



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoin, 13 Nollaig 2018

Thursday, 13 December 2018

Chuaigh an Cathaoirleach Gníomhach (Deputy Eugene Murphy) i gceannas ar 10.30 a.m.

Paidir.

Prayer.

Ceisteanna - Questions

Ceisteanna ar Sonraíodh Uain Dóibh – Priority Questions

Child and Family Agency Services

Acting Chairman (Deputy Eugene Murphy): Good morning to the Minister, Deputies and officials of the House. I welcome you to another day and wish you a productive day's work on behalf of our citizens.

Our questions this morning are to the Minister for Children and Youth Affairs. I wish to point out that Deputies have 30 seconds to introduce a question and there will be two minutes for the Minister to respond. This will be followed by one supplementary question from the Deputy and a reply from the Minister. Then there will be a final supplementary question and a final reply from the Minister. Yesterday we had some issues with time. Today I am going to strictly stick to the times.

1. **Deputy Anne Rabbitte** asked the Minister for Children and Youth Affairs to set out the status of the implementation of action 1.4 of the corporate plan of Tusla; and if she will make a statement on the matter. [52613/18]

Deputy Anne Rabbitte: You can be assured, Acting Chairman, that all our questions will be on time. Leave it to the women and we will get through it quickly.

Will the Minister set out the status of the implementation of action 1.4 of the corporate plan of Tusla? Will she make a statement on the matter? This is to do with children and homelessness.

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I imagine the

Deputy will join me in welcoming the children and young people to the Gallery this morning.

Action 1.4 of the Tusla corporate plan concerns several commitments to address specific issues for children and families experiencing homelessness or who are in emergency accommodation. The particular initiatives include co-operation in multi-agency responses, linkage of Tusla child and family support networks with family hubs and the provision of facilities in family resource centres.

Tusla works in partnership with the Dublin Region Homeless Executive, DRHE, and is a key partner on several inter-agency groups. Bilateral meetings between the DRHE and Tusla take place monthly. Tusla supports one-stop-shop assessment centres being led by the DRHE. Tusla staff participate as required on issues involving child protection and welfare, educational welfare as well as domestic, sexual and gender-based violence services. A key role in co-ordinating this multi-agency response is played by the Tusla homelessness liaison officer.

While homelessness is not a reason for a referral to child protection services, there may be child protection or welfare concerns for some children. Work is under way to ensure effective identification, referral, tracking and service response processes for children and families experiencing homelessness. Tusla also undertakes visits to family hubs and emergency accommodation providers to ensure they are aware of their requirements under children first legislation and to clarify referral queries. Tusla has progressed plans for the linkage of child and family support networks with family hubs and other homeless accommodation, and this work will continue in 2019. Tusla is liaising with family resource centres to provide facilities where children can do their homework, receive nutritious food, avail of laundry facilities and receive family support services and other relevant supports. This model operates in Mulhuddart, Ballyfermot and Ballymun. Tusla plans to extend this service in 2019.

Acting Chairman (Deputy Eugene Murphy): I will extend you further time to further develop your points, Minister.

Deputy Anne Rabbitte: I thank the Minister for her comprehensive response. We are talking about 4,000 children who are in emergency accommodation and who fall under the homelessness category. It is a staggering number of children. Yet, we talk about the multi-agency approach.

I am interested in hearing more about the Tusla liaison officer, visits to the family hubs and the referral and tracking system. How does the Minister drill down with the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy? What co-operation is in place between her Department and his Department in getting behind the county councils? How are we supporting the county councils and the social work teams within the county councils? I imagine the situation elsewhere is no different from my council. On Friday afternoon hard cases present to the staff there and they have to try to make decisions or put in place a pathway. I am keen to know more about this linkage with the office of the Minister, Deputy Eoghan Murphy, the liaison person within Tusla and how many visits are taking place in hubs.

Deputy Katherine Zappone: I acknowledge the number of children in emergency accommodation. I carry an awareness of that with me each day. I have visited several hubs not only in my constituency but in other places as well.

Deputy Rabbitte's question is important. It spurs me and provides motivation to have ongoing communication with the Minister for Housing, Planning and Local Government, Deputy

Eoghan Murphy. Some of the things happening relating to children in emergency accommodation are because of our conversations and working together.

In line with the Tusla business plan for 2018 the agency has established the position of the homeless liaison officer. The position facilitates planning, co-ordination and integration of services with other bodies and agencies which are working with families. Since taking up the position in June of 2018, the officer has been involved in several initiatives, including meeting with several children and young people service committee co-ordinators to get an overview of their current work with homeless children and families. Tusla is also establishing an internal forum of senior child protection, harm prevention partnership and family support staff. The forum will be led by the homeless liaison officer to ensure effective identification, referral, tracking and service response, all of which Deputy Rabbitte asked about.

Deputy Anne Rabbitte: Recently, Dr. Geoffrey Shannon, the special rapporteur on children, called for stronger action on child homelessness. He outlined several ways in which the rights of the child are being affected by the problem of homelessness. He referred to children's education being compromised, their ability to play being reduced and how their physical and emotional well-being is being damaged. I imagine the Minister would agree with all of that.

I am curious to know one thing. The Minister referred to the Tusla liaison officer. How many do we have in place nationally supporting the good work envisaged by the Tusla corporate plan? I am interesting in hearing about that. What measures is Tusla taking to ensure that children's education is not compromised? That is one point that comes across all briefings. The parent wants to keep the child either in the childcare facility or in education. I know the Minister provided bus passes to ensure that children could attend their local educational facility. It is really about Dr. Geoffrey Shannon.

Deputy Katherine Zappone: I was pleased to present the excellent report of the special rapporteur, Dr. Geoffrey Shannon, to the Cabinet in the past week.

Deputy Rabbitte asked about the homeless liaison officer. One is undertaking individual visits to family hubs and emergency accommodation providers to ensure they are aware of the requirements of the Children First legislation. The position involves networking, oversight, mapping and feeding in to the other work under way in supporting children in emergency accommodation.

Deputy Rabbitte asked about the educational aspect of this issue. Tusla is involved. The educational welfare service is involved specifically in supporting children in emergency accommodation. I have asked those responsible in Tusla to be specifically attentive to that. Tusla is providing several supports to children and families experiencing homelessness. The school completion programme is placing particular emphasis on children from homeless families to help them to continue with full participation in school. There is concerted effort in the context of the education and welfare service on programmes that operate in Tusla to ensure the agency is attentive to the children who are homeless.

Early Years Sector

2. **Deputy Denise Mitchell** asked the Minister for Children and Youth Affairs to outline her views on the Pobal early years sector profile report; her plans to tackle high fees in the childcare

sector; her further plans to address low pay in the sector; and if she will make a statement on the matter. [52502/18]

Deputy Denise Mitchell: What is the response of the Minister for Children and Youth Affairs to the Pobal early years sector profile report? What are the Minister's plans to tackle high fees in the childcare sector? What are her plans to address low pay in the sector? Will she make a statement on the matter?

Deputy Katherine Zappone: I greatly welcome the recently published early years sector profile report. I commend Pobal on its work. Some 3,900 services participated in the survey, making its findings all the more credible. The report shows that more children than ever are participating in State-funded childcare schemes, almost twice as many as three years ago. It also shows that fees for a full-time place have increased by approximately 2% per week compared to an increase of over 4% the previous year.

I was particularly encouraged by some significant inclusion measurements such as the reported 8% increase in the number of Traveller and Roma children participating in early learning and care and the fact that more than 3,000 children with disabilities benefitted from targeted measures under the access and inclusion model.

I recognise that childcare fees represent a significant burden for many families. To address affordability and quality, we have secured a 117% increase in funding over the past four budgets, which has doubled the number of children in receipt of various forms of subsidisation. I have repeatedly stated that much more needs to be done over successive budgets to meet our aims fully in this area.

I have been unequivocal in my support for better pay and conditions for childcare workers and the need for the sector to bring forward a sectoral employment order. I have also introduced practical steps to improve the conditions of staff. These have included an increase to ECCE capitation of 7% intended to improve pay rates in the sector. Furthermore, by the end of 2019, my Department will have paid more than €55 million to childcare providers in recognition of the administrative role they play in delivering the current childcare schemes. Finally, First 5, a whole-of-Government ten year strategy for babies young children and their families that I launched in recent weeks sets out important commitments to further address the cost of childcare and to improve working conditions for staff.

Deputy Denise Mitchell: I thank the Minister for her response. The major thing that emerged from the Pobal report is that fees are too high and wages are too low despite the Minister's efforts. I accept that she has made some major efforts in this area. Despite that, the cost of childcare continues to rise. The average cost has increased by 2.2%. A situation seems to have arisen where subsidies chase fees, which is unsustainable. While the targeted subsidies are welcome, the majority of families are still paying the equivalent of a second mortgage and there are major problems retaining staff. Another concern of mine is that 98% of people working in this sector are women. The Minister has said that she is committed to a new radical funding model. Can she tell us what this model is because at the moment, we are just getting more of the same? Will this model address wages and high fees?

Deputy Katherine Zappone: I appreciate the concerns raised by Deputy Mitchell, which I share. What the report demonstrates is that the fees have increased but only by 2% this year compared to 4% the previous year so that demonstrates that we are monitoring it and asking the

providers to pay attention to it. Second, as the Deputy knows, because of the lack of investment for so many years, given that costs are going up, childcare providers are allowed some reasonable increase in fees and I think a 2% increase is reasonable. The other thing the Pobal sector profile demonstrated is that the average rate of pay has gone up - not significantly but it is going up so it is important to attend to that. What we do not yet know is how the significant increase in ECCE capitation that I brought for this year will, hopefully, be passed on to staff. We will record and monitor that and, hopefully, we will see their pay go up.

Deputy Denise Mitchell: I know the Minister shares my concerns but I do not see any real action on this. Unfortunately, the new funding model seems to be just a sticking plaster. The Minister agrees that pay in the sector is far too low. We are losing skilled workers, the turnover is very high and we cannot continue with this. Has the Minister sat down with unions to look at pay in the sector or discuss any of their proposals? Has her Department explored any alternative models to address pay and conditions?

Deputy Katherine Zappone: What I am saying is that in the context of the model we have, I have done some significant things in order to encourage improvements in pay and conditions for childcare professionals and I need the co-operation of employers and providers. It is not that nothing is happening; things are happening. However, as Deputy Mitchell points out, we can only do so much within the context of that model. I have been doing two other things. Deputy Mitchell asked whether I have sat down with the unions. Yes, I have and I have also sat down with a working group on which unions are also represented in terms of the wider employment forum set up by the Minister for Public Expenditure and Reform. In particular, we are looking at a sectoral employment order. We still do not have enough workers signed up with regard to the union to make that a possibility. I have been speaking with organisations representing the employers sector. They have not moved to the point where they can take part in that sectoral employment order but I have been encouraging and speaking to them. In regard to First 5, which I might get time to discuss in the context of another question, there is a description of the vision of the public funding model we want to move towards that brings us to a different type of model that I hope will do more to get us there than what we have done in the past.

Affordable Childcare Scheme Implementation

3. **Deputy Anne Rabbitte** asked the Minister for Children and Youth Affairs the status of the affordable childcare scheme, in particular the efforts to build an information and communications technology infrastructure and make the scheme more accessible to parents using childminders. [52614/18]

Deputy Anne Rabbitte: I wish to ask the Minister about the status of the affordable childcare scheme, in particular her Department's efforts to build an information and communications technology, ICT, infrastructure and make the scheme more accessible to parents using childminders.

Deputy Katherine Zappone: The new affordable childcare scheme will open to applications in October 2019 with payments flowing from November 2019. Its launch will mark a milestone in our quest to transform Ireland's childcare system from one of the most expensive in the world into one of the best. Positive progress continues to be made in the development of the legislative, administrative and ICT infrastructure for the scheme.

Under the auspices of the Childcare Support Act 2018, detailed secondary legislation and policy guidelines are being prepared. I also hope to sign regulations in the coming weeks which will provide for the first time for the registration of school-age childcare services. This will allow these services to participate in the new scheme from the start.

With regard to ICT, our IT development contractor, Codec, is busy working with officials from the Department and Pobal to develop the system on schedule and in advance of the scheme's October launch. A comprehensive awareness campaign for parents and the public will commence in the spring alongside training and information supports for childcare providers and other key stakeholders.

The affordable childcare scheme will be open to all registered childminders. I am committed to publishing a childminding action plan in the near future. The plan will contain short, medium and long-term goals for the sector setting out steps to move towards the wider regulation, support and professional development of childminders. In the short term, it will include actions to support childminders to register and participate in the affordable childcare scheme.

Budget 2019 allocated €0.5 million to create a team of childminding development officers to support the registration of childminders with Tusla and to help them upskill to the required regulatory standards to be introduced in the coming years. It also provided for significant enhancements to the affordable childcare scheme that will ensure that an even greater number of families will now benefit from the scheme once launched.

Deputy Anne Rabbitte: I could not keep writing because I have so many questions for the Minister. It was a great answer and I appreciate it but the Minister has left me with a number of questions that I ask her to expand on. Could she expand on the school-age commitments? Where is the legislation at the moment because my understanding is that we were to expect that before the end of the year - possibly in the House? When can we expect it? I assume it will be on next year's legislative programme but what stage is it at and how can we support it?

On the registered childminders and the sum of €0.5 million, where are we with regard to recruiting those development workers? The Minister mentioned the company that is delivering the ICT programme and the awareness programme. Are we on target to ensure this awareness programme will be up and running for the spring because it will take time for people to get involved in and understand it? There is no point in having it up and running in the last week in August.

Deputy Katherine Zappone: I thank the Deputy for those questions. The information I have on the school-age process is that the regulations are being worked on. As I understand it, they are on target. The objective is that, when we fully launch the affordable childcare scheme, it will be possible to include the groups or providers that offer services in that context.

The Deputy asked about legislation. I indicated that secondary legislation is being developed. I need to come back to her on the exact timeframe in that regard. I will be very happy to do so. I just do not have the information in front of me.

With regard to the ICT programme, there is a strict formal project management methodology. There is an executive board, a project board, an ICT subgroup, a Department of Employment Affairs and Social Protection subgroup and a project operating team. We have two dedicated full-time project managers in place, one in Pobal and one in the Department of Children and Youth Affairs. They are working on the project. It is divided into 69 work streams. The

project is moving forward on target and it is what we hope to pursue.

Deputy Anne Rabbitte: In the context of the €500,000 and the development officers, has the recruitment process started? If so, how many is it hoped to recruit? Will it be through the city and county childcare committees? If so, will it be nationwide? How many registered childminders are there? There are none in some counties, which does not truly reflect the reality. What is the honeypot to encourage as many childminders as possible to come into the fold? We can have a true reflection of the position on childcare only by bringing the childminders into the fold and encouraging them to participate as opposed to scaring them with bureaucracy, of which they are afraid.

Deputy Katherine Zappone: Money for the creation of a team of childminding development officers has been allocated under budget 2019. As I understand it, recruitment of childminding development officers is on target. They will be available through the city and county childcare committees. I will revert to the Deputy on numbers. The intention is to have a nationwide system. As we have the city and county childcare committees, that is the way we connect in with our providers. That is an appropriate structure.

In the context of encouraging childminders to register in the short term and to be ready, we are providing additional moneys to support them in proceeding to level 5, if required. There is a fund for that. There are additional smaller funds to support the accommodation in the context of where they offer the childminding service.

Child and Family Agency

4. **Deputy Mattie McGrath** asked the Minister for Children and Youth Affairs the status of the actions taken by her Department and Tusla on foot of the recommendations of the Charleton report; and if she will make a statement on the matter. [52601/18]

Deputy Mattie McGrath: The Minister has accepted the absolutely horrendous indictment of the operational management of Tusla in the Charleton report. The report lays bare the seriously disconnected nature of the service and the lack of communication, which was staggering. Could the Minister make a statement on the matter?

Deputy Katherine Zappone: I thank the Deputy for his important question. As the chairman of the tribunal, Mr. Justice Peter Charleton, noted in his report, this tribunal was about calling the Garda to account. The recommendations of the report are mainly a matter for An Garda Síochána. A relatively small portion of the report concerns Tusla. Although it does not make specific recommendations about Tusla, the report does identify some very serious issues that existed in a social work office in one area at the time.

Arising from the tribunal's report, I wrote to the chairperson of Tusla on 6 November last. In the letter, I noted the failures in the management of the referral made in respect of former Garda Sergeant Maurice McCabe. I asked the board to consider what steps it would take in terms of a management response, including training, performance management and leadership, and in terms of changing the culture of the organisation to ensure it learns from previous mistakes.

I received a response from the board on Tuesday last, 11 December. It addresses the issues

raised in my letter, notes actions under way and provides the basis for further consideration of these serious matters.

The Deputy will be aware that a number of the issues were also identified in HIQA's statutory investigation into Tusla's management of allegations sexual abuse, which I established in 2017 and whose report I published in June of this year. These issues included poor record-keeping and management, and an inconsistent approach to the implementation of national policies and procedures. Following the publication of the HIQA report, Tusla committed to a strategic action plan, approved by its board.

Many of the issues relevant to Tusla that were raised in Mr. Justice Charleton's report are addressed in that plan. Others, which have not been covered to date, will be incorporated into the action plan, once agreed by the board. The strategic action plan has been submitted to my Department and to the expert assurance group I have established to monitor the implementation of the recommendations and advise Tusla and my Department. The group meets regularly to assess the status of the key actions under its remit and I expect that its first quarterly report will be submitted to me in the coming days.

Deputy Mattie McGrath: It is fine to suggest there was but one social work office in one area at one time, as the Minister did, but Mr. Justice Peter Charleton lays bare what was happening. As he said, "The Tusla letter wrongly accusing Maurice McCabe was opened by his wife in January 2016." He also stated that, after all the issues that arose, "Tusla were slow to respond to the public request for cooperation by the tribunal. Statements made were laconic to the point of being mysterious." Imagine. The Minister stated that there was poor management and poor leadership. Do we know what we are dealing with here? Mr. Justice Charleton's report refers to Tusla's subsequent failure to face up to and admit its considerable failings and stupidity. This is absolutely damning stuff and must be treated with the utmost seriousness.

The agency has incredible power, as we all know. We now see it was grossly mismanaged and that a wholesale review of its entire operation is necessary. I accept the Minister has admitted she was extremely disappointed that the tribunal found Tusla slow to respond to public requests for co-operation. She stressed that things are changing for the better. She said she got a new report yesterday on how things will change. It is a number of years into the operation of the organisation. We warned at the time it was set up, when so many staff were hived off from the HSE, that there was no proper planning or management.

Deputy Katherine Zappone: I appreciate the Deputy's passion regarding this matter. I share it. He is right to raise these questions. I am really struggling to find the right word. "Pleased" is not the right word but it is good that we have the tribunal's report in this regard. It complements the HIQA statutory investigation, to which I referred. These are serious matters. The first point the Deputy made was that one of the key criticisms was the slowness of Tusla to respond in co-operating with the tribunal. I raised those issues directly with the board when I met it prior to the exchange of letters to which I referred. Therefore, I share the concerns of the Deputy in that regard, and I have expressed them.

The Deputy referred to the report as "damning stuff". Indeed it is. It is clearly devastating in its assessment of the poor management, supervision and record management and Tusla's Cavan-Monaghan area. In response to the letter that the board wrote back to me, I asked it to articulate the ways in which the practice on the ground is being improved. I might elaborate on that in my next comment.

Deputy Mattie McGrath: Poor record-keeping and bad management might be fine in a GAA club or similar organisation but Tusla is a national organisation with incredible powers. It is devastating if those powers are mishandled, as in the case of the letter. After all that occurred, there were no positive replies and no rush to sort this out and make it better. The culture is the issue. Many of the officials were good officials - do not get me wrong - but so many of them were hived off from the HSE to set up Tusla. When the legislation was passed here, it was regarded as a great day and the job was regarded as done. The officials were then left to their own devices, with no proper management structures in place. As stated, there were poor management structures and poor record-keeping practices.

How are things changing? What is happening today to reassure us there is change? We really need reassurance that this can never happen again because, as I stated, Tusla is not a GAA club or small company that gets fined by the Revenue Commissioners for poor record-keeping; it is a national organisation with incredible powers.

11 o'clock

Deputy Katherine Zappone: These are serious issues. I share the Deputy's concerns. How Tusla will assure itself, and me, that the practice on the ground is being improved is an important question. A key aspect of Tusla's management team is quality assurance. It is responsible for conducting internal monitoring and audit exercises of the different aspects of the agency's work. That includes monitoring, auditing, child protection practices to check for consistency of policy, application in social work practice and measuring the quality of services being delivered. The people doing the quality assurance activity, including analysing data received from all the 17 areas, are independent of the chief operations officer and report directly to the CEO. As I understand it, Tusla has been provided with additional resources to strengthen its role and is continuing to implement that.

Early Years Sector

5. **Deputy Eamon Ryan** asked the Minister for Children and Youth Affairs if she has given consideration to re-evaluating the way in which public subsidies are given to private facilities in view of the fact that pay remains low and crèche fees have increased by an average of €4 a week in 2018, and in further view of the fact the Pobal report found that there is no correlation between fees and the wages paid to staff. [52615/18]

Deputy Eamon Ryan: Following on from the previous question, the Minister might use this as an opportunity to give us some of her views. Following the First 5 strategy, which was of fundamental importance in looking at how our children are raised in the early years, and the recent Pobal report, my question is to indicate that what is happening is not leading to some of the desired outcomes. Some of the subsidies being given seem to be going to the private crèche services - in a sense it is being eaten up in that way - rather than to higher wages for staff. The Minister indicated in her press release and in the First 5 strategy that she is looking at making changes. I am keen to know what the changes might be.

(Deputy Katherine Zappone): I thank the Deputy. My Department provides public subsidies through both private and community services to facilitate access to early learning and care and school age childcare services throughout the country.

The 117% increase in investment in early learning and care and school age childcare since 2015 has doubled the number of children accessing the subsidies.

The 2017-8 annual early years sector profile survey reported a 2.2% or €3.76 increase to the average cost of early learning and care. This is half of the increase from the previous year and there is evidence to suggest that costs are stabilising.

The survey also provided some evidence of small increases in wages for early learning and care staff, although wages remain unacceptably low, whether staff are employed by private or community services.

I have always been unequivocal in my support for better working conditions for early learning and care staff, while acknowledging the limitations of what my Department can do given that it is not the employer.

I have called on the sector to bring forward a sectoral employment order and I have introduced initiatives to improve working conditions. These include, for example, a 7% increase in the early childhood care and education, ECCE, scheme capitation from September and €55 million to support services with their administrative role over a three-year period.

The model of service provision is divided between three quarters private, for profit, and one quarter community, not-for-profit, providers. The most appropriate means of funding these services, and the overall model that should operate into the future, is obviously a matter for debate and further examination.

With that in mind, I launched First 5, A Whole of Government Strategy for Babies, Young Children and their Families. It articulates an action to develop and introduce a new funding model for early learning and care to support improved quality of provision, while also improving affordability for parents. It will mechanisms to fund quality, especially supporting employers to offer favourable working conditions to staff. It will examine potential ways for promoting a link between fees, supports and wages, subject to any legal and practical considerations.

Deputy Eamon Ryan: I have two suggestions on this review, which I believe the Minister will conduct in the first quarter of next year. The first is that, in that mix, State-provided early childcare crèche facility services could be examined, in addition to community or private services. That State option could set the rates and change the nature of the way the entire service works.

Second, and fundamentally, the First 5 strategy was welcome in recognising that there are a variety of provisions of early childcare. During a child's first year, particularly in the home, the parents have a key role. Should it not be left up to the parents to make some of these decisions by transferring the nature of the subsidy from the crèche institution to the parents to give them the flexibility to decide the best approach? The recent 2016 census showed that 83% of parents were satisfied with their arrangements. I believe they are satisfied typically because they make the arrangements. It might be a crèche, a childminder or care at home. Surely it would be better in this review to trust parents and support them rather than the current system, which is funding one particular area and may not be delivering some of the objectives being sought.

Deputy Katherine Zappone: I share the Deputy's commitment to trusting parents and I hope that is implicit as a principle underneath all we are doing. He asked about establishing effectively a State model of provision. It is something we investigated significantly in the process

of preparing for the First 5 strategy. Ultimately, we made a decision that in terms of the kind of model we have now, we would be able to achieve the objectives the Deputy and I share regarding quality, affordability and sustainability for the professionals if we shift something of our model as distinct from going to a State model, which would flow better in the context of what we are doing. The vision of that kind of model is described in the strategy. My Department will establish a team early in the new year bringing together international as well as national experts to work through how we can develop a better, more effective public funding model for the provision of community not-for-profit and for-profit services for children.

Deputy Eamon Ryan: I welcome that and we would probably support it. People in our party have been working closely on research in this regard. Trusting parents is the sensible way to go, but I welcomed the First 5 strategy because for the time it recognised that we need to support a variety of different options. As well as examining State-run services, should the mechanisms be reviewed, not only parental leave but other ways? The best way of trusting parents is to give them supports and then let them decide how to proceed. As the strategy states, a variety of approaches should be taken, not a one-size-fits-all approach. Is the best way of achieving that not to switch the funding to the parent rather than to the institution?

Deputy Katherine Zappone: No. I will come back to that in a moment, and I think the Deputy knows my answer to that. As he said, in the context of the First 5 strategy, we are laying out, using a whole-of-Government approach, the various Departments responsible to support parents in the raising of their children. There will be a new parental leave and benefits scheme for 2019 available to both parents; additional unpaid parental leave; development of supports for family friendly working; and improved information and services for all parents on various aspects of child development. We are establishing a specific unit in my Department to support parents in many different ways. All of that is going on, and it is not insignificant.

On the other side, we have developed a model that subsidises the providers because that is the way we can ensure the control of quality, which I have described previously. As the Deputy also knows, most parents choose to put their children into the free preschool. It is not that parents are not accessing or making that choice. They are, but in addition to all of those we are trying to offer a holistic way of supporting parents largely in the way they describe.

Questions Nos. 6 to 9, inclusive, replied to with Written Answers.

Acting Chairman (Deputy Eugene Murphy): Tá na Teachtaí Ó Cuív, Sherlock agus Heydon as láthair mar sin gaoim ar an Teachta Rabbitte chun ceist Uimh. 10 a chur.

Children and Family Services Provision

10. **Deputy Anne Rabbitte** asked the Minister for Children and Youth Affairs if she has given consideration to the recommendation by a group (details supplied) that her Department devise a strategy to support unmarried parents in sharing parenting responsibilities; and her views on same. [52425/18]

Deputy Anne Rabbitte: I ask the Minister for Children and Youth Affairs if she has given consideration to the recommendation in the report by Treoir launched two weeks ago on unmarried fathers in Ireland and examination of the barriers to shared parenting. Is she supportive of a strategy for unmarried parents in respect of shared parenting responsibilities?

(Deputy Katherine Zappone): I thank the Deputy. I welcome the research report prepared by Treoir, which highlights the unique circumstances that unmarried fathers face in sharing parental responsibility. The report makes a number of recommendations, which are under review by my officials. Under the national planning framework, Better Outcomes, Brighter Futures, we identified the importance of supporting parents as one of six transformational goals that are central to delivering the best future for children and their families.

As a constituent part of Better Outcomes Brighter Futures, my Department published a high-level policy statement on supporting parents and families in 2015. This statement set out the policy agenda for parenting and family supports. It recognised the diverse range of family configurations in Ireland and the need for supports to be inclusive of all family forms so as to be effective. In addition, I am pleased to confirm that, as promised in First 5, my Department recently established a dedicated parenting support policy unit, which will lead in co-ordinating the direction of parenting support policy and activity across Departments and State agencies. The unit will continue to progress the Department's engagement with stakeholders, building on the parenting support stakeholder group and subsequent open policy debate held in May.

Given the extent of existing policy under the high level statement and First 5, I have no plans to publish a separate further strategy on parenting. I believe the area is well addressed under our current strategies. I very much support the focus of Treoir's report. I acknowledge that much of the research to date on parenting arrangements has focused on divorce and separation after marriage. By exploring how unmarried parents who are no longer in a relationship can be supported to maintain shared parenting where it is in the best interests of the child, this report provides a valuable new insight. It reaffirms my belief that the diversity of parenting arrangements needs to be recognised in policy and service development, and my Department will continue to place the real life experiences of children and their families at the core of our work.

Deputy Anne Rabbitte: I thank the Minister for her response. I acknowledge the financial involvement of the Community Foundation for Ireland, which provided the funding for the report. I also acknowledge the work of Elizabeth Kiely and Robert Bolton in completing the work. On the day of the launch it was harrowing to hear parents discussing their experience. One gentleman in particular spoke about the fact that as an unmarried father he has no rights to his child's report card. If his child got sick while her mother was a way he had no right to sign her medical records. A total of 34% of all children in the country are born to single parents but the father's rights are totally and utterly diminished. Fathers do not realise that under guardianship they do not have the right to this information. This is why I am asking about a specific strategy to create awareness to signpost their rights, which would be the start.

Deputy Katherine Zappone: I thank the Deputy. I also acknowledge the extraordinary work of the Community Foundation for Ireland. I share this with the Deputy. The point raised by her with regard to the gentleman in her example and other unmarried fathers is important. It is great we have the report that has laid this out clearly. The strategy and work already being developed will take account of this and incorporate it. I ask the Department to look at how it can incorporate attention to this in the context of what it is already doing.

Another example in terms of the work of the Department is our support for a way to ensure separated parents, and particularly fathers, are able to have access to their children. The Deputy is aware of Time 4 Us in her constituency. In the 2019 Estimates we have committed additional funding of €100,000 to ensure its service continues to provide a play centre where children can meet their parents in situations where one parent does not live in the family home.

Deputy Anne Rabbitte: I acknowledge the support the Department has given to Time 4 Us, which plays a huge role in the county. While the Department is developing all the strategies we also need a cross-departmental approach, involving the Departments of Justice and Equality, Education and Skills, Health and Employment Affairs and Social Protection. We have to work to change the language because the language used by all the Departments is a barrier for unmarried parents, and I am speaking specifically about unmarried fathers. They do not realise what rights they do not have until it is too late. This is the information we are struggling to get out to unmarried fathers. They do not realise it until it is far too late that they have no rights. This is why I am asking the Department, with or without a strategy, to work with Departments to enable some of the recent report of the Law Reform Commission to be introduced.

Deputy Katherine Zappone: The Deputy has made excellent points and I will bring them back to the Department. As the Deputy knows, the First 5 strategy is whole-of-Government and cross-departmental. It is within this context I have been answering that new strategies and support for parents will operate. The Deputy is right that we need to take a look at working across Departments. I share with the Deputy the concerns of those fathers and the need for the support of the State in new ways to what we have done before, if we can find what those ways are. The resource report offers us some evidence to help us to this. It will enable us to deal with the inequalities between women and men, particularly in the context of parenting where we need that equality and the sharing of caring responsibility to enable us to work, men as well as women, in the public as well as the private sphere.

Child Detention Centres

11. **Deputy Clare Daly** asked the Minister for Children and Youth Affairs the steps taken by the board of a campus (details supplied) to facilitate a return visit by the authors of the operational review of the centre in order to offer feedback to staff and stakeholders. [52313/18]

14. **Deputy Anne Rabbitte** asked the Minister for Children and Youth Affairs if she has given consideration to publishing the report by persons (details supplied) into Oberstown Children Detention Campus; and if she will make a statement on the matter. [52426/18]

Deputy Clare Daly: A huge injustice has been done to Goldson and Hardwick, who concluded the operational review into Oberstown, to the staff in that organisation and to the children being managed there by the non-publication of the report despite the promises given, and by the lack of facilitation of those individuals with regard to giving feedback to the staff. What is being done to correct the situation?

Deputy Katherine Zappone: I propose to take Questions Nos. 11 and 14 together.

In September 2016, the Oberstown board of management commissioned an external independent review of operations and best practice at the campus. The review was undertaken by two international experts in this field, Professor Barry Goldson and Professor Nicholas Hardwick. The board carefully reviewed each recommendation made in the report and published its recommendations, together with the board's response, in July 2017. The publication of the report's recommendations ensured that the supportive and developmental aims of the review were met.

I established a review implementation group in March 2017 to oversee the implementation

of all the various recommendations arising from a number of reviews carried out around the same time, including the recommendations of the operational review. The group produced a coherent plan to implement all the recommendations, and its action plan, completed in May 2018, was published on my Department's website.

Since this group was established I am pleased to say that there is real evidence of positive change in the day to day operations of Oberstown, and this change is most recently reflected in HIQA's report of its inspections into the campus. The board of management of Oberstown had a number of concerns about the publication of the report of the operational review and decided, after a careful and lengthy process of deliberation, including the commissioning of independent legal advice, that it was not safe to publish the full report of the review. I sought legal advice from the Attorney General on the matter, who gave me similar advice that there would be significant legal risk in publishing the report in full. Accordingly, after careful consideration, I concluded that it was not appropriate to publish the full report.

I emphasise that my Department's focus, and that of Oberstown Children Detention Campus, is on the implementation of the recommendations so as to ensure there is a safe and stable environment in Oberstown for children detained there by the Children's Courts and for the staff who work there. The terms of reference for the operational review included a provision for a feedback visit from the reviewers to present concluding observations and recommendations to staff, management and young people.

Oberstown envisaged that the visit would take place before the reviewers had finalised their report so that any comments could be taken into account in the final version of the report. However, the reviewers maintained that it would not be possible to provide feedback until the final report had been completed. As a result, the visit did not take place.

I have no difficulty, in principle, if the reviewers wish to visit Oberstown again at this stage. Any such visit would be a matter for the board of Oberstown and the reviewers. However, I will ask the board to consider any request from the reviewers to return to visit the campus.

Deputy Clare Daly: The Minister's response has actually made the situation worse in light of the sequence of events which we know of thanks to the work of RTÉ in unearthing some of the emails. We know that the legal advice of the Attorney General did not state that the report could not be published in full. It is very clear from the email of 13 November that the Attorney General said publication of the report would be possible if certain steps were followed. It is equally obvious from the correspondence that the mechanisms suggested by the Department to achieve this goal were actually ignored by the management of Oberstown. The only person who commented, or was asked to comment, on the report was the director, who had had extensive meetings with the two reviewers about it already. If there were concerns about fair procedures, to whom were they supposed to apply? It looks like the board and the chair of the board threatened resignations if the Minister proceeded with the course of action she recommended.

Deputy Anne Rabbitte: As an Opposition spokesperson for children and youth affairs, it is my role to hold the Minister and her Department to account. In this instance, a report commissioned in 2016 has not been published. I hear what the Minister is saying about legal advice and that she has spoken to the Attorney General but it is hard for me to be critical or to do my job without knowing the base line. The base line is what is within the report, not what is in the recommendations. It is the findings that matter. We have to start somewhere but we are starting in the dark. The Minister knows it and I am glad she does but we all need to know it. We need

to know where we are starting with in respect of Oberstown. I cannot park the issue based on a recommendation - I need to know what is in the report.

Deputy Katherine Zappone: I do not accept the suggestion that my response makes this worse. I appreciate what Deputy Rabbitte is saying but I have been describing a process. There have been a number of reports and reviews, including by HIQA which had sight of the full operational review, accepted the recommendations and accepted that an action plan had been put in place to implement those recommendations.

I was asked questions about the board's concerns and the reasons for deciding that it was legally risky to publish. The board's concerns were that the reviewers went outside the terms of reference and that, while some issues were addressed, one issue was not addressed at all, namely, the requirement to identify obstacles or barriers to achieving greater implementation of international standards and best practice. They also dealt with issues of national law and policy and other matters over which Oberstown has no control. Fair procedures were not adhered to and Oberstown has advised that, for example, persons mentioned were not given an opportunity to respond to the reviewers' findings. Factual accuracy checks did not take place and although some changes were made to the report at the time, the findings did not change. These are some of the reasons underneath the fact that there are legal risks in the context of publication.

Deputy Clare Daly: The reason I stated that the Minister's response made the situation worse is because it was not accurate. We have a new departure now in that, for the first time on the record of this House, the reviewers' work is being questioned. It is being hinted that they went outside the terms of reference, as if it was their fault. That is a new thing, which was not mentioned previously. We have seen the sequence of events, which were the subject of rigorous scrutiny by the two internationally renowned professionals who tried to get the report corrected and tested for accuracy. It is patently untrue that they did not check the factual accuracy and they gave the board and director multiple opportunities to comment on the situation. They asked repeatedly to return to staff and, at a day-long meeting on 20 December 2016, they met with the chair and the director in Liverpool where they agreed a plan for the next steps and for revisions, as well as giving further opportunities for the chair and the director to come back. They did not come back, however, and despite the fact that further contact was initiated by the reviewers in January, February and March, there was no indication in any of those that steps were taken by Oberstown to facilitate their requests to debrief staff as had been agreed.

We have a huge problem here. I have said it before and I will say it again. If these two gentlemen were based in Ireland they would not be treated like this, not to mention the children who got lengthy jail sentences as a result of an offence that occurred in that institution and which, if we had the full facts, might have had a different outcome.

Deputy Anne Rabbitte: The Minister mentioned HIQA and stated that there had been improvements. However, a HIQA report from earlier this year outlined concerns about the inappropriate use of handcuffs at Oberstown, as well as concerns about the facility's approach to child protection complaints. The Minister may say I am taking this out of context but I repeat that I do not have the base line to see where the improvements have come and where the recommendations are being implemented. This is because I am working in the dark and do not have the reports. I take it that there is a combination of things and I acknowledge that the chair and the manager came before the Joint Committee on Children and Youth Affairs but we have asked for this report numerous times. We want to be fair to the board and to the staff. We want to acknowledge that the recommendations are being implemented but we do not have the base

line to see that.

Deputy Denise Mitchell: This is a question to which I also want an answer. I cannot understand how withholding this report is in the best interests of the children currently in Oberstown. These children deserve to have their human rights upheld and part of that means independent, external oversight. This is another example of the closed loop that exists here, where reports are requested but go from the Government to the Department to agencies, yet we never get to see them. The media, rights groups and politicians in this House are looking for this report. It needs to be available for public scrutiny. If the Minister has real concerns, can she not redact the relevant parts and then publish?

Deputy Katherine Zappone: I share deeply the Deputies' concerns for the safety of the children, and support for them in Oberstown. I have been there many times and I am going there this afternoon. I have met staff on their own, management on their own and the children on their own. I want the children and young people to move beyond Oberstown and be free. I have a passion about this, as do my colleagues. Deputy Rabbitte stated that she is working in the dark but we have a number of reports and recommendations. There is a HIQA report which has been published and, on the basis of that, the implementation of changes is happening and there are improvements on the campus. I see these every time I go there. I appreciate the points raised by the Deputy and I am aware of much of the discussion to which she refers. We need to separate the issues. The production of a report to engage with young people and staff and so on as hoped would have been welcome, but one must consider that fair procedures were not followed in the completion of the report, leading to a legal risk relating to its publication. That is the advice I have received.

Early Years Sector

12. **Deputy Maureen O'Sullivan** asked the Minister for Children and Youth Affairs the progress to date in addressing the perceived poor pay and conditions in the early childcare sector; her views on whether in view of uncertainties and conditions of employment there is a lack of incentive for many to pursue careers in the sector; and if she will make a statement on the matter. [52430/18]

Deputy Maureen O'Sullivan: The question regards the perceived poor pay and conditions in the childcare sector and the uncertainties and conditions of employment which are creating a lack of incentive for many to pursue careers in that sector or encouraging current staff to move from it.

Deputy Katherine Zappone: The Pobal 2018 early years sector profile report indicates that more than 29,500 people now work in the childcare sector, an increase of 8% on the previous year. The proportion of staff with third-level qualifications is now 22%, up from 20% in 2017 and 18% in 2016. Some 94% of staff now have, at a minimum, a relevant qualification at level 5, an increase of 6% since 2015. The average wage in the sector has risen 2% in the past year to €12.17 per hour and the staff turnover rate has fallen from 28% to 25%. Although the Pobal data demonstrates a growing sector and some small progress on pay and turnover rates, much remains to be done to address the situation.

As the Deputy will be aware, I care passionately about this issue. My Department is not the employer and it does not pay the workers' salaries. I cannot, therefore, set pay levels or deter-

mine working conditions. However, I have taken several measures to help the sector address how its workforce is valued. The Government has provided a 117% increase in investment in the sector over the past four budgets. I have used some of this funding to raise the early childhood care and education, ECCE, capitation rate by 7% this September, to make programme support payments in recognition of administrative work and to provide a higher rate of capitation payment for graduate-led preschool rooms. I hope that these measures, particularly the ECCE capitation increase, will have impacted on salaries when Pobal next reports in 2019.

Importantly in the medium and long term, First 5, a whole-of-Government ten-year strategy for babies, young children and their families which I recently published, sets out a number of critical commitments to address workforce conditions. These include a workforce development plan and a commitment to develop a new funding model that will leverage increased investment for improved quality. As I indicated in response to a previous question, I have called on the sector to use available State infrastructure to agree an appropriate salary scale through a sectoral employment order.

Deputy Maureen O’Sullivan: I thank the Minister. We have previously discussed these issues and the Minister outlined the steps regarding services being encouraged to use the additional funding to support the pay and conditions of workers. The reality is that there are difficulties in sourcing staff. A turnover rate of 25% is quite high. We know how vital the staff are. I acknowledge the improvement in staff qualifications because that skill set is important in providing a service for children, which gives them a good grounding before they move to primary school.

A couple of months ago I met providers and staff in Buswell’s Hotel who outlined the difficulties and challenges they face. Their passion and care for their work was obvious. One factor highlighted was that many staff who improve their qualifications then undertake a graduate programmes in primary school teaching, leading to the loss of valuable skill sets in the early childhood care sector.

There is an underfunding of childcare which the Minister is trying to address. The spending on childcare in Ireland is 0.1% of GDP whereas the European average is 0.8%. The staff in the sector feel undervalued.

