



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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# DÁIL ÉIREANN

*Dé Máirt, 15 Eanáir 2019*

*Tuesday, 15 January 2019*

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

*Paidir.*

*Prayer.*

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## Ceisteanna ó Cheannairí - Leaders' Questions

**Deputy Micheál Martin:** Brexit continues to cast a cloud over political, economic and social developments in Great Britain, Ireland and throughout the entire European Union. Tonight's vote in Westminster is the latest instalment in a lengthening saga in which no coherent, concrete view on Brexit commanding a majority of British parliamentarians is emerging. The withdrawal treaty looks set to be defeated - although we do not know that for certain - plunging all of us into greater uncertainty and speculation in the days ahead. We cannot influence tonight's vote, if we are honest, but we can influence how prepared we are for any eventuality that may emerge, including, of course, a no-deal Brexit, by the end of March. It is my view that the Government has treated the Dáil and the public shabbily and badly when it has come to sharing its plans in the event of a no-deal Brexit. The Government should treat the Oireachtas and the public with greater respect in this regard.

Under pressure, the Government published a contingency plan on 19 December, the day on which the Dáil went into recess prior to Christmas. The document itself is light, lacking in detail and needs considerable fleshing out. It outlines up to 22 elements of primary legislation and more than 20 areas of secondary legislation that may be required. I hardly need to point out that there are only 25 sitting days in this House between now and 29 March, when all this legislation, in addition to other legislation, will be required to be passed if we end up with a no-deal Brexit scenario. We do not know much because the heads or outlines of the legislation have not even been published or circulated to Members of the Oireachtas. The contingency plan published in late December deals rather sketchily with a number of important areas such as medicine supplies, aviation, the land bridge, ports and airports, staffing, Revenue and agriculture. I have some specific questions for the Taoiseach on these areas. Do any of the changes required at our ports and airports as a consequence of Brexit require planning permission or legislative changes? If so, has planning permission, where necessary, been sought? Is all relevant ICT infrastructure in place at our ports and airports, or will it be in place by 29 March in the event of a no-deal Brexit?

Approximately 240 medicines are listed as being in short supply, which is more than normal. Deputy Brassil has been diligent in bringing this information to me. Anecdotally, we have heard of the difficulty that all pharmacists are having with such a short supply of drugs. Will the Taoiseach indicate whether the Government is stockpiling key medicines, particularly those with a narrow therapeutic index which are not interchangeable in the event of a no-deal Brexit? Will he outline the medicine supply situation and how the Government intends to deal with the legislation that would be required in the event of a no-deal Brexit?

**The Taoiseach:** I welcome the Deputy back and wish him and his party a happy new year.

The withdrawal agreement is the only agreement on the table, and it has been supported by 28 Governments, including that of the United Kingdom. We will allow the democratic process to take its course in Westminster tonight, when the British Parliament will vote on the withdrawal agreement and four amendments. We will review the position tomorrow in consultation with our EU colleagues. At Cabinet earlier, we discussed preparation for a no-deal. I still believe a no-deal is unlikely but we must be prepared for it, or at least as prepared as any country can be. We discussed four memos which related to the common travel area, medicine supply, transport and, perhaps most important, the legislation that will be required. We are happy to share that legislation with the Opposition, and the Tánaiste has been in touch with spokespeople to organise briefings with the Opposition this afternoon. After we have briefed the Opposition, we will brief the media.

In response to the Deputy's questions on the ports and the airports, planning permission will not be required in most cases. What will be required, however, are parking areas and parking bays, and a certain amount of accommodation for staff. Where planning permission is needed, the Minister for Finance can use his powers to make directions to the Office of Public Works.

On medicines, a plan has been put in place and a working group, comprising representatives from the Department of Health, the HSE, the Health Products Regulatory Authority and the Food Safety Authority, has met every week for nearly two years. It has advised against stockpiling because it believes stockpiling may cause a break in supply, although it is working closely with the pharmaceutical industry and the main wholesalers to ensure an adequate supply. It has identified a watch-list of approximately 24 medicines about which we are most concerned. As the Deputy will know, between approximately 60% and 70% of medicines transit the UK or come from the UK. The watch-list has been developed, and those 24 medicines are the ones to which we must pay particular attention.

On legislation, we agreed we would put all the necessary legislation relating to Brexit into one large, omnibus Brexit Bill, with 17 different parts to it, that is, effectively 17 pieces of legislation in one, covering a number of different areas which I can outline in my follow-up reply. We are keen to consult and seek co-operation and engagement from the Opposition on getting this legislation through. We published our legislative programme earlier. Most of the time when a legislative programme is produced, there will be 20, 30 or 40 Bills, but there are only six on the priority list for this session in order that we can ensure we give all the time to the legislation that is needed in the Office of the Attorney General, the Office of the Parliamentary Counsel and the House.

**Deputy Micheál Martin:** I thank the Taoiseach for his reply and wish him a happy new year. I must report back to him from west Clare, west Cork and other parts of rural Ireland that very few wish the Minister for Transport, Tourism and Sport, Deputy Ross, a happy new year,

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judging by what I picked up from travelling around.

*(Interruptions).*

**Deputy Micheál Martin:** The Taoiseach said he was happy to share information with the Dáil and that he was keen to consult. Dare I suggest to him that he has not been keen to consult the Oireachtas and that he has not been happy to share with the Dáil. It was under pressure that the contingency plan was published on 19 December. What is the big secret? What is behind the reluctance to share basic information with people on a no-deal Brexit? It is important to be prepared and ready and that the public be likewise. For example, on 19 December, Deputy Willie O’Dea asked the Minister for Employment Affairs and Social Protection about preparations on social welfare, social assistance and so on. The Minister said an analysis was ongoing within the Department of Employment Affairs and Social Protection. Is that analysis completed? This is very basic. One would have thought that an analysis of that kind would have been completed long ago. Can the Taoiseach indicate whether that analysis on social welfare is complete and whether it can be published to show what the potential implications would be?

**An Ceann Comhairle:** The Deputy is way over his time. I call An Taoiseach.

**The Taoiseach:** I do not accept the Deputy’s charge. The stakeholder group meets regularly and information is given to stakeholders. Any time Opposition spokespersons have asked for a briefing, they have been provided with one. We could not publish the contingency plan until the day we did so because we had to have the European Commission one first, and I explained that at the time.

The work on social security is completed so a draft international agreement between the UK and Ireland has been prepared by officials in the Minister, Deputy Regina Doherty’s office and in Secretary of State Rudd’s office and that will allow existing arrangements to continue. There are between 20,000 and 30,000 people in Ireland who get some of their pension from the UK social security provision. Before that treaty can be signed, we need to ratify the withdrawal agreement because the common travel area and everything associated with it is underlined in the withdrawal agreement. We could do it separately, bilaterally, but that is not the space we want to be in, ideally, when we have been negotiating multilaterally for so long.

**Deputy Pearse Doherty:** Before I begin, I take the opportunity to extend my deepest sympathy and those of my party colleagues to our comrade, Deputy David Cullinane, and the wider Cullinane family on the death of their mother Berna who is being laid to rest in Waterford. Ar dheis Dé go raibh a hanam dílis.

In just under a fortnight’s time, members of the Irish Nurses and Midwives Organisation, INMO, are due to commence industrial action with a series of 24-hour work stoppages over the following weeks. Members of the Psychiatric Nurses Association, PNA, are also due to commence industrial action with a three-day stoppage due to take place from 12 to 14 February. We all know that strike action is the last thing nurses and midwives and medical professionals for that matter want to undertake. These people believe they have been left with no choice but to undertake such action given the ignorance, arrogance and the ineptitude of the Taoiseach and his Government colleagues in dealing with the crisis we face. The Government has had years to address the recruitment and retention crisis in our hospitals and we see how it is crippling our health service but it has completely failed. The situation has deteriorated year on year and month on month. Nurses, midwives and their unions have continuously sought engagement

with the Minister for Health as well as with the Minister for Finance to address the question of staff shortages and pay to avert the industrial action we face. Their concerns have been routinely ignored by this Government. In fact, what has happened is that they have been verbally attacked, threatened and insulted as they have tried to achieve a resolution to a crisis and it is impacting on so many of our patients.

It is the staff of our hospitals who have acted with responsibility and in a mature manner. The Taoiseach and his Government have decided to disengage. Nurses and midwives deserve our full support. In terms of their demand for a better health service that treats them as essential, skilled workers and with dignity and value, I and my party fully support them. The Taoiseach's approach has been to dismiss these concerns and industrial action is now the regrettable outworking of his Government's policy and that of his Minister as he ignores the issue of the recruitment and retention crisis in our hospitals.

For years nurses, midwives and their unions have put forward sensible proposals to try to address this issue. Last April we in Sinn Féin passed a motion in this House calling for the introduction of recruitment and retention measures based on realistic proposals which would prioritise pay. It was supported by the majority of Deputies in this House. This motion called for Government to work with unions to draw up a roadmap for full pay equality with an implementation plan to deliver pay equality within a short timeframe, not the eight-year timeframe the Taoiseach has offered. At the 11th hour, will the Taoiseach concede that he has failed to tackle the recruitment and retention crisis in the health service? Will he accept that the issue needs to be addressed and will he commit to proper engagement with the nurses and midwives and their unions and give them the fair deal they deserve, one that means all parties, including the Ministers for Health and Finance, will be obliged to be at the table?

**The Taoiseach:** The difficulties in recruiting and retaining healthcare staff, including nurses, are very real. They are not unique to Ireland: the same problems exist in places where pay is much lower, such as Northern Ireland, and much higher, namely, the Middle East and Australia. It is the consequence of an international labour market in which there is a shortage of healthcare staff. Deputy Pearse Doherty should not give anyone the false impression that what is happening means we are not making progress. The number of nurses employed in the public health service in the past five years increased by 2,330. If one compares the position year on year – it is important to compare month with month for seasonal reasons – the number of nurses working in the health service in November 2018 was 860 more than in November 2017. That is an increase of 860 in a year and it does not include student nurses. Those are the facts. People could be given the impression that there are more nurses leaving the profession and leaving the country than there are nurses going into the profession and coming into the country but that is not the case. There are 3,000 more nurses working in the public health service than was the case five years ago, and recruitment will continue.

I am aware that two of the three nursing unions have voted for strike action. The ballots were very decisive, with 95% voting for strike action. That reflects the depth of feeling among nurses and midwives regarding their pay and conditions. The Government does not believe for a second that nurses are anything other than sincere in the action they are proposing to take. We will do our best to try to avoid a strike. An engagement involving employers and unions is taking place today. A meeting of the oversight committee for the public sector pay deal, at which the Departments of Public Expenditure and Reform and Health will be represented, will take place on Friday next. There are other avenues, including the Workplace Relations Commission and the Labour Court. We will do everything we reasonably can to prevent this strike from hap-

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pening but we need to bear in mind that there is already a pay deal in place. That deal, which was agreed not just with nurses and midwives but with all public servants, runs until 2020. It would not be fair or affordable to offer a special deal to one group in the public service and then say to every other group that we have no money left for them. That would not be right. That is the reason we have collective agreements with ICTU and I am of the view that it is the right way to manage public sector pay.

We should not forget what is involved in the agreement to which I refer. This year alone, there are five different ways in which public servants' pay can increase: there will be an across the board pay increase in the autumn; a special pay increase for those earning under €30,000 has just kicked in this month; there has been a reduction in the pension levy; a special increase for new entrants in March, should that be agreed, and an incremental pay increase for most public servants over the course of the year.

**Deputy Pearse Doherty:** The recruitment and retention crisis is very real. That is evident when one talks to front-line staff, people the Taoiseach blamed for causing the trolley crisis over the Christmas period. I am sure he got the wake-up call from all their tweets as they posted pictures of themselves working on Christmas Eve, Christmas Day and New Year's Eve. The reality is that this is a very real crisis. There are 1,754 fewer staff nurses in our hospitals than was the case a decade ago. This is despite the fact that we have an ageing population. Some 71% of students who are going through midwifery and nursing training state that they are considering emigrating. The reality is that 60% of nurses recruited in 2017 were migrants. The reality is that nurses and midwives are not paid enough for the work that they do, the pressures they are under and the care they provide. What we need is a pay deal. We need the Taoiseach to give effect to the motion Sinn Féin put forward that was supported in the House last April, which was to deal with this issue and to deal with the pay constraints on nurses-----

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

**Deputy Pearse Doherty:** -----to ensure that we deal with the situation whereby we have only one application for every four vacancies in the health service. The Taoiseach talked about inefficiencies. This is one of the greatest inefficiencies, that we are not staffing our health service properly.

**An Ceann Comhairle:** The time is up.

**Deputy Pearse Doherty:** Therefore, we have a trolley crisis, a recruitment and retention crisis and the spillover effect from that whereby numerous people are on waiting lists that are growing, month on month.

**The Taoiseach:** We can only deal with this issue in the context of wider concerns and wider issues. There are lots of people working in the public service, 300,000 of them, including doctors, teachers, gardaí, people who work in this House and other civil servants. They all work really hard. There are lots of areas in our public service where we are now finding it hard to recruit because we are approaching full employment; indeed, that is the case across the private sector as well. We can only do things within the constraints of a limited amount of finance. We balanced the books last year, just about, but to concede to this and all the knock-on claims which would inevitably follow would require us to pay for it through borrowing. I do not think it is prudent, right or sensible in the long term to fund pay increases with borrowed money because that inevitably will turn into a pay cut in two or three years' time.

Those are the kinds of policies that Sinn Féin would pursue and that is where it would lead us. It would offer people-----

**Deputy Pearse Doherty:** Maybe they could tax the banks and that could pay for some of our nurses.

**The Taoiseach:** Just as in places like Venezuela, it would implement socialist policies, it would blow all the money in the first couple of years and, after that, it would just be austerity, austerity and austerity.

**Deputy Pearse Doherty:** Keep waving the flag for the ones with the golden spoon in their mouths.

**An Ceann Comhairle:** Deputy Doherty is finished. I call Deputy Joan Collins.

**Deputy Joan Collins:** There are many important issues that could be raised today but I am starting the year as I mean to continue, on the issue of housing, which to my mind will be a legacy failure of this Government unless there is a change of policy. On 29 March last year, the Taoiseach stated the housing and homelessness crisis was a national emergency yet the main causes of this emergency are the housing policies of his Government. The results are devastating. The public housing list has a consistent waiting list of more than 100,000, year on year. Thousands of householders are struggling with mortgage debt. More homeless people are sleeping and dying on our streets and many families in the private rented sector have been evicted as landlords and vulture funds seek to extract higher rents. Ten thousand people are officially homeless, over 3,000 of whom are children, and thousands are unofficially homeless and living in overcrowded homes.

Every week my constituency office is in contact with the Residential Tenancies Board, RTB, representing tenants whose landlords are attempting to illegally evict. I was contacted by a woman last week who will be 60 this year and who lives with her partner. She gets up early every morning and heads to work in the Alzheimer's centre on a 39-hour week. She was renting for 14 years but she and her partner have been homeless since October and are temporarily staying with a relative because the landlord sold the house they were renting. They searched for alternative rented accommodation but could not afford the rents. In her dilemma, she then reduced her working hours from 39 to 28 to bring the household income below the €36,000 threshold and she has applied to Dublin City Council to go on the housing waiting list, although she will be at the end of a long queue. Can the Taoiseach imagine being in that situation? What can he offer this woman for the future under Rebuilding Ireland?

In my constituency two recent planning applications have been submitted to An Bord Pleanála under the strategic housing development strategy to build apartments, although these apartments will be exclusively for rent and for student accommodation and will not be for sale. The question is who will be able to afford the rents and, in addition, there is no security of tenure. Most likely, the supply of more than 300 apartments to rent will feed into more HAP tenancies and line the pockets of developers.

The Government is set to spend over €3 billion on rent subsidies over the next five years. There is an alternative, which is the cost rental model or, as it is more popularly called, the secure, fair rent homes model. This is a public housing strategy that is accessible to everyone who needs a home and to people of all income levels. The rent would be affordable because it would be subsidised and based on the cost of provision, rather than on the market price for accommo-

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dition. Fair rent homes are based on a proven European housing programme - the cost rental model. This successful model exists in a number of countries. In Austria alone, approximately 20% of people avail of cost rental housing.

A new housing organisation would need to be established. This organisation could service and manage the finance and oversee the implementation of a fair rent homes programme. It could work with the Department of Housing, Planning and Local Government and the city and county councils to build and develop the fair rent homes model on a national scale. There could be a target to build 70,000 homes in the next five years on this basis. Why is the Taoiseach not investigating this strategy and why is the Minister for Housing, Planning and Local Government not coming forward to drive a strategy of this nature?

**The Taoiseach:** I do not doubt for a second the depth of the housing crisis affecting so many of our citizens, whether they are in emergency accommodation at hotels or bed and breakfasts, spending a large proportion of their take-home pay on rent or seeking to buy for the first time by putting together a deposit and finding a home they can afford. We are hard at work as a Government to deal with this. What I can offer the citizen the Deputy mentioned is, first, more supply of housing and apartments, which is fundamental to solving this crisis. We do not know the numbers yet for last year but we suspect that between 19,000 and 20,000 new houses and apartments were built, which is the largest number for a decade. While it is not enough, it is going in the right direction and more than in any other year this decade. Of those, more than 4,500 were public housing units built by local authorities or affordable housing bodies. When was the last time approximately 25% of new housing built in Ireland was public housing? It has not happened for a very long time.

The Deputy mentioned the cost rental model. It has a great deal of merit. As a Government, we have seen how it has worked in other places to provide affordable accommodation, in particular in cities. The Minister for Housing, Planning and Local Government has seen it working in Vienna. It is being pursued, including in the Deputy's own constituency at the Emmet Road development which she has supported. It contains a significant proportion of cost-rental housing. As part of the remit of the new Land Development Agency, LDA, between 40% and 50% of public and private land it develops will be public housing of some form, including traditional social housing units, affordable housing and even cost-rental.

**Deputy Joan Collins:** Many people feel the Government is working very hard for landlords and developers and not for those who need housing. There are thousands in this city with housing needs. Fair rent homes work on the principle that people pay a fair rent based on the cost to build and maintain their homes. It is not based on the current profit-driven model for which the Taoiseach stands. Fair rent homes are an alternative to the current private rental market and mortgage debt model and offer public rental housing for those with different income levels. The fair rent home is crash-proof and poses a secure rental alternative to debt-based housing provision. It provides stability in the rental sector of the sort that works in other countries. The fair rent home offers security of tenure and lifetime affordable housing, which means people can plan their futures without worrying constantly about increasing rents and the threat of eviction and homelessness, as faced by the woman to whom I referred earlier. A delegation from Dublin City Council visited Vienna recently for a conference and returned convinced that this will work. The proposal must now be driven through the Department of Housing, Planning and Local Government to ensure it is implemented here. We could build 70,000 units over the next five years, linked to local authority building of 30,000 units.

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

**Deputy Joan Collins:** Mr. Mel Reynolds says there is enough land in this country to build at least 100,000 houses. This cannot be a case of simply telling the House that this will be looked at.

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

**Deputy Joan Collins:** We want to see it start and being driven now.

**The Taoiseach:** I thank the Deputy. I tried my best to answer her question earlier. The Minister, Deputy Eoghan Murphy, has been to Vienna and knows it well. That is one of the reasons he has been driving forward the cost rental model as part of the solution to our housing shortage. To resolve the housing crisis, we need houses of all sorts. We need houses built by developers for young people to buy or for people to upgrade to who want larger homes. We need houses that might be bought by landlords to rent to people who need to rent for one reason or another. We need social housing built by public bodies. As I said to the Deputy, more than 4,000 public homes were built last year by local authorities and affordable housing bodies. Along with leasing, direct purchase and developers, almost 8,000 homes were added to our social housing stock last year. When is the last time that was done? The solution must be housing of all forms because people need housing of all different kinds. Cost rental is absolutely part of that picture.

**Deputy Catherine Murphy:** Over the weekend, we learned that PwC had been appointed to carry out an independent review of the colossal scale of spiralling costs of the national children's hospital. The current estimate of the cost - it appears to increase day by day - stands at more than €1.73 billion, which is almost three times more than the initial estimate of €650 million. The timescale for the project is also going to be longer than that originally envisaged. While this crisis is unfolding on the watch of the Minister, Deputy Harris, the Taoiseach was Minister for Health when the relevant decisions were taken and when the initial information was placed in the public domain. It appears that said information had little grounding in reality. The origins of this spending extravaganza, which has not appeared suddenly in recent months, can be found in the establishment of this process, including that part relating to site selection. The Taoiseach was a key player in the process during his time as Minister for Health. There was a considerable delay prior to the awarding of the contracts. At the time, there was a great deal of speculation that the delay was caused by difficulties getting funding in place.

Did the figures ever really stack up? Did officials ever raise this issue with the Taoiseach at that time? Will he outline the extent to which he, as the then Minister for Health, scrutinised the tendering process? What set of circumstances led him to sign off on contracts that now seem to have been a work of fiction? Was the veracity of the cost projections and the timescales rigorously tested by the then Minister and his officials? If it was, how have we ended up in this predicament? We all know that the health budget is finite. The cost overrun has already had an impact on health services and will continue to have such an impact. What assurances do we have now that there will be no further increase in the estimated cost of building this hospital?

We accept that the new children's hospital is desperately needed. Fine Gael likes to laud itself as a party of prudent fiscal management - the Taoiseach did so earlier - but in the case of this project, it appears that a blank cheque has been written for those who have been awarded the contract to develop the site. There is absolutely nothing prudent about that. Did the Taoiseach,

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as the Minister for Health of the day, and his officials engage in due diligence to rigorously test the veracity of the contract proposals, specifically in relation to cost? What immediate steps are being taken, or have been taken, to stop the overruns I have mentioned? What is the updated figure, as of today, in relation to the cost? What health projects are now in doubt because of the overruns?

**The Taoiseach:** I thank the Deputy. For the record, the decision to opt for the St. James's Hospital site was made when I was Minister for Transport, Tourism and Sport.

**Deputy Mattie McGrath:** The Taoiseach is going to hide behind that now.

**The Taoiseach:** The decision in respect of tendering was made when I was Minister for Social Protection. Planning permission was secured when I was Minister for Health.

**Deputy Mattie McGrath:** The Taoiseach is blaming everyone.

**The Taoiseach:** I was a member of all of those Governments. Therefore, I accept collective responsibility for the decisions in question, as should everyone who was around the Cabinet table at those times.

**Deputy Dessie Ellis:** It was the Taoiseach's decision.

**The Taoiseach:** It was decided at an early stage that the best way to pursue the new hospital, and ensure it was built well, was by establishing a national paediatric hospital development board. A dedicated board, with its own chairman and its own accountability structure, was established to make this development happen. The employees had a substantial amount of experience in delivering big projects like the Aviva Stadium. When I was Minister for Health, the costs were in the region of €600 million. We were aware at the time that the costs were always likely to increase, not least because of construction inflation.

**Deputy Mattie McGrath:** The wrong site was chosen.

**The Taoiseach:** Additional things, including ICT equipment and sprinkler systems, had to be added along the way.

**Deputy Mattie McGrath:** There is no helipad.

**Deputy Micheál Martin:** The cost has increased from €600 million to €1.7 billion.

**The Taoiseach:** The cost was always likely to increase, although not by the amount by which it has increased in recent months.

**Deputy Dessie Ellis:** The Government was warned about the site.

**The Taoiseach:** Further inquiries are required. The Department of Health is making those inquiries. I imagine that the Committee of Public Accounts and others will want to do the same.

**Deputy Micheál Martin:** The cost has increased by over €1 billion.

**The Taoiseach:** When we discuss the cost of the new national children's hospital, we should not forget the value of what we are building. The main hospital will be at the St. James's Hospital site. The satellite centre in Blanchardstown will open this year and the satellite centre in Tal-laght will open next year. We should not forget the value of what we are building. Something

struck me when I was watching the news on New Year's Day. I saw the pictures one sees every new year's day of the babies who are the first born that year. It occurred to me that those babies born this year will be alive in the 22nd century. They will be alive in 2100 or even in 2110.

**Deputy Micheál Martin:** It is the old Clinton line.

**The Taoiseach:** We are building this hospital not for one generation but for three, four and five generations. Let us not lose sight of the value of this development.

**Deputy Ruth Coppinger:** Spread the cost of it.

**Deputy Brendan Howlin:** It is going to cost what it will cost.

**The Taoiseach:** There will be an individual room for every child with the possibility of their parents being able to stay in the room with them, five MRI machines and 15 theatres. This has the potential to totally transform the quality of paediatric care in Ireland, and not just for one or two years. This is a project that will last 100 years or more.

**Deputy Catherine Murphy:** The same building, which was proposed, is being built. If we consider the costs in other countries where hospitals are being built, they are not of the order of the costs we face. Just because it will be the most expensive hospital in the world does not mean it is will necessarily be the best one but I hope it will be one of the best. The reality is that there are major cost overruns. Would the Taoiseach have signed off on this when he did if he knew it was going to cost three times what was projected at that time?

I asked the Taoiseach what other health facilities will be impacted by virtue of the fact the capital budget will be greatly impacted by this development. Dr. Fergal Hickey in a radio interview this morning spoke of the need for capital investment to deal with overcrowding. We understand investment is needed for the likes of Sláintecare. In that context, what will not be done? I ask the Taoiseach to answer the questions I asked him. What is the cost, as of today, of the national children's hospital?

**The Taoiseach:** The cost as of today is exactly what it was back in December. I do not have the exact figure in front of me but it is about €1.4 billion with additional contingencies above that, particularly around construction inflation. If there has been any change since the week before Christmas, I have not been informed of it. It is what it was then.

In terms of whether I would have signed off on it, it is impossible to answer a hypothetical question like that. One would have to know what the alternatives were, what the costs of those alternatives were-----

**Deputy Mattie McGrath:** A greenfield site.

**The Taoiseach:** -----and what the pros and cons of those were, and there were many cons in terms of a greenfield site.

Regarding capital projects, Deputy Catherine Murphy will know that we added 250 beds to the acute hospital system last year. The service plan provides for another 140 to 150 to be added this year, and that will happen and will not be affected by this. However, we will need to find an extra €100 million because of the overruns this year and that will have to come out of capital budgets. Roughly €50 million will come from the capital budget of the Department of Health and roughly €50 million will come from the capital budgets of every other Government Depart-

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ment. We are currently working out how that can be done. The Deputy should bear in mind it is in the context of a capital budget of about €5 billion a year, so it is in the 1% or 2% territory. We anticipate it will mostly be achieved by postponing or delaying projects by two or three months rather than having to cancel any particular project but that has yet to be worked out.

### **An tOrd Gnó - Order of Business**

**An Ceann Comhairle:** I call the Government Chief Whip, the Minister of State, Deputy Seán Kyne, to announce the Order of Business.

**Minister of State at the Department of the Taoiseach (Deputy Seán Kyne):** Today's business shall be No. 15, motion re parliamentary question rota swops: (i) Departments of Foreign Affairs and Trade and Education and Skills; (ii) Departments of Public Expenditure and Reform and Communications, Climate Action and Environment; and (iii) Departments of Finance and Rural and Community Development; No. 1, Health Service Executive (Governance) Bill 2018 [Seanad] - Second Stage; and No. 10, National Surplus (Reserve Fund for Exceptional Contingencies) Bill 2018 - Order for Second Stage and Second Stage. Private Members' business shall be No. 210, motion re rural crime, selected by the Rural Independent Group.

Wednesday's business shall be No. 16, motion re Ireland's ratification and signature of the EU Status of Forces Agreement and the NATO Partnership for Peace - referral to committee; No. 36, Criminal Law (Sexual Offences) Bill 2018 - Order for Report, Report and Final Stages; No. 37, Personal Injuries Assessment Board (Amendment) (No. 2) Bill 2018 - Order for Report, Report and Final Stages; No. 1, Health Service Executive (Governance) Bill 2018 [Seanad] - Second Stage, resumed, if not previously concluded; and No. 10, National Surplus (Reserve Fund for Exceptional Contingencies) Bill 2018 - Second Stage, resumed, if not previously concluded. Private Members' business shall be No. 211, motion re nurses and midwives, selected by Fianna Fáil.

Thursday's business shall be No. 38, statements on Government's Brexit preparedness; No. 1, Health Service Executive (Governance) Bill 2018 [Seanad] - Second Stage, resumed, if not previously concluded; and No. 10, National Surplus (Reserve Fund for Exceptional Contingencies) Bill 2018 - Second Stage, resumed, if not previously concluded. Private Members' business shall be Second Stage of No. 58, Irish Nationality and Citizenship (Restoration of Birthright Citizenship) Bill 2017, selected by Deputy Paul Murphy.

I refer to the third revised report of the Business Committee, dated 15 January 2019. In relation to today's business, it is proposed that No. 15, motion re PQ rota swops for the Departments of Foreign Affairs and Trade and Education and Skills, Public Expenditure and Reform and Communications, Climate Action and Environment, and Finance and Rural and Community Development, shall be taken without debate following the Order of Business and that any division demanded thereon shall be taken immediately.

In relation to Wednesday's business, it is proposed that No. 16, motion re Ireland's ratification and signature of the EU Status of Forces Agreement and the NATO Partnership for Peace, referral to committee, shall be brought to a conclusion within 45 minutes. Speeches shall be confined to a single round for a Minister or Minister of State and the main spokespersons for

each party or group, or a Member nominated in their stead, which shall not exceed five minutes each with a five minute wrap-up from a Minister or Minister of State. All Members may share time and any division demanded thereon shall be taken immediately.

In relation to Thursday's business, it is proposed that the Topical Issue debate shall commence on the conclusion of statements re Government's Brexit preparedness or at 5 p.m., whichever is the later, and the Dáil shall adjourn following the conclusion of proceedings on No. 38, statements re Government's Brexit preparedness; and No. 38, statements re Government's Brexit preparedness shall be brought to a conclusion after 2 hours 50 minutes with statements confined to a single round for a Minister or Minister of State and the main spokespersons for each party or group, or a Member nominated in their stead, for a period not exceeding 15 minutes each. Following the opening round, each party or group in Opposition shall have five minutes each which shall consist of alternating questions and answers, with a 15 minute response from the Minister or Minister of State and all Members may share time.

**An Ceann Comhairle:** There are three proposals to put to the House. Is the proposal for dealing with today's business agreed?

**Deputy Eamon Ryan:** It is not agreed. We saw the Speaker of the House of Commons recently standing up for the rights of the Parliament. I ask that the Ceann Comhairle stand up for the rights of all Members of this Parliament in progressing legislation. In the final days before the break for Christmas, the Government blocked Deputy Bríd Smith's Petroleum and Other Minerals Development (Amendment) (Climate Emergency Measures) Bill 2018, which deserves to get to Committee Stage, where we can talk about it.

**An Ceann Comhairle:** We are dealing with proposals for today's business, not what happened before Christmas.

**Deputy Eamon Ryan:** I object to the Government blocking the Opposition from progressing legislation. It talks about climate but does not do anything. It does not have a legislative programme but blocks Opposition Bills. That Bill was blocked from going to Committee Stage in a way that is fundamentally unconstitutional and against the rights of this House. I ask that the Business Committee look at it as a specific example of how the Government is blocking Opposition legislation that deserves to go to Committee Stage for a hearing. We should not progress any further legislation until the powers of the Opposition are recognised in this Parliament, because we have the numbers. The Government does not have the right to block Bills, not just that Bill but a whole swathe of Bills, of which that is the worst example. I have asked for the Clerk of the Dáil to provide a response on the specifics of what happened on that occasion in the committee when the Bill was blocked. I believe it is not constitutional and I ask that the Business Committee meet to get it put back on the agenda and to allow it to progress to Committee Stage.

**An Ceann Comhairle:** We will convene a meeting of the Business Committee to discuss the Deputy's concerns tomorrow but regarding the business before us today, it makes no sense for anyone-----

**Deputy Eamon Ryan:** If we allow that to happen-----

**An Ceann Comhairle:** -----to start obstructing legislation. We are here to progress legislation.

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**Deputy Eamon Ryan:** I agree. I thank the Ceann Comhairle and look forward to the discussions of that committee.

**Deputy Ruth Coppinger:** I ask that the Business Committee consider scheduling time this week or next week for a report from the Minister for Health on how new abortion services are working. The reason is that it is historic legislation but three problems are emerging, including the safety of staff and women attending their own general practitioner, GP, provision-----

**An Ceann Comhairle:** We cannot get involved. That is not related to the work that we do.

**Deputy Ruth Coppinger:** Can I make my case, which I should be entitled to do for a minute?

**An Ceann Comhairle:** The Deputy can make a case about something relevant to what is before us. We are talking about the business for today.

**Deputy Ruth Coppinger:** The Ceann Comhairle said the Business Committee was meeting. I will speak on Wednesday if the Ceann Comhairle prefers but thought it would be better to do so now. The Topical Issue debates tomorrow or Thursday could instead be a time where the Minister could come in and report. There are serious issues emerging where women cannot get access because of the opt-in service that is emerging and where 11 weeks is now the new norm in hospitals such as the Rotunda, which is not what people voted for. We need to have a report and discussion in Parliament on it.

**An Ceann Comhairle:** The Deputy's representative on the Business Committee can raise that matter tomorrow when the meeting is convened. All those points taken on board, is today's business as proposed agreed to? Agreed. Is Wednesday's business as proposed agreed to?

**Deputy Pearse Doherty:** Not agreed. I wish to object to Wednesday's business. While we will have a briefing later from the Government on preparedness for Brexit in a no-deal scenario, and while there will be statements on Thursday with five minutes of questions from each grouping at the end, we have argued that these statements should take place tomorrow, Wednesday. A vote is to take place in the House of Commons tonight, the outcome of which will be clear, and we should as a Parliament discuss it tomorrow in the context of the Government's position as to whether it has rejected the agreement that the EU member states and governments-----

**An Ceann Comhairle:** The business before us is that which the Business Committee has agreed. I would have assumed that Sinn Féin's representative would have agreed to this process.

**Deputy Pearse Doherty:** Yes. Our representative put forward the proposal that the debate should take place on Wednesday - I am sure the Ceann Comhairle is aware of this, although I am not sure whether he was at the meeting - but he argued that there should be more urgency than is being shown in the proposed business before us. That is why I rise today. We were not in a majority at that meeting. I am making the point again that this debate should take place tomorrow, given the vote tonight in the House of Commons and its importance to people throughout the island of Ireland, but especially to people in my constituency. I travelled across the Border twice to get here today.

**An Ceann Comhairle:** We all appreciate the importance of having a debate on the matter.

**Deputy Pearse Doherty:** People want to know what their future holds in store. I argue that

we should reconsider this, as should the Government because I believe it was the Government that objected to the holding of the debate tomorrow. The Government should show a sense of urgency-----

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

**Deputy Pearse Doherty:** -----and we should have the debate tomorrow.

**An Ceann Comhairle:** I call the Chief Whip.

**Deputy Seán Kyne:** The Government does not have a majority on the Business Committee; we have two votes. We did not have a meeting; we had an incorporeal meeting. As far as I understand, and I am open to correction, this issue was not raised. The issue that was raised in respect of Brexit concerned timing and the facilitation of questions that Fianna Fáil and others requested, and we acceded to that request. What was, therefore, agreed at that incorporeal meeting, following some back and forth and a number of discussions, was a third draft stating that the statements and questions on Brexit would be on Thursday.

**Deputy Micheál Martin:** May I come in on Thursday's business?

**An Ceann Comhairle:** No. We will get to Thursday's in a minute.

**Deputy Micheál Martin:** It is on the same issue.

**An Ceann Comhairle:** Go on. The Deputy might as well.

**Deputy Micheál Martin:** It relates to the Brexit debate. I said this before Christmas. We have a difficulty, as a party with up to 45 Deputies, with a pattern that has developed. My understanding was that a conclusion had arisen out of the Dáil reform committee that proportionate time would be allocated to the larger parties that would allow those parties to come back in a second time on substantive debates. Deputy Ryan is correct to stand up for the rights of Members of Parliament. I am standing up for the rights of the members of my parliamentary party. I signalled this before Christmas. A pattern has developed whereby there is a set 15 minutes for a party with 45 Deputies and a set 15 minutes for a party or grouping with two or three Deputies.

**Deputy Michael Healy-Rae:** The Deputy is trying to squeeze out the Independents.

**Deputy Micheál Martin:** No, I am not at all.

**Deputy Mattie McGrath:** Fianna Fáil and Fine Gael are the one party now.

**Deputy Micheál Martin:** What emerged from the reform committee was that-----

**Deputy Mattie McGrath:** Put them in together - full stop.

**Deputy Micheál Martin:** -----there would be a second opportunity for Members of the larger parties to contribute to a debate, but the debates have been shortened. The Government's initial proposal of a five-minute speech from each of the main representatives of each party on Brexit was insulting to the Dáil. It was just pathetic. This is the defining issue of our time, and the Government was offering five minutes to each party. Obviously, I do not mind any party having a say and an opportunity, but we have 45 Deputies. There must be some degree of proportionality. D'Hondt does not apply to debating time; it applies to everything else. I say this only in the interests of fairness and objectivity. A Brexit spokesman can get into a debate but a

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spokesman on foreign affairs, finance, social protection or agriculture cannot.

**The Taoiseach:** I must say, I agree.

**Deputy Micheál Martin:** The Taoiseach agrees but he never does anything about it. The idea of 15-----

**Deputy Mattie McGrath:** Fine Gael and Fianna Fáil are all the one now.

**Deputy Micheál Martin:** It is a very shortened-----

**Deputy Danny Healy-Rae:** You scratch my back, I scratch yours.

**Deputy Micheál Martin:** With the greatest of respect, Deputy Healy-Rae's back has been well scratched by the reforms. Dáil reform has been beneficial to all and sundry, and this Dáil has been the fairest to all parties, irrespective of size-----

**Deputy Mattie McGrath:** But not fair enough to the Deputy's party.

**Deputy Micheál Martin:** -----and no one can contradict that. What has happened here because of Dáil reform since the 2016 general election is unprecedented. That at least should be acknowledged and put on the record. However, there is a need for balance. We all agree with the use of D'Hondt in the allocation of Members to committees.

**Deputy Mattie McGrath:** The time on Leaders' Questions-----

**Deputy Micheál Martin:** The same should apply to the backbenchers of large parties who are equally entitled to have some say on debates that are defining for this country and Europe.

**An Ceann Comhairle:** The Deputy's point is well made. Proportionality was at the core of what was decided in respect of reform and speaking times. Let us bring forward the Business Committee meeting that was proposed for tomorrow. Let us have it this afternoon and consider the points made by Deputy Micheál Martin and others and supported, I think, by the Taoiseach.

**Deputy Micheál Martin:** Not by the Minister for Foreign Affairs and Trade.

**Deputy Seán Kyne:** I have no issue with this. To my knowledge, it has not been raised at the Business Committee during my time on it over the past few months.

**Deputy Mattie McGrath:** The Chief Whip is right about that.

**Deputy Seán Kyne:** It is right and proper that we do it but this protocol preceded me and was agreed by the Business Committee before Christmas on similar issues and was put forward for the incorporeal meeting.

**Deputy Micheál Martin:** I raised it.

**An Ceann Comhairle:** We will have our Business Committee-----

**Deputy Pearse Doherty:** With respect, the Ceann Comhairle asked for the Business Committee to discuss the issue Deputy Micheál Martin raised. The substantive issue is that we address this issue with seriousness-----

**An Ceann Comhairle:** And we will discuss the issue.

**Deputy Pearse Doherty:** -----and urgency. I am asking for clarification that the proposal we made before the Business Committee, and that I make again, that the debate on the preparedness for a no-deal Brexit take place on Wednesday, will also be discussed.

**An Ceann Comhairle:** Yes.

**Deputy Mary Mitchell O'Connor:** Was the Deputy not listening?

**Deputy Mattie McGrath:** On behalf of the Rural Independent Group and on my own behalf I ask that we also discuss the overrun of time on Leaders' Questions. The Ceann Comhairle has tried his best to stop it. We could change or rotate who speaks first and second because small groups are being squeezed out of any coverage or anything else week in, week out by the bigger parties which want to stifle us.

*(Interruptions).*

**Deputy Mattie McGrath:** Can we have that on the agenda as well?

**An Ceann Comhairle:** Yes, we will have it all on the agenda.

**Deputy Michael Healy-Rae:** We cannot get them to shut up.

**An Ceann Comhairle:** We will have a great time.

**Deputy Micheál Martin:** I do not know anybody who has ever squeezed a Healy-Rae.

**Deputy Timmy Dooley:** Nor Mattie either.

*(Interruptions).*

**An Ceann Comhairle:** Can I finally ask is the proposal for dealing-----

**Deputy Seán Kyne:** Can I just say-----

**Deputy Micheál Martin:** That is very helpful, a Cheann Comhairle.

**An Ceann Comhairle:** The Chief Whip has been in twice already.

**Deputy Seán Kyne:** If the Brexit debate is moving to Wednesday, that means that votable business that was scheduled for Wednesday will now be on Thursday afternoon.

**Deputy Micheál Martin:** I am not saying anything about votable business.

**Deputy Seán Kyne:** It includes the notification regarding NATO, the Criminal Law (Sexual Offences) Bill 2018 and the Personal Injuries Assessment Board (Amendment) (No. 2) Bill 2018.

**Deputy Brendan Howlin:** That is a matter for the Business Committee. Let us not anticipate.

**An Ceann Comhairle:** Let us not anticipate.

**Deputy Seán Kyne:** If we are changing them around like this-----

**An Ceann Comhairle:** Let us not anticipate here what we are-----

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**Deputy John Curran:** That is a matter for the Government.

**Deputy Seán Kyne:** -----on the floor of the House it has consequences for votable business.

**Deputy Micheál Martin:** I am very aware of that.

**An Ceann Comhairle:** Of course, but let us not anticipate. We cannot determine what the meeting will decide before we have it. Wednesday's business is agreed without prejudice.

