developments over the years. The book was launched by the former Taoiseach, Bertie Ahern. All of the contributions by the former Taoiseach, Bertie Ahern, the author, Mr. Ó Beacháin, and the president of DCU, Brian MacCraith, were very illuminating and referred to the great progress that has been made on the island since the signing of the Good Friday Agreement on 10 April 1998. It was very heartening to listen to the president of DCU and his colleagues from the law and government department speak about so many of their students as having no knowledge of the very dark period in our history. They were born after the signing of the Good Friday Agreement. It is very heartening to know that generation did not live through that troubled era. Hopefully, nobody on this island will live through such a troubled era in the future.

As a person who represents two Border counties, the Good Friday Agreement has been transformative. When the referendum took place and when the decision was made by the British electorate to leave the European Union, it really knocked the stuffing out of Border communities. It was a psychological blow to people like me who grew up in Border communities and saw the change. We did not go to play the underage team in our neighbouring parish in Fermanagh. That ended when the Troubles escalated. Unfortunately, the breakdown in normal living happened. In that era when we did not know our neighbours North of the Border a division occurred as a result of the blowing up of bridges and roads. The security apparatus and infrastructure that was put in place on both sides of the Border created very significant impediments to the movement of people, goods and services. Thankfully since 1998 we, particularly in the Border area but also the entire island and Britain, live in a transformed society. None of us has sufficiently registered in our minds the transformation for the better that occurred until Brexit happened and then we started to realise where we had come from in April 1998 and that thankfully we were living in a new era. It is in that context that I hope there is a satisfactory agreement between the British Government and European Union. If there is not, our country will suffer greatly.

In my early days in the Oireachtas, working with the late Tánaiste and former Minister, John Wilson, prior to my election to the House, much of my time as a constituency representative was spent dealing with problems on the Border. People who may have had a farm north of the Border, who may have had a child attending a special school in Enniskillen or who may have travelled to bring a family member to a job in Fermanagh, Tyrone or whatever, were hindered while going about their daily business. Every weekend, on Sunday nights and Monday mornings, I could be certain I would receive endless phone calls from people returning to college in Dublin on the express buses, which were held up at the Border by the British Army or the Royal Ulster Constabulary and detained without any reason, leading to people missing appointments or being severely delayed. That irritation with which the Border communities lived was not normal. Thankfully, the signing of the Good Friday Agreement eliminated it from our thinking and psychology, but we sincerely hope that in whatever arrangements are arrived at between the European Union and the British Government there will be no border of any sort on our island.

We in the Border community want to continue living in the way we do today. We do not want borders of any type reimposed on our country. That is the way it must be.

Similarly, from an economic and social point of view, the Good Friday Agreement was transformative. So much business and commerce has developed because of the new environment and milieu that were created as a result. The Minister of State will understand because some of the enterprises, such as the food processing companies and the daily co-operatives, serviced his county, and were either Cavan or Monaghan based but are all-Ireland companies today. Lakeland Dairies, for example, has three processing plants in our State and two in Northern Ireland, while LacPatrick, the former Town of Monaghan Co-Op, which will soon merge with Lakeland Dairies, has two processing plants in the North and one in the South. Those companies are all-Ireland companies and the raw material flows freely between North and South, depending on the need for it. Fortunately, that business and commerce has flourished because of the environment in which we lived, but it grew not because of people talking political ideology or waving flags of different colours. Rather, it happened because the political system created the environment for it to grow, benefiting all of us living on this island. I might harp on about it too much, but where I grew up and live, and to the people I represent, Brexit is an issue that concerns us every waking moment.

I have raised with the Minister of State on quite a number of occasions the issue of housing, to which my colleague Deputy Kelleher also referred. The Minister of State may recall that in oral questions I raised the totally unsatisfactory income eligibility limits that apply in regard to social housing. The Cavan-Monaghan area is in the worst possible zone and has the lowest level of income eligibility. On a number of occasions in the House, I cited to the Minister of State people on extremely low incomes who cannot be considered for social housing because their incomes are considered too high. I provided the instance of a one-parent family with the mother rearing three children, two of whom are in primary school and one of whom is in secondary school, while working in a poorly paid factory job for four days a week. She is in receipt of family income supplement but she was denied the opportunity to apply for social housing.