Deputy Katherine Zappone: It is important that these issues are raised. They are the basis of my motivation to continue to seek increases in the development of the infrastructure, particularly as regards the professionals who work in the sector. I have outlined in response to this and other questions that in the context of the operative funding model we only have a certain amount of power or potential to make those changes. My main suggestions towards achieving a quantum leap are the implementation of a sectoral employment order and the development of a new public funding model.

My Department has had several discussions with trade union representatives. We understand that the “Big Start” campaign has increased SIPTU membership but it remains significantly less than is required for it to be accepted as an organisation representative of employees. There has been much discussion on an employers’ representative group but nothing has been agreed. This needs to happen. It would be helpful. Such collective representation is why other professions are able to improve their pay and working conditions.

A subgroup of the early years forum addresses the issue of professionalisation. The mem-

bers of the forum will continue to participate in work on the new vision for a public funding model laid out in First 5.

Acting Chairman (Deputy Eugene Murphy): I am trying to accommodate the Members present in order that their questions can be answered before 12 noon. I ask all of them to keep to the time limits.

Deputy Maureen O'Sullivan: The childcare barometer of public attitudes to early years care and education published in 2018 indicates that 75% of respondents agreed that those working in the early childcare profession are as important as educators of children aged over five. Some 56% of respondents thought them professionals. However, staff feel undervalued and they do not perceive that working in the sector is a good job.

I refer to the particular difficulties experienced by childcare services in north inner city Dublin in respect of the feuds, drug dealing and intimidation in the area. Some young children experience such issues every day, some within their families and others in their community.

The Minister previously stated that an independent review of the cost of delivering childcare was being carried out. When will it be available?

Deputy Katherine Zappone: I do not have an exact date for the publication of the review. A draft has been submitted which is being compared against independent data. I expect that it will be published early in the new year.

I hope that the new funding model we are trying to develop will address some of the questions and concerns of the professionals referred to by the Deputy. We want to develop an enhanced contract whereby settings are funded to meet certain quality indicators over and above the affordable childcare scheme or universal preschool programme contracts. Those may include minimum qualifications for room leaders and assistants for children of all ages. The model would also provide for maximum fee levels for parents, minimum qualification or experience levels for managers and a restatement of the role of managers including in regard to the staff-child ratio. Overall, it proposes that if more quality is delivered, more resources will be provided.

Health Promotion

13. **Deputy John Curran** asked the Minister for Children and Youth Affairs the supports provided to the youth work sector to strengthen work in enhancing the knowledge and skills of young persons in regard to healthy eating and active living; and if she will make a statement on the matter. [52341/18]

Deputy John Curran: The Minister recognises and acknowledges that the issue of obesity in children and young people is growing. What support does she and her Department provide to the youth work sector, in particular, to strengthen work in enhancing the knowledge and skills of young persons in regard to healthy eating and active living?

Deputy Katherine Zappone: Healthy Ireland 2013-25 aims to achieve an island where everyone can enjoy physical and mental health and well-being to their full potential and where well-being is valued and supported at every level of society and is everyone's responsibility. The three dominant themes of Healthy Ireland are equality, well-being and empowerment.

Without equality, we cannot have well-being and without empowerment we will not achieve equality.

Better Outcomes, Brighter Futures includes improving childhood health and well-being among its key priorities. The first outcome, entitled “Active and Healthy”, aims for all children and young people to be physically healthy and able to make positive health choices, have good mental health and a positive and respectful approach to relationships and sexual health. My Department oversees the implementation of the framework.

One of the main objectives of the national youth strategy is that young people enjoy a healthy lifestyle, in particular with regard to their physical, mental and sexual health and well-being. My Department also provides funding to the national youth health programme, operated by the National Youth Council of Ireland, NYHP, in conjunction with and co-funded by my Department and the Health Service Executive.

At the launch of its recent statement of strategy, the National Youth Council of Ireland described how it aims to help Ireland become a country where all young people can experience positive health and well-being. The NYHP will make a defining contribution to the development of effective youth health promotion practices which support young people to make healthy and positive choices.

There are three major areas in which the plan will drive change, including the following: a nationwide provision of evidence based training and resources for those working with young people on topics responding to their needs, including mental health and physical activity; developing and promoting a culture within organisations in the youth sector which focuses on health and well-being; and advocating on issues that affect the health and well-being of young people.

Deputy John Curran: I thank the Minister for her response. Despite all our best efforts, the issue of obesity has increased significantly in recent years. At the outset, I reflect that when I was a teenager - I looked at the figures - less than 1% of children were deemed to be obese at that stage. Current figures are that 9% to 10% are obese and one in four children are classed as overweight. When we look at lifestyles and activity, we know that we would have all walked to school. We see the schools and the type of food there is now. Most fast food chains did not even exist in this country when I was young so there have been significant changes.

The Minister said in her response that it is everyone’s responsibility and I acknowledge that and I do not attach total responsibility to the Department of Children and Youth Affairs but my real concern is the opportunity the Minister has in terms of getting youth work to engage with young people proactively. We do it for other issues where we engage young people so that they avoid the misuse of drugs and other activities but the Minister talks about enhancing the skill base of those youth workers and this is where the opportunity is. I would like to see a more proactive approach in that regard.

Deputy Katherine Zappone: It is good that the Deputy raises these questions. I have described the strategies that are ongoing and detailed how an organisation is being funded to help support some of the implementation of that.

The Deputy raises the issue of obesity, which is a key concern, even more so today than when the Deputy and I were growing up in different places at different times. On the better outcomes brighter futures policy, it is a significant part of that strategy to tackle the issues of childhood obesity, where work is ongoing on the top shelf of the food pyramid action plan. There are

partner supports for youth organisations to ensure that through a mix of legislative policy and public awareness the environments will be put in place in order to tackle those issues. We are publishing results of lifestyle surveys, which include data on healthy eating policies. We support children to make healthier choices through education and we address food poverty, which is also a very big concern of mine, particularly in the context of DEIS schools and children who are hungry so that we can also look at the obesity issue in that context.

Deputy John Curran: I thank the Minister for her response. I acknowledge the Better Outcomes Brighter Futures programme. It is a fairly comprehensive report and it is fair to acknowledge that the issue of obesity requires a whole of Government response and not just the Department of Children and Youth Affairs, but in terms of youth work, the Department has a particular role to play to ensure that for those who are engaged in youth work, this is at the top of their agenda.

I am not a member of the Joint Oireachtas Committee on Children and Youth Affairs but I acknowledge that it recently published a very detailed report with a significant number of recommendations. I take it that the Minister has read it and while the recommendations do not all directly relate to her, I ask that the recommendations that she has control and influence over are acted on in a prompt manner.

Deputy Katherine Zappone: Yes, that is important and we need to ensure that we are doing that. By considering that and looking at it in the context of the youth organisations, the youth sector and the strategies that have been there in the past, as I understand it the actions are focused on developing the obesity policy action plan, setting out a national physical activity plan and continuing to support and build on existing youth arts provision.

We have probably been quite good at the development of these plans and identifying the actions. The Deputy is asking that we ensure that in the provision of resources, both directly to some of these organisations and small groups on the ground but also to the national organisations, we ensure that monitoring and the more proactive aspect of implementation takes place and also that we take account of the work of the committee.

Acting Chairman (Deputy Eugene Murphy): I will endeavour to take three questions from Deputies Moynihan, Wallace and Mitchell within limited time so I ask Deputies to be as brief as possible in their introductions to try to accommodate everyone.

Question No. 14 answered with Question No. 11.

Youth Services Funding

15. **Deputy Aindrias Moynihan** asked the Minister for Children and Youth Affairs the status of funding for an organisation (details supplied); the implications for the funding of same; and if she will make a statement on the matter. [52468/18]

Deputy Aindrias Moynihan: There is no doubt that child protection is and has to be the number one priority and we have seen the further recent reports highlighting the issues in Scouting Ireland. The Minister previously withheld funding for the organisation when she was pursuing governance questions. I understand that funding is in place until next spring and in view of the recent reports, I want to establish the Minister's position and if she is satisfied with

the governance.

Deputy Katherine Zappone: I have had reason to suspend and later restore funding to Scouting Ireland on a number of occasions in the last year. I first withheld funding in April because of concerns relating to governance arrangements.

In May, I appointed Ms Jillian van Turnhout, as an independent expert, to examine governance and related issues within Scouting Ireland. Her report made recommendations in the areas of safeguarding, management of the organisation, governance proposals and charities regulation and indicated that the restoration of funding to Scouting Ireland should be clearly linked to the successful implementation of these recommendations.

Following confirmation of the board's commitment to implement all of Ms van Turnhout's recommendations, I decided to provide Scouting Ireland with interim funding from June for a further three month period up until the end of September. In providing this interim funding, I requested that Scouting Ireland provide me with a further report by 24 September. It did so, and set out the progress in implementing the outstanding recommendations of the review of Scouting Ireland.

At the end of September, the former board of Scouting Ireland voted to reinstate the chief scout as chair of their forthcoming EGM. Shortly afterwards, I received letters from the then interim chair and Mr. Ian Elliott setting out their serious concerns about the board's actions and its ability to govern the organisation properly. I decided to suspend funding further for as long as the then board was in place. A new board was elected at the EGM on 6 October.

Given the significant progress made by Scouting Ireland in implementing Ms van Turnhout's recommendations and in the essential governance changes committed to by the organisation, I then restored funding to Scouting Ireland until the end of April 2019. I have requested a further progress report from the organisation by the end of March 2019, as well as copies of the independent barrister's report and the final Ian Elliott report of the individual case review he conducted.

Acting Chairman (Deputy Eugene Murphy): I thank the Minister.

Deputy Aindrias Moynihan: How satisfied is the Minister with the current situation with the board and the governance that is there? Does she have confidence in the current board? Is she satisfied that the various undertakings are being delivered on in order to continue funding and that safety and child protection is as it should be there?

I am also conscious that there has been so much good done right across the country by Scouting Ireland as well and that parents do not want it all wiped out and they want to continue with a good, safe service for their children where everything is in order. We want reassurance that the Minister is satisfied with the areas that are functioning well and that she is dealing with the areas where there is an issue. Can the Minister clarify how satisfied she is with the progress that has been made and is she confident that the current board is in a position to deliver?

Deputy Katherine Zappone: I am awaiting a progress report in March 2019, which is what I asked for in order to make an assessment about the restoration of funding for April 2019. That is still my plan of action. The issues the new board is dealing with are shocking and deeply distressing. Some, though obviously not all of them, were apparent to the board and its new chair as they were willing to step forward and offer themselves to take leadership of the

organisation at this point in its history. Yes, I do have confidence in the board to the extent that I have witnessed what it has done recently since taking on the leadership. As the Deputy will be aware, things change every day as Mr. Elliott continues his work on the investigation of files and alleged victims or abuse survivors contact Tusla as well as the Garda. This is in progress, and I believe that, as the board continues to manage this, we will ultimately have a deeper sense of the extent of the damage, the abuse and the horror that has happened in the organisation.

Deputy Aindrias Moynihan: I acknowledge and welcome that the Minister has outlined her confidence in the board. She has also outlined that the report she expects towards the end of March will form a decision as to whether or not funding will be granted. Does this mean that funding will continue in the current form until then? Will she clarify this?

Deputy Katherine Zappone: I am not considering reviewing my decision in October to renew funding until the end of April 2019. In other words, that still stands. I would only consider such a review were I to receive information pertinent to the ongoing review of the historic files that would draw into question the current services and the consequent governance problems. Furthermore, one matter that is critical for the organisation is to hire a safeguarding manager, which position has been advertised for some time. It is a crucial post. Once this post is filled, I think it is the intention of Scouting Ireland to put in place a safeguarding team to work with the safeguarding manager. This would also assist them in their work.

Unaccompanied Minors and Separated Children

16. **Deputy Mick Wallace** asked the Minister for Children and Youth Affairs her views on the findings of a report by the European Migration Network, published by the Economic and Social Research Institute, ESRI, which found that only a small proportion of minors have secured an immigration status and that this was due to delays making applications on behalf of minors by social workers in Tusla; and if she will make a statement on the matter. [52433/18]

Acting Chairman (Deputy Eugene Murphy): We have limited time to get to the next two questions. The Deputy has 30 seconds to put his question.

Deputy Mick Wallace: The question relates to the findings of a report by the European Migration Network, published by the ESRI, which found that only a small proportion of minors have secured an immigration status and that this was due to delays by Tusla social workers in making the minors' applications. Does the Minister have concerns about this, and has she spoken to Tusla since the report's publication?

Deputy Katherine Zappone: I thank the Deputy for his question, which relates to a report published on 4 December on the important subject of separated children seeking asylum. I wish to take this opportunity to note that children who arrive with their families and seek asylum remain in the care and custody of their parents.

It is also worth noting that some of the referrals made to Tusla in respect of separated children seeking asylum are found to relate either to young people over the age of 18 or to those who are reunited with a parent or guardian who is already in the country. As the Deputy knows, where a young person is under 18, they are taken into the care of Tusla.

The Tusla separated children seeking asylum team has developed an effective model of

working with the affected children and young people to identify the supports they need. I am satisfied that the care provided to separated children seeking asylum is of a high standard and equal to that provided to other children in care. The report notes specifically that the standard of assessment and the provision of services provided to separated children in Ireland compare favourably to those provided in many European jurisdictions.

All separated children seeking asylum are assessed by a social worker from the specialist team working with these children on the day of their referral arrival and are placed in the care of Tusla. The immigration arrangements of young asylum seekers, mainly in the age group of 15 to 17 years, are considered in the broader, holistic context of the child's needs.

Many of these children may have high levels of vulnerability and have experienced trauma. Many face problems and challenges on issues including separation and bereavement from family and friends, social isolation, language barriers, emotional and mental health problems, discrimination and racism. In addition, they must live with the anxiety brought on by their possible removal from the country or uncertainty as to their future.

Based on a clinical decision approach, they may be deemed to need a period of stability and care before being supported in making their application for residency.

The new single procedures that have been put in place in the wake of the International Protection Act have seen significant improvements in waiting times for young people, especially those in aftercare. Of the 93 aftercare cases currently open to Tusla's team for separated children's aftercare service, 70 have some form of residency permission.

Acting Chairman (Deputy Eugene Murphy): The Minister will have an opportunity to come back in.

Deputy Mick Wallace: We know there is some good care for the kids under 18 years of age. So far this year, however, 105 children have arrived in Ireland seeking asylum status without a parent or guardian, yet to date this year only 15 have been granted international protection, while last year only 11 children were granted protection. These are low figures. I remind the Minister of some of the contents of the report. It found that although Tusla is responsible for making an application on behalf of an unaccompanied minor, some social workers delay submitting applications for reasons including the view that an application is not in the child's best interest and that he or she may not be deemed ready for international protection, as well as the fear that negative decisions might lead to the child going missing. The report makes the point that published research has noted that the decision to delay an application may negatively impact a minor's entitlements, including family reunification and access to employment, education, aftercare services and other supports.

Deputy Katherine Zappone: I am aware of that and of what the report stated. The model Tusla has developed is effectively providing, in Tusla's belief, supports that may be necessary before the application is made. Other jurisdictions sometimes do not have social workers involved in such support. Some of these children have come through horrible experiences, and at times a social worker may see fit to ensure that the child or young person is provided with counselling or other mental health supports in advance of the rigorous application process. The social worker may believe it would be unwise and not in the child's best interest to put him or her through numerous interviews and applications while in a vulnerable state. Such actions could cause undue trauma to the child. I emphasise this rigorous application process. Is the

decision to delay wrong then? Does it necessarily have a negative impact? The report states that the research has noted that the decision to delay an application may have a negative impact but that this is not necessarily so.

Acting Chairman (Deputy Eugene Murphy): I call Deputy Wallace to make a final comment. I want to fit Deputy Mitchell in with her question.

Deputy Mick Wallace: We know the children cannot get their status before the age of 18. Family reunification is gone; they are generally going into direct provision. We are not saying that everything about the system is wrong, but there are serious problems with it. We know a number of young lads who are waiting for interviews. More resources are probably required. We know there are some good things happening. Senator Colette Kelleher's Bill that was discussed here last Thursday night seeks to strengthen the facility and the mechanism for family reunification, but the Minister of State, Deputy Stanton, said the Government would not grant it a money message. There must be a more positive approach.

Deputy Katherine Zappone: I am deeply appreciative of the Deputy's raising this issue and I acknowledge the incredible contribution he and his colleague, Deputy Clare Daly, have made regarding the concerns of unaccompanied minors who are separated from their families and the changes that have been brought about as a result of their work. I think a process is in place whereby although there may be delays, they do not necessarily negatively impact the child in light of the potential vulnerable situations in which they find themselves and that they are receiving very good care in this context.

Domestic Violence Refuges Data

17. **Deputy Denise Mitchell** asked the Minister for Children and Youth Affairs the number of women and children in domestic violence refuges and step-down accommodation in 2018; the number of places in domestic violence refuges; if these refuges are capable of accommodating the level of need; and if she will make a statement on the matter. [52297/18]

Acting Chairman (Deputy Eugene Murphy): If Deputy Mitchell asks her question quickly, we will try to get her one part of an answer.

Deputy Denise Mitchell: My question is to ask the Minister the number of women and children in domestic refuges and step-down accommodation this year, the number of places in such refuges, and if she will make a statement on the matter.

12 o'clock

Deputy Katherine Zappone: Tusla has statutory responsibility for the care and protection of victims of domestic, sexual or gender based violence. It has advised me that its funded services provide data relating to use of services on a retrospective basis. Data relating to the numbers of women and children accommodated during 2018 in specialist emergency domestic violence accommodation will be available in the second quarter of 2019.

Tusla currently provides funding, co-ordination and support to 43 organisations nationally for a range of support services to victims of domestic violence. Some 21 of these organisations provide specialist emergency accommodation for victims, with a total of 155 family units of emergency accommodation - 145 in emergency refuges and ten in safe homes. As Tusla does

not directly fund the provision of step-down accommodation, it does not gather data on this area of service provision.

I am advised by Tusla that anecdotal evidence from service providers indicates that the current homelessness crisis is affecting the length of stay of families in refuges. Tusla is concerned about this situation, as am I. In cases where emergency refuges cannot accommodate families, it makes every effort to source safe and suitable alternatives. That may include sourcing accommodation that would typically be used by a homelessness service.

Tusla recognises that there are challenges to be addressed in ensuring that there is an appropriate configuration of spaces available to all women and children who require emergency refuge accommodation, and that those with the greatest need for safe accommodation, are prioritised appropriately.

Additional information not given on the floor of the House I am pleased to inform the Deputy that I have secured additional funding of €1.5 million for domestic, sexual and gender based violence services in 2019, bringing the total funding for these services to €25.3 million next year.

It is important that the needs of victims of domestic violence are met in the best way possible, with due attention to the quality, accessibility and outcome of services. I strongly support the work of Tusla and I am committed to supporting the agency in meeting the needs of individuals who experience domestic violence.

Written Answers are published on the Oireachtas website.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Dara Calleary: The internal battles of the Tory party are not a matter for this House, thank God, but the stability of the British Government and the British economy is. We are all aware of the potential economic and social impact of Brexit. The staggeringly high stakes do not appear to bother many in the British political system. When one reflects on yesterday's events Shakespeare's "...day of sound and fury, Signifying nothing..." is the most apt description. The fundamental position remains the same as it was at this time yesterday, that barring some vague promises the backstop and the agreement as agreed remain. I ask the Tánaiste to endorse that again today.

In the face of the political chaos in Westminster our role must be to stand firm behind our deal and hope that our EU partners stand firm with us. However, in spite of that support we still risk being the meat in the Brexit sandwich, with collateral damage to our economy due to the straitjacket politics of Brexiteers. We must continue to work to ensure the backstop is upheld. We must ensure that we avoid a disastrous hard border extending across the island from Newry to Derry. In contrast to the slow car crash chaos in the UK we must provide clarity and certainty in this country. However, instead of providing that clarity and certainty the Government continues to delay and prevaricate in publishing its plans for the case of a no-deal Brexit. The protracted internal politics in the UK means a no-deal Brexit is moving closer every day. As of today, 29 March 2019 is a hard deal, cliff edge deadline.

Even amidst the chaos of politics in the UK that country has produced detailed plans to ad-

dress the prospect of a hard Brexit. The UK has more than 100 plans that are constantly being refined and updated. The EU Commission has published 70 updated plans. The Irish Government has none. How many plans has the Government commissioned? When will it publish the detailed no-deal plans so all our citizens can buy into them and understand the consequences of a no-deal Brexit on their daily lives? Can the Tánaiste give a specific date for the plans to be published? Finally, is the Tánaiste concerned that by delaying the publication of those plans the Government will undermine their ultimate effectiveness in terms of preparing the country and, more importantly, the people for what may lie ahead?

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

The Tánaiste: I thank the Deputy for raising this issue because we will be returning to it repeatedly in the coming weeks and months. First, a European Council meeting is taking place today and tomorrow in which there will be a genuine effort by EU leaders and institutions to respond to the request of the British Prime Minister for more reassurance and clarity regarding the backstop, which has been the focus of so much political attention in Westminster in recent days. However, that cannot happen in a way that undermines the purpose of the backstop or its implementation. Nobody has been asked by the British Prime Minister to change the wording of the withdrawal agreement and nobody is talking about that. What is being considered seriously now is how a political declaration can be put together that is real and provides reassurance for the many in Westminster who need it that the backstop represents no threat to them or the United Kingdom and instead is about providing reassurance on the island of Ireland, consistent with the obligations of the British and Irish Governments in the context of protecting the Good Friday Agreement, that under no circumstances in the future will border infrastructure re-emerge between the two jurisdictions on this island as a result of Brexit.

With regard to contingency, the Deputy knows there has been and continues to be a huge amount of work in preparation for all contingencies. To give an example of some the work we are doing with the European Commission there have been sectoral seminars since 15 November in which all 27 countries are working together with the European Commission. The seminar on 15 November was on financial services and on 27 November it was on citizens and social security co-ordination. Also on 27 November it was on professional qualifications, intellectual property, company law and consumer protection. On 29 November it was on air transportation along with other modes of transport such as road, rail and maritime issues. On 4 December there was a meeting on Irish specific issues with the Commission. On 6 December there was a focus on sanitary and phytosanitary, SPS, requirements, tariff rate quotas, customs and import and export licensing. On 12 December the focus was on industrial goods including pharmaceuticals and chemicals. On 20 December there will be a sectoral seminar on policing, judicial co-operation and other security matters. On 10 January next it will be on fisheries, climate, environment and energy.

Let me reassure the public-----

Deputy Brendan Howlin: That is a lot of seminars.

The Tánaiste: Yes. This is part of a process of preparation that the Government, other member states and the European Commission are undertaking, as well as the preparation we are putting in place domestically. I will be happy to come back to that.

Deputy Dara Calleary: That is pathetic. It is the Andrex puppy response. It is soft and

fluffy but has nothing to do with what the Government is supposed to be doing here. Sectoral seminars will not convey to people the impact on their lives. The Tánaiste said there was a sectoral seminar on pharmaceuticals. How will he convey to people the difficulty there might be in accessing pharmaceuticals that come through the UK with a sectoral seminar on access? How will our airplanes fly on 29 March next if it is a hard Brexit and they must fly through British airspace? Will the Government wake up and start engaging with people in the way previous Governments engaged with people on the euro changeover and Y2K, whereby people had an understanding and a capacity to prepare their daily lives and their businesses for the challenges that lay ahead? Sectoral seminars for all they are worth for those who attend them will not make a difference or bring an awareness to people of what is coming down the tracks. The British Government is preparing its people with 100 plans, the Commission has 70 plans ready and the Government has sectoral seminars. That is a great deal of comfort.

The Tánaiste: I am surprised at the Deputy's response. It clearly shows he does not know what he is talking about.

Deputy Brendan Howlin: The love in did not last long.

The Tánaiste: The point of sectoral seminars is that, as we have said on many occasions, we are working together with the European Commission, which has published 70 papers on behalf of all member states of the European Union. The member states are working together in areas of EU competence linked to Brexit. That is how this works.

With regard to the areas where we must put domestic preparation in place, Fianna Fáil and other political parties have been briefed in detail on this through the stakeholders' group and in any other briefing sessions that have been requested. We have explained what we are doing in respect of ports, airports and other sectors.

Deputy Dara Calleary: Explain it to the people.

The Tánaiste: We have been doing that with the people. I have been to Brexpo events in Cork, Galway, Limerick, Letterkenny, Monaghan and Dublin and, with respect, I did not see too many Fianna Fáil faces there.

Deputy Mattie McGrath: With Fine Gael candidates.

The Tánaiste: So we have been-----

(Interruptions).

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

Deputy Thomas Byrne: We did not see an invite.

Deputy Mattie McGrath: Fine Gael used them to-----

(Interruptions).

Deputy Patrick O'Donovan: Did you go Mattie?

The Tánaiste: That is not true Mattie-----

An Leas-Cheann Comhairle: I call Deputy Pearse Doherty.

The Tánaiste: We did not-----

Deputy Mattie McGrath: What about Tipperary?

An Leas-Cheann Comhairle: Deputies can have their bilaterals elsewhere, but not here.

The Tánaiste: Perhaps if I could say that next week-----

An Leas-Cheann Comhairle: Tánaiste, I am implementing the standing orders-----

The Tánaiste: Next week we will publish a document on contingency. We will bring it to the stakeholders group, which is meeting on Thursday and we will publish it after that meeting. I will happily provide briefings in advance of that stakeholders meeting for political parties, if they want that.

Deputy Brendan Howlin: What about the legislation?

An Leas-Cheann Comhairle: I call Deputy Pearse Doherty. We must have some order with regard to time.

Deputy Pearse Doherty: Since the last general election we have been subject to the concoction that is the confidence and supply deal between the Tánaiste's party and Fianna Fáil. Last night the leader of Fianna Fáil confirmed that he has once again bent the knee to renew Fine Gael's deal for another year. On the one hand he is quite happy to come to the House and criticise the Government week in, week out for the Government's very obvious failings. On the other hand he and his party, through the confidence and supply deal, are keeping the Tánaiste and his Government in office. It is a nonsensical position and we hear some of it again this morning.

When it was cobbled together in 2016 the confidence and supply deal was heralded as a new beginning of new politics. It has been anything but. It has proved to be a political con job, designed to allow Fianna Fáil the pretence of being in opposition while it is actually in government in all but name. I believe it has been bad for politics, but more important it has been bad for citizens, not least the tens of thousands of citizens affected by the housing and homelessness crisis.

Rents and house prices are out of control and continue to rise. We see it time and again and I have raised the issue in this Chamber over and over. It is borne out in the Residential Tenancies Board rent index, which was published this morning. It shows that the national average rent is now €1,122 per month. In Dublin the average monthly rent is now a staggering €1,620. Not a single affordable home to rent or buy has been delivered by the Government over the past three years. An entire generation of young people face the prospect of never owning their own home. Under Fine Gael's watch homelessness has reached unprecedented levels, with some 10,000 people homeless. Scandalously, 4,000 children will spend their Christmas in emergency accommodation this year. We are aware that the real number of those who are homeless is a lot higher, closer to the 13,000 figure, as highlighted by my colleague, Deputy Eoin Ó Broin. I put it to the Tánaiste that this is a scandalous record. It is a record that Fianna Fáil seems happy to endorse. What has that party got from these so called negotiations? Absolutely nothing. That is not surprising because together Fianna Fáil and Fine Gael have voted down Sinn Féin's proposals for real rent certainty.

Deputy Dara Calleary: We voted for 1,000-----

Deputy Pearse Doherty: Fine Gael opposed our proposal to introduce tax relief for renters and, along with Fianna Fáil, has continuously voted down the Focus Ireland amendment that would stop landlords evicting families into homelessness. Shame on both parties.

We need real and meaningful action to tackle the housing crisis. We need a change in direction and we need that change fast. Now that the Government has the backing of Fianna Fáil for at least another year what are Fine Gael's plans to tackle the housing crisis? What is the plan to deal with the spiralling rents and the fact that many homeless families will now spend their third Christmas in a hotel?

The Tánaiste: The extension of the confidence and supply arrangement points to the difference between the approach of Deputy Doherty's party to politics and the approach taken by my party and the main Opposition party, which recognise that the State is vulnerable right now. We do not know what decisions will be made in Westminster in the coming weeks, but we have recognised that the challenge we may face as a Parliament and as a country in the first quarter of next year and throughout 2019 will require all of us to work together. To its credit, Fianna Fáil has recognised that. It has said that in 2019, in the midst of Brexit preparations, Ireland does not need a general election. I am glad to say that because of responsible politics from the two biggest political parties in the State the kind of political uncertainty and carnage that is happening in Westminster right now is not going to be replicated here. This does not mean that Fianna Fáil will not be in opposition putting us under pressure on housing, health reform and a whole range of other issues-----

Deputy Jonathan O'Brien: Will the Tánaiste say that with a straight face?

The Tánaiste: -----and that is already catered for. The Deputy may smile but the only contribution that Sinn Féin is making, for example to the discussion on Brexit right now, is to call for a border poll to make tensions even more acute in Northern Ireland than they already are. This Sinn Féin contribution is supposed to be constructive towards the national challenge we face right across the island. While confidence and supply is an unusual arrangement it is difficult for parties that are competitive with each other, but right now it is responding to the national challenge that people outside this House expect us to respond to with maturity and competence. That is what the extension of the confidence and supply arrangement will be about. It does not mean that we will not be battling in this House on a whole range of policy areas and keeping the Government under pressure, which is as it should be.

Deputy Jonathan O'Brien: What about the challenge of homelessness?

The Tánaiste: We have spent a lot of time talking about housing in the context of the confidence and supply talks.

Deputy Jonathan O'Brien: Too much talking.

The Tánaiste: We have a five year housing plan in train and we are meeting targets. We are delivering on output, which is the core problem. Supply is the problem in the rental market, in the house purchase market and in social and affordable housing. In all those areas we are taking forward our plans and we are delivering increases of supply across every sector. This is as it should be. We should be kept under pressure and scrutinised on delivery in that area, and so we will be through 2019.

Deputy Pearse Doherty: Let there be no doubt that we will keep the Government under

pressure and we will scrutinise it because we are the real Opposition in this House.

Deputy Dara Calleary: The Deputy has lost the run of himself.

Deputy Pearse Doherty: The Tánaiste talks of vulnerability and carnage, but the vulnerable people I speak of are those 4,000 children in emergency accommodation. Disgracefully, many of them-----

Deputy Eoghan Murphy: What about the homeless situation in Northern Ireland, Pearse?

Deputy Pearse Doherty: -----will be waking up on Christmas Day in a hotel, for the third year.

Deputy Eoghan Murphy: The Deputy is being hypocritical.

Deputy Pearse Doherty: This is the carnage that has been left behind by the confidence and supply arrangement. I have asked the Tánaiste what the Government is going to do about spiralling rents. In Dublin it is €1,692 more expensive to rent a house now than it was this time last year. Not a single affordable or cost rental house has been delivered by the Tánaiste's Government or by the confidence and supply arrangement over the last three years.

Deputy Dara Calleary: Sinn Féin voted them down.

Deputy Pearse Doherty: This is more of the *status quo*. The Tánaiste talks of proposals. The Focus Ireland amendment was a sensible proposal. It provided that landlords who received tax reliefs should not be allowed to evict people into homelessness. Who in God's name could refuse to accept that? I will say who. Fine Gael and Fianna Fáil could, and shame on them for doing so. The people for whom they shed crocodile tears have been put into emergency accommodation because, as legislators, those two parties have failed to accept those proposals and failed to do the responsible thing by supporting amendments that have come before the House.

Can the Tánaiste give any succour or comfort to those who cannot afford a house, who cannot afford their rent and who are living in emergency accommodation that anything will change over the next year or 18 months?

The Tánaiste: Things are changing but I know they need to continue to change quickly. There are far too many families in emergency accommodation. There are far too many children in emergency accommodation, some of which is not as good as it should be in the context of hotel rooms, this year. I recognise this as a former housing Minister and as a Tánaiste. We are working night and day to change this. That is why this year we will supply social housing solutions to more than 25,000 people and their families. We will continue to accelerate that. We are dramatically ramping up the delivery of social housing. This year we will provide more than 8,000 extra social houses throughout the State through various mechanisms. Next year it will probably be more than 10,000 and the following year it will approach 12,000. That is where we are going. We have a multi-billion euro programme to deliver it. We have also agreed with Fianna Fáil an affordable housing programme to which we have committed €300 million. There are actions in train. The Minister, Deputy Eoghan Murphy, will soon introduce new legislation to provide further protections for tenants and to empower the RTB even further. We know from the RTB's report this week that the measures we have implemented to date in respect of rent controls are having a positive impact.

Deputy Pearse Doherty: No they are not. We have the highest rent increases in Dublin

since 2015. Read the report. The rate is 9.5%.

Deputy Aengus Ó Snodaigh: Rents are going up.

(Interruptions).

An Leas-Cheann Comhairle: I call Deputy Howlin.

The Tánaiste: The Deputy does not want to listen to the RTB.

Deputy Pearse Doherty: The Tánaiste is misleading the House. We have the highest rent increases in Dublin since quarter 1 of 2015 and to suggest that the Government's measures are working-----

An Leas-Cheann Comhairle: Deputies only get one supplementary.

Deputy Pearse Doherty: -----is ridiculous.

Deputy Eoghan Murphy: The Deputy should be told that this House is not a theatre.

An Leas-Cheann Comhairle: Time is up. We are moving on. I call Deputy Howlin.

The Tánaiste: Let me quote the RTB. I am being accused of misleading the House.

An Leas-Cheann Comhairle: Well, the Tánaiste will have to find another way.

The Tánaiste: The RTB states very clearly that the results indicate that rent pressure zones are slowing the pace of increase.

An Leas-Cheann Comhairle: I call Deputy Howlin.

Deputy Pearse Doherty: Slowing the pace. The rate of increase 9.5%. The rate of increase in respect of apartments in Dublin is 12%.

An Leas-Cheann Comhairle: I am implementing the Standing Orders to which all Members have agreed. Three minutes are three minutes and one minute is one minute. There are others who want to pose questions later and we will be running out of time before we reach them. I call Deputy Howlin, who I know will abide by the time limits.

Deputy Brendan Howlin: I always do. From January 2008 to October of this year, the consumer price index, CPI, rose by 3%. One might think that the cost of living has only risen marginally in that period but that would be a mistake; the CPI is not a cost of living index. This has been forcefully stated by the CSO for years but the message does not seem to have penetrated the minds of Government officials. The CPI, as its name indicates, is a price index. The goods and services in its fixed basket are not those driving up the cost of living for people who are struggling. The main problem is the rise in rents. The Tánaiste says that the rate of increase is diminishing; well, that must be all right, then. That rise is not distributed evenly across the country. CSO statistics from the RTB confirm rises in urban rents of well over 20% and of over 40% in some cases compared to 2008.

Deputy Eoghan Murphy: Is the Deputy referring to 2008?

Deputy Brendan Howlin: Asked-for rents are 26% higher than at the peak of the Celtic tiger according to *daft.ie*. Job opportunities are overwhelmingly concentrated in the towns and

cities and that is where the rent pressures are most acute. Rent pressure zones are meant to slow down rent increases to 4% a year, but if we use compound over the period of five years, that is 21.7% even where they are working. In many areas, they are not. An increase of 21.7% in five years is not affordable. It is in no way linked to people's increase in wages over that period.

The solution to the affordability crisis in housing, as the Tánaiste has rightly stated, is supply. However, there is another side, and that is workers' pay - people's incomes. Ireland has a far larger share of workers on low incomes compared to other European countries. The Irish living wage is calculated on the basis of the actual cost of living facing people in both rural and urban areas. It is estimated that a single person working on a full-time basis would need to be paid €464 a week in order to meet a basic standard of living. The national minimum wage is €372 per week, €92 short of meeting basic need, assuming the person is in full-time work. A number of sectoral wage agreements are based on the minimum wage and are usually set €1 above it. In short, it is not possible to live on that amount. What workers need is a pay rise. Will the Government agree to accelerate the rise in the minimum wage and sectoral agreements to link with what everyone now agrees is a living wage?

The Tánaiste: The Deputy asked a lot of questions. His party understands the housing challenges that we face very well. Housing was a Labour Party brief up until the middle of 2016. We are talking about challenges that have emerged because of a recession. Housebuilding essentially stopped in Ireland with the exception of one-off developments across the countryside. We went from building 90,000 housing units to building about 6,000.

Deputy Brendan Howlin: The issue now is rents.

The Tánaiste: The rental challenge that we face is directly linked to that supply challenge.

Deputy Brendan Howlin: However, the Government does not control it.

The Tánaiste: That is why this Government introduced rent pressure zones, which have proved to be effective in terms of slowing down rental increases for existing rental tenancies. There is clearly an issue in respect of new rental tenancies that are coming in. There is a distinction now in the numbers that the RTB has published between the two, which is useful. There is a need to continue to build on the protections that we have for tenants. However, we also need to be honest about other elements of the data we have seen this week. We are seeing a declining number of landlords. Without landlords, we do not get properties that are available for rent. Ultimately, this is about trying to ensure that as supply increases - we need to continue to accelerate that supply delivery - we protect tenants as best we can but we must also ensure that we do not drive landlords out of the market.

Deputy Brendan Howlin: The Government is shifting them on to the public purse.

The Tánaiste: That is a balance. Undoubtedly, our priority has been to protect tenants at a time when rental prices have been increasing too rapidly. However, we have to be cognisant of the fact that we have a very unusual rental market in Ireland in which the vast majority of landlords only own one property and are effectively not professional landlords. That is why we need a strong RTB and it is why we have legislated to give it more powers. We will legislate to give it more powers again to make sure that landlords are not abusing the lack of supply in terms of price gouging. We will continue to do that and will listen to other political parties in this House that have constructive proposals in that regard, as we have done to date. Ultimately, the pressures on the housing market generally and on the rental market in particular are as a

result of a lack of supply which we are addressing as part of a five-year strategy which we are only halfway through.

In respect of sectoral wage agreements, as the Deputy knows, we need to ensure that the Government commits to wage increases, particularly across the public sector, in line with what we can afford and in line with agreements that have been made. To accelerate that or to raise expectations without having the Estimates to deliver it in terms of budgets would be highly irresponsible. That is why a really important element of the confidence and supply agreement, for example, relates to wage agreements and ensuring we can follow through on them in a way that is affordable to the State but is also as generous as possible to the working public.

Deputy Brendan Howlin: The Tánaiste obviously does not agree that workers need a pay rise. It is good for the economy. We have looked in very great detail across several countries. There is always resistance to increases in the minimum wage from employers in other sectors, but in every case it is good for the economy because it puts more money into circulation. We have a very unbalanced wage structure in Ireland. We have good equalisation through social welfare and taxation but the base pay is grossly unequal by any European comparison. I ask the Tánaiste again, acknowledging that we really need to raise the level of pay to the most vulnerable and lowest paid workers, if he will undertake to start in the public service. We have established that, right now, a living wage is €11.90 an hour. Will he undertake to seek to achieve that for public sector workers so that at least in the area of work which the Government controls directly, we can be confident that people are earning a living wage?

The Tánaiste: As the Deputy will know, because he was involved in some of the decisions, over the past seven years there have been four minimum wage increases. We continue to look to the future in terms of further increases. We now have a pay commission that makes recommendations independently with unions and employers giving input into that process. When we get recommendations for increases in the minimum wage, we implement them. That has been the record of this Government and we will continue to do that.

We have tried to ensure that when the Low Pay Commission makes recommendations, it takes into account all the issues the Deputy has raised on the floor of the House today and other inputs. It makes recommendations to Government and we have implemented those recommendations. The important thing is that the country continues to be as generous as it can be as we move away from the recession we experienced a number of years ago. As the economy grows and expands and as we approach full employment again, of course, people have an expectation that their quality of life will improve on the back of that. We need to ensure we do not get into a boom-bust cycle again by making commitments that put the country under significant financial pressure. Getting that balance right is important, as Deputy Howlin, of all Deputies will understand.

Deputy Maureen O'Sullivan: Ireland's development aid programme has a considerable reputation. That programme does invaluable work because it makes a difference, it is poverty focused, it is about community empowerment, it is directed at the most marginalised and it has been untied. With the new White Paper coming, how committed is the Government to policy coherence, particularly when we are seeing examples of policy incoherence? I will give one example on tax. During a previous Leaders' Questions, I outlined a number of steps where each positive step we took on tax transparency was accompanied by a "but" - a backward step. The policy incoherence is giving the aid but then not following through on the tax justice of the developing world.

At a recent event in Dublin, the Rwandan ambassador made the point that \$63 billion in illicit flows leaves the developing world. That is more than the foreign direct investment and aid going into those developing countries. Policy coherence would mean Ireland taking meaningful steps on tax justice. The Tánaiste may say that we got rid of the single malt, which is positive but it does not go far enough. What was needed was to take the steps the BEPS process has designed to tackle the underlying problem and prevent replacement structures emerging.

The policy incoherence is also seen in trade treaties in the imbalance between what the developed country gains and the minor gains for the developing world. For example, the Ireland-Ghana tax treaty prevents Ghana taxing the capital gains of mines, factories and large businesses owned by Irish companies. No spillover analysis was done prior to the treaty, which allowed for that and other examples of unfairness.

It is shameful that because of our aid reputation, countries in the global south want to trade with Ireland because they trust us. I know our ambassadors and other embassy staff are working on these trade relations. Are they on that page of policy coherence? I know there is a role for the private sector, but the danger is that it is moving away from this coherence. How committed is the Government to including binding human rights agreements, rights standards and environmental standards when negotiating these treaties? Where stands the Government in implementing our business and human rights policy?

When we discussed the EU-Colombia trade agreement, we were assured about these human rights agreements and yet since then there have been land grabs, forcible displacement, exploitation and intimidation of workers. We have had the scandal of the Cerrejón mine, the role of the ESB and the fact that CMC, the Coal Marketing Company, is registered in Dublin.

If the Government was committed to policy coherence, it would implement our business and human rights policy. Where will the White Paper stand on policy coherence?