**Deputy Brendan Howlin:** Nothing is agreed.

**An Ceann Comhairle:** Is Thursday's business agreed?

**Deputy Micheál Martin:** Subject to the Business Committee.

**An Ceann Comhairle:** Subject to the Business Committee's coming back with its proposals. Really and truly, if we are not going to run amok here every Tuesday we need to stick-----

**Deputy Brendan Howlin:** There is no point having a Business Committee.

**An Ceann Comhairle:** -----to the agreements and arrangements that have been made-----

**Deputy Mattie McGrath:** On the Business Committee.

**An Ceann Comhairle:** -----otherwise the Business Committee becomes an irrelevance.

**Deputy Brendan Howlin:** The Labour Party does not talk to the representatives you are sending to the Business Committee.

**Deputy Micheál Martin:** This debate has been going on for a long time.

**Deputy Ruth Coppinger:** The whole Dáil is allowed to say something about the business as well.

**An Ceann Comhairle:** Can we now proceed to Questions on Promised Legislation? There are 21 Deputies offering but I am not going to be able to reach everyone. I call Deputy Micheál Martin.

**Deputy Micheál Martin:** We are all conscious of the letter that was signed, sent and published by 300 artists about the policy of the national theatre, the Abbey Theatre, which has given cause for concern about whether there is a national policy for the Abbey and whether the Government is committed to it in terms of the historic significance of the Abbey, its original objectives and how they can be met in a contemporary world. Allied to that is the very real concern about the huge difficulties that artists generally have in making meaningful returns on their work. The average income for many artists is around €22,000 per annum. That comes from 144 artists who were surveyed between August and October last year. There is a real issue and concern within the arts community. I ask the Minister to meet the Theatre Forum and update and brief the House on the issue.

**Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan):** I have written to the theatre practitioners and the Abbey Theatre about some of the issues raised. The Abbey has acknowledged some of the difficulties that the theatre practitioners are experiencing and I hope it will report back to me in a month's time on progress made. I will be in a position to update the House shortly. I will also be responding to parliamentary questions tomorrow, at

which time I am sure the issue will be raised.

**Deputy Pearse Doherty:** There is considerable concern among many parents about meningitis and the fact that a number of children - I understand it is three - have died in recent weeks as a result of contracting meningitis. We know from the programme for Government that there was an extended vaccination for meningitis B for children born after October 2016. For children born before that date, however, parents have to pay for vaccination privately at a cost of between €300 and €450. It is a major concern that many families simply do not have the money to protect their children. Many families have one child who is protected because he or she was born after October 2016 and other children who are not. Those families are seriously concerned. The president of the National Association of General Practitioners, Dr. Maitiú Ó Tuathail, has stated that the fact that only children who were born before October 2016 and whose parents can afford the cost are being vaccinated amounts to medical apartheid. He also stated this leads to significant parental stress and anxiety. Will the Minister do what thousands of parents and GPs right across the State are calling on him to do? GPs are being inundated in their clinics and have to break the news that, regardless of whether one has a medical card, one cannot get this vaccine for one's child if he or she was born before October 2016 without paying for the privilege. Will the Minister ensure that there is a catch-up programme for all children under the age of 18 in order that we might protect children from meningitis B and ensure that it is eradicated by having the necessary level of vaccination within the State?

**Minister of State at the Department of Health (Deputy Jim Daly):** I thank the Deputy for the question. There has been an increase in the number of cases of meningitis B. There were 11 new cases this year as opposed to five last year. It is important to note there has been no new case since 6 January. No one has been diagnosed since then.

On the Deputy's question about vaccination, this is not a decision that the Minister for Health can or should make. It is made by the national immunisation advisory committee, which has not recommended that immunisation against meningitis B be provided for children. Since 2016, all newborn babies receive the vaccine. It is not recommended for others. We rely on the advice of the national immunisation advisory committee.

**Deputy Brendan Howlin:** The Taoiseach informed the House earlier that the Government has reduced the number of priority Bills in this session to six. May I suggest a seventh? I do not know if the Taoiseach had the opportunity to listen to the "This Week" programme last Sunday on which Jackie Fox, a mother, spoke with compassion and eloquence about the pressing need to tackle the issue of cyberbullying. She spoke eloquently about her late beloved daughter, Nicole. The Labour Party's Harassment, Harmful Communications and Related Offences Bill 2017 passed Second Stage a year ago this month. The Government agreed to support the Bill as long ago as last May. There have been meetings with officials about the type of amendments the Minister for Justice and Equality wants to bring forward. I applaud that. I heard of many cases over Christmas of individuals, particularly young people, suffering harassment and bullying online. This is a matter on which we are not focusing on enough. Will the Government give priority to the Bill in question and provide some indication that it can be passed into law before the summer recess?

**Minister for Justice and Equality (Deputy Charles Flanagan):** Deputy Howlin is right. This is an issue that was the subject matter of debate here in the last session. Matters are with the Attorney General for some advice on a number of questions I have asked. I assure the House that I will continue to engage in respect of the Bill. I acknowledge the positive disposi-

tion and contribution of the Labour Party on it. Notwithstanding the very busy schedule that is ahead of us this term, I hope matters can be advanced.

**Deputy Ruth Coppinger:** Faced with historic industrial action by nurses, midwives and psychiatric nurses, is it not time to repeal the Financial Emergency Measures in the Public Interest Act and acknowledge that, when rents are increasing by 15% per annum, when there are record corporation tax receipts and when we are in economic recovery, it is the Taoiseach's ideological opposition to workers of all kinds, including those in the public sector, obtaining any increase in their living standards that is about to give rise to this action being taken?

*3 o'clock*

The Taoiseach says we cannot afford to pay nurses or teachers. I would add that two out of three of their unions have also said they are going to take strike action and the country could be plunged into further chaos because of the Government. The nurses' action is completely just. It is a completely different era now from ten years ago and they have suffered ten years of austerity. They are not and should not be willing to do it any longer.

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** It is precisely because of our support for public servants and our recognition of the immense work they do in our hospitals, classrooms and Garda stations that the process in respect of the repeal of the financial emergency measures in the public interest, FEMPI, legislation is well under way. We are in our second year of a wage agreement with our public servants that looks to undo the FEMPI legislation, which was a result of the economic crisis. This month alone, the first change in the second year of that agreement comes into effect. In respect of the challenge we have that the Deputy has raised regarding the potential for industrial action in our hospitals, as I have said about every other public servant, we greatly value and appreciate the significant work nurses do in our hospitals. A meeting is taking place today between the nurses and the Health Service Executive on the potential for industrial action. A further engagement will take place on Friday between the nursing unions and the public service stability oversight committee, where all unions will be present to engage on the matter. The challenge we have is that if there is any movement or change in our wage bill for this year, every other public servant will expect the same.

**Deputy Ruth Coppinger:** And rightly so.

**Deputy Paschal Donohoe:** We need to be fair to everybody in protecting the wage agreement, which also allows us to make progress on many of the priorities that are raised by Members every day in this House.

**Deputy Mattie McGrath:** There is a commitment in the programme for Government to the schools and school building accommodation. Our Lady of Mercy's girls' school in Cahir and Cahir boys' national school have been promised an amalgamation and a new building for 30 years. The children, teachers and staff do their best in appalling conditions. When and where is this building going to proceed? When are we going to have proper accommodation for the young people of Cathair Dhúin Iascaigh? I want answers. We want to see this work. The Sisters of Mercy have given a site for the amalgamated building and we are grateful for that. A lot of work has been done by the boards of management and parents' councils. We need to see action on this building.

**An Ceann Comhairle:** A Topical Issue matter or parliamentary question might have been

more appropriate.

**Minister of State at the Department of Education and Skills (Deputy Mary Mitchell O'Connor):** I will make sure the Deputy gets a response this week.

**Deputy Mattie McGrath:** We need the school, not a response.

**Deputy Eamon Ryan:** When it comes to the issue of property tax, the Minister for Culture, Heritage and the Gaeltacht, Deputy Madigan, seems to be saying that there should be one law for the rest of the country and another for the well-to-do. The Independent Alliance, sniffing a popular decision about to be made, is keen to get a credit ahead of the pack. What exactly is the Government planning to do, legislatively or otherwise, on property tax? Will the Taoiseach consider undoing the mistake made six or seven years ago and introducing a site value tax rather than the formal property tax, which is being undone by his own Cabinet before our eyes?

**Deputy Michael Healy-Rae:** There is enough tax.

**Deputy Mattie McGrath:** Where is Deputy Ross? Is he canvassing?

**Deputy Danny Healy-Rae:** He is out and not stopping.

**Deputy Paschal Donohoe:** I can assure the Deputy that all members of the Cabinet are eager to build on the local property tax to come up with a regime that continues to be fair to everybody. I am sure that it is not only the Minister, Deputy Madigan, who is concerned about the matter. I am sure it is of concern to Deputy Catherine Martin, the Deputy's party colleague. I see her nodding in agreement and am glad she also has an appreciation of this issue.

**Deputy Catherine Martin:** I am arguing for a site value tax.

**Deputy Paschal Donohoe:** I look forward to working with all my colleagues in Cabinet to get agreement on how we can ensure that the local property tax in 2020 is fair, affordable and brings clarity to where everybody stands.

**Deputy James Lawless:** The issue of drones caused some consternation at Heathrow and Gatwick airports over Christmas. I note that the Minister for Transport, Tourism and Sport, Deputy Ross, convened a meeting during the break on the topic as well. Drones present many recreational and commercial opportunities but they also pose risks when used irresponsibly. I introduced legislation in 2017, two years ago now, dealing with many of these issues, including geotagging, georadar, fencing, licensing, registration and training. If the Minister, Deputy Ross, or the Government wants to engage on this issue, there is legislation before the House which could be very usefully taken up and used by the Government.

**The Taoiseach:** As I understand, we already have quite robust legislation in this area, in that there is a 5 km exclusion zone around airports-----

**Deputy James Lawless:** It is a statutory instrument.

**The Taoiseach:** -----and a drone of more than 1 kg must be registered. We have stronger laws than the UK has. Obviously enforcement is a different issue from laws. I am perhaps not as well briefed-----

**Deputy James Lawless:** It is secondary legislation.

**The Taoiseach:** -----as either the Deputy or the Minister, Deputy Ross. I will let the Minister know the Deputy raised it and ask him to speak directly to him.

**Deputy Eoin Ó Broin:** In March 2018, the Joint Committee on Housing, Planning and Local Government decided to give the Minister, Deputy Eoghan Murphy, time to introduce amendments to the Thirty-fifth Amendment of the Constitution (Water in Public Ownership) (No. 2) Bill 2016 and he was to come back to the committee with these amendments within two months. We wrote to him on 13 November seeking an update. He responded on 18 December stating he could not give us a timeline for when these amendments would be ready. The committee is very keen to proceed. We have given the Minister and his predecessor an enormous amount of time. I ask him to give us an indication of when he expects to have his amendments so that the committee can be allowed to progress with the Bill.

**Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):** I thank the Deputy for the question. We are awaiting wording from the Office of the Attorney General, but we have agreement to try to find the appropriate wording. I updated the committee and advised it that we, in the Department, believe we know the right wording for an amendment to the Deputy's Bill to be put to the people in a referendum. However, we now need the Attorney General to come back and confirm that wording is robust so that there are not any unintended consequences from the referendum to be put to the people. It is in the interest of everyone, if we are to have that referendum, that all political sides in this House agree on that wording thereby giving the referendum every chance of being successful when it is eventually put to the people.

**Deputy Charlie McConalogue:** Yesterday in response to a question on what he was personally doing to assist with climate change, the only answer the Taoiseach could give was the advice to eat less meat. As the leader of the country and in overseeing a programme for Government, an objective of which is to promote our beef sector and increase our international beef exports, would he accept that is not the type of leadership or direction we expect from him as Taoiseach? Instead he should be promoting the fact that Ireland is the most efficient country in Europe in which to produce beef. He should in future try to give leadership to our beef sector and not take the erroneous approach he took yesterday.

**Deputy Jackie Cahill:** Climate change poses challenges for our country, but also presents serious opportunities for rural communities. A flippant comment such as the Taoiseach passed yesterday is totally inappropriate for a Head of Government and seriously damaging to a very important industry in our economy. It is an industry where primary producers are on their knees with beef prices 30% to 40% below what they were a few months ago. Farmers are finding it extremely difficult to get their stock killed and are suffering severe financial losses. I ask the Taoiseach to withdraw his inappropriate comment.

**Deputy Danny Healy-Rae:** Farmers throughout the country are really concerned about the poor price for cattle. Although the Minister for Agriculture, Food and the Marine has left the House, I ask the Taoiseach to do something to increase the capacity for the live export of cattle. If there is a no-deal Brexit in the coming days, as looks likely, I ask him to ensure there are no obstacles blocking the export of our cattle through Britain to mainland Europe. Things are bad enough as it is and beef farmers are really on the ground. Since the Taoiseach is not going to eat half the amount of meat he was eating, he will have to do something to make up the difference. I am asking him, the Minister for Agriculture, Food and the Marine and the Department of Agriculture, Food and the Marine to recognise that beef farmers are facing a really tough situation.

The Government must do something to assist them. The price of cattle was never lower.

**Deputy Michael Healy-Rae:** The Taoiseach has absolutely no understanding of the anger at the comment he made yesterday, be it flippant or whatever way he meant it. It is clear he is not a farmer with a shed full of cattle, trying to finish them and sell them at whatever price the factory would give him. The prices are being controlled in such a way that it is very difficult for farmers to make money. The fact that the Taoiseach encouraged people to do their part by eating less meat shows clearly that he is not a struggling farmer trying to make a living from farming. He is the Taoiseach for all of the country, not just for Dublin city. He is the Taoiseach for every farmer in this country who is trying to make a living. He should be conscious of their plight. They are trying to raise their families. They are sending youngsters to school and to college and they are struggling. The Taoiseach should ask the Tánaiste and former Minister for Agriculture, Food and the Marine, Deputy Coveney, a man with a sensible head on his shoulders, what he thinks of what the Taoiseach said yesterday. I am sure he was gravely embarrassed by what the Taoiseach said. I urge the Taoiseach to act responsibly and think of the farming community when he is commenting on these matters. What he said yesterday was very hurtful.

**An Ceann Comhairle:** Does Deputy Durkan wish to comment on the same matter?

**Deputy Bernard J. Durkan:** No.

**Deputy Charles Flanagan:** He likes his beef.

**Deputy Michael Healy-Rae:** Deputy Durkan should have a go at him as well.

*(Interruptions).*

**The Taoiseach:** As someone who was actually there and knows what I said, I did not give anybody dietary advice or suggest that anyone else do anything. I was specifically asked what I was doing on climate change and I said that I was trying to eat less red meat. I am not giving it up. Indeed, I had a very nice Hereford steak last night.

*(Interruptions).*

**The Taoiseach:** I said that I was trying to eat less red meat for two reasons, namely health and climate change. My comment was not flippant. It is a fact that red meat increases the risk of cancer and contributes more to climate change.

**Deputy Danny Healy-Rae:** The Taoiseach is now making a bad situation worse.

**The Taoiseach:** I can assure Deputies that I have not become a vegan or anything like that.

**Deputy Richard Boyd Barrett:** He is happy as long as the Chinese eat more red meat.

**The Taoiseach:** I am very happy to eat fish landed in Donegal-----

**Deputy Pearse Doherty:** We cannot catch any fish in Donegal.

*(Interruptions).*

**The Taoiseach:** -----and to eat poultry, turkey, pork meat and all of the wonderful products that Irish farmers produce.

**An Ceann Comhairle:** That concludes questions on promised legislation. Apologies to the

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11 Deputies who were not reached today.

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

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

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

Minister for Education and Skills

Minister for Rural and Community Development

Minister for Communications, Climate Action and Environment

Tánaiste and Minister for Foreign Affairs and Trade

Minister for Justice and Equality

Minister for Business, Enterprise and Innovation

Minister for Health

Minister for Agriculture, Food and the Marine

Minister for Public Expenditure and Reform

Minister for Transport, Tourism and Sport

Minister for Children and Youth Affairs

Minister for Finance

whereupon the sequence established by the Order of 12th December, 2017, shall continue with Questions to the Minister for Employment Affairs and Social Protection.

Question put and agreed to.

### **Ceisteanna - Questions**

#### **Commissions of Investigation**

1. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on the status of the commission of investigation into IBRC. [53031/18]

2. **Deputy Brendan Howlin** asked the Taoiseach the status of the commission of investigation into IBRC; and the projected costs in this regard. [1292/19]

**The Taoiseach:** I propose to take Questions Nos. 1 and 2 together.

Following consultations with the Opposition parties by the then Minister for Finance, Deputy Noonan, the IBRC commission of investigation was established in June 2015. The commission is entirely independent in its work and Mr. Justice Brian Cregan is its sole member. The commission is required to investigate certain transactions, activities and management decisions at the IBRC. In its first module it is investigating the Siteserv transaction which has been identified as a matter of significant public concern in Dáil Éireann. Deputies will recall that following determinations made by the commission that banker-client confidentiality and legal professional privilege applied in relation to certain documents supplied to it, the then Taoiseach, Deputy Enda Kenny, invited views from the Opposition parties on the issues arising and, following consultations with them, the Commission of Investigation (IBRC) Act 2016 was enacted by the Oireachtas in July 2016. The Act is bespoke legislation which gave a new legal basis to the commission's investigations. Deputies will also recall that arising from issues raised by the commission, its terms of reference were also amended by the Oireachtas in 2016 following consultations with the Opposition parties.

Following requests from the commission and further consultations with Opposition parties, the timeframe for the commission's report has been extended on several occasions. On 23 November 2018, the commission submitted its fifth interim report to me and requested a further extension of its deadline for reporting until the end of March 2020. I consulted with Opposition representatives on this request and there was a shared strong concern about the level of progress achieved by the commission to date, the timeframe now proposed for concluding the first module of the commission's work and the risks of further delays and cost escalations. It was agreed to request a further interim report from the commission under section 33 of the Commissions of Investigation Act 2004. This report should include any interim findings or conclusions which the commission is in a position to make at this stage; any options which the commission believes would reduce the timeframe and-or cost for production of a final report on the first module of the investigation; the commission's view of risks to completion of the first module of the investigation within the requested new timeframe, that is, the end of March 2020; and the commission's best estimate of the likely final costs of the first module. I also extended the commission's timeframe until the end of March 2019. A decision on any further extension of the commission's timeframe will be taken, in consultation with Opposition party representatives, after the interim report has been received.

From the time of its establishment to the end of 2018 the commission spent approximately €5.065 million on direct costs, including salaries, administration, overheads and its own legal counsel. The commission has not provided any estimate of the third party legal costs incurred to date but they are likely to be substantial and it would be prudent to assume the final cost of the commission could exceed €30 million.

**Deputy Pearse Doherty:** I thank the Taoiseach for his reply. As outlined, the Taoiseach received the commission's fifth interim report in November. The commission has sought an extension until the end of March 2020 but the Taoiseach has not made a decision on granting that extension at this point in time. He suggests that the commission of investigation is likely to cost in excess of €30 million and I ask him to give the House an indication of how such a figure was arrived at, given that the commission itself has not provided that estimate in its interim report.

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I also ask the Taoiseach to outline to the House his views on the Siteserv module. A balance must be struck here with regard to the overall work of the commission in terms of ascertaining the truth and the overall issue of costs. There is an issue of public importance at play here and the Siteserv module must be concluded. Has the Taoiseach arrived at a decision with regard to the conclusion of the Siteserv module, which is of utmost public importance and which will require an extension to the timeframe for the commission?

**Deputy Brendan Howlin:** The Taoiseach's response concerning dialogue with the commission of investigation is unclear. The whole idea behind commissions of investigation is to make inquiries quicker and more efficient. We have had five interim reports from the IBRC commission of investigation and it would be reasonable to say that none of them contains anything of great substance. The reports simply provide a chronology of what has been done to date.

Has the Taoiseach written to the commission to say that he is granting an extension until March 2019? Is that what he is telling us? Has there been any response to that, given that the commission requested an extension out to 2020? I attended the aforementioned briefing and fully appreciate the Taoiseach's concerns on this matter. There is a need to ensure that there is a full and rigorous investigation and that the full facts are known but the cost of the investigation is now likely to exceed the total value of the transactions being investigated which does not seem right. Has the Taoiseach had any response from the commission of investigation to his decision to extend its timeframe to March of this year rather than to March 2020, as requested? Will the Taoiseach put his letter to the commission and the commission's response, if any, on the public record?

**Deputy Micheál Martin:** Before posing my question, I would like to point out that three questions were transferred, wrongly in my view given that they related to the Taoiseach's Brexit-related meetings with Prime Ministers, to the Department of Foreign Affairs and Trade. My office is now dealing with the relevant office and our point has been accepted but greater attention is required. I ask that the Taoiseach would keep an eye on this because I do not think that the Minister for Foreign Affairs and Trade is meeting Prime Ministers on the Taoiseach's behalf-----

**The Taoiseach:** Not that I am aware.

**Deputy Micheál Martin:** -----much as he might like to do so.

It is four years since the IBRC commission of investigation was first established. It was established for a very good reason, namely the real and increasing public concern at information emerging about IBRC's sale of public assets at rates which appeared to be well below what should have been sought and other related issues. It is now an issue of concern that an inquiry can drag on for so long and at such expense. The Taoiseach is now estimating that the commission will cost €30 million, which is extraordinary, particularly when compared to inquiries in other countries which do not take the same length of time or incur the same level of costs. There simply must be something wrong when a commission can take years to focus on a single transaction. To put it in perspective, there appears to be little more than three months involved between the decision to put Siteserv's assets up for sale and the conclusion of that sale. We will soon be in the fifth year of investigating a transaction that took three months, which I am sure the Taoiseach will agree is absurd by any definition.

Does he have any idea what the obstacles that have been put in the path of the commission

are? As it is a private rather than a public commission, we do not know if it has been delayed by lack of co-operation, legal issues or simply bad procedure driven by acting as though it were a court with powers beyond those held by a commission. What can be done to get to the bottom of this? We are owed some detailed explanations, given that we are the body charged with establishing it along with the Government. We worked in consultation with the Taoiseach's predecessor and the Taoiseach in this regard. Does he accept that it is not good enough merely to express frustration and that he has a responsibility to seek a detailed statement on why we are entering the fifth year of investigation into a transaction which took approximately three months?

**Deputy Catherine Murphy:** I missed the Taoiseach's response, but what is important is the context of the letter he wrote to the commission about extending the timeframe. Like everyone else, I have concerns about the delay and costs, which I shared with the Taoiseach. I am also concerned that some people could be above scrutiny if we cannot reach a satisfactory conclusion on this matter.

**The Taoiseach:** I am at a bit of a disadvantage in answering these questions because it is an independent commission under Mr. Justice Cregan and I am not in charge of it. Rather, I am just the Minister named in the Act and, therefore, I do not know, nor can I know, many of the answers to the questions that people are asking. I have extended the commission's timeframe until the end of March 2019 and requested a further interim report on the items I mentioned, namely, any interim findings or conclusions which the commission is in a position to make at this stage, any options the commission believes would reduce the timeframe, cost or both for production of a final report in the first module, the commission's view on the risks to completion of the first module of the investigation within the new requested timeframe of the end of March 2020, and the commission's best estimate of the likely final cost in the first module. That is essentially what the letter contains and I have no difficulty putting it into the public domain unless there is some legal reason as to why I cannot do so. If I have received a response, I have not yet seen it although I do not think there has been one.

The costs are an estimate drawn up by my officials. In November, I indicated that the tentative estimate of the final cost of the commission would be between €20 million and €25 million, given the rate of expenditure. The commission's timeframe for reporting has been extended, at the risk of further delays and the significant third party legal costs that will arise. The commission has not provided its own estimate of the total costs, which are likely to rise from the first module. As I said in my reply, I have asked it to provide me with its best estimate in the interim report.

### **Cabinet Committee Meetings**

3. **Deputy Richard Boyd Barrett** asked the Taoiseach when Cabinet committee E, health, will meet next. [51725/18]

4. **Deputy Brendan Howlin** asked the Taoiseach when Cabinet committee E, health, last met; and when it next plans to meet. [52101/18]

5. **Deputy Mary Lou McDonald** asked the Taoiseach when Cabinet committee E, health, last met; and when it is scheduled to meet again. [53030/18]

6. **Deputy Joan Burton** asked the Taoiseach when Cabinet committee E, health, last met. [53142/18]

**The Taoiseach:** I propose to take Questions Nos. 3 to 6, inclusive, together.

Cabinet committee E last met on 22 November 2018. A date for the next meeting has not yet been scheduled. In addition to the meetings of the full Cabinet and Cabinet committees, I often meet with Ministers and their teams on an individual basis to focus on particular issues. In this regard, I regularly meet with the Minister for Health, Deputy Harris, to discuss issues relating to our health service.

The Government's continuing commitment to improve access to health and social services for the people through investment across community and hospital services is reflected in the significant increases in health investment in recent years. This year will see the highest ever level of health funding in the history of the State. We have also committed almost €11 billion in capital investment over the next ten years through the national development plan and Project Ireland 2040, which is approximately double what was invested in infrastructure in healthcare in the past ten years.

The recently published national service plan sets out in detail the level of health services to be provided by the HSE within the available funding for the coming year. It outlines the provision of a range of Government initiatives including mental health enhancements, disability services, cervical screening, the HPV vaccine for boys, the introduction of termination of pregnancy services and the merger of the three children's hospitals in Dublin into Children's Health Ireland, which took effect on 1 January. Primary care enhancements include provision for funding for a new general practitioner, GP, contract should negotiations on it be successful, reduced prescription charges, reduced drug payment scheme charges from March, an increase in the GP visit card thresholds from March and the initiation of a programme of care redesign in line with Sláintecare.

The service plan emphasises the importance of strengthening clinical leadership, improving patient and service user engagement and advancing a culture of patient safety, continuous quality improvement and learning. To ensure meaningful and sustained improvement in the health service over the coming years, however, we also need to develop a major programme of reform. The new Sláintecare programme office has prepared a detailed action plan for 2019 as committed to in the Sláintecare implementation strategy and I expect it to be published shortly. A Sláintecare advisory council has also been established under the chairmanship of Dr. Tom Keane. These new structures will drive implementation of the reform programme.

Budget 2019 provides for more than €200 million directly to assist a range of initiatives proposed in the Sláintecare report and committed to in the implementation strategy. Work is also under way to establish a new HSE board to strengthen the management, governance and accountability of the HSE. Mr. Ciarán Devane has been nominated as chairperson-designate of the board.

**Deputy Richard Boyd Barrett:** It is extraordinary to listen to the Taoiseach's answer on the health service: one would think everything is improving. We are facing industrial action by thousands of nurses from the Irish Nurses and Midwives Organisation and the Psychiatric Nurses Association of Ireland. Incredibly, the Taoiseach's Cabinet committee on health has not met since November despite facing industrial action by the nurses. When he comments

on the matter, he seems intent on criticising the nurses for taking industrial action. He fails to recognise, however, that Government policy has produced this crisis and forced nurses into a position where they feel they must take industrial action. He continues to peddle the myth that there is no retention problem for nurses, but the truth needs to be said. For every four nursing vacancies, there is only one application. Some 5% fewer nurses work in the health service than did in 2008, while the number of managers has increased by 40%.

Nurses are earning €7,000 less at every point of their career than similar graduate professionals working in the health service. The Taoiseach touts pay increases which are actually restoration of cuts that his party proposed and that remain not fully restored ten years after the austerity assault on public sector workers, including nurses, was launched. He does not acknowledge that nurses give up an hour and a half for free to the health service, or the costs resulting from overcrowding, waiting lists and cancelled operations because there are not enough nurses to staff the hospitals. Rather, there are myths about the cost of what nurses are demanding, despite €2 million a week being paid to agency nurses and overseas recruitment firms being paid €10,000 per nurse recruited because the Government will not directly employ staff nurses. All the costs of cancellations in the health service result from chronic staff shortages which in turn result from our failure to recruit enough nurses or retain them because the Government will not pay them properly. Will the Taoiseach face up to the reality of what is going on, talk to nurses, listen to them and concede to their just and legitimate demands?

**Deputy Brendan Howlin:** I return to the issue of the overrun on the cost of the national children's hospital, which the Taoiseach answered in general terms earlier. He said he thinks the current estimate, that is, on 15 January, is the same as it was before Christmas, but in the past number of weeks there has been further speculation that it has risen from the staggering €1.4 billion, which he indicated to the House before Christmas, to €1.7 billion, although even that might not be the height of the cost. The Taoiseach talked about the 15 operating theatres and all the rest of it. We know what this really good hospital will comprise. In my political career I have never seen a project so completely out of control in terms of cost. Even the expanded cost, which was originally €450 million but more realistically €650 million, is now likely to be three times that figure. How can that be? How did that come about? What are the factors? The Taoiseach indicated earlier that it was an issue of construction inflation. Construction inflation does not triple the price, otherwise every single project under construction right now would be triple the price of the estimate, which is not the case. What are the specific reasons? Why was this not drawn to people's attention before the end of last year in a very public fashion?

Finally, the Taoiseach indicated that €100 million of cuts would be required across the public sector capital programme this year and that €50 million of this would be in health. He more or less said it would just delay projects. People are urgently waiting for dialysis units to be constructed as well as facilities in hospitals up and down the country. Delays are really having an impact. Many school projects will be affected as a result of the €50 million to be found elsewhere. Some €100 million is a really significant sum of money. Can the Taoiseach indicate exactly where that €100 million will be found and give the House a real explanation as to how this particular project has completely gone off the rails in terms of cost oversight?

**Deputy Pearse Doherty:** In the same vein, the response of the Taoiseach earlier that this will be the best hospital and will last for 100 years is fine and great. We need the hospital and nobody objects to that but the issue here is the runaway cost. He described this project back in 2014-2015 as spectacular, and it will be spectacular when constructed. He said it would cost €650 million and would be fully operational this year. It will cost three times that and will not

be fully operational for many years to come.

There are serious questions and we deserve answers as to how the Government got this so wrong. The Taoiseach will criticise others and will throw cheap shots but he was the Minister for Health. His colleague is the Minister for Health and he is the Taoiseach who told us that he was going to take a special role and interest in this. Every euro in terms of additional cost that will go into building this hospital will be taken from other public services, whether a school that will not be built, a community hospital that will be delayed or an extension to an existing hospital that will be delayed or put on the long finger. These are the concerns people have about this.

The Taoiseach tries to dismiss this as if everything is okay but this is a throwback to the Fianna Fáil era of calculations on the back of the brown envelope. If one closed one's eyes, one could pretend one was not talking about the national children's hospital but about the Dublin Port tunnel or one of the other capital projects Fianna Fáil continued to allow developers to benefit from in this State. The Taoiseach told us that would not happen with his Government and we expected it would not. Now that it has happened, he expects us just to ignore the fact these costs have increased to such a degree and expects us not to look for accountability.

There are serious questions in different communities. For example, in the Midland Regional Hospital in Mullingar, there are serious concerns that the MRI scanner that was part of Project Ireland 2040 will not be delivered as a result of the overruns in health. Are these the types of capital projects that will be cut or delayed? There is an onus on the Taoiseach, who has made such a cock-up of this over the past number of years, to explain to the public where the axe will fall. Which projects will be cut because his Government and his Ministers took their eye off the ball and did not ensure value for money on this project?

**Deputy Joan Burton:** I was very upset, like many people, when I read that parents who have not completed meningitis vaccinations for their children will not be afforded a free vaccination but instead will be charged €200. For instance, if they have three children, which many parents have, who have not completed the vaccination cycle, this will amount to €600. That would wipe out many families on social welfare or on a minimum wage income. At the same time the Minister for Health announced a Department of Health variation of the strategic communications unit, that is, a public relations exercise fee of €75,000. Has the Taoiseach, his Minister or his Government any sense of how to address priorities in the Department of Health? Meningitis is a serious public health risk and it is a serious abuse of public funds not to ensure that children at risk are properly vaccinated and that those vaccinations are performed as a public health service.

I refer to the cost of the children's hospital which people are baffled by. The Taoiseach was in that seat at a very important time for that project. I was delighted to see the Taoiseach visiting Africa last week but if anybody from Europe went to a small or a large African country and was told by aid officials that a children's health project - for example, building a large children's hospital - was potentially running €1 billion to €2 billion over the estimate in the plan would immediately suspect that such a cost overrun was due to misappropriation or some form of corruption of the process.

The Taoiseach is here to provide the Dáil with answers as Leader of the Government. Can he explain these conundrums in the Department of Health under his command as Taoiseach?

**Deputy Micheál Martin:** At the outset, there needs to be an Oireachtas inquiry into the

escalating cost of the children's hospital. The Taoiseach said earlier that when he was Minister for Health he thought it would cost €650 million. Yet in a couple of years, it has gone up to, apparently, €1.7 billion. That is according to a Cabinet memorandum that was evidently given to *The Irish Times*. This was given days after the Taoiseach told me it was €1.4 billion. It seems the Dáil is the last place to be told anything in detail. I asked the Taoiseach in the last session of the Dáil whether that was the upper limit and, to be fair, he did not say it was but he did not use the figure of €1.7 billion, which is in the memorandum. *The Irish Times* got this memorandum from somebody, and it must have been someone in government, and it published it and a lot of material on this. To go from €650 million to €1.7 billion in approximately two years demands detailed explanation. We all know the Department of Public Expenditure and Reform keeps a tight rein on capital projects and it is meant to do so and there are procedures and mechanisms for that. It is not enough to say that a hospital group has been given *carte blanche* to do and spend anything it likes. That is not the way it works and I hope that was not what was being suggested earlier today in the answer to a substantive question asked by another Deputy during Leaders' Questions. There needs to be an Oireachtas inquiry of some sort and there should be full accountability as to how it has jumped from €650 million to €1.7 billion.

On the issue of the meningitis B vaccine, I am perturbed as to how that is being introduced. I happened to be the Minister for Health when the meningitis C vaccine became available and we did a full programme that cost €50 million at the time, most of which was a once-off cost because it was dealing with all children. There was no hesitation about that at the time given the expert advice. The Department of Finance accepted at the time that it had to be done on public health grounds. The meningitis B vaccine was not ready at the time and the advice was that the impact of meningitis B could be potentially worse than meningitis C. There needs to be a very serious review of how the meningitis B vaccine is being rolled out because of the devastating impact on children and young people generally when the illness occurs.

I could raise many other issues but I do not have the time. I ask the Taoiseach to comment on the article by Susan Mitchell last weekend on Sláintecare in which she said the hospital groups would be broken up and merged into regional integrated care organisations, RICOs. In a speech in November 2015, the Taoiseach heralded the hospital groups as central to reform. Has that changed, and does he now support the proposals to abolish them at the start of the Sláintecare project?

**The Taoiseach:** I spoke earlier on the threatened nurses strike and the Minister of State, Deputy Jim Daly, answered the question on meningitis B so I will use my time to answer questions that have not been answered.

**Deputy Brendan Howlin:** The Taoiseach could answer the questions we asked him.

**Deputy Richard Boyd Barrett:** The Taoiseach could answer the question I asked him.

**The Taoiseach:** Deputy Boyd Barrett said that listening to me one would imagine that everything was fine in the health service, but I do not think that for a moment. Listening to him, one would think absolutely nothing at all is going right. Let me tell him about some of the things that are going right. The waiting times for operations and procedures in hospitals – hips, knees, eyes, cataracts and angiograms – are now at their lowest in five years.

**Deputy Richard Boyd Barrett:** What I asked is why the Taoiseach thinks the nurses are going on strike.

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**An Ceann Comhairle:** Will the Deputy please allow the Taoiseach to respond?

**The Taoiseach:** Cancer survival rates are improving, stroke survival rates and heart attack survival rates are improving. Suicide rates are going down while life expectancy is increasing. None of that has happened by accident. It has happened because the right policies and strategies have been put in place by the health service. They have been funded by the Government. It has also happened because of the professionalism and hard work of all of our healthcare staff.

**Deputy Richard Boyd Barrett:** That is why the nurses are going on strike.

**The Taoiseach:** No, I was just talking about patients.

**Deputy Richard Boyd Barrett:** My question was about the strike.

**The Taoiseach:** I noted in Deputy Boyd Barrett's lengthy speech on this issue that he did not mention patients at all.

**Deputy Richard Boyd Barrett:** I did.

**The Taoiseach:** For me, patient outcomes should be at the centre of our concerns when it comes to the health service.

**Deputy Pearse Doherty:** The Deputy did.

**Deputy Richard Boyd Barrett:** I mentioned patients.

**The Taoiseach:** If the Deputy did, it was fleeting because I did not hear it.

I did not read Susan Mitchell's report but I have read the Sláintecare document, which recommends that we move towards integrated healthcare structures rather than the current system of hospital groups and community healthcare organisations. Hospitals will be combined with community services as part of the Sláintecare reforms.

**Deputy Brendan Howlin:** Another structure.

**The Taoiseach:** Sláintecare recommends structural change.

**Deputy Brendan Howlin:** That is the fifth.

**The Taoiseach:** People are very quick to criticise the Government for not implementing it but when we do, we are criticised as well. Either one is for Sláintecare or one is not. Sláintecare recommends this reform, namely, that we move towards integrated healthcare structures again.

**Deputy Richard Boyd Barrett:** The ESRI recommended paying the nurses but that was ignored.

**The Taoiseach:** In terms of the rising costs of the children's hospital, my assessment is that the costs were underestimated in the first place but construction inflation has had a significant impact. Changes also had to be made to the sprinkler system-----

**Deputy Brendan Howlin:** It is a very expensive sprinkler system.

**The Taoiseach:** -----and the cost of the electrical engineering system in particular was much higher than had been intended.

**Deputy Micheál Martin:** It could cost €1 billion.

**The Taoiseach:** The Department of Health is inquiring further into the issue. The National Paediatric Hospital Development Board, which is the dedicated State agency set up to deliver the hospital, is available to come in and answer questions in detail. It will have the financial people working on the project do that at the Joint Committee on Health.

**Deputy Micheál Martin:** So should the Minister.

**The Taoiseach:** He is happy to do it too.

**Deputy Micheál Martin:** So should the Ministers and the Taoiseach.

**Deputy Pearse Doherty:** The Taoiseach was also Minister for Health.

**The Taoiseach:** We are happy to do it too.

**Deputy Brendan Howlin:** The Minister has statutory responsibility for the matter.

**The Taoiseach:** I am sure the Minister for Health will be asked all of these questions as well.

There are other health projects under way, including the new national rehabilitation hospital in Dún Laoghaire, for example, and the new national forensic mental health hospital in Portrane. As things stand, those projects look like they are going to come in on time and on budget.

**Deputy Micheál Martin:** The Taoiseach should be careful.

**The Taoiseach:** I accept that may change but for context, let us at least bear in mind that other national hospitals are being built-----

**Deputy Micheál Martin:** That could mean they are definitely going up.

**The Taoiseach:** -----which are coming in around budget.

In terms of the reprofiling or delays that may happen to other projects, that is still being worked out by the Department of Public Expenditure and Reform. We believe we will be able to do it in the context of a €5 billion capital budget for this year, which is 25% higher than last year, by reprofiling projects rather than cancelling them. As Deputy Howlin will know from his time profiling expenditure, on occasion one finds that another project does not get planning permission or it runs into problems with the tender and that can create savings but that has not been determined yet.

### **Departmental Staff Data**

7. **Deputy Mary Lou McDonald** asked the Taoiseach the number of staff employed in his Department in 2018. [53032/18]

8. **Deputy Brendan Howlin** asked the Taoiseach the number of staff employed in his Department in 2018 by grade and gender; and the way in which it compares with 2017. [53035/18]

**The Taoiseach:** I propose to take Questions Nos. 7 and 8 together.

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There were 211.5 whole-time-equivalent staff working in my Department on 31 December 2018. That compares to a figure of 203.5 whole-time-equivalent staff on 31 December 2017.

My Department is structured around seven main work areas. The breakdown of posts currently in each of these areas is as follows: there are 28 posts in the international, EU and Northern Ireland division, including responsibility on Brexit matters; 26 posts in the economic division; 27 posts in the Government secretariat, protocol and general division and the parliamentary liaison unit; 21 posts in the social policy and public service reform division; 35 posts in the corporate affairs division; and eight posts in the information and records management unit. The remainder of posts in my Department include services staff and those in the private offices, constituency offices and internal audit.

While the Department of Foreign Affairs and Trade has overall responsibility for Brexit, in recent months my Department established a small unit to assist with Brexit preparedness and contingency planning to augment the ongoing work of my Department's international, EU and Northern Ireland division. The unit has a current staffing complement of six. The existing responsibilities of the international, EU and Northern Ireland division with regard to Brexit are unchanged.

My Department uses workforce planning and succession planning to ensure that there are sufficient staffing resources in place to deliver the Department's strategic goals. With the exception of politically appointed staff, staff assignments in my Department are the responsibility of the Secretary General and the senior management team of the Department.

The information requested regarding numbers of staff in my Department by grade and gender is set out in tabular format. The majority of senior management staff at assistant principal and principal officer level in my Department are female. Female officers at principal officer level currently hold the posts of head of section or division in the economic division, the Britain and Northern Ireland Affairs section, the EU section, the protocol and general division, the social policy and public service reform division, and the Government Information Service.

Since 2017 female representation at assistant secretary or director level on my Department's management committee has increased from 29% to 40%.

**Table 1: Department of the Taoiseach Staff by Grade and Gender - 31 December 2018\***

Grade	Total No.	% Male	% Female
Secretary General	1	100%	
Second Secretary General	1	100%	
Assistant Secretary	5	60%	40%
Principal Officer	15	47%	53%
Assistant Principal Officer	40	32%	68%
Higher Executive Officer	34	26%	74%
Administrative Officer	16	31%	69%
Executive Officer	37	19%	81%
Clerical Officer	37	43%	57%
Services Staff	18	67%	33%
Total	204	37%	63%

\*excludes politically appointed staff

**Table 2: Department of the Taoiseach Staff by Grade and Gender - 31 December 2017\***

Grade	Total No.	% Male	% Female
Secretary General	1	100%	
Second Secretary General	1	100%	
Assistant Secretary	7	71%	29%
Principal Officer	13	46%	54%
Assistant Principal Officer	36	42%	58%
Higher Executive Officer	31	26%	74%
Administrative Officer	19	37%	63%
Executive Officer	32	22%	78%
Clerical Officer	42	31%	69%
Services Staff	18	67%	33%
Total	200	37%	63%

\*excludes politically appointed staff.