While I know the Minister of State understands the matter, it has not got through to the Minister, the Department, the Housing Agency or whatever that those eligibility limits need to be changed. How can we justify a person getting family income supplement while being unable to be considered for a council house? It defies logic. This evening I spoke to three families on low incomes who cannot get on the council housing list. They do not have a chance in the wide earthly world of getting a mortgage from a financial institution. The review that we discussed, therefore, is extremely important. At the end of May or June, I appealed to the Minister of State in the House to try to complete the review before the middle of July. Unfortunately, that has not happened. The Minister of State will know that people are paying high rents and they do not have a chance of putting a decent deposit together. At the same time, these people are on low incomes and they cannot even be considered for council housing. The people I am talking about want to do a day's work. They are in low-paid jobs but they are going about their daily work, in which they have pride. We cannot allow those people to be condemned to renting a home forever. It is not fair or acceptable. The Minister of State knows the profile of a county like mine or Monaghan, similar to parts of the west or the north of his county, and I appeal to him to try to get the Department moving on this issue.

To return to the local authority house loans, the deposit requirement is much too high. We know there are exorbitant rents in the private sector and a large proportion of people's income is spent on rent, often for inadequate accommodation. They have no chance of putting together

the necessary deposit to buy a house. I appeal to the Government to reduce the deposit requirement in respect of local authority loans. I am sure the Ceann Comhairle would agree that in our early days in politics the local authority loan was critical to people getting home ownership. In the past 15 years or so, it has not had the importance it used to have. Week in, week out, in my early days in politics, we assisted and gave some guidance to people in State and non-State jobs whose only hope of getting a home was through a local authority loan. At that time, there were considerable levels of approval in every local authority for people being able to secure a home through sourcing local authority house loans.

In regard to the health sector, if we take as an example my and the Minister of State's region of Louth, Meath, Monaghan and Cavan, there are difficulties for people accessing orthopaedic assessments and follow-up treatment. I remember there were significant difficulties for us years ago but the National Treatment Purchase Fund dramatically reduced the number of people waiting for orthopaedic procedures, such as hip or knee operations. The number of people on waiting lists, however, has risen greatly. So many people in my constituency avail of the cross-Border directive and travel to hospital and clinic facilities in Northern Ireland to have orthopaedic procedures carried out.

I quite regularly read *The Irish News*, the Belfast newspaper, in which I saw an advertisement from the private hospital sector here looking for patients from Northern Ireland to come to its orthopaedic units in Dublin. A friend of mine, who works less than five minutes from where we are, told me he went through the cross-Border directive to have an assessment for an orthopaedic procedure at a clinic in Belfast. He told me he had spent some hours in the clinic, having scans done and waiting for the results, but he did not meet one person from Northern Ireland. Everyone he met in the clinic that day was from the South, our State, from as far south as Waterford but also from Munster, Leinster and the Border counties of Ulster in particular.

We have spare capacity in our hospital system and we have private hospitals, with the private hospital sector advertising that it has the capacity to provide orthopaedic procedures for people from Northern Ireland if those people avail of the cross-Border directive. Surely it is within the capacity of the Department of Health and the HSE to ensure that capacity is used for the patients who are local to it and are within our own State. It is farcical that we make people seek these procedures under the cross-Border directive, many miles distant from their homes in the depths of Munster and elsewhere in the State.

On home care packages, it is ludicrous that so many people remain in hospital beds because the home supports are not put in place to enable the discharge of these patients and the freeing up of their hospital beds. It is not consistent throughout the country. In Cavan-Monaghan there are long waiting lists. There are patients who were approved for home support but there is a major time lag between approval and receiving the service, which is not acceptable. There are people in hospital beds who have no family support at home and cannot be discharged because of the lack of home support. Surely that can be addressed. It is not a cost burden on the State, but would be a saving. I appeal to the Minister of State to bring that back to his colleagues in Government.