The Tánaiste: The Deputy has asked many good questions. The White Paper is more or less complete. I am reading drafts of it this week with a view to finalising a new Irish Aid development strategy, which will contain much new thinking as well as build on many of the good things the Irish Aid programme has been doing for decades.

We are also planning for a significant monetary increase to support our overseas development programme. The latest budget provided an increase of €110 million on the previous budget allocation across broader overseas development aid.

As the Deputy would expect, the new White Paper will prioritise areas such as gender equality, reducing humanitarian need, climate action, climate resilience and strengthening governance in different parts of the world. There will be new areas and a new focus on increased funding for areas such as education for girls, new initiatives on sexual and reproductive health and rights. We will have new funding streams relating to women's economic empowerment. There will be a focus on building a new institute for peace support and leadership training here in Ireland. There will be a greater emphasis on island states and climate resilience linked to that, given that Ireland is also an island state.

There has been a long and detailed consultation process in finalising a new strategy, which will have increased funding over the next decade. It will have new areas responding to the obvious challenges that get debated in this House regularly. I look forward to the Deputy's commentary on that. Of course, we need to try to ensure that domestic policy in Ireland is consistent

with what we are trying to do elsewhere, whether that is from a climate perspective, a gender perspective, a reproductive rights perspective or whether it is transparency in taxation to ensure that large multinationals pay their fair share of tax. The Minister for Finance, Deputy Donohoe, and the Taoiseach have been clear on that. There is an ongoing international debate on how tax reform should take place and Ireland is very much part of that.

Deputy Maureen O’Sullivan: I acknowledge the consultation process that took place. Surely the strategy for development aid should be to get to a point where it is no longer needed. For aid to have a sell-by date, the developing world needs to have the capacity to lift itself out of poverty. That means that as well as giving the aid, we should also support them in their capacity to collect taxes from the multinational companies that are making a fortune in developing countries. It also means being fair to them when it comes to the tax and trade treaties to which we are party. To me that is real policy coherence. The Government could end our opt-out from Article 12 of the OECD multilateral instrument, which is a measure against tax avoidance. The Government could insist that our tax treaty partners sign up to Article 4. It could insist on binding human rights and environmental safeguards.

Policy coherence is not a dreamy romantic ideal. It can be realised and it is a stated aim of the Lisbon treaty. The incoherence is in giving the aid but not taking the steps that could end the need for aid. We will wait and see what is contained in the White Paper. However, it is more than just having the words; it is also about the action.

The Tánaiste: The aid programme is all about action. The Deputy knows a considerable amount about the Irish Aid programme because she takes an interest in it. Anybody who takes the time to visit some of our programmes, particularly in Africa, but also now increasingly in the Middle East, will know it is all about action and getting to the people who need it most. That is why we can more than justify a significant step-by-step increase over time in the funding we provide for that development aid programme between now and the end of the decade.

I share the Deputy’s hope that aid will not be needed in the future, but at this stage it is a dream and a long way away from a reality. I can be corrected on this, but my understanding is that approximately 134 million people are currently reliant on international aid. There are millions of people in refugee camps and millions on the move. They are economic migrants and migrants fleeing conflict. I suspect there will be an increasing focus on those incredibly vulnerable people. Unfortunately, there is a broader link. This is not just about economic development, it is also about stabilisation and post-conflict management, matters upon which Ireland will be focusing.

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

An Leas-Cheann Comhairle: I remind the House that we have only 15 minutes on Thursdays for questions on promised legislation. I ask Members to pose questions rather make statements.

Deputy Dara Calleary: On 20 September last, I raised the issue of Spinraza with the Tánaiste. It is a miracle drug that will give a future to 25 children and their families. Almost three months later, we are no further on in giving assurances to those families about the availability of Spinraza. I ask the Tánaiste, as deputy head of Government, to intervene and inject some urgency into this process. I acknowledge the work of my colleagues, Deputies Lisa

Chambers and Curran, in consistently raising this issue. I ask the Tánaiste to inject some urgency into this process in order to give certainty and hope to the affected families this Christmas.

The Tánaiste: As the Deputy knows, a recommendation on the use of Spinraza must be made by the rare diseases technology review committee. My understanding is that the committee is unlikely to make a final recommendation on Spinraza until January. While I know that this is not what the families want to hear, I am just giving the Deputy the most accurate information available to me.

Deputy Pearse Doherty: As the Tánaiste knows, Permanent TSB, a majority State-owned bank is selling on over 6,000 loans. The mortgage holders involved are fully meeting their re-structured arrangements. The bank is doing this contrary to the Central Bank's code of practice on the transfer of mortgages. That code holds that a loan secured by a mortgage on residential property may not be transferred without the written consent of the borrower. Does the Tánaiste support the suggestion made by the former Minister for Finance, Deputy Noonan, that best practice dictates that the code be applied by all institutions to all classes of residential property? Will he support me in making sure that this code is mandatory for all lenders when I introduce legislation on same in the new year?

The Tánaiste: If and when the Deputy introduces legislation, it will get fair consideration from the Government and the Minister for Finance, Deputy Donohoe, will respond to it. This is a sector that is regulated by the Central Bank. Loans that are transferred from one lender to another maintain the protections for borrowers that the Central Bank imposes through its codes and rules.

Deputy Brendan Howlin: Concerns have been raised in recent weeks about the proposed new national maternity hospital. These concerns centre on ownership and services to be provided at the hospital. We have also learned that if work does not commence by the end of the year, we may have to begin the planning process all over again in order to ensure that the building meets new environmental standards set by new building rules. These are all very legitimate concerns for a national facility that everyone wants to see built. On the status of the building, compliance with the energy performance rules and the concerns that we may have to go back to the drawing board, I ask the Tánaiste to clarify when building will commence and to confirm that the hospital will be completely publicly owned. Does the Government have a contingency plan to ensure the swiftest possible delivery of this really important national resource?

The Tánaiste: We are anxious to get on with this infrastructural project, which will be the largest ever investment in the maternity area in Ireland. The Minister for Health is very anxious to progress it as quickly as possible. A team of people is working on that right now across the relevant hospitals as well as in the Department. I will ask the Minister to send a note to the Deputy providing an update.

Deputy Thomas P. Broughan: Two weeks ago I asked the Tánaiste what steps he was taking, along with other EU Ministers, to identify and prosecute the murderers of Jamal Khashoggi. Last night, very serious allegations were made against the ruler of Dubai and Prime Minister of the United Arab Emirates, Sheikh Mohammed bin Rashid Al Maktoum, who has extensive interests in this country. It is alleged that his daughter was kidnapped in the Arabian Gulf and has disappeared. A video of this very impressive young woman was released wherein she pleaded for assistance from the West. Will the Tánaiste and other EU Ministers take action against these barbaric, medieval Middle East regimes who treat women and other citizens so badly?

An Leas-Cheann Comhairle: That question might be more pertinent as a Topical Issue.

Deputy Thomas P. Broughan: I raise it because the Tánaiste is also the Minister for Foreign Affairs and Trade.

Deputy Simon Coveney: I am well aware of some of these issues. Like many others, we were shocked and remain very concerned about the murder of a journalist, which was clearly planned and organised clinically. That murder took place in the embassy of a third country. We, like many other EU countries, continue to ask searching questions about that murder which are not going to go away.

Deputy Gino Kenny: Yesterday, Noreen O'Neill returned from Barcelona having filled a prescription for medical cannabis for her son Michael but the medication was taken from her by customs officials in Dublin Airport. Unfortunately, Noreen is not the first and will not be the last parent to go through this. On a weekly basis, parents are travelling to other jurisdictions in order to access healthcare for their children. This situation is completely untenable and sham-bolic. Two years have passed but the Government has still not acted on the cannabis access programme recommended by the Health Products Regulatory Authority. The Government has failed to act on an issue affecting so many families who have to travel abroad to obtain health care for their children and who are breaking the law in doing so. It is totally unacceptable.

The Tánaiste: I acknowledge the work that Deputy Gino Kenny has done on this issue although he and I have had arguments and disagreements on it in this House. What those of us on this side of the House want is a system that is as seamless as possible and that allows parents to access appropriate health care treatment for their children. However, this must be done under the supervision of a medical professional to ensure that the drugs or treatments being used are appropriate and are supervised. That is why the access programme for medicinal cannabis products is based on a licensing system whereby a consultant requests that a drug be imported. No request from a consultant has been refused by the Minister to date, as far as I know. I contend that the way not to do this is to send people abroad, knowing that when they come home the drugs will be confiscated.

Deputy Gino Kenny: There are hundreds of families-----

The Tánaiste: Instead, we need to work to try to help families to get the medical treatments that they need.

Deputy Mattie McGrath: Family Carers Ireland launched its annual scorecard report for 2017 earlier today. While some improvements are recorded, the overall performance is abysmal, particularly in the area of family respite care. It is almost impossible to get respite care in this country. I know of a woman whose 21 year old son has been in hospital since August. She is trying to get him home but has only been offered four hours and even within those four hours, she must be present at all times. She has been caring for her young son 24 hours a day, seven days a week. She is an excellent mother whose son is severely disabled. I ask the Tánaiste to do something about respite care because the lack thereof is clogging up beds in hospitals and is adding to the crisis in emergency departments too.

The Tánaiste: Significant increases in funding have been made to support carers and to increase respite hours but I accept that there is still more work to be done.

Deputy Declan Breathnach: I wish to raise a matter in the context of references in the pro-

gramme for Government to the protection of communities from crime. This morning, the Minister for Justice and Equality, Deputy Flanagan, is visiting the Garda station in Drogheda. He is meeting Chief Superintendent Christy Mangan to discuss the excellent work being done by gardaí in their efforts to deal with a powder keg situation that is ongoing in Drogheda, namely, a drug-related feud. Since July, gardaí in Drogheda have been dealing with shootings, kidnappings, intimidation, petrol bombings and incendiary devices. Earlier, the lives of two named gardaí were threatened. The situation is getting out of control, despite the best efforts of An Garda Síochána. When will An Garda Síochána be in a position to deal with pressure-cooker situations of this type which, as I have stated previously, are happening to a lesser degree in towns and villages across the country? I want to know what we are doing about it.

The Tánaiste: The examples which the Deputy has provided are why the Minister of Justice and Equality is speaking to senior gardaí to ensure they have the resources and powers they need to be able to act. An Garda Síochána has shown itself to have the capacity to deal with dangerous feuding criminals. It has done that in Limerick successfully, and it will also be able to do it in Drogheda. The Government will work closely with it to ensure it obtains any resources or increased powers it needs to be able to do that job.

Deputy John Brady: This morning, the national carers' strategy scorecard for 2017 was published. In the section that deals with the review and update of the transport sectoral plan under the Disability Act 2005, the plan receives a black mark and a score of "regressive". In the explanation, a number of concerns are cited. The scorecard expresses disappointment at the ongoing failure of the Department of Health to introduce the long-awaited transport support scheme to replace the mobility allowance and motorised transport grant, which were withdrawn in 2013. It also says the failure to introduce the transport support scheme has left people with disabilities and their families unable to access transport links essential to their ability to live full and independent lives.

When will the long-awaited transport support scheme finally be implemented?

The Tánaiste: I do not have an exact date but I will revert to the Deputy.

Deputy Michael Collins: Page 108 of the programme for Government, in the section on agriculture, states: "The priority for agriculture must be to reward farmers for producing quality food." It was recently revealed that factories have been fined 21 times this year for excessive carcass-trimming. This trimming is carried out before carcasses are weighed to calculate payments to the farmer who owns the cattle. Yesterday, farmers from throughout the country, including west Cork, held a sit-in in Agriculture House, and they are asking one question: why will the Department of Agriculture, Food and the Marine not name the factories which have carried out this illegal practice?

The Tánaiste: The Department will begin to name them in January.

Deputy Thomas Byrne: The Qualifications and Quality Assurance (Health and Education) Bill 2018 is winding its way through the Seanad. The Joint Committee on Education and Skills had anticipated it would conduct a stakeholder engagement but because the Government moved it into the Seanad quickly, unfortunately, that could not happen. What are the Government's proposals for this legislation? We are not satisfied with the protections offered to teachers in the language college sector in the Bill, and nor are we satisfied with the Government's level of engagement on this issue.

Deputy Jan O’Sullivan: In that case, why did Fianna Fáil abstain on the Bill in the Seanad?

Deputy Thomas Byrne: Will the Government agree to a full stakeholder engagement in the education committee before the Bill comes before the Dáil? We will not support the passage of the Bill without that stakeholder engagement.

The Tánaiste: I will ask the Minister for Education and Skills, Deputy McHugh, to revert to the Deputy directly on the matter.

Deputy Thomas Byrne: The Minister of State, Deputy Mitchell O’Connor, is present.

Minister of State at the Department of Education and Skills (Deputy Mary Mitchell O’Connor): As the Deputy will know, I often attend the Seanad and I will return for the next Stage of the Bill. I apologised for what happened but it was a misunderstanding. We will certainly discuss the matter with the committee before it comes before the Dáil.

Deputy Thomas Byrne: Is that a commitment to stakeholder engagement?

Deputy Mary Mitchell O’Connor: Absolutely, but passing the Qualifications and Quality Assurance Bill is a priority. It has hung around for years and we need to pass it. I will try to ensure we have that engagement.

Deputy Thomas Byrne: We will insist on it.

Deputy Aindrias Moynihan: Tá Acht nua na Gaeilge geallta le tamall. Tá mé féin agus mo chomhghleacaithe tar éis ceisteanna a chur arís agus arís eile le féachaint cathain a bheidh sé ullamh. Thuigeamar ón Aire i mí na Samhna go rabhthas ag ullmhú chuig na reachtaíochta, go raibh an Roinn agus an Ard-Aighne tar éis an reachtaíocht a scrúdú agus go raibh a ndícheall á dhéanamh ag na hoifigigh leis an mBille a bheith réidh roimh dheireadh na bliana. Táimid anois ag druidim le deireadh Bliain na Gaeilge. An bhfuil sé fós i gceist Bille na Gaeilge a fhoilsiú agus a thabhairt chun cinn le linn Bliain na Gaeilge? Cathain a bheidh sé ann?

Minister of State at the Department of Culture, Heritage and the Gaeltacht (Deputy Seán Kyne): Tá an obair sin ag dul ar aghaidh faoi láthair idir Oifig an Ard-Aighne agus mo Roinn. Tá na hoifigigh ag déileáil le cuid de na cinnteidil faoi láthair. Tá naoi gcinn foilsithe ón Roinn chuig Oifig an Ard-Aighne. Tá siad ag leanacht ar aghaidh leis na cinnteidil eile.

Deputy Eoin Ó Broin: My question is in the context of the forthcoming Residential Tenancies (Amendment) Bill. As the Minister of Housing, Planning and Local Government will know, a number of families in transitional accommodation in Tallaght were recently issued with notices to quit from the voluntary service provider. As the Minister will further know, the provider issued these notices to quit because under section 25 of the Residential Tenancies Act, the exemption for approved housing bodies for transitional accommodation for Part 4 tenancy rights allows for a period of up to 18 months.

In regard to the Bill that will come before us in the next number of weeks, will the Minister consider a Committee Stage amendment to it to try to resolve this anomaly? It is clear that when the original legislation was drafted, people had not spent 18 months in transitional accommodation. He could fix this problem simply, and if he tables a Committee Stage amendment in this regard, we will be happy to support it.

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):

There is a section that addresses that anomaly, but we might have to examine the details to see if it addresses exactly what the Deputy wants it to address.

Deputy Bernard J. Durkan: On the issue raised by Deputy Pearse Doherty, will the Tánaiste comment on whether it would be possible, through an amendment to the promised legislation on the Central Bank or otherwise, to encourage the creation of a code of conduct applicable to primary and secondary lending agencies that are in the course of repossessing large tracts of household property all over the country, which is exacerbating the serious housing problem?

The Tánaiste: That matter is under review by the Department of Finance, as is the issue of moneylenders. I suspect, therefore, that the Minister of Finance will revert to the Deputy.

Deputy Tony McLoughlin: In the light of the challenges faced by Brexit, what efforts is the Department of Foreign Affairs and Trade making to grow our international relationship with other EU countries?

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney): There are many challenges as a result of Brexit. Without the UK, the EU will be a weaker Union in many ways, economically and politically. It will also be a very different Union, and Ireland will need to forge new strategic alliances, a process which is well under way.

An Leas-Cheann Comhairle: I thank Deputies for their co-operation. It was a slight improvement.

Centenary of 1918 General Election: Statements

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney): The general election of 1918 was an extraordinary act of self-determination by the people. It is entirely right and appropriate that we in Dáil Éireann take this time, on the eve of the centenary, to remember and reflect on this most significant act in our journey to independence and nationhood. This week, a century ago, the voice of the people was heard as never before - not through force of arms but through the ballot box, the transformative power of participatory democracy, and pen and paper.

It was truly the first occasion in Irish history when all the people of Ireland, men and women, could take centre stage in shaping the future of their country. Like all the events we remember as part of the decade of centenaries, the election was not a simple or isolated one. It was not experienced at the time, nor can it be remembered now, through a single political perspective. It was the election which saw women vote and run for parliamentary seats for the first time, and the one which saw large swathes of Ireland's disenfranchised poor, that is, those without property, vote for the first time, too. As a result, more than 1.9 million Irish people were able to exercise their political rights. Two thirds of them had never voted before in any election. It was truly an act of mass political participation, never witnessed before on this island.

The independence movement, or national movement, won more than two thirds of the available seats in Ireland. It was accepted as a mandate from the electorate to assemble in Dublin as Dáil Éireann, to win international recognition and start building up the institutions of what would become an independent Irish State. In another moment that broke new political ground,

Countess Markievicz became the first woman elected to the Westminster Parliament, although she chose instead to take her seat as a Deputy in the Dáil.

1 o'clock

It was also the election which saw the Irish Parliamentary Party, having dedicated so many long years of service to the establishment of a self-governing Home Rule Parliament in Dublin, eclipsed by the demand for greater self-government and overwhelmed by the events of the previous few years. It is fitting that we, the current guardians of the Irish parliamentary tradition, should acknowledge the role of that party in our nation's story.

Of course, the 1918 election also underlined a profound political gulf on the island with the increase in seats for the Unionist Party, concentrated in the north eastern part of the island. As I said, much had passed since the last election had taken place in 1910: the 1913 Lockout, the Home Rule Crisis, the slaughter and destruction of the First World War, the Easter Rising and the executions and repression which followed, the failed Lloyd George negotiations of 1916 and an anti-climactic Irish Convention and in 1918, the mounting threat of conscription.

Through our commemorations of the centenaries of the major events of those years we have, I hope, engaged with our shared history in a way that is honest, measured, authentic and appropriate. We have done it in a way that has been open to the participation and contribution of all traditions and communities on the island. We have done it in the spirit of the Good Friday Agreement, which was another historic moment of transformative democratic self-determination on this island.

We will soon commemorate the sitting of the First Dáil in January and other events for which the election in 1918 crucially set the stage. In the months and years to come, we will mark and reflect on the struggle for Independence; the foundation of this State; the tragedy of our Civil War; partition and the establishment of Northern Ireland; the experience of minorities and Border communities on the island in Ireland in the period 1919-1923; and finally "taking her place among the nations of the earth" when we joined the League of Nations in September 1923.

As we mark the centenaries to come, there is an even greater need for us to do so in an inclusive manner, without either apology or partisan glorification, mindful that the events surrounding the achievement of statehood did not come without a price, a very heavy price in some cases, leaving painful legacies that echo to this day. How we mark our history is a sign of how we want to live our future. Today, it is fitting that we, as a House, take this moment to recall the extraordinary achievement which the general election of 1918 represented.

Deputy Éamon Ó Cuív: A Leas-Cheann Comhairle, ar an 14 Nollaig 1918, tharla eachtra a bhí thar a bheith stairiúil i stair na hÉireann. Ba é sin, ar bhonn 32 chontae vótáil an pobal ar son rialtas neamhspleách. Ba é an chéad toghchán riamh a ritheadh sa tír seo a raibh vóta ag gach fear os cionn 21 bhliain agus ag na mná a bhí os cionn 30 bliain d'aois. Bhí ar na mná fanacht go raibh Rialtas dúchasach an go dtí go bhfaighidís an vóta ar an mbonn céanna agus a raibh sé ag na fir.

Toghadh an Cuntaois Markievicz agus go gairid ina dhiaidh sin ceapadh í ina céad bhean a bhí mar Aire Rialtais in áit ar bith san Eoraip. Is fiú tógáil san áireamh freisin go raibh seisear ban tofa sa Dara Dáil.

Rud eile a bhí suntasach faoi, ar ndóigh, ná go raibh go leor, go leor de na hiarrthóirí imtheorannaithe i bpríosún ag an am i Sasana. Is as an toghchán seo a bunaíodh Dáil Éireann, an Chéad Dáil agus táimid sa Tríochadóú Dáil anois. I measc na ndaoine a bhí i bpríosún Lincoln ag an am bhí mo sheanathair Éamon de Valera agus is fiú a nótáil ní amháin go raibh sé ina Theachta Dála don Chlár ach bhí sé ina Theachta Dála do Mhaigh Eo Thoir i ndiaidh an toghcháin sin freisin.

This is a very important commemoration. First because it was the first election in which all men over 21 and women over 30 years of age had a vote. Women had to wait until we had a native Government before they got votes on the same basis as men. It was historic because it was the election that decided to form this Dáil or independent Parliament. It also was very important because, as has been said by the Tánaiste, Countess Markievicz, who obviously took her seat in Dáil Éireann, became the first elected woman either in Britain or Ireland. Mar sin, is dóigh liom gur lá fíorthábhachtach é seo.

Deputy Fiona O'Loughlin: Is mór an onóir dom labhairt anseo ar son Fhianna Fáil mar gheall ar an ócáid thábhachtach seo.

In remembering the 1918 election the single greatest theme that emerges is that of democratisation across a whole host of areas: the participation of women both within the electorate and as candidates, the participation for the first time of young working class men, and of course, the trebling of the electorate for the first election that had been held in seven years. The result and the changes were absolutely seismic.

What were the messages from that election? The electorate spoke out against conscription. They spoke out in democratic acceptance of the need of the establishment of the First Dáil and indeed independence and spoke out in electing a woman for the very first time. Countess Markievicz, a warrior queen, powerful, fearless and a decisive and a forceful leader fought for women to be part of society on an equal footing with men, and thus started a century of struggle for equality and for justice. This year was and has been an opportunity to celebrate exceptional women like Constance, like Hanna Sheehy Skeffington, Winnie Kearney and others who have gone before us. We stand on their shoulders and the shoulders of women over the past 100 years. I include our mothers and our grandmothers in that. Women who day by day, step by step, carried us forward and created opportunity and gave us choice. They were women who lived through changing times and in small acts and great gestures, they threw off and tore apart the matrix of discrimination. It has to be accepted that 100 years on from that moment we have still not ended the journey which saw its first major achievement in 1918.

We should use this milestone to reflect on the road ahead and also recognise the achievements of 1918 and to acknowledge, in my limited speaking time, the work of the Houses of the Oireachtas in this, the Vótáil 100 committee chaired by Senator Bacik and the Women's Caucus chaired by Deputy Catherine Martin. This has been a seminal year for feminism. The battle for equal rights absolutely continues and to get greater female participation in politics. More work needs to be done on important societal issues such as sexual and domestic violence, gender pay gaps, pension inequality and maternal and reproductive health, to name but a few. We need to enable men to be homemakers and to support women.

Deputy Mary Lou McDonald: Táim lán-sásta labhairt ar an ócáid stairiúil seo.

The 1918 general election remains a seminal moment in our country's history. A defining

point when poets, visionaries and soldiers came together with the mass of our nation to build a republic. They voted for equality and independence. They voted to break the link with Britain. They voted to make good the promises of the Proclamation, and they voted for Sinn Féin. The election in 1918 was described as the “Sinn Féin election”. The Sinn Féin manifesto of 1918 stated unequivocally that Sinn Féin would achieve its aims by withdrawing Irish representation from the British Parliament and by denying the right and opposing the will of the British Government, or any other foreign Government, to legislate for Ireland.

As we meet almost 100 years to the day, it is, therefore, telling and ironic that there are those in this Dáil today who would espouse otherwise. Some of them might well be very comfortable on the benches of the House of Commons or even in the House of Lords. They might be very much at home in the Palace of Westminster. They might cross their fingers and swear an oath to the British crown in exchange for privilege and the pretence of power. That is nothing new and achieves nothing. That might be their way but it is not our way. It is not the Sinn Féin way. We stand by the people who vote today for Sinn Féin MPs and who look to Dublin and not London for leadership.

Some people who come here today laud the achievement of those who refused to take their seats in the British Parliament in 1918 on the basis of a mandate from the people, and yet they espouse the utter nonsense and hypocrisy of urging the Sinn Féin of today to go against that very mandate.

Deputy Bernard J. Durkan: The circumstances are very different now.

Deputy Mary Lou McDonald: So 100 years on, let me put it very clearly: there is nothing stopping Fianna Fáil or Fine Gael from contesting elections in the North. They can go ahead, and as happened 100 years ago, let the people be the judges and have their say on that. Until then and beyond, Sinn Féin will represent our people on the basis of the mandate and their instruction.

The 1918 general election was unique in being the first election held on this island in which women could vote, although it was restricted to women over the age of 30. It was also the first election in which all men over the age of 21 could vote. That was defining. For the first time in history, a woman MP was returned. She was an abstentionist MP, Constance Markievicz, the most unmanageable of revolutionaries. As an Irish woman and the President of Sinn Féin, I pay a particular tribute to her today, and also to Winifred Carney, who contested the same election in the Victoria ward of east Belfast, but who sadly was not returned. Markievicz was a disrupter and a rebel of her time. She was a woman who stood on picket lines with workers. She stood with tenants against landlords and she stood on battle lines against the British. She was the scourge of the establishment and she still troubles those in power today. She remains an inspiration for all of those who hold to the principles of freedom and unity. I wonder what she would make of the Dáil today, where party-political self-interest pretends to be the national interest. I have no doubt she would berate those in power and stand for citizens’ rights, for equality and for Irish unity, as we do still. One hundred years on, we are still about transforming Ireland and uniting our country. We are about building, shaping and leading the Republic. Our task, like the Sinn Féin MPs elected in 1918, is to realise the Republic of the 1916 Proclamation.

Today should not simply be about commemoration or remembrance. It is not good enough to bow our heads to the past. It is about lifting our faces to the future, delivering on the sacrifices of the past, and building a new united Ireland and a Republic worthy of the name. Today is

an opportunity to reflect on the need to end the division of our country, definitively, and to bring about a united Ireland. That is Sinn Féin's central task. Unfortunately, there are people gathered in this place who take a different view. Every time Irish unity is raised, they bow the head and say, "Not now", that this is not the time. I say otherwise, because now is the time to build a united Ireland. Let us plan for a referendum on Irish unity. Let us give the people of this island their say, North and South, in accordance with provisions of the Good Friday Agreement. Let us not just look back in awe of the great men and women of 1918, but let us look forward and let us finish their work. That is the only fitting way to honour their legacy. An Phoblacht abú.

Deputy Pearse Doherty: Hear, hear.

Deputy Simon Coveney: Divisive as ever.

Deputy Regina Doherty: That is no surprise.

Deputy Aengus Ó Snodaigh: Divisive?

Deputy Brendan Howlin: December 1918 was a time of great change in Ireland and across the world. The Great War had just ended. A total of 19 million were dead and many more were injured. There had never before been warfare on that scale, or with such brutality. The price paid in blood accelerated the already legitimate claim by working people for political equality, and as others have said, they secured the vote for the first time in the momentous election of 1918. The choice before the people was to vote for a party, nationalist or unionist, which would take its seats in London, or for the new pro-independence party, led by Eamon de Valera, which would not. As a UK-wide general election, it was conducted using the single-seat, first-past-the-post voting system, not our multi-seat, single-transferable vote. As such, where three or four candidates were in serious contention, there was a possibility of the vote being split, which would give the seat to the leading candidate, even with a minority of votes. That was the context. The result of the 1918 election could not be known in advance, but it could be anticipated.

In the December 1910 general election, Labour had taken 42 seats. Unfortunately, they were almost all in England, with a few in Scotland and Wales. It was still a debate as to whether the cause of working people would be better served by the nascent British Labour Party or by the establishment of a separate Irish party. In 1912, in Clonmel, that question was answered decisively with the foundation of my party, the Irish Labour Party and Trade Union Congress, a single political body designed to further the interests of working people. James Connolly had taken part in the 1916 Rising. Connolly's immortal words were that: "The cause of labour is the cause of Ireland, the cause of Ireland is the cause of labour." 1916, and later 1922, split the Labour movement, especially in the North where many workers were also unionists. In 1918, the Irish Labour Party and Trade Union Congress stood aside from the election. That avoided any situation where the nationalist vote would be split. As one test of that, Labour had taken 43% of the vote in Dublin College Green in the 1915 by-election. It was a probability that Labour would have taken a number of seats all around Ireland, but instead, the people were given a clear choice on the national question.

The Irish Parliamentary Party, the legacy of Parnell and Redmond, only retained six of out its 73 seats from the previous election. The independence movement gained 73 MPs, while Irish Unionists had 26 MPs, five more than in 1910, including three Labour Unionist MPs who won seats in Belfast. In this decade of centenaries, there is a need for deeper reflection on the complex and nuanced set of political preferences that prevailed in Ireland 100 years ago. Had

Labour stood candidates in that important 1918 election, there could have been a split in the independence vote and the overturning of the Irish Parliamentary Party would probably have been significantly less total. To have had more Labour MPs and fewer of de Valera's elected then might have been a good thing for Ireland, as things worked out, given partition, civil war and a repressive clerical State, the legacy of which we are still unwinding. However, none of these things was visible at the time.

In Connolly's words, the cause of Ireland was to be resolved, and that was the central focus. Labour stood aside to allow people to choose whether or not they wanted to back the national drive for independence. However, Labour was not entirely absent from the First Dáil. The leader of the Labour Party, Tom Johnson, was asked to write the democratic programme of the First Dáil, which we will commemorate next year. It was read into the record of the Dáil on 17 January 1919, pledging Labour's values of "Liberty, Equality and Justice for all".

Deputy Paul Murphy: I wish to share time with Deputy Bríd Smith.

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

Deputy Paul Murphy: We have to place the 1918 election in its international context, and that is a context of war and of revolution, the reverberations of the Russian Revolution in particular. The election happened just over one month from the ending of the First World War. Contrary to establishment versions of history, that war ended because of revolution. It ended because of German soldiers and sailors refusing to continue the war and, instead, establishing workers, sailors and soldiers councils, with the Kaiser abdicating in a desperate attempt to save capitalism in Germany. That was one of the many reverberations of the Russian Revolution that had happened a year previously and which spread ideas like workers' control, the liberation of women and national self-determination across Europe and around the world. It was widely welcomed by workers, the oppressed and those seeking an end to the war.

It was no different in Ireland, which, for example, saw over 10,000 pack into the Mansion House to welcome the October Revolution. The 1918 election is widely known for being the first parliamentary election here where there was universal male franchise and, after decades of struggle, women winning right to vote. The key event in 1918 was the mass movement against conscription earlier in the year, which was successful and saw Ireland's first general strike. That general strike also saw the decisive break with the pro-war, pro-imperialist Irish Parliamentary Party, which was then reflected in the general election. It demonstrated the power of the working class and the labour movement, which was seen in an explosion in militancy and membership of the trade union movement, with whole new sections becoming unionised.

In 1918 Labour had a stronger base across the island than Sinn Féin. The result of the election was the manifestation of the desire for self-determination and a rejection of imperialism, but the result also illustrated sectarian division; for example, in Ulster most contests were along sectarian lines, although in Belfast Labour did contest. It was a lost opportunity for the labour movement. It was a mistake for Labour to decide to wait and to allow Sinn Féin to take a majority in the Dáil. It was a missed opportunity to put forward working class politics - an internationalist anti-imperialism that would appeal to and unite working class people. It came just before momentous class battles like the engineers strike in Belfast and the Limerick Soviet. It was a missed opportunity to bring together working-class people, Catholic and Protestant, to fight for a socialist Ireland where the wealth would be under democratic control, which would be internationalist in outlook and would naturally align with working-class people in Britain

and across Europe. That is a struggle we are still committed to today.

Deputy Bríd Smith: I am very proud to commemorate the election of 1918. We should remind ourselves that what brought this about was a mass movement against conscription and, before that, the 1913 Lockout and the Easter rebellion, as well as, in no small measure, the Suffragettes, who at one stage threw a hatchet at Herbert Asquith, smashed windows in Belfast and Dublin and used very strong civil disobedience to get their right to be recognised and to vote. Having won recognition of the right to vote, masses of people did vote, with the results we know.

We should commemorate that as the first explosion of the democratic right of the people to vote. What we need to do now is look at what still needs to be achieved. If that was a democratic revolution, we now need an economic one. The democratic programme of the First Dáil states:

[N]o child shall suffer hunger or cold from lack of food, clothing, or shelter ... [there shall be a] scheme for the care of the Nation's aged and infirm, who shall not be regarded as a burden, but rather entitled to the Nation's gratitude and consideration. ... It shall be our duty to promote the development of the Nation's resources ... in the interests and for the benefit of the Irish people.

We have not achieved that, 100 years later. Our next step is to learn from the mass movements that led up to the 1918 election and to winning the democratic revolution which gave us all, men and women, the right to vote. We now have to fight for an economic revolution where we get to say what is produced, how it is produced and how it is distributed, where it is not the markets and a tiny elite of less than 5% around the globe who decide for the rest of us how we are serviced by our own labour and by society. That economic revolution will deliver the democratic programme of 1918. Ordinary men, women and children will be able, after an economic revolution, to say what is needed and how it is distributed. It will not be down to the vagaries of a ridiculous, chaotic market that drives us, ultimately, to war, which is what led to the revolutions Deputy Paul Murphy spoke about. We need that economic revolution and it should be the objective of future generations.

An Leas-Cheann Comhairle: I call Deputy Maureen O'Sullivan, who is sharing time with Deputy Catherine Connolly.

Deputy Maureen O'Sullivan: I want to begin with a quotation from Wolfe Tone from 1791, when he declared the national demand was, "To break the connection with England, the never-failing source of all our political evils". It is rather ironic in light of Brexit. Breaking that connection meant different things to different people: repeal of the Union, some form of home rule or a republic. Of course, after 1916, there was no doubt what form breaking that connection would take. The change had come about because of the extent of the executions in 1916 and the very tragic stories behind some of them, and also the return to Ireland of those who had been imprisoned in England and Wales.

Before the 1918 election we had the by-elections in 1917 and the election of Count Plunkett and of Eamon de Valera. However, the 1918 election was a key moment in modern Irish history. It saw the defeat of the Irish Parliamentary Party, a considerable victory for the Sinn Féin Party and an increase for unionists, and the role of Labour has to be acknowledged. The historian F.S.L. Lyons called it a bitter, ugly election, but it was a result that completely transformed

the face of politics.

It was significant that women, albeit those over the age of 30, were able to vote, along with men over the age of 21. It was significant also in that it led to the establishment of the First Dáil, which we will commemorate in January. It was significant for the election of Countess Markievicz, the first woman MP elected to Westminster in spite of British efforts to take that accolade from her. It was the last parliamentary election for a 32-county republic. It also saw the ascendancy of Carson and unionism, and the creation of a Protestant state for a Protestant people, which led to decades of institutional prejudice against Catholics, the effects of which we again see re-merging with Brexit.

It was significant for the fact of women voting, the election of Countess Markievicz and the progress that came from that for women in Ireland, albeit slowly. We are so far ahead of other countries in this regard. As a woman Teachta Dála, I am very conscious of those countries where women cannot vote and cannot be members of parliament, where they are not even allowed to drive a car and not allowed outside their homes without a male companion, where they have no say about their sexual health or about the number of children they can have.

Putting all that together, it is very important that we know our history, that we remember it and commemorate it, for example, in regard to the significance of the 1918 election and the First Dáil in January. It is ironic, however, that as we were coming into the decade of commemorations, history was being downgraded as a subject at junior certificate level, and it is good to see the Minister, Deputy McHugh, is reviewing that. It is important it is a compulsory subject so our young people can understand their history, know where we came from and develop the critical analysis that goes with the study of history.

Deputy Catherine Connolly: Tomorrow, 14 December, is the 100th anniversary of the general election which saw the First Dáil in 1919. It was a significant election on so many levels, not least the fact it was the first general election in ten years and it occurred just over one month after Armistice Day, when the war to end all wars stopped. It was an election that saw the size of the electorate increase from 700,000 voters to 1.93 million by extending the franchise, albeit a franchise limited to women over 30, with specific conditions, and to all men over 21. It is worth noting that voters were galvanised by anti-military and anti-conscription sentiment throughout the country. One woman, Countess Markievicz, was elected to that Dáil and became a Minister. Unbelievably and unfortunately, it took 60 years before we had another female Minister, when a fellow Galwegian, Máire Geoghegan-Quinn, was appointed. From the First to the Thirty-second Dáil, we have gone from one female Minister out of 105 Members to 35 female Deputies, including Ministers, out of 158.

The glaring absence of female Deputies in the intervening 100 years has had profound and detrimental consequences for women and society in general. It led to a complete absence of open and balanced public discourse on subjects of vital importance. Indeed, successive male-dominated Governments worked hand in hand with a male-dominated Catholic hierarchy to shape a society that reflected their narrow and limited version of morality. They created an Ireland that was unequal and positively hostile to women and mothers. It gave us the Ireland of denial, deception and deceit in which church and State worked hand in hand with the male-dominated medical profession to defeat the most basic mother and baby scheme in 1951. It created the Ireland of the institutions, the legacy of which we are still dealing with. It was the Ireland of the Magdalen laundries, industrial schools and mother and baby homes. It gave us the Ireland of inequality which allowed men up to 65 to disinherit their wives completely. It

permitted a marriage bar under which married women had to leave their jobs. It did not consider women fit to sit on juries until the very courageous Máirín de Burca took her case in 1973. It was an Ireland that thought it was acceptable to interfere in the marital privacy of the bed, forcing a very courageous woman, Mrs McGee, to go to the Supreme Court which led to the Irish solution to the Irish problem of 1979. I could go on and on but will restrict myself to a couple of other issues. Marital rape was unrecognised until 1991 and the eighth amendment took 35 years to remove from the Constitution. Deputies, particularly female Deputies, have a duty to recognise what has gone before and to shape a different Ireland in which a home and public health are basic human rights. We must be a voice for peace in circumstances in which we are shaping up, 100 years after a war, to have a European army.

Deputy Mattie McGrath: We are celebrating the events which took place on 14 December 100 years ago. Women were allowed to vote for the first time, which was a huge milestone. It was the year Countess Markievicz was elected but refused to take her seat at Westminster. She chose to wait as a revolutionary to be elected to the First Dáil. She was an inspirational character. Deputy Howlin referred to the foundation of the Labour Party in my town of Clonmel, which is true. It has been a generous and hard-working party representing ordinary people and it was a pity that some years ago it was prevented by violent protests from holding the celebration of its 100th anniversary in the town. There is no place for intimidation like that in a democracy. We must support all political parties in that regard. The same is true of the celebration today. The extension of democracy and our Constitution were wonderful things in terms of the freedom they brought about. We were enabled to become a sovereign people.

Now, however, we look at Brexit and the discussions in Europe. In a lot of ways, a heavy-handed Europe is the cause of a lot of what is behind Brexit. It has not allowed member states to self-determine and there has been too much overreach on its part. It is sad because, as sovereign countries, we should be allowed to make our own laws and regulations within justifiable reason. We see also the ongoing persecution of women and children in the Middle East but have no debate on it in this Parliament. We had one debate about four years ago when a number of Members were able to raise a Topical Issue thanks to the Ceann Comhairle. However, we turn a blind eye to it in general. Our neutrality is also being challenged on a daily basis.

Above all, I note that Fine Gael, supported at the time by the Labour Party, abandoned and destroyed local democracy. There has been too much centralisation of power, which is enormously regressive. The Labour Party has accepted that a mistake was made - I commend Deputy Howlin on that - and is trying to introduce Private Members' legislation to reverse the removal of accountability and democracy from local people. Too much centralisation is the reason we are failing to build the houses we need to look after our homeless. There is too much bureaucracy and centralisation. I salute the former members of local town councils and local authorities who provided voluntary service out of a sense of community to improve their local areas. It was not about money. We have too much of the heavy hand and too much denial of democracy to people. As we celebrate the 1918 general election 100 years on, we must take a look at ourselves and ask what is happening. There are 10,000 people on the streets, nearly 4,000 of whom are children. A half dozen successive housing Ministers have failed utterly to deal with that. Local authorities are not delivering either. When we had town councils, borough and district councils, such as the council in Clonmel, there were people on those who gave service and were there to help the people.

Like other Members, I refer to the banking collapse and the punitive behaviour of banks we bailed out. Permanent TSB is the most recent example as it sells off loans to vulture funds. A

third force militia was operating in Roscommon last week, including, I am told, ex-UVF members from Northern Ireland. There is no place in our modern democracy for those people. We have An Garda Síochána, which we must support, and our Army if necessary. We do not need a third force acting at the behest of vulture funds and destroying people's lives. Those affected include sick and vulnerable people and families who have been split up. People have been forced into all kinds of situations by the greed of the bankers we bailed out. As we celebrate this 100th anniversary, we should not allow that to which I refer to go on under our noses. It is happening everywhere. Farmers are being evicted or threatened with eviction and ordinary householders are being evicted. We are trying to solve a housing crisis while turning a blind eye to the mayhem and treachery taking place in the use of a third force militia to evict people from houses and family farms. They are nothing short of thugs and they would have been dealt with a lot differently 100 years ago. They have no place in our modern democracy. We must stand up for our people and support them. Ní neart go cur le chéile. They are the people who have made the sacrifices to pay the taxes with which we are bailing out these so-called banks and this is the treatment they are receiving. The courts are not protecting them either while the situation with county sheriffs and their lucrative fees is a further sad indictment as we discuss this event 100 years later.