**Deputy Pearse Doherty:** Less than 3% of the staff, six out of 211 whole-time equivalents in the Taoiseach's Department are working specifically on Brexit contingency planning. As we enter a period where the clock is running down on our nearest neighbours regarding its decision on whether to accept or reject the withdrawal agreement, we need to question whether that is the appropriate allocation of staff given some of the scenarios before us that may play out.

It is almost certain that the withdrawal agreement agreed between the British Government and the European Union will be rejected by the Westminster Parliament this evening. It is important to state that no matter what the outcome across the water, Ireland's interests need to be protected and defended. The Good Friday Agreement is an international agreement and the Government is a co-guarantor of the agreement which needs to be protected in all of its parts. That needs to be the fundamental principle that define us as we go ahead and try to muddle our way through whatever the outworkings of the British decisions are in terms of Brexit. It is important that there is support and a deeper understanding of what the Good Friday Agreement means right across the European Union, and that is to be welcomed despite some of the narrative that has come from those that are pro-Brexit.

The DUP's position has been reckless. I am on record in the Dáil saying that. It is irresponsible and is definitely not in the interests of those whom the DUP claims to represent in the North of our island. The DUP has gone beyond recklessness to the extreme bizarreness of the DUP leader, Arlene Foster, today claiming that there was never a hard border on the island of Ireland. One could not make this up. As a young lad coming to Dublin on a school tour, I can remember passing Lifford and Aughnacloy and the British Army with its guns and rifles and going through the fortified installations that were on the Border and the army base on each hilltop as we travelled through the countryside. That is where some of this situation has come from.

When is it the Taoiseach's intention to issue a formal response to the decision that will be taken later this evening in the House of Commons? Will it be tonight after the vote is taken or tomorrow? I raise this in the context of the Order of Business earlier. Given the urgency of this issue and the uncertainty we may be entering into, it is crucial we have an open debate on this tomorrow and that we respect this House-----

**An Ceann Comhairle:** The Deputy is way over time.

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**Deputy Pearse Doherty:** I will finish on this point. In the week leading up to the celebration of the 100th anniversary of the establishment of the first Dáil, we need to recognise the primacy of this House and have the debate here, not through briefings to the media or individual briefings to different political parties. It should enter this space early tomorrow, when we will have a proper and full discussion on this.

**An Ceann Comhairle:** The Deputy should respect the rules of the House and try to adhere to the time limits. I call Deputy Howlin.

**Deputy Brendan Howlin:** I thank the Taoiseach for his reply. I have three questions regarding staff deployment in his Department. First, what happened to the staff who were hired or assigned initially to the strategic communications unit, SCU? Were they assigned elsewhere in the Department or where are they now? Second, in regard to the six staff allocated to the Brexit advisory group, are they civil servants who have been given that task or experts hired in with a particular skillset? Will the Taoiseach indicate what is the skillset and job specification of those six individuals? Third, he announced some time ago that he would take a hands-on oversight role on health because one of the issues he has been concerned about, right back to our own time in government, is managing health expenditure. Has he experts in health economics in his Department to advise him on his announced role in regard to taking a hands-on oversight role on managing health and health expenditure into the future?

**Deputy Micheál Martin:** The Taoiseach will no doubt remember that in July 2017 he informed the House it was his intention to review the workings of the Department of the Taoiseach and then implement changes to its structure and staffing. With the exception of the now abandoned SCU and some increase in PR staff, can he be clear with me, given I am not clear, as to what structural changes have occurred within the Department and what changes he has implemented? Will he tell us what concrete changes he made to the structure or to the balance within the Department in terms of allocation to different sectors?

We hear regular reports from the Taoiseach about how he is going to make certain issues a priority. I recall that before Christmas he said he would take a hands-on approach to rural broadband and that it was going to be a personal crusade. Has he made changes to his Department to assist him with this particular crusade on broadband provision? Given the clear failures to meet the targets that have been set, or to address increasing public concern on health and housing, does this not suggest the current approach to overseeing plans and co-ordination of action simply is not working? Beyond the Taoiseach simply making general statements about prioritising this or that when the latest crisis emerges, there is no system or structure in place within his Department to enable him to do that. What specific expertise in health and housing has he available to him, as chairperson of the Cabinet committees which oversee these areas?

**The Taoiseach:** Regarding the vote that will happen in Westminster tonight, the sequence is that any initial response will come from the EU institutions in Brussels. We will co-ordinate with Brussels and I imagine any initial response will come from there, and perhaps from us thereafter, but more likely tomorrow than today.

In terms of the SCU staff, some have transferred to other Departments, some have taken up jobs in the private sector, some have been transferred to the Government Information Service, GIS - indeed, that is where many of them came from in the first place - and some have been reassigned within the Department. I do not have any experts on health economics in the Department, to my knowledge. There may be people who have degrees in health economics but I do

not know that for sure. My focus is always on working with my Ministers and trusting the line Departments. I appreciate there are different approaches and I know that, in the past, Heads of Government have set up mini-departments within the Department to monitor what other Departments are doing. My general approach is to trust my Ministers and to trust those line Departments. My job as Taoiseach and the job of my staff is to co-ordinate and to lead but not to try to do the job of line Departments for them, because they have the expertise.

**Deputy Micheál Martin:** What of the personal crusade?

**The Taoiseach:** I would never have thought a personal crusade would mean appointing an adviser. Perhaps that was the Deputy's approach to Government but it is not mine.

**Deputy Micheál Martin:** It means the Taoiseach does not trust the Minister.

**An Leas-Cheann Comhairle:** Order please. There are just two minutes left for the Taoiseach to reply.

**The Taoiseach:** I may be wrong but I might be the first Taoiseach who is regularly criticised for not having enough advisers and experts in my Department.

In terms of the structural changes that have been made, there is the Brexit group, which has six members of staff. Of course, behind them are the entire Departments of Foreign Affairs and Trade and the Taoiseach. We also have some people working on justice reform. I want to make sure the reforms proposed by the Commission on the Future of Policing in Ireland happen, so I have a few people working in the Department on that and pursuing it, and they are working closely with Department of Justice and Equality and the Garda authorities. We will set up a strategic threat analysis centre, STAC, given the O'Toole commission recommended that such a centre be established within the Department of the Taoiseach, with a national security co-ordinator. We anticipate doing that in the first half of this year. I also have a small group of civil servants who have taken a particular role in monitoring Sláintecare and the implementation of those healthcare reforms.

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

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Gino Kenny - to discuss the Government's proposed cannabis access programme; (2) Deputy Tony McLoughlin - to ask the Minister for Education and Skills to outline the reasons why Summerhill College, Sligo, has been advised by the Department to introduce a cap on its students numbers for 2019-20 instead of allocating funding for additional accommodation; (3) Deputy Éamon Ó Cuív - the need for the Minister for Agriculture, Food and the Marine to stake steps to increase the amount of planting of native woodland by extending eligibility for the native woodland grant to lower yield classes and by other measures; (4) Deputies John Brassil, Thomas Byrne and Louise O'Reilly - the need to discuss provision of meningitis vaccination in light of recent outbreaks; (5) Deputy Eamon Scanlon - to discuss the provision of capital funding for new beds at Sligo University Hospital; (6) Deputy John Lahart - to outline what steps the Minister is taking to address assaults on taxi drivers in Dublin in the

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context of recent experiences of taxi drivers; (7) Deputies Jan O’Sullivan, James Browne and Mattie McGrath - the need for the Minister for Health to address the concern that spiralling costs related to the National Children’s Hospital will impact other health projects; (8) Deputy Alan Kelly - to discuss the timeframe for the Royal College of Obstetricians review of cervical cancer slides; (9) Deputy Jim O’Callaghan - the failure of the State to ratify the Budapest convention on cybercrime and the Lanzarote convention on the protection of children against sexual exploitation and sexual abuse; (10) Deputy Clare Daly - to discuss the proposed extension of the final report of the mother and baby homes commission of investigation; (11) Deputy Jackie Cahill - the need for the Minister for Health to address the reduction of services for north Tipperary patients of Milford Hospice; (12) Deputy Bernard J. Durkan - to discuss the impact of the discontinuation of the Balyna, County Kildare, group water scheme; (13) Deputy Richard Boyd Barrett - the SIPO findings against a Mayo councillor over zoning issues in Mayo County Council; (14) Deputy Seán Crowe - to discuss the ongoing hunger strike by over 120 Kurdish prisoners in Turkey; and (15) Deputy Mick Wallace - to discuss the progress of the Land Development Agency to date and an update on the position of full-time chairperson.

The matters raised by Deputies Gino Kenny, John Brassil, Thomas Byrne and Louise O’Reilly, Alan Kelly, and Bernard J. Durkan have been selected for discussion.

### **Teachtaireacht ón Seanad - Message from Seanad**

**An Leas-Cheann Comhairle:** Seanad Éireann has passed the Central Bank (National Claims Information Database) Bill 2018, without amendment. It has also passed the Finance (African Development (Bank and Fund) and Miscellaneous Provisions) Bill 2018, without amendment. It has also passed the Public Service Superannuation (Age of Retirement) Bill 2018, without amendment.

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

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

#### **Pyrite Remediation Programme**

40. **Deputy Darragh O’Brien** asked the Minister for Housing, Planning and Local Government the number of homes that have accessed the pyrite remediation scheme; the number of applications refused; the number due to be completed; and if he will make a statement on the matter. [1587/19]

**Deputy Darragh O’Brien:** I tabled this question to seek an update on the progress of the

pyrite remediation scheme, which we have discussed on many occasions. I want to get a picture of the number of applications refused and the number completed, and also what plans there are within the Department to expand the scheme and to carry out a formal review of it. I am conscious it has helped some 1,000 homes to be remediated but a lot more needs to be done. I ask that the Minister of State provides an update and explains what plans there are within the Department to expand the pyrite scheme.

**Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English):** The pyrite remediation scheme is a scheme of last resort for affected homeowners who have no other practical option to obtain redress and it is limited in its application and scope.

*4 o'clock*

The full conditions for eligibility under the scheme are set out on the Pyrite Resolution Board's website.

The latest figures available indicate that a total of 2,243 applications relating to the pyrite remediation scheme have been received to date. Some 1,801 of the dwellings to which these relate have been included in the scheme and the applicants have been notified accordingly. A further 94 applications have been validated and referred to the Housing Agency for the assessment and verification process, while another 199 are at the initial application and validation stage. There were 149 unsuccessful applications under the scheme. Of the 1,801 dwellings included in the scheme to date, 174 are at remedial works planning stage, 27 are at tender and tender analysis stage, 268 are under remediation and 1,332 have had remediation works completed.

A sum of €32 million is available to fund the operation of the pyrite remediation scheme this year. This allocation will facilitate the remediation of some 460 additional dwellings and is a clear signal of the continuing importance attached by the Government to addressing the issue of significant pyritic damage in private dwellings.

**Deputy Darragh O'Brien:** Sorry, I did not catch that.

**Deputy Damien English:** We expect 460 homes to be dealt with by means of the 2019 budget. That will probably deal with most of the applications that are on hand or coming through the system.

The Deputy asked what we are doing to reform or expand the scheme. This is the largest sum of money we have ever invested in the scheme. We want to deal with all of the applications as quickly as possible. A great deal of progress has been made and the problems with many homes have been rectified. People are very happy about that. Sufficient money has been allocated next year. This is the largest budget - €32 million - ever provided in respect of the scheme and it will fund all of the 460 houses coming through the system. There are no plans to expand the scheme *per se*. Naturally, we are always trying to bring more clarity. The issues that have arisen have been dealt with and the advice has been passed to the board. Hopefully, the board will progress some of them also.

**Deputy Darragh O'Brien:** I thank the Minister of State for his reply. There is no doubt that a number of homes have been remediated. The Minister of State has gone through the figures in that regard. We have set the bar very high, however. The homes that have been remediated are in category 2 whereby the pyrite level is above that set down in the Pyrite Resolution

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Act but many other homeowners have been left in limbo. The Minister of State will be familiar with these people because some of them reside in his constituency. They have no last resort in circumstances in which their insurers, Home Bond and others have walked away. I refer to those whose homes which have category 1 pyrite damage. Such damage is not sufficient to qualify for inclusion in the scheme but it nevertheless renders people's homes valueless. Those to whom I refer cannot sell their homes. Are any measures being considered in this regard? I hope we will look at expanding the scheme to deal with these people and give them some hope. At the very least, we should consider that where such individuals carry out remediation work themselves, they should get the tax back or be permitted to write off the costs against future income. There are thousands of people who have been unable to access the scheme. Respectfully, I note that the reason there were only 149 unsuccessful applications is that people with category 1 damage are not applying to the scheme because they know they will be refused.

**Deputy Damien English:** The Deputy highlights a difficulty. The recommendation and plan was that the scheme should be there to fund homes which had significant damage and required immediate attention. That is happening. There is also the issue of a number of houses which have signs of or which have tested positive for pyrite but where there is no significant damage. We have had this conversation and we have put this on the table in other places. It is clear that to spend up to €70,000 on a house which is not yet showing damage and which does not yet require attention is not the best use of money for which there are competing demands. As the Deputy states, however, there is a category of people who are in limbo. We have discussed the matter ourselves. I have been unable to find a way to deal with that matter but we are open to suggestions. We do not plan to reopen the scheme to do that but we have tried to work through different solutions with different people. The issue relating to the date has been addressed through legal advice and I have met the chairperson of the board and her staff in order to provide clarity. That will help some of those who have made appeals and who ought to have known the closing off date of 2013.

**Deputy Darragh O'Brien:** Are they being allowed in now?

**An Leas-Cheann Comhairle:** The Deputy will have a further minute to ask questions.

**Deputy Damien English:** We have brought some legal clarity to that and this will help with some of the cases to which the Deputy referred.

**An Leas-Cheann Comhairle:** We are going to adhere to the times today. Deputy Darragh O'Brien has a minute to ask a further question or questions and the Minister of State will have a further minute to reply.

**Deputy Darragh O'Brien:** Tá an-bhrón orm, a Leas-Cheann Comhairle.

**An Leas-Cheann Comhairle:** We will set a good example.

**Deputy Darragh O'Brien:** We will do our best; it is the first day back. I would be interested to hear more about the extension of the date to allow in applicants who purchased homes after the initial date. I have met the Minister of State to discuss that matter, as have other Deputies. Unbeknownst to those people, they bought homes with category 2 pyrite damage but they cannot get into the scheme. Our work will remain incomplete if we fail to provide some option for those with category 1 pyrite damage because they have nowhere else to go. It is a last-resort remediation scheme, which I debated prior to its implementation with the then Minister, Phil Hogan. I was involved in putting the scheme together with the Minister of State, Deputy

English, and others. It was always intended to review the scheme with the potential to expand it. While category 1 damage is not deemed significant within the meaning of the scheme, the home is nevertheless worth nothing and one cannot move on. I know the Minister of State understands that those people are left in limbo. A formal review of the scheme through the joint committee would be a way to proceed. We must look at other options here because there are hundreds of households with nowhere to go. Time does not permit further questions on the fact that no appeals have been granted.

**An Leas-Cheann Comhairle:** No. I call the Minister of State.

**Deputy Damien English:** There are no plans for a formal review. I am not sure that such a review would solve the problem.

**Deputy Darragh O'Brien:** It would.

**Deputy Damien English:** The issue, as we have discussed here and elsewhere, including at meetings with residents, is the difficulty in justifying that level of expenditure on houses which do not necessarily require it at present. We are conscious, however, that people are left in a situation whereby they may not be able to sell their homes. While we are open to teasing this out, I have asked many Deputies whether they could justify spending that money and they have said they could not. As such, we need to find some other solution. I am happy to engage around that but I am not convinced a formal review of the scheme will solve it. We all worked hard to set up the scheme in the first place in 2011 to 2013 and there was a hope then that a levy could be put in place in order to secure funding for this matter. That was not possible and we have had to rely on taxpayers' money to fund remediation in recent years. While some great work has been achieved, there is a category of people who do not necessarily have severe damage now but who nevertheless have a problem in that they are stuck with owning the house. I am happy to engage with the Deputy on that in the months ahead. The money has been set aside to finish dealing with the houses that have passed the testing to date.

On the legal issue, it is not that we have extended the date but that we have addressed the category of persons who ought to have known. The Department took legal advice from the Attorney General and provided it to the board which will proceed to decide cases on the basis of it.

**Deputy Darragh O'Brien:** Can the Minister of State circulate that?

**Deputy Damien English:** I cannot give the Deputy the legal advice, but I can circulate the opinion we have provided to the board.

### **Social and Affordable Housing Provision**

41. **Deputy Eoin Ó Broin** asked the Minister for Housing, Planning and Local Government the steps he will take to increase the delivery of both social housing new builds and affordable private market homes for 2019 (details supplied). [1627/19]

42. **Deputy Darragh O'Brien** asked the Minister for Housing, Planning and Local Government the status of affordable housing targets for 2019; and if he will make a statement on the matter. [1588/19]

**Deputy Eoin Ó Broin:** The housing supply co-ordination task force report for quarter 3

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was published on 20 December last. While it indicated that there were some positive signs, there were also worrying data contained in the report, in particular a 50% reduction in the number of houses under construction in Dublin city compared to quarter 3 of 2017. The reduction was 20% when the city and greater Dublin region were taken together. Is the Minister concerned about this and can he provide the House with an explanation as to why it is the case? Is it something that will be rectified in quarter 4 report when published?

**An Leas-Cheann Comhairle:** Before the Minister replies, I note Questions Nos. 41 and 42 are being answered together. Only the person who tabled the first question is given an initial 30 seconds but each Deputy will have a full allocation of time for supplementary questions.

**Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):** I thank Deputies Ó Broin and Darragh O'Brien for Questions Nos. 41 and 42 which I propose to answer together.

In the first nine months of 2018, some 18,781 additional social housing solutions were provided across all local authorities, representing 74% of the overall 2018 annual target of 25,469. Within these overall numbers, the 2018 build target was for the delivery of 4,969 social housing homes, 2,369, or 48%, of which had been delivered by the end of quarter 3. My Department continued to work intensively with local authorities and approved housing bodies over the course of quarter 4 with a view to maximising delivery to year end and I expect to be in a position to provide indicative full-year delivery data in the coming weeks. I will also be setting 2019 social housing delivery targets for each local authority. I am satisfied that the significant expansion in the social housing construction programme over the course of 2018 provides a strong platform for increased build activity this year.

Affordable housing is being facilitated through a range of measures. Under the serviced sites fund, €310 million will be made available from 2019 until 2021 to fund the provision of facilitating infrastructure on local authority sites to support the construction of over 6,000 affordable homes. In response to a first call for proposals under the fund, I issued approval last month for funding for infrastructure projects costing €43 million. This funding will support the delivery of 1,400 affordable homes. I expect to issue a second call for proposals under the fund shortly.

Dublin City Council is working to deliver almost 250 affordable homes at O'Devaney Gardens and Oscar Traynor Road, with some 380 cost rental homes being progressed through pilot projects at St. Michael's estate in Inchicore and at Enniskerry Road in Dún Laoghaire-Rathdown. The local infrastructure housing activation fund, LIHAF, will also yield an affordable housing dividend, with some 2,350 affordable homes being facilitated on sites benefiting from LIHAF funding. A further 5,600 homes will benefit from a LIHAF-related cost reduction. To support further delivery, the Land Development Agency, which was established late last year, is actively pursuing the development of an initial tranche of eight sites yielding 3,000 homes, 30% of which will be affordable homes. The timescales for the delivery of affordable housing will be one of the issues I will explore further as part of my next engagement with chief executives of local authorities in the coming weeks. In 2019, record funding of €2.4 billion is being made available to support activity in respect of housing programmes generally. I am confident that this will underpin a further significant increase in momentum across all local authorities this year.

The most recent data show the continuation of some very positive trends with regard to

broader housing supply. They indicate that we remain on track to reach the 25,000 target for new home delivery by 2020 as envisaged under Rebuilding Ireland. Planning permissions were up 62% in the year to the end of September 2018. Commencements have more than doubled since the end of 2015, with over 21,000 commencements in the year to October 2018. According to CSO data, some 20,396 new homes became available for use in the year to the end of September 2018. House prices and housing affordability vary significantly across the country. In the year to October 2018, the median house price nationally was €244,999. It was highest in Dublin, at €365,000. Median prices were as low as €100,000 in some areas. In terms of supporting home ownership, nearly 9,500 applications have been approved under the help to buy scheme. It is estimated that the Rebuilding Ireland home loan, which was introduced last year, saw over 500 loan drawdowns by the end of 2018. Delivery across all parts of the housing spectrum will continue to be afforded the highest priority by the Government over the course of this year.

**Deputy Eoin Ó Broin:** Every new home that is built is welcome. Any increase in supply is also to be welcomed. I think the Minister is guilty of presenting too rosy a picture. I would appreciate it if he could address two specific issues, the first of which is private housing output. One of the most worrying aspects of the recent report of the Housing Supply Coordination Taskforce for Dublin is the indication that in the third quarter of last year, there was a 50% decrease in total construction activity in Dublin city and a 20% decrease in such activity in the Dublin region as a whole. I would like the Minister to explain this very worrying development. Does he think this trend will continue?

The other issue I would like him to address is the social housing supply pipeline report, which we have discussed previously at the joint committee. According to the report, just 35% of last year's target number of new-build social houses had been built by the end of the third quarter of 2018. I am not a great fan of the leases that represent a large component of the Minister's targets. The report in question indicated that just 20% or 25% of the leasing target had been achieved. Can the Minister guarantee that all social housing targets will be met in full by the end of this year? Will he respond specifically to the concerns that have been expressed about private sector output in Dublin city and in the Dublin region?

**Deputy Eoghan Murphy:** The report mentioned by the Deputy in his first question represents a snapshot in time, rather than a trend over a 12-month period. There was a reduction in the statistic in question because completions were up, which is a very welcome development. As I said in my initial reply, over 25,000 new homes were made available to live in over the 12-month period up to the end of September 2018. There is no getting away from the fact that this marks a dramatic improvement on what was delivered in the previous 12-month period, up to the end of September 2017, and in the year before that. It is not about painting a rosy picture; it is about speaking to the facts which show that supply has been increasing dramatically.

The Deputy also asked about the information that is available with regard to social housing completions up to the end of the third quarter of last year. Between 35% and 40% of the build programme for the year had been completed by that date. Significantly, this marked an 80% increase on what had been achieved by the third quarter of 2017. This shows that local authorities had done a significant amount of additional work in a similar time period. We also saw that much more activity was happening in the fourth quarter of 2017. A big number of completions happened in that quarter. Similar questions were asked about third quarter data in 2017. We saw a dramatic increase in completions in the fourth quarter of that year because of the way the build programme is programmed and budgeted towards a strong level of delivery at the end of

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the year. As I said in my initial reply, in a couple of weeks I will be able to verify exactly what the 2018 output was in respect of build, acquisition and leasing, as well as other targets under Rebuilding Ireland.

**Deputy Darragh O'Brien:** The questions being asked by my colleague and me are probably being asked in the dark. The Minister has said it will probably be another two weeks before we know to what extent the 2018 targets were delivered on in that period. I would like to know what indications the Minister may already have. He has spoken about the delivery of housing solutions in the social housing category. One of the features of Rebuilding Ireland is an over-reliance on the housing assistance payment and on short-term letting as ways of deeming that people have had their housing needs met. Rental solutions and housing assistance payments were used to deliver two thirds of all homes delivered up to the third quarter of last year. I ask the Minister to provide an update on that.

I would like to ask a specific question about affordable homes. Has the Minister set a target for 2019? What will that target be? When will he publish the criteria governing how people can apply for an affordable housing scheme? Will such applications be made? When will such a scheme open?

**Deputy Eoghan Murphy:** The Deputy asked about the 2018 output. At the moment, we have an indicative idea of returns from some local authorities. We are compiling those returns with a view to publishing them before the end of the month. I can give that commitment today. I expect we will see in those returns that some local authorities have exceeded their targets for the year across the different streams, and others have not done so. The reason I said at the housing summit in January of last year that I would commit to targets for each local authority was that I wanted full transparency on exactly what is happening. We know from the work we have done here in this Dáil that funding has been made available, the policy is there and the resources are there. Some local authorities have been very quick to ramp up their delivery of social housing, but others have not been as quick. In a couple of weeks, we will publish the outputs against the targets that were published last year. This will enable us to see exactly where each local authority is succeeding - for example, on the builds side. Some local authorities might be doing more leasing than other local authorities. We will be able to see where other local authorities are not as successful. I hope this type of transparency will enable us to help local authorities that are not doing as well to up their games and match those local authorities that are doing well, for example in the context of the increase in social housing we are now seeing.

I expect that because of the increase in social housing stock that happened over the course of 2018, we will find that fewer housing assistance payments were made in 2018 than in the previous year. Again, I will be able to verify that very shortly.

The Deputy's final question related to affordability schemes. It is important for those schemes to open in a time horizon that is significant to the actual houses that are being completed.

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

**Deputy Eoghan Murphy:** The first few sites have been awarded in those local authorities. The second sites are now going through a process. Other local authorities are doing economic analyses of the affordability requirements in their own areas. As they come through, the Department will be able to work with local authorities on individual schemes.

**Deputy Eoin Ó Broin:** The quarter-on-quarter comparisons are a valuable way of looking at this issue, particularly because building is affected by the climate. That is one of the reasons the task force report makes such comparisons. It is a concern that the total level of construction in the city of Dublin, where housing need is greatest, is 50% lower than it was this time last year. I am not clear on why that reduction is the case. Rather than dismissing the question, it would be better for the Minister to give us an explanation, if he has one, of why there has been such a dramatic reduction by comparison with the same quarter in the previous year. It is clear from the CSO figures that the total number of completions did not increase significantly in the third quarter of 2018 by comparison with the third quarter of 2017. The number of units was 900 in each year. While 900 extra homes is welcome, I do not think the Minister can call it “dramatic”. I will ask the same question again. Is the Minister concerned about the central figure which shows that the total level of construction of new homes in Dublin city was 50% lower in the third quarter of last year than it was in the same quarter the previous year? The year-on-year reduction in the Dublin region as a whole was 20%. Does he have an explanation for that? Is he confident that the drop in total construction is a one-off? Is he confident that when we see the figures for the fourth quarter, we will see a levelling off or possibly an increase?

**Deputy Darragh O’Brien:** I want to follow up on what has been said about the timeframe for the affordable housing scheme. As the Minister knows, one of Fianna Fáil’s major requests with regard to the housing budget prior to budget 2019 was that an affordable housing scheme would be established. Since 2012, house prices have exploded by approximately 90%. The average house price in Dublin is approximately €368,000, which is six and a half times the average household income. This shows that an affordable housing scheme for working people is urgently needed, especially in our urban centres. Such a scheme would be of particular benefit to first-time buyers because it would give them some hope. I am trying to get a handle on whether the Government has set a delivery target for 2019. I understand that it takes time to get sites. I also understand that a number of local authorities responded to the first call, although some of them did not. Questions need to be asked about why some of them did not respond to the call for housing. I want to get some specific targets and timelines regarding when we will see delivery of affordable homes for working people.

**Deputy Eoghan Murphy:** I thank the Deputies for those questions. It is important to note that while the Government supports subsidised housing schemes or affordable schemes, this does not mean that there are not affordable houses currently available in the market separate from those schemes. If we note the number of transactions in housing up to the end of October 2018, including first-hand and second-hand homes, there were 53,000 transactions. One in two of those transactions would have involved amounts of less than €250,000. Obviously, as we look more towards somewhere like Dublin, one in two of such transactions would have been for less than €320,000 - the median price. There are more challenges there and that is the reason we directed the first call at those local authorities in whose areas the affordability challenge is the greatest. There are targets in those first schemes that were approved and we are now working with the second tranche in order to get them in line in terms of providing those schemes and getting houses built. We are also looking at other ways of being able to deliver the serviced sites fund in a more truncated timeline than had previously been envisaged, even when we were having our discussions on the budget. Affordability is a key concern for everyone in the House. There is more that we have to do and we are constantly examining the position in order to see how we might improve matters.

I do not have the quarter 3 report in front of me. However, I recall thinking at the time that

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the way in which the material it contains was dealt with was funny and that perhaps it might have been misleading because what it seemed to imply was that construction in Dublin was down when this is simply not the case. Construction, planning permissions and completions are up. My understanding is that the reason matters looked like that in quarter 3 was because more completions had been done and therefore those active sites had closed. I put a caveat on that because I do not have the report in front of me, but it is true to say that when we look at construction in 2018 and when we have the final figures for quarter 4, we will see that it is up dramatically in every part of the country on what it was in 2018, particularly in Dublin. Planning permissions continue to increase as do commencement notices and completions. We like to use the new CSO completions data which I requested when I first came into office. We will have those figures. The Central Bank is estimating 19,000 completions for 2018. We believe the figure will be between 18,000 and 20,000. We will wait for those final figures and the number will be up again in 2019.

### **Social and Affordable Housing Data**

43. **Deputy Jan O'Sullivan** asked the Minister for Housing, Planning and Local Government the number of social homes completed in 2018 by local authorities and approved housing bodies; the number of void units restored and reallocated; the way in which he plans to ensure that the system delivers the number of homes that are needed annually to address the crisis in homelessness and housing need; and if he will make a statement on the matter. [1694/19]

**Deputy Jan O'Sullivan:** My question is specifically regarding the delivery of social homes. It refers to the delivery report for quarter 3. I know the Minister does not have final figures for the end of the year. I am seeking to find out the number of social homes delivered in so far as he can tell us, also the number of void units restored and reallocated, and what he intends to do to ensure this year the required number of social homes for people on housing waiting lists will be delivered.

**Deputy Eoghan Murphy:** I thank the Deputy for her question. Over the course of Rebuilding Ireland, the Government is committed to meeting the housing needs of more than 137,000 households. With funding of more than €6 billion in place, significant progress on implementation of the plan has already been made.

The most recent data available, which are published on my Department's website, show that by end September of last year, more than 63,700 additional social housing solutions had been provided; 18,781 of these were delivered in the first nine months of 2018 alone, representing 74% of the target for the year as a whole. This included more than 4,500 build, acquisition and leased homes delivered by local authorities and approved housing bodies. Regarding the voids programme, some 605 voids were funded by my Department in the first three quarters of last year. The issue of efficient tenancing of social housing is, of course, a matter for each local authority.

Data in regard to fourth quarter of 2018 are currently being compiled and will be published shortly. I am satisfied from the information currently available that it will show a strong performance versus our overall national target for the year.

The picture will vary from one local authority area to another in terms of what was achieved. Last January, I committed to publishing individual targets for housing delivery in each local

authority area in 2018, to enable greater transparency and accountability when it comes to increasing the stock of social housing. The Government has committed more than €6 billion to Rebuilding Ireland and it is vital that taxpayer funding is used efficiently and transparently to deliver new homes.

Targets for 2018 were published and, in conjunction with delivery information for the fourth quarter of last year, I will shortly publish full-year delivery details by local authority, measured against the targets set at the beginning of the year. Following another housing summit later this month, this process will be repeated for 2019.

With the policy, resources and funding in place, it is up to local authorities to ensure delivery. I will continue to work with them to ensure the accelerated delivery of much needed homes for our citizens.

**Deputy Jan O’Sullivan:** From the information he has to hand, does the Minister believe the targets will be achieved? In response to a previous question, he indicated he had got some information back. Does he expect the targets specifically for the building of social housing, as opposed to all the other delivery methods he talks about, will be achieved, both by local authorities and approved housing bodies?

The Minister has shown initiative regarding, for example, St. Michael’s Estate. He has just said he expects there will be fewer HAP scheme solutions in the coming year. That is welcome. Will he use the public land available in the context of providing solutions such as cost-rental in order to increase the number of social houses that are being built and move away from reliance on the private sector? Such reliance developed largely because there was not the capacity to build social housing, but we should be over that now. We should be at a point whereby councils can deliver with the support of his Department. Will he ensure that there will be no obstacles or delays in the context of delivering the kind of social housing that most people who come to our clinics want, namely, secure council homes as opposed to insecure private sector homes?

**Deputy Eoghan Murphy:** I thank the Deputy for her question. Every delivery mechanism that increases the stock of social housing is important. That is why we have a number of such mechanisms. In the event that a particular mechanism is not successful in a given period or year, we can then make up the shortfall using other delivery streams. It is important to have that kind of redundancy in place. If there are shocks that we have not anticipated, that might potentially take one stream of delivery away but we have others on which we can rely. As a result, we will never be in a situation where there is nothing happening in the context of the delivery of social housing.

What I expect to see with, for example, voids - we discussed this matter at a meeting of the relevant joint committee in December - is that we will exceed our target. However, we will still only count the number we identified in the context initially. This means that even though we will complete work on more voids than originally envisaged, we will not count above the ceiling we have in respect of our target. I also indicated to the joint committee that we will probably exceed our target for acquisitions. I know that we will do so because I had to allocate extra funding towards the end of the year when I received additional supplementary funding approved by Cabinet in respect of further acquisitions. Part of the reason for this was that leasing was not happening in some areas in the way we hoped.

When the numbers have been finalised - this will certainly happen prior to the housing sum-

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mit, which is scheduled for the end of the month - I will provide the Deputy with a breakdown of the targets per local authority in order that she can see which local authorities exceeded their targets and which did not. We can then have a conversation on the reason this might have happened.

**Deputy Jan O’Sullivan:** What does the Minister intend to do about the councils that are not reaching their targets? If there are targets, they should be reached. If the problems are in his Department as opposed to with the councils - which is what some of them would argue - we need to know. If the problems are with specific councils, we need to know that as well. Either way, we need to see social houses built because whatever he may say about acquisitions, leasing and so on, ultimately, what we need to see is more houses built through the public sector through using public land. The private sector will deliver a certain amount but, ultimately, what he can control is what is built on public land with public money.

Will the Minister be open, for example, to increasing the number of sites used for cost-rental? Will he be open to extending the number of public affordable and social houses that will be built on the land owned by the State as opposed to the private sector? That is what we have put forward in our proposals, namely, that we have a lot of public land and we should be building social and affordable housing on that public land as opposed to facilitating the private developers building on that land.

**Deputy Eoghan Murphy:** I thank the Deputy for that question. She is absolutely right regarding what I can control. That is why I wanted to bring transparency in terms of what local authorities are doing when it comes to social housing delivery. We secure funding and put the policy in place and then the local authorities are given the resources. Ultimately, it is the local authorities that are responsible for delivery. We work with them in order to facilitate this. By having targets for each local authority area across the different streams and then publishing the actual output against that, we can see what they have done.

We have held a number of housing summits. On this occasion, the summit will be a little different. It will be held on two separate half days. Those who are performing very strongly will attend on one of the days and those who are not performing as strongly will attend on the other. The authorities that are not performing as well as others face different challenges and needs in terms of what must be worked through. By using mechanisms such as those to which I refer, we can work with local authorities to overcome some of the kinks that might still exist in certain areas. The data for the third quarter show that it was up by 80% on the third quarter of 2017. They are increasing the number of social housing homes being built and I expect them to continue with a great drive throughout 2019, as I expect them to have done in the final quarter of 2018. I want cost rental to be a major component of our rental market. It cannot be put in place overnight but we are working on a project on St. Michael’s Estate and will talk with the European Investment Bank, EIB, again in December about funding for this. I met LDA officials in their offices to talk about how I think some of those key sites which are close to the core urban centres could be appropriate for cost rental. Public land for public housing is at the core of our policies.

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

44. **Deputy Darragh O’Brien** asked the Minister for Housing, Planning and Local Government the status of the development of a special purpose vehicle, SPV, by the Irish Council

for Social Housing, ICSH, for the investment of funds in social housing; and if he will make a statement on the matter. [1589/19]

**Deputy Darragh O'Brien:** The credit union movement has for over five years been advocating using its €10 billion or so in assets in investment in social good, particularly in social housing. It is a policy that my party and I support. I raised this with the Minister in September. Is the SPV, which was approved by the Central Bank in February 2018, open to accept funds from the credit union sector? Have any of those funds been received? Have those funds been invested in social or affordable housing?

**Deputy Damien English:** The Government is committed to this. It was an action in Rebuilding Ireland, whereby we would work with the Central Bank and Department of Finance to make this an option. Work was completed a year ago, in February 2018. The Central Bank made a recommendation about how credit unions could invest their available funding into the social housing sector. That has been provided for and work since that has been funded to try to develop the mechanisms to make that happen. Supported by funding assistance from my Department's innovation fund, work has been undertaken by the ICSH to support six of the larger approved housing bodies, AHBs, to access private finance.

This work is being undertaken by the ICSH in three phases, the first two of which, are designed to test the market interest in investing in social housing and the appetite among AHBs for private finance, have been completed. While the ICSH had hoped to complete the final phase of the work, focused on the structuring of SPVs, by late autumn last year, this work is ongoing. We had this discussion in late autumn of last year when we said it was nearly complete.

I understand that one of the issues that has given rise to the delay in concluding the work is the need to take account of other private finance arrangements and vehicles that certain AHBs have put in place in parallel. Three AHBs have been successful in accessing private finance from financial institutions to deliver new social housing. These financial institutions have their own specific requirements for lending and investing. One of the institutions included a requirement that the AHB concerned establish its own SPV, while the other two arrangements did not seek the establishment of such a vehicle, working instead through bilateral loan agreements with the AHBs. I expect that the ICSH will have concluded phase 3 of their work by end of quarter one this year. I certainly hope so because, like Deputy O'Brien, we would like to see the credit union money that is available being invested in social housing where it gives good value and can benefit projects. When we discussed this last autumn, I made it clear that the credit union sector was ready and available and had a vehicle ready for investment to happen and was engaged with the AHB sector to invest money.

**Deputy Darragh O'Brien:** I thank the Minister of State for the clarification, which was needed. That is a different response from the one he gave on 27 September.

**Deputy Damien English:** It is the same response.

**Deputy Darragh O'Brien:** I would check the record if I was the Minister of State. He effectively said that the work was complete and he was ready to launch the SPV at that stage. That is a different answer from the one on 27 September. It was nearly put back on the credit union sector at the time and he nearly apportioned blame to it for not seeking to enter the SPV and move forward. That is a very different response to the one he gave on 27 September. I welcome that clarification. I take it that this is the up-to-date and the correct version of where

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we are, not the one he gave me on 27 September. When will the project be completed, when will it be launched, how much of it will be used and will the credit unions, under Central Bank rules, be eligible to invest in this special purpose vehicle?

**Deputy Damien English:** I refer to what I said last year. I do not have the exact words in front of me but I was clear that we are not launching an SPV. We cannot do that and it is not our job. We have helped the sector to develop the SPV. We have given advice to the innovation fund. It is up to that sector. One of the credit union representative bodies has an SPV ready to go. That is what I said last year and have said again. It is called the Credit Union Development Association, CUDA. The Deputy can contact it himself and the representative body will tell him all about it as well. It has an SPV ready for investment. That is what I said last autumn and I am happy to repeat that. It is open for business and would like to invest some of the money from its membership into social housing. The SPV being designed by the ICSH is being worked on. It hoped to complete it last autumn. It will be completed in this quarter and will be available for credit unions in general. I was clear last year that one of the credit union representative bodies, CUDA, is ready and able and wants to invest. The Deputy can check the record.

**Deputy Darragh O'Brien:** I certainly will. I wrote to the Minister, Deputy Eoghan Murphy, at the turn of the new year, seeking clarification on exactly where that was. I have listed a number of questions that need to be answered. I ask the Minister of State to clear up this confusion. The position that he has outlined is being contradicted by others-----

**Deputy Damien English:** That does not contradict what I said.

**An Leas-Cheann Comhairle:** Hold on.

**Deputy Darragh O'Brien:** The Minister of State does not have to say anything.

**Deputy Damien English:** I said the same thing.

**An Leas-Cheann Comhairle:** Be reasonable about this. I ask Deputy O'Brien to make his point.

**Deputy Darragh O'Brien:** I am trying to.

**Deputy Damien English:** It is not true. He cannot keep saying that.

**Deputy Darragh O'Brien:** I can because it is true.

**An Leas-Cheann Comhairle:** We will start the clock again at one minute. Deputy O'Brien is entitled to make the point and the Minister of State is entitled to answer it.

**Deputy Damien English:** He cannot keep saying that I said something else.

**An Leas-Cheann Comhairle:** I am surprised that the Minister of State does not have more respect for the Chair.

**Deputy Damien English:** With respect, this is the third time-----

**An Leas-Cheann Comhairle:** It would be sad if I had to stand during Question Time. Any Member has a right to make a point. The Minister of State will have a right to answer. Please do not interject. I am only complying with the rules of the House.

**Deputy Damien English:** That is fine.

**An Leas-Cheann Comhairle:** If the Minister of State interjects, I will move on to the next question. I am always reasonable.

**Deputy Damien English:** Correct.

**An Leas-Cheann Comhairle:** I ask the Minister of State to watch the clock in future.

**Deputy Darragh O'Brien:** I am seeking answers and clarification. Not one cent of credit union money has been invested in social housing. As the Minister of State said, this was proposed in Rebuilding Ireland and the programme for Government. It was also mentioned in the confidence and supply document and I want it delivered. Most Members want a new stream of funding that will help to build the Minister's social homes and ramp that up. We need clarification. That is why I wrote to the Minister in the new year, asking a series of questions. To be helpful with this, and not to try to get the Minister of State excited again, will he meet representatives of the credit union sector and the Irish League of Credit Unions to clarify where he sees this process going? We all want to see this delivered. I want this model of funding for social homes to be delivered. Fianna Fáil wants it delivered but there are many unanswered questions, which require clarification.