On infrastructure, I have repeatedly highlighted that in light of the particular challenges that face communities across Cavan-Monaghan and elsewhere in the Border region, we need the best possible investment in our road infrastructure. We do not have railways. Our economy in Cavan-Monaghan is very heavily dependent on three particular sectors, namely, agrifood, construction products and engineering. It is widely accepted through business and studies that

those three areas will be most adversely affected by Brexit because these are the three sectors that are most dependent on Northern Ireland and Britain for their export market. By their nature, those products are bulky. They are moved by heavy goods vehicles and we have a road infrastructure that is not adequate to minimise transport costs for business. I have continued to raise with the Minister for Transport the need for the east-west route, from Sligo, through Enniskillen, Cootehill in Cavan, Carrickmacross and on to Dundalk, to be upgraded. It goes right through the central Border region. Some parts have been constructed and upgraded through the building of the Cavan bypass, both stages 1 and 2, the Belturbet bypass and also the Carrickmacross bypass, but we have asked that the other sections of that route would be identified for upgrading because of its central Border location and the fact that, thankfully, we have substantial business and commerce located along that route. We need those roads to be upgraded.

I know that, in the Brexit negotiations and their outcome, there will be many issues over which the Government does not have full control and on which we will depend on Europe for assistance. One area in which the Government is in complete control is deciding on infrastructure investment in our own State. I appeal to the Government that the infrastructural needs of the Border region be given priority because of the challenges we face, the nature of the terrain, and the nature of the business and commerce in the region. We need decent roads to transport goods to and from that region to try to minimise the cost.

I can well remember the case of a road that was as significant to the Minister of State's county as mine. When the M3 motorway was being considered for construction, time was lost because of objectors and objections. At the time, Glanbia in Virginia undertook a study of the time lost and the cost to the company from its collection and delivery lorries using the old N3. I was a member of Government at the time. I attended a presentation to the then joint committee on transport and I made the argument about the costs with which the likes of Glanbia were being hit because of an inadequate road infrastructure in the region.

To assist the business and commerce of the Border region, which will face particular challenges, I appeal to the Government to give priority to items such as the east-west route from Sligo to Enniskillen to Cootehill and Shercock in Cavan to Carrickmacross and on to Dundalk, which is particularly important for that part of south Ulster. I appeal to the Minister of State to bring that message back to his Government colleagues.

**An Ceann Comhairle:** The Deputy covered a multitude of matters.

**Deputy John Lahart:** I am looking at the clock. I am starting at 10.35 p.m. so I should finish at 10.55 p.m. Is that correct?

**An Ceann Comhairle:** Yes. The Deputy may finish earlier should he wish.

**Deputy John Lahart:** I will do my best. I am always fascinated listening to my colleague, Deputy Brendan Smith, because we represent such contrasting constituencies and his depth of knowledge is always very impressive.

I thank the Minister of State for his patience in sitting through and listening to the budgetary contributions. We all have a lot to say. I have been privileged for the past year and a half to be a member of the new Committee on Budgetary Oversight. It has proven itself to be a very independent committee of the House. The publications and the opinions of the independent director of the Parliamentary Budget Office are making a significant contribution to the budgetary debate in Parliament and beyond. As a person who admits to not having a grasp of

complex economics but an interest in it, no more or less than any politician in this House, I have found the contributions, research papers and the speakers and witnesses from the office who have come before the committee to be invaluable in reducing one of the complexities of budget preparations.

In the post-budget analysis, the independent budgetary director, who was appointed by this House and is independent of the Department of Finance and the Minister, has stated that the 2019 budget can be considered a pro-cyclical budget. Consider all we have come through since 2008, all the warnings, and all the lessons that the Government was meant to have learned. The Government talks about never returning to and not wanting to repeat the mistakes of the past and learning the lessons of the past, but the independent Parliamentary Budget Office says that this budget is pro-cyclical, it is fanning the flames of growth. That is something that we must watch.

I will refer to one of the budgetary oversight committee's recommendations. The Minister of State's party colleague and my constituency colleague, Deputy Brophy, who is the Chair of the committee, published a report recently on gender equality budgeting. It is a fine document that made some significant recommendations that arose out of a lot of international work. They suggested a significant cultural change around gender budgeting was required. The international evidence suggests that civil servants and politicians need to recognise that the budget is not a gender-neutral exercise. We can still see evidence of older thinking in some Departments today. For example, many of the chapters in the 2018 tax strategy papers contain a single-line statement regarding the gender and equality implication of various tax measures. Most of these statements read simply, "there are no specific gender or equality implications with regard to measure A, B or C". In one analysis, it transpired that one budgetary measure introduced by the former Minister, Deputy Burton, regarding the provision of State pensions penalised predominantly and significantly more women than men and certainly prejudiced them. One of the recommendations in that report was that the Minister for Finance would produce a gender budgeting statement, which he did not do. He has committed to do that but it is shame that he has not done it. Another recommendation, and I raised this issue when the report came before the House, was that we need to commission a study - one has been done in Scotland - on the economic role of women in society in Ireland. It is a simple task. Such a comprehensive body of work needs to be addressed. Such a study has never been done but it needs to be addressed.