Deputy Catherine Murphy: I wish to share time with Deputy Eamon Ryan.

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

Deputy Catherine Murphy: The general election of 1918 was a central aspect of a process which led to Irish independence. Not only did we see the franchise extended to some women in that year, we saw it extended also to a huge number of men who had never voted before. The result was in large part a legacy of the events of 1916 and the First World War when heavily resisted attempts to introduce conscription in Ireland had been made. Attempts were also made to conscript 1916 internees at Frongoch internment camp in Wales and those were also resisted through effective handling by the prisoners, in particular the camp commandant, Michael Staines, who subsequently stood and was elected in 1918. My grandfather, who was also an internee at Frongoch, was his director of elections. Frongoch was dubbed "the university of revolution" where prisoners were prepared for release through a major push to reorganise and strengthen the volunteers. Women played a huge role in the aftermath of the Rising through fundraising and supporting the families of internees. Many of those women who did not qualify to vote on age and income grounds worked actively on the election campaign as can be seen from the military service records. The election result was no accident but was highly organised by a cohesive movement. While the election elected people to a parliament which did not, in effect, exist, the optimism regarding what could be created must have been a major influence on the result. The democratic programme of the First Dáil was short, visionary and inclusive. It declared that the nation's sovereignty extended not only to all men and women of the nation, but to all its material possessions. It reaffirmed that all right to private property must be subordinated to the public right and welfare. It went on to say "It shall be the first duty of the Government of the Republic to make provision for the physical, mental and spiritual well-being of the children, to secure that no child shall suffer hunger or cold from lack of food, clothing, or shelter". While much has been achieved in the last century, often in very difficult circumstances, the fact that we have a significant problem with homelessness and childhood poverty in 2018 is a major failure. It should also be a regret that we never built the republic aspired to in the Democratic Programme. Who would have thought 100 years ago that the War of Independence and Civil War would follow, that women would have been so written out of history, and

that the war to end all wars would be followed by the Second World War?

Deputy Eamon Ryan: That violent spark in 1916 set the flame of nationalist ambition which set up this democratic institution. The people who did that wrote the title deeds of the House in which we stand today. They opened the door for women to have a role in Irish public life for the first time. The work which has been done by the Vótáil 100 committee and by the women’s caucus has been useful in reminding us of the need to open that door ever wider. It is true that in the first 50 years as Members concentrated and looked inwards to set up the Constitution, to keep this House safe, and to make it stand, the door closed slightly on female emancipation, though no more than slightly.

Equally and worryingly, at the same time 2 million of our people closed the door as they left and took the boat to different parts of the world. We managed to turn our country around, however, through the work that was done in those first few years and through the building blocks which were laid, including an unarmed police force thanks to Mr. Michael Staines; an independent Judiciary; a free press; and this democratic House as the cornerstone of every decision that has been made. We can be proud of that, of what has happened to this country, and of what we have done in the past 100 years.

We need to go back further again, however, and look back to our deeper republican roots. Perhaps we should go back 200 years and ask what does it benefit us to be a country, a people and a Parliament in solidarity with peoples all over the world, particularly those suffering oppression or hardship, if we are still so alienated and removed from our own cousins, the Dissenting and Protestant traditions which exist up the road from us? Should it not be set as our goal for this House and our country to open up and reconcile the divide which still exists from that day?

We have done well. It was said the other day at a meeting in the Royal Irish Academy attended by a number of our most famous and best historians. My assessment of their assessment was that this democratic, constitutional Republic of ours has served our people well. We have to open the door to further equality, fraternity, female emancipation, and a new economy that lights a new flame for our times.

International Protection (Family Reunification) (Amendment) Bill 2017 [Seanad]: Second Stage (Resumed) [Private Members]

An Leas-Cheann Comhairle: I must now deal with a postponed division relating to Second Stage of the International Protection (Family Reunification) (Amendment) Bill 2017, taken on Thursday, 6 December 2018. On the question, “That the Bill be now read a Second Time”, a division was claimed and in accordance with Standing Order 70(2) that division must be taken now.

Question again put: “That the Bill be read a Second Time.”

<i>The Dáil divided: Tá, 78; Níl, 39; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Aylward, Bobby.</i>	<i>Bailey, Maria.</i>	
<i>Barry, Mick.</i>	<i>Barrett, Seán.</i>	

Dáil Éireann

<i>Boyd Barrett, Richard.</i>	<i>Breen, Pat.</i>	
<i>Brady, John.</i>	<i>Brophy, Colm.</i>	
<i>Brassil, John.</i>	<i>Bruton, Richard.</i>	
<i>Breathnach, Declan.</i>	<i>Byrne, Catherine.</i>	
<i>Broughan, Thomas P.</i>	<i>Canney, Seán.</i>	
<i>Buckley, Pat.</i>	<i>Cannon, Ciarán.</i>	
<i>Burton, Joan.</i>	<i>Carey, Joe.</i>	
<i>Butler, Mary.</i>	<i>Collins, Michael.</i>	
<i>Byrne, Thomas.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Cahill, Jackie.</i>	<i>Coveney, Simon.</i>	
<i>Calleary, Dara.</i>	<i>D'Arcy, Michael.</i>	
<i>Casey, Pat.</i>	<i>Deasy, John.</i>	
<i>Chambers, Jack.</i>	<i>Deering, Pat.</i>	
<i>Chambers, Lisa.</i>	<i>Doherty, Regina.</i>	
<i>Collins, Joan.</i>	<i>Durkan, Bernard J.</i>	
<i>Collins, Niall.</i>	<i>English, Damien.</i>	
<i>Connolly, Catherine.</i>	<i>Farrell, Alan.</i>	
<i>Coppinger, Ruth.</i>	<i>Fitzgerald, Frances.</i>	
<i>Cowen, Barry.</i>	<i>Flanagan, Charles.</i>	
<i>Crowe, Seán.</i>	<i>Griffin, Brendan.</i>	
<i>Curran, John.</i>	<i>Heydon, Martin.</i>	
<i>Daly, Clare.</i>	<i>Humphreys, Heather.</i>	
<i>Doherty, Pearse.</i>	<i>Kehoe, Paul.</i>	
<i>Donnelly, Stephen S.</i>	<i>Kyne, Seán.</i>	
<i>Ellis, Dessie.</i>	<i>Lowry, Michael.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Madigan, Josepha.</i>	
<i>Fitzpatrick, Peter.</i>	<i>McHugh, Joe.</i>	
<i>Funchion, Kathleen.</i>	<i>McLoughlin, Tony.</i>	
<i>Gallagher, Pat The Cope.</i>	<i>Mitchell O'Connor, Mary.</i>	
<i>Grealish, Noel.</i>	<i>Murphy, Eoghan.</i>	
<i>Harty, Michael.</i>	<i>Naughton, Hildegarde.</i>	
<i>Haughey, Seán.</i>	<i>O'Donovan, Patrick.</i>	
<i>Healy, Seamus.</i>	<i>O'Dowd, Fergus.</i>	
<i>Howlin, Brendan.</i>	<i>Phelan, John Paul.</i>	
<i>Kelleher, Billy.</i>	<i>Ring, Michael.</i>	
<i>Kenny, Gino.</i>	<i>Stanton, David.</i>	
<i>Kenny, Martin.</i>	<i>Zappone, Katherine.</i>	
<i>Lahart, John.</i>		
<i>Lawless, James.</i>		
<i>Martin, Catherine.</i>		
<i>McDonald, Mary Lou.</i>		
<i>McGrath, Mattie.</i>		

<i>McGrath, Michael.</i>		
<i>McGuinness, John.</i>		
<i>Mitchell, Denise.</i>		
<i>Moynihan, Aindrias.</i>		
<i>Munster, Imelda.</i>		
<i>Murphy O'Mahony, Margaret.</i>		
<i>Murphy, Catherine.</i>		
<i>Murphy, Eugene.</i>		
<i>Murphy, Paul.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Brien, Jonathan.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Keeffe, Kevin.</i>		
<i>O'Loughlin, Fiona.</i>		
<i>O'Reilly, Louise.</i>		
<i>O'Sullivan, Jan.</i>		
<i>O'Sullivan, Maureen.</i>		
<i>Ó Broin, Eoin.</i>		
<i>Ó Caoláin, Caoimhghín.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Ó Snodaigh, Aengus.</i>		
<i>Penrose, Willie.</i>		
<i>Pringle, Thomas.</i>		
<i>Quinlivan, Maurice.</i>		
<i>Rabbitte, Anne.</i>		
<i>Ryan, Brendan.</i>		
<i>Ryan, Eamon.</i>		
<i>Scanlon, Eamon.</i>		
<i>Shortall, Róisín.</i>		
<i>Smith, Brendan.</i>		
<i>Smith, Bríd.</i>		
<i>Stanley, Brian.</i>		
<i>Troy, Robert.</i>		
<i>Wallace, Mick.</i>		

Tellers: Tá, Deputies Clare Daly and Mick Wallace; Níl, Deputies Seán Kyne and Tony McLoughlin.

Question declared carried.

International Protection (Family Reunification) (Amendment) Bill 2017 [Seanad]: Referral to Select Committee [Private Members]

An Ceann Comhairle: As this is a Private Members' Bill, it must, under Standing Orders 84A(3)(a) and 141, be referred to a select committee. The relevant committee is the Select Committee on Justice and Equality.

Deputy Clare Daly: I move:

That the Bill be referred to the Select Committee on Justice and Equality pursuant to Standing Orders 84A(3)(a) and 141.

Question put and agreed to.

Statute of Limitations (Amendment) Bill 2018: Second Stage (Resumed) [Private Members]

An Ceann Comhairle: I must now deal with a postponed division relating to Second Stage of the Statute of Limitations (Amendment) Bill 2018, taken on Tuesday, 11 December 2018. On the question, "That the Bill be now read a Second Time", a division was claimed and in accordance with Standing Order 70(2) that division must be taken now.

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

<i>The Dáil divided: Tá, 78; Níl, 39; Staon, 2.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Aylward, Bobby.</i>	<i>Bailey, Maria.</i>	<i>Collins, Joan.</i>
<i>Barry, Mick.</i>	<i>Barrett, Seán.</i>	<i>O'Sullivan, Maureen.</i>
<i>Boyd Barrett, Richard.</i>	<i>Breen, Pat.</i>	
<i>Brady, John.</i>	<i>Brophy, Colm.</i>	
<i>Brassil, John.</i>	<i>Bruton, Richard.</i>	
<i>Breathnach, Declan.</i>	<i>Burke, Peter.</i>	
<i>Broughan, Thomas P.</i>	<i>Byrne, Catherine.</i>	
<i>Buckley, Pat.</i>	<i>Canney, Seán.</i>	
<i>Burton, Joan.</i>	<i>Cannon, Ciarán.</i>	
<i>Butler, Mary.</i>	<i>Carey, Joe.</i>	
<i>Byrne, Thomas.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Cahill, Jackie.</i>	<i>Coveney, Simon.</i>	
<i>Calleary, Dara.</i>	<i>D'Arcy, Michael.</i>	
<i>Casey, Pat.</i>	<i>Deasy, John.</i>	
<i>Chambers, Jack.</i>	<i>Deering, Pat.</i>	
<i>Chambers, Lisa.</i>	<i>Doherty, Regina.</i>	
<i>Collins, Michael.</i>	<i>Doyle, Andrew.</i>	
<i>Collins, Niall.</i>	<i>Durkan, Bernard J.</i>	
<i>Connolly, Catherine.</i>	<i>English, Damien.</i>	

<i>Coppinger, Ruth.</i>	<i>Farrell, Alan.</i>	
<i>Cowen, Barry.</i>	<i>Fitzgerald, Frances.</i>	
<i>Crowe, Seán.</i>	<i>Flanagan, Charles.</i>	
<i>Curran, John.</i>	<i>Griffin, Brendan.</i>	
<i>Daly, Clare.</i>	<i>Heydon, Martin.</i>	
<i>Doherty, Pearse.</i>	<i>Humphreys, Heather.</i>	
<i>Donnelly, Stephen S.</i>	<i>Kehoe, Paul.</i>	
<i>Ellis, Dessie.</i>	<i>Kyne, Seán.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Lowry, Michael.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Madigan, Josepha.</i>	
<i>Funchion, Kathleen.</i>	<i>McHugh, Joe.</i>	
<i>Gallagher, Pat The Cope.</i>	<i>McLoughlin, Tony.</i>	
<i>Grealish, Noel.</i>	<i>Mitchell O'Connor, Mary.</i>	
<i>Haughey, Seán.</i>	<i>Murphy, Eoghan.</i>	
<i>Healy, Seamus.</i>	<i>Naughton, Hildegarde.</i>	
<i>Howlin, Brendan.</i>	<i>O'Donovan, Patrick.</i>	
<i>Kelleher, Billy.</i>	<i>O'Dowd, Fergus.</i>	
<i>Kenny, Gino.</i>	<i>Phelan, John Paul.</i>	
<i>Kenny, Martin.</i>	<i>Ring, Michael.</i>	
<i>Lahart, John.</i>	<i>Stanton, David.</i>	
<i>Lawless, James.</i>		
<i>Martin, Catherine.</i>		
<i>McDonald, Mary Lou.</i>		
<i>McGrath, Mattie.</i>		
<i>McGrath, Michael.</i>		
<i>McGuinness, John.</i>		
<i>Mitchell, Denise.</i>		
<i>Moynihan, Aindrias.</i>		
<i>Munster, Imelda.</i>		
<i>Murphy O'Mahony, Margaret.</i>		
<i>Murphy, Catherine.</i>		
<i>Murphy, Eugene.</i>		
<i>Murphy, Paul.</i>		
<i>Nolan, Carol.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Brien, Jonathan.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Keefe, Kevin.</i>		
<i>O'Loughlin, Fiona.</i>		
<i>O'Reilly, Louise.</i>		
<i>O'Rourke, Frank.</i>		
<i>O'Sullivan, Jan.</i>		

<i>Ó Broin, Eoin.</i>		
<i>Ó Caoláin, Caoimhghín.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Ó Snodaigh, Aengus.</i>		
<i>Penrose, Willie.</i>		
<i>Pringle, Thomas.</i>		
<i>Quinlivan, Maurice.</i>		
<i>Rabbitte, Anne.</i>		
<i>Ryan, Brendan.</i>		
<i>Ryan, Eamon.</i>		
<i>Scanlon, Eamon.</i>		
<i>Shortall, Róisín.</i>		
<i>Smith, Brendan.</i>		
<i>Smith, Bríd.</i>		
<i>Stanley, Brian.</i>		
<i>Troy, Robert.</i>		
<i>Wallace, Mick.</i>		

Tellers: Tá, Deputies Jack Chambers and John Lahart; Níl, Deputies Seán Kyne and Tony McLoughlin.

Question declared carried.

2 o'clock

Statute of Limitations (Amendment) Bill 2018: Referral to Select Committee [Private Members]

An Ceann Comhairle: As this is a Private Members' Bill, it must, under Standing Orders 84A and 141, be referred to a select committee. The relevant committee for this Bill is the Select Committee on Health.

Deputy Jack Chambers: I move:

That the Bill be referred to the Select Committee on Health pursuant to Standing Orders 84A(3)(a) and 141.

Question put and agreed to.

Anti-Evictions Bill 2018: Second Stage (Resumed) [Private Members]

An Ceann Comhairle: I must now deal with a postponed division relating to Second Stage of the Anti-Evictions Bill 2018, taken on Wednesday, 12 December 2018. On the question, "That the Bill be now read a Second Time", a division was claimed and in accordance with Standing Order 70(2) that division must be taken now.

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

<i>The Dáil divided: Tá, 45; Níl, 39; Staon, 34.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Barry, Mick.</i>	<i>Bailey, Maria.</i>	<i>Aylward, Bobby.</i>
<i>Boyd Barrett, Richard.</i>	<i>Barrett, Seán.</i>	<i>Brassil, John.</i>
<i>Brady, John.</i>	<i>Breen, Pat.</i>	<i>Breathnach, Declan.</i>
<i>Broughan, Thomas P.</i>	<i>Brophy, Colm.</i>	<i>Butler, Mary.</i>
<i>Buckley, Pat.</i>	<i>Bruton, Richard.</i>	<i>Byrne, Thomas.</i>
<i>Burton, Joan.</i>	<i>Burke, Peter.</i>	<i>Cahill, Jackie.</i>
<i>Collins, Joan.</i>	<i>Byrne, Catherine.</i>	<i>Calleary, Dara.</i>
<i>Collins, Michael.</i>	<i>Canney, Seán.</i>	<i>Casey, Pat.</i>
<i>Connolly, Catherine.</i>	<i>Cannon, Ciarán.</i>	<i>Chambers, Jack.</i>
<i>Coppinger, Ruth.</i>	<i>Carey, Joe.</i>	<i>Chambers, Lisa.</i>
<i>Crowe, Seán.</i>	<i>Corcoran Kennedy, Marcella.</i>	<i>Collins, Niall.</i>
<i>Daly, Clare.</i>	<i>Coveney, Simon.</i>	<i>Cowen, Barry.</i>
<i>Doherty, Pearse.</i>	<i>Creed, Michael.</i>	<i>Curran, John.</i>
<i>Ellis, Dessie.</i>	<i>D'Arcy, Michael.</i>	<i>Donnelly, Stephen S.</i>
<i>Fitzmaurice, Michael.</i>	<i>Deasy, John.</i>	<i>Fleming, Sean.</i>
<i>Fitzpatrick, Peter.</i>	<i>Deering, Pat.</i>	<i>Haughey, Seán.</i>
<i>Funchion, Kathleen.</i>	<i>Doherty, Regina.</i>	<i>Kelleher, Billy.</i>
<i>Healy, Seamus.</i>	<i>Durkan, Bernard J.</i>	<i>Lahart, John.</i>
<i>Howlin, Brendan.</i>	<i>English, Damien.</i>	<i>Lawless, James.</i>
<i>Kenny, Gino.</i>	<i>Farrell, Alan.</i>	<i>McGrath, Michael.</i>
<i>Kenny, Martin.</i>	<i>Fitzgerald, Frances.</i>	<i>McGuinness, John.</i>
<i>Martin, Catherine.</i>	<i>Flanagan, Charles.</i>	<i>Moynihan, Aindrias.</i>
<i>McDonald, Mary Lou.</i>	<i>Grealish, Noel.</i>	<i>Murphy O'Mahony, Margaret.</i>
<i>McGrath, Mattie.</i>	<i>Griffin, Brendan.</i>	<i>Nolan, Carol.</i>
<i>Mitchell, Denise.</i>	<i>Heydon, Martin.</i>	<i>O'Brien, Darragh.</i>
<i>Munster, Imelda.</i>	<i>Humphreys, Heather.</i>	<i>O'Callaghan, Jim.</i>
<i>Murphy, Catherine.</i>	<i>Kehoe, Paul.</i>	<i>O'Keeffe, Kevin.</i>
<i>Murphy, Paul.</i>	<i>Kyne, Seán.</i>	<i>O'Loughlin, Fiona.</i>
<i>O'Brien, Jonathan.</i>	<i>Lowry, Michael.</i>	<i>O'Rourke, Frank.</i>
<i>O'Reilly, Louise.</i>	<i>Madigan, Josepha.</i>	<i>Ó Cuív, Éamon.</i>
<i>O'Sullivan, Jan.</i>	<i>McHugh, Joe.</i>	<i>Rabbitte, Anne.</i>
<i>O'Sullivan, Maureen.</i>	<i>McLoughlin, Tony.</i>	<i>Scanlon, Eamon.</i>
<i>Ó Broin, Eoin.</i>	<i>Mitchell O'Connor, Mary.</i>	<i>Smith, Brendan.</i>
<i>Ó Caoláin, Caoimhghín.</i>	<i>Murphy, Eoghan.</i>	<i>Troy, Robert.</i>
<i>Ó Snodaigh, Aengus.</i>	<i>Naughton, Hildegard.</i>	
<i>Penrose, Willie.</i>	<i>O'Donovan, Patrick.</i>	
<i>Pringle, Thomas.</i>	<i>O'Dowd, Fergus.</i>	
<i>Quinlivan, Maurice.</i>	<i>Phelan, John Paul.</i>	

<i>Ryan, Brendan.</i>	<i>Stanton, David.</i>	
<i>Ryan, Eamon.</i>		
<i>Shortall, Róisín.</i>		
<i>Smith, Bríd.</i>		
<i>Stanley, Brian.</i>		
<i>Tóibín, Peadar.</i>		
<i>Wallace, Mick.</i>		

Tellers: Tá, Deputies Ruth Coppinger and Mick Barry; Níl, Deputies Seán Kyne and Tony McLoughlin.

Question declared carried.

Anti-Evictions Bill 2018: Referral to Select Committee [Private Members]

Deputy Ruth Coppinger: I move:

That the Bill be referred to the Select Committee on Housing, Planning and Local Government pursuant to Standing Orders 84A(3)(a) and 141.

Question put and agreed to.

Consumer Credit (Amendment) Bill 2018: Second Stage (Resumed) [Private Members]

The following motion was moved by Deputy Pearse Doherty on Wednesday, 12 December 2018: “That the Bill be now read a Second Time.”

Debate resumed on amendment No. 1:

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

Dáil Éireann resolves that the Consumer Credit (Amendment) Bill 2018 be deemed to be read a second time this day twelve months, in order to allow for completion of the Department of Finance’s examination of University College Cork’s report, ‘Interest Rate Restrictions on Credit for Low-income Borrowers’, which was launched by the Social Finance Foundation (SFF), and engagement by the Department with stakeholders, including through the Personal Micro Credit Taskforce set up by the SFF.

(Minister of State at the Deputy of Finance, Deputy Michael D’Arcy).

An Ceann Comhairle: I must now deal with a postponed division relating to Second Stage of the Consumer Credit (Amendment) Bill 2018 which took place on Wednesday, 12 December 2018. On the question, “That the amendment to the motion be made”, a division was claimed, and in accordance with Standing Order 70(2), that division must be taken now.

Amendment again put:

<i>The Dáil divided: Tá, 38; Níl, 79; Staon, 1.</i>

<i>Tá</i>	<i>Níl</i>	<i>Stáon</i>
<i>Bailey, Maria.</i>	<i>Aylward, Bobby.</i>	<i>McGrath, Mattie.</i>
<i>Barrett, Seán.</i>	<i>Barry, Mick.</i>	
<i>Breen, Pat.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Brophy, Colm.</i>	<i>Brady, John.</i>	
<i>Bruton, Richard.</i>	<i>Brassil, John.</i>	
<i>Burke, Peter.</i>	<i>Breathnach, Declan.</i>	
<i>Byrne, Catherine.</i>	<i>Broughan, Thomas P.</i>	
<i>Canney, Seán.</i>	<i>Buckley, Pat.</i>	
<i>Cannon, Ciarán.</i>	<i>Burton, Joan.</i>	
<i>Carey, Joe.</i>	<i>Butler, Mary.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Byrne, Thomas.</i>	
<i>Coveney, Simon.</i>	<i>Cahill, Jackie.</i>	
<i>D'Arcy, Michael.</i>	<i>Calleary, Dara.</i>	
<i>Deasy, John.</i>	<i>Casey, Pat.</i>	
<i>Deering, Pat.</i>	<i>Chambers, Jack.</i>	
<i>Doherty, Regina.</i>	<i>Chambers, Lisa.</i>	
<i>Durkan, Bernard J.</i>	<i>Collins, Joan.</i>	
<i>English, Damien.</i>	<i>Collins, Michael.</i>	
<i>Farrell, Alan.</i>	<i>Collins, Niall.</i>	
<i>Fitzgerald, Frances.</i>	<i>Connolly, Catherine.</i>	
<i>Flanagan, Charles.</i>	<i>Coppinger, Ruth.</i>	
<i>Griffin, Brendan.</i>	<i>Cowen, Barry.</i>	
<i>Heydon, Martin.</i>	<i>Crowe, Seán.</i>	
<i>Humphreys, Heather.</i>	<i>Curran, John.</i>	
<i>Kehoe, Paul.</i>	<i>Daly, Clare.</i>	
<i>Kyne, Seán.</i>	<i>Doherty, Pearse.</i>	
<i>Lowry, Michael.</i>	<i>Donnelly, Stephen S.</i>	
<i>Madigan, Josepha.</i>	<i>Ellis, Dessie.</i>	
<i>McHugh, Joe.</i>	<i>Fitzmaurice, Michael.</i>	
<i>McLoughlin, Tony.</i>	<i>Fitzpatrick, Peter.</i>	
<i>Mitchell O'Connor, Mary.</i>	<i>Fleming, Sean.</i>	
<i>Murphy, Eoghan.</i>	<i>Funchion, Kathleen.</i>	
<i>Naughton, Hildegard.</i>	<i>Grealish, Noel.</i>	
<i>O'Donovan, Patrick.</i>	<i>Haughey, Seán.</i>	
<i>O'Dowd, Fergus.</i>	<i>Healy, Seamus.</i>	
<i>Phelan, John Paul.</i>	<i>Howlin, Brendan.</i>	
<i>Ring, Michael.</i>	<i>Kelleher, Billy.</i>	
<i>Stanton, David.</i>	<i>Kenny, Gino.</i>	
	<i>Kenny, Martin.</i>	
	<i>Lahart, John.</i>	
	<i>Lawless, James.</i>	

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	<i>Martin, Catherine.</i>	
	<i>McDonald, Mary Lou.</i>	
	<i>McGrath, Michael.</i>	
	<i>McGuinness, John.</i>	
	<i>Mitchell, Denise.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Munster, Imelda.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Murphy, Catherine.</i>	
	<i>Murphy, Eugene.</i>	
	<i>Murphy, Paul.</i>	
	<i>Nolan, Carol.</i>	
	<i>O'Brien, Jonathan.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Keeffe, Kevin.</i>	
	<i>O'Loughlin, Fiona.</i>	
	<i>O'Reilly, Louise.</i>	
	<i>O'Rourke, Frank.</i>	
	<i>O'Sullivan, Jan.</i>	
	<i>O'Sullivan, Maureen.</i>	
	<i>Ó Broin, Eoin.</i>	
	<i>Ó Caoláin, Caoimhghín.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>Ó Snodaigh, Aengus.</i>	
	<i>Penrose, Willie.</i>	
	<i>Pringle, Thomas.</i>	
	<i>Quinlivan, Maurice.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ryan, Brendan.</i>	
	<i>Ryan, Eamon.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Shortall, Róisín.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smith, Bríd.</i>	
	<i>Stanley, Brian.</i>	
	<i>Tóibín, Peadar.</i>	
	<i>Troy, Robert.</i>	
	<i>Wallace, Mick.</i>	

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

Amendment declared lost.

13 December 2018

Question, "That the Bill be now read a Second Time", put and declared carried.

Consumer Credit (Amendment) Bill 2018: Referral to Select Committee [Private Members]

Deputy Pearse Doherty: 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 141.

Question put and agreed to.

Sitting suspended at 2.20 p.m. and resumed at 3 p.m.

Local Government Bill 2018: Order for Report Stage

Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan): I move: "That Report Stage be taken now."

An Leas-Cheann Comhairle: Is that agreed?

Deputy Noel Grealish: On a point of order, my amendment No. 34 has been ruled out of order by the Ceann Comhairle but this amendment was debated on Committee Stage. Why was it ruled out of order when we were able to discuss it on Committee Stage? A vote was also taken on it on that Stage.

An Leas-Cheann Comhairle: Perhaps we can-----

Deputy Catherine Connolly: On the same point of order, I tabled three amendments and the same answer has been given. In a short letter from the Ceann Comhairle the reasons given are that they have the potential to impose a charge on the Exchequer and are against the principle of the Bill. Clearly our amendments are against the principle of the Bill. We do not agree with the Bill as it relates to Galway. This type of language - that it is against the principle of the Bill - beggars belief. We are absolutely against the spirit and words of the Bill in respect of Galway city and county.

An Leas-Cheann Comhairle: Amendment No. 34 seeks to delete section 50, which proposes a single chief executive officer with dual responsibility for Galway city and Galway county. The retention of the two posts rather than the single post may impose a charge on the Revenue and the deletion of one of the aims of the Bill is in conflict with the Bill as read a Second time. In short, the amendment imposes a charge on the Exchequer and it has been ruled out of order for that reason in accordance with Standing Order 179(3). It is in conflict with the Bill as read a Second Time and it was ruled out of order for that reason in accordance with Standing Order 154.

Deputy Noel Grealish: I do not believe that. The Minister of State made it clear that money would be given to the local authorities. The amendment should not have been ruled out of order. We should be allowed to debate it given that we debated it on Committee Stage.

Deputy Anne Rabbitte: It was discussed yesterday at the budgetary meeting in Galway County Council with regard to the funding that is coming forward. That funding is ring-fenced for what is happening with the single executive.

Deputy Catherine Connolly: I do not understand the reasoning behind the explanation. None of this was said on Committee Stage even though it was discussed on that Stage. The Minister of State was present. If there were bona fides about local democracy, this would have been pointed out on Committee Stage. In fact, it will cost money to do this so none of it makes sense. What else were we to table? We are opposed to the spirit and detail of the Bill with regard to Galway city and county and, therefore, we asked for the provision to be removed.

Deputy Michael Fitzmaurice: Clarification is required. We all attended the Committee Stage debate. How is it the amendment could be accepted for debate on Committee Stage and was not ruled out of order? Can anybody clearly state what rules are different on Committee Stage when it can be ruled out of order on this Stage? We are discussing the same Bill and the same amendments.

Deputy Noel Grealish: I seek further clarification. The letter states that it is a cost to the Exchequer but it is not because two chief executives are *in situ* in Galway who are paid for by the Exchequer. The Bill, if passed, proposes that there will be one chief executive officer. The two chief executive officers are *in situ*. We seek a proper debate in the House but we are being treated unfairly on this.

Deputy Catherine Connolly: With regard to the potential to impose a charge on the Exchequer, it has serious potential to save charges on the Exchequer. We could easily argue from the other direction. This has come from nowhere. It leads me to seriously question the bona fides of the Government in this regard.

An Leas-Cheann Comhairle: I will make a decision shortly. I call Deputy Darragh O'Brien.

Deputy Darragh O'Brien: I support my colleagues on this point on the basis that the amendment opposing the section was discussed on Committee Stage. With regard to the ruling, I have advised the Minister of State of our position on this. It should be allowed to be debated. Unless the Minister of State comes forward with an alternative to allow the views of colleagues to be debated, we will have to look at the Bill in its entirety.

An Leas-Cheann Comhairle: The Deputy knows from experience that amendments ruled out of order by the Ceann Comhairle cannot be debated. It is a ruling of the Ceann Comhairle regarding amendment No. 34, not a ruling of the Minister of State or the Government.

Deputy Darragh O'Brien: It might not be a question the Leas-Cheann Comhairle can answer, but could I get the staff's advice regarding amendments in the Seanad? Will the same ruling apply when the Bill goes to the Seanad if the section were to be opposed in an amendment?

An Leas-Cheann Comhairle: That is a matter for the Seanad.

Deputy Darragh O'Brien: Yes, but I am seeking guidance.

An Leas-Cheann Comhairle: The guidance is that it would be a matter for the Cathaoirleach of the Seanad. The Seanad will have to do its own business but that may be an opportunity.

Deputy Anne Rabbitte: The Leas-Cheann Comhairle used the word “may”. There may be an opportunity.

An Leas-Cheann Comhairle: I cannot speak for the Cathaoirleach of the Seanad.

Deputy Darragh O’Brien: We are saying that the section would have to be debated on Committee Stage in the Seanad.

Deputy John Paul Phelan: Members will table amendments.

Deputy Darragh O’Brien: My concern is that the amendment tabled in this House has been ruled out of order, apparently because of a potential charge on the Exchequer. However, this section would have to be examined and debated in the Seanad-----

Deputy John Paul Phelan: It will.

Deputy Darragh O’Brien: -----regardless of whether an amendment is tabled.

Deputy John Paul Phelan: Yes.

Deputy Catherine Connolly: It is not acceptable to leave the Dáil without clarity on this matter. We thought it was clear in the committee. Neither I nor my colleagues are members of that committee but we took the time to attend Committee Stage. We did our homework before we went there and we debated the issue. At no stage was this highlighted. This decision is open to serious question. The ruling says it is against the principle of the Bill. What kind of reason is that? Clearly our amendment is in conflict with the principle of the Bill.

Second, with regard to the potential charge, there are two CEOs at present. That is the current position. This is unacceptable at this point in the process, and we are getting what is almost waffle with regard to what is possible in the Seanad.

Deputy Thomas P. Broughan: I wish to raise a separate matter, the ruling out of order of amendments Nos. 12, 13 and 16 in my name. The Ceann Comhairle says they have the potential to impose a charge on the Exchequer. The people of the four local authorities in Dublin are crying out for an elected mayor or leader who will be held accountable and responsible for grotesque failures in housing policy, traffic management, planning and in a plethora of other areas. Dublin city, Fingal, south Dublin and Dún Laoghaire - my native county - desperately need an elected person to lead the county and this great capital city. As the Fianna Fáil Government did previously, this Fine Gael Government has refused to countenance the idea of consulting the people of Dublin about having their own elected administration. We desperately need one. We are sick of bureaucrats not delivering. That is what these amendments propose. I cannot see how a simple consultation has the potential to impose a charge. I apologise to my Galway colleagues as I realise their issue is critical but I also wish to record that as a Dublin Deputy, I am most unhappy that the Government has repeatedly refused to do this.

An Leas-Cheann Comhairle: There will be an opportunity when discussing the various amendments. Perhaps I am out of order in allowing a debate on the issue before we come to amendment No. 34. My advice is that the Ceann Comhairle has ruled that it would impose a charge on the Exchequer and that it was the section that was voted on on Committee Stage, not the amendment.

Deputy Noel Grealish: On a point of order, can the Leas-Cheann Comhairle give a com-

mitment that this section can be debated in the Seanad?

An Leas-Cheann Comhairle: I cannot.

Deputy Noel Grealish: Can somebody give us a ruling on this?

An Leas-Cheann Comhairle: I am quite sure that by the time-----

Deputy Noel Grealish: This thing which was circulated at the council meeting yesterday by Mr. Lemass in the Department was a disgrace.

An Leas-Cheann Comhairle: -----we get to amendment No. 34-----

Deputy Noel Grealish: We need to have a proper debate on this.

An Leas-Cheann Comhairle: I am sure that by the time we get to amendment No. 34 all Members with connections in the Seanad will be able to clarify if it can be dealt with in that House. I am not the Cathaoirleach or the Leas-Chathaoirleach of the Seanad, and I cannot deal with that.

Deputy Éamon Ó Cuív: Could I comment on a point of order?

An Leas-Cheann Comhairle: Just on a point of order.

Deputy Éamon Ó Cuív: It took a lot of us by surprise that the section was opposed on Committee Stage. Normally if something happens on Committee Stage, one can return to it on Report Stage. If that is the ruling of the House, we must accept it but if that is the way it is going to be - it was not taken out on Committee Stage so it could not be taken out on Report Stage - then that is a pity. We have to look at the way standing orders work to make sure Members are warned on Committee Stage that if something falls on Committee Stage, it cannot come back on Report Stage. If we had known this, the result on Committee Stage might have been different.

An Leas-Cheann Comhairle: Deputies will have to talk to their colleagues. Perhaps we could have some clarity from Members by the time we get to amendment No. 34.

Question put and agreed to.

Local Government Bill 2018: Report and Final Stages

An Leas-Cheann Comhairle: Amendments Nos. 1 and 2 are related and may be discussed together.

Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan): I move amendment No. 1:

In page 6, line 17, to delete “the map” and substitute “the map (a true copy of which was laid before each House of the Oireachtas on 25 July 2018)”.

Amendments Nos. 1 and 2 relate to section 2, which is the interpretation section. They are drafting amendments that move text relating to the deposited map in respect of the relevant area. They both refer to Cork and the definition of deposited maps. It is a drafting change on

page 6 of the Bill in lines 17, 31 and 32 to correct the way the Bill is drafted.

Amendment agreed to.

Deputy John Paul Phelan: I move amendment No. 2:

In page 6, lines 31 and 32, to delete “(a true copy of which was laid before each House of the Oireachtas on 25 July 2018)”.

Amendment agreed to.

Deputy John Paul Phelan: I move amendment No. 3:

In page 7, line 22, after “*subsection (3)*” to insert “and *section 41*”.

This amendment is to section 3 of the Bill, which relates to regulation. It is for the purpose of including a plebiscite regulation, made under section 41 as part of the exception to section 3(4), which provides that regulations made under the Bill just require to be laid before, rather than approved by resolution of, the Houses. The amendment is needed because section 41 regulations require an approving resolution before they can be made.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 4 to 7, inclusive, and amendment No. 9 are related and may be discussed together.

Deputy John Paul Phelan: I move amendment No. 4:

In page 14, line 33, to delete “*subsection (3)*” and substitute “*subsection (1)*”.

Amendments Nos. 4 to 7, inclusive, are technical amendments to substitute subsection (1) for the four subsection (3) references in section 16. It relates to the transfer of staff in the local authorities in Cork. The relevant provision was originally in section 16(3) but amendment No. 26 on Committee Stage deleted subsections (1) to (3), inclusive, and replaced them with a single subsection (1). It had been assumed that the updating of the references would happen automatically but because it did not, I propose the four technical amendments Nos. 4 to 7, inclusive.

Amendment No. 9 is a drafting correction to section 24(7), which refers to the annual contribution by city council to county council, to replace the reference to that section with that subsection because paragraph (b) referred to is in subsection (1).

Amendment agreed to.

Deputy John Paul Phelan: I move amendment No. 5:

In page 14, line 40, to delete “*subsection (3)*” and substitute “*subsection (1)*”.

Amendment agreed to.

Deputy John Paul Phelan: I move amendment No. 6:

In page 15, line 2, to delete “*subsection (3)*” and substitute “*subsection (1)*”.

Amendment agreed to.

Deputy John Paul Phelan: I move amendment No. 7:

In page 15, line 16, to delete “*subsection (3)*” and substitute “*subsection (1)*”.

Amendment agreed to.

Deputy Eamon Ryan: I move amendment No. 8:

In page 17, between lines 9 and 10, to insert the following:

“(c) the arrangements that should be made by the Cork local authorities for subsequent reviews of the Cork boundary alteration taking account of development and proposed development in the administrative area of the county council;”.

I hope this amendment provides room for a slightly wider debate on the whole issue of how we manage this new boundary treatment for Cork city and county. I am nervous because Cork Deputies would, obviously, have a much better knowledge of the issue than I would. However, I have sufficient knowledge of the city to see what has gone wrong in Cork. It is probably one of the worst examples of depopulation of a city centre with the sprawl ever outwards, the ever lengthening commute times and under-population in the city. It also has this very dysfunctional boundary that has existed between the county and the city where the county placed development without consideration of the impact on the city. As happened in Dublin and elsewhere, both jurisdictions were competing for rates space. That needs to stop and it needs to change. Cork is grinding to a halt, as are all our cities, with gridlock. It needs to start concentrating development again for social, environmental and economic reasons. This amendment would seek that in any review mechanism of the boundaries and the issue of what type of development is taking place would be looked at, and that a check would be put, in particular on the county, on using the new arrangements to continue the old ways of doing things where they were really ignoring the need for a strategic balance in how the city develops versus the county and *vice versa*. The amendment sets out the specific clause that consideration of what is happening in area development, especially by the county, is a key issue in the consideration of boundaries to try to put a check on that potential for continued, atrocious and unsustainable planning in the Cork city and county areas. I hope the Minister of State will accept the amendment.

Deputy Michael Collins: I would like to speak to the amendment. Deputy Ryan is well able to speak on behalf of the people of Cork, especially as he come down to my parish to get married. I would never doubt his good intentions for the people of Cork.

The Bill will have detrimental consequences for people living in County Cork and in the constituency I represent. I have no doubt about this. I have brought this matter up time and again, including on Committee Stage with amendments I tabled and in a motion I tabled in the Dáil last year, which surprisingly got no support from any Cork Deputies, even though most of them are representing County Cork and the areas that are totally opposed to the boundary extension. This Bill is being rushed through the Dáil. On Committee Stage, some of my amendments were ruled out of order, which I found a bit strange. Other Deputies found this with regard to Galway. We are not getting enough time to debate this issue, which is very serious issue. While we might have the time to debate it now, it is like chariots with horses racing through to make sure they get across the line. On the way, tens of thousands of people will be affected.

I firmly believe the financial settlement needs to be for at least 15 years so the county can continue to grow. Anything less than that - and there is talk of reviews taking place within the first few months - will be detrimental. Reviews could affect any compensation package not already in place. It is like signing a blank cheque at the moment. We do not know what the county is going to get or what the real terms and conditions are. We felt from the initial discussions that it was going to be over a number of years. I gather that this is changing and it could be just a number of months before there are reviews. We need to have assurances that if Cork City Council is unable or unwilling to make a financial settlement, the Minister of State would guarantee that payment through his Department. We cannot find ourselves in a situation where Cork County Council and Cork City Council head into court to fight this. It will create further unnecessary disagreements between two parties that need to work together for the betterment of city and county. Rural areas such as Blarney and Tower have said through their local representatives that they do not want to be taken in under the city expansion. This is being forced against them no matter what discussions have taken place at council level. The message relayed back to me is that Cork County Council completely opposes this. That includes every councillor from Fine Gael, Fianna Fáil and across the political spectrum, but they are all being ignored. Democracy is completely gone out the window here. The Government is railroading this through regardless. Approximately 6,000 signatures were handed in from the people of Ballincollig and its surrounds opposing this but they went missing and cannot be found now. This city boundary could lead to major losses in the county that I represent, where ten businesses have closed in the past two months. I am not going to go through them again as I have often raised those issues here between post offices, pubs, schools and whatever. That is rural Ireland and County Cork is haemorrhaging badly. While I accept that the cities might be building and progressing well, counties are not. In this situation County Cork is not.