**Deputy Damien English:** I am happy to meet representatives of the sector. We want the money invested in it and I cannot be any clearer than that. It is in black and white in Rebuilding Ireland that we want this to happen. We worked hard to make it happen. It should be happening. There is money to be invested. Mechanisms have been designed by one credit union organisation and a SPV is ready to go. I made an appeal to AHBs, if they want to use that money, to engage with that sector. Another model is being designed in conjunction with the ICSH which we cannot implement as a Department and Government. We cannot design it for the credit union sector. It has to design its own. That work has been ongoing. It was not completed last autumn and is still not complete. It expects to complete it this quarter. That is one process. There is another process which is ready. I wish the Deputy would not repeatedly say that I gave the wrong impression last year. I said last year, when I was speaking to the sector, that there were mechanisms to draw down credit union money. I encourage that they be used. I would be happy to meet them. We have met them before to help them through this process.

**Deputy Darragh O'Brien:** That would be helpful.

## **Ceisteanna Eile - Other Questions**

### **Local Electoral Area Boundary Committee Report**

45. **Deputy John Brady** asked the Minister for Housing, Planning and Local Government his plans to designate certain areas including Bray, County Wicklow as municipal borough districts; the effect this will have for areas that are made municipal borough districts under the proposals as contained in the Local Electoral Area Boundary Committee Report 2018; and if he will make a statement on the matter. [1317/19]

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**Deputy John Brady:** I ask the Minister his plans to designate certain towns around the State as municipal borough districts. We do not know what that means. It includes eight towns throughout the State. Is this a fancy name change or are powers being designated to these new municipal borough districts, including additional funding? I would appreciate if the Minister could outline what exactly is a municipal borough district.

**Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan):** Section 22(a) of the Local Government Act 2001, as amended by section 19 of the Local Government Reform Act 2014, provides for the naming of municipal districts, including the naming of certain municipal districts containing the administrative areas of former boroughs.

In December 2017 the Department established two local electoral area boundary review committees. The terms of reference of committee No. 1, which dealt with Wicklow, included a requirement that “each town which was formerly a borough or the population of which within the county ... is equal to or greater than 30,000 shall be designated as a distinct Municipal Borough District”.

Statutory instruments for former boroughs have now been developed to achieve this designation. While it was initially intended that towns with populations greater than 30,000 would also be designated as municipal borough districts, it is not possible to do so in the absence of an underpinning amendment to primary legislation, which will be addressed this year. Notwithstanding this, the creation of local electoral areas and municipal districts around large towns provides an urban focus and strengthens town representation at plenary level within those local authorities.

The relevant orders to give effect to the committees’ recommendations will shortly be laid before the Houses. The municipal districts specified in the orders will apply to the newly formed councils after the 2019 local elections.

**Deputy John Brady:** Basically, they mean nothing at this point. This needs to be communicated to the local authorities. I spoke to senior management in Wicklow County Council just before Christmas and it really has not got a clue as to what is going on. It saw the report last year according to which Bray was to be designated as a municipal borough district. There was no communication after that. One local authority area in Wexford, namely Wexford city, has been renamed Wexford municipal borough district, so what it appears to be is simply a name change. This comes at a cost because all the stationery and everything else will need to be changed. What the Minister of State is really saying is that there are no additional powers. Most of these towns would have been town councils prior to this, and the Minister of State knows only too well the powers that those town councils had. He needs to elaborate as to what exactly the plans are here because the local authorities have not got a clue what is going on.

**Deputy John Paul Phelan:** The paper on municipal governance, which was proposed by the Department and agreed by the Government, is currently before the Oireachtas joint committee. I do not think it has yet had a chance to discuss it, but it goes into some of the detail to which the Deputy refers. Specifically identified is the return of some version of the old block grant that town councils used to have and which I would say was part of what the Deputy alluded to in his supplementary question. The paper also proposes that the members of the municipal borough district would be in a position to allocate these funds, which would be different from other municipal districts that do not have former town council areas contained within them.

To give the Deputy a flavour of some of the other things that are included in the paper, one of the measures that was taken on board by the boundary review committee was to ensure that urban centres would be strongly represented at full council level. The paper refers to a number of towns. One in particular on the west coast used to have a nine-seater town council and a population of over 30,000, but in the last local election only two county councillors were returned from within the town area. As a result of the redrawing of the boundary now, as well as the town and its immediate hinterland, no other rural areas are included, which will ensure that there will be seven councillors elected from that particular town to that local authority. Along with the possible return of the block grant system-----

**An Leas-Cheann Comhairle:** The Minister of State has exceeded his time.

**Deputy John Paul Phelan:** -----the other things being considered are additional reserve functions, decisions on local capital works and local disposals of property by municipal councillors from those borough districts.

**Deputy John Brady:** That needs to be communicated to local authorities because there is real confusion out there. I and others are well aware of the changes that were put forward. For example, Bray has been split into two local electoral areas, two four-seaters, and people are aware of that. After that, however, they have not got a clue when it comes to municipal borough districts. As I said, senior management in Wicklow does not know whether it needs to go and get stationery or change the name over the door of the local authority office in Bray. These are small, simple things. The real crux of the question is when the legislation to underpin all this will come forward. Many of these towns, as I said, had previously been town councils, and with that came those additional funding streams and powers. The important thing is that people, local authorities and public representatives need to know. Can the Minister of State give a definite timeframe as to when this critical piece will be in place to give these areas, these municipal borough districts, the real teeth that, unfortunately, were taken away from them with the abolishment of town councils?

**Deputy John Paul Phelan:** The commitment I can give the Deputy is that it is my intention to have the legislation in place before the new councils take office, which will be following the local elections at the end of next May. However, the Government is not responsible for the business of the House any more. The report to which I referred on additional powers for municipal districts across the country has been with the committee for over six months. I understand that it is the housing committee and that there are other things deemed by the membership to be more of a priority to consider, but it is my intention that the new council, once it is in place, will have the functions to which I referred in my answer.

## **Housing Policy**

46. **Deputy Darragh O'Brien** asked the Minister for Housing, Planning and Local Government when new rural housing guidelines will be published; and if he will make a statement on the matter. [1314/19]

**Deputy Darragh O'Brien:** The Minister of State will be aware that, following the Flemish decree of the European Court of Justice in 2013, a working group comprising senior representatives from his Department and planning authorities was established in May 2017 to review the new rural housing guidelines. At what stage is this process, and when does he expect the guide-

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lines to be published? When they are published, will he open them for public consultation?

**Deputy Damien English:** Under the current 2005 guidelines on sustainable rural housing, planning authorities are required to frame the planning policies in their development plans in a balanced and measured way that ensures the housing needs of rural communities are met while avoiding excessive urban-generated housing and haphazard development, particularly in those areas near cities and towns that are under extreme pressure from urban-generated development.

Following engagement between the European Commission and my Department on the European Court of Justice ruling in the “Flemish decree” case, a working group was established to review and, where necessary, recommend changes to the 2005 planning guidelines on sustainable rural housing, issued under section 28 of the Planning and Development Act 2000, as amended. The working group comprises senior officials from the planning division of my Department and senior officials from the planning divisions of local authorities nominated by the local government sector.

The objective is to ensure that rural housing policies and objectives contained in local authority development plans comply with the relevant provisions of the Treaty on the Functioning of the European Union.

The national planning framework, NPF, also provides an important context for the finalisation of the revisions to the 2005 rural housing guidelines. National policy objective 15 of the NPF fully supports the concept of the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades, while simultaneously indicating the need to manage certain areas around cities and towns that are under strong urban influence and under pressure from unco-ordinated and ribbon-type development, in order to avoid overdevelopment of those areas. Accordingly, the NPF objectives are aligned with the approach already expected of planning authorities under the planning guidelines.

Taking account of the engagement with the European Commission on the matter and subject to the completion of the ongoing deliberations by the working group, I expect to be in a position shortly to finalise and issue to planning authorities revisions to the 2005 rural housing guidelines that take account of the relevant European Court of Justice judgment.

We do not envisage the need for a public consultation, at least at this moment in time, but we can certainly see what the working group concludes and have a discussion here or in committee. I do not think we will need that, though. We should be okay. We can have the conversation here or in committee-----

**Deputy Darragh O’Brien:** Sure.

**Deputy Damien English:** -----and if we feel we have to, we can do that, but I hope we will not have to go down that road.

**Deputy Darragh O’Brien:** I welcome the Minister of State’s response. It has taken quite some time to get to this stage. When he says “shortly”, are we looking at the next month or two? We all have different definitions of “shortly”, but this has gone on for quite some time. My understanding is that the working group concluded its deliberations in September 2017, so I do not think we can make a call as to whether there would be a requirement for public consultation until we can actually see the revisions. I agree with him that the best place for them to go

to first would be the Oireachtas Joint Committee on Housing, Planning and Local Government to assess them. I cannot understand why it has taken so long. I know quite a degree of work has gone into it and that we have had to liaise with the Commission and others on this, but could the Minister of State be more specific as to when the Government intends to publish them? Will he give a commitment that they will be brought to the committee in advance of making any decision as to whether or not public consultation will be required?

**Deputy Damien English:** The best indication I can give is that the next meeting of the working group, which will hopefully be the final meeting, is this month, a few weeks away. We should be in a position to finalise the work after that. It has taken a long time because we have engaged with the Commission on this and that can be lengthy. The working group met four times, most recently in November 2018. The first meeting was in May 2017. We will see what comes out of the final meeting this month. Then we can take it forward and I will be happy to engage with the committee on that as well because it is important to bring clarity to this. We will have to issue guidelines to local authorities to implement which should help the new development plans in the roll-out after the regional plans are put in place.

**Deputy Darragh O'Brien:** If the working group meets toward the end of January, will the Minister of State convey to it our earnest desire to have this concluded as swiftly as possible and that it would come to committee in the first quarter of this year? We all want balanced and appropriate rural development that sustains the rural community. That has to be underpinned by a rural housing policy. Should that need to be revised, which it will, the sooner it is done the better. It should also conform with national planning policy.

There is a lot of interest in this. There has been a lot of discussion about what the Flemish decree will mean for rural housing policy in all our county development plans. I ask the Minister of State to bring that message to the working group at its final meeting this month.

**Deputy Damien English:** That message will certainly go back. We have the same message as well. We would like this finished to bring clarity to this issue. We have tried to pre-empt what might happen with our work on the national planning framework. The Deputy will see the slight change we have made in rural planning which is along the same lines. We are all very clear on this. There is often a conversation here about rural Ireland but if the Deputy looks back over recent years, quite a few one-off houses, numbering in the thousands, are developed and permitted in rural Ireland. In some areas, such as Galway, the majority are one-off houses. As a planning authority and Department, we are open to one-off housing in the appropriate setting and place. We would all agree it cannot be excessive in an unco-ordinated way in pressure zones. The Flemish decree is an interpretation of that. We have dealt with that pretty well and we will see what the working group brings forward. We will move swiftly after that to issue guidance to local authorities to enable councillors make their decisions on development plans.

### **Building Control Management System**

47. **Deputy Darragh O'Brien** asked the Minister for Housing, Planning and Local Government his plans to develop supports for multi-unit developments affected by fire defects; and if he will make a statement on the matter. [1316/19]

**Deputy Darragh O'Brien:** I raised this question with the Minister of State in the last quarter of last year, has he advanced his plans to develop supports for multi-unit developments af-

ected by fire safety defects and other building defects? Could he update the House on progress on that in the Department?

**Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English):** In general, building defects are matters for resolution between the contracting parties involved: the homeowner, the builder, the developer and-or their respective insurers, structural guarantee or warranty scheme. In the case of multi-unit developments, the legislative position is clear on where responsibilities rest. Under the Building Control Acts, 1990 to 2014, primary responsibility for compliance of works with the requirements of the building regulations rests with the owners, designers and builders of buildings.

When a building is constructed and occupied, statutory responsibility for safety is assigned by section 18(2) of the Fire Services Acts, 1981 and 2003, to the “person having control” of the building. In multi-unit developments, the “person having control” is generally the owner management company. Under the Multi-Unit Developments Act 2011, the owner management company must establish a scheme for annual service charges and a sinking fund for spending on refurbishment, improvement or maintenance of a non-recurring nature of the multi-unit development.

In the aftermath of the Grenfell Tower tragedy in June 2017, a task force was established to lead a reappraisal of our approach to fire safety in Ireland and recommendations arising from the report of the task force to enhance fire safety are currently being implemented. Additionally, in response to the building failures that have emerged over the past decade, my Department has advanced a robust and focused building control reform agenda. This work, including amendments to the building control regulations and the development of new legislation through the building control (construction industry register Ireland) Bill will continue to be progressed in 2019.

**Deputy Darragh O’Brien:** That is pretty much along the lines of the Minister of State’s previous answer. No one is asking Government or the Exchequer to carry the can for every defective development. The majority of sinking funds held by management companies and owner management companies are wholly insufficient to deal with some of the deficiencies and defects. In many instances, builders and insurers have walked away, there is an argument and people are left in abeyance. The Joint Committee on Housing, Planning and Local Government did a good report on this, “Safe as Houses?”, which contained several detailed recommendations. That gained cross-party acceptance at the committee. Is the Minister of State minded to accept any of those recommendations and move on them or is it a case of thanking the committee for doing the report and moving on?

The Apartment Owners Network has requested certain measures as well. I intend to bring forward legislation this month in respect of sinking fund provisions and giving more clarity. I hope we will be able to secure support across the House and in Government to move that forward speedily. There are deficiencies in this area. Management companies were relatively new in Ireland ten or 12 years ago. There is a lot of work to be done to bring them under control. We need to address this for the 500,000 people living in multi-unit developments, many with defects.

**Deputy Damien English:** The Department is working on the committee’s report and other reports and the task force is working on implementing their recommendations. There is an issue around when a government intervenes. Governments have decided in some cases to

intervene to support homeowners in dwellings subject to significant damage such as pyrite, and, in budget 2019, a decision was made to bring forward a scheme to help homes affected by mica-contaminated blocks in Donegal and Mayo. They have significant visible damage. If that is not addressed, it will lead to greater difficulties. In some cases, those homes have been rendered unusable. In general, while the Department has overall responsibility for establishing and maintaining an effective regulatory framework for building control and fire services, it does not have a statutory role in resolving defects in privately-owned buildings, including dwellings, nor does it have a budget for such matters. There has been a decision to intervene in some cases because properties were so badly damaged. Other recommendations need to be considered in the round.

**Deputy Darragh O'Brien:** The committee made detailed recommendations. What aspects of those recommendations would the Minister of State accept and move on? I fully appreciate that it is not up to the State to carry the can all the time. The Minister of State mentioned in response to a question on pyrite how the proposed levy at the time on the insurance and construction sectors was dispensed with. While the taxpayer will have skin in the game, so should the insurance and construction sectors because this problem will not go away. We do not want any more Priory Halls or Longboat Quays or the other cases that the Minister of State and I know about that residents do not even want to mention.

We can help owner management companies; it is not all about finance. I proposed having a regulator for owner management companies to provide proper advice because there have been many lay directors who are not necessarily legally minded or qualified to deal with detailed legislation, insurance and construction firms and they have nowhere to go. I have published a Bill which would set up a regulator in the sector. There are things we can do that will not cost us a heap of money. Will the Minister of State read the report again? I look forward to meeting him, the Minister, Deputy Murphy, and other Members regarding the sinking fund legislation that I will bring forward this month.

**An Leas-Cheann Comhairle:** Standing Orders permit me to call on Members for a short supplementary question. I call on Deputy Ó Broin and then Deputy Durkan.

**Deputy Eoin Ó Broin:** There are thousands of families who bought properties before 2014 that have substantial latent defects, including fire safety issues and water ingress. The State is partly responsible for this. The non-existent regulatory regime allowed unscrupulous builders, developers or architects to build those homes.

*5 o'clock*

We asked in the “Safe as Houses?” report by the Oireachtas committee for the Minister of State to look at the issue and, in the first instance, try to design a non-judicial latent defects resolution process so people are not forced to spend money they do not have to go to court or to chase builders who are no longer solvent. Second, we asked that some funds be put into a latent defects resolution fund that could be matched by industry or others to try to deal with the issue. The problem will grow. It is disappointing for the Minister of State to say it is just a matter between the homeowner and the person who sold him or her the house. I also think it is wrong to say the Minister of State has been looking at the issue when I am not aware of any work in the Department looking at any of the recommendations relating to latent defects in the “Safe as Houses?” report. I urge the Minister of State to give a commitment to at least look at it, develop a non-judicial process to resolve it and to assist with financing, where appropriate,

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where developers are no longer trading and cannot be pursued through that process, possibly with a fund that is matched euro-for-euro with industry contributions.

**Deputy Bernard J. Durkan:** Does the Minister of State accept the idea that the consumer is the person who must be protected both on health and safety grounds and in terms of liability for defects? In that context, we should consider quality assurance and a stamp of approval issued by the local authorities, the Department or somebody which can be stood over so the people responsible for approving the poor standards, or whatever the case may be, are held accountable. It will bring to a conclusion the idea of presuming to be able to escape from responsibility and somebody else will handle it. Like Deputy Darragh O'Brien, I agree the State cannot pick up the tab for everybody who wants to build a substandard house and run away from it afterwards.

**Deputy Damien English:** The most important thing is to clarify that when Fine Gael came to Government, the first opportunity it got it brought in the Building Control (Amendment) Regulations 2014. It should have been done many years before that but it was done by the Fine Gael Government in conjunction with the Labour Party because we recognised the importance of addressing the unacceptable situation of building failures in the past, which were allowed to happen by what I would call lax regulation. We stepped in and changed that. We have a lot more confidence in the building sector going forward and in what is being produced today and with regard to people's protections when they buy and build properties. The owner is also part of that conversation. They have to assign competent persons to design, build, inspect and certify the building and the works thereafter, both in a one-off house where there is the option to opt out of that, which is not an option people should take. We have addressed it and rightly so and it is a pity it was not done well before that. It has certainly been done now. We have other legislation coming forward on the Construction Industry Register Ireland, CIRI, which is to recognise the construction industry and the number of people who want to develop a proper culture of top-class construction and a high-quality certification process. I am glad that over 800 companies have voluntarily gotten involved in it and many more will come through it too.

The Department takes all committee reports very seriously and has certainly taken that one very seriously. It has been working through its recommendations. It is still working on it. Both the Minister, Deputy Eoghan Murphy, and I have engaged with the committee on those recommendations. We will continue that work. We will also work with the committee on this area. They are privately owned properties. With regard to management companies, the Department of Justice and Equality is also involved in it. It is ongoing work. Perhaps it is a conversation we could continue on Committee Stage. That is where it stands at present.

## Rent Pressure Zones

48. **Deputy Jan O'Sullivan** asked the Minister for Housing, Planning and Local Government if the cities of Limerick and Waterford will be included in the rent pressure zones in view of the rate of increase in private rents in both cities over the past year; and if he will make a statement on the matter. [54554/18]

**Deputy Jan O'Sullivan:** I raise the exclusion of the cities of Limerick and Waterford from rent pressure zones as a result of the formula used. It is over two years since the legislation passed that set up the system of identifying areas that qualify as rent pressure zones. In the past year, whether one looks at the *daft.ie* or RTB rent indices, Limerick city has had the highest rent increases of any city in the country. They are way higher than Cork and Galway, for example.

Will the Minister take action to ensure Limerick and Waterford can be included in rent pressure zones?

**Deputy Eoghan Murphy:** Section 24A of the Residential Tenancies Act 2004, as amended, provides that the Housing Agency, in consultation with housing authorities, may make a proposal to the Minister that an area should be considered as a rent pressure zone. Following receipt of such a proposal, the Minister requests the director of the RTB to conduct an assessment of the area to establish whether or not it meets the criteria for designation and to report to the Minister on whether the area should be designated as a rent pressure zone. For the purpose of the Act, “area” is defined as either the administrative area of a housing authority or a local electoral area within the meaning of section 2 of the Local Government Act 2001.

For an area to be designated as a rent pressure zone, it must satisfy the following criteria set out in the Residential Tenancies Act 2004 and the Planning and Development (Housing) and Residential Tenancies Act 2016: the annual rate of rent inflation in the area must have been 7% or more in four of the last six quarters and the average rent for tenancies registered in the area with the RTB in the last quarter must be above the average national rent. The most recent average national rent available for this purpose is taken from the third quarter of the 2018 RTB rent index report which records an average national rent of €1,122. Local electoral areas in Limerick and Waterford cities do not currently fulfil the rent pressure zone designation criteria under the legislation. The Housing Agency will continue to monitor the rental market and may recommend further areas for designation. Where, following the procedures set out in the Act, it is found at a future date that additional areas meet the criteria, they will be designated as rent pressure zones.

**Deputy Jan O’Sullivan:** I want to pursue the detail of this. If one looks at the rent index published by the RTB in December, just before Christmas, Limerick city west and Limerick city east both have average rents of over €1,000. In the case of Limerick city east, it is €1,103.57. The national average is €1,122. They both meet the criteria for the number of quarterly increases of over 7%, which is required under the legislation. They are almost there in both cases. Both of those local electoral areas include rural areas which have low rents. As I understand it, the Minister can make regulations that would use electoral districts rather than local electoral areas to determine inclusion in rent pressure zones. I ask the Minister to look at it. I took two of the three Limerick city local electoral areas, both of which have very high rents in places like Dooradoyle and Castletroy. They are areas where rents are very high, where there are quite a large number of rental properties and people are under huge pressure. If the formula was applied to the district rather than the local electoral area then those areas would qualify because the rents are higher than the national average and they have more than reached the 7% increases in four of the last six quarters. After two years of this legislation, I ask the Minister to review the process so renters in Limerick can have the pressure taken off them.

**Deputy Eoghan Murphy:** I note the positive, which is an acknowledgment by the Deputy that rent pressure zones are working, hence the request that additional areas be included in them.

**Deputy Jan O’Sullivan:** There were some qualifications to it.

**Deputy Eoghan Murphy:** Why would the Deputy want them to be in rent pressure zones if she did not think rent pressure zones were working? That is the logic of the request. In quarter three we saw a difference between existing tenancies and new tenancies which showed that further work may be required on rent pressure zones. The picture is not necessarily consistent

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within rent pressure zones. The Deputy is right to point to Limerick. Unfortunately the legislation does not allow for rents that are almost there as it is currently drafted. When one looks at Limerick and the data from quarter three of 2018, we see that in five quarters out of the previous six Limerick city west and Limerick city east recorded an increase of more than 7% but Limerick city north did not, with lower rents there. We saw a similar picture in Waterford in that not all parts of the city recorded increases in four quarters out of the previous six to allow them to be designated under either of the criteria let alone be designated under one of them. We are seeing significant rent pressures in areas like Limerick that are outside of rent pressure zones but the legislation as drafted does not allow for me, the Housing Agency or local authorities to take a different approach.

**Deputy Jan O’Sullivan:** Will the Minister either change the legislation, which would be a very small change, or introduce regulation under the legislation? It is not fair. If one looks at the areas in Dublin, by and large an urban area is an urban area. A local electoral area is either rural or urban but if one looks at a place like Limerick or Waterford, both have extensive rural parts of their counties included in the local electoral areas we are talking about. It means renters in the urban parts of those local electoral areas have to put up with really high rent increases that are causing homelessness. The Minister needs to look at it. I remember the Minister’s predecessor stating that he expected parts of Limerick to be included in the rent pressure zones very quickly. There is clearly a need to look at this again. We passed this legislation at some ungodly hour of the night in December 2016.

**Deputy Darragh O’Brien:** Deputy Kelly was Minister at the time.

**Deputy Jan O’Sullivan:** We argued over the formula and had to amend it because it was wrong. It is now determining that people are not protected from rent hikes. I ask the Minister to look at it again.

**Deputy Eoghan Murphy:** We have to be very careful about our approach in this regard. One of my predecessors gave a signal to the market that he was going to do something about rents. It did not happen but during, I suppose, what one might call the period of dithering, rents increased quite dramatically to the detriment of tenants. What we have are rent pressure zones that were brought in under legislation. We cannot take an “almost there” approach; we have to follow the law as it is drafted. Rent pressure zones are still new in the scheme of things but have been shown to work in those areas where they are being implemented for existing tenancies. We have to be very careful of all the data we receive from the RTB, including the data that tell us we are losing landlords. Since 2015, we have lost over 1,500 landlords. Some of them own more than one property, which means even more tenancies than that have been affected. In everything we do, we have to make sure we are protecting the tenant as best we can. We are not protecting a tenant if we are bringing in measures that are forcing landlords out of the market. That would be making the situation worse.

**Deputy Jan O’Sullivan:** I am not asking the Minister to do that; I am asking him to be fair.

**Deputy Eoghan Murphy:** We have to be careful how we consider matters. We have to ensure that everything we do is based on sufficient data in order that we might be sure our actions are in the best interests of all those experiencing housing pressures at the moment.

## **Social and Affordable Housing Provision**

49. **Deputy Bernard J. Durkan** asked the Minister for Housing, Planning and Local Government the number of direct-build local authority houses envisaged for completion, ready for occupation or both in 2019, excluding those that will be built by approved housing bodies; his plans to utilise public or private lands for the provision of sufficient housing starts by the local authorities with a view to ensuring that the annual increase and requirement for such housing is being adequately met; and if he will make a statement on the matter. [1421/19]

**Deputy Bernard J. Durkan:** This question seeks to ascertain the precise extent to which it is expected to have available a specific number of local authority houses. I refer to local authority houses only. This is to determine the degree to which the waiting lists can be reduced and the extent to which the market is moving, growing or fluctuating on an annual basis.

**Deputy Eoghan Murphy:** The implementation of the Government's Rebuilding Ireland plan is well under way and significant progress is being made. In particular, the social housing construction programme has expanded significantly, comprising over 17,500 homes at the end of the third quarter of 2018, over 40% up on the position at the end of the third quarter of 2017. While final 2018 delivery data are not yet available, I am satisfied that further substantial progress was made on the social housing build programme last year.

I am determined to keep this momentum going across all areas of social housing delivery in 2019, including local authority builds, approved housing body builds and new homes secured through Part V delivery. Over 6,200 new-build social homes are targeted for delivery this year. The latter is 40% higher than the corresponding target for 2018. Specifically, local authorities will contract for the delivery of over 3,000 of these newly constructed social homes, while approximately 600 more are expected to be added to the stock of local authorities through Part V construction.

The Rebuilding Ireland land map shows that a significant quantum of land is available to local authorities to support social housing delivery, although the position in individual authority areas varies significantly. My Department engages closely with local authorities on opportunities to acquire additional lands. In addition, turnkey developments and delivery through Part V provide opportunities to secure new-build social housing in areas where local authority access to land is constrained. The work of the newly established Land Development Agency will also be important in harnessing public lands for housing development.

**Deputy Bernard J. Durkan:** Is due cognisance being taken of the fact that when a private sector company builds houses for letting or reletting, it has to make a profit? This increases the rent chargeable to the tenant and, as a result, makes the economy less competitive because it is costing more. Is it recognised that it is necessary to provide local authority direct-build houses in the shortest possible time in order to ensure that fewer players are involved in the production of the houses? A contract could be given to the private sector to build a specific number of houses within a specified period. This would contribute quite substantially to the future competitiveness of the economy.

**Deputy Eoghan Murphy:** The Deputy is absolutely correct in terms of that approach. Under Rebuilding Ireland, the Government has taken the view that the State needs to be directly involved in the building of houses. In the context of social housing units, the first priority was to get that stream under development. Then we want to see things like cost rental and we have

the affordable schemes under way as well. At the same time, we are ensuring that construction is increasing throughout the country. There is no point talking about the price of a home if homes are not actually being built. That is why this year, the stock of social housing will increase by 10,000 homes, the majority of which will be directly built by local authorities either working with housing bodies or contracting directly with builders. Over 3,000 of these will be local authorities contracting with builders to build social housing homes on their own land or, when they do not have access to land but it is in the right area, to do turnkeys. By “turnkey”, I refer to a process, where the land is there and we know we need social housing, even before planning has been granted, of engaging with a developer to build on that site. Some 10,000 new homes will come into the stock of social housing. When we have the data for 2018, we will see that between one in four and one in five homes that were newly built in that year will be social housing homes, as the Taoiseach pointed out earlier. That has not happened in this country for a very long time. It will continue this year and into next year.

**Deputy Bernard J. Durkan:** That is why we have a problem; it did not happen for a very long time but it needs to happen now. I acknowledge what the Minister is saying and hope that it progresses satisfactorily. There have been more than 100,000 people on local authority waiting lists for as long as I can remember and only when the economy goes down does that figure go down. In the current economic climate, is due regard being taken of the need to provide for a sufficient number of direct-build local authority houses? They should be provided in such a way as puts them beyond the need for anybody to have an ongoing profit or whatever. This would create stability among a certain cohort who are looking forward to that kind of alleviation.

**Deputy Eoghan Murphy:** The Deputy is absolutely right to raise the prospect of future shocks to the economy or what might happen to the construction of social housing units during a downturn. One of the things we have tried to do and have done successfully in Rebuilding Ireland is to ensure that, regardless of what happens to the economy in the future - for example, if there is a slowdown in growth or if something else happens - the State will always be providing public housing. We have the different streams of delivery so that if, for example, an approved housing body gets into difficulty and can no longer provide social housing homes, the slack can be taken up by another approved housing body, a local authority or by way of Part V. There will always be social housing homes being built regardless of what is happening in the wider economy. We did not have that with the crash, not just because our construction industry fell apart but also because at that time social housing output was almost exclusively outsourced to the private sector. When the private sector collapsed, with it came the collapse of social housing.

What we are doing differently now is seeking to make sure that regardless of what is happening, social housing is always being done. We have the provision of ring-fenced funding for the first time under Rebuilding Ireland, which had not happened before with the housing programme. This year, we will spend more money on housing in general than has ever been spent previously in the history of the State. With things like cost-rental, by actually getting those models up and working and financed by bodies like the European Investment Bank with super-low finance, we will be able to ensure that a much bigger section of housing that is being delivered to rent is being delivered for cost rental, not for the profit but actually to deliver sustainable housing solutions using public land. That is one of the things the Land Development Agency will be doing as well.

*Questions Nos. 50 and 51 replied to with Written Answers.*

## **Regeneration Projects Funding**

52. **Deputy Jan O’Sullivan** asked the Minister for Housing, Planning and Local Government the amount spent under the national regeneration budget for 2018; the allocations for each local authority that has a regeneration programme; and if he will make a statement on the matter. [54557/18]

**Deputy Jan O’Sullivan:** This is to ask the Minister about the amount spent under the national regeneration budget for 2018 and the allocations for the different areas that have regeneration schemes.

**Deputy Damien English:** The Department supports a programme of large-scale regeneration projects in Dublin, Cork and Limerick and smaller projects in Tralee, Sligo and Dundalk. In 2018, a total spend of €68 million in funding was provided under this programme. The specific amounts provided to the relevant local authorities were: Cork City Council, €4.4 million; Dublin City Council, €17.8 million; Kerry County Council, €3.4 million; Limerick City and County Council, €40.8 million; and Sligo County Council, €1.5 million.

Over the lifetime of Rebuilding Ireland, some €211 million is being made available under the national regeneration programme to support the direct delivery of over 1,000 new social housing homes. Together with providing a significant number of new homes, the projects seek also to address the causes of disadvantage in these communities through a holistic programme of physical, social and economic regeneration. Projects being funded under the programme target the country’s most disadvantaged communities, including those defined by the most extreme social exclusion and high unemployment.

Taking account of that, social regeneration activities in the areas are also funded by my Department for the duration of each regeneration project. In addition, the projects harness the input of key community groups helping to rebuild communities and strengthen community bonds. I have met some of them throughout the country and certainly in Limerick with the Deputy. The groups driving these projects represent a great addition to the work we are trying to do there.

By adopting this holistic approach, the aim is to ensure that each regeneration project is successful and sustainable in the long term. A good example of what is being achieved in this regard is evident in the Deputy’s constituency, which the Minister, Deputy Eoghan Murphy, and I have seen at first hand during our visits to some of the high quality housing projects undertaken as part of the Limerick regeneration programme in recent years.

**Deputy Jan O’Sullivan:** I thank the Minister of State for his answer. I welcome the continuing significant budget for regeneration. In my constituency of Limerick City I have seen the positive fruits of that. The Minister of State and the Minister, Deputy Eoghan Murphy, both visited the projects that had been completed.

Is it intended to start any new regeneration programmes or will we just see out the existing ones? For social and economic regeneration it is important to see out the existing ones. We have seen a considerable amount of physical activity, but considerable economic disadvantage remains in regeneration areas, not just in Limerick but also in other parts of the country. Is that monitored and is work continuing in providing opportunities for economic activity in the regeneration areas?

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**Deputy Damien English:** In 2019 nearly €72 million will be spent on existing regeneration programmes. There will be more schemes under the urban regeneration fund to enhance that work and to continue with that even in the years beyond the scope of Rebuilding Ireland because the work we are doing is essential.

The 50 projects that will bring forward the 1,000 new houses as well as the retrofit of other houses are monitored and checked on a weekly basis. The Deputy can also check that online. I believe three or four projects in Limerick are due to start this year and to be completed in 2020 and 2021.

The Deputy is right in saying that it is not just about construction and housing. It is about bringing in new skills, new enterprise opportunities and new job opportunities. There is investment in market-led skills training, in community and social enterprises and in strategic projects, resulting in more than 300 jobs mainly, I think, in Limerick.

The hospitality education and training centre in Roxboro has 250 people progressing from work training into employment. The Deputy would have been involved in that in her time as Minister for Education and Skills. We are trying to encourage more of that.

In Limerick the two key acquisitions of the former Biblical Centre and the opera site have the potential to deliver significant employment opportunities in the future. Their vision is that the redevelopment of strategic sites such as the opera site will facilitate the economic, social and physical regeneration of the city. To this end Limerick City and County Council secured loans of €85 million from the European Investment bank and €85 million from the Council of Europe Development Bank to redevelop the site which was purchased in 2012 for €12.5 million. The adjacent granary building was purchased in 2012 for €3.5 million. It is hoped that these will provide significant opportunity for training and education, but will also create significant jobs and benefit the area.

That is ongoing work as part of the regeneration. While local authorities are driving this regeneration, it is important that every other Department also gets behind it along with the local groups across the sectors. On the basis of my visits to these projects my sense is that that is happening. We want to continue with that work. Housing is only one part of it. Having the physical infrastructure right is very important to drive the regeneration. That is what we are trying to do through the Department's budget.

**Deputy Jan O'Sullivan:** Most people will know of South Hill and Moyross. While there has been considerable construction in both of those areas, populations have moved. For example, in South Hill, which the Minister of State visited, there are significant housing and other developments at the bottom of the hill. As an area has been cleared, I want to be sure the project will continue to conclusion so that the areas that are now open space will be used for productive purposes to ensure the entire community can benefit from the completion of the regeneration.

**Deputy Damien English:** I do not have the full details here. Our work in that area is governed by the master plan, which we have been following. More than €360 million has been spent in Limerick over the past six or seven years. We are also absolutely committed to that. Apart from the new homes being delivered, 783 homes have been upgraded. Naturally people are moved. I recently visited a project which is an excellent example of accommodation for older people. Some residents had moved - I do not know if it was up the hill or down the hill - and were very happy with their new homes. It is a great experience to meet them. We are

absolutely committed to continuing the work there. We will follow through on that master plan as the best way to do it. About five projects in Limerick are due to start over 2019 and 2020. I presume there are more to come, but those are the ones I have seen in the pipeline of projects which I would be happy to share with the Deputy at some stage. It is also available on the Department's website.

*Written Answers are published on the Oireachtas website.*

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

### **Cannabis for Medicinal Use**

**Deputy Gino Kenny:** I am slightly disappointed that the Minister for Health, Deputy Harris, is not here to answer the questions I have been trying to raise in the Dáil for at least a year.

Two years ago the Health Products Regulatory Authority, HPRA, produced a report entitled Cannabis for Medical Use - A Scientific Review. I argue that the review was fast-tracked due to Vera Twomey's fight for access to medicinal cannabis for her daughter. In the two years since the report's publication nothing has been done. We were critical of the report because of its limitations, its conservatism and its stipulation that medicinal cannabis should only be used in the treatment of three conditions. Incredibly a major omission from the report related to chronic pain. The greatest efficacy for medicinal cannabis is for chronic pain.

The report was published two years ago and we still have no cannabis, no access and no programme. Parents and patients are forced to go abroad and forced to break the law which is completely unsustainable. Parents have run out of options. They have tried everything clinically, but they have to leave the jurisdiction to obtain this medication. The Government has failed them.

The Minister for Health has come out with the mantra that it is a supply issue, but it is not a supply issue. I do not find that a credible response. This comes from institutionalised resistance by the HSE, the Department of Health, the HPRA, the Government and some in the medical profession.

After waiting for two years, the people want meaningful progress on the issue. Just before Christmas, Thailand, which has one of the most extreme anti-drug laws, passed legislation on the legalisation of medicinal cannabis. It has also happened in Mexico and other countries. Six months ago Britain had no policy on the matter and the Tory Government has changed even though it is extremely restrictive.

In this country we have issued 13 licences to 13 individuals over two years. I have been extremely critical of that licensing system. It is extremely bureaucratic and cumbersome. Most of the time people going to their doctor or specialist have a negative experience. The specialists claim they do not have enough information about it and so forth. That licensing system is not workable.

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If the patient is granted a licence, there is no guarantee that they will be reimbursed and in addition they have to go abroad to get the medication. Therefore we are sending the patient to, in particular, the Netherlands to get the medication and bring it back. The medical profession, the public and the vast majority of Deputies will say that is not sustainable. I keep going on about this issue because of the injustice of normal parents seeking the best for their children having to go abroad and break the law which is unacceptable.

**Minister of State at the Department of Health (Deputy Finian McGrath):** I thank Deputy Gino Kenny for raising this very important issue and apologise on behalf of the Minister for Health, Deputy Harris, who is unavailable. The report of the Health Products Regulatory Authority, HPRA, entitled Cannabis for Medical Use - A Scientific Review, recommended that if access to cannabis is to be permitted for medical purposes, its use should only be initiated as part of a structured process of formal, ongoing clinical evaluation for a limited number of clearly defined medical conditions which have failed to respond to all other previous treatments and where there is at least modest evidence that cannabis may be effective. Patients should be under the direct supervision of an appropriately trained and experienced medical consultant. The specified medical conditions or indications are spasticity associated with multiple sclerosis, intractable nausea and vomiting associated with chemotherapy and severe, refractory or treatment-resistant epilepsy.

The Minister for Health undertook to establish an access programme to facilitate access to cannabis based treatments in certain circumstances, in line with the HPRA's recommendations. An expert reference group was tasked with the development of operational, clinical and practice guidelines for this access programme. The group was asked to advise on the development of operational, clinical and practice guidelines for healthcare professionals treating patients through an access programme. These guidelines have been published on the Department of Health's website as part of a comprehensive repository of information on cannabis for medical use. The purpose of the access programme is to facilitate access to cannabis based products or preparations that are of a standardised quality and which meet an acceptable level of quality assurance during the manufacturing process. Availability of cannabis products that are of an appropriate quality standard and are affordable to patients is clearly critical in establishing the access programme. Canada and the Netherlands are the only two countries that currently permit the export of cannabis products which meet acceptable quality control standards beyond their borders. The Netherlands permits exports of cannabis dried herb but does not permit commercial export of oil-based cannabis formulations. Department officials continue to work intensively on finding solutions to the supply of appropriate quality assured cannabis products for Irish patients. Doctors continue to utilise the ministerial licence route to prescribe medical cannabis for their patients. Until suitable medical cannabis products are made available in Ireland, prescribers and their patients are sourcing the prescribed product from a pharmacy in the Netherlands, on foot of their medical prescription. It is intended that the ministerial licence application scheme will continue to operate in parallel with the cannabis for medical use access programme after the programme becomes operational, for exceptional cases only and where there is an un-met clinical need.

**Deputy Gino Kenny:** I do not know who writes this rubbish but this answer is exactly the same as all previous answers I have received. The HPRA report was published two years ago but there is still no access programme. People are having to go abroad, break the law or use the ministerial licence system. The Minister of State made reference to the clinical guidelines which hold that the access programme will not recommend cannabis based products with THC

for refractory epilepsy. There are 13 licencees at the moment, nine of whom have epilepsy. These patients are being prescribed cannabis with THC by specialist doctors. What will happen to them when and if the access programme is up and running? Will they stay in the ministerial licence system? Will they still have to go abroad and will they continue to have fears around reimbursement? This is an absolute mess. There are hundreds, if not thousands of people who could benefit from medical cannabis but this Government is denying them access because of bureaucracy. This is a question of institutionalised resistance from top to bottom.

I do not find it credible that the Department cannot find a supplier of medical cannabis for Irish patients. That is just not credible. Why was this issue not flagged a year and a half ago by the HPRA, the Department or the Minister? There is serious institutional resistance to this. The Government may have time on its hands but thousands of patients do not. They are suffering because of bureaucracy. I do not know how members of the Government can live with themselves.

If it is not possible to get the access programme up and running, the Government should revert to the Bill that I put before the House over two years ago and which garnered the support of the majority of Members of this Dáil. The Government has stalled the progress of that legislation.

**Deputy Finian McGrath:** I disagree with the Deputy's argument because the answer is not the same-----

**Deputy Gino Kenny:** It is the same.

**Deputy Finian McGrath:** There is no issue of institutionalised resistance. Considerable progress is being made on the cannabis for medical use access programme. An expert group has drawn up clinical guidelines for healthcare professionals treating patients through the access programme. These guidelines are available on the Department's website. While medical cannabis products are not medicines, ensuring that such products meet appropriate quality standards when they are made available to the Irish market is a critical aspect of facilitating safe access to medical cannabis for Irish based patients.

Officials from the Department of Health are working intensively on this issue to ensure a supply of appropriate medical cannabis products to meet the needs of Irish patients. They recently visited Denmark and held meetings with a number of government bodies and other stakeholders in the medical cannabis supply chain. The aim of these meetings was to ascertain whether aspects of the Danish programme can be replicated in Ireland, including the importation of medical cannabis products. This represents real progress.

I assure the Deputy that I will bring the other issues he raised to the attention of the Minister.

### **Vaccination Programme**

**An Leas-Cheann Comhairle:** The next Topical Issue is in the names of Deputies Brassil, Thomas Byrne and O'Reilly. It is customary to give Deputies one minute each but as Deputy O'Reilly is not here at the moment, I will give the other two Deputies a minute and a half each.