We have discussed the significant overrun in the health budget. Let us be objective in analysing what it must be like to be an employee of the HSE. The Minister of State's Government came into office in 2011 and stated it would abolish the HSE. The following year the then Minister, Senator Reilly, abolished the board which was made up of very talented professional men and women. The Government said it was going to fund the health service and establish universal health insurance. In 2014, the universal health insurance idea was abandoned. In 2015, a decision was taken not to abolish the HSE. The most recent decision regarding the HSE is that it needs a board. I cannot imagine what it must be like working in an organisation where a Government set out to basically disestablish it and abandon it in terms of an efficient organisation to run the health service in the country. We had five years of total uncertainty. I do not know what it must be like to work in an atmosphere like that where a chief executive is not answerable to a board, where a board cannot advise a chief executive regarding some of the critical decisions. I suspect that some of the organisational failures, or perceived failures, that have happened in the HSE in recent years are down to an absence of the oversight of a board that was in position.

In almost every parliamentary question answered regarding funding, the Minister, Deputy Harris, continuously raises the National Treatment Purchase Fund, NTPF, and that is what is now rescuing the Government. However, the Government abolished the NTPF and yet those in government speak about it now with such virtue that it is hard to believe that they saw no function for it when it came into government. That fund is bailing people out of chronically long waiting lists. One area in my constituency ran out of home care package funding for the year as early as April. We have chronic lists for such packages, for speech and language therapy and for psychological assessments, and I sure that is replicated throughout the country. The NTPF has a role to play in that respect. Those services are not particularly expensive to fund but there are serious constraints in the ability of the public sector to address those issues. There is capacity in the private sector, however, to address those issues, whether it be speech and language or psychological assessments, through perhaps the use of vouchers. Those are a number of issues with respect to which the Government has had significant failures in recent years.

Being a member of the Committee on Budgetary Oversight has been interesting in informing my view and reaction to the budget. As far as back as April, on foot of the evidence from the different witnesses who came before that committee, whether it was Mr. Seamus Coffey of the Irish Fiscal Advisory Council, the ESRI, the OECD, the Governor of the Central Bank or the Minister for Finance, a number of common themes emerged that an ordinary layman could see as being key ones around which a budget was to be constructed. Those themes were mentioned quite widely in the media. They included carbon tax, in that something would have to be done in that area because of our climate change commitments. They included the equalisation of diesel and petrol, our over-reliance on corporation tax and how some measures needed to be taken to address that, the issue of the VAT rate on tourism and our susceptibility to Brexit and other international trade threats. Those are five basic themes. Objectively, the Government fudged almost every one of them.

I was particularly inspired by President Higgins's inaugural speech on Sunday. He set out quite a political manifesto for the future for any political party in this country of the issues that need to be addressed. He talked about issues such as inter-generational injustice. For someone like me who is 53 years of age, climate change will probably not profoundly impact my life at my age but it will undoubtedly impact on the younger generation and I think of my nieces and nephews in their mid-20s and mid-30s. Yet on the issue of carbon tax, the Minister for Finance failed to grasp the nettle. It is a significant area that needs to be grasped by the Government but it committed instead to developing a schedule between 2020 and 2030 regarding carbon tax, while bottling a major decision this year.

The equalisation of diesel and petrol prices is a difficult decision that must be grasped but the Minister failed to grasp it. Yet he gave a sop to cars that are run on gas, which is also a fossil fuel. We not only have an over-reliance on corporation tax but anybody who has been a local authority member for a number of years will know, as in the case of South Dublin County Council, that ten companies provide the bulk of commercial rates at local authority level. I am sure it is the same in Kildare. About ten companies are responsible for 95% of commercial rates. We are greatly reliant on those. The rainy day fund is a Fianna Fáil idea, but the Government has made a virtue of it and announces it as though it is its own idea. We got it stitched into the confidence and supply agreement. It is an initiative driven by ourselves and we have a strong track record of devising schemes to put money away. The much maligned former Minister, Charlie McCreevy, apart from having almost cleared the national debt, set up the National Pensions Reserve Fund and but for that, the crash would have been significantly worse. Those

nettles that needed to be grasped for future generations were not grasped and have been delayed for another day. That is a pity for this country both economically and in terms of policy.