We do not know what kind of compensation package is going to be put in place. We do not know for how long or what guarantees are being put in place. Cork County Council and the people of Cork county are being forced to accept a blank cheque, which will have detrimental effects going forward. It is a complete and utter land grab and nothing else. I found very few people who support it but the support unfortunately came from the powers that be within Fine Gael and Fianna Fáil. They should not have supported it. They should have spoken to their councillors on the ground. It is the very same as the local authority boundary changes. We are not allowed speak about them at committee level, we are not allowed speak about them in here when Courtmacsherry, Timoleague and all those areas have been taken out without the consent of the people. The majority of the people said they wanted to stay in the Clonakilty-Skibbereen electoral area but they were moved and did not have a say. More and more, as time goes on, people's voices are not being listened to in this country. The majority of people and the local councillors are not being listened to and this is going to have a detrimental effect. I refer to the expansion of Cork city to the detriment of the county; a local boundary change for a local authority; the Castletownbere transportation plan to which people are totally opposed; and the Skibbereen plastic factory where I am going to attend a meeting later this evening. In all these cases the people feel as if their voices are not being heard.

The Minister of State has to give assurances at least if this is railroaded through and I as an elected representative have no say in it. The powers that be have decided it is a *fait accompli* and a job done; they just want to get it across the line quick, keep their mouths shut and move on. That might be the kind of politics they want but it is not the kind of politics that the people on the ground want or what councillors and Fine Gael supporters want. I tabled a motion in the House last year opposing this but I received no support from any Deputy from Cork. I knew

what damage it was going to cause to my county and I certainly could not support anything like it. If the city council is unable or unwilling to make a financial settlement for 15 years, will the Minister of State guarantee that his Department will make it?

Deputy John Paul Phelan: There are two very different issues. I will not accept the amendment but the points Deputy Eamon Ryan made are correct. The sections about Cork are included in this Bill primarily because of the issues the Deputy raised concerning the city centre being hollowed out. While much of the development of Cork in the past 30 years has happened outside the existing city boundary, to the outside observer and many public representatives who are not from Cork, that area is naturally in Cork city. There are large suburbs such as Glanmire on the north side and Togher and others on the south side which are contiguous with Cork city and which should, therefore, be in the same local authority area.

Regarding metropolitan governance in recent years, Deputy Buckley will know about the Cork area strategic plan, CASP, under which the two local authorities examined strategic planning in the areas that crossed boundaries between city and county. The metropolitan area strategic plans, which are part of the national planning framework, will provide a governance system for future development, not just within the Cork boundary as extended by this legislation, but in the catchment area outside so that the doughnut effect does not happen again. A paper will go to Cabinet shortly, I hope, on the issue of metropolitan governance itself. Currently, the Southern Regional Assembly, which is a large body stretching from Wicklow to Clare and covering everything south of that line, has responsibility for regional planning strategies. Something that is being actively considered is a dedicated part of that authority to examine Cork's planning structures into the future, not just in respect of zonings but also the transportation and retail strategies. The land use and transportation strategy, LUTS, document goes back many years and is probably well out of date now, which is why this metropolitan governance paper is being prepared. We need a national plan on how those areas will be dealt with in the future and need to ensure that where plans are out of date they will be updated.

In response to Deputy Michael Collins, nothing could be further from the truth in respect of his allegation of it being rammed through. I entered this House in 2011 and the process of reviewing the boundary between Cork city and county started at end of that year. The discussion started many years previously but in 2011, the formal process started of reports, engagement with local authorities at membership and management level, engagement with the Department and with every sort of stakeholder in Cork, particularly with people trading in the city and the county. The point we are at today is, hopefully, one of the end points in an official process that has been going on for the past eight or nine years and an argument that has gone on for 20 years.

I understand the Deputy's position when he says it is bad for Cork but it was not accidental that no other Cork Deputy voted for his motion when it came before the House. They disagree with him and people are entitled to disagree with one another on these issues and on any other issue. In response to the specific question he raised, we accepted a number of amendments on Committee Stage along the lines of what he is saying. There was a perception in County Cork that the financial settlement could be reviewed after a number of months. The Deputy said it should be 15 years and we are saying that a review mechanism will be available after ten years. That mechanism will involve both local authorities and whoever is in my role at the time. It is a significant change from what was in the first draft and relates specifically to the points the Deputy and others raised on Second Stage. On the Deputy's suggestion that I must guarantee the financial settlement, notwithstanding recent events in other places, I cannot personally guarantee any financial settlements. What we did include and what was raised, I think by Deputy

Ó Broin, on Committee Stage, is the issue of contract debt. That is a legal term to provide that the city council will have to pay the money in the future and if it does not, the county council has recourse to the same process as every citizen and organisation in the State to pursue the debt in the courts. That is why that phrase is included. Those two issues, which are legitimate concerns, were already addressed on Committee Stage.

Deputy Michael Collins referred to Blarney and Tower. I am familiar with the views of many people in those areas. I was not responsible for drawing the map. If we start unpicking different parts of it now, the necessary boundary change would fall apart. Blarney and Tower were included by the experts who were part of this group. I refute the Deputy's reference to the local electoral boundaries in west County Cork. I have received many emails from his constituents recently which indicate that his efforts have not fallen on deaf ears. An independent commission is established with no politician, former politician or anyone connected to a political party on it. It comprises statisticians, people from university political faculties and individuals with experience in local government. The Minister gives them the job of drawing up boundaries. They have made some decisions of which I cannot make head or tail.

I come from a little parish of 2,000 on the border of Kilkenny and Wexford. For the first time in the history of the State, at the next local election half of that parish will vote in the Thomastown electoral area in Kilkenny and the other half will vote in the electoral area we were always in, namely, that of Piltown. I do not agree with that. If my neighbours asked me to interfere with an independent process, I would have to inform them that I am not breaking the law. I have to say the same to the Deputy. I do not know the boundaries as intimately as he does and I have no doubt that there are legitimate concerns. However, I will not interfere with the independent process to draw up the electoral boundaries in west County Cork.

Deputy Denis Naughten: The Minister of State might clarify an issue of geography when he responds. I think it is the Waterford boundary he is quite close to.

Deputy John Paul Phelan: No. I was born on the Wexford boundary. I worked in Tipperary. I am a boundary boy.

Deputy Denis Naughten: I will not get involved in geography.

Deputy David Cullinane: The Deputy should not mention the war.

Deputy Denis Naughten: I know; I will not get involved in that one.

The Minister of State has clarified the issue on the compensation package in place between Cork City Council and Cork County Council. Cork is the biggest county in Ireland. As a result of Cork's geographic size, there was good reason to have two administrative bodies. As the Minister of State is aware, the exact opposite view was taken on the second biggest county in Ireland, namely, Galway. Unfortunately, or perhaps quite smartly, the Long Title of the Bill includes reference to the chief executive of Galway. This meant that amendments, including amendment No. 34, could not be debated on Report Stage. There is significant concern that while there is clarity on the compensation package for Cork City Council and Cork County Council, this is not the case regarding Galway, where there are significant financial concerns which have been highlighted to the Minister of State. This issue has been ongoing for a number of years. If it is moved to a unified local authority without addressing the fundamental issues of representation - remember this is the second biggest county in Ireland - and more importantly the issue of funding, this project will come a cropper. While the legislation outlines in great

detail the provisions for Cork, it does not address the issues relating to Galway. However, there is a definitive provision to the effect that there will be a single unified local authority because there will be a single chief executive to operate that. That was the concern raised in the context of amendment No. 34. It is important that the local authorities have clarification on access to resources which are critical for the functioning of both local authorities and a future single local authority in County Galway.

Deputy John McGuinness: I have listened to the debate today and I listened to what was said on Committee Stage. While I am not familiar with all the boundaries and local electoral areas involved, it is proposed to extend Cork city, taking in all the developments around the city and having the administrative areas as the Minister of State has outlined. Neither the Department nor the Minister of State seems to have a clear single vision as to how local authorities should function. The argument put forward for the extension of Cork city is an argument the Minister of State denied to Kilkenny city. I challenged him on this previously. While I was not here for his response, I read it in the local newspaper, that there was no authority council in Kilkenny city.

Deputy John Paul Phelan: City council.

Deputy John McGuinness: The Minister of State should stop dancing on the head of a pin. We had a corporation - an urban council. It struck its own rates and it was central to the economic development of the city and county. We had one manager who was the city and county manager. In the context of the description from local government, it may not have fitted that description of a council within the city, but at the same time there is a city and there are developments all around that city. The borough boundary, as it was known then, should really be extended in the same way as is being done in Cork. The city should not stand on its own but be part of the total administrative structure for the city and the county.

While the Minister of State is making the argument for Cork in the way he is, he spoke against that very argument previously. From what he is saying, it appears that there is no overall plan for the development of cities or urban centres and allowing them the recognition they deserve in the context of their population and growth. That is what happening in Kilkenny and the reverse is happening in Cork. The Minister of State refuses to deal not just with Kilkenny but with other similar centres. Why is that the case? Why did the Minister of State previously state that he was opposed to that notion? In principle, he is now addressing the same thing in the context of Cork. That does not make sense.

As Deputy Naughten stated, it does not make sense that there is no attempt to deal overall with not only the administration but also the boundaries and the election of public representatives. No effort is being made to bring back a level of local democracy throughout the country. The Minister of State spoke about the centre of cities being boarded up, etc. However, as he drives through Kilkenny, surely he can also see that the nature of High Street has changed, and that small towns and villages have changed. They need major investment to restore them to something like what they used to be while at the same time keeping up with modern developments and so on.

The same question arises with planning. When the planning authority was with Kilkenny Corporation - Kilkenny urban council - it had a direct input. It was part of a membership of 12 and now it is part of a membership of 24. The manner in which the Minister of State is bringing forward this Bill is not right. It is an ill-thought out plan that will affect the whole country. The

Government should go back to the drawing board, back to all of the good things that were happening in local authorities and restore the democratic process at local level in every city, county and urban centre, acknowledging the current growth patterns and projections for future growth. I encourage the Government to do that because as it weakens local democracy and it detaches the democratic process from the people. As we have seen in France and other places around the world, when that happens there is disquiet because there is no way of influencing the shape of a local community, city or county. The former Minister for the Environment, Community and Local Government, Phil Hogan, divided a city in two before he left for Europe. He introduced a whole new rural part to electoral areas. It was impossible to administer and impossible for local public representatives to engage in a meaningful way with those who elected them. I encourage the Minister of State to go back and look at this again and to learn from the mistakes of the past. In that way, we can avoid making the same mistakes with Cork and Galway. The Minister of State must listen to all of the stakeholders, particularly the local communities, in order to establish what they want. We make decisions here and often exclude the most central stakeholders, namely the local communities and businesses. The Minister of State must provide leadership on this.

An Leas-Cheann Comhairle: I remind Deputies that while amendment No. 8 is focused on Cork, it is relevant to other areas around the country.

Deputy Eamon Ryan: The Minister has said that all is well and that a strategic approach has been worked out but I will give an example of my concerns here. I am not exactly sure where the rural area of Monard fits in *vis-à-vis* the border between city and county but I know that a planning application was submitted to develop a 1,000 acre greenfield site for homes for 13,000 people. An Bord Pleanála approved the plan. The development was supposed to have a rail link but there is nothing in the national development plan about an extension spur off the Cork-Mallow railway line in order to provide sustainable transport. There are plans to upgrade the road network, however, which will mean an additional 10,000 people driving into Cork from north of the city. This is yet another example of the unsustainable planning that Cork has experienced for decades. While I hear the Minister of State saying that there are new mechanisms in place to avoid the mistakes of the past, this project was approved only two years ago by An Bord Pleanála but the national development plan contains no provision for rail infrastructure. Back in 2016, Monard was part of the county area and was celebrating this as a win over the city. This type of thing is still going on.

The Minister of State said that he agreed with the arguments I made but did not explain why he could not accept my amendment. The amendment is not very contentious. It simply provides that the review would look closely at this type of development practice. Why would the Minister of State oppose an amendment with which he agrees?

Deputy Michael Collins: In his reply the Minister of State said that discussions have been going on since 2011. I was elected to this House in 2016 and before that I was a member of Cork County Council. If discussions have been going on at ground level, why was the Government not listening to the councillors? They are the people at ground level to whom the Minister of State should be listening. I was listening to the councillors and that is why I tabled an amendment here. I want to stop this from going ahead because the councillors, from Fine Gael and from all parties and none, are telling us that this is not going to work and that it represents a bad deal for the county of Cork. Nobody listened to the councillors and as the Minister of State said, nobody listened to me in this House either. Sadly, no-one from Cork listened to me in here. Deputies from Galway, Kerry, Tipperary and Dublin supported me but no-one from

Cork supported me because the Tánaiste and the leader of a certain political party wag the tail. We are now left to pick up the pieces here.

The Minister of State said that there is no guarantee that the Department will pay going forward if the city is unable to pay. The only action that will be possible is to take the matter to court. Cork county could be facing the terrible situation of getting involved in a massive court case against the city. It is quite possible that will happen. The redrawing of the map to include Blarney and Tower is just another example of collar and tie pencil pushers drawing maps without consulting people. The Minister of State referred to the local authority and spoke about people with university experience but nobody has more experience than the people on the ground. Some councillors were able to tell people 12 months in advance that this was going to happen and how it was going to happen. How could that happen? Where is the democracy in that? The Minister of State has said that he does not want to interfere but he is entitled to do so. He can choose not to accept the recommendation that will result in the people of Ring, Timoleague, Courtmacsherry, Darrara and Lislevane being taken out of an electoral area in which they want to remain. I ask the Minister of State to consider that carefully because it is totally undemocratic.

Deputy John Paul Phelan: Deputy Naughten spoke about the financial issues in Galway, of which I am acutely aware. The Bill refers only to the appointment of a single chief executive, which was the situation in Galway until the mid 1980s. Indeed, as Deputy McGuinness outlined, the same situation existed in Kilkenny until much later. We are still retaining two separate corporate bodies. That is why the issues relating to Cork in terms of compensatory packages are for the Galway Bill, which will be brought before the House in the middle of 2019. The next local government Bill will be primarily concerned with the merger of the two Galway authorities but the provisions in this Bill are not concerned with that. The provisions relate to the appointment of a single manager or chief executive but not to a merger of the corporate bodies. The two issues are different in the context of this Bill.

In response to Deputy McGuinness, in 1979, the year after I was born, he was elected as a member of what was then Kilkenny Corporation. He kept referring to it in his comments as a city council but it was not a city council. The Deputy may describe that as dancing on the head of a pin but I would describe it as demonstrating a level of obsessive compulsive disorder *vis-à-vis* the terminology used for whatever corporate bodies existed at a given time. I do not accept at all the arguments put forward by Deputy McGuinness and others about inconsistency. The issue here is that in Kilkenny there are 100,000 people and it is perfectly reasonable to think that we should have one local authority there. Deputy McGuinness believes that people in Kilkenny city should have two ballot papers whereas I believe that everyone in County Kilkenny should get one ballot paper in a local election. I call that democracy whereas the view of Deputy McGuinness is probably based on a Victorian hangover from what was there in the construction of local government in Ireland-----

Deputy John McGuinness: I will tell them that. I am sure they will appreciate the Minister of State's point.

Deputy John Paul Phelan: We will never agree on that. The difference between Cork and Galway is that in Galway city and county we are talking about a population of just over 300,000 people but in Cork city and county, the population is heading for 1 million. This is not about geographic size but about people. I have had so many meetings with representatives from Galway at which Deputy Ó Cuív makes the case for additional councillors in Connemara

but councillors represent people, not rocks. The same principle applies with local authorities. They are based on population. The allocation of councillors and the location of local authorities should be based on the population of an area. Some of the local authorities in Dublin have populations that are well in excess of the combined population of Galway city and county.

In response to Deputy Eamon Ryan, he outlined the situation in Monard which is still in the county area. He is correct that approval was granted two years ago but one of the purposes of the metropolitan governance piece which is being prepared now as part of the national planning framework is to ensure that those types of scenarios do not happen again.

Deputy Eamon Ryan: I welcome the Minister of State's indication that he will review the example of ongoing bad practice that I outlined, which is not a minor example, in the light of this legislation. There are also other examples.

I return to my simple question. The Minister of State seems to agree with the intent of the amendment. Why is it not agreed in wording? It does not have any financial or other implications but rather sets out a broad policy approach with which he seems to agree. I hope he reconsiders and accepts the amendment.

Deputy John Paul Phelan: I will not reconsider-----

An Leas-Cheann Comhairle: The Minister of State has no further opportunity to speak on the amendment.

Amendment put:

<i>The Dáil divided: Tá, 27; Níl, 55; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Barry, Mick.</i>	<i>Aylward, Bobby.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Bailey, Maria.</i>	
<i>Brady, John.</i>	<i>Barrett, Seán.</i>	
<i>Broughan, Thomas P.</i>	<i>Breathnach, Declan.</i>	
<i>Buckley, Pat.</i>	<i>Breen, Pat.</i>	
<i>Collins, Joan.</i>	<i>Bruton, Richard.</i>	
<i>Collins, Michael.</i>	<i>Burke, Peter.</i>	
<i>Crowe, Seán.</i>	<i>Byrne, Catherine.</i>	
<i>Cullinane, David.</i>	<i>Byrne, Thomas.</i>	
<i>Ellis, Dessie.</i>	<i>Canney, Seán.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Cannon, Ciarán.</i>	
<i>Funchion, Kathleen.</i>	<i>Carey, Joe.</i>	
<i>Grealish, Noel.</i>	<i>Casey, Pat.</i>	
<i>Harty, Michael.</i>	<i>Chambers, Jack.</i>	
<i>Howlin, Brendan.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Kenny, Martin.</i>	<i>Coveney, Simon.</i>	
<i>Martin, Catherine.</i>	<i>Cowen, Barry.</i>	
<i>Mitchell, Denise.</i>	<i>D'Arcy, Michael.</i>	
<i>Munster, Imelda.</i>	<i>Deasy, John.</i>	

Dáil Éireann

<i>O'Sullivan, Jan.</i>	<i>Deering, Pat.</i>	
<i>Ó Broin, Eoin.</i>	<i>Doherty, Regina.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Donnelly, Stephen S.</i>	
<i>Quinlivan, Maurice.</i>	<i>Durkan, Bernard J.</i>	
<i>Ryan, Brendan.</i>	<i>English, Damien.</i>	
<i>Ryan, Eamon.</i>	<i>Farrell, Alan.</i>	
<i>Stanley, Brian.</i>	<i>Fitzgerald, Frances.</i>	
<i>Wallace, Mick.</i>	<i>Fitzpatrick, Peter.</i>	
	<i>Flanagan, Charles.</i>	
	<i>Griffin, Brendan.</i>	
	<i>Haughey, Seán.</i>	
	<i>Heydon, Martin.</i>	
	<i>Humphreys, Heather.</i>	
	<i>Kehoe, Paul.</i>	
	<i>Kelleher, Billy.</i>	
	<i>Kyne, Seán.</i>	
	<i>Lawless, James.</i>	
	<i>Madigan, Josepha.</i>	
	<i>McGrath, Finian.</i>	
	<i>McGrath, Michael.</i>	
	<i>McGuinness, John.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Naughten, Denis.</i>	
	<i>Naughton, Hildegarde.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Loughlin, Fiona.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ring, Michael.</i>	
	<i>Smith, Brendan.</i>	
	<i>Stanton, David.</i>	

Tellers: Tá, Deputies Eamon Ryan and Jan O'Sullivan; Níl, Deputies Seán Kyne and Tony McLoughlin.

Amendment declared lost.

4 o'clock

Deputy John Paul Phelan: I move amendment No. 9:

In page 23, line 12, to delete “section” and substitute “subsection”.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 10 to 17, inclusive, have been ruled out of order because they impose a charge on the Revenue.

Amendments Nos. 10 to 17, inclusive, not moved.

Deputy Darragh O’Brien: I move amendment No. 18:

In page 36, line 4, after “Oireachtas” to insert “in accordance with the result of the plebiscite”.

This amendment calls for the insertion of “in accordance with the result of the plebiscite”. I am interested in the Minister of State’s response. I opposed this section on Committee Stage and that is the reason I tabled the amendment.

Section 44 deals with the report to the Houses of the Oireachtas. It states:

The Minister shall, in respect of each administrative area in respect of which a plebiscite is held in accordance with this Part and not later than 2 years from the day appointed under subsection (2) of section 40, prepare and submit to both Houses of the Oireachtas either—

(a) a report specifying proposals for the enactment of a law providing for a directly elected mayor for such administrative area, or

(b) a report specifying the reasons for his or her not preparing and submitting a report under paragraph (a).

It makes no reference whatsoever to the result of the plebiscite. As I said on Committee Stage, this suggests to me that if in the areas where a plebiscite for a directly elected mayor is held and the public decide they did not want a directly elected mayor, the Minister could proceed with the report for a law providing for a directly elected mayor and, conversely, paragraph (b) also refers to “a report specifying the reasons for his or her not preparing and submitting a report under paragraph”, which means the Minister could effectively ignore a plebiscite. If the public decide they want a directly elected mayor a future Minister could decide not to proceed with their wish. That is the reason my Fianna Fáil colleagues and I have submitted an amendment to the effect that after “Oireachtas” we would insert “in accordance with the result of the plebiscite”.

Deputy Jan O’Sullivan: I support the amendment. It makes complete sense that one would decide in accordance with the result of the plebiscite.

Amendment No. 17, which is in my name, was ruled out of order because it conflicts with the principles of the Bill not because it was a cost on the Exchequer. I want to get clarity from the Minister of State on the issue. He said in response to a previous amendment that a paper is going to the Cabinet on metropolitan governance. The reason for my amendment is that I wanted to ensure there would be a draft Bill before people vote on a plebiscite so that they would know what the functions of a directly elected mayor would be, and that they would know how the directly elected mayor would interact with elected members, the executive and other bodies operating within the administrative area. I do not understand why the amendment was

ruled out of order. I did not bring it up previously because I did not want to interrupt the flow of the debate on the Galway issue. I raise it now while supporting Deputy O'Brien's amendment. Could the Minister of State clarify that the public will know what they are voting for when they vote in the plebiscite in terms of what kind of functions and relationships the directly elected mayor will have.

Prior to the most recent referendum the heads of the Bill were produced so that people knew when they were voting in the referendum what sort of legislation they were going to get after their decision was made. In a similar spirit, in voting for a plebiscite on whether to have a directly elected mayor in their city, people would know what the directly elected mayor would do.

Deputy John Paul Phelan: In response to Deputy O'Brien, I am not in a position to bind my successor. Not alone that, but the result of the plebiscite will require a Government decision to move to the stage of legislating to enact to provide for the position. A plebiscite is different from a referendum by nature anyway. Deputy O'Brien might be familiar with the referendum in 1979 to extend the franchise for the university constituencies in the Seanad but it was never enacted. Since then, the legislation on holding referendums has been worded differently. The plebiscites will require further Government action, and I might not be part of the Government. I might be on the backbenches. I am not in a position to tie the hands of a future Government decision. I understand the point underlying Deputy O'Brien's amendment but I do not think it is feasible. If the electorates in the four areas vote for a directly elected mayor, it will not be politically feasible for whoever is Minister at the time not to act upon that and to report within the two years, as is provided for in the legislation.

In response to Deputy O'Sullivan, we discussed the matter at length on Committee Stage. The next step in the process of holding the plebiscites will be a memo to be discussed and, hopefully, approved by the Cabinet in the new year on the exact functions of a directly elected mayor and what his or her relationship will be with councillors and the executive. Before the memo goes to the Government, I committed to having a debate in this House and in the other House. I do not care how long that takes. I do not think there is any big difference of opinion. My view is that we should give the maximum possible powers to a directly elected mayor, but that would exclude the hiring and firing powers and would exclude certain planning functions in relation to tribunals and inquiries we have had previously. Before we produce a draft I am open to hearing the views of Members in both Houses and for people to have their say, subject to the agreement of the Business Committee of both Houses. We get very little time for local government issues because it is not one of those obviously pertinent or important issues. This is a substantial democratic question and I have no problem allowing as much time as is necessary for debates in both Houses in advance of the memo being prepared and discussed by the Cabinet. Once it is discussed by the Cabinet then a decision will be made by the Government and the memo will be the basis of the question that is put to the people.

Deputy O'Brien is correct: we have explained in the course of the debate on the Bill, and in the amendments that have been accepted on Committee Stage, that the local authorities in question will be required not later than 30 days before the holding of a plebiscite to distribute the information on what the position is. I would expect all the political parties to be knocking on people's doors at that stage for local and European elections at least, and referendums. In some areas people will have five ballot papers, which is a lot, but that is a whole other question. People will have time in advance to establish their party positions on the questions being asked and to campaign on the issues. It is not an unreasonable suggestion. I have nothing to do with the amendment being ruled out of order. We will get to discuss the issue if the Business Com-

mittees agree. There is no reason we cannot do it very early at the start of the new Dáil term, because generally that is the time when a slot might be available for such a discussion on what kind of directly elected mayors we want.

Deputy Darragh O'Brien: I am not trying to tie anyone's hands but I am trying to make sure that the will of the people, as expressed in the plebiscite, is reflected in the reports made by any future Government.

The Minister of State said it would not be politically feasible for someone to ignore that. I understand that a plebiscite is different from a referendum. I agree that it is important that we specify that any report that is brought should be in accordance with the vote taken by the people in the plebiscite because at the moment absolute discretion is afforded to the Minister either to bring a report that proposes to bring forward and enact legislation for directly elected mayors or not to do so, regardless of the outcome of the vote. That is how it reads and that is the issue I raised on Committee Stage. I want to tighten up the provision. I am not in any way trying to be difficult. I believe the amendment improves the Bill. I do not believe it ties anyone's hands. The amendment is in order and so it can be accepted. I went through the point at length on Committee Stage. I intend to press the amendment.

Deputy Eoin Ó Broin: I support Deputy O'Brien. His amendment is sensible. It makes no sense whatsoever to go to the effort of having a plebiscite and then to give the Minister of the day the option of ignoring the result of the plebiscite. If it is not politically feasible, then let us not allow it to be legally possible. On that basis I am more than happy to support the amendment.

I also wish to comment on the Minister of State's response to Deputy O'Sullivan. The repeal referendum was preceded by a Citizens' Assembly, a special Oireachtas committee and the heads of a Bill. A significant amount of work went into building the consensus so that when we were out campaigning on the referendum we had a clear sense of what the legislative framework would look like. I am concerned that a Cabinet memo produced in a short period would not be of the same order. We clearly said to the Minister of State at the Oireachtas committee that we are willing to work with him. I am sure that is the case also for Deputies across the Chamber who are not on the Joint Committee on Housing, Planning and Local Government. It is probably a bit ambitious to think that early in the new year there could be consultation with the Members and that we would agree in principle the shape of the devolution the Minister of State is talking about to such an extent that whatever memo goes to or comes from the Cabinet would get the approval of all sides of the House. As a result, we would be going into the plebiscites on a much less sure footing than we did in terms of the repeal referenda, when the heads of Bills had been published. I urge caution. Those of us spent a lot of time on the directly-elected mayoral fora in Dublin leading up to the non-plebiscite know how difficult it is to deal with this issue. If there is not clarity in terms of the powers and functions of the directly-elected mayors, that makes winning or losing the plebiscites much more complicated. I just want to throw that out as a caution. While we are still happy to work with the Minister of State, I am not sure he is going to be able to do what he has outlined he wants to do in the short period in advance of those plebiscites if this amendment is passed.

Deputy Jan O'Sullivan: I take the point the Minister of State is making regarding the fact there will be discussion in the chambers and so on. However, it is very important the general public also know what they are going to be voting for in the plebiscite. I would like reassurance that there will be time for public information after whatever happens in the Dáil and when

the memo goes to Cabinet. A plebiscite is not about party politics, it is about people making up their own minds about what kind of local government system they want. The functions of their directly-elected mayor will be very important in terms of people's perception of how they might vote. I am anxious the Minister of State would give us some reassurance that the public will have enough time for discussions in the various cities so they will be very clear they know what they are voting for in regard to whatever decision they make in the plebiscites that will be held.

Deputy John Paul Phelan: I do not particularly disagree with the points Deputy Darragh O'Brien is making but I am not in a position to unilaterally make a Government decision binding post plebiscite. I can only try to reassure him that my position is clear that if they are passed, there must be a report. The two-year period is just a maximum period. If they are passed, I would absolutely intend to have directly-elected mayoral elections held within 12 months.

There has been a lot of shilly-shallying on the issue, some of it for legitimate reasons and some not. I want to move to a position where every local authority in the country has a directly-elected head. It is all about rebalancing the relationship between the manager, as we used to call them in my day, and the chair. Pending the Government decision, this will have no impact on the functions that are reserved for the councillors, and they would still have to approve development plans and budgets and would still be responsible for the distribution of funds in the municipal districts. I am not talking about impacting on that relationship at all. At the same time, we have this Victorian-type system in Ireland where too much power rests in an unelected official. By and large, in the history of the State these officials have been very good people, but it is all about democratic control. This goes to what Deputy McGuinness referred to earlier, namely, giving power back. That is where the power is at local government level, and I am determined to rebalance that role.

I have spoken to the Chief Whip in respect of the Business Committee allowing time early in the new year. The first week back is the best week in both Houses because it tends to be less busy legislatively. I will stay all night in both Houses if I have to. This is the biggest reform of local government I could at this stage anticipate being able to contribute to in my time, and I am not going to exclude the opinions of any person. That is not say that, ultimately, all of us will agree at the end of the discussion. At the same time, I do not think there is actually much difference of opinion between Members on all sides of the House as to what the role should be.

Deputy Darragh O'Brien: I thank the Minister of State. I do not doubt his bona fides but my point is that it may not be him who is sitting in that chair in two years' time to decide how to move this on. I do not want to leave it to the discretion of a Minister. As this is written, it is discretionary. I agree with Deputy Jan O'Sullivan that we have to let people know this is something that will be seen through. That is why I intend to put the amendment. While respecting what the Minister of State has said and his own personal bona fides on this, the legislation should last into the future and it should not be dependent on any Minister's good grace whether a plebiscite is adhered to or respected, or not. Therefore, I must press the amendment.

Amendment put:

<i>The Dáil divided: Tá, 41; Níl, 35; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Brady, John.</i>	<i>Bailey, Maria.</i>	
<i>Breathnach, Declan.</i>	<i>Breen, Pat.</i>	

13 December 2018

<i>Broughan, Thomas P.</i>	<i>Bruton, Richard.</i>	
<i>Buckley, Pat.</i>	<i>Burke, Peter.</i>	
<i>Burton, Joan.</i>	<i>Byrne, Catherine.</i>	
<i>Butler, Mary.</i>	<i>Canney, Seán.</i>	
<i>Byrne, Thomas.</i>	<i>Cannon, Ciarán.</i>	
<i>Casey, Pat.</i>	<i>Carey, Joe.</i>	
<i>Chambers, Jack.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Collins, Joan.</i>	<i>Coveney, Simon.</i>	
<i>Cowen, Barry.</i>	<i>D'Arcy, Michael.</i>	
<i>Crowe, Seán.</i>	<i>Deering, Pat.</i>	
<i>Cullinane, David.</i>	<i>Doherty, Regina.</i>	
<i>Daly, Clare.</i>	<i>Durkan, Bernard J.</i>	
<i>Donnelly, Stephen S.</i>	<i>English, Damien.</i>	
<i>Ellis, Dessie.</i>	<i>Farrell, Alan.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Flanagan, Charles.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Griffin, Brendan.</i>	
<i>Funchion, Kathleen.</i>	<i>Heydon, Martin.</i>	
<i>Haughey, Seán.</i>	<i>Humphreys, Heather.</i>	
<i>Howlin, Brendan.</i>	<i>Kehoe, Paul.</i>	
<i>Kelleher, Billy.</i>	<i>Kyne, Seán.</i>	
<i>Kenny, Martin.</i>	<i>Madigan, Josepha.</i>	
<i>Lawless, James.</i>	<i>McGrath, Finian.</i>	
<i>McGuinness, John.</i>	<i>McLoughlin, Tony.</i>	
<i>Mitchell, Denise.</i>	<i>Murphy, Eoghan.</i>	
<i>Munster, Imelda.</i>	<i>Naughten, Denis.</i>	
<i>Murphy O'Mahony, Margaret.</i>	<i>Naughton, Hildegard.</i>	
<i>O'Brien, Darragh.</i>	<i>O'Connell, Kate.</i>	
<i>O'Brien, Jonathan.</i>	<i>O'Donovan, Patrick.</i>	
<i>O'Reilly, Louise.</i>	<i>O'Dowd, Fergus.</i>	
<i>O'Sullivan, Jan.</i>	<i>Phelan, John Paul.</i>	
<i>Ó Broin, Eoin.</i>	<i>Ring, Michael.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Stanton, David.</i>	
<i>Ó Cuív, Éamon.</i>	<i>Varadkar, Leo.</i>	
<i>Rabbitte, Anne.</i>		
<i>Ryan, Brendan.</i>		
<i>Ryan, Eamon.</i>		
<i>Smith, Brendan.</i>		
<i>Stanley, Brian.</i>		
<i>Wallace, Mick.</i>		

Tellers: Tá, Deputies Darragh O'Brien and Pat Casey; Níl, Deputies Seán Kyne and Tony McLoughlin.

Amendment declared carried.

Deputy John Paul Phelan: I move amendment No. 19:

In page 36, between lines 12 and 13, to insert the following:

“Amendment of Electoral Act 1992

46. The Act of 1992 is amended—

(a) in section 164, by the insertion in subsection (1) of—

(i) “, a plebiscite under *Part 6* of the *Local Government Act 2018*” after “local elections”, and

(ii) “, plebiscite” after “such election”,

and

(b) in section 165, by—

(i) the substitution of the following paragraph for paragraph (g) of subsection (1):

“(g) the poll at a plebiscite under *Part 6* of the *Local Government Act 2018*.”,

and

(ii) the insertion, in paragraph (f) of subsection (2), of “or plebiscite under *Part 6* of the *Local Government Act 2018*” after “in the case of a local election”.”.

Amendment No. 19 seeks to insert a new section in Part 6 of the Bill to amend sections 164 and 165 of the Electoral Act 1992 to include plebiscites under this Bill within those provisions. Section 164 provides for the making of “special difficulty” orders which will require to be put back in-----

(Interruptions).

An Leas-Cheann Comhairle: Ciúinas le do thoil. If Members wish to have meetings, I suggest they remove themselves from the Chamber.

Deputy John Paul Phelan: They will be required in Cork.

(Interruptions).

An Leas-Cheann Comhairle: I will suspend the House if Members are not respectful.

Deputy John Paul Phelan: It will be required to put back the publication and coming into effect of the new electoral registers that will apply in Cork City Council and Cork County Council for the local elections in May 2019 if the enactment and commencement of this Bill is delayed beyond the early part of the new year. It is merely a provision to allow for the publication of the registers in Cork to be put back if this Bill is not enacted early in 2019.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 20 to 33, inclusive, are related. Amend-

ments Nos. 22 to 30, inclusive, are physical alternatives to No. 21; amendment No. 23 is a physical alternative to No. 22; amendment No. 25 is a physical alternative

to No. 24; amendments Nos. 25 and 27 are consequential on No. 26; amendment No. 28 is consequential on No. 29; amendment No. 29 is consequential on No. 22 or No. 23; and amendment No. 30 is consequential on No. 25. Amendments Nos. 20 to 33, inclusive, may be discussed together by agreement.

Deputy Darragh O'Brien: I move amendment No. 20:

In page 36, to delete lines 15 to 35.

We had a very detailed debate on the urban area committees on Committee Stage. I thank the Minister of State for his engagement on this. Most of us agreed with the concept. It is a sizeable addition to the Bill at a late enough stage. I believe the Minister of State also recognises that. That was a particular concern which we discussed with my colleagues, Deputies Casey and Butler. If there are reforms to local government we want to ensure that local authorities which share boundaries, particularly in urban areas, work better together and that a better structure is put in place for that to happen. For that to happen we also need to make sure there is full consultation. As I said, we spent a great deal of time in the select committee debating this proposal and its merits. The manner in which it was introduced at a late stage has posed some difficulties. A lot needed to be teased out, particularly in the area of planning.

The Bill as it stands would give power to these urban area committees to produce local area plans that would supersede county development plans and which would be transposed. We debated this at length and discussed it with the Minister of State. I know there is a willingness to ensure proper democratisation within this, to ensure there would be oversight by the local authorities and that unelected people would not be sitting and voting on these committees, and to deal with the area of proportionality. This is also very important. We should not have one large local authority telling another smaller local authority what to do. There is a lot of merit in what the Minister of State brought to this Bill, though late in the game, but there are issues that need to be teased out. There are concerns in particular about the eight areas that have been selected. Colleagues of mine will discuss these concerns.

All of us who spoke on Committee Stage, including myself, Deputies Ó Broin, Casey and others, saw the merits in this concept and in ensuring local authorities work better together, particularly on the planning side, for the good of the citizens they serve and whom councillors represent. However, we cannot have a democratic deficit either. We need to make sure locally elected councillors are included in this process. From a planning perspective, we also have to make sure that committees are not set up which will supersede well-planned and sequenced local area plans and development plans. It is in that context that we tabled the amendments which seek to remove these sections.

I know the Minister of State has indicated a willingness to return and look at how this could be done better by way of separate legislation. That is a sensible approach. I hope the amendments we have tabled will be supported and that we can look at this again more comprehensively by way of separate legislation. I firmly believe that is what should have been done in the first place. The concept of urban area committees was too fundamental to be introduced through a Committee Stage amendment. We did our best to be constructive on this concept and to tease out the points on Committee Stage. That will help the process into the future, but we have

got to make sure the local authorities named in this Bill are also consulted and that the elected members on the ground are consulted. We can come back next year with more comprehensive legislation that ensures committees like these are set up on a statutory basis in urban areas to deal with shared services, but we must consult properly and widely on that.

Deputy Declan Breathnach: While I know the Minister of State has trouble on his own patch, I suggest that if he wants a rerun of the Battle of the Boyne between Louth and Meath or between Drogheda and its hinterland, not to mention the Leinster senior football final of 2010-----

Deputy Mattie McGrath: Louth was robbed.

Deputy Declan Breathnach: To be fair to him, I believe Deputy Fitzpatrick, who was then Louth manager, described it as a case of Dick Turpin without a mask. It would be the same-----

Deputy John Paul Phelan: Deputy Breathnach should not go there.

(Interruptions).

Deputy Patrick O'Donovan: The Deputy is in enough trouble.

Deputy Declan Breathnach: I am not going there at all.

Deputy Patrick O'Donovan: He has privilege in here.

Deputy Declan Breathnach: I am just making reference to what Deputy Fitzpatrick said in respect of the Louth-Meath senior championship final. All of that said, to suggest that a very small number of councillors from Drogheda - probably no more than four - along with a similar number from County Meath would decide the local area plan for Drogheda without reference to other members elected to represent Drogheda is undemocratic. The local area plan would then take precedence over the county development plan, which would be forced to follow the local area plan. I cannot see any role in that proposal for the rest of the Drogheda councillors, the other members of Louth County Council, or the executive, including professional planning staff. The recent boundary commission set up by the Minister of State's predecessor made a number of recommendations in respect of Drogheda including that the two local authorities in Louth and Meath should come together to jointly make a plan for the greater Drogheda area. This work is already under way. A review of the existing joint framework plan for the greater Drogheda area was carried out some years ago. I want to put those points on record and to remind the Minister of State of the old Irish phrase "Ní neart go cur le chéile". Supporting a cohesive approach to Drogheda's development is very important, but the method which is proposed is not fit for purpose. I am certainly in favour of any amendment to delete it.

Deputy Denis Naughten: I am going to take a contrary view to most of my colleagues here. To put this in context, we also have a boundary review report in Athlone. We have a very strong community campaign which is very much opposed to the proposed land grab of part of County Roscommon and its proposed incorporation into the province of Leinster and the county of Westmeath. The community was very motivated on this. The difficulty is that the boundary commission report that was completed set a bomb ticking in respect of the recommendation. While it did not recommend that part of County Roscommon be amalgamated into County Westmeath, it did lay down a condition that, if co-operation across the River Shannon and the county boundary was not instituted within a four-year period, the incorporation of Monksland,

County Roscommon, into County Westmeath would happen automatically. I cannot accept that. I need to flag to colleagues that this will come into force within the next 23 months because of the way this report was completed. The amendments brought in by the Minister of State on Committee Stage, which it is now proposed to delete, were brought in as a replacement for that ticking time bomb.

Local authority elections will take place within the next 23 months. It is difficult to see progress being made on this. While there always has been a willingness from the local authority members in the Athlone area to have a co-ordinated approach across the River Shannon, that has not been always the case across both local authorities. A person, who is on, for the sake of argument, the Mayo county boundary, has equal influence regarding the development of Athlone as a person who is on the Cavan county boundary. While the councillors locally were prepared to co-operate and work together, that was not always the case. The objective behind the urban area committee was to ensure a structure underpinned that co-operation and it replaced the recommendation on page 49 of the boundary commission report, which has caused much concern locally in Athlone. If that report remains in place, by the deletion of these particular sections, the co-operation that has been built up will be undermined and we will not see the progress that needs to be made.

Many of us here agree on the objective set out in Project Ireland 2040 that Athlone develop as a new emerging city and in that way to provide a counter balance to some of the other growth areas across the country and to give the heartlands region an opportunity to bring employment into the middle of the country which has not been the case to date. However, Athlone cannot develop without co-operation across the county boundary and the regional structures currently in place. A statutory footing is required to ensure such co-operation happens in reality. People would say that co-operation can happen anyway. We have seen in the past that where such co-operation was on a statutory basis that one of those committees ended up breaking up in disarray. While currently there is co-operation, it is on the basis that this would be put on a statutory footing.