**Deputy John Brassil:** This issue first came to light last Thursday morning when Dr. Suzanne Cotter, a public health medicine specialist with the HSE, was interviewed on "Morning

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Ireland". She stated that 11 cases of meningococcal disease had been notified in the previous two weeks, which was higher than normal and that three deaths had occurred. I was contacted subsequently by a constituent who was concerned about the MenB vaccine which has been available to newborn infants since 1 October 2016 but not to children born before that date. Following a week of news items and debate on various television programmes, the HSE and the Minister for Health are now saying that they do not want to extend the MenB vaccine by way of a catch-up programme. If the vaccine was deemed suitable for children born after 1 October 2016, why is it not suitable for children born prior to that date? What evidence is there to show that MenB can only be effective in newborns? My research tells me that there is no evidence to that effect. It can be as effective in a young child as in a young infant. What would the one-off capital cost of a catch-up programme be? If such a programme were to save even one life, it would be worth it. A catch-up vaccine costs €300 which is prohibitive for most families. I ask that the Minister for Health and representatives of the HSE appear before the health committee to provide clear answers on this matter. This is a real public health concern which must be addressed.

**Deputy Thomas Byrne:** I agree with the comments of my party colleague, Deputy Brassil, who is a pharmacist and a qualified health professional. Indeed, I am very grateful to him for the advice he has given to me on this issue.

The State should be glad that parents are very concerned about a vaccine programme and want it to be made available to more children, given that there have been several controversies around vaccines in recent years. Rather than being defensive, if not rude, the Minister for Health should be glad that people are looking for this vaccine. He should be grateful that people are looking for vaccines against the disease.

As Deputy Brassil noted, the fears of the public were heightened, probably rightly, when a HSE public health doctor appeared on "Morning Ireland" last week and made the case that the recent increase, as described in the official release from the HSE, is a cause for concern. Parents were concerned, in many cases because their children had not received access to the vaccine. In the recommendation from the officials charged with making it, we were told the vaccine should not be provided to children born before 2016, but no reason has been given. Is it refused on grounds of safety, cost or efficacy, that is, whether it works? The evidence is that it does, and last week people were strongly urged by the HSE to take up the vaccine. Complaints were made that the rate of the uptake of the meningococcal vaccine among children has been sub-optimal. I strongly encourage those who are able to get the vaccine to get it for their children if they have not done so because it is important. The people deserve an answer from the State about why many of their children cannot get the vaccine.

**Deputy Finian McGrath:** I thank Deputies Brassil and Thomas Byrne for raising this important issue and for the opportunity to update the House on it, which has been the subject of recent media coverage. Invasive meningococcal disease is a vaccine-preventable disease which may present as meningitis or blood poisoning, and has a high mortality rate if untreated. It may occur at any age but is most common in infancy and early childhood with an additional smaller peak of disease activity in adolescents and young adults. There are five primary serogroups of the neisseria meningitidis bacteria that cause meningococcal disease. Group B and group C are the most common forms in Ireland.

The immunisation programme is based on the advice of the national immunisation advisory committee, NIAC. The NIAC is a committee of the Royal College of Physicians of Ireland

which comprises experts from a number of specialties, including infectious diseases, paediatrics and public health. The meningitis C vaccine was introduced in Ireland in 2000 to the infant immunisation schedule at two, four and six months of age. In 2014, the NIAC updated guidance relating to meningitis C vaccination. The committee recommended that two doses of meningitis C vaccine be given in early childhood and that an adolescent dose be given at 12 or 13 years of age.

In 2015, the NIAC recommended that the meningitis B vaccine be included in the primary childhood immunisation programme if the vaccine could be made available at a cost-effective price. Meningitis B disease is most common in babies under the age of one, of which the scheduling of the administration of the vaccine under the immunisation programme takes account. The change recommended by the NIAC took effect from 1 December 2016 and the meningitis B vaccine is now given at two, four and 12 months of age. Ireland was the second country in Europe to make the meningitis B vaccine available free of charge as part of its national immunisation programme. There are no plans to introduce a catch-up programme for older children.

A total of 89 meningococcal cases were notified in 2018. Some 11 cases of meningitis have been notified to the Health Protection Surveillance Centre since the last week of December, with three deaths notified among these cases. The 11 cases notified compare with five cases for the same period last year. Importantly, the HSE has noted that this does not represent an outbreak but instead reflects the known increased incidence of the disease in winter and early spring. Provisional data on the strain types identified indicate that different strains of the disease are circulating. In the cases of the three deaths, two different strain types were identified, neither of which was meningitis B.

In June 2018, the chair of the NIAC wrote to the Department to advise that it is engaged in a review of the epidemiology of meningococcal disease in Ireland and that it will develop recommendations based on these findings. The Department awaits the outcome of the NIAC's deliberations. Parents are strongly advised to ensure their children are immunised according to the vaccination programme. Information on the disease and the immunisation program are available on the HSE's website.

**Deputy John Brassil:** The Minister of State stated the disease is “most common in infancy and early childhood”, the latter being children born before October 2016. He also said the most common cases are group B and group C, yet he went to say the advisory committee sees no need to give the meningitis B vaccine to children born before October 2016. That is contradictory and does not add up. If young children are susceptible to meningitis B, there should be a vaccination programme for them. I dread to think what will happen in the coming years if there is an incident, or a couple of incidents, leading to the death of a young child because of meningitis B. We will stand in the Chamber while the Minister of State or the Minister for Health tries to explain why a once-off catch-up programme was not introduced for the vaccine. As I said, if we can save even one life, it is worth doing. The HSE, which provided the information in the first place, stated it was concerned and asked people to be vigilant, is now saying there is no need for a catch-up programme. It does not add up.

**Deputy Thomas Byrne:** Nowhere in the Minister of State's reply, nor anywhere in the public commentary of the Minister for Health has the reason for not providing the vaccine been given. Rather, the Government is standing over what it says is the advice given to it and providing no further comment or answers.

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Approximately ten years ago, there was a review of patient safety in Navan hospital. Other Deputies from Meath and I met senior representatives of the HSE to discuss the issue. We were given assurances that there was a severe issue with a consultant that had to be addressed. A number of years later, there was a High Court case relating to that consultant. All was forgotten about the issue and the consultant's good name was upheld. As a result of that case, I question everything. It is not disrespectful to professionals to question their advice. It can subsequently be accepted, but it should be questioned and interrogated, which is what parents are asking us to do in the Dáil. In the reply the Minister of State provided, he has not answered the concerns or given a reason that people will find satisfactory.

I appeal to those parents whose children qualify for the vaccination but have not received it to get it. We on this side of the House urge them to do so.

Ten years ago, there was a review of patient safety in Navan hospital. Other Deputies from Meath and I met senior people in the HSE to discuss the issue of patient safety. We were given assurances that there was a severe issue with a consultant

I appeal to those parents whose children qualify for vaccination but are not already vaccinated to get the vaccine. On this side of the House, we urge them to do so.

**Deputy Finian McGrath:** I acknowledge the genuine anxiety of my colleagues and the issues they raised relating to evidence, early childhood and the catch-up programme. Deputy Thomas Byrne spoke about the fears of the public, and I will raise his concerns with the Minister and the Department of Health.

There is anxiety among the public as a result of the recent media coverage of meningitis. In today's world where people have access to multiple sources of information, it is difficult to prevent a message designed to inform members of the public from becoming a catalyst for fear and anxiety, which is unfortunate. I will ask the HSE to consider what measures should be put in place for future communications about meningitis and other diseases to ensure a balance is struck between advising and informing the public, on the one hand, while minimising fear and anxiety on the other.

I reiterate that none of the recent deaths has been attributed to meningitis B. Like my colleagues, I urge parents to ensure their children are fully vaccinated against meningitis B and C, as per the immunisation programme. I will bring the Deputies' concerns to the Minister, his Department and the HSE.

### **Cancer Screening Programmes**

**Deputy Alan Kelly:** This is a hugely important issue. As we all know, the CervicalCheck scandal that broke last year did huge damage to our confidence in the health system in this country. Specifically, I want answers to the following matters. At the time of the response by the Government to this issue, we found out that the Minister had established a review of all the slides of women who had cervical cancer by the Royal College of Obstetricians and Gynaecologists, RCOG. That review was to be concluded by May but it was not as it was not commenced. The Taoiseach said in the Dáil in July that he was very disappointed it had not been commenced. That was six months ago. It was then meant to be concluded before the Scally report issued. That did not happen either. We know now, as of this week, that the Minister for

Health has said that the slides are being transferred and the review should be concluded within six months. That will be well over a year. I do not believe it will be concluded even this year.

There are real issues here. In all these cases the women are waiting to find out if they have issues to deal with and, in particular, if there is negligence. It is not acceptable that these time-lines are so far out. It will be the end of this year possibly, and it might not even get done this year. That is not acceptable to Ms Vicky Phelan or the 221 women and families affected.

Furthermore, the tribunal, which was to be set up after Mr. Justice Meenan's review, will possibly not be in place this year. We have all the legislation on Brexit and other matters, which is complicated legislation. However, that tribunal will not be in place and operating until 2020.

Let us not beat around the bush on this matter. I will 100% guarantee the Minister of State that a number of women will end up in the High Court and will have to give the details of their situation in the same way in which the late Emma Mhic Mhathúna and Vicky Phelan and others had to do and it will happen very soon because the Government has not honoured its commitments to ensure these women would not have to go through that ordeal. I guarantee that this will happen. People will come in here and ask the Government questions, as will the media, because it is scandalous.

I know of one woman who will be going through this process in the coming weeks and she and her family are terrified of it. This woman should not have to go to the High Court. She does not want to do so and wants to avail of this tribunal. It is not acceptable that she should be put through this, given the situation she finds herself in.

What is the status of the slides for the 221 women affected? This has also been delayed for a long time. We have no idea of the outcomes. Why is there such a delay with this? These are the priorities, and the ones we know about. This is outside of the National Cancer Registry and the review that is being done by RCOG. Why have we not got this information yet? There needs to be a reprioritisation of this issue otherwise there is going to be a huge wake-up call for the Minister of State's Government because the public is still focused on it and it supports the women and the families affected. This issue is not being prioritised by this Government. It has gone off the priority radar. I have given the Minister of State two examples - Mr. Justice Meenan's tribunal and the RCOG review. In both cases, they are essentially a year behind schedule.

**Deputy Finian McGrath:** I thank Deputy Kelly for raising this important issue which is one he is doing a lot of work on. This also provides me with the opportunity to update the House on this very important and urgent matter. The Royal College of Obstetricians and Gynaecologists has been asked by the Government to undertake an independent expert panel review of the screening results of women who have developed cervical cancer and who had participated in the screening programme. This will provide independent clinical assurance to women about the timing of their diagnosis and issues relating to their treatment and outcome. Upon completion, each participant will be provided with an individual report, and an aggregated report will be submitted to the Minister for Health. It is the Minister's intention to publish this report, following Government approval. Over the past number of months, a significant body of work has been undertaken by the Department of Health and by the HSE in progressing the expert panel review.

This has included seeking the consent of women or their next of kin, where the woman has, sadly, died, for participation in the review. This ensures that only those who wished to be

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involved would have their screening history examined. The HSE also set up a dedicated information line, staffed by administrative and clinical staff to support those invited to participate in the review.

The HSE has noted that the validation of data held in relation to all the women eligible for the review has been a very complex process involving engagement between the National Screening service, the HSE acute hospital division and the National Cancer Registry Ireland. Over 1,700 women or their next-of-kin have been written to, and approximately 1,100 have given their consent to be included. This is a high participation rate of 62%, which indicates a very good level of engagement with the review. The high participation rate will ensure that the expert panel can provide the necessary robust analysis in their aggregate report for the Minister. The HSE has informed the Department of Health that it is expected the process of transferring the slides from the CervicalCheck laboratories to the expert panel review will commence later this month, which is the answer to the Deputy's question. The RCOG expert panel has indicated that it will take at least six months from the commencement of the analysis of the slides, for the review to be completed.

It is of paramount importance that the review is conducted in a way that ensures the quality, comprehensiveness and integrity of the results. The Department of Health is committed to continuous support to facilitate RCOG and the HSE in progressing this review as expeditiously as possible, and this the priority for the Minister for Health, Deputy Harris.

**Deputy Alan Kelly:** The Minister of State said that his response answered the question. The RCOG review will commence because slides will be transferred but this will take a period of time. I am looking for detail on this from the Minister of State. It will take at least six months but I do not believe it will be concluded by the end of this year. That is a failure of this Government.

The Taoiseach failed these women with his foolish commitment on "Six One" that they would not end up in the High Court. They are going to end up in the High Court in the coming weeks and months. I guarantee the Minister of State that. The Taoiseach made that commitment again in conversation with Ms Vicky Phelan, which she has spoken about.

Some of the women who are not part of this audit and who are part of the second tranche through the National Cancer Registry are in a very bad situation, unfortunately. They cannot avail of the assistance that is being given to the women who are part of the audit and the programme that was put in place to support them. That has to change as it is not acceptable. They are in the same situation as the women who are part of the audit but they are not getting the support of the Government. I ask the Minister of State to address that.

There is a backlog of cases where women who are waiting for reviews are waiting up to 20 weeks for checks. There is no prioritisation in respect of women who need to be prioritised. If one is going for one's three yearly review or if one needs to be prioritised, one is still in the same pot. That is not acceptable. When will the 20-week period be reduced to what is an appropriate time limit?

A matter that is really bugging me is that in October I raised the issue of Pembro being made available to all women at stage four cervical cancer whose clinicians advocated for it. The Taoiseach, the Minister for Health and Professor Michael Barry of the National Centre for Pharmacoeconomics, NCPE, said that women would get this. Over Christmas I have been left

in the difficult situation of taking calls and receiving messages from women who want to go on this drug. They want to know if they can say “Yes” and start it given these public commitments. The Government, however, has still not confirmed that it will pay for the drug.

*6 o'clock*

I am left in a situation where I had to advise them that in order to help prolong their lives they should take the drug. Why in the name of God has the Government not come out and said that the women will be allowed to take this drug and that it will be paid for?

**An Ceann Comhairle:** The Deputy is way over time.

**Deputy Alan Kelly:** They are taking the drug on the basis of oral promises made by those three people on the national airwaves. That is not good enough. That is not the way to treat them.

**Deputy Finian McGrath:** I again thank Deputy Alan Kelly. The women in this particular case deserve all of our support. I will personally raise the issue he mentioned about the drug with the Minister, Deputy Harris.

As Members will be aware, the independent expert panel review is one of two reviews undertaken on CervicalCheck in 2018. The completion of the review is a priority for the Government. It is one key aspect of the work being undertaken to ensure the national cervical screening programme is as effective as it can be. Separately, Dr. Gabriel Scally was asked to undertake a scoping inquiry and his final report was published on 12 September last. An implementation plan has now been published on the website of the Department of Health. Significant work is under way within the Department, the HSE and the National Cancer Registry in progressing the implementation of the 50 recommendations made by Dr. Scally in his report on CervicalCheck. Significant funding has been allocated in budget 2019 to support the implementation of the recommendations. In addition, funding will also support the extension in 2019 of the HPV vaccine to boys, as well as the introduction of HPV testing as the primary cervical screening test. The work of the expert panel review, together with the implementation of the recommended improvements in the cervical screening programme, are vital to ensure that women can feel confident in the cervical screening programme. Through a combination of screening and vaccination for boys and girls, we can make cervical cancer a rare disease in Ireland. That is the Government’s goal and we take it very seriously.

## **Water and Sewerage Schemes**

**Deputy Bernard J. Durkan:** I thank the Ceann Comhairle for allowing me the opportunity to raise this particularly important issue. I also thank the Minister for coming into the House to reply. The Ceann Comhairle correctly identified the scheme as the Balyna scheme, which is an offshoot of the famous Allen-Killina group water scheme of many years ago, which was vintage in the 1970s. It had many stages and extensions in the interim period, especially when the Department was directly responsible for administering the schemes.

Unfortunately, in recent years there seems to have been a distraction of one sort or another and the issue affects an area composed of approximately 1,000 families and there are a couple of schools involved as well as the local community. I will not go into the usual mode of criticis-

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ing the neglect of rural areas. Those people are citizens of this country and of County Kildare. They deserve equal treatment with people anywhere else in the country. A wellfield was developed in recent years but for some reason the local authority did not proceed with it. I suspect that was for several reasons.

I will describe how the aquifer in the area is operating. In recent years the water has been flowing out over the top of an artesian borehole into a nearby stream. At that stage it is free water coming out of the ground and it should have been possible to harness it. First, there was going to be no refund but in the heel of the hunt there was an intervention and the subscribers have had 80% of their funding refunded. However, that is not what they applied for in the first instance. They applied for a group water scheme and the supply of water to their scheme. It is more than 25 years since they first subscribed their money to the scheme. Needless to say, I was very disappointed that the scheme was deemed to go no further, in particular given that a number of households in the catchment area have no supply of drinking water. Their water supply is contaminated with what we call rust, namely iron deposits, and it also has heavy lime deposits which is damaging to washing machines and all kinds of modern kitchen appliances. Sadly, the views and requirements of those people have been neglected without any reason being given. What is worse, in the summer of 2018 the water supply of a school in the area was deemed to be unsafe and measures had to be put in place to ensure a water supply would continue to be provided.

I know the Ceann Comhairle would agree with me if he was sitting where I am now. There is no reason for the scheme not to be re-invented, resubscribed as necessary and for provision to be made for the men, women and children whose families are living in the area, all of whom are taxpayers and are entitled to the same treatment as everybody else. The question is who decided that they are not entitled to this treatment. Is there a reason for the lack of supply or can the water not be supplied economically? It was always thus. There were always people who could not subscribe to a scheme at a particular time. It was left open to them to opt into a scheme at a later time if they wanted to. In the final analysis, insofar as I am concerned, I have never seen a scheme abandoned in that fashion previously and I certainly do not want to see another one even if I live to be 100, which I do not intend to do, as the Ceann Comhairle will be glad to hear.

**An Ceann Comhairle:** Deputy Durkan is well on the way.

**Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):** I thank the Deputy for raising this matter with me as a Topical Issue. As the Deputy knows well, group water schemes are independent community-owned enterprises and are an important means of providing piped water to rural areas where no such supply exists. While I as Minister am responsible for overall policy direction and prioritisation of rural water services and for funding for the multi-annual rural water programme, local authorities lead on local implementation of the funding measures. This includes the related administration and requisite capital assessments for inclusion in the funding programme. Group schemes rely on Exchequer funding for infrastructural and maintenance support. The Exchequer also subsidises group water schemes to ensure households do not have to pay for their domestic water supplies.

I wish to address the specific matter raised by the Deputy, which is the group water scheme that was proposed for development in Balyna, County Kildare. The Balyna scheme commenced planning its development in the early 1990s. At that time the scheme proposed to supply more than 800 houses, plus farms and commercial premises, to a relatively large area of north-west

County Kildare, covering approximately 4% to 5% of the area of the county.

The Balyna scheme was to source its water from a public water supply – wellfields at Johnstown Bridge and Robertstown, which also to be developed and was similarly dependent on Exchequer funding. The Balyna scheme, which was equal to a medium sized public water supply scheme, was very large by group water scheme standards. Accordingly, it was included in my Department’s water services investment programme for the period 2007 to 2009 for public schemes. There was little progress on the project over the next few years and it was not included in my Department’s subsequent water services investment programme for the period 2010 to 2013. Since 1 January 2014, Irish Water has statutory responsibility for all aspects of water services planning, delivery and operation at national, regional and local level. Irish Water’s primary function is to provide clean safe drinking water to customers and to treat and return wastewater safely to the environment. Irish Water, as single national utility, is taking a strategic, nationwide approach to asset planning end investment, and to meeting customer requirements.

I understand that Kildare County Council and Irish Water met with the Balyna group water scheme in 2015. It became clear at the meeting that there is little prospect of the Johnstown Bridge wellfield scheme, the source of supply for the Balyna scheme, being included in the Irish Water capital investment programme. I understand that alternatives were also considered and discussed at the meeting but were ruled out because they were not technically feasible. Therefore, the scheme would not able to proceed either in the short or medium term and the promoters of the scheme were informed accordingly by Irish Water. I understand that soon after the 2015 meeting the scheme decided to wind up.

Acknowledging that costs were incurred in development work on the scheme, my Department recently agreed to recoup an amount of some €79,000 to assist in meeting these costs. Kildare County Council was advised of this position on 14 November 2018. Households in the area of the scheme also have other alternatives to improve their domestic water supply if necessary. The individual wells grant under my Department’s rural water programme can be accessed through the council, to assist with the provision of necessary improvement of an individual water supply to households. I again acknowledge the Deputy’s interest in this matter. I hope the update I have provided clarifies the evolution of this scheme in its initial years and what has happened in subsequent years.

**Deputy Bernard J. Durkan:** I thank the Minister for his reply but I do not accept or agree with the chronology of events as set out because I also attended meetings with the subscribers to the scheme in 2012, 2013 and 2014 and no indication was given at that stage that the scheme would have to cease. In fact, the participants were most anxious that the scheme would proceed at the earliest opportunity.

I am not trying to embarrass the Minister. The fact is that somebody somewhere made a decision. No one is telling the Minister who made that decision but somebody made it and did so without the authority of the people of the area, who trusted they would be provided with a scheme.

The other issue I cannot understand is that, long before Irish Water was invented, an indication was given to the effect that the local authority and the then Department of the Environment, Heritage and Local Government together did not want to proceed. I tabled parliamentary questions way back, from 2000 onwards, asking why provision of capital funding towards the

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scheme was not made by the Department and this was never directly answered. The Ceann Comhairle and I know why it did not happen, namely, the money was spent elsewhere. Somebody somewhere decided and all kinds of excuses have been used since to explain why it could not, and should not, proceed. Excuses were put forward on the basis that it was a rural area and the people had alternatives. I ask that somebody would go out to some of those people to whom I made reference, who do not have a drinking water supply and who would love to know what the alternatives are. They should not be placed in a position where they have to spend their own money after all these years.

I ask the Minister to go to the people who know the circumstances of this situation and demand from them that we hear more about what they propose to do.

**Deputy Eoghan Murphy:** My understanding is that the scheme was originally in the proposals for funding but, within the period in which it was there to be progressed, it was not progressed and, therefore, did not make it into a subsequent programme for funding and development. Again, this was all before my time but that is my understanding. I wonder if it is the Deputy's understanding that it was in an initial funding programme but was not progressed in that time and, therefore, fell out of that. My understanding is also that it was understood in 2015 that we were not proceeding with this scheme, that the members of the scheme were aware of this and that it was wound down subsequently. I would be interested to know if the Deputy agrees that was the case in 2015.

**Deputy Bernard J. Durkan:** No.

**Deputy Eoghan Murphy:** Perhaps the Deputy and I will have a chance to discuss this outside the Chamber so we can get clarity between ourselves as to the chronology. However, since I became Minister with responsibility for water, I have done a lot of work with the National Federation of Group Water Schemes. I have attended its annual conference and have met its representatives in a number of different formats to discuss how we can continue to make sure there is a safe, clean and adequate drinking water supply and waste water system in every part of the country. To that end, in April last year I established a working group to conduct a review of the wider investment needs relating to the rural water services sector. At the end of last year, I received the group's first report, which addresses deliberations on the composition and distribution of funding for the multi-annual rural water programmes from this year to 2021. I will shortly announce details of that programme, which are basically the priority for the next three years of the funding cycle, and that will also include details of a revised individual wells grant, which will be relevant to people in Balyna insofar as we know at the moment that the scheme is not being progressed.

### **Health Service Executive (Governance) Bill 2018 [Seanad]: Second Stage**

**Minister of State at the Department of Health (Deputy Jim Daly):** I move: "That the Bill be now read a Second Time."

I am pleased to contribute on behalf of the Minister for Health. As we look forward in 2019, there are opportunities we need to grasp and challenges we need to understand and control. This Bill, with the re-establishment of a board for the HSE providing independent oversight, is

a key enabler of accountability, improvement and transformation in our health services. The Minister for Health and I can think of no better moment than the start of a new year to work in collaboration with colleagues across the political spectrum to deliver on the commitment across this House, and as signed up to in Sláintecare, to re-establish the board of the HSE.

The HSE is our largest State agency, with a budget in excess of €16 billion in 2019 and a substantial workforce, delivering vital services. The transformation vision for health sector reform, as set out in the Sláintecare implementation plan, is an exciting change in our health services. However, with this opportunity also comes significant risk, responsibility and work for the HSE corporately. The HSE must be supported to deliver this work on the ground and, in the Minister's opinion, it is essential that a strong board be established to drive the strategic direction of the organisation, ensuring that appropriate systems for management and performance monitoring are in place, and to ensure accountability to the people of Ireland for decision-making processes in the HSE. The board will also support the HSE in its decision-making capacity to ensure transparent, collective, evidence-based decisions in regard to the range and breadth of health and social care services it provides across the country.

It is important, therefore, to outline the main objective of the Bill. A directorate governance system in the HSE was put in place in 2013. As the Minister said when bringing this Bill through the Seanad, this system allowed for co-ordination between senior management teams in the Department of Health and the HSE but, by its very nature and design, and by intent, this was a system that was always envisaged as an interim measure. The time has now come, in line with the Sláintecare recommendations, to establish an independent board governance structure for the HSE in place of the current directorate governance system.

This board will be the governing body of the HSE and accountable to the Minister for the performance of its functions. High standards of integrity and probity will be expected of the board. There are also central principles which must be at the heart of how the new governance model is implemented and which should guide the board. As the governing body, the board will support transparency and accountability of actions, benefitting decision-making and management performance in the HSE. Part of this will be for the board to challenge itself, as well as the HSE, to show how the HSE is getting value for the public funds it has been given. Part of this will be to foster a culture of continuous improvement in the HSE. The board will act collectively in order that all perspectives of patients, staff and the taxpayer will be taken into account, and will take decisions based on the public good. However, in acting on these principles of independence and inclusivity, the board must ensure that fundamental values of care, compassion, trust and learning are well rooted throughout all services for which the HSE is responsible.

Board members will be appointed by the Minister for Health following a Public Appointments Service, PAS, process for identifying suitable appointees. This process is a robust, competencies-based process and will result in candidates being appointed to the board based on the skills and experience they bring to the board and their ability to engage in collective, complex decision-making. The board will have strong competencies in key areas, giving leadership to guide, challenge and support the CEO and HSE executive team, ensuring accountability and delivering organisational transformation within our health service. The PAS process ensures that members of the board will have experience and expertise in one or more of a range of areas, including corporate governance; clinical governance; quality assurance and patient safety; patient advocacy; strategic planning and change management, business management skills, financial planning and management; strategic human resource management; and public communications.

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From the outset, patient advocacy was identified as one of the core competencies needed in board members. The Minister for Health was also clear on the Government's commitment to implementing in full the recommendations of the Scally scoping inquiry into the CervicalCheck screening programme, including the recommendation in regard to advocacy and the new HSE board. This issue was also raised by Senators as the Bill passed through the Seanad. The Minister listened carefully to their concerns and reflected on the best way of delivering on the letter and spirit of Dr. Scally's recommendation. He, therefore, tabled an amendment to the Bill on Report Stage in the Seanad to provide that at least two members of the HSE board have patient advocacy experience or expertise.

The Minister would like to take this opportunity to update the House on progress with identifying board members. In September 2018, after a demanding public appointments process, Mr. Ciarán Devane was selected as the chair designate of the HSE board. He brings to that role a range of skills, experience and leadership from his extensive experience of the British Council, NHS England and as CEO of Macmillan Cancer Support. The Public Appointments Service process to identify the other nine members of the board took place recently. The Minister hopes to be in a position to make an announcement on the selection of members shortly.

I turn now to the main provisions of the Bill. Part 1 contains a number of standard provisions including the Short Title and collective citation of the Bill. It also provides for the repeal of Part 3A of the Health Act 2004, which instituted the directorate governance structure.

Part 2 allows for the required changes to be made to the Health Act 2004 to reflect the structural changes proposed in the Bill. In essence, these changes include the establishment of an independent board, the appointment of a CEO to the HSE and the formulation of the values, principles and conditions to underpin this new structure.

Section 7 proposes to insert a new Part 3B, sections 16N to 16U, into the 2004 Act to make provision for the membership and role of the new HSE board. Section 16N(1) provides for a board of the HSE composed of ten members, namely a chairperson, deputy chairperson and eight ordinary members, all of whom will be appointed by the Minister for Health. As I mentioned earlier, at least two members must be persons who have experience of, or expertise in, advocacy in respect of matters affecting patients. The appointment and functions of the CEO of the HSE are covered by the insertion of a new Part 4A, sections 21A to 21G, into the 2004 Act. As Deputies will be aware, we are currently in the process of recruiting a new director general for the HSE. The successful applicant will become the new CEO of this important national State body under the legislation before the House. This will be a pivotal appointment in improving the management, performance and quality of our health and social care services.

The Bill also sets out the accountability structure between the CEO and Oireachtas committees. Under the new section 21E, as provided for in section 8 of the Bill, the CEO of the HSE will be required to attend before Oireachtas committees to give an account of the general administration of the HSE. The requirement for the CEO to appear before the Committee of Public Accounts is covered in the amendment to the Health Act 2004 proposed in section 17 of the Bill. Sections 9 to 29 provide for other amendments to the Health Act 2004, mainly consequential to the new board and CEO structure and take account of the move to a board and CEO structure from the directorate governance structure. Part 3 of the Bill consists of sections 30 to 34 and amends references to the director general in primary and secondary legislation.

The primary purpose of the Bill is to establish a board governance structure in the HSE

to establish independent oversight. The Minister is also considering amendments to further strengthen oversight and accountability and to support a more structured and strategic performance dialogue between his Department and the HSE. I stress, however, that the Bill, including any amendments to it, is a first step. The Minister is committed to continuing this journey of reform outside of the Bill by means of ongoing work to review, refine and refresh the performance and oversight framework for the HSE. Sláintecare has placed the reform and transformation of our health services into a space that transcends party politics because the importance of what we are doing goes beyond our political affiliations or ideological standpoints. It is about providing the people with the best health service. The health service they deserve is one based on equity, professionalism and compassion which places the patient at the core of all that it does. The Minister believes re-establishing the board of the HSE is a key enabler of this and a fundamental building block to strengthen governance and oversight in our biggest State agency. I commend the Bill to the House.

**Deputy Stephen S. Donnelly:** When healthcare is discussed in politics and in the media, the focus is almost exclusively on what is going wrong. This relates to the numbers waiting to see doctors or to receive treatment, the number of people lying on trolleys in emergency departments, the number of people who cannot access mental health supports and the fact that the Government's response to the crisis is all talk and no action. Patients, their families and their friends are exhausted. Many conclude that nothing can be done and that the problems they see in health are normal and inevitable. One regularly hears people say "Sure, is that not just how health care is?". As we look to 2019, it is essential to challenge this conclusion and demand better. These failures, waiting lists and cost overruns are not inevitable and they do not exist in other countries. They did not exist in the past in Ireland in the way they do now and there is no reason that they should exist in future.

In the 2000s, incredible progress was made. The nursing degree was introduced and the number of nursing student posts was doubled. The smoking ban was introduced and healthcare investment grew substantially. Some 53 separate healthcare bodies were consolidated into one, the national screening services were launched and 1,600 additional hospital beds were provided. The number of consultant posts grew by 40% and the Health Information and Quality Authority was established. There was a massive increase in home-care provision, the national cancer strategy was rolled out and so on and so forth. These initiatives supported our healthcare professionals to make extraordinary progress in patient care in Ireland. Waiting times fell from years to months and weeks. The rate of death from cancer fell by 11% over the past ten years, while the rate of death from stroke fell by one third in the same period. Infant mortality fell by a third while cardiovascular disease rates fell by 40%. Deaths from heart attack fell by half and three in every four eligible women were screened for breast cancer. These are amazing accomplishments, the credit for which belongs not to any political party here but to our healthcare clinicians who were able and were supported to do an extraordinary job. We have some of the best trained healthcare professionals anywhere in the world. They provide an outstanding level of care. They mind us, heal us and save our lives every day. They continue to make incredible progress to improve patient care in Ireland. What, then, is the problem? Why are there so many things on which we here, the media and patients focus?

Ireland has one of the highest healthcare spends in the world. In spite of that, we have, somehow, among the fewest hospital beds in Europe and the lowest number of consultants per capita. We have the longest waiting lists. During the 2000s, waiting list times were reduced from years to months but notwithstanding the many billions in additional annual funding now

provided, those waiting lists have gone back up from months to years. Waiting times are longer than they have been at any time since we started to record them. In some areas, children with special needs must wait three and a half years for treatment. There are 35,000 people who have been waiting more than six months for a hospital appointment. It was less than one third of that in 2010. More than 3,000 children nationally are awaiting mental health appointments. Last year, the number of people on trolleys in emergency departments hit 10,000 for the first time in the history of the State. If one adds up the numbers on the lists of those waiting for appointments, therapy, diagnostics and mental health supports, one gets to 1 million. It had topped 1 million by September. Nothing like that has ever been seen before and nothing like it exists in any other European country. There are 72,000 people waiting for in-patient hospital treatment.

For every person who was waiting in 2010, when much less money was in the system than there is today, there are 16 people waiting at the start of 2019. That is how bad things have got. We compared the situation to that in the United Kingdom and found that when one accounts for population size, there are 200 people on waiting lists in Ireland for every one person waiting in the UK. We are 200 times worse than the UK at getting people treated before a year has elapsed. The current out-patient list stands at over 500,000 while the number of those waiting over one year stands at more than 150,000. That would fill the Aviva Stadium three times over. The one exception to this trend is where the national treatment purchase fund has been deployed. The Government talks regularly about the improvements that have been made and I do not blame it for that, but they are targeted. What the Government does not say, of course, is that the National Treatment Purchase Fund, which it resisted for years, came about on foot of the confidence and supply agreement. General practice is on its knees and nurses and midwives are looking at a national strike for only the second time in 100 years. There is an unprecedented recruitment crisis in the context of hospital consultants. Mental health services are falling apart in many areas. Health overruns are now consistently above €600 million a year, which never happened before.

The national children's hospital is an interesting case study. It was meant to cost less than €500 million but the latest figure is over €1.7 billion. In December, the Taoiseach told us the cost had risen to €1.4 billion and we have gone up by €300 million in the three or four weeks since. How expensive is that? The most expensive hospital ever built anywhere in the world is the New Royal Adelaide Hospital in Australia. That facility was built at a cost of approximately €1.5 billion and has 800 beds. The new children's hospital will cost significantly more than the most expensive hospital ever built anywhere in the world, even though it will have a little more than half the number of beds. This means that when the national children's hospital has been built, the people will have paid approximately twice as much per bed as the cost of the most expensive hospital ever built anywhere in the world. That requires a staggering level of incompetence and systems failure to pull off.

What is going on? How is Ireland spending more public money than ever before on health-care? We are spending more than most countries on Earth. At the same time, we are suffering from the longest waiting lists in Europe, the longest waiting lists we have ever had and a series of enormous overspends. How is this happening? How is so much valuable money being so badly wasted? Much of the blame rests with actions taken or not taken by this Government since 2011. It has managed to alienate pretty much the entire healthcare workforce, including general practitioners, consultants, non-consultant hospital doctors, therapists, nurses and midwives. The implementation of new initiatives like the national children's hospital has been incredibly poor, as have been the efforts to control costs.

The Government has wrought organisational chaos on the system. In 2011, it announced that the HSE was to be scrapped. It said that in the future, healthcare in Ireland would be funded by universal health insurance. That was the big idea. In 2012, in front of all the national cameras, the Government disbanded the board of the HSE. It marched the board out publicly in front of the cameras for everyone to watch on the news that evening. In 2014, the Government reiterated that it would disband the HSE and gave a date for this. The then Minister for Health and current Taoiseach, Deputy Varadkar, stated that the HSE would be gone by 2020. The Government had no idea what it would replace the HSE with. In 2016, the Government said it was no longer planning to abolish the HSE or to pursue the universal health insurance model of funding.

The only long-term strategy is not a Government strategy. An Oireachtas committee came up with the Sláintecare plan. The latter may have various flaws but is the only game in town. As a vision document, it is pretty good and quite ambitious. It was recommended in the Sláintecare plan that the board of the HSE should be put back in place. The Bill before the House has not resulted from a Government initiative. The Government did not wake up and realise that it should not have marched the board of the HSE out and destroyed governance in our healthcare system. It did not come up with the idea of bringing the board back. It was made clear in a report drawn up by this House that the biggest, most important, most complicated and most expensive system in our country self-evidently needs a board.

Unfortunately, every single Sláintecare implementation deadline has been missed so far. By my reckoning, approximately €20 million, in real terms, was allocated for Sláintecare in budget 2019. The Government said on budget day that €200 million was being provided for Sláintecare, but that was not the case. That money was being provided for various initiatives. The Government said that all of them were Sláintecare initiatives, but that was not the case. The money was being provided for doing a bunch of sensible things, like scaling up, as part of usual business. The actual money for Sláintecare in the budget was approximately €20 million. It is estimated in the Sláintecare plan that approximately €1 billion is needed for Sláintecare. Conservatively, it would probably be possible to get Sláintecare off the ground for approximately €500 million in any given year. It is probable that progress could be made on that basis. For every €1 that the Government has attributed to Sláintecare for this year, between €25 and €50 is probably needed. That is how seriously Sláintecare is being taken.

The former director general of the HSE, Tony O'Brien, appeared before various Oireachtas committees last year in the heat of the CervicalCheck scandal. He was under a lot of pressure from various Members of this House not just in respect of CervicalCheck but also on the performance of the HSE and on waiting lists. He repeatedly made the point that when he was hired by the Government in 2011 or 2012, he was instructed that his job was to dismantle the HSE. That is what he was told his job was. He said that he never received any further instructions. He was told that in the future, funding would be provided through universal health insurance. He never received any further instructions.

The Scally report pointed out the implications of the lack of a HSE board. It directly linked the lack of proper governance and the lack of a HSE board to the catastrophic governance failures that were a feature of the CervicalCheck scandal. Getting rid of the board was not just a mistake, it was an extraordinary mistake. The guy who was hired was told that his job was to dismantle the HSE. His board was taken away and he was not given any further instructions on the HSE. This extraordinary mistake has led to massive cost overruns, including an overrun of between €700 million and €750 million last year. Nothing like that had ever happened before.

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The spending overruns on the national children's hospital mean that this project is probably unlike any healthcare project that has been pursued anywhere in the world. We are going to pay twice as much per bed as the most expensive hospital ever built.

The lack of a board, coupled with this organisational chaos, goes a long way towards explaining how the same managers with the same doctors, nurses and other healthcare professionals, but with way more money, are providing a service that is much more difficult to access. It should not be more difficult to access. If the same doctors, nurses and managers are given way more money, they should be able to provide a more accessible service. Instead, chaos has been wrought throughout the HSE. Fianna Fáil will be supporting this Bill, which takes one small but important step towards reversing that damage by reinstating the board.

As we face into 2019, we should be under no illusions about the scale of the challenge before us. Organisational stability within the HSE has been lost. It has to be re-established. Financial control has been completely lost and must be regained. The HSE is on fire in terms of financial control. Our healthcare professionals - nurses, midwives, doctors and dentists - must be engaged with. They have been systematically alienated. They are not being engaged with. The Government is due to announce a new oral health strategy in the next two or three weeks. The Irish Dental Association made it clear in yesterday's newspapers that dentists have not been consulted on the upcoming oral health strategy. That is where matters stand.

This has to stop. Within the HSE, the Department and this House, there needs to be a culture of actively engaging with and listening to our clinicians. We should respect them and treat them properly, but that has not been happening. If we can stabilise the HSE as an organisation, if we can somehow get control of funding and financing, which has spiralled completely out of control, if we can begin to understand that the people who lead our healthcare system are the clinicians and if we can listen to, engage with and respect those clinicians, we can start to rebuild the healthcare system that patients, the public, clinicians and everyone working within the HSE deserve.

**Deputy Louise O'Reilly:** I welcome the opportunity to say a few words on this important legislation, some of which is technical in nature. It seeks to reintroduce a board to oversee the operations of the HSE. I hope this overarching premise means it will have beneficial ramifications for our health service.

It is interesting to look at how we got here. Before I was elected to this House, I had the privilege of representing workers. It was very interesting to hear Deputy Donnelly say that workers should be listened to. I represented workers when Fianna Fáil was in government. They were roundly ignored. I was sitting in Government Buildings when the Taoiseach of the day, in the face of industrial action by tens of thousands of healthcare workers, called a general election, suspended the talks and literally walked away from the table. Deputy Donnelly has told an interesting story, but the history of his party is one of ignoring front-line healthcare professionals. I hope it will change. I hope a lesson has been learned.

Just six years have passed since Fine Gael abolished the board of the HSE in favour of creating the office of HSE director general and conferring more powers on the Minister. What the Minister exactly did with those additional powers is anyone's guess because I do not know.

The dismantlement of the HSE was announced by the then Minister for Health, Senator James Reilly, who pushed strongly for what he called reform of the health system. It was

not based on available evidence or on information from having talked to experts or front-line healthcare professionals but simply on the belief that he was right. The changes and the decision to scrap the executive were agreed in the 2011 programme for Government between Fine Gael and the Labour Party.

In the Seanad, the Minister had the temerity to say that the directorate governance system of the HSE introduced through the Health Service Executive (Governance) Act 2013 was by its nature and design, and by intent, always envisaged as an interim measure. The Taoiseach when he was Minister for Health went on to say that the executive would be fully dismantled by 2020. Unsurprisingly, that did not materialise and we find ourselves discussing this Bill and the board must return.