Another inspiring point the President made in his inaugural speech was that what is emerging in Ireland is the first post-consumer generation, one that is turning its back on consumerism and that rejects it. Such consumerism has manifested itself in the growth in the use of plastic. We are very behind the curve as legislators in this regard, yet there is a huge appetite among the younger generation for innovative and drastic measures to be taken. They are ready to do it. They are prepared to consume less in order to play their part for the planet but as legislators, we are eons behind where they want us to be. That reflects itself in those tough decisions that must be taken regarding carbon tax and the equalisation of diesel and petrol prices.

I will refer to the subject of Dublin, an area for which I am spokesperson. When Dublin Chamber which represents 300,000 employees and multiple companies carries out opinion surveys of employees, the top three issues tend to be housing - not homelessness because they tend to be employees who, by and large, have reasonable and attractive incomes - rental costs and transport and traffic congestion. The House leaves far too much to quangos such as the National Transport Authority to promulgate policy. Somebody has to have the balls politically to lead on this issue which has manifested itself, in particular, in BusConnects where the cart has been put before the horse. The NTA published the routes before it actually published the infrastructure which it hopes will carry these routes or spines. The publication of the reports is imminent.

One of the problems with the Luas is that everybody wants a Luas line in his or her area. Clearly, we cannot afford to do that. The next best thing is segregated bus routes, with park and ride and other proper facilities. However, no politician has led on the issue by saying Dublin city will come to a standstill unless we make dramatic decisions. No politician has said we will end up having to charge people to cross the canal cordon or ban traffic in the city centre if we do not take dramatic steps now. It has been left to a Government agency because nobody seems to have the courage to say this will be difficult and challenging. Nobody seems to be willing to guarantee, if given the time, the putting in of a transport corridor such as the Luas but on rubber wheels that would be attractive and provide seamless and untrammelled journeys, with zero obstacles. In such a corridor it would not matter if one got on a bus at 7 a.m. or 11 p.m. because the travel time would be exactly the same.

Nobody is leading on the issue because people hate change because they are afraid of it. The only way we will encourage them to leave their car behind is by doing this. We will have to tell them that we will have to break a number of eggs to make the omelette. It will be both difficult and challenging. Some people may have to lose their garden. Where I live, we used to look over a boundary wall into fields, but the M50 has been there for the past 15 years. There are disadvantages, but the main advantage is that when I leave my estate, I do not see traffic lights until I get to Dingle or Wexford town because I am right beside the motorway network. However, nobody is persuading people about the advantages of BusConnects and having transport spines. If we were offering a Luas line to communities, they would properly jump at the opportunity. BusConnects is the next best thing and could be as attractive, efficient, speedy, comfortable and reliable. However, no one - certainly not the Minister for Transport, Tourism and Sport - is out there selling it. There is absolutely no way we can expect people to make the changes we need in this city if someone is not leading this charge and does not have the courage of his or her convictions, instead leaving it to invisible officials. It is not their job but the job of politicians to drive change.

There are several measures which were mentioned in the budget last year which I would like to see speeded up. Traffic on the M50 is almost at a standstill. When representatives of Transport Infrastructure Ireland attended the Committee on Budgetary Oversight last year, they called for digital signage on all M50 gantries. They maintained that, if implemented, it could get another five years of capacity out of the M50. It is a slow process. There were 1,700 accidents on the M50 last year. I live beside it and know when there has been an accident because the road goes quiet and within four minutes one hears a battery of sirens as fire brigades, ambulances and Garda cars arrive. The gantry signs are important to reduce speed limits and calm traffic at peak times, thereby reducing the possibility of collisions occurring. The slightest collision on the M50 results in traffic backing up for miles and hours, with commerce and business being delayed.

I have been faithful to the time allocated to me in the absence of the digital clock. I thank the Ceann Comhairle for giving me the opportunity to make my contribution.

Debate adjourned.

The Dáil adjourned at 10.55 p.m. until 10.30 a.m. on Wednesday, 14 November 2018.