I know I am a lone voice on this issue. Discussions have been ongoing. The key political parties are proposing that this would be put forward in separate legislation, but what happens to the recommendations on page 49 of the Athlone boundary report? I was given assurances that sections 46 and 47 of this legislation superseded the recommendations in that report, but if these sections are being removed from this legislation, what is the status of those recommendations? Are we back to a situation where a gun is being put to the heads of the councillors and officials in Roscommon County Council to co-operate or Monksland will be taken away? That should not be the case.

This legislation provides for equality of treatment regarding co-operation across boundaries. If that issue of equality is recognised in law, much progress can be made regarding engagement, but that equality has never been there to date. It has been always the case of one bigger local authority looking over the ditch at the other local authority. The solution put forward by the Minister of State's officials, the previous Government, and the former Minister, Deputy Alan Kelly, was to move the fence a little out and take in part of County Roscommon into County Westmeath. That has been the simple solution up to now. I am vehemently opposed to that, as are the people I represent in County Roscommon and the tens of thousands of people who signed that petition and got the support of every political party in this House at the time. How stands the position of the people who signed those petitions and were given commitments that they would not be shoehorned into County Westmeath because of a lack of equality of

treatment regarding engagement. This legislation, these amendments and these sections were to provide that specific protection. They were to ensure that the town of Athlone develops in a co-ordinated manner both in County Westmeath and in County Roscommon. It was not to benefit either local authority or the local community but to benefit the region as a whole. It was to attract people to the greater heartlands region, to bring investment into that region and to at long last provide a counter-balance to the investment which, historically, has taken place only on the edges of our island. I ask the Minister of State to clarify that for colleagues in the House.

Deputy Eoin Ó Broin: Like a number of colleagues, when these amendments were tabled late on Monday of last week, I was quite critical of them, given that they are substantive, that they propose significant changes to local government structures and powers, and that we were given them at such a late stage without adequate time for pre-legislative scrutiny or proper consideration. I acknowledge, however, the response of the Minister and his officials. He gave us a considerable amount of time last week, prior to Committee Stage, to go through this in detail. We had a very full discussion on Committee Stage and another detailed discussion with a number of members of the joint committee and others this week. While we are proposing the removal of Part 7 through these amendments, it is not because we do not accept the core principle behind what the Minister is seeking to do. Both on Committee Stage and in the subsequent discussion, all of us accepted that the intention behind the Minister's amendments is right. We have pledged to work with him on the separate legislation, which we believe can be done quite early next year, either attached to the Planning and Development (Amendment) Bill or in stand-alone legislation.

I want to address some of Deputy Naughten's concerns because he has not been privy to our considerations. His questions were directed to the Minister of State but to ensure he knows where we stand on that, and my comments will be reflective of those of many Opposition Deputies, we absolutely accept that in those 11 urban areas in particular which now cross county boundaries, we have to have a statutory requirement for a comprehensive plan and this has to involve elected members from that particular area. Leaving it to the voluntary co-operation of the local authorities will not work. It has not worked in the past, and there are many examples of that. Our concern was not that we did not want a statutory mechanism for doing this but that, given that we did not have adequate time to scrutinise the proposals and that there had not been in our view adequate consultation with elected members, sitting county managers or elected Members here, more time was required to get it right.

If it is any reassurance to Deputy Naughten, there is a commitment on the part of all the Opposition members of the Joint Committee on Housing, Planning and Local Government, where this will rest next year to get this done in advance of the local government elections, to provide for a statutory mechanism to do the very thing he is requiring. We had detailed informal discussions and I understand the Minister and his officials were very receptive to ways of improving what is in the Bill to ensure we get it right. Nobody is arguing this should not be done before the local elections. Nobody is arguing for the blocking of the statutory requirement. It is simply about ensuring it is done correctly. There is a case for removing it now and returning to it very early next year. We would more than welcome the input of those Deputies who are not members of our committee but who have a significant interest in this to ensure we get it right. In that way, when members are elected, and approximately 23 local authorities will be affected by this measure, they will understand clearly that there will be a statutory requirement for such a plan and a mechanism that puts it in place.

One of the concerns many of us had was that while it is right and proper to have a statutory

requirement for such a plan and a mechanism for co-ordination among councillors across two local authorities, we must ensure also that, for example, all elected members within the municipal districts affected by these plans get input into it. That is not provided for in the original proposal from the Minister. It is important that all members of those municipal districts would get a final say. The exact mechanisms have to be teased out. It is important that the way those elected members are appointed to any such committee in the future, how decisions are made in terms of the boundary that committee would examine, the specific nature of public consultation and involvement of different sectors of the community, including the community sector, which is not included in this Bill, would be properly taken into account.

5 o'clock

Deputies Casey and O'Brien and I were clear at the Select Committee on Housing, Planning and Local Government meeting that we want something that does what this intends to do. We think there is a much better way to do it. The Minister of State is meeting us halfway, which, to my understanding, is why he will accept amendments Nos. 20, 21, 31 and 32. We will make sure as much time is provided as is needed early next year by the Joint Committee on Housing, Planning and Local Government to facilitate the Minister, his officials and Deputies from all the affected areas who are not members so that we have it in place before the local elections.

Deputy Mary Butler: I welcome that the Minister of State will withdraw his amendments, which I believe are unworkable, and accept Opposition amendments. Using the example of Waterford and Kilkenny where the difficulties thrown up by boundary issues have been high profile in recent weeks, what was proposed in early stages would not work. The metropolitan area of Waterford city has a population of 47,000. The Ferrybank area of south Kilkenny has a population of 5,000. They were going to be represented by three councillors each, the chief executive of each local authority and four other people. This would have been difficult from the point of view of democracy and proportional representation. The proposed powers and functions up for consideration beggared belief, including the proposal that the local area plan could be overruled. It sent shockwaves through the local authorities, councillors and people affected. It generated a lot of mileage on the national and local airwaves, as one can imagine. I do not believe what was proposed is the correct solution for a collaborative approach going forward, but I believe we have to have an approach where local authorities can come together and work for the betterment of all the people who live in an area that straddles two different counties or districts. The proposal in its current form would only deepen the divide and drive a deeper wedge between both communities. That is the last thing we want. In practical terms, I do not know how this would have worked but I welcome that common sense has prevailed for now and that we will revisit this in the new year.

Deputy Fergus O'Dowd: This is an important discussion, even on this Stage of the Bill. I offer my sympathies to the Minister of State who is attempting to solve a problem which is a lively issue in my constituency. I concur with much of what Deputy Naughten said. I will give a factual example to show how unworkable what has been proposed is. Drogheda is in County Louth at the moment but a significant part of the town of Drogheda is in County Meath. The Central Statistics Office, CSO, states the town of Drogheda has a population of 42,000, which makes it the largest town in the country. It is not too far behind Waterford, which has approximately 52,000 to 53,000 people. We do not have a council. We have a significant development in east Meath, which is important to the town and to everybody. In an attempt to deal with this issue, both Louth and Meath county councils produced an area development plan for the areas that we are talking about.

Notwithstanding that the professional plan had buy-in from both councils, the district council in Meath overturned that and the law was that the local council had priority. The plan, which was appropriate and proper for the area, agreed by both councils, was overruled, and a builder's charter came into force instead. Hundreds of houses were built. They did not have planning permission at the time. We also had fights over where a certain football ground might go. We had rezoning of land which was going to be zoned for housing in one plan and not in another plan. There were stories of land valued at potentially millions of euro coming and going, toing and froing - not by Deputy Breathnach. That was the cynical operation that was being done at the back of all this. Out of that came things like out of town shopping centres. We all know that out of town shopping centres have destroyed the urban fabric and heart of our towns. There were out of town shopping centres outside Drogheda, in County Meath, given permission because Meath then gets the rates income. All of that codology has gone on for years, and not just in Drogheda but everywhere else as well.

It is time to put a stop to a council taking a significant advantage of a large adjoining population and putting in items which give it an income but destroy the fabric of the other town. It is also time that we put an end to a developer who was granted extensive planning permission on a condition from An Bord Pleanála that first and foremost the road network and roundabouts to manage traffic would have to go in. As it happened, the houses were built with no damned roundabouts and people had to wait for years before they were put in place. That is another joke. Sewage was moved at night from a storage tank because the houses were occupied before proper planning permission was put in place. All that codology happened and continues to happen in counties Louth and Meath. People are arguing on both sides.

The Minister of State that there has to be a proper order and a hierarchy of plans. I agree with the hierarchy of having the county councils make the plans. There must be significant local input and it must be balanced but what the Minister of State was, and is still, trying to do is to balance that. The voice of the people in the case I am talking about was the last voice to be heard. The voice of the developers was heard and that is why we ended up with some of the disgraceful situations that people have to live with. Houses were built with no facilities, infrastructures or anything but the profit the builder made was in his back pocket. He then walked away and left houses, which in some cases he kindly built on flood plains. We know all about that around the country. We want proper, properly controlled planning, with the interests of the local people being paramount. Even though I am critical of parts of the councils' plans, they are generally excellent, and that is the appropriate place to draft them.

Whether one has a Meath or a Louth jersey, if one wants to go to a decent school in Drogheda or east Meath or to go to a shopping centre, one has a choice. Infrastructure, recreational facilities and amenities have to be properly planned. There is a demand in Drogheda for my town to be in control of its own destiny and to have its own council with full, proper powers. It is unacceptable to me and the citizens of my town that we have a population greater than the wonderful county of Longford, whom I wish well, and Leitrim. They have their infrastructure, their chief executive officers, planners, engineers and everything except the population that we have. We have absolutely nothing. That creates a significant political crisis in our area. I know Deputy Breathnach knows it well, fair dues to him. He should have been there this morning, though he can text me about that.

There is room for deep thought on this and significant collaboration among all of us for the best planning. We must put an end to cowboy plans and cowboys, and to councillors who do not act in the best interest of the public. We have evidence of that today from a Standards in

Public Office Commission, SIPO, judgment. We cannot and must not allow a coach and four to be driven through our planning system by people with pecuniary interests and no concern for future generations or planning. We must have no more of this codology anywhere in the country.

Deputy David Cullinane: There has been a lot of talk of power grabs, land grabs and hostile takeovers. Dick Turpin was also mentioned. I want to deal with matters that are much less contentious and much more civilised. Waterford-Kilkenny is one example of an area that would have been subject to the proposed urban area councils. I thank the Minister of State, Deputy Phelan, for his co-operation in working with the Opposition on this issue. As stated earlier by Teachta Ó Broin, we had concerns about elements of what is being proposed in terms of the composition of the committees, the powers and functions of the committees and the lack of clarity around how they would interact in a democratic way with the councils and the metropolitan districts. We also had a difficulty with the democratic deficit which we believed would have been created in what would be the urban area of the metropolitan area of Waterford and the part of south Kilkenny which would allow for the natural expansion of Waterford city, which the Minister of State will be aware crosses the county boundaries of Waterford and Kilkenny.

For the first time, we have all-party support to work to identify a process to address this issue, which is positive and important. People have their views on boundary extensions but if, as the Minister of State said boundary extensions are on hold, we now need to look at putting in place processes that will work. Sinn Féin has no difficulty with supporting a process or a structure but I agree with Teachta Naughten that it would have to be on a statutory basis. We would then have to examine the relationship between whatever structure is put in place and the local authorities it would straddle. We must get this right. We also have to have maximum consultation on the issue because we have all been contacted by CEOs of councils, councillors and others, expressing genuine concerns. Everybody wants to make sure we get this right and that we have an appropriate process. What I am hearing from people at management and council level in the more than dozen local authorities affected is that they want a fair and democratic process, one that practically will work and will deliver for people in those areas.

If we can take the heat and the emotion out of this issue and deal with it in a practical and sensible way, we can find a solution that is appropriate for everybody, especially the people who live in the areas. I thank the Minister of State for accepting the amendments. Teachta Ó Broin and I, and hopefully others, will work constructively with the Minister of State to ensure we put in place a process. Nobody is saying that we can leave things as they are because that is not sustainable. Everybody accepts that there has to be a solution. Let us come back to this in the new year and try to get this right. If we get it right, the Minister of State will have the support of Sinn Féin in getting it through the Dáil.

Deputy Jan O'Sullivan: I thank the Minister of State and his officials for the opportunity last Tuesday to discuss this issue. Having listened to the contributions of previous speakers it is clear that the issues differ in each of the areas. The areas mentioned are Athlone, Bray, Carlow, Carrick-on-Shannon, Drogheda, Limerick, Portarlinton and Waterford. We do need a statutory solution. The Minister of State has kicked off the discussion that we need to have in regard to the inclusion of these proposals in the Bill but the issue requires a lot more debate than is appropriate to a Report Stage amendment. I think the outcome of this will be that the issue will be debated in a different way.

The situation in regard to Limerick is different from that described by Deputy O'Dowd in

regard to Drogheda, where there has been abuse of the system by developers. In Limerick, it is different in that only a relatively small number of houses and a piece of the university are in County Clare. We have not had the kind of larger development described in regard to Waterford-Kilkenny and Athlone. Deputy Casey gave us a lot of information about Bray. There is the potential for this abuse to occur in the Limerick-Clare situation because the new road will open up a currently undeveloped rural area and so I can understand why this provision would be needed into the future. As I said, we need coherent structures that are proportionate to the representation on both sides. I hope that we will have the opportunity to tease out this issue and the time necessary to get it right.

Deputy Pat Casey: Fianna Fáil supports the concept of the urban committees. Everybody here acknowledges that whatever structure is required must be put in place urgently. I thank the Minister of State for making himself available to us prior to the committee meeting, during the committee and earlier this week, as those meetings provided us with an opportunity to thrash out our concerns, which the Minister of State and his officials have indicated they will take on board.

Deputy David Cullinane: Hear, hear.

Deputy Pat Casey: I think they have also accepted that the proposal as presented is not workable. It is a pity it was rushed in at the last minute. If it had been presented during the pre-legislative scrutiny process we could have ironed out many of the problems arising today.

Bray has been mentioned. My concern is in regard to the removal of the democratic process. For example, if I am one of the eight councillors elected to Bray County Council but not one of the three elected to the committee I would have no democratic say in how my local area plan is adopted. I also agree with Deputy Naughten's remarks in regard to proportionality. Regardless of what structure is put in place, finding a balanced solution will be difficult. This piece is missing from the debate. We have discussed with the Minister of State the idea of the municipal districts or the wards being the bodies that would sign off on plans rather than a select committee of eight people. We have offered solutions in our contributions today, which I believe the Minister of State will take on board.

We also have concerns regarding the make-up of the committees, in particular the appointment of four outsiders to the committee, although I understand they would not have voting rights. Currently, local areas plans, county plans and regional plans are adopted without outside involvement. There is no need for such people to be members of the committee because we could always call on them if we needed them. The issue of sequencing is also of concern. This issue has been driven by the national planning framework in regard to the regional plans, the county plans and the local area plans but in this instance, the sequencing is reversed, coming from the ground upwards.

Fianna Fáil, and I am sure everybody in this House, is willing to work with the Minister of State to resolve this issue and to give him time to consider it. What is being proposed is badly needed to address the boundaries issue and land grabbing, so we need to retain the good aspects of it. It creates a plan for an area that would facilitate everybody. It is just that I and my party had a major concern about the democratic processes, the structure of the committees and the power being given to them. In fairness, we are willing to work with the Minister of State and I acknowledge that he is willing to accept our amendments. We will facilitate any legislation he wishes to introduce in respect of this matter.

Deputy John Paul Phelan: Every Member present has engaged at some level during the process on this Bill and particularly on this part of the Bill. Having listened to the Committee Stage debate, I was conscious of the fact that what was proposed, particularly with regard to the local area plan, was a big change and that we should have more time for consideration. I was also conscious of the fact that nobody disagrees with the idea that we must have a joint structure for towns and cities that cross county boundaries. I agree with Deputy Cullinane regarding his desire to take the heat out of the issue we are most familiar with in our part of the world. I will not refer to Dick Turpin or anybody else in that regard.

Deputy Casey is right that the central thesis here is not going to be universally accepted even in the new year. I have told the assistant secretary in the Department that rather than eating turkey later this month, he will be drafting the relevant sections for a new short legislative measure specifically relating to urban area committees. It will refer to the structure and also the functions. There will not be universal agreement. The *status quo* has to change, as everybody says, but it will only change if there is acceptance on every side of these boundary areas that powers that reside with existing councils will have to be given up. There will be no fudging our ability to square that circle - powers will have to be given up.

Deputy Naughten said he is a lone voice but, as he probably realises from listening to some of the other contributions, he is not. I assure him that his is not a lone voice. He raised specific issues about the status of recommendations in the boundary report relating to Roscommon. Those recommendations are in no way binding on me or my successors. They are recommendations for action. I understand the desire on all sides of the question in Athlone for a solution to be devised. That is why as early as possible in the new year the staff in the Customs House and in the Office of the Parliamentary Counsel will be drafting. There is largely agreement on the necessity for them to exist.

I am a believer in another point the Deputy made. The principle here is equality between the authorities that are devising plans of whatever status for the areas concerned. Unless that equality exists, these structures will be doomed before they come into place. Whether I use my example or other others from around the country, if there are committees in which there are eight members from one county and two from another, then, as sure as eggs, we know what the outcome will be. I accept Deputy Jan O'Sullivan's point that one size does not fit all. That is why in the functions part of the new legislation we will be discussing quite high-level pieces relating to development of these urban centres into the future. These are pieces that local authorities often do not do very well, such as the spatial planning for what should be in the Clare part of Limerick city in the future as well the areas the Deputy mentioned that will be opened up for development.

In my part of the country, most of the natural development of Waterford city will be on the north side of the Suir. I will absolutely maintain my position that a county councillor, albeit from the same county but who lives 50 or 100 miles away, should not have an input into a decision that might affect another councillor who lives ten yards away on the wrong side of the boundary. Currently, that person is excluded. Deputy Cullinane's point is correct. In the Waterford context the 18 metropolitan councillors in the Waterford city area should have the say, but the councillors living in Castlecomer and in Tallow should not have the say. Waterford city is the local town for a third of the people who live in County Kilkenny, not just the 7,000 who live in the Ferrybank area, and there will be many more living there over the next few years. Deputy O'Dowd also made that point about people living 50 miles away making the decisions as opposed to those who are representing, and living in, the area. He described it

as codology. The purpose of the amendments as drafted was specifically to avoid the type of codology whereby voluntary groups would come together and draw up a plan which both sides could walk away from afterwards. Regardless of the shape it takes in the new year, that will not be contained in the Bill. This is where the democracy element Deputy Butler mentioned is paramount. The councillors from those parts of the counties in question should have the final ratification. I have very much come to that view, but that must be borne out in the drafting. I have read all the reports by the local authorities that made submissions to the four boundary committees. The central argument in favour of boundary extensions was always that the local authority needed an area included to properly plan and develop into the future. That is a substantive argument and that is what this structure will have to do in those areas.

I am accepting amendments Nos. 20, 21, 31 and 32 the effect of which is to remove Part 7 of the Bill. We will return to that as early in 2019 as the Christmas turkey allows.

Deputy Denis Naughten: I thank the Minister of State for his response and other colleagues for their comments. I do not question the bona fides of any Member of the House on this. I spoke to Deputy Eugene Murphy earlier and he also expressed concerns about the removal of the urban area committee. The difficulty is that there is no alternative on the table. I do not question that the Minister of State will bring forward a legislative measure in the new year, but we have all seen how difficult legislation can be. The Minister of State has admitted that this will not be universally accepted and we saw how a head of steam built up regarding these amendments. As we approach the local elections, I do not have the reassurance that the same head of steam will not build up again in respect of whatever is the alternative. The difficulty is that we have 99 weeks and next week we will have 98 weeks. It will be down to 90 weeks in the new year.

The boundary area report for Athlone continues to stand. The Minister of State is correct that he is not bound by it, but he will not necessarily be the Minister at the end of 2020 when the clock stops ticking in this regard. I do not know who the Minister will be. We know that if it is one of his predecessors County Roscommon would go into County Westmeath at the stroke of a pen. I do not have any assurance in that regard and that is why I am a lone voice. I am opposed to the removal of these sections until I see an alternative. I accept the assurances that have been given by the Government, Fine Gael, Fianna Fáil and Sinn Féin, but the clock is ticking. If they renege on putting that alternative in place, the people of County Roscommon will remember that fact when the local elections and the next general election come around. Members' colleagues throughout the country - the CEOs, councillors, council candidates and colleagues in this House - will be opposed to whatever alternative is brought forward. We need urban area committees across boundaries and they must be placed on a statutory footing. I am very supportive of co-operation, but co-operation cannot happen unless it is set out in law. Next week, we will be down to 98 weeks in the context of the Athlone area report. Every Member has now been warned of the position in that regard.

Deputy Darragh O'Brien: I accept the point about being forewarned but I have discussed this with Deputy Naughten on several occasions. We are absolutely committed to doing this and doing it quickly - Deputy Ó Broin also said it to the Minister - so that it would be early January. We cannot accept something that we disagree with or that we think will not work as it is intended to work. The Minister of State, Deputy Phelan, has also said there were elements of the Bill he has come around to, especially with regard to the local area plan and the issue of the unelected individuals who would sit on the committee. It is our job to interrogate such aspects. It is not our job to just accept things on blind faith or, because it is needed urgently, to just take

whatever is on offer.

From a Fianna Fáil perspective we will absolutely start working with this once there is a Bill prepared if that is the first week in January - as the Minister of State has referred to. We have spent hours and hours at the committee on this, along with Deputy Casey and others. The Minister of State also made himself available outside of the committee where we discussed it further. No one here is taking this lightly or just kicking the matter to touch. It does not just relate to Athlone, Kilkenny, Carlow or Waterford. If we get the structure right I would see it being used in other districts and other areas in the State. It is fundamentally important. It would be a very good reform and we want it to happen. We will not be delaying it and we certainly will not be found wanting in bringing forward alternative solutions. We have not wasted the last week because a lot of what is required to fix and improve this proposal has been debated and discussed. We got a lot of agreement, which was good. This is what we should be doing and I saw more of that at the housing committee with the Minister and his officials, where we worked in a collaborative and respectful way to bring this forward and to get a better proposal. I would hope that we will have it in early January. Fianna Fáil will not be found wanting on this.

Deputy Eoin Ó Broin: There is nothing the Minister of State, Deputy Phelan has said with which I would disagree. I do not believe that anybody is arguing for it simply to be referred back to the two local authorities to do what they have not been able to do up to this point. I believe there should be urban area committees with a structured, formal mechanism for councillors from the municipal districts who are not on that urban area committee to participate in that process. I made a suggestion at one of the meetings with the Minister of State and his officials that if there is no ultimate agreement on the area plan, there should be some independent third party - be it An Bord Pleanála or the planning regulator if that office has the independent power to do this - to ensure that councillors would know that if they were to walk away from a final agreement on an area plan, there would be a third party to step in to ensure those plans would be insisted upon.

I am quite taken by the idea of a committee that has an equal number of members from either side of the boundary. The full membership of the municipal districts should be able, however, to submit amendments into the urban area committee and should be given a formal draft plan for final ratification, subject to the ultimate oversight of the planning regulator if an agreement cannot be reached.

I do not believe there is any disagreement between anything I have said in the public or the private housing committee meetings with the Minister of State and his officials, and anything the Minister of State has said in the House.

Deputy Naughten is right; there is no alternative in front of him so I have a lot of sympathy for his position. In the past week and a half, I have probably spoken to more city and county managers, and ex-city and county managers, from outside my constituency than I have done in quite a long time. Nobody is arguing against a structure or a statutory requirement to produce a plan for those urban areas. In no conversation I have had with people has anyone said things should be left the way they are. Many of the discussions we had during the committee and at the private sessions have been informed by some of those points of view. I am not asking the Minister of State to take us at our word, because obviously he has a legitimate concern, but I do not believe we will have the same head of steam when the Minister of State comes back with proposals. We have given a commitment, however, to get this agreed and get it through and we will certainly honour this commitment.

Deputy John Paul Phelan: I believe we will have the same head of steam, and I think it will be bigger, because we are dealing with those rawest of Irish emotions, hard borders and soft borders, which are topical in other areas currently. At least we will have the opportunity for people to think about it. That is a fair assessment, but I do not believe there will ever be a situation where there would be full agreement.

I put it to Deputy Naughten that it is my intention for this to happen as soon as the Bill is drafted. I have spoken to the Chief Whip a lot over the last few days but the Business Committee decides everything now. I do not detect any political animosity to the provision of the structure. Even in the last round of contributions, there was a lot of agreement, especially on who has the ultimate say on the adoption of plans. That would be from my side. From other Deputies' sides, there was agreement on the issue of equality. That really goes to the heart of ensuring this co-operation works.

I want to place on the record the fact that Carlow town is the only place in Ireland where this kind of co-operation has been going on for decades. Laois County Council pays a contribution to Carlow at the end of each year for services provided by Carlow to Laois. As a result, when it came the boundary reports there were eight submissions. The boundary there is very much a soft border in Graiguecullen, between the Carlow part of Graiguecullen and the Laois bit of Graiguecullen. This is what we want. It is a shame that it has to be put into statute but it has to be, because we know from experience what can happen. Deputy O'Dowd gave the best example of that. If it is not in statute, people will just walk away from it on both sides. All sorts of political pressures build for that to happen. This is why we will come back early in 2019.

Deputy Denis Naughten: I record my objection to amendment No. 20.

Amendment put and declared carried.

Deputy Darragh O'Brien: I move amendment No. 21:

In page 37, to delete lines 1 to 40, and in page 38, to delete lines 1 to 33.

Amendment put and declared carried.

Amendments Nos. 22 to 30, inclusive, not moved.

Deputy Darragh O'Brien: I move amendment No. 31:

In page 38, to delete lines 34 to 41, to delete pages 39 to 43, and in page 44, to delete lines 1 to 19.

Amendment put and declared carried.

Deputy Darragh O'Brien: I move amendment No. 32:

In page 44, to delete lines 20 to 25.

Amendment put and declared carried.

Deputy Denis Naughten: I do not think amendment No. 33 can be moved because it is referenced in the section that has already been deleted. I am the only Deputy that actually disagreed with the section remaining in place, but I am quite supportive of it remaining in place.

13 December 2018

Amendments Nos. 33 and 34 not moved.

Bill, as amended, received for final consideration and passed.

Wildlife (Amendment) Bill 2016: Order for Report Stage

Minister of State at the Department of Culture, Heritage and the Gaeltacht (Deputy Seán Kyne): I move: “That Report Stage be taken now.”

Question put and agreed to.

Wildlife (Amendment) Bill 2016: Report and Final Stages

An Ceann Comhairle: Amendments Nos. 1, 6 and 25 are related and may be discussed together. Amendment No. 1 arises out of Committee proceedings.

Minister of State at the Department of Culture, Heritage and the Gaeltacht (Deputy Seán Kyne): I move amendment No. 1:

In page 3, line 5, to delete “raised”.

On Committee Stage, Deputy Ó Cuív proposed to amend the Bill to provide for the Minister for Culture, Heritage and the Gaeltacht to carry out further reviews of other natural heritage areas. The then Minister undertook to consider the matter further with a view to addressing same on Report Stage. The proposed Report Stage amendments provide for the widening of the scope of the Bill to enable the Minister for Culture, Heritage and the Gaeltacht, at his or her discretion, to conduct a review or reviews of other existing natural heritage areas as well as to continue and complete the 2014 review of the raised bog natural heritage area network. The proposed amendments are mainly within section 4 of the Bill, which inserts a new section 18A in the Wildlife (Amendment) Act 2000.

Amendment agreed to.

An Ceann Comhairle: Amendments Nos. 2 to 4, inclusive, 9 to 16, inclusive, 18 to 20, inclusive, and 24 are related and may be discussed together. Amendment No. 2 arises out of Committee proceedings.

Deputy Seán Kyne: I move amendment No. 2:

In page 3, line 13, to delete “section 18A(4)(a)” and substitute “section 18A(5)(a)”.

The grouped amendments are technical in nature and arise from the proposed insertion of a new subsection (2) into section 18A and the resultant renumbering of subsections 18A(2) to 18A(7). Amendment No. 3 provides for the substitution of new text for the text of lines 20 to 23 in page 3 of the Bill. It provides that the Minister for Culture, Heritage and the Gaeltacht will continue to conduct and complete the 2014 review of the raised bog natural heritage area network and may conduct a review or reviews of other natural heritage areas. This would be done under a proposed new section 18A of the Wildlife (Amendment) Act 2000. The intention of the amendment is to give the Minister the power to conduct a review or reviews of other

natural heritage areas at some point in the future without obliging the Minister to do so.

Amendment No. 4 inserts a new subsection (2) within section 18A. It provides that a review or reviews are limited to the natural heritage areas in respect of which natural heritage area orders are in force on the date of the commencement of section 18A. If this amendment is accepted, section 18A(2) becomes section 18A(3) and similarly for sections 18A(3) to 18A(7).

Amendment No. 10 provides for widening the scope of section 18A(3), in respect of the carrying out of environmental assessments, to cover the proposals arising from a review or reviews of other natural heritage areas as well as from the 2014 review of the raised bog natural heritage area network. It provides that these environmental assessments would also be carried out, as required, in respect of the effects on the environment of the proposals arising from a review or reviews of other natural heritage areas. If Amendment No. 10 is accepted, section 18A(3) would commence as “The Minister shall, in relation to the effects on the environment of the proposals arising from a review under subsection (1)”.

Amendment No. 12 provides that the provisions of section 18A(4) would apply on the completion of a review or reviews of other natural heritage areas as well as on the completion of the 2014 review of the raised bog natural heritage area network. If amendment No. 12 is accepted, section 18A(4) would commence as “Having, on the completion of a review under subsection (1),”. Section 18A(4) provides that the Minister shall, on the completion of a review of natural heritage areas, where he or she is satisfied that a natural heritage area order should be made, publish under section 16 of the Wildlife (Amendment) Act 2000 a notice of his or her intention to make the natural heritage area order and, where he or she is satisfied that land should cease to be designated as a natural heritage area, make an order to amend or revoke the natural heritage area order which so designated the land.

Amendment No. 24 is a technical amendment arising from the replacement of the definition of “habitat” with “bog habitat” and the consequent need for the deletion of the definition of “habitat”.

Deputy Éamon Ó Cuív: I have only one question on the amendments. I might be on the wrong group. I understand that in one of the amendments, the Minister of State has included blanket bogs as well as raised bogs. This mechanism, convoluted and all as it is - there is a lot of process to be gone through before anything comes out of a natural heritage area, NHA - could be applied to a blanket bog in an appropriate case if the right scenario arose. That is the material change wrought by the Bill. I understand all the other amendments are technical and relate to names and bits and pieces that do not materially affect the Bill. Perhaps the Minister of State would confirm that. If I am speaking to the wrong group of amendments, I waive my right to speak on any of the others.

Deputy Seán Kyne: As already stated, on Committee Stage 1 December 2016 - a long time ago now - Deputy Ó Cuív proposed to amend the Bill to provide for the Minister to carry out further reviews of other natural heritage areas. The then Minister undertook to consider the matter further with a view to addressing this on Report Stage, which is what is being done now. This is to conduct a review or reviews of other NHAs as well as to continue and complete the 2014 review of the raised bog natural heritage area network. This is including blanket bogs as well in the process.

Deputy Éamon Ó Cuív: The word “raised” has been taken out with reference to the NHA

bogs.

Deputy Seán Kyne: Yes, that is it.

Deputy Éamon Ó Cuív: I really appreciate this and think it is very good practice for Ministers at committees. Some are better than others. I think Deputy Heather Humphreys was Minister at the time. The current Minister, Deputy Madigan and the Minister of State are now accepting this change. As the Minister of State knows, there are some parts of controversial blanket bogs that people would argue should not be in on scientific grounds. It is good that there is now a mechanism in place whereby these can be looked at and I really welcome it. It looks like a very small change but it is considerable in terms of having a process in place. I hope the Minister of State will convey my thanks to the Minister for changing that.

Amendment agreed to.

Deputy Seán Kyne: I move amendment No. 3:

In page 3, to delete lines 20 to 23 and substitute the following:

“ **18A.** (1) The Minister—

(a) shall continue to conduct and complete the review of raised bog habitats, known for the time being as the 2014 Review of Raised Bog Natural Heritage Area Network, and

(b) may conduct one or more than one review of a natural heritage area (other than a natural heritage area falling to be reviewed under paragraph (a)).”.

Amendment agreed to.

Deputy Seán Kyne: I move amendment No. 4:

In page 3, between lines 23 and 24, to insert the following:

“(2) A review under subsection (1) may be conducted only of a natural heritage area in relation to which a natural heritage area order is in force on the date of the commencement of this section.”.

Amendment agreed to.

Deputy Seán Kyne: I move amendment No. 5:

In page 3, to delete lines 24 to 26 and substitute the following:

“(3) The purposes of a review under subsection (1) include:

(a) contributing to the achievement of nature conservation objectives of maintaining bog habitats at or restoring bog habitats to a favourable conservation status;”.

Amendment No. 5 provides for the substitution of new text for the text of lines 24 to 26 in page 3 of the Bill. It amends section 18A(2)(a) and provides that the purposes of a review encompass a review or reviews of other natural heritage areas as well as encompassing the 2014

review of the raised bog natural heritage area network. It also gives more clarity to the purposes of a review to include “contributing to the achievement of nature conservation objectives of maintaining bog habitats at or restoring bog habitats to a favourable conservation status.” One of the main aims of the EU habitats directive is to ensure that the habitats and species listed in it achieve favourable conservation status.

Amendment agreed to.

Deputy Seán Kyne: I move amendment No. 6:

In page 3, line 27, to delete “raised”.

Amendment agreed to.

An Ceann Comhairle: Amendments Nos. 7 and 8 are related and may be discussed together.

Deputy Seán Kyne: I move amendment No. 7:

In page 4, line 2, to delete “national” and substitute “national, regional”.

Amendment No. 7 includes a reference to “regional” within the reference to “national and local economic, social and cultural needs” in section 18A(2)(b)(i) so that the reference would be to “national, regional and local economic, social and cultural needs”. This reference to regional needs has been included given the wider range of the blanket bog natural heritage area sites in comparison with the raised bog natural heritage sites. If amendment No. 7 is accepted, section 18A(2)(b)(i) would refer to selecting the most suitable bog habitats “to be designated as natural heritage areas having regard to all of the matters referred to in section 16(6) and national, regional and local economic, social and cultural needs”.

Amendment agreed to.

Deputy Seán Kyne: I move amendment No. 8:

In page 4, line 5, to delete “national” and substitute “national, regional”.

Amendment agreed to.

Deputy Seán Kyne: I move amendment No. 9:

In page 4, line 7, to delete “(3) The” and substitute “(4) The”.

Amendment agreed to.

Deputy Seán Kyne: I move amendment No. 10:

In page 4, line 8, to delete “from the review” and substitute “from a review under subsection (1)”.

Amendment agreed to.

Deputy Seán Kyne: I move amendment No. 11:

In page 4, line 16, to delete “(4) Having,” and substitute “(5) Having,”.

Amendment agreed to.

Minister of State at the Department of Culture, Heritage and the Gaeltacht Deputy Seán Kyne: I move amendment No. 12:

In page 4, line 16, to delete “of the review” and substitute “of a review under subsection (1)”.

Amendment agreed to.

Minister of State at the Department of Culture, Heritage and the Gaeltacht Deputy Seán Kyne: I move amendment No. 13:

In page 4, line 19, to delete “subsection (3)(a)” and substitute “subsection (4)(a)”.

Amendment agreed to.

An Ceann Comhairle: We will have to get the Minister of State in here more often. He is able to get through legislation at a fierce rate.

Deputy Éamon Ó Cuív: It is the Galway in him.

Minister of State at the Department of Culture, Heritage and the Gaeltacht Deputy Seán Kyne: I move amendment No. 14:

In page 4, line 21, to delete “subsection (3)(b)” and substitute “subsection (4)(b)”.

Amendment agreed to.

Minister of State at the Department of Culture, Heritage and the Gaeltacht Deputy Seán Kyne: I move amendment No. 15:

In page 4, line 30, to delete “(5) Where” and substitute “(6) Where”.

Amendment agreed to.

Minister of State at the Department of Culture, Heritage and the Gaeltacht Deputy Seán Kyne: I move amendment No. 16:

In page 4, line 30, to delete “subsection (4)(b)” and substitute “subsection (5)(b)”.

Amendment agreed to.

An Ceann Comhairle: Amendments Nos. 17, 26 and 27 are related and may be discussed together.

Deputy Seán Kyne: I move amendment No. 17:

In page 5, lines 1 and 2, to delete “Housing, Planning, Community and Local Government” and substitute “Housing, Planning and Local Government”.

Amendment No. 17 arises from the change in title of a Minister. It provides for a change in the title of the relevant Minister to the Minister for Housing, Planning and Local Government.

Amendment No. 18 is a technical amendment and provides that section 18(A)(6) becomes

section 18(A)(7). Amendment No. 19 is a technical amendment and provides that the reference in section 18A(6) to subsection (4)(b) becomes a reference to subsection (5)(b).

Amendment agreed to.

Deputy Seán Kyne: I move amendment No. 18:

In page 5, line 10, to delete “(6) Section” and substitute “(7) Section”.

Amendment agreed to.

Deputy Seán Kyne: I move amendment No. 19:

In page 5, line 14, to delete “subsection (4)(b)” and substitute “subsection (5)(b)”.

Amendment agreed to.

Deputy Seán Kyne: I move amendment No. 20:

In page 5, line 15, to delete “(7) In” and substitute “(8) In”.

Amendment agreed to.

Deputy Seán Kyne: I move amendment No. 21:

21. In page 5, between lines 15 and 16, to insert the following:

“ ‘bog habitat’ means a habitat within the meaning of section 2 of the Principal Act that contains bog and, other than for the purposes of—

- (a) publishing a notice under subsection (5)(a), and
- (b) making an order under subsection (5)(b),

includes a candidate special area of conservation or a special area of conservation, within the meaning of Regulation 2 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011), that contains bog;”.

Amendment agreed to.

Deputy Seán Kyne: I move amendment No. 22:

In page 5, to delete lines 16 to 19 and substitute the following:

“ ‘environmental criteria’—

(a) in so far as it relates to a raised bog, means the conservation value of the raised bog taking into account a comparison made between the area, range, habitat, structure, function and ecological features of that raised bog and those of one or more than one other raised bog, and

(b) in so far as it relates to a blanket bog, means the conservation value of the blanket bog taking into account a comparison made between the area, range, habitat, structure, function and ecological features of that blanket bog and those of one or more than one other blanket bog;”.

Amendment No. 22 substitutes new text for the definition of “environmental criteria” set out in section 18(A)(7). It widens the scope of this definition to encompass the conservation value of a blanket bog as well as of a raised bog. The definition has also been revised to bring greater clarity to it.

Amendment agreed to.

Deputy Seán Kyne: I move amendment No. 23:

In page 5, between lines 19 and 20, to insert the following:

“ ‘favourable conservation status’ means the conservation status of a bog habitat when—

- (a) its natural range and the areas it covers within that range are stable or increasing,
- (b) the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and
- (c) the conservation status of its typical species is favourable;”.

Amendment No. 23 inserts an additional definition in section 18(A)(7) - “favourable conservation status”. This definition is derived from the definition of favourable conservation status in Article 1 of the EU habitats directive and in the European Communities (Birds and Natural Habitats) Regulations 2011.

Amendment agreed to.

Deputy Seán Kyne: I move amendment No. 24:

In page 5, to delete lines 20 to 28.

Amendment agreed to.

Deputy Seán Kyne: I move amendment No. 25:

In page 5, line 29, to delete “raised”.

Amendment agreed to.

Deputy Seán Kyne: I move amendment No. 26:

In page 5, line 33, to delete “2016” and substitute “2018”.

Amendment agreed to.

Deputy Seán Kyne: I move amendment No. 27:

In page 5, lines 34 and 35, to delete “Arts, Heritage, Regional, Rural and Gaeltacht Affairs” and substitute “Culture, Heritage and the Gaeltacht”.

Amendment agreed to.

Bill, as amended, received for final consideration.

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

Deputy Michael Fitzmaurice: I welcome that the Minister of State got this legislation taken here this week. I ask him to convey my thanks to Mr. Niall Ó Donnchú and Mr. Brian Lucas who have worked on this for a considerable time. This has gone on for two years. I welcome the progress made and I thank the Minister of State for his co-operation.

Deputy Éamon Ó Cuív: I congratulate Deputy Fitzmaurice. There was a long battle going on over this issue even when we were in government. It has been brought to a relatively satisfactory conclusion within the confines of EU law. I thank the Ministers, Deputies Humphreys and Madigan, and the Minister of State, Deputy Kyne. It is very appropriate that three Galway Deputies have been mainly involved in this evening’s debate.

An Ceann Comhairle: The Deputy should not forget the three Dubs who are in the Chamber.

Deputy Éamon Ó Cuív: They arrived subsequently, but they have not been involved in the debate. I am very careful with the wording.

An Ceann Comhairle: We have two Dubs and a Kildare woman.

Deputy Clare Daly: We are hanging on the Deputy’s every word.

Deputy Éamon Ó Cuív: I am a Dub as well, when it suits.

This has had a major impact, particularly in east Galway. I believe it will lead to much better community relations. I believe it will lead to better conservation. The Minister of State represents the same constituency as I do. I always believe that the best conservation is when the local population are brought into the conservation and support it. The Bill creates that atmosphere and it will be the best thing for everybody in the long run.

Minister of State at the Department of Culture, Heritage and the Gaeltacht (Deputy Seán Kyne): I thank the Deputies for their positive engagement on the Bill. Obviously, I had not been part of it up to this. I acknowledge the work of the Ministers, Deputies Humphreys and Madigan, the officials, Brian Lucas and Niall Ó Donnchú, from the Department and others who have been involved. It is important that we have this positive engagement on what has been quite a controversial issue over a period of time. We acknowledge the positive engagement of stakeholders in trying to come to a resolution to this very important issue that affects many counties.

Question put and agreed to.