The new board will be a slimmed down, nine-person version of the former HSE board. Sinn Féin opposed the original legislation that sought to dissolve the board, not because we thought the board was perfect or was working well but because the legislation that delivered its removal was unclear, weakened the health service through the removal of the board for purposes of oversight, bestowed too much additional power on the Minister and did not give the Dáil additional powers of scrutiny or make the Minister further answerable to the Dáil. I do not believe there is another multi-billion euro healthcare body operating in the world without an appropriate board to provide oversight. It is welcome, therefore, that the Government has seen fit to reverse the decision of six years ago, but let us not fool ourselves, that was not the Government's decision. That was a recommendation of the committee that produced the Sláintecare report. I and others sat on that committee and that is from where it came. If pats on the back are being handed out, Deputy Róisín Shortall should probably get one ahead of anyone who sits at the Cabinet table.

It was important that amendments were made in the Seanad, which guaranteed that two of the people appointed under the section to support the board would have experience or expertise in advocacy relating to matters affecting patients. This followed the suggestions made by Professor Gabriel Scally in the scoping inquiry. It was unfortunate that the same accommodation could not be made to include worker representatives on the HSE board. We believe that workers should have some form of representation on the board, and that healthcare and medical professionals would be of major benefit to the board in its workings. The participation of healthcare workers would be an asset. It would help to ensure a deeper understanding of clinical issues, best practice, quality indicators and other issues related to the safety and quality of care and overall delivery of healthcare by the HSE. Sinn Féin had submitted amendments to this end, but they were ruled out of order. We will submit reworded amendments to this effect on Committee Stage and we hope they will be supported. There is nothing wrong with having healthcare workers represented on the board that oversees the operation of their workplace. More important, they have much to offer in terms of their membership of the board and the expertise they can bring to it.

The Government claims that the new board will restore public confidence in the HSE through a series of actions to strengthen the management, governance and accountability of the organisation. Those are grand claims but they are almost a photocopy of the claims that were made when the board was dissolved. The board had to be removed to have all this accountability and now the board has to be brought back to have accountability; perhaps it could stop reforming the structures and just focus on accountability. Only greater oversight and proper accountability of the board by the Minister of the day will ensure better governance, accountability and delivery of health services. It is a pity that was not the view six years ago. If the then Minister had the bit between his teeth and was interested in reform, then he probably could

have done a better job six years ago.

There is no other multi-billion euro healthcare body operating in the world without an appropriate board and, therefore, I welcome the reintroduction of the HSE board because it is standard practice for public bodies to have an independent board, which operates at arm's length from Government and provides independent oversight, particularly in the context of the spending of public money and accountability to the taxpayer.

It was a sad state of affairs for the former Minister to do away with the necessary and important checks and balances. However, without radically altering how the board will operate in comparison with the previous regime and the previous board, then the Government is doomed to make the same mistakes again. It is important that the board has the right mix of talents and does not just comprise ministerial appointees who are appointed for political reasons. I do not believe the Minister would do that but he will not be the Minister forever. When we look at the Cabinet table I see people who have made appointments to boards which made as much sense as Caligula appointing his horse to be a Roman consul. These people will be tasked with an important job. We need to make sure that they are the right people who can deliver. It is a multi-billion euro organisation, a great deal of taxpayers' money goes into it and a great deal of accountability is needed.

We need to ensure against manipulation in appointing members to boards on one hand and ensuring the best and most appropriate people are appointed on the other. It is important that any member appointed to the HSE board is familiar with, and committed to, the implementation of Sláintecare. We have a unique chance to fix some of the problems in our health service, and that cannot be achieved if those on the board of the HSE are not committed to working towards that through Sláintecare. By that, I mean a commitment to public health service, to the delivery of healthcare on the basis of need and not ability to pay, and fully funded by the public purse, not through privatisation but through the public health system.

Progressive corporate governance reform at the highest level of the corporate body of the HSE is also needed. When the HSE board was dissolved in 2012, there was an opportunity to progressively reform the organisation to achieve the highest level of corporate governance. This was not done and amendments to strengthen the legislation at the time were not facilitated. That was one of the reasons we did not support its dissolution. We have the same concerns again regarding this legislation. We would like the provisions strengthened to make the Minister for Health and the new board more accountable to the Dáil. The board must also robustly hold the Minister to account, and the Oireachtas must be able to hold the chairman of the board to account. The re-establishment of the board cannot give the Minister the opportunity to hide behind or push aside the HSE when it suits. The HSE has been described as a growing monster by many but, in the main, that is because it has not been given adequate political direction by successive Ministers for Health. We need only note its initial foundation by the then Minister, Deputy Micheál Martin. He just amalgamated the old health boards. In saying that, I am being kind to him because he just shoved them together. It made no sense. Deputy Donnelly has treated us to a few of the greatest hits of Fianna Fáil in government but the ones I remember were the recruitment moratorium, privatisation and the first recorded overnight trolley wait.

Since the board was dissolved, there has been a sequence of bad moves and a lack of sensible direction. Sinn Féin welcomes the key fundamental principles, as outlined by the Minister, of independence, inclusiveness and compassion. At times, those principles are sorely missing, not on the part of nurses, doctors, healthcare professionals who, as we know, have them in

abundance, but in the boardroom.

The board, as the governing body, must be independent, transparent and ensure accountability in its actions in order that people can have confidence in the decision-making and management processes within the HSE. Furthermore, it must be committed to a truly public health system. We cannot have members of the board who have conflicts of interest such as stakes in private hospitals, or video medicine systems, which for the avoidance of doubt are the antitheses of what it means to deliver public healthcare. While we need experience on the board, we do not need conflicts of interest. We need to see commitment to improvement, to the proper and prudent use of public funds, to combating waste and to ensuring direct health benefits and better outcomes for those who use the health service. If my memory serves me correctly, the HSE is the largest employer in the State. In that context, an understanding of workers' rights and not simply human resource management is really important.

I welcome the appointment of Mr. Ciarán Devane as the chair-designate of the new board. I understand the Public Appointments Service process to appoint a chair was exhaustive. I know Mr. Devane has experience in health service provision from his time in Britain where he was chief executive of the charity Macmillan Cancer Support and served as a non-executive director of the National Health Service, NHS. Perhaps, in time, when we have Mr. Devane in front of the Joint Committee on Health, I will get an opportunity to ask him about his time with the NHS in England and see what his analysis is of the performance of the NHS during that period and of attempts by the Tories to privatise elements of the NHS. A huge job lies ahead for the new board, the HSE, the Department of Health and the Sláintecare implementation office, and I wish them well in their endeavours. I look forward to further debating this Bill on Committee Stage. I have outlined the type of amendments that Sinn Féin will bring forward and look forward to engaging with Mr. Devane.

In the few minutes I have remaining, it would be remiss of me not to mention the impending strike by nurses and midwives in our health service. One of the frustrating factors as a person who represented healthcare workers which is still true today is that one is often engaging with people who cannot make decisions. In the absence of the Department of Public Expenditure and Reform, one is talking to HSE and health service officials, but those people are not empowered to make that decision. That is extremely frustrating for healthcare professionals and obviously frustrating for nurses and midwives because they have found that they have no option but to take industrial action. We know that industrial action is the last port of call for any worker, especially nurses and midwives. I would like to see a situation where the HSE is empowered to make those decisions in the interest of the health service, to have the power to actively negotiate and engage with those healthcare professionals.

I heard Deputy Donnelly's view and that of Fianna Fáil about how well paid nurses are. I heard that view about how well paid nurses are in the Joint Committee in Health in July. I do not share that view because we are competing with English-speaking countries where nurses are paid more and their conditions are better. That is why our nurses are leaving. We need to have a health service that is empowered to deal with the front-line healthcare professionals we need, put in place strategies and know that it has the power to make good on any commitments that it makes at the negotiating table. I do not think that every person in this Chamber shares the Fianna Fáil view about how well-paid our nurses are and I do not think that we should be making comparisons between our nurses and healthcare workers in other jurisdictions except those that the nurses are going to, because we are competing with those.

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**Deputy Stephen S. Donnelly:** Deputy O'Reilly just did.

**Deputy Louise O'Reilly:** When those people leave, we know that they are leaving to go to countries where the pay is better. Compared with those countries, they are not well paid. I hope that the new board has the opportunity to actively engage with healthcare professionals, learn from them and to be able and empowered to put in place strategies to recruit and retain key front-line healthcare professionals. That will be the challenge to meet the capacity deficit that we have for the new board and for the Minister.

**Deputy Alan Kelly:** I am glad to be in a position to speak on this Bill this evening. The Ceann Comhairle will be delighted to know that I will stick to the Bill. We will have other opportunities to deal with many of the serious issues raised by previous speakers in the next 24 hours. This legislation is important. It is concise. The Government was bounced into producing it because of the Sláintecare report, the committee which Deputy O'Reilly and I sat on for 11 months with Deputy Shortall as the Chair, which recommended this. As somebody who is into the detail of the cervical cancer debacle, it was quite obvious as a result of what many of us saw transpire at that time in the Committee of Public Accounts and the Joint Committee on Health, both which I am a member of, when speaking to HSE and Department of Health officials, that governance had collapsed and that an independent board was necessary. What was recommended in Sláintecare and the greatest example of why it was needed was before us in the cervical cancer situation.

I believe the decision to abolish the board in 2012 was foolish. The structures that were supposedly to be put in place never materialised. I looked back at the cervical cancer debacle and some of the committee hearings. I cannot remember whether it was at the Committee of Public Accounts or Joint Committee on Health - it was probably at both - and I remember questioning accountability and how this could happen. The national screening programme, which had been quite successful, had fallen down the organisational structure of the HSE. The history of how it fell down from the top tier of the management and directorate of the HSE, a number of years ago, is that a number of directors, working together, made a decision in a vacuum away from accountability to a board or anyone and it slipped down two tiers. As a result, the director in charge of it did not have a clue what was going on. At a management level, the directors speaking together at directorate meetings were obviously raising the issue and screening programmes were discussed. The audit which we all know about now never really reached the top table. No one was asking questions. Screening was merged into being part of the directorate in relation to wellness, so it was mixed up with that. It is very positive for that to be in the media and publicly known.

This is a very specific area and there was a lack of oversight and management structures that were decided by the HSE directorate, which I accept there is an element of need for, and there was no board to ask if and how something is working and other things that are necessary where boards are in place, including challenging a CEO or a management team, which is the directors in this case. As a result of that, the issues that we are going through did not get to the top and we would not have known if not for Vicky Phelan and everyone in this House knows that. To be fair and balanced, the CEO was left in this situation so I will not criticise them for that. There was a structure with a tier of directors and a CEO without an accountable board. It is an organisation with a budget of €17 billion or more, the largest number of employees of any State company in Ireland.

This Bill is small but it is incredibly important to ensure good governance, accountability

and transparency. It is in tandem with other legislation which will go through the Houses, especially in the area of open disclosure. I wish the chair-designate the best. I also wish the new CEO the best, whoever that is, if we can find one. It is proving difficult to find one. Things that will have to happen in tandem are the psychological changeover in the HSE regarding open disclosure, honesty, transparency and how to deal with the public.

*7 o'clock*

The establishment of the independent board and the putting in place of governance measures will not happen overnight. The board will be put in place, but the actual process by which it will do its work will have to be quite closely overseen by the Minister and his Department. We need to be very careful about the type of people who are appointed to the board. It is not that easy to get people onto boards any more - it is incredibly difficult - so we need to ensure that we get the right people across all the disciplines listed in the Bill, a matter to which the Minister referred previously. I welcome the fact that the Minister has changed the composition of the board in order to add two patient advocates. This is very positive. Dr. Scally referred to this matter. I want to be clear about one thing - and this must happen, particularly in healthcare but also, potentially, in the context of other boards - namely, that the members will have to be reimbursed. I do not mean travelling expenses, I mean full reimbursement in respect of loss of pay. Otherwise, it will not be possible to get a proper cross-section of society. I have raised this matter on half a dozen occasions. Let us consider the type of people we need to get on these boards. There is nothing wrong with one, but we do not want two retirees who can afford membership financially. We also need people with real-life experiences who have been through a lot. The majority of the families affected by CervicalCheck and related issues include young women. The best patient advocate when it comes to such a topic and cancer in general could come from that sector, but one of those people will not be able to go on the board because they will not be able to afford to give up the time from their job. I know this from the groups that have already been set up with the HSE in respect of CervicalCheck. Some of the people giving up their time on these boards will not be able to continue doing so long-term because they have jobs to go to and children to feed and cannot afford the loss of income. In that context, I plead with the Minister of State: if he takes away one small point I make, he should bear this in mind. It is something we need to ensure across Government and across politics.

The new board and chair designate need to set a new tone as to how they make the management structure and the management team accountable. Dare I say it, from an accountability point of view, Oireachtas committees have had to fill a void because of the fact that there has not been accountability at board level. What is happening at present is, because there is no such accountability, I and others, particularly members of the two committees to which I referred, are going into a level of detail which we probably should not need to go into because there is no board to do it. We are getting into levels of detail on medical and health issues, and also spend issues on other committees, because of the fact that there is no board. There is a vacuum and we are possibly not being consistent in targeting some of the main issues to the degree we should as a result of the level of detail we are having to get into. The new board, the new chair designate, can set a new tone in ensuring that the issues that need to be dealt with at that level are dealt with and that issues that need to be dealt with in here, at the highest macro level, will be dealt with in here as well.

As stated, the board must be inclusive and comprise a cross section of society with different skills. The patient advocates must represent a cross-section of society as well. It is also important that the new board fit in with the Sláintecare strategy. Some work has been done

in this regard with the establishment of the programme office, the advisory group, etc. It is important that in setting this up we do not just think it will act in some way like other boards. There is a strategy in place here that is the only show in town and across politics. Any Minister for Health should glide into the slipstream of this because it is a strategy that has been adopted by an overall majority of the House. It is important that the new board understands that while the chair designate is accountable to the Minister, there is also the requirement to be part of this larger trans-politics, trans-time strategy because Governments and Ministers come and go. This is critically important as well and needs to be fitted in.

I wish to say a few words about the issue of regional alignment. This is a real bugbear of mine, and I know it is for some other Deputies. As part of the new structures, the whole alignment of the community healthcare organisations, CHOs, and the hospital groups must happen but in an organised fashion because otherwise the accountability chain up and down gets broken because people do not know who is aligned to whom geographically. All of us in this House deal with, as I call it, the acute side and the non-acute primary, community and continuing care, PCCC, side. I am lucky enough in the mid-west, where they are aligned. I would say it is the only place in the country where they are aligned. Well, most of it is aligned. Part of it in south Tipperary is not, but that is a different story. This causes real issues, so this alignment needs to happen relatively quickly and in tandem with the setting up of the new regional boards. Those boards are massively important and have the potential to be extremely effective because they will get into a level of detail that the national board will not be able to get into. There are specific issues that can then be dealt with at regional level. There are specific issues which are higher priority in the south east than they are in the north west and *vice versa* - one can pick any regions in the country - so those regional boards are critically important but they must happen following on from the alignment of the non-acute and the acute.

One issue that arises relates to the role of politicians at local level. I am not necessarily saying we should go back to the old health boards, but certainly when it came to accountability, common sense and a focus on the minds of regional health managers, they did not necessarily do that bad a job. Therefore, while not going back to that whole structure, we do need a format which is not just about the platitudes that happen in many regions at present whereby a couple of times a year there is a meeting and we are given presentations, etc. I obtain a great deal of information from our regional managers, but the point is that, in general, there is a role for politicians at the local level as well because there are cross-over issues that happen at local authority level - transport, environment and other issues - that need to be taken on board.

I welcome the Bill. I hope the Minister of State will take on board two or three of my comments, which I think are progressive. We will support the Bill. We will look at one or two amendments, potentially - not many. The HSE is too bureaucratic and too large. Dr. Scally stated in his report, "It [was] difficult to see who, under this configuration, was representing the patient and public interest". It is to be hoped that with the change in structures and the new chairperson designate, the new board, a new CEO, the new transparency, the new open disclosure, the new regional structures aligned and regional boards, that statement will become redundant. I fear, however, that it will take some time and much concentration to reach that point.

**Deputy Mattie McGrath:** I am happy to speak on the Health Service Executive (Governance) Bill 2018, as it is aptly or ineptly titled. It should probably be renamed the "Moving the Deck-chairs on the Titanic Bill". The Bill provides for the establishment of a nine-person board for the HSE and that board will be accountable to the Minister for Health in the performance of its functions. That is certainly a novel idea. The introduction of accountability into the HSE

is as novel a notion as one will get anywhere. I do not say that tongue in cheek; I mean it from the bottom of my heart. It is novel that a system that has been to the forefront in lack of public accountability and near total failure at senior management level is going to hold anyone to account. I wonder what we think will be achieved by means of this Bill. Apparently, it makes the new board accountable to the Minister for Health. Imagine that: the board will be accountable to the Minister. My God, that is a new one - someone in the HSE will be accountable. What an insult to the people's intelligence. Those who drafted this Bill and the Minister who oversaw it should have a bit of cop-on.

This Minister has presided over the greatest levels of health system dysfunction in the history of the State yet he remains in place. He is accountable to no one and only remains in his position because, in all likelihood, the Taoiseach, Deputy Varadkar, is more than happy to sacrifice him as a public scapegoat for the catastrophic failures of the HSE. The Taoiseach got his litany today in answer to the question of how all the bad things happened when he was Minister for Transport, Tourism and Sport, Minister for Social Welfare and in respect of the national children's hospital. He knew nothing about the latter and did not want to know. I never heard such poppycock from a Taoiseach.

Let us see how accountable the Minister is and the HSE has been. There are record numbers of patients on trolleys and the Minister remains in his job. There are 498 people on trolleys today. A task force was set up eight years ago when there were 250 or so on trolleys. What did that achieve? Psychiatric nurses are at breaking point and are about to take to the streets but the Minister is still in his job and smiling. There is a €750 million overspend in respect of the national children's hospital - despite every warning being provided that this would happen - and the Minister is still in his job. He was warned that it the wrong site was designated. We had medical experts in here, people who had built hospitals in America and the UK, and he would not listen. It is the wrong location and will always be the wrong location. We cannot get nurses and in this case we cannot mind the nurses going to and from the hospital. People will not be able to park there and there will not be a helipad but the Minister is still smiling and in his job. The overspend is growing and the Taoiseach informed us earlier that we should continue to overspend because it is going to be a good project. Such logic baffles me.

There are chronic and unending waiting lists for children requiring assessment of needs, with no sign of the Government becoming accountable in that regard either. Children are waiting for orthodontic treatment and for scoliosis operations. My colleagues, Deputies Danny Healy-Rae and Michael Collins, are hoping that Brexit will not happen because they have booked buses - these are in addition to the 16 busloads they have already sent - to transport people to Belfast under the EU directive scheme in order to get cataracts removed and have knee and hip operations and many other procedures. The sad part is that we are paying for this out of our health budget in any event.

What little hope can we place in a Bill which merely seeks to create an alternative bureaucratic structure with a failing and sprawling organisation? The Bill seeks to make the new CEO accountable to the nine-member board. Was Mr. Tony O'Brien ever held accountable? No, he was not. Look at the cervical cancer scare. Were those who presided over the slow death of the health service ever held accountable? No, they were not. There was some accountability, as Deputy Kelly said, when we had the local health boards and locally elected politicians on them. What hope can we place in a Bill that is so very much like this Government, namely, all window-dressing and absolutely no substance? None whatsoever. I have no faith whatsoever in this legislation. It is both rubbish and ill-judged. We know that, no matter what happens,

the Minister, even if he was to go out shooting people, would not resign. That is the chronic disrespect the Government has for this House and for the general public. It is a disgrace.

**Deputy Michael Collins:** I welcome the opportunity to speak on the Bill. The HSE was established in 2005. In 2013, a directorate governance structure was put in place for the HSE as a temporary measure until the latter's functions could be moved elsewhere. Under the health reform programme, this directorate structure has remained in place for longer than planned. The Government states that this is because of the complexities of the health reform programme. However, I argue that it is down to poor management of our health service by the Government.

The Joint Committee on Health recommended in its Sláintecare report that an independent board for the HSE be established. The Sláintecare report is intended to be a ten-year programme to transform our health and social care services. It promises to prevent illness in our population. Where can the Minister of State demonstrate that this is happening in our society? I have begged the Government to make the FreeStyle Libre device for people with diabetes reimbursable for all patients with the condition. I welcome the fact that the Government has listened to some of what I have requested and that this device has been reimbursed for diabetic patients between the ages of four and 21. This is not sufficient, however. It is estimated that over 15,600 people over the age of 80 suffer from diabetes. If the Minister were serious about promoting the health of our population, he would extend the current reimbursement for the FreeStyle Libre service to be included in the long-term illness scheme to all patients with diabetes.

I cannot go without mentioning the battle that children such as Ava Barry had to suffer to get access to life-changing medicinal cannabis. Medicinal cannabis has been legalised in more than ten European countries, in Canada and Australia and in 30 US states. We need to seriously consider legalising medicinal cannabis for sick children and adults in order to improve the quality of life of those suffering seizures and chronic pain. The battle that Vera Twomey had to fight in order to get medicinal cannabis for her daughter, Ava, was unnecessary. This mother had enough on her plate without having to fight the State and the Minister for Health.

The HSE claims to provide the majority of care close to home. Since I was elected, I have called on the Government time and again to address the serious issue of caring for our elderly either at home or in nursing homes under the fair deal scheme. Carers are waiting between three and six months, in some cases longer, to get their payments. It is outrageous that these people are expected to survive on no money until their payments finally come through.

West Cork is home to the largest population of elderly people in Ireland. These individuals are waiting to get into respite care. We need extra beds for respite and waiting times need to be reduced. I would love to see a system whereby care is provided on the basis of need. I do not see any semblance of this in our health system. I have advocated for years to keep Bantry General Hospital open. I and others lobbied the previous Government not to close the 24-hour accident and emergency department there. Unfortunately, it did not listen and waiting lists are now getting longer and longer. That frustrates me.

One of the key points of the Sláintecare report relates to the creation of a system whereby care will be provided on the basis of need rather than ability to pay. This is fooling the people into thinking that the Government will deliver on its promise. The Government is running the health service inefficiently and coddling the people into thinking that it is trying to do better. I want to see real action and I want rural hospitals such as that in Bantry to operate to their full potential.

Another lovely promise that has been made relates to the provision of a service especially for those who need it most. How can members of the Government look people in the eye and expect them to believe that this will happen? We have been hearing promises of this sort for donkey's years but there is no real delivery in respect of them. In west Cork alone, many people have been waiting for cataract operations for up to five years. Many of these people are elderly. To date, Deputy Danny Healy-Rae and I have taken 20 busloads of people for cataract procedures. I have a list of up to 100 people in my office and I have spent most of the day working to try to get cataract, hip and knee operations and all sorts of other procedures for them in Northern Ireland. Those operations and procedures could be out at Bantry General Hospital. A cataract operation takes approximately 15 minutes. The Government is failing in its duty of care for people by allowing them go to another jurisdiction for these simple procedures.

The programme for Government promises "the most fundamental reform of our health services in the history of the State". The Government needs to face the reality that people and healthcare professionals do not believe our health system is working. Our nurses and psychiatric nurses are deeply unhappy, and with good cause. The Government needs to listen to these nurses because there is no doubt regarding the need for change in the health service. We need to see real action now.

**Deputy Danny Healy-Rae:** I am glad to get the opportunity to speak on the most important issue we have to deal with in the Chamber. Members are aware the HSE was put in place in January 2005. I and a lot of other people believe that since that happened our health service has deteriorated to such an extent that it is now in a total shambles. Nobody knows - I do not know - how it will be redeemed or retrieved or what will happen to give people confidence in our health system because they clearly do not have it at present.

There are four Ministers or Ministers of State with responsibility for health. We have a Government, Taoiseach and President but we do not have a health service. We do not have enough nurses and the nurses we have are not being properly paid. We do not have enough doctors or consultants. I know of one patient who has been waiting for three years for surgery. He cannot get it because he is a public patient and the consultant who was dealing with him at the start went into private practice and has not been replaced. The man has to sit in an arm chair half standing up. He cannot lie down and he cannot sit properly. He has to try to stay half standing. That is the way he is day in, day out. There is no accountability. That is what is wrong.

Kenmare community hospital has been opened four or five years now. I give credit to one man and no other. That is Jackie Healy-Rae who fought hard to get that community hospital for Kenmare. Lo and behold, it is only half opened. It is not even half open because 21 beds are still not open. It is the same story for the new hospital in Dingle. A local farmer gave the Government the land for the new hospital free of charge and only half the hospital is operating at present. There are offices in other parts of it. That is what is happening in Kerry. During the roasting summer there were 22, 23, 24 and 25 patients on trolleys day after day. That is what was happening down in Kerry. What will it be like before the springtime if the winter gets bad?

The big worry I have for the people of Kerry is we have been promised a new hospital for Killarney but if this children's hospital in Dublin is going to double its cost, will the funding be there for it? People have to wait six months for carers. Elderly people like to stay at home as long as they can. They would like to die at home. That is what they want. It is not fair that people have to wait six months to get carers.

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Look at what is happening with private health insurance. When a patient goes into hospital someone comes to see if they are on private health insurance. If they are, their health insurance provider is charged over €800 for the stay in the hospital whereas it would only be €75 otherwise. What is that doing to private health insurance but driving the cost up and driving it beyond the reach of working people who would dearly like to have proper cover for their families? It is not attainable now because of the cost.

People are in pain and people are going blind. We are taking buses to Belfast week after week with people having operations for cataracts, hips, knees, tonsils and many different things. They can be done in Belfast and people can get the money back from the HSE when they come back but we cannot do them in our own hospitals in the South of Ireland. Why is it? I do not know if the Minister of State is listening to me or not. I do not know if he really cares because he made a statement a few weeks ago that in 20 years' time there will be no nursing homes in Ireland. Where are we going to go with the people then? What will we do with them? If we are going to close the nursing homes, what other place is there for them?

I have gone beyond my time. I am sorry.

**Deputy Michael Healy-Rae:** I appreciate the opportunity to speak on this very important issue. If one thinks back to dealing with the old southern health board, it was a board that had teeth. There were politicians, medical staff and consultants on the old southern health board. I was very privileged to have given many years with our late father, Jackie Healy-Rae, to sitting on the southern health board. It had teeth. When one went to a meeting, one had a say at the time of budget. It had to pass a budget the same as any local authority. They were meaningful boards but lo and behold a genius of a Government at the time thought it was right to do away with it and scrap it because it was working. The first HSE debarred politicians completely. When they realised they were making a right dog's dinner out of it, they decided they better bring the politicians back in. That was some bit of a help because we had politicians who were genuinely worried and concerned about their constituents and they worked on the new HSE boards. They are in no way related to what was there in the past and the structures that were there on the old health boards. When we talk about having confidence in the health service, how could we have confidence in a Minister or Department when one looks at what they are doing with the children's hospital and the massive overrun? What Deputy Danny Healy-Rae said is right. Somebody will have to pay for it. In other words, will the likes of the community hospital we are promised for the great town of Killarney be affected? The first thing that will happen is that other infrastructural projects that have to go ahead in the county of Kerry and throughout the rest of the country will be slashed and cut and will not be delivered on at all because the story will be that everything will be needed to pay for the overruns in the hospital they are putting in the wrong place. We have seen over the past number of years the difference coming into Dublin city in the morning. It does not matter whether it is 5.30, 6.30, 7.30 or 8.30 in the morning, one is choked coming into the town. Here we are telling people we have compounded it further by locating the new children's hospital in a place where a helicopter cannot land and where we will not be able to bring people by ambulance. It is absolutely insane. The overrun is totally insane.

I have to raise the fact that in County Kerry, we have two fine hospitals in Cahersiveen and Kenmare where they are crying out for more long-stay beds. We have excellent matrons and staff. Every one of them is operating to their maximum. At the same time the hospital is not because there are rooms and beds that have never been opened. The funny thing about it is when one talks about Kenmare there was an urgent situation where in the space of one day, upstairs

had to open because of an eventuality. There was no problem. It was able to open in a day. It was filled but then it had to be closed again. There is total and absolute mismanagement and insanity by people in charge, not the local people on the ground. A massive amount of money is being wasted.

There is a new system in place now in the HSE which I want to tell the House about and put on the record. Before if one was operating in a community hospital, whether in Kerry or Donegal, when goods were delivered, one signed off for the goods. If ten boxes came in, whoever was responsible counted the boxes and signed for them. That does not happen anymore. The ten boxes are delivered. No one in the hospital can sign for them. A person has to travel out to sign for them. When I say "travel out", that could be 20 miles, 40 miles or 50 miles. The person has to travel from an office to sign for goods being delivered to a community hospital. It is a fact. I would not say it on the record of the Dáil if it was not a fact. It is more waste and insanity. The people working in our health service know it is happening and it is shocking. When will we see proper management? Money is being thrown at the health service but it is not being spent wisely. That is why I am asking how we can have confidence in what is happening. Last Saturday, I saw 24 people from around Kerry who need to come to Dublin to have their cataracts removed. How can we have confidence in a health service when we cannot do that in the south and have to send them up to Dublin? We can give them the money back and they can avail of the service in the North but we cannot carry out the operations in the South. It is absolutely crazy that people awaiting hip operations and children waiting for tonsils to be removed have to be sent to the North. That is extremely unfair. There is discomfort on these people even though we have tried to make it as comfortable as possible. It is crazy to tell people in their 80s that they have to go to the North to have a cataract removed.

**Deputy Bernard J. Durkan:** I welcome the opportunity to speak on this important matter. Like a number of other Deputies, I spent some time on one of the original health boards - a lot of time, in fact - during which I learned something about the health services. I was interested to hear the various submissions. A comparison has been made between the old health boards and the current structure. I agree with that comparison. The thing that has been obviously missing for the past several years is proper connectivity within the system. The health services on the ground were remote from the HSE. When he was appointed in 2005, I asked the first chief executive of the HSE whether the structure of the organisation as set out was appropriate to facilitate the delivery of health services. He said he did not know. It was an honest answer but history has proven it was not the appropriate vehicle. Everybody has said it was wrong of a previous Minister to abolish the board of the HSE. I do not agree. It was unworkable. The problem was that a replacement structure was not put in place.

For my sins, I was also a member of the Sláintecare committee which met over a considerable period. I repeatedly asked that consideration be given to the reintroduction of a system somewhat similar to that relating to the health boards whereby there was connectivity, accountability, a chain of command and a continuous line from the patient right to the Department and the Minister. Nobody really wanted to take it up because they did not want to go back to the fact that the previous system was abolished.

Deputy Donnelly is a nice guy and I am very fond of him but he is wrong if he thinks that overruns in the health service only started when the current Government or that which preceded it came to power.

**Deputy Stephen S. Donnelly:** The data are there.

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**Deputy Bernard J. Durkan:** During the 20 years I spent on the health boards, there were overruns almost every year.

**Deputy Stephen S. Donnelly:** There were not. That is factually incorrect.

**Deputy Bernard J. Durkan:** I was there so I know what I am talking about.

**Deputy Stephen S. Donnelly:** That is not what the data show.

**Deputy Bernard J. Durkan:** The Leas-Cheann Comhairle will recall the position at the time. What actually happened was that in the month of September, a diktat would come down from the Minister for Health which said “You are over budget, pull it up.” We were to apply the hand brake and correct it immediately. That is what happened. That is why it did not go any further. That was lost.

Deputy Donnelly also alluded to a few other things. He referred to the long years of waiting lists. I am awfully sorry to disabuse him of that idea. He mentioned three and a half years but a wait of eight years was commonplace back in those days. I dealt with such matters. I was there at the time. An individual would ask if we could do something about his or her hip; maybe eight years had passed since it was determined he or she should have a hip replacement and he or she was in severe pain and came in asking if somebody could do anything about it. All that has been forgotten and it has been convenient to forget it. That is the way it was then.

For all the time I was on the health boards, we were always told by experts that politicians should not be involved at all and that it was a matter for experts. They had expert opinion and the answers to all the problems. Even though all the groups and professionals were represented there, the idea was to get politicians off the boards in order that proper management and the closure of some hospitals could take place. That is a quotation. We were repeatedly told that there were too many hospital beds in the country and that half of them should be closed down. Half of them were nearly closed down. That was at a time when we had experts telling us where we were going wrong. What we did have, to be fair to them - Deputy Kelly referred to this - were politicians at local and national level who were on the board. These individuals were not always right but they had a point of view and they were not shy of expressing it. Whenever they expressed their point of view, they represented the people. I am not sure whether the board structure we have in place now is the answer. There needs to be representatives of the professionals involved in decision-making at local and regional level. In the period from 2005 up to now, we have had separate bodies working in watertight compartments as it were, none wanting to concede to another. As a result we have had dissatisfaction. Many of the very good professionals working in the health services will tell us that readily. They will say their views are never listened to.

I hope that the Bill before the House will at least address the issue of the chain of command. That is essential. It must start with the patient, whose interest must be represented at all times. Everything else is secondary. I hate to be harping on but Deputy Donnelly also mentioned the Royal Adelaide Hospital. He is right. It is one of the most expensive hospitals in the world. It was opened in 2017 and was some years in preparation. It cost the Australians \$2 billion and there are 800 beds in it. I am confirming that the Deputy was right about this because he was wrong in most of the other things he said. Time will tell when we find out what the original guesstimate was for the cost of the Royal Adelaide. I do not know but I am sure somebody out there does. Deputy Donnelly would have volunteered that information to the House if he knew

it and I would encourage him to so do.

The theory is that a regional structure will be introduced. However, I am not so sure it is integrated in the plan to the extent it should be. If that regional structure does not apply, I do not think this system is ever going to work. Spokespersons on both sides of the House have addressed this over a long period. The Manchester formula was the one recommended in the 1970s, 1980s and 1990s when we had a different system. The idea of the Manchester formula was that, since the population of the greater Manchester area and Calderdale was similar to that of this country, it was quite obvious that the same costs should apply. This was absolute and total rubbish. It was a totally different system, particularly in view of the vast geographic expanse of this country and the compact area that one could virtually walk across in a couple of hours in Manchester. I had the occasion of visiting the system there as a former school colleague of mine, God rest him, was mayor in Calderdale. It was a case of chalk and cheese. We eventually determined that the single board we got in the form of the HSE was going to be the answer but it was not. That was obvious from the outset. Constant dripping does not wear a stone in these particular cases. I cannot understand why it takes so long to get the message across, even for fools like me and other Deputies who were members of those old boards and know how they worked. If any kind of emergency that necessitated action occurred, we would have known all about it at the board meeting on the Thursday night. We were tipped off about it beforehand and we immediately knew what was going to happen. If it did not happen, there were problems. That was long before computers were available and there was considerably less technology, but it worked quickly.

I mentioned that all the professionals were represented on the old boards. Between the old health boards and the local health advisory authorities, every aspect of the health profession was represented. Everybody could contribute at meetings that were held regularly. Pharmacists, nurses, psychiatric nurses, special needs professionals, doctors, local GPs and the consultants were all there. They had the opportunity to exchange views on a one-to-one basis. They did not have to write them down or send emails. They did not have to wait for a fortnight or three weeks for someone to come back to them; they got the information there and then. It was laid on and ready to function.

I recall visiting a hospital where things were not going as they should have been. It is interesting how things have changed. It was obvious to those unfortunate members of what was then known as the health board visiting committee that things were not going right. We were advised not to cause too much disturbance because there could be a general and all-out strike as a result of our intervention. It must be remembered that we were only ordinary elected public representatives and we would not know about the niceties of these things. However, such was the severity and serious nature of the problem that we decided it would be better to have an all-out strike or a closure of the facility unless something changed. Amazingly, within 12 hours everything changed. The things that could not be done beforehand were all changed. Suddenly, all the neglect that had not been challenged before could be and was addressed.

We lack some of those things now. We are not as good at that as we were in the past, which is sad. Those self-contained compartments have grown up in the meantime. A walled system has developed and, as a result, we do not get the same interaction and transmission of authority. We do not get the same accountability or good governance. We do not get the same quality of response and delivery of services to the patient. This means that things are becoming increasingly expensive.

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I hate to raise this matter. Deputy Donnelly kindly reminded me of something that amused me. In 2010, the number of patients on waiting lists was approximately one third of what it is today; that is true. However, the Deputy missed out on one thing. The country was bankrupt at the time - flat broke. Therefore the overrun was a bigger one than anybody thought about. I am sure he meant to mention that to the House, but he just stopped and I can understand how that would happen. I hate to mention these things-----

**Deputy Dara Calleary:** No, the Deputy does not.

**Deputy Bernard J. Durkan:** -----but Deputy Donnelly inspired me when he set about dissecting what happened in recent years. I could not resist the temptation because I had to make the comparison. There is no good in telling me that I was wrong; I was there at the time. The point is that the old lapse of memory is amazing. We tend to see things as they are and not to compare them with how they could or should be.

**Deputy Dara Calleary:** Deputy Durkan is doing that.

**Deputy Bernard J. Durkan:** Oscar Wilde once famously said “Duty is what one expects from others, it is not what one does oneself.” We need to recognise that a lot of water has gone under the bridge in the years since the HSE was set up. It did not prove itself to be what I thought it was. It proved to me what I thought it would not be and unfortunately I was right. It was decided way back that by taking politicians out of the system, party politics would no longer play a role in the delivery of health services. Party politics is part of the democratic system. It did not always fail in the past. The health boards were set up in 1970 by a Fianna Fáil Minister. The thinking behind that structure was sound. They needed to be improved and helped as time passed. They needed to take account of changing times and changed responsibilities, but they did not always do that. There were problems with the boards, but they had structures that could be operated and could be made to work effectively for the people.

I hope that the current proposals will work; I am not so sure. I hope I am not right, but in four, five or seven years or whenever, somebody may point out that we did not really do it right and that a different structure will be needed. How long can we go on like that? How long can we keep pointing out these things and asking ourselves when we will do it?

I had great respect for the previous chief executive of the HSE. I know that the Cervical-Check thing was a difficult situation that arose and he vacated the post somewhat before he was due to do so. I was not all that impressed with his swipe at the Minister on his way out the door. If we want to play politics with these things, we can all play politics. That applies to those both inside and outside the party political system. I have no difficulty with that and I am sure the Leas-Cheann Comhairle would have no difficulty with it either. One of the greatest things about the involvement in public life is that we still can and will continue to interact and make our views known at every opportunity that it is required.

Deputy Kelly and I have exchanged views from time to time. He mentioned one of the things that is required and the intention is to provide it. That is, very simply, good governance with the transparency, accountability and all that goes with it. I was once a member of a committee that carried out an inquiry into the banking system and deposit interest retention tax in this country. It was very beneficial to the State and raised approximately €2 billion for the State in an earlier time. After a six-month inquiry, the conclusion and recommendations were that there would be good governance, good fiduciary practice, accountability, and regular monitor-

ing by different accountancy firms so that there would be no crossover and nothing would be missed. That was in 1999.

We can have all the good ideas in the world, but we need to be more effective than that was in terms of what should have followed - incidentally it was the only sworn inquiry that was concluded in the history of this House. I think it is effective. However, the problem was that when we finished and the personalities involved went off about their business, it only took them less than four years to unwind the intentions of what the committee proposed. We can have all the good intentions in the world, but unless what we recommend in this House is taken seriously, nothing will change and everything will continue as before.

**Deputy Dara Calleary:** I was due to share time with Deputy Eugene Murphy but I do not see him in the House.

I welcome the Bill, which is basically a legislative “*mea culpa*” on the part of a former Minister, Senator Reilly, whose bull-in-a-china-shop approach to health reform is now being reversed by this Bill. I listened to Deputy Durkan’s homage to the past. There was a lot of sense in what he said about the old health boards. When I was first elected to this House in 2007, the HSE held regular quarterly consultative meetings on a county-by-county basis, at which hospital and local HSE managers engaged with public representatives. They were very effective meetings but during the tenure of the former Minister for Health, now Senator Reilly, they too disappeared. The hospital groups were established and they considered themselves to be unaccountable to local elected representatives. The final vestige of involvement on the part of local representatives was fully cleared away and the aforementioned regular local meetings do not happen now. There is no longer any opportunity for engagement with local management.

The abolition of the board of the HSE was based on the then Minister’s pursuit of the so-called Dutch model of healthcare, which was going to be the panacea for all of our wants, like some sort of classy beer. It was supposed to improve accountability and delivery by the HSE but it was never going to happen. Unfortunately, we have had so many incidents since which have proved that. The lack of accountability at the very top has spread right across the organisation. When one deals with local managers and local front-line staff, one sees their passion for the patient, which is fantastic and immense. However, as one goes up through the layers of the organisation, that passion gets lost.

One of the issues with this Bill is that it only provides for a minimum of two patient representatives on the board. That is too few. Everyone on the board should have the interests of the patient at heart. Everyone on the board should be able to live the patient’s experience and the patient’s journey. There should also be representatives of patient’s relatives and parents who depend on the HSE for day-to-day services so that somebody around the board table can tell the story of cancelled appointments, of not being able to access physiotherapy, occupational therapy or home care packages. Someone needs to tell the story of being told on Tuesday that surgery scheduled for Wednesday has been cancelled. Those experiences need to be heard at board level. If HSE and Department of Health managers are unwilling to hear them from directly elected representatives, then we must ensure that in the design of this new board, the patient experience is central. We must also ensure that other issues and experiences take second place.

Ós rud é go mbeidh an bord seo i gceannas ar chúrsaí sláinte in Éirinn, ba cheart go mbeadh Gaeilge ag na daoine a bheidh ar an mbord. Níl aon rud leagtha amach sa reachtaíocht nua faoi

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chúrsaí Gaeilge. Tá a fhios agam go mbíonn cruinnithe ag coiste na Gaeilge - tá an Teachta Connolly i gceannas ar an gcoiste sin - faoin gá atá ann go mbeadh seirbhísí éagsúla ar fáil trí Ghaeilge. Tá sé an-tábhachtach go mbeadh Gaeilge ag gach duine a oibríonn sa chóras sláinte agus go háirithe ag gach ball den bhord.

We must look at the experience of the HSE since 2011 and the abolition of its board. We have had budget overruns which Deputy Durkan dismissed as an annual event that always happens but it should not always happen. It happens because there is no proper financial planning in place and no accountability when things go wrong. We have had so many controversies, both locally and nationally, that have impacted negatively on patient care and on confidence in the health service. Nobody is accountable for that. Nobody has paid for involvement in these controversies with his or her job. There is no sense of transformational change taking place which is what any new board must grasp and run with. We must ask whether by changing the board we are actually changing the culture of the organisation because that is the most important change. We are all committed to going down the Sláintecare path but that path must have at its heart a change in the culture of service delivery. We must put the patient first. We must make the required investment and put in place the proper legislative and regulatory framework required for primary care. Any investment in primary care must make it an attractive place to work. At the moment we are alienating our primary care professionals to such an extent that they are fleeing the country for Canada, Australia and other countries whose health systems are set up in such a way as to allow them to be general practitioners or physiotherapist rather than all that they are expected to be here. Instead of just paying lipservice to primary care, the new HSE board should place primary care at its heart because so many problems can be dealt with in that setting rather than the hospital setting. When patients attend hospitals, they must receive a timely service. They should not, depending on the time of year, have to wait on trolleys for hours. Primary care services must be available on a consistent basis across the country which is the not the case at the moment. Primary care services vary from area to area, from CHO to CHO, depending on the availability of therapists or appointments. Patients living in some parts of the country can access health services far quicker than patients living in other areas. A central board of governance of a national health organisation must be committed to consistency and continuity of care, regardless of geography. There is some care that cannot be provided locally, including specialist care. Tough decisions were taken in this House, in the context of the old HSE structure, on the reform of cardiac and cancer care services which were opposed by Members opposite at the time. Those reforms have delivered much improved outcomes but there must be a consistency in the delivery of services across the country. There must be a genuine understanding of the patient's journey in terms of the way that care is delivered and accessed and the board of the HSE must take on the responsibility in that regard.

The board must have teeth and HSE management must be answerable to it. Senior management in the HSE has not been held to account to any great extent. The Oireachtas health committee does a superb job but is limited in what it can do in terms of holding senior managers to account. Calling senior HSE managers before the Committee of Public Accounts on a crisis-by-crisis basis is not necessarily the best way to get consistent answers or reform. The new board must be entrusted with the responsibility for doing that.

The board itself must also be answerable to the people. Producing an annual glossy report full of staged pictures of people looking happy does not amount to responsibility or accountability. Members of the board must be accountable to this House in a different and new way. No longer will the standard procedures suffice whereby board members appear before commit-

tees of this House and spend hours at a time trying not to answer questions posed, having spent tens of thousands of euro of taxpayers' money on communications consultants who told them how to do that. That is not responsibility or accountability to the Oireachtas.

The Minister for Health has now decided to reverse the car that was driven through the health service by the former Minister for Health, James Reilly, without any concern for the damage caused. However, he needs to make sure that he is driving a new car and that the board of the HSE has the strength, capacity and skill set to represent the interests of patients, first and foremost and of communities. The board must ensure consistency and continuity of care across the country insofar as possible. Where services cannot be spread evenly across the country, the board must ensure that patients have access to care that is timely and that is delivered in a manner suited to their condition and respecting of their dignity as patients and citizens of this Republic.

The people who are asked to take on the duties of this board will have a very big responsibility. We will have to take that responsibility into account when considering the remuneration of board members. If we want the right people for this job, the standard way of rewarding them may not suffice. Thought will have to be given to the kind of person and the kind of experience we want around that table. Every single person who signs up to become a member of the board of the HSE must know from the beginning that his or her job is to represent patients. The people who are treated in our health service deserve representation and must know that if their treatment goes wrong or if they have a negative experience, there is someone at the board table who will stand up for them, for their community and for their health service.

Debate adjourned.

*8 o'clock*

### **Business of Dáil**

**An Leas-Cheann Comhairle:** Before we proceed with Private Members' business, I call on the Chief Whip, Deputy Kyne, to make an announcement.

**Minister of State at the Department of the Taoiseach (Deputy Seán Kyne):** It is proposed, notwithstanding anything in Standing Orders or the Order of Business today, that the Dáil shall sit later than 7.48 p.m. on Thursday and shall adjourn following the conclusion of proceedings on Second Stage of No. 58, Irish Nationality and Citizenship (Restoration of Birth-right Citizenship) Bill 2017.

No. 38, statements on the Government's Brexit preparedness, shall be brought to a conclusion after three hours and 40 minutes. The opening round of statements shall be confined to a Minister or Minister of State and the main spokesperson for parties or groups, or a Deputy nominated in his or her stead, of 15 minutes each. A second round of statements of 25 minutes in total for members of the Government, Fianna Fáil and Sinn Féin shall be divided proportionally on a 40:40:20 basis, respectively. A third round of statements of 25 minutes in total for members of the Government, Fianna Fáil and Sinn Féin shall be divided proportionally on a 40:40:20 basis, respectively. Following the statements, each party or group in opposition shall

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have five minutes each, which shall comprise alternating questions and answers. There shall then be a 15-minute response from a Minister or Minister of State, and all Deputies may share time. The Topical Issue debate shall commence on the conclusion of the Minister's response.

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

### **Rural Crime: Motion [Private Members]**

**Deputy Mattie McGrath:** I move:

That Dáil Éireann:

notes:

— that the Programme for a Partnership Government commits to maintaining and strengthening cooperation between An Garda Síochána and local communities;

— that fear and concern about the threat of criminal activity is emerging as a persistent feature of rural life;

— that the latest crime statistics released by the Central Statistics Office (CSO) show an increase in burglary and theft offences nationally for quarter one of 2018, when compared to the same period in 2017;

— that there is significant under-reporting of incidences of rural crime;

— the growing number of quad, farm machinery and livestock theft;

— that costs for criminal legal aid for every year covering the period 2011-2017 ranged from €49 million to €58 million;

— that information on the average cost per annum during the same period of 2011-2017 for civil legal aid shows that it has never dropped below €30 million;

— the widespread perception in rural and urban Ireland that the application of the system of free legal aid is open to abuse, specifically with respect to repeat offenders;

— that as of May 2018, only four grant aid applications have been approved under the Community Based CCTV Scheme that was launched in 2017 to assist groups in the establishment of community based Closed Circuit Television systems in their local areas;

— that the Criminal Justice Act 2007 permits a court granting bail to make it a condition that the person's movements are monitored electronically; and

— that statistics released by the CSO demonstrate that the rate of crimes carried out by individuals on bail has been increasing, rising from 9 per cent of all crimes in 2011 to 13 per cent in 2016;

and calls on the Government to:

— establish a rural crime taskforce, to ensure all relevant departments coordinate with An Garda Síochána to identify and address the specific challenges when dealing with rural crime;

— conduct an immediate review of the operation of the Bail Act 1997 and the Criminal Justice Act 2007, specifically with respect to addressing the high rates of recidivism and the provision of free legal aid to repeat offenders, and to address the 47 constitutionality or otherwise of limiting the provision of free legal aid;

— conduct a review of the trespass laws aimed at strengthening the rights of farmers and land owners to protect their property and their person;

— commit to increasing the funding available for local communities in 2019 towards the cost of running local Text Alert and Business Watch schemes, and to maintain the provisions of the Text Alert Rebate Scheme;

— significantly increase investment in Garda overtime, ICT equipment and high-powered vehicles;

— commit to future Garda initiatives like Operation Thor, aimed at targeting mobile criminal gangs engaged in burglary and related crimes; and

— commit to a more expansive programme of reopening rural Garda Stations than that outlined in the Programme for a Partnership Government Annual Report 2018.

I wish the Leas-Cheann Comhairle a happy new year. I welcome the opportunity to introduce the Rural Independent Group's motion on rural crime. It is the first motion of the new term, and it shows how seriously concerned we are about the escalating and difficult issue of crime, which affects both rural and urban people - although it is mostly rural people. People who live alone, who are elderly or vulnerable, or who have served the State well and done the State some service, should be able to live out the rest of their days in happiness, free from marauding gangsters, but the system supports those gangsters.

All of us who live and work in rural communities are only too aware of the concerns about this ongoing and, in some respects, increasing problem that continues to exist. While we accept that some productive efforts have been made, such as the introduction of Operation Thor, we remain deeply troubled by the lack of co-ordination in tackling the issue. Last year, when the Irish Cattle and Sheep Farmers Association, ICSA, appeared before the Oireachtas Joint Committee on Justice and Equality, it referred to a number of reports it had published in connection with the Waterford Institute of Technology, WIT, on agricultural and rural crime, for which I compliment it. The reports were authored by Dr. Kathleen Moore-Walsh and Louise Walsh of WIT. They were based on a survey of 861 farmers across Ireland and make for stark reading. If a survey of 861 people was done by any of the polling companies, the media and everyone else would be jumping up and down about it.

The first report outlined that of the 861 respondents, 66% had experienced some form of crime which affected them, their farms or their homes, while some 41% of respondents had been the victim of crime more than once. The second report quantified the average value of theft on farms at €1,818 and that incidents of vandalism and criminal damage cost the farmer on average some €360. The report also highlighted that a significant level of agricultural crime is not reported. It is an important issue and it is a pity that the Minister for Justice and Equal-

ity and the Ministers of State at the Department are not present to listen. Do they care? Agricultural crimes are not reported to insurance companies. Some 94 incidents of theft and 348 incidents of vandalism, criminal damage or trespass were not reported to insurance companies.

The third report showed that farmers were also reluctant to report crime to the Garda, which is more worrying and concerning. Some 45% of respondents did not report instances of agricultural crime to gardaí. According to the ICSA and the authors of the study, the reasons can be summarised as a sense of hopelessness that anything could be done, which would be worrying for the Minister for Justice and Equality and the Ministers of State if they were in the Chamber to listen. Is mór an trua an rud sin.

What the ICSA and WIT reports show is that rural crime is underestimated by official figures from An Garda Síochána. To demonstrate that this is a real and ongoing issue, I note a report this morning on Tipp FM Radio - my local radio station, which has been the subject of a take-over by the Kerry brigade in recent days - in which a victim of seven burglaries on his premises on the Tipperary-Offaly border feared someone might take the law into his or her own hands. I do not advocate that but what will the victims do? I listened to a gentleman's fear and terror at a crime meeting recently organised by the Irish Farmers Association in Nenagh, north Tipperary. He showed us a box of keys larger than a can of Coke in his pocket, and he has triple locks and quadruple locks on his gates, doors and everything else. His house was cut down, torn away, stripped away and penetrated. His home is his castle. For all of us, that is an abominable situation.

The report noted that the latest attack on Ashgate farm in Barn was last Sunday night, which was after the meeting in Nenagh, and hundreds of euro worth of equipment was taken, which is shocking. Clive Clarke is one of a number of homeowners and businesses that have been hit over the years along the Tipperary-Offaly border, and he is brave enough to come out and speak about it. He is a young, able and physically strong man. It is not acceptable and he should not have to be in that vulnerable situation. I salute Clive Clarke and the many other Clive Clarks who are trying to defend themselves and their neighbours when it is clear there are not enough gardaí on the ground doing this kind of work. He said the local gardaí are doing their best but the criminals know the system is in their favour. The local gardaí, including sergeants, attended that meeting. In my area of south Tipperary, the local garda in charge is Superintendent Willy Leahy, while in Tipperary town it is Superintendent Pat O'Connor. There are inspectors, sergeants and gardaí, but we do not have enough of them. We have been starved of Garda numbers in Tipperary, which has been one of the worst-resourced areas in the country since Templemore opened. All the gardaí are trained in the county but they are posted everywhere except Tipperary. Something radical needs to be done about that.

The Save Our Local Community group was set up in the wake of a spate of burglaries in recent years. Clive Clarke, however, who was a member of the group, said people are losing faith in the system. Imagine that. The Minister for Justice and Equality is not present, but the Fianna Fáil spokesperson on justice, Deputy O'Callaghan, is. It is shocking that people are losing faith in the system. We will celebrate the centenary of the first Dáil next Monday, but people are losing faith in the system. Is it any wonder? Tá an t-Aire ag teacht anois. Clive Clarke fears that unless something is done to tackle the problem once and for all, someone might take the law into his or her own hands, which it is not something I or anyone else in the House advocates.

The report clearly captures what we are debating and what is motivating us to bring the issue before the Dáil. The Minister will note that the motion calls for the establishment of a dedicated

rural crime task force to ensure all relevant Departments co-ordinate with An Garda Síochána to identify and address the specific challenges when dealing with rural crime, which is what is needed, namely, a co-ordinated effort.

We call on the Government to conduct an immediate review of the operation of the bail laws, especially with respect to addressing provision of free legal aid to repeat offenders. We have seen on episodes of “Prime Time” that 100-time repeat offenders receive free legal aid. In deference to my good friend and colleague on my right, Deputy O’Callaghan, I note that the legal eagles have much to answer for. They are on the gravy train of the system. It is disgusting and it is not good enough that no one wants to halt this perverse, sickening state of affairs. As the motion notes, the cost of criminal legal aid for every year covering the period 2011 to 2017 ranged from a staggering €49 million to €58 million. My goodness, what would that not do for children’s hospitals and the hospitals in Tipperary and elsewhere?

**Deputy Danny Healy-Rae:** And Kerry.

**Deputy Mattie McGrath:** And Kerry, and all over the country. Information on the average cost per annum during the same period for civil legal aid shows that it has never dropped below €30 million. It is a gravy train that must be derailed. The Minister must do something about it or his legacy will be a disaster. The figure is based on detailed information provided to me in reply to a number of parliamentary questions to the Minister. It is his Department and I did not make it up or dream it up. I did not set out to embarrass Deputy O’Callaghan but it is not acceptable.

**Deputy Jim O’Callaghan:** The Deputy is not embarrassing me.

**Deputy Mattie McGrath:** He is not embarrassed. I know he is not because legal people have necks, which they have to have. That kind of a charade is disgusting in the extreme. People are being pilloried.

**An Leas-Cheann Comhairle:** The Deputy will refrain from making personal remarks.

**Deputy Mattie McGrath:** There was nothing personal. I explained that it was not personal.

**Deputy Jim O’Callaghan:** I am not offended.

**An Leas-Cheann Comhairle:** That does not give the Deputy the right.

**Deputy Mattie McGrath:** It is not personal. We are good friends.

**An Leas-Cheann Comhairle:** It does not give you the right to make those sorts of comments. Continue, please.

**Deputy Mattie McGrath:** Our motion this evening makes some specific long-term recommendations with respect to identifying and preventing rural crime and introducing greater fairness to the operation of the justice system. We remain convinced, however, that there are simple things that can also be done in the immediate term to create a greater sense of protection for rural Ireland. One of the most obvious is the need to increase Garda visibility in rural communities. People want to see the local garda on patrol, not just for the protection of property against theft, but also for peace of mind on a day-to-day basis. I salute the community police and local gardaí in my area who do such a good job. They need to have confidence and where that is not possible due to cuts or station closures, people feel increasingly isolated and vulner-

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able. That is why we are also calling for a review of the trespass laws, aimed at strengthening the rights of farmers, homeowners, landowners and business people to protect their property and person.

Rural communities are very much open to active collaboration with the Garda and with the various agencies and Departments that can help in reducing the incidence of rural crime. For this reason, we will push for a dedicated rural crime task force to be established on a permanent basis, where such collaboration can be targeted and focused to achieve the best possible outcomes. We have seen with the community alert groups, the second of which was set up in my home village of Caisleán Nua, and neighbourhood watch schemes that people are willing to support and help the Garda. No police force can provide a policing service without the support of the people and that also applies here.

Road traffic legislation was recently railroaded through the House by the Minister for Transport, Tourism and Sport, Deputy Ross, with the acquiescence of Fianna Fáil Deputies who sat on their hands and did not vote against it. The level of over-policing of that legislation is shocking and is doing untold damage to community support for An Garda Síochána, local gardaí who want to help and the traffic corps. We want to support the Garda but the excessive number of checkpoints at which people are being stopped and breathalysed is ridiculous and is intimidating people going to and coming from work. Some balance is needed because we need people to support the Garda. Rural people are ready, willing and able to support An Garda Síochána. They want to do so but we need balance. We need community police in communities, going to meetings and giving them communities their time and energy. We need more gardaí on the beat. We do not want to see these massive checkpoints, not to mention the €100 million being spent on the contract for GoSafe vans. This is a cash cow for the Department of Justice and Equality which will do nothing to solve crime or give confidence to people in rural areas.

**Deputy Michael Collins:** I am delighted to be able to introduce this motion with my colleagues in the Rural Independent Group. I thank Triona and David in Deputy Mattie McGrath's office for their assistance in this regard.

Coming from a rural area in west Cork, I know only too well the fear and worry caused by rural crime in our communities, especially among isolated people living alone who may be elderly and vulnerable. The prolonged closures of rural Garda stations are without doubt the biggest contributor to the fear that exists around this issue. The role of gardaí in rural Garda station is very important in crime prevention. They work with local communities and community groups such as community alert in preventing crime and that role cannot be underestimated.

In my constituency a number of Garda stations have been closed, including in Castle-townsend, Ballygurteen, Goleen, Adrigole and Ballinspittle. During the talks for Government, I and other independent rural Deputies highlighted the mistake made by the previous Fine Gael-Labour Party Government in closing rural Garda stations. We were told by members of the previous Government that rural Garda stations were only bricks and mortar. The politicians and decision makers were totally wrong. They underestimated the harm they were about to do to rural Ireland. During the talks for Government, it was agreed by the present Government to reopen a number of these Garda stations. By agreeing to reopen Garda stations, mainly in rural Ireland, the Government acknowledged that wrong had been done.

Unfortunately, the Government has continued to make decisions that make life very difficult for people in rural Ireland. I am not sure it understands rural isolation. The previous Govern-

ment definitely did not understand the fear that many people in rural Ireland lived under as a result of its policies. I have seen at first hand the people of Ballinspittle working hard as a community to have their Garda station reopened. In spite of promises to reopen the station, they are still waiting. I have asked the Minister for Justice and Equality many times in this Chamber to give the people of Ballinspittle an exact date for the reopening of the town's Garda station. The people of Ballinspittle and west Cork deserve to know exactly when that Garda station will reopen. I call again on the Minister to give a definite date for the reopening of Ballinspittle Garda station. I would welcome him to west Cork. Rather than going out to Ste پاسide to keep the Minister for Transport, Tourism and Sport, Deputy Ross, happy, he should come to west Cork and keep us happy and safe. We are sick and tired of promises with no delivery date. I would appreciate if he was in a position to make an announcement on that matter this evening.

I commend the individuals and community groups who volunteer their time to the task of community policing, a community orientated style of policing. I am proud to have been involved in Schull community alert scheme for the past 25 years. There is no doubt that community policing helps to tackle crime prevention, with a view to building trust and enhancing the quality of life for the entire community. I ask the Minister for Justice and Equality and Garda Commissioner to make a clear statement as to what community policing is because it remains unclear as to the boundaries of community policing. The Garda Commissioner needs to work with people on the ground and be clear about the role of community policing.

To tackle rural crime, more resources must be allocated to groups like Muintir na Tíre. Mr. Damian Cronin in west Cork is being stretched to the limit as he seeks to ease the minds of people in rural areas. More funding is needed for community alert groups. A scheme is needed to enable elderly people to apply for grants to pay for sensor lights and closed circuit television, CCTV, systems to protect their properties. This scheme should be similar to the successful scheme providing the personal alarms that many elderly people wear around their necks or wrists and the text alert schemes. Text alert was first suggested by a little group in Schull in west Cork. At the time, we were treated as if we all had two heads, whereas everyone wants to run with the system now. Under text alert, which is run by Muintir na Tíre, communities are alerted to crime or suspicious activity in their neighbourhood.

Immediate funding needs to be provided for the installation of CCTV systems in all our rural towns and villages. CCTV is already in place in many towns, including Schull where I was involved in the community alert committee that had it installed. Problems have arisen with CCTV being installed in Bandon. This is a very serious issue for people in the town, many of whom have called me to see if we can push the scheme across the line. Many towns in west Cork have CCTV systems in place and they have significantly reduced crime. CCTV is a necessity in the towns and villages of west Cork.

The Garda youth awards is a great initiative by the Garda for commending young people on their vigilance and the good they do in their communities. I was honoured to be asked to attend the Garda youth awards last December in Castletownbere. It was an uplifting experience to see how much great work the youth of our local communities are doing in their areas. We need to acknowledge that 99% of our young people are good natured.

We have a large number of community alert groups in west Cork which work closely with the Garda to prevent crime and discuss with the Garda all options for preventing crime. Their work is invaluable.

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The Rural Independent Group has called for the establishment of a dedicated rural crime task force to ensure all relevant Departments co-ordinate with An Garda Síochána to identify and address specific challenges when dealing with rural crime. We also call on the Government to conduct an immediate review of the operation of the bail laws, specifically with respect to addressing the provision of free legal aid to repeat offenders time and again and identifying possible abuses of the legal aid scheme.

The motion makes some specific long-term recommendations with respect to identifying and preventing rural crime and introducing greater fairness to the operation of the justice system. We remain convinced, however, that there are simple things that can also be done in the immediate term to create a greater sense of protection in rural Ireland. We have a saying that the man who moves a mountain begins by carrying away some small stones. We are calling on the Government to introduce simple measures such as increasing Garda visibility in rural communities. People want to see local gardaí on patrol in the community, not just for the protection of property against theft but also for peace of mind on a day-to-day basis.

On 20 December last, an awful crime in Bantry in my constituency left the local community in shock and afraid. There is a great community alert group in Gortnacloona. At 11.45 on the night in question, two armed men dressed in dark clothing and wearing balaclavas entered a house. The occupants of the house were present but thankfully no one was injured. This was a deeply disturbing crime for the people involved and the local community. It is natural that people feel increasingly violated and vulnerable in rural Ireland when crimes such as this happen. That is why the Rural Independent Group is also calling for a review of the trespass laws aimed at strengthening the rights of farmers, landowners and property owners to protect their property and person. We know that rural communities are very much open to active collaboration with the Garda and with all the various agencies and Departments that can help in reducing the incidence of rural crime. That is the reason the Rural Independent Group and I will be pushing for a dedicated rural crime task force to be established on a permanent basis where such collaboration can be targeted and focused to achieve the best possible outcomes. It is vital that action is carried out to allow these groups put in place prevention measures and to stop rural crime altogether around west Cork and all over the country.

The Garda Commissioner needs to explain how he sees the role of the Garda in our communities. Are all the resources being spent on the traffic corps to try and clean up the mess created by the Minister, Deputy Ross? That is how people see it. We know the gardaí work best with people in communities, nipping much crime in the bud, as they always did. Community gardaí encourage people to report crime carried out on their properties. People now feel it is worthless to report crime and many are scared in case it will cause them more trouble as they do not have the same access to the Garda as they did in the past when gardaí lived in the area. It was important for people in the past that when the local gardaí were appointed to an area they lived in the area. It was a considerable boost to the community. I could name numerous members of the force that are either retired or still active. When they were on the beat little or no crime took place. When they drove through the town they knew who should or who should not be in the town at any given time. Rural community policing is gone and has been replaced in many cases with the traffic corps. While those gardaí are carrying out their duties they anger people instead of working with communities. I am aware of some great community gardaí such as Garda Jonathan McCarthy in Ballydehob. He would see a needle out of place. Garda John McCarthy in Kilbrittain is another great garda on the beat and Garda Eamonn White is another great community garda. Those are the type of people the Garda needs to look at and to build

a system around them if we want to have safe communities in the future as we had in the past.

**Minister for Justice and Equality (Deputy Charles Flanagan):** I move amendment No. 1:

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

notes:

— the commitment in the Programme for a Partnership Government to close engagement between An Garda Síochána and local communities;

— the Government’s plan to implement the recommendations in the report of the Commission on the Future of Policing in Ireland, which has a core focus on a Garda organisation working closely and collaboratively with communities and other agencies to keep communities safe and to prevent harm to vulnerable people;

— the significant financial supports provided to An Garda Síochána by this Government, amounting to €1.76 billion in 2019, to ensure resources are available to tackle all forms of criminality, including rural crime;

— the recruitment of over 2,400 additional Gardaí since September 2014 and the commitment to recruit 600 Gardaí in 2019 and to redeploy 500 Garda officers to front-line policing duties nationwide;

— the latest Central Statistics Office crime statistics for quarter three of 2018, which indicate a regrettable rise in robberies but a decrease in burglaries, theft-related offences and damage to property incidents which were down 6.4 per cent, 3.2 per cent and 7.4 per cent respectively over a 12 month period to the end of quarter three of 2018;

— that since Operation Thor was launched by An Garda Síochána in November 2015 burglary figures in Ireland have decreased substantially;

— the successful operations carried out by An Garda Síochána nationwide and the recovery of machinery, farm equipment and other stolen property; and

— that the Programme for a Partnership Government commitment in relation to a Garda station pilot reopening project continues to progress, and the fact that identification of appropriate stations is a matter for the Garda Commissioner;

recognises:

— that there is a particular fear and concern about burglaries in rural locations;

— that community policing plays a key part in responding to crime by taking into account and responding to local conditions and needs;

— that a range of partnership initiatives have been established between An Garda Síochána and important rural-based organisations such as the Irish Farmers Association, Muintir na Tíre and other rural community organisations;

— the impact of special Garda operations to target organised crime, in particular Operation Thor which has resulted in more than 168,630 targeted checkpoints nationwide

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and in the region of 8,840 arrests connected to offences including burglary, handling stolen property, possession of firearms, and drug offences;

— the enactment of the Criminal Justice (Burglary of Dwellings) Act 2015 which targets repeat burglars who have previous convictions and who are charged with multiple offences of residential burglary;

— that the Criminal Justice Act 2017 has significantly strengthened Ireland's bail laws;

and

— the constitutional right to criminal legal aid on foot of a means test where serious legal charges are brought;

supports:

— the Government's commitment to ensuring a strong and visible police presence throughout the country in order to maintain and strengthen community engagement, provide reassurance to citizens and to deter crime;

— the Government's plans to achieve an overall Garda workforce of 21,000 personnel by 2021, comprising 15,000 Garda members, 2,000 Reserve members and 4,000 civilians;

— the unprecedented resources provided by the Government to An Garda Síochána with an allocation of €1.76 billion for 2019, an increase of over 6 per cent over the initial allocation for 2018;

— the significant capital investment being made in An Garda Síochána, including investment of €342 million in Garda ICT infrastructure between 2016 and 2021;

— that €60 million of Exchequer funding underpins the Garda Building and Refurbishment Programme 2016-2021, which is a five year programme based on agreed Garda priorities benefiting over 30 locations around the country;

— the development of three major new Divisional and Regional Headquarters at Galway, Wexford and Kevin Street, Dublin, each of which has entered into operational use in 2017 and 2018;

— that the Capital Plan 2016-2021 provides for an investment of €46 million in the Garda fleet, this is in addition to the investment of almost €30 million in the period 2013-2015, to ensure that the Gardaí can be mobile, visible and responsive on the roads and in the community to prevent and tackle crime;

— the 3,700 Community Alert and Neighbourhood Watch schemes nationwide;

— the Text Alert scheme operated by An Garda Síochána as an effective means for Gardaí to communicate crime prevention information to local communities, noting that the scheme is now offered in every Garda division, with 164,000 subscribers and counting and in the order of three million text messages sent annually;

— the Minister for Justice and Equality making up to €150,000 available in 2018 to

local communities who wish to apply for a rebate towards the costs associated with running their local Text Alert scheme;

— the implementation of the recommendations contained in the report of the Commission on the Future of Policing in Ireland, which will help maintain and enhance more visible policing and greater community engagement, address current challenges and enable An Garda Síochána to meet future challenges; and

— the commitment in the Programme for a Partnership Government to support investment in closed circuit television (CCTV) systems to assist in the establishment of community based CCTV systems in local areas; and reaffirms its ongoing support for An Garda Síochána and the work Gardaí do every day on behalf of the Irish people and the unique role of the Gardaí as guardians of the peace.

I am pleased to discuss this motion on rural crime and I thank the Deputies from the Rural Independent Group for providing an opportunity for the House to address these issues so early in the new Dáil term. As a Minister who represents a large constituency, which is primarily rural in nature, I am most familiar with the concerns of people living in rural Ireland. I know the impact that crime and the fear of crime can have on people. However, I stress that crime is not a rural phenomenon and crime rates are much lower in rural areas. The Government has decided to table an amendment for a number of reasons which I will outline in the course of my address.

I am pleased to have the opportunity to highlight the scope of An Garda Síochána's response to rural crime, which has been underpinned by the provision of significant and unprecedented resources in recent years. However, I sincerely believe that all Deputies in this House are working towards a similar goal of achieving safer communities for all our citizens and I look forward to a constructive debate listening to the contributions of Members opposite.

As the House is aware, the Government is committed to ensuring a strong, visible police presence throughout the country in order to maintain and strengthen community engagement and to provide reassurance to citizens to deter crime. The evidence of this commitment is not hard to find. Since the reopening of the Garda College in September 2014 almost 2,400 recruits have attested as members of An Garda Síochána and they have been assigned to mainstream duties across the country. This accelerated recruitment of gardaí saw Garda numbers reach almost 14,000 by the end of last year, with Garda numbers expected to be in the region of 21,000 by 2021. Furthermore, a total budget of €1.76 billion has been provided to An Garda Síochána this year, an increase of over €100 million on last year's allocation. That investment will provide new and leading-edge technology to support front-line gardaí in carrying out their work in both urban and rural communities.

The programme for Government underlines the need for close engagement between An Garda Síochána and local communities. As Minister for Justice and Equality I place significant focus on policing. The Government recently approved my proposals on the implementation of the Commission on the Future of Policing in Ireland. The recommendations were made by a panel of experts after a number of consultations took place around the country, and beyond our shores. The core focus is on a more visible Garda organisation working closely and collaboratively with communities and other agencies to keep communities safe and to prevent harm to vulnerable people. The high level implementation plan was published before Christmas. Among the recommendations to be taken forward this year is the revised local policing model which will provide more visible policing and the continued roll out of divisional protective

services units which protect the most vulnerable in society.

As to the deployment Garda resources, including personnel, to specific areas, Members will appreciate that this is the responsibility of the Garda Commissioner. Late last year, the Commissioner announced that he will be seeking to recruit 600 additional gardaí next year and he will redeploy 500 experienced officers to front-line duties. The injection of that large number of experienced officers into the field, along with the new recruits, will be most beneficial in terms of community safety. As recognised in the motion, An Garda Síochána has responded to the type of threats that communities face through a robust and determined drive against criminals who seek to prey on vulnerable householders with the implementation of special operations such as Operation Thor.

On 20 December the CSO published the latest crime figures for quarter 3 of last year. Regrettably, a rise in robberies was recorded, while there was a welcome decrease in burglary and theft-related offences which were down by 6.4% and 3.2%, respectively. I am concerned about the rise in robbery. That is an issue that is receiving the attention of An Garda Síochána.

I wish to refer to the ongoing commentary regarding the prevailing fear of crime in certain communities. It is interesting to note that the latest public attitudes survey published by An Garda Síochána for quarter 3 of 2018 indicates that 71% of people perceive national crime to be either a very serious or a serious problem. However, only 18% of respondents considered crime in their local area to be a very serious or serious problem. I do not wish to understate the concerns of individuals or communities with respect to the prevalence of crime. Many possible factors generate a fear of crime which ought to be addressed but it is clear that there can be a disparity between the perception and the actual occurrence of crime. In that context, I appeal to the Deputies opposite, in particular Deputy Mattie McGrath, and to commentators to be measured and factual in their comments on crime.

As part of a concerted strategy to combat burglary, the Government made it a priority to secure the enactment of specific legislation targeting prolific burglars in the Criminal Justice (Burglary of Dwellings) Act 2015. These provisions are available to the Garda to support prosecutions arising from Operation Thor. I know many Deputies have concerns regarding trespass in the criminal law. I assure Members that all the legislative provisions on trespass remain under constant review. I am advised that the Criminal Justice (Public Order) Act 1994 and the Prohibition of Forcible Entry and Occupation Act 1971 are robust. I am happy to engage further with Deputies on these matters.

Another area of concern that has been mentioned is the operation of the bail laws. The law was recently significantly strengthened by the Government. The Criminal Justice Act 2017 expanded the factors a court may take into account when refusing bail. These factors include previous convictions for serious offences that indicate persistent serious offending and the likelihood of any danger to a person or the community that the release of the accused on bail might cause. The Act places greater emphasis on the rights and the safety of victims, and of the public, in bail decisions, while continuing to safeguard the rights of the accused. The Act provides increased guidance for the courts and greater transparency in the bail process, including requiring judges to give reasons for granting or refusing bail. While we must all remain vigilant in the fight against all forms of criminality and lawlessness in our communities, I assure Deputies that the Garda Commissioner and I remain in ongoing contact regarding countering new and emerging crime trends. The ongoing recruitment and redeployment of gardaí, our energetic and community-focused Garda Commissioner, the recent legislative improvements and the signifi-

cant unprecedented budget of the order of €1.7 billion allocated to An Garda Síochána should give confidence to Members of the House-----

**Deputy Mattie McGrath:** They slashed overtime.

**Deputy Charles Flanagan:** -----that everything possible is being done to fight crime in this country. I want to stress the importance of having constructive debate. I hope the Minister of State, Deputy Stanton, and I will continue to address the many issues raised here and in other debates in this House and the Upper House. We will have an opportunity at Question Time shortly.

To be clear, the amendment in my name and that of other Government Members is a clear statement of our ongoing commitment in terms of the actions that have been taken, are being taken and will be taken to ensure that communities up and down the country, rural and urban, are dealt with in a way that ensures our crime statistics remain in decline.

**An Leas-Cheann Comhairle:** I call Deputy Jim O'Callaghan, who is sharing time. There are 20 minutes in the slot.

**Deputy Jim O'Callaghan:** We have 20 minutes and I will be sharing my time with seven of my colleagues. The reason we have 20 minutes is because the Fianna Fáil Whip's office was inundated with Deputies from my party who wanted to speak on this motion. These are Deputies who want to speak in a measured and factual way, to quote the Minister's language. The reason they want to speak is because rural crime is such an issue in their constituencies. It is not some fictitious issue that has been raised in this House by the Rural Independent Group.

It will come as no surprise to the Leas-Cheann Comhairle and other Members to learn that Fianna Fáil is supporting the motion. The reason it will not come as a surprise is that 13 months ago, we put forward a motion on rural crime that dealt with many of the issues that are identified in the motion before the House. The reason that motion was put forward some 13 months ago was because of the continuing concern of Fianna Fáil Deputies, not just in rural areas but also in urban areas, about the issue of crime in our community.

Let us be clear about what was debated 13 months ago and what we believe to be the issue 13 months later, as we discuss it this evening. The most important requirement for Fianna Fáil Deputies and members of the community is greater visibility of members of An Garda Síochána in their communities and constituencies. That adds to the confidence local people have in the Garda force that protects them and gives them a sense that work is actively being done on the ground to ensure crime is tackled. I note that in the city of Dublin, such visibility has improved in recent times and anyone travelling around Dublin will say they notice more gardaí out on the street and on the beat. I will be interested to hear what my colleagues from rural constituencies have to say on whether that is replicated in rural areas. Obviously, it is also important that if there are more gardaí out on the streets, they are not simply being used for the very important issue of detection of road traffic offences. They must also be there to deal with the other forms of criminal behaviour that take place in our constituencies.

We need to look at what else was discussed in the debate some 13 months ago. One of the issues we raised was that of technology. It is still the case that the CCTV scheme that was rolled out many years ago by the Government is being under-utilised, in particular because the scheme is too difficult for local communities to operate and implement. The Minister and the Government need to be much more proactive about ensuring local communities and the community in

general have the benefit of CCTV. We know from areas where it is used that it acts as a very real deterrent to crime. The Minister must take greater responsibility in this respect, as must the Government, to ensure that local communities both know it is available and how they can use it.

On the last occasion, some 13 months ago, I also raised the issue of our bail laws and how they need to be strengthened. Fianna Fáil acted on this issue. We introduced legislation that got through Second Stage and which sought to make our bail laws stronger so there would be a presumption that a person convicted of a serious offence in the five years previous to when he or she applied for bail would not get it. Although we managed to get it through the House on Second Stage, we were opposed by the Government and we were also opposed by the Government on Committee Stage. Unfortunately, given the reality of the numbers in the House, we are not going to get that through. However, the Minister and the Government need to recognise we have a problem with our bail laws and that it is not some fiction that is created by politicians.

I will hand over to my colleagues from rural constituencies to let them speak. We will be supporting the motion.

**Deputy Dara Calleary:** It is important that we take the chance to debate this, particularly at this time of year, when people's genuine fears about crime are accentuated because of the darkness. I thank the Rural Independent Group for giving us this chance.

Deputy O'Callaghan referred to a number of the issues. First, I acknowledge the service that every member of An Garda Síochána gives. We often take them for granted and we need to remember that many have lost their lives in the pursuit of that service and in minding and protecting our communities. We also need to look at what we need to do to assist them. I agree with my colleagues in regard to visibility. In urban towns, including my own, there is much higher visibility than there has been in some time. While the implementation of the community garda system has been hugely significant and beneficial, we also need to see it operating on a rural basis, with community gardaí assisting communities on day-to-day issues. As well as visibility, there needs to be availability of gardaí to do the basic jobs, such as dealing with passports, gun licences and so on. When somebody calls to a station, a garda should be there to carry out that service, as well as being present at the station for other reasons. As one of people's biggest frustrations concerns this engagement on the basic jobs that need to be done, there must be some sort of reform of the system.

Second, the Minister needs to look again at the issue of CCTV with a view to making the scheme much more user-friendly. This is particularly the case given the Government is about to roll out a national broadband scheme. Surely this is the opportunity to tie those two projects together and ensure that, as we roll out the national broadband scheme, the technology is linked into communities across the country, enabling them to manage community CCTV. The Government must ensure money is available to An Garda Síochána, which is taking over the data-sharing responsibilities from local authorities, and must also ensure it is available for CCTV systems. We are great at putting in these things but not so great at looking after them. Unless they are maintained, they are not effective.

The availability of drugs is no longer exclusive to cities or to large urban towns; it is an issue that has been hitting every single rural community. There is a genuine fear among parents and communities about the impact of this and it has to be faced up to. It is necessary to upskill gardaí and local people with regard to their knowledge and to give the resources to An Garda Síochána to deal with this in the manner in which it needs to be dealt with. Unfortunately, it

is no longer the preserve of urban areas and is now an all-island problem that needs to be dealt with.

The neighbourhood watch scheme is still relevant and important. It needs commitment from the Ministers, Deputies Flanagan and Ring, to re-energise it as a community response.

The relationship between local gardaí and An Garda Síochána in communities is key to this area. That relationship needs to be tended and invested in. It is fragile, and is particularly fragile at the moment in many communities. Senior Garda management, who may not be on the ground, need to bear that in mind for the sake of their mission and that of the members of the force.

**Deputy Jackie Cahill:** As our spokesperson on justice said, we will be supporting this motion. There will be a lot of repetition by rural Deputies because the problems are common across all of our constituencies. The first point I want to make is about trespass laws and the legitimate concerns of landowners and businesses which cannot avail of the criminal law to force trespassers off their property. This is a serious issue in rural Ireland. Gangs are going around the country under the mask of hunting but the law does not allow the landowners to report that as a criminal offence. It is seen as a civil wrong, and this needs to be corrected in legislation. Trespass must be seen as a criminal offence. It needs to be stamped out in rural areas and trespass laws need to change.

The other aspect is legal aid and frequent access to it. In the last eight years, €430 million has been spent on free legal aid which can be sought orally without any documentation to verify the financial circumstances of the accused. Citizens against whom criminal acts are being perpetrated, one of whom was on local radio this morning to discuss property being broken into for the seventh time, see the person accused accessing legal aid on an ongoing basis, which is extremely frustrating and disheartening.

I also raise with the Minister the issue of manpower in Garda stations. In one Garda station in County Tipperary there are ten gardaí out of work owing to injury as a result of assaults or stress, maternity leave or other unpaid leave. The shortfall is not being made up by the Commissioner and stations are short-handed. This is extremely bad for the morale of gardaí and leaves the sergeants in charge unable to police their areas properly. With the ongoing ban on overtime, this puts gardaí on the ground in an impossible position.

I could make many more points than those three to the Minister, but I must give my Fianna Fáil colleagues an opportunity to contribute.

**Deputy Fiona O'Loughlin:** Living in a safe and secure house in a safe and secure community is incredibly important to each of us and our constituents. Sadly, however, many people do not believe they live in a safe and secure house in a safe and secure community. Many are being terrorised by rural crime in their communities. While many may consider Kildare to be an urban area, almost 50% of the county is rural. Owing to the presence of motorways, there is a huge level of rural crime. I heard only at the weekend of a farmer in south Kildare who was terrorised by six men with dogs who arrived on the pretence that they were hunting. I have no doubt that they were stalking the land. There appears to be some correlation throughout the country, in particular in counties close to Dublin which contain rural areas, between people coming to hunt and stalk and robberies happening at a later stage. The particular individual in question had the presence of mind to send a text immediately to the local text alert service. I

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compliment the communities involved in it. They are doing a fantastic job. Within ten minutes, ten members of the local community attended, not to take the law into their own hands but to show solidarity to the person being victimised. That is just one example.

There has been a failure on the part of the Government. The Minister said rural crime statistics were down, but they certainly are not. The Government closed 139 Garda barracks in rural Ireland. The barracks and local gardaí were the nerve centre of an area and had a lot of local knowledge and so could prevent crime, but that has been taken out of the equation. We need to increase the number of gardaí on the ground in rural communities. We need to establish a rural crime task force. We also need to increase funding for Garda-supported CCTV and strengthen the bail laws.

**An Leas-Cheann Comhairle:** The group has lost time and will have to decide how to allocate what is left among themselves.

**Deputy Anne Rabbitte:** I welcome the opportunity to speak to the motion on rural crime. I thank my colleague, Deputy Jim O’Callaghan, for his generosity in sharing his time with rural Deputies.