Aircraft Noise (Dublin Airport) Regulation Bill 2018: Second Stage (Resumed)

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

Deputy Brendan Ryan: The Minister needs to listen to what the residents of Fingal are saying. If he works with the Opposition, we will respond positively. Labour will not oppose the Bill on Second Stage, but if the Minister does not seek to amend it in Committee we will table our own amendments. We will table amendments anyway. However, we will oppose the Bill later if it is not amended.

The Opposition has the numbers to change this if we work together, as hopefully we will. It seems that all Opposition Members who have spoken so far agree that Fingal County Council should not be the competent authority. I hope all parties that have indicated they do not find Fingal County Council acceptable to be the competent authority will stick to their guns and see this through. I hope that the recently extended confidence and supply arrangement does not get in the way of all the Opposition getting together on this. Fianna Fáil will be key as it has the numbers. I presume it will come under pressure to abstain or do something other than to vote with the Opposition. I hope not; we will see what happens. Fianna Fáil Members have decisions to make.

While the Bill is very technical, it will have a real impact on people living in the environs of the Dublin Airport. There is a solution here and the Minister should take it and deliver it. It will strengthen the Bill. I argued at length last night that the independence is not there with what he intends to do with Fingal County Council. This will go some way towards delivering what the communities in the vicinity of the airport deserve.

Deputy Clare Daly: I start by reading an email from a resident who had hoped to be here last night. He wrote:

Myself and my partner live 200 metres from the main south runway at Dublin airport. We are actually inside the perimeter of DAA lands with only one road in and out. God forbid there would ever be an accident or a plane crash. We are now at a point where our home is just unbearable. A night's sleep is a thing of the past, with the pictures dancing on the wall, the headboard on the bed vibrating with the whole house. DAA don't seem to have any concern for us in any way and they are taking on more contracts every day, with the airport being so busy that these flights are now happening in the middle of the night - Maastricht, Moldova and so on.

6 o'clock

This discussion is not about runways or jobs but about noise. It is specifically about the impact of noise on residents in airport communities. This is not a figment of people's imaginations but is a real and recognised threat to human health and well-being. In his speech yesterday, the Minister referred to the existing conditions on the second parallel runway at Dublin Airport and said that the DAA would be applying to change these conditions, almost implying that they were a relic of some distant past. In reality, however, the conditions put in place when planning permission was granted for the second parallel runway were imposed at a time when our knowledge of the impact of noise was not as extensive as it is now. If anything, the restrictions that are in place now do not go far enough. The regulation before us places an obligation on the DAA to mitigate against noise impacts. Consideration of noise is not an optional extra but an obligation. The hierarchy, as set out in the balanced approach, means that the consideration of noise impacts on adjoining communities must be addressed legally. This is an incredibly big deal and that should be our starting point.

In 2007 when An Bord Pleanála's inspector refused permission for a second parallel runway on noise grounds he said that the full nature and extent of the increase in night noise had not been satisfactorily identified and qualified. He said that the proposed mitigation measures in terms of the insulation of schools were inadequate, having regard to the correlation between noise and children's cognitive development. He also said that the increase in aircraft noise, both day and night, coupled with the increased risk in terms of public health and safety, would

seriously injure the amenities of properties and community facilities in the area. Of course, we know that his opinion was overruled and An Bord Pleanála granted permission, albeit on the basis of two very strict conditions. However, two years later in 2009, the World Health Organization, WHO, introduced and amended its night noise guidelines. In the context of evidence for night noise exposure, the WHO indicated that 40 decibels should be the target to protect vulnerable groups, particularly children, the chronically ill and the elderly, with 55 decibels being the interim target. Noise levels between 40 and 55 decibels at night, according to the WHO, lead to adverse health effects among the exposed population, with many people having to adapt their lives to cope with the noise. It points out that vulnerable groups are more severely affected. This is the reality with which we are dealing. This legislation designates a competent authority which is designed to adjudicate upon such matters. The fact that the existing insulation programme on offer from the DAA to adjoining residents is only available from 63 decibels and the relocation programme is only applicable at 69 decibels shows how out of touch and behind the curve we are in terms of the serious impact of noise on human health and well-being.

My starting point is that this legislation is incredibly important. It is about formalising a competent authority with the power to order measures to deal with noise. That is good and welcome. The DAA, in the lobbying letter that it sent to all of us, was at pains to stress that it is essential that this legislation is not incorrectly viewed as a proxy for debating the new runway, a wide range of potential noise mitigation measures and the stakeholder views arising. It said that the legislation is about a totally new and independent competent authority. The DAA is right but it is a pity that its letter then goes on to contradict that lofty claim. It suggests that the time window for making such decisions is closing with every passing week and states there is a likelihood that airlines will be left with no option but to relocate to other countries and so on. It also devotes a big section of the letter to the new runway, precisely undermining its opening statement that this legislation is not about the new runway. The DAA is at pains to say that “pending regulatory clarity”, Dublin Airport will have about 40% less running capacity at key periods and so on and that in practice, this means that no growth will be possible at key times of the day. Let us be clear here. What the DAA is really saying is that pending the completion of the second runway, capacity will be restricted. It is linking this to the runway. In my opinion, this is an attempt at blackmail by the back door. The idea that billions of euro will be spent on a runway that will have less capacity is utter nonsense. When we look closely at the phraseology, we see that it is very cleverly worded. The letter refers to a reduction in capacity “at key times”. It does not refer to the fact that overall capacity will be massively increased.

We must get real here. Balanced development is necessary to protect human health. It is a fact that 99 flights currently operate at night or in the exclusionary zones. Under the conditions that exist once the second runway is commissioned, that will fall by about 33%. However, it is not unusual to have night-time restrictions and that is not something to be threatened. The problem with this legislation is that the Minister and Department have framed the discussion on it in the context of lifting and amending the two existing restrictions on night-time flying. We saw that in the briefings we received from departmental officials. All of the talk started with the planning application process whereas in actual fact, the establishment of the competent authority and the way the Bill is structured are much more important factors in balancing issues related to complaints about the impact of noise.

It is ironic that in a previous discussion the Minister said that Dublin Airport’s strategic importance does not mean that the DAA can “ride roughshod” over the sensibilities or the lives of people who live in the area. Regulation is supposed to be designed to ensure that is the case.

However, the way the Minister has handled this process is appalling. The attempts a number of weeks ago to ram this through and put it on the Order Paper when the Bill had not even been published and the efforts made to schedule the Committee Stage debate for next week, the week before Christmas, when the Second Stage process had not even been concluded are an absolute affront to democracy. The handling of this by the Minister is an utter shambles.

In March 2016, we were told that the Attorney General and the Department of Communications, Climate Action and Environment were in consultation on the implementation of regulation for June 2016. In September of that year, the Minister told us that the Irish Aviation Authority, IAA, had been selected as the competent authority and that he hoped to finalise the necessary statutory instrument within a few weeks. Six months later, in February 2017, the Minister told us that the delay was because of legal issues that are being “looked at”. He said that he was sorry and that he had hoped to have it done by 2016 and that it was five or six weeks late at that stage. He said that the delay was indicative of the fact that the Office of Attorney General was determined to ensure that the rights of residents would be protected. He went on to say that there would be a requirement to introduce a statutory instrument and that he saw the IAA as the “best fit” to deal with noise management at Dublin Airport, in line with what was happening in Europe and in international civil aviation. He also said that his officials were currently engaged with the Office of Parliamentary Counsel to finalise details of the statutory instrument. Four months after that, in June 2017, the Minister told us that the Attorney General was still actively engaged with the Office of Parliamentary Counsel and that he had just looked at the seventh, and hopefully the last, draft which would be finalised by the end of that week. The Minister said that this was a top priority for the new Attorney General. That gives a whole new meaning to the word “priority”. It is utterly shocking that at the time the Minister indicated there was broad agreement that the IAA was best-positioned to take on the role and do it to the highest standard of professional competence. It has a strong and recognisably verified track record in the areas of aviation safety and inspection - functions for which it already has legal responsibility. The Minister stated that making it responsible for noise regulation makes sense, and most of us agreed with him.

Despite more than a year of engagement with top legal minds and multiple drafts of legislation, four months later the advice was stood on its head and rejected. The IAA was not suitable because it was not independent after all. Will the Minister explain how that happened? It does not add up. It was an insult that, four months later, Fingal County Council was appointed. Having stated the IAA could not be used because it did not have the necessary staffing, reporting, accountability and funding arrangements required to meet the new benchmark of independence, which meant it was not a viable option, the Government then gave the responsibility to Fingal County Council, which certainly was not suitable. The situation is utterly bizarre and unique because no other jurisdiction in the European Union has selected an organisation like Fingal County Council. Eight of the member states are exempt from this provision because their airports are too small, while another eight have designated their civil aviation authority, that is, the equivalent of the IAA, which is the most popular choice. Five member states have designated a government department, two have designated multiple bodies, while two have not yet done anything. The Minister stated that three have designated a local authority or federal authority, and put us in the same group as Germany and the UK, but that is not a fair comparison. In Germany and the UK, the ministry for transport is involved and, therefore, it is not a fair or equal comparison.

We are back to the beginning. The IAA was the most popular choice with citizens, it is the

vehicle used by most countries, and whatever objection the Minister previously had to using it on the grounds of independence, there is no valid objection on the basis of his decision to separate the functions of the IAA, namely, its commercial air navigation tasks and its independent regulation of air navigation services. I tabled a parliamentary question to the Minister about progress in this regard yesterday, and he replied, “It provides a sounder governance and organisational basis for enhancing regulatory functions into the future, which is needed to match the ever growing regulatory demands – particularly in [the] aviation [industry] and security - emanating from the EU and ICAO.” Those organisations are the very source of the legislation.

There has been engagement with top-level technical bodies, and the process is already well under way. While it will take some time to give the functions of the IAA to the Commission for Aviation Regulation, CAR, it is already well under way. It is recognised that the official expertise to deal with the noise regulation issue does not exist and, therefore, there is no reason the CAR cannot be upskilled or contract in the expertise in the way that the Minister’s officials told us Fingal would have to do. It makes eminent sense to give the function in the newly split IAA environment to the CAR. As Deputy Brendan Ryan indicated, no Opposition Deputies will tolerate Fingal County Council being appointed and the Bill will not progress unless the Minister addresses the issue. It is a requirement to have an independent authority, but Fingal does not even appear independent. The DAA stated that it does not really care what body gets it as long as some body does, and Fingal does not want it. No other country has done what the Government is proposing.

The issue rests with the Minister, who has some serious thinking to do over Christmas. When I raised the matter with him previously, he indicated that there was no plan B. He had better put on his thinking cap and make a plan B because the community will not put up with anything else. We will table amendments to designate the CAR as the competent authority in the Bill. The Minister must start listening, because the Bill has been structured to facilitate the DAA’s efforts to lift the night-time restrictions. The way it is phrased leaves the path to invoke the action of the competent authority unclear.

In case there is any attempt to spin what is being said on the Opposition benches, it is important to note that none of us is anti-airport. I made my livelihood in the airport, and my constituents, friends and colleagues live near it and love it. The industry is important, but it cannot carry on unfettered. The impact of climate change, for example, is severe, and airlines and aviation must take it into account.

Night-time restrictions have been factored in at almost every other airport because of the impact on human health and society. The best comparison to Dublin Airport is probably Manchester Airport, which restricts night flights to 7% of the total number of flights at the airport. In Dublin, on the other hand, the restriction is 14%. Manchester brought in many measures to control the use of noisy aircraft at night such as quotas or a provision to the effect that night flights must use a lower-noise aircraft. It introduced multiple measures between 11 p.m. and 7 a.m. which I do not have time to outline but they are much meatier than what is proposed in the Bill. That is the direction in which we must go.

The idea that the airlines will uproot and move to other jurisdictions and that thousands of jobs will be lost is ridiculous. As Deputy Brendan Ryan stated at the previous session, it will have an impact on their profits, but it is a legal requirement that the implication of noise must be considered. When the runway was originally given planning permission, strict night-time restrictions on noise were put in place and, as a result, the requirement for insulation was more

lax. If there is to be any lifting of the operational restrictions at night, it can be done only in the context of a much broader scheme of insulation to affect those who will be affected by it. That would be a balanced approach. The idea that residents would give over that function to Fingal County Council, which made the original decision to grant planning permission, is utterly ridiculous. No other country in Europe has done anything like it, and Fingal does not even want the function. The chief executive officer of the council would be engaged in planning in one room, while sorting out the staffing of the noise regulator in another. This does not look good for the Government, and I am sure it will be the subject of judicial challenge.

We will table many amendments on Committee Stage, which we look forward to, but the Bill will go nowhere unless the Minister wakes up, starts to undo the ridiculous shambolic way in which the Bill has progressed and listens to this side of the House. Otherwise, we will return to a situation where the reason for the delays will rest nowhere but on his door.

An Ceann Comhairle: I understood Deputy Broughan intended to share time but as he does not intend to do so, the next in line is Deputy Farrell. We will give Deputy Broughan the full 20 minutes afterwards.

Deputy Alan Farrell: I apologise to Deputy Broughan. I had assumed he was next.

Deputy Thomas P. Broughan: We are all Fingal Deputies here.

Deputy Alan Farrell: That is fair enough.

I welcome the opportunity to contribute to the debate on the Bill. I am as disappointed as my colleagues in Fingal and my constituency that it is taking so long to bring it to the House for debate, but I welcome the opportunity to address some aspects of the Bill. The regulation of noise at Dublin Airport is of utmost importance because there are plans for the second northern runway, which will have a great impact on a number of communities across the north county. While factors such as innovation in aircraft development have made planes quieter, the fact remains that airport movements can create significant and disturbances in certain communities that can be compounded by wind direction and other such factors. All Members will agree that noise pollution can create disturbances for families and communities and can have major health implications. As such, we must work to ensure noise regulation at Dublin Airport is a priority.

In terms of the proposals put forward in this Bill, a number of concerns that exist. I have been contacted by a number of residents in my constituency, particularly from the communities of Portmarnock and St. Margaret's, and I will endeavour to address a number of their concerns throughout this contribution.

This Bill sets out that the competent authority to advise on noise-related issues as they relate to the airport and planning applications will be Fingal County Council. I seek clarification from the Minister on what action he will take to ensure the independence of this function within Fingal County Council from the planning authority aspect the council currently holds.

I will not dwell too long, a Cheann Comhairle, on the comments of the previous speaker or those of Deputy Ryan and others yesterday but they certainly ring true. There is a perception in the public domain that Fingal County Council is not the appropriate authority to be appointed to fulfil this role. While I understand this decision was based on legal advice and further understand the debate that took place at pre-legislative scrutiny, at that time I was satisfied that all had been done as to the legal position. Since then, in the past few months, it is becoming increas-

ingly obvious to me at least that there were other options. If we were going to put the level of investment in to a local authority such as Fingal County Council and start from zero, then why not start with an entirely new agency? That is the position I hold.

Fingal County Council is the body which collects rates from the airport and currently makes planning decisions that relate to it. It is therefore understandable that many local residents are concerned about the implications of Fingal County Council holding the function of competent authority and making decisions regarding noise levels at the Dublin Airport.

I do not accept that elected representatives will have no role in the decision-making functions of the competent authority but I would appreciate further information on the buffers that will be put in place between the part of Fingal County Council that acts as the planning authority and the section that acts as the competent authority.

There must be certainty regarding the separation of personnel between the competent authority and planning authority functions of Fingal County Council. We cannot face a situation whereby we find out in a few months' time that personnel currently in the planning section now act as personnel within its competent authority function. We also cannot face a situation in which the planning authority reviews an application in one room while the competent authority is reviewing it in the room next door. There must be a real and meaningful separation of personnel between the planning authority and the competent authority within Fingal County Council. Anything else would be unacceptable.

I note, however, that were any action taken to amend or overturn the conditions associated with the current permission granted for the second runway at Dublin Airport, a full planning application process would then ensue, whereby following the decision of Fingal County Council in this regard in its functions as the competent authority, and separately, as the planning authority, the appeal body will remain An Bord Pleanála. When the last decisions were made regarding the second runway, An Bord Pleanála was the appeals body. It is vital that this remains the case and that Fingal County Council is not the appeals body. This is important to ensure Fingal County Council is not judge, jury and executioner in this regard.

It is important to note the planning process is not radically changing in this overall process. It still will be the local planning authority and An Bord Pleanála still will operate as the appeals mechanism. Unlike the suggestion made in some of the remarks of the previous speaker, not that significant a change is happening.

To expand on this in respect of the development of the second runway at Dublin Airport, restrictions were put in place by An Bord Pleanála regarding the allowed number of night flights once the runway was completed. Should the Dublin Airport Authority, DAA, make a new planning application to overturn this, it is reassuring to local residents that regardless of whatever decision may be reached by Fingal County Council, An Bord Pleanála would again be the appeals body. As such, I expect that the concerns of local residents, should this instance occur, would be appropriately acknowledged by An Bord Pleanála.

I am sure the Minister will understand that many residents hold genuine concerns regarding Fingal County Council's proposed function as the competent authority, and as such, should take whatever action may be necessary to provide that it is not appointed to the new roles associated with the competent authority functions of Fingal County Council as otherwise, this Bill, and the authority bestowed upon Fingal County Council by it will be undoubtedly undermined.

As such, I wish to raise the financial cost of establishing Fingal County Council as the competent authority.

In a recent parliamentary question to which the Minister responded, his written reply stated:

It is estimated that the set-up cost of establishing the Competent Authority under EU Regulation 598/2014 will be in the region of €350,000. It is further estimated that when the Competent Authority is making a regulatory determination - which will typically be in five year cycles - the cost of this peak activity will be in the region of €1 million. In years where activity is related to monitoring and reporting only - in other words, the years between each regulatory determination - the running costs will of course be less than this.

It is intended that these costs will be met by a levy that the Competent Authority can impose on the daa. The daa will be liable to pay this levy on a monthly, biannual or annual basis...

I note this Bill allows for the council to impose a levy on the DAA to cover its costs, either to reimburse the Council, or in advance to fund its operations in this regard. The fact remains that the start-up costs must not be a burden on local residents through the diversion of their local property tax, for example, or for local small businesses through the use of their funds to pay their taxes through their rates.

The Minister should give assurances to the House that, albeit being a small amount in the broad scheme of things, the €350,000 set-up costs are not a burden on the ratepayers of Fingal County Council and indeed its citizens, which includes the Deputies present. It is not appropriate for the State to set up a competent authority which governs airport movements in its international airport to be borne by 5% of the population, which should also be borne in mind.

The simple fact is that noise mitigation must always be the priority for communities in and around the airport and therefore, that must be a priority for the Government. In this regard, I wish to address the noise monitoring functions that Fingal County Council will have as the competent authority. It is vital that noise monitoring happens on an ongoing basis at Dublin Airport. It is clear that noise at the airport is not only generated by flights themselves but also by numerous other functions at the airport. The fact that all these operations must be monitored continuously and that any appropriate action must be taken to reduce noise levels, is in the best interests of local residents.

I note the legislation before Members requires the production of an annual compliance report by the competent authority. While this in itself is positive, it will be fundamentally necessary for the required action to be taken by the competent authority to ensure that all operations at the airport are within the noise limits on each of the 365 days within a year. It will be vital that where noise levels exceed the maximum levels, swift action is taken to bring airport activities into compliance. In order to ensure compliance, the competent authority will have the ability to seek recourse through the High Court where its directions regarding operating measures or noise mitigation measures are not adhered to. That is vitally important.

Much of the focus here is on the airport directly and the activities that occur within the airport. It is important, however, that we take into consideration the people in their own homes in the context of this debate. We must ask ourselves the question as to how we can best provide for local residents to ensure they are protected from increased levels of noise at home, should a situation of non-compliance or any other such factor arise. As Deputy Clare Daly mentioned,

I believe it was also mentioned yesterday evening, there have been developments as regards what is determined as acceptable noise limits in the vicinity of an airport released by the WHO. While I do not suggest that we should implement that line for line, we need to take it into consideration. It is important that the competent authority has the competence to impose the requirement for the provision of an insulation scheme for homeowners and public buildings in line with adopting a balanced approach. When the plans for the second runway were brought forward, it was vital that plans were put in place to provide homes and buildings such as schools with additional insulation to offset any increase in noise resulting from increased operations. It is inevitable that traffic levels at Dublin Airport will grow as the airport grows. This will increase the number of communities potentially impacted by noise levels emanating from airport operations. It is important that these communities are protected and any remedial works required on homes and public buildings to protect them from noise are completed in advance of an increase in operations at the airport. For this reason, the competent authority should have the power to implement such requirements. I would appreciate the Minister's views on the matter.

While elements of this Bill are positive, grave concerns exist. Local residents deserve the reassurance they seek and to have their worries adequately addressed. Certainty must be provided regarding the future implications this Bill may have for local communities in Fingal. I am interested in hearing from the Minister the reason he believes this proposal would constitute a good deal for my constituents, and how he intends to address their genuinely held concerns.

I will deal with two final matters. The development of Dublin Airport over decades has taken place in a relatively well planned manner. There are, however, interventions at local authority level that have impacted greatly upon the lives of people living at either end of the runways. One-off houses have been developed, in particular in the St. Margaret's area, which is predominantly rural. These properties were granted planning permission because they were zoned by councillors. I was a councillor on Fingal County Council for nearly seven years and I recall a number of zonings for one-off houses occurring in the vicinity of Dublin Airport. In certain instances, we are now dealing with the repercussions of those decisions. The development plan for 2004 to 2011 was approved prior to the granting of planning permission for the northern runway and that must be taken into consideration. We must have a meaningful conversation on the competent authority, regardless of which body is appointed to that role, if the Opposition threats are followed through. It should have an overview role of the planning and development legislation regarding future one-off housing in the vicinity of Dublin Airport. That should be considered in the context of the Bill.

My colleague, Deputy Clare Daly, referred to Manchester Airport and the restrictions that are in place at night and the other mitigating factors the authority introduced there. That deserves further examination. I focused my research on London when perhaps I should have focused on Manchester. A restriction of 5,800 night flights per annum applies at Heathrow Airport. This amounts to approximately 15 flights per night in certain circumstances.

I find it peculiar that when the Bill was published recently, the DAA chief executive, Dalton Philips, made clear in a press release that the legislation would have a serious detrimental effect on Dublin Airport. Deputy Clare Daly spoke more eloquently about Dublin Airport's business model than I can. That model contains an inherent flaw. The DAA's suggestion that there will be a dramatic reduction in the number of aircraft movements at Dublin Airport is not true. The airport will have two runways operating simultaneously. There is sufficient distance between them to allow aircraft to land and take off at the same time, as is the case in other airports and jurisdictions. During the summer, while on board an aircraft that was taking off at another

airport, I observed another aircraft taking off at the same time on an adjacent runway. It stands to reason, therefore, that if Dublin Airport can accommodate 30 million passengers with one runway, it will be able to realistically hit its target of accommodating 50 million passengers with two runways within a reasonable period.

Longitudinally, our landing slots are slightly different from those in mainland Europe and the United Kingdom because we are closer to the Americas and many aircraft arrive here at 5 a.m. and 6 a.m. I accept that such aircraft disturb residents, because they used to disturb me when I lived about 4 km from the airport, especially when they were slowing down upon landing. In his part of the city, the Minister would not be familiar with the rumbling sound but it can disturb people's sleep. While my house was too far away to hear the sound of engines on take-off and landing, that rumbling noise is present in the north county and one can hear it at busy times in particular. I do not wish to pick on one airline, but Aer Lingus is advertising for 200 new pilots. It is expanding its international long-haul fleet from 14 to 30 by 2021. That means a significant expansion in aircraft numbers, some of which will be narrow bodied aeroplanes with smaller engines.

I do not accept the position adopted by the Dublin Airport Authority that this legislation would have a serious detrimental effect on activities at Dublin Airport. It will have a significant effect on the DAA's current business model so that model will need to change. The important factors here are the need to take a balanced approach and to take account of aircraft noise regulation and improvements in technology. I am sure the decision made in 2007 was based on technological assessments of engines made in 2005 or thereabouts. That is a long time in terms of engine development.

When all of that is taken into consideration, I believe the measures outlined in the Bill are good. This legislation gives citizens the opportunity to deal with an organisation that is solely tasked with dealing with aircraft noise at their local airport where that airport accommodates more than 50,000 aircraft movements per annum. As the only airport in the country to which this regulation applies, it is good that the Bill is before us, although there are certain concerns with regard to the separation of the Fingal County Council's competent authority role from its other functions.

If we had debated this Bill in 2006, I do not think anybody would have voiced major concerns, certainly not in the way they are being voiced today. We are now dealing with the ongoing and ever-present threat from the DAA that it will appeal the two conditions it finds offensive in respect of night flights once the competent authority has been assigned. That creates a predicament for all of us in that we have to deal with the appointment of a competent authority, which is a good thing, against the backdrop of the presumption on the part of many, which is informed by Opposition politicians, that it is a *fait accompli* that the competent authority will overturn the decision of An Bord Pleanála. Given all of the technological advancements I mentioned and the traffic patterns Dublin Airport has built up since the decision was made in 2007, I do not see any evidence that the competent authority will overturn those decisions because significant changes have not been made to the operation of Dublin Airport. With the exception of African flights and flights landing from the continental United States, which can be modified to ensure they land after 6 a.m., I do not accept that it is a *fait accompli* that the competent authority will overturn the decision made.

I welcome the opportunity to debate this Bill, which I intend to support. I have been made aware of certain amendments that will require careful consideration by the Minister. In par-

ticular, I draw his attention to the points I raised about insulation, a mandated programme that would be operated by the competent authority and the separation of staff to ensure there is sufficient distance between the competent authority's activities and those of the planning authority.

An Ceann Comhairle: I call Deputy Broughan who is sharing time with Deputy Wallace.

Deputy Thomas P. Broughan: I am grateful to have the opportunity to speak on the Bill. I have always deeply appreciated the role of Dublin Airport as the key economic driver of Dublin's northside, in particular as I was a founder and director of Coolock Development Council, which has community centres, business centres and jobs training programmes to help people leave unemployment. We know that up to 60,000 jobs in the wider airport zone, including Dublin Bay North, in particular jobs in logistics, are dependent on the successful development of the airport. However, as the number of passengers has moved up to 30 million per annum and beyond, and the second runway is under construction, constituents in Dublin Bay North, in particular those on the north fringe, remain profoundly anxious that the airport's role is developed in a sustainable way. This especially concerns aircraft noise and associated flight paths, which, of course, are the core subject of the Bill.

We have been told the purpose of this Bill is to provide for the implementation of EU regulation 598/2014 regarding noise-related operating restrictions at airports in the EU with a balanced approach and to designate Fingal County Council as the competent authority. Did the Minister read that regulation before he drafted this Bill? It does not seem he did. Section 13 of the regulation states: "The competent authority responsible for adopting noise-related operating restrictions should be independent of any organisation involved in the airport's operation, air transport or air navigation service provisions, or representing the interests thereof and of the residents living in the vicinity of the airport." The Minister has clearly failed that test of independence in this Bill. Fingal County Council, the Minister's intended competent authority, cannot be independent of the Dublin Airport Authority nor the residents of Fingal, given it is there to serve those residents and approximately 40% of its annual budget comes from the Dublin Airport Authority. There is a clear conflict of interest. Fingal County Council, the airport and the local community are closely intertwined, which is why I believe an organisation such as the Environmental Protection Agency, EPA, would be a much better fit as the competent authority. The House will know there is a motion on airport noise on the clár of the Dáil in my name and that of Deputy Clare Daly, in which we call on the EPA to carry out a study in this regard.

I have listened closely to colleagues such as Deputies Brendan Ryan and Clare Daly in regard to the position of the Commission for Aviation Regulation. I would have a concern in this regard, given people in the aviation business are in the aviation business, and there could still be some kind of conflict. However, the central point is that Fingal County Council does not fit the format of an independent regulator, no matter what its excellence might be in other areas of its operations on behalf of people in Fingal. The references to Fingal County Council in section 3 and in other sections of the Bill should be deleted and replaced with references to an independent regulator.

Seven or eight years ago, in the last Fianna Fáil-led Government with the Green Party, there was a proposal for a comprehensive noise control and abatement Bill, which proposed an independent noise regulator across the whole gamut of noise. I was very supportive of it but, unfortunately, the former Deputy, Ciarán Cuffe, as was the case with many other Green Party policies, did not bring it forward when he had the chance in four years in government.

When the Minister, Deputy Ross, was in the Seanad and when he wrote, week in, week out, in the *Sunday Independent*, he was always a clear and ferocious advocate for independent regulators. He did not regard the Central Bank or the Financial Regulator as proper regulators and he looked at other areas where he felt there was not proper regulation. This was one of the Minister's core beliefs. While I note An Bord Pleanála is responsible for the appeals mechanism under section 10 of the Bill, we need an independent regulator. This is not independent. The Minister has to go back to the drawing board. That is what is wanted in Dublin Bay North and across the whole 20 sq. km zone of the flight paths. It is what the Minister should seriously consider, and not leave it up to us to bring it forward.

The Minister told us Fingal County Council is to receive no extra Government funding to carry out this function. In fact, section 5 proposes a levy for the airport. Is this not an even worse conflict of interest? The Minister is expecting the DAA to further fund its own county council by paying a sufficient amount to have itself monitored. It is crazy and it does not add up.

We have seen over the years how the DAA has treated the surrounding neighbourhood of St. Margaret's, the Ward, Kilreesk and other small communities that long predate the development of Dublin Airport. When I was transport spokesperson for the Labour Party a decade ago, I remember meeting Michael O'Leary and representatives of Ryanair. There was a lot of talk that Ryanair would move to Mullingar or to a new airport in the midlands. Of course, Michael O'Leary correctly said that the Collinstown plateau in my constituency is one of the most ideal places in the world for an airport, given it is so close to the ocean and gets so little fog, which means it is operational almost every day. It is a brilliant location and it has served us well, even though the Government has not progressed the metro or other public transport links. Despite the location, the treatment of the residents and the impact on their health and well-being, on house values and on businesses has not been satisfactory.

I have represented constituents on the flight path, as has Deputy Brendan Ryan, in particular those living in the area from Portmarnock to Balgriffin and on the north fringe of the city. We see the nightly process of mostly Aer Lingus and Ryanair aeroplanes gently dropping in as they arrive home. Much of the time the noise is not too bad over much of the constituency but, when the wind is from the east and they are taking off towards the east, residents are exposed to what are often quite serious noise events. When I was on Dublin City Council over the years, we urged Fingal County Council to have more monitoring stations but this did not take place.

Fingal County Council's consultation on the noise action plan for Dublin Airport 2019-2023 makes for interesting reading, although I am not sure the Minister has read it. The sheer number and scope of submissions shows how exercised our constituents are in Dublin Fingal and Dublin Bay North about noise pollution from the airport, and how seriously the Minister should be taking this matter to ensure sustainable development of the airport.

On that point, the Minister has been invited out to St. Margaret's and Newtown on a number of occasions, and Deputy Brendan Ryan may also have invited him to his area, but the Minister has not got back to the residents or visited them. This is something he could do in the coming weeks. If this facility was located close to his own constituency, I am sure he would have visited them many times.

The consultation submissions and Fingal County Council actions mention the World Health Organization Environmental Noise Guidelines for the European Region, published in October

2018, and Fingal County Council outlined its action as being to “seek national guidance on the WHO Guidelines” and stated that it will “change text of NAP to include reference to newly published Who Guidelines”. Point 8 of the Fingal County Council submission refers to the “increase in night time noise exposure, referring to the 380% increase in dwellings exposed to night time noise above 50dB [decibels]”, which is an amazing finding. The council also confirmed there was an increase of 40% at night time for the “noise footprint” from 17 sq. km to 24.1 sq. km. Fingal County Council’s response states that “this had a disproportionate effect”, although it then refers the matter back to the DAA without any fundamental actions. The Minister’s legislation does not comply with the EU regulation in terms of the appointment of Fingal County Council and it will clearly be open to challenge at EU level. This is something which could go on for years.

Deputy Clare Daly and I have drafted a motion on all of these issues which the Minister might consider. We know from recent reports that the traffic for all of our airports is heading for 35 million passengers per annum, with close to 30 million for Dublin Airport alone. Other Deputies referred to the plans to increase the number of passengers using the airport to 50 million in order to rival and surpass Manchester and become, alongside Heathrow, the other major airport in these islands. If that is to be countenanced at all, it must be done in a sustainable way, having particular regard to noise.

My fundamental point is that local residents in Dublin Fingal and Dublin Bay North believe strongly that the economic importance of Dublin Airport and the necessity for growth can co-exist with the local community where proper insulation and sound barrier technology is installed, reasonable noise controls are in place and there is a voluntary buy-out scheme for those who decide they need to leave on foot of the latest developments. We must address the regulation issue, which is the Minister’s task. I ask him to recall the time previously when he railed against incompetent regulators and situations in which the wrong regulator was in the wrong place, particularly in the area of finance, and I urge him not to designate Fingal County Council. He should instead go with the suggestion of my colleague or the EPA.

Deputy Mick Wallace: The Bill seeks to provide that An Bord Pleanála will be the appeal body in respect of aircraft noise regulation. Under the legislation, an appeal against a relevant regulatory decision may be lodged together with the appropriate fee before the board at any time before the expiration of the appropriate period by the airport authority or a relevant person. This appears to be a well-thought-out decision because the board has extensive experience in handing appeals. However, I am concerned about recent appointments to the board and how they might affect its ability to function in an impartial manner.

An Ceann Comhairle: The Deputy should not name anyone.

Deputy Mick Wallace: I will go to great lengths not to name him.

An Ceann Comhairle: I thank the Deputy.

Deputy Mick Wallace: According to a press statement released by the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, yesterday, he has appointed an individual who the Ceann Comhairle does not want me to name and who has extensive experience in planning to the board of An Bord Pleanála. The press release stated that the individual was employed by a private company. That is inaccurate because the individual is head of planning for a public listed company, Glenveagh Properties plc, not a private company. The com-

pany is headed by another NAMA individual the Ceann Comhairle does not want me to name. The individual who has been nominated to An Bord Pleanála is a former employee of NAMA. He was head of planning with the agency. I am concerned that his appointment to the board will create a conflict of interest. What happens if Glenveagh applies directly to An Bord Pleanála for a strategic housing development of more than 100 units? Would this member be given a say in the decision-making or would he be absent for it? What would happen if-----

An Ceann Comhairle: I am reluctant to intervene but we are treading on dangerous ground. Everyone is entitled to the presumption of his or her good name. That includes the presumption that anyone appointed to public office will act in an appropriate manner. While I thank the Deputy for not naming anyone, people would be readily able to identify the person to whom the Deputy has referred. I ask him to be careful, please.

Deputy Mick Wallace: I thank the Ceann Comhairle. I have expressed my concern. This is an area in respect of which the Government should be more careful. I am not casting aspersions on the individual involved. I am stating that when we make appointments, we must take on board the need to avoid conflicts of interest. When the Taoiseach announced the Land Development Agency, I expressed serious concerns of a similar nature. This is not disconnected from the same philosophy that brought us the Land Development Agency and I am disappointed, given such a terrible housing crisis, that the Government is getting the foxes to mind the chickens. It is of great concern. I have real concerns about the way in which the Government is dealing with the housing crisis. While I realise it is nothing to do with the Minister-----

An Ceann Comhairle: We are on the Aircraft Noise (Dublin Airport) Regulation Bill.

Deputy Mick Wallace: I accept that. I am throwing no stones at the Minister. I have taken the opportunity to highlight my worry and disappointment at how the Government is going about its business in dealing with the housing crisis. It happened to be connected to this because of the involvement of An Bord Pleanála. I thank the Ceann Comhairle and Minister for their forbearance.

An Ceann Comhairle: The connection is very tenuous, I suspect.

Deputy Fergus O'Dowd: I welcome the debate. It is important that it should take place in the House. I listened with great interest to the contributions, especially those of Deputies representing the electoral area directly adjacent to Dublin Airport. As Chairman of the Oireachtas committee dealing with transport, my interest here is to listen to what people are actually saying. What is important, as mentioned in particular by Deputy Broughan, is the relationship between the airport authority and those who live in the area. It is critical to ensure engagement with local people takes place as that is where the future lies for statutory authorities, energy companies proposing controversial infrastructure and companies which have in the past trampled on people's rights, as we all know. I have not spoken to the DAA about this, but if meetings have not already taken place, they ought to. There ought to be consultation and it should not be an "us versus them" project.

Where projects benefit the wider community and not necessarily all of those who live in the adjacent area, the question of the greater good arises for politicians like me. From an economic point of view, we will argue that we must have additional airport capacity. If one is a businessperson involved in the local economy or looking for a job, any improvement or increase in employment prospects will be of benefit. I start from that point and acknowledge that it is a

very strong case. Sometimes when one does not live next to something, it does matter to one because one knows the economy benefits. However, the question arises as to whether adequate attention has been paid to the people who live adjacent to airports or infrastructure carrying energy from one part of the country to the other. We have seen in rural areas that as pylons come closer to their homes, people get more excited and concerned. They become extremely agitated and upset. One of the issues here is the question of the benefit to the local community. Is there an additional benefit for those who live near or adjacent to infrastructural projects like these?

That is why I refer to the engagement of the DAA with residents' associations. That process must be separate from the project itself. Attempts should be made to identify what increased community benefits could be made available near airports and so on. Given the noise issue, the very first consideration is a commitment to use the airport at the times which least discommode people.

7 o'clock

Second, nobody would argue that airport authorities want only the noisiest airplanes in the world to be landing in their airports. Of course they do not. Aircraft technology is obviously improving. Noise levels are hugely important internationally. The idea is that they should be reduced and that best practice should be to ensure the least noise possible from aircraft. I know that airport authorities cannot dictate who lands and who does not, but these are issues that offer hope for the future in this regard. The objective of everybody is that noise levels would decrease rather than increase, that communities would engage with the airport authorities, and that there would be proper and respectful negotiations and discussions between them.

As I understand from the discussions we have had separately with the Minister's departmental officials, the issues are around the capacity of Fingal County Council to act as an independent, authoritative, and knowledgeable body in making this decision initially. This capacity has been questioned because of the special skills required to adjudicate on issues like these. One point which I think is particularly clear is that, whether it is Fingal County Council, the EPA or another agent that will ultimately make this decision, very specialised knowledge and skills are required which I understand may have to come from outside experts or people who have specialist knowledge in this area. In those meetings we looked at how other countries make these decisions and at who makes these decisions for them. Whoever makes it must have the relevant knowledge and skills.

The question being asked locally about the capacity of Fingal County Council, if and when it gets that authority, is whether there will be sufficient assurances, reassurances and, for want of a better word, Chinese walls in place to ensure that there will be a totally and absolutely clear demarcation between data and information coming out of the part of the council which will be designated for that purpose and the rest of that operation. That does not mean that officials could not have tea and coffee together or park in the same car park, but the key point for credibility is that there must be clarity. How that clarity is achieved is a matter for the airport authority, the Minister and his officials to talk about, but that is critical.

From what I have heard, some people, including some public representatives, may be of the opinion that this is a done deal and that the path of least resistance will be taken. Fingal County Council gets an income from commercial activities and the bigger the airport and the more runways it has, the more it will be paid in rates. There is an issue there. While obviously the Minister cannot put that in legislation, or I presume he cannot, getting a commitment in that

respect would be useful and positive. I would like to think that, when we come to Committee Stage, we could go through those issues with the Minister and his officials. Out of it all will come a vibrant and growing economy. Obviously even a soft Brexit will create problems and will have a serious negative effect on our society and economy. Dublin Airport should and must develop, but it must develop in the best possible way with empathy, understanding, appreciation and commitment to the people who live nearest to it.

Fingal County Council should and must give reassurances in respect of the decision making process and its complete and utter separation from the other affairs of the council, because at the end of the day it will be the planning authority as well as the authority with the capacity, under the legislation, to make this recommendation.

I want to say a few words about the airport if I may. I have not been there for a while but one of the things that annoys me when I go in - and I beg the Acting Cathaoirleach's indulgence for a moment to say this - is that I find the cost of purchasing items such as food in the airport is sky high. While one does not mind paying it because one might be travelling at 6 a.m. or whatever, the airport, particularly some of the eating areas, is in a very bad condition. The seating is frayed and the place is often filthy dirty. It annoys me to see the muck, dirt, filth and lack of attention in some of the eating areas and the arrogance of the franchisee who does not care about where one sits or what one's surroundings are like. When I have been there I have consistently found that to be the case. If people from the DAA are listening, I would ask them if they do audits of standards of hygiene and cleanliness. I am talking about ordinary cleanliness. There is muck and dirt on the floor and frayed and torn pieces of furniture. It is absolutely unacceptable and I ask the Minister to say that to the DAA if and when he gets a chance to meet with it. I will get the chance when I meet with it. I would like to see how frequently the cleanliness, hygiene, value for money, and what the consumers are getting are audited. Millions of us go through there every year.

Obviously this legislation is not about any of that. It is about working, in the most appropriate and respectful way, with the people who will be most concerned about this decision. I wish the legislation well. I look forward to Committee Stage and the discussions we will have at that time.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I thank all those who took part in this Second Stage debate. I do not doubt for one moment that all of them are looking after the interests of their constituents and of the nation as they see them and that the contributions to this debate have been sincere. I do not agree with them all, but they have certainly been expressed in terms which are moderate and sensible and they have shown a knowledge of the airport and the airlines, which is very welcome in a debate of this sort. I look forward to the passage of this legislation on Second Stage this evening. I hope to herald an early Committee Stage in January. I believe that is what is planned. We will be able to thrash out some of the detail there. I have said quite specifically to Deputies that if there are constructive improving amendments to this legislation, we will welcome them. I am not, under any circumstances, putting a bar on amendments. What I am saying is that the passage of this Bill is urgent for reasons which I believe everybody understands.