I always like to begin on a positive. In this case, it is the recent good work in opening the new Garda station in County Galway. I acknowledge also that before Christmas, Galway was one of the fortunate areas to be selected for inclusion in the pilot scheme on domestic violence. As a member of the joint policing committee, I welcome this. However, I reflect on the time 17 months ago when I spoke in the House about the bridge crossings over the River Shannon. Coming from Portumna, I live on the banks of the river and spoke about the crossings at Portumna and Banagher and the need to install Garda CCTV systems to provide for number plate recognition. It would help a great deal to prevent raids by larger gangs who enter Galway via one bridge and leave by the other. If we had CCTV cameras, it would be fantastic. There are fantastic dog kennels at the new Garda station and I would love to see drug dogs in Galway. Currently, we have to apply to Cork or Limerick to borrow a dog for drug raids. As Deputy Calleary said, drugs are no longer an urban issue but also a rural issue. It would enhance the capacity of gardaí on the ground to protect the youth.

**Deputy Margaret Murphy O’Mahony:** Fianna Fáil brought forward a very similar motion in November 2017. While it was passed by the House, unfortunately, little has changed. As such, I wish the Independent Alliance better luck than we had.

Many of us have stood up in the Chamber time after time to highlight the decimation of rural Ireland. The social aspect of rural living has been eroded in many places and, unfortunately, replaced with fear. This is due in part to the closure of 139 Garda stations and a lack of resources which have left the countryside wide open to criminal activity.

I ask the Minister for an update on the reopening of the Garda station in Ballinspittle. It has been promised for a while by the Minister and I ask him to provide a date for its reopening.

Local communities are so disheartened they have set up their own anti-crime community groups. My colleagues have highlighted many aspects of the rural crime problem. In my short slot I will focus on CCTV systems giving an example of the disparity facing towns and villages in my constituency of Cork South West. There were attempts to break into many properties on an estate in Dunmanway on Saturday night last at 4 a.m. If two men returning from work had not entered the estate and disrupted four criminals, many houses would have been burgled and

many cars stolen. Having spoken to gardaí who checked the CCTV footage, the car used in the criminal act was identified. That is how the system should work. However, many other towns and villages, including Bandon, my home town, have been waiting for years for the provision of CCTV systems. What is more annoying is the fact that only €430,000 of the €2 million allocated has been spent on CCTV systems to date. In Cork South West 27 applications have been submitted, of which seven have yet to be given the go-ahead. Will the Minister advise why there is a hold up? Surely, there is an allocation of funds such that all applications should be sanctioned. Rural Ireland is being destroyed at a social level and people must now be content with basic safety. They deserve to feel comfortable and safe in their homes.

**Deputy Declan Breathnach:** I compliment the Independent Alliance on moving the motion and commend the support groups, including Community Alert, Muintir na Tíre, and farm and community groups that are making, with An Garda Síochána, the best efforts on behalf of communities. However, the problem remains urban and rural isolation. People are living in terror and fear, including fear of gangs and often of drug-fuelled repeat offenders. Last year gardaí in the Louth Garda division had to deal with five murders, in addition to two ongoing murder investigations. Three of those charged with three of the five murders were on bail and that is not to mention the well known drug feud in Drogheda, of which the Minister is well aware.

I do not want to delay the debate other than to say I support many of the suggestions made. I will not go into the issue of CCTV systems, as I could talk about it for a week. Instead I will provide some thoughts for the Minister's consideration on the practicalities of dealing with the surge in crime across communities. I might not be supported in suggesting that we should consider extending the option of voluntary deferment of retirement to gardaí who wish to continue to serve in the force. Perhaps that option could be made available until we have reached the required recruitment levels. Such a measure would allow the Garda to keep the experience that is needed. I also suggest that we should set up a lo-call community alert number on a regional basis, and on a cross-Border basis around the Border, so that people can call a very recognisable number to make contact with monitored answering systems within their regions. That raises the whole issue of regional crime, to which others have referred.

There should be no bail for repeat offenders. There should be electronic tagging, especially of those who are involved in gun crime. There should be zero tolerance of the use of all offensive weapons. I have looked at the statistics for repeat offenders for the years between 2013 and 2017. Sex offences increased by 33% during that time. Robbery, hijacking and extortion increased by 20%. Thefts increased by 75%. Other offences against the State and the Government doubled.

The authorities in County Louth have been looking at the very successful Theft Stop scheme, which has been in operation in the Monaghan region. Individuals and communities should be proactively encouraged to avail of this scheme, which involves the marking of vehicles and equipment. Insurance companies should be supported in offering reduced insurance premiums to people who avail of the scheme, which should be rolled out nationally.

**Deputy Donnchadh Ó Laoghaire:** I would like to share time with Deputy Ó Caoláin.

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

**Deputy Donnchadh Ó Laoghaire:** I think the last time we had a large-scale debate on rural crime was last summer. That debate took place in the context of some particularly horrific and

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violent attacks. I know that for many people, those attacks have left psychological scars in the communities where they happened. People in many communities remain deeply concerned about their safety in their own homes. This issue has yet to be addressed.

All the evidence and anecdotal experience shows it is undoubtedly the case that visible policing is the best deterrent to crime. While Sinn Féin appreciates that there are other deterrents, we have put police visibility at the heart of our proposals in this area. I have said time and again that there has been a significant reduction in Garda visibility over recent years. A few Deputies, including the Minister, have said they believe there has been an increase in Garda visibility more recently. I have to say I am not convinced. I am aware that some of these discussions are focused on Dublin. It has not been my experience and I am not sure it has been the experience in every constituency. I think there has been an increase in Garda visibility in areas proximate to district headquarters in some specified ways. However, many Garda stations are still at or below 2010 levels. That is why so many stations were reliant on overtime. Many stations in Dublin and other areas are running to stand still. There is a need to address the serious reduction in community gardaí since 2010. The number of community gardaí in many areas has decreased by 75%. There is a serious need to address this issue.

The issue of community CCTV schemes has been raised time and again. It is clear that the current system is not working. Many applications have been made but have not been processed. The CCTV system in Carrigaline, which is in my constituency, is not working at present. There is a need for joint policing committees to have more power to allow priorities to be set at local level.

Changes in bail legislation are not necessarily required. I suggest that better monitoring of bail is needed. I have often instanced the case of Shane O'Farrell. It is one of many cases in which repeated clear breaches of bail conditions were not followed up or enforced. We need better enforcement of bail, especially in rural communities.

I am conscious that crime increased last year, by comparison with 2017, in a number of significant areas, including robberies. In the first nine months of 2018, there were 655 burglaries and 339 vehicle thefts in Cork. Before Christmas, I raised with the Minister my concerns about the ban on Garda overtime. I would be very interested to see the crime statistics for the fourth quarter of 2018. It seems from my anecdotal experience that there was a very significant increase in a wide variety of crimes, particularly property crimes like burglaries and thefts, in the last three months of the year.

I am not just talking about rural areas in this context. There have been significant numbers of burglaries and robberies in Togher, Lehenaghmore and Glanmire. The Carrigaline area, in particular, was hammered over the Christmas period. Hardly a day went by without a new report of people snooping around cars. The town was hammered. In some instances, people who rang in were told that the squad car was out on an emergency call and no other car was available. That is not the fault of gardaí. It is a resourcing issue. Carrigaline is a very significant town, but it is clearly under-resourced in policing terms. The CCTV scheme clearly needs to be addressed as well. That scheme needs to be approved. Major towns like Carrigaline need better Garda resources.

**Deputy Caoimhghín Ó Caoláin:** In supporting this Private Members' motion, which has been proposed by the Rural Independent Group, I am conscious that some rural dwellers have been subjected to the most brutal treatment by people who have violated their homes and their

properties. While all of that is terrible, I expect that the predominant thought in all our minds this evening is the fear such incidents have given rise to. Rural Ireland is afraid. A real and tangible fear has gripped rural Irish society and whole communities across every county in Ireland, North and South. Robberies, coupled with blatant thuggery, have been taking place with limited detection and prosecution of those involved. Although senior gardaí claim there has been a reduction in home burglaries across rural Ireland, it is clear that isolated homes and farm machinery remain on the target lists of reprehensible individuals.

During the Christmas recess, I called on and spoke to many people I know in my constituency who are fearful for their safety. They are living alone and are no longer as agile as they once were. They are maintaining a stressful lifestyle because they are on constant alert as they listen, watch and, worst of all, expect the worst. This is no way to live. It is harmful for everyone who is affected by it. Further charges and consecutive sentences should be applied to those who are apprehended for burglaries and farmyard thefts. Engendering fear should attract a further penalty for those involved.

The motion we are debating calls on the Government to “establish a rural crime taskforce”, to “conduct an immediate review of the operation” of relevant legislation, to “conduct a review of the trespass laws”, to increase “the funding available for ... local Text Alert and Business Watch schemes”, to further “initiatives like Operation Thor” and to reopen some strategically located rural Garda stations. The motion also calls for more funding for Garda overtime. In tandem with that, I suggest that more funding for more gardaí might be a better answer.

Citizens and communities deserve peace of mind. People in rural Ireland need to feel safe again. The steps commended in the motion before the House merit the serious address of the Minister, his Cabinet colleagues and the Garda Commissioner. Trust and security must be restored to everyone who lives in rural Ireland and indeed in every community in the land. I urge the Minister to consider withdrawing the Government amendment so that we can demonstrate a united front on the floor of the Dáil Chamber this evening in our determination to confront the scourge of rural crime.

*9 o'clock*

**Deputy Michael Fitzmaurice:** I welcome this debate and support the motion introduced by the Rural Independent Group. Some of the proposals in the motion such as the establishment of a taskforce and a review of trespass laws are good idea. We need to move forward with those. The recommendations of Kathleen O’Toole’s report included much of what many people have said about ensuring there are gardaí in local areas. Strategically, the Garda stations that are going to be open and the ones that are not need to be nailed down sooner rather than later. Communities in some places are also willing to do work. More Garda patrol cars can be seen in rural areas during the day. It could be debated whether they are out on checkpoint duty in the morning time. However, between the hours of 1 a.m. or 2 a.m. and 7 a.m. when much of the rural crime happens, there does not seem to be as big a Garda presence on patrol. Many communities are willing to help work on the CCTV issue. It is a cumbersome task, with many obstacles that have to be overcome and, basically, they struggle.

Regarding legal aid, I recall during the talks on Government formation it was stated that if we were to remove legal advice that under a United Nations measure we could be in trouble in terms of the challenge of a legal case. The Minister might comment on that.

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On rural crime, there were hits on a house in Caltra and then the offenders moved on to Glenamaddy. The issue is not the amount stolen but the ransacking of the properties. The fear that such crime instills in an area, especially among older people, is the big problem. Obviously, such news travels. People, especially the older generation, are locking themselves in their homes.

**Deputy Sean Sherlock:** I, too, welcome the motion and my party supports it. I want to speak briefly on the report on the Future of Policing in Ireland. Inherent in it are some very valuable recommendations, which would very much tally with the methodology set out and the motion that is before us. There are 50 recommendations in the report and I will refer to a few of them. These recommendations are eminently sensible and predicated on a wide consultation whereby those involved in the report went out into the communities.

Recommendation 22 states:

The building of genuine community partnerships should be a requirement for all Garda districts. Gardaí should be assessed for their performance in this respect, and it should be a factor in determining assignments and promotions.

It also refers to district policing plans.

Recommendation 26 refers to the redeployment of experienced gardaí currently employed in other duties. It states:

Job specifications should be developed for all positions in the police service, clearly indicating the skills and expertise required and whether police powers are necessary for the job or not. If not, the presumption should be that a non-sworn person should occupy the position.

Regarding the number of gardaí in rural Ireland and across urban Ireland, there is a clear view in the report that perhaps too many gardaí are involved in administrative duties, some of necessity, but that if there is scope to redeploy people to the front line, that should be accelerated in a timely fashion.

Recommendation 40 states:

District police should be in close communication with their communities.

An Garda Síochána should produce regular, and eventually real-time, open data feeds to the public.

Public apps should be developed at the community level to enable residents to report their concerns, and police to disseminate the information about matters of interest from crime prevention to road closures.

An Garda Síochána should develop and implement a new social media strategy. In all districts the police should use social media and other technology tools to engage with the local community.

If we can start the work of bringing to fruition these recommendations, that will have a great impact. If we can deploy these resources at the district level in a way that allows the community to communicate directly, using the new technologies that are available, with the gardaí,

that will provide real-time information and that should give rise to a real-time response. There is still a lag time in many districts and the evidence of that is clear. If there is a genuine willingness to implement these recommendations, that will have a bearing on some of the issues, particularly for rural areas. Chapter 6 of the report on the Future of Policing in Ireland is quite stark. It refers to the recording of crime statistics. It states:

[I]t is hard to say with confidence what the level of crime is. But we encountered concerns about crime wherever we travelled in our consultations around the country, both in urban and rural areas. Fear of crime, which is often greater than the reality of crime, is also a serious matter in itself, badly affecting quality of life. We have found many examples in our public consultations of communities and individuals living with an unsettling level of fear of crime.

Deputy Ó Caoláin referred to this issue in his contribution. There are specific recommendations regarding greater police visibility, engagement and accessibility and that this would help address that fear of crime. It would be helpful if we, collectively, as an Oireachtas can work on those issues and if we could instill confidence in the community. Deputy Ó Laoghaire referred to this issue as well and mentioned poor Shane O'Farrell whose family still has not received justice. Until such time as they - to name one family among thousands of people who have been the victims of crime - receive justice, we will continue to have a lag in terms of confidence. Furthermore, until such time as we accelerate the recommendations and principles in the report on the Future of Policing in Ireland, I fear the lack of confidence in some parts of the country will continue to be an issue.

We have an opportunity to address that. We have the tools of the trade to seek to resolve the very many issues brought before us in this motion. We must ensure the resources are deployed in a smart way to ensure people, particularly in rural areas, have confidence that when they report an incident it is responded to in a timely fashion and that justice is done in a timely fashion. We must also ensure the preventative element of criminality is such that if the resources are deployed in a smart way, employing the technologies, that we can do much to prevent the crimes against people we are articulating and that are espoused in this motion.

I, too, would like to raise the issue of clarity regarding CCTV. We know that there are issues regarding the GDPR and whether citizens going about their daily business have certain entitlements to the right to privacy. We need to overcome that challenge because there must be a balance between protecting our communities, ensuring there is proper surveillance and ensuring the balance of rights for individuals who are going about their daily business in an honest fashion. If we were to poll people throughout the country, I believe the vast majority of them would want to have a public infrastructure that involves some degree of surveillance of sensitive areas throughout our towns and villages and within rural communities. The vast majority of people would want a public infrastructure that involves some degree of surveillance of sensitive areas throughout our towns and villages and within rural communities. We support the motion. On the issue of bail in respect of the Criminal Justice Act, we have to be mindful, notwithstanding the fact that we are supporting the motion, of its constitutionality. To be fair to the proposers of the motion, they are seeking to reduce the level of recidivism and that should be supported.

**Deputy Martin Kenny:** We support the motion. I thank its proposers for tabling it. The issue of rural crime affects people in practically every part of Ireland because Ireland is largely a rural country. In many of our towns and villages, even reasonably-sized towns, we have issues with crime, especially with burglary. That affects many people living in rural areas in a very

negative way. When a house is burgled in one part of a parish, it creates serious fear, particularly among older people, everywhere in that parish. I have experienced it in my parish as I am sure nearly everyone who lives in rural Ireland has. This motion suggests that we need a task force on crime to bring all the elements together to look at this issue. That is a very good idea. We need to recognise that it is not only the gardaí that will have to respond to this. Communities across the country have found that, while things have improved somewhat in recent times, they have in the past had to step up to the mark, form text alert services and community alerts, trying to do something to protect themselves and their community.

The bail law has a significant impact on this issue. As Deputy Ó Laoghaire said, in many cases the people that engage in some of these crimes are already on bail, sometimes several times. It is not so much about the law as the implementation of it and what is going on in our court system. We need to get a grip on this, particularly with the kind of crime that most people are most fearful of when living in rural areas, where one is talking about somebody breaking into an old person's house and robbing him or her or stealing machinery. In many cases, when the culprits are caught, we find that they are repeat offenders and that they have been on bail several times while they carried out other crimes. The issue of additional funding, particularly for text alert and other schemes, really needs to be looked at. It has a significant positive impact on the community because it means that people in the community feel that they can respond themselves. It gives them confidence in themselves and in their area.

In most parts of rural Ireland, thankfully, crime rates have been very low and they have been very safe places to live. We want to send that message that it is a safe place to live. It is a safe place for people to settle and live in in general. It is because it has traditionally been so safe that when these things happen, people's fear is raised to such a high level. We need to make sure that we continue to ensure that these are safe places for people to live and operate. Small businesses are particularly impacted by crime. I was speaking to a person in business recently, in a small local town. He tells me that he cannot count the number of times his shop has been robbed over the years. Shoplifting is a serious problem. Some people who he knows do it all the time yet he is fearful to approach them. There is an element of intimidation in some of the gangs carrying out these kinds of operations. In many cases, for whatever reason, the local community, especially businesspeople, feels that the gardaí are not acting strongly and forcefully enough and doing enough to prevent this kind of crime from happening.

We absolutely support the essence of the motion. It is unfortunate that the Government has chosen to table an amendment to this motion to try to water it down. The amendment is basically saying that we are doing a great job and that everything is hunky-dory. I am sure all of the backbenchers in Fine Gael know that is not the view of people on the ground. There are problems and the Minister and Government need to face up to them and put the investment in place in the Garda Síochána to resolve them.

**Deputy Pat Buckley:** The most recent report from An Garda Síochána, entitled Policing with Local Communities, made for some very interesting reading. Its recommendations only support what others have said here tonight. Some of these recommendations mirror the concerns of the general public. Under the heading "Rural Crime and the Fear of Crime", it states:

During this inspection, a number of local people and organisations representing communities raised the issue of rural crime and the high fear of crime experienced by some people. Geography and rural isolation present challenges for the Garda Síochána in terms of visibility and providing reassurance. Additionally some rural areas have experienced the

closure of local stations and seen reductions in the number of community policing gardaí. Recognising the concerns about crime in rural communities, the Inspectorate believes that a multi-agency rural crime prevention and reassurance partnership should be developed to tackle crime and the fear of crime in rural communities.

The report raises the issue of visibility. It states:

The Garda Public Attitudes Survey measures visibility and in 2017 only 36% of adults reported that gardaí patrolled their area regularly (98% of which was in cars). Awareness of gardaí patrolling on foot was 12% and on bicycles 5%.

The report goes on to state, as previously advised by the Minister, that budgetary constraints from 2018 to 2021 will significantly impact the delivery of the Garda building and refurbishment programme from 2016 to 2022 and subsequently the capacity of An Garda Síochána to implement the Garda modernisation and renewal programme.

The Minister says the Garda report is contradictory to what he is saying. On the issue of the Garda fleet, 2,771 modes of transport are registered but over 1,076 are six years or more old as of 31 July 2018. Garda management in County Cork says that crime rates are increasing. In a report made to Cork County Council's joint policing committee on Monday 23 October, Garda commissioners from all three policing divisions said that they have recorded 1,734 incidents of property crime between July and September compared with 1,345 cases for the same period last year. Crimes against persons have also increased, from 489 to 622, with incidents of burglaries increasing from 163 to 269 when compared with 2016 figures. Despite the best efforts of An Garda Síochána, crime is on the rise, and if we do not support the gardaí, we will lose the battle against crime. The Minister of State is well aware that we had two serious cases over the Christmas period in Midleton and I wish those two victims a very speedy recovery. I urge the Government to withdraw its amendment and support gardaí and the Rural Independent Group on tonight's motion.

**Deputy Bobby Aylward:** Fianna Fáil supports the broad thrust of this motion tabled by the Rural Independent Group. We tabled a similar motion to address rural crime in November 2017 which was passed by this House. In preparation for tonight's speech, I went back and read over what I said that night. It is unfortunate that I am back over a year later raising the same issue, as little has changed since.

I want to speak on a specific type of crime prevention, CCTV, which has been spoken about by nearly every speaker tonight. An extract from the 2016 programme for Government reads: "We will support investment in CCTV at key locations along the road network and in urban centres." Every time I raise this issue with a Minister and other members of the Government, they deflect to the community-based CCTV grant-aided scheme. This is not what I refer to. I refer to the failure by the Government to honour its commitment to erect CCTV cameras at key locations on our motorways, which are being used by criminal gangs to access and escape the communities they are terrorising. Will the Minister of State clarify at which key locations along the road network CCTV has been erected to combat rural crime, or his plans to erect it in the near future? As far as I know, there is very little coming off the motorways. Two motorways go through my constituency of Carlow-Kilkenny, the M9 and M7. Organised gangs are targeting businesses, robbing them and using the motorway to aid their escape. Billions of euro of taxpayers' money have been spent on upgrading our motorways over recent decades, and the advantages of this investment speak for themselves, but we must do more to police our national

primary routes effectively.

Referring back to the community-based CCTV grant-aided scheme, I am receiving complaints about the cumbersome application process from individual communities around the country, in particular those in my area. I accept that taxpayers' money must be put to good use and due diligence must be applied to the application to ensure that CCTV systems are effective, but there must be some way of streamlining the system. I know of one text alert group in my constituency that is seeking clarification from the local authority and the Garda as to who will have responsibility for monitoring the footage. The local authority continues to state that it awaits advice on data protection legislation, and this has been ongoing for some time. The community is setting it up and getting funding from the Department, yet no one is taking responsibility because of data protection legislation. This needs to be clarified in order that these schemes can be put in place. This would at least be of help in crime prevention. Perhaps the Minister of State could indicate where the responsibility lies. Approximately €17,000 has been collected by the people of the community I speak of, and the CCTV is badly needed. Can this be clarified? Who will take responsibility? Will it be the local Garda station? Who, where and how?

I also wish to say a little about bail laws. We all know about people out on bail who commit crimes and then come before the courts. Not alone have they one, two, three or four convictions. We all know of terrible cases in which they have 40 or 50 cases against them and they are out on bail. These people do not mind the recording of another offence against them. It means nothing to them. Fianna Fáil brought forward legislation in the Dáil and in our manifesto during the previous general election proposing that second and third offenders would not get free legal aid or, if they did, would only get it on a limited basis. These people do not care. They are free to commit more crime, more robberies - it is usually robberies - and what difference does another one or two convictions make when added to the five, six or 20 they have already? I ask the Minister of State to look at our bail laws and do something about people who commit crime consistently. They should be kept either in jail or under a curfew such that they cannot go out and create havoc in our communities, in particular in rural Ireland.

**Deputy Marc MacSharry:** I am thankful for this opportunity and I thank the Rural Independent Group for using its time for this important issue. I join others in commending our gardaí in communities throughout the country on the hard work they do on their behalf. That said, through no fault of their own, we can provide a template such that they can be even more effective. Consecutive Governments over the years, not just the Minister of State's own but indeed those of our party, have undermined the viability of rural Ireland. This has increased the vulnerability of rural communities to be victims of crime. We have stripped out Garda stations - Fine Gael being responsible for 139 of them in 2012 and 2013 alone - and many post offices, which is still ongoing. This in turn has led to closures of other businesses and increased the vulnerability of villages that no longer support family businesses, and it is for city-based crime gangs to prey on these villages. This is something we need to reverse and look at closely when we look at the overheating nature of capacity here in Dublin city and in our other cities. We would do better to think a little more strategically about this.

Community policing is where all the success has been in larger urban areas of the future, but we have moved away from it in rural areas where, historically, in any rural area - Easky or Cliffony, County Sligo, for example - the local garda and the local sergeant lived in the community. This is now a rare occurrence. Normally, gardaí can now live 20, 30, 40 or 50 miles away. They do not have the level of local knowledge that their predecessors of some decades

ago had. The gardaí of those days knew where every body was buried, where every stone was to be unturned and what was going on. We should, if necessary, incentivise local gardaí to live in rural communities. I appreciate that a guy from a particular street in the city cannot be a garda in that area, but it is something we could usefully look at.

Regarding not just bail but also reoffending, we have heard the statistics. In 2016, the rate of crimes committed by people on bail rose to 13%. We also have a huge number of reoffenders, whether in burglary, aggravated assault or drugs. Drugs are in every community in Ireland. It does not matter how rural they are, unfortunately. These are the issues. We need to look at our whole system of incarceration because, sadly, it is foundering in terms of its rehabilitative focus. Sadly, people in high percentages of cases are honing their skills while they are guests of the State, coming out to reoffend, perhaps learning an extra trick or two from colleagues in the prison system. We need to look at rehabilitation in order that we weed out the potential for recurrences.

My colleague, Deputy Aylward, has rightly pointed to CCTV. It is one thing to announce €1 million per year for a scheme, but if the scheme is unworkable and overly bureaucratic or we put so many obstacles in the way, as is the case, the money will not be spent. Of the €2 million allocated so far, only about €430,000 has been drawn down. Local authorities have to be data controllers. Local authorities such as Sligo, for example, do not have a red cent to support their normal services. Therefore, despite the fact that the communities may want the local authorities to expand to other areas, they cannot support the costs that are necessary to back up these applications and be the data controller. I ask that the network of community councils throughout the country be looked at as the applicant or the conduit for data controlling, which may help in this regard.

**Deputy Danny Healy-Rae:** I am glad to have the opportunity to talk on this very important motion. It is important for people living in rural areas and perhaps not so rural places, as Deputy MacSharry said in his speech. It is a fact that gardaí were very effective when they lived in the local community. In many instances a house was provided locally for the sergeant to live in. There was one in Kilgarvan until very recent times, and then even that was sold along with the Garda station. Going back even a generation, the gardaí helped people when pressure was on them to save hay or turf. In their time off they helped widows or people like my grandmother, whose husband was disabled, to save turf and even bring out the turf. They accrued an awful lot of local knowledge and valuable information by visiting people, perhaps sick people or whoever else, and having the cup of tea and wandering around from place to place. There was not a thing they did not know or understand about that happened in their parish.

Rural places are now very lonely and desolate at night, however, as a result of the laws that were recently passed here. I am sad to say that some of the parties here abstained on and more of them voted for the Bill in the name of the Minister, Deputy Ross. This has meant that roads from rural places are now desolate from 7 p.m. or 8 p.m. and open to criminals, vandals, thieves and robbers. Before if there was a fellow going for the pint or two, he would see something or someone. Now there is no one out because they are afraid to go out. They are like rabbits in a burrow, barely peeping out now and then because they are afraid of being popped, as it were, if they go out. It is a waste of Garda resources.

I challenged the Taoiseach and the Minister for Justice and Equality a few weeks ago as to why they were directing the gardaí in this regard. It is across all divisions. That day I asked why people were being checked going to mass. They are being checked coming out of mass

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now. That is the truth. It has happened. People who have never drunk have been checked and are angry about this. Even mothers going to school with children in the morning are being stopped. People generally are so angry all across my constituency about what has happened. It is unnecessary and wrong. It has changed rural Ireland forever because they do not have the transport in the morning or at night that there is in urban places such as Dublin. Our Garda chief superintendent, Tom Myers, said there are drugs in every town and village in Kerry. Does that have anything to do with the fact that the Garda stations in Lauragh and Sneem are being closed and there are vast stretches of our coastline along the Kenmare River that are open to the bringing of drugs into our county? Maybe there should be more emphasis on that because it is sad to see mothers and fathers bringing up their children, doing everything they can for them, sending them to college and then too many of them get drugs, which are too easily available. We should and could do more to prohibit and prevent that serious scenario that is taking place.

There is constant fear and concern about the threat of criminal activity emerging as a persistent feature of rural life. There is significant under-reporting of rural crime and growing amounts of farm machinery, diesel and heating oil are being stolen. It is impossible to take care of an oil tank. They are being hit by these people, more often than not, who take the heating oil people so badly need.

The cost of legal aid in the past six or seven years ranged from €49 million to €58 million. It is sad to think that the same villains who get legal aid in one, two or three instances get it if they have 40 instances, and in many cases they do. The Minister of State should examine this and the bail laws for people who commit crime and are out on bail waiting for court hearings who think nothing of carrying out another atrocious crime. The statistics show that they carry out most crimes as they are on bail because they know they will get legal aid. It is no bother to them at all. It is no bother to them to go to jail because they learn how to do worse things when they are in there. Many serial offenders should be locked up and the key thrown away for a long time until they see sense and understand what they have done.

I want to thank those responsible for our community alerts and text alerts. These people do much great work for their communities with the little funding they get. I thank this Government and previous Governments for giving them a bit of funding, however small, because these people do tremendous work. They provide a sense of confidence to the elderly people in rural communities. I know of one elderly man who lives on a long bóithrín and from his kitchen window he can see the minute a car turns into his bóithrín. The minute it does he goes to an outhouse across the way so that he will not be inside the house if they are raiders or intruders because he got caught once. He will wait until he sees through a peephole who has arrived in the yard. If it is someone he does not know he goes out the back door of that outhouse and down the fields behind the bushes. That is not how it should be. The closure of the Garda stations, taking them out of communities, has affected people like this by taking away their confidence.

We will agree that if the incidence of rural crime is increasing, more people are being hit because so many have left rural places and the numbers have declined in many of the places we represent. I am disappointed that the Minister put down an amendment to our motion.

We need to strengthen the trespass laws and the rights of farmers and land owners to protect their property and their person. These trespassers can trespass on land without any prosecution because there is no law to prosecute them. That is not right.

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):**

I thank Deputies for their contributions tonight. Protecting our people and our communities is a fundamental responsibility of government and one which we take extremely seriously. It is clear that this subject resonates very strongly with Members of the House. My colleague, the Minister for Justice and Equality, Deputy Flanagan, has highlighted some of the excellent work of An Garda Síochána in tackling rural crime, along with the huge unprecedented resources allocated to the Commissioner, €1.76 billion for this year alone, ongoing recruitment and redeployment of gardaí and the significant new legislative provisions that help gardaí to fight crime and put criminals behind bars.

Some commentators have suggested that not all crime is reported. It is absolutely vital that as elected officials we continue to encourage all citizens to report all instances of criminality to An Garda Síochána. Only then can the crime be properly investigated by the Garda. Also, and just as important, the reports will allow the Garda authorities to identify any new or emerging crime trends affecting a particular community and, where necessary, to allocate Garda resources in order to tackle these problems. It will also inform the Government and this House as we develop policy and legislation. The new Garda Commissioner has been travelling the country engaging with people and he has placed a huge emphasis on protecting the community and ensuring responsive policing. It is important that policing is and continues to be a collaboration between An Garda Síochána and the community it serves.

The programme for Government includes a commitment to support and prioritise community crime prevention, including text alert, which is an example of Garda community collaboration. The Garda text alert scheme provides an additional and effective means for members of the Garda to communicate crime prevention information to local communities. Since it was launched in September 2013, it has grown quickly with a total of 164,000 subscribers and in the order of 3 million text messages sent annually. Every Garda division, rural and urban, now offers the text alert service and An Garda Síochána has published guidelines to assist in the establishment and operation of local groups. At the National Ploughing Championship last September, the Minister for Justice and Equality announced details of the 2018 text alert rebate scheme which was available to over 1,000 local groups registered under the Garda text alerts scheme. The Department of Justice and Equality committed in the region of €150,000 to local communities that wished to apply for a rebate towards the costs associated with running the local text alert scheme. In 2017, payments made under the rebate scheme almost doubled to €125,000 which was paid out to almost 50 groups.

The proposed motion indicates that just four CCTV grant aid applications have been approved. It is not accurate. In fact, 20 grant applications have been approved to date. By voting this through, the House would be voting something through that is not accurate because 20 grant applications have been approved to date. In furtherance of the commitment in A Programme for a Partnership Government to support investment in CCTV schemes, a grant-aid scheme was launched by the Department of Justice and Equality in 2017 to assist in the establishment of community based CCTV schemes in the local areas. It is intended the scheme would run for three years with funding of €1 million being made available each year. In establishing the grant-aid scheme, the Department consulted broadly, including with the Office of the Data Protection Commissioner, An Garda Síochána, the Office of the Attorney General and the Local Government Management Agency. The scheme is open to all groups wishing to take advantage of available funding and meeting the longstanding statutory requirements for establishment of CCTV schemes. The Department continues to actively engage with all relevant parties to provide information on the scheme and to reply to any queries that arise.

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There has been a lot of misinformation about this scheme but the Data Protection Commissioner has clarified the law and I am pleased that many groups have been successful with their applications. To be clear about this, it is provided in section 38 of the Garda Síochána Act, as amended, and the Garda Síochána (CCTV) order 2006 that the law requires proposed community CCTV schemes to be approved by the local joint policing committee, JPC, have the authorisation of the Garda Commissioner and have the powers to go to the relevant local authority, which must act as data controller in respect of the system. I hope that clarifies that matter.

Regarding criminal legal aid, as the House knows there is a constitutional requirement for criminal legal aid to ensure the right of a fair trial is upheld. It is a fundamental principle of law that an accused person is entitled to a presumption of innocence when he or she comes before the court and legal representation. Any obstacles to obtaining necessary legal aid which were found to be unreasonable could give a defendant an avenue for appeal or prohibition of the prosecution. The overriding concern is to ensure that no risk arises with regard to prosecution of persons charged with criminal offences before the courts. Criminal legal aid is not popular but it is a necessary facet of a democratic society and a fair and just legal system. In a demand-led system it is difficult to predict or reduce expenditure. The more successful gardaí are in bringing accused persons before the criminal courts, the more likely there will be an increased demand for criminal legal aid. The Department is currently preparing a draft scheme of a criminal justice (legal aid) Bill. Commitments contained in the programme for Government will be addressed in the general scheme, including the introduction of a contribution system, the introduction of more rigorous and effective means testing and provision for increased sanctions for false declarations of income. We are looking at that as well.

Regarding Garda station reopenings, the programme for Government commits to a pilot scheme to reopen six Garda stations, both urban and rural, to determine possible positive impacts that such openings will have on criminal activity, with special emphasis on burglaries, theft and public order. The Garda Commissioner's final report on the matter, which is available on the Department of Justice and Equality website, recommends that Ballinspittle Garda station be reopened along with stations in Bawnboy in County Cavan, Donard in County Wicklow, Leighlinbridge in County Carlow and Rush and Stepside in County Dublin. I am told the one in Ballinspittle will be completed in quarter two of 2019. That is some information for the House. The OPW has responsibility for the provision and maintenance of Garda accommodation. The Garda authorities are continuing to engage with the OPW with regard to design, planning, where required, and procurement of the works required to permit the reopening of these buildings as operational Garda stations. As the works required are different at each of the six former stations, it can be expected they will reopen at different times. The works required at Donard station have been completed already and the building has been handed over to An Garda Síochána by the OPW. Implementation of the programme and the reopening of the five remaining stations is being pursued as a priority. I have already addressed one of them. The OPW expects works to be completed in each case in 2019.

We will monitor the outcome of the pilot scheme because it is important to stress the presence of a Garda station is not necessarily the most effective way to deter criminals. Modern policing operations are far more sophisticated and the Garda Commissioner is best placed to determine where resources should be deployed to combat crime and protect the community.

Mention has been made of resources and €342 million is being provided for ICT between 2016 and 2021. There is a €60 million Garda building and refurbishment programme. There is €46 million being provided for the Garda fleet from 2016 to 2021. Many resources are being

made available.

The Minister, Deputy Flanagan, mentioned in his speech earlier that all Garda activities, including community policing, will benefit significantly from the financial resources provided in recent budgets. As well as that, there is a huge injection of personnel coming on stream through the Garda recruitment and redeployment programmes. The Government's commitment to substantially increase Garda numbers will ensure An Garda Síochána has the capacity to address the needs of communities throughout the country, now and into the future. The Government will continue to offer our unwavering support to An Garda Síochána in its fight against crime. I expect and know every Member of the House will do the same. We will continue to place community safety at the heart of our work in the Department of Justice and Equality.

**Deputy Michael Healy-Rae:** I appreciate very much the opportunity to speak on this most important motion. I thank our Whip, Deputy Mattie McGrath, and Triona and David in his office, for the research work they did to bring forward this very important item. I thank everyone who contributed tonight. Deputy Bobby Aylward has just left the Chamber but I thank him for being here up until now. Apart from the Minister of State and Deputies in the Rural Independent Group there is no one else remaining in the Chamber. I ask anybody to look around the Chamber and then talk about rural crime and what is happening in our countryside where old people are being terrorised in their own homes. They should look around the Chamber and see how seriously other Deputies are taking this issue. They are not taking it very seriously at all. It is a very important motion that highlights an issue. We are seeking to do this for the future and for the protection of our most vulnerable people. It is not entirely about rural crime but it has an awful lot to do with rural crime.

The Minister of State spoke about statistics. I will give him a statistic in a simple way. There are nine people who I know personally who were the victims of crime. I will tell the Minister of State what type of crime was involved. The windscreen of one person's car was broken and items were taken from inside the car. Another person's home heating oil was taken. It was not diesel oil for agricultural use. That is just to give examples. I rang the nine people and said I would never divulge their names but wanted to know if they had reported the crime to the gardaí. Of nine, two had reported it. I do not blame the gardaí. I hear senior gardaí talking about how they are combating crime and stating that numbers are decreasing. It is no disrespect to the gardaí but they are going on false information. I would go so far as to say the majority of crime is not reported in Ireland. The Minister of State and the Minister, Deputy Flanagan, are shooting in the dark because they are not being given the information. My colleagues in the Rural Independent Group and I always encourage our constituents to report every crime. How can we adequately say we need more resources in rural areas if we are not proving the crimes are being committed? It is the same issue with local authorities. How can Kerry County Council put in applications for funding for an accident prone spot unless we are reporting when a car hits the ditch or when two cars collide because of a dangerous camber on a road? How can we adequately seek funding unless the incidents are being reported? It was a unanimous decision of the Rural Independent Group to use our very valuable Private Members' time to discuss this issue on behalf of the people who send us up here. We are very proud to be here to talk up for people, whether they are from Valentia Island, north Kerry, south Kerry or west Kerry. My job is to be here to support them. We are out every night of the week. We are meeting people who are afraid inside their own homes. There was a time when if someone inside in a house heard a rattle in the yard or a car or somebody coming, he would have a smile on his face wondering who was coming and was there some bit of gossip, some bit of a racket, some bit of a story that

he would be told that night or what bit of entertainment was coming.

**Deputy Mattie McGrath:** A bit of comhlúadar.

**Deputy Michael Healy-Rae:** It could be somebody calling that would be delighted to see him. We are at the stage now that if there are people outside in the yard making noise, the people inside are afraid and thinking “oh my goodness, who is this?”, “who is making that noise outside?”; older and more vulnerable people, in particular, wonder if it is an unwelcome person coming that they are afraid of. When our people get older, they should be given more respect every day by all of us because we adore them. We should be so glad to have them, those we have lost and the people who are left, that we want to hold onto them for as long as possible. We want their time on this earth to be happy, safe and comfortable with no stress or duress, especially at the end of their days.

I want to change the argument a little bit now in that we are not just concentrating 100% on rural areas. What about the people living in our larger towns who, when they lock the door, do not want to hear anybody coming because they are afraid of who is coming? They could be living where there are people to the left and right of them and across the road but they are still afraid because of nasty things that have happened in their localities. This is where the Minister of State and his Government have such a part to play. When people get caught having broken into the homes of or hurt or threatened violence on older people, for God’s sake, the punishments are not half enough for that type of crime. I unfortunately can remember one instance where two elderly brothers were held up. The two of them are gone to their eternal reward now. One of them was a bigger man and the other was a smaller man. The bigger man was tied to a chair and the people who went into his house late at night beat him continually until the smaller man was made tell where they had the little couple of pounds saved in their house. Those two people, I am sad to say, never again slept a night inside their house, their own house where they had grown up from two small boys. They were farming people and they lived all their lives there until they were hunted out of their house by thugs, by the scum of society that unfortunately were never caught for that crime and never spent one hour behind bars for what they did to those two lovely men. It is things like this that upset every person and not just politicians. We have seen it happening where elderly ladies are inside in their houses and where people break in and demand money with menace or steal their goods. That should not be tolerated in the Ireland we are living in today. Whatever about any other type of thing that will happen, where older people are hurt or threatened and when these people are caught we must look at the sentencing and the punishment. There is no dread in these people. It is the same for people who are pushing drugs. There is no deterrent because they are not afraid.

I said it earlier on the Plinth when Deputy Mattie McGrath organised a press conference to highlight what we were doing here today. I thanked them very much and said I did not care whether they were Fianna Fáil, Fine Gael, Sinn Féin or the Labour Party. I thanked every one of the Deputies who were here after the awful shooting of Veronica Guerin, when every Deputy came in here and threw off their political colours and put their shoulder to the wheel and changed laws immediately. They brought in the Criminal Assets Bureau, one of the most successful and useful tools that we had in tackling organised crime. Unfortunately it is not enough. Drugs are still coming into this country but when we look at the vast coastline that we have and the very small amount of policing that is put into our coastline it is no wonder the drugs are coming in. I compliment the politicians of that time and the general public that supported them in ensuring that more stringent rules were put in place. A lot of those bully boys were hunted down. For the smart big men with the big swaggers on them when they were going around

thinking that they could kill a journalist like that in broad daylight, not far from here, the smile was put on the other side of those little worms' faces when they were hunted down in their big fancy places out in Spain and dragged back and taken before the courts. The dirty little horrible people that they were, they were put into jail and they got a long time. They saw that their assets were stripped and taken from them and sold off to respectable people. The only thing I can say is to hell with them and they may rot in hell along with the others who are after our older people at present because we have no sympathy whatsoever for them.

I thank my colleagues in the Rural Independent Group. The one thing I am disappointed with is that the Government is not supporting the motion in its entirety. Coming along tonight and putting forward an amendment is only messing with it and the Government is not giving it the serious consideration we believe it deserves. We are not coming here tonight in a political or adversarial way. All we are saying is for God's sake, there are a lot of things wrong and we want them to be addressed. We want to work with the Government on this, not against it, but unfortunately it is going against us by bringing forward a counter-motion. As far as I can see it is only doing it for the sake of it.

I compliment the gardaí in County Kerry on the sterling work they are doing with limited resources. It is right to say they are being put on the wrong track because all they are being told now from on high is bag people and to give their time to that instead of to fighting rural crime, which is what we want them to do.

Amendment put.

**An Ceann Comhairle:** In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 17 January 2019.

The Dáil adjourned at 9.58 p.m. until 10.30 a.m. on Wednesday, 16 January 2019.