It has something to do with the delay, for which I have taken a certain amount of blame. The delay that occurred with this legislation was mostly legally led. The Attorney General found that the early decision to appoint the Irish Aviation Authority, IAA, was not legally sound and advised against going ahead with choosing it as the competent regulator. That was as frustrat-

ing for me and the Government as it is for the Members of this House. They are now expressing that frustration very eloquently. I am somewhat at a loss as to what they are advising I should have done in the face of that advice. Had I said that the advice was flawed, not taken any notice of it, and gone ahead with the decision to appoint the IAA, what would those Deputies be saying to me now? They would be saying that it was an irresponsible and reckless attitude to one of the most important decisions I have to take in this job. They would be saying that this would be judicially reviewed, that it would be challenged in the courts, delayed and God knows where it would be going for years. That would have had some justification and I would have had to justify taking a decision against legal advice from the highest legal officer in the land. I have been challenged on it, probably with justification. It would undoubtedly have been inviting challenge by taking a decision of that sort and we would be in a much bigger mess than we would have liked to have been in.

I defend without equivocation the decision to take that legal advice. I would have much preferred if it had not happened but in light of events that were happening elsewhere, that was a decision which the Attorney General took. I, along with others, decided after that Fingal County Council would be an appropriate independent noise regulator. I agree that has provoked and prompted some very good, fine and fair questions but I do not accept the situation which has been presented to us that in some way Fingal County Council will lack the independence necessary to carry out this particular function.

Deputy Broughan said that 40% of Fingal County Council's income comes from the airport. He is not in the Chamber now but I do not know where in the name of God he got that figure. The figure I have got that is coming through is 8%. I would be happy to discuss it with him on Committee Stage. In debates of this sort we continuously get figures like that flung around but not backed up by any authority or expertise. It is wrong to quote figures which have no backing or which are not, as far as I know, supported by evidence. In a debate of this sort, if the figure is 8%, it is a long way from 40%.

I appreciate Deputy O'Dowd's point about making sure that there is no conflict and ensuring that if data were coming out which might conflict Fingal County Council, that this should be prevented. I do not believe it will happen but if there was a danger of it, let us make sure that any information is ring-fenced if it is necessary, and I will make those representations at the appropriate time. Whatever about the merits of Fingal County Council, and I stand firmly behind it, I do not believe anyone is challenging the independence of the people in An Board Pleanála as the final appeal. We seem to have a pretty strong, robust system of adjudication, one with which I am totally satisfied, although I accept that Deputies from the area should be expressing those views and I hope to reassure them that Fingal County Council will make a very fine noise regulator.

On the issue of noise, several Deputies voiced the views of the residents of the area and pointed out how difficult it has been for them living with that noise and having had that pressure for many years. They are right. It is a different type of existence to live with the disturbance of airport noise on a regular basis, and I have never had to live with it. To suggest that we are in some way rushing a decision against any kind of representations in the face of all the representations of the people of the area is not true. The DAA certainly has been carrying out very serious consultations with the residents on a regular basis. Deputies may be critical of those consultations and say that they do not get results for the residents. Deputy Broughan asked me if I would meet the residents of St. Margaret's. Since I have been in office I have met numerous residents from the areas represented by Deputies Brendan Ryan, Deputy Darragh O'Brien and,

I believe, Deputy Broughan. I have met representatives of residents' associations and representatives of Travellers and of farmers who are affected, who have specifically come forward to inform me, and consequently my officials and others, about the noise situation. All those have been referred by me to the DAA, after having taken copious note of what they had to say. It would be wrong to say that they are being ignored.

I refer to another comment made in the debate this evening in light of the genuine concern of residents. Deputy Farrell said there seems to be some sort of a narrative that a new regulator will change the conditions and take a different attitude to noise and to the second runway. He is right. It would be completely and utterly wrong to second-guess what the noise regulator will decide. We are not doing that. We are not second-guessing that. We do not know. The noise regulator will be utterly independent and free to make a decision, as will An Bord Pleanála when the appeal is made. We do not know what decision will be made by an independent noise regulator and to assume that something will be different or the same, or better or worse, is wrong. We do not know what it will be doing. We are responding to a European directive and appointing an entity which we believe is the best possible one to do the job. What decision it will make is an unknown. That is what good regulators do. I would be perfectly happy to accept that. We may not like its decision but we will have to abide by it.

I accept much of what the Deputies have said is very welcome and constructive. Nobody in this debate wants to see a situation where the airport's expansion is in any way obstructed. Dublin Airport is a vital part of the infrastructure and the connectivity for which this island has a compelling need. It would be wrong to do anything to obstruct it. We must facilitate it but we must be sensitive to the views of the residents and the independence of any decisions that are being made. As with other means of transport, it is important that they connect to serve the people of this country and people from abroad who travel here. The prosperity of the nation depends to a large extent on our connectivity by sea, air and hauliers, and it is my job to see that Dublin Airport, as the main transit point by far for passengers, is working to full capacity. That is why any move to delay any legislation of this sort would be irresponsible and I do not want to see that happening, but responsible decisions must be taken within that particular framework.

I look forward very much to Committee and Report Stage taking place in a responsible and constructive atmosphere like the one we have had here today and yesterday. I thank the Deputies who made good suggestions and encourage them to table amendments that are in the national interest. The Government will certainly welcome them because this is too important to become some sort of a plaything for local interests. I do not believe it will become that. The Government will certainly respond in a constructive way to suggestions from other parties and groups if they both help residents and act in the greater national interest of keeping aircraft flying in and out of the country without obstruction.

Question put and agreed to.

Aircraft Noise (Dublin Airport) Regulation Bill 2018: Referral to Select Committee

Acting Chairman (Deputy Bernard J. Durkan): I understand that it is proposed to refer this Bill to the Select Committee on Transport, Tourism and Sport pursuant to Standing Orders 84A and 149.

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

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

Question put and agreed to.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

Acting Chairman (Deputy Bernard J. Durkan): 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 Pat Buckley - to discuss mental health supports for Defence Forces personnel in view of recent suicides among ranks; (2) Deputy Aindrias Moynihan - to address safety issues with regard to the N22 between Macroom and Ballincollig; (3) Deputies Éamon Ó Cuív and Catherine Connolly - to address the imminent closure of Galway Autism Partnership due to a lack of financial support from the HSE; (4) Deputy Michael Moynihan - the status of urgent safety works to the junction of the N72 and R579 at Ballymaquirke, County Cork; (5) Deputy Bernard J. Durkan - to review the progress of the development at Naas Town Centre, County Kildare; and (6) Deputy Mick Wallace - to discuss the appointment by the Minister, Deputy Eoghan Murphy, of Mr. Christopher McGarry to An Bord Pleanála.

The matters raised by Deputies Pat Buckley; Aindrias Moynihan; Éamon Ó Cuív and Catherine Connolly; and Bernard Durkan have been selected for discussion.

Saincheisteanna Tráthúla - Topical Issue Debate

Defence Forces Medical Services

Deputy Pat Buckley: This is in response to one of many parliamentary questions I submitted in the last month. The question was to ask the Taoiseach and Minister for Defence:

the number of suicides recorded among members of the Defence Forces in the past three years, respectively; if no number is recorded, his plans to compile such information on members' health; and if he will make a statement on the matter.

The reply I got was surprising and not surprising at the same time. It reads:

I am advised by the military authorities that the Defence Forces are not in a position to provide the information requested in relation to death by suicide. All sudden deaths must be reported to the relevant Coroner's Office. It is a matter for the Coroner to decide whether a post mortem should be conducted and to determine the cause of death.

Before we go any further, I have asked members of the Defence Forces the same question and the answer seemed to be very different. For example, the answer to the above question is "Yes, they are." The Defence Forces clearly know how many people have killed themselves, especially when done in Defence Forces barracks. For example, if a soldier shoots himself or herself in a guard or duty room, this is clearly a suicide, but the Defence Forces would record the death as an "ND", which is a negligent discharge. There is some kind of cover-up here. The information I received states that there have been four suicides in the Defence Forces recently.

I have also been informed in a parliamentary question that an independent strictly confidential 24-hour careline manned by trained counsellors is available to all. My witnesses said they have never heard of it.

It has been well highlighted in the last year that members of our Defence Forces have and are still being treated very badly. Wages are very poor, with some serving members actually relying on the family income supplement. Others are sleeping in cars because they cannot afford fuel for transport to get home. The Air Corps is another major issue. Its members are overworked and it is understaffed. It is also known that certain chemicals that the members have to work with are leading to major health problems. There is a higher than average number of suicides in this section. We have followed up on information received on Lariam and I have raised it with two separate Ministers here. This problem has not gone away. I have been informed that members of the Defence Forces are still receiving this. One of the first things I want is confirmation about whether this is entirely true or entirely untrue.

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): I am here to answer Deputy Buckley's questions on behalf of the Minister of State, Deputy Kehoe. I am conscious that he has asked a few more questions that were not flagged and I am afraid I will not have details of them. I will do my best to answer the questions he previously flagged would be asked.

We are not in a position to comment on the number of deaths as a result of suicide within the Defence Forces as this information is not recorded by the military authorities. All sudden deaths must be reported to the relevant coroner's office. It is then a matter for the coroner to decide whether a post mortem should be conducted and to determine the cause of death. However, I can assure the Deputy that the health and welfare of the men and women of the Defence Forces is a high priority of the Minister of State, Deputy Kehoe, who has responsibility for defence and his Department. Mental health supports are part of a range of medical and non-medical services provided to ensure that Defence Forces personnel are medically fit to undertake the duties assigned to them.

Medical mental health services available to personnel include access to clinical psychology and psychiatry services. The psychology service assesses, diagnoses, treats and advises on strategies to prevent mental health disorders. Psychiatry services specialise in the assessment, diagnosis and treatment of mental illness. There are currently two clinical psychologists employed by the Defence Forces. Psychiatry services were until recently provided in-house by a military psychiatrist. This position is currently vacant, with interim services being provided through a combination of external public and private services. However, efforts are continuing to recruit a full-time psychiatrist to provide an in-house service. This is proving to be challenging in the context of a nationwide and indeed worldwide shortage of trained psychiatrists. It must be stressed that there is no delay in referring patients requiring immediate psychiatric care or assessment.

In addition to these clinical supports, non-medical mental health services are provided by the Defence Forces personnel support service. The Defence Forces personnel support service provides a welfare, information, psychosocial support and referral service to serving members of the Defence Forces and their families. The service is delivered through a network of military barrack personnel support service officers and civilian occupational social workers. This network of professionals is prepared to provide immediate help to service personnel and their families in a routine environment or at a time of crisis. This assistance can range from the sim-

ple provision of information to counselling or, if required, signposting and referral to specialist help and assistance. Furthermore, the assistance may include psychosocial support, including counselling, information and assistance services on a variety of issues such as relationships, general finances, addiction, retirement including pensions and gratuities, housing, taxation and PRSI and much more.

The Department of Defence funds a confidential counselling, referral and support service for serving members of the Defence Forces, civilian employees and Civil Defence volunteers. The service provides confidential counselling on a wide range of personal and work-related issues, including but not limited to health, relationships, addiction, financial, bereavement, stress, conflict, critical incident and trauma. In the case of relationship counselling, the spouse or partner may also attend the counselling sessions. A freephone confidential helpline is available 24-7, 365 days a year. The helpline is staffed by fully-trained and experienced counsellors. The helpline provides for referral to appointment-based telephone or face-to-face counselling. Deputy Pat Buckley said that number is not available. I doubt that is the case and will put this on the Dáil record. If it needs to be promoted more or advertised more, we can look at that, but I am confident, if it is written here, to say on behalf of the Minister of State, Deputy Kehoe, that it is true.

Deputy Buckley said that he has confidential information. Maybe he might share that with the Minister of State at an appropriate time. I am sure he would be open to that. The Deputy raised a number of issues that he says have been brought to his attention but I get the impression that they have not been brought to the Minister of State's attention. If the Deputy has information of a very serious nature, there are appropriate channels to deal with it and I recommend that he brings it forward. From what I know, the Minister of State, Deputy Kehoe, is always open to hear all these stories and would be concerned on behalf of his forces and would act on that.

The Defence Forces are fully alert in relation to suicide awareness and prevention, issues of depression and other mental health issues among its personnel. This is particularly important given the nature of their role and potential access to firearms and weapons. As outlined previously, the Defence Forces, through its personnel support services, PSS, and working closely with the HSE, engages in extensive suicide awareness and mental health education programmes for all members of the Defence Forces. While the Minister is satisfied that the available services offer comprehensive supports to Defence Forces members, I can assure the Deputy that they are kept under constant review.

Deputy Pat Buckley: I thank the Minister of State, Deputy English, for the reply. As I said, the purpose of this Topical Issue matter is to flag what is not happening but should be happening. I will give the perfect example. A document I have to hand states that the Defence Forces, through the PSS, engage in extensive suicide awareness and education programmes for all members of the Defence Forces and that these programmes include an information guide on mental health and well-being in the Defence Forces. The response to that is posters are stuck up around the barracks but are never permanent. The programmes also include issuing Defence Forces guidelines on suicide. The response to that is that it is done rarely during initial training and members must attend but thereafter, it is not a requirement due to the stigma of mental health. As for running courses on suicide and self-harm, the response is the same as above. In respect of providing a mental health fitness programme within the Defence Forces, members are allowed to participate in training because they must train if they want to pass their mandatory annual test. On the provision of wellness recovery action plan, WRAP, training, members say they have never heard of it. As for the programmes in which skills training on risk man-

agement, STORM, and risk assessment and suicidal self-harm mitigation training for overseas units are conducted, they have been classed as a box-ticking exercise undertaken by an officer. On the provision of applied suicide intervention skills training, ASIST, in conjunction with the HSE, the response was they have never heard of it nor have they heard of the HSE coming to any barracks. The perception in this regard is that this training may be for senior rank staff only. As for conducting safeTALK training, the response from members was that this is done on recruitment and in initial training. In respect of the provision of critical incident stress management training and the issuing of a booklet entitled Defence Forces Suicide and Self-Harm Prevention, it is acknowledged that this is correct but that it is being handed out like a menu. These are the programmes the Defence Forces state they provide. I reiterate this is not an attack on the Minister of State, Deputy Kehoe, because a lot of people are not being informed.

I hope that I have painted a clear picture of the grave situation within our Defence Forces. Despite the claim that the Defence Forces are doing everything right, the witnesses' testimonies I have outlined make clear that they are at a disadvantage because members of the Defence Forces are afraid to use many of these services. This is because they fear they will be downgraded straight away, will never get an opportunity for promotion or participation on courses or overseas duties and may face being forced out and left feeling hopeless. This is the general feeling among many serving and former members. I tabled this matter because I believe the members of our Defence Forces should be respected for the job they do. I believe they are being victimised when it comes to speaking out and admitting they are severely stressed at times. This issue needs to be re-examined.

Deputy Damien English: I again thank the Deputy for raising this issue. I regret he does not paint a clear picture. The Deputy referenced responses but I do not know who gave them. If the Deputy has information, I urge him to engage with the Minister of State, Deputy Kehoe, and to share it with him in order that his concerns can be addressed through the appropriate channels. As I said, I am not sure if the Deputy is referencing responses from one person or a number of people. I accept he is raising serious issues but I urge him to seek to have them addressed through the appropriate channels. The Minister of State, Deputy Kehoe, is an open Minister who is concerned for Defence Forces personnel.

Deputy Pat Buckley: I accept that.

Deputy Damien English: I am glad to hear that. I again urge the Deputy to engage with the Minister of State, Deputy Kehoe, on the issue.

As outlined previously, the Defence Forces are fully alert in respect of suicide awareness and prevention, issues of depression and other mental health issues among their personnel. As already mentioned, I am not in a position to comment on the number of deaths as a result of suicide within the Defence Forces, as this information is not recorded by the military authorities. All sudden deaths must be reported to the relevant coroner's office. It is then a matter for the coroner to decide whether a post mortem should be conducted and to determine the cause of death.

I reiterate that a range of mental health supports is available to personnel. The Department of Defence is continuing in its efforts to secure a dedicated Defence Forces psychiatrist and has implemented a number of interim measures until such time as this process has been concluded, including authorisation for the referral of cases to local external private psychiatrists or outpatient treatment where deemed appropriate. However, it should be noted that there is a na-

tionwide shortage of trained psychiatrists as evidenced by the number of HSE vacancies. I am informed that the NHS in Britain has similar difficulties and it has been suggested that there is a worldwide shortage of consultant psychiatrists. The difficulty with recruitment is, therefore, not unique to the Defence Forces, but it is an issue they take seriously.

While the Minister is satisfied that the range of mental health services provided to the Defence Forces, including access to psychiatry, psychology and counselling services, is comprehensive, I assure the Deputy that they are kept under constant review. I hope that in this day and age, people feel it is open to them to avail of these services and that they do not feel they cannot be seen to avail of them. I think we have moved on in that regard and thankfully we have a much more open conversation in this space, and rightly so. If there are any doubts in that regard, the Deputy should discuss it with the Minister of State, Deputy Kehoe, because he would not be happy if that were the case.

Deputy Pat Buckley: I will certainly take up the matter with the Minister of State, Deputy Kehoe.

Road Safety

Deputy Aindrias Moynihan: The most dangerous section of the N22, with the worst safety record, is the section between Ballincollig and Macroom, in particular in respect of people turning right on the road. There have been numerous accidents and many fatalities on this section. I ask the Minister, Deputy Ross, to follow up with Transport Infrastructure Ireland, TII, on what action can be taken to make the N22 safer for people joining or exiting it between Ballincollig and Macroom. There are similar issues further west but the bypass of Macroom will address them. Each day, up to 23,000 vehicles exit Macroom onto the N22, with thousands more joining it from Ballincollig. There is considerable difficulty for people who, for example, wish to turn right at Kilcondy or into Cloghduff or Castlemore because they must sit exposed in the middle of a straight section of the road on which there is very fast traffic. Action must be taken in this regard. These issues have been highlighted repeatedly by councillors, including Gobnait Moynihan and various other public representatives.

In addition, the R585 is a key access route for west Cork. It brings a lot of traffic through Cappoen and on to Crookstown before joining the N22 at Stage Cross and at Castlemore. That traffic gets stuck queuing while trying to turn right onto the road to go on towards Cork. It is very frustrating for drivers and often someone will take a chance, which is dangerous on that road. Some of that traffic, instead of going out onto the N22, will go back over the local road through Cloghduff, Aherla and Killumney, thereby putting further pressure on traffic levels going through those villages. This junction needs to be improved. As the county council owns all of the land surrounding the junction, I ask the Minister to raise with TII the possibility of having a roundabout at that junction to make it much safer. As the road surface is failing, some work must be undertaken there soon anyway.

There is another issue further east on the Ballincollig bypass at the off-ramps at Poulavone and Greenfields. Every evening, there is traffic queuing for several hundreds of metres along that road and the hard shoulder while alongside them, there is traffic heading westwards at 120 km/h. This is highly dangerous and people are concerned. The possibility of providing an extra lane at the Ballincollig bypass needs to be examined. I ask the Minister to follow up with TII how the section of the road between Ballincollig and Macroom can be made safer for people

joining and exiting the N22. It is the most dangerous section of the N22. Unfortunately, there have been many accidents and fatalities at this junction and every effort must be made to make it safer.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I thank Deputy Moynihan for raising this important subject. It is a matter of life and death which makes it vital and very relevant. As Minister for Transport, Tourism and Sport I have responsibility for overall policy and funding relating to the national roads programme. The planning, design and implementation of individual national road projects is a matter for Transport Infrastructure Ireland, TII, under the Roads Acts 1993 to 2015 in conjunction with the local authorities concerned.

Ireland has just under 100,000 km of road in its network and the maintenance and improvement of national, regional and local roads place a substantial financial burden on local authorities and on the Exchequer. Due to the national financial position, there were very large reductions in Exchequer funding available for roads expenditure after the financial crisis. The building on recovery capital plan for 2016 to 2021 and the capital plan review allocations mark a significant step forward in terms of restoring funding to the levels needed to maintain the road network in a steady state condition and to allow for investment in road improvement schemes.

Within its capital budget, the assessment and prioritisation of individual projects is a matter in the first instance for TII in accordance with section 19 of the Roads Act. Minor improvement schemes were included in the road safety strategy. TII is maintaining an ongoing rolling programme of minor projects. To date, 42 minor schemes have been completed. Available funding has allowed TII to maintain delivery on a minimum of four schemes each year and to prepare additional schemes on an ongoing basis. TII advises me that the authority envisages continuing to undertake a minimum of four schemes a year.

I understand from TII that on the section of the N22 to which the Deputy refers, one accident site has been identified at Castlemore through the HD 15 process. The HD 15 process involves the recording of accident clusters and the identification of locations where accident statistics are above average. The local authority has been notified of this accident location and has been requested to prepare a feasibility report suggesting appropriate interventions to improve safety. Once prepared, it will be submitted to TII for consideration for an appropriate course of action and possible funding. On receipt of an acceptable feasibility report, funding may be provided by TII for any work required to improve safety on the national road, including this junction.

As the Deputy has referred to traffic to and from local and regional roads to the N22, the improvement and maintenance of regional and local roads in Cork is the statutory responsibility of Cork County Council, in accordance with the provisions of section 13 of the Roads Act 1993. Works on those roads are funded from the council's resources supplemented by State road grants. The initial selection and prioritisation of works to be funded are also matters for the council. Cork County Council has the authority to provide traffic calming measures on roads in its charge.

There are many competing demands across the system but overall we are moving in the right direction. TII and local authorities will continue to maintain a focus on network safety.

Deputy Aindrias Moynihan: I acknowledge the Minister's remarks about Castlemore Cross. It is known as one of the more dangerous sections of the road so it is good that there is a plan to progress matters there. However, many other sections of the road must be addressed.

The low cost safety schemes, as the name suggests, are smallscale, but bigger solutions are required in the different areas I identified for the Minister. One example is the traffic queues on the Ballincollig bypass off ramp. Dealing with that will require a much bigger scale job and largescale funding. If there is to be an extra lane or if works are to be carried out the Minister needs to highlight that to TII.

Stage Cross on the western end will also be much more expensive than the smallscale works but it would offer far more safety on the road. The TII should examine that. Perhaps the Minister could raise with TII the possibility of building a roundabout there. The land is already owned by the county council. A large fleet of traffic travels through there from west Cork as it is the main access route for west Cork. It is very difficult and dangerous at that point. The Kilconly junction immediately adjacent to it has been highlighted repeatedly to TII. It could offer the opportunity of a solution. There must be an overall examination of the section of road between Ballincollig and Macroom by the TII to see the issues that could be dealt with. Perhaps TII could conduct a complete review of the road to make it safer and report back on that. I would appreciate if the Minister would raise that with TII and impress on the organisation the large number of injuries, accidents and, unfortunately, fatalities that have occurred on the road and ask it to address that.

Deputy Shane Ross: Could the Deputy provide me with detailed statistics on where the accidents have happened on that road, particularly fatalities and collisions? I will be delighted to pass them on. Obviously, the TII already has some details because it has identified one place at Castlemore and will be acting on that. If what the Deputy said is true, it is very worrying. If he can provide some additional statistics on the road I will be happy to address that.

Elimination is impossible but the Government is committed to further dramatic reduction in the number of deaths and collisions on our roads. We will do everything we can to tackle this tragic problem. The TII is only one part of that equation and it is doing very good work in identifying black spots, which will be part of saving lives. I have introduced legislation on drunk driving which I hope has helped and I intend to introduce further legislation on speeding. Those are the two principal killers on our roads. I hope that will add to the reduction in the loss of life that occurred last year. The numbers we have for this year are down again but not down enough. They will never be down enough.

If the Deputy has identified an area which is prone to accidents for various reasons I will be happy to raise it with TII and pass on any information the Deputy gives me, not just from this debate but if he has additional information as well. That would be very helpful.

Deputy Aindrias Moynihan: I will make that available.

Autism Support Services

Deputy Catherine Connolly: The Galway Autism Partnership is in danger of closure in the new year. We attended a very emotional but factual meeting at the end of November when the partnership pointed out that it is a charity with one full-time worker and two part-time workers. It is utterly reliant on voluntary workers. It provides community support in the form of camps and clubs to over 203 families. It serves individuals, children and adults with autism. Those families cannot survive without these services. That was made crystal clear to us. It is interesting that 53% of the referrals to the service are from State funded agencies. The HSE

and Tusla are referring people to the Galway Autism Partnership while it is trying to survive on a shoestring budget, fund-raising and charity.

This simply cannot continue. We are due to have a meeting with the HSE tomorrow and I hope there will be a positive outcome. The partnership applied for funding under section 39 but was refused. To offer an example, there are millions of euro sitting dormant in various dormant accounts, including in the Department of Health. I would not raise a matter at this time on a Thursday night unless it was urgent. We need intervention on this matter so this essential service can continue in the new year.

Deputy Éamon Ó Cuív: I support my colleague regarding the Galway Autism Partnership. It is a community charity. In many cases voluntary bodies that receive State money provide very good value for that money.

They often collect money also. Given the whole ethos of volunteerism behind the partnership, it gives a very good service. When considering this particular organisation, we must understand the nature of autism and the challenges faced by parents. These are 24 hour every day challenges. The Galway Autism Partnership, GAP, facilitates connection and supports with the parents. We are talking about 3,545 hours of special interest clubs, camps and community events. While these supports are important for children who do not have autism, they are hugely important in the case of autistic children. The partnership also provides parent and carer support groups in several locations in Galway city and county, and it provides many other services, way too many to mention in the few minutes we have here.

A parent wrote to me:

I am a parent, carer and usually therapist for my children because my children do not get meaningful health services. The frontline staff does their best in the HSE, but they are under-resourced, doing an impossible job with a consistent lack of resources.

The reality is that the supports needed by parents and their autistic children are not being given. GAP is fulfilling a very important role in providing those services, but it needs money. As my colleague said, on the one hand they are refused section 39 funding and on the other hand, we know that €150 million of Dormant Accounts Fund money is lying dormant and unused by the Government, part of which was to be given to people with a disability. This money, which arose out of the DIRT inquiry, was to be given for the purpose of helping community groups not for funding of State services. I ask that the Minister of State would make representation to his colleagues to do something urgent about this case because if we do not do it now, we might find that after Christmas we have no service in Galway.

Deputy Damien English: On behalf of the Minister of State, Deputy Finian McGrath, I thank Deputies Connolly and Ó Cuív for raising the issue of funding for Galway Autism Partnership, GAP. The Minister of State sends his apologies. He wanted to be here but with the way things went today, he could not make it so I will give the reply on his behalf.

The Galway Autism Partnership, which was established in 2011, provides a range of activities and supports for children and young adults with autism spectrum disorder in the Galway area. The organisation is actively involved in peer and family support, providing information and advocacy, creating opportunities for social engagement as well as participation in education and training. The partnership provides talks on autism and support services for siblings and parents of children and young adults with autism spectrum disorder. They certainly do great

and valuable work that is endorsed by Deputies Connolly and Ó Cuív.

The HSE recognises the important support that Galway Autism Partnership provides to people with autism and to their families and loved ones. While the HSE does not provide core funding to the partnership, the Minister of State, Deputy Finian McGrath, understands that in 2017, it was awarded €5,000 in HSE national lottery funding for the facilitation of summer camps for children aged three to 18 years of age living with autism. In 2018 it received funding of €8,800, including €5,000 through the national lottery small grants scheme, which is administered through the HSE and the balance through a grant under section 39 of the Health Act 2004.

I understand that at the partnership's request, a meeting was held recently with senior management from the HSE's social care division to discuss the organisation's funding requirements for next year and that a further meeting with the HSE, and including public representatives such as the Deputies, is scheduled for later this week. I believe this has been confirmed for tomorrow.

Deputies will be aware the HSE's national service plan for 2019 has not yet been published. Pending publication of the plan, it would not be appropriate for the Minister of State, Deputy Finian McGrath, to comment on specific funding requests at this time. The Government remains committed to providing services and supports for people with disabilities, which will empower them to live independent lives, providing them with greater independence in accessing the services they choose and enhancing their ability to tailor the supports required to meet their needs and plan their lives.

Deputies may be aware that last week, my colleague, the Minister for Health, Deputy Harris, published two reports on autism - a report on the prevalence of autism in Ireland carried out by the Department of Health, and a review by the HSE of the services available for people with autism. The review identifies key priorities for implementation by HSE including: the establishment of a programme board tasked with implementing the recommendations in the report; the development of a programme of awareness raising; and guidance to clinicians and service development. The Minister, Deputy Harris, asked the HSE to proceed with the implementation of the recommendations in their report and this commitment will be reflected in the HSE national service plan for 2019 and will form part of an overall autism plan to be published next year.

Deputies Connolly and Ó Cuív have asked me to bring a message back to the Minister of State, Deputy Finian McGrath, which I certainly will. I will make sure he gets the information but he is well aware of the situation and of the meeting that is happening tomorrow. Hopefully, they will be able to enlighten the Deputies and GAP, with more information at that meeting.

Deputy Catherine Connolly: I do not doubt the Minister of State's *bona fides* but I find his answer disappointing. We are going to a meeting tomorrow that came about as a result of a public meeting and serious pressure. The message from the health executives is that they have no money. We need a more positive message for a group on the ground that is saving the State money with the hours the partnership provides, which is more than 4,000. Services in Galway for people with autism are simply appalling. Only this week I dealt with a person with autism who was expelled from school. He was told to go to the child and adolescent mental health services, CAMHS, but it had no service for him. He was told to go to occupational therapy, but it also had no services for him. He was told to go to Athenry for services, but I have a letter that tells me there is a more than a three year waiting list there. Parallel with this situation, GAP is on the ground providing a service on a shoestring budget and saving the State money. It is

simply asking for support so it can continue to help people with autism to live as independently as possible. That is all we are asking for. In the absence of the Minister of State, Deputy Finian McGrath, who should be here, I ask that the Minister of State, Deputy English, take a hands-on approach in this matter. At the very least, the partnership needs hope and practical help.

Deputy Éamon Ó Cuív: I know the Minister of State, Deputy English, is just here to pass on the message and that he has no direct responsibility, but the message follows the normal pattern. Three quarters of it explains what we know already and then we get to the meat of it, but really there is no meat there.

One of the more shocking things the Minister of State said is that the 2019 HSE national service plan has not yet been published. This is now 13 December and 2019 begins on 1 January but we have no plan yet from the HSE. We know that once we get the plan, it has to all trickle down to the bottom line. This is just bad administration. We are then told that there are studies going on. To be honest, parents do not want studies, they just want GAP to continue doing what it does with a small amount of money. I do not see anywhere in the reference to action in the Minister of State's reply that gives me hope, such as the human service provided by GAP. There is no evidence in the Minister of State's response of the very things the parents and children want, and which they have begged us to give to them, which are the supports and somebody to telephone when a child or parent is down and feeling low or challenged. I hate to have to say that.

Will the Minister of State, Deputy English, bring the message back that Galway wants this voluntary service that has been run on a shoestring? The partnership will continue to run on a shoestring but will the Department give it enough money to keep it open?

Deputy Damien English: I thank Deputies Connolly and Ó Cuív for raising the issue and on behalf of the Minister of State, Deputy Finian McGrath, I apologise for him not being here. I will certainly bring back the message. He acknowledges the hard work and dedication of the volunteers in the Galway Autism Partnership, who have worked diligently over the years to deliver important and vitally needed supports for people with autism and their families. There is the meeting tomorrow and I am sure there will be other meetings. The Minister of State, Deputy Finian McGrath, would, obviously, like a positive outcome to that because we want to see that good work continue there. While the Minister of State is not in a position to comment on funding for specific organisations at this time, he wants to assure the Deputies that the Government and the HSE are committed to improving autism services and this work is well under way.

Deputy Ó Cuív referred to the HSE national service plan for 2019.

8 o'clock

The Deputy is right that it has not been published yet. It is December. That situation is quite normal because the budget was only announced in October. While the Deputy says it has to trickle down, much of the work that features in the HSE budget plan trickles up as well. It comes with recommendations and requests from each county and local area for the funding they require for each service. That is put into that national plan as well, so it works in two ways. There is consultation in the offing. I have a meeting tomorrow which is very timely because this plan will be finalised in the very near future. An important part of the HSE's future work on this will be the implementation of the recommendations of the HSE review group, which is a report that the Minister, Deputy Harris, will have asked to be carried out and implemented

over the last year. The Minister of State, Deputy Finian McGrath, is particularly pleased that individuals with a lived experience of autism will take part in this process. Publication of the review report and the HSE's implementation of its recommendations over the coming year mark significant milestones in advancing services for people with autism in Ireland. I think we would all agree that the service is not where we would like it to be but we have to put a plan in place to get there and that is something the Minister, Deputy Harris, and the Minister of State, Deputy Finian McGrath, are driving. The services have not been there for a long time.

Deputy Catherine Connolly: The plan is there but there is just no money.

Deputy Damien English: Again, I am stating that this is what the Minister and the Minister of State want to do. Health funding has increased in the past two years. There was a significant increase in this year's budget. Each year, we are in a better position to provide services and, hopefully, to improve them, although I am conscious that there are also increased demands on those services. For a long number of years, the service was not funded properly and the desire of both Ministers is certainly to improve that situation and to fund it where they can to create a better and enhanced service. They also desire to work with the voluntary sector. The Deputies are absolutely right that voluntary organisations provide excellent work and give great value for taxpayers' money when they do get funding. That is well recognised and hopefully tomorrow's meeting will be fruitful in that regard.

Urban Development

Deputy Bernard J. Durkan: I thank the Office of the Ceann Comhairle for affording me this further opportunity to raise the issue of the development of the town centre in Naas, County Kildare, which has been stalled for approximately ten years. Suffice it to say that many gallons of water have passed under many bridges since I first raised this issue. I was initially informed that it was about to be resolved. A great deal of work has been done with a view to bringing the issue to a conclusion. The reason it has taken up so much of our time is that it was a landmark site in the centre of the town. For many of the ten years in question, we had two cranes hanging over the town like two albatrosses waiting for something to happen. Thankfully, the cranes were removed in the past few months and at least that part of the problem - the constant reminder of what needed to be done - is gone. I know that considerable work is going on all the time and that all public representatives have tried to ensure that the matter is expedited.

The Minister with responsibility in this area is unable to be here tonight but I hope he has been able to supply his stand-in with more information for us. I am informed that there is information available locally. I have been involved in attempting to push the issue further along and to bring it to a position whereby we can say as we approach a new year that at last we have put that behind us and can welcome the new year on the grounds that we have turned a new leaf and can see rapid progress taking place. I thank the Minister of State for coming to the House to reply. I would hope that the niggling outstanding issues such as rights of way, way-leaves and arbitration have been resolved. If they have not, they should be. There is no excuse for somebody attempting to tell me in six or eight months that we are still waiting for a resolution in that area and that maybe the property in question should be sold on with a flawed title. The answer to that is "No". Enough time has passed and enough interest has been expressed in the issue to facilitate a satisfactory conclusion and a hopeful turn as we await the new year.

Deputy Damien English: I thank the Deputy for raising this issue. He has raised it repeat-

edly in the House over the past couple of years, and rightly so. It is very important that the Naas town centre development be progressed. Naas town centre is a vital piece of infrastructure serving the region. It is important that we have a very attractive town that functions well and can provide services to the growing population of the area. I recognise Deputy Durkan's drive and his eagerness to see this long-standing issue relating to this development being brought to a satisfactory resolution. The Deputy has been constantly pushing and raising this matter both formally in the Chamber and also in meetings with myself and other Ministers and officials. He is taking a leading role in having it resolved. I understand this is the third or fourth time we are discussing it here in a formal capacity.

As I have mentioned in previous debates on the issue, however, the management of the stalled development is a matter mainly for Kildare County Council in the first instance, although certainly my Department officials have been in a supportive role and have helped where called upon in the attempts to resolve this. Furthermore, with processes under way involving both NAMA and arbitration, it would be entirely inappropriate for either the Minister for Housing, Planning and Local Government or me as a Minister of State become involved directly in this issue. It would not be appropriate for any Minister in the Department with responsibility for planning matters to make representations on this issue, as Deputy Durkan understands, because under section 30 of the Planning and Development Act, the Minister is precluded from exercising any power or control in respect of any particular case with which a planning authority or An Bord Pleanála is or may be involved, except in very specific and extreme circumstances which do not apply in this case, as Kildare County Council is trying to work through this.

The Deputy is well aware that the hearing of evidence in the High Court in regard to a land title issue on Corban's Lane, which adjoins the proposed Town Centre, was completed earlier this year and that the relevant judgment is now awaited. Consequently, the arbitration hearing on the land involved cannot recommence until the High Court land title case is resolved. Nevertheless, I am informed that Kildare County Council continues to engage in advanced discussions with NAMA and the receivers in an attempt to ensure that a satisfactory sale of the site in question will come about. In this regard, the council has confirmed that it will brief all relevant Oireachtas and municipal district members as soon as there is progress to report. Hopefully, that will be very soon.

As has been outlined to the House in previous parliamentary debates on this topic, subject to a satisfactory planning approval there is no impediment to the appropriate development of the site once the legal issues have been resolved. Kildare County Council fully acknowledges and recognises the strategic importance of the site in the heart of Naas town and continues to support and work in partnership with any stakeholders involved in the site. It is right that they take that leading role. In the past couple of years, the council has initiated and supported a number of projects with the strategic objective of ensuring that the social and economic development of Naas is protected and enhanced. This work is underpinned by the work of the Naas roads and transport steering group, the URBACT group and the Naas regeneration group.

Kildare County Council has also received approval from the National Transport Authority to prepare a traffic management study for Naas, which will form one element of a strategic social and economic plan for Naas and will be instrumental in ensuring good access to the town centre development when it is eventually progressed and completed, which I hope will be very soon.

While I know that the Deputy is utterly frustrated by the length of time it is taking to get this matter resolved arising from the various High Court and arbitration deliberations, I can

assure him that the local authority is doing all it can within the parameters of its role and having regard to the difficult circumstances faced. In this connection, we must recognise the due processes that are necessary in respect of the receivership, etc., but I am very hopeful that the relevant issues will be resolved in due course to facilitate the completion of this strategic Naas town centre site.

Deputy Bernard J. Durkan: I welcome the Minister of State's response. It gives me hope. The only thing that worries me is that one can say "Live horse and you will get grass" in many of these situations. We have done this before. A major issue was to get an anchor tenant to suit the location and a great deal of work has been done on that. It is to be hoped that has concluded satisfactorily at this stage. It should be. I am a little concerned that we still have two outstanding matters, one in respect of arbitration and the other in respect of the High Court, each of which can affect the other. It is very frustrating to find after two, three, four or five years that we are still addressing the issue that was the kernel of the problem initially. It is no harm to point out that Naas was and is a very busy and important trading town in the province of Leinster, drawing in a population from a wide catchment area. I know the Minister of State is aware of this. It is a major blow to any town to have a derelict or semi-derelict site right in the middle of it because it gives of a bad impression. It automatically makes one wonder why something is not happening about this. I raised this question previously and I know the Minister of State is conscious that it is time to do something about it. I have raised it once again at this stage in the sincere hope that we do not have to come back to the issue any time soon and that there will be some breakthrough as a result of which we will see action so that at long last the issue that has damned the area for so long will be resolved.

I cannot understand why issues of that nature hold up a major development for so long. I believe we need legislative changes to ensure those kinds of things do not happen in the future. They do not happen anywhere else and should not happen in this country. Notwithstanding that, I am hopeful that what the Minister of State has said tonight will bear fruit in the very near future.

Deputy Damien English: I fully accept the Deputy's desire that this long-running matter, which is an unfortunate legacy of our recent economic recession and is impacting on the further development of Naas, should be progressed and completed as soon as is practicably possible so that the ever-expanding town of Naas can achieve its full potential. Under Project Ireland 2040 we have set out high ambition for Naas. I know that Kildare County Council and Deputy Durkan have ambitions for Naas and we want it to be able to achieve that. Naas is a very important urban settlement in the context of the greater Dublin area and as such has been identified as a key town in the draft regional strategy for the Eastern and Midland Regional Assembly area.

As I indicated earlier, it would be inappropriate for the Minister, Deputy Eoghan Murphy, or I to become involved or to make any further comment on the town centre development while a number of processes are ongoing. In any event, as I have already outlined, the law precludes us from becoming involved in specific planning cases. I do not have a role in the specifics of the arbitration process either.

As the Deputy will be aware, when a State authority compulsorily acquires land for public purposes and there is a dispute between the vendor and the purchaser regarding the amount of compensation which should be paid, the vendor can apply to the Land Values Reference Committee for the appointment of a property arbitrator to arbitrate on the amount to be paid. Property arbitrators are appointed under the Property Values (Arbitration and Appeals) Act 1960 by

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the Land Values Reference Committee and all property arbitrations are required by law to be held in public.

The appointment of property arbitrators is a matter for the Land Values Reference Committee. However, I do understand the frustration of Deputy Durkan regarding the arbitration-related delays that have been encountered with this project.

Kildare County Council continues to engage in advanced discussions with NAMA and the receiver in an attempt to secure a satisfactory sale of the site in question. I am hopeful that there will be a speedy and positive resolution of the issue in the near future once the outstanding legal issues have been finally resolved.

The Deputy is right. We certainly do not want to have prominent derelict sites like this. They do not help in trying to drive forward a town. They serve to remind us of a past - albeit quite recent - from which most people want to move on. Such derelict sites bring many other difficulties. Through Project Ireland 2040 funds have been provided to allow local authorities take a lead in tackling dereliction and vacancy. In many cases it is dereliction of commercial and retail property, but it may apply to properties that could be available for housing projects as well. We are urging local authorities to take a lead role in this. Kildare County Council has taken on board that message. There are various avenues of funding to help move that forward.

As Minister of State with responsibility for urban development, I want to tackle dereliction. We will strengthen the powers of local authorities to be able to deal with this in many cases. I urge them to continue their leading role.

Message from Select Committee

Acting Chairman (Deputy Thomas P. Broughan): The Select Committee on Health has completed its consideration of the Health Insurance (Amendment) Bill 2018 without amendment.

The Dáil adjourned at 8.15 p.m. until 2 p.m. on Tuesday, 18 December 2